



Review of Municipal Legislation

Department of Municipal Affairs and Environment

June 8, 2018

Overview and Scope

Comprehensive review of legislation governing province's municipalities

- *Municipalities Act, 1999*
- *City of St. John's Act*
- *City of Mount Pearl Act*
- *City of Corner Brook Act*

Why Review Municipal Legislation

- Municipal legislation is decades old and needs updating
 - Need to enable local decision-making
 - Need to streamline processes
 - Need to respond to current public expectations

Progress To Date

Fall 2017

Legislative review scope defined

Internal working group convened

Phase I public engagement (EngageNL open submissions)

Winter 2018

Jurisdictional research on various themes

Presentations at various municipal events

Review, analysis, theming of submissions

Spring 2018

Phase II engagement underway

What We've Heard So Far



PMA Submission – Phase I

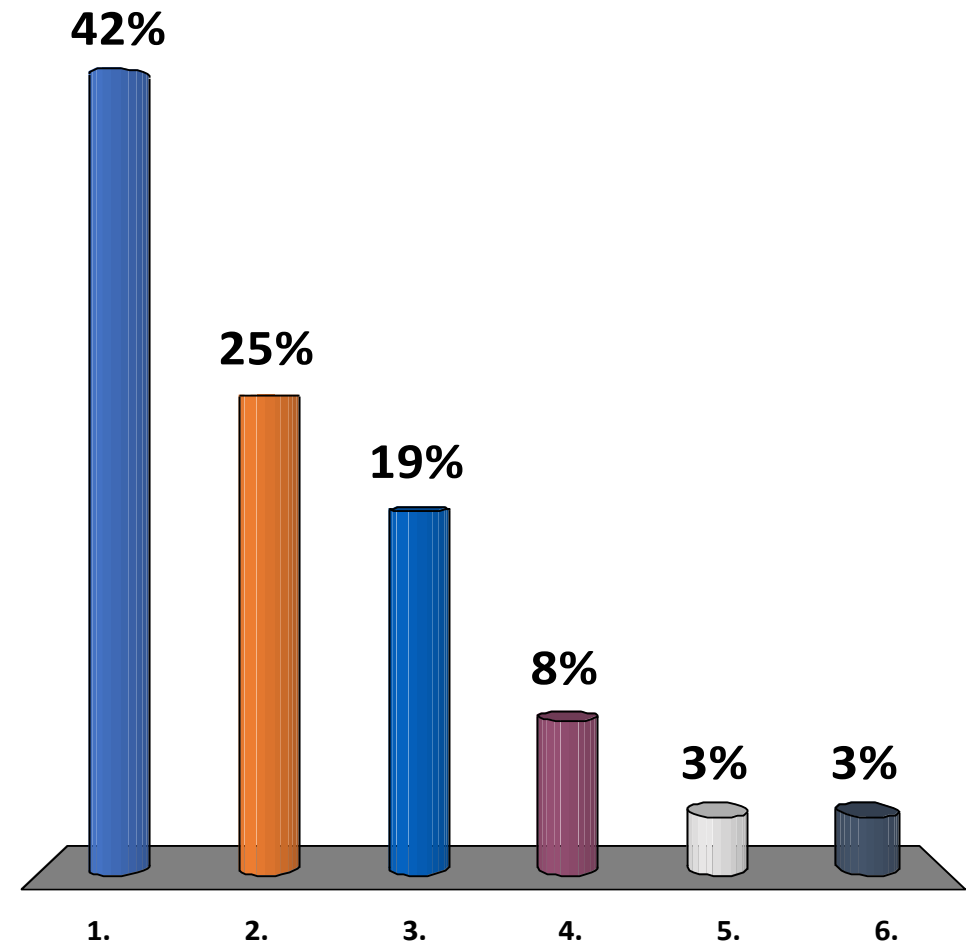
- Need to acknowledge varying capacity across municipalities
 - Larger communities tend to have greater capacity
- Greater clarity required throughout Acts
- Mandatory training for councillors desired
- Harassment significant and widespread issue
- Need independent ombudsman or auditor general for municipal issues

Who's in the room?

