

2014 Resolutions Report

Category A

1-2014 Payment of Utility Taxes by Internet Service Providers - Town of Little Bay Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the provincial government to amend the *Taxation of Utilities and Cable Television Companies Act* to include internet service providers as bound to paying their share of utilities tax to municipal governments, as established by the *Taxation of Utilities and Cable Television Companies Act* as well as by regulations established by the council in question.

Update

At the time this resolution was adopted, it was consistent with the exploration of alternative revenue instruments outlined in the MNL Fiscal Framework. Although MNL was able to celebrate numerous Fiscal Framework 'wins' when the *Community Sustainability Partnership* plans contained in the 2015 Provincial Budget were announced, the desired Business and Municipal Utilities Taxation provisions were not among them. As the only Priority One category proposal not addressed by the budget, it will be carried forward for consideration by the new MNL Executive in 2016 along with those other Fiscal Framework propositions not acted upon in 2015.

2-2014 Municipal Accommodations Tax – MNL Board Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador will lobby the provincial government to develop an accommodations tax framework and authority in consultation with municipalities and Hospitality Newfoundland and Labrador. This would levy a percentage of the total accommodations rate as an additional tax, with the purpose of increasing the financial capacity of the province and its municipalities to invest in key infrastructure and services.

Update

The Accommodations Tax was another revenue instrument outlined in the MNL Fiscal Framework. It was ranked among the Priority Three targets for 2015 advocacy but was addressed in the Budget. The provincial government is prepared to consider the accommodations tax but has asked that MNL and Hospitality Newfoundland & Labrador (HNL) come together to negotiate a joint proposal that will have the support of both sectors' stakeholders. MNL has met with HNL on this issue in the past and, despite some well-publicized tourism operator opposition, will continue to negotiate based on the previously-stated working position of MNL, as follows:

1. That all municipal governments be afforded the authority to implement an accommodations levy as a percentage of room rates within their boundaries;
2. That no restrictions be placed on the use of said accommodations levy;
3. That a guidance document and training be developed for the implementation of the levy, covering issues such as sector consultation; and,
4. That the hospitality sector, through Hospitality Newfoundland and Labrador, be included in an advisory committee convened to advise on the design of the necessary amendments.

3-2014 Local Service Districts - MNL Board of Directors Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the provincial government to devise a strategy to achieve a more equitable distribution of the costs of necessary services, thereby ensuring that residents from unincorporated communities are paying their fair share.

Update

This was among the Priority One ‘wins’ treated by the *Community Sustainability Partnership* plans contained in the 2015 Provincial Budget. The provincial government committed to establish an advisory committee to explore regional governance. Invitations to participate in the committee were distributed in September and CEO Craig Pollet has been designated as MNL’s representative. Single seats on the committee have been provided to each designated stakeholder organization with the exception of regional service boards: they have been allocated two seats, in part on the basis that they ‘represent’ LSDs. MNL will state its concern for the over-representation of regional service boards when the preliminary terms of reference for the effort are reviewed at the inaugural advisory committee meeting in October.

4-2014 Ward Structure for Amalgamated Communities - MNL Board of Directors (via Central Regional Meeting)

Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador will lobby the provincial government, to amend section 14 of the Municipalities Act to include more participation of councils in the structure formation process.

Update

MNL proceeded to set up an internal *Municipalities Act* review mechanism in 2015 to address desired changes in a deliberate and comprehensive fashion. This approach was revisited and broadened in light of an unprecedented number of requests for municipal sector input received from government early in the year. The Board approved a staff proposal for an *Insight Panel* to support the review of a variety of municipal policy and legislative matters. A call for volunteers was distributed to the membership over the summer. The council members and staff who have agreed to participate will be receiving regular review assignments based on both MNL resolutions and arising requests for sector input.

Resolution 4-2014 will be among the matters referred to the new Insight Panel in coming months.

5-2014 Assessment Changes – Town of St. Anthony

Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador work with the Municipal Assessment Agency to develop a more efficient way of changing property values in a timely fashion that will not negatively impact a municipality’s budget.

Update

MNL wrote Sean Martin of the MAA early in the year and received a commitment that the matter would be reviewed by their Director of Valuations. On October 21st, the following response was provided:

“*Thank you to Municipalities Newfoundland and Labrador for raising this issue with the Agency. The Agency’s records on appeals indicate that less than one percent of assessed value (0.25% most recently) is lost from the appeal process. We understand that when a loss does occur, it can be frustrating for the municipality, particularly when there are significant changes to assessed values and a subsequent loss in tax revenue.*

The Agency's Director of Valuation Services worked with the Town Manager for St. Anthony to conduct a detailed review of this issue. While there are legislative restrictions, there are some practical issues that the Agency and its client municipalities can address. We are prepared to work with municipalities on this issue and identified two actions that could identify risks earlier in the appeal process.

