



Our Towns, Our Future:

supporting municipal success
from finance to operations

Municipal Act Review

Findings Report – Volume II

Supporting Documentation

2014

Municipal Act Review: Supporting Documentation

Volume II

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Municipal Act Review Process

(March 2012)

Abbreviations Legend

MARC: Municipal Act Review Committee

YG: Yukon Government

AYC: Association of Yukon Communities

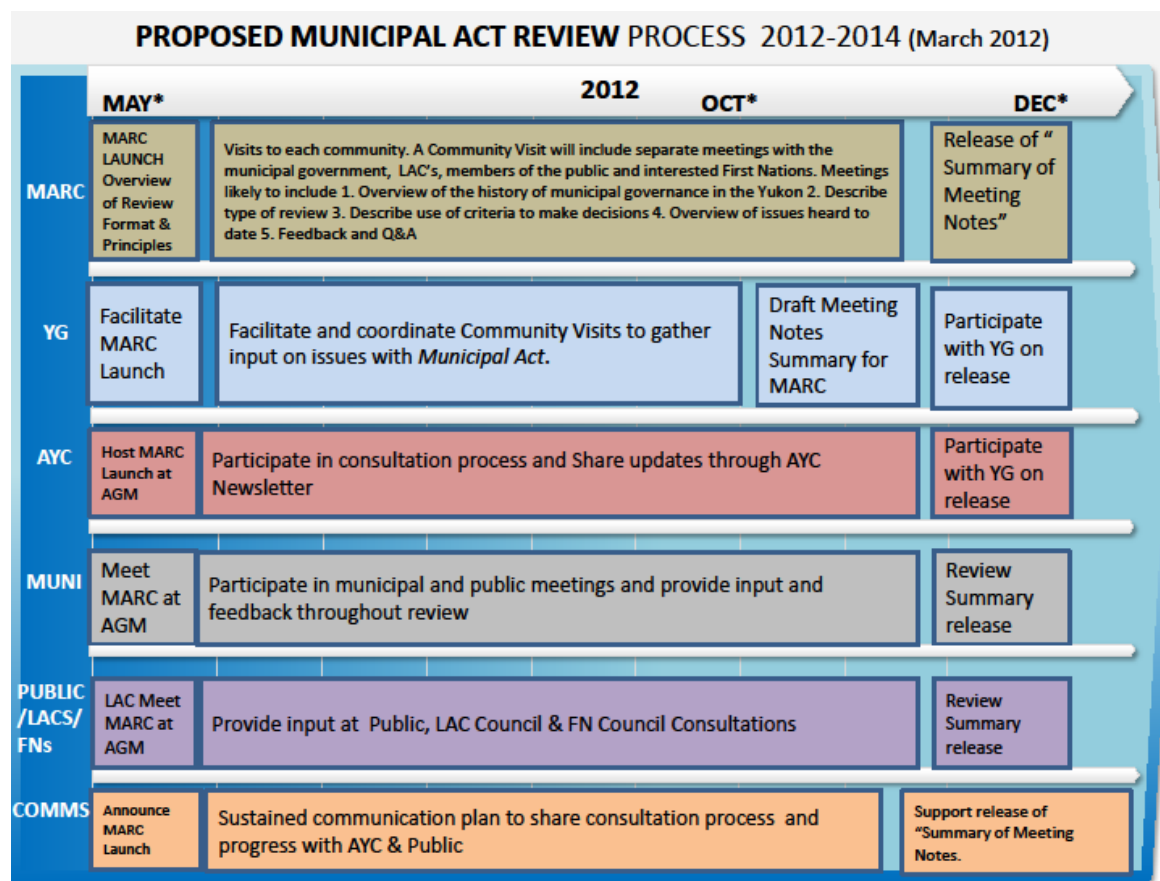
MUNI: Municipalities (Mayor, Council And Staff)

LACS: Local Advisory Councils

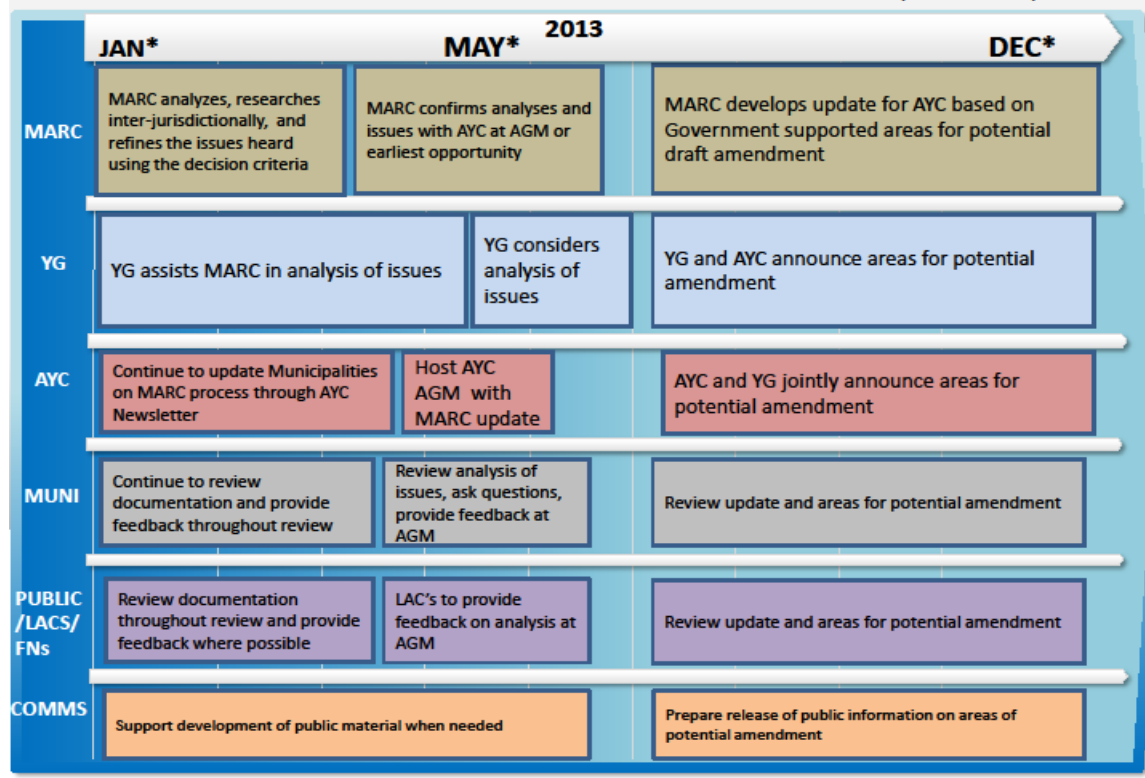
FNs : First Nation Governments

COMMS: Yukon Government Community Services Communications Unit

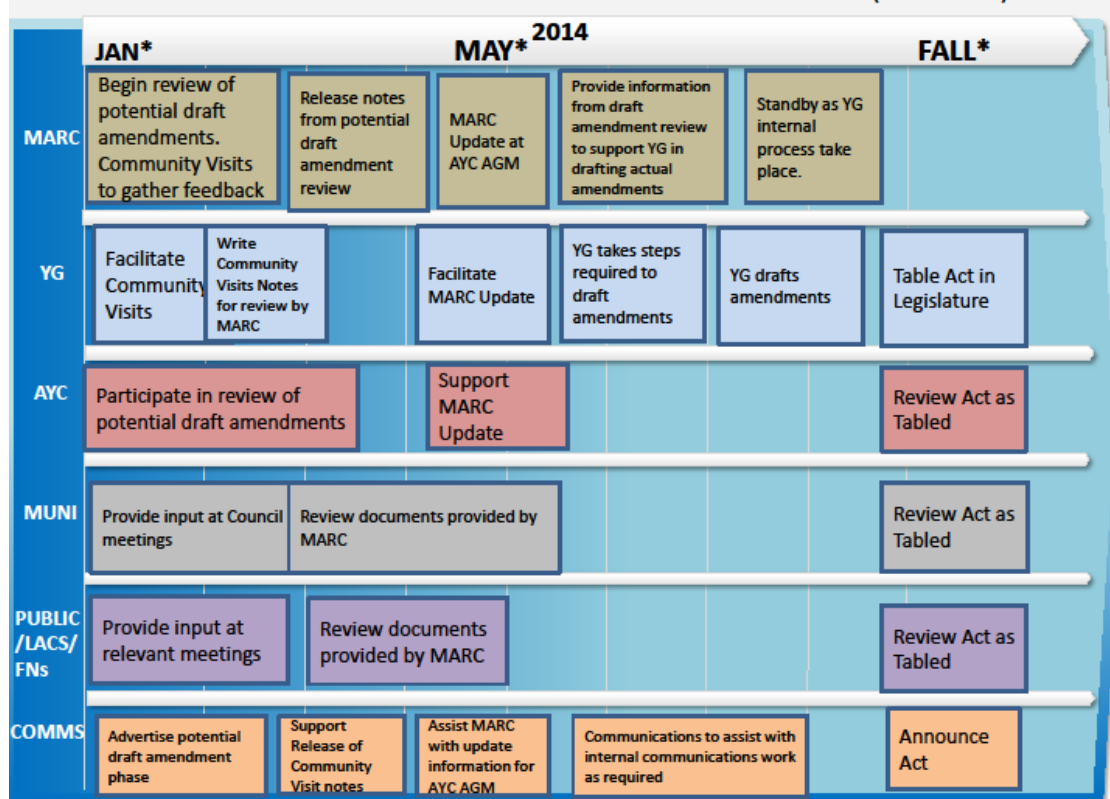
*** Dates are subject to change**



PROPOSED MUNICIPAL ACT REVIEW PROCESS 2012-2014 (March 2012)



PROPOSED MUNICIPAL ACT REVIEW PROCESS 2012-2014 (March 2012)



MUNICIPAL ACT REVIEW COMMITTEE (MARC)

TERMS OF REFERENCE

1.0 Purpose & Timing

- 1.1 With the intent of reviewing the Municipal Act, the Municipal Act Review Committee, (MARC), has been established by the Minister of Community Services (the Minister).
- 1.2 MARC will complete its work and provide its findings to the Minister no later than Fall 2014.

2.0 Mandate

- 2.1 To conduct a broad review of the *Municipal Act*, including seeking input from municipalities, First Nations, and the general public, and to review, analyse, and research issues raised and provide findings for potential amendments for the Minister's consideration.

3.0 Guiding Principles

- 3.1 When performing its duties, the MARC will consider the following principles:
 - 3.1.1 **Inclusive**: The review process will strive in its design and implementation to engage all governments, stakeholders and individuals who have interest in the review.
 - 3.1.2 **Engaging**: The review will provide multiple, flexible and creative avenues for two-way communications and meaningful dialogue.
 - 3.1.3 **Practical**: The review will strive to develop findings that can be realistically accomplished.
 - 3.1.4 **Accountable**: The MARC will regularly report on its activities to the partners, other interested stakeholders and individuals. It will also be fiscally accountable for its work.
 - 3.1.5 **Evidence-based**: The review will draw from best available research and analyses and will involve subject-area experts to inform decision-making throughout the review.
 - 3.1.6 **Partnership-led**: The Government of Yukon and AYC will work collaboratively towards a common purpose while respecting the autonomy and mandates of each party.
 - 3.1.7 **Innovative**: MARC will encourage and apply innovative thinking and actions in the review.
 - 3.1.8 **Inspirational**: The review will strive to inspire people to think long-term about local governance.
 - 3.1.9 **Open communications**: The review will ensure consistent communications to all stakeholders to facilitate engagement and help to generate shared understanding.

4.0 Membership

- 4.1 The MARC will be comprised of:
 - 4.1.1 Three representatives selected by the Association of Yukon Communities (AYC).
 - 4.1.2 Three Yukon Government (YG) representatives selected by the Minister.
- 4.2 Alternates:
 - 4.2.1 Each representative may, at their discretion, name an alternate to represent them at MARC when the representative is unavailable.
 - 4.2.2 Each representative is responsible for briefing and being briefed by their alternate.
 - 4.2.3 Alternates may attend all meetings of MARC but will have no decision-making authority if the principal representative is present.
- 4.3 The Director of Community Affairs will be the Chair of MARC.
- 4.4 If the Chair is absent from a meeting the representatives present shall select an alternate Chair from amongst AYC representatives present to preside over that meeting.

5.0 Quorum

- 5.1 Four of the six representatives must be present for quorum, and those 4 must represent two AYC and two YG representatives. The Chair does not need to be present to establish quorum.

6.0 Responsibilities of Representatives

- 6.1 Representatives are expected to actively participate in all aspects of the MARC process, purpose and mandate.
- 6.2 Representatives will conduct themselves in a professional, respectful and ethical manner.
- 6.3 Representatives are expected to regularly report back and seek input from those they represent.
- 6.4 The Chair shall oversee the conduct of the meetings and provide draft minutes for final approval by the committee.

7.0 Reporting

7.1 MARC will provide advice to the Minister. Its findings are not binding on the Minister or the Government of Yukon.

7.2 MARC will provide regular updates to the Minister, AYC and municipalities to keep them informed of progress.

8.0 Internal Communications & Minutes

8.1 MARC will develop procedures to guide the effective sharing of information among its members.

8.2 Minutes of MARC meetings: 8.2.1 will summarize discussion and provide a clear record of decisions;

8.2.2 will be circulated to MARC representatives within two weeks following the meeting; and

8.2.3 will be formally approved at the following meeting of MARC.

9.0 Administrative & Policy Support

9.1 YG will provide administrative, secretarial, research and policy support to MARC.

10.0 Frequency & Location of Meetings

10.1 MARC meetings will be held a minimum of monthly, or as required.

10.2 Meetings shall be held in Whitehorse or, during consultations, in Yukon communities. When meetings are held in Whitehorse, representatives may choose to attend (at YG expense) or participate by teleconference or video conference.

11.0 Budget & Financial Authority

11.1 The MARC is a YG Committee without authority to spend. Any costs associated with the Committee will be approved in advance of expenditure and the bills will be paid by Yukon Government.

12.0 Remuneration of Members

12.1 YG will pay accommodation, and provide travel. .. It is expected that representatives will carpool to community meetings. Other arrangements need to be approved by Community Affairs Director prior to any meeting.

12.2 Meals that are not provided will not be covered and incidentals will not be paid for. YG and AYC representatives will not receive any additional remuneration for their participation on MARC.

13.0 Decision-Making & Dispute Resolution

13.1 MARC will make decisions by consensus.

13.2 If MARC cannot resolve a matter, it will be referred to the Minister who will have complete discretion regarding the resolution of the dispute.

14.0 Public Communications

14.1 MARC will follow the communications strategy developed for the review.

14.2 MARC will establish procedures for managing public communications.

14.3 AYC will designate a key contact on MARC

14.4 Media requests shall be directed to the Chair, unless otherwise delegated.

15.0 Criteria

These criteria will be used as a screening mechanism to determine what will be included in the *Municipal Act* Review.

Partnership

- Collaboration with First Nations
- Public Participation
- Respect

Healthy

- Financial Solvency
- Resilient & Sustainable Communities
- Affordable Public Services
- Safe

Flexible

- Innovative
- Empower Municipal Governments
- Responsive

Responsible

- Trust
- Accountable
- Good representation
- Orderly
- Municipal Authority

MARC COMMUNITY VISIT SUMMARY

Themes:

(FM)	Financial Management	(FN)	First Nation Issues
(Ref)	Referendum	(SIH)	Social Issues and Housing
(C)	Council	(VE)	Voting Eligibility
(E)	Elections	(ENF)	Enforcement of the Act
(BA)	Bylaw amendments	(CH)	Municipal Charter for Whitehorse
(RG)	Revenue Generation	(OCP)	Official Community Plan Section
(LT)	Length of Term	(MC)	Municipal Capacity
(PR)	Peripheral Residents	(AYC)	Association of Yukon Communities
(OA)	Outside the Scope of Act	(J)	Jurisdiction
(Co)	Communications	(Reg)	Regional Governments
(L)	Landfill	(R)	Recommendations
(T)	Taxes	(MA)	Municipal Act Framework - Language
(Con)	Conflict of Interest/Code of Conduct		

Village of Haines Junction

- (RG) Difficult for municipalities to find investments defined in Section 234, Financial Matters
- (RG) Better definitions surrounding revenue generation
 - o Potential competition with local private business
 - o Permission for shareholding on utilities for municipal council?
- (RG) Money lending to stimulate economic growth e.g. Local Improvement Charge, municipal investment bonds (similar model to insurance deductibles)
- (Ref) 50% + 1% should be the requirement to approve a referendum. The current 15% of the voting population is too small
- (LT) Length of term should be four years instead of three
- (E) Restrictions for councillors running in the territorial election
- (PR) Peripheral residents should have limited voting rights in municipal elections
- (C) Territorial standard for councillor honoraria decided by the preceding council
- (FM) Inclusion of a definition of the specific responsibilities of the councils within the Municipal Act and their role in the final budget decisions.
- (BA) Current length of time to implement a bylaw is too long
- (Co) Stronger communication between council and public with more decisive power given to the public.
- (C) An option for councillor recall to ensure respect for public desire
- (PR) Higher taxes for peripheral residences
- (L) Clarity on landfill responsibilities
- (T) Incremental taxes for incremental services
- (T) The Mill rate should be higher in rural Yukon

Town of Watson Lake

- (RG) Stronger limitations controlling municipal borrowing
- (RG) An option for a guaranteed source of funds as insurance for critical infrastructure rather than borrowing outside of the 3% of assessed value. The council is open to the decision making body being the public rather than the Minister
- (RG) Have a form of "bond market" for municipalities

- (RG) Clearer definition on Section 247: Other Revenues and Section 248: Providing Municipal Benefits and Services. Interested in how a municipality can behave as a business and would like to protect rate-payers
- (Co) Raised municipal cooperation
- (RG) Interested in franchising utilities as is done in Alberta and NWT
- (RG) Raise the borrowing beyond 3% because of their low assessed rate (common in many small municipalities)
- (RG) Would like to have third party liability removed or limited
- (C) Size of Council should have less than 180 days to add members to council
- (LT) Some feel that the term should be extended from three to four years. Some are happy with it as it is
- (C) A shorter timeframe between required attendance before dismissal from council
- (BA) Pleased with current bylaw and bylaw enforcement section
- (E) Dislike public posting of the voting list
- (OA) LFN do not have land claims
- (FN) Accord signed between LFN and YG is not in action
- (C/FN) LFN is interested in having joint meetings with council
- (SIH) Raised social responsibility and awareness from the municipality such as housing and childcare
- (SIH) Interested in sidewalks to assist the disabled and elderly when commuting
- (Co) Improved public awareness of bylaw amendments; better notification
- (Co) LFN would like to receive council meeting agendas
- (Co) Plain language transcripts of proposed bylaws before the first reading
- (E) Staggered elections to help with continuity
- (E) A mandatory workshop before being eligible to run for council
- (FM) A cross jurisdictional check of council finances to promote accountability including standardized financial transparency such as providing monthly or bimonthly financial statements
- (C) Stronger enforcement of policy guidelines for council
- (C) Public inclusion during or after council meetings
- (Con) Section 193: Disqualification of Members of Council needs to include more areas of potential conflict of interest

Village of Teslin

- (MA) Would like a condensed, plain language version of the *Act*
- (MA) A clearly defined explanation of the roles of Mayor, Councillor and CAO
- (C) A minimum requirement for new councillor orientation
- (LT) Length of term should be extended to four years from the current three
- (FN) Clarity between the *Municipal Act* and the TTC Final Agreement, specifically regarding boundary limits
- (FN) Chapter 22 currently presents VoT and TTC with contractor hiring issues and often causes the TTC and VoT to work against each other
- (PR) Clearer definition regarding voting and services for peripheral residents
- (Reg) More explanation/information about regional governments
- (C) Uniformity when creating supplementary documents (e.g. OCP)
- (FM) Would like to have the Canadian Pension Plan provided to mayor and council
- (C) Potential to expand the municipal boundaries to include TTC. TTC is currently taxed at the regular municipal tax rate but our peripheral residents
- (SIH) Interest in shared housing between TTC and non TTC residents of Teslin

Village of Carmacks

- (RG) The current section on Revenue Generation for municipalities is too vague.
- (SIH) Clear definitions of responsibilities (e.g. non-social housing)
- (LT) Term of office should be extended to four years from three
- (E) Staggered elections are a good idea but would limit relationships within council
- (RG) Implementation of user fees

- (VE) Council is split between representation by taxation or by residency. Positive to have business owners vote because they add to the economy of the municipality
- (ENF) Violations of the Act should be punished
- (Con) Would like a Code of Conduct added to the Act
- (MA) A section should be added to the Act stating which other pieces of legislation limit municipal jurisdiction when the Act does not
- (FN) Pleased with Section 230: Agreements with Yukon First Nations as it has created a good relationship. Proposing the idea of joint bylaws
- (LT) Do not like the idea of a limited number of terms for councillors but feel that if this were to happen, the terms should be consecutive
- (E) A criminal record check should be required when submitting nomination papers
- (MA) Municipal Act should have better definitions of the positions mentioned throughout the act (e.g. The "Inspector")
- (C) The public should have the right to recall councillors
- (CH) A specific charter for Whitehorse should be created

Town of Faro

- (RG) The Financial Matters Section is too vague. Council would like to know if they can operate as a business
- (E) Staggered elections would provide continuity but reduce time for relationship building
- (LT) Four year terms is too long and may deter people from running for election
- (C) Councillor recall may be a good thing however it could be detrimental in a small community
- (REF) Public likes the referendum option as currently outlined but feels the council should have more protection
- (RG) Revenue generation outside of taxation is not clear
- (OA) The town would like to see an emergency fund in place
- (OCP) Zoning for the OCP isn't well described in the Act
- (Co) The two weeks required to inform the public about decisions is not long enough. More focus on media communication (i.e. websites, email, etc)
- (MC) Municipalities should be able to limit responsibilities based on population because many communities do not have the capacity to meet the regulations implemented by new standards
- (Co) Importance on public consultation
- (AYC) More AYC involvement with council honorariums
- (Con) Act should include a councillor Code of Conduct but the council should have input on the code.

