

Union of Nova Scotia Municipalities

**Report of the Resolutions Committee
to the 2009 Annual Conference**

**Westin Nova Scotian Hotel
Halifax, NS
November 4-7, 2009**

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Resolutions Committee Members 2009:

- Deputy Mayor Clarence Prince, Cape Breton Regional Municipality (Chair)
- Mr. Roy Brideau, Chief Administrative Assistant, Town of Wolfville
- Mayor David Corkum, Town of Kentville
- Deputy Warden Jimmy MacAlpine, Municipality of the District of Digby
- Councillor Jim Smith, Halifax Regional Municipality

Resolution Procedures

ARTICLE 11 - SUBMISSION OF RESOLUTIONS -THE RESOLUTIONS COMMITTEE

- 11.1 Not less than ninety-two (92) days before the Annual Conference the Board of Directors shall appoint a Resolutions Committee of not more than fourteen (14) members.
- (a) Any resolution to be considered by the Resolutions Committee shall be forwarded to the Vice-President/Secretary-Treasurer by a member unit, caucus, or the Executive Committee not less than eighty (80) days before the Annual Conference and the resolutions so received shall be forwarded to the clerks of the member units at least thirty-five (35) days before the Annual Conference.
 - (b) The Board of Directors may, at its meeting immediately prior to the Annual Conference, consider and forward to the Resolutions Committee for consideration any resolutions received by the Vice-President/Secretary-Treasurer, after the closing for resolutions, as it sees fit.
 - (c) The Resolutions Committee may, on its own motion, present any matter to the Annual Conference.
 - (d) No resolution shall be brought before the Annual Conference except as set out in this by-law, unless it is otherwise determined by a two-thirds (2/3) affirmative vote of voting delegates present at the meeting.
- 11.2 Any member municipal unit, any caucus, the Board of Directors or the Executive Committee may forward to the Resolutions Committee a resolution for consideration by the Resolutions Committee.
- (a) In order to be considered by the Committee the resolution must be received by the Secretary-Treasurer at the office of the Union at least eighty (80) days before the date scheduled for the Annual Conference.
 - (b) Any resolution, in order to be properly received by the Resolutions Committee, must include the endorsement of the municipal clerk, or caucus chair, indicating whether the resolution was considered and passed by the municipal unit, caucus, or the endorsement of the Executive Director indicating whether the Resolution was considered and passed by the Board of Directors or Executive Committee of the UNSM.
- 11.3 The Executive Director shall, prior to the first meeting of the Resolutions Committee, send all properly submitted resolutions to each member of the Resolutions Committee.

11.4 **Resolutions Committee Report**

The Resolutions Committee shall meet and consider all properly submitted resolutions.

- (a) The Resolutions Committee shall produce a report on resolutions which shall be distributed to the clerks of all member units at least thirty-five (35) days before the date scheduled for the Annual Conference.
- (b) The Resolutions Committee shall, within thirty (30) days of its meeting, provide to the clerk of any unit which has submitted a resolution which the Resolutions Committee has not recommended, appropriately detailed reasons for the decision. The member unit shall be notified within a reasonable time of the time and place of the Resolutions Committee's pre-conference meeting.

11.5 **Form of the Resolutions Committee Report**

The Resolutions Committee shall set forth, in its report, its recommendation on each resolution and the reasons for that recommendation.

- (a) The Resolutions Committee may include in its recommendation any arguments made in favour or against the resolution.
- (b) The Resolutions Committee may make editorial changes to the resolution as submitted, which do not change the intent of the resolution, to make the resolution comply with the basic requirements for resolutions set out in Section 11.7. These editorial changes need not be noted in the report of the Resolutions Committee.
- (c) If the changes made to the resolution as submitted change the intent of the resolution, the original resolution as drafted will be printed along with a redrafted resolution, which shall be submitted as having come forth from the Resolutions Committee by its own motion.

11.6 The Resolutions Committee report shall consist of four parts as follows:

- (a) "A" Resolutions - those resolutions which deal with provincial issues of interest to towns and/or regional municipalities and/or districts or counties.
- (b) "B" Resolutions - those resolutions which deal with issues of primarily local concern.
- (c) "C" Resolutions - those resolutions which deal with matters which have been the subject of resolutions in any of the three (3) immediately previous annual conferences.

- (d) "D" Resolutions - those resolutions which deal with matters relating to the Union and its organization, structure or operation.

11.7 **Criteria for Resolutions**

Resolutions submitted for consideration must meet the following criteria:

- (a) Resolutions should address a topic of general concern to municipalities on a provincial level and not deal with local concerns.
- (b) Recital clauses should be clear and concise and include the problem to be remedied and the existing law or policy to which it is directed.
- (c) Recital clauses should be kept to a minimum. More lengthy explanations, if required, should be included in an accompanying note. These notes should be provided to the Resolutions Committee for its consideration.
- (d) The operative clauses should set out clearly what the resolution is intended to achieve with specific action.
- (e) The action required by the resolution must be an action which is to be undertaken by the Union. The resolution should not refer to an action to be taken by an individual municipal unit nor should it be a statement dealing with the policy of another order of government. A request for a change in federal government policy should be expressed as the Union recommending an action to the Federation of Canadian Municipalities. A request for change in provincial government policy should be expressed in terms of how the Union is to advocate for that change.

