

2010 Resolution Report

as of October 12, 2011

1-2010 Canada Post Corporation Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby Canada Post to provide a product to the towns and Cities of Newfoundland and Labrador which is free of debris and aesthetically presentable to the corporation they represent.

Assessment: Resolution 1-2010 was adopted by the MNL Membership as a category C.

Action:

- A letter was sent to the President and CEO of Canada Post, Mr. Stewart Bacon in early December.
- Their response to our letter, received on January 17th, outlined their decision to remove waste receptacles from their community mailbox sites as they were being used by local residents to dispose of unwanted material, sometimes hazardous waste.
- They also noted that discarded mail was being left in the receptacles which was a concern as identity theft is such a major issue and they did not want to be responsible for the acts of some that might use disposed personally addressed mail for fraudulent purposes.
- A copy of their correspondence has been sent to the Town of Deer Lake for their information.
- No other action will be taken on this resolution at this time.

2-2010 Elimination of Bell Aliant's Community Calling Plan Charge Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby Bell-Aliant to request that local residents subject to a CCP charge be given a new ballot to vote on whether they wish to continue to participate in the CCP.

Assessment: Resolution 2-2010 was adopted by the MNL Membership as a category C.

Action:

- A letter was sent to Ms. Rebecca Ball, Community Relations Manager with Bell Aliant in early December.
- A written response was received from Dale Grimes, Director of Regional Services NL for Bell Aliant on February 4, 2011. They noted in their response that they are no in position to remove the Community Calling Plan (CCP) from the local service offering for communities in the province.
- In their letter they explained how the CCP works, and shared their concerns that if it were to be removed residents and businesses that do not have a long distance calling plan with their phone service would incur more costs than the current monthly fee they are charged to be included in the calling area.
- They have requested a face-to-face meeting with representatives of MNL to discuss their response to us.
- We are trying to set a date for a meeting between members of Aliant and the MNL Executive Committee.

3-2010 Management of Large Solid Waste Items Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the Department of Municipal Affairs to amend Section 412.1 of the *Municipalities Act* to include "or impose the discontinuation of service referenced in Section 132".

Assessment: Resolution 3-2010 was classified as an A.

Action:

- This resolution has been given to the Task Force on Waste Management for their consideration in their deliberations and for their final report, which will contain recommendations and will be presented to Government for their action.
- A letter has been sent to the Minister of Municipal Affairs seeking the change to the *Municipalities Act* as outlined in the resolution.
- Response from Minister Kevin O'Brien, Municipal Affairs, received on April 18, 2011. In the response, Minister O'Brien noted that section 178 of the *Municipalities Act* authorizes a council to remove solid waste from real property and to charge the owner for the costs of the removal. It was also noted that section 132 of the Act does permit for the disconnection of water and/or sewer services in such circumstances where an individual does not pay fee imposed by the Council for the removal of waste from a property.

4-2010 Management of Motor Vehicle Wreckage Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador undertake to have appropriate legislation created to enable municipalities access to the leverage of denial to an individual of motor vehicle registration and drivers license renewal in order to collect a debt resulting from application of Section 178 of the *Municipalities Act*.

Assessment: Resolution 4-2010 was classified as an A.

Action:

- This resolution has been given to the Task Force on Waste Management for their consideration in their deliberations and for their final report, which will contain recommendations and will be presented to Government for their action.
- A letter has been sent to the Minister of Government Services asking for a change to the *Highway Traffic Act* and to add a clause as outlined in the resolution.
- A letter has been sent to the Minister of Municipal Affairs seeking the support of the Department of Municipal Affairs in our lobbying for changes to the *Highway Traffic Act*.
- A response was received from the Minister Harry Harding, Government Services on March 15th advising that he has forwarded our resolution and request for the necessary changes to the Highway Traffic Act to his officials for further consideration and recommendation. An update on their analysis will be sent to MNL when completed.
- A response was also received from Minister Kevin O'Brien, Municipal Affairs on this resolution, noting that the Minister of Government Services will be looking at the issue and will respond directly.
- A response was received from Government Services Minister, Harry Harding, on June 30th. In the response, the Minister noted that it is the opinion of the Department of Justice under the Highway Traffic Act, in order for a driver's license or vehicle registration to be denied it must be contingent on a court judgment.
- The Department of Justice advised that refusal of a license or vehicle or vehicle registration where debt hasn't been proven in court would not be consistent with this process since, in the case of outstanding taxes or fees, a municipality has not received a court judgment.
- The Minister was also concerned about depriving a person of a license or vehicle, which may affect their ability to maintain a livelihood or other aspect of their family responsibilities. It was felt that expansion of existing authority needed to recover certain debts due to the province (i.e., Highway Traffic Act fines; parental support orders) would be a significant departure from current government policy.
- The Minister advised that their legal counsel has reiterated that section 132 of the *Municipalities Act*, 1999 may be used to recover costs incurred by the municipality for the removal of automobile wrecks.
- The Minister will not consider changing the Highway Traffic Act to allow for the collection of municipal debts by withholding drivers' licenses or vehicle registrations.

