

January 29, 2018

Municipal Legislation Review
 Department of Municipal Affairs and Environment
 4th Floor, West Block, Confederation Building
 P. O. Box 8700
 St. John's, NL A1B 4J6

To whom it may concern:

As requested, the Town of Conception Bay South would like to take this opportunity to offer Council's thoughts as to possible opportunities to strengthen the Municipalities Act, 1999. While our detailed comments are listed below, generally speaking, it is Council's belief that the Municipalities Act should be amended to provide larger municipalities with greater flexibility to conduct their business without having to seek prior approval from the Department. Many large municipalities, such as the Town of Conception Bay South, have the capacity internally to evaluate and conduct what we would consider routine transactions, such as decisions regarding land transfers or financial borrowings, that are minor when compared to the Town's fiscal capacity. Seeking approvals from the Province in some circumstances can increase the cost or time frames in which decisions can be made, thereby impeding a municipality's ability to respond or adapt to situations as evolving circumstances may dictate.

It is my understanding that the Town has historically enjoyed an extremely cordial and professional relationship with the Department and its staff, and it is Council's intent to ensure this continues. Its comments are offered in a spirit of collaboration and cooperation, and it is our hope to work with you and Municipalities Newfoundland and Labrador to further pursue this principle of increased autonomy for our Town and larger municipalities.

Council's remaining comments are noted below:

<u>Section</u>	<u>Comments</u>
18	Should be revised to be similar to Section 17 to allow a Council to hold a separate election for the position of Deputy Mayor.
78	Current Act does not apply to the PSAB standards.

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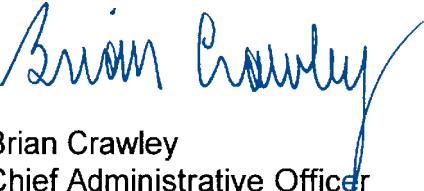
- 94 A municipality should not be required to have approval from the Minister to borrow funding for projects that are not cost shared.
- 119 (1) Wording should be amended to clearly identify what happens when the date of occupancy is prior to January 1st.
- 159 (2) Should not require Ministerial approval on Crown roads within the municipality. (Example – Town infrastructure on/under Route 60).
- 160 Add “unless deemed an emergency by the Town Council or authorized representative”.
- 163 Clarification required when individuals allege roads have encroached on their properties. Town spending money to individuals or having to expropriate to facilitate road improvements.
- 174 Towns should be authorized to buy and sell land for legitimate purposes without the approval of Minister.
- 194/404(1)(e) 194 sets out requirements for permit and 404 (1)(e) allows for an Order but does not specify that a building occupied without a permit must be vacated. This forces Towns to seek legal recourse when occupancy occurs without an occupancy permit.
- 201 — 201.3 Several amendments to this section have occurred in the past few years (2013 and 2014). This section is very restrictive. Town cannot acquire land without Minister's approval for land not necessary to its operations. Selling land is by public tender and at market value except in some limited cases where with 2/3 vote of Council and Minister's approval can sell to an adjacent property owner or for social/economic reasons. This process is very time consuming and doesn't recognize initiatives such as land banking, sale

- of Town land for development purposes or that it is surplus to Town needs.
- 202 Councils should be permitted to set the percentage rate to charge for taxes imposed.
- 203 Definition of economic development is very narrow.
- 411 Staff of a municipality should have the same protection.
- 414 List of Regulations needs to be updated. Sections covered by the Animal Health and Protection Act should be eliminated. All sections pertaining to morality should be eliminated. Sections pertaining to water conservation, pesticide use, and recycling should be added.
- 420 This section only allows for fines or jail as penalty; a Judge cannot issue an order. A Judge can issue an order under the Urban and Rural Planning Act. This same provision should apply to issuance of permits and orders under section 194/404.

In closing, on behalf of Council I would like to thank the Government of Newfoundland and Labrador for providing the opportunity to offer our thoughts on possible improvement opportunities to the Municipalities Act, 1999. The Town of Conception Bay South looks forward to working with Government to continue to improve the way in which we serve our residents. I trust that you will find our submission satisfactory, and we would welcome the opportunity to meet with you to discuss these suggestions further.

Sincerely yours,

TOWN OF CONCEPTION BAY SOUTH



Brian Crawley
Chief Administrative Officer