Municipalities
Newfoundland and Labrador

regional government
member workbook for local leaders

A Municipalities Newfoundland and Labrador Community Cooperation Office project on regional government as a path for municipal reform

LABRADOR REGION

Municipalities
Newfoundland and Labrador

Our people • Our place • Our potential

Regional Government
member workbook

The objective of this workbook and our consultations is to provide local leaders with an invaluable opportunity to assist in shaping how municipal reform is pursued in Newfoundland and Labrador.

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Municipalities
Newfoundland and Labrador

Our people • Our place • Our potential

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Introduction

Municipal reform is an important issue for the municipal sector. The structure of our current municipal system has been in place for more than 60 years, undergoing few significant changes during the past six decades. While municipal government has experienced little change, the environment in which our municipalities operate has changed dramatically. Most municipalities have fewer people, older populations, more responsibilities, and less direct provincial government assistance in the form of operating grants and provincial government-provided services.

Municipalities are trying to adapt to this new environment. Many municipalities now share services with their neighbours and there has been a doubling in the number of joint councils in the province over the past 15 years, which provides municipal leaders with a necessary forum to share ideas and concerns. While these developments are certainly positive, sharing services and establishing joint councils have not resulted in a municipal system that is more sustainable, that is more capable, and that is better able to deal with the needs of today and tomorrow. Unfortunately, the medium and long term survival of many municipalities in Newfoundland and Labrador is uncertain.

Municipal leaders can address the current problems with our municipal system in two ways. First, they can wait and see what solution the provincial government proposes and react accordingly. Or second, they can contribute to a discussion on municipal reform and put forward their own ideas, concerns, and suggestions on how best to strengthen and change the current municipal system.

Municipalities Newfoundland and Labrador has taken the first step in the discussion on municipal reform by releasing three discussion papers on regional government in Newfoundland and Labrador. These papers envision establishing regional government in the province as a means to strengthen our current municipal system. This workbook and our consultations will give municipal leaders the opportunity to provide feedback on the ideas of regional government presented in MNL's discussion papers.

This workbook and our consultations provide municipal leaders with an invaluable opportunity to assist in shaping how municipal reform is pursued. The discussion on regional government is a municipally-led debate. The regional government papers are a production of MNL and this workbook and consultations are for our member municipalities only. MNL thinks that municipal leaders should take the lead on reforming the municipal system because we, on a daily basis, confront the difficulties that exist in the current system and will be most affected by any changes.

MNL also wants to stress that we have no set idea on what regional government should or could be. The regional government papers only presented some ideas and options for you to consider. The papers are simply a means of opening the debate, they are not the beginning and the end of the debate. We need to know if municipal leaders want regional government, and if they do whether they want counties, or a secondary tier of government with all municipalities represented, or some form of government for local service districts and unincorporated areas, or if they want to amalgamate. In one form or another, all of these options could be considered regional government.

We need to hear your ideas on regional government. If we find that there is strong support for regional government, then we will pursue it as a policy for municipal reform. If we find there is not strong support for regional government, then we will put the idea aside and come up with a new idea to help make our municipal system stronger. No matter what, we will continue to put forth ideas for change; that is MNL's responsibility as a municipal association tasked with caring for the best interests of the province's municipalities.

MNL's overall purpose in considering regional government is to work towards establishing a system that makes local government stronger and more sustainable. We kindly ask that this also be the concern of the municipal councils and municipal leaders that complete this workbook. The primary questions that need to be asked by all involved is: will this make our municipality and region stronger? Will this potentially give municipalities more capacity? Will this improve how we, as a municipality, conduct our affairs? We must create a system of regional government that can answer "Yes" to all three of those questions. If we cannot create a system that can provide this positive response, then establishing regional government will not be worthwhile.

Structure of the Workbook

Not all of the questions in the workbook will have to be completed by everyone. If you do not agree with considering regional government as an option for municipal reform, we kindly request that you only complete Part I and II of the workbook. If you are willing to consider regional government as an option for municipal reform, we request that you complete the entire workbook.

The first question of the workbook will ask you to outline what you think is your region on the map provided in the workbook. This is an important exercise that we suggest that all municipalities complete. MNL does not know what various municipalities consider to be their region and this information will not only assist the regional government discussion, but also our efforts at promoting regional cooperation, in general.

Part II of the workbook examines structural options for regionalization. Within this part we ask a five-part question on amalgamation. These questions ask about your municipality's experiences with amalgamation and/or the amalgamation process (the feasibility process, negotiations with the provincial government, etc.) and they ask for your thoughts on why or why not amalgamation was pursued by your municipality. These are important questions for the municipal sector. Amalgamation is considered by the provincial government as a method of regionalization. As well, some municipal leaders during preliminary discussions on regional government have expressed support for more amalgamations. Therefore, we need to ask municipal leaders about their thoughts concerning amalgamation.

MNL wants to stress, however, that these questions are in no way an endorsement of amalgamation as a cure for municipal issues. Amalgamation is a political issue that each municipality must consider on its own. Whether an amalgamation will create a more sustainable and stronger municipality would depend on the circumstances of that amalgamation and each amalgamation must be considered on its own merits.