Village of Mayo

- (MA) Include a section referencing other legislation that conflicts with the Act (i.e. Health and Safety Act)
- (AYC) Council wants to be in contact with AYC regarding the distribution of permits and the issues around signatures verses application
- (OCP) Would like to have the OCP/zoning section simplified to be clear on timelines if OCP/ zoning amendments are done simultaneously
- (MA) Would like all cross-referencing and contradictions to be eliminated from the Act
- (FM) Section 234: Financial Matters requires more clarity
- (MA) Would like to see the Act reviewed more often than every ten years
- (MC) Protection for municipalities against the downloading of responsibilities (eg. Infrastructure)
- (PR) Stronger conditions for dealing with peripheral residents (eg. When attempting to extend municipal boundaries)
- (FN) Would like a FN rep appointed to the Municipal Act Review Committee
- (FN) Explanation of the effects of Bill C-38 on First Nations and the Act
- (FN) A clear outline of how boundary expansion would affect the zoning and service agreements between the municipality and FN

- (OA) NND has issues with contaminated areas within a municipality and would like to know what, regarding agreements, could be done about the areas
- (C) Stronger consultation measures between FN and council
- (C) Better councillor orientation
- (PR) More legislation on boundary expansion to limit peripheral residents from using services
- (RG) The public supports the council's ability to have tipping fees at the landfill. In favor of council holding powers similar to this

Dawson City

- (LT) Some of the council feel that three years is long enough for municipal government
- (VE) A stricter enumeration section regarding voting provisions in the Act
- (VE) Council is split between representation by taxation and by residency. GILT properties are not clear
- (VE) Special and advance voting should be removed as it is difficult to meet time requirements
- (Reg.) Not in favour of regional government. Support for minimal forms of government
- (MA) There should be a specific method of consultation between Minister and Municipality on important projects within a municipality
- (OA) Federal legislation is lacking communication methods
- (OA) Keep YESA and Municipal Act separate
- (VE) Would like eighteen to remain the legal voting age
- (MA) YG is to acknowledge "City of Dawson" as the legal name of the municipality
- (MA) Section 17 should be reworded to clarify "30% of the population"
- (RG) Legislation should not restrict a municipality from revenue generation
- (MA) Section 243 should be more clear/strict
- (MA) The power of supervisors should be better defined within the Act
- (RG) Exceeding the debt limit should be at the discretion of the public, not the Minister
- (FM) A uniform territory-wide accounting system with potential for required involvement from AYC
- (R) Recommend the committee reads the forensic audit performed by Ian Doddington for research purposes
- (MA) A supplementary document should be created and included that references other legislation which conflicts with the Act
- (Ref) Clarity should be given to Section 151 and include if a council can remove the results of a referendum if the bylaw is never tabled
- (OCP) Would like to see financial implications for not abiding by an OCP
- (OCP) Council should be required to review the OCP every year
- (MA) Regulations should remain out of the Act
- (Ref) Referenda and Plebiscites should not be an option of major infrastructure
- (L) The Municipal Act should include or describe obligations concerning landfills
- (C) If a councillor recall is in place, the benchmark should be similar to that of British Columbia (50% + 1%)
- (MC) Downloading of regulations should be evaluated for cost by YTG before a municipality adopts the regulations
- (MA) Section 272: Jurisdiction and control should be written more clearly

City of Whitehorse

- (OCP) Current OCP says that it "may" comply with FN
- (FN) KDFN is drafting its own Lands Act which currently complies with the Laws of General Application
- (FN) KDFN wants to have its own laws so it does not have to come to the City or Yukon Government for approval on land issues, as it makes KDFN feel like a developer rather than a government.
- (FN) Should property tax be paid by First Nations or should Health and Safety Regulations be adopted
- (OA) KDFN would like a protocol to be followed when doing business with the CoW
- (OA) Municipal Act does not apply to settlement lands

- (OCP) KDFN would like to be a signing authority on the CoW OCP
- (OA) The Lands Act is outdated
- (L) Municipal Act does not say that a municipality must operate a landfill but the Public Health Act does
- (MA) Yukon Municipal Board needs to be improved and made more transparent
- (MA) Public Land Use Dedication needs to be changed
- (OA) There is a requirement to register settlement land in the Land Titles Office
- (C) Public would like to have access to the MARC minutes and vetting process report
- (MA) A review of land planning legislation and how it relates and corresponds to the Municipal Act
- (MA) The Act could use a preamble
- (MA) The public liked how the 2003 review was performed
- (C) Municipal Board should be required to submit a progress report at least once per year complete with a list of members.
 - o Members should not be grandfathered but appointed for a set term
 - o Municipal Board should have more of an impact on decisions
- (E) Possibility of a ward system
- (C) Increased public education on the Municipal Act including the history of the government and what a municipal government means
- (MA) More advertising for the Municipal Act review with stress on the importance and the effect the Act has on citizens
- (MA) Interested in what is considered 'cutting edge' municipal legislation in Canada
- (Ref) Citizen participation is nullified about plebiscites and referenda based on court decisions. Citizen participation should be mentioned throughout the Act, not only in the preamble
- (Con) The accountability of the municipality/councillors should have mechanisms of operation
- (OA) Lobbyists should be required to register under lobbyist legislation in the Yukon to ensure transparency
- (PR) Council should be required to share the reasoning behind suggested changes with the public to promote participation
- (OA) All information should be relayed to the Minister of CS
- (CH) Whitehorse should have its own charter to handle the problems that are unique to a community of its size in the Yukon
- (MC) The Act should address capacity levels based on the size of the municipality
- (R) Alberta's legislation is designed in such a fashion that size dictates responsibility
- (Reg) Public would be interested in a regional government to deal with the peripheral residence issue
- (Reg) Strengthen the section that addresses regional governments
- (MC) Downloading of services/regulations should reflect a municipality's capacity
- (R) Suggested looking at the structure of the Alaska State legislation
- (C) Public notification is important and what may seem like housekeeping is actually very important to citizens
- (MA) The broad terms being used as the guiding principles are important as they allow for maximum information to be considered
- (MA) It would be helpful to have definitions provided for the guiding principles. The definition of sustainability that AYC and YG use is the same the MARC should use for the guiding principles (economic, cultural and ecological)
- (OCP) Public would like to know the rationale behind the OCP when it is finished
- (MA) The territorial and municipal jurisdictions should be more clearly defined
- (MA) Would like land planning performed by the municipality to be relevant, transparent and in plain language
 - o Jordan's principle: do the right thing and worry about the jurisdiction later – this could apply to the current housing crisis, especially around social housing
- (C) The public find the land planning and OCP processes frustrating
 - o People feel ignored and that their voices are not heard
 - o Public education should be a large part of the process
 - o Information in plain language should be available in a variety of formats, i.e. websites, large print posters, etc.
 - o Could organise groups of constituents for a meeting

- (MA) In emergency legislation, time limits can be issued to projects
- (T) Municipality should have a tax increase to meet the service demand, however the tax should increase incrementally each year rather than holding flat for ten years followed by a big, sudden increase
- (MA) Importance on services
- (MA) Municipality should have the power to change as the community changes
- (OA) Landlords in a municipality should have requirements with regards to their rental properties, particularly around increases in renting costs
- (J) Define and make clear jurisdictional linkages
- (C) Public – Private partnerships should be more explicit
- (FM) PPPs could lessen a municipality's liability
- (MA) Feel that some sections within the act should be more specific
- (RG) Research should be done on the possibility of issuing municipal bonds
- (RG) Council would like to be able to issue fees for the extension of services upon new development
- (RG) Council would like to know if a municipality can establish a development corporation under the Municipal Act?
- (RG) Protection for the municipality against third party liabilities(Building inspectors and infrastructure construction)
- (J) Municipalities find there is sometimes political intervention from other levels of government on some municipal projects which council would like to have protection against
- (FM) Clarity on Local Improvement Charge
- (MC) Protection against the costs of downloaded responsibilities
- (CH) Would like to see municipal governments recognised as a level of government within the charter
- (Reg) Would be interested if MARC included information about second tier/regional governments on the OTOF website
- (MA) If a pipeline were to go through Whitehorse, council would like to know what would happen with regards to zoning and taxation
- (MA) Information should be provided in the Municipal Act on inter-related Acts
- (T) Municipality would like the power to enforce different forms of taxation for different types of properties (i.e. Oil/gas vs. residential)

Local Advisory Committees (Marsh Lake, Tagish, Mt. Lorne, South Klondike-Carcross, Ibex Valley)

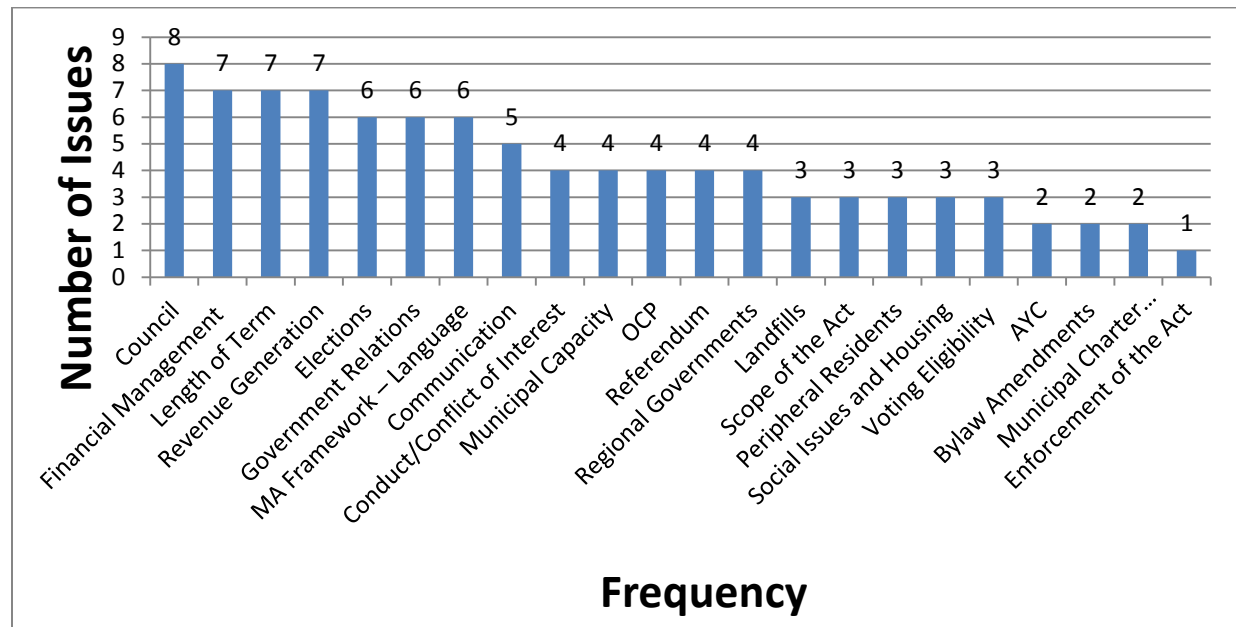
LAC Specific Themes:

(RA)	Responsibility and Authority	(LCI)	Local Council Issues
(MR)	Ministerial Relationship	(LFM)	Local Financial Management
(OIC)	Order In Council		

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- (RA) Concerned with the number of steps required to reach the ministerial level from the advisory council. Current process has too many levels before being implemented among the departments
 - (MR) Mandate states that the LAC advises the Minister of Community Services. This should extend for LACs to provide advice to all ministers of territorial government
 - (MR) Increased LAC/government interaction. Council would like a stronger relationship
 - (C) Public would like a LAC website with access to agendas and financial records
 - o Website could include a plain language educational tool to help the public understand the role of local government and their relationship with YG
 - (OIC) OIC needs to be amended to restrict advanced polling or special ballot options for voting by proxy. There have been instances where residents have been unable to vote because they were not in the area on the voting date
 - (E) Eliminate steps and costs by placing municipal elections at the same time as territorial elections
 - (LT) No issue with the current length of term
 - (E) LACs should not be responsible for funding elections – or should receive a bump in funding every election year
 - (Reg) What other models are there for regional governance (current Muni Act provides flexibility)

- (MA) Would like to see refinement to the land use section because of a problem with someone “squatting” in the South Lake area
- (RA) Concerns with their ability to be heard when immediate changes are required
- (LT) Happy with a three year length of term
- (RA) Council would like more power and accountability measures for the government during the decision making process. Council would like powers similar to that of municipalities without incorporation
- (RA) The early version of the Act provided LACs with the ability to make changes. Council would like to see this returned to the legislation or to have explanations given when requests are not implemented
- (LCI) Hiring someone to coordinate the local organizations that use board structures would create a more sustainability
- (RA) Specific language outlining the “step by step” initiation of authority and levels of structures available to the council
- (LCI) Council would like to receive feedback regarding their input and how it was considered during the decision making process
- (RA) LAC would like more influence as an “entity” under the Act
- (LCI) LACs should not have the option to approach AYC and YG separately if they are unhappy with the other group’s response. This can reduce the council’s credibility as it would appear that they are undermining one or the other
- (LFM) Councils should not be penalized or have to return the extra money when finishing an annual budget with a surplus unless it is found that the council is not adequately funding their community. If the LAC loses the money that is not spent it may promote councils to spend their surplus where they would not have otherwise
- (LFM) Financial authorities should be closer to that of a municipality
- (LT) Happy with current length of term. Do not see a benefit to staggered terms. Final decision should be uniform for all communities
- (LT) Four years would be the ideal length of term
- (LCI) LACs would like to have access to the mailing addresses of those within their district. These addresses would be held in confidence. These could be gathered from the tax rolls but it would be much easier if YG could provide them
- (MA) LACs would like to be included in the Zoning and Land Use Planning section of the Act
- (RA) LACs would like more decisive and enforcement power (eg. Zoning issues, Dog Teams and noise concerns)
- (LCI) Some LACs would like all LACs structured the same way with a ward system
- (E) YG should cover the costs of returning officers in LACs
- (FN) Clear definitions around the impact that regulations will have on FNs groups. Possibility of tension between zoning designations
- (VE) More voting rights for non-fulltime residents of unincorporated areas. Consideration for non-Canadian citizens who own property in the area or all taxpayers to be given a ballot
- (MA) Act could be structured to allow LACs to change their relationship with the local First Nations in the event that the LAC becomes a municipality
- (MAC/FN) Potential for interests between council and FN to be handled together (e.g. Tagish River Protected Habitat)
- (MA) Coherence and consistency of laws
- (C) Stronger communication within YG consultation. The community loses confidence in the LAC when they are unable to get answers from YG or move forward on decisions. Consultation should require a debrief explaining how the concern was addressed and the result was achieved
- (RA) YG needs to be more responsive to unincorporated communities
- (MA) Roles and responsibilities of YG, LACs and AYC need to be clearly defined in the Act. If municipalities manage their planning through OCPs then LACs should have land planning to assist them
- (LFM) LACs are limited by the restricted budget (eg. Were unable to purchase a tape recorder for meetings)
- (MA) Lack of street numbering is a safety concern
- (RA) LACs should be given a budget and allowed to run the Community Operations branch since they perform many of the duties already such as plowing
- (LCI) LACs would like to have YG departments respond to their correspondence more quickly
- (MA) There is a need for policies and regulations, and timelines in regulations
- (LT) Satisfied with three year terms

Community Visits Issue Summaries



Issue	HJ	WL	Teslin	Carm	Faro	Mayo	DC	Whse	LACs
Council	*	*	*	*	*	*	*		*
Financial Management	*	*	*			*	*	*	*
Length of Term	*	*	*	*	*		*		*
Revenue Generation	*	*		*	*	*	*	*	
Elections	*	*		*	*			*	*
Government Relations		*	*	*		*		*	*
Municipal Act Framework – Language			*	*		*	*	*	*
Communication	*	*			*			*	*
Code of Conduct/Conflict of Interest		*		*	*			*	
Municipal Capacity					*	*	*	*	
OCP					*	*	*	*	
Referendum	*				*		*	*	
Regional Governments			*				*	*	*
Landfills							*	*	*
Scope of the Act					*		*	*	
Peripheral Residents	*		*			*			
Social Issues and Housing		*	*	*					
Voting Eligibility				*			*		*
AYC					*	*			
Bylaw Amendments	*	*							
Municipal Charter for Whitehorse				*				*	
Enforcement of the Act				*					

Municipal Voting Requirements Summary

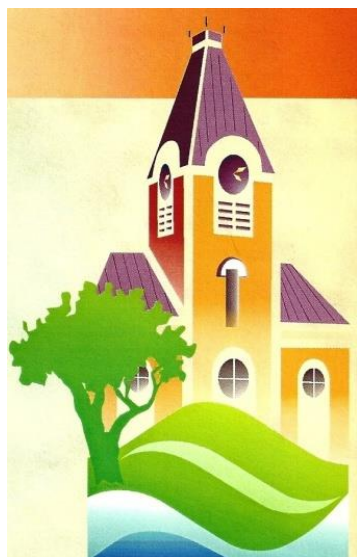
Interjurisdictional Summary completed by MARC

About half of Canadian jurisdictions allow property owners to vote.

In all provinces and territories, you must be a Canadian citizen and 18 years old to vote.

Time requirements can be based on voting day or the day the writ is dropped.

Prov/ Territory	Prov/Terr Resident	Local Resident	Non- Resident Voters	Property Owner	Notes
BC	6 months	30 days	Yes	30 days	- Can vote both where you live and where you own property - Only one non-resident vote allowed per property, residents at that property can also vote - A person can only vote once per community, either as a resident or non-resident voter
AB	6 months	Voting Day	No	-	Property owners can vote in summer villages
SK	6 months	3 months	Yes	3 months	- May vote where you live and where you own property - Three months not required for resort villages
MB	6 months	6 months	Yes	6 months	Maximum two votes per property (if joint ownership)
ON	Voting Day	Voting Day	Yes	Voting Day	A person can only vote once per community
QC	6 months	6 months	Yes	12 months	- One vote per property - Property owners can only vote if they are non-residents
NB	40 days	Voting Day	No	-	
NS	3 months	3 months	No	-	
PEI	6 months	6 months	Yes	6 months	A person can only vote once per community
NL	30 days	30 days	No	-	
YT	1 year	1 year	No	-	
NWT	1 year	1 year	No	-	
NU	1 year	1 year	No	-	



Municipally Controlled Corporations

May 2013

Provincial/Territorial Officials Committee (PTOC) on
Local Government

Comité des fonctionnaires des provinces et territoires
(CFPT) pour les administrations locales

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1. Municipally Controlled Corporations

1.1. Overview

While the establishment of municipal corporations is fairly common in certain jurisdictions such as Alberta and Ontario, it is not the case everywhere. In fact, some provinces like Québec do not allow municipalities to establish municipal corporations that have the objective of making profits. For the most part, economic development corporations are subject to the same regulations as other municipally controlled corporations. Provinces such as Manitoba have regulations pertaining specifically to development corporations, such as the limit of one per municipality in Manitoba. Many provinces expressly limit municipalities to establishing corporations for the provision of utilities.

