

# 2007 Resolutions Report

On April 7-9, 2008 the Board of Directors were in St. John's and met in teams of four-to-five Directors and staff with the Ministers and/or senior officials from all departments and agencies that were identified as responsible for the issues raised in the 2007 resolutions.

The following are very brief notes on each of those meetings, by department, the actions of the MNL Board and any updates we have received from the Departments. It should be noted that MNL activities are not limited to these actions as new opportunities or resources open up.

## Municipal Affairs

### 30-2007 Authority to Provide Group Benefits and Pension Benefits

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the provincial government to define remuneration under the Municipal Councillor Remuneration & Reimbursement Regulations 2001 to include the provision of group benefits and/or pension benefits to active and retired councillors or to make any amendments that may be required to the Municipalities Act and the various Cities Act to provide municipalities and Cities with the authority to provide group benefits and/or pension benefits to active and retired councillors subject to the regulations approved and adopted by a two-thirds majority of councillors in office;

**AND BE IT FURTHER RESOLVED** that Municipalities Newfoundland and Labrador lobby the provincial government to give effect to this request as early as possible to coincide with NLMEB Inc. marketing effort to provide municipalities and cities with the new revised group benefit and pension options which are scheduled to take place in early 2008.

#### Notes

- Department advised that legislation would need to be changed
- Smaller municipalities might be wary
- Issues include possible cost sharing, provincial standards, maximums, defined contribution so no unfunded liability
- The Department will investigate this amendment to the Act and aim to have it ready after the next municipal election

#### Update from Municipal Affairs

The Department, in conjunction with MNL and NLMEB, Inc., will assess the necessary regulatory controls required to ensure that municipalities who decide to provide these benefits have sufficient financial capacity. The review will be commencing this fall.

### 4-2007 Municipal Operating Grant Funding

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the Provincial Government to reinstate the Municipal Operating Grants to 1992 levels.

#### Notes

- This budget will emphasize infrastructure
- MOG funding will be a part of the upcoming Fiscal Framework Review along with new taxation

#### Update

- MNL will arrange for an independent analysis of fiscal framework opportunities
- Fiscal Framework Committee established. Expected to report by mid-November.
- MOG's are one of the items under review.

### 8-2007 Taxation of Satellite Television Revenue

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the Provincial Government to immediately amend the Taxation of Utilities and Cable Television Companies Act to include the authority to tax satellite companies effective January 1st, 2008.

#### Notes

- Full support

#### Update

- Provide FCM language on capturing future telecom technology
  - information provided to Municipal Affairs
- Monitor amendment progress
- Will be a part of the Fiscal Framework review

### 9-2007 Snow Clearing Services for Unincorporated Areas

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the provincial government to have all municipalities whether incorporated or not be treated equitably as it relates to the cost of snow clearing of municipal roads.

#### Notes

- Agreed that this issue would be a part of the fiscal framework & governance structure reviews

#### Update

- Item is on the table with the Fiscal Framework Committee
- Government is not currently considering changes to the current funding arrangements for the provision of snow clearing services.

### 13-2007 Amendment to Municipalities Act for Sale of Property for Tax Arrears

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the Provincial Government so that the Municipalities Act, 1999, be amended so that free and clear title is guaranteed on all properties sold for tax arrears under the Municipalities Act, 1999.

#### Notes

- This authority used to exist but Department of Justice removed it
- Legal community had some concerns on this issue when the City of St. John's Act was amended
- The Department will look at this as an amendment to see if it is possible
- Department queried whether MNL could provide the quietening of titles service

#### Update

- Officials from Municipal Affairs, Justice and the Crown Lands division of Environment and Conservation will commence a review on this issue this fall
- MNL reviewing issue for potential membership service

### 14-2007 Elimination of Unincorporated Areas and Establishment of Minimum Property Tax

**THEREFORE BE IT RESOLVED** that Municipalities of Newfoundland and Labrador implore the Provincial Government to work with municipalities to eliminate all unincorporated areas and to establish a minimum municipal tax for the entire province.

#### Update

- Government's current policy is that communities whether they are municipalities, local service districts or unincorporated areas will not be forced to incorporate, amalgamate, or be annexed to other communities unless the affected communities formally request that such actions be undertaken.
- Government will not be undertaking any unilateral action to force unincorporated areas into municipal structures.
- The issue of implementing a minimum municipal tax will be considered as a part of the municipal financing review.

### 18-2007 Asphalt Quality

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador take the lead role in representing all members to lobby the Provincial Government to create a new quality asphalt specification for the province of Newfoundland and Labrador that is both affordable and long lasting.

