

Wednesday, January 15, 2003.

10 o'clock a.m.

Prayers.

Mr. Williams, from the Select Committee on Local Governance and Regional Collaboration, presented the Final Report of the Committee which was read and is as follows:

January 2003.

To The Honourable
The Legislative Assembly of
The Province of New Brunswick

Mr. Speaker:

I have the pleasure to present herewith the Final Report of the Select Committee on Local Governance and Regional Collaboration.

Your Select Committee was appointed during the Fourth Session of the Fifty-fourth Legislative Assembly by resolution of the House adopted December 18, 2001, and empowered to sit after prorogation of the session.

This report is the result of your Committee's public consultation and deliberations to explore acceptable and appropriate local governance models and regional service delivery structures, in response to three recommendations of the Minister's Round Table on Local Governance.

On behalf of the Committee, I wish to thank the many individuals and organizations who appeared before the Committee at the public hearings or submitted written briefs. As well, I wish to thank everyone who attended the hearings and took part in this important process.

I also wish to thank the various individuals who provided assistance to the Committee, in particular, the resource person, Mr. Johnny St-Onge, for his invaluable advice and dedication throughout the process.

Finally, I express appreciation to the members of the Committee and the Members of the Legislative Assembly who participated in the process, for their contribution in carrying out our mandate.

This report, together with the Committee's first two progress reports, effectively concludes the work of the Committee.

Respectfully submitted,

(Sgd. :) Claude Williams, MLA.
Chairman.

Ordered that the Report be received.

The full Report of the Committee as presented follows:

FOREWORD

This Report builds upon the solid foundation laid by the reform to the local government system initiated 35 years ago and the improvements that have since been undertaken by successive provincial governments and the communities across the province.

More importantly, the Report and nine recommendations of the Select Committee reflect and respond to the insightful and beneficial feedback received from the many New Brunswickers who made their views known to the Committee.

These recommendations reflect previous reports, more particularly the report of the Commission on Land Use and the Rural Environment (1993), the report of the Municipalities Act Review Panel (1999) and, of course, the report of the Minister's Round Table on Local Governance (2001).

The Report recognizes that New Brunswick's rural and urban communities have changed and will continue to change, and that the local government system needs to be reorganized in a gradual manner in order to accommodate those changes.

Building upon the customs and practices of citizens in unincorporated areas, some of the recommendations are targeted at laying the foundation for the gradual acquisition of local powers in unincorporated areas in order to strengthen the governance of today's communities. One of these recommendations is also aimed at achieving a better local government-community fit, where the powers exercised locally match the capacity and the geographic boundaries of the communities served.

Other recommendations are targeted at improving existing regional service commissions and at providing a mechanism for communities to voluntarily and formally enter into arrangements for the shared provision of other services.

One recommendation points to the need to articulate the planning goals to be pursued, and the need to provide communities with the ability to collectively act, in order to ensure the sustainable development of urban and rural communities.

Engaging citizens in the process of change, with the technical and financial assistance of the provincial government, is the purpose of another recommendation.

While recognizing that these proposed changes will not address all the social, economic and environmental problems that New Brunswick communities are facing, members of the Select Committee believe that its recommendations will go a long way in providing communities with the tools they most need and desire.

PUBLIC CONSULTATION - PURPOSE, PROCESS AND PARTICIPATION

In December 2000, the Honourable Kim Jardine, Minister of the Environment and Local Government, established a Round Table on Local Governance with key stakeholders to examine various issues confronting the local governance system in New Brunswick. The Round Table presented its report, "A Vision of Local Governance", to the Minister on June 29, 2001. In total, 16 recommendations were formulated by the Round Table pertaining to local governance in unincorporated areas, regional collaboration and service delivery, the financing of local governments and property taxation in the unincorporated areas.

Accepting in principle the direction outlined in the report of the Round Table, the provincial government announced on October 11, 2001 that it was undertaking a three-part approach to pursue the necessary work of consultation and technical research in response to the report.

The Department of Finance was mandated to conduct an in-depth review of the cost of provincially-provided local services (e.g., policing, roads) in the unincorporated areas (the 654) and assessing the feasibility of these costs being applied to all property owners in unincorporated areas.

A working group, co-chaired by the Department of the Environment and Local Government and the Department of Finance, with representatives from the three municipal associations and local service districts, was established to make recommendations for new provincial-local funding arrangements.

The provincial government also decided to act upon the recommendation that a comprehensive consultation process be conducted to explore acceptable and appropriate local governance models and regional service delivery structures.

Therefore, an all-party Select Committee of the Legislative Assembly on Local Governance and Regional Collaboration was established on December 18, 2001 and charged with the responsibility for conducting public consultation relating to the following three recommendations of the Minister's Round Table on Local Governance:

1. That at the present time, acceptable options for the unincorporated areas of the province to voluntarily achieve local governance include:
 - Community District (in conjunction with a regional structure)
 - Enhanced Rural Community (in conjunction with a regional structure)
 - Incorporation as a Rural Municipality
 - Annexation to, or incorporation as, a Municipality.
2. That a multi-service body be established in each region of the province to provide for:
 - The delivery of the services of land use planning, solid waste management and economic development on a regional basis
 - A mechanism to arrange for, and/or deliver services on a regional, and possibly on a sub-regional or local basis
 - A mechanism to manage facilities and infrastructure that have regional benefit

- The potential to achieve cost savings through economies of scale and the reduction of duplication
 - Greater effectiveness in dealing with issues that cross jurisdictions and improvement of co-operation among the various administrative units
 - Accountability to communities served in regards to services delivered on their behalf
 - Fair sharing of services between and among communities (sharing of decisions related to the services and sharing their costs)
 - More and better land use planning at the local and regional levels
3. That a regional planning tool be developed to bring about improved co-ordination and linkages between communities in terms of land use planning, infrastructure development and the protection of the natural environment

The Committee was composed of Claude Williams, Chair, Milt Sherwood, Vice-Chair, Jody Carr, Rose-May Poirier, Madeleine Dubé, Eric MacKenzie, John Betts, Réjean Savoie, Gaston Moore, Eric Allaby, Marcelle Mersereau, Roland Haché, and Elizabeth Weir.