The authority to establish or hold shares in corporations varies across Canada due to differences in the power of municipalities to enter into legal and financial agreements. Municipalities in British Columbia require approval from the Inspector of Corporations, and the Minister in Alberta and Manitoba. They may be established by bylaw in Saskatchewan and Ontario, and are subject to the same fiscal and bookkeeping regulations as other corporations. In New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland and Labrador, municipalities are restricted from establishing corporations, or may only establish them for the management and provision of utilities. Municipalities in the Northwest Territories and Nunavut have a degree of freedom in establishing or acquiring shares in corporations for the benefit of the municipality, so long as they acquire permission from the Minister first. In Québec, for a limited number of municipalities, the provision of electricity is a “municipal service” and another small town has established a coop, but the creation of corporations is not allowed by the legislation.

Municipally controlled corporations in British Columbia, Alberta, Saskatchewan and Ontario are subject to financial audits by municipal auditors or their equivalents. Controlled corporations established solely for the purpose of providing utilities are subject to the same auditing and other financial review as other municipal bodies.

The Northwest Territories and Nunavut both require explicit approval from the Minister to establish or hold shares in corporations. British Columbia requires the approval of the provincial Inspector of Municipalities.

It would be worth mentioning that natural person powers, among other things, give municipalities the right to seek profit and to compete with the private sector. For more on natural person powers, see below. Municipalities in British Columbia, Alberta, Saskatchewan, Ontario, Québec, and select municipalities in Manitoba have natural person powers, while other provinces have detailed powers prescribed by legislature.

Legislation by Province and Territory

Province	Legislation	Section
BC	<i>Community Charter</i> <i>Local Government Act</i> <i>Business Corporations Act</i>	s. 185, 215 s. 195
AB	<i>Municipal Government Act</i> <i>Control of Corporations Regulation</i>	s. 73, 279-280
SK	<i>Cities Act</i> <i>Municipalities Act</i> <i>Northern Municipalities Act</i>	s. 17, 25, 185-159 s. 23, 38, 187 s. 24, 209
MN	<i>Municipal Act</i> <i>The City of Winnipeg Charter</i>	s. 181(1)(b), (2)(d), 263-4 s. 212
ON	<i>Municipal Act</i> <i>City of Toronto Act</i> <i>Municipal Services Corporations Regulation</i> <i>City Services Corporations Regulation</i>	s. 203, 223.19(3), 223.2
QC	<i>Cities and Towns Act</i>	s. 107.7, 107.8, 458
NB	-	-
NS	-	-
PEI	<i>Municipalities Act</i>	s. 38
NL	<i>Municipalities Act</i>	s. 192.1
NWT	<i>Cities, Towns and Villages Act</i>	s. 67, 68, 123
NU	<i>Cities, Towns and Villages Act</i>	s. 53.95

Successful Examples

The most successful examples of municipally controlled corporations in Canada are utilities companies. The three largest and most successful include Toronto Hydro, EPCOR and ENMAX. Toronto Hydro is the largest municipally owned corporation in Canada and the sixth largest electricity provider in Canada. EPCOR and ENMAX, owned by the cities of Edmonton and Alberta respectively, provide power as well as water and sewage services. In addition to providing utility services to the City of Edmonton, EPCOR has begun providing water and power to communities throughout Alberta, as well as becoming the largest water provider to Arizona and New Mexico in 2012.

Natural Person Powers

The last wave of municipal legislation that began in the mid 1990's saw the introduction of the concept of natural person powers. Provinces where municipalities were granted natural person powers include British Columbia¹, Alberta², Saskatchewan³, Ontario⁴ and Québec⁵. This term is commonly used to infer that municipalities possess all of the same powers that a normal person would. Natural person powers generally do not give municipalities more

¹ *Community Charter*, s. 8.

² *Municipal Government Act*, s. 6.

³ *Municipalities Act*, s. 4(2). *Cities Act*, s. 4(2).

⁴ *Municipal Act*, s. 9.

⁵ *Civil Code*, s. 303

jurisdiction than they already had and they do not confer or expand any law-making, bylaw, or taxing powers since natural persons don't have any such authority. Instead, it affects the 'default' authority and flexibility for municipalities regarding administrative or corporate matters. Essentially, a municipality can take any action that a natural person or business could to carry out its purposes unless or until legislation prohibits an action or places limitations or conditions on an action.

However, not all municipal legislation adopted since the mid-1990s grants natural person powers to municipalities. Municipalities in New Brunswick, Nova Scotia, Newfoundland and Labrador, Prince Edward Island, Yukon, Northwest Territories and Nunavut have not been granted natural person powers. Manitoba's *Municipal Act* that was adopted in 1996, for instance, does not have provisions pertaining to natural person powers. However, the City of Winnipeg Act adopted in 2003 does grant the City with natural person powers. In Québec, municipal legislation does not explicitly grant municipalities with natural person powers. However, municipalities are granted natural person powers in the *Civil Code of Québec* (s. 303).

From Lidstone: "This enables the courts to construe municipal corporate powers on the basis of court precedents respecting natural person powers. The courts have held that natural person powers include the powers to 'purchase, own and use property, sue and be sued, enter into contracts ... and enter into contracts of indemnity'. With such powers, a local government could incorporate a subsidiary, buy shares in an existing corporation or create or buy shares in not-for-profit organizations. As well, a corporation with natural person powers may (subject to other provincial legislation) give grants in aid or transfer municipal resources in order to meet local needs" (Liteplo, *The Municipal Government Act*, Continuing Legal Education, 1994, p. 4 in Lidstone, 2004).

2. Provincial Overviews

2.1. British Columbia

Municipally controlled corporations in British Columbia are subject to the regulations laid out in the *Community Charter*. These regulations cover all forms of corporations, including economic and development corporations, as well as those designed to provide utilities and services that a municipality might otherwise provide.

As per section 185 of the *Community Charter*, a municipality may only incorporate or acquire shares in a corporation other than a society with the approval of the Inspector of Municipalities. These acquisitions are outside the limitations placed by section 183 which stipulates that money must be invested in specific funds or securities as listed. The *Local Government Act*, section 195, creates the same authority for regional districts.

Municipally controlled corporations are subject to regulations laid out in other legislation, such as the *Business Corporations Act*. This act requires all corporations, private or public, to adhere to certain business standards and include maintaining and providing access to corporate records, filing an annual report with the provincial Registrar of Companies, and meeting typical standards of documenting annual corporate maintenance materials. Wholly owned municipal corporations are included in the definition of a "local government body" under the *Freedom of Information and Protection of Privacy Act* and are consequently subject to its regulations. Partially owned corporations are not included, but contracts with the municipality and other internal documents may be subject to certain transparency requirements.

Municipal corporations are also subject to the *Income Tax Act*, although regulations differ depending on the function and ownership relationship of the municipality. A wholly owned municipal corporation performing activities entirely within the municipality on behalf of the municipality is exempt from income tax.⁶ If a municipality controls less than 90% of the shares, or if more than 10% of the corporation's income comes from outside the municipality the corporation becomes eligible to pay some income tax. A 2006 guide on municipal corporations put out by the province suggested that due to the complexity of the 90/10 rule and variety of possible outcomes, a municipality in such a situation is advised to seek tax advice.⁷ It is possible to pass the 90/10 rule and still remain exempt from income tax under very specific circumstances.

It is also interesting to note that a municipality may, under section 215(2) of the *Community Charter*, grant money to a corporation that has, as one of its aims, functions, or purposes the planning and implementation of a business promotion scheme within the municipality. This would include any municipally owned development corporation.

⁶ Income Tax Act, Section 149(5).

⁷ British Columbia, "Launching and Maintaining an Local Government Corporation: A Guide for Local Officials 2006," 2006, p. 29. Available at: http://www.cscd.gov.bc.ca/lgd/infra/library/Local_Government_Corporations_Guide.pdf

Resources

Community Charter, SBC 2003, c 26.

<http://canlii.ca/t/lqz6>

Local Government Act, RSBC 1996, c 323.

<http://canlii.ca/t/51trt>

Business Corporations Act, SBC 2002, c 57.

<http://canlii.ca/t/84ld>

Income Tax Act, RSBC 1996, c 215.

<http://canlii.ca/t/843w>

Freedom of Information and Protection of Privacy Act, RSBC 1996, c 165.

<http://canlii.ca/t/8421>

British Columbia, "Local Government Corporations",

http://www.cscd.gov.bc.ca/lgd/infra/local_government_corporations.htm

British Columbia, "Launching and Maintaining an Local Government Corporation: A Guide for Local Officials 2006," 2006,

http://www.cscd.gov.bc.ca/lgd/infra/library/Local_Government_Corporations_Guide.pdf

2.2. Alberta

Legislation in Alberta does permit but does not distinguish between types of municipally controlled corporations, including development corporations. They are [defined](#) as for-profit corporations controlled by a municipality or a group of municipalities for the purpose of providing a service. These corporations are regulated by the *Municipal Government Act*, the *Business Corporations Act*, the *Control of Corporations Regulation*, and the *Debt Limit Regulation*.

Under the *Municipal Government Act*, section 73, municipalities wishing to own or control a corporation must comply with the regulations laid out by the province. The *Control of Corporations Regulation* requires municipalities to receive approval from the Minister upon a written application to establish a controlled corporation. The application must satisfy the Minister's expectations that the corporation will be financially viable, provide satisfactory service, and include a business plan including the cash-flow projections for the first three years of operation. The Regulation also places a limit on the amount a municipality can borrow to establish a corporation (80% of the total establishment costs).

The *Municipal Government Act* provides some restrictions for municipally controlled corporations. Sections 279 and 280 require controlled corporations to prepare annual financial statements using the principles of the Canadian Institute of Chartered Accountants, and municipalities must appoint at least one auditor to report on the annual financial statements. The auditor's report, under section 281, must include a separate report to council of any improper, unauthorized or non-compliance actions by the corporation. The Act also notes that a municipally controlled corporation is one of the only organizations eligible to receive loans from a municipality, or for the municipality to be the guarantor on a loan on behalf of the corporation (s. 264).

Municipally controlled corporations are one of two options available to municipalities seeking an out-of-house option for providing services within their municipality generally supplied by the municipality. Alternatively, municipalities can establish Regional Service Commissions (RSC) in conjunction with one or more other municipalities, First Nations Reserves, Metis Settlements or armed forces bases. Much like municipally controlled corporations, they have natural persons powers distinct from municipalities. The major difference between controlled corporations and RSC is that corporations can earn a profit for the municipality but cannot expropriate land, while an RSC has the legal authority to expropriate land if authorized by the municipality, but cannot earn a profit. Additionally, a single municipality can establish a corporation while RSCs are strictly the products of partnerships.

Municipally controlled corporations are also subject to the same regulations placed on all corporations in Alberta by the *Business Corporations Act*. This includes meeting standards of accounting, record keeping, and submission of required documents to the Registrar of Corporations annually.

Successful Examples: ENMAX (Calgary) & EPCOR (Edmonton)

Two of the most successful examples of municipally owned corporations in Canada are ENMAX and EPCOR, utility providers in Calgary and Edmonton, respectively. ENMAX provides electricity, natural gas, renewable energy and related services in the City of Calgary. It has existed under various names since 1905 when it was established by Calgary as the City of Calgary Electric System. Beginning January 1, 1998, the City approved a proposal to make the Electric System a wholly-owned municipal corporation. In 2012, the corporation earned a net profit of \$225M and had total assets of \$4.3B.

Similarly, EPCOR is a corporation solely-owned by the City of Edmonton. It builds, owns and operates electrical transmission and distribution networks as well as water and wastewater treatment facilities and infrastructure. EPCOR has spread beyond Edmonton, and is now providing water and electrical services to communities throughout Alberta and British Columbia, and is the largest water provider in the states of Arizona and New Mexico. Because Edmonton remains the sole shareowner, all profits are invested back into the company or are used by Edmonton on other municipal services. Since 2002, EPCOR has paid dividends to the City of over a \$100M, including just under \$130M in 2011.

Resources

Municipal Government Act, RSA 2000

<http://canlii.ca/t/8239>

Business Corporations Act, RSA 2000

<http://canlii.ca/t/81qq>

Control of Corporations Regulation, Alta Reg 284/2003

<http://canlii.ca/t/836z>

Government of Alberta, "Governance Options for Municipal Regional Services in Alberta," Municipal Collaboration Unit Alberta Municipal Affairs,

http://www.municipalaffairs.alberta.ca/documents/msb/Governance_Options_Final.pdf

ENMAX Corporation

<http://www.enmax.com/Corporation/Default.htm>

2.3. Saskatchewan

Under section 17 of the *Cities Act*, section 23 of the *Municipalities Act*, and section 24 of the *Northern Municipalities Act*, a city or municipality may provide public utilities through a controlled corporation. Although not specifically addressed, it is assumed that bodies such as controlled corporations may be established by the municipality. Similarly, sections 25 and 38 of the *Cities Act* and *Municipalities Act* permit municipalities to establish a business improvement district by bylaw. The board of the improvement district is a corporation under the ownership and control of the municipality. The *Northern Municipalities Act* does not have corresponding legislation.

Sections 25 and 38 of the *Cities Act* and *Municipalities Act* allow for councils to establish Business Improvement Districts by bylaw. The board of a BID is considered a corporation under the ownership and control of the municipality.

Sections 158, 187, and 209 of each Act, respectively, require controlled corporations to prepare annual financial statements, and section 159 requires an auditor assigned to each controlled corporation. The conflict of interests clauses apply the same to controlled corporations as they would any other city matter.

Sections 151, 181, and 204 of each Act, respectively, permit municipalities to make loans or guarantees on loans to municipally controlled corporations. This loan must be authorized by bylaw which must include the amount of money loaned, purposes of the money, and minimum interest and repayment schedule, and the source of the money.

Resources

The Cities Act, SS 2002, c C-11.1

<http://canlii.ca/t/wrm>

The Municipalities Act, SS 2005, c M-36.1

<http://canlii.ca/t/wkp>

The Northern Municipalities Act, 2010, SS 2010, c N-5.2

<http://canlii.ca/t/8ntl>

2.4. Manitoba

In Manitoba, the City of Winnipeg differs from other municipalities due to its natural person powers granted by the *City of Winnipeg Charter*. Similar provisions do not exist in the *Municipalities Act*. Under the Charter, section 212, the city may control a corporation that it incorporates, has control over the board of management, or has direct or indirect ownership of at least 50% of the company. The Minister is able to make additional regulations overseeing the establishment and approval of a corporation. Section 218 permits the city to provide financial assistance to a controlled corporation.

In the rest of Manitoba, Community Development Corporations (CDC) are subject to Part XXI of the *Corporations Act*. The Act states that municipalities wishing to form a CDC must receive approval first from the Minister. The application to the Minister must include a description of the business of the corporation restricting it to “fostering the social and economic development of a municipality or other local area in the province,” and must clearly state the municipality or area that the corporation will service. Section 263 restricts each area or municipality to one CDC, and section 264 notes that a CDC may not distribute profits, capital or assets unless it has received the express consent of the Province.

The *Municipal Act* of Manitoba only mentions municipally controlled corporations in so far as to state the municipalities may only lend money to a limited group of organizations, including municipal participation corporations (s. 180(1)(b)) [analogous with controlled corporations], or invest in a limited group of organizations, including Canadian municipal participation corporations (s. 181(2)(d)).

Resources

The City of Winnipeg Charter, SM 2002, c 39

<http://canlii.ca/t/8j26>

The Corporations Act, CCSM c C225

<http://canlii.ca/t/8gjb>

Municipal Act, CCSM c M225

<http://canlii.ca/t/51tz8>

2.5. Ontario

Municipalities may establish a municipal services corporation (MSC) or a city services corporation (CSC) in the City of Toronto, for most services that municipalities could deliver themselves. These corporations fall under the [Municipal Services Corporations Regulation](#) of the *Municipalities Act* and the [City Services Corporations Regulation](#) of the *City of Toronto Act*. Under the regulations, municipalities (including Toronto) must designate any corporations with the sole purpose of providing economic development services as “designated economic development corporations,” (s. 9).

Corporations can only be established to provide services that the municipality could otherwise provide or will provide economic development services expressly authorized by section 9(4), including:

- (a) the promotion of the municipality for any purpose, including by the collection and dissemination of information and the development of economic development strategic plans,*
- (b) the acquisition, development and disposal of sites in the municipality for residential, industrial, commercial and institutional uses,*
- (c) provision of public transportation systems,*
- (d) provision of residential housing,*
- (e) provision of general parking facilities,*
- (f) providing a counselling service to or encouraging the establishment and initial growth of small businesses operating or proposing to operate in the municipality,*
- (g) undertaking community improvement consistent with a community improvement plan approved by the municipality under subsection 28 (4) of the Planning Act,*
- (h) improvement, beautification and maintenance of municipally-owned land, buildings and structures in an area designated by the municipality beyond the standard provided at the expense of the municipality generally, and promotion of any area of the municipality as a business or shopping area,*
- (i) provision of facilities for amusement or for conventions and visitors’ bureaus,*
- (j) provision of culture and heritage systems.*

The duty of inspecting the financial reporting of a controlled corporation in Ontario falls on the Auditor General, as per the *Municipal Act*. The Auditor General has the authority and power to conduct audits of municipally controlled corporations at the request of the municipality (s. 223.19(3)). Section 223.2 requires municipally controlled corporations to submit to the Auditor General “such information regarding their powers, duties, activities, organization, financial transactions and methods of business as the Auditor General believes to be necessary to perform his or her duties.” These duties are placed on the Auditor General of a municipality by the council by bylaw. These corporations are also subject to investigations by the municipal Ombudsman.

Previous to 2006, municipalities in Ontario were permitted to establish non-for-profit corporations as community development corporations. Section 109 of the *Municipal Act*, repealed in 2006, permitted councils to establish a community development corporation with the sole purpose of promoting community economic development. Many of the

development corporations set up under this legislation continue to function today despite the section being repealed. They are permitted to provide “fair market” financial assistance to corporations, and are required to produce audits and reports under the standards established in the *Corporations Act*.

Successful Example: Toronto Hydro

The Toronto Hydro Corporation is the largest municipally owned power distribution company in Canada, serving approximately 709,000 customers and providing roughly 18% of all electricity consumed in Ontario.⁸ The City of Toronto is the sole share holder of the Corporation which wholly owns both the Toronto Hydro-Electric System Limited company (distributing electricity) and the Toronto Hydro Energy Services Inc. corporation that provides street lighting services. The principal business is the distribution of electricity by Toronto Hydro-Electric System, which owns and operates \$2.4 billion of capital assets comprised primarily of an electricity distribution system. Unlike Edmonton’s EPCOR which provides power, water and sewage throughout the province, BC and two American states, Toronto Hydro provides electric power services solely to the City of Toronto.

The corporation has a history dating back to the early 20th century, but is established in law today by the *City of Toronto Act*, section 9. The net revenue for the Corporation in 2012 was \$577M after the costs of purchasing power, paying dividends totaling \$48M to the City. It employs over 1,500 workers. The Board of Directors of the Corporation is composed of seven independent directors and three city councillors. All directors are appointed by the City of Toronto.

Resources

Municipal Act, 2001, SO 2001, c 25

<http://canlii.ca/t/311>

City of Toronto Act, 2006, SO 2006, c 11, Sch A

<http://canlii.ca/t/331>

Municipal Services Corporations, O Reg 599/06

<http://canlii.ca/t/sq0>

City Services Corporations, O Reg 609/06

<http://canlii.ca/t/sqk>

Ministry of Municipal Affairs and Housing, “Municipal Planning and Financial Tools for Economic Development Handbook”, Winter 2011,

<http://www.mah.gov.on.ca/Page9392.aspx>

⁸ Toronto Hydro, “Facts and Figures”

<http://www.torontohydro.com/sites/corporate/InvestorRelations/Pages/InvestorRelations.aspx>

2.6. Québec

Québec municipalities do not have the same powers as municipalities in some of the other jurisdictions regarding the establishment of corporations or with respect to endeavours that have the objective of making profits. The [Municipal Aid Prohibition Act](#) (s. 1) states that “no municipality shall, directly or indirectly, assist any industrial or commercial establishment or, without in any way limiting the generality of the foregoing words, grant assistance, more particularly in any of the following ways, to wit:

- (1) by taking or subscribing for shares in any business corporation created for such object;
- (2) by giving or lending money or other security, or in giving the use or ownership of any immovable;
- (3) by guaranteeing, by endorsement or otherwise, any sum of money borrowed;
- (4) by granting any exemption from taxation to any industrial or commercial establishment”.

