

# 2009 Resolutions Report

## Assessment and Actions Summary

Municipalities Newfoundland and Labrador assists municipalities in their endeavour to achieve and sustain strong and effective local government. To achieve this end MNL seeks to identify and resolve common issues that affect these communities. One of the greatest opportunities MNL offers its members is involvement in its resolution and advocacy process. By calling for the submission of resolutions that identify municipal issues affecting communities on a national, provincial or regional level, MNL offers its membership a unique opportunity to directly influence MNL's work, policy development and lobbying practices.

MNL's Advocacy Committee plays an essential role in this task. The Advocacy Committee is responsible for reviewing each resolution, determining whether the issue is municipal in nature, and recommending how MNL can best lobby for the issues identified. To be most effective, MNL uses a prioritization process to determine the level of effort and urgency to assign each resolution. Without this process the appropriate amount of research and diligence resolutions require can be neglected.

### **Resolution 1-2009**

Therefore Be It Resolved that Municipalities Newfoundland and Labrador request that the Government of Newfoundland and Labrador amend the Highway Traffic Act, R.S.N.L. 1990, c. H-3, as amended so as to prohibit or regulate the modification of the exhaust systems of motorcycles after purchase in such a manner as to make the noise emitted from them deeper and louder than that in the original manufacture's specifications and so as to establish an appropriate penalty for the contravention of the aforesaid amendment.

#### **Assessment:**

- Resolution 1-09 is presently addressed by the Highway Traffic Act under s. 29 of the Licensing and Equipment Regulation.
- Category "C"

#### **Action:**

- Letter sent to Minister Tom Hedderson, Department of Transportation and Works
- Return correspondence from the provincial government indicates police agencies do use this section to enforce the proper use of motor vehicles.
- The provincial government is following a national project to develop best practices on sound measurement in the hopes of clarifying what constitutes "excessive noise" and will review its own legislation once that project reports its findings.
- MNL is requesting clarification that "motor vehicles" include motorcycles.
- MNL is compiling a review of noise regulation enforcement across Canada.

### **Resolution 3-2009**

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the provincial government to abstain from putting into effect any deliberate actions or measures which will cause ambulance response time to any municipality in Newfoundland and Labrador to be longer than that which already exists in each municipality.

#### **Assessment:**

- Very broad resolution.
- No specific action requested of the provincial government.
- Outside municipal jurisdiction.
- Category "C"

#### **Action:**

- Letter sent to Minister Tom Hedderson focusing on the serious situation facing communities served by the intra-provincial ferry system in terms of ambulance response times.
- Return correspondence from the Minister outlined their current efforts to develop a protocol to deal with emergency situations and construct new ferries.
- Clarification is being sought as to the status of the ferry construction and development of the emergency protocol.
- A draft paper has been prepared on requiring the provincial government to consult with municipalities before any decision is made that may have consequences for a particular community or region.

### **Resolution 4-2009**

Therefore Be It Resolved that Municipalities Newfoundland and Labrador (MNL) lobby the provincial government to ban the cosmetic use of pesticides within the province of Newfoundland and Labrador.

#### **Assessment:**

- Identifies a municipal issue with moderate impact
- Category "B"

#### **Action:**

- MNL sent letters to Ministers Charlene Johnson (Environment and Conservation) and Jerome Kennedy (Health and Community Services) requesting that the provincial government act to ban the cosmetic use of pesticides.
- The Department of Environment and Conservation continues to review the matter, but has no plans currently to enact such a ban.
- MNL believes that municipal councils may have the legal authority to locally regulate the cosmetic use of pesticides within their communities by way of the Environmental Protection Act which presumes such a role.
- Clarification is being sought on the legal status of that authority.
- Further assistance to municipalities on drafting appropriate bylaws, should they request it, will be provided.

### **Resolution 5-2009**

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the provincial government to put their decisions on rural health care cuts on hold until an entire independent review can be made engaging residents of rural Newfoundland and Labrador, doctors and other professionals.