The Committee held 13 days of public hearings throughout the province during the months of February and March of 2002. Public hearings were held in Dalhousie, Bathurst, Inkerman, Oak Bay, Hampton, Salisbury, Douglastown, Grand Barachois, Bouctouche, Upper Kingsclear, Hartland, and Saint-Joseph-de-Madawaska, while the final public hearing took place in Fredericton in the Legislature's Council Chamber.

Individuals, organizations and representatives of municipalities, local service districts, and regional service commissions were invited to make a presentation and/or submit a written brief to the Committee. New Brunswickers have responded with a keen interest in the Round Table report and the public consultation process. Approximately 1,350 citizens attended the public hearings, and the Committee listened to more than 225 presentations and received 140 written briefs.

Citizens from 111 local service districts, representing 41 per cent of the 269 local service districts, made presentations and/or submitted written briefs to the Committee. Almost all of the 103 municipalities were represented in presentations made, and/or written briefs submitted to the Committee, by the three associations representing municipal elected officials in New Brunswick. Also, about 50 municipalities made a presentation and/or submitted a written brief to the Committee on their own or in collaboration with other municipalities in their region.

Five District Planning Commissions and six Solid Waste Commissions made a presentation or submitted a written brief on their own to the Committee. Both the New Brunswick Association of District Planning Commissions and the New Brunswick Association of Solid Waste Commissions made a presentation and submitted a written brief to the Committee on behalf of the members of the commissions. No representatives from the Economic Development Commissions took part in the public consultation process.

It is important to note that 96 of the 111 local service districts, from which citizens made presentations and/or submitted written briefs, have an advisory committee, which means that 61 per cent of the local service districts with an advisory committee took an active part in the public consultation. On the other hand, only 15 local service districts, representing just 13 per cent of local service districts without an advisory committee, took an active part in the public consultation.

Information sessions on the Round Table report provided by the Department of the Environment and Local Government prior to the public consultation were only directed at members of local service district advisory committees. Furthermore, although public notice of the public consultation process by the Select Committee was targeted to all New Brunswickers, invitation letters could only be sent by the Committee to the local service districts with an advisory committee and/or with a recognized community organization, such as a recreation council.

This may explain why most participants in the public consultation were from those local service districts with an advisory committee, and why many citizens mentioned to the Select Committee that they were not provided with adequate information about the Round Table report and the public consultation process, as well as with sufficient time and support to meaningfully participate in the process and to comment on a preferred option. It is also important to note that many participants perceived they had to choose one of the options suggested by the Round Table, rather than to simply comment on those options.

Without at least some form of local representation, it was difficult to seek the participation of citizens of local service districts without an advisory committee in the public consultation process. As the process of change evolves, it will be important to facilitate the involvement of all New Brunswickers.

The Committee would like to thank the many presenters who appeared before the Committee at the public hearings and all the individuals and organizations who submitted written briefs. As well, the Committee wishes to thank everyone who attended the hearings and took part in this important process for New Brunswick. The Committee's report and recommendations are based on the insightful and beneficial feedback it has received from the many New Brunswickers who made their views known to the Committee.

EXECUTIVE SUMMARY

On December 18, 2001 the all-party Select Committee of the Legislative Assembly on Local Governance and Regional Collaboration was established and charged with the responsibility for conducting public consultation to explore acceptable and appropriate local governance models and regional service delivery structures, in response to three recommendations of the Round Table on Local Governance (June 2001).

The Committee held 13 public hearings throughout the province during the months of February and March of 2002. New Brunswickers have responded with a keen interest in the Round Table report and the public consultation

process. About 1,350 citizens attended the public hearings, and the Committee listened to more than 225 presentations and received 140 written briefs.

The Committee's recommendations found in this report are based on the insightful and beneficial feedback it has received from the many New Brunswickers who made their views known to the Committee. The recommendations also reflect the Committee's own examination of the organization of community governance in New Brunswick and of the Round Table report.

Community Governance in Unincorporated Areas...

The four options put forward by the Round Table did not appear to meet the different needs and desires across unincorporated areas to adopt a form of local government for the governance of their community. While the Community District put forward by the Round Table was intended to provide a minimal form of local government, most participants rejected this option. Even as a few unincorporated areas demonstrated an interest in the other options (Municipality, Rural Municipality, Enhanced Rural Community), most unincorporated areas would not be willing to try these options.

On the other hand, citizens from unincorporated areas also expressed interest in acquiring local representation and some basic local powers to plan the future of their community and meet their local servicing needs. However, public input was clear that if citizens of unincorporated areas are to accept change and acquire powers through a local government, the approach pursued by the provincial government should:

- Recognize and build upon the governance currently exercised by communities
- Be flexible enough to fit the different needs and desires across communities
- Allow communities to acquire local powers as they are ready
- Enable communities to be in control of the change

The aim should be to enable unincorporated communities to gradually acquire the powers they need and desire in order to facilitate the exercise of community governance for the building of sustainable communities.

