

# 2019 Resolutions

## Category A

### **1-2019 Short-term Rentals**

#### **Town of Gander**

**Whereas** AirBnB and other short-term rental activity continues to expand in response to Newfoundland and Labrador tourism growth; and,

**Whereas** health, safety and provincial hospitality sector reputation concerns are not being addressed in this relatively new enterprise sphere; and,

**Whereas** policy and regulatory leadership on this issue in other jurisdictions can be drawn upon for core principles and other implementation experience to inform the development of an approach for Newfoundland and Labrador;

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador partner with Hospitality Newfoundland and Labrador on the development of a framework to govern short-term rentals in Newfoundland and Labrador.

#### **Staff Comments:**

MNL staff members were involved in the drafting of this resolution following its identification at the Urban Municipalities Committee (UMC) meetings in Labrador City in August 2019. Short-term rentals are a topic of considerable municipal sector interest internationally and the growing role they play in Newfoundland and Labrador accommodations makes this a timely resolution topic. The proposed alliance with Hospitality Newfoundland and Labrador (HNL) on this issue is positive and constructive as we represent many of the same members and share goals in terms of reaching a framework.

### **2-2019 Provincial Asset Divestment Protocol**

#### **Town of Bonavista**

**Whereas** the Government of Newfoundland and Labrador has repeatedly sought to transfer ownership of provincial bridges, roads and other assets to municipalities; and,

**Whereas** these transfers represent significant new operating and maintenance expenses for receiving municipalities; and,

**Whereas** the Government of Newfoundland and Labrador administers the current Gas Tax Agreement for this jurisdiction calling upon all municipalities to implement contemporary asset management practice; and,

**Whereas** the Provincial Government's own asset management practices lack transparency;

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador work with the Government of Newfoundland and Labrador to establish a provincial asset management protocol encompassing the ongoing oversight, operation, maintenance and disposal of provincial assets falling within Municipal and Municipal Planning Area Boundaries.

**Staff Comments:**

MNL staff members were involved in the drafting of this resolution, as it also emerged from the UMC meetings in Labrador City. Asset management is a critical area of practice within which municipalities are currently working, in part to meet their requirements under the current Federal-Provincial Gas Tax Agreement. Better protocols with the provincial government will both assist towns in their efforts to manage the infrastructure in their respective jurisdictions, and more generally ensure that public assets in Newfoundland and Labrador are handled in the most clear, consistent and sustainable fashion.

**3-2019      Federal Government Wastewater Systems Effluent Regulations  
Town of Marystown**

**Whereas** the Federal Government's Wastewater Systems Effluent Regulations (WSER) require municipalities to calculate the average daily volume of effluent deposited via a wastewater system's final discharge point for each calendar year by using monitoring equipment; and,

**Whereas** concerns have been raised by municipalities about the financial impacts of continuous monitoring, record-keeping and reporting requirements of wastewater systems discharging effluent in excess of 100m<sup>3</sup> per day under the regulations; and,

**Whereas** it is estimated that compliance with the monitoring, record-keeping and reporting requirements will cost millions in addition to the hundreds of millions to actually treat the effluent; and,

**Whereas** a committed funding program to assist with the cost of compliance with the regulations has not yet been identified;

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador approach the Federal Government and, on behalf of all municipalities in Newfoundland and Labrador, lobby for an amendment to the Wastewater Systems Effluent Regulations that would allow for the termination of monitoring of wastewater systems that have already been categorized as

'medium risk' and 'high risk' following the first year of data collection, which will reduce monitoring costs and allow those funds to be utilized towards future treatment solutions.

**Staff Comments:** This resolution is qualitatively different from the other board-sanctioned resolution on the WSER transitional authorization (4-2019 below). MNL staff have not conducted research on this aspect of possibilities for policy change within the resolution, though it is a reasonable request. Other municipalities share the concern regarding the onerous nature of the current WSER reporting requirements.

