

2020 AGM Resolutions Progress Report

Members passed 10 resolutions at the MNL 2020 annual general meeting on May 8, 2021. This is the second progress report to update members on actions associated with these resolutions.

Category A resolutions

1-2020: Elimination of Income Tax on Council Remuneration - Town of Cupids

Therefore Be It Resolved that Municipalities Newfoundland and Labrador actively lobby the Federal and Provincial Governments to repeal past legislation and the taxation on Council remuneration be halted.

Update: This resolution speaks to the *Federal income Tax Act* and changes implemented to this legislation in 2018. A letter was sent from MNL President Amy Coady-Davis to Federal Finance Minister, the Honourable Chrystia Freeland, requesting a meeting to discuss. Copies of the letter were sent to: The Honourable Maryam Monsef, Minister for Women and Gender Equality and Rural Development; MP Gudie Hutchings (Parliamentary Secretary); President Joanne Vanderheyden, Federation of Canadian Municipalities; The Honourable Krista Lynn Howell, Minister of Municipal and Provincial Affairs; The Honourable Siobhan Coady, Minister of Finance; and the Town of Cupids.

MNL received a response from Minister Monsef, acknowledging that Minister Freeland was indeed the right person to address these issues. Minister Freeland's office acknowledged receipt of the letter. Since that time, a federal election was called. The new Federal Cabinet was sworn in on October 26, 2021. MNL will continue its advocacy work with the Minister of Finance. Advocacy strategies will depend upon the ministerial mandate letters issued by the Prime Minister.

2-2020: Regionalization - Town of Cupids

Therefore Be It Resolved that Municipalities Newfoundland and Labrador start the process of investigating, scheduling consultations, and all relative actions that would be required to bring the entirety of Newfoundland and Labrador together to start the process to create a fair and equitable blueprint to deliver to its membership for consideration.

Update: This resolution falls within the scope of Municipal and Provincial Affairs Minister, the Honourable Krista Lynn Howell, as per her 2021 mandate letter from the Premier. A letter requesting a meeting with the minister, along with a copy of the resolution, was sent to Minister Howell, with a copy of correspondence sent to the Town of Cupids. The Minister has responded to this letter, referencing the work of the Regionalization Working Group (RWG) and our continued collaboration to advance regionalization through this group's work and the related recommendations report that this working group is bringing forward. Most recently, the MNL executive met with Minister Howell and senior departmental staff on October 14, 2021 as part of our quarterly scheduled meetings with the department. Regionalization is a standing item on the agenda for these meetings. An update on regionalization is scheduled in the conference agenda.

3-2020: Municipal Cost Recovery – First Lien - Town of Carbonear

Therefore Be It Resolved that Municipalities Newfoundland and Labrador urge the Provincial Government to make required changes to the Municipalities Act, 1999, so the cost of work is first lien where a council of a municipality lawfully causes work to be done pursuant to the Municipalities Act, the cost of the work, with interest, at a rate determined by the council, by policy, from the date of the completion of the work until the date of payment, is first lien on the property upon which, or for the benefit of which, the work was done.

Update: This resolution falls within the scope of Municipal and Provincial Affairs Minister, the Honourable Krista Lynn Howell. A letter and copy of the resolution were sent from MNL President Amy Coady-Davis to Minister Howell. The Town of Carbonear was copied on this correspondence. MNL staff are working on further research with respect to this resolution, particularly as it relates to the ongoing process of changes to the *Municipalities Act*.

The response from the Minister on this issue is as follows: *During consultations conducted for the Municipal Legislation Review, we heard frequently that municipalities find it challenging to collect payment for remediation work done by the municipality on a property. We also heard that municipalities are often reluctant to engage in remediation, even where there are health and safety issues, due to the risk of not being to recover costs. We are supportive of legislative change that would result in the cost of remediation work constituting a lien against the property where the work was done by a municipality, pending final legal analysis*

Information from the Department indicates that changes to the Municipalities Act legislation are scheduled to appear in the House of Assembly in 2022.

