

# 2016 Resolutions Report

*Mayor Tony Keats, MNL Vice President - Advocacy Committee Chair*

## Category A

### 1-2016 Costs of Local Service Districts

**Therefore Be It Resolved** that MNL request specific cost information (per community) from the Department of Finance or Department of Municipal Affairs and pass it onto its membership.

**Update:**

**The following response was received from Minister Eddie Joyce, Municipal Affairs & Environment:**

#### Municipalities

- Local roads within municipalities are owned by the municipalities and are their responsibility, but the Department of Transportation and Works (TW) will provide winter maintenance for municipalities that are unable, or secure a private contractor at a reasonable cost.
- In 2014-15, TW provided winter maintenance service to approximately 190 km of local roads in 72 municipalities at an estimated cost of \$1.2 million. TW does not provide summer maintenance on municipally-owned roads.
- The actual cost of this service ranged from approximately \$500 to approximately \$28,000 per km in 2014-15.
- The municipality pays the actual cost to a maximum of \$6,600/km (as of October 2016). Prior to October 2016, the maximum was \$5,000/km.
- Municipalities were invoiced \$780,000 for this service in 2014-15; the remaining \$440,000 was incurred by TW.

#### Local Service Districts

- Local roads in LSDs are owned by TW as these communities do not have the authority to own road infrastructure.
- TW maintains these roads in both summer and winter at no cost to these communities at an estimated cost of approximately \$3.1 million for year-round maintenance.
- In 2014-15, TW provided road maintenance services to approximately 350 km of local roads in LSDs at an average cost of approximately \$6,600 per km for winter maintenance.
- Please note that these costs are not tracked on an individual LSD basis, so specific cost information per community as MNL requested, cannot be provided.

#### Unincorporated Areas (UIAs)

- Local roads in UIAs are owned by TW as these areas do not have the authority to own road infrastructure.
- TW maintains these roads in both summer and winter at no cost to these communities at an estimated cost of approximately 43.6 million for year-round maintenance.
- In 2014-15, TW provided road maintenance services to approximately 400 km of local roads in UIAs at an average cost of approximately \$6,600 per km for winter maintenance and approximately \$3,000 per km for summer maintenance.
- Please note that these costs are not tracked on an individual UIA basis, so specific cost information per community as MNL requested, cannot be provided."

**The Honourable Tom Osborne, Minister of Finance, also responded:**

"While the Department of Finance is able to provide transactional records of payments processed to individuals and organizations, we are unable to provide the level of detailed information that you are requesting. Details pertaining to the services provided by Government to each local service district and unincorporated area in the Province should be requested from the department(s) that provide such services and programs.

In relation to the general figures you refer to in the response from the Department of Municipal Affairs and Environment, I recommend that you request further details on those figures from that department. In reviewing Minister Joyce's previous response to MNL Resolution 1-2016, the information that was provided includes more detail



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and analysis than our department would have the ability to provide. In addition, the Department of Municipal Affairs and Environment has to access the same transactional data from our financial management system as it pertains to their programs and services. Officials from that department will be able to better place such transactional data in the context of the level of detail you require.”

## 2-2016 Use of Motorized Snow Vehicles and All-Terrain Vehicles throughout Newfoundland and Labrador

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador lobby the Government of Newfoundland and Labrador to review and amend the *Motorized Snow Vehicles and All-Terrain Vehicle Act*, the *Highway Traffic Act* and the *Municipalities Act, 1999*, to establish clarity and consistency with respect to the ability and authority of municipalities to regulate the use of these vehicles within their municipal boundaries.

**Update:**

**The following response was received from Minister Gambin-Walsh of Service NL:**

“I appreciate the concerns of MNL and its members with regards to safety. Enhanced Consumer Protection and Safety is a top priority in Service NL’s 2017-2020 Strategic Plan. I would welcome hearing additional information on the specific concerns of municipalities with respect to the safe use of snowmobiles and ATV’s, and proposals for any new measures to achieve our common objective.”

Given this may touch on the mandates of more than one department, as a first step I suggest your staff contact the Assistant Deputy Minister to discuss the technical aspects of this proposal.”

As the Minister suggests, this resolution speaks to matters of public safety and traffic enforcement that will entail harmonizing several pieces of provincial legislation. The changes sought will be added to MNL’s formal submissions in response to the forthcoming comprehensive legislative review of the *Municipalities Act* and associated municipal-sphere legislation.

## 3-2016 Adjust Funding Eligibility for Works Outside of ‘Limits of Service’

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador request the Province of Newfoundland and Labrador to adjust the eligibility for funding to include necessary capital works expansions that are outside a municipality’s “limits of service”.

**Update:**

**The following response was received from Minister Eddie Joyce, Municipal Affairs & Environment:**

“Limits of Service are currently being examined by MAE. As soon as a determination has been made, results will be shared with MNL, as appropriate.”

The last round of MNL advocacy respecting the Limits of Service (LOS) focused on clarifying the existing LOS policies, facilitating access to existing agreements, otherwise improving departmental guidance to municipalities, as well as pursuing greater transparency in LOS agreement-making and amendment processes (Resolution 12-2013).

In 2014, the Department of Municipal and Intergovernmental Affairs acknowledged the identified knowledge and information gaps and committed to compile all relevant LOS documentation with the intent of publishing it on their website. No such material is to be found there today so, in some respects, the prayer of this resolution reflects the same concerns as 2013. Follow-up with the department will continue in 2017-18.

