

2020 Resolutions



Category A

1-2020 Elimination of Income Tax on Council Remuneration Town of Cupids

Whereas the Federal Government no longer provides any credit for individuals who serve as elected Municipal Councillors on remuneration received for in essence – a volunteer position; and,

Whereas there is no effective means of compensation for Municipal Councillors who offer their time and services for the public's considerations that is not subject to taxation; and,

Whereas this action has caused unreasonable financial stress upon vulnerable groups (seniors, pensioners, income supported, single parent families, low-income families) currently;

Therefore Be It Resolved that Municipalities Newfoundland and Labrador actively lobby the Federal and Provincial Governments to repeal past legislation and the taxation on Council remuneration be halted.

Staff comments: Taxation on councillor remuneration is within the purview of the Federal Income Tax Act. Any advocacy work would have to occur within a national frame of reference and recognize that in most jurisdictions, council work is paid work and not volunteer work, as is largely the case in Newfoundland and Labrador because of the size and nature of our municipalities (i.e., 75% of them have 1000 people or fewer). Questions have been raised as to whether the provincial government would be willing/able to provide a tax break in lieu. This would require additional research.

2-2020 Regionalization Town of Cupids

Whereas it is generally agreed that the broad understanding of Municipal Regionalization is becoming a necessary consideration for the survival and fair operation of Rural Newfoundland and Labrador; and,

Whereas there is currently no model in place; and,

Whereas there appears to be no actions or initiatives in place, at this time, to investigate this concept;

Therefore Be It Resolved that Municipalities Newfoundland and Labrador start the process of investigating, scheduling consultations, and all relative actions that would be required to bring the entirety of Newfoundland and Labrador together to start the process to create a fair and equitable blueprint to deliver to its membership for consideration.

Staff Comments: Work associated with regionalization is already underway with provincial government partners and the Professional Municipal Administrators.

3-2020 Municipal Cost Recovery – First Lien Town of Carbonear

Whereas Section 404(5) only allows a municipal council to recover costs, expenses or charges incurred by the council in carrying out the terms of the order from the person against whom the order was made as a debt owed to the council; and,

Whereas it is very costly to the municipality and its residents in legal fees to recover these costs from property owners unwilling to pay the debt; and,

Whereas other provincial governments currently have such legislation;

Therefore Be It Resolved that Municipalities Newfoundland and Labrador urge the Provincial Government to make required changes to the Municipalities Act, 1999, so the cost of work is first lien where a council of a municipality lawfully causes work to be done pursuant to the Municipalities Act, the cost of the work, with interest, at a rate determined by the council, by policy, from the date of the completion of the work until the date of payment, is first lien on the property upon which, or for the benefit of which, the work was done.

Staff Comments: The current Section 134 Lien provision in the *Municipalities Act* designates municipal taxes on real property and associated interest charges as priority lien-eligible expenses. Sections 134-147 cover the due process steps needed to secure this means of recovering amounts owed. Section 154 further provides for a limited secondary category of lien available for the recovery of local improvement assessments or service levies. This resolution suggests these elements of the *Act* be expanded to explicitly include the recovery of Council costs related to carrying out of a variety of orders under Part XIV of the Act. This is a well-recognized issue, particularly with respect to dilapidated properties or similar circumstances where councils must act in the interest of community health and safety. The additional burdens associated with the civil debt recovery legalities they require are a serious barrier, causing many councils to abandon their efforts to recover these significant unbudgeted expenses. Additional legal support would provide more information and clarity on this issue.

4-2020 Caretaker Convention Guidelines Town of Gander

Whereas municipalities within Newfoundland and Labrador have been delayed from going to tender, entering contracts, and executing prior approved projects as result of Caretaker Convention enacted during Provincial Elections; and

Whereas this interpretation has impacted previously approved, high priority municipal projects, resulting in significant and material delays; and

Whereas there are no formal guidelines to define what projects, programs, and activities are restricted under Caretaker Convention.

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the provincial Members of the House of Assembly to develop clear and detailed Caretaker Convention Guidelines establishing what activities are restricted during future Provincial Elections; and

Be It Further Resolved that Municipalities Newfoundland and Labrador make representation to ensure routine and prior approved municipal projects and programs are exempt from the Caretaker Convention Guidelines.