11.8 **Properly Submitted Late Resolutions**

- (a) Properly submitted late resolutions are resolutions which deal with subject matter which has arisen after the date for submission of resolutions to the Resolutions Committee set out in Section 11.2 of these by-laws. A resolution is a properly submitted late resolution if the subject matter with which it deals was known prior to the date for submission of resolutions under Section 11.2 of these by-laws but a municipal unit, acting promptly, would not have been able to have passed a resolution between the date on which the subject matter became publicly known and the date for submission of resolutions.
- (b) The Resolutions Committee shall meet prior to the commencement of the Annual Conference at a time to be set out in the conference agenda.
- (c) A resolution as defined under paragraph 11.8(a) must be submitted to the Chair of the Resolutions Committee or to the Executive Directive prior to the pre-conference resolutions committee meeting. A late resolution may be submitted by a member unit or a region.

- (d) At the pre-conference Resolutions Committee meeting, the Resolutions Committee will consider all resolutions brought to it for deliberation at that meeting.
 - (i) A member unit which has been notified that the Resolutions Committee will not be recommending a resolution which it has submitted may make written and oral presentations to the pre-conference meeting of the Resolutions Committee.
 - (ii) The Resolutions Committee may affirm, or change its recommendation.
- (e) The Resolutions Committee will:
 - (i) recommend to the Chair of the resolutions session whether a resolution is a properly submitted late resolution as defined in paragraph 11.8(a) and as such is in order for debate;
 - (ii) indicate if the resolution is in order as a properly submitted late resolution and will indicate to the Chair of the resolutions session whether a resolution is recommended or not and the reasons and explanation for that recommendation;
 - (iii) if considered by the Resolutions Committee to be a properly submitted late resolution, make copies of the resolution, along with the Resolutions Committee recommendation and reasons for that recommendation.

11.9 Emergency Resolutions

- (a) Emergency resolutions are resolutions which deal with a subject matter which has arisen since the pre-conference meeting of the Resolutions Committee.
- (b) An emergency resolution may be submitted by an individual delegate, a member unit or region. The resolution should be provided prior to the commencement of the resolutions session although the Chair of the resolutions session may, in his absolute discretion, waive this requirement.
- (c) The Chair of the resolutions session will rule on whether any resolution which has been submitted as an emergency resolution fits the definition of emergency resolution in paragraph 11.9(a). If the resolution does not fit the definition in paragraph 11.9(a) the resolution shall be ruled out of order by the Chair.

11.10 Resolutions of the Resolutions Committee or Executive Committee

At any time during the conference, the Executive Committee, on its own motion, or the Resolutions Committee, on its own motion, may present any resolution to the conference for

debate, regardless of whether the resolution is a properly submitted late resolution or an emergency resolution as defined in this by-law.

11.11 Debate on Resolutions

- (a) Each "A" Resolution in the report of the Resolutions Committee shall be debated individually. The vote shall be on the merits of the resolution itself and not on the recommendation of the Resolutions Committee.
- (b) "B" Resolutions in the report of the Resolutions Committee shall be debated and voted on as a block. In the case of "B" Resolutions the motion is to accept the recommendation of the Resolutions Committee as a whole.
- (c) "C" Resolutions in the report of the Resolutions Committee shall be debated and voted on as a block. In the case of "C" Resolutions, the motion is to accept the recommendation of the Resolutions Committee as a whole.
- (d) Each "D" Resolution, in the report of the Resolutions Committee, shall be debated individually. The vote shall be on the merits of the resolution itself and not on the report of the Resolutions Committee.
- (e) No resolution noted as being a "B" or "C" Resolution may be debated individually unless a motion is made and passed by a majority of the voting delegates present at the session that the particular resolution be debated on its own merits separate from the recommendation of the Resolutions Committee.

11.12 At the resolutions session the Chair of the resolutions session shall:

- (a) Report to the meeting on all resolutions submitted to the Resolutions Committee under Section 11.8, the Resolutions Committee recommendation as to whether the resolution is a properly submitted late resolution and the ruling of the Chair as to whether the resolution is a properly submitted late resolution,
- (b) Report to the meeting on all resolutions submitted to the Chair as emergency resolutions and the Chair's ruling as to whether the resolution qualifies as an emergency resolution.

11.13 Rules of Procedure

- (a) The Rules of Procedure Governing Sessions at the Annual Conference apply to those sessions at which resolutions are being considered. The Rules for Discussion Periods do not apply.
- (b) For further clarity, but not intending to in any way limit the applicability of Article 10, Rules of Procedure Governing Sessions at the Annual Conference, the following rules apply:

10.1(g) No delegate shall speak more than once on any motion except to explain a misconception of that delegate's remarks. The mover of the substantive motion shall have the right to speak a second time to reply and sum up in closing the debate.

10.1 (h) No person shall speak more than five (5) minutes upon any matter at one time without the leave of the meeting which may extend such time so as not to exceed a total time often (10) minutes.

Proposed Amendment to the UNSM Bylaws to Address Immediate Past President Vacancy

⇒ UNSM Board of Directors

Background: At its March 20, 2009 meeting, the UNSM Board approved a proposed amendment to the UNSM Bylaws that would address the vacancy left by the Immediate Past President. Under the current bylaws, if the Immediate Past President is no longer a municipal elected official, the position is left vacant. The proposed change, approved by the UNSM Solicitor, would enable the most recent Past President who is an elected official to assume the position of Past President should the Immediate Past President no longer become a municipal elected official. *Approval of the proposed amendment requires two-thirds majority of voting delegates at the annual conference.*

Section 3.2 of the UNSM Bylaws currently states that:

The Past-President will be the person holding office as President prior to the election at the Annual Conference, and who still holds an elected municipal office in Nova Scotia. If that person is no longer an elected municipal official the position shall be left vacant.