## 4-2016 Increase of Tax-Free Amount for Councillor Remuneration

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador lobby the Federal and Provincial



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Governments through FCM to increase the tax-free amount or absolve the entire amount paid to elected officials.

**Update:**

This resolution speaks to expanding and enhancing incentives for individuals who might be prepared to offer themselves as municipal candidates. Engaging a new generation of municipal leaders in Newfoundland and Labrador will require numerous changes in the way local government is organized and run, likely including new means of compensating councilors for their public service.

A letter was sent to the Department of Finance on this resolution. At the time of printing, a response had not been received.

In light of the Department's stated intent to comprehensively review the *Municipalities Act* and other municipal legislation commencing this fall, the intent of this resolution will also be reflected in MNL's submissions to that process.

**5-2016 Changes to Flood Risk Areas Policies**

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador lobby the provincial government on behalf of all municipalities to allow new structures, and extensions to existing structures, be permitted within the province's designated flood risk areas if the proponent has considered and implemented sound flood risk design principles.

**Update:**

The identification (and updating) of flood risk areas through risk mapping processes is a best practice recognized by the insurance industry, emergency managers and climate change adaptation policy makers. So defined, these flood risk areas provide the basis for preventative land use policy and regulations that municipalities may acquire the authority to enact pursuant to the *Urban and Rural Planning Act*. Existing properties in later-designated areas are no less at risk (as may be evidenced by difficulties encountered when seeking an insurer) but will have an "acquired right" to remain there. The intent of the restrictions on their expansion in such instances, however, is that these non-conforming uses be retired from the risky area over time.

By mapping, designating and enforcing flood risk areas, the Government of Newfoundland and Labrador has implemented the soundest of flood risk design principles. The alternatives to this (e.g. site-specific exceptions presumably based on flood-resistant materials, structural design, construction and landscaping methods) may well preserve individual properties but can over time also escalate the risks posed to their residents and first responders in the event of a serious flood event. The kind of accommodation set out by this resolution generally exposes a municipality to greater liability. It also runs counter to MNL's own climate change adaptation education efforts.

The matter will be revisited by the appropriate MNL Committee in 2017-18 and the City of Corner Brook (the sponsoring municipality) will be consulted to determine if an alternative solution is possible.

**6-2016 Appeal Boards**

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador approach the Minister of Municipal Affairs and request that the legislation regarding the appeal process be reviewed and amended so that there is a mechanism at the beginning of the appeal process whereby the secretary of the Appeal Board has the right to refuse an appeal if the grounds of the appeal are not adequately provided at that time.

**Update:**

**The following response was received from Minister Eddie Joyce, Municipal Affairs & Environment:**

"MAE is currently reviewing the entire Regional Appeal Board process. The review is broader than the intake process. MAE will be consulting with Appeal Board members and has committed to updating the Rules of Procedure. This process is ongoing, and MAE will advise of the outcome when appropriate."



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In light of the Department's stated intent to comprehensively review the *Municipalities Act* and other municipal legislation commencing this fall, the intent of this resolution will also be reflected in MNL's submissions to that process.

## 7-2016 Urban Agriculture

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador in consultation with the Provincial Government undertake an initiative to review existing agricultural related policies and regulations with a focus in developing comprehensive urban agricultural policies and regulations that support local food production and food security.

**Be It Further Resolved** that Municipalities Newfoundland and Labrador provide municipalities with policies for consideration at the municipal level.

### **Update:**

**The following response was received from Minister Eddie Joyce, Municipal Affairs & Environment:**

"While agriculture does not fall within the mandate of this department, MAE would be pleased to attend a meeting on the subject and to offer whatever assistance it can with regards to the development of municipal policies."

As development control authorities pursuant to the *Urban and Rural Planning Act, 2000*, municipalities have the opportunity to revise land use designations and implementing regulations in ways that could greatly increase participation in local food production. The City of Mount Pearl brought forward this resolution at a time when they were actively engaged in a land use policy development working group initiated by the Newfoundland and Labrador Beekeeping Association addressed to crafting a development standard for urban beekeeping. The Urban Beekeeping Regulations were completed and brought into force by the City in early 2017. Numerous other communities have expressed interest since in adopting this new model regulation. To this end, the Beekeeping Association has been invited to the 2017 Convention to provide a presentation on the model regulations and will be attending a meeting of the UMC too in coming months. Follow-up with the Ministers of Municipal Affairs and Environment and Fisheries, Farming and Natural Resources on this effort and other potential agricultural development standards will continue in 2017-18.

## 8-2016 Groundwater Drinking Water Supplies

**Therefore Be It Resolved** that Municipalities Newfoundland and Labrador lobby the Government of Newfoundland and Labrador to work with MNL to build municipal capacity to educate residents and reduce risks associated with public and private drinking water systems supplied by groundwater sources.

### **Update:**

**The following response was received from Minister Eddie Joyce, Municipal Affairs & Environment:**

"MAE is certainly open to discussing its approach to regulation of ground water drinking supplies and possible educational tools with MNL. This initiative would be led by the Water Resources Management Division of Municipal Affairs and Environment."

This 2016 resolution was jointly framed by MNL's Small Towns and (former) Environment and Sustainability committees, in concert with a drinking water research project led by Dr. Kelly Vodden that concluded that year. Based on the Minister's response, the matter will be revisited with the Water Resources Management Division by the appropriate MNL Committee in 2017-18.