Polling

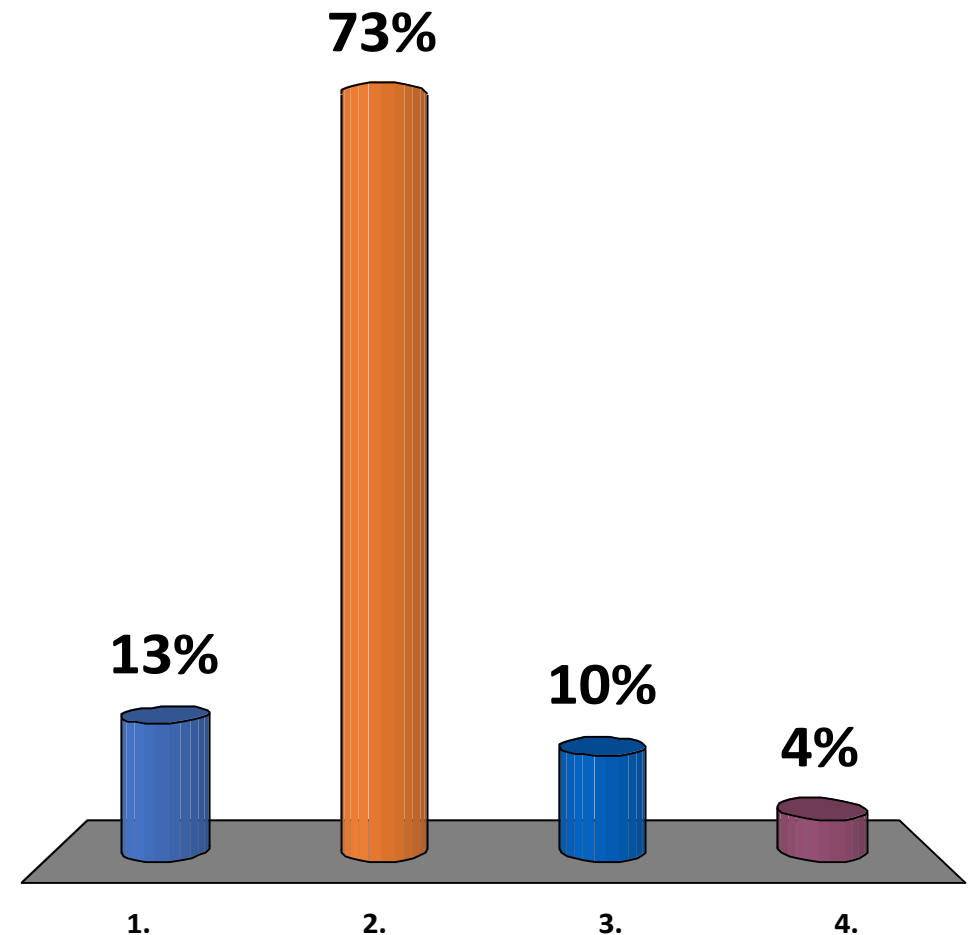
The community I live in has a population of about:

1. Less than 500
2. 500 - 1,500
3. 1,501 - 5,000
4. 5,001 - 10,000
5. 10,001 – 25,000
6. More than 25,000



I would describe my community as:

1. Urban
2. Rural
3. Remote
4. Other



What is meant by “modern” legislation?

- Clear, consistent, and plain language
- Streamlined procedures
- Accommodate current technology/ communication methods
- Updated monetary values
- Meets contemporary public expectations
- More enabling/ less restrictive

Enabling Legislation

- Traditional municipal legislation highly prescriptive
 - Activity restricted to specific items contained in legislation
- Modern municipal legislation highly permissive within a clearly defined framework
 - Activity permitted within broad areas of responsibility
 - Powers limited within scope of authority

Enabling Legislation

Current State

- NL legislation highly prescriptive, little flexibility

What We've Heard

- Municipalities should have more autonomy/ flexibility/ power
- Municipalities need more oversight
- Capacity issues are a concern, particularly for small communities