Staff Comments: This emerged as a pressing issue in the most recent election. MNL senior staff and LUC members are meeting with the Clerk of the Executive Council and Secretary to Cabinet on this issue.

5-2020 Reduction of administrative burden costs for capital works project funding

Town of Flower's Cove

Whereas capital works funding is reduced by the amount of the projected GST/HST rebate;

Whereas municipalities, particularly smaller ones, often need to finance the administrative costs of capital funding;

Whereas this an unnecessary cost burden for municipalities;

Therefore Be It Resolved that Municipalities Newfoundland and Labrador work with the provincial and federal government to address additional and unnecessary administrative cost burdens associated with capital project funding and find solutions that will save municipalities money.

Staff Comments: MNL is aware of the additional administrative and financial costs of borrowing money to support capital works projects, which can be debilitating in a small-town context.

6-2020 Municipal Business Tax Exemption for Home-Based Artists in the province

Town of Portugal Cove-St. Philip's

Whereas the Canada Council for the Arts define professional artists as individuals who:

- have specialized training in the artistic field (not necessarily in academic institutions)
- are recognized as a professional by his or her peers (artists working in the same artistic tradition)
- are committed to devoting more time to artistic activity, if possible, financially
- have a history of public presentation or publication; and

Whereas Artists would include Visual Artists, Crafts persons, Literary, Film, and Performing Artists who create original and creative artistic works that are generally recognized as having cultural or artistic merit.

Whereas Artists play an integral role in connecting our society to heritage and culture. They can be found in every community, in every demographic, from all backgrounds and acts as a unifying and inclusive group that supports each other and enriches the lives of everyone in our province; and,

Whereas Artists create and support tourism products, experiences and amenities provincially, regionally and locally. The result of this is an economic impact that affects numerous businesses and entrepreneurs in the tourism sector creating wealth and opportunity for our residents; and,

Whereas business taxation and fee structures are different across the Province for artists and are at the discretion of individual municipalities; and,

Whereas the Town of Portugal-Cove St. Philips is currently developing a home-based business tax exemption policy for artists in the community to reduce financial barriers for inclusion and collaboration between our Town and the artists and encourage other municipalities to do the same,

Therefore Be It Resolved that Municipalities Newfoundland and Labrador work with its members, organizations representing artists and artists themselves to identify municipal-level barriers for artists and explore opportunities for further support to the Arts community.

Therefore be it further resolved that this work will lead to a series of policy recommendations, which members can adopt and implement if they so choose.

Staff Comments: MNL recognizes that taxation on small and home-based businesses is at the discretion of individual municipalities. Efforts to support artists should be done in partnership with the organizations representing artists and artists themselves. This perspective is reflected in the resolution. Providing policy recommendations based on research is something that MNL can offer to its members, noting that adoption of any policies is always at the discretion of individual municipalities.

Category B

7-2020 **Illegal All-Terrain Vehicle Use** Town of Flower's Cove

Whereas all-terrain vehicle (ATV) use is governed under the *Motorized Snow Vehicles and All-Terrain Vehicles Act* and *Regulations* thereto;

Whereas ATV use on highways and other designated prohibited areas is illegal outside of the limited circumstances described by the *Act* and *Regulations*;

Whereas ATV use by underage drivers is also illegal outside of the limited circumstances described by the *Act* and *Regulations*;

Whereas the multiple enforcement agents provided by the "Schedule - Inventory of Peace Officer Position" in the *Regulations* have proven to not sufficiently provide for the necessary policing of these requirements; and,

Whereas if a solution is not found, serious injury or death will occur;

Therefore Be It Resolved that Municipalities Newfoundland and Labrador seek a review of the enforcement provisions of the *Motorized Snow Vehicles and All-Terrain Vehicles Act* and *Regulations* to ensure dangerous, illegal usage of all-terrain vehicles is more effectively controlled.

