

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: December 3, 2020

SUBJECT: **Proposed Amendment to Administrative Order 2020-011-ADM, Respecting HRM's Grant Programs for Active Transportation and Recreational Trails**

ORIGIN

Item 11.1.2 Halifax Regional Council Meeting on September 30, 2020: Administrative Order 2020-011-ADM, Respecting HRM's Grant Programs for Active Transportation and Recreational Trails - Support for Community Associations for Active Transportation and Recreational Trails¹

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, S.N.S. 2008, c.39

Section 59 (3)

"In addition to matters specified in this Act or another Act of the Legislature, the Council may adopt policies on any matter that the Council considers conducive to the effective management of the Municipality."

Administrative Order Number 54 - The Procedures for Developing Administrative Orders

Section 8(c)

Initiation of Administrative Order

8. Administrative Orders may be initiated in one of three ways:

(c) by staff through the CAO, by means of a staff report for consideration by the Council.

Section 27

Amendments to an Administrative Order

27. The same process will be followed for amendments, revisions, or repeals to an Administrative Order.

RECOMMENDATION ON PAGE 2

¹ <https://www.halifax.ca/city-hall/regional-council/september-29-2020-halifax-regional-council-special-meeting>

RECOMMENDATION

It is recommended that Halifax Regional Council adopt the amendment to Administrative Order 2020-011-ADM, Respecting HRM's Grant Programs for Active Transportation and Recreational Trails, as proposed in the Attachments to this report.

BACKGROUND

The **Administrative Order 2020-011-ADM, Respecting HRM's Grant Programs for Active Transportation and Recreational Trails (AO 2020-011-ADM)**², adopted by Regional Council, enables grant funding streams to make HRM resources available to Trail Organizations and Community Organizations who wish to support municipal Active Transportation (AT) and recreational trail objectives. The grant streams updated eligibility and evaluation criteria for AT facilities, resurrected funding for recreational trail facilities, and created new AT education and promotion and emergency streams.

Trail Organizations are non-profits registered in HRM with the Registry of Joint Stock, some since 1996, mandated to represent the interests of the community at large as related to developing the AT network and Recreational Trails in HRM. They have planned, built, and operated public facilities for walking and bicycling in HRM since 1998. Approximately \$12 million funding from other sources and significant volunteer in-kind resources (engineering expertise and general labour) were contributed by these organizations.

HRM's collaboration with the Trail Organizations has resulted in approximately 151 kilometres of Active Transportation (AT) (about 75% of the network built up to 2020) and approximately 83 kilometres of recreational trails for activities such as hiking, walking, mountain biking. More than 63% of these AT facilities and more than 90% of these recreational trails are not owned by HRM. Trail Organizations have entered into legal agreements with land owners resulting in responsibilities such as: planning (routing options selection, community engagement, resource development), construction, maintenance/ operations, and recapitalization; fundraising, and insurance. HRM is supporting the work of these organizations with funding and specialized staff support.

Some Trail Organizations have responsibilities through their written landowner permissions to develop and maintain both types of facilities: recreational trails and active transportation on a yearly basis. The Administrative Order did not factor this into eligibility criteria. The current paragraph 7(1) includes wording in which Trail Organizations can only be eligible for funding under one program or the other within a specific fiscal year. It states

*"7(1) In each fiscal year, Trails Organizations or Community Organizations may apply to, and receive funding from, **either** the Active Transportation Grants Program **or** the Recreational Trails Grants Program."*

To ensure the sustainability of those facilities, these groups must be able to apply for funding from HRM on a yearly basis (e.g. HRM provides up to 50% of funding on provincially owned AT Network and legacy recreational trails).

DISCUSSION

The **AO 2020-011- ADM** provides the framework for how the Recreational and Active Transportation grant programs are delivered and directs HRM staff to receive applications from eligible applicants, evaluate applications for eligibility and other evaluation criteria and award funding for those eligible active transportation objectives implemented with community groups and recreational trails.

