

Charter
Consultations
January 2018

CBRM Charter

CHARTERS AND THE MUNICIPAL GOVERNANCE ACT (MGA)

- ▶ A charter is a piece of governing legislation for a municipality.
- ▶ It creates an agreement between the province and the municipality to establish stand-alone rules for an area, outside of the *Municipal Government Act*.
- ▶ A charter can enable a municipality to better address the needs therein through increased legislative autonomy, flexibility, and financial powers.
- ▶ A charter, if structured properly, can permit a municipality to make decisions that presently require provincial approval; a burden that can often be time-consuming and prohibitive to economic development.
- ▶ **A charter, if structured properly, can enable smart local decisions to be made locally in an efficient, transparent, and accountable manner.**

CHARTERS AND REVENUE GENERATION

- ▶ Sections 92 and 93 of the *Constitution Act, 1867*, 30 & 31 Vict. c 3, found a two-level system of government in which provinces maintain control over municipalities.
- ▶ Municipal governments administer many services, particularly: utilities, policing, infrastructure, and programs relating to property owners. Increasingly they are taking on roles that fall outside the traditional responsibilities of local government.
- ▶ At the same time, municipalities are only permitted to collect revenues through means specifically enumerated by the province. The main area of revenue production in the CBRM is property taxes and fees for some services/developments.
- ▶ Given their growing responsibilities and their limited revenue-generating ability, there is a growing gap between income and the provision of adequate services to a community.
- ▶ **A well-designed and thoughtful charter can help to address CBRM's growing gap between income and expenditures.**

IF A CHARTER, THEN HOW?

- ▶ Documentation on the charter, draft sections, draft elements, draft principles, and pieces before the province at present must be provided to Council as soon as possible.
- ▶ In advance of public consultations, copies of whatever has been shared with the Province should be shared with the public so that there is something to comment on. Otherwise an uninformed public is being asked to comment on an area of policy that only a few people locally have expertise in.
- ▶ Experts (as noted: Jim Guy and Tom Urbaniak) should be retained, as CBRM has often retained outside legal counsel, to put together a paper for council's review on what a Charter should include. "Opening the process up to the public" and hoping that these individuals appear, is insufficient.
- ▶ The drafting of legislation rests with the province. It is within our power, however, to substantially influence the outcome. Expertise would be used to educate Council about the legal importance and significance of charters and what should be included, in turn influencing CBRM's request of the Province.
- ▶ **A charter is an important opportunity for the CBRM. The design of the initial charter occurs only once. The process, and transparency about the process, are essential. Council and the community should be authentically engaged and well-informed.**

IF A CHARTER, THEN HOW?

- ▶ Phases to design, engage, and implement a municipal charter should be laid out for Council and the community clearly and in advance of further negotiations with the province. These Phases should include anticipated dates of completion.
- ▶ This timeline should identify future anticipated opportunities for community reaction and input.
- ▶ **Quality is more important than speed. It is difficult to get this type of document finalized with the Province and it is important to do it right in the beginning so as not to have to return to the Province repeatedly for amendments.**

ALBERTA: A GOOD PROCESS EXAMPLE

- ▶ Historic collaboration agreement between Edmonton Mayor, Calgary Mayor, Alberta Finance Minister, Alberta Municipal Affairs Minister that commits the Province and its two largest cities to collaborate on and develop solutions for complex issues such as: social policy, planning policy, environmental policy, energy policy/energy efficiency, transportation policy and economic policy
- ▶ The three parties have also been developing a financial framework that will support the needs and challenges of the two cities and the Province. Framework includes revenue sources that align with shifts in roles and responsibilities to enable the two cities to use a mix of tools over time that are responsive to changing economic circumstances.
- ▶ Includes a wide range of areas: governance, planning and development, assessment and taxation, social policies and programs, energy and the environment, transportation and economic policies.
- ▶ First public and stakeholder engagement in October 2016. Second engagement process in 2017 when elements of the Charter will be posted and shared. Anticipated four year design and enactment period.

IF A CHARTER, THEN WHAT?

- ▶ Should reflect a broad and agreed-upon vision for the community
- ▶ Should be clear about the principles or values on which it is based (accountability, transparency, evaluation, flexibility, local decision-making, etc.)
- ▶ Should not be based on the need to meet the terms outlined for a single project.
- ▶ Should, at a very minimum, understand economic development to encompass more than tax concessions, tax abatement, and 99 leases.
- ▶ **A charter is a tool; a means to end. If our end is undefined or ill-defined, a Charter will not take us from where we are today to the future that we want.**

CRITICAL POLICY AREAS

- ▶ Taxation
- ▶ Immigration
- ▶ Municipal elections
- ▶ Community well-being
- ▶ Economic development
- ▶ Provincial/municipal relationship
- ▶ Energy and sustainability
- ▶ Transportation

SAMPLE OBJECTIVES

- ▶ **Taxation:** revising the local system of taxation based on the principles of equity, effectiveness, efficiency, and ability to pay.
- ▶ **Immigration:** seeking the authority/capacity to address the CBRM's population crisis through the substantially increased recruitment and settlement of newcomers.
- ▶ **Municipal elections:** opening up municipal election participation to youth (16 and 17 year olds) and permanent residents.
- ▶ **Economic development:** surveying the municipality's broad economic aspirations and including the tools required to meet these broad aspirations.
- ▶ **Provincial/municipal relationship:** as in Alberta, using the charter as an opportunity to build a collaborative, more open, less distant partnership with the Province of Nova Scotia.

QUESTIONS FOR MAYOR AND COUNCIL?

- ▶ What is the vision or result that the Charter, as conceptualized, aims to achieve?
- ▶ Why would the granting of a 99 year lease by the CAO not require the approval of 2/3 of Council?
- ▶ Under what circumstances would a municipal government want to sell property for less than market value? Please provide an example.
- ▶ Will the public have additional opportunity to review and provide input on any draft legislation?
- ▶ If the “economic development” terms of the Charter before the provincial government are to allow one project to proceed, why not just ask the province to grant one-time exemptions or allowances?
- ▶ Why bother with a Charter if its only economic development provisions clearly relate to the execution of an arrangement with SHIP for the port?
- ▶ Are there no non-port, non-SHIP related provisions on economic development CBRM would like to have included in a Charter?
- ▶ If the MGA is going through revisions, and if there is not a broad, thorough, and sound plan for a CBRM charter, is this premature? Is it not better to wait until the MGA has been amended to consider what further changes are actually needed in a Charter?

CONCLUSION

- ▶ A charter is an opportunity to ask where we want to go and what very specific tools we need to get there.
- ▶ It should be based on a vision, a set of principles, and a clear list of objectives.
- ▶ It should balance a need for efficiency and autonomy with proper checks and balances and place the utmost emphasis on responsible, accountable sound long-term decision-making.
- ▶ It shouldn't be rushed to enable the execution of a single project – no matter how big or important that project.
- ▶ We must make the time and space to follow a credible and transparent and expertise-based process in designing a charter.
- ▶ Council should be well-informed throughout and the community engaged throughout.
- ▶ A charter whose provisions for economic development – seemingly the most pressing issue for the municipality – reflect the needs of a single project is an ill-conceived “charter”.
- ▶ A charter, both in its provisions on economic development and in its commentary on other policy areas, should accurately reflect the full range of challenges and opportunities experienced by the CBRM.