#### Update

- Referred to Infrastructure Renewal Committee for follow-up
  - Joining Asphalt Producers and Users Committee
  - Session at 2008 Convention
- Met with Dept. of Transportation and Works on studies underway
- Municipal Affairs is organizing an "Asphalt User/Producer Committee" comprised of municipal, provincial, and industry representatives to review and make recommendations on this issue. MNL will be a part of the selection process for municipal committee members.

### 19-2007 Illegal Waste Disposal

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the Provincial Government to raise awareness of such illegal waste disposal through education and,

**BE IT FURTHER RESOLVED** that Municipalities Newfoundland and Labrador lobby the Provincial Government to increase enforcement and take necessary legal action against those carrying out illegal dumping in our Province.

#### Notes

- Department agrees that education is critical and needs to be ramped up

- Regional waste management authorities will not have the authority to enforce (Government Services is responsible)
- They are investigating ways to make enforcement more effective

**Update**

- MNL make recommendations on enforcement approaches
  - National review underway. Results will be communicated to the Minister of Environment and Conservation at new quarterly meeting.
- The Department of Municipal Affairs is interested in further exploring with MNL and its membership, various issues associated with the implementation of the Waste Management Strategy

**26-2007 Options for Municipal Taxes**

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador work jointly with the Municipal Assessment Agency and the Government of Newfoundland and Labrador to identify viable options to allow municipalities to address the financial burden.

**Notes**

- Agreement to include in the Fiscal Framework Committee

**Update**

- Item on the agenda for Fiscal Framework Committee
- A committee comprised of the Municipal Assessment Agency, Municipalities Newfoundland and Labrador and the Department of Municipal Affairs has been established, and recommendations on potential options will be forthcoming at the MNL Convention

**28-2007 Commission for Legislative Changes to the Municipalities Act**

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the Provincial Government to establish a Commission to bring forth recommendations for legislation changes to the Municipalities Act to assist Municipalities in the collection of such outstanding Municipal Taxes.

**Notes**

- Department recognizes difficulty for municipalities
- Will be included in Fiscal Framework Committee

**Update**

- On agenda for Fiscal Framework Committee
- MNL researching options in other provinces
- Departmental officials will undertake a review of the current legislation relative to condominium properties, with a view to addressing the particular issues highlighted by this resolution and any others that may arise as this type of property development increases.

**31-2007 Protecting Municipal land from Claims of Adverse Possession**

**THEREFORE BE IT RESOLVED** that the Municipalities of Newfoundland and Labrador lobby the Provincial Government to amend the Municipalities Act, 1999, to insert a provision therein as follows: "The Limitations Act, S.N.L. 1995, c. L-16.1, does not apply to a municipality in respect of lands or an interest in lands owned or held by it."

**BE IT FURTHER RESOLVED** that the Municipalities of Newfoundland and Labrador lobby the Provincial Government to make the proposed amendment retroactive.

**Notes**

- Full agreement
- Department will prepare and review needed amendments with MNL

**Update**

- Minister has agreed to forward our resolution for consideration to his colleagues.

## **Environment & Conservation**

**2-2007 Permits to Operate a Class II Water System**

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the provincial government to help provide the financial and human resources needed to ensure all municipalities comply with the permits to operate a Class II Water Distribution System.

**Notes**

- Agreement to form committee as requested by MNL

- Agreement for quarterly meetings between departmental and MNL Executives

#### Update

- Follow-up on committee and quarterly meetings
- Research impact on municipal budgets/operations for first meeting
  - Survey being prepared

### 3-2007 Crown Lands

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the provincial government to consider the transfer of crown lands within municipal planning areas to the municipality free of charge.

#### Notes

- No progress
- Crown Lands represent economic rent that the province is not willing to turn over to municipalities
- Perception that municipalities want the land simply to sell and turn a profit, not to encourage development through infrastructure investment

#### Update

- Survey of members on why they want Crown Land and what they intend to do with it.
  - Survey completed
  - Analysis being prepared for Department and members
- Update data on access in other provinces
  - Underway
- Prepare position paper

### 19-2007 Illegal Waste Disposal

#### Notes

- Referred to Government Services

#### Update

- The Department of Municipal Affairs is interested in further exploring with MNL and its membership, various issues associated with the implementation of the Waste Management Strategy
- Follow-up with Government Services
  - Meeting requested

### 20-2007 Moose Control on Provincial Highways

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the Provincial Government to carry out necessary roadside brush cutting on all provincial roads and to increase moose licenses in areas of high moose concentration.