#### **Assessment:**

- Identifies the need for mandatory consultation regarding provincial decisions that affect municipalities.
- Category "A"

#### **Action:**

- Letter sent to Minister Jerome Kennedy, Department of Health and Community Services.
- The Minister's response referred to the provincial government's recent investments in rural health care and committed that "...the views and concerns of all municipal leaders, key stakeholders and indeed all residents in the province are constantly being heard."
- A draft report has been written by MNL outlining some of the inherent weaknesses in the Municipalities Act, 1999, specifically the lack of a requirement for the provincial government to formally consult with municipalities before significant decisions affecting the community or region are made.
- A proposal to commence an MNL study on reforming Newfoundland and Labrador's municipal legislation has been drafted.
- This study will inform councillors about their legal environment and will help enable them in their daily operations.
- This study will also enhance MNL's approach to lobbying the provincial government by identifying where changes need to be made to policy and legislation.

### **Resolution 6-2009**

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the provincial government to amend the Municipalities Elections Act so that in the event of a tie (after a recount has been conducted) a re-election be mandatory for that position.

#### **Assessment:**

- Identifies a municipal concern with rare impact.
- Judicial review has justified present tie breaking mechanism's reasonableness
- Category "C"

#### **Action:**

- Letter sent to Minister Dianne Whalen, Municipal Affairs.
- Return correspondence by the Minister indicates they believe the tie-breaking mechanism to be reasonable and fair and the cost of the alternative approach would make it non-viable.
- A review of tie-breaking mechanisms across Canada will be prepared to inform the direction of future advocacy on this issue.

### **Resolution 7-2009**

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the provincial government to establish an efficient system of paying for the ferry crossing that allows ferry customers to pay their fee before the docking of the boat.

---

**Assessment:**

- Does not identify a cross-provincial municipal issue, but a specific deficiency in the current ferry service practices.
- This issue is considered actionable.
- Category “B”

**Action:**

- Letter sent to Minister Tom Hedderson.
- Return correspondence from the Minister indicates a pre-selling system is being developed only for the Bell Island run and only for high-traffic periods. However, they will continue to monitor all services for needed changes. They conclude that the service is adequate as it maintains acceptable schedules.
- The issue requires more research to rebut the provincial government’s position.
- MNL has re-established the Ferry Users Committee to provide guidance and information on all issues relating to municipalities relying on the Intraprovincial Ferry Service.

**Resolution 8-2009**

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the provincial government to put in place an expert in interpreting municipal law as a service to all municipalities.

**Assessment:**

- The Department of Municipal Affairs has created the position of Manager of Legislation to meet the concern of 8-2009

**Action:**

- Letter sent to Minister Dianne Whalen.
- Return correspondence described the new position, but also stated that municipalities seeking legal opinions must do so through their own solicitor.

**Resolutions 10-2009 and 11-2009**

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the Provincial Government to make it a requirement that the governing municipality be notified immediately of all Crown Land title transfers.

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby Crown Lands to convey title of historical and other significant trails to the municipality wherein they are located and as so requested.

**Assessment:**

- Both 10-2009 and 11-2009 fall under MNL’s strategic Crown Lands policy area.
  - Strategic issues require substantial amounts of research as they represent areas in which MNL policy needs to be developed
  - Category “A”
-

---

**Action**

- Letter sent to the Department of Environment and Conservation.
- MNL has employed legal assistance to develop a cross-provincial comparative study on crown land policy and law.
- This study will assist MNL in determining the best course of action when discussing crown land related issues with the provincial government.
- Correspondence from the Department of Environment and Conservation indicates they will now inform municipalities of any newly issued title to Crown Land. However, in situations where land changes ownership by way of conveyance, municipalities would have to approach it in the same manner as any other private land sale.

**Resolution 12-2009**

Municipalities Newfoundland and Labrador (MNL) calls on the Government of Canada to reject the proposed amendments and so inform NAFO and its member countries.

**Assessment:**

- Does not identify a cross-provincial municipal issue
- Category "C"

**Action:**

- Letter sent to the federal Department of Fisheries and Oceans.
-