Development tools

While Québec municipalities are not allowed to establish for-profit municipal corporations, they have other tools at their disposal to help promote and stimulate development.

For instance, the restrictions on municipal aid listed above do not apply to the establishment or operation of a convention centre or an exhibition centre and to the establishment of non-profit bodies that provide technical support to an enterprise situated within the boundaries of municipalities, all of which are authorized by virtue of the [Municipal Powers Act](#) (s. 90) enacted in 2005.

With respect to local economic development, a municipality may, in order to promote its economic development, establish and operate (or entrust a person to do it on its behalf) the following:

- (1) a convention centre or an exhibition centre;
- (2) a public market;
- (3) a railway siding; and
- (4) a tourist information office (*Municipal Powers Act*, s. 9).

Municipalities may also establish a non-profit body whose purpose is to provide technical support to an enterprise situated in its territory.

As for utilities, municipalities may regulate the use of power they generate and may entrust a person with selling the power produced by a residual materials disposal facility or water purification works.

Finally, municipalities may also grant tax credits and provide various forms of assistance to companies (Municipal Powers Act, s. 91), adopt revitalization programs for business districts (*An Act respecting Land Use Planning and Development*, s. 85.2) and order the acquisition of immovables for industrial purposes as well as the construction, conversion or operation of a building as an industrial rental building (*An Act respecting Municipal industrial immovables*, s. 2).

Utility companies

There are currently nine municipal utility companies in Québec. Most of them are relatively small and have been in place for decades. While they generate profits, they are not established as utility companies, but they are instead “services of the municipality” (similarly to other municipal services such as waste disposal, public works, etc.).

The following municipal entities have utility companies:

- Sherbrooke (147,427 inhabitants);
- Coaticook (3,600 clients, 9, 204 inhabitants);
- Joliette (7,500 clients, 19,044 inhabitants);
- Saguenay (143,692 inhabitants);
- Alma (29,998 inhabitants);
- Magog (23,880 inhabitants);
- [Westmount](#) (20,494 inhabitants);
- Amos (12,584 inhabitants) and
- Baie-Comeau (22,554 inhabitants).

In addition to these municipal utilities, the municipality of St-Jean-Baptiste-de-Rouville (3,055 inhabitants) has established a [coop](#) responsible for distributing electricity within the municipality.

Resources

Municipal Powers Act

<http://www.canlii.org/en/qc/laws/stat/rsq-c-c-47.1/latest/rsq-c-c-47.1.html>

An Act respecting Municipal industrial immovable

<http://www.canlii.org/en/qc/laws/stat/rsq-c-i-0.1/latest/rsq-c-i-0.1.html>

An Act respecting Land Use Planning and Development

<http://www.canlii.org/en/qc/laws/stat/rsq-c-a-19.1/latest/rsq-c-a-19.1.html>

Municipal Prohibition Act

<http://www.canlii.org/en/qc/laws/stat/rsq-c-i-15/latest/rsq-c-i-15.html>

2.7. New Brunswick

Acts respecting the power of municipalities in New Brunswick do not provide for municipalities to establish or hold shares in corporations. Under section 150 of the *Municipalities Act*, any five individuals may, with the approval of a municipality and the Director of the *Companies Act*, establish an association for the encouragement of horticulture, general improvement of the municipality, or caring for public and historical buildings. The municipality may choose to provide grants to these associations, although they do not have ownership or control over them. The associations, although considered corporations, may not earn profits or pay dividends.

2.8. Nova Scotia

Acts respecting the power of municipalities in Nova Scotia do not provide for municipalities to establish or hold shares in corporations. Municipalities may, however, establish commissions for the provision of utilities. Only six have opted to do this.

Until 1997, all municipalities were required to purchase power from the Nova Scotia Power Inc. owned and operated by the province. That year, six municipalities established Municipal Electric Utilities of Nova Scotia Cooperative Limited in order to own the distribution of power within their territory. In 2007, the province opened up power provision to outside sources, and the cooperative is now able to purchase power from other suppliers. These utilities, however, are established as commissions of their respective municipalities and are not corporations with natural persons powers.

2.9. Prince Edward Island

With the exception of utilities provisions, Prince Edward Island does not provide for the establishment or operation of a controlled corporation. The *Municipalities Act* requires, under section 38, that municipalities providing water and sewage utilities establish a corporation to construct, manage, maintain and operate the utilities. In 2010, the City of Summerside established the first municipally owned and operated wind facility in Prince Edward Island, generating up to 12 MW of electricity. Similarly, the *Charlottetown Area Municipalities Act*, section 29, permits the City of Charlottetown to establish a water and sewage corporation.

It should be noted that municipal development corporations do operate in PEI with one notable condition: the province generally owns a controlling share. For example, the Charlottetown Area Development Corporation (CADC) has operated in the provincial capital since 1974 and has ownership divided between the province (83%), City of Charlottetown (15%), and Town of Stratford (2%). The board members are appointed by the shareholders of the corporation, 7 from the Province of PEI, 2 from the City of Charlottetown and 1 from the Town of Stratford.

2.10. Newfoundland and Labrador

Newfoundland and Labrador's *Municipalities Act* does not address the establishment or operation of a controlled corporation, with the exception of municipal service delivery corporations. Outlined in section 192.1, these corporations are formed in agreement between a municipality, a local service district or an unincorporated area, or a combination of at least two of these, to jointly deliver services. They are subject to the *Corporations Act* and are tax exempt.

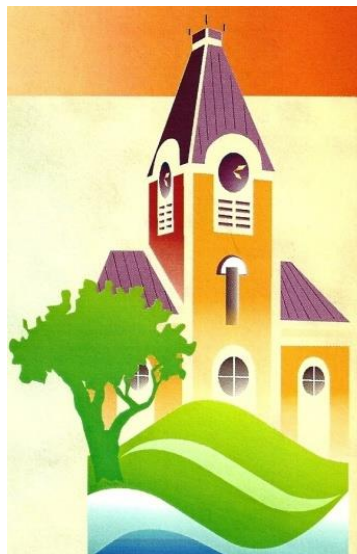
2.11. Northwest Territories

The *Cities, Towns and Villages Act*, section 67, allows a municipality to establish or acquire shares in a corporation for a municipal purpose. Approval is required from the Minister, and it must be authorized by the municipality's investment plan. It may be held solely by the municipality, or jointly with one or more parties (private or public) under an agreement that the corporation deliver or operate a service, utility, or facility for the municipality.

Section 68 goes on to permit municipalities to establish municipal corporations with the express purpose of encouraging economic development. The municipality cannot, however, purchase shares or provides loans as the means of encouraging development. Section 123 restricts municipal corporations in providing grants only when specifically authorized by council, and grants cannot exceed 2% of the total expenditures for the corporation in an fiscal year.

2.12. Nunavut

The *Cities, Towns and Villages Act*, section 53.95, allows a corporation to establish or acquire shares in a corporation for a municipal purpose. Approval is required from the Minister. It may be held solely by the municipality, or jointly with one or more parties (private or public) under the agreement that the corporation deliver or operate a service, utility, or facility for the municipality.



Corporate Status and Municipal Powers

July 2013

Provincial/Territorial Officials Committee (PTOC) on
Local Government

Comité des fonctionnaires des provinces et territoires
(CFPT) pour les administrations locales

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Municipalities as Corporations

The corporate status of municipalities in Canada is built on the tradition of the British Commonwealth, originating in the 1835 *Municipal Corporations Act* passed in England's Parliament. In Canada, municipalities are incorporated under charters provided by the provinces and territories as per the *Constitution Act*, 1867. Municipal corporations provide the inhabitants of a locality with corporate status for the purpose of provision of services, including bylaws and financial management. That being said, municipalities are not subject to corporate law in the same way private corporations are and many are explicitly exempted from Corporations Acts in many P/Ts, while having their own restrictions outlined in legislation related to municipalities.

Municipalities are corporations whose legal existence is derived from incorporation by the province. Constitutionally, municipalities are considered to be 'creatures' of provincial jurisdiction as specified by Section 92 of Canada's *Constitution Act*, 1982. However, a few provincial governments (BC and ON) recognize them as "local governments" in their main municipal act. As corporations, municipalities are provided with powers and responsibilities designed to enable the provision of municipal services. For instance, as corporations municipalities are able to enter into contract agreements, sue or be sued, and acquire or dispose of land. The authorization to take these actions is either derived directly from the legislation, which expressly states powers and limitations, or from natural person powers in select P/Ts.

Powers of Municipalities

The defining of municipal powers is an area of municipal legislation where there are significant differences among provinces and territories. There are still two types of municipal legislation in place. The older and more prescriptive municipal acts define precisely what municipalities can do. For these types, if the act doesn't explicitly authorize municipalities to do something, it usually means that it is not authorized.

The second type of municipal legislation employs the "spheres of jurisdiction" approach. Jurisdictions that have adopted such an approach include Alberta, in its *Municipal Government Act*, the British Columbia *Community Charter*, Saskatchewan's three municipal acts, the *City of Winnipeg Charter* of Manitoba, Ontario's *Municipal Act, 2001* and the *City of Toronto Act, 2006*, as well as Québec's *Municipal Powers Act*. This type of municipal legislation defines spheres of jurisdiction in which municipalities may regulate through bylaws with increased autonomy. Yukon's *Municipal Act* and BC's *Community Charter* state that the purpose of local governments is to provide for "good government," which also confers substantial discretion on municipalities. This type of legislation is closely tied to natural person powers, discussed in greater detail below.

It is important to note that while most of the municipal powers are stated in "municipal acts"—the main pieces of legislation pertaining to local governments in each jurisdiction—they do not tell the whole story. In 1994, the Association of Municipalities of Ontario estimated that there are over 150 acts and regulations in Canada that delegate powers to

municipalities. In addition, some municipalities, primarily large cities, have their own special act or charter.

Natural Person Powers

One of the central differences between municipalities in P/Ts across Canada is whether they were granted natural person powers or not. Municipalities in British Columbia¹, Alberta², Saskatchewan³, Ontario⁴ and Québec⁵ are granted natural person powers as well as their status as corporations, giving them an increased degree of freedom in entering into contracts and taking actions. Because of these powers, municipalities in these jurisdictions are not required to seek authorization from P/T legislation or municipal bylaw before taking a wide variety of actions such as entering into contracts or acquiring land, unless expressly required to by legislation or bylaw. This does not mean that they are not accountable, only that the process is streamlined. The P/T legislation, as well as bylaws for many municipalities, still requires certain procedures and places restrictions before taking these kinds of actions.

The last wave of municipal legislation that began in the mid-1990s saw the introduction of the concept of natural person powers. This term is commonly used to infer that municipalities possess all of the same powers that a normal person would. Natural person powers generally do not give municipalities more jurisdiction than they already had and they do not confer or expand any law-making, bylaw, or taxing powers since natural persons don't have any such authority. Instead, it affects the 'default' authority and flexibility for municipalities regarding administrative or corporate matters. Essentially, a municipality can take any action that a natural person or business could to carry out its purposes unless or until legislation prohibits an action or places limitations or conditions on an action.

However, not all municipal legislation adopted since the mid-1990s grants natural person powers to municipalities. Municipalities in New Brunswick, Nova Scotia, Newfoundland and Labrador, Prince Edward Island, Yukon, Northwest Territories and Nunavut have not been granted natural person powers. Manitoba's *Municipal Act*, adopted in 1996, likewise does not have provisions pertaining to natural person powers, although the *City of Winnipeg Act*, adopted in 2003, does grant natural person powers to the city. In Québec, municipal legislation does not explicitly grant natural person powers to municipalities. However, municipalities are granted natural person powers in the *Civil Code of Québec* (s. 303).

Difference in Powers between Tiers of Municipalities

There are significant differences in terms of powers between local and regional districts/municipalities in provinces with two-tier municipal systems. For instance, regional districts in British Columbia, regional municipalities and counties in Ontario and regional

¹ *Community Charter*, s. 8.

² *Municipal Government Act*, s. 6.

³ *Municipalities Act*, s. 4(2). *Cities Act*, s. 4(2).

⁴ *Municipal Act*, s. 9.

⁵ *Civil Code*, s. 303

county municipalities in Québec have different responsibilities and thus different powers than local (lower-tier) municipalities in their jurisdiction.

It is important to note that some jurisdictions, such as Saskatchewan, Québec, Prince Edward Island and Northwest Territories, have more than one general municipal piece of legislation and regulate different types of local municipalities. Thus, differences in terms of powers exist with respect to powers granted by the act under which municipalities are incorporated. In Québec, most cities and larger municipalities tend to be incorporated under the *Cities and Towns Act*, while smaller municipalities are regulated by the *Municipal Code*, and the *Municipal Powers Act* applies to all Québec municipalities. *Cities and Towns Act* municipalities are responsible for property assessment and the sale of property for taxes, while regional county municipalities provide those services to local municipalities incorporated under the *Municipal Code*.

Overview

P/T	Municipalities as Corporations	Expressly Excluded from Corporations Act	Natural Person Powers
BC	Y		Y
AB	Y		Y
SK	Y		Y
MN	Y		Y* (Winnipeg only)
ON	Y	Y	Y
QC	Y		Y
NB	Y	Y	
NS	Y		
PEI	Y		
NL	Y		
NWT	Y		
NU	Y		

P/T Overview

British Columbia

In British Columbia, local government powers are broadly stated in provincial legislation and are similar for both municipalities and regional districts, although they are expressed differently. The corporate powers for municipalities are stated in Section 8 of the *Community Charter* as being “natural person powers.” That is, municipalities have the same rights, powers and privileges as a natural person of full capacity. For example, they can enter into agreements, buy and dispose of property, sue or be sued, hire employees, provide assistance and borrow money.

British Columbia has two municipal acts, the *Community Charter* and the *Local Government Act*. The *Local Government Act* contains mainly provisions pertaining to regional districts as well as provisions pertaining to local municipalities that are not addressed in the *Community Charter*. In this way, the two acts are complimentary and municipalities must be aware of their obligations under both.

For regional districts, their corporate powers are listed more explicitly in Section 176 of the *Local Government Act*. This section gives regional districts the ability to make agreements about the provision of services, operation and enforcement of regulations, and management of property. Section 177 further outlines the restrictions and requirements for agreements, including criteria requiring approval of the electors for certain agreements.

While local government corporate powers are quite broad, there are some limitations and requirements in relation to these powers. For example, while a local government can sell a parcel of land that it owns, it must first publish notice of its intentions. In addition, while local governments can borrow money, if the term is longer than five years they may have to seek the approval of their electors and will need to obtain the approval of the Inspector of Municipalities.

In British Columbia, during the incorporation process if the municipality fulfills the legal requirements the Minister may recommend to the Cabinet that a new municipality be incorporated as a mountain resort. To be incorporated, a mountain resort municipality may do one or more of the following:

- (a) include exceptions from statutory provisions;
- (b) specify the effective period of time for an exception;
- (c) provide for restriction, modification or cancellation by the Lieutenant Governor in Council of an exception or its effective period;
- (d) appoint or provide for the appointment of one or more individuals to be the members of the municipal council of the municipality and appoint or provide for the appointment of a mayor from among the appointed members of the municipal council;
- (e) the minister may set the general voting day for the first election of members to the municipal council for any date the minister considers appropriate, including a date that is 3

or more years after the incorporation of the mountain resort municipality (*Local Government Act*, s. 11 3.1).

Alberta

Municipalities in Alberta are clearly identified in legislation as corporations (*Municipal Government Act*, s. 4), with natural person powers (s. 6). Natural person powers give municipalities the ability to enter into agreements, buy and sell property, sue or be sued, hire employees or borrow or lend money. Section 11 notes that municipalities, as natural persons, can take action without first authorizing the action through a bylaw unless, as noted in section 180(2), they are specifically required to by enactment or other bylaw.

There are a number of limits on municipal powers, however, outlined by Division 8 of the *Municipal Government Act*. These restrictions include a requirement to advertise the disposal of land and prohibitions against acquiring mines or minerals, or land outside of municipal boundaries, without express approval of the Minister. Municipalities are also restricted under section 73 on the control of for-profit corporations to abide by regulations set out by the Minister. Municipally controlled corporations are subject to the *Business Corporations Act*, the *Control of Corporations Regulation*, and the *Debt Limit Regulation*.

Saskatchewan

Municipalities in southern Saskatchewan are declared corporations and granted natural person powers by section 4 of both the *Cities Act* and the *Municipalities Act*. Municipalities thus have the ability to acquire property, enter agreements, hire staff, undertake commercial operations, and undertake any other financial activities without express legislative provisions authorizing these activities. Section 4(4) gives municipalities the ability to act as natural persons outside of their jurisdiction unless expressly prohibited by an enactment.

There are, however, a number of limitations on municipalities' natural person powers that are not applicable to other persons and corporations. These include the power to borrow money, delegate certain matters, make investments, or sell land below market value. In these situations a municipality must adhere to legislative limitations such as debt limits and/or they must give extra public notice when they intend to undertake the action. As well, natural person powers do not override certain legislated duties, such as the duty to prepare budgets, appoint an auditor, or hire a qualified administrator.

Manitoba

Section 250 of the *Municipal Act* states that municipalities are corporations. This includes the power to acquire property (s. 251(1)), mortgage land (s. 251(2)), set terms and conditions for agreements and service provision (s. 252), expropriate land (s. 254), and more generally take actions for the provision of services within the community. A municipality's corporate status is limited only insofar as it relates to legislation; if the

Municipal Act or other enactment expressly permits or prohibits an action, municipalities must abide by these laws over their corporate status.

Ontario

Municipalities in Ontario are incorporated as a body corporate under section 4 of the *Municipal Act*. In Ontario municipalities are expressly exempted from the *Corporations Act* and *Corporations Information Act* (s. 4(2)). Section 9 gives municipalities natural person powers and privileges limited only in a general sense by the obligations and restrictions of the *Municipal Act* or any other enactment. The natural person powers give municipalities a range of freedom in acquiring land or entering into agreements without having to expressly seek legislation or bylaw approval, unless it is required by law.

Ontario's municipalities are divided into single-tier municipalities, regional municipalities, counties and districts, with upper- and lower-tier within counties or regional districts. Single-tier municipalities are responsible for providing all services and include a number of larger cities, such as Toronto, Hamilton and Ottawa. Regional municipalities are upper-tier municipalities that oversee certain services such as highways, water management and public utilities, parks, and certain aspects of planning. Within regional municipalities, lower-tier municipalities such as cities, towns and villages have responsibilities delegated from their respective upper-tier council. The division of responsibilities varies between each upper-tier municipality; see the table entitled Responsibilities of Upper-Tier Municipalities in Ontario in the Appendix for a breakdown for some regional municipalities. The Regional District of Durham (Whitby) includes the cities of Ajax, Brock, Oshawa and Pickering, among other communities. Districts are regional areas in Northern Ontario largely composed of unorganized areas.

Québec

Unlike other Canadian provinces and territories whose legal system is based on British common law, Québec has retained its civil code heritage. This situation contributes to certain nuances within the Québec legal system. With respect to the municipal system, whether a Québec municipality is a corporation or not depends on how it was incorporated. Some municipalities, especially older ones, were incorporated as a corporation by a charter. Others were incorporated by letters patent, while other municipalities were incorporated by the *Act respecting territorial municipal organization* or other acts. Nevertheless, how a municipality was incorporated does not have any effect on what powers it possesses.

In Québec, differences in terms of powers depend on several factors. First, there are a few differences between the two municipal acts in terms of powers. For example, the 224 municipalities regulated by the *Cities and Towns Act* are responsible for property assessment, while regional county municipalities provide assessment services to municipalities regulated by the *Municipal Code*. Municipalities under the *Cities and Towns Act* have the option of establishing executive committees composed of three or five members depending on the size of the municipal council (*Cities and Towns Act*, s. 70.1).