² <https://www.halifax.ca/sites/default/files/documents/city-hall/legislation-by-laws/2020-011-ADM.pdf>

In order to assist Trail Organizations to fulfill their responsibilities, there needs to be a small amendment to the **AO 2020-011- ADM** to enable them to apply for funding under both Active Transportation (AT) and Recreational Trails Grants Programs.

The proposed change, outlined in **Attachment B - Amending Administrative Order** is to Subsection 7 and would replace current 7(1) with:

7(1) In each fiscal year, Trails Organizations or Community Organizations may apply to, and receive funding from, either the Active Transportation Grants Program or the Recreational Trails Grants Program, or both the Active Transportation Grants Program and the Recreational Grants Program, however Trails Organizations or Community Organizations may not submit the same application to both the Active Transportation Grants Program and the Recreational Trails Grants Program.

The risks related to duplications are very low:

- Clear direction will be provided by HRM staff to Trail Organizations to avoid duplication of funding requests;
- Project eligibility for a grant program is directly aligned with the type of facility for which funding is requested (e.g. AT facilities eligible for funding are clearly identified in the AT Priorities Plan and IMP; any other facility would be identified and evaluated for a recreational potential);
- The application package includes a thoroughly developed questionnaire which asks for specific details related to the facility type, location and detailed budget for each type of project proposed;
- Indirect expenses, such as organizational development expenses, are verified for duplication between the two business units.

Approvals to amend the **AO 2020-011-ADM** were obtained from internal HRM stakeholder business units affected by this amendment as required by Administrative Order Number 54 Respecting the Procedures for Developing Administrative Orders³

FINANCIAL IMPLICATIONS

No financial implications resulted from this amendment. HRM's share of estimated program costs are allocated within the multi-year budget for the project accounts which include the awarded funds for both AT and Recreational Trails Grants Programs.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this Report. The risks considered rate Low.

COMMUNITY ENGAGEMENT

HRM actively collaborates with Trail Organizations and supports their work developing and maintaining Recreational Trails and AT facilities. HRM funding is seen as crucial to maintaining the AT network and Recreational trails in HRM in a state of good repair on a yearly basis.

³ <https://www.halifax.ca/city-hall/legislation-by-laws/administrative-order-54>

ENVIRONMENTAL IMPLICATIONS

While there are no direct environmental implications to the recommendations of this report, there are benefits. These include:

- Facilities that enable low emission modes such as bicycles and walking can help reduce personal car use;
- Managed access to natural areas on trails can help mitigate human impact to natural areas;
- These facilities provide access to natural areas that support nature appreciation and can build support for conservation; and
- Available funding for all facilities can help support climate change mitigation projects.

ALTERNATIVES

Council may wish to maintain the Administrative Order 2020-011-ADM, Respecting HRM's Grant Programs for Active Transportation and Recreational Trails as adopted on September 30, 2020. This is not recommended because:

- HRM funding should be made available to Trail Organizations to develop, maintain and recapitalize both AT facilities and Recreational Trails in the same fiscal year, should the Trail Organizations need to access funding to maintain the sustainability of these facilities;
- Landowner written agreements include expectations to maintain facilities at a "reasonable safety standard for all users of the facility" as per Occupancy Liability Act; without HRM funding, Trail Organizations would not be able to meet these obligations for all facilities managed any longer;
- Risk that previous investments in existing infrastructure would be negated with no HRM funds for maintenance.

ATTACHMENTS

Attachment A – Redline Version of Amendments

Attachment B - Amending Administrative Order

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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Attachment A – Redline Version of Amendments

ADMINISTRATIVE ORDER NUMBER 2020-011-ADM RESPECTING HRM’S GRANT PROGRAMS FOR ACTIVE TRANSPORTATION AND RECREATIONAL TRAILS

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

Short Title

1. This Administrative Order may be known as the Active Transportation and Recreational Trails Grants Programs Administrative Order.