It is recommended on the advice of the UNSM Solicitor that section 3.2 be amended as follows:

The Past-President will be the person holding office as President prior to the election at the Annual Conference, and who still holds an elected municipal office in Nova Scotia. If that person is no longer an elected municipal official, the Past President position shall be assumed by the last serving Past President who still holds elected municipal office in Nova Scotia.

COMMITTEE RECOMMENDATION: *The Committee recommends this resolution.*

Department of Agriculture

Resolution 1A - Support for Nova Scotia Fruit Growers Association - Government's Purchasing Policies and Programs

⇒ Municipality of the County of Kings

WHEREAS Nova Scotia produces a high quality and year-round supply of fresh apples, fresh apple slices, processing and juice apples; and

WHEREAS apples, apple slices and apple juice are listed as a fruit choice in Canada's Food Guide; and

WHEREAS it is recommended that children and adults strive to consume 5 to 10 servings of fruit and vegetables a day to maintain a healthy diet; and

WHEREAS statistically it is proven that a greater consumption of fruit and vegetables has a positive influence on the reduction of certain diseases including Type II diabetes, some cancers, heart disease and is proven to enhance overall health; and

WHEREAS it is statistically proven that we, as a general population, do not consume the recommended daily servings of fruit and vegetables; and

WHEREAS there are no government funded programs to provide nutritious snacks to our school populations, such as is currently being provided in the United States by the United States Department of Agriculture; and

WHEREAS there is no Canadian or Nova Scotia purchasing policy in place to buy Nova Scotia or Canadian fruit and vegetables 'first' for federal or provincial institutions (schools, health care facilities, nursing homes, day cares, hospitals, jails, penitentiaries, etc.); and

WHEREAS the Municipality of the County of Kings endorses the Nova Scotia Fruit Growers' Association (NSFGA) position that the Nova Scotia government develop and implement purchasing policies and government funded programs that support the use of Nova Scotia fruit and vegetables first in all provincial government institutions;

THEREFORE BE IT RESOLVED that the Union of Nova Scotia Municipalities write to all municipalities to encourage support of the Nova Scotia Fruit Growers' Association (NSFGA) by developing and implementing purchasing policies and government funded programs that support the use of Nova Scotia fruit and vegetables first in all municipal government institutions; and

FURTHER BE IT RESOLVED that the Union of Nova Scotia Municipalities request that the Province support the Nova Scotia Fruit Growers' Association (NSFGA) by developing and implementing purchasing policies and government funded programs that support the use of Nova Scotia fruit and vegetables first in all provincial government institutions; and

FURTHER BE IT RESOLVED that the Union of Nova Scotia Municipalities request through the Federation of Canadian Municipalities that the Federal government develop and implement purchasing policies and government funded programs that support the use of Canadian fruit and vegetables first in all federal government institutions.

COMMITTEE RECOMMENDATION: *The Committee recommends this resolution.*

Emergency Management Office

Resolution 2A - Civic Addressing

⇒ Municipality of the District of Lunenburg

WHEREAS the Province of Nova Scotia has implemented a 911 Emergency Response System that relies on properly posted civic numbers for adequate response; and

WHEREAS the *Municipal Government Act* enables municipalities to enact a civic addressing bylaw to regulate the assigning and placement of civic numbers, but does make it a requirement of a municipality, resulting in inconsistencies in the assignment and placement of civic numbers; and

WHEREAS the Province of Nova Scotia has not established mandatory standards to be complied with by municipalities in establishing a standard for the assignment and placement of civic numbers, creating inconsistencies in the assignment and placement of civic numbers throughout the Province; and

WHEREAS inconsistencies in the assignment and placement of civic numbering undermines the effectiveness of the 911 Emergency Response System;

THEREFORE BE IT RESOLVED that the UNSM request that the Minister of Service Nova Scotia and Municipal Relations develop, implement and enforce Provincial Civic Addressing Legislation and Regulations which will ensure a uniform and consistent approach to civic addressing in Nova Scotia and positively impact the 911 Emergency Response System.

COMMITTEE RECOMMENDATION: *The Committee does not recommend this resolution.*

EXPLANATION: *The Committee concluded that while all municipalities should have civic addressing bylaws, the MGA currently gives each municipality the authority to create their own civic addressing bylaw. As a result, there is no need for the Province to impose a uniform civic addressing bylaw on municipalities.*

Department of Environment

Resolution 3A - Resource Recovery Fund Board – Change Board Structure

⇒ Municipality of the District of Yarmouth

WHEREAS Council of the Municipality of the District of Yarmouth, hereinafter called the Council, is the governing body of the Municipality; and

WHEREAS Council has serious concerns about the increasing financial implications arising from the Provincially mandated waste disposal target of 300 kg / per person / per year by 2015; and

WHEREAS Council has serious concerns about the level of Municipal representation on the Board of RRFB as well as concerns about the funding decisions being made by this Board;

THEREFORE BE IT RESOLVED that the UNSM actively lobby the Provincial government to change the structure of the Board of the RRFB to balance Municipal and non-municipal representation.