There are also 14 cities in the province that have the status of regional county municipalities, which means that they undertake the functions of both local and regional municipalities. *Municipal Code* municipalities have slightly broader expropriation powers as they can expropriate certain “servitudes” (s. 1104) of land owned by charity and religious organizations for the purpose of building water and sewer systems, something that other municipalities cannot do.

Another factor that explains differences in responsibilities is the geographic location of local governments. Regional county municipalities, and to a lesser extent local municipalities that are within the territory of metropolitan communities, have seen some of their planning functions uploaded to metropolitan planning agencies.⁶ The province also introduced another structure in the Québec municipal system as a compromise to the demerger of several municipalities; the agglomeration is essentially a municipal council composed of elected officials of demerged municipalities. It is responsible for certain services delivered at the scale of the agglomeration, which typically represents approximately 60% of the municipalities’ total budget. As a result, demerged municipalities are only responsible for local services such as local roads, waste collection and so on.

Population is also used as a basis for allocating certain powers to municipalities, especially with respect to local elections. For instance, municipalities with a population of more than 20,000 inhabitants must be divided into wards (*An Act respecting elections and referendums in municipalities*, s. 4). Campaign financing and reporting requirements are also different for municipalities of 20,000 inhabitants and more (*An Act respecting elections and referendums in municipalities*, Chapter XIII). Municipalities of more than 100,000 inhabitants must appoint an Auditor General. Municipalities with a population of less than 50,000 must obtain authorization from the Minister to become surety for an obligation of \$50,000 or more, and a municipality having a population of 50,000 or over must obtain such an authorization if the obligation that is the object of the surety is in the amount of \$100,000 or more (*Municipal Code*, s. 10; *Cities and Towns Act*, s. 28). In addition, cities with a population of 50,000 or more may grant a pension of up to \$1,500 per year to councillors who have been members of councils for at least 12 years (*Cities and Towns Act*, s. 66).

There are also cities that were granted specific powers for other reasons. For example, Montréal, Québec City, Sherbrooke and Trois-Rivières have the option of undertaking food inspection as per the *Cities and Towns Act*, s. 29.2. However, only Montréal has opted to undertake this responsibility.

⁶ There are two metropolitan communities, one in the Québec City metro region and one in Montréal. They have a council composed of local elected officials from the region and have planning responsibilities in the fields of economic, artistic and cultural development; public transit; waste management; and land-use planning. In addition, the Québec City metropolitan community has responsibilities for tourism promotion while its Montréal counterpart funds social housing (Gouvernement du Québec, 2012, p. 15).

New Brunswick

The *Municipalities Act*, section 3, states that the inhabitants of a city, town or other municipality are a body corporate and can, as such, sue and be sued, enter into contracts and agreements, provide loans and charge interest and fees, receive or acquire property, and take security on a debt. Municipalities must, as a body corporate, have a corporate seal applied to all agreements and contracts. Section 6 expressly exempts municipalities and rural communities from the *Corporations Act*.

Nova Scotia

The *Municipal Government Act*, sections 4 through 8, identifies the status of the province's municipalities as bodies corporate. The definition and limitations of this status are not clearly outlined, but the Act does expressly provide municipalities with the many of the same rights and privileges as municipal corporations in other P/Ts, such as entering into agreements, the power to sue and liability to be sued, and acquire property. The main difference here is the outlining of the permissions and the various restrictions. Unlike P/Ts that provide natural person powers as a catch-all set of powers, municipalities in Nova Scotia must have their powers expressly provided by legislation; otherwise, they do not have them. Municipalities may sue to recover taxes or rents owed to them, but do not have the same freedoms as a natural person in every scenario.

Prince Edward Island

Municipalities in PEI are corporations under section 3 of the *Municipalities Act* and section 16 of the *Interpretation Act*. The *Interpretation Act* defines a corporation as having the power to sue and liability to be sued, enter into contracts, have a common seal, acquire and hold property, regulate its own procedures and business, bind members under majority rule, and exempt individual members from liability for corporate debts. This is very different from other P/Ts, such as Ontario and New Brunswick, which expressly exempt municipalities from Corporations Acts.

Newfoundland and Labrador

Under section 15 of the *Municipalities Act*, "a town council is a corporation." Likewise, section 40 gives a regional council the status of a corporation. Although worded differently from other P/Ts, which state that the town or collective body of the municipality is a corporation or body corporate, the implications for the municipality are the same. Municipalities do not hold natural person powers, but are enabled by the legislation to sue or be liable to lawsuits; hold, provide or guarantee loans; acquire property; control municipal corporations; and make procedures and regulations. The Act does not stipulate the relationship of a municipality to the *Corporations Act*, but it does note that any corporation established by a group of municipalities such as a municipal service delivery corporation is subject to the *Corporations Act*.

Northwest Territories

The general powers of municipalities are laid out in sections 50 through 59 of the *Cities, Towns and Villages Act*, beginning with section 50, which declares all cities, towns and villages as municipal corporations. Municipalities do not have natural person powers – their general powers are outlined in the legislation. Municipal corporations must adopt a corporate seal (s. 51), pass a contract procedures bylaw (s. 52), and pass a land administration bylaw (s. 55) as part of the terms and conditions in making land acquisitions. Municipal corporations may enter into contracts for municipal purposes (s. 52), acquire property (s. 53) so long as the acquisition is authorized by bylaw, dispose of or sell property if authorized or approved by bylaw (s. 54), acquire or dispose of personal property (s. 56), and establish and deliver services authorized by bylaw (s. 58), either directly or through an agreement (s. 59). These powers and responsibilities are mirrored for charter communities in section 54 of the *Charter Communities Act*.

Nunavut

Section 53.1 of the *Cities, Towns and Villages Act* expressly states that “a municipal government is a corporation and, subject to this Act, has the rights and is subject to the liabilities of a corporation and may exercise its powers for municipal purposes.” The general powers as a corporation are outlined in sections 53.1 through 53.7 and are very similar to those in the Northwest Territories. Municipalities may enter into agreements, and acquire and dispose of property. Similarly to the Northwest Territories, municipalities must take these actions through the passing of bylaws.

Related Legislation

P/T	Legislation	Section	Link
BC	Community Charter, 2003,	8	http://canlii.ca/t/lgz6
	Local Government Act, 1996,	176	http://canlii.ca/t/847v
AB	Municipal Government Act, 2000	4	http://canlii.ca/t/8239
SK	Cities Act, 2002	4	http://canlii.ca/t/wrm
	Municipalities Act, 2005	4	http://canlii.ca/t/wkp
MN	Municipal Act, 1996	250	http://canlii.ca/t/51tz8
ON	Municipal Act, 2001	4 (1, 2)	http://canlii.ca/t/311
QC			
NB	Municipalities Act, 1973	3-6	http://canlii.ca/t/88nh
NS	Municipal Government Act, 1998	4-8	http://canlii.ca/t/87dk
PEI	Municipalities Act, 1988	3	http://canlii.ca/t/8d3n
	Interpretation Act, 1988	16	http://canlii.ca/t/8dcs
NL	Municipalities Act, 1999	15	http://canlii.ca/t/8b19
NWT	Cities, Towns and Villages Act, 2003	50-59	http://canlii.ca/t/8hsq
	Charter Communities Act,	54	http://canlii.ca/t/8j0b
NU	Cities, Towns and Villages Act, 1988	53	http://canlii.ca/t/8l4z

Municipal Spheres of Jurisdiction per P/T

Spheres of jurisdiction and municipal powers		Legislation
BC	(a) municipal services; (b) public places; (c) trees; (d) firecrackers, fireworks and explosives; (e) bows and arrows, knives and other weapons; (f) cemeteries, crematoriums, columbariums and mausoleums and the interment or other disposition of the dead; (g) the health, safety or protection of persons or property; (h) the protection and enhancement of the well-being of its community in relation to the matters related to nuisances, disturbances and other objectionable situations; (i) public health; (j) protection of the natural environment; (k) animals; (l) buildings and other structures; (m) the removal of soil and the deposit of soil or other material.	Community Charter s. 8
AB	a) the safety, health and welfare of people and the protection of people and property; b) people, activities and things in, on or near a public place or place that is open to the public; c) nuisances, including unsightly property; d) transport and transportation systems; e) businesses, business activities and persons engaged in business; f) services provided by or on behalf of the municipality; g) public utilities; h) wild and domestic animals and activities in relation to them;	Municipal Government Act, s.
SK	(a) the peace, order and good government of the city; (b) the safety, health and welfare of people and the protection of people and property; (c) people, activities and things in, on or near a public place or place that is open to the public; (d) nuisances, including property, activities or things that affect the amenity of a neighbourhood; (e) transport and transportation systems, including carriers of persons or goods; (f) subject to The Traffic Safety Act , the use of vehicles and the regulation of pedestrians; (g) streets, including temporary and permanent openings and closings; (h) businesses, business activities and persons engaged in business; (i) services provided by or on behalf of the city, including establishing fees for providing those services; (j) public utilities; (k) wild and domestic animals and activities in relation to them; (l) the abandonment, discontinuance, dismantling, removal or decommissioning of any use, building, or other structure, including former railway lines, and the reclamation of the land on which the use, building or other structure is located.	Cities Act, s. 8 Municipalities Act, s. 8
	(a) the peace, order and good government of the municipality; (b) the safety, health and welfare of people and the protection of people and property; (c) people, activities and things in, on or near a public place or place that is open to the public; (d) nuisances, including property, activities or things that affect the amenity of a neighbourhood; (e) transport and transportation systems, including carriers of persons or goods; (f) notwithstanding The Snowmobile Act and The All Terrain Vehicles Act but subject to The Traffic Safety Act, the use of vehicles and the regulation of pedestrians; (g) streets and roads, including temporary and permanent openings and closings; (h) businesses, business activities and persons engaged in business; (i) services provided by or on behalf of the municipality, including establishing fees for providing those services; (j) public utilities; (k) wild and domestic animals and activities in relation to them; (l) the abandonment, discontinuance, dismantling, removal or decommissioning of any use, building or other structure, including former railway lines, and the reclamation of the land on which the use, building or other structure is located.	Northern Municipalities Act, s. 8

Spheres of jurisdiction and municipal powers		Legislation
MB	(a) acquire, hold, mortgage and dispose of land, improvements and personal property, or an interest in land, improvements and personal property; (b) construct, operate, repair, improve and maintain works and improvements; (c) acquire, establish, maintain and operate services, facilities and utilities; (d) enter into agreements; (e) use municipal equipment, materials and labour to carry out private works on private property.	Municipal Act, s. 250
	Spheres of jurisdiction: a) Public convenience; b) Health, safety and well-being; c) Activities in public places d) Streets; e) activities of businesses; f) Buildings, equipment and material; g) Historic buildings, land and areas; h) Condominium and conversation; i) Construction in floodway and floodway fringe areas; j) Waterways; k) Water; l) Waste; m) Public transportation; n) ambulance services; o) Fire protection; p) Police; q) arbitration in collective bargaining with police services;	City of Winnipeg Charter, s. 128-173

Spheres of jurisdiction and municipal powers		Legislation
ON	Spheres of jurisdiction a) Governance structure of the municipality and its local boards; b) Accountability and transparency of the municipality and its operations and of its local boards and their operations; c) Financial management of the municipality and its local boards; d) Public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act; e) Economic, social and environmental well-being of the municipality; f) Health, safety and well-being of persons; g) Services and things that the municipality is authorized to provide; h) Protection of persons and property, including consumer protection; i) Animals; j) Structures, including fences and signs; k) Business licensing;	City of Toronto Act, 2006, s. 8 (2)
	Spheres of jurisdiction for all municipalities (single, lower and upper tier) a) Governance structure of the municipality and its local boards; b) Accountability and transparency of the municipality and its operations and of its local boards and their operations; c) Financial management of the municipality and its local boards; d) Public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act; e) Economic, social and environmental well-being of the municipality; f) Health, safety and well-being of persons; g) Services and things that the municipality is authorized to provide; h) Protection of persons and property, including consumer protection; i) Animals; j) Structures, including fences and signs; k) Business licensing; Spheres of jurisdiction exclusive to lower and upper tier municipalities a) Highways; b) Transportation systems other than highways; c) Waste management; d) Public utilities e) Culture, parks, recreation and heritage; f) Drainage and flood cultural, except storm sewers; g) Economic development services	Municipal Act, 2001, s. 11
	Spheres of jurisdiction a) Governance structure of the municipality and its local boards; b) Accountability and transparency of the municipality and its operations and of its local boards and their operations; c) Financial management of the municipality and its local boards; d) Public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act; e) Economic, social and environmental well-being of the municipality; f) Health, safety and well-being of persons; g) Services and things that the municipality is authorized to provide; h) Protection of persons and property, including consumer protection; i) Animals; j) Structures, including fences and signs; k) Business licensing;	City of Toronto Act, 2006, s. 8 (2)

Spheres of jurisdiction and municipal powers		Legislation
QC	Services under the exclusive jurisdiction of municipalities a) Fire protection; b) Water; c) Waste water treatment; d) Land use planning; e) Waste disposal; Shared jurisdiction (municipalities and the Province) a) Housing; b) Roads; c) Transit; d) Police; e) Recreation and Culture; f) Parks	Municipal Code, Cities and Towns Act and Municipal Powers Act
NB	(a) drainage; (b) fire protection; (b.1) non-fire related rescue; (c) garbage and refuse collection and disposal; (d) sewerage; (e) sidewalks; (f) roads and streets; (g) regulation of traffic; (h) street lighting; (i) water; (j) parks; (k) community services; (l) tourist promotion and development; (m) industrial development and promotion; (n) urban redevelopment and urban renewal; (o) housing; (p) land assembly; (q) recreational and sports facilities; (q.1) recreational and sports programs; (r) first aid and ambulance services; (s) the sale of gas and provision of customer services	Municipalities Act, First Schedule
NS	a) Police; b) Transit; c) Area Promotion and Development; d) Business and industrial development; e) Libraries; f) Highway and Housing (through agreements); g) Trees;	Municipal Government Act, s. 54-63 Halifax Regional Municipality Charter s. 68-77

Spheres of jurisdiction and municipal powers		Legislation
PEI	(a) administration of the municipality; (b) fire protection and other emergency services; (c) garbage and refuse collection and disposal; (d) street lighting; (e) recreation; (f) drainage; (g) sewerage collection and treatment; (h) sidewalks; (i) roads, streets, parking and the regulation of traffic; (j) police protection and law enforcement; (k) water distribution and purification; (l) parks; (m) community or regional development; (n) tourist development and promotion; (o) industrial or commercial development and promotion; (p) housing development and promotion; (q) land assembly for municipal purposes; (r) local libraries; (s) assistance to community organizations; (t) community development projects; (u) animal control; (v) signage control; (w) building and standards control; (x) regulation of real property maintenance; (y) regulation of business practices; (z) public transportation; (z.1) tree preservation and protection; (z.2) for the regulation of dangerous or unsightly properties; (z.2) black fly and mosquito control. (z.3) for the maintenance of order in the municipality, and in particular, for the regulation of noise, loitering, and public nuisances.	Municipalities Act, s. 30
NL	Municipalities have powers in the following matters: a) Water and sewer systems; b) Highways; c) Parking lots; d) Recreational facilities; e) Waste removal; f) Fire protection; g) Public Transportation; h) Public libraries; i) Cemeteries.	Municipalities Act, s. 156-192

RESPONSIBILITIES OF UPPER-TIER MUNICIPALITIES IN ONTARIO			
Sphere of Jurisdiction	Part of Sphere Assigned	Upper-tier Municipality (ies) to which Part of Sphere assigned	Exclusive or Non-Exclusive Assignment
Highways, including parking and traffic on highways	Whole sphere	All upper-tier municipalities	Non-exclusive
Transportation systems, other than highways	Airports	All upper-tier municipalities	Non-exclusive
	Ferries	All upper-tier municipalities	Non-exclusive
	Disabled passenger transportation systems	Peel, Halton	Non-exclusive
	Whole sphere, except airports and ferries	Waterloo, York	Exclusive
Waste management	Whole sphere, except waste collection	Durham, Halton, Lambton, Oxford, Peel, Waterloo, York	Exclusive
Public utilities	Sewage treatment	All counties, Niagara, Waterloo, York	Non-exclusive
		Durham, Halton, Muskoka, Oxford, Peel	Exclusive
	Collection of sanitary sewage	All counties, Niagara, Waterloo, York	Non-exclusive
		Durham, Halton, Muskoka, Oxford, Peel	Exclusive
	Collection of storm water and other drainage from land	All upper-tier municipalities	Non-exclusive
	Water production, treatment and storage	All upper-tier municipalities except counties	Exclusive
	Water distribution	Niagara, Waterloo, York	Non-exclusive
		Oxford, Durham, Halton, Muskoka, Peel	Exclusive
Culture, parks, recreation and heritage	Whole sphere	All upper-tier municipalities	Non-exclusive
Drainage and flood control, except storm sewers	Whole sphere	All upper-tier municipalities	Non-exclusive
Structures, including fences and signs	Whole sphere, except fences and signs	Oxford	Non-exclusive
Parking, except on highways	Municipal parking lots and structures	All upper-tier municipalities	Non-exclusive
Economic development services	Promotion of the municipality for any purpose by the collection and dissemination of information	Durham	Exclusive
		All counties, Halton, Muskoka, Niagara, Oxford, Peel, Waterloo, York	Non-exclusive
	Acquisition, development and disposal of sites for industrial, commercial and institutional uses	Durham	Exclusive
		Halton, Lambton, Oxford	Non-exclusive

Business licensing	Owners and drivers of taxicabs, tow trucks, buses and vehicles (other than motor vehicles) used for hire Taxicab brokers Salvage business Second-hand goods business	Niagara, Waterloo	Exclusive
	Drainage business, plumbing business	York	Exclusive
	Lodging houses, septic tank business	York	Non-exclusive

*** The following report is too large to place in this document in its entirety. If you are interested in seeing the complete document, please contact Community Affairs, Yukon Government at 867- 667-8334***

Federation of Canadian Municipalities
Assessment of the Municipal Acts of the Provinces
And Territories
April 2004

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**ASSESSMENT OF THE MUNICIPAL ACTS
OF PROVINCES AND TERRITORIES**

1.0 INTRODUCTION

*It is an injustice and at the same time a grave evil and a disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do.- Encyclical „Quadragesim Anno“, quoted in *Small is Beautiful* by E.J. Schumacher*

The Supreme Court of Canada has held that legislating, and executing policy, are often best carried out at a level of governance that is not only efficacious but “also closest to the citizens affected and thus most responsive to their needs, to local distinctiveness, and to population diversity.”

[L’Heureux-Dube J., in *114957 Canada Ltee (Spraytech, Societe d’Arrosage) v. Hudson (Town)*, 2001 SCC 40]. Nevertheless, the provincial and colonial governments in Canada for at least 130 years have failed to provide adequately for communities to be able to deliver local services, works facilities and governance. Municipalities in Canada do not have adequate powers or financial or other resources to meet the existing or future needs of their citizens.

The comparison of municipal acts of the provinces and territories indicates the diversity and complexity of the municipal system across Canada. Noting that legislation is generally the product of a consultative process among interest groups, including the provincial and municipal governments, provincial ministries and agencies, the business sector, electors and others, the ambitions of municipalities alone cannot dictate the final content. The trend in federal and provincial legislation and case law is toward decentralization, reflecting the increased stature of municipalities and the increasing role they play in our lives.