Interpretation

2. In this Administrative Order,
 - (a) “Active Transportation” means
 - (i) all human-powered forms of travel, including walking, cycling, skateboarding, in-line skating; and,
 - (ii) the use of wheelchairs, mobility scooters or similar personal transporters, whether motorized or not, which are required by a person for travel along a MUP or Recreational Trail;
 - (b) “Active Transportation Priorities Plan” or “AT Plan” means the Municipality’s most recent plan, as approved by Council, which guides Active Transportation projects in the Municipality;
 - (c) “Applicant” means a Trails Organization or a Community Organization which is applying for funding under this Administrative Order;
 - (d) “Community Organization” means a Registered Non-Profit Organization or a Registered Canadian Charitable Organization which has as one of its organizational objectives:
 - (i) the education of the general public regarding the benefits of active living through the use of MUPs or Recreational Trails and related education and skills development programs;
 - (ii) the promotion of Active Transportation objectives, including the safe use of MUPs or Recreational Trails and trail etiquette; or,

- (iii) the education, promotion, development or implementation of Active Transportation planning programs or transportation demand management programs;
- (e) “Council” means the Regional Council of the Halifax Regional Municipality;
- (f) “Integrated Mobility Plan” means the Municipality’s most recent plan, as approved by Council, which guides the Municipality’s investments in projects in the areas of transportation demand management, transit, the roadway network, and Active Transportation;
- (g) “Municipality” means the Halifax Regional Municipality;
- (h) “MUP” means a multi-use pathway or multi-use facility suitable for the broadest range of Active Transportation users including pedestrians, cyclists, skateboarders, inline skaters, including those branded by the community or the Municipality as a “Greenway” or an “Active Transportation Trail”;
- (i) “Park” means any land, owned, leased, or controlled by the Municipality, designated or used as parkland or as a trail, including gardens, playgrounds, sports fields and beach areas;
- (j) “Recreational Trail” means an “at grade” hard or soft surface travel way used for non-motorized modes of transportation, such as walking, running and cycling, but not Vehicles which are motorized;
- (k) “Registered Canadian Charitable Organization” means an organization registered pursuant to the the Income Tax Act, R.S.C., 1985, c. 1 (5th Supp.) the regulations made pursuant to that Act;
- (l) “Registered Non-Profit Organization” includes:
 - (i) a society incorporated pursuant to the Societies Act, R.S.N.S 1989, c.435, as amended;
 - (ii) a not-for-profit corporation incorporated pursuant to the Canada Not-for-Profit Corporations Act, S.C 2009, c.23; or,
 - (iii) a non-profit organization otherwise incorporated pursuant to an Act of the Nova Scotia Legislature;
- (m) “Staff” means employees of the Municipality;
- (n) “Trails Organization” means a Registered Non-Profit Organization or a Registered Canadian Charitable Organization which has, as its main purpose, the development and maintenance of MUPs or Recreational Trails within the Municipality;
- (o) “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting a motorized wheelchair and devices moved by human power;

Purpose and Objectives

3. The purposes of this Administrative Order are
 - (a) to provide grants to eligible Trails Organizations and Community Organizations to support the Municipality's Active Transportation objectives; and
 - (b) to support the planning, construction, operation and maintenance of MUPs and Recreational Trails within the Halifax Regional Municipality.