Part III of the workbook will focus on the specifics of regional government. Questions here will address the form of regional government you envision, its potential responsibilities, its decision making ability, and its revenue raising capacity. The input of municipal leaders into these important aspects of regional government is essential for moving the discussion on regional government forward. We need all municipal leaders who are interested in considering regional government to form some idea of how a regional system could look in their region. We will have a much better discussion and debate on regional government if municipal leaders come to the consultations with a distinct idea of what they think regional government is or could be.

Those of you who have read the third regional government paper, *The Umbrella of Protection*, will note that many of the regional government options presented in this workbook were taken from regional government examples throughout North America. It is important that we learn from the lessons of other systems of regional government that presently exist and function. For those who have not done so, we strongly encourage you to read *The Umbrella of Protection* and to give particular attention to the various regional government options presented in that paper.

Who Should Complete the Workbook

MNL would like for every municipality to complete the workbook as a council and return the completed workbook to our office. A municipally-completed workbook will serve as a particular council's submission on regional government.

MNL would also appreciate if individual municipal leaders and administrators took the time to complete the workbook, then return the completed workbook to our office. We would like both individual and council feedback. It is likely that not all councils will have a unanimous opinion on regional government, and we need to provide all municipal leaders and administrators with the opportunity to provide feedback. Those individuals who submit completed workbooks do not have to identify themselves. We would ask that you identify how long you have been in municipal government, the approximate size of your municipality, and the MNL region to which your municipality belongs. There are also two optional

questions, one asking your age and another your gender. We will not require you to identify which municipality you represent.

If you would like to keep the original copy of your completed workbook, we will accept a photocopy. It is only important that we receive your feedback; how that feedback is delivered to us is not important.

How Long Will It Take to Complete the Workbook

We estimate the workbook taking approximately one (1) hour to complete. There are 24 questions in the workbook, though several of them ask that you elaborate on the answers that are given. The time it will take to complete the workbook will also depend on how long you want to contemplate each question. Given the theoretical nature of this exercise, you may want to take more time to consider and debate such issues as what responsibilities you think a regional government should have or what area you consider to be your region.

What Resources Will Be Needed to Complete the Workbook

The only two resources needed to complete the workbook are the imagination of those participating in the exercise and a pen or a pencil.

Regional Government Consultations

In addition to our workbook, municipal leaders and administrators will also have the opportunity to provide input and feedback on regional government by attending our municipal consultations that will be occurring in every region over the next few months. These consultations will provide a forum for municipal leaders to both sit together and discuss regional government and to ask questions to MNL representatives on the workbook and the regional government papers.

Feedback received at the regional government consultations will be recorded and included in our final report on the workbook and the consultations. Dates and locations for the regional government consultations will be listed in MNL's weekly Info Note and in upcoming editions of the Municipal News.

What Comes After the Workbook/ Consultations

After reviewing all completed workbooks, MNL will write and release a report summarizing the feedback on regional government from our member municipalities. This report will assist MNL in developing policy on regional government for the immediate future. As this workbook and our consultations will assist in establishing MNL policy, it is important that all municipal leaders take the time to attend our consultations and complete the workbook.

When/How Can the Workbook be Returned

We will be conducting at least one consultation in every MNL region over the next year. Completed workbooks can be given to whomever from MNL is facilitating the consultation. If no one from your municipality can attend a consultation, completed workbooks can be returned to the following:

Municipalities Newfoundland and Labrador
460 Torbay Road
St. John's, NL A1A 5J3
Fax: 709-738-0071

Town Name

IF BEING COMPLETED BY AN INDIVIDUAL, PLEASE COMPLETE THE FORM PROVIDED BELOW. INDIVIDUALS ARE NOT REQUIRED TO PROVIDE THEIR NAMES, GENDER, AND AGE.

Individual Name (Optional)				
Councillor or Administrator				
Years with Municipality	◯ 1 - 4	◯ 5 - 8	◯ 9 - 12	◯ 12 +
Population of Home Municipality:	◯ 500 or less	◯ 501 to 1000	◯ 1001 to 4000	◯ 4000+
Region (according to MNL's designation				
Gender (Optional)	◯ Male		◯ Female	
Age (Optional)	◯ 18-35	◯ 36-50	◯ 51-65	◯ 65+

LABRADOR REGION



This section of the workbook is focused on getting your input and feedback on regional government. The process of imagining regional government is very important to our consultations. A form of functioning regional government does not currently exist in the province, and therefore we need you to consider how regional government could theoretically work or not work. Because this involves considering something that does not exist, we need you to free your mind and consider both practical and idealistic interpretations of regional government.

For those who do not agree with regional government, we also want your feedback. We do not need you to answer every question, but would appreciate you answering Parts I and II of this workbook. These focus on what you think defines your region, how your region has functioned in the past, structural options available for regionalization, and what you consider to be the most pressing needs of your region. The remainder of the workbook focuses on imagining regional government and will not need to be completed if you do not want to consider any form of regional government for the province.

Finally, we want to reiterate that the workbook can be completed by individual members of council and also by the council as a whole. We would like to receive a completed copy both from your council, representing the position of your municipality, and from the individual council member, representing that council member's position and ideas.

PART I DEFINING YOUR REGION

1. On the maps on the previous page, please outline what you think is your region. It is acceptable to only circle your municipality if you consider your municipality to constitute a region unto itself. Please note, the region you outline represents your individual viewpoint or the viewpoint of your council; your region may, but does not, have to correspond with existing regional boundaries, such as REDB or MHA district boundaries.