In light of the public input received, the existing local service district structure could be modernized as follows to achieve such an approach:

- All local service districts should be encouraged to examine their geographic boundaries and reorganize them as necessary to reflect and serve the communities of today
- Each local service district should elect local representatives through the municipal election process
- Each local service district should be granted the local power to adopt and enforce a land use/community plan
- Each local service district should be able to choose to take on additional local powers, as it is ready

Municipalities and unincorporated areas should also be encouraged to work together toward reorganizing their geographic boundaries in order to reflect and serve present-day communities. In addition, since some municipalities have difficulty in fulfilling their basic service powers, it may be appropriate to provide them with the opportunity to become a local service district, while retaining those local powers they are able to fulfill.

Arrangements for the Shared Provision of Services...

The Multi-Service Body recommended by the Round Table did not receive much support. The general public input was that “while such a structure looks nice on paper, it will not work on the ground.” Most people feel that improvements could be made to the existing Regional Commissions, and do not see the need for their integration into one regional service body.

Measures could be undertaken to improve the provision of land use planning and solid waste management services:

- Complete the establishment and restructuring of regionally-based District Planning Commissions to serve all local service districts and municipalities in all regions of the province
- Improve District Planning and Solid Waste Commissions
 - Allow local service districts to appoint their members
 - Require each commission to adopt a multi-year service plan and an annual review of that plan, in consultation with participating municipalities and local service districts
 - Require a double-majority support for the making of significant decisions

There is also a need to develop a legislative framework to enable municipalities and local service districts to voluntarily and formally design and review arrangements for the shared provision of other services and to resolve disputes.

Planning Tools...

The social, economic and environmental public costs that have resulted from a lack of local planning in unincorporated areas, are also due to a lack of planning at the provincial and regional level. For example, when industrial developments locate in areas that are not designated and do not have adequate services in place, there is a lack of provincial direction and a lack of regional ability to act on these issues.

A comprehensive and integrated Provincial Planning Policy should be developed to articulate the goals to be pursued by the provincial government, municipalities and local service districts for the building of sustainable urban and rural communities. In turn, a regional planning tool would enable the local service districts and municipalities of each region to formulate a plan for their region in order to address their common and conflicting needs and interests, while achieving the provincial planning goals.

Public Participation in the Process of Change...

If people are to accept changes, they need to be part of the process and able to influence the resulting changes. If there is to be trust between the provincial government, municipalities, local service districts, and Regional Commissions in the process of change, it will be essential to make adequate provision for the views of different interests to be expressed and taken into account in decisions made.

Public input was clear that if the process of change, whether initiated by the community or the provincial government, is to meet the expectations of citizens, the provincial government should:

- Seek and facilitate the involvement of all stakeholders
- Support the involvement of stakeholders with technical and financial assistance
- Provide sufficient time and adequate information for all stakeholders to fully assess and understand changes
- Establish local and regional committees to facilitate the sharing of information
- Require the support of citizens in each local service district and municipality
- Provide for an assessment of the costs and fiscal implications of changes
- Provide for the training of elected representatives

This means that the provincial government should work with all local service districts, municipalities, and Regional Commissions in the process of change, providing necessary leadership, resources and support.

RECOMMENDATIONS***Community Governance in Unincorporated Areas***

1. Encourage local service districts and municipalities to examine their geographic boundaries and reorganize them as necessary to reflect and serve the communities of today.
2. All local service districts should elect local representatives through the municipal election process.
3. Each local service district should have the local power for land use/ community planning.
4. Provide the legislative framework for each local service district to choose to take on additional local powers, as it is ready.

Arrangements for the Shared Provision of Services

5. Complete the establishment and restructuring of regionally-based District Planning Commissions to serve all local service districts and municipalities in all regions of the province.
6. Improve District Planning and Solid Waste Commissions.

This includes:

- Allowing local service districts to appoint their members

- Requiring each commission to adopt a multi-year service plan and an annual review of that plan, in consultation with participating municipalities and local service districts
 - Requiring a double-majority support for the making of significant decisions
7. Develop the legislative framework to empower local service districts and municipalities to design and review arrangements for the shared provision of services and to resolve disputes.

Planning Tools

8. Complete the development of a comprehensive and integrated Provincial Planning Policy.

Public Participation in the Process of Change

9. Local service districts, municipalities and regional commissions must be engaged in the process of change, with the technical and financial assistance of the provincial government.

The provincial government should:

- Seek and facilitate the involvement of all stakeholders
- Support the involvement of stakeholders with technical and financial assistance
- Provide sufficient time and adequate information for all stakeholders to fully assess and understand changes
- Establish local and regional committees to facilitate the sharing of information
- Require the support of citizens in each local service district and municipality
- Provide for an assessment of the costs and fiscal implications of changes
- Provide for the training of elected representatives

OVERVIEW OF RECOMMENDATIONS

Community Governance in Unincorporated Areas

- 1. Encourage local service districts and municipalities to examine their geographic boundaries and reorganize them as necessary to reflect and serve the communities of today.***

Encourage local service districts to reorganize their geographic boundaries...

Local service districts were established for the purpose of providing local services to unincorporated areas according to local preferences (e.g., street lighting, community services, recreational facilities, etc.). As such, local service districts are service areas, not local governments.

About 100 local service districts were first established in 1966, with geographic boundaries closely aligned to the boundaries of parishes. However, as demand for services increased over the last 36 years, areas within those initial districts became additional local service districts. Changes to where people live, work and conduct their daily activities have further led to creating the situation where the geographic boundaries of

today's local service districts do not always match present day communities. Today, about 275,000 people live in unincorporated areas, which are divided into 269 local service districts.

The fragmentation of communities into several local service districts hinders the ability to act collectively on those issues that have a strong influence on their common social, economic and environmental well-being. However, some participants in the public consultation expressed a desire to preserve their geographic boundaries because they feel a sense of community with their local service district, and fear that they would lose control of the services they receive and the property tax they pay.