Other Jurisdictions

- Trend toward more permissive, flexible, and enabling legislation

Framework for Enabling Legislation

- Broad powers within a clearly defined framework
 - Municipal purposes
 - Municipal powers
 - Accountability and transparency
 - Professional conduct

Municipal Purposes

Current State

- NL legislation references municipal purposes but does not define municipal purposes

What We've Heard

- Municipalities should have a clear, focused mandate

Other Jurisdictions

- Where legislation is enabling, municipal purposes are included

Municipal Purposes – Example - PEI

The purposes of a council include, among other things,

- (a) providing **good government** in its municipality;
- (b) providing **services, facilities** or other things that the council considers necessary or desirable for all or part of its municipality;
- (c) providing for **stewardship of the municipality's public assets**;
- (d) developing and maintaining its municipality as a **safe and viable community**; and
- (e) **encouraging and enabling public participation** in matters affecting the municipality.

Municipal Purposes – Example - NB

The purposes of a local government are

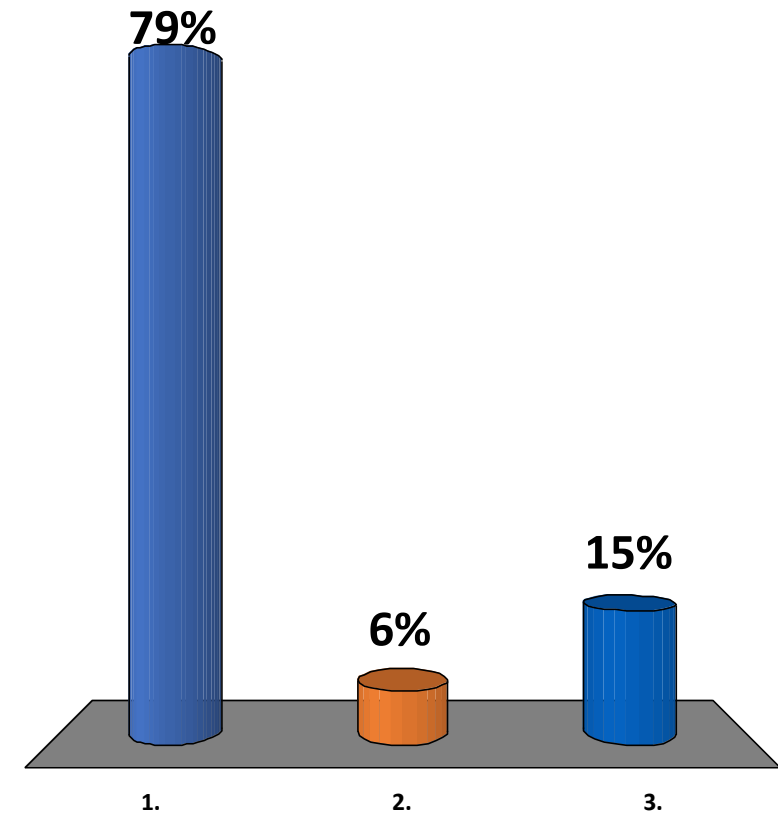
- (a) to provide **good government**,
- (b) to provide **services, facilities** or things the council considers necessary or desirable for all or part of the local government,
- (c) to develop and maintain **safe and viable communities**, and
- (d) to **foster the economic, social and environmental well-being** of its community.”

Municipal Purposes

Polling

If municipal purposes were defined in legislation, I would have a better understanding of the scope of authority granted to a municipality.