2. Why do you think this is your region?

_____

_____

_____

_____

_____

3. What do you estimate is the population of your region? _____

4. Is your municipality actively involved in any form of regional cooperation in your region? i.e. Service Sharing Arrangement, Joint Council, local economic development board.

Regional Cooperation	Expectations are being met	How many years?	Formal or Informal
Service sharing agreements with other municipalities and/or Local Service Districts	◯ YES ◯NO		
Participate in Regional Economic Dev. Board	◯ YES ◯NO		
Participate in the Rural Secretariat	◯ YES ◯NO		

Regional Cooperation	Expectations are being met	How many years?	Formal or Informal
Participate in a Joint Council	◯ YES ◯ NO		
Participate in a Rural Development Association	◯ YES ◯ NO		
Participate in any other regional association (example: Tourism, Heritage)	◯ YES ◯ NO		

For service sharing arrangements please explain what services are shared and with how many municipalities.

5. In your opinion, how would you rate the level of cooperation that exists in your region:

   ◯ **Poor:** Regional cooperation in my region is not very strong.

   ◯ **Sufficient:** Municipalities in my region do work together on some issues when the need arises.

   ◯ **Good:** Municipalities in my region do work together on several issues and the level of communication between municipalities is regular.

   ◯ **Very Good:** Municipalities in my region often work together on issues and regularly meet to discuss both projects to collaborate on and methods to improve the level of collaboration. There is an expectation in my region that many municipal issues will be addressed regionally.

   Please explain your answer:

6. This question examines the responsibilities, needs, and concerns of municipalities. Using the scale provided next to each issue, please identify the importance of each issue by circling the appropriate number – **1 being not important and 5 being very important**. In the final column on the page, please identify whether you think your municipality is meeting its expectations with regards to this issue.

MUNICIPAL RESPONSIBILITY	Level of Importance (please circle only one)	Expectations are being met
Maintaining & Improving Fire Protection	1 2 3 4 5	◯ YES ◯ NO
Waste Management	1 2 3 4 5	◯ YES ◯ NO
Maintaining and Improving Local Roads	1 2 3 4 5	◯ YES ◯ NO
Economic Development	1 2 3 4 5	◯ YES ◯ NO
Maintaining & Improving Water Systems	1 2 3 4 5	◯ YES ◯ NO
Land-use Planning	1 2 3 4 5	◯ YES ◯ NO
Maintaining & Improving Sewer Systems	1 2 3 4 5	◯ YES ◯ NO
Collecting Municipal Taxes	1 2 3 4 5	◯ YES ◯ NO
Maintaining & Improving Recreation Facilities	1 2 3 4 5	◯ YES ◯ NO
Managing Emergencies	1 2 3 4 5	◯ YES ◯ NO
Maintaining & Improving other Local Infrastructure (i.e. town office, street lights, local parks, etc.)	1 2 3 4 5	◯ YES ◯ NO
Planning, Prioritizing, and Managing Capital Works Projects	1 2 3 4 5	◯ YES ◯ NO
Securing Sources of Funding	1 2 3 4 5	◯ YES ◯ NO
Servicing Municipal Debt	1 2 3 4 5	◯ YES ◯ NO
Setting Adequate Taxation Levels	1 2 3 4 5	◯ YES ◯ NO
By-Law Enforcement	1 2 3 4 5	◯ YES ◯ NO
Maintaining Adequate Administration of the Municipality	1 2 3 4 5	◯ YES ◯ NO
Maintaining Training Levels for Municipal Administrators	1 2 3 4 5	◯ YES ◯ NO
Securing a Full Slate of Councillors	1 2 3 4 5	◯ YES ◯ NO
Maintaining Training Levels for Municipal Councillors	1 2 3 4 5	◯ YES ◯ NO

MUNICIPAL RESPONSIBILITY	Level of Importance (please circle only one)	Expectations are being met
Attracting Volunteers for Municipal Committees	1 2 3 4 5	◯ YES ◯ NO
Maintaining Good Levels of Communication with the Provincial Government	1 2 3 4 5	◯ YES ◯ NO
Providing Adequate Animal Control	1 2 3 4 5	◯ YES ◯ NO
Maintaining Adequate Levels of Communication with Local Service Districts in the Region	1 2 3 4 5	◯ YES ◯ NO

7. Of the above listed municipal responsibilities, needs, and concerns, which do you think should be conducted regionally within your region? Please provide a brief explanation for each for why you feel this responsibility or concern is best addressed regionally.

8. Of the municipal responsibilities, needs, and concerns listed in question 6, which do you think can only be conducted by an individual municipality? Please provide a brief explanation for each that you list.

PART II STRUCTURAL OPTIONS FOR REGIONALIZATION THAT ARE CURRENTLY AVAILABLE IN THE *MUNICIPALITIES ACT*

1. Has your municipality ever considered establishing a regional council as described in Part II the Municipalities Act, section 26 to 52? (These sections are reproduced in the Appendix A of this workbook, along with a brief description of regional councils.)