Background:

Despite the importance municipal funding from the RRFB, municipalities have very little representation on the RRFB Board of Directors. Currently the Board is comprised of eleven members. Of the eleven members, only two are municipal representatives—one chosen from the Regional Chairs Committee and one from the UNSM. The remaining members are appointed by the Minister of Environment. Because Nova Scotia's municipalities bear the financial burden for the management of solid waste, they deserve greater representation on this important board.

COMMITTEE RECOMMENDATION: *The Committee recommends this resolution.*

Department of Finance

Resolution 4A - Political Contribution Tax Credit

⇒ Municipality of the District of Lunenburg

WHEREAS the Province through the *Income Tax Act* and its Regulations, provides for an income tax credit of 75 per cent of a political contribution (maximum credit of \$5750), made by a taxpayer, their spouse, or common-law-partner to a registered Provincial Political Party or candidate for election to the Nova Scotia legislature; and

WHEREAS municipalities derive their authority to govern from Provincial legislation; and

WHEREAS municipal candidates face many of the funding issues that confront Provincial candidates;

THEREFORE BE IT RESOLVED that the Union of Nova Scotia Municipalities petition the Department of Finance to amend the *Income Tax Act* to extend the current income tax credit available for political contributions to include contributions to a municipal candidate for election to municipal council.

COMMITTEE RECOMMENDATION: *The Committee recommends this resolution.*

Department of Finance

Resolution 5A - Pension Legislation Review

⇒ Halifax Regional Municipality

WHEREAS the *Pension Benefits Act* of the Province of Nova Scotia requires all registered defined benefit pension plans to periodically carry out solvency valuation measurements and to fund solvency valuation deficits; and

WHEREAS solvency valuations are designed to protect pension plan members in cases where an organization may cease doing business and as a result its pension plan is wound up; and

WHEREAS most public sector pension plans are not subject to solvency valuations because they are not likely to cease operations at any time in the future; and

WHEREAS unlike the Province of Nova Scotia, the Provinces of British Columbia, Alberta and Quebec all exempt municipalities from solvency valuation in some form, and the Ontario Expert Commission on Pensions is also recommending that municipalities in that province be exempted; and

WHEREAS the Province of Nova Scotia has before it for consideration a number of recommendations from the Pension Review Panel related to pension legislation, which among other things would continue the requirement for municipalities to fund solvency deficits and funding rules which would lead to significant negative consequences for municipalities and for members of municipal defined benefit pension plans; and

WHEREAS the Province has indicated it may hold public consultations on the pension legislation recommendations;

THEREFORE BE IT RESOLVED that the Union of Nova Scotia Municipalities make a formal request to the Province to:

- a) Hold public consultations on the pension legislation recommendations
- b) Amend the *Pension Benefits Act* to exempt municipal defined benefit pension plans from the requirement to fund solvency valuation deficits; and
- c) Discard the recommended funding rules and consider the funding rule models in use in other Canadian jurisdictions in their stead.

Background:

In 2007 the Province created a panel to review its current pension legislative framework. The Pension Review Panel, chaired by Bill Black, submitted its report to the Premier in January 2009. The report has a number of recommendations which are of concern to HRM and could

have a significant negative impact on both municipal Pension Plans and budgets. While the previous Provincial government felt public consultations on the Panel's recommendations were not necessary, members of both the NDP and Liberal parties have indicated that they now support holding public consultations. HRM strongly supports this plan so that it and other interested stakeholders will have the opportunity to outline the impact of the Panel's recommendations on budgets and business processes.

There are two main issues at stake:

a) Solvency Valuation Requirement - solvency valuation is one method of measuring the soundness of a pension plan. It measures whether the current amount in a pension plan is sufficient to provide a pension to all current plan members to the extent they are entitled now. Solvency valuation is a much more rigorous measurement than a Going Concern Valuation, which measures whether the expected stream of payments and investment results of a pension plan are sufficient to provide future payouts.

Solvency Valuation is generally required in order to protect pension plan members in cases where an organization may cease doing business. Most public sector plans (CPP, Federal Government Pension Plan, Nova Scotia Pension Plan) are not subject to Solvency Valuation, as they are not likely to cease operations at any time in the future. However municipal pension plans remain subject to this measurement, despite the fact that they are just as unlikely to cease operations. The Provinces of BC, Alberta and Quebec all exempt municipalities from Solvency Valuation in some form, and the Ontario Expert Commission on Pensions is also recommending this. In comparison, municipal employees in Nova Scotia are treated in a disadvantageous manner.

The HRM Pension Committee has no issue with the solvency valuation measurement itself, as the Committee wishes to be open and transparent about the state of the Pension Plan. However, funding the solvency valuation deficit is an unreasonable and unnecessary burden on both employees and municipalities. If municipalities are required to continue to fund the deficits, contribution rates will have to rise significantly in the short term or benefit plans may have to be revisited. Neither option is desirable since in the long term this may be unnecessary, therefore HRM is requesting that UNSM endorse a resolution asking for all public sector employers to be exempt from funding pension plan solvency valuation deficits.

b) Funding Rules - the Provincial Pension Review Panel is recommending new funding rules for Nova Scotia. The rules are significantly different from the way in which all other North American jurisdictions value their pension plans. These recommendations would also severely limit the ability of pension plans to control their benefit structure and contribution amounts. The Canadian Institute of Actuaries, the Pension Investment Association of Canada, the Association of Canadian Pension Management, and the HRM Pension Committee have all voiced concerns about the Panel's recommended funding rules, especially without the benefit of robust testing and input from the pension community. HRM is requesting that UNSM endorse a resolution asking that the Provincial government discard the Panel's recommendations and consider the models in use in BC, Alberta and Ontario instead.