Grant Programs Available

4. There is hereby established two separate grant programs to provide financial support to eligible Trails Organizations and Community Organizations, as follows:
 - (a) the Active Transportation Grants Program; and,
 - (b) the Recreational Trails Grants Program.
5. Under the Active Transportation Grants Program there are the following funding categories:
 - (a) Active Transportation Capital Grants, with a maximum of \$1,000,000 per Applicant, are awarded to assist with the costs associated with planning, design, construction and related capital costs to support new MUPs and their associated structures and amenities;
 - (b) Active Transportation Recapitalization Grants, with a maximum of \$1,000,000 per Applicant, are awarded to assist with the costs associated with engineering studies, engineering redesign, tendering packages and mandatory structural inspections and construction to support projects that re-instate or upgrade MUPs and their associated structures and amenities.;
 - (c) Active Transportation Emergency Repairs Grants, with a maximum of \$50,000 per Applicant, are awarded to assist with the costs associated with emergency maintenance required as a result of natural disasters, vandalism, failure of structures on existing MUPs and their associated infrastructure and amenities;
 - (d) Active Transportation Operations and Maintenance Grants, of a maximum of \$30,000 per Applicant, are awarded to assist with the costs associated with maintaining existing MUPs and their associated infrastructure and amenities to an accessible and/or safe standard for public use; and
 - (e) Active Transportation Education and Promotion Grants, with a maximum of \$50,000 per Applicant, are awarded to assist with the costs associated with the Municipality's Active

Transportation objectives, including, but not limited to: safety programs, education/skills training programs, community-based Active Transportation plans, etiquette programs, promotional/engagement/marketing programs, and transportation demand management programs.

6. Under the Recreational Trails Grants Program there are the following funding categories:
 - (a) Recreational Trails Capital Grants, with a maximum of \$125,000 per Applicant, are awarded to assist with the costs associated with project planning, design and construction or capital costs to support new Recreational Trails and their associated structures and amenities;
 - (b) Recreational Trails Recapitalization Grants, with a maximum of \$125,000 per Applicant, are awarded to assist with the costs associated with engineering studies, engineering redesign, tendering packages and mandatory structural inspections and construction to re-instate or upgrade Recreational Trails and their associated structures and amenities; and
 - (c) Recreational Trails Operations and Maintenance Grants, with a maximum of \$10,000 per Applicant are awarded to assist with the costs associated with maintaining existing Recreational Trails and their associated infrastructure and amenities to an appropriate accessible and safe standard for public use.
7.
 - (1) In each fiscal year, Trails Organizations or Community Organizations may apply to, and receive funding from, either the Active Transportation Grants Program or the Recreational Trails Grants Program, or both the Active Transportation Grants Program and the Recreational Trails Grants Program, however Trails Organizations or Community Organizations may not submit the same application to both the Active Transportation Grants Program and the Recreational Trails Grants Program.
 - (2) When applying to a grant in accordance with subsection 7(1), a Trails Organization or Community Organization may apply to more than one funding category within either the Active Transportation Grants Program or the Recreational Trails Grants Program.

Eligibility

8. To be eligible for consideration for any grant pursuant to this Administrative Order, the Applicant:
 - (a) shall be located within the geographic boundary of the Municipality;
 - (b) shall be a Trails Organization or a Community Organization at the date an application is made;
 - (c) shall have been a Trails Organization or a Community Organization for a minimum of one year prior to the date of submission of the application;

- (d) for grants other than the Active Transportation Education and Promotion Grant, shall:
 - (i) be a member of Nova Scotia Trails, and participate in Nova Scotia Trails' group trail insurance coverage, or
 - (ii) if the Applicant is not a member of Nova Scotia Trails, have obtained commercial general liability insurance coverage of not less than at least \$5,000,000;
 - (e) for grants other than the Active Transportation Education and Promotion Grant, shall have responsibility for
 - (i) a MUP that meets the eligibility criteria set out in section 9, or,
 - (ii) a Recreational Trail that meets the eligibility criteria set out in section 10;
 - (f) for grants other than the Active Transportation Education and Promotion Grant, shall have written permission from the land owner that allows
 - (i) the Trails Organization or the Community Organization to perform the necessary planning, development, construction, operations and maintenance for such MUP or Recreational Trail as set forth in the grant, and,
 - (ii) for the general public to have access to and use the MUP or a Recreational Trail for Active Transportation purposes;
 - (g) shall not have materially breached the terms or conditions of any grant or contribution program or funding agreement administered by the Municipality in which the Applicant participated.
9. To be eligible for consideration for a grant from the Active Transportation Grants Program pursuant to Section 5, in addition to section 8, the proposed MUP must be included in an AT Plan or an Integrated Mobility Plan.
 10. To be eligible for consideration for a grant from the Recreational Trails Grant Program pursuant to Section 6, in addition to section 8, the Recreational Trail must be easily accessible by the general public and either: (i) be located on land owned by the Municipality; or, (ii) connect lands owned by the Municipality that the Municipality considers to be recreational or having historical or cultural significance.