◯ Yes ◯ No

Please explain why or why not:

_____

_____

_____

_____

_____

2. **(a)** Has your municipality ever been involved in the amalgamation process? i.e. A feasibility study on amalgamation was conducted, and/or the provincial government was engaged in a possible amalgamation.

◯ Yes ◯ No

If the answer is "No", please proceed to question 2(f).

Please briefly describe what part of the process your municipality participated in.

_____

_____

_____

_____

_____

(b) Did your municipality amalgamate?

◯ Yes ◯ No

(c) How many municipalities participated in the amalgamation process with you? _____

(d) How many amalgamated? _____

(e) In your opinion, do you think that the amalgamation was successful, why or why not? After answering, please proceed to question 3.

(f) Please explain why, in your opinion, your municipality has not considered amalgamation.

3. Are you in favour of considering and providing input into some form of regional government to improve the current municipal system?

◯ Yes ◯ No (If "Yes" please proceed to Part 3. If "No" please answer the question below)

If you are not in favour of considering any form of regional government please explain your reasons in the space below. We thank you very much for your input and we value all opinions regarding the merit of regional government in Newfoundland and Labrador.

PART III CONSTRUCTING REGIONAL GOVERNMENT

1. If you do think that certain municipal services and/or responsibilities should be conducted regionally, do you think that the regional body assigned to manage these services should be:

   ◯ **(a)** - Fully municipally controlled and governed

   ◯ **(b) -** A formal partnership with the provincial government and/or other regional bodies

   ◯ **(c) -** Other ***(Please explain)***

   _____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

2. Regional government can have several different forms. Please check the sort of regional government that you think best fits your region. If you wish to propose your own form of regional government, please select "Other" and provide details. For all answers, we kindly ask that you explain why you think that form of regional government would work in your region.

   ◯ **(a) Two Tier Regional Government Body** - A council where all municipalities and communities in the region would have a seat on the council. Similar to a joint council, but with legislative capacity. With this form of regional government, there would no longer be any unincorporated areas or local service districts. A more detailed description of this option can be found in Appendix "B" of this workbook.

   ◯ **(b) Single Tier Regional County System** - Involves the amalgamation of several municipalities, local service districts and unincorporated areas into a large county with one elected council. Within the county, other independent municipalities could still exist. Traditionally, those independent municipalities within a county would not have a seat on the county council. With this form of regional government, there would no longer by any unincorporated areas or local service districts. A more detailed description of this option can be found in Appendix "B" of this workbook.

◯ **(c) Amalgamation** - Involves amalgamating clusters of municipalities, local service districts, and unincorporated areas to form larger more populated municipalities. This would significantly reduce the number of municipalities. With this form of regional government, unincorporated areas and local service districts could still exist. A more detailed description of this option can be found in Appendix "B" of this workbook.

◯ **(d) Other:** _____

Please explain your answer:

_____

_____

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_____

3. Do you think that regional government should be:

◯ **(a) Mandatory** - all municipalities must be included in a region and all municipalities would have representation on the region's council.

◯ **(b) Optional** - participating in a regional government will be at the discretion of each municipality.

Please explain your answer:

_____

_____

_____

_____

4. A particular concern that any regional government must address is the governance of local service districts and unincorporated areas. Do you support the inclusion of local service districts and unincorporated areas into a regional government?

   ◯ Yes ◯ No

   Please explain your answer:

5. Residents of local service districts and unincorporated areas will need assurances that their interests, concerns, and ideas will be considered within a regional government. Various options exist to provide for these assurances. Please circle the option that you think is best. If you have your own ideas, please circle "Other" and explain your ideas:

   ◯ **(a)** LSDs and unincorporated areas should be governed by the council of the regional government. The residents of these areas will have representatives on the regional council.

   ◯ **(b)** LSDs and unincorporated areas will be required to have elected "community councils" that will be assisted by the resources of the regional council. Representatives from the "community councils" would also sit on the regional council.

   ◯ **(c)** Incorporate LSDs and unincorporated areas into existing municipalities. These municipalities would have a representative on a regional government council.

   ◯ **(d)** Other ***(Please Explain)***: _____

6. Question 6 of Part I of this workbook asked which services a municipality should deliver regionally. If a regional government was established in your region, do you think that it should:

   ◯ **(a)** Have specific legislatively prescribed responsibilities for certain services and administrative responsibilities, i.e. required to manage waste management and land-use planning for a region.

   ◯ **(b)** Have only those responsibilities that are delegated to it by the municipalities in the region.

7. Regional governments in other provinces are flexible to account for the specific needs of the various municipalities within the region. This flexibility permits those regional governments to perform other services for specific municipalities that request regional government support. An inflexible regional government system is one that would perform only specific and designated functions, such as planning and waste management, and would not provide separate services for specific municipalities within the region. If regional government is established in Newfoundland and Labrador, do you think it should be:

   ◯ **(a) Flexible** – in addition to any required responsibilities, a regional government should be able to perform any municipal service that a municipality or group of municipalities wants the regional government to conduct for them.

   ◯ **(b) Inflexible** – a regional government should only perform those responsibilities that are granted to it upon its creation.

8. For a regional government to provide services, it will require funds and resources. How should the costs of these services be set:

   ◯ **(a)** All residents within a region pay the same fee.

   ◯ **(b)** Fees would vary depending on which services you received from the region.