4-2020 Caretaker Convention Guidelines - Town of Gander

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the provincial Members of the House of Assembly to develop clear and detailed Caretaker Convention Guidelines establishing what activities are restricted during future Provincial Elections; and

Be It Further Resolved that Municipalities Newfoundland and Labrador make representation to ensure routine and prior approved municipal projects and programs are exempt from the Caretaker Convention Guidelines.

Update: During the 2021 election and prior to the adoption of this resolution by members, urban municipal members notified MNL regarding the hold up of funding for and progress on projects already designated under multi-year capital works program. MNL convened a meeting of urban municipalities to further discuss and plan an approach moving forward that would address this aspect of caretaker convention in future elections.

After significant media attention to the issue and a subsequent meeting with the Clerk of the Executive Council, the provincial government agreed to draft Caretaker Convention guidelines as per MNL's request. A draft of those guidelines has been prepared and is undergoing internal review. MNL will be provided an opportunity to review those guidelines before they are adopted.

MNL is actively working with the Department of Transportation and Infrastructure and several larger members on guidelines for municipalities with self-administration. Caretaker Convention guidelines, especially as they relate to project funding and tendering, are part of this conversation.

5-2020 Reduction of administrative burden costs for capital works project funding - Town of Flower's Cove

Therefore Be It Resolved that Municipalities Newfoundland and Labrador work with the provincial and federal government to address additional and unnecessary administrative cost burdens associated with capital project funding and find solutions that will save municipalities money.

Update: A letter and copy of the resolution were sent from MNL President Amy Coady-Davis to both provincial and federal officials, including: The Honourable Elvis Loveless, Minister of Transportation and Infrastructure and the Honourable Catherine McKenna, Minister of Infrastructure and Communities. Also copied on this correspondence was the Honourable Krista Lynn Howell, Minister of Municipal and Provincial Affairs for information and the Town of Flower's Cove

MNL has received a response from Minister McKenna's office, advising that a meeting at this time is not possible but that the resolution will be reviewed by departmental staff. We received correspondence from Minister Loveless. The response was as follows: *I can certainly appreciate the challenges small municipalities may face in financing the administrative costs of capital works project funding. In keeping with your resolution to "work with the provincial and federal government to address additional and unnecessary administrative cost burdens associated with capital project funding and find solutions that will save municipalities money", can you please advise with respect to the suggestions your members have for changes to the funding programs? Suggestions as to how this could effectively be implemented under the programs to ensure that GST/HST is not funded twice as it is rebated at a later date by the federal government would also be welcomed.*

A copy of the response was provided to the Town of Flower's Cove. MNL is working with members on research to answers to the Minister's questions, after which time a meeting will be scheduled to discuss the findings.

The new Federal Cabinet was sworn in on October 26, 2021. MNL will continue its advocacy work with the Federal Minister of Infrastructure and Communities. Advocacy strategies will depend upon the ministerial mandate letters issued by the Prime Minister.

6-2020 Municipal Business Tax Exemption for Home-Based Artists in the province - Town of Portugal Cove-St. Philip's

Therefore Be It Resolved that Municipalities Newfoundland and Labrador work with its members, organizations representing artists and artists themselves to identify municipal-level barriers for artists and explore opportunities for further support to the Arts community.

Therefore be it further resolved that this work will lead to a series of policy recommendations, which members can adopt and implement if they so choose.

Update: A letter and copy of the resolution were sent from MNL President Amy Coady-Davis to the Honourable Krista Lynn Howell, Minister of Municipal noting that we would appreciate the opportunity to discuss. Also copied on this correspondence was the Honourable Steve Crocker, Minister of Tourism, Culture, Arts & Recreation, and the Town of Portugal Cove-St. Philips.

MNL received a response from Minister Howell as follows: *I am pleased to see the significance of the work of artists in our Province acknowledged by your membership. Under the Municipalities Act,*

1999 ... a business is defined to include a profession and section 120 mandates that a business tax is imposed on all businesses. Municipal councils do have substantial autonomy in how business taxes are structured and applied within their municipality, however, a tax exemption can only be legally granted with a 2/3 vote of council on a person's application for tax relief. I have shared this resolution with Colleen Soulliere, Director of Policy, who is leading the legislative review so that it may be taken into consideration as recommendations of the review are finalized."

