

The Northern Municipalities Act, 2010

SUMMARY of DRAFT PROPOSED AMENDMENTS, December 2018

Administrative efficiencies for municipalities:

- Amending interpretation provisions to provide more flexibility regarding publishing notice, sending by electronic means and collecting other contact information (*s. 2*);
- Clarifying local bylaws may set out the means of sending notices of violation and bylaw contravention and set out mediation and dispute resolution matters (*s. 8*);
- Changing requirements to keep tax and assessment rolls permanently to be for at least 10 years or any longer a council considers appropriate (*s.132*);
- Ensuring councils designate a position for the purpose of calling meetings in the event of a temporary absence/unavailability of an administrator (*s. 101.1*)
- Accommodating parental and other leave of absence policies for council members (*s 165*);
- Rewording deemed service provisions to focus on documents needing to be 'served' (*s. 411*);
- Clarifying ability to add unpaid custom work amounts to the tax roll (*s. 389*);
- Removing requirements that full time solicitors may only be dismissed by council (*s 130*);
- Reordering and rewording tax tool provisions for consistency among the three Acts (*s 304-311*);

Protection from reprisal for municipal employees:

- New provisions providing protection from reprisal for municipal employees who report wrongdoing to a person or authority that has the power to investigate the wrongdoing, including defining reprisal, wrongdoing and the penalties for reprisal (*s. 130.1*).

Strengthening local governance & accountability

- Clarifying municipalities may not exercise natural person powers in a manner contrary to law or to deny the rights of other entities with natural person powers (*s. 4.1*);
- Codifying the mill rate survey return submitted annually by municipalities (*s. 311.2*);
- Setting maximum timeframes a council may go without holding a meeting (60 days) and without appointing an acting administrator (30 days) (*s. 126.1 and s. 140*);
- Making the disqualification period for unauthorized expenditures the same as for other disqualification matters – 12 years (*s.214*);
- Clarifying that administrator duties include hiring/dismissing staff (*s. 127*);
- Regulation making authority to cap council member remuneration (*s. 101*)

Property Assessment and Taxation improvements

- Require boards of revision be appointed when the assessment roll is prepared (*s. 241*);
- Ensure any revenue/payments received in connection with the taxes on a property is apportioned to other taxing authorities (*s. 294.1*);
- Ensure assessment notices refer to any fees required by the municipality to appeal and refer to the contact information of the board of revision secretary (*s. 236*);

- Clarify secretaries of appeal boards must explain deficiencies in notice of appeal (*s. 247 and s. 268*);
- Notify property owners of an agreement to adjust an assessment if the owner is not a party to the agreement (*s. 249*);
- Make it clear that appeal decisions apply to the balance of the revaluation period and do not extend into or apply to the next revaluation (*s. 278*)

Adding regulation making authority for future flexibility

- Regulation making authority is being considered in several places including road maintenance agreements, adding unpaid amounts to taxes, appeal boards and district appeal boards, simplified appeals, and assessment and resource production rules to better deal with changes to prescribed amounts, timelines, definitions and interpretation.

Strengthening Ministerial authority

- Clarifying ministerial responsibility, duty and authority to oversee that municipalities are a responsible, accountable, compliant level of government (*s. 3.1*);
- Explicit authority for the minister to disallow, cancel or amend a decision, resolution, bylaw, fee or charge or agreement of council if not appropriately authorized, not compliant or in the public interest following notice to council of this intention (*s. 8.1*);
- Authority to disallow the use of tax tools for non-compliance with the tax tool limits set in regulation – this is currently in MA and would be added to the CA and NMA (*s.311.1*)

Other Suggestions on which input is sought before potential amendments are drafted

Strengthening dangerous dog/dangerous animal provisions – In light of recent instances of predation and dangerous animal incidents and deaths, the ministry is asking if any further powers or changes are needed in legislation to enable municipalities to enact or enforce effective bylaws to control dangerous animals.

Removing the population threshold for a qualified administrator – the ministry has been requested to remove the 500 population threshold for northern municipalities to hire a qualified administrator. Proposed amendments will require that all northern municipalities regardless of population will be required to hire a qualified administrator. Consequential amendments will also be made to *The Urban Municipal Administrators Act* to remove the population requirement (100) set out in that Act to support this amendment.

Changing the fiscal year of the NMTA – The ministry would like feedback from the NMTA board if there are any concerns or consequences of changing the fiscal year date to align with the fiscal year of government.

Road maintenance agreements (RMAs) in the North – the ministry is asking for input on the degree to which the RMA provisions are needed or used in northern municipalities.