1. Agree
2. Disagree
3. Not sure



Municipal Powers

Current State

- Prescriptive legislation restricts NL municipalities to power listed in legislation; prohibits activity not listed

What We've Heard

- Need broader authority to act and enact by-laws/ more efficient processes

Other Jurisdictions

- Trend toward providing broad powers/ areas of authority within which municipalities can act and providing limited natural person powers

Municipal Powers - Examples

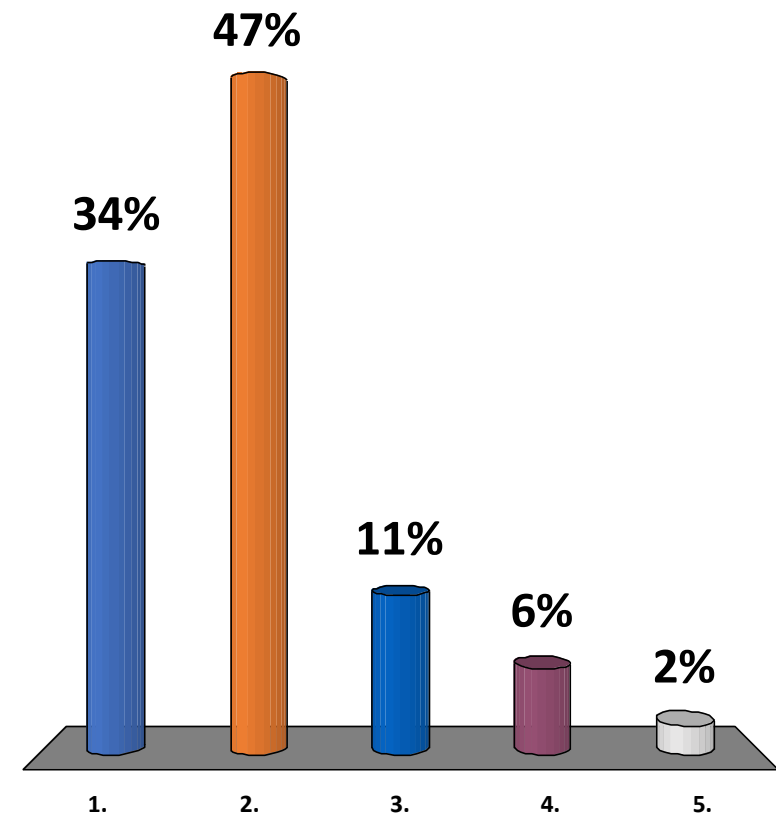
- Safety, health, and welfare
- Control of nuisances (e.g. noise, waste, dangerous or unsightly premises)
- Businesses and business activities
- Facilities, infrastructure, and improvements
- Animal control (feral and domestic)
- Management of roads and sidewalks

Municipal Powers

Polling

Broad powers would improve my municipality's ability to govern efficiently and effectively.

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly Disagree



Accountability

Current State

- Local governments primary legislative accountability is to the Province

What We've Heard

- Local governments are accountable to residents or communities
- Need independent oversight (ombudsman/auditor general)

Other Jurisdictions

- Most require annual performance and/or financial reporting released publicly
- Some have municipal ombudsperson, integrity commissioner, auditor general, adjudication board

Professional Conduct

Current State

- No provisions for Code of Conduct or Code of Ethics

What We've Heard

- Code of Conduct or similar desirable
- Intimidation and harassment issues are common
- Officials (elected and non-elected) expected to behave in professional manner