#### **4-2019      Revising the Wastewater System Effluent Regulations Transitional Authorization Window**

##### **MNL Board of Directors**

**Whereas** the vast majority of Newfoundland and Labrador's 276 municipalities currently have no wastewater treatment facilities; and,

**Whereas** communities and contractors alike in Newfoundland and Labrador will need more time to design, finance and construct the extensive new public infrastructure needed to meet the requirements of the Wastewater System Effluent Regulations; and,

**Whereas** the application window for the Transitional Authorizations meant to provide for a phased implementation of these developments through 2040 closed in 2014 with just three municipalities in the Province having successfully applied; and,

**Whereas** those municipalities required to implement wastewater treatment systems pursuant to the Regulations but that lack Transitional Authorizations are currently operating in violation of the law and are being subjected to escalating enforcement activities;

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador lobby the Government of Canada for a revising of the Wastewater System Effluent Regulations to extend the period of eligibility for applications to obtain Transitional Authorizations.

**Staff Comments:** This resolution comes directly from the research and advocacy efforts surrounding MNL's September 6, 2019 emergency wastewater management meeting. The reopening of the Transitional Authorization application period is the most straightforward way to rectify the immediate, non-compliant status far too many towns in Newfoundland and Labrador who are burdened with under the WSER roll-out to date.

#### **5-2019      Permanently Doubling Municipal Gas Tax Revenues**

##### **MNL Board of Directors**

**Whereas** municipalities are highly reliant on their annual Gas Tax revenues to fund public infrastructure development; and,

**Whereas** the extraordinary costs of meeting the requirements of the Wastewater System Effluent Regulations cannot be addressed in exclusion of the burden of expenses municipalities must shoulder for critical classes of infrastructure needed otherwise to address significant existing deficits in the sector;

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador in partnership with the Federation of Canadian Municipalities lobby the Government of Canada for a permanent doubling of the Gas Tax contributions to municipalities.

**Staff Comments:** MNL staff members were involved in the drafting of this resolution as it reflects a national, sector-wide consensus position. Gas tax funding is an important source of revenue for municipalities all across Canada so the permanent doubling of the gas tax was a key part of the 2019 election campaign advocacy led by the FCM.

## **6-2019      Equitable Waste Management Services Town of Marystown**

**Whereas** the standing Newfoundland and Labrador Waste Management Strategy (2002) is under review; and,

**Whereas** the existing regional waste management arrangements vary across the Province with the populations and geographic extents served, leading to widely divergent costs to users (i.e. on the island, landfill tipping fees alone range from \$67.60 per tonne in the compact, densely-populated Eastern Region to \$136.00 and \$164.00 for the much larger and more sparsely populated Central and Western Regions respectively); and,

**Whereas** these regional disparities are similarly observed in the costs of transportation and processing recyclables; and,

**Whereas** the principle of 'universality' needs to be better reflected to advance the delivery of this essential public service throughout every region of the Province; and,

**Whereas** a provincial-wide waste management strategy must recognize the principle of 'universality' in relation to final costs to rate payers and/or municipalities;

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador work with the Government of Newfoundland and Labrador to advance more equitable, consistent and affordable access to waste management services throughout the Province.

**Staff Comments:**

MNL staff members were involved in the drafting of this resolution. It addresses another issue identified during the discussions of the UMC's August 2019 meeting in Labrador and is especially timely relative to the revisiting of the Province's Waste Management Strategy.

## **7-2019      Municipal-Provincial Infrastructure Strategy and Communications Town of Portugal Cove-St. Philips**

**Whereas** municipalities and the Government of Newfoundland and Labrador together shoulder the responsibility for the operation and maintenance of a portfolio of diverse public assets and accompanying public infrastructure deficits; and,

**Whereas** new national standards such as the Wastewater System Effluent Regulations require a more coordinated, long-term approach to infrastructure planning, financing and implementation; and,

**Whereas** the development control authority of municipalities with Municipal Plans and Development Regulations in force should be respected in the planning and development of provincial infrastructure projects; and,

**Whereas** the establishment of cost-sharing ratios bearing on capital infrastructure funding would benefit from greater municipal input; and,

**Whereas** a comprehensive provincial public infrastructure strategy is lacking;

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador lobby the Government of Newfoundland and Labrador to strike a municipal-sector Task Force to oversee the development of a comprehensive Provincial Infrastructure Strategy.

### **Staff Comments:**

MNL staff were involved in the drafting of this resolution following its identification by the UMC. Municipal-Provincial relations surrounding a host of infrastructure and development issues would be greatly facilitated through a more deliberate and strategic approach that both respects and suitably engages municipal governments.

