

Resolutions - 2011 Report

Mayor Neville Greeley (Corner Brook)- Advocacy Committee Chair

The Advocacy Committee of the Board of MNL is pleased to provide members with this report of the actions taken on resolutions adopted at the 2011 Resolutions Session. The Board of Directors has also requested to meet with the Economic Policy Committee and the Social Policy Committee of Cabinet to raise the core municipal issues that we continue to pursue on behalf of our members. Those meetings are expected to occur in late September and will be detailed in a report to be provided to the members at the 2012 Resolutions Session.

Category A

1-2011 Tax Credit For Municipal Councillors – Admiral's Beach

Therefore be it resolved that Municipalities Newfoundland and Labrador lobby the provincial government to amend the Municipal Councillor Remuneration and Reimbursement Regulation to allow councillors to either be paid by a municipality at the rate set out in the Municipal Councillor Remuneration and Reimbursement Regulation, 2001 or to receive an income tax credit equivalent to that given to volunteer firefighters.

Assessment: Carried

Action(s) Taken:

- A letter was written to the Honourable Kevin O'Brien, Minister of Municipal Affairs.
- Minister O'Brien noted that as it was a financial issue that correspondence had been sent to the Honourable Thomas Marshall, Minister of Finance for his comment and response.
- The response from Minister Marshall's office noted that as a part of Budget 2011, government was pleased to recognize the role that volunteer firefighters play and introduced a 7.7% non-refundable tax credit on an amount of \$3,000 for individuals who perform at least 200 hours of volunteer service per year.

- "A non-refundable tax credit is not a direct cash transfer to individuals. Instead, the credit can only be used to reduce an individual's taxes payable to zero and an individual must be in a taxable position in order to claim the credit. When the \$3,000 credit is applied to the province's lowest income tax rate of 7.7%, the maximum benefit is a reduction of tax payable of \$231. Furthermore, the Income Tax Act (Canada) exempts the first \$1,000 of any honoraria that may be provided by municipalities to emergency service volunteers. Depending on individual income and tax circumstance, a volunteer firefighter in receipt of honoraria must choose between claiming the tax credit or choose the existing income exemption provided under federal legislation."
- The Minister made the point that there is "no imbalance between the benefits this credit provides and the monetary compensation available to municipal councillors, and that a tax credit equivalent to the volunteer firefighters' tax credit would not meet the objectives of municipal councillors' compensation as outlined in your correspondence."

2-2011 Updating of IDF Curves – Mount Pearl

Therefore Be it Resolved that Municipalities Newfoundland and Labrador lobby the Provincial Department of Environment and Conservation to update current IDF curves and make these updated curves available to all municipalities and their engineering consultants so that water infrastructure is adequately planned and designed to provide effective storm water management now and into the future.

Assessment: Carried

Action(s) Taken:

- A letter was written to the Honourable Terry French, Minister of Environment and Conservation on this issue.
- The Minister responded that his Department agrees that it is essential that municipalities have access to accurate information on rainfall intensity from IDF curves for infrastructure design and climate change adaptation.
- The Minister also noted that officials of the Department

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of Environment and Conservation have made repeated requests for updated IDF curves from Environment Canada, but their requests have met with limited success.

- The Minister further noted that of the 19 sites for which IDF curves are available, 9 sites have been updated with rainfall data collected since 2000. He agrees that the reasoning for the lack of updating is probably because the rainfall data needed is not available through Environment Canada's existing monitoring network.
- The Minister advised that his officials are in the process of finalizing a study that identifies all climate monitoring stations in the province and are exploring avenues for providing updated IDF curves.
- The Minister has asked that MNL's President send correspondence to the Federal Minister of Environment noting the need and importance of updating IDF curves.
- The MNL office has also sent a letter to the Federal Minister of Environment, the Honourable Peter Kent, on this issue asking for an update and when we can expect updated IDF Curve information.
- Members will be informed of any response we receive from the Federal Minister on this issue.