Other Jurisdictions

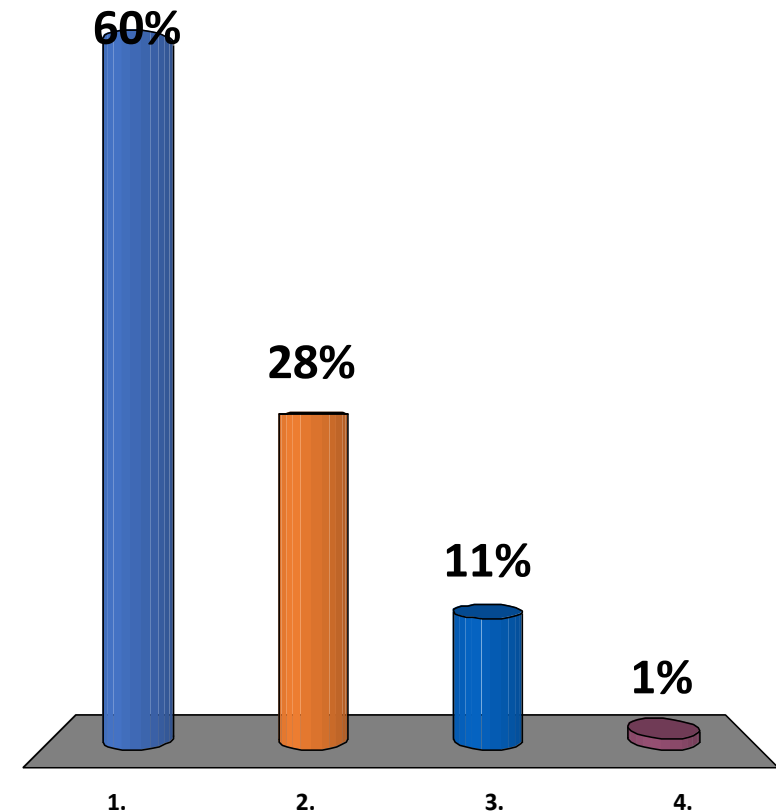
- Most provinces require councils to establish Code of Conduct or Ethics for councilors and for employees

Professional Conduct

Polling

How should a Code of Conduct be addressed by legislation?

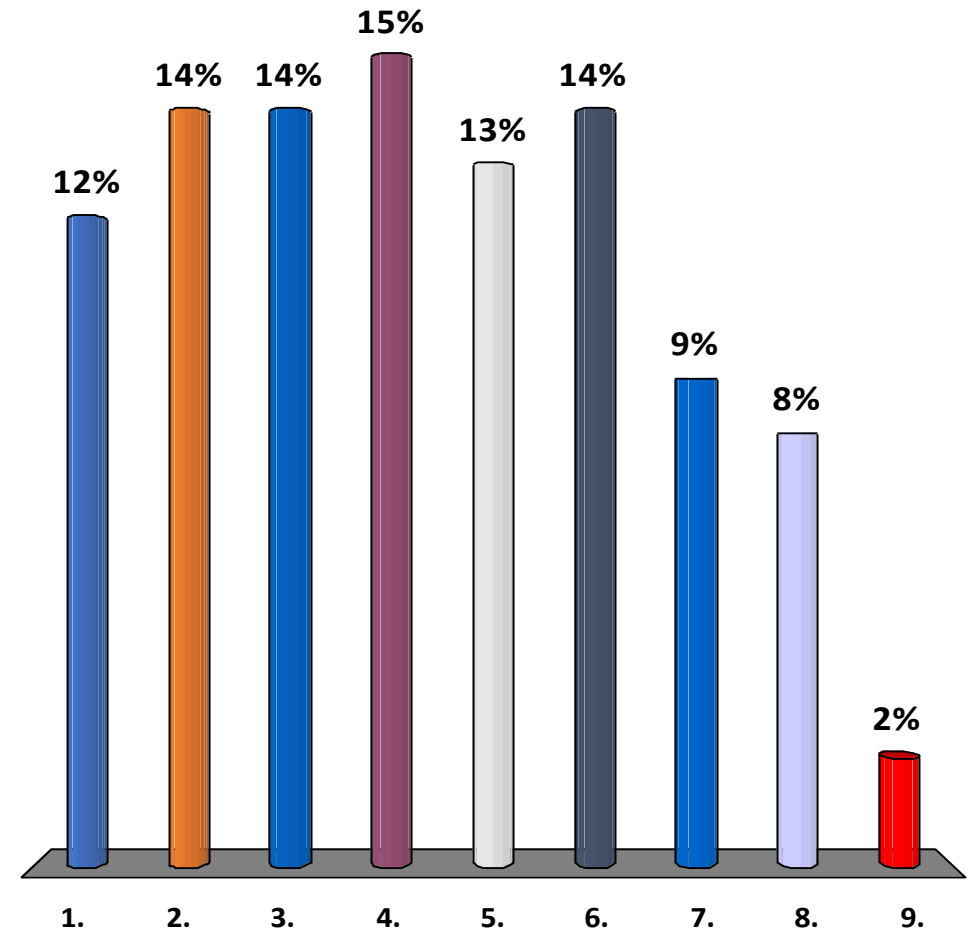
1. Prescribe a detailed Code of Conduct
2. Require municipalities to establish a Code of Conduct*
3. Allow municipalities to establish a Code of Conduct*
4. Be silent regarding professional conduct



