

MUNICIPAL LEGISLATION REVIEW

Progress Update
& Report Back on Premier's Forum

SCOPE OF REVIEW

Comprehensive review of municipal legislation:

- 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 and working group convened

Winter 2017-18

Phase I public engagement – open submissions

Cross-jurisdictional research

Spring/Summer 2018

Phase II public engagement – deliberative discussions

Continued cross-jurisdictional research

Summer 2018

Review and analysis input/feedback and research

Begin development of recommendations

WHAT WE HEARD

Phase I – Open call for written submissions

- 74 written submissions
- + other correspondence, MNL resolutions, PMA member survey

Phase II – Deliberative Discussions

- 145 participants at 11 regional sessions
- Online questionnaire
- MNL Symposium, PMA Convention

> 2,100 individual comments, suggestions, recommendations

Phase I – What We Heard

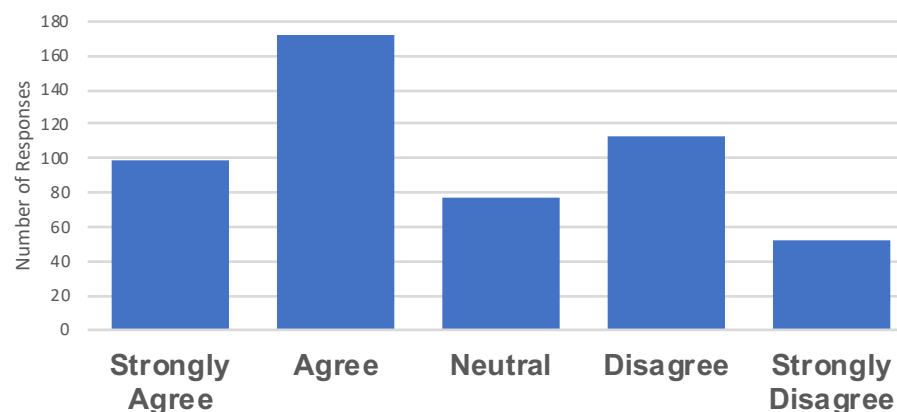


Phase II – What We Heard

Which of the following is more valuable?

Municipalities have the ability to make their own decisions on local issues.	47.2%
Municipalities have specific instructions on how to manage local issues.	52.8%

“My community has the capacity to accept more flexibility and autonomy”

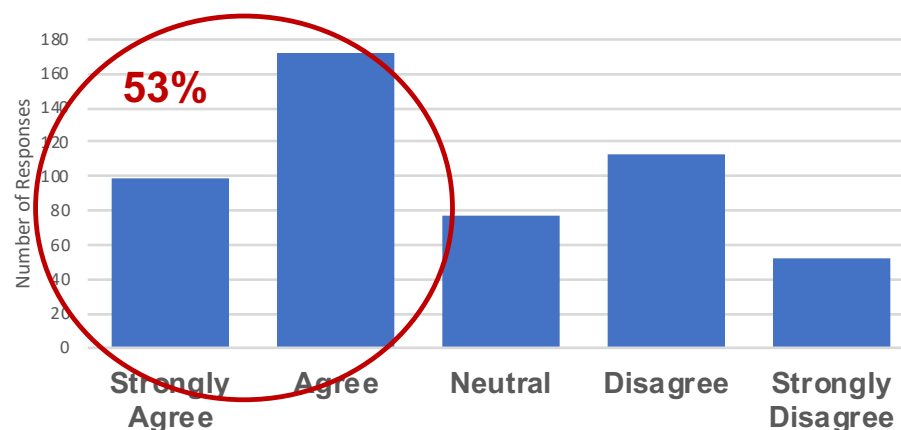


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Premier's Forum on Local Government

October 4th, 2018



PREMIER'S FORUM AGENDA

Conflict of Interest Code of Conduct Enabling Legislation

- Mix of polling questions, table activities, and table discussions
- Collaborative problem-solving

CONFLICT OF INTEREST

- Legislative elements of Conflict of Interest provisions
 - Definition – specific v. general
 - Process – committee v. notice period
 - Penalties – leniency clause v. range of penalties
 - Appeals – court process

CONFLICT OF INTEREST

Workshop Activity: Develop a conflict of interest framework

Priorities identified:

- Fairness
- Flexibility
- Strong, clear definition
- Clear penalties
- Forgiveness for unintentional conflict
- Appeals process prior to court

CODE OF CONDUCT

Can the same general procedures and penalties be applied to code of conduct violations? Why or why not?

- Majority = Yes, but
- Penalties could be the same (range, progressive)
- Council should resolve internally, move to 3rd party if needed
- Consistent across province
- Mandatory training for councillors and staff

ENABLING LEGISLATION

- Provincial Government committed to:
 - Empowering municipalities in local decision-making
 - Increased autonomy for municipalities
- Enabling legislation framework consists of three essential elements:
 - Municipal purposes
 - Broad powers
 - Enforcement authority

SAMPLE FRAMEWORK

Purposes <ul style="list-style-type: none"> • Good governance • Safe and sustainable communities • Services and facilities • Economic, social, environmental well-being 	
Broad Powers (examples) <ul style="list-style-type: none"> • Natural person powers • Safety health and welfare • Programs, services, and facilities • Activities in public places • Business and business activities • Public works and improvements • Nuisances • Dangerous or unsightly properties • Traffic, parking, and pedestrians • Heritage and heritage properties 	Enforcement Authority <ul style="list-style-type: none"> • Regulate or prohibit • Issue orders or stop actions • Take action/ perform remediation • Lien real property for cost recovery • Issue fines, tickets (voluntary payment), licences, permits, approvals
	Interpretation <ul style="list-style-type: none"> • Powers interpreted broadly • Respect council's right to govern in manner council considers appropriate

ENABLING LEGISLATION

Workshop Activity: Resolve a municipal issue

Each table assigned one of three case studies:

- All tables arrived at a solution OR identified alternative approaches
- Solutions varied between groups
- Everyone able to identify authority to act
- Identifying practical enforcement difficult in some cases

ENABLING LEGISLATION

Opportunities

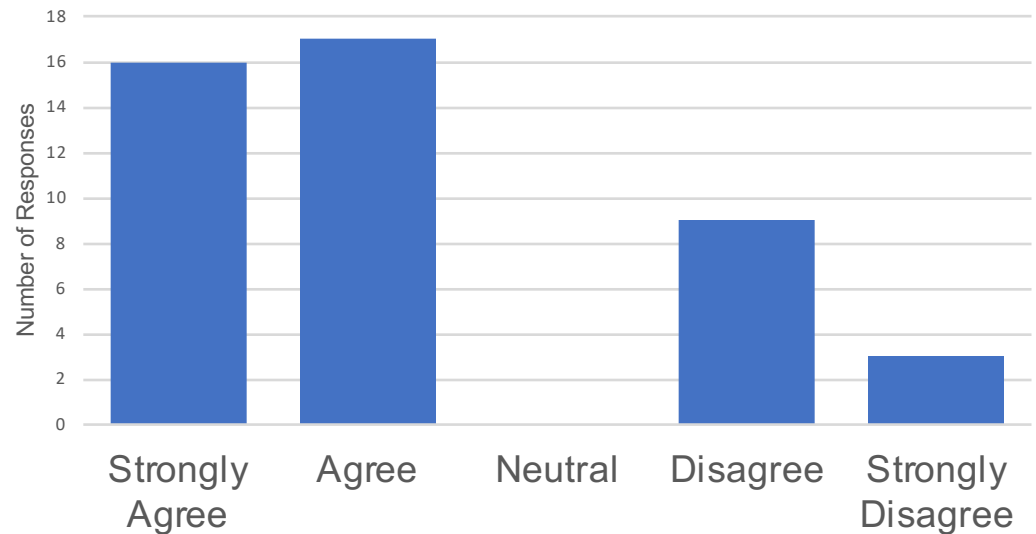
- More flexibility
- Easier process – less time consuming
- Immediate decision-making
- Increased autonomy
- Regional enforcement between towns
- Incorporate use of technology

Challenges

- Enforcement, particularly resources
- What works for one situation may not work for another
- More legal analysis / requires more interpretation
- May lead to frequent changes to by-laws (i.e. after each election)
- With power comes accountability

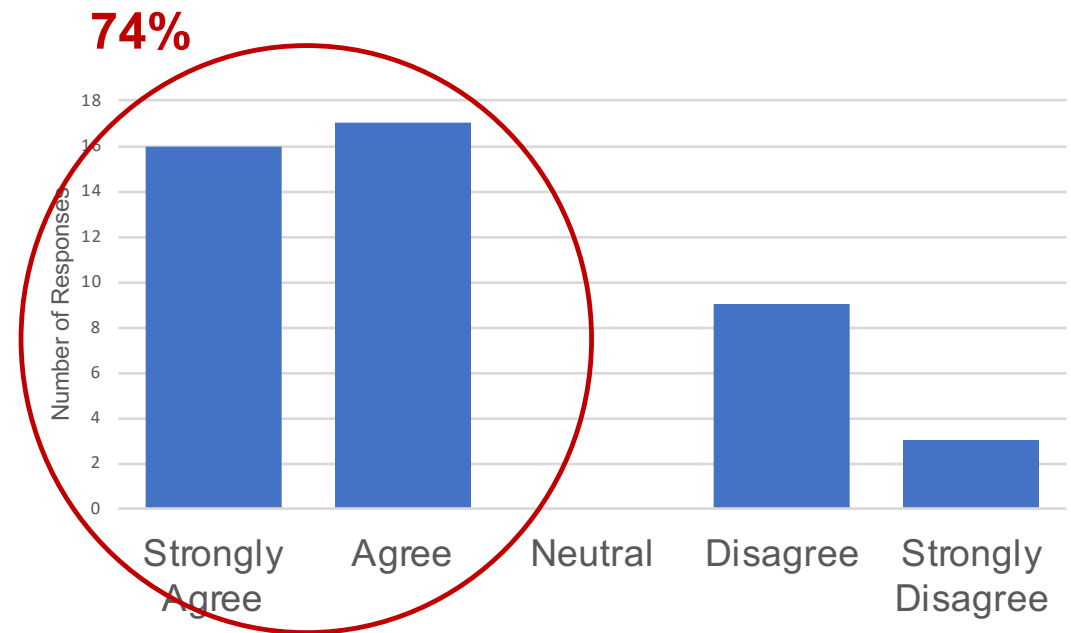
My community has the professional and operational capacity to use enabling legislation

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



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