5-2010 Provincial Cell Coverage Enhancement Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador work with the Federation of Canadian Municipalities to lobby for federal investment in cell towers and infrastructure for improved cell coverage thus eliminating all dead zones in the province of Newfoundland and Labrador.

Assessment: Resolution 5-2010 was classified as a C.

Action:

- Correspondence was sent to the Federation of Canadian Municipalities' CEO, Brock Carlton, asking that FCM send to MNL any updates on their work in this regard, and to provide us with an opinion on the best course of action to take in our lobby efforts.
- Research has begun on the key policy and investment issues surrounding this issue.
- No response has been received by the FCM, follow-up on our correspondence will occur before the end of February.
- The FCM Board of Directors has discussed this issue at their recent meeting in March. The Rural Forum brought the issue forward, but the FCM Board deemed the issue to be non-compliant. The Board voted to bring it back to staff of the FCM to look at the communications strategy for all of Canada and not limit the issue to just that of cell phones.
- MNL has received a copy of the FCM Resolutions Report to the Board of Directors in which it states: "According to the Canadian Radio-television Telecommunications Commission (CRTC), the wireless footprint covers approximately 20% of Canada's geographic area. However, because Canada is not evenly populated, coverage is available to approximately 99% of Canadians. According to information provided by the sponsor, Bell Aliant provides coverage to 80% of the land area of Newfoundland and Labrador. According to the CRTC, in Newfoundland and Labrador cell coverage is available to approximately 90% of the population."

"Newfoundland and Labrador enjoy coverage over a significantly higher proportion of its territory than Canada as a whole. Population coverage is lower than the national average, but is still remarkably high for a province with a very widely dispersed population over rugged terrain."

"Industry Canada.....relies on market forces to the maximum extent feasible and on facilities based competition to encourage innovation in business models, pricing and service quality. Basically, it is a business decision of the telecommunications company where to provide coverage and in sparsely populated areas there may not be enough of a market to justify the construction of a tower. Lastly, direct government ownership or investment in telecom infrastructure is not a government policy and changing that would be a substantial undertaking, requiring significant investment of FCM resources and political capital."

"Newfoundland and Labrador has one of the highest percentages of cell phone coverage in Canada despite its rugged terrain. In addition, the federal government has no direct role to play in the decision to build a new tower to improve coverage. Given that there are alternative communication measures to ensure public safety, staff recommend that FCM not engage in this issue."

- This resolution was sent to the Rural Forum for comment and further direction.
- We are awaiting the recommendation of the Rural Forum on this issue and the final decision that will be made at the upcoming FCM Board of Directors meeting in early September.
- The FCM Board of Directors has asked that MNL resubmit this resolution for the membership to consider at their AGM in June in Saskatchewan.
- The resolution will be re-written citing this as a national issue. It was suggested that one of the clauses should make mention of the accident with school children travelling on the Connaigre Peninsula who had no cell coverage and had to wait several hours for a passing vehicle to assist.

6-2010 Defeated - Revisions to Regulation 10: Discretionary Powers of Authority

7-2010 Prevention of Moose Accidents Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the Provincial Government, on behalf of all municipalities, to take additional measures to prevent moose accidents on our streets and highways such as widening the brush cutting across the province, culls of animals in our national parks, and to also lobby all municipalities to support this action.

Assessment: Resolution 7-2010 was classified as an A.