Building upon the past, the alignment of geographic boundaries with present settlement and community relationships (e.g., social, economic, service) and people's relation with the natural environment (e.g., watersheds) should be encouraged. As such, a process that would assist local service districts in identifying options for reorganizing their boundaries and assessing the associated benefits and costs should be initiated and facilitated by the provincial government. Any decision to reorganize boundaries should require the support from the citizens of each local service district.

As well, every effort should be made to preserve citizens' sense of community. When two or more existing local service districts become one, each existing district could become a ward. This would enable the election of one or more representatives from each ward (former local service district), the provision of the same/existing range, scope and level of services in each ward, and the setting of the property tax rate in each ward that would reflect any differences in the services provided among the wards.

Local service districts should consider various factors when studying the feasibility of reorganizing their boundaries:

- Environmental issues such as shared watersheds
- Social ties
- Economic ties
- Service ties
- Shared sense of community and history
- Shared suburban or rural character
- Willingness to work together

Encourage municipalities to reorganize their geographic boundaries...

Some municipalities have a small, dispersed and/or declining population as well as a more or less stagnant tax base, which is limiting their capacity to adequately fulfill their local responsibilities. Several unincorporated areas have been merged with (annexed to) municipalities over the last 30 years. However, the geographic boundaries of municipalities continue to remain largely fixed, while the areas they serve often extend beyond their geographic boundaries and into adjacent unincorporated areas where the population is growing and demands for services are increasing.

The alignment of the geographic boundaries of each municipality with present settlement and community relationships should be encouraged. The

process should be initiated by municipalities or unincorporated areas (local service districts) and facilitated by the provincial government with feasibility studies. The decision to reorganize their boundaries and be represented and served by the same local government should require the support from the citizens in each affected area.

Simultaneous study of potential boundary changes...

Local service districts may wish to simultaneously study the feasibility of reorganizing their boundaries with one or more local service districts or municipalities, and then decide if this would be more beneficial than keeping existing boundaries.

2. All local service districts should elect local representatives through the municipal election process.

Although local service districts have very dedicated members on their Advisory Committees, many participants in the public consultation expressed strong support for the election of their local representatives through the municipal election process.

Each local service district should have an Elected Committee. For the purpose of electing representatives to the Committee, the *Municipal Elections Act*, with appropriate modifications, should be adopted.

When two or more existing local service districts become one, each existing local service district could become a ward to enable the election of one or more representatives from each ward to the Committee.

This Elected Committee would provide community members with a structure that can exercise local power and accountability and represent and serve the interests of the community. It would provide a legitimate and recognized voice when working with other local service districts, municipalities and the provincial and federal governments. The Elected Committee would also be able to appoint its members to the Solid Waste and District Planning Commissions.

When citizens of local service districts elect their representatives, they expect to be meaningfully involved in the decisions of their Committees. If there is to be trust between those elected to represent and serve unincorporated areas, and those who elected them, it will be important to provide open houses, public meetings, town hall meetings, or advisory committees for the views of different interests to be expressed and taken into account in reaching decisions.

3. Each local service district should have the local power for land use/ community planning.

Some unincorporated areas have grown significantly over the last three decades, especially around the major municipalities, and continue to grow. Although all local service districts are receiving planning services, such as building permits and subdivision approvals, through the Rural Planning District Commission or a regionally-based District Planning Commission, those tools are limited in their ability to ensure that different types of development (e.g., residential, commercial, institutional, recreational, resource) take place only in suitable locations.

Indeed, the lack of land use/community plans results in significant social costs when developments take place where they conflict with traditional rural activities, economic costs when development takes place where it costs more to service, and environmental costs when rural resources are lost as developments replace farms, forest and wildlife habitats.

As we look to the future, the public costs associated with not having a land use/community plan in all communities of the province are simply too important to not ensure that all communities have this power. Since all local service districts are already paying for planning services provided by District Planning Commissions, all they need is the local power and elected representatives to adopt and enforce a community plan.

Under the leadership of the provincial government, education should also be provided to enable people to understand land use/community planning, the reason it is important and necessary, the planning goals pursued by the provincial government, the powers of their Elected Committee, the services provided by their District Planning Commission, and how they can participate in the planning process with their Elected Committee.

4. Provide the legislative framework for each local service district to choose to take on additional local powers, as it is ready.

The approach undertaken by the provincial government should be flexible enough to fit the different needs and desires across local service districts to acquire local powers through a local government. The aim should be to enable local service districts to choose to acquire powers beyond community planning, as they are ready.

Each local service district should be incorporated and a legislative framework provided for taking on additional authority. This includes powers to provide services (e.g., fire protection, recreation facilities, garbage collection, street lighting), corporate powers (e.g., ownership of lands, buildings and equipment, appointment of administrative and operational staff, entering into arrangements for the shared provision of services with other local service districts and municipalities), by-law making powers (e.g., regulation of noise causing public nuisance, outdoor exhibitions and concerts), and financial powers (e.g., borrowing for capital projects, adoption of budgets, fixing of tax rates and user fees).

The decision for each local service district to take on any additional local power should provide for an assessment of the benefits and costs and a meaningful opportunity for public input.

The provincial government should continue to assume the local powers and the Municipal Service Representatives should continue to administer local services, other than for community planning, until such time as the local service district chooses to assume any additional powers.

The provincially provided local services of policing and roads should also remain a provincial responsibility. However, the Departments of Public Safety and Transportation should consult the Elected Committee of each local service district in the provision of policing and road services.

Provide municipalities with the opportunity to become a local service district...

