

## Status of Resolutions Passed at 2012 UNSM Fall Conference - October 2013

	PASSED RESOLUTION	STATUS
1A	<p><b>Atlantic Procurement Agreement - Town of Amherst</b>  <i>That the Union of Nova Scotia Municipalities request that the Province of Nova Scotia initiate a review of these thresholds with the other parties to the Atlantic Procurement Agreement.</i></p>	<p><b>Response from ERDT - February 2013</b> - Nova Scotia cannot amend the Atlantic Procurement Agreement unilaterally. It requires agreement from all four Atlantic Provinces.</p>
2A	<p><b>Education Funding in NS - District of East Hants</b>  <i>That the UNSM write the Minister of Education indicating that they make responsible decisions around the split of the financial responsibility for the new education funding amounts between the two orders of government; and that the UNSM write the Minister of Education requesting that the Department provide to the UNSM the overall Provincial numbers which demonstrate the redistribution of education funding between the Province and municipalities.</i></p>	<p><b>Response from Education Minister - November 13, 2012:</b> For the 2012-13 fiscal year, funding to public school education is going down by \$15.4 million to \$1,044,283,000. The mandatory municipal contribution to education will rise by \$411.2 million, to a total of \$202,710,900. There are a number of education costs such as teachers' pension, health insurance, and P3 school lease costs that are not cost shared with municipalities. When all costs are factored into public school education, the mandatory municipal contribution from NS municipalities is approximately 15.7% of total cost. This compares favourably with Quebec and is substantially below contribution rates in Ontario and Western Canada that regularly exceed 20-30% each year.</p>
3A	<p><b>Surplus Schools - District of Lunenburg</b>  <i>THEREFORE BE IT RESOLVED that the UNSM write the Province of Nova Scotia recommending changes to the Education Act whereby the Provincial Government would assume full responsibility, at the election of the Municipality, for all existing public schools and surplus public schools regardless of the year in which they were constructed and that this process be retroactive from 2009; and</i>  <i>FURTHER BE IT RESOLVED that municipalities be notified when a school property is to become surplus to the needs of the school board in advance of the school board disposal process to determine if there is a municipal purpose for the property sufficient for the municipality to acquire the property from the school board; and</i></p>	<p><b>August 2013</b> - A provincial committee with UNSM representation was formed in August 2013 to prepare a discussion paper on the school review process. The paper will outline the issues, including the disposal of surplus schools. Municipalities will be given an opportunity to comment.</p>

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	<p><i>FURTHER BE IT RESOLVED that this process require notice be given in consideration of a municipal interest such as maintaining playgrounds or other recreational facilities associated with the property; and</i></p> <p><i>FURTHER BE IT RESOLVED that this process would not imply that the property be given to the municipality or that the municipality would compete for the property through a formal tender but would be determined based on agreement between the school board and the municipality (whereby the school board could decide to transfer it to the municipality at no cost).</i></p>	
5A	<p><b>Stricter Regulations for the Disposal of Biosolids - County of Pictou</b></p> <p><i>That the UNSM request that the Environment Minister create Biosolid Regulations that include provisions for penalties on approval holders for non-compliance.</i></p>	<p><b>Response received from NS Environment Oct. 31, 2012:</b> It is this department's position that the current legislative framework for biosolids management and land application in Nova Scotia provides for the protection of human health and the environment. Based on the fact that Nova Scotia enforces the most stringent product quality standards for land application of biosolids in Canada, we do not believe there is a need to develop Biosolids Regulations at this time, as the current legislative oversight is sufficient.</p>
6A	<p><b>Rural Mailboxes - District of Yarmouth</b></p> <p><i>That the UNSM take action to lobby the FCM on behalf of municipal units to halt the further erosion of rural mail delivery in Nova Scotia.</i></p>	<p>No response received from FCM as of October 2013.</p>
8A	<p><b>Request to Amend NS Building Code Act - District of Lunenburg</b></p> <p><i>That the UNSM request that the Province amend the NS Building Code Act and the NS Building Code Regulations to enable the construction industry to hire qualified private sector Professional Engineers to inspect residential construction activity.</i></p>	<p><b>Response from Labour and Advanced Education Minister - December 18, 2012:</b> It is difficult for a municipality to avoid legal liability for inspections if work is subcontracted to a professional engineer. This risk may be minimized by having a professional engineer approve the work, but the municipality would be added to any legal proceedings because of the longer term relationship that attaches to residential construction. The engineers would likely need specific training in residential building code before they could undertake this work. I would be pleased to meet with municipal units to discuss the regulation and the difficulties they are experiencing with it.</p>