Together both the above issues have serious ramifications for municipal budgets. It is important that municipalities make their concerns heard before any new legislation is passed.

COMMITTEE RECOMMENDATION: *The Committee recommends this resolution.*

Department of Labour and Workforce Development

Resolution 6A - Boxing Day – Statutory Holiday

⇒ Municipality of the District of Digby

WHEREAS there are only five (5) paid holidays listed in the Nova Scotia Labour Standards Code; and

WHEREAS Boxing Day (December 26) is not one of the paid holidays listed in the Nova Scotia Labour Standards Code; and

WHEREAS there is competition to entice our workforce to leave Nova Scotia for other parts of the country and the world; and

WHEREAS many of our capable workforce would prefer to remain in this Province if they could afford to do so;

THEREFORE BE IT RESOLVED that the Union of Nova Scotia Municipalities request that the Province of Nova Scotia make the appropriate legislative amendments to recognize Boxing Day (December 26) as a Statutory Holiday.

COMMITTEE RECOMMENDATION: *The Committee does not recommend this resolution.*

EXPLANATION: *While the Committee agrees there could be an additional statutory holiday, they indicated it should not necessarily be Boxing Day.*

Department of Labour and Workforce Development

Resolution 7A - Soft Tissue Injury Cap

⇒ Halifax Regional Municipality

WHEREAS the current soft tissue injury insurance cap appears to have led to a decrease in the overall costs of personal injury insurance to municipalities and to the cost of claims paid by municipalities; and

WHEREAS any elimination of the insurance cap would likely lead to an increase in the number of claims against municipalities as well as increased insurance premiums and costs of claims paid;

THEREFORE BE IT RESOLVED that the Union of Nova Scotia Municipalities request that the Province of Nova Scotia keep in place the current insurance cap for soft tissue injuries.

Background:

In 2003 the provincial government instituted a \$2,500 cap on insurance payments for minor soft-tissue automobile injuries. There has been a public misperception that the cap applies to serious injuries, whereas in fact it only applies to minor injuries, and in addition the cap is only on the "pain and suffering" part of any award. Payment for expenses incurred such as physiotherapy bills or lost wages are not capped even for minor injuries.

The NDP announced its intention to consider withdrawal of the \$2,500 cap and its replacement with a deductible set high enough so as only to allow pain and suffering awards for those with major injuries, the intention being to see those who have suffered an injury fairly compensated.

The concept behind the \$2,500 cap was that \$2,500 was deemed to be fair compensation for the pain and suffering for a minor injury. The difficulty for many years is that the courts had become quite generous with the pain and suffering awards for minor injuries, with the result that insurance premiums had to be adjusted accordingly, making auto insurance unaffordable for more and more people.

The cap has had a very positive effect on auto insurance rates. Rates have decreased 27% in the 5 years since the cap was introduced; thereby achieving the main goal of the minor injury cap, and that is improving auto insurance affordability and at the same time providing a fair level of compensation for a minor injury victim. If the cap is eliminated, municipalities can expect to pay increased auto premiums, and as well see the number of claims increase together with an increase in the per claim cost - a scenario which the deductible alternative that is being proposed will not address.

While other Nova Scotia municipalities do not receive as many insurance claims as HRM, they tend to pay higher insurance rates and further increases will increase rates and claims for

everyone. Furthermore, one of the issues presented by the higher deductible concept means that those with minor injuries would not be awarded anything for pain and suffering including the \$2,500 to which they are entitled under the current cap.

Any increase in insurance rates or claims costs, is a direct cost to municipal taxpayers. The present system seems to be working reasonably well with the limit on the cap for pain and suffering awards, leaving serious injuries to be addressed as has traditionally been the case by the courts.

COMMITTEE RECOMMENDATION: *The Committee recommends this resolution.*

Department of Natural Resources

Resolution 8A - Banning the Exploration and Mining of Uranium

⇒ Municipality of the District of Lunenburg

WHEREAS uranium exploration and mining results in contamination of air, water, and soil with radioactive chemical toxins; and

WHEREAS there is no management option that can contain indefinitely the stored wastes from uranium extraction, which remain toxic for tens of thousands of years; and

WHEREAS any potential economic benefit is not worth the harmful effects of uranium mining on the environment and human health;

THEREFORE BE IT RESOLVED that the Union of Nova Scotia Municipalities respectfully petition the Government of Nova Scotia to enact legislation to permanently ban the exploration and mining of uranium in Nova Scotia.

