

2022 RESOLUTIONS

TO BE VOTED ON AT THE 2022 MNL AGM

CATEGORY A

1-2022 Councillor protections against harassment and abuse

Town of Flowers Cove

WHEREAS there is little, if any, legal or physical protection for councillors of a municipality from verbal harassment and/or physical assault;

WHEREAS the Municipalities Act 1999 vaguely mentions possible solutions in Sections 179 – 182;

WHEREAS, if no practical solution is found, less and less volunteers will seek a nomination for councillor;

THEREFORE BE IT RESOLVED that MNL explore possible actions and avenues to protect councillors from public harassment and abuse.

Staff Comments: MNL is aware of increasing issues associated with councillor harassment and abuse, not only here in Newfoundland and Labrador, but across the country. The provincial government's new Municipal Conduct Act and associated Regulations satisfy a need for clear guidelines requiring Municipal Councils to establish their own codes of conduct applicable to elected officials and municipal staff. Harassing communications are addressed by Canada's Criminal Code (R.S.C., 1985, c. C-46), as is assault. Further examination of their applicability to municipal circumstances is merited, alongside a review of the specific provisions in our provincial ATIPP legislation relating to repetitive and vexatious access to information requests.

2-2022 Modernize limitations on picket line conduct to remove harassment, bullying and intimidation

City of Mount Pearl

WHEREAS it is accepted that no one, whether union, non-union, or employer, has the right to bully, intimidate, humiliate, or disrespect other individuals during a strike or lockout; however, there are no specific legislative prohibitions on these actions.

WHEREAS, in accordance with the Labour Relations Act, members of unions have the right to strike and to peacefully persuade or try to persuade anyone not to enter the employer's place of business, operations or employment; deal in or handle the products of the employer; or do business with the employer.

WHEREAS it is accepted that members of unions may respectfully protest an employer's position within collective bargaining.

THEREFORE, BE IT RESOLVED that Municipalities Newfoundland and Labrador seek from the Department of Environment and Climate Change a review and revision of the provisions of the Labour Relations Act to ensure that:

- i) any behaviour by an individual or group, be it union, non-union or employer, which constitutes harassment, bullying, confinement, or intimidation is prohibited during strikes and lockouts; and
- ii) recourse be legislatively instituted for such behaviours, which have no place in today's society.

Staff Comments: The spirit of this resolution reflects increasing concerns from councillors regarding abuse and harassment. As noted in the comments above respecting Criminal Code violations, a review of the law applicable to municipal circumstances is merited.



3-2022 Monitoring burden under the Federal Wastewater Systems Effluent Regulations

Town of Marystow

WHEREAS the Federal Government's Wastewater Systems Effluent Regulations require municipalities to calculate the average daily volume of effluent deposited via a wastewater system's final discharge point for each calendar year by using monitoring equipment;

WHEREAS concerns have been raised by municipalities about the financial impacts of continuous monitoring, record-keeping and reporting requirements of wastewater systems discharging effluent in excess of 100 m³ per day under the Federal Government's Wastewater Systems Effluent Regulations;

WHEREAS it is estimated that compliance with the regulations will cost millions in capital costs alone along with added operating costs to be incurred annually; and,

WHEREAS a committed funding program to assist with the cost of compliance with the regulations has not yet been identified;

THEREFORE BE IT RESOLVED that Municipalities Newfoundland and Labrador approach the Federal Government and, on behalf of all municipalities in NL, lobby an amendment to the Wastewater Systems Effluent Regulations that would allow for the cessation of monitoring and reporting of wastewater systems that have already been categorized as 'medium risk' and 'high risk' following the first year of data collection, which will reduce monitoring costs and allow those funds to be utilized towards future treatment solutions.

Staff Comments: The Town of Marystow put forward this resolution in 2019. It passed at AGM. Proposed amendments to the Wastewater Systems Effluent Regulations, which were available for consultation throughout 2021, do address monitoring burden. We expect that these amendments will pass in 2023.

4-2022 Crown lands

Town of Gander

WHEREAS municipalities strive to encourage social and economic development that can often be facilitated by the development of public land;

WHEREAS the Province of Newfoundland and Labrador owns a substantial amount of land within municipal planning boundaries; and,

WHEREAS the process to acquire public lands can be a barrier to development within communities;

THEREFORE, BE IT RESOLVED that Municipalities Newfoundland and Labrador lobby Government of NL to ensure public land be granted to municipalities for the purpose of social, residential, commercial, and industrial development as determined by municipal plans.

Staff Comments: Crown lands, and relationships with the provincial Crown Lands Division, continue to be a concern for MNL members. The Town of Gander put forward a crown lands divestiture resolution in 2018 (7-2018); the Town of Bird Cove put forward a resolution in 2019 (8-2019), as did the Town of Flowers Cove (11-2019) focused on improving crown lands service delivery. These resolutions are no longer active.



5-2022
Provincial
administration of
Federal
infrastructure
funding

MNL Board of Directors

WHEREAS the Government of Newfoundland and Labrador administers a variety of federal and often cost-shared capital works, disaster relief, and other infrastructure-related fund allocations;

WHEREAS there are currently large, unspent federal allocations to Newfoundland and Labrador due, at least in part, to insufficient funds for the designated Provincial share;

WHEREAS Infrastructure Canada data on the 2018-2028 Canada Infrastructure Plan (CIP) shows that as of August 2022, 38% of Newfoundland and Labrador's \$556M CIP budget for long-term infrastructure projects remains unallocated, with 11% of the funds already applied for still under review;

WHEREAS the consequent Government of Newfoundland and Labrador capital works funding review and selection practices effectively force municipalities to compete against one another for essential infrastructure;

WHEREAS the Government of Newfoundland and Labrador lacks a long-term infrastructure plan;

WHEREAS the Government of Newfoundland and Labrador has inadequately supported the implementation of municipal asset management under the 2014-2024 Gas Tax Agreement (recently renamed the Canada Community Building Fund);

WHEREAS Newfoundland and Labrador's municipal infrastructure is already in a crisis situation, exacerbated by intensifying severe weather events due to climate change; and,

WHEREAS Municipalities Newfoundland and Labrador (MNL) recognizes the benefit of direct Federal-Municipal funding arrangements as advocated by the Federation of Canadian Municipalities;

THEREFORE BE IT RESOLVED that MNL undertake a detailed, comprehensive review of current and historical federal-provincial capital works funding, administration, and allocation practices with the intent to improve the system for municipalities.



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