Municipal Act Review Committee Meeting Minutes

2011

1. November 9
2. December 1

2012

1. January 5
2. January 19
3. February 2
4. February 16
5. March 1
6. March 22
7. September 10
8. October 4
9. October 25

2013

1. January 9
2. January 24
3. February 7
4. February 21
5. March 14
6. March 25
7. April 11
8. April 25
9. May 9
10. May 23
11. June 6
12. July 18
13. July 26
14. September 5
15. September 19
16. October 3
17. October 21
18. November 7
19. December 16

**MUNICIPAL ACT REVIEW WORKING GROUP
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
NOVEMBER 9TH, 2011
1:30 – 3:30PM**

MEETING NOTES

Attendance

Christine Smith (YG) - Chair
John Chisholm (YG)
Dave Austin (AYC)
Mickey Fisher (AYC)

Jeff Renaud (AYC)

Cheryl Otterbein (YG) - Secretary
RoseMary Fordyce (YG) - OTOF

Opening Remarks (Chair)

- Municipal Act Review Working Group (MARWG) appointed through the Association of Yukon Communities (AYC).
- Not a formal committee but a working group with permission to work together to create the process for the Municipal Act Review based on previous reviews, experience with Our Towns, Our Futures (OTOF) process.
- The working group is operating within Community Affairs mandate to work together with AYC but is not formal yet.
- Goal of the working group is to sketch out a process by January 2012

Introductions

- Dave Austin – 4 term City of Whitehorse Councillor
- John Chisholm – New to the Yukon and Yukon Government, from PEI where he worked as a Municipal Advisor and during their Municipal legislation review in 2003 – 2004, studied the Yukon Municipal Act
- Mickey Fisher – Former YG employee as Municipal Advisor and Director of Community Services in 1992. Faro Municipal Councillor.
- Christine Smith – Director of Community Affairs
- Jeff Renaud – CAO, Dawson City

Working Together

- Set dates in advance
- Prefer to meet in person
 - Agreed on the following meetings:
November 17, 2011
December 1, 2011
January 5 and 19, 2012
February 2 and 16, 2012
March 8 and 22, 2012
- All meetings will be held in the Community Development Boardroom in the Main Administration Building (YG)
- All meetings will be held from 9am to 12pm except for the November 17th meeting which will be held from 9am to 11am.
- Possibility for a conflict in March during the Arctic Winter Games but will proceed with proposed meeting schedule with March on a tentative basis
- Christine Smith proposes holding one extra meeting per month in each members respective community
- Other members open to hosting in Faro and Dawson

Consensus: Everyone will attend the next 8 meetings in Whitehorse in the Community Development Boardroom from 9am to 12pm, with extra meetings in Dawson and Faro. Dates to be decided at a later date.

Communication

- Looked at borrowing the principles for working together and for the review that were established for the OTOF committee.
- Christine Smith went through the 9 principals on pages 7 and 8 of the OTOF Findings Report Volume 1
- The 9 Principals: Inclusive, Engaging, Practical, Accountable, Evidence-Based, Partnership-led, Innovative, Inspirational, Open Communications
- Discussion of Inclusivity and allowing other municipal leaders/staff to call in and listen
- Everyone open to holding teleconference for listeners

- Discussed having an opening statement at every meeting to clarify that working group members are responsible for having discussions and making decisions as representatives of AYC and YG and welcome other members to call in or attend as observers for the purpose of enhancing information sharing.
- Working Group will strive for consensus on all decisions, when consensus cannot be reached, majority rules
- Notes from working group meetings will be transcribed and sent to all members for approval and then made available to elected officials/staff
- Funding will cover travel costs, no per diems, one YG rental vehicle for community meetings

Consensus: Contact John Pattimore at AYC to extend an invitation to AYC members to allow them to listen to MARWG meetings.

Overview of Work

- November 17th meeting will ask individuals who were involved with the previous Municipal Act Reviews to attend meeting
- Each person will be allotted time to tell us about the process, issues or concerns they had
- Christine Smith proposes Robert Fendrick and Caitlin Kerwin
- Mickey Fisher proposes Bill Forsythe and Dale Kozmen and possibly Ken Hodgins
- John Chisholm will contact those proposed for our next meeting
- December 1st, 2011 meeting will outline the types of reviews that are possible: amendments, a review amending sections, or a more encompassing review of each provision. May take more than one meeting.
- Agree to proceed with an open process, continually reporting and keeping AYC and YG informed
- Possible MARWG update at the next AYC Board Meeting on December 10th, 2011
- Discussed process for formalizing the working group into an official committee – will try for January 2012
- Terms of reference will be written after committee status is reached

Consensus: Next meeting is on November 17th, 2011 from 9am to 11am. John Chisholm will contact speakers.

**MUNICIPAL ACT REVIEW WORKING GROUP
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
December 1, 2011
1:30 – 3:30PM**

MEETING NOTES

Attendance

Christine Smith (YG) – Chair
Anthony DeLorenzo – (YG)
Mickey Fisher (AYC)
Jeff Renaut (AYC)
Cheryl Otterbein (YG) - Secretary
RoseMary Fordyce (YG) – OTOF
Guests: Caitlin Kerwin (YG) – A/Director Policy & Communications

Dale Kozmen – Yukon Housing Corporation, Vice President
Bill Forsythe – Yukon College
Not Present
John Chisholm (YG) – On leave until January 2012
Dave Austin (AYC)
Robert Fendrick (AYC) – Sent notes

Welcoming Remarks (Chair)

- Informal working group to create a process for the review
- Question re: mileage/accommodation expenses for these meetings, confirm that these expenses will be reimbursed.

Introductions

- Mickey Fisher – Former YG employee as Municipal Advisor and Director of Community Services in 1992. Faro Municipal Councillor.
- Christine Smith – Director of Community Affairs
- Jeff Renaud – CAO, Dawson City
- Caitlin Kerwin – Acting Director for Policy & Communications, part of the last Municipal Act Review, joined MAR mid-process as a Community Advisor

History

- Dale Kozmen was the principal architect for the legislation. Following a review by all of Canada, at the time the Municipal Act was considered to be the best piece of legislation
- People have misinterpreted the intent of what they were trying to achieve in 1996 due to a lack of communication
- 1998 Act review was started much earlier and had a history of problems
- There was a 40 page list of issues with the act, gathering information for a living document requires amendment
- Municipalities wanted a new act. It was a command and control document, very prescriptive. As long as it's not in the act, you can do it. All Municipalities were supportive
- Long list of amendments, need for a new act
- Creating new legislation requires a change in philosophy
- Act had been amended 15-20 times before
- Took 6 months to develop principals – meetings were attended by all mayors, councillors, CAOs and 3-4 YG staff
- They made a good case for a new act, YG accepted it having their own issues with aspects of the act
- Best case was a new act, with 12 principals everyone agreed upon, and 6 principals that one side or the other wanted
- Some of these principals are in the preamble in the current Municipal Act
- Previous act was more prescriptive, current one is permissive
- Review was based on a framework, with a good foundation the rest will move smoothly
- Articles and books were written on our Municipal Act
- Struggled with oversight of municipalities, government wasn't as complex as it was today.
- Mickey and Dale started with YG when the Yukon had Local Improvement Districts and they assisted them to build them into municipalities

Group discussion on what worked, what didn't work and what could be improved upon in next Municipal Act review process.

What did not work well?

List of items but not knowing where the issue came from: i.e. was this from Council, Administration or an individual?

All items were treated equally

Items not brought forward by the public

Items were vetted by YG

Municipalities felt public meeting issues were given too much weight

Took too long for the type of review

What worked well?

Developed principles that all agreed on (1996/98)

Received accolades for the process (1996/98)

Reviewed items coming in against the principles

Review group had a strong presence of elected municipal officials (10 – 12 officials, up to 4 YG)

What could be improved?

list of items to be put forward could be approved by municipal councils first

items brought forward to the public need to effect the public (don't bring forward O & M issues that people bring up, the MA is not the place to address these issues)

Be careful of dictating to municipalities how to bring things forward

Everything comes to the table, then discussed and may need explanation /context

Analyse issue through '3 legged stool' (a three legged stool is needed for strong municipalities – legs are: Framework, financial support, strong administrative system. A weak leg will result in a weak muni.) Question: will municipal act solve/fix this?

Explain why amendments are not made

Make sure the political decision makers are on the Committee (mayors)

Put TOR, meeting notes on web

Give public opportunity to voice, then come back

Consider changes in totality of Act; review rational in items for consistency. An example: if you can't run for office if you owe the municipality money; it makes sense that when an elected official, cannot hold office if money is owed to the municipality.

Write for lay audience.

Identify Potential Steps Forward

- Anthony will put together a summary document
- Send out meeting notes and a draft of the agenda for the next meeting

**MUNICIPAL ACT REVIEW WORKING GROUP
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, January 5, 2012
1:30 – 3:30 PM**

MEETING NOTES

Attendance

Christine Smith (YG) – Chair
Carolyn Moore (YG)
Dave Austin (AYC)
Mickey Fisher (AYC)
Jeff Renaud (AYC) – Teleconference/Skype

Cheryl Otterbein (YG) - Secretary
RoseMary Fordyce (YG) – OTOF
Anthony DeLorenzo (YG) – OTOF

Not Present

Ian Davis (YG) – New member

Welcoming Remarks (Chair)

- Welcome Carolyn Moore, who will be taking John Chisholm's place, along with Ian Davis

Introductions

- Mickey Fisher – Former YG employee as Municipal Advisor and Director of Community Services in 1992. Faro Municipal Councillor.
- Dave Austin – AYC
- Carolyn Moore – Joining group in John Chisholm's absence
- Christine Smith – Director of Community Affairs
- Jeff Renaud – CAO, Dawson City

Update on AYC Board Meeting

- AYC Board Meeting update – Christine gave AYC an update on the historical aspects of the act
- Clear message from AYC to continue with transparent planning of process
- Will give John Pattimore (AYC) brief summary of previous meeting and post the minutes on the website once they are approved

Consensus: Chair will contact John Pattimore on Friday following meeting to give him a summary of the meeting. Will post all minutes on OTOF website, once they have been approved.

Refresher of December 1, 2011 Meeting (Past Reviews)

- Review of the entire act, took 6 months to develop the principals
- Use the current principals to match the issues and as a measure to vet the issues
- May require additional principals that are missing
- Require criteria to vet all issues
- Key points, everything needs to come to the table and the source of the issue should be clearly identified

Types of Reviews

The 4 types of reviews that were outlined on this meeting agenda are actually just 3 types: it is felt that 'identifying gaps' will come out in all of the other types of reviews.

- 1) House-keeping: Review to modernize language & add clarity or follow trends in legislation
Review to address gaps, typos, minor discrepancies, use clearer language
 - **PROS:**
 - Clarity of language/interpretation
 - Typos: punctuation – commas, semi-colon
 - Emphasis of provision – structure of writing, redundancies, plain language, quick (faster review timeline)
 - **CONS:**
 - Doesn't fulfill all needs
 - May not address all issues

- No value (Spending a lot for a little)
 - No significant change
 - Increases chance of another review/more review
 - **PRO or Con:**
 - Ongoing, may be seen as lack of political will
- 2) Review to address specific concerns in legislation
- **PROS:**
 - Medium-quick, fairly lengthy
 - Targeted review
 - Opportunity to address Act-related issues
 - Fix in a reasonable time-frame
 - Problem based response
 - **CONS:**
 - Will miss some pieces
 - How do you decide? Criteria? Prioritize?
 - Cascading effect – complicate other parts of the act
 - A lot of non-act related issues
- 3) Full Act Review
- Current Act is the most modern in Canada
- **PROS:**
 - Comprehensive
 - Consistent
 - Not a patch work
 - Benefits both issues and house-keeping
 - **CONS:**
 - If it ain't broke, don't fix it
 - Lengthy, daunting, costly
 - Develop criteria
 - Workload for YG and municipal governments

Consensus: Specific issue based review

Identify potential steps forward

- Look into having Education piece/meeting in each community to explain process/preamble or one large meeting; utilize Community Advisors to go to their communities
- Research on previous reviews, “What were they thinking when they developed this”
- Be flexible and open with the review process
- Need to be able to change things in the act that relates to each issue

Preliminary Phase

- Process
- Communication
- (**AGM?)
- Review Format
- Openness
- Principles of Review

Phase 1

- Preamble (Principles)
 - Community Advisors take Municipal Act, History, Background information to the municipalities; discuss principles
- Discussion of Preamble & Principles
 - Confirm, add or modify

Consensus: Possible to start the education process at the AYC AGM, May 3-6.
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Confirm next meeting and wrap-up

- Confirm research on the principles
- Will confirm summary notes to be shared with AYC at the next meeting

Consensus: Next meeting, January 19th, 2012

**MUNICIPAL ACT REVIEW WORKING GROUP
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE**

Thursday, January 19, 2012

9:00 am – 11:00 am

MEETING NOTES

Attendance

Christine Smith (YG) – Chair
Carolyn Moore (YG)
Ian Davis (YG)

RoseMary Fordyce (YG) – OTOF
Mickey Fisher (AYC) by phone
Jeff Renaud (AYC)
Dave Austin (AYC)

1. Welcoming Remarks and Introductions (Chair)

- Round table introductions, including Carolyn and Ian who will be Community Affairs leads on MAR WG from this point forward.
- Ian is Acting Community Advisor and Gas Tax Manager in Community Affairs; this is his first meeting.

2. Added Agenda item: Update for AYC**3. Minutes of last meeting approved.** The WG liked the larger font.**4. Draft Process Timeline Discussion**

Ian and Carolyn presented a MAR process draft timeline for discussion.

- Ian provided an overview of the draft process timeline and walked the group through the timeline.
- The process timeline was compiled from notes from Caitlin Kerwin from the last Municipal Act Review, and from some of the work of John Chisholm's in the fall, as well as input from the Working Group over the last few meetings.
- The intention of the plan is to launch the review at the AYC AGM in May.
- The timeline lays out the different streams of work (Working Group, AYC, municipalities, YG, Communications) involved in the process.
- The working group discussed all of the streams involved in the Municipal Act Review throughout the entire process, from 2012 to 2015. Consideration was given to the principles and preamble; election timing for both municipal and territorial elections during the timeline; training for new council members/CAO's on the Municipal Act; the inclusion of LAC's; the importance of transparency and inclusion for the entire process; communication plans; analysis at the various stages, and the need for consolidation of the Municipal Act etc.

Consensus: Working Group recommends consolidation of Municipal Act as part of this review process

- The group agreed that Carolyn and Ian will take this input and develop another draft of the timeline.
- Will need to check with Community Services Policy about some of the timing considerations.
- An important principle throughout the process is to be open and transparent, especially in the inclusion of up-front criteria for decision-making.
- The timeline needs more whitespace and a larger font. The first summary page can be raised to a higher level, with less detail, and then each stream page will provide the detail.
- Today's meeting was a good working meeting and a lot was accomplished.

Consensus: Next meeting will see a new draft of the timeline incorporating today's discussion.

5. **AYC update on MAR Working Group**

- The Working Group worked through a brief description for AYC of the work completed to date and a few suggestions/recommendations for the process.
- Document will be finalized and emailed out today. Mickey will use this same document to provide an update to his Council.

Consensus:

Next meeting: Thursday, February 2nd 9:00 – 11:00 am.

Community Development Boardroom, Main YG Building, Whitehorse

**MUNICIPAL ACT REVIEW WORKING GROUP
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, February 2, 2012
9:00 am – 11:00 am**

Attendees:

Carolyn Moore (YG) Chair for this meeting
Christine Smith (YG)
Rose Mary Fordyce (YG) – OTOF

Dave Austin (AYC)
Jeff Renaud (AYC)
Mickey Fisher(AYC) (via phone)

1: Welcoming remarks & introductions

Due to an unavoidable work conflict Christine will be late joining the meeting.

2: Agenda review and minutes approval

No additions added to current agenda.

Minutes from the last MAR meeting approved.

Discussion of posting MAR WG minutes to updated OTOF website:

- OTOF work from last year will be in a 'history' section
- Minutes of this group and the OTOF Implementation Working Group will be in a 'What we're doing' section
- Approved

3: Future meetings – March 8th conflict with AWG

March 8th meeting cancelled

- Changed to Thursday, March 1st
- Next meeting after will be Thursday, March 22nd

4: Second draft Municipal Act Review Timeline Process Discussion

Timing of the process was discussed: the Act needs to be tabled by Spring 2015, the AYC AGM is seen as the best place to launch the review, discuss and then to move to the communities via Community Advisors. Suggestion to see about being placed on the AYC AGM agenda for ~ 2 hrs.

Need to consider how to reach folks who may not be at the AGM.

The group discussed the current draft of the review process timeline from 2012 to 2015 and made the following changes:

Under the YG line: add communication strategy

Additions to the communications line included the OTOF website, AYC newsletters and AYC AGMS and YG news releases, also adding to Oct/Nov 2013 a document of high level changes.
Other changes to the timeline include creating a line on the chart for First Nations and LAC's.

Action: Draft to be sent out next week for approval for next meeting

5: Preamble/Principle discussion

Group reviewed the initial 15 principles used in the 1995 Municipal Act Review process and compared them to the principles contained in the preamble of the current Municipal Act. The purpose of the discussion was to familiarize ourselves with the context/framework of the current Act.

Each clause was discussed in both documents and clauses from the preamble that may be concerns for municipalities or YG were flagged for future research/clarification.

Research on the principals in the Acts of other jurisdictions will help inform the next steps. The group would like to see an impact analysis of suggestions for the principles: for example, if the suggestion is to keep the principle, what is the impact of keeping it and why is this suggestion made. The purpose of this work is to inform future discussions between AYC and YG as work continues.

6: Confirm next meeting and wrap-up

- 1) Christine Smith unable to attend; ADM Paul Moore to attend
- 2) Back on the 1st to try to finalize and reflect on the changes; ready to go to AYC after the 1st

Consensus: Next meeting: Thursday, February 16th 9:00 – 11:00 am.
Community Development Boardroom, Main YG Building, Whitehorse

**MUNICIPAL ACT REVIEW WORKING GROUP
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, February 16, 2012
9:00 am – 10:20 am**

Attendees:

Paul Moore (YG) Chair for this meeting

Dave Austin (AYC)

Carolyn Moore (YG)

Mickey Fisher(AYC) (via phone)

Rose Mary Fordyce (YG) – OTOF

Regrets : Jeff Renaud (AYC) & Christine Smith (YG)

1: Welcoming remarks & introductions

2: Agenda review and minutes approval

No additions to current agenda.

Minutes from the last MAR working group meeting approved (one spelling error to correct)

3: Criteria for Evaluation Discussion

4: Inter-jurisdictional research – other preambles/principles

These two agenda items were combined. Principles from Municipal Acts across Canada were reviewed and compared to the Yukon *Municipal Act* preamble and purpose. There is similar wording in many of the Acts and the group felt that the principles of 'innovation' and 'resilience' are interesting to considering as additions to the Yukon Act.

The consensus of the group is that our Act preamble is clear and sets the stage for the Act. The Yukon Act preamble was distilled down to the key words, in an effort to create a matrix that could be used for an evaluation discussion at the next meeting.

The 18 principles discussed were:

- | | |
|----------------|---|
| 1) Partnership | 10) Innovative |
| 2) Respect | 11) Good representative gov't |
| 3) Trust | 12) Public participation |
| 4) Safe | 13) Financially solvent |
| 5) Healthy | 14) Resilient/sustainable communities |
| 6) Orderly | 15) Responsive |
| 7) Responsible | 16) Affordable public services |
| 8) Accountable | 17) Working together with First Nations |
| 9) Flexible | 18) Empowering municipal governments |

4: Inter-jurisdictional research

From the discussion on principles, the group had a discussion on whether municipalities' service taxpayer and residents equally. Inter-jurisdictional comparisons on municipal voting requirements were prepared. There is variability across the country: 6 Provinces allow non-resident voters. This will be a question for the review.

5: Confirm next meeting and wrap-up

For next meeting agenda:

- Timeline for review to be emailed to WG
- Trial of Matrix of principles
- Who will update AYC?

Consensus: Next meeting: Thursday, March 1st 9:00- 11:00 a.m. Community Development Boardroom, Main YG Building, Whitehorse

MUNICIPAL ACT REVIEW WORKING GROUP COMMUNITY DEVELOPMENT BOARDROOM TELECONFERENCE Thursday, March 1st, 2012 9:00 am – 11:25 am
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Attendees:

Christine Smith (YG) Chair Carolyn Moore (YG)
Jeff Renaud (AYC) via Skype Rose Mary Fordyce (YG) – OTOF
Regrets: Dave Austin (AYC)

1: Welcoming remarks & introductions

Mickey Fisher has resigned from Faro council; therefore he is not an AYC member and will no longer be on this committee. Welcome to AYC members who have joined this conference call as observers. (Elaine Wyatt, Florence

Roberts, Laura Eby). This is an informal committee, the MOU with AYC & GY gives authority to discuss issues and it is the hope that a more formal committee will be established in the future.

2: Agenda review and minutes approval

Agenda is fine. Neither Christine nor Jeff were able to attend the last meeting; therefore approval of minutes deferred.

3. Timeline Review (4th item on agenda discussed prior to item 3 so that email document would reach Jeff.)

The group discussed the high level process timeline handout and it was felt that the detailed process timeline (Version 5) is more useful because it is the detail of the process that AYC and GY need to endorse.

4) Grouping of Criteria/Principles

The group discussed the benefit of keeping the principles separate at this stage. If there is a concern with one principle, it does not affect the others. The challenge of having just one principle is that the rationale and explanation of the context is required. This can be addressed in the next agenda item.