Municipalities that have a limited capacity to raise the required revenues from their own tax base to adequately fulfill their basic service powers as a municipality (e.g., roads, policing, fire protection), should be provided with the opportunity to become a local service district, while retaining the local powers they are able to fulfill.

Arrangements for the Shared Provision of Services***5. Complete the establishment and restructuring of regionally-based District Planning Commissions to serve all local service districts and municipalities in all regions of the province.***

About 100 local service districts are not yet served by a regionally-based District Planning Commission, and about 35 municipalities do not have the opportunity to be served by a regionally-based District Planning Commission. A few municipalities have not joined an existing District Planning Commission.

Since all local service districts in New Brunswick would now acquire the power to adopt and enforce a community plan, and regional planning would be pursued, it becomes very important to complete the establishment and restructuring of regionally-based District Planning Commissions to serve all local service districts and municipalities in all regions. This would include the establishment of a regionally-based District Planning Commission in the regions of southern Victoria/Carleton, York/Sunbury/part of Queens, and Charlotte County. It would also require the reorganization of the boundaries of some of the existing commissions to serve the remaining local service districts and municipalities.

All municipalities should participate in regionally-based District Planning Commissions to share the provision of regional planning services with the other communities of their region, but not necessarily the provision of local land use services.

6. Improve District Planning and Solid Waste Commissions.

This includes:

- Allowing local service districts to appoint their members
- Requiring each commission to adopt a multi-year service plan and an annual review of that plan, in consultation with participating municipalities and local service districts
- Requiring a double-majority support for the making of significant decisions

Allowing local service districts to appoint their members:

The appointment of members representing unincorporated areas on Solid Waste and District Planning Commissions by the Minister of the Environment and Local Government should no longer be required since each local service district will have an Elected Committee with the authority to make such appointments. However, there will be a need to re-structure

District Planning and Solid Waste Commissions to accommodate these appointed members.

All municipalities, irrespective of their size, already appoint only one member on their Solid Waste Commission. Furthermore, the requirement of a double majority support for the making of significant decisions would eliminate the need for large municipalities to appoint more than one member on their regionally-based District Planning Commission in order to have a level of control in proportion to their respective share of the total service costs.

However, given the current number of local service districts (269) and municipalities (103), it may not be practical or manageable to have each municipality and local service district appoint one member on each commission. The average number of members on a Solid Waste Commission would then be 31, while the average number of members on a District Planning Commission would be 25.

As the geographic/jurisdictional boundaries of local service districts and municipalities reorganize to reflect the communities of today, their number will likely be reduced. This would then reduce the membership to a reasonable number. However, if after the reorganization of boundaries, the number of municipalities and local service districts results in some of the Commissions being too large, then an alternative may be for groupings of local service districts and municipalities, representing equal shares of the region's population and/or tax base, to appoint members.

Requiring each commission to adopt a multi-year service plan and an annual review of that plan, in consultation with participating municipalities and local service districts:

While many Commissions make substantial efforts to communicate with participating municipalities and local service districts, there is no requirement for communities and Commissions to agree on the scope and level of services to be delivered.

Present budgeting and reporting requirements fall short of providing a comprehensive, transparent and effective process for participating communities to know about and judge their Commissions' performance, and to set improvement targets with their Commissions.

District Planning and Solid Waste Commissions, in consultation with all participating municipalities and local service districts, should be required to adopt multi-year service plans and annual reviews of those plans. Each Commission would also submit its multi-year service plan and the annual review to the Minister of the Environment and Local Government for review and acceptance to ensure that the plan meets provincial standards.

Each Commission would, in its multi-year service plan, specify the scope and level of service that will be delivered and the anticipated costs of providing those services to participating municipalities and local service districts. The annual review would evaluate the performance and set needed improvement targets for the multi-year service plan.

A strategy should also be developed to train and/or attract needed Planners to District Planning Commissions, in order to enable them to effectively and equitably meet the existing and future servicing needs of participating municipalities and local service districts.

Requiring a double-majority support for the making of significant decisions:

Significant decisions that affect the scope, level and cost of services provided by the District Planning and Solid Waste Commissions, such as the adoption of the annual budget, the borrowing of money, the adoption of the multi-year service plan and its annual review, should be supported by a double majority: 1) an appropriate majority of the members, 2) that must also represent a majority of the population and/or tax base of the region served by the Commissions. The double majority formula encourages negotiation in order to achieve compromises for the benefit of all participating communities.

In addition, since the business and affairs of Solid Waste Commissions are controlled and managed by the members only, the election of executive officers on Solid Waste Commissions should no longer require the support of a two-thirds majority of the members/participating communities representing a two-thirds majority of the population of the region.

7. Develop the legislative framework to empower local service districts and municipalities to design and review arrangements for the shared provision of services and to resolve disputes.

Designing & reviewing arrangements...

Beyond the regional commissions, (Solid Waste and District Planning Commissions), there is a lack of a mechanism to enable local service districts and municipalities to design and review arrangements for the shared provision of services, such as recreational, library or other facilities. Without being provided with such an enabling tool, communities will continue to be reluctant to work together in the provision of these services.

A legislative framework should be developed to enable municipalities and local service districts to design and review arrangements: the service shared, the associated service costs, and control over the service.

Resolving disputes...

Even with the best intentions, there is always a potential for conflicts between communities involved in a service arrangement. Thus, there should also be a mechanism to help resolve such conflicts.

Planning Tools

8. Complete the development of a comprehensive and integrated Provincial Planning Policy.

The social, economic and environmental public costs that have resulted from a lack of local planning in unincorporated areas, are also due to a lack of planning at the provincial and regional level. For example, when industrial developments locate in areas that are not designated and do not have

adequate services in place, there is a lack of provincial direction and a lack of regional ability to act on these issues.