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9A	<p><b>Request to Amend the NS Trade Union Act - Town of Bridgewater</b></p> <p><i>That the UNSM request the Provincial Government amend the Nova Scotia Trade Union Act to require the arbitration process to examine the ability to pay.</i></p>	<p><b>Response from Labour and Advanced Education Minister - December 18, 2012:</b> While arbitrators carefully review the wages paid elsewhere, the comparative occupations, and general economic factors, they are not required to consider ability of an employer to pay unless specifically requested to do so in an appointment, or through legislation. In the appointment of an arbitrator in recent cases, there have been minimum and maximum wage thresholds agreed to by the parties, which have set the parameters for the arbitrator to work within. This method could be explored by municipalities when they are agreeing to the appointment of the arbitrator. The Province has no intention at this time to make changes to the Trade Union Act.</p>
10A	<p><b>Hire Local - Town of Truro</b></p> <p><i>That the UNSM write to the Premier of Nova Scotia requesting to identify and implement measures to assist local companies in successfully bidding on contracts for these infrastructure projects, within the limits permitted under the Atlantic Procurement Agreement.</i></p>	<p><b>Response from Premier's Office - Jan. 10, 2013:</b> There is an opportunity for public sector entities to analyze the projects during the planning stages, and assess whether projects can be broken down into smaller phases. Depending on the value of the projects, they can be tendered in phases (e.g. if the service of clearing land prior to construction is under \$50,000, a municipality could choose to get three quotes from people in the community instead of including it in the larger infrastructure project.</p> <p>Trades people should also make themselves known to the contractors who bid on these large infrastructure projects either on their own or through various trade organizations and associations. The Construction Association of NS may be a good starting point.</p> <p>The Supplier Development Team with Procurement Services at the Department of Economic and Rural Development and Tourism is available to work with various public sector entities to conduct sector specific workshops in smaller communities to educate and inform interested individuals on how to access and bid on public sector tenders.</p>

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11A	<p><b>Infrastructure Program Administration - HRM</b>  <i>THEREFORE BE IT RESOLVED that the UNSM request that the Province of Nova Scotia and FCM advocate for program criteria that are clear, consistent, and administered consistently; and</i></p> <p><i>FURTHER BE IT RESOLVED that the UNSM also write the Province of Nova Scotia and FCM requesting that the new long term infrastructure plan mandate that program details and processes be available no later than 60 days after program creation and/or announcement; and</i></p> <p><i>FURTHER BE IT RESOLVED that the UNSM advocate to the Province of Nova Scotia and FCM that the new long-term infrastructure plan utilize program-based funding such as the Gas Tax to ensure sustainable and reliable funding while ensuring transparent and accountable reporting on the use of funds and that the projects municipalities put forward be allowed to stand in order of priority if they meet the applicable requirements.</i></p>	<p><b>Response from SNSMR May 2013</b> - The Provincial and Federal governments are working together to create jobs and boost the economy, while making significant investments that help communities improve their infrastructure. The new infrastructure plan announced by the federal government has not yet been developed but it is always our goal to ensure fair and equitable programs with clear and concise criteria. In the negotiation process, we look at lessons learned from past programs and input from our municipal partners in order to improve in all areas we can, so suggestions such as this are welcome.</p> <p>Once the new infrastructure plan is in place, we are committed to ensuring that these funds are delivered as quickly and efficiently as possible to eligible recipients in Nova Scotia and will be sharing more program details as soon as they become available.</p> <p>On Jan. 25, FCM contacted UNSM for further clarification on some of the wording. This has now been resolved and FCM staff will be taking the resolution to their Board for discussion and decision.</p>
12A	<p><b>Municipal Grants to Villages - Rural Caucus</b>  <i>That the UNSM communicate to the Minister its support for an amendment to the MGA which permits a municipality to expend money to Villages in the form of grants or contributions.</i></p>	<p><b>Response from SNSMR May 2013</b> - Province introduced legislation on November 1, 2012 to address this issue. <b>No further action required.</b></p>
13A	<p><b>Request to Amend the Municipal Funding Agreement, Re Gas Tax - Town of Bridgewater</b>  <i>THEREFORE BE IT RESOLVED that the UNSM request the Province of Nova Scotia formally challenge this interpretation with the Government of Canada; and FURTHER BE IT RESOLVED that the UNSM request that the Province allow the gas tax to be used to fund project overruns in future Municipal Funding Agreements.</i></p>	<p><b>Response from SNSMR May 2013</b> - The current Gas Tax program is funded until March 31, 2014. The Federal Government has announced that a permanent program is being developed to replace the existing one in fiscal 2014/15. During the negotiation process, we will be sure to bring past program restrictions to light in an attempt to increase the flexibility of this much needed program.</p> <p>As a point of clarification, the federal stacking rule of having a maximum of 50% Federal contribution to any one project is not in the Gas Tax Program and therefore not a part of the current Municipal</p>