5) Rationale for Criteria/Principles

The group discussed each individual principle, where it originated and the context for the principle. A chart will be created with this info. See separate document.

6) Review of Preamble to Principles

This is to be a written explanation of what this informal working group has done on the MAR process for the CAO's to share with Mayor and Council in preparation for the AYC meeting March 17th. The principles, timeline and a letter outlining the process to date and requesting feedback will be drafted and sent to Jeff and Christine for review. All documents mentioned above will be sent out on Friday.

7) AYC update

Jeff is the contact for the MAR WG. He is unable to attend the March 17th AYC meeting, so Christine S. will make the presentation. It is hoped that AYC will appoint another member to this working group.

8) Confirm next meeting and wrap-up

This working group has one more scheduled meeting and then may be finished until after May. Christine passed along her thanks for the productive working meetings and the amount of work that has been accomplished.

Consensus: Next meeting: Thursday, March 22nd 9:00- 11:00 a.m.
Community Development Boardroom, Main YG Building, Whitehorse

MUNICIPAL ACT REVIEW WORKING GROUP
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, March 22, 2012
9:00 am – 10:00 am

Attendees:

Christine Smith (YG) Chair Carolyn Moore (YG)
Jeff Renaud (AYC) Rose Mary Fordyce (YG) – OTOF
Dave Austin (AYC)

1. Welcoming remarks & introductions

Welcome to Tom Lie from Faro who called in as an observer.

2. Agenda review and minutes approval

Minutes from February 16th and March 1st approved

3. Update from Christine AYC Board meeting in Faro

No new member assigned; we will wait to hear from AYC re: a new member for the working group.

RE: OTOF working groups updates: Michael gave CMG WG update, Betty and Wayne did Implementation WG and Christine did MAR WG update.

In general, communication on the OTOF working groups needs to be increased. Staff within CA will be trained on how to post info to the OTOF website which should address this. In addition, AYC will add the OTOF link to their website.

4. Update on Process Timeline

Participants at the Board meeting had not seen the MAR draft process documents ahead of time. There was discussion at the AYC Board meeting about getting information to Mayors, Councillor's & CAO's three weeks before feedback is needed.

The draft process timeline was distributed and feedback about an inter-jurisdictional review and timeline has been addressed. The timeline has been changed to end in 2014 and the detail outlining the inter-jurisdictional review has been added.

Christine provided clarification at the meeting that issues will be brought forward to the public process.

5. Planning for Presentation at AYC and AGM – Process Timeline and Criteria/Principles

After reviewing the draft AYC AGM agenda the working group decided that:

- Jeff and Dave will do the MAR WG presentation
- The presentation will consist of: the timeline, principles, criteria and history of the Municipal Act. (this history is seen as an education piece that is critical: a travelling 'facts' on the Municipal Act may be developed to communication to all: mayors, councillors, staff and residents.
- The presentation will need a condensed version of the process timeline with speaking notes for Jeff and Dave to elaborate
- The detailed process timeline will be handed out.

The working group will work on the presentation versions through email.

Christine will make sure the WG message is in-line with the message from the Minister. As well, Christine will work with Laura regarding the order of the Minister and the updates.

Christine passed along the message that AYC recognizes that this is a lot of work and are pleased with what has been done.

6. Final items

Discussion on potential follow-up work that will need to be done asap, if this work goes ahead in May and June. The approval process for MAR Committee will need to be determined.

A total of 3 members and an Alternate will need to be appointed from AYC; YG will need to have 2 members, in addition to Christine (who will likely have Paul as her alternate.)

Potential start date of May 14th, so will need to have a plan.

Wrap-up

Next meeting: practice run of presentation:

Thurs. May 3rd, in Dawson, in Jeff's office 9:00 am – 10:00 am

**MUNICIPAL ACT REVIEW WORKING GROUP
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE**

Wednesday, September 10, 2012

1:00 pm – 3:00 pm

Attendees:

Christine Smith (YG) Chair for this meeting
Carolyn Moore (YG)
Catherine Poole (YG)
Jeff Renaud (AYC) via Skype

Rodney D'Abramo (YG)
Mike Draper (YG)
Bev Buckway (AYC)

1: Welcoming remarks & introductions

Kirk Cameron has resigned from his role on the *Municipal Act* Review Committee and will not be attending the meeting.

2: Agenda review

No additions added to current agenda.

3: Terms of Reference Review

Remuneration of Members – amendment to 12.1 to read:

3.1 YG will pay accommodation and provide travel. It is expected that representatives will carpool to community meetings. Any alternate travel arrangements will need prior approval from the Community Affairs Director. Meals and incidentals, other than those provided, will not be covered.

4: New Committee Member

AYC will be discussing the appointment of a new representative on the MARC during its Board meeting being held Saturday, September 15th, 2012.

Action: No decision reached at this time for a replacement AYC representative on the committee.

5: Consultation Debrief

- Most input during the public meetings was made by past council members or administrative employees because of experience working with The Act.
- Limited engagement of the issues related to The Act. The issues being raised were often specific to an experience with council, not The Act as a whole.
- Advertising feedback revealed that more than 24 hours in advance was too much notice.
- Anecdotal accounts can prove helpful during public sessions with the Committee; as residents explain their experiences and how they were affected by the current Act, Committee members can record and discuss the corresponding Section that relates to the issue. This approach can be used to discuss possible amendments when the opportunity arises..
- Discussion on ways to improve engagement and consultations. Consider posting information on the websites following each public meeting outlining the key points from the meeting. Establish a user-friendly website that encourages people to share their stories and their experiences with local government. Use the website and other

communications tools to explain parts of the act and how they relate to citizens for example: “did you know...” formats.

Action: Secretariat to come back with communication (website, posters etc.) templates for Committee to review

6: Issues and Analysis

- Names will remain anonymous when meeting summaries are published. .
-
- Discussion on how to proceed with documenting the issues analysis.
- Consider amatrix:
 - o Addition of a “rationale” column to communicate how to address each issue
 - o A spreadsheet should be created conveying how many of the criteria each issue hits
 - o Issue by theme rather than municipality
 - o Addition of a ‘current wording’ and ‘composed wording’ comparison
- Criteria - need to discuss and record definitions to explain their meaning and use
- Informing MLAs – last Municipal Act Review took some MLA’s by surprise, all minutes will be posted online and meetings are open for attendance. Discussed the option to send email updates to all MLAs when new public information is available.

Action: The committee will provide updates to the AYC who can pass the information to the MLAs

7: Post-Election Tour and Meeting Notes Release:

- Need to make sure current councils have submitted their input into the review.
- Necessary to meet with new councils face-to-face or via Skype to ensure all mayors and councils have been consulted.
- Depending on the result of the “check in” with communities, new councils could be briefed by their administrator, if required committee can meet with specific communities again.

Consensus: CAOs will be requested to present community MAR notes, advise their post-election council, and retrieve feedback for the committee, final opportunity for verbal feedback can be received at AYC Board Meeting in December.

8: MARC PP on Website:

- Power point sound needs revision
- Next meeting will include drafts of website options and other means of communication, and criteria definition discussion.

9: Next Meeting:

Consensus: Next Meeting October 4th

**MUNICIPAL ACT REVIEW WORKING GROUP
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Wednesday, October 4, 2012
2:00 pm – 4:00 pm**

Attendees:

Christine Smith – Chair (YG) Arrived late due to a prior commitment

Jeff Renaud (AYC) Acting as chair in Christine Smith's absence
Catherine Poole (YG)
Bev Buckway (AYC)
Ian Davis (YG)

1: Welcoming remarks & introductions

- Jeff Renaud will act as chair until Christine Smith joins the meeting

2: Agenda review

- No additions added to current agenda.

3: Minutes from September 10 Meeting

- Final draft of meeting minutes is approved.

4: Communications Update

- MARC Comment page is linked to the Community Affairs website
- Meeting minutes are being uploaded to the site for public access
- Information regarding the *Act* will be added to the site including a 'Common Questions' page and a link to the *Act* itself
- Consider how to encourage members of the public to tell "their story" as it relates to municipal government so that their "issue" also has the context of why it is an issue and what they would like to see different/improved so that the committee can better determine if/where the story "fits" with the *Municipal Act*

5: New Committee Member

- Cory Bellmore has been added to the committee and will represent AYC

6: CYFN 2008 letter

- An email will be sent to CYFN to follow up on previously issued letters requesting a consultation session to discuss the *Act*. The working group's timeline will be outlined.

Action item: Committee secretariat to contact KDFN

7: Debrief KDFN

- Met with KDFN Lands and Resource Management to discuss any concerns they had with the *Act*.
- YG will share the CIPP Toolkit with Land Claims
- Another meeting will be set up to further discuss issues
- KDFN Lands will provide YG with a submission

8: Updating Criteria (Guiding Principles)

Committee brainstorms as a first step to further define guiding principles with the intent to use them as criteria for vetting. Final product will be shared on website.

9: Next Steps:

- Make efforts to finalize criteria at the next meeting

Consensus: Next Meeting October 25th
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MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, October 25, 2012
1:30 pm – 3:00 pm

Attendees:

Christine Smith – Chair (YG)	Mike Draper (YG)
Jeff Renaud (AYC) Attended via Skype	Carolyn Moore (YG)
Cory Bellmore (AYC)	Ian Davis (YG)
Bev Buckway (AYC)	

1: Welcoming remarks & introductions

Welcome to Cory Bellmore on behalf of the committee.

2: Agenda review

The agenda will be altered to include a debrief of the Don Lidstone meeting.

3: Minutes from October 4 Meeting

Item number six in the October 4th meeting notes will read, “An email will be sent to CYFN to follow up on previously issued letters requesting a consultation session to discuss the *Act*. The working group’s timeline will be outlined.”

4: Meeting Debrief: Don Lidstone

- Valuable information, very concise, answered all of the group’s questions
- Encouraged the working group to look at the B.C. Community Charter.
- Suggestions and recommended directions were very clear
- “Trend” section was helpful
- Emphasis on accountability was good to see in comparison with other Provinces and Territories. An importance on being accountable to the people and transparency with the public
- Helpful to have someone able to validate that the issues being dealt with in the Yukon are common across the country
- Positive to see that Mr. Lidstone is interested in continuing to work with the committee
- Assisted with which issues were important to focus on and understood the concerns and how they pertain to the bigger picture

5: Communications Update

- Website updates are underway. Will soon include the meeting notes from the MARC Tour and from the working group meetings.
 - o A presentation will be added to the main page outlining what has been happening and what is coming up
- Comment section has been altered to include a survey. Comments will be collected and posted after they are reviewed for suitable content by the committee
- First Nations meeting notes will be included
- The option to track stats from webpage hits will be explored
- Information will be added from the LAC forum

Action item: Public, First Nations and Council meetings will be booked in Dawson for November

- A plain language breakdown of the *Act* will be considered
- A request for anonymity will be added to the website “Feedback” section
- “Comments” page will be changed to invite anecdotal examples of how the contributor was affected by the *Act*
- A MARC video presentation to explain the *Act* to visitors has been added to the website

- The involvement of alternate communication sources

Action item: Posters, brochures, postcards, etc. will be created to reach residents who do not use the internet

6: Updating Criteria (Guiding Principles)

- Committee continued to brainstorm to further define guiding principles with the intent to use them as criteria for vetting. Final product will be shared on the MAR website.

7: Next Steps/Next Meeting

Action Item: The next working group meeting will be decided once the Dawson meetings have been finalized

Thank you to Bev Buckway for serving on MARC. Her valuable input will be missed.

**MUNICIPAL ACT REVIEW COMMITTEE
Draft Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Wednesday, January 9, 2013
3:00 pm – 5:30 pm**

Attendees:

Christine Smith – Chair (YG)	Mike Draper (YG)
Jeff Renaud (AYC)	Catherine Poole (YG)
Cory Bellmore (AYC) (on phone)	Carolyn Moore (YG)
John Streicker (AYC)	Ian Davis (YG)

1. Welcoming remarks & introductions

- Welcome to John Streicker on behalf of the committee.

2. Acceptance of Agenda

- No modifications.

3. Approved Meeting Notes

- Meeting Notes approved from October 25, 2012.
- MARC meeting notes from the fall need to go up on the website.

4. MAR updates

- a) Submission Updates:
 - Community Affairs made repeated attempts to contact CYFN (mailed letter, emails, phone calls) also sent CYFN submission from 2008. Will contact again in next phase of Consultation.
 - TH was happy with Dawson City Council's submission
 - KDFN –Met with Lands Manager in December, waiting for a submission.
- b) Review of Website
 - Need to make update to MAR Committee names.
 - Update minutes.

5. City of Whitehorse Council - New Submission

- Review and discussion of new submission.

6. Summary of Meeting Notes Discussion

- Title - Summary of Community Meeting Notes
- Passed out OTOF Community Visits Summary example
- Methodology should reflect that the committee has attempted to consult with First Nations, Municipalities and Local Advisory Areas over the fall.
- Rolling up of meeting notes, summarizing
- Allows for trending of issues
- Want to include Executive Summary

7. Guiding Principles Review - Criteria – vetting

- Review of document prepared Oct 5 and 25th.
- Note that if municipalities want to generate revenue, it will be vetted through this lens.
- Note that there are a lot of themes – 19 potentially onerous to work with.
- Might need to revised later, see if this list is still working for us.

8. Next Steps – Review of MARC Timeline

- Discussion on timelines.

9. Next meeting – 2 weeks

- Need to meet every 2 weeks from here on. Set recurring meeting.
- Thursday January 24th 1:30 to 3:30 pm.

**MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
ECONOMIC DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, January 24, 2013
1:30 pm – 3:00 pm**

Attendees:

Christine Smith, Chair (YG)

Cory Bellmore – via teleconference (AYC)

Jeff Renaud (AYC)

John Streicker – arrived late due to a prior commitment (AYC)

Carolyn Moore, Community Affairs

Rodney D’Abramo, Policy, CS

Mac Hislop, Communications, CS

Richard Thompson, Community Affairs

1. Welcome and Introductions

- Committee does not have quorum today, therefore final decisions cannot be made at this meeting.

2. Agenda Review

- No additions added to current agenda.

3. Notes from January 9th Meeting

Action Item: Suggest emailing notes to all committee members with proposed changes

4. Communications Update

- The themes identified in the Community Visits Summary reflect possible amendments to the Act

- Communicating the Community Visits Summary:
 - May result in future engagement in a broader range of issues
 - Potential for additional public feedback
- This will be released to all municipalities and made available online

5. Community Visits Summary

- MARC continues to review the summary document.
- Committee to work on the document with all members until it is final
- Final released on the website
- Discussion on Community Meeting Notes Summary

Action Item: Suggest Community Affairs will send out document to MARC for changes

- City of Whitehorse Council has provided clarification on some of the Council's December 2012 submission. These clarifications will be incorporated into the Summary during review of the draft.

Action Item: Suggest creation of a matrix outlining which communities touched on what themes and how many times each theme was mentioned

- Discussed delay in releasing the Community Visits Summary due to receiving more submissions
- The Committee discussed MARC review process schedule and meeting obligations with timelines currently delayed by over one month.

Action Item: MARC to possibly provide an update at AYC AGM.

7: Next Steps:

Next meeting scheduled for Thursday, February 7th, 1:30 to 3:30 in the Community Development Boardroom, Main YG building.

MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, February 7, 2013
1:30 pm – 3:30 pm

Attendees:

Christine Smith, Chair (YG)

Mike Draper (YG)

Catherine Poole (YG)

Cory Bellmore – *via teleconference* (AYC)

Jeff Renaud – *via skype* (AYC)

John Streicker (AYC)

Carolyn Moore, Community Affairs

Rodney D'Abramo, Policy, CS

Richard Thompson, Community Affairs

1. Welcome

- Introductions

2. Agenda Review

- Christine Smith outlined the items on the agenda

3. KDFN

- Submission has been received and will be added to the Community Visits Summary

4. Review of Notes from Jan 9th and Jan 24th Meetings

- January 9 Notes: Approved
- January 24 Notes: Approved

5. Review Community Visits Summary

- Sections are currently under review to ensure accuracy
- Committee Review of Summary Report
- Deferral of Whitehorse submission review until a follow up is completed

Action Item: Some municipalities will be consulted regarding their submission for clarity

6. MARC Approach to Issue Analysis

- Discussion of a meeting to look at the Act as a Committee

Consensus: A meeting will be scheduled to ensure that the Committee issues have been fully recorded in preparation for analysis

7. Meeting our Timeline Commitments

- Confirmation that an update can happen at the AYC AGM

8. Next Steps

- Look at research opportunities
- Issues matrix will be finalized for the February 21st meeting

9. Next Meeting: February 21st, 10:00 – 4:00PM – CD Boardroom

**MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, February 21, 2013
10:00 am – 4:00 pm**

Attendees:

Christine Smith, Chair (YG)
Catherine Poole – *via teleconference during the afternoon*
(YG)
Cory Bellmore (AYC)
Jeff Renaud (AYC)
John Streicker (AYC)

Carolyn Moore, Community Affairs
Rodney D'Abramo, Policy, CS
Richard Thompson, Community Affairs

Regrets:

Mike Draper (YG)

1. Welcome

2. Agenda Review

- Approved

3. Review of Meeting Feb 7 Meeting Notes

- February 7 Notes: Approved

4. Review of Community Visits Summary

- Addition of follow-up feedback from municipalities

Action Item: Summary will be shared with the public in March via the YG Community Services and AYC websites

5. MARC Review of *Municipal Act*

- In-depth section by section discussion on the Act with suggestions from the committee

Action Item: Secretariat to track the issues noted

6. Meeting our Timeline Commitments

- Ongoing

7. Next Steps

- Another meeting will be scheduled for the committee to finish section by section look at the Act

8. Next Meeting: March 14, 10:00 – 4:00 PM – CD Boardroom

**MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, March 14, 2013
10:00 am – 4:00 pm**

Attendees:

Christine Smith, Chair (YG)

Catherine Poole (YG)

Cory Bellmore – *via teleconference* (AYC)

Jeff Renaud (AYC)

John Streicker (AYC)

Mike Draper (YG)

Carolyn Moore, Community Affairs

Richard Thompson, Community Affairs

1. Welcome

2. Agenda Review

- Approved

3. Review of Feb 21 Meeting Notes

- February 21 Notes: Approved

4. Timeline Update

- Discussion of the Committee's long and short-term commitments

5. MARC Review of *Municipal Act*

- In-depth section by section discussion on the Act with suggestions from the committee

Action Item: Secretariat to continue tracking the committee's discussion

6. Next Steps

- Completion of the Committee's look at the Act
- Feedback on the Community Visits Summary from AYC will be incorporated.
- Committee will confirm approval process to publish finalized Community Visits Summary.
- Investigate engaging a lawyer to research the committee's findings.

7. Next Meeting: March 28, 10:00 – 4:00 PM – CD Boardroom

**MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, March 28, 2013
10:00 am – 4:00 pm**

Attendees:

Christine Smith, Chair (YG)
Catherine Poole (YG)
Cory Bellmore (AYC)
Jeff Renaud (AYC)
John Streicker (AYC)

Rodney D'Abramo, Policy
Carolyn Moore, Community Affairs
Richard Thompson, Community Affairs

Regrets:
Mike Draper (YG)

1. Welcome

- Meeting information: This meeting will focus entirely on the MARC review of the Act

2. MARC Review of *Municipal Act*

- In-depth section by section discussion on the Act with suggestions from the committee

Action Item: Secretariat to continue tracking the committee's discussion

3. Next Meeting: March 28, 10:00 – 4:00 PM – CD Boardroom

**MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, April 11, 2013
10:00 am – 4:00 pm**

Attendees:

Christine Smith, Chair (YG)
John Streicker (AYC)
Mike Draper (YG)
Rodney D'Abramo, Policy

Richard Thompson, Community Affairs

Via Teleconference:
Cory Bellmore (AYC)
Jeff Renaud (AYC)

1. Welcome

- Meeting information: This meeting will focus entirely on the MARC review of the Act

2. MARC Review of *Municipal Act*

- Completion of the MARC line-by-line review

Action Item: Secretariat to continue tracking the committee's discussion

3. Next Steps:

- Information gathered to date will now be organized into themes for legal and policy review.
- Some items will require in-depth research and analysis.