A comprehensive and integrated Provincial Planning Policy should be developed to articulate the goals to be pursued by the provincial government, municipalities and local service districts for the building of sustainable urban and rural communities. These goals would include:

- Protecting watersheds for suitable quality and quantity of ground and surface water
- Protecting agricultural and forest lands
- Locating commercial and industrial developments in designated and serviced areas
- Limiting public costs
- Allocating public costs to beneficiaries
- Moving traffic efficiently and safely

A Provincial Planning Policy should be limited to the articulation of the overall goals to be pursued. A regional planning tool would enable the local service districts and municipalities of each region to formulate a plan for their region in order to address their common and conflicting needs and interests, while achieving the provincial planning goals. A regional plan would also guide the preparation and review of local land use/community plans so they meet the needs and interests of each community, while addressing the collective needs and interests of all communities of the region.

Public Participation in the Process of Change

9. Local service districts, municipalities and regional commissions must be engaged in the process of change, with the technical and financial assistance of the provincial government.

This includes:

- Any reorganizing of geographic/jurisdictional boundaries
- Undertaking land use/community planning
- Electing local representatives
- Taking on additional local powers
- Adding or deleting a local service
- Changing the status of municipalities
- Expanding District Planning Commissions
- Improving Solid Waste and District Planning Commissions
- Undertaking arrangements for the shared provision of services
- Undertaking regional planning

If people are to accept changes, they need to be part of the process and able to influence the resulting changes. If there is to be trust between the provincial government, municipalities, local service districts, and Regional Commissions in the process of change, it will be essential to make adequate provision for the views of different interests to be expressed and taken into account in decisions made.

Public input was clear that if the process of change, whether initiated by the community or the provincial government, is to meet the expectations of citizens, the provincial government should:

- Seek and facilitate the involvement of all stakeholders
- Support the involvement of stakeholders with technical and financial assistance
- Provide sufficient time and adequate information for all stakeholders to fully assess and understand changes
- Establish local and regional committees to facilitate the sharing of information
- Require the support of citizens in each local service district and municipality
- Provide for an assessment of the costs and fiscal implications of changes
- Provide for the training of elected representatives

This means that the provincial government should work with all local service districts, municipalities, and Regional Commissions in the process of change, providing necessary leadership, resources and support.

PART 1 - Community Governance in Unincorporated Areas

The enabling role of local government in the exercise of community governance...

The community is the smallest entity in society where social, economic, cultural, and environmental aspects meet and interact. Its relevance in our society as a treasured entity resides in the collective functioning of individuals for the meeting of collective needs, instead of mere aggregates of people, who tend not to share and act on common interests and goals.

When people share a strong sense of community they are motivated to collectively act on situations they find undesirable or to create situations they find to be more desirable. Where there is a strong sense of community among citizens, they perceive that they are part of the community, that they have influence over the need-fulfillment activities of the community, that their needs can be met through their individual-community association, and that they share a positive history and experiences with the other members of the community.

Increasingly, we are learning about the need for a sustainable society: one which can last in the long term, one which meets human needs without depleting natural resources. We simply cannot have a sustainable province without sustainable communities: communities that are able to retain a population base, generate jobs, build a tax base that pays for needed services, and that make efficient use of public infrastructure, facilities, services, land and natural resources.

The exercise of community governance is key to building a strong sense of community among citizens, and in turn to building sustainable communities. Community governance reflects that community needs can best be met through community resources and the exercise of local powers. Governance of a community takes place when the various actors of the community (citizens, businesses, voluntary agencies) come together to match community resources with community needs, while accessing the enabling tools of government (local, provincial or federal) when needed.

Community governance is more than just the activity of the local government. Governance is something the community itself does, with local government acting in an enabling role. The role of the local government is to enable community governance by providing the local powers required to meet the needs of all of the actors within the community - citizens, business, voluntary groups, visitors and others. Powers provided to a local government are resources that can significantly contribute to building a sense of community and developing a sustainable community.

I. What did the Round Table on Local Governance say about local/ community governance in unincorporated areas?

Issues identified...

The Round Table on Local Governance was of the opinion that unincorporated areas are facing a number of issues, many of which could be attributed to the lack of formal community governance, including:

- Lack of a local body that can make decisions on behalf of the community on matters of local concern and that is formally recognized by members of the community, other communities and the provincial government. The local service district Advisory Committees that are in place and elected through a vote at a public meeting have no authority to make decisions. The Rural Community structure with a committee elected through the municipal election process only provides decision-making authority over land use planning
- Citizens less interested in getting involved in local affairs because of their limited influence on the decisions that affect their community (local decisions are made by the provincial government)
- Lack of land use plans, which often leads to land use conflicts, the deterioration of water supplies, the loss of community character and more costly solutions for water, sewage and roads when urban-type services are desired
- Inability to regulate other activities such as noise causing public nuisance, dangerous or unsightly premises or outdoor exhibitions and concerts
- Lack of corporate powers to provide for the ownership of properties and the vesting of lands for public purposes
- The division of natural communities into several local service districts, resulting in the weakening of people's ability to make decisions for the betterment of their community as a whole
- Lack of control over the local budget and local property taxation
- Lack of power to borrow for capital projects in the same way as municipalities
- Lack of community control over the appointments of members on District Planning, Solid Waste and Economic Development Commissions (the Minister appoints representatives from unincorporated areas)
- Lack of ability to influence decisions over the services provided by municipalities when citizens benefit from those services and are asked to share the costs

The Round Table concluded that there are gaps to be filled in order to enable unincorporated communities to take charge of their future and was of the

opinion that they needed to be provided with appropriate options in order to be ready to exercise local governance.

Principles to be pursued...

