



# Review of Municipal Legislation

Department of Municipal Affairs and Environment

May 4, 2018

# Why Review Municipal Legislation

- Municipal legislation is decades old; in need of modernization
- Municipal and city councils, media, and public have advocated for legislative change
- Enable local decision-making
- Streamline processes
- Respond to current public expectations

# 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*

# Progress To Date

## Fall 2017

Legislative review scope defined

Internal working group convened

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Phase I public engagement (EngageNL open submissions)

## Winter 2018

Jurisdictional research on various themes

Presentations at various municipal events

Review, analysis, theming of submissions

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## Spring 2018

Planning underway for Phase II engagement

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# Phase I Engagement: Main Topics



# What We've Heard So Far

- Municipalities should have more authority and autonomy
- Municipalities have too much autonomy / need more oversight
- Better enforcement tools needed
- Better mechanisms for ensuring compliance needed
- More transparency desired
- Professional conduct needs to be addressed / addressed better
- Legislation needs more clarity

# 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**

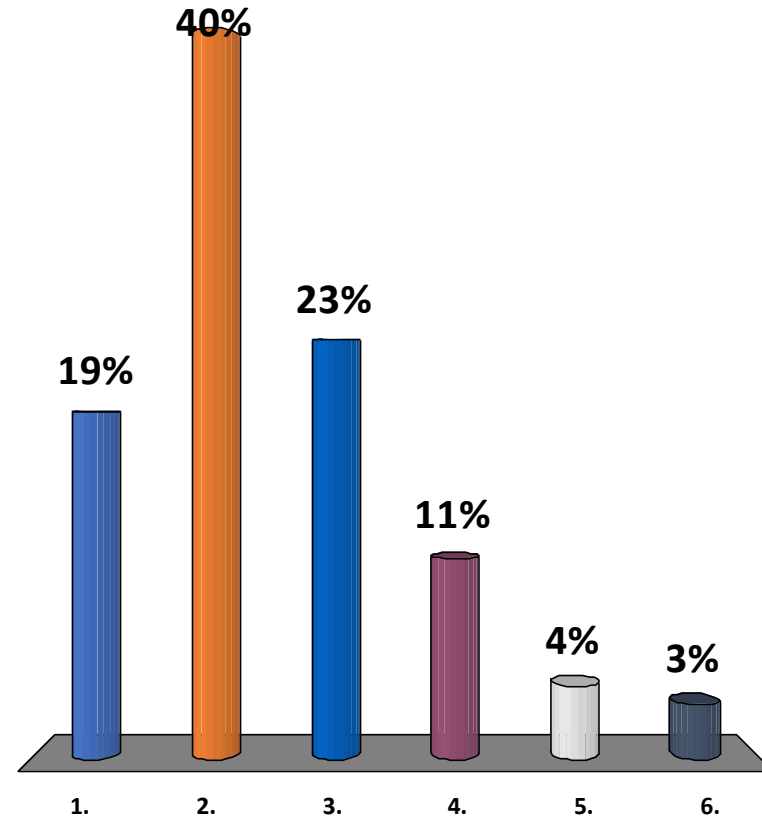
# Who's in the room?

Polling



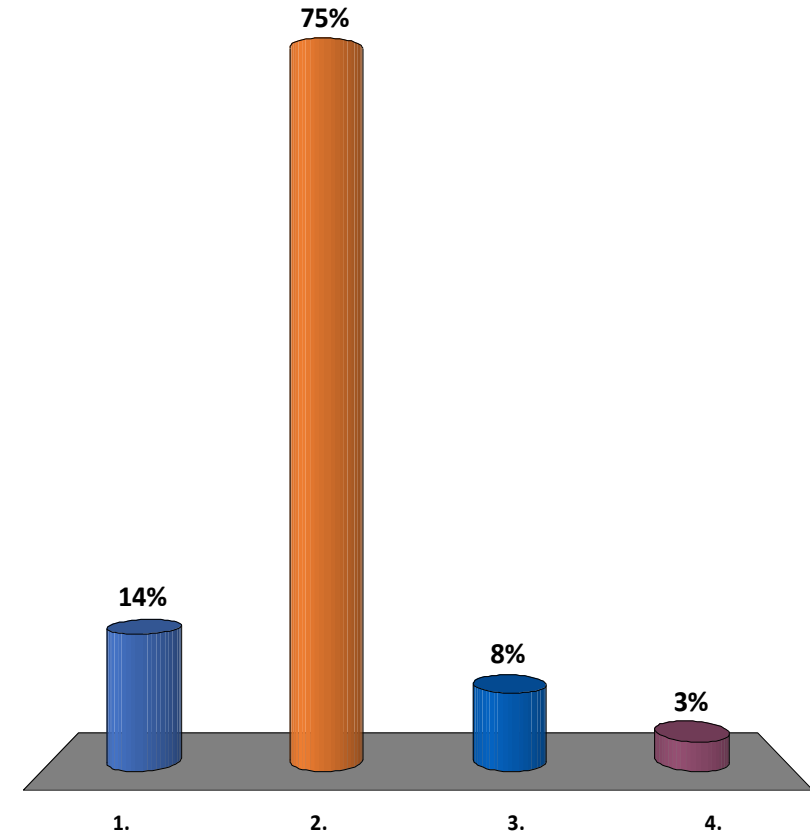
# The community I live in has a population of about:

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



# 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

## Other Jurisdictions

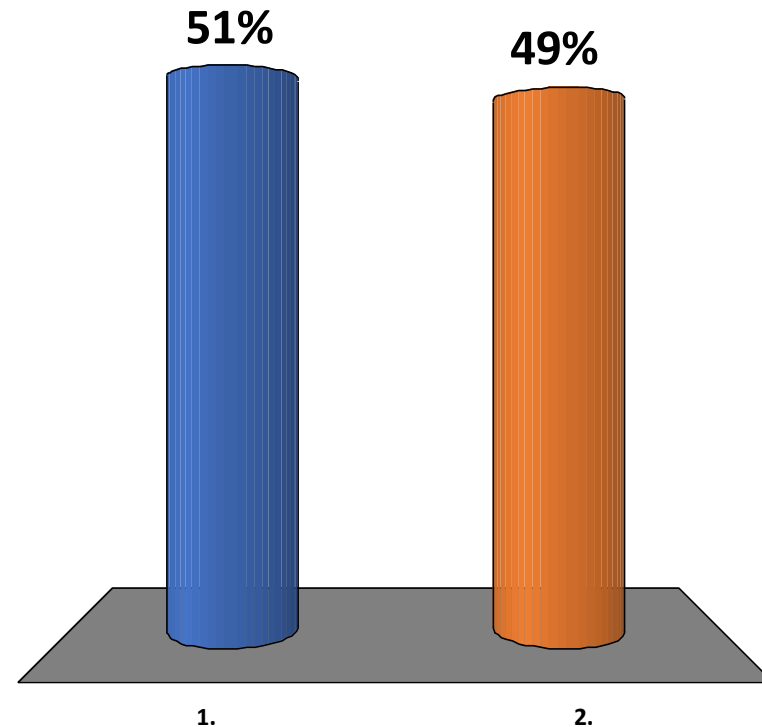
- Trend toward more permissive, flexible, and enabling legislation

# Enabling Legislation

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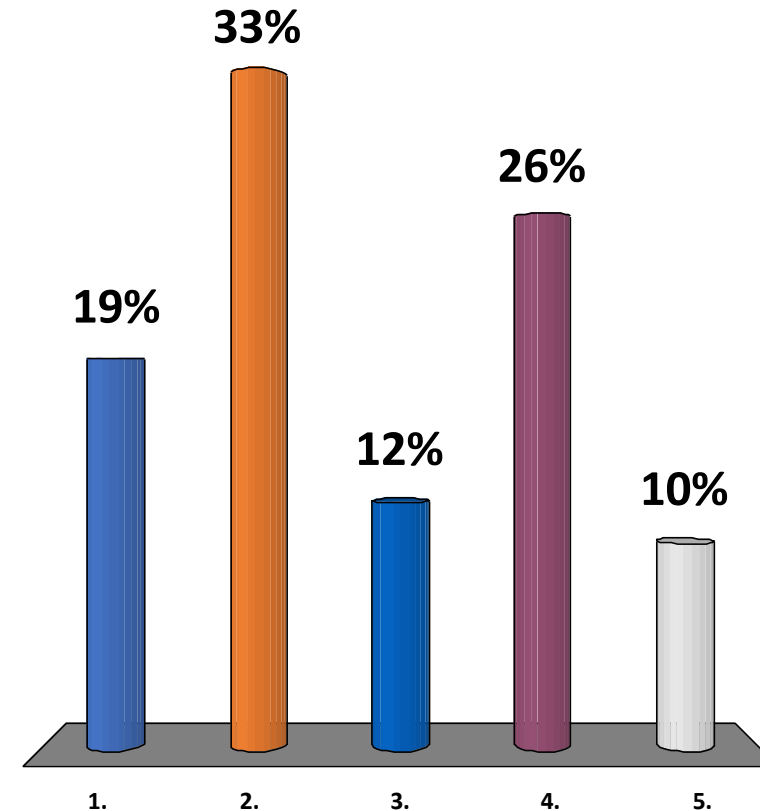
# Which of the following is more valuable?