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		<p>Funding Agreements with municipalities. This rule is for the Building Canada Fund (BCF) program. It only affects the use of Gas Tax funds that are utilized to pay a portion of a municipality's 1/3 contribution to the approved BCF total shareable project costs. If a project is not receiving funding by the BCF program, a municipality may pay up to 100% of eligible project costs using their Gas Tax funds.</p> <p>The point regarding funding cost overruns is well taken and affects all of our funding programs with the federal government. We have had many discussions with our federal partners on this matter in the past and will continue to do so in the development of new infrastructure programs.</p>
15A	<p><b>Request for Phased-In Commercial Taxes for New Businesses - Town of Lunenburg</b>  <i>That the UNSM write the Province requesting that municipalities be given discretion to phase in commercial taxes for new commercial property owners which occupy vacant buildings owned by the Provincial and/or Federal Governments or their agencies and private businesses.</i></p>	<p><b>October 2013</b> - As a result of this resolution and recommendations from the Towns Task Force, UNSM has written the SNSMR Minister requesting tax policy changes to the MGA which would allow municipalities to offer lower commercial tax rates in their downtown core as well as to offer phased in commercial taxes for property owners willing to occupy vacant buildings in the downtown. The UNSM is awaiting a response.</p>
16A	<p><b>Request to Share Cost Overruns in Future Funding Agreements - Town of Bridgewater</b>  <i>That the UNSM write FCM and SNSMR requesting that future funding agreements state that cost overruns are eligible expenditures for all parties.</i></p>	<p><b>Response from SNSMR May 2013</b> - The Provincial Government recognizes the infrastructure deficit we are all faced with and is committed to helping address this issue. The statements made in this Resolution regarding cost overruns highlight an issue that has been inherent in past programs and one that we are working to find a solution for.</p> <p>Our approach to reach for a better process in the new program begins with a clear definition of a cost overrun with our partners in the new program negotiations. We feel that the current definition is too narrow and we will attempt to have this broadened in our negotiations in order to address municipal concerns. This will reduce the number of misinterpretations and increase program clarity. As we have done in the past, we will ensure that the federal government is</p>