Action:

- Correspondence was sent to Minister Charlene Johnston, the Minister of Environment at the time, in early December.
- The Executive Committee discussed this issue with Minister Ross Wiseman in February.
- Government is researching the issue and will be releasing a strategy on controlling the moose population in the coming months.
- On July 6th, the Minister of Transportation and Works, Honourable Thomas Hedderson, announced an investment of \$5 million for a series of initiatives which they hope will reduce the number of moose-vehicle collisions on our roads. They include a pilot project in high population areas for wildlife fencing and wildlife detection systems, as an enhancement of brush cutting and increased public awareness efforts. The Department will implement a new Collision Data Management System which will help record motor vehicle collision data, including moose-vehicle collisions, and show the exact location of accidents on our highways.

8-2010 Use of Demand Meters by Utility Providers for Buildings Operated by Service Organizations Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the Provincial Government to eliminate the use of demand meters by utility providers on all service organization buildings in an effort to be fair and reasonable.

Assessment: Resolution 8-2010 was classified as a C.

Action:

- A letter has been written to Newfoundland Power on this issue asking for their consideration of our request, no response has been received to date.
- As members will remember, a resolution on Demand Meters was approved several years ago. At that time Newfoundland Power began an extensive education campaign on how demand meters work, their purpose and tips on how municipalities can save themselves money in their use of their buildings power, etc.
- The Board of Directors was very pleased at the extensive effort put forward by Newfoundland Power, who also offered to address issues on an individual basis if required.

9-2010 Conflict of Interest for Municipal Staff Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador (MNL) lobby the Department of Municipal Affairs to design proper conflict of interest guidelines for municipal employees in consultation with the Professional Municipal Administrators association and MNL.

Be It Further Resolved that MNL lobby the Department of Municipal Affairs to make the necessary changes to the *Municipalities Act* to include the new Municipal Staff Conflict of Interest guidelines as designed.

Assessment: Resolution 9-2010 was classified as a C.

Action:

- The Executive Committee of MNL has met with the Executive Committee of the Professional Municipal Administrators who have discussed this resolution in depth with their Board of Directors. It was felt by both organizations that the Administrators in Municipal Councils do not make decisions, and, therefore, would not be seen to be in a conflict of interest at any time.
- An official response has been received by the Professional Municipal Administrators on this issue in which they state, "It is the position of Professional Municipal Administrators (PMA) that action is not taken on the aforementioned resolution. Municipal administrators are the paid employees of a municipality, providing information and advice to the elected official. They do not have any decision making power, the conflict of interest legislation is immaterial. Conflict of interest legislation applies to Council members only as they have voting privileges and these guidelines provide them the necessary protection. Based on the information provided in the resolution, we feel it is unnecessary to lobby for changes at this time."
- A meeting is being planned to discuss this issue directly with the Deputy Mayor of the Town of Bay Bulls.
- While every provincial and territorial association/union has conflict of interest guidelines, research into other provincial municipal associations yielded none that directly address staff. Existing guidelines address elected officials and board members. Many workshops and seminars are offered through various municipal organizations addressing conflict of interest for councilors and elected officials. Nonetheless, no official guidelines are in place for the municipal staff through these associations. The municipal organizations cite the rationale as residing in seats of power; hence, conflict of interest guidelines are in place for elected officials.
- Most municipal organizations (Ontario, Manitoba, North West Territories and Saskatchewan) hold workshops on two issues: what is involved in a conflict of interest; and what to do if a conflict of interest arises. As one example, The Association of Ontario Municipalities administers a training session, Effective Municipal Councilor Program, focused on conflict of interest for councilors and elected officials. Based on a comprehensive search of the literature, it appears that no other provincial municipal organizations have any policies or statutes addressing conflict of interest for municipal staff. All conflict of interest practices concern city councilors or those in public office.
- A provision for municipalities to enable their own conflict of interest guidelines for municipal staff does reside in the *Yukon Municipal Act*. Under "Division 3, Section 3 Employees and Officers" Clause 188: "Terms and conditions of position 188 The council shall by bylaw establish the terms and conditions of employment of the chief administrative officer, designated municipal officers, and other officers and employees, including remuneration, benefits, expenses, hours of work, and manner of appointment, promotion, discipline, dismissal, and rules of conflict of interest. S.Y. 1998, c.19, s.188." Although the Act does enable municipalities to create their own conflict of interest guidelines regarding municipal staff, presently, the Association of Yukon Municipalities does not list any conflict of interest guideline protocols currently in place.
- Ontario and Quebec are leading the way among cities that have, or are trying to implement, conflict of interest guidelines for municipal staff. The central court case concerning municipal staff and conflict of interest occurred in Quebec, in the Town of Brossard. The BROSSARD (TOWN) v. QUEBEC (COMMISSION DES DROITS DE LA PERSONNE) case involved a young woman who applied to be a lifeguard in Brossard (the Town) where her mother was a municipal employee (a typist at the Municipal Police Department). The town had conflict of interest guidelines that prevented the immediate family members of a municipal employee from being hired. In this case, the court agreed to allow the plaintiff's appeal and advance the case for the girl to be hired. The Supreme Court of Canada overturned the Town's decision and allowed for the woman's Appeal ruling that the Town's anti-nepotism policy did in fact infringe on the Quebec Charter of Rights and Freedoms (1986: April 30; 1988: November 10). The court unanimously agreed that the young woman was discriminated against based on her civic status as the daughter of a municipal employee. The court decided that this conflict of interest policy by the Town of Brossard should allow exceptions and exemptions. The woman's mother was in no position to be involved in the hiring process; hence, the Court unanimously allowed the woman's appeal to go ahead.
- Ontario has adopted the Municipal Conflict of Interest Act; nonetheless, the provisions of this Act apply to elected officials and members of boards. Some have interpreted this Act to include staff, and subsequently, have included these guidelines into their corporate policies. The City of Thunder Bay is attempting to put in place guidelines pertaining to conflict of interest for municipal staff. The city is trying to implement conflict of interest policies that will apply to elected officials, board members and municipal staff with regards to the Ontario Provincial Offences Court within the Provincial Offences Act. Similarly, since 2000, the City of Toronto has guidelines concerning conflict of interest for all city employees. These guidelines address such matters as confidentiality, outside work, use of city property, special treatment, financial interests, receiving gifts, and