#### Notes

- Referred to Government Services
- Update
- Met with Hon. Mark Warawa, Parliamentary Secretary to the Minister of Environment
- Environment Canada shares our concerns and in an effort to reduce incidents they had reduced the speed limits within park boundaries.
- Environment Canada will be conducting public consultations that would include the issue of moose vehicle accidents in the national parks.
- Follow-up with Government Services
  - Meeting requested

## NF Power

### 15-2007 Demand Meters on Municipal/Recreational and Fire Department Facilities

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the Provincial Government to eliminate the use of demand meters by utility providers on all municipal/recreational/fire departments.

#### Notes

- Demand meters are based on monthly peaks, not annual
- Cycling on equipment will result in lower peak demand
- Retail Rate Review - report by end of 2008, public consultation during 2009 - NF Power wants MNL involved

- NL Power will partner with MNL on with a campaign on energy efficiency
  - Printed materials
  - Regional workshops
  - Meetings with UMC and members at Convention

**Update**

- Work with NF Power on demand system explanation
  - Presentation to UMC arranged
  - Speaker arranged for Convention
- Work through Communications Committee on energy efficiency campaign
  - Waiting on material from NF Power

## CHIEF ELECTORAL OFFICE

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### 22-2007 Electoral Districts

**BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the Provincial Government to amend appropriate Provincial Legislation to permit the population of electoral districts to vary +/- 25% before a boundary change is required.

**Notes**

- Chief Electoral Office (CEO) doesn't have jurisdiction to make changes to Electoral Districts as per section 15 (3) of the Electoral Boundaries Act.
- Electoral boundaries fall under the jurisdiction of the Department of Justice.
- The Electoral Boundaries Act is not scheduled for revision until 2016.
- Mr. Reynolds and MNL agreed to start a working committee to prepare a cabinet submission.
- Chief Electoral Officer agreed to meet with MNL once the committee is established but cautioned that the CEO cannot influence the outcome, however they will work with MNL to facilitate the process.
- The earliest the cabinet submission would be before the HOA would be spring 2009.

**Update**

- Follow-up on Committee formation
  - On the agenda for the first 2009 MNL Board meeting

## JUSTICE

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### 7-2007 Youth Criminal Justice Act

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the Federal Minister of Justice to amend the Youth Criminal Justice Act to:

- increase the consequences for all offences, in particular for repeat offenders
- establish a general deterrence as a principle of youth sentencing
- consider appropriate restitution by youth offenders, including repairing damages, speaking to their peers on the harm caused by their actions, and
- holding parents and guardians financially liable for damages caused by those youth for whom they are responsible

**BE IT FURTHER RESOLVED** that Municipalities Newfoundland and Labrador lobby the Federation of Canadian Municipalities to petition the Federal Government to make such amendments.

**Notes**

Support for:

- increasing deterrence
- more flexibility in sentencing
- Longer-term review of YCJS
- No support for parental responsibility
- Children's Law Act provides for responsibility through the civil court system
- Minister has forwarded our resolution to the federal government
- He will put it on the agenda for the next federal/provincial/territorial meetings of Justice Ministers

**Update**

- Follow-up on opportunities to address/communicate with Ministerial meetings

- Provided material for Ministers meeting in St. John's

### 23-2007 Mandatory Bicycle Helmets

- Referred to Health & Community Services and Government Services
- Requests for meeting with Minister were not successful

#### Update

- Information on this issue sought from both the Department of Health and Community Services and Government Services
- That information on current legislation and how our resolution can be tied in will be circulated to members as soon as it is received
- Meeting has been scheduled with departmental officials to discuss the current legislation and the potential for this resolution. Any updates will be communicated to the members at Convention.

## FINANCE

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### 5-2007 Rebate Provincial Portion of HST

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the Provincial Government to begin rebating the provincial portion of the HST to municipalities on municipal and capital purchases, achieving 100% rebate within Five years.

#### Notes

- Little support
- Imminent budget announcement limited the discussion
- Focusing on infrastructure, not operating
- Not included in budget

#### Update

- On agenda for the Fiscal Framework Committee

### 12-2007 Tax on Insurance Premiums

**THEREFORE, BE IT RESOLVED** the NLFM lobby the Provincial Government to have this tax eliminated in its entirety; and

**BE IT FURTHER RESOLVED** that if this tax is not eliminated in its entirety, it be considered a Goods & Services Tax under the Harmonized Sales Tax so that all municipalities can receive the 6% GST Rebate.

#### Notes

- Imminent budget announcement limited discussion
- Budget included the elimination of this tax and made reference to MNL's lobbying

## TRANSPORTATION & WORKS

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### 1-2007 Essential Ferry Service and Strike Free Designation

**BE IT RESOLVED** that the Newfoundland and Labrador Federation of Municipalities lobby the Government of Newfoundland and Labrador to amend the Works, Services and Transportation Act so that all 16 intra-provincial ferry services in our province are deemed essential services and receive strike free status designation.