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		<p>still aware of this issue and we will continue to work with them to explore other opportunities to alleviate this funding pressure.</p> <p>We continue to advocate the message of building strong project estimates with contingencies for escalating costs to program applicants but understand that there are many other factors at play that cause project cost escalation. It is how we can work together to try and solve these burdens that matters most.</p>
17A	<p><b>Infrastructure Renewal - HRM</b>  <i>That the UNSM write the Province and FCM requesting that the new long term infrastructure plan address new and existing infrastructure needs of municipalities.</i></p>	<p>Received letter from TIR Minister on Oct. 23, 2012 referring the resolution to SNSMR. No response from SNSMR as of October 2013. UNSM raises this issues at every opportunity with the Province, including Advocacy Days, meetings with the Premier and at Roundtables with Ministers, and in the UNSM pre-budget submission.</p>
18A	<p><b>Transmission Line Capacity - District of Yarmouth</b>  <i>That the UNSM approach Nova Scotia Power and the Provincial Government with the aim of upgrading transmission capacity in Nova Scotia to promote further renewable energy development in the region.</i></p>	<p><b>Response from Minister of Energy, October 30, 2012:</b> Nova Scotia Power is on track to meet, or even exceed the renewable electricity requirements of 10 per cent by 2013 and 25 per cent by 2015. While we continue to encourage the development of distribution-level renewable electricity through the Community Feed-in Tariff (COMFIT) program, we do not anticipate that we will require any further large-scale renewable electricity projects before 2015.</p> <p>Decisions on expanding transmission capacity are made on the basis of what is required to serve new and existing load. Nova Scotia Power will take all necessary steps should the District of Yarmouth require upgrades to the existing transmission network in this regard.</p> <p>In the longer term, we understand that Nova Scotia Power is willing to work with municipalities in Southwestern Nova Scotia to explore alternative ways of integrating renewable generation in that area, potentially including energy storage. We encourage you to work with Nova Scotia Power and the province to review any findings and take them into account when setting longer term renewable energy plans.</p>

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19A	<p><b>Wood First - UNSM Board of Directors</b>  <i>THEREFORE BE IT RESOLVED that the UNSM continue to support the development of its forest products sector by encouraging municipalities to:</i></p> <p><i>a) When building new structures, renovating or adding on to existing buildings, to utilize wood building systems for the lowest environmental impact, within building code requirements;</i></p> <p><i>b) Select and use building materials and systems with the lowest embodied energy, e.g. wood building system solutions (where technical standards permit), when considering new construction, retrofit, and refurbishment projects;</i></p> <p><i>c) When building new structures, renovating or adding on to existing buildings, require proponents and design teams to demonstrate critical evaluation of lowest impact material solutions using recognized evaluation tools;</i></p> <p><i>d) Ensuring that the performance of building systems and products are considered whenever appropriate throughout all phases of infrastructure procurement and ownership;</i></p> <p><i>e) Specify the use of wood when designing new structures, or performing renovations or additions to existing buildings; and</i></p> <p><i>FURTHER BE IT RESOLVED that the UNSM request that the Provincial Government support marketing (domestic and international), research and education strategies to bolster development of a Nova Scotia wood culture and a sustainable forest based economy.</i></p>	<p><b>Response from ERDT Minister, November 13, 2012:</b> The Province strongly supports the increased use of wood in building construction and appreciates UNSM's recognition of the historic and future value of the industry. Nova Scotia is also a long-time supporter of the Maritime Lumber Bureau's Atlantic WoodWORKS! program. This industry-led initiative is supported by the federal and provincial governments to educate stakeholders about the economic and environmental benefits of wood construction. We encourage the industry to consider sustainable, life cycle-smart wood construction and to support build with wood policies.</p> <p>Nova Scotia continues to partner with the forest industry to develop new markets for Nova Scotia as part of our long-term strategy toward a viable, long-term forest industry. The Bowater Transition Advisory team has also been looking closely at the benefits of wood first policies.</p>
20A	<p><b>Development of a Provincial Recreation Policy - Town of Truro</b>  <i>That the UNSM request that the Province of Nova Scotia develop a Provincial Recreation Policy with the purpose of clearly defining roles and responsibilities of the recreation sector and stakeholders before the National Recreation Roundtable in May 2013.</i></p>	<p><b>Response from Minister of Health and Wellness, November 13, 2012:</b> As I recently expressed in correspondence to Recreation Nova Scotia, I believe that a collaborative approach is the best path to success and am pleased that Recreation Nova Scotia is working with departmental staff to determine a process through which the policy will be developed. I encourage the UNSM to participate in the consultations that will be part of the planning process.</p>

