

MUNICIPALITIES ACT REVIEW

The Municipalities Act is long and complex so it is not my intention to go through it line by line or Section by Section. There will be overlap, but that may be good as it emphasizes the confusing parts of the Act and attempts to seek resolution.

Municipalities are creations of the Provincial Government/Department of Municipal Affairs. The Municipalities Act sets the bounds and direction as to what Municipal/Town Councils can and cannot do. The leadership of the Department of Municipal Affairs in this regard, is awesome. It can create Councils, investigate Councils, declare Councils dysfunctional, suspend Councils, and disband Councils. Municipal Governments cannot by interpretation (or misinterpretation) re-write the act in their operation or interpretation. The Act should be clear as to what is required, permitted, or allowed. There should be no need of municipal governments or individuals to hire lawyers to interpret the Act and when the Provincial Government (various Departments) suggest this, they are merely passing the buck. When an Act is written in plain/clear language, then there is no cause for misinterpretation or variable interpretation.

This is the major task the Review Committee is faced with - to produce a plain/clear Act.

THE MUNICIPALITIES ACT VS UNDERSTANDING THE ACT

The Act must be read and understood. One Councilor once suggested that a Section of the Act be read each day, and then when the end of the Act is reached, it be re-read Section by Section, day after day to really know the Act.

Of course, if the Act is not read at all or not read carefully, there will be confusion as to what it means. For example, Section 207 (1)[a. b. c. d] is clear, yet the Conditions for Conflict of Interest are often not read nor understood.

The importance of READING, and UNDERSTANDING the Act must be emphasized.

COUNCILS AS DEMOCRACY

There is no doubt that elected Councils are democratic. But what about Councils that occur via acclamation or appointment? Are there levels of democracy? Recently the Internet News in reference to the Minister states: "He says the Department of Municipal Affairs can't walk into a town that was democratically elected and strong-arm a council into doing what residents want."

What is the role of Municipal Affairs/Provincial Government in the case of acclaimed or appointed Councils?

What is the role of Municipal Affairs in “doing what residents want”? Isn’t “doing what residents want”, democracy?

OATH OF OFFICE

What does an Oath of Office really mean? Is it a formality or is there any force behind it?

The Oath of Office includes:

“I will faithfully, to the best of my ability, perform the duties and responsibilities of my office and will not allow any direct or indirect monetary or other personal or private interest to influence my conduct or affect my public duties in public matters.”

When Councilors take the Oath of Office, do they not commit to represent the residents of the municipality? Where are “duties” and “responsibilities” spelled out?

In a democracy is it a duty and responsibility of Councilors to respond to the correspondence of residents?

If they choose not to respond to residents, is that a violation of the Oath of Office and should they resign and give someone who will represent the residents an opportunity to govern?

CORRESPONDENCE POLICY

Should Correspondence Policy include the requirement of Council to respond to residents?

Below is the Processing Correspondence Policy from the Town of Portugal Cove-St Philip’s. The Policy focuses on logging correspondence into the system. There is nothing that states correspondence shall be answered, or by whom, or in a particular time frame.

Should this be stated clearly, or is it understood from the Oath of Office?

Town of Portugal Cove-St. Philip’s
Processing Correspondence Policy

Note: Numbering may be misplaced.

Pursuant to the authority vested in the Town Council of Portugal Cove-St. Philip’s the following policy has been adopted on the 25 day of April, 2017

TITLE

1.1 This document shall be known and cited as the Processing Correspondence Policy.

DEFINITIONS

- 1. 2.1 “Council” shall mean the Town Council of Portugal Cove – St. Philip’s.
- 2. 2.2 “Town” shall mean the Town of Portugal Cove – St. Philip’s.

3. 2.3 "Town Correspondence" shall mean any and all written correspondence (including email) addressed to the Town, with the exception of those marked "Private and Confidential". Correspondence does not include items such as cards, invitations, solicitations, catalogues, general interest etc. which will be directed to the appropriate recipient where applicable and appropriate.

2.4 "Council Correspondence" shall mean any and all written correspondence (including email) addressed to the Mayor, Councillor and/or Council, with the exception of those marked "Private and Confidential". Correspondence does not include items such as cards, invitations, solicitations, catalogues, general interest etc. which will be directed to the appropriate recipient where applicable and appropriate.

POLICY CLAUSES

3.1 All correspondence should be opened, date stamped and attached to the original accompanying envelope (if applicable) by front line staff.

2. 3.2.2 Town Correspondence addressed to a specific individual will be distributed to staff in the format received.
3. 3.2.3 Town and Council Correspondence (scanned if received hardcopy) will be added to SharePoint under 'Correspondence: Incoming'.
4. 3.2.4 Hardcopies will be given to the Deputy Town Clerk (DTC) for filing. Town staff, at their discretion, can remove the hardcopy and control the paper file.

3.0

2. 3.2 DTC will update 'Follow Up Information' field in SharePoint with where the correspondence was dispersed:
 1. 3.2.1 Public Council meeting – logged in the Correspondence section of the Council package for dissemination, decision or for information

Note: Following the Public Council meeting, the Council Correspondence log will be updated

2. 3.2.2 Committee – committee chairperson and administrative staff committee member will be emailed notified. The administrator can add the correspondence to their agenda.

Note: DTC will flag correspondence requiring immediate action in order to ensure a prompt and official reply

3. 3.3 DTC will log incoming correspondence in the Council Correspondence log for inclusion under the Correspondence section of the Public Council Meeting

3.3.2 The Council Correspondence log will be updated with outcomes from the Council meeting

4.0 AMENDMENTS

March 2, 2010, Motion #2010-062 September 12, 2012, Motion # 2012-301 April 25, 2017, Motion #2017-234

5.0 REPEALS None

6.0 DATE EFFECTIVE June 20, 2006, Motion #06-246.

NOTE: THERE IS NO PROVISION THAT CORRESPONDENCE IS TO BE ANSWERED, THAT THE SENDER IS TO RECEIVE A REPLY, EITHER TO LOGGED CORRESPONDENCE OR CORRESPONDENCE MARKED PRIVATE/CONFIDENTIAL.

ADMINISTRATION/HUMAN RESOURCES

Who is the key employee position in a municipality – and if there are more than one, who are they and what is their role/responsibility?

The key employee position must be responsible to Council for the overall operation of the Town and should have her/his thumb on the pulse of the Town. That person should possess an intimate knowledge of the Town. Under the Charter of Rights and Freedoms, an employee cannot be required to live in the Town, but the key employee must get to know the town and its residents. This only makes sense in terms of managing the Town on behalf of the residents.

The terms/roles "Town Manager", "Chief Administrator Officer", "Chief Executive Officer" should be distinguished. If roles are not named in the Act, should they exist?

If the Town by its size, warrants a Manager, or CAO. or CEO, this should be a stand-alone position and not hyphenated with other employee roles such as /Treasurer/Heritage Officer/Engineer/Public Relations Officer.

EMPLOYEES AS COUNCILORS

What rules/guidelines apply to the dual role of employee and Councilor when a employee of one town is elected Councilor in a neighbouring town?

For example, in Town A, the person may sit in Committee/Council meetings as an employee representing a particular Department. In that role, the employee takes direction from the Council. In Town B this employee sits in the role of Councilor and gives direction to an employee in a similar role, s/he occupies in Town A!

What are conflict of interest regulations for a Councilor who may be aware of information obtained from their role as employee of another town that may be pertinent to issues of the town in which they are Councilor?

Or, what are the conflict of interest regulations for an employee who is privy to information in their role as Councilor in Town B for their role as employee in Town A?

An employee of Town A is an employee of the Councilors. In a regional or Provincial meeting the Employee joins his/her employers as a colleague by her/his role of Councilor in Town B! What are the rules of interaction?

MUNICIPAL APPEALS – Sections 408 and 409

(a) There should be a note that the Procedures followed during an Appeal are clear to the participants, pertaining to who may speak, and the order of speakers. These should be clearly outlined before the Hearing begins.

(b) There should be no place for lawyers as part of an Appeal. Then it becomes a court – with questioning/cross examining, etc. The aggrieved party should represent themselves (or have the assistance of a friend) and a Town employee/Councilor should represent the Town.

(c) If lawyers represent the Town, then in actual fact, the lawyer is being paid from the tax revenue of the resident who is appealing! The resident is paying for the right to appeal and paying their opponent's legal representation. This is an issue of fairness if not an issue of conflict.

(d) Section 409 allows 14 days from the date of decision to appeal. Most residents are not experts in the Appeal Process and may require more than 14 days to prepare. The time for appeal should be 21 days.

(e) While not covered in the Act, the cost of an Appeal is a factor and may be a deterrent to a person filing an appeal. Prior to the NL Budget increases of 2016, it cost \$113.00 (\$100 + tax) for an appeal. That may be considered reasonable, but could be lower. After the Budget increases of 2016, the cost of an appeal went to \$230.00. This is a deterrent to a lot of people and deprives many residents of righting a wrong.

An Appeal should be considered along the same lines as Access to Information in terms of ease of accessibility.

USE OF THE WORD "MAY"/PROVIDING CLEAN WATER

While the use of the word "may" provides for flexibility in administering the clauses of the Act, it also detracts from the direct leadership of the Department of Municipal Affairs/Provincial Government.

The Provincial Government has to establish priorities in certain areas – especially clean drinking water which should be made available by municipalities when funding permits. In 2010, the UN General Assembly declared clean drinking water a human right. The Federal Government

(Health Canada) has maintained it is a priority. Yet this is not the case with the Provincial Government of NL.

For example, Section 156 (1): "A Council MAY, subject to the Water Resources Act and regulations made under that Act, construct, acquire, establish, own, and operate:

(a) a public water system ...

Focus on the environment has changed light years since the Act was written in 1999. The right to clean drinking water was recognized by the UN General Assembly in 2010. Health Canada recognizes this right.

The Act should state clearly that clean drinking water SHOULD be a priority (there could be others) in terms of accessing funding from Provincial and Federal sources.

Councils need more direction consistent with the advancement of scientific knowledge in 2018.

In Portugal Cove-St. Philip's there is a Senior who must go to St. John's to purchase clean drinking water. There is another resident who has no water at all and must go to a neighbour to get water for all purposes, including to flush a toilet. This is 2018.

In 2014, the Town was approved a MYCW project for Water or Water/Sewer for 4 roads for \$2,763,119.00, including the road the Senior lives on. In 2016, the Town Council decided to take away this funding for other purposes, including a route to a new depot - there is no record/report under ATIPP that a new depot is needed. The Department of Municipal Affairs approved taking away funding for clean water. If clean water had been an established priority in the Act this would not have happened.

When funding is obtained for clean water, then the Department of Municipal Affairs should hold the Town Council to that commitment, unless it can be shown that clean drinking water is no longer needed.

From stats provided by the Local Governance and Planning Division, in their Discussion Paper on Regionalization, 95.1% of Towns 1000 population and over provide a Water supply service. In Portugal Cove-St. Philip's, with a population of 8000, less than 50% of the residents are water connected. And of this number, I would think about 1/2 were provided water by developers. So, in spite of funding received in 2014 and in spite of waste water plants functioning at less than 1/2 capacity, there is no plan for providing water-sewer for the remaining residents.

Larger Towns should be required to develop a long term water/sewer plan.

Even worse, the Town has put a stumbling block in the way of residents acquiring water/sewer by their Water/Sewer Cost Recovery Policy adopted on August 1, 2017 less than two months before a Municipal Election and without consultation with residents. In PCSP the Town's share was 30% of General Revenue. Under the Water/Sewer Cost Recovery Policy, the Town's share is now paid out of pocket by the residents obtaining water/sewer.

The amount of money resident must pay is based on the Town adopted Formula:

12. Formula:

Municipal Project Cost = Project Cost – Cost Share

Recovery Cost = Municipal Project Cost - Permit Assessment Fee Allocation - General Tax Base Allocation - Water or Sewer Tax Base Allocation

Recovery Cost Rate = Recovery Cost / Total Service Area

Service Levy Rate = Recovery Cost Rate

Service Levy Area = Total Service Area – Local Improvement Assessment Area

Local Improvement Assessment Area = Total Serviced Frontage x Minimum Lot Depth + 15m x 0.5 x Total Serviced Frontage

Minimum Lot Depth = Minimum Lot Area/Minimum Lot Frontage

Service Levy = Service Levy Rate x Land Parcel Area

Total Local Improvement Assessment = Recovery Cost Rate x Local Improvement Assessment Area

Total Service Lateral Assessment = (Approximate Total Lateral Cost/Project Cost) x Recovery Cost

Service Lateral Assessment Rate = Total Service Lateral Assessment/Number of project's planned laterals
Service Lateral Assessment = Number of Service Laterals to Parcel x Service Lateral Assessment Rate
Total Main Assessment = Total Local Improvement Assessment – Total Service Lateral Assessment

Main Assessment Rate = Total Main Assessment/Total Serviced Frontage

Main Assessment = Parcel Frontage x Main Assessment Rate

Local Improvement Assessment = Service Lateral Assessment + Main Assessment

NOTE: THIS SEEMS RATHER COMPLICATED AND SEEMS FOCUSED ON AREA AS AN INDICATOR OF COST IN PROVIDING WATER/SEWER RATHER THAN ON A LINEAR MEASURE! What is the rationale.

How does Minimum Lot Depth reconcile with Standards of Zones? For example, for Residential Medium Density (water/sewer on site service) the

Minimum Front Yard is 9 metres; the Minimum Rear Yard is 9 metres; the Minimum House Area is 80 sq.m. Won't these added together (80 sq.m converted to m) equal Minimum Depth?

When the Provincial Government is going to COST-SHARE funding for water or water/sewer, it should be clear to municipalities what this COST-SHARE means for funding coming from outside the municipality. It must be understood that in a 70-30 COST-SHARE AGREEMENT, 70% comes from Provincial taxpayers, from Trepassey to Nain to Port aux Basques who have no say in how their funding is used in another municipality! If a Town is to take away the 30% of the Town's General Revenue, then perhaps, the taxpayers from Trepassey to Nain to Port aux Basques should be given the option to take away their funding from that municipality!

When the Provincial Government decides to cost-share infrastructure there should be comparable regulations for all municipalities. If a municipality decides not to cost share from Town General Revenue, and makes residents pay out of pocket, the Provincial taxpayers contributing to the cost share arrangement should have the option to withdraw their funding.

WATER TAX/FEEES

A. Section 130 (WATER TAX) states: "A council of a municipality served by a water system shall impose upon the owner of real property, located inside or outside the municipality that is capable of being serviced by that system, a tax, to be known as the water and sewage tax."

Interestingly, while municipalities MAY provide water, there is no hesitancy in stating they SHALL tax water.

(a) Why would a municipality have the authority to impose a tax on real property OUTSIDE the municipality?

(b) Why would the tax be known as the "water and sewage tax" if the user has (a) water only, or (b) sewer service only? Should the designation be water tax or sewage tax, which can be combined as a water and sewage tax. All of these options exist in the Town of PCSP.

B. Section 131 (TAX VARIATION) (1) states: "...the amount or rate or tax may differ in respect of residential and commercial buildings and different classes of residential and commercial buildings." (my underlining). (a) What are "different classes" of residential and commercial buildings?

Section 131 (8) states: "the minister may (Note "may") make regulations to establish a water and sewage tax applicable to "school", "scheduled hospital", "building owned by the Crown.". There is no mention of "church".

C. Section 118 (TAX EXEMPTION) exempts certain "real property" from "real property tax" – namely, 118 (d) churches, and 118 (f) rectory. What about the water/sewage tax – should this be imposed on a washroom in a church? What is the practice across municipalities?

LOCAL IMPROVEMENT ASSESSMENT/SERVICE LEVY

Following from a point made earlier, Section 149 is more often misunderstood rather than not being written clearly.

D. Section 149 (LOCAL IMPROVEMENT ASSESSMENT)

According to the Act (149, 1), a Local Improvement Assessment is based on the application of **TWO** clauses or conditions: (a) **AND** (b). With the force of **AND** (not **OR**), both would have to apply for a Local Improvement Assessment Fee to be imposed.

The significance of language, including punctuation is highlighted by the following from the Internet: "A Missing Oxford Comma Just Changed the Course of a Court Case"

Both conditions of providing water/sewer **AND** other infrastructure must be present before the Act is invoked for LOCAL IMPROVEMENT ASSESSMENT.

E. Section 149 (2) addresses a Service Levy. This concerns "new development" as opposed to changes "benefiting" the property and sets out three Conditions for imposition.

There are three conditions for new development.

Section 150 (4) of the Act emphasizes the focus is on "development" when it notes that a service levy shall be assessed on the real property based upon (a) the amount of real property benefited by the public work related to the total of the real property that is benefited
AND

Density of **development** made capable or increased by the public work.

Local Improvement Assessment and Service Levy are frequently misunderstood and "service levies" may be imposed by municipalities when the conditions do not warrant.

The Development Regulations of the Town of PCSP Town Plan, further specify with respect to Service Levy:

Development Regulations – 2014-2024
Section 13 (3a) states:

"A service levy shall be assessed on the real property based on (a) the amount of real property benefited by the public works related to all the rural property so benefited."
[NOTE: The assessment is "relative" not absolute. The value of all rural property so benefited would have to be known in order to assess the amount of the service levy on any particular property?]

From PCSP Council Minutes – August 11, 2015 – Motion 2015-288

3. Levy Payment Plan for Skinners Road project

Further to the motion of July 30, 2015, the committee discussed payment options and noting as previously stated, there will be no connection fee charged to the property owners being levied on this project, the following is put forward:

Resolved that Council implement a maximum 5 year Levy repayment plan for the Skinners Road project commencing in 2016 with a reasonable rate of interest charged as determined by financing charges on the project funding.

Unanimously

NOTE: Skinners Road is a developed area. Is a Levy for water installation applicable as per Section 149 (2) of the Municipalities Act?

Furthermore:

(a) Implementing a Local Improvement Assessment for water/sewer starts a slippery slope. In the future will residents have to pay for their garbage service? recreational facilities? street lighting benefiting them? What other services will they have to pay for? Once a levy has been imposed the precedent has been set.

(b) It raises the question of what services shall be subject to a Local Improvement Assessment? For example, should a bridge across a river connecting a few houses, and used mainly by these residents and which the majority of town residents, will never use, be subject to a Local Improvement Assessment and paid for by those who benefit from the bridge?

(c). If the goal of the Local Improvement Assessment is to make residents pay for services that benefit them only, then it would follow that since residents paid to have w/s sewer installed then any monies accruing from this, such as water/sewer fee, should be for the direct and only benefit of these residents. It seems inherently wrong to make residents pay for installing w/s and then pay w/s annual fees as part of general revenue for the good/usage of the whole town. In fairness, these fees should be set aside in a fund for the use of residents who paid the Local Improvement Assessment.

(d) Also, if some residents are required to pay for services such as water/sewer that benefit them, then should they have the right to opt out from having their taxes go towards town services/functions/activities that do not benefit them?

SECTION 10: MUNICIPAL PLAN

While this is from the Municipal Plan, not the Municipalities Act, it seems like the authority comes from the Provincial Government.

This addresses Discretionary Powers of Council, and Discretionary Uses of Development. Does Council have authority in using Discretionary Powers to approve or refuse an application for Permitted Use, Discretionary Use, or both with valid reasons? Does Council have Discretionary Powers to approve an application that does not meet Permitted or Discretionary standards as stated with reasons outlined by Council? Section 10 needs more direction from Provincial Government.

CONFLICT OF INTEREST

Conflict of interest is often misunderstood. While the conditions for conflict of interest are set out in Sections 206-212, these are not always read and referenced. The onus on Councilors to read and understand Conflict of Interest Regulations must be made clear by Government.

Below is an excerpt from a Council’s Minutes of November, 2017, that shows confusion on the application of Conflict of Interest.

A Councilor addresses Council:

“Does Council consider Councilor X’s position of (their workplace position) as being a conflict with what they do as a Councilor. Each Councilor answered no, they do not.

That is not the correct question!

1. A Councilor cannot be in conflict of interest because of their role/position in the workplace.
2. A Councilor cannot be in conflict of interest because of where they live or what property they may adjoin.
3. A Council cannot consider/believe a Councilor is/is not in conflict of interest.
4. A Councilor can only be in conflict of interest if they are in violation of Section 207(1)(a, or b, or c, or d) of the Municipalities Act.
5. The key words in these Regulations are VOTES/DISCUSSES, MATTER.
6. The MATTER must be an issue that provides a monetary interest for the Councilor or relative (defined), or for a company/association for which they are an employee/agent (207(1)(d). (AGENT needs to be defined.)

7. Voting to accept payment of the Town's regular accounts would not be a Matter as this is a regular part of Council proceedings.

8. If there was a discussion on a MATTER that impacts a business where an Councilor works or is associated with, and if the Councilor participated in the discussion and/or voted (if there was a vote), there would be conflict of interest. There would be monetary implications for the employer and the Councilor would have taken part (207(1)(d).

The rest of Council can discuss/vote on any business with (the workplace). This does not affect the Councilor as long as they absent themselves. But there is no conflict of interest because A COUNCILOR WORKS IN A CERTAIN PLACE.

9. A source of confusion in interpreting the Act, is Section 209. For some strange reason, Councilors jump to Section 209 before addressing Section

207. Section 207 must be dealt with first.

10. If the response to Section 207 is clear, then a decision can be made about whether or not a Councilor is in conflict of interest.

11. If, in addressing Section 207, it is unclear/or there is doubt as to whether a Councilor actually DISCUSSED in Council/Committee / or whether there was actually a MATTER, etc. then Section 209 comes into play and lets Council decide this question of Doubt. Council has to clarify the doubt, or lack of clarity before proceeding further.

12. There is no conflict of interest until a Councilor crosses the line and DISCUSSES/VOTES on a MATTER affecting themselves/relative/employer in a monetary way. This is clear in Section 207.

13. The words "potential conflict of interest" are sometimes used and cause confusion. The word "potential" does not exist in the Act. There is no potential conflict of interest.

SUGGESTED PROCEDURE

If an item is to be discussed or voted on, and a Councilor is aware that if she/he should discuss or vote on the matter, she/he should make a statement such as the following and absent themselves until the matter is discussed/voted on:

"If I remain for the next item and discuss or vote on it, I will be in conflict of interest and so I absent myself."

ANOTHER SUGGESTION

Conflict of Interest Allegations often tear Councils apart. This sometimes happens because Councils jump to Section 209 and believe they have power over Section 207 which spells out the conditions for Conflict of Interest.

If a matter is straightforward under Section 207, there is no problem in deciding Conflict of Interest.

If the matter is not straightforward under Section 207, if there is DOUBT about whether these conditions apply, then Councils should not be forced to declare whether or not a Councilor is in conflict. Problems occur when the Council is divided on the outcome.

For situations when there is DOUBT whether a Councilor is in conflict of interest, this should be settled by a person within the Department of Municipal Affairs, a person who is qualified in the Municipal Act and legal interpretation. The decision of that person should be binding on council.

This would take a lot of stress and strife out of Councils. Section 209 of the Act should be withdrawn and re-written to indicate this.

However, Section 207 is clear. Section 206 (2)(a)(b) states a Council's obligation when a Councilor is in violation of Section 207. But there are instances when, in spite of conflict being clear from Section 207, Councilors vote that a fellow-councilor is not in conflict. Is Section 206 a useless clause or are there/should there be repercussions for Councilors who vote a Councilor is not in conflict of interest when an examination of Section 207 clearly indicates otherwise. The repercussions should be clearly stated in the Act.

THERE ARE ATTACHMENTS OF CORRESPONDENCE ILLUSTRATING CONFLICT OF INTEREST CONFUSION.

ACCOUNTABILITY

A Council is accountable to the Residents for its actions, including the expenditure of money. Travel by councilors/staff to conferences/seminars/workshops is one expenditure. I noted travel by one person for \$4222.48. What should Residents receive as the funders for this travel? They should receive via the Town (if they choose to access) a written report on how that travel benefited the Town. This does not have to be a long report. It could be as simple as a few sentences stating: "At the ____ seminar/workshop/conference held on ____ at ____, one thing I learned that can benefit the Town is_____. There could be more than one. Taxpayers' dollars should not be paid for travel without accountability!

An Agenda for a Conference/Seminar/Workshop session should not suffice as a statement of how the conference/seminar/workshop benefited the Town. An Agenda is only a list of topics to be covered by speakers and does not indicate what participants learned.

Accountability also applies to the Minister of Municipal Affairs for ensuring accountability of Councils and for being accountable to taxpayers.

MUNICIPALITIES OMBUDSPERSON/HUMAN RIGHTS ADVOCATE

In any organization, there will likely be disputes. What is key is that there is procedure for resolving these disputes.

The Minister of Municipal Affairs has considerable authority – to create, investigate, suspend, or disband Councils. It must be clear when these actions may be taken. Previous Ministers spoke of the 3“I’s” – improper, irregular, or improvident behavior! If these exist as a reason for the Minister to be involved, then this must be clarified.

The Office of the Privacy Commissioner is very effective in obtaining information for the public. But there is no one in an authoritative position to resolve issues emanating from Council that impact residents. These may be as straightforward as Council not responding to residents’ correspondence or more complex, as Council approving policy/regulation putting residents at a disadvantage on such matters as access to clean drinking water.

Municipalities and their issues are outside the jurisdiction of the Office of the Human Rights Advocate. There must be a Municipal Ombudsperson or MUNICIPAL Human Rights Advocate. The MUNICIPALITIES OMBUDSPERSON/HUMAN RIGHTS ADVOCATE would be in a similar position to the Civil or Human Rights Advocate with similar powers. This would create a more democratic presence for residents, as citizens, in actively participating in municipal government.