   ◯ **(c)** Other ***(Please Explain):***

_____

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_____

9. The overall purpose of regional government is to enhance the capacity and sustainability of local government in Newfoundland and Labrador. In order to do this, a regional government will need revenue. How do you think a regional government should raise revenue to cover its costs:

   ◯ **(a)** Invoice municipalities for the cost of regional services and collect this amount from the municipality.

   ◯ **(b)** The regional government impose and collect its own tax on residents within a region to cover the costs of regional services.

   ◯ **(c)** The regional government work closely with individual municipalities to annually set appropriate tax rates to cover the costs of regional services.

   ◯ **(d)** Each household pay a fee for service for each service it receives from the regional government.

   ◯ **(e)** Other ***(Please Explain)***: _____

   Please provide more detail to your answer:

10. If a regional government was created and it raised its revenue from taxation, what form of taxation should it use:

◯ **(a)** Property tax: a regional government rate added to the municipal rate

◯ **(b)** Income Tax: a regional government would receive a proportion of the income tax from the provincial government based on the population of the region

◯ **(c)** Sales Tax: a regional government would receive a proportion of the sales tax from the provincial government based on the population of the region

◯ **(d)** Fee for Service

◯ **(e)** Other: ***(This could include a combination of the above listed options)***

11. If the establishment of regional government results in the creation of a two tier system on which existing municipalities and communities are represented, how do you think councillors should be chosen for the council?

◯ **(a)** Directly elected by the voting public of the region.

◯ **(b)** Appointed to the regional council from their municipal or community councils.

◯ **(c)** Appointed by their municipal or community council but municipal councillors wanting to serve on the regional council should have their intention to do so declared prior to the municipal election.

◯ **(d)** Other ***(Please Explain):***

12. If the establishment of regional government results in the creation of a council on which existing municipalities and communities within a region are represented, how do you think decisions should be made by the regional council?

    ◯ **(a)** One vote per representative with majority rules.

    ◯ **(b)** Weighted voting with majority rules – the number of votes a representative can cast is determined by the population of the municipality/community that the councillor represents. (For further explanation, see Appendix C)

    ◯ **(c)** Double majority – a motion must have the support of the majority of municipalities/communities in a region, as well as the majority of the population represented on the council. (For further explanation, see Appendix C)

    ◯ **(d)** Double majority based on incorporation: a motion must have the support of a majority of the municipalities and a majority of the local service districts within the region.

    ◯ **(e)** Other – Consideration should be given to requiring decisions be made by super-majorities (two-thirds of all votes), by unanimity, or by a combination of the above listed options. Please explain your answers.

13. At the beginning of the workbook we asked you to outline what you thought was your region. Considering the answers that you gave to the questions in this workbook, do you think you need to change what you have previously outlined as your region?

    ◯ Yes ◯ No

    If you answered "Yes", please use the map on the next page to trace out the new boundaries of your region.

    ◯ Yes ◯ No

    Please explain why you answered yes or no:

LABRADOR REGION



APPENDIX A

Part II of the 1999 *Municipalities Act* governs the formation and responsibilities of regional councils in Newfoundland and Labrador. The ability of municipalities and local service districts to come together and form a region was first included in the 1979 *Municipalities Act*.

The structure and purpose of regional councils was first put forth in the 1974 *Royal Commission on Municipal Government in Newfoundland and Labrador* (The Whalen Commission), which recommended that Newfoundland (Labrador was excluded from this recommendation) be divided into regions that would contain regional councils on which elected representatives would serve. Within these proposed regions, municipalities would still exist, though they would receive some services from the regional authority.

The regional councils that are permitted under the Municipalities Act are similar to those proposed by the Whalen Commission. The one primary distinction is that the Whalen Commission recommended that regional councils be mandatory for the entire island of Newfoundland. This recommendation was not followed by the provincial government, which instead made regional councils optional for municipalities in the province.

The history of regional councils in Newfoundland and Labrador is not positive. The vast majority of municipalities have simply ignored the option, and regional councils have not been promoted as a method of municipal cooperation by the provincial government. Only one regional council has ever been established in the province, and that is the Fogo Island Regional Council, which contained representatives from the four incorporated municipalities on Fogo Island and representatives from the local service districts of Deep Bay, Island Harbour, Stag Harbour, and Fogo Island Central.

The Fogo Island Regional Council highlights some of the problems that exist with regional councils. Though the regional council is responsible for waste management and the stadium, it has no capacity to independently raise revenue from the residents of municipalities, and instead is dependent on receiving payments from the municipal councils. Municipalities who do not agree with what they are being charged sometimes withhold payment and the regional council has no way to compel payment. There is also no mechanism to resolve disputes between the regional council and the municipalities, so disputes over the costs of services never go away. The Fogo Island Regional Council is the weakest local government institution on Fogo Island – it has less capacity and resources than the other municipalities. When Fogo Island amalgamates in March 2011, the regional council will no longer exist and there will be no regional councils in Newfoundland and Labrador.

MUNICIPALITIES ACT, 1999
PART II REGIONS

Establishment of regions

26. (1) The Lieutenant-Governor in Council may, by order, on the recommendation of the minister and subject to a feasibility report being prepared under section 31,

(a) establish an area in the province as a region;
(b) amalgamate regions and annex areas to regions;
(c) establish and alter boundaries of regions; and
(d) disestablish a region.