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21A	<p><b>Municipal Input into Changes to Assessment Act - AMANS</b>  <i>THEREFORE BE IT RESOLVED that the UNSM recommend to the Province that there be a formal municipal role before any municipal property tax base changes can occur; and FURTHER BE IT RESOLVED that the UNSM work with the Province to develop a formal and institutional decision-making process that shares the responsibility for legislative changes to the Assessment Act.</i></p>	<p><b>Response from SNSMR, May 2013</b> - Stakeholder consultation is a significant component of all SNSMR policy and legislation reviews. The municipalities are a key stakeholder in any Assessment Act considerations, and we will continue to make every effort to ensure municipalities are consulted on possible changes to the Assessment Act.</p>
22A	<p><b>Mechanism to Address Renewal of Shared Service Agreements - Town of Annapolis Royal</b>  <i>That the UNSM request the Province of Nova Scotia designate through legislation or regulation the requirement to incorporate into all inter municipal system and/or service agreements, whether by amendment of existing agreements or drafting of new agreements, specific mechanisms for performance review, dispute resolution and default terms for renewal.</i></p>	<p><b>October 9, 2013:</b> The Towns Task Force Governance and Dispute Resolution Sub-Committee will be exploring approaches to achieve less confrontational ways to resolve service issues including: developing a municipal mediation and arbitration program and developing a model dispute resolution clause for inclusion in joint municipal agreements. This committee will be formed by November 2013 with recommendations over the next six to twelve months.</p>
23A	<p><b>Transportation Strategy - HRM</b>  <i>That the UNSM request that the Province initiate a review of transportation services across the province with a view to developing a transportation strategy that will better meet the needs of the citizens of Nova Scotia.</i></p>	<p><b>Response from Minister of Transportation &amp; Infrastructure Renewal, October 23, 2012:</b></p> <p>The Province of Nova Scotia believes it is important that the citizens of Nova Scotia have a range of choices in the way they travel. The Federal Government provides passenger rail service through VIA Rail. The private sector provides inter-city bus service. While the Province does not have direct responsibility for these transportation services, we closely monitor the situation and advocate with the transportation carriers on behalf of Nova Scotians.</p> <p>In discussions with the Federal Government, we have been advised that the primary factor in reducing the frequency of the Ocean run is a decline in ridership by 50% over the past 15 years. We have been assured that the new schedule will meet customer demand and service levels will be adjusted if customer demand warrants it. The Province has reinforced its position that a three day a week level is the minimum level of service acceptable for our region</p>



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		<p>of the country.</p> <p>The Province is pleased that private bus operators have stepped forward to ensure that inter-city service will continue after Acadian Lines ceases operation on November 30, 2012, thereby avoiding an interruption in service. For its part, the Province will be streamlining regulatory requirements to enable bus carriers to make service changes without undue delays and expensive hearing processes, thereby enhancing the future business environment in which these companies operate.</p>
24A	<p><b>Provincial Transit Fund - Town of Kentville, Town of Wolfville, County of Kings</b>  <i>THEREFORE BE IT RESOLVED that the UNSM work with the Province to establish a Transit Fund which would be used to match municipal spending on transit services; and FURTHER BE IT RESOLVED that the UNSM request that the Province establish the fund at an amount equal to one-half of the one per cent reduction in HST (approximately \$80 million per year); and FURTHER BE IT RESOLVED that the UNSM request that the Province consider redirecting a portion of the proposed HST reduction to fund the Transit Fund.</i></p>	<p><b>Response from SNSMR, May 2013</b> - The Province has implemented major changes to get to a balanced budget this year and to make life affordable for Nova Scotians. In 2004/05 the Province and municipalities entered into a service exchange agreement that transferred the responsibility for public transit to municipalities. Since that time, the Province's only involvement in public transit has been to support community based transit services in rural areas through the programs offered by SNSMR.</p>
1C	<p><b>Ban Quarry and Mineral Development and Operations in Watershed - Town of Bridgewater</b>  <i>That the UNSM request that NS Environment and the DNR ban activities described in Division 5, Part 2, Construction, Section (e), Section (f), and any activity designated under Division 5, Part 5, Minerals, of the Activities Designation Regulations made under Section 66 of the Environment Act.</i></p>	<p><b>Response from NS Environment, October 31, 2012:</b> NSE is updating the "Pits and Quarry Guidelines" and the UNSM had the opportunity to comment on the draft Pit Standards as part of the 2012 Pit Standard Consultation process.</p> <p>SNSMR, DNR, and NSE are discussing mineral exploration activities in municipal watersheds as part of the province's commitment to integrated water management under the Nova Scotia Water Strategy, released in 2010. NSE continues to work with municipalities to support their efforts to protect their municipal drinking water supplies and has further committed to this in the Water Strategy.</p>