Next Meeting April 25, 1:00 – 3:00 PM – CD Boardroom

MUNICIPAL ACT REVIEW COMMITTEE Meeting Notes COMMUNITY DEVELOPMENT BOARDROOM TELECONFERENCE Thursday, April 25, 2013 1:00 pm – 3:00 pm
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Attendees:

Christine Smith, Chair (YG)
Mike Draper (YG)
Catherine Poole (YG)
Jeff Renaud (AYC)
Patricia Robertson, Policy

Richard Thompson, Community Affairs

Via Teleconference:

Cory Bellmore (AYC)

Regrets:

John Streicker (AYC)

1. Welcome

- Patricia Robertson welcomed as the new policy analyst

2. Agenda Review

- Approved

3. Review of Previous Meeting Notes

March 14: Approved

March 28: Approved

April 11: Approved

4. Follow Up of Line-By-Line Review of the Act

- Committee review of work-plan timeline

Action Item: Reference past Findings Report as a template when writing the consultation document

Action Item: Minutes from all consultations will be posted on the MARC webpage (public, council, and First Nation meetings).

Action Item: Secretariat to revise timeline for posting on the website

5. Review of Mining Claims Legislation

- Deferred to next meeting

Action Item: EMR will be invited to participate in a discussion on mining in municipalities and how it relates to the *Municipal Act*.

6. **Next Steps**

- Prioritizing themes for cross-jurisdictional analysis. Policy will begin the review of the line-by-line MARC recommendations

7. **Next Meeting** May 9, 1:00 – 3:00 PM – CD Boardroom

MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, May 9, 2013
1:00 pm – 3:00 pm

Attendees:

Christine Smith, Chair (YG)
Catherine Poole (YG)
Mike Draper (YG)
John Streicker (AYC)
Patricia Robertson, Policy
Richard Thompson, Community Affairs
Carolyn Moore, Community Affairs

Bryony McIntyre, Energy Mines and Resources (guest)

Via Teleconference:

Jeff Renaud (AYC)

Regrets:

Cory Bellmore (AYC)

1. **Welcome and Introductions**

- Bryony McIntyre was welcomed to the meeting. Bryony will be facilitating a discussion on mining claims legislation

2. **Agenda Review**

- Item #4 will be deferred to a meeting that all MARC members are in attendance for.

3. **Review of Previous Meeting Notes**

April 25: Approved.

4. **Debrief on AYC AGM**

- Deferred until all MARC representatives are available

5. **EMR Review of Mining Claims Legislation**

- An overview of the *Quartz Mining Act* and the *Placer Mining Act* was provided to the Committee.
- The Quartz Mining Act is the primary legislation governing hard rock mining activities on lands in Yukon. The purpose of the QMA is to encourage prospecting, exploration, staking and development of mineral resources by providing an orderly system of allocation of exclusive rights to minerals. Specific permission must be obtained where the surface is occupied by others. The Quartz Mining Act covers all minerals except for coal and placer deposits.
- The Placer Mining Act governs the administration of placer mining. Placer gold is gold in alluvial gravels. Placer deposits occur in several areas in Yukon, though historically, most of the mining has taken place near Dawson City. This area is particularly favourable for placer deposits because it is in the un-glaciated part of Yukon.
- Mineral tenure is granted under the free entry system in Yukon. This system gives individuals exclusive right to publicly-owned mineral substances from the surface of their claim to an unlimited extension downward vertically from the boundary of the claim or lease. All Commissioner's lands are open for staking and mineral exploration unless

they are expressly excluded or withdrawn by order-in-council (e.g. parks, interim protected lands, buildings, dwelling houses, cemeteries, agricultural lands, settlement lands).

- The Placer Mining Act includes a prohibition clause that automatically prohibits staking of new claims within a new municipality or in the case of expansion of a boundary within the expanded area. Existing claims would be grandfathered and remain until expiry. The only municipalities that have current prohibitions under the Quartz Mining Act are Whitehorse and Dawson. New claims cannot be staked within these prohibition areas however claims are grandfathered if they were in existence prior to the passage of the prohibition order.
- Both acts have prohibitions built in to their system. These prohibitions include cemeteries, land under cultivation and lands set aside by order. Part One of the Acts guides the recording of claims and property ownership. The Mining Recorder is responsible for determining how any prohibitions may affect the granting of a claim. The physical staking of the claims defines the mineral title. The Mining Recorder also ensures that 3rd party property owners are contacted and considered when a mining claim affects another property interest. The Mining Recorder may request and require security.
- When YG is the property owner, the mining recorder will check what interests are registered on that piece of property before recording the claim.
- Part Two outlines requirements regarding what can be done on the land once staked. Land use is managed through the Quartz Mining Land Use regulations and the Placer Mining Land Use Regulations.
- In Whitehorse, most mining claims are focussed on the Copperbelt. There are around 500 existing Quartz mining claims with Whitehorse city limits.
- Concerns have been raised regarding sections of the Municipal Act in regard to legally non-conforming land use and how it plays out in conjunction with mining (Section 301-303)

6. **Policy Research Update**

- Committee provided additional direction regarding Revenue Generation research. The scope will be extended to include the creation of Development Corporations, in addition to existing research on Utilities and Hotel Tax.

7. **Next Steps**

- Policy research on revenue generation will continue and be sent to the committee for review prior to the next meeting.

8. **Next Meeting** May 16, 1:00 – 3:00 PM – CD Boardroom

The Committee is changing its bi-weekly meetings to avoid a Community Affairs conflict, and will therefore have a meeting next week, and then 2 weeks after.

MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, May 23, 2013
1:00 pm – 3:00 pm

Attendees:

Christine Smith, Chair (YG)
Catherine Poole (YG)
Mike Draper (YG)
John Streicker (AYC)

Patricia Robertson, Policy

Richard Thompson, Community
Affairs

Carolyn Moore, Community Affairs

Via Teleconference:

Cory Bellmore (AYC)

Regrets:

Jeff Renaud (AYC)

1. **Welcome and Introductions**

- Meetings will be scheduled at 1:15 instead of 1 pm to accommodate scheduling conflicts

2. **Agenda Review**

- Approved

3. Review of Previous Meeting Notes

May 9: Approved.

4. Policy Research Update

a. Revenue Generation

- Group discussion on inter-jurisdictional research of revenue generation with a focus on Utility Companies and Development Corporations
- Feedback was provided regarding the current formatting of research suggesting that the layout offer a 'Rationale' section detailing why regulations were chosen in other jurisdictions.
- Suggest inclusion of the consideration of the associated risks of revenue generation
- Possibility of including prescriptive guidelines in the Act if/when a municipality chooses to attempt to operate as a development corporation. This could include liability directives in the circumstance that the business should fail

b. ICURR Research

- ICURR research is expected to be available for review at the next meeting. Research will include caseworks to be discussed.

5. Next Steps

- Referendum research will begin.
- A list of themes will be created to choose the next direction for policy research

6. 15 Minute In-Camera Session

7. Next Meeting June 6, 1:15 – 3:15 PM – CD Boardroom

MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, June 6, 2013
1:00 pm – 3:00 pm

Attendees:

Christine Smith, Chair (YG)
 Catherine Poole (YG)
 Mike Draper (YG)
 Patricia Robertson, Policy
 Richard Thompson, Community Affairs
 Anthony DeLorenzo, Community Affairs

Via Teleconference:

Cory Bellmore (AYC)
 Jeff Renaud (AYC)

Regrets:

John Streicker (AYC)

1. Welcome and Introductions

- Meetings will be scheduled at a later time of the day to accommodate scheduling conflicts

2. Agenda Review

- Items 4 and 5 swapped.

3. Review of Previous Meeting Notes

May 23: Approved

4. **Municipal Debt Analysis**

- Discussion of an Inter-jurisdictional municipal borrowing analysis focussing long-term debt limits for Yukon communities
- Research debt limits and revenue generation
- Discussion on the concept of adding regulation to a Municipal Act

5. **Policy Research Update**

- Committee received an update on Municipal Corporation Guidelines across Canada and compared each jurisdiction's restrictions to Yukon's
- Inter-jurisdictional review of conflict of interest requirements.
 - A 'required action' column will be added to the chart

ACTION ITEM: A document will be created to outline when the most recent reviews were conducted in other jurisdictions

6. **Research issues and Priorities**

- A cross-jurisdictional priority list will be created to guide policy research
- Committee discussed the potential of adding another researcher to synthesize the policy research that has been completed and to adhere to the review timeline. This researcher would be contracted to provide additional assistance on the line-by-line issues and to analyse the completed research
- Once a Request for Invitation for the researcher has been completed the committee will approve of the scope of work before it is sent to potential contractors

7. **Work-plan Timeline**

- Committee is in agreement on hiring additional resources
- It would be best if the researcher could provide an initial findings report by the end of July

8. **Next Meetings:** July 18, 1:15 – 3:15 PM – CD Boardroom

MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, July 18, 2013
1:15 pm – 3:15 pm

Attendees:

Christine Smith, Chair (YG)
John Streicker (AYC)
Jeff Renaud (AYC)
Patricia Robertson, Policy
Carolyn Moore, Community Affairs
Kirsti Muller, Community Affairs

Richard Thompson, Community Affairs
Kathleen Hare, Community Affairs

Via Teleconference:

Cory Bellmore (AYC)
Don Lidstone, LLB

Regrets: Catherine Poole, Mike Draper

1. **Welcome/Agenda Review**

- Agenda Adopted
- Committee received an update on hiring additional researcher Don Lidstone

2. **Policy Research Update (Priority Items)**

- Committee received an update on the cross-jurisdictional research that has been completed on Conflict of Interest and Referendums and Plebiscites
- Discussed Sections that will be reserved for the additional researcher to look at

3. Welcome/Discussion with Don Lidstone

- Committee welcomed Don Lidstone and introduced the members in attendance
- Provided a breakdown of the working group's timeline, process and expectations
- Cabinet is supportive of the review model
- Legislative Overview Committee is a sub-committee of the Yukon Cabinet. Members of Cabinet are members of LOC. Some government MLAs may also be appointed as members of LOC.
- Discussed Regional Structures and potential options used in other jurisdictions

4. Policy Research Update (Continued)

- Policy advised the Committee that the *Municipal Act* Review has been bumped to October for LOC
- Continued Policy Research Update including a look at Corporate Status and Municipal Powers research received from ICURR

5. Review of Previous Meeting Notes

June 6: Committee does not have quorum and cannot approve minutes. Present Committee members reviewed notes and deferred approval to the next meeting.

6. Next Steps

- Because of summer holidays and the time sensitivity there was agreement that meetings will continue as required even without quorum and members not present can participate through email, etc.
- Priorities from the line-by-line list of committee recommendations to be delegated to researchers

7. Next Meetings: July 25th, 1:15 – 3:15 PM – CD Boardroom

MUNICIPAL ACT REVIEW COMMITTEE Meeting Notes COMMUNITY DEVELOPMENT BOARDROOM TELECONFERENCE Friday, July 26, 2013 10:30am - 12:30pm		
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Attendees:	Carolyn Moore, Community Affairs	Cory Bellmore (AYC)
Christine Smith, Chair (YG)	Kathleen Hare, Community Affairs	Don Lidstone, LLB
Catherine Poole (YG)		
Mike Draper (YG)	Via Teleconference:	Regrets:
Patricia Robertson, Policy	Jeff Renaud (AYC)	John Streicker (AYC)

1. Welcome

- Discussed proceeding without quorum during the summer to maintain progress. Decisions will be made through email.
- Jeff Renaud will assume role of chair while Christine Smith is away.

2. Agenda Review

- Agenda adopted
- Decision to discuss agenda items 4 and 5 before 3.

3. Review Previous Meeting Notes: June 6 and July 18

- Discussion of Agenda item 4 from June 6 meeting. Modified meeting notes to include “Research debt limits and revenue generation” and “Discussions of the concept of adding regulations to an act”.
- Approved minutes from June 6th
- July 18th notes to be reviewed and approved by email.

4. Delegation of Research Issues: Update

- Committee received an update on research priorities and the process of determining future priorities
- Discussed format and intention for final findings report
- Provided breakdown of distribution of research between Don and Patricia
- Provided breakdown of analysis Don Lidstone will do on research already completed by Patricia Robertson and ICURR
- Discussion of AYC letter from 2008 referring to AYC’s top priorities at that time. This letter to be put in drop box.

5. Research Priorities/Next Steps

- Research/analysis will continue, working towards a preliminary findings report draft to be ready for August 26th.
- Meetings will occur when requested by Patricia/Don as they require direction

6. Next Meeting/Alternate Chair

- Jeff Renaud will act as Chair in Christine Smith’s absence.

Next Meeting: Thursday, August 29th @1:30-3:30pm

Meetings may occur before that if requested by researchers.

MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, September 5, 2013
1:15 – 3:15pm

Attendees:

Christine Smith, Chair (YG)

Mike Draper (YG)

Jon Streicker (AYC)

Patricia Robertson, Policy

Kirsti Muller, Community Affairs

James Wood, Community Affairs

Richard Thompson, Community Affairs

Via Teleconference:

Catherine Poole (YG)

Cory Bellmore (AYC)

Jeff Renaud (AYC)

Don Lidstone, LLB

1. Welcome

2. Draft Findings Report Review

- Researchers provided an overview of the draft research that has been submitted to the committee. The Sections of the Act discussed were:
 - Conflict of Interest
 - Revenue Generation
 - Municipal Board
 - Elections
 - Referendums and Plebiscites
- Committee is interested in receiving some examples from various jurisdictions similar in size, climate, isolation, etc. to Yukon
- A paper on OCPs will be provided to the committee from Mr. Lidstone

3. Next Steps

- Comments on the draft findings will be submitted to the MARC secretariat by Monday, September 16th
- Researchers will begin work on the next phase of the findings report once the feedback is received from the committee
- Findings will be provided in plain language for clarity when presenting the information and include an executive summary to offer a Yukon context
- Committee discussed the recent Ministerial transition and how the new Minister will be briefed on the *Municipal Act* Review

4. Review of Previous Meeting Notes

- **July 18:** Approved
- **July 26:** Approved

5. Next Meeting: Thursday, September 19th - 1:30 - 3:30pm

MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, September 24, 2013
1:15 – 3:15pm

Attendees:

Christine Smith, Chair (YG)
Mike Draper (YG)
Jon Streicker (AYC)
Catherine Poole (YG)
Cory Bellmore (AYC)

Patricia Robertson, Policy
Kirsti Muller, Community Affairs
Richard Thompson, Community Affairs

Via Teleconference:

Don Lidstone, LLB

1. Welcome

2. Review Previous Meeting Minutes

- September 5: Approved

3. Draft Findings Report Discussion/Feedback

- Committee received an update from Don Lidstone on plain language findings reports – received Sept. 23rd
- Group provided initial feedback on the plain language reports. Committee agrees that the final report will benefit from succinct versions of the reports to be used as an appendix

Action Item: One-page reports will be submitted to the Committee prior to the next meeting.

- Committee provided feedback for each Findings Report. The following themes were discussed:
 - Yukon Municipal Board
 - Conflict of Interest
 - Elections
 - Municipal Revenue Generation
 - Fees, Taxes & Amenities

4. Next Meeting: Thursday, October 3rd - 1:15 - 3:15pm

MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Thursday, October 3, 2013
1:15 – 3:15pm

Attendees:

Christine Smith, Chair (YG)

Mike Draper (YG)

Jon Streicker (AYC)

Catherine Poole (YG)

Kirsti Muller, Community Affairs

Ben McPherson, Community Affairs

Via Teleconference:

Cory Bellmore (AYC)

Don Lidstone, LLB

1. Welcome

2. Review Previous Meeting Minutes

3. Draft Findings Report Discussion/Feedback

- Committee had received 6 succinct one-page reports from Don Lidstone prior to the meeting, the remaining reports are expected soon
- Group provided feedback on the one-page reports. Overall, Committee was pleased with the format/content and agreed that these can be used to inform findings report.
- The following sections of the *Act* were discussed:
 - Conflict of Interest
 - Elections
 - Fees, Taxes & Amenities
 - Municipal Revenue Generation
 - Official Community Plans (OCP's)
 - Yukon Municipal Board
- Kirsti and Patricia will write the Draft Findings Report and share with MARC as they finish sections. The goal is to have a complete Draft Findings Report by Thursday, October 24th.

4. Next Meeting:

Thursday, October 24th - 1:15 - 3:15pm

MUNICIPAL ACT REVIEW COMMITTEE
Meeting Notes
COMMUNITY DEVELOPMENT BOARDROOM
TELECONFERENCE
Monday, October 21, 2013
1:15 – 3:15pm

Attendees:

Christine Smith, Chair (YG)

Cory Bellmore (AYC)

John Streicker (AYC)

Mike Draper (YG)

Patricia Robertson, YG CS Policy

Kirsti Muller, YG CS Community Affairs

Ben McPherson, YG CS Community Affairs

Via Teleconference:

Jeff Renaud (AYC)

1. Welcome

2. Review Previous Meeting Minutes

- Sept 24 & Oct 3 Minutes approved.

3. Draft Findings Report Discussion/Feedback

- Discussed process Patricia and Kirsti are using to write the Draft Findings report (reviewing community consultation notes, line-by-line comments made by MARC, research from Don Lidstone, current Act)
- MARC then reviewed all completed and partially completed Draft Findings Report chapters
 - **Elections**
 - Qualifications of Candidates
 - Campaign Financing
 - Election Offences
 - Findings
 - Outstanding Issues
 - **Elections B: Terms of Office**
 - Length of Term
 - **Elections C: Voting Eligibility**
 - Non-resident Voters
 - Date of election
 - **Revenue Generation**
 - Assessment value
 - Property tax
 - Non-resident user fees
 - **Yukon Municipal Board**
 - **Municipal Housing**
 - **Local Governance**
- Kirsti and Patricia will provide MARC members with more draft chapters as they finish them. MARC members were encouraged to read and comment as they receive them.

4. Next Meeting: Thursday, November 7, 2013

MUNICIPAL ACT REVIEW COMMITTEE
Thursday, November 7, 2013
CD Boardroom
Main YG Building
1:15 to 3:15pm

Attendees:

Cory Bellmore (AYC)
Christine Smith, Chair (YG)
Catherine Poole (YG)
Patricia Robertson, (YG CS Policy)
Kirsti Muller, (YG CS Community Affairs)
Ben McPherson, (YG CS Community Affairs)

Via Teleconference:

Jeff Renaud (AYC)

Regrets:

John Streicker (AYC)
Mike Draper (YG)

1. Welcome

2. Review Previous Meeting Notes: October 21

- Minutes approved

3. Draft Findings Report Discussion/Feedback

- Patricia has completed updates on findings, Kirsti will update the Candidates and Elections sections
- The group will soon review completed draft findings and identify the outstanding issues
- MARC then discussed the following Draft Findings
 - OCP's
 - Fees, Taxes and Amenities
- The Committee has agreed to make "Revenue Generation" a section of the findings, and categorize taxes separately from fees and amenities within this section.

4. Next Steps

- **Timelines**
 - December 18 is the lock date for the Findings Report
 - A completed draft of the findings will be completed for the Minister's review by November 13
 - Feedback from the Minister will inform the final report

5. Next Meeting: Full Day Meeting - November 20, 2013

MUNICIPAL ACT REVIEW COMMITTEE

Thursday, December 16, 2014

CD Boardroom

Main YG Building

1:15 to 3:15pm

1. Welcome

2. Review Findings Report

- The group discussed Findings report Volumes I and II
- Deputy Minister provided suggestions on findings report
- The group discussed the following sections of the Report:
 - Message from the chair
 - General Observations
 - Elections
 - Referendums & Plebiscites
 - Conflict of interest
 - Revenue Generation
 - Non- Resident User Fees
 - Utilities
 - Corporate Status and Municipal Powers
 - Local Governance

- Bylaw Enforcement
- OCP
- Yukon Municipal Board
- Next Steps

3. Volume II Review

The following Section of Volume II were discussed:

- Municipal Act Review Terms of Reference
- Line By Line Exercise by MARC
 - MARC Community Visit Summary
 - Municipal Voting Requirements Summary
 - Revenue Generation
 - Conflict of interest Cross Jurisdictional report
 - ICURR Report

4. Timelines

- The Committee aims to review and finalize the report by Wednesday, January 22, 2014.
 - The final copy of the report will be ready for the Minister's review by Friday, January 23, 2014
 - The report will be presented to The Association of Yukon Communities (AYC) on Friday January 30, 2014
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