#### Notes

- Would require legislative change
- Would require Cabinet approval
- Need to consult with Minister Marshall

#### Update

- As this is a collective bargaining issue, Minister Whalen agreed to raise the members concerns with the Honourable Tom Marshall, Minister of Finance.
- Monitoring provincial activity on this file
  - No action taken yet

### 9-2007 Snow Clearing Services for Unincorporated Areas

#### Notes

- Department will investigate charging residents of unincorporated areas and LSDs a rate equitable to that paid by incorporated municipalities and the mechanisms for collecting the money
- Update
- Minister Whalen agreed to take this issue under advisement. She advised the MNL that Transportation and Works does provide snow clearing assistance to small municipalities on a fee for service basis, where contractor services are not available. This process has been standard for a number of years.
- In reference to unincorporated communities, the Department is not presently considering a change in our snow-clearing policy in unincorporated communities.

### 20-2007 Moose Control on Provincial Highways

#### Notes

- No knowledge of federal initiatives
- Provincial spending is up in cutting and herbicides

#### Update

- The Department has budgeted \$2 million for brush cutting. Officials are in the process of identifying the specific areas of need with a final decision regarding funding allocations and locations being announced late summer. Transportation and Works and Environment and Conservation are continuing their public education campaign using radio as a medium to better educate motorists through their moose alert program.

### 18-2007 Asphalt Quality

#### Notes

- AMEC review last Fall
- Specs good overall, but some changes recommended
- Changes have been incorporated
- Mostly related to aggregate
- Province is moving to earlier application
- Trucks causing more rutting in towns because traveling slower than on highways
- New specs have been offered to municipalities

#### Update

- MNL will distribute new specs to members (mail, web) when received

### 25-2007 24-Hour Snow Clearing Service

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the Department of Transportation and Works to maintain 24-hour snow clearing on designated critical highways or in the absence of such a service to maintain at least one snow clearing crew per Transportation and Works administrative district on 24 hours, active duty during the winter snow-clearing season.

#### Notes

- Department is running pilots including traffic counts
- Target solution for Fall 2008

#### Update

- Budget 2008/09 has provided an additional \$1.7 million to expand the 24-hour pilot program to include more segments of our highway system that have high volumes of traffic. Details of the specific high traffic areas will be announced as we get closer to the 2008/09 winter season.
- Awaiting results from pilots

### 27-2007 Highway Signage

**THEREFORE BE IT RESOLVED** that Municipalities Newfoundland and Labrador lobby the Provincial Government to designate one Government Department to act as a lead agency to develop, amend and enforce the Provincial Highway Signage Policy.

- Discussion from public consultation on new signage system may provide guidance
- Monitor whether public consultation addresses this issue
  - No mention from Directors who attended consultations
  - Awaiting report from Department of Tourism

#### Update

- Public consultations held and a new signage system is being considered for implementation in 2009. Once changes have been implemented, new signage will contain universal symbols and standards for optimal safety and effectiveness for motorists. Provincial sites and parks would be included in this Province-wide plan.

#### **24-2007 Increase in Municipal Tax Exemption Amount**

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador lobby the Federal Government to make the necessary amendments to the Income Tax Act so that a minimum of \$5,000 of remuneration paid to Councillors will be tax free, and 1/3 of any remuneration paid beyond \$5,000 be tax free;

**Be It Further Resolved** that Municipalities Newfoundland and Labrador lobby the Provincial Government to support this resolution with their federal counterparts.

#### **Notes**

- Letter sent to the Minister of Finance, Honourable James Flaherty on January 14, 2008, other follow up inquiries were not returned.

#### **21-2007 Rural Survival**

**THEREFORE BE IT RESOLVED** that Municipalities of Newfoundland and Labrador initiate meetings with both levels of government to create an environment for re-growth of rural Newfoundland and Labrador, through new investment and opportunities in rural areas without burdening small municipalities.

#### **Notes**

- A meeting was held with Minister Trevor Taylor
- Agreed to work with MNL and all stakeholders on this initiative

#### **11-2007 Federal Revenue Sharing with Municipalities**

**BE IT RESOLVED** that Municipalities Newfoundland and Labrador call upon the Government of Canada to annually share revenues equivalent to one cent of the Goods and Services Tax (GST) with Canadian municipalities, which would yield approximately \$5 billion per year in additional funding for all local governments and municipalities in Canada.

#### **Notes**

- Issue raised and ratified with the Federation of Canadian Municipalities
- Continuing to lobby through FCM on this issue