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		<p><b>Response from DNR, October 21, 2012:</b> - The result of the environmental assessment and regulatory process for any proposed mining and large quarry project is to either:</p> <p>1) approve the proposal with imposed terms and conditions designed to mitigate risks to the environment, including drinking water supplies, or</p> <p>2) to reject the project proposal in instances where the project is judged to not be in the public interest because it poses unacceptable risks.</p> <p>Under the Environment Act, where the [Environment] Minister is of the opinion that a proposed activity should not proceed because it is not in the public interest having regard to the purpose of the [Environment] Act, the Minister may, at any time, decide that no approval be issued in respect of the proposed activity if notice is given to the proponent, together with reasons (see Section 52 of the Environment Act).</p>
2C	<p><b>CCME Wastewater Strategy - HRM</b></p> <p><i>That the UNSM urge the Province of Nova Scotia to advocate for a dedicated funding stream within the long term infrastructure plan that will address the costs of wastewater system upgrades.</i></p>	<p><b>Response from Environment Minister - October 31, 2012:</b></p> <p>Environment Canada released new wastewater regulations under the Fisheries Act. I am planning to send a letter to the federal Minister of the Environment, the Honourable Peter Kent, indicating that Nova Scotia communities will require assistance to meet the new regulations and that targeted federal funding is required to support this initiative.</p> <p><b>Response from SNSMR, May 2013</b> - We understand the burden of CCME and have made our position clear to the federal government. Based on early cost estimates, it is apparent that the costs to achieve compliance with these proposed regulations, for many Nova Scotia municipalities, will exceed their ability to finance, if no support is available from the Federal and Provincial governments. We will continue to ensure that wastewater is a priority issue and pursue mutually beneficial solutions with all of our partners.</p>

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3C	<p><b>International Ferry Service Reaffirmation - District of Yarmouth</b>  <i>That the UNSM reaffirm its support of the immediate reinstatement of the ferry service between Nova Scotia and Maine.</i></p>	<p><b>The Province announced a ferry between Yarmouth and the United States will resume May 1, 2014. No further action required.</b></p>
4C	<p><b>Sustainable Transit Funding - HRM</b>  <i>THEREFORE BE IT RESOLVED that the UNSM and municipalities enter into discussions with the Province concerning the possibility of increased sustainable, predictable operating funding on an annual basis for public transit within the Province and/or providing municipalities with the means to raise funds for public transit outside property taxes and paid fares; and FURTHER BE IT RESOLVED that the UNSM 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.</i></p>	<p><b>Response from SNSMR, May 2013</b> - On April 22, 2013 the Province announced its Sustainable Transportation Strategy. The Strategy proposes \$10 million in spending over 5 years on transportation initiatives, pending approval. \$6 million of this is from existing funds.</p> <p>The focus of the strategy is on four broad interconnected networks: active transportation, public and community transit, supportive land-use planning, and vehicles and fleets. This strategy will help us move toward expanded services for more riders, reduced traffic congestion, as well as more accessibility and greater mobility for seniors. The strategy also helps achieve some of the reductions in greenhouse gas emissions, mandated in the EGSPA.</p> <p>In regard to the request for increased funding for public transit, the Fiscal Review that is currently underway is considering alternate revenue generating opportunities for municipalities. I will forward this Resolution to the Fiscal Review Working Committee for their consideration.</p>
1D	<p><b>Examine Viability of Small Water Utilities - County of Colchester</b>  <i>That the UNSM establish a committee to examine the viability of small water utilities to identify strategies and approaches to improve their viability, including consideration of the development of risk based regulatory framework related to both the capital and operating cost structure.</i></p>	<p>UNSM will work with SNSMR to set up working group to address this issue.</p>