## **8-2019      Performance/Service Standards for Crown Lands Town of Bird Cove**

**Whereas** quality of service and predictability of service are legitimate expectations of Newfoundlanders and Labradorians when interacting with the Crown Lands Administration Division within the Government of Newfoundland and Labrador; and,

**Whereas** municipal councils across Newfoundland and Labrador have experienced unsatisfactory performance and or service when contacting the Crown Lands Administration Division. This lost time is counter-productive can have grave impact on municipal planning and budgeting; and,

**Whereas** the establishment of timeliness service standards for Crown Lands Administration Division and regulatory authorizations will clarify expectations and increase predictability in the provincial regulatory system. This will benefit Newfoundlanders and Labradorians, particularly municipal governments, who must seek permission from the Crown Lands Administration Division either to conduct a regulated activity or be exempt from it; and,

**Whereas** performance/Service Standards, used by Crown Lands Administration Division responsible for efficient and effective service delivery should outline common concepts and best practices for successfully developing and managing service standards for both internal and external services to citizens, businesses and other levels of government; and,

**Whereas** performance/Service Standards demonstrate a commitment to overall service excellence and therefore are integral to good client service and important for effective management of service performance; and,

**Whereas** it is essential that governments are transparent and done right, Performance/Service Standards can add up to transformative change in service delivery; and making service delivery better can have a broad impact on trust in government.

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador lobby the provincial government to implement Performance/Service Standards for Crown Lands Administration Division that are realistic and achievable, yet meaningful to the individuals requesting the authorization.

**Staff Comments:**

This resolution emerged from discussions in the Small Towns Committee. A “*service standard*” may be understood as a clear statement a given service provider makes about what their level(s) of service or performance can be expected to be under normal circumstances. As the resolution notes, this is considered a “best practice” in management terms. It is also a concept that is increasingly familiar to municipalities as they craft their own level-of-service statements for municipal asset management plans. Asking the provincial government to both adopt and model service standards is thereby both a constructive and timely response to the longstanding issues towns have identified with crown lands administration.

**9-2019      Payment of Municipal property taxes and poll tax on behalf of income support recipients**

## **Town of Grand Bank**

**Whereas** most municipalities in Newfoundland and Labrador rely on property tax and poll tax to raise the bulk of their local revenues; and,

**Whereas** property tax and poll tax payments for residents on income support are paid to the municipality on their behalf by the Government of Newfoundland and Labrador; and,

**Whereas** the municipal staff's time, effort and follow-up required to collect taxes for residents on income support from the provincial government continues to be significant and substantial tax arrears are regularly accumulated; and,

**Whereas** the province's income support system as it relates to property tax and poll tax continues to cause an unnecessary and undue financial burden on municipalities;

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador lobby the Department of Advanced Education, Skills and Labour to establish a joint committee with municipalities to review the property tax and poll tax payment process for those on income support to identify ongoing obstacles to collection and recommend solutions.

### **Staff Comments:**

MNL staff members were involved in the drafting of this resolution. It is consistent with one previously adopted (2013) and remains an issue for many municipalities.

## **10 – 2019 Streamlining municipal funding programs to provide long-term, predictable funding Town of Flowers Cove**

**Whereas** when there are funds provided by the provincial and federal governments to municipalities, it is channeled through a provincial bureaucratic maze; and,

**Whereas** small rural towns don't have the staff or the resources to thread through these bureaucratic mine-fields; and,

**Whereas** local people can solve local problems if given the resources; and,

**Whereas** the Federation of Canadian Municipalities has called on the federal government to provide permanent, predictable revenue by through tools like the Gas Tax Fund; and,

**Whereas** tools like the Gas Tax Fund are not based on onerous application processes, but provide accountability through a post-funding audit process; and,

**Therefore Be It Resolved** that Municipalities Newfoundland & Labrador lobby the provincial and federal governments to move towards an allocation-based system like the Gas Tax Fund and to streamline the process to be more in line with the capacity of all sizes of municipalities; and,

**Be It Further Resolved** that Municipalities Newfoundland and Labrador work with the provincial government to review the Community Sustainability Partnership accountability measures to ensure reasonable, equitable application of these measures.