*Guidance on content could be provided either by regulation or through training

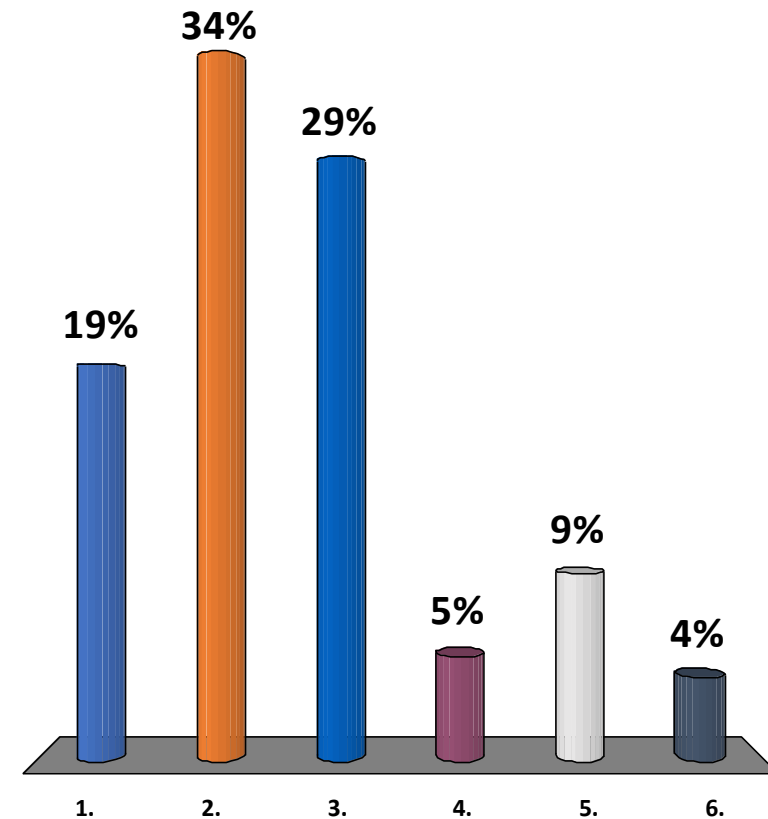
What topics should be included in a Code of Conduct? (Select all that apply)

1. Core values
2. Standards of behaviour
3. Conflict of interest
4. Harassment/bullying
5. Human rights/discrimination
6. Confidentiality/ protection of privacy
7. Whistleblower protection
8. Gifts and personal benefits
9. Other (please describe)



Who should be primarily responsible for enforcing a Code of Conduct?

