

MuniLegislativeReview

From: Brian Peach <cao.baieverte@gmail.com>
Sent: Tuesday, January 16, 2018 9:58 PM
To: MuniLegislativeReview
Cc: Krista Planke
Subject: Municipal Legislation Written Submission

I have brainstormed a few ideas to get things started and I look forward to taking part in the more thorough discussions to come!

1. Requirements for a Town Clerk should probably be extended to at least a Full-time Town Clerk (or a minimum number of hours like 30 or 35). It is difficult for a Town to be governed and for our Clerks to get a grasp of all the legislation if they are not even able to work full-time.
2. Firefighting claims - Towns should have some form of authority to charge fees to a property owner or their insurance company after fighting a fire. Even if this is limited to just an hourly amount or a non-accountable amount plus the cost of consumables. If a Department has 2 or more fires in one year, they may not be able to recover effectively to prepare for the next.
3. Towns should be able to buy and sell assets or services from one another without going through the Public Tender Act or the disposal of assets requirements in the Municipalities Act. This is absolutely essential if the Province wants to empower municipalities to effectively regionalize their efforts. In our circumstance, we were unable to legally purchase a dump truck from another Town without violating one of the Acts.
4. Towns should be granted better liability immunities in the civil legal system so that we do not have to expend our scarce resources on legal services. Resident or business concerns should be addressed either through voting, petitions, or the regional appeal process.
5. Recovery of unpaid taxes currently involves seizure and sale of land. The main issue is that clear title rarely exists when dealing with non-paying tax payers. Also, the value of land is at times less than taxes owing. The ideal circumstance would be granting powers to collect unpaid taxes from garnishing portions of wages from employers or government transfers with requiring legal service fees. If this cannot be done, the title situation could be cleaned and addressed if it could be made clear that the Town can seize title and sell the property if no-one steps forward to pay the taxes.
6. For business tax, the "no fixed place of business" thing should be clarified. In my opinion, if you do \$100,000 of business in Town A, \$40,000 in Town B, and \$30,000 in Town C, you should be charged a portion of the revenue from each Town. If you pay a full business tax due to your headquarters or contractors yard being registered in a NL Town, then you are exempt. If you do not pay a municipal business tax anywhere in NL, then you should have to pay the gross revenue tax. I would consider limiting this definition of business to actual visually verifiable physical services (like carpentry, heavy equipment work, etc.). This would help keep businesses inside of a Town stay on even footing against business owners stationed at the outskirts of Town or in an LSD or unincorporated area.
7. Tax Credits - Paying municipal taxes with disposal income sets the wrong tone. The Province should allow Municipal tax payers to receive a credit on their provincial taxes for municipal taxes paid (similarly to other provinces) and should advocate for the Federal government to do the same.

8. Volunteers - there should be a whole section about using volunteers to perform work for a council to guide us in governing/administering appropriately. How does OH&S fit in? Can we give honoraria or gifts? Are they covered under insurance, workers compensation, etc?

9. Mandatory Regulations - whenever the Act refers to "a council shall have regulations", the province should create a default set of regulations that are to be in-force if a Town does not issue their own regulations. Many Towns do not have the regulations listed as "shall have" and even those who do often have outdated or inappropriate provisions. Getting uniformity on regulations will really help Towns in seeking advice from one-another or Municipal Affairs.

10. Newspaper Circulation - Please take out all strict outdated requirements to circulate things in a Newspaper in all the Acts. Public posting and online posting are more effective.

Thank you,
- Brian

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