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



# Framework for Enabling Legislation

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



# Municipal Purposes

## Current State

- NL legislation does not include municipal purposes

## What We've Heard

- Municipalities should have a clear, focused mandate

## Other Jurisdictions

- Where legislation is enabling, municipal purposes are included
- Generally these include: good governance, provision of services and facilities, stewardship of public assets, developing safe and viable communities

# 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.”

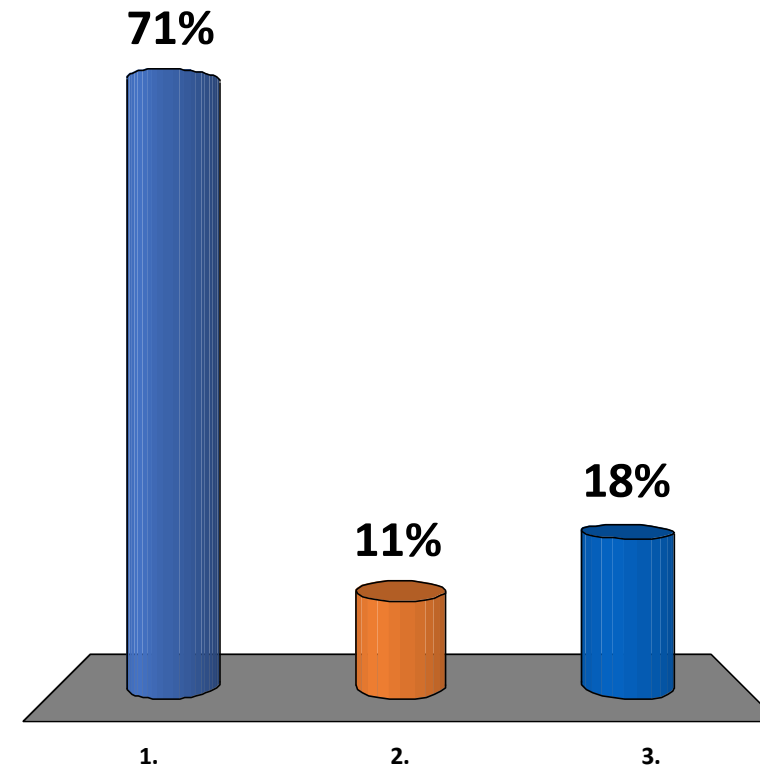
# Municipal Purposes

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

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1. Agree
2. Disagree
3. Not sure



# Municipal Powers

- Broad powers identify areas within which municipalities have authority to act
  - Municipalities not required to act in all areas
- Natural person powers allow municipalities to act like an individual
- Powers may be limited

# 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

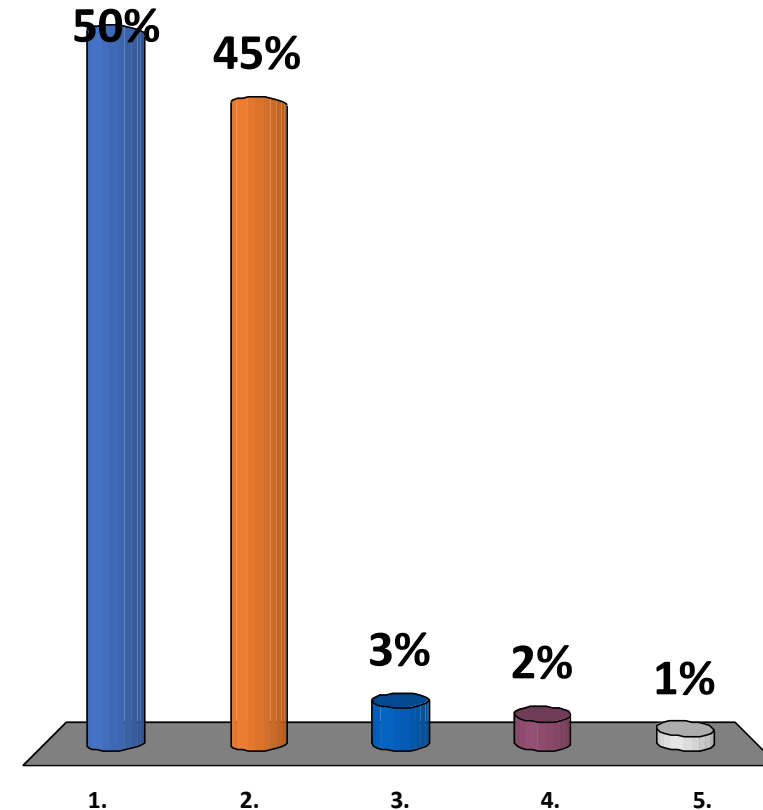
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Legislation should identify general areas of authority within which a municipality can act and enact by-laws without requiring external approval.