(2) An order made under subsection (1) shall have effect from a date that may be stated in the order, and that date may be earlier or later than the date on which the order is made.

(3) An order made under subsection (1) may provide that for the purpose of an election of a regional council in an area affected by an order, the order may have effect on a different date than for other purposes.

(4) Section 4 applies, with the necessary changes, to a region amalgamated or annexed under this section.

Names

27. (1) Upon the incorporation of a region, the Lieutenant-Governor in Council may, by order, establish the name of that region.

(2) The minister may, by order, change the name of a region.

Order respecting assets and liabilities

28. Notwithstanding paragraph 33(c), in an order made establishing a region, annexing an area to a region or amalgamating regions, the Lieutenant-Governor in Council may provide for the adjustment of assets and liabilities between the cities, towns and regions affected by the order.

Existing regions

29. A region continued or constituted under the Municipalities Act is continued as a region under this Act.

Publication

30. In addition to the requirements for publication in the Gazette under the Statutes and Subordinate Legislation Act, an order made under this Part shall be published by the minister in a newspaper having general circulation in the area affected by the order, where there is a newspaper in that area, and by public notice posted up in the area.

Feasibility report

31. (1) The minister shall order the preparation of a feasibility report in the required form before making a recommendation for an order of the Lieutenant-Governor in Council under section 26.

(2) The minister shall appoint a committee of at least one and not more than 3 persons to prepare the feasibility report.

(3) The minister may, where he or she considers it necessary, appoint a chairperson for the committee from among those appointed under subsection (2).

(4) The persons appointed under subsection (2) have the powers of a commissioner under the Public Inquiries Act .

(5) The committee shall, before preparing a feasibility report under this section, hold a public hearing in all cases under subsection 26(1) and shall, where reasonable, hold the hearing in the affected area.

(6) Notwithstanding subsection (5), where the committee specifies that a written or oral submission is to be made by a specified date before a public hearing, and where a written or oral submission is not made by that date, the minister may cancel that public hearing and a further public hearing shall not be required.

(7) Where a feasibility report is ordered prepared under subsection (1) as a result of the request of a region or unincorporated area, the cost of that preparation and feasibility study required to produce the report shall be a cost of that region or unincorporated area.

Notice of intent

32. Before ordering the preparation of a report under section 31, the minister shall publish a notice of his or her intent to make that order in a newspaper having general circulation in the area affected by the feasibility report, where there is a newspaper in that area, and by public notice posted in the area.

Reduction in area

33. Where an order is made under section 31 reducing the area of a region,

(a) a councillor who lives in the area that was taken out of the region by the order stops being a councillor when the order comes into effect;

(b) the minister may order the reduction of the number of persons to serve as councillors effective when the term of office of the councillors then serving expires, and where a vacancy occurs in the office of councillor before that term expires, the vacancy shall not be filled, unless the number of councillors is then below the number fixed by the order;

(c) all assets of the regional council may be retained by it, except highways, lanes, sidewalks, bridges and other public ways in the area taken out of the region and the regional council may dispose of those assets for the consideration and upon the conditions that it considers appropriate; and

(d) the regional council may collect money due to it and take legal action where the right to that money arose before the order came into effect, as if the order had not been made.

Prescribed powers
34. (1) The Lieutenant-Governor in Council may, by order, subject to a feasibility report being made under section 31, designate powers that a regional council shall exercise for the entire region or a portion of the region governed by the regional council and those powers shall be from among those set out in section 35 as the Lieutenant-Governor in Council considers advisable in the circumstances.

(2) Where powers are designated under subsection (1), those powers stop being the responsibility of a city, town, local service district committee, or other body which performed the designated power before the order, and the regional council assumes those powers and may exercise them in accordance with the Act establishing that body as if it were the body described in that Act.

Potential powers
35. The powers that may in whole or in part be designated under section 34 are

(a) the construction and operation of regional water supply systems, regional sewage disposal systems, regional storm drainage systems and regional solid waste disposal sites, including facilities designated in the order as regional facilities, and the charging of user fees on cities or municipalities benefited by those facilities;

(b) the provision of regional police services, ambulance services, animal and dog control, and other similar services within the region as may be prescribed;

(c) the provision, subject to the Urban and Rural Planning Act, of regional planning, local area planning in areas outside the jurisdiction of towns and cities within the region, joint planning and development control along protected roads, in protected areas and other designated areas within the region;

(d) the undertaking of another municipal function that a municipality or city performs or is permitted to perform under this Act by agreement with municipalities or cities subject to the recovery of the full cost from the municipality or city; and

(e) the provision, by agreement with municipalities or cities, subject to the recovery of the full cost from the municipality or city, of
- (i) contract services,
- (ii) tax billing and collection services,
- (iii) engineering services,
- (iv) management consulting services,
- (v) data processing, and
- (vi) other technical and administrative services that may be required by municipalities.

Application of Act to regional councils
36. Parts V, VI, VII , VIII, X and XIV and section 414 apply to a region and to a regional council only with respect to those areas of a region under the jurisdiction of that council which are not a city or a town.

Local service areas
37. In addition to the powers set out in section 36 the regional council may establish local service areas which are outside the jurisdiction of towns and cities within the region, and may prescribe and alter the boundaries of those local service areas.