COMMITTEE RECOMMENDATION: *The Committee does not recommend this resolution.*

EXPLANATION: *The Committee indicated that this is a Provincial issue. If residents feel strongly regarding this issue, they should contact their local MLA.*

Premier's Office

Resolution 9A - Recovery of Expenses for Fire & Emergency Services Responses on Provincial Highways of Nova Scotia

- ⇒ Town of Windsor
- ⇒ Town of Hantsport
- ⇒ Municipality of the District of West Hants
- ⇒ Municipality of the District of Lunenburg
- ⇒ Municipality of the County of Kings

WHEREAS the *Municipal Government Act* authorizes municipalities to charge fees for its services and for the use of its property; and

WHEREAS the Town of Windsor, the Town of Hantsport, the Municipality of the District of West Hants, the Municipality of the District of Lunenburg and the Municipality of the County of Kings consider it unfair that the Province of Nova Scotia does not compensate municipalities for expenses incurred through our respective Fire and Emergency Services Departments activities responding to fire/rescue calls relating to motor vehicle accidents; and

WHEREAS the demand for fire and rescue services is becoming onerous for municipal fire and emergency service agencies and particularly the volunteer fire departments in our Province who are currently responding to many of the highway accidents; and

WHEREAS if fire and emergency service organizations were able to collect fees for all the highway responses, this would positively impact their operating budgets; and

WHEREAS the Provincial Department of Transportation & Infrastructure Renewal maintains and repairs the highways so that they can be used in the manner that they are intended which also means removing accidents from the highway as soon as possible; and

WHEREAS pollutants spilled must be eliminated off the highway at some cost to the emergency services providers; and

WHEREAS there are many cases where there is necessary intervention, whether the emergency response service provider was called by the owner/driver or not; and when the emergency services provider is called to remove debris, pollutants or other materials off the highway to restore it to safe conditions; and

WHEREAS towns and municipalities feel that there is an obligation for insurance companies to be invoiced directly to collect for costs related to responding to calls for assistance at highway accident scenes; and

WHEREAS other provinces such as Ontario and others already have processes and legislation in place for this very service; and

WHEREAS the Nova Scotia Fire Association and the Province determine a billing rate that is uniform across the Province of Nova Scotia and that it is applied equally;

THEREFORE BE IT RESOLVED that the UNSM strongly petition the Premier of the Province of Nova Scotia to assist towns and municipalities (who incur these costs directly or indirectly) by making payment directly to the town and municipalities as reimbursement for services and costs over and above that for which the Fire Services Departments are established; OR, the Province to collect from insurance companies, through necessary legislation, that will allow towns and municipalities to invoice the Department of Transportation and Infrastructure Renewal for costs related as a result of incidences on Provincial Highways.

COMMITTEE RECOMMENDATION: *The Committee recommends this resolution.*

Service Nova Scotia and Municipal Relations

Resolution 10A – Collection of Fines

⇒ Municipality of the District of West Hants

WHEREAS many individuals and companies who receive a fine as a result of a conviction under municipal bylaws and Provincial Acts and Regulations ignore payment of these fines; and

WHEREAS non-payment of fines results in the loss of many thousands of dollars, if not hundreds of thousands of dollars, to Municipalities in each year; and

WHEREAS non-payment of fines has a tendency to weaken or render ineffective the bylaws, Provincial Acts and Regulations; and

WHEREAS non-payment of fines increases the cost to municipalities of prosecution when fines go unpaid; and

WHEREAS the collection of fines assists municipalities in offsetting prosecution costs;

THEREFORE BE IT RESOLVED that the Union of Nova Scotia Municipalities write to the Province to set forth these concerns and request that Provincial laws be changed to:

1. Provide that after the expiration of any appeal period, fines shall form a lien against the real property of the person convicted, shall bear interest and shall be collected in the same manner as ordinary rates and taxes within the Municipality; and
2. Provide that a copy of a Record of Conviction may be filed by the Municipality with the Registrar of Motor Vehicles and when so filed, the Registrar of Motor Vehicles shall not issue a driver's license or vehicle permit or renewal thereof until such time as the owner's fines are paid in full.

COMMITTEE RECOMMENDATION: *The Committee recommends this resolution.*

Service Nova Scotia and Municipal Relations

Resolution 11A – Request to Amend Section 205(7) of MGA

⇒ Region of Queens Municipality

WHEREAS Section 205(7) of the *Municipal Government Act* requires that a Member of Council who has not attended a public hearing respecting planning documents not vote on the subject of that public hearing; and

WHEREAS councillors are involved at many stages in a planning process which often includes public deliberation, public information sessions, informal discussion with constituents, participation in Community Advisory Committee meetings, Planning Advisory Committee meetings, discussion and debate at Council such that Public Hearings on planning are but one albeit important step in decision making by a council; and

WHEREAS no such restriction is placed on Members of the Legislative Assembly with respect to voting on any matter brought before them no matter what or how many stages of deliberation are not attended; and

WHEREAS the current provision in the *MGA* may from time to time have an inadvertent effect of denying a member of council the opportunity to vote because of an unavoidable absence even though that member has been part of the process that led up to the public hearing; and

WHEREAS the current provision in the *MGA* may from time to time have the additional inadvertent effect of giving a councillor an escape hatch from taking a politically challenging decision which surely is not in the spirit of the *MGA* that clearly requires all councillors to take a stand on every issue excepting in a case of conflict of interest;

THEREFORE BE IT RESOLVED that the UNSM request that the Provincial Government amend the *Municipal Government Act* by deleting Section 205 (7).