appointments and representation of others (usually directed at city councilors). These policies apply to all employees of the city of Toronto. It should be noted that these are guidelines and are not legally binding; nevertheless, strict implementation is practiced.

- It appears from the research that the majority of municipal conflict of interest legislation concerns electoral campaigns and school board trustees in positions of power – neither of which would apply to municipal staff. For example, in 2007, some City of Ottawa transportation workers accepted Senators hockey tickets from clients as gifts-- this sparked an outcry concerning municipal conflict of interest. Subsequently, in moving forward, the city said that they would address conflict of interest guidelines.
- There appears to be nothing stopping individual municipalities from adopting their own conflict guidelines for staff. However, the Quebec court case *Brossard (Town) v. Quebec (Commission Des Droits De La Personne)* serves as the essential starting point for legislation concerning conflict of interest for municipal staff. This important case demonstrated that municipal conflict of interest guidelines must allow for exceptions and exemptions. These guidelines are open to interpretation and may be overturned by provincial courts, therefore, an appropriate set of guidelines must be administered. Cities like Toronto and Thunder Bay have initiated their own conflict of interest policies, and if municipalities in Newfoundland and Labrador are to follow, they must be wary of the Brossard case and the Municipal Conflict of Interest Act in Ontario.

10-2010 Third Party Appeals Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador ask the Provincial Government of Newfoundland and Labrador to clarify Section 42 of the *Urban and Rural Planning Act* so that the statement: 'A person or an association of persons aggrieved of a decision....' be clarified to mean a person or an association or persons DIRECTLY and PERSONALLY aggrieved by a decision of Council whose application was denied or approved by Council, and not allow a third party through an appeal to inflict hardship on a resident in respect of whom Council has made a decision.

Assessment: Resolution 10-2010 was classified as an A.

Action:

- Correspondence has been sent to Minister Kevin O'Brien requesting that his officials consider this change to the *Act* as per our membership's request.
- Minister responded to our correspondence on March 28, noting that he would take this suggestion under advisement and will examine possible modifications to the appeal provisions of the *Urban and Rural Planning Act, 2000* upon the next review of that statute.
- Contact was made by MNL staff to staff at Municipal Affairs seeking a timeline for this review, but no firm time could be given.

11-2010 Paving of the Trans Labrador Highway Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the Provincial Government to complete the paving of the Trans Labrador Highway.

Assessment: Resolution 11-2010 was classified as an A.