The Round Table formulated several principles to guide the development of potential options, including:

- A form of local governance for all citizens: Elected representation through formal community-wide elections, universal suffrage, accountability of representation, and responsibility and authority
- Recognition of the uniqueness of jurisdictions: Recognizing and accommodating the uniqueness of communities across the province (e.g., not all unincorporated areas are rural, not all are interested in full-scale local government)
- Restructuring that is community-driven, facilitated by government: Changes should, as much as possible, be driven by the communities themselves, while the province should play a facilitation role in making the changes happen
- Communities proactive in working towards local government: It is important for communities to understand the benefits and costs of taking charge of their future
- Taxation with local representation: If property owners are to be taxed for services, they must be formally represented in the making of service decisions

Recommended Options for community governance...

The Round Table proposed three new options, with different levels of local control and cost implications, in an attempt to accommodate the various interests in local governance across the province. As well, the Round Table felt that the existing municipal option through incorporation or annexation should also be considered. These new options, put forward for discussion with a larger audience, included:

1. Rural Municipality
2. Enhanced Rural Community
3. Community District

1. Rural Municipality

A Rural Municipality would be a body corporate established to serve a community of interest that would generally include more than one former local service district. Similar to a municipality, a Rural Municipality would also have a council elected at the triennial municipal election. A Rural Municipality would have the same service, corporate, by-law and taxation powers as a municipality, except for the provision of road maintenance and policing services, which would continue to be provided by the provincial government.

2. Enhanced Rural Community

An Enhanced Rural Community would be a body corporate established to serve a community of interest that would generally include more than one former local service district. Residents would elect representatives to serve

on a committee at the triennial municipal election. In turn, members of the committee would select their own officers.

An Enhanced Rural Community would also have the same service, corporate, by-law and taxation powers as a municipality, except for the provision of road maintenance and policing services, which would continue to be provided by the provincial government.

Each Committee would be the decision-maker for local services, while a Regional Service Body would provide an office with the necessary staff to deliver services on behalf of a number of Enhanced Rural Communities, thereby enabling them to share and reduce administrative and service delivery costs.

3. Community District

A Community District, through a Regional Service Body, was designed to provide a minimal form of local governance to unincorporated areas. A Community District would remain an unincorporated area and would be established to serve a community of interest that would generally include more than one former local service district, with that local service district now becoming a local service area.

Residents of a Community District would choose one or more representatives at the municipal triennial election to serve on the board of a Regional Service Body that would be responsible to provide local services and to regulate local activities and the use of land. The provision of road maintenance and policing services would continue to be the responsibility of the provincial government.

The board of the Regional Service Body would include representatives appointed by and from municipal councils. Residents of a Community District or of a local service area within a Community District could also choose to elect a local committee that would work with their representative(s) on the board.

Prior to the board of the Regional Service Body making a decision to provide a service (e.g., fire protection, recreation, street lighting) or adopting a by-law for an entire Community District or for a local service area within a Community District, residents would first go through a local voting process to decide if they wish to have the service provided or the by-law adopted. Each service provided in a Community District would have a defined service boundary and the associated costs would be recovered from the taxpayers within the defined service boundary.

II. What did the Select Committee hear from members of the public about the local service district and Rural Community?

Local service district...

Some participants in the public consultation said the local service district adequately meets the governance needs of their communities, and provided the following views:

- We receive good service from the Municipal Services Representative with minimal bureaucracy
- We are satisfied with our representation through the Advisory Committee (a form of accountability) and the services received
- The local service district, with an Advisory Committee, is a simple, cost-effective and volunteer-based structure that is well suited for the very rural areas
- Our local service district has enabled us to achieve results and collaborate with the provincial and municipal governments

On the other hand, other participants felt that the local service district does not adequately meet the governance needs of their communities, and provided the following views:

- The Advisory Committee is a waste of time and largely irrelevant
- The decisions that affect our community are made by others outside our community - we have virtually no voice on how we are governed, how we are taxed, or how we are provided with services essential for our well-being and quality of life
- We have no local staff to support volunteer efforts
- We cannot officially call a public meeting to discuss local matters (only the Minister may do so)
- We lack training and guidelines regarding the Advisory Committees' roles and responsibilities
- We have no or little say when purchasing a service from a municipality
- There are problems regarding rural development, the environment, the protection of agricultural land, land use planning and relations with municipalities

Rural Community...

The Rural Community of Beaubassin-East reported that the preparation of a common rural plan for the six distinct areas of the community (former local service districts) has fostered the collaboration of all the traditionally separated entities, and was a good first step to undertake as a Rural Community. They also noted that an Elected Committee has increased residents' expectations for local decisions beyond land use planning that they have not been able to meet (e.g., regulating outdoor concerts) and expressed their desire to be able to act on community issues.

III. What did the Select Committee hear from members of the public about community governance?

No need to change...

Some said that there is no need to change the local service district for other options and offered the following views:

- New local governance options could result in higher taxation and less representation and services
- People are not prepared to commit the extra time to assume local governance
- We have what we need - a good volunteer-based Advisory Committee, Fire Brigade and Recreation Council

- We do not need to elect our representatives through the municipal election process - we work well with our Municipal Services Representative (MSR) and our Member of the Legislative Assembly (MLA)
- We do not need another level of bureaucracy

Need for more local governance...

Others, however, stated the need for improved local governance for the following reasons:

- To have locally elected representatives to whom we can express our concerns instead of a government employee
- To make decisions and bring decisions closer to community members
- To plan the use of land in our community
- To support volunteer efforts
- To have the power to borrow for capital projects
- To hire administrative staff
- To control local elective services and our tax rate
- To own land and buildings
- To be involved in decisions over the services shared with municipalities

People's interest in local governance is generally a result of either dissatisfaction with the conditions of their local service districts and/or a desire to create a better future for their communities through increased local decision-making authority.