3-2011 Elimination of Appointment Powers – MNL Board of Directors

Therefore be it resolved that Municipalities Newfoundland and Labrador lobby the provincial government to amend the Regional Service Boards Act, RSNL 1990, c R-8 to eliminate all appointment powers of the minister and require that all members of a regional service board, including the chairperson of said board, be elected from among the municipal councillors and local service district committee representatives from the municipalities and communities within the jurisdiction of a regional service board.

Assessment: Carried

Action(s) Taken:

- A letter was written to the Honourable Kevin O'Brien, Minister of Municipal Affairs

- Minister O'Brien noted in his response that 'although legislation requires that the members of these boards be appointed by the Minister of Municipal Affairs, the legislation also provides that the members to the boards be nominated by the municipal authorities contained within the region'
- He further noted that 'board members must also be municipal councillors. This ensures that the decisions made by the regional service boards are the decisions of the councillors of the region. Municipal councils in a region are involved in the process leading to the appointment of members to regional service boards to a much greater degree than for many provincial boards. Governance models that determine how board members are to be nominated by the councils in a region are not imposed by the Province but are the result of cooperation and collaboration by the councils in the region. Accordingly, I will not be advancing an amendment to the Regional Service Boards Act to eliminate the appointment powers of the province.'

4-2011 Municipal Representation on the Provincial Steering Committee on Waste Management – Centreville-Wareham-Trinity

Therefore be it resolved that Municipalities Newfoundland and Labrador lobby the provincial government to have at least two (2) elected municipal officials as members of the Provincial Steering Committee on waste management.

Assessment: Carried

Action(s) Taken:

- Correspondence was sent to the Minister of Municipal Affairs on this resolution. The Minister's response outlined the following:
 - "While there is a committee of executives representing the four government departments and agencies involved in the strategy, the role of this group is essentially to bring clarity to issues where there are overlapping interests between the responsibilities of the four departments and agencies. This specifically relates to provincial policy, regulations and legislation pertaining to waste management."

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- "With respect to municipal representation, all of the various waste management committees and regional service boards are made up of municipal representatives. The Provincial Government, through the Department of Environment and Conservation, established the Waste Management Strategy which outlined the environmental goals for the province. However, it is the municipal and regional groups, in consultation with government, who are developing and implementing modern waste management systems for their particular regions."
- "The Department and MNL executive meet regularly to discuss issues affecting municipalities across Newfoundland and Labrador. This forum provides a great mechanism to bring forward waste management issues of a provincial nature to the Department."

5-2011 Implementation of Transportation Subsidies – Reidville

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the Department of Municipal Affairs to implement transportation subsidies that will minimize the financial impact of implementing the Provincial Waste Management Strategy in Newfoundland and Labrador.

Assessment: Carried

Action(s) Taken:

- Correspondence was sent to the Minister of Municipal Affairs on this resolution. The Minister's response outlined the following:
 - "The Department is continuing to work with regional service boards and committees on issues related to the cost of transporting waste within the context of the Waste Management Strategy. It is important to recognize that "subsidies" do take on different forms. For example, in the Eastern Region, the Eastern Regional Service Board has developed a transportation subsidy policy funded through the tipping fee at Robin Hood Bay. This is a subsidy that is sourced from within the re-

gion and not the provincial government. Similarly, the Central Region has an inherent subsidy by the virtue of the fact they have a common tipping fee across the region and they are also working towards regional curbside collection. We will continue to work with all of the regional service boards and committees in the province on this issue."

6-2011 Processing of Non-Domestic Waste at Waste Sites – Gander

Therefore be it resolved that the provincial government fund the necessary studies to determine if waste sites could be equipped to handle non-domestic waste and if deemed a viable option, waste management authorities be given the option and tools to handle this waste at their sites.

Assessment: Carried

Action(s) Taken:

- Correspondence was sent to the Minister of Municipal Affairs on this resolution. The Minister's response outlined the following:
 - "It is unclear from this resolution whether the issue is that waste management authorities be given the authority to study non-domestic waste streams or if it is the expectation that government would fund these studies. Waste management authorities are free to engage in any study they feel may lead to a viable business opportunity and can present these recommendations to government for consideration. On the issue of funding, Municipal Affairs will continue to work with individual waste management committees and regional service boards to determine what funding will be provided on a case-by-case basis. In that regard this resolution is not a province-wide policy issue."