Action:

- Correspondence was sent to Minister Tom Hedderson, Transportation and Works in early December.
- A response was received to our correspondence from the Minister in mid January.
- The Minister noted the unprecedented \$88.6 million in funding that was identified for highway infrastructure upgrades in Labrador in 2010, with further work planned for 2011.
- The Minister also noted that the Provincial Government recognizes the need to further improve the transportation infrastructure in Labrador, and is committed to that.
- Current focus is the completion of hard surfacing of Phase I of the Trans Labrador Highway between Happy Valley-Goose Bay and Wabush.

12-2010 Declare the Intra Provincial Ferry Services Essential Road Service Routes

Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador requests the Provincial Government to initiate actions to declare the 15 Intra Provincial ferry services as “essential” and declare such services as strike free with the Marine Services Workers Union being offered binding arbitration when expiring contracts cannot be resolved through negotiation.

Assessment: Resolution 12-2010 was classified as an A.

Action:

- This resolution has been forwarded for action to the Transportation Committee, under the Chairmanship of Mayor Leo Abbass, MNL Labrador Director. The Committee is scheduled to discuss this issue at their meeting prior to the end of February. Their suggestions for a course of action for this issue will be given to the Advocacy Committee and acted upon. Updates will also be published in upcoming issues of the Municipal News.
- The Transportation Committee has met with Minister Thomas Hedderson on several occasions since the beginning of 2011. At the most recent meeting with the Minister, he invited the full committee to a strategic planning session with senior officials of the Department. The strategic planning session will consist of a review of all responsibilities of the Department and an extensive exchange of dialogue and ideas on transportation issues that are municipally related.
- We are awaiting a confirmation of the dates of this session, at which time the issue of declaring the intra provincial ferry service an essential service will certainly be on of our issues on the agenda for discussion.
- We will keep members apprised of our lobbying efforts in this area.
- MNL staff has conducted research into this issue and are compiling a report for the Advocacy Committee.
- Much of the research pertaining to ferry workers as “essential” was vague and inconclusive. Due to the separation of ferry services in New Brunswick and Quebec (some are private), no explicit provisions were discovered. Resolution 12 has a precedent, as ferry workers in British Columbia are deemed essential workers under the Essential Services Dispute Act 1978. Following strikes in the late 1960s, and early 1970s (1966, 1968 and 1973) the government of British Columbia labeled the ferry workers of British Columbia essential services. Section 72 of the British Columbia Labour Relations Board’s Code deems ferry workers as essential. The reasoning for this categorization argues that a ferry strike would “pose a threat to the health, safety or welfare of the residents of British Columbia”. If Newfoundland is to follow the BC model, then this Code should be cited as a precedent. The court case “The British Columbia Ferry Corporation v. Canadian Merchant Service Guild”, 2000 CanLII 27422 (BC LRB) reaffirms the declaration of ferry workers as essential.

13-2010 Legislative Measures to Provide for more Effective Poll Tax Collections

Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the Provincial Government to effect changes to facilitate more effective means to collect poll taxes that would include:

- a) Amending the *Municipalities Act* to expand ‘employer duty’ on poll tax to include a requirement that the employer not only provide employee names for poll tax billing purposes but also provide mailing addresses of employees.
- b) Amend the *Municipalities Act* to facilitate more effective means to collect the poll tax by providing for the means for the poll taxes to be collected when a poll tax delinquent tax payer applies to renew his or her motor vehicle license.

Assessment: Resolution 13-2010 was classified as an A.

Action:

- Correspondence has been sent to Minister Kevin O’Brien requesting that his officials consider this change to the act as per our membership’s request.
- Minister responded to our correspondence on March 28, noting that he agreed that asking employers to provide addresses would aid municipalities in the collection of poll tax. He advised that he will support an

amendment to the Municipalities Act, 1999, to require employers to provide the addresses of their employees and he will seek the concurrence of his colleagues to bring such an amendment before the House of Assembly.