Recommendation

- *Commercial or industrial appeals to be addressed before other appeals by the Agency.*
- *Municipality to request Assessment Review Commissioner to schedule commercial or industrial appeals first, prior to the end of December."*

7-2014 Electronic Voting – Town of Gander
Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the Provincial Government to modify the Municipal Elections Act to allow municipalities the option of offering electronic voting for municipal elections.

Update

MNL sent a letter requesting a response to the resolution to Andy Morgans, Director, Local Governance Division, MIGA. On October 21st, the following response was received from Minister Keith Hutchings, MIGA:

"My officials have consulted with the Office of the Information and Privacy Commissioner (OIPC) to discuss privacy concerns which might arise from the implementation of an electronic voting system. Some of the electronic voting software systems now available have raised concern regarding security gaps. As a result, OIPC recommends a rigorous assessment process before an electronic voting system is implemented.

It is my view that further work I needed in this area before agreeing to make any legislative amendments to allow electronic voting. I am, however, eager to explore all opportunities to encourage new ways to engage citizen in the electoral process."

MNL research regarding the pros and cons of electronic voting will continue. Approaches to Elections NL and the Newfoundland Association of Technical Industries are planned to further explore available and alternative technologies.

8-2014 ATIPP Guidelines for Municipalities – Town of Portugal Cove-St. Philip's
Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador request the Office of Public Engagement (ATIPP Office) to develop an explicit set of guidelines for municipalities on releasing information and a training program for municipal staff and councillors relative to those guidelines.

Update

Early in 2015, MNL representatives were invited to sit on a Working Group focused on the ATIPPA action items addressed to municipalities. The group met regularly through the spring and summer to review and reframe ATIPP guidebook contents for municipal users; discuss necessary training and support, and plan for the required legislative amendments. An update presentation on municipal implementation plans for ATIPP is included in the 2015 Convention.

9-2014 Municipal Open Air Burning Regulations – Town of Portugal Cove-St. Philip's
Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador request that the Government of Newfoundland and Labrador in concert with the NL Association of Fire Services, develop a standardized Municipal Open Air Burning Regulation draft, with a guidance document and a common question and answer document that can be considered for adoption by municipalities in Newfoundland and Labrador; and,

Furthermore that the draft regulation be available for consideration by municipalities early in 2015 for possible municipal adoption before the 2015 fire season.

Update

Judy Manning, then-Minister of Justice and Public Safety was written and asked to provide a departmental response to the resolution. Then President Mackenzie of the Newfoundland & Labrador Association of Fire Services was also written and asked for a response. In conjunction with ongoing discussions regarding a joint response to the recent Fire Protection Services assessment report, MNL convened a late August meeting with Fire Commissioner Derek Simmons (FES), and Chief Vince Mackenzie. A position statement from FES on the standardized regulations proposal has been promised.

10-2014 Council Regulations (Cats) - Town of Labrador City

Carried as Amended

Therefore Be it Resolved that the MNL Board lobby the Department of Municipal and Intergovernmental Affairs to amend Section 414 (2) the *Municipalities Act* whereby a council may make regulations limiting the number of cats a person may keep in a municipality.

Motion 05-AGM-2014 – Amendment to Resolution 10-2014

Carried

Councillor Khaladkar - Sunnyside/Mayor Keats – Dover

The resolution is amended to include all animals.

Update

Preliminary staff review of animal number control references pursuant to the *Urban and Rural Planning Act* and other legislation is underway to determine to what extent the amended resolution wording conflicts with existing provisions, especially in relation to livestock and agricultural uses more generally.

With reference to Resolution 4-2014 above, Resolution 10-2014 will also be among the matters referred to the new Insight Panel in coming months.

11-2014 Council Regulations (Storage of Vehicles, Equipment and Materials) - Town of Labrador City

Carried

Therefore Be It Resolved that the MNL Board lobby the Department of Municipal and Intergovernmental Affairs to amend Section 414(2) of the *Municipalities Act* to provide a council with the authority to make regulations controlling or prohibiting:

- (a) the storage of recreational vehicles;
- (b) the parking of licensed and unlicensed vehicles; and,
- (c) the storage of commercial or construction equipment and materials,

within the municipality.

Update

MNL sent a letter requesting a departmental response to the resolution to Minister Keith Hutchings, MIGA. On October 21st, the following response was received:

“ My officials have reviewed the legislation in this regard and advise that a town’s municipal plan and development regulations as per the Urban and Rural Planning Act, 2000, have the ability to address the storage of vehicles, equipment and materials.