Staff comments: The Provincial provisions respecting all-terrain vehicles are found in the *Motorized Snow Vehicles and All-Terrain Vehicles Regulations* (<https://www.assembly.nl.ca/legislation/sr/regulations/rc961163.htm>) under the *Motorized Snow Vehicles and All-Terrain Vehicles Act*. There are limited instances therein where ATVs are allowed in unapproved areas (Section 5.1) and to operate on highways (Section 6). Similarly, the Minister may issue permits allowing ATVs on highways for special events. Section 7 also notes the regulations have no effect on privately held lands and significant exceptions are made for Labrador and Nunatsiavut Government beneficiaries. The age of operator provisions for ATVs are found in Section 8 and include reference to adult supervision and vehicle engine requirements. There are also insurance requirements (Section 16) associated with vehicle operations on highways. Offence and Penalty provisions are laid out commencing in Section 18 and include confiscation of the vehicle (Section 19). In summary, there is an extensive and complex regulatory framework governing ATV use. The designated enforcement agents it provides are, in fact, also not limited to the RCMP (See Schedule - Inventory of Peace Officer Position).

8-2020 Rules for Public Servants in Provincial/Federal/Municipal Elections Town of Flower's Cove

Whereas federal and provincial public servants who wish to run in municipal, provincial and federal elections are subject to stipulations and procedures outlined in the federal Public Service Employment Act and the provincial Political Activity Policy, respectively;

Whereas these policies and procedures may necessitate that candidates take an unpaid leave of absence from their position or, in the case of the provincial Political Activity policy, resign should they be designated as politically restrictive; and,

Whereas unpaid leaves of absence and resignations place undue financial burdens on candidates and deter underrepresented candidates from running in elections;

Therefore Be It Resolved that Municipalities Newfoundland and Labrador work with the federal and provincial government and other organizational partners to identify the nature and the impact of these stipulations on candidates/potential candidates and find solutions to these regulatory impediments.

Staff comments: MNL recognizes that the rules for candidates running in elections as it relates to their employment as civil servants or in related positions (e.g., teachers) is problematic and a deterrent, particularly for women.

Category C

9-2020 Regional Air Transportation Connectivity Town of Gander

Whereas the residents of Newfoundland and Labrador have experienced a significant reduction in air transportation connectivity throughout the COVID-19 pandemic; and,

Whereas Newfoundland and Labrador is isolated from mainland Canada and relies on air connectivity for the transportation of people, goods, and services necessary to our maintain our way life and continued participation in the global economy; and,

Whereas the reduction in air connectivity has had significant impacts on our socio-economic composition in the form of job losses, reduced economic production, and less effective public service delivery.

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the provincial Members of the House of Assembly, the Members of Parliament, and the Newfoundland and Labrador Senators to recognize air connectivity as a critical and essential service to be maintained in all regions of the Province of Newfoundland and Labrador.

Staff comments: MNL staff acknowledge that connectivity, and the cost of connectivity, for Newfoundland and Labrador to the rest of the country and the world is a considerable concern for residents and businesses. A particularly important perspective here lies in what deeming air connectivity as a critical and essential service will actually do in the absence of a crown corporation and supporting transportation policy. Even when connectivity is provided through Crown Corporations, as is the case with Marine Atlantic, guarantees regarding equity, fairness and affordability are still not guaranteed.

10-2020 RCMP Funding Town of St. George's

Whereas the Royal Canadian Mounted Police (RCMP) has been a positive and well-respected policing presence in Newfoundland and Labrador for over 60 years; and,

Whereas the Province of Newfoundland and Labrador establishes the level of policing, budget and policing priorities in consultation with the RCMP; and,

Whereas funding for the RCMP has remained unchanged in the past 10 years whereby a budget increase has not been provided; and,

Whereas the lack of increased funding has resulted in financial challenges which in turn has adversely affected all municipalities within Newfoundland and Labrador, the result being decreased policing services which include but are not limited to community patrols, public safety, training, education and necessary programs;

Therefore Be It Resolved that Municipalities Newfoundland and Labrador work with the Government of Newfoundland and Labrador, the RCMP and municipalities to map solutions for safe communities with access to services.

Staff Comments: MNL is aware of the concerns of members regarding policing services in their communities. MNL senior staff have met with the RCMP to discuss these concerns.