- In terms of withholding a motor vehicle license until poll taxes are paid, the Minister advised that as the Department of Justice and the Department of Government Services jointly administer a computerized system to link fines administration to the renewal of driver's licenses, he would need to consult with these Ministers to determine what measures would be required to implement this resolution.
- Section A of this resolution has already been amended within the Municipalities Act.
- Since Newfoundland is the only province that actually uses a poll tax – PEI and Saskatchewan have referenced provincial poll taxes, but do not impose them – a provincial approach must be administered.
- In order to effectively attach poll tax to motor vehicle license fines, a process must be followed – one that involves consulting several pieces of provincial legislation and attempting to interpret their limits. In order to enact fines when renewing an individual's license, the municipality would have to seek judgment under the Judgment Enforcement Act SNL 1996. For the purposes of judgment, the poll tax should be attached to property. The Act enables judgment on all property under section 5b. "...except as otherwise provided in this or another Act, all property of a debtor is subject to enforcement proceedings under this act." (Judgment Enforcement Act SNL 1996). Municipalities may also cite and interpret Section 71: to further attach the link to the Poll Tax, "A creditor may instruct the sheriff to seize personal property and to deal with seized property in accordance with this Act."
- The other piece of legislation concerning the possible inclusion of poll tax is the Provincial Offences Act, SNL 1995. This Act demonstrates that the inability to pay fines can lead to a suspended or rejected application for a license or permit. MNL must attempt to present poll tax as a fine to incur the same result. Section 34. 1 outlines the terms under which the Province may impose these fines:
- 34.1. a) "Unless an agreement has been made with the person with terms satisfactory to in subsection (1) with authority for insurance, suspension or renewal of the permit, license, or other permission or instrument to pay the fine and the applicable late payment, and the person is in compliance with that agreement; or b) Until the fine and the applicable late payment are paid."
- MNL would need to convince the government to amend the Provincial Offences Act to include the word "poll tax". Within the Act, poll tax would have to be attached to the word "fine" throughout section 34. The new amended Act would include:
- 34.1. a) "Unless an agreement has been made with the person with terms satisfactory to in subsection (1) with authority for insurance, suspension or renewal of the permit, license, or other permission or instrument to pay the fine/poll tax debt and the applicable late payment, and the person is in compliance with that agreement; or b) Until the fine/poll tax debt and the applicable late payment are paid."
- In order for this amendment to be attained, a computerized system would be needed to network all the outstanding poll taxes for municipalities. Each municipality would have to agree to submit their poll tax figures to the provincial government – this would lead to the creation of a provincial online network for poll tax. The network would need the complete compliance and cooperation of all municipalities in order to establish a successful program. It is essential that all municipalities buy into this system, this would be the only method of accurately administering the electronic program to monitor poll tax debts. This would create greater organization, allowing motor registration and the provincial government to view all poll tax debts. This poll tax debt would have to be paid at the motor registration before a license or permit would be issued. Newfoundland and Labrador holds a unique status as the sole implementer of a poll tax, therefore, it is essential that municipalities work together to organize this online network. This process would be the most efficient method to pursue the goals of resolution 13.

14-2010 Re-establish and Fund the Transportation Minister's Ferry Advisory Committee Carried

Therefore Be It Resolved that the Municipalities Newfoundland and Labrador call upon the Provincial Government to reinstate the Minister of Transportation's Ferry Advisory Committee providing once again for over 40 ferry connected communities to have the opportunity for direct dialogue and to address issues to the Minister to seek remedies plaguing the intra-provincial ferry service.

Assessment: Resolution 14-2010 was classified as a B.

Action:

- This resolution has been forwarded for action to the Transportation Committee, under the Chairmanship of Mayor Leo Abbass, MNL Labrador Director. The Committee is scheduled to discuss this issue at their meeting prior to the end of February. In addition, President Harry Hallett met with Minister Hedderson, who is willing to again contribute to the expenses of the Ferry Advisory Committee. MNL Staff is preparing a budget for submission to the Minister for his consideration.
- Mayor Leo Abbass, Chair of the MNL Transportation Committee has held several meetings of the Transportation Committee, and the full committee has met with the Minister of Transportation and Works at the MNL Municipal Symposium in May in Gander.
- MNL has received funding for the travel expenses of the Committee to come to St. John's to meet with the Minister and Senior Department Officials to review the Department's Strategic Plan.
- A sub-committee is being formed of representatives from the intra-provincial ferry communities that will bring their concerns to the committee, and they in turn will bring their concerns to the Minister of Transportation and Works.
- This committee has met several times since May, and the Chair is actively trying to confirm a date for the Strategic Planning Session with the Minister of Transportation & Works his Senior Officials.
- The most recent correspondence was from the Chair to the Minister directly, and we are still awaiting a response.

15-2010 Mandatory, Free and Fair Consultations with Municipalities Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the provincial government to amend the *Municipalities Act* to require that no changes to policy, procedures, or services that affect the residents of municipalities be enacted without first:

- Consulting with the residents of municipalities and relevant professionals in a manner to be set out in a standard guide for consultations; and
- Conducting an independent and comprehensive review of the proposed changes to policy, procedures, and services.