**Staff Comments:**

Standards of public sector accounting/accountability are higher across the board these days. We have many small communities that will always have difficulties in this regard. MNL's advocacy, to date, has focused on diversifying revenue streams (the Fiscal Framework period campaign) and creating improved capacity through regional governance/cooperation.

**11-2019      Improving service from the Crown Lands Division  
Town of Flowers Cove**

**Whereas** the Division responsible for Crown Lands has moved from department to department several times in recent years; and,

**Whereas** there appears to be a "disconnect" between the Crown Lands Division and other departments in providing effective, efficient and coordinated service municipalities and residents; and,

**Whereas** there is a need to restructure the Crown Land Division so that it is properly connected and efficient in its own division and functional and responsive to other departments of the provincial government,

**Therefore Be It Resolved** that Municipalities Newfoundland & Labrador lobby the provincial government to establish a standing committee made up of various stake holders (e.g., Crown Land Division, Service NL, Transportation & Works, Municipalities Newfoundland & Labrador, etc.) to identify and solve service challenges.

**Staff Comments:**

This resolution speaks to the ongoing frustrations municipalities have regarding Crown Lands and the relationships around the decision-making processes associated with them.

## **Category B**

### **12-2019 Banning Use of Studded Tires**

#### **City of Mount Pearl**

**Whereas** studded tires are a contributing factor to premature deterioration of asphalt and concrete road surfaces; and,

**Whereas** the wheel ruts in asphalt surfaces are caused in part as a result of studded tires, and such rutting leads to a pronounced increase in potential for hydroplaning and resulting risk of collisions; and,

**Whereas** more effective means of improving winter tire performance through such means as alternative rubber compounds with equal skid and brake resistance; and,

**Whereas** infrastructure repairs, maintenance and replacement are the major capital expenditure for municipalities and the premature deterioration requires earlier maintenance;

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador lobby the Provincial Department of Service Newfoundland and Labrador to ban the use of studded tires within the province.

#### **Staff Comments:**

The provincial studded tire regulations are part of the Licensing and Equipment Regulations under the *Highway Traffic Act* and generally provide for the use of studded tires from November through April. The Minister may (and regularly does) vary this period by proclamation. Special permits may also be issued for studded tire use outside of the established permissible period. While road maintenance is a major expense and issue for municipalities, the damage that seasonal use of studs can inflict must, of course, be weighed against winter driving safety considerations, including driver preferences and widely varying conditions present in different regions of the Province. Suitably cost-effective alternatives may exist and nothing in the current regulatory approach appears to stand in the way of their use. Distinguishing competing tire product performance *evidence* from marketing claims, however, is not straightforward: more research on this proposition, the impacts of current studded tire use on roads in this Province, and alternative approaches is thereby recommended.

### **13-2019 Breastfeeding-Friendly Communities**

#### **City of St. John's**

**Whereas** breastfeeding is one of the first steps to healthy eating and important to the health of infants, children and breastfeeding individuals, decreasing the risk of many common childhood illnesses and playing an important role in addressing chronic diseases like diabetes and some

cancers, which are prevalent in our province;

**Whereas** breastfeeding is a normal, natural way to provide nourishment and healthy bonding for infants and children and should be considered in all communities' inclusion efforts;

**Whereas** Through the 'Space for Everyone – Communities Supporting Breastfeeding' initiative, municipalities can create an environment that supports breastfeeding families by making the municipality a "Breastfeeding-Friendly Community" by removing barriers around breastfeeding in public spaces where families feel welcome to breastfeed anytime, anywhere; and,

**Whereas** municipal leadership can spark a positive social change that can impact the health, economics, and environment of community residents and encourage creating a space for everyone;

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador work with the Baby-Friendly Council of Newfoundland and Labrador and other health-sector partners to promote the adoption of breastfeeding-friendly community practices, including the supporting of breastfeeding at all municipally-owned facilities, accommodating employees and others who are breastfeeding, and otherwise adopting measures recommended by the Council's new breastfeeding toolkit for municipalities.

**Staff Comments:** MNL staff members were involved in the drafting of this resolution. Numerous MNL member towns have also been involved in Breastfeeding-Friendly Community pilot efforts. This resolution also speaks to the many ways municipalities can choose to partner with other organizations to advance healthy, inclusive practices.