1. Council
2. Town/City Manager
3. Minister/
Department
responsible
4. Private consultant
5. Adjudication board
6. Other

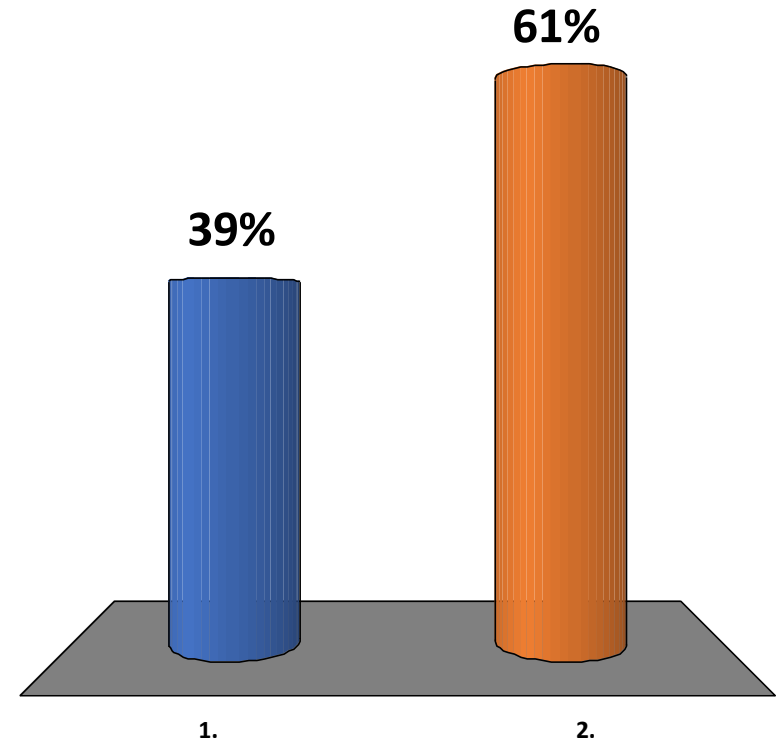


Enabling Legislation

Polling

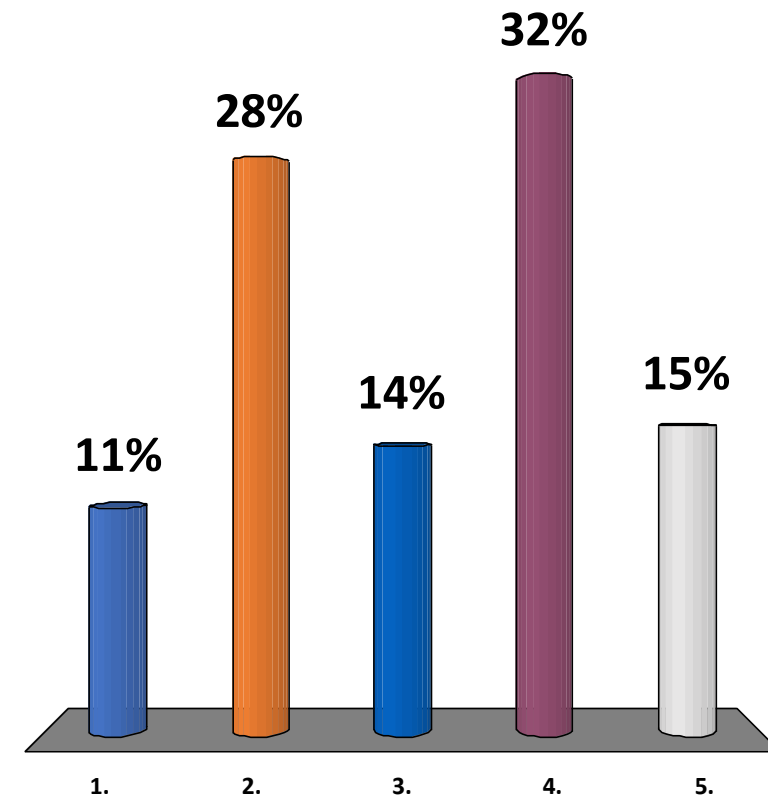
Which of the following is more valuable?

1. Municipalities have the ability to make their own decisions on local issues.
2. Municipalities have specific instructions on how to manage local issues.