Assessment: Resolution 15-2010 was classified as an A.

Action:

- A letter was sent to the Minister of Municipal Affairs outlining the membership's concerns raised in this resolution and asking for this change to the *Act*.
- A response was received from the Minister of Municipal Affairs, Kevin O'Brien, in which he noted that he and his departmental officials fully understand the importance of consulting and communicating with Councils and Municipalities.
- Other excerpts from the Minister's letter include:
 - There exists an open dialogue/consultation with MNL and with individual municipalities throughout the year.
 - The Department consults with MNL on an ad-hoc basis when action is being considered that may impact a municipality.
 - Representatives from the Department regularly attend MNL events and the Department provides funding for municipalities to attend various MNL functions.
 - The Minister commits to continuing to communicate, consult and collaborate with MNL and its members to set and achieve goals, even in the absence of legislation.
 - Government of Newfoundland and Labrador has conducted comprehensive consultation with stakeholders regarding important policies, procedures and services. The Minister confirmed that they will continue to include MNL in these consultations when relevant to do so.
- The Minister copied all Provincial Cabinet Ministers on the response sent to MNL to this resolution. He hopes that this will make them all aware of Resolution 15-2010 and the valuable contribution and insight that municipal leaders can bring to the table.
- Several provinces and territories, such as Nova Scotia, Ontario and the Yukon, have mandatory consultation between the provincial government and municipalities. This mandatory consultation takes place between the provincial/territorial government and the head of each province/territory's municipal association/union. Consultation varies in scope and is defined as " the provision of sufficient information

respecting the changes and allowing the UBCM representatives sufficient time to consider the proposed changes and provide comments to the minister.” Section 276 of the British Columbia Community Charter <http://webdev.fcm.ca/Francais/View.asp?mp=806&x=808>. Several municipal Acts explicitly outline mandatory consultation:

- Section 11 of the Yukon Municipal Act requires the Yukon government to consult with the Association of Yukon communities “on any direct amendments to the Act.”
- Nova Scotia’s Municipal Government Act Section 518 states “that the Minister shall consult with the executive of the Union of Nova Scotia Municipalities respecting any proposed amendment to this Act.”
- The Manitoba Municipal Act does not outline mandatory consultation; however, the Province of Manitoba usually consults with the head of the Association of Manitoba Municipalities out of courtesy.
- The British Columbia Community Charter under Section 276 states that the Minister must consult with members of the Union of British Columbia Municipalities prior to any changes (amendment or repeal) the provincial government makes to municipal legislation. If this consultation does not occur, the UBCM may involve the courts and seek binding measures.
- Ontario is undergoing the process of moving towards mandatory consultations with memoranda of understanding between the Association of Municipalities of Ontario and the provincial government; however, no legally binding processes currently exist.
- Nova Scotia, the Yukon and British Columbia have mandatory consultation measures in their municipal legislation. Ontario, Alberta and Manitoba usually consult, as a courtesy and unofficial practice, with their municipal associations.

16-2010 Representative Local Government for Local Service Districts Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the provincial government to amend the *Municipalities Act* to abolish Local Service Districts and establish a form of representative municipal or regional government in these areas that:

- requires that all residents of the current Local Service Districts pay an assessed property tax to pay for their own services;
- allows municipalities to more easily establish service sharing arrangements with current Local Service Districts; and
- grants current Local Service Districts all the benefits and responsibilities of an incorporated municipality.

Assessment: Resolution 16-2010 was classified as an A.

Action:

- The Community Cooperation Officer of MNL will be conducting Regional Government Consultations over the next few months throughout the province, and this issue will be a part of those discussions and will also for a part of the final report to be drafted and presented to the members.
- A letter to the Minister of Municipal Affairs will be sent outlining some of the suggestions made by our members at the upcoming consultations.
- Correspondence has been sent to Municipal Affairs Minister Kevin O’Brien as the consultations have concluded.
- The main sentiment expressed at the consultations and in the workbooks is that fairness must prevail in our municipal system. Much is being asked of municipalities – provide more services, adapt to new standards, cooperate and collaborate more – but little in turn is being asked of local service districts. There is no

reason why the local service district system needs to continue to exist. Only ten percent of the people of the province live in a local service district, though the geographic area of the districts is significantly larger. Numerous options exist to address local service districts. They could be combined into a regional council, they could be combined into new municipalities, or they could be annexed or amalgamated to existing municipalities. MNL is not seeking one approach to abolishing local service districts, though we are committed to advocating for their abolishment. It is time that everyone in Newfoundland and Labrador live under a form of representative local government.