COMMITTEE RECOMMENDATION: *The Committee does not recommend this resolution.*

EXPLANATION: *The Committee concluded that rather than deleting this section, provincial staff in conjunction with the UNSM, could look at researching alternatives to Section 205(7) to provide more flexibility on the issue of how municipal elected officials participate and vote on planning matters.*

Service Nova Scotia and Municipal Relations

Resolution 12A – Transfer of Pensions between Municipal and Provincial Governments

⇒ Municipality of the District of Guysborough

WHEREAS attracting and retaining highly qualified and experienced senior personnel is a challenge for both provincial and municipal governments; and

WHEREAS it is very difficult for levels of government to compete with larger corporations for skilled employees; and

WHEREAS the professional training, education and interpersonal skills required for many municipal and provincial positions are very similar; and

WHEREAS there would be potential benefits to both municipal and provincial levels of government to have an advantage in the recruitment of highly trained and qualified employees;

THEREFORE BE IT RESOLVED that the Union of Nova Scotia Municipalities enter into discussions with the Province of Nova Scotia regarding the transferability of pensions between municipal and provincial governments for employees interested in the transfer from one level to the other level.

COMMITTEE RECOMMENDATION: *The Committee recommends this resolution.*

Service Nova Scotia and Municipal Relations

Resolution 13A – Revised Definition of “Dangerous and Unsightly” in the *Municipal Government Act*

⇒ Municipality of the District of Lunenburg

WHEREAS the *Municipal Government Act (MGA)* requires that a property in a municipality shall be maintained so as not to be dangerous or unsightly; and

WHEREAS the MGA, Section 3(r) defines the term “dangerous and unsightly”; and

WHEREAS the MGA, Section 3(r)(ii) further defines “dangerous and unsightly” as “an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material”; and

WHEREAS normal and/or usual activities in a rural municipality may include the accumulation of materials deemed to be dangerous or unsightly under Section 3(r)(ii) of the MGA;

THEREFORE BE IT RESOLVED that the UNSM work collectively with Service Nova Scotia and Municipal Relations to undertake a review of the definition of dangerous and unsightly and implement a revised definition of dangerous and unsightly premises that does not restrict normal and-or usual rural activities.

COMMITTEE RECOMMENDATION: *The Committee does not recommend this resolution.*

EXPLANATION: *The Committee concluded that the proposed resolution would weaken the current legislation which is already difficult to enforce. This point was highlighted in a resolution passed at the UNSM Conference in 2008 asking the UNSM to work with Service Nova Scotia and Municipal Relations to undertake a review of alternative methods that could be provided to a municipality to recover the cost of carrying out work necessary to enforce an order issued under Dangerous and Unsightly section of the MGA.*

Service Nova Scotia and Municipal Relations

Resolution 14A – Drive Carefully We Love Our Children

⇒ Municipality of the County of Richmond

WHEREAS the Province of Nova Scotia no longer permits the location of signage such as the "Drive Carefully We Love Our Children" signs on its highway right-of-way; and

WHEREAS it is of utmost importance to promote prudent operation of motor vehicles; and

WHEREAS it is of increased importance to do so in areas where children may be present; and

WHEREAS reasonable people will act responsibly when reminded of the risk of improper behavior;

THEREFORE BE IT RESOLVED that the Union of Nova Scotia Municipalities petition the Province to permit municipalities to erect signage that promotes prudent and responsible operation of motorized vehicles on streets, roads and highways; and

FURTHER BE IT RESOLVED that such signage be permitted to be erected on highway right-of-ways where they do not present a hazard.

COMMITTEE RECOMMENDATION: *The Committee recommends this resolution.*

Department of Transportation and Infrastructure Renewal

Resolution 15A - Public Transit

- ⇒ Halifax Regional Municipality
- ⇒ Town of Wolfville

WHEREAS public transit systems have significant environmental benefits for municipalities and the Province as a whole; and

WHEREAS increasing energy prices and concerns over carbon emissions are leading to increased demands on public transit systems; and

WHEREAS demand for public transit is growing in both urban and rural areas; and

WHEREAS the shift of all responsibility for public transit to municipalities was made under vastly different circumstances and must be reviewed; and

WHEREAS Nova Scotia has one of the lowest levels of public transit funding in Canada;

THEREFORE BE IT RESOLVED that the Union of Nova Scotia Municipalities and municipalities enter into discussions with the Province of Nova Scotia concerning the possibility of increased operating funding for public transit within the Province; and

FURTHER BE IT RESOLVED that the Union of Nova Scotia Municipalities urge the provincial government to re-engage in the provision of public transit in the Province of Nova Scotia and work with the municipalities to develop a Public Transit Strategy for the Province.

Background:

Nova Scotia currently provides one of the lowest levels of provincial funding for public transit in Canada. As in the past, the Province has had a policy of not investing in operating funding for transit. However, in recent years public expectations around transit and greener methods of transportation have changed markedly. The Province has acknowledged this by funding the Transit Operating Incentive which provides \$2 million for municipalities to create transit systems. Increased funding for public transit would support sustainable transportation options as well as attracting people and businesses to the region. UNSM support would be useful in re-opening discussions on transit funding with the Province.

COMMITTEE RECOMMENDATION: *The Committee recommends this resolution.*

Minister Responsible for the *Utilities and Review Board Act*

Resolution 16A – *Public Utilities Act*

⇒ Halifax Regional Municipality

WHEREAS the *Nova Scotia Public Utilities Act* subjects all energy public utilities in the Province to UARB oversight; and

WHEREAS UARB oversight is financially burdensome for small energy projects and results in delays in such projects coming to fruition; and

WHEREAS UARB oversight for small energy projects is unnecessary because customers of such projects are in a strong bargaining position with respect to choice and the cost of service; and

WHEREAS on April 21, 2009, Halifax Regional Council approved the request for an amendment to the *Public Utilities Act* that would exempt thermal and geothermal utilities with ten or fewer customers from UARB oversight;

THEREFORE BE IT RESOLVED that the Union of Nova Scotia Municipalities requests that the Province of Nova Scotia adopt an amendment to the *Public Utilities Act* that would exempt thermal and geothermal utilities with ten or fewer customers from UARB oversight.