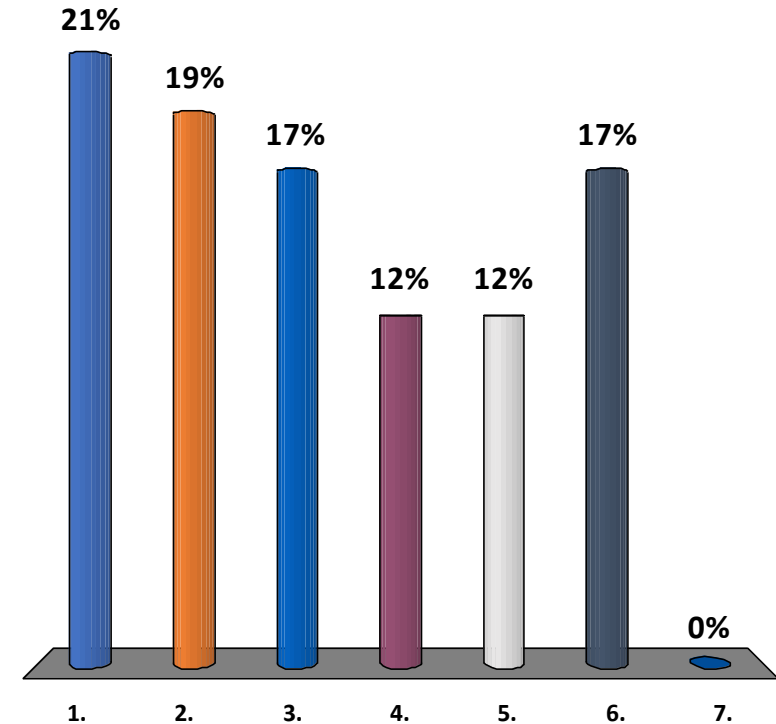
I am confident that my community has enough capacity (professional/operational) to function with less oversight from the Province.

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly Disagree



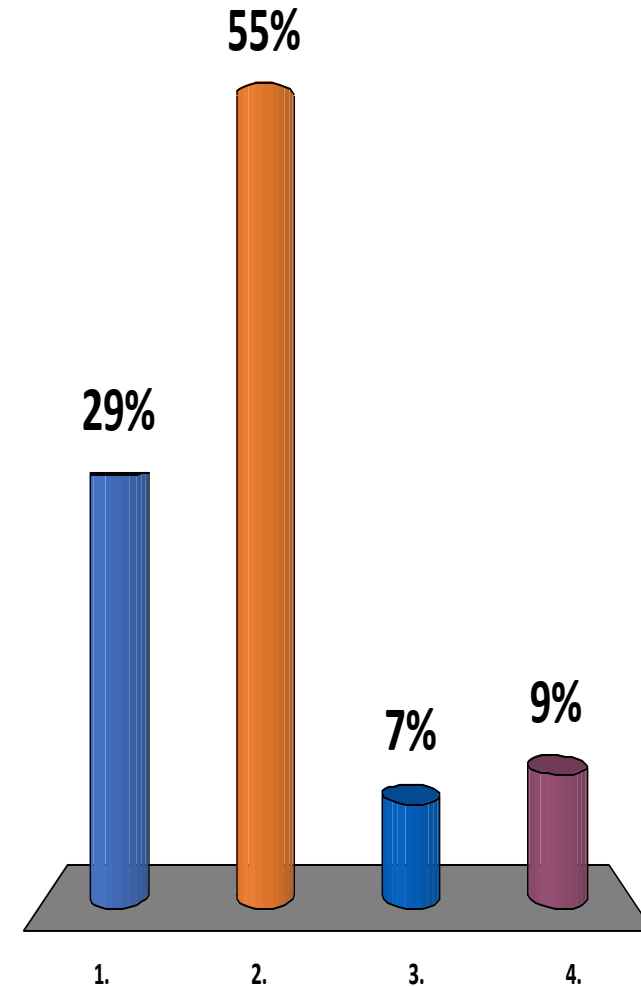
What supports or resources could help municipalities use enabling legislation effectively? (Select all that apply)

1. Mandatory training for council
2. Mandatory training for staff
3. Template or default regulations for core functions/operations
4. Service delivery standards
5. Access to advice from third party
6. Access to advice from Department
7. Other



Our largest and smallest communities can be governed by the same legislation.

1. Agree
2. Disagree
3. Not sure
4. It depends (please explain)



Next Steps: Anticipated Timeline

Spring 2018

Phase II engagement

Summer 2018

Review and analysis of consultation input/feedback and research

Fall 2018

Public release of What We Heard summary report

Review, research and analysis completed

Winter 2018-19

Draft legislation

Spring 2019

Legislation to be introduced in the House of Assembly

To submit comments/ideas:
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