17-2010 Affordable Housing Action Carried

Therefore Be It Resolved that the City of St. John's requests the Board of Directors of Municipalities Newfoundland and Labrador engage the membership to:

- affirm that housing stability is a foundation for a prosperous and vibrant municipality. Promoting housing stability contributes significantly and tangibly to local economic and social outcomes such as employment, education, health, social integration and community safety.
- commit to develop a municipal policy and action plan to promote affordable housing in collaboration with the federal and provincial governments, and the community-based and private sectors.
- to demonstrate leadership by taking concrete, collaborative local action - and collective action through Municipalities NL, in partnership with the NL Housing & Homelessness Network - to ensure adequate affordable housing for all.

Assessment: Resolution 17-2010 was classified as an A.

Action:

- MNL has held several meetings with the NL Housing and Homelessness Network, CMHC and representatives from the City of St. John's to establish an Advisory Committee on this issue. We hope to determine ways that we can get information out to our members and to spark our members to take up the charge on this issue in their municipalities. Further sessions on this topic will be held through regional meetings and other workshops when possible.

18-2010 Infrastructure Replacement Funding Policies Carried

Therefore be it resolved that Municipalities Newfoundland and Labrador lobby the federal and provincial governments to make increasing infrastructure specifications a standard procedure and eligible cost in funding programs; and,

Be it further resolved that Municipalities Newfoundland and Labrador engage the federal and provincial governments in a task force to review the state of infrastructure specifications in the context of increasing climate extremes and to deliver a report by the 2011 MNL Convention on same.

Assessment: Resolution 18-2010 was classified as an A.

Action:

- Correspondence has been sent to Mr. Richard Tiller, President of the Consulting Engineers of Newfoundland and Labrador seeking a meeting with members of CENL to discuss the issues raised in the resolution. To date we have not had a response to our correspondence, another letter will be sent by the end of February.
- On June 24th, correspondence was sent to Dr. Ray Gosine, P.Eng., FEC, Chair of the Professional Engineers and Geoscientists of Newfoundland and Labrador seeking a meeting to discuss this resolution and the formation of a task force to review the state of infrastructure specifications. To date we have had no response.
- On June 24th, correspondence was also sent to the Honourable Denis Lebel, Minister of Transport, Infrastructure and Communities. In that letter we asked the Minister and his officials to consider changing the current

provincial-federal infrastructure replacement policy by making increased infrastructure specifications a standard procedure and eligible cost in funding programs. We advised him that that we would be soliciting members from the Federal and Provincial governments and the provincial engineering association to establish a working group to discuss these and other infrastructure issues. To date we have had no response from the Minister on our letter.

- We are currently arranging a meeting with several representatives from Government and Industry to discuss the growing infrastructure deficit in the province, the establishment of a task force as the resolution states, and to address the infrastructure specifications and funding programs.
- The Federation of Canadian Municipalities has clearly defined policy statements concerning the impact of climate change on infrastructure. In their official policy statement on infrastructure regarding climate change, FCM stated that “FCM believes that the Federal Government has a clear opportunity to work cooperatively with municipal governments and adopt an integrative, strategic approach to clean air and climate change.” FCM went on to declare that “on their own, municipal governments lack the resources to study and respond to the local impacts of climate change. This is a global issue that requires national leadership to marshal a Canada-wide response. What is needed is a nationally coordinated strategy, supported and led by the Federal Government.”
- The FCM outlined their continued action and pressure on the government by reiterating that they will “establish dedicated funds, in addition to existing funding commitments, to cover the direct and indirect costs of new national wastewater regulations and to help municipalities adapt their local infrastructure to climate change.” (Source: “Policy Statement on Municipal Infrastructure and Transportation Policy www.fcm.ca Date Accessed: September 2nd, 2011).
- FCM has a clear policy and position on this issue. FCM realizes the importance of aiding municipalities in funding infrastructure due to climate change.
- MNL’s policy priority for 2012 will be infrastructure. Extensive research and recommendations will be conducted into the state of infrastructure in the province and suggestions on how these issues can be addressed.