Ineligibility

11. Applicants who are receiving funding for a MUP or Recreational Trail pursuant to an agreement with the Municipality executed prior to the date of this Administrative Order or executed through a

funding program of the Municipality other than the Active Transportation Grants Program or the Recreational Trails Grant Program, are ineligible to receive funding under this Administrative Order until such agreement has been terminated, or expires, in accordance with its terms.

12. For greater certainty, the following organizations are ineligible for consideration for funding under this Administrative Order:
 - (a) Any organization which is not a Community Organization or a Trails Organization.

Application Requirements

13. Application packages are available to Applicants at www.halifax.ca
14. (1) Each of the categories of the two grant programs set forth in Section 6 and Section 7 have an application package which sets forth:
 - (a) an overview of that category of the grant program;
 - (b) any specific eligibility criteria for a particular grant which must be met in addition to what is set forth in this Administrative Order;
 - (c) the information which an Applicant must submit with its application in order for the submission to be evaluated; and
 - (d) the evaluation criteria to be used by the Municipality when evaluating the applications.
- (2) The application package for each category of a grant shall:
 - (a) detail the eligible expenses of the Applicant to which the grant may be applied and the ineligible expenses to which the grant may not be applied; and
 - (b) detail how the Applicant is to satisfy the requirements of the grant program.
15. Subject to the specific requirements set forth in an application package, grants shall not be used for the following purposes:
 - (a) expenditures determined as ineligible for that category of a grant program in accordance with criteria established for that category of a grant program;
 - (b) remuneration to a member or officer of the Applicant's board of directors;
 - (c) salaries and wages, benefits, mandatory contributions or employment-related benefits to full and part-time employees;

- (d) consulting fees to a member of the Applicant's staff or member of the Applicant's board of directors;
 - (e) debt retirement;
 - (f) investments or savings;
 - (g) awards or prizes, banquets, dinners, receptions, souvenirs, personal gifts, or donations;
 - (h) scholarships or bursaries;
 - (i) the purchase of goods for resale;
 - (j) capital improvements, furnishings or interior décor of the Applicant;
 - (k) fundraising;
 - (l) lease, insurance, registration, inspection, repairs or maintenance of a private vehicle;
 - (m) retroactive expenditures or pre-payment of expenditures for goods and services to be utilized in the following fiscal year; or,
 - (n) any other ineligible purposes as communicated from the Municipality to the Applicant in writing prior to the intake period for an application.
16. (1) Subject to subsections 2 and 3, there is one intake period per fiscal year for applications to either grant program.
- (2) There shall be two intake periods per fiscal year for applications for the Active Transportation Education and Promotion Grants category of the Active Transportation Grants Program as set forth in clause 5(e).
- (3) Applications for the Active Transportation Emergency Repairs Grants category of the Active Transportation Grants Program as set forth in clause 5(e) shall be received at any time during a fiscal year.
- (4) The intake periods and application deadline will be established by staff and advertised in the application package and associated materials and on the Municipality's website.
17. All applications must be submitted to the Municipality in accordance with the directions set forth in the Application package.

18. Late or incomplete submission from Applicants may not be reviewed or considered by the Municipality.
19. The Municipality may request additional information from the Applicant during the application review process and if such information is not provided by the Applicant within the time period as set forth by the Municipality in its request, the Municipality may disqualify the submission.