Furthermore and depending on the specific situation, sections 414(2)(oo) (if appropriate Ministerial delegation has been received) and 178 of the Municipalities Act, 1999 could be utilized to address the parking of vehicles and the storage of equipment and materials, respectively.”

12-2014 Interference and Obstruction- Town of Labrador City
Carried

Therefore Be It Resolved that the MNL Board lobby the Department of Municipal and Intergovernmental Affairs to amend the *Municipalities Act* and the *Urban and Rural Planning Act* whereby any person(s) who interferes or otherwise obstructs an employee(s) or agent designated by a council, in carrying out work that a council is empowered to undertake, commits an offence under the Act.

Update

A letter was sent to Minister Keith Hutchings, MIGA asking for a departmental response and proposing a meeting. On October 21st, the following response was received:

“ My officials have reviewed the legislation in this regard and advise that both section 419(1) of the Municipalities Act, 1999 and section 106 of the Urban and Rural Planning Act, 2000 provide that it is an offence to contravene the Act or a regulation, which would involve interfering with or obstructing a person discharging their legislative duties as it relates to municipal ticketing and enforcement, as well as tearing down, removing or damaging a regulation, order or notice posted. Therefore, we do not believe an amendment to the legislation is needed to address this resolution.”

Category B

13-2014 Mid-Island Link – Town of Burgeo
Carried with friendly amendment

Therefore Be It Resolved that Municipalities Newfoundland and Labrador endorse the South West Coast and Central Joint Councils in their venture to refer a mid-Island link to enhance tourism and economic development for the Province.

Update

The revised resolution was referred to the MNL Development Committee for discussion. The committee will follow-up with the South West Coast and Central Joint Councils in months to come to determine how their advocacy work is proceeding on the desired feasibility study for the Mid-island Link.

14-2014 Sunken Manolis L Oil Spill – Town of Lumsden
Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador call upon the House of Commons in Parliament assembled to request the Ministers of Fisheries and Oceans, Environment, and Transportation to take action to provide a permanent solution by removing the oil from the Manolis L, thereby preventing a major environmental disaster in this massive ecosystem.

Update

The resolution was referred to MNL's Environment and Sustainability Committee for follow-up. The Committee recruited a Manolis-L Citizens Response Committee liaison to facilitate communication and coordination on the matter. To coincide with Response Committee actions marking the 30-year anniversary of the vessel's sinking in January, MNL sent letters to the provincial Minister of Environment and Conservation and the federal Ministers of Environment, Fisheries and Oceans, and Transportation. The provincial response expressed solidarity with the call for the clean-up. Federal responses focused on efforts related to monitoring and mitigating risks to migratory birds and associated habitat (Minister Aglukkaq – Environment); Transport Canada's National Aerial Surveillance Program involvement in site monitoring (Minister Raitt – Transportation); and defending the efficacy of federal monitoring and mitigation measures (Minister Shea - Fisheries and Oceans and Minister responsible for the Canadian Coast Guard). During the year, the Citizens Response Committee learned from a naval architect assessment that the deterioration of the vessel was more progressed than earlier thought and there was a further response from Minister Shea indicating that experts were investigating measures for a longterm solution. Once the election was called, however, it was apparent the clean-up would not proceed in 2015 and advocacy efforts should refocus on the new government.

15-2014 Increased Cell Phone and Broadband Internet Coverage for Rural Communities – MNL Board (via Avalon Regional Meeting)

Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the provincial government, to increase access to these services to every community in every region of the province. This is done to increase the economic productivity of communities currently lacking these services, improve safety for commuters and residents, and to enhance the overall quality of life for residents and municipalities across Newfoundland and Labrador.

Update

This resolution addresses a longstanding MNL advocacy file, well-recognized as requiring a multijurisdictional approach, continued study and lobbying, primarily at the federal level. There have been no significant advances to report since the federal Minister of Industry response to the 2012 FCM resolution brought forward by MNL. As then-Minister Christian Paradis noted, "...the government has used targeted initiatives to extend coverage to unserviced areas where there has not been a business case for the private sector to deliver services on its own."

Category C

16-2014 Horticultural Sector Professional Development – MNL Board of Directors (via Urban Municipalities Committee)

Carried

Therefore Be It Resolved that Municipalities Newfoundland and Labrador endorse the efforts of Landscape Newfoundland and Labrador to develop Red Seal professional certification programs and recognition of certified horticultural practitioners in Newfoundland and Labrador.

Update

A letter and copy of the resolution was sent to Landscape NL to notify them of MNL's endorsement of their professional development efforts. No further action was required.