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7-2011 Improved Communications Program for the Provincial Waste Management Strategy – St. Anthony

Therefore Be It resolved that the Municipalities Newfoundland and Labrador lobby the provincial government to work with Municipalities Newfoundland and Labrador and the Multi-Materials Stewardship Board on an improved communications program.

Assessment: Carried

Action(s) Taken:

- Correspondence was sent to the Minister of Municipal Affairs on this resolution. The Minister's response outlined the following:
 - "The Department agrees on the importance of good communication between partners of the Provincial Waste Management Strategy. To that end, the MMSB is working in partnership with the Departments of Municipal Affairs, Environment and Conservation and Service NL on a comprehensive communications plan for the Provincial Waste Management Strategy. Details of this plan will be communicated in the near future."
 - "For the last few years the MMSB has hosted a regional forum twice annually to bring together representatives from every waste management committee and board in the province. These forums are quite popular, are widely attended by all regions and by all accounts receive very good reviews by participants. They are designed to address the very issue you raise. We make it a priority for officials from this Department as well as Environment and Conservation and Service NL to attend these forums and participate in the discussions, answer questions, provide presentations and most importantly to engage and listen. It is also a normal part of our activities to encourage a particular region to contact another region for assistance on issues of common interest, and we have also ensured that "host regions" have issued standing invitations to "non-host regions" to attend

regular meetings of their committee/board. While there is room for improvement on a broader communications approach, our officials take pride in having fostered a waste management community where relationships are built and ideas are freely shared. We will continue to build on those successes so that improvements can continue to be made."

8-2011 New Fiscal Framework for Municipalities – MNL Board of Directors

Carried as amended

Therefore be it resolved that Municipalities Newfoundland and Labrador lobby the provincial government for a new fiscal framework for municipalities that considers new revenue raising tools and new revenue raising sources for municipal governments, as well as a re-distribution of current provincially raised tax revenue.

Assessment: Carried

Action(s) Taken:

- MNL has started work on recruiting municipal leaders for a Fiscal Framework Committee to assist in negotiations with the province.
- MNL has engaged Dr. Wade Locke to conduct additional research and analysis to assist with negotiations.
- Dr. Locke has invited MNL to sit on a committee focusing on municipal fiscal sustainability at MUN's Department of Economics.
- MNL's "What's the Plan" campaign does specifically address the fiscal difficulties of municipal governments.
- Two meetings on the MOG formula have occurred with Municipal Affairs, and a third meeting will be held towards the end of September.
- The next step in the process is to have the Department of Finance participate in the discussions.

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9-2011 Crisis with Tire Recycling Program – Town of Deer Lake

Therefore be it resolved that Municipalities Newfoundland and Labrador lobby the Government of Newfoundland and Labrador to assist all incorporated municipalities in the province with an adequate, environmentally friendly and cost effective manner for the safe disposal of all tires and contribute a portion of the costs collected in the tire recycling program to the applicable municipality to assist in the finances for this disposal.

Be it further resolved that Municipalities Newfoundland and Labrador request that the Provincial Government work with the Mutli-Materials Stewardship Board to establish the necessary systems and infrastructure to accept this additional class of tire.

Assessment: Carried

Action(s) Taken:

- A letter was written to Minister Terry French on this issue.
- The response from Minister French's noted the following:
 - According to the Waste Management Regulations, Section 21, (1), (i), a clear distinction is made between the types of tires that are captured under the program. Tires that are included under the program are defined as 'highway' tires used on passenger vehicles, light trucks and commercial trucks and buses, while non-highway tires, such as OTR (off-the-road) tires are not captured.
- Section 23, (1), (a) and (b) also states that the Minister of Environment and Conservation has the authority to sanction the proper disposal of used tires in waste disposal sites throughout Newfoundland and Labrador.
- Due to the variety of sizes, weights and compositions of OTR tires they are difficult to breakdown and recycle. Some OTR tires contain as much steel as an entire car.
- OTR tires require different and significantly more costly collection and handling systems and processing equipment from that used to collect and process highway tires.
- There are constraints with access to economically viable end markets for the recycling of these types of tires.