Advisory committees

38. (1) Where a local service area is established under section 37, the regional council may

(a) provide for an advisory committee to be elected by public meeting from among the voters in the local service area;

(b) establish the size and, by regulations, the procedures of advisory committees;

(c) establish terms of reference for an advisory committee including the right to recommend

(i) on the application of provincial grants received with respect to the local service area,
(ii) on the provision of services in the local service area requiring additional taxes, rates or charges,
(iii) on local planning and development control, and
(iv) on other matters relating to local government in the local service area; and

(d) vary the amounts of taxes, rates and charges between different local service areas.

(2) Where a regional council assumes the power of a local service district established under Part XIII, the local service district committee is considered to be the advisory committee for the voters in the local service area until the regional council provides for an election under paragraph (1)(a).

Ancillary powers

39. (1) The Lieutenant-Governor in Council may, by order, state the ancillary powers that may be exercised by a regional council in carrying out their designated powers.

(2) The Lieutenant-Government in Council may, by order, state that the regional council may

(a) acquire fixed assets of the municipalities and cities necessary for the exercise of the powers of the regional council, without compensation but including the assumption of the liabilities and obligations associated with these assets;

(b) require towns and cities within the region to connect to and use regional services; and

(c) assess towns and cities within the jurisdiction of the regional council for a general service charge and in making that assessment consider, in relation to the towns or cities,
(i) the number of persons who are 18 years of age or older who ordinarily live in the towns and cities,
(ii) the assessed value of the real property within the towns and cities, or
(iii) the assessed value of the property used by businesses within the towns and cities.

Establishment of council

40. (1) The Lieutenant-Governor in Council may, by order, constitute a regional council for a region established under this Act to control and manage the region in accordance with this Act.

(2) A regional council is a corporation.

Number of councillors
41. A regional council shall consist of the number of persons that may be prescribed by the Lieutenant-Governor in Council.

Wards
42. The Lieutenant-Governor in Council may, by order, establish and change the number and boundaries of wards for a region and fix the number of councillors to be elected for each ward

Status of council
43. (1) The Lieutenant-Governor in Council may, by order, designate and change the number or proportion of councillors of a regional council that are to be appointed from elected councils of cities and towns in the region, elected at large or to represent wards.

(2) Where, under subsection (1), there are to be councillors appointed to a regional council, the minister may appoint those councillors who shall be from among the councillors of towns and cities which make up the region as designated by the councils of those towns and cities.

(3) Where town and city councils do not, within a reasonable period, make a designation for the purpose of subsection (2), the minister may make that designation.

First election
44. (1) The first election of members of a regional council shall take place on a date fixed by the minister.

(2) The minister may defer the holding of an election under subsection (1) to a date not later than one year after the region has been established.

Election of chairperson
45. (1) At the first meeting held following the first election and each general election or, where a regional council consists only of appointed councillors, at the first meeting following the appointment, the councillors shall elect one councillor to be chairperson and one councillor to be deputy chairperson.

(2) An election under subsection (1) shall be conducted by the regional clerk or returning officer and shall be carried out by a secret ballot of councillors.

Vacancy re chairperson
46. Where a vacancy occurs in the office of chairperson, the regional council shall fill that vacancy by

(a) having the deputy chairperson assume the office of chairperson for the remainder of the chairperson's term; or

(b) electing by secret ballot from among the remaining members of the council, a person to assume the office of chairperson for the remainder of the chairperson's term of office.

Chairperson's and deputy's status

47. (1) The chairperson is the presiding officer of the regional council and is the official head of the region for all ceremonial purposes.

(2) In the absence or incapacity of the chairperson the deputy chairperson has the powers and shall exercise the duties of the chairperson.

Duties

48. The chairperson

(a) shall be vigilant and active in causing the laws of the government of the region to be executed and obeyed and in making all reasonable efforts to advance and promote the aims and objects of the regional council; and

(b) shall exercise the powers and perform the duties that may be conferred or imposed upon him or her by the regional council and under this Act.

Authority of council

49. A chairperson and a regional councillor are subject to the direction and control of the regional council and shall abide by the decisions of the regional council.

Presiding officer

50. (1) The chairperson, and in his or her absence, the deputy chairperson, shall preside at all meetings of the regional council.

(2) Where both the chairperson and deputy chairperson are absent from a meeting, the other councillors shall appoint a temporary chairperson who has and may exercise the powers and carry out the duties of the chairperson at the meeting.

Frequency of meetings

51. (1) The chairperson or 2 councillors shall request that the regional clerk call and there shall be held, at least once a month, a meeting of the regional council to which the public shall be admitted.

(2) A meeting called and held under subsection (1) shall be for the dispatch of general business.

(3) A regional council shall adopt rules of procedure for its meetings.

(4) The minister may provide a set of rules of procedure that a regional council may adopt or vary.

Committees

52. (1) A regional council may establish standing or special committees that it considers desirable to consider matters referred to it by the council and make recommendations on those matters to the council.

(2) A regional council may appoint persons to serve on committees established under subsection (1), and where a regional council does not appoint persons to those committees, the chairperson shall appoint those persons.