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



# Worksheet: Municipal Powers

Please check the types of broad powers you feel that, if granted, would help your municipality provide better governance.

# Accountability

## Current State

- Municipalities are incorporated by the Province and primary legislative accountability is to the Province

## What We've Heard

- Public expectation that councils and committees are accountable to residents or communities

## Other Jurisdictions

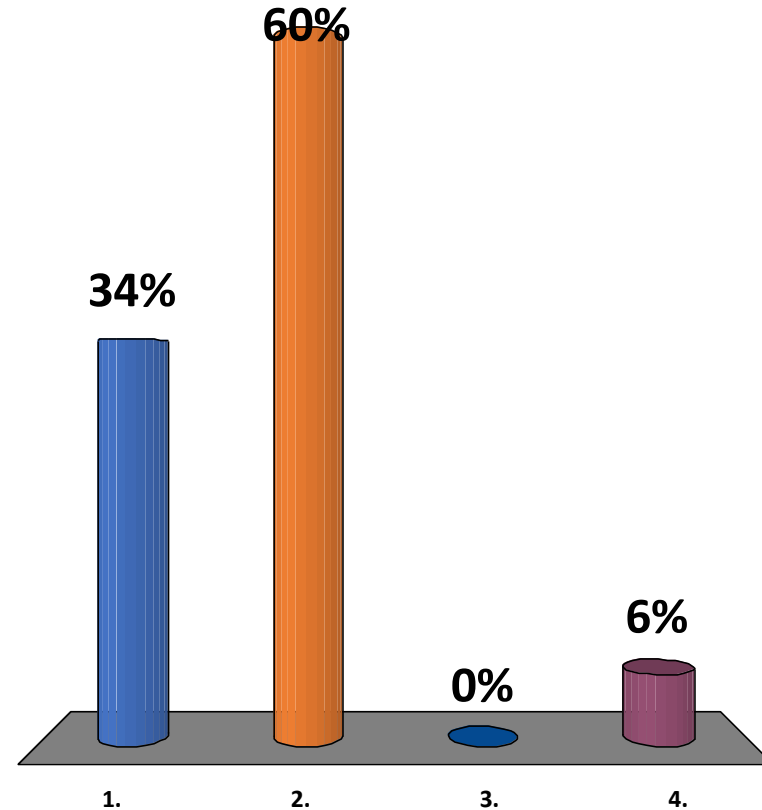
- Most provinces and territories require annual performance and/or financial reporting released publicly

# Accountability

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Municipal governments (city councils, town councils, LSD committees) should be primarily accountable to:

1. Provincial government
2. Residents
3. Businesses
4. Other



# 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

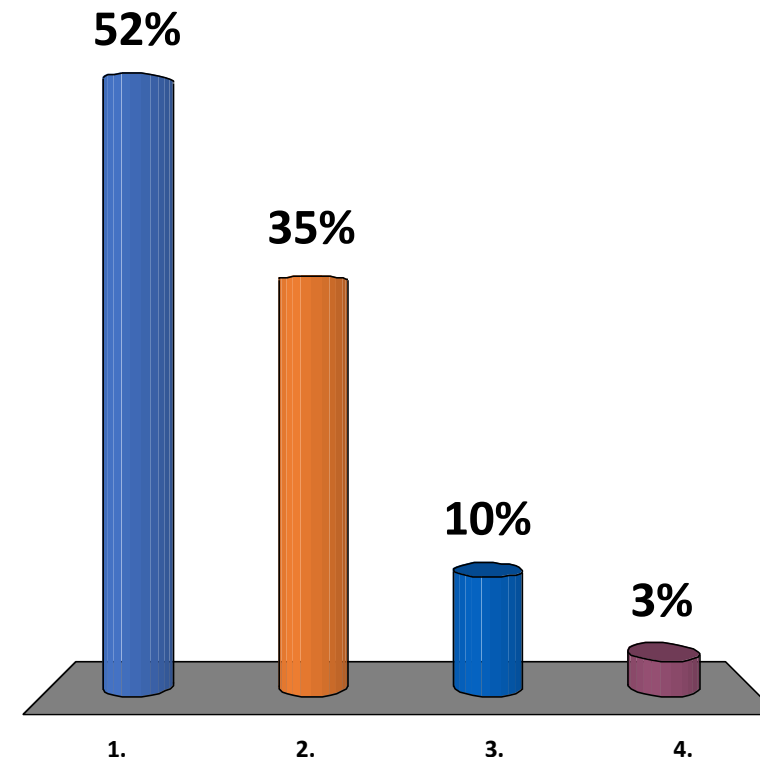
- Most provinces require councils to establish Code of Conduct or Ethics for councilors and for employees

# Professional Conduct

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# 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

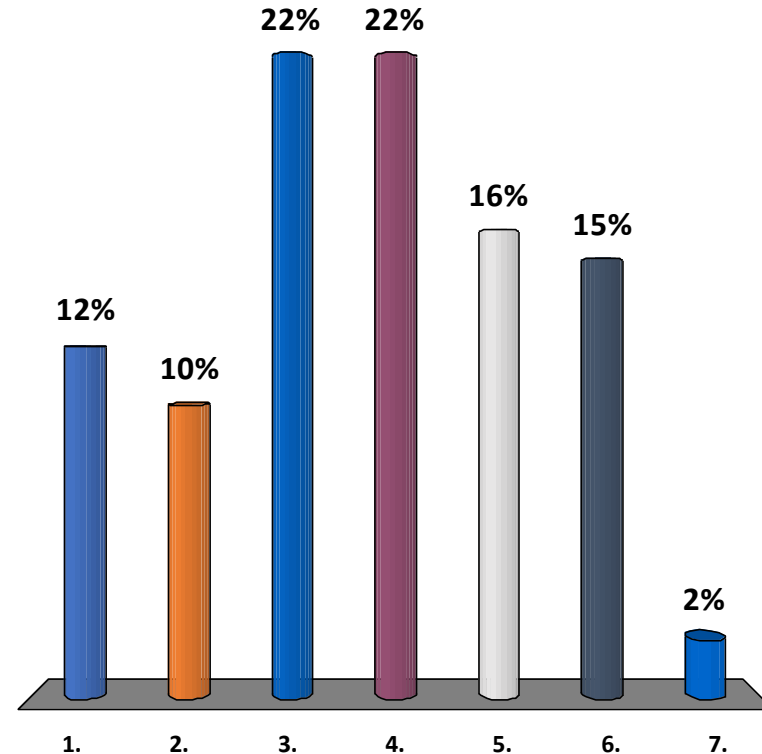


\*Guidance on content could be provided either by regulation or through training



# What penalties may be appropriate for breaches of a Code of Conduct? (select all that apply)

1. Public report
2. Fines
3. Suspension
4. Seat vacated
5. Bar from running in subsequent election(s)
6. Escalating discipline
7. Other



# Worksheet: Legislative Renewal

Can our largest and smallest municipalities be governed by the same legislation?

Points to consider:

- Do large and small municipalities deal with the same types of issues?
- If legislation was enabling, could Towns and Cities be governed by the same legislation?
- Are there ways to support capacity building in our smaller communities?

# Next Steps: Anticipated Timeline

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**Spring 2018**

Phase II engagement sessions to commence

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**Summer 2018**

Review and analysis of Phase I and II engagement feedback

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**Fall 2018**

Public release of What We Heard summary report

Review, research and analysis

Premier's Forum – Potential Agenda Item: overview of what we heard and discussion of possible topics/areas for new legislation

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**Winter 2018-19**

Draft legislation

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**Spring 2019**

Legislation to be introduced in the House of Assembly

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**To submit comments/ideas:**  
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