Category B Resolutions

7-2020 Illegal All-Terrain Vehicle Use - Town of Flower's Cove

Therefore Be It Resolved that Municipalities Newfoundland and Labrador seek a review of the enforcement provisions of the Motorized Snow Vehicles and All-Terrain Vehicles Act and Regulations to ensure dangerous, illegal usage of all-terrain vehicles is more effectively controlled.

Update: A letter and copy of the resolution were sent from MNL President Amy Coady-Davis to the Honourable Sarah Stoodley, Minister of Digital Government and ServiceNL, noting that we would appreciate the opportunity to discuss. The Honourable John Hogan, Minister of Justice and Public Safety and The Town of Flower's Cover were copied on this correspondence.

MNL has received a response from Minister Stoodley, advising that she has been mandated by Premier Furey to review the *Motorized Snow Vehicles and All-Terrain Vehicles Act* and to advance amendments to modernize and strengthen safety provisions. MNL President Amy Coady met with Minister Stoodley and departmental staff on September 2, 2021 to discuss the resolution and members' concerns. On October 21, Bill 22, *An Act Respecting Off-road Vehicles* was presented in the House of Assembly for second reading. The legislation deals explicitly with age and age-related vehicle operation restrictions, including supervision; highway crossings and highway collision provisions; helmet and seatbelt usage; mandatory safety training; as well as increased measures for non-compliance. Enforcement is an important part of the conversation. The legislation maintains prior enforcement means but does not deal explicitly with additional resources for such activities. MNL will continue to work with the Department of Digital Government and ServiceNL on the development of regulations, and with partners on supporting implementation.

At the request of its Urban Municipalities Caucus, MNL is doing a review of ATV-related activities, policies and enforcement across several larger municipalities. This review will be shared with the UMC and the wider membership upon completion.

8-2020 Rules for Public Servants in Provincial/Federal/Municipal Elections - Town of Flower's Cove

Therefore Be It Resolved that Municipalities Newfoundland and Labrador work with the federal and provincial government and other organizational partners to identify the nature and the impact of these stipulations on candidates/potential candidates and find solutions to these regulatory impediments.

Update: MNL is working with the respective provincial and federal departmental officials, along with partner organizations with shared interest in this issue, to determine the best course of action for first addressing the scope of this resolution, and appropriate contacts for this activity.

The new Federal Cabinet was sworn in on October 26, 2021. Any advocacy strategies related to this will depend upon the ministerial mandate letters issued by the Prime Minister.

Category C Resolutions

9-2020 Regional Air Transportation Connectivity - Town of Gander

Therefore Be It Resolved that Municipalities Newfoundland and Labrador lobby the provincial Members of the House of Assembly, the Members of Parliament, and the Newfoundland and Labrador Senators to recognize air connectivity as a critical and essential service to be maintained in all regions of the Province of Newfoundland and Labrador.

Update: Given that this issue is federal in scope, a letter and copy of the resolution were sent from MNL President Amy Coady-Davis to MP Gudie Hutchings, Chair of the NL Federal Liberal Caucus, with copies to the other five Liberal MPs. A letter and resolution were also sent to NDP MP Jack Harris. The Town of Gander was copied on this correspondence.

MNL will continue to work on connectivity and transportation issues when the new Federal Government is sworn in.

10-2020 RCMP Funding - Town of St. George's

Therefore Be It Resolved that Municipalities Newfoundland and Labrador work with the Government of Newfoundland and Labrador, the RCMP and municipalities to map solutions for safe communities with access to services.

Update: Community safety is a critical issue for our members. We continue to work on advocacy and research associated with this resolution keeping in view the negotiations between the Government of Canada and the National Police Federation (NPF) to establish a first collective agreement for RCMP members and reservists.