APPENDIX B

Two Tier Regional Government Body:

A two-tier regional government body has a second tier of government on which municipalities and communities within the region would have representation. Within a two-tier system, the second tier serves as an umbrella under which all other municipalities and communities are covered. In a two-tier system, a regional government would provide services to both municipalities and communities. The regional government would serve as the direct level of government to local service districts and unincorporated areas.

Two-tier systems exist in British Columbia and Quebec. In both systems, representatives are either elected or appointed to the regional government from the municipalities and communities in the region. The regional governments in both systems provide services to municipalities and communities, though it is the direct level of government for local service districts and unincorporated areas. In both systems, regions are both big – thousands of square miles and/or millions of residents – and small – a few hundred square miles and twenty thousand or fewer residents.

A two-tier system is available in Newfoundland and Labrador with the regional council section of the *Municipalities Act*. The difference between a regional council in this province and the two-tier systems in Quebec and British Columbia is that regional government in those two provinces is mandatory for all areas, which compels municipalities to participate in the regions.

Single Tier Regional County Body:

In a single tier regional county system, the county contains all of the rights and responsibilities as a municipality. A county is a geographically defined area that provides local government to all residents within the county that do not live in a municipality. Within a county, individual municipalities would still exist separate from the county government and residents of municipalities would receive services from their municipality. Usually, representatives from municipalities within a county do not sit on the elected county councils.

A county system exists in Nova Scotia. It was developed during the 1800s when local government was established in Nova Scotia. The only significant change to the local government system in Nova Scotia was the establishment of individual municipalities within the counties, which were gradually incorporated over several decades. There are 24 counties in Nova Scotia, and within these counties there are 31 separate municipalities. Two counties – Halifax Regional Municipality and Cape Breton Regional Municipality – have no individual municipalities within them. The independent municipalities that once existed in these counties were amalgamated in the mid 1990s.

To clarify how a county works, consider Cumberland County in Nova Scotia. Cumberland County contains many communities - Pugwash, Springhill, Amherst, Five Islands, Oxford. Within Cumberland County, however, there are only three municipalities - Springill, Amherst, and Oxford. These communities are governed by a municipal council, which provides services to the residents of these municipalities. The remainder of the communities in Cumberland County are governed by the county government and receive services from the county government. Therefore, within Cumberland County there are pockets of municipalities that may be entirely enclosed by the county.

A county option is not available in Newfoundland and Labrador. Theoretically a county could exist if municipalities and local service districts within a defined area decided to amalgamate, but this amalgamated area would be called a “Town” and not a “County”.

Amalgamation

Amalgamation involves combining two or more local government units – municipalities or local service districts – to form a new municipality. That new municipality can adopt a new name, such as the Municipality of Fogo Island, or it can keep the name of one of the municipalities involved in the amalgamation. With some amalgamations, the elected councils of each individual municipality are dissolved and a new council is created. With other amalgamations, known as annexations, the council of the municipality being annexed is dissolved but the council of the annexing municipality remains in place and accommodations are made with regards to representation from the annexed municipality on the annexing municipality's council.

With both annexations and amalgamations, the residents within the affected municipal boundaries receive all of their municipal services from the amalgamated municipality or the annexing municipality.

Both amalgamations and annexations are common in Newfoundland and Labrador. In 2010, the Town of Trinity Bay North annexed the Town of Little Catalina. In March 2011, the 5 municipal units on Fogo Island will amalgamate to form the new municipality of Fogo Island. Other recent amalgamations include the amalgamation of the former municipalities of Melrose, Port Union, and Catalina to form Trinity Bay North and the amalgamation of Roddickton and Bide Arm to form the municipality of Roddickton-Bide Arm.

Currently, amalgamation is the most common method at created municipal units that cover a greater geographic region.

APPENDIX C

Weighted Voting:

This involves attaching a multiplier to a given vote when tallying the votes. The multiplier can be simply the population of a municipality. Consider the following:

Town A – 300 people
Town B – 400 people
Town C – 500 people

When representative of Town A votes, he/she casts 300 votes, Town B would cast 400 votes, and so on.

Another approach would be to divide populations by a number representing a voting unity to determine the number of votes a representative could cast. Consider the following:

1 Voting Unit = 150 people
Town A – 300 people = 2 votes
Town B – 400 people = 3 votes
Town C – 500 people = 3 votes

This can be complicated because it is rare that a voting unit will divide perfectly into a population. Often times there will be a remainder to the calculation.

Thus, with 400 people, there would be 2 votes with 100 people left over. In this case, because 100 is more than half of the 150, I have rounded the number of votes up.

In the case of 500 people, they also have three votes because their remainder is only 50, which is less than half of 150.

This is simply an example and a voting unit can be whatever number those in a region thinks is reasonable.

Double Majority

This method of voting requires that a motion have the support of a majority of the votes cast and the representatives voting in favour of the motion must represent a majority of the population of the area. Consider the following:

Town A – 200 people
Town B – 300 people
Town C – 600 people

Each town has only one vote.

In this case, if Town A and Town B vote in favour of a motion, it would not pass. Even though they have a majority of the votes, they do not represent a majority of the population. Given the size difference between Towns A, B, and C any motion would require the support of Town C.

In a bigger region with ten or more towns, the capacity of one town to dominate the vote would not be as great as the capacity of Town C in the example provided above.

ADDITIONAL NOTES

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Municipalities

Newfoundland and Labrador

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