Electing representatives through the municipal election process...

Although many local service districts have very dedicated members on their Advisory Committee, citizens of unincorporated areas expressed strong support to elect their representatives through the municipal election process. They felt that the present method of selecting members of their Advisory Committee through a public meeting does not provide the best opportunity to select their representatives.

Citizens said that an Elected Committee would enable them to assume local decision-making authority and accountability, and provide them with a legitimate and recognized voice when working with municipalities, regional service commissions and the provincial government.

Citizens in unincorporated areas want meaningful involvement in the decisions that affect them. They have a culture of making local decisions through local votes. They want decisions that are sensitive to their needs and demands and that truly reflect and serve their collective community interest.

Geographic/jurisdictional boundaries...

Some members of the public felt that grouping local service districts may compromise local interests, be divisive and lead to less say in what goes on locally. They said that citizens know to which community they belong and that there should be no minimum size thresholds for local government units. They suggested that grouping local service districts should be avoided unless citizens decide differently.

However, other presenters felt that the geographic boundaries of some local service districts do not match present day communities and need to be reorganized accordingly.

They suggested that the grouping of local service districts could be initiated by the community or the provincial government and facilitated by the provincial government. They were adamant that this process not be forced.

They also suggested that enabling former local service districts to become wards as part of a grouping of local service districts, for the purpose of representation, service delivery, property taxation and the preservation of community identity, could alleviate the tension between the desire to preserve geographic boundaries and the need to reorganize the territory.

Members of the public suggested that the reorganization of local boundaries could be based on a combination of the following characteristics: watersheds, provincial electoral ridings, significant population and land area, shared interests, history of working together, linguistic and cultural homogeneity, shared sense of belonging and identification to the same place, similar social and economic characteristics, common services and infrastructure, and common community character.

Land use/community planning...

Individuals from both local service districts and municipalities expressed the concern that unplanned residential, commercial and industrial developments in the form of sprawl (on the outskirts of municipalities) and ribbon development (spread of continuous settlement along highways) in unincorporated areas are resulting in significant social, economic and environmental costs for the taxpayers of both unincorporated areas and municipalities.

Social costs...

- Land use conflicts are occurring when residential developments are located next to farms, and when non-resource-based industrial developments are located next to residential areas
- Tensions may arise when a municipality is expected to serve as the vehicle to resolve environmental problems in surrounding areas (e.g., extending its water system to an area that is facing a scarcity or contamination of water supply)
- When ex-urban migrants settle in rural unincorporated areas, they may bring with them their urban life styles and service expectations, which can create tension with those who have been living in those areas

Economic costs...

- Since lots are usually larger and development is generally scattered, it becomes more costly to provide services such as water supply and wastewater systems when those urban-type services are required
- Development does not always take place in designated areas where adequate services and related infrastructure exist or can be provided in a timely, economic manner. Public money follows the individuals' choice about where to live and have their business, instead of the choice of

individuals following public money to where adequate services and related infrastructure are in place, and this is not always the most efficient way

- Non-resource-based industrial developments are not located in designated service areas (e.g., municipal industrial parks) that are well suited and located to serve and attract industries, which means that millions of dollars invested in infrastructure by all levels of government are under-utilized and under-productive
- The growth of some municipalities where adequate infrastructure and services exist or can be provided in a timely and affordable manner has stagnated, while adjacent rural suburban areas are growing and require the extension and duplication of services and associated infrastructure (e.g., roads, policing, fire protection). This is not the best use of limited public resources

Environmental costs...

- Rural resources, including our food production capability, are lost forever when non-related developments replace farm and forest lands, as well as environmentally sensitive areas such as wildlife habitats
- Aquifers are overdrawn, groundwater is inadequately recharged and wells are contaminated when too much development is occurring with unsuitable septic systems or in unsuitable locations
- Developments are occurring without fully anticipating and considering environmental issues, such as contamination of water supply from toxic industrial spills

Individuals from local service districts and municipalities emphasized the importance of local land use planning. They considered land use/ community planning as the most important gap to fill through the exercise of community governance.

They felt that there is a need to keep rural, rural by fostering the growth of the rural suburban areas, the rural heartland areas and municipalities in a way that will build socially, economically and environmentally healthy communities that make effective, efficient and equitable use of public infrastructure, facilities, services, land and natural resources.

Recreational services...

Members of the public raised the issue of inequities over access, use, cost-sharing and control of recreational services in communities of New Brunswick.

Inequitable access to recreational services...

The provision of adequate recreational services is considered by community members as essential for their well-being as well as being a key factor in integrating and keeping youth in their community.

However, local service districts do not have the corporate power to own lands, buildings and equipment, or the financial power to borrow for capital projects, to provide for publicly funded recreational facilities.

In 2001, the local service districts that have publicly funded recreational

services (118) were planning to spend \$1.2 million on these services. This represents an average per capita expenditure of only \$4, and just over four per cent of their total budget. In comparison, municipalities were planning to spend \$5 million on publicly funded recreational services, which represents an average per capita expenditure of \$102, and almost 11 per cent of their total budget.

When municipalities try to recover the costs of their recreational services from local service districts through higher user fees, issues of affordability and access to these services arise.

Keeping volunteers involved in providing recreational services is also a challenge. Members of Recreation Councils need to be provided with more technical and financial support in order to continue to provide these services.

Inequitable cost-sharing of recreational services...

While recognizing that many local service districts rely on volunteers and financial resources from private sources for the provision of recreational services, some suggested that a major difference between local service districts and municipalