

Comprehensive Review of Municipal Legislation

Terms of Reference

There are four acts that provide a legal framework for cities, municipalities and local service districts to represent the interests and respond to the needs of their communities. These acts govern how these entities function and operate.

The *Municipalities Act, 1999* came into force on January 1, 2000, replacing the earlier *Municipalities Act* which was enacted in 1979. The *City of St. John's Act* first came into force in 1902, the *City of Mount Pearl Act* came into force on July 21, 1988, and the *City of Corner Brook Act* came into force on September 12, 1985, replacing the earlier *City of Corner Brook Act* (first enacted in 1955) (collectively referred to as the "municipal legislation").

While none of the municipal legislation contain a reference to a statutory review, there have been amendments to various sections of these acts since they came into force. The current review constitutes the first comprehensive review of this municipal legislation.

1. Overview

A working group comprised of officials from the Department of Municipal Affairs and Environment (the Department) and the Department of Justice and Public Safety, with support from officials of Municipalities Newfoundland and Labrador (MNL) and the Professional Municipal Administrators (PMA), where appropriate, will complete a comprehensive review of the municipal legislation in order to develop recommendations on how to modernize the legislation, enable increased and improved local and regional decision-making and enhance accountability and transparency. Each of the cities will be engaged directly on their views on their respective Act and as a group for any issues pertaining to all three cities. The review will be used to develop recommendations for legislative changes.

This review will be conducted in an open, transparent and respectful manner and will engage citizens and stakeholders in a meaningful way. Information related to the review process, including the Terms of Reference, will be publicly disclosed. Additionally, information received and recorded by the Working Group through the engagement process will be compiled into a feedback summary report and

released publicly. The privacy of participants will be handled in accordance with the *Access to Information and Protection of Privacy Act, 2015*.

2. Review Working Group

The Working Group shall consist of members from across the Department with professional experience in fields relevant to municipal legislation. Working group members are not considered to be representatives of their respective divisions but will be expected to rely on their expertise and approach the review in an objective and holistic manner. The Working Group will be comprised of members from the following divisions with the Department of Municipal Affairs and Environment:

- Local Governance
- Municipal Infrastructure and Support
- Municipal Finance

The Working Group will also include representatives from the Department of Justice and Public Safety.

The Director of Legislative Renewal will sit as a member (Chair) of the Working Group.

3. Resources

3.1 The Department of Municipal Affairs and Environment will provide a policy professional to give support and assistance to the Working Group. This person will attend working group meetings and engagement sessions as an observer, but is expected to be actively engaged in the preparation of materials, analysis of engagement findings, scheduling of meetings, tracking of commitments and actions, among other duties.

3.2 Officials from PMA and MNL will be engaged regularly by the Working Group as is appropriate based on the progress of the review and as strategic issues arise. Cities will be engaged individually on their respective pieces of legislation and as a group where issues applicable to all Acts are discovered.

3.3 Other resources will be made available as needed.

4. Scope of Work

4.1 The Working Group will conduct a comprehensive review of the provisions and operations of the municipal legislation which will include, but not be limited to, the following:

- Identifying ways to make the legislation more user friendly so that it is well understood by those who use it and can be interpreted and applied consistently;
- Increasing openness and transparency by examining how to enhance public access to municipal documentation and information;
- Examining ways to address councillor and municipal staff code of conduct and conflict of interest;
- Modernizing legislation that supports increased and improved local and regional decision-making, service delivery and accountability;
- Examining ways to empower municipalities to govern while enhancing municipal accountability and transparency;
- Examining and clarifying the roles and responsibilities of municipalities and the provincial government;
- Exploring the potential to consolidate legislation as appropriate; and
- Examining whether the legislative framework adequately provides municipalities with the ability to generate own-source revenue and improve economic development.

4.2 Considerations of standards and leading practices in other jurisdictions:

- The Working Group will conduct an examination of leading practices, legislation and academic literature related to municipal legislative frameworks and identify opportunities and challenges experienced by other jurisdictions; and
- The Working Group will specifically consult with stakeholders, including cities, municipalities, and local service districts in addition to MNL and PMA.

4.3 The Working Group will deliver stakeholder and public engagement opportunities:

- The Working Group, in collaboration with the Communications and Public Engagement Branch, will design and deliver public engagement activities to seek input from citizens and stakeholders (including MNL, PMA, cities, municipalities and local service districts).
- The Working Group will use various engagement methods to provide a flexible and comprehensive engagement process which may include written submissions, online feedback, in-person public sessions, focus groups with key stakeholders, discussion guides, and questionnaires.

5. Working Group Analysis and Recommendations

The Working Group will prepare a submission including findings and recommendations for consideration.

6. Timeline

The Working Group will aim to have the submission provided to the Department of Municipal Affairs and Environment in Fall 2018.

7. Transparency and Accountability

- 7.1** A dedicated website will be launched and maintained relating to the Municipal Legislation Review.
- 7.2** All written submissions will be made publicly available and published on review website.
- 7.3** A complete listing of all stakeholders, organizations and individuals who make either a verbal presentation at an engagement session or provide a written submission will be published on the review website.
- 7.4** Comments collected during engagement roundtable discussions will not be attributable to any named individual however all comments will be compiled, reviewed from a privacy perspective, and published on the review website.
- 7.5** A summary document will be prepared that captures the feedback received during the public engagement sessions. This document will be published on the review website.

8. Responsibilities of the Department of Municipal Affairs and Environment

8.1 The Department will:

- establish the Terms of Reference for the Working Group;
- confirm the Working Group members;
- ensure the Working Group has access to adequate resources to conduct its work;
- establish and maintain a dedicated website for the Municipal Legislation Review to provide information about the review and provide opportunities for public engagement;
- provide logistic and operational support for the engagement process;
- approve and design the delivery of the engagement process; and,
- Ensure appropriate engagement of PMA, MNL, cities, municipalities, and local service districts.