- Landfilling these types of tires is the best option for our province, as is done in other jurisdictions such as Nova Scotia.
- Government realizes that OTR tires consume valuable space in landfill sites, so in 2009 Municipal Affairs purchased shears for the Eastern Waste Management site for the purpose of "cutting" OTR tires into smaller, more manageable pieces. The intent of the shears is to share them among the other regional waste management sites as they come on stream. To recover the costs associated with disposing of these tires, Eastern Waste Management charges customers a tip fee for the disposal of the OTR tires.
- The Minister encouraged MNL to contact the Waste Management Boards in the province to see what options would be available for municipalities to access the shears for cutting the OTR tires that are in their landfills.
- The Minister also advised that it is their ultimate goal to recycle and/or properly dispose of all tires, but there needs to be viable markets and cost-effective recycling options available.

10-2011 New and Innovative Uses for Crown Lands – Town of Harbour Breton

Therefore Be It resolved that Municipalities Newfoundland and Labrador lobby the Provincial Government to review how Crown Lands are sold, and to consider land transfer options not currently available, such as long-term leasing and lease to buy arrangements.

Assessment: Carried

Action(s) Taken:

- Stewart McKelvey examined the disposal of Crown Lands to municipalities in 2010. The firm's report noted that:
 - Crown land is always sold at fair market value unless under certain circumstances.
 - The primary circumstance under which municipalities could acquire Crown Land at less than market value would be if the land being disposed would be used for

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a public purpose, such as the construction of a municipal building or park.

- Similar policies exist in every other jurisdiction in Canada. In British Columbia Crown Land is sold at market value unless it is needed to support a public purpose, in which case the land is disposed for a nominal rate.
- New Brunswick has Municipal Service Lease agreements for ten-year leases of Crown Land that is needed for providing basic community services.
- In Nova Scotia there is a price scheme that allows for municipalities to access Crown Land at a lower price than private enterprise. To do so, municipalities must establish a public benefit. Land is not sold for speculative purposes.
- The MNL Board has tasked the Urban Municipalities Committee to strike a committee to address the Crown Land issue for municipalities.
- Correspondence was written to the Honourable Terry French, and his response outlined the following points:
 - Government's position remains 'consistent with its previous responses to MNL regarding the acquisition of Crown land contrary to Government's policy and will not consider undertaking a review of Crown Land sales or making wholesale transfers of Crown land to municipalities for less than market value prices for non-municipal purposes.'
 - It was reiterated that the Lands Act already allows for conveyances of Crown land to municipalities for \$1 for municipal buildings, fire training centres, capital works and parks.
 - Market value pricing of Crown land was introduced in 1996, and thousands of Crown land sales have occurred at market value pricing.
 - The Minister noted that 'allowing municipalities to have free or low cost prices would be unfair to those who have paid market prices since 1996. Crown land is a resource owned equally by all citizens of the province and this revenue is shared by all residents of the Province including municipalities through various programs.'
- 'Municipalities do not need to own land to control, regulate, guide or encourage development. They are provided those powers under the Municipalities Act and Urban and Rural Planning Act. Under those Acts, municipalities may designate land for future development without the need to own it.'
- He further added that 'both the administration of Crown land and the establishment of municipalities are provincial responsibilities under s.92 of the Constitution of Canada. Administration of Crown land is a provincial responsibility under the Lands Act. The role of municipalities with respect to managing and administering development within their boundaries is outlined in the Municipalities Act and the Urban and Rural Planning Act.'

Category C

MNL's support for Category C resolutions is limited to press releases and letters of support to the relevant individuals.

11-2011 Low Income Units – St. Lawrence

Therefore be it resolved that MNL lobby the Government of Newfoundland and Labrador through its housing division to reduce the rent for low-income units from twenty-five percent (25%) to ten percent (10%) of their income. This will result in tenants, especially senior citizens tenants, having more income to offset the cost of living, heat, and light and every day costs.

Action(s) Taken:

- No action was taken on this resolution. This issue is addressed through MNL's ad hoc Affordable Housing Committee.