Background:

In April 2009 HRM requested an amendment to the *Public Utilities Act* that would exempt projects that provide energy to ten or fewer customers from UARB oversight. The benefits of exempting small projects from UARB oversight are:

- Customers in small projects are in a strong bargaining position re: the cost of service and are not in need of UARB oversight
- The relative cost of UARB oversight is burdensome for small projects; and
- An exemption would reduce project delays that might otherwise be occasioned by a UARB oversight process.

This amendment would be of direct benefit to HRM's Alderney 5 project, and would also assist any other municipalities with small energy projects. It is also consistent with the Province's commitment to facilitate sustainable energy projects, and the NDP's statement that government should apply a "green lens" to policy making.

COMMITTEE RECOMMENDATION: *The Committee recommends this resolution.*

Service Nova Scotia and Municipal Relations

Resolution 1C – Province-Wide Ban on the Use and Sale of Non-Essential Pesticides

⇒ UNSM Resolutions Committee

WHEREAS under the *Municipal Government Act*, the Halifax Regional Municipality is the only municipality in Nova Scotia with the authority to ban the use of non-essential pesticides on residential property; and

WHEREAS in 2007 the Union of Nova Scotia Municipalities passed a resolution requesting that the Province of Nova Scotia broaden the existing legislation to permit any municipal unit in the Province to institute bylaws to manage, including but not limited to, banning the use of non-essential pesticides on lands within its boundaries but exclusive of land that is zoned for agriculture or forestry; and

WHEREAS this resolution was not acted upon by the previous Provincial Government; and

WHEREAS the Canadian Cancer Society has advocated for reducing exposure to pesticides, particularly children, who are generally more susceptible to the potential toxic effects of pesticides; and

WHEREAS health experts have established a connection between many widely used landscape pesticides and serious illness including many different types of cancers; and

WHEREAS by the Fall of 2009, the Government in New Brunswick will ban the sale and use of more than 200 over-the-counter lawn care pesticide products, and the use of all 2,4-D products on domestic lawns on a province-wide basis; and

WHEREAS the Government of PEI is also drafting regulations for a province-wide pesticide ban on residential properties pending the actions of New Brunswick and Nova Scotia; and

WHEREAS on April 22, 2009, the Province of Ontario instituted a province-wide ban on the cosmetic use of pesticides which overrides all municipal pesticide bylaws and establishes one clear set of rules; and

WHEREAS in 2006 the Province of Quebec banned the use of 20 active pesticide ingredients considered toxic to humans and the environment resulting in 210 lawn-care products being removed from the market; and

WHEREAS establishing a province-wide ban on the use and sale of cosmetic pesticides would override all existing municipal bylaws thus creating a level playing field for all municipalities;

THEREFORE BE IT RESOLVED that the UNSM write to the Provincial Minister of Health requesting that the Province institute a province-wide ban on the use and sale of non-essential pesticides; and

FURTHER BE IT RESOLVED that the Province use the legislation prepared by the Provinces of New Brunswick, Ontario and Quebec as a guide in preparing a made-in-Nova Scotia approach to this important issue.

Background:

In 2007, the UNSM passed a resolution requesting that the Province of Nova Scotia broaden the existing legislation to permit any municipal unit in the Province to institute bylaws to manage, including but not limited to, banning the use of non-essential pesticides on lands within its boundaries but exclusive of land that is zoned for agriculture or forestry. The Province's response at the time was that it would consult with HRM on lessons learned from their pesticide management bylaw and report back to UNSM. The UNSM office has not been contacted by the Province since their response to the initial resolution was sent.

Over the past year Ontario and New Brunswick have introduced province-wide legislation banning the sale and use of pesticides for cosmetic purposes. PEI is also considering regulations pending the actions of the other Maritime provinces. Given the new majority government in Nova Scotia, the timing is right to recommend a province-wide ban which would put all municipalities on a level playing field.

COMMITTEE RECOMMENDATION: *The Committee recommends this resolution.*

Union of Nova Scotia Municipalities

Resolution 1D – Anti-Discrimination and Race Relations

⇒ Municipality of the County of Kings

WHEREAS the Canadian Commission for UNESCO is calling Municipalities to join the Canadian Coalition of Municipalities Against Racism and Discrimination and to be part of UNESCO’s international coalition launched in 2004; and

WHEREAS the Federation of Canadian Municipalities endorses the Call for a Canadian Coalition of Municipalities Against Racism and Discrimination and encourages its members to join; and

WHEREAS Municipal governments in Canada, along with other levels of government, have responsibilities under Canada’s Charter of Rights and Freedoms as well as federal, provincial and territorial rights codes, and therefore have an important role to play in combating racism and discrimination and fostering equity and respect for all citizens;

THEREFORE BE IT RESOLVED that the Union of Nova Scotia Municipalities encourage all municipal units in Nova Scotia to join the Coalition of Canadian Municipalities Against Racism and Discrimination.

COMMITTEE RECOMMENDATION: *The Committee recommends this resolution.*