Application Review Process

20. (1) For the Active Transportation Grants Program, the Director, Transportation and Public Works shall be delegated the authority to develop application packages, review submissions from Applicants and approve and execute agreements with successful Applicants and the Director, Transportation and Public Works may sub-delegate part or all of this authority to Staff.

(2) For the Recreational Trails Grants Program, the Director, Parks and Recreation shall be delegated the authority to develop application packages, review submissions from Applicants and approve and execute agreements with successful Applicants and the Director, Parks and Recreations may sub-delegate part or all of this authority to Staff.
21. Applications shall be reviewed by Staff, taking into consideration the evaluation criteria as set forth in the application package for the grant program.
22. Applicants will be notified promptly if their application is ineligible.
23. Approval of grants is conditional upon Council's annual approval of a budget to support the Active Transportation Grants Program and Recreational Trails Grants Program.
24. In the case of limited funds, eligible Applicants may receive a portion of, or none of, the requested funding.
25. Staff may periodically update the contents of the application package to address changes to a category of the grant programs, including any of the evaluation criteria or eligibility requirements, or changes made by Council to the administration of grants and contributions by the Municipality. It is the responsibility of each Applicant to ensure it has the most recent version of the application package for the category of the grant program to which it wishes to make an application.
26. Any agreements or commitments between the Applicant and a third party made prior to an official notice by the Municipality of the award of a grant to the Applicant shall be at the Applicant's sole risk and the Municipality shall not be responsible or liable for any such agreement.

Conditions of Approval and Payment of Grants

27. Prior to receiving any award of a grant that is equal to or less than \$5,000, the successful Applicant will be required to agree to the terms and conditions set forth in an award notification letter.
28. Prior to receiving any award of a grant that is greater than \$5,000, the successful Applicant shall enter into one or more agreements with the Municipality which shall govern the grant awarded and, if required, allow the Applicant access to lands of the Municipality.
29.
 - (1) The recipient of a grant shall provide, within 30 days of the date stated in the award notification letter or funding agreement, an annual report to the Municipality that includes the required information as set forth in the award notification letter or funding agreement.
 - (2) Failure to submit a report as required by subsection (1) will result in suspension of eligibility pending receipt of reporting, and may result in the reduction of the amount of any subsequent grant, until the report is received by the Municipality.
30. In the event that the operations of the Applicant cease or are diminished, or a project is, in part or in whole, not completed as described in an Applicant's application, Applicants must notify the Municipality and the Applicant may be required to repay the grant.

General

31. The provision of grants made in accordance with this Administrative Order shall not be subject to review by the Municipality's Grants Committee.
32. Nothing in this Administrative Order shall be interpreted to limit or otherwise prescribe Council's general discretion to provide grants under the Halifax Regional Municipality Charter.

Done and passed in Council this 30th day of September, 2020.

Mayor Mike Savage

Phoebe Rai, Acting Municipal Clerk

I, Phoebe Rai, Acting Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on September 30, 2020

Phoebe Rai, Acting Municipal Clerk

Attachment B - Amending Administrative Order

**ADMINISTRATIVE ORDER NUMBER 2020-011-ADM
RESPECTING HRM'S GRANT PROGRAMS FOR ACTIVE TRANSPORTATION AND RECREATIONAL
TRAILS**

BE IT RESOLVED as an Administrative Order of the Council of the Halifax Regional Municipality that Section 7(1) of Administrative Order Number 2020-011-ADM, *the Active Transportation and Recreational Trails Grants Programs Administrative Order*, is amended as follows:

1. Subsection 7(1) is amended by:

(a) adding the words and commas “, or both the Active Transportation Grants Program and the Recreational Grants Program, however Trails Organizations or Community Organizations may not submit the same application to both the Active Transportation Grants Program and the Recreational Trails Grants Program” immediately after the phrase “Recreational Trail Grants Program” and before the period at the end of subsection.

Done and passed this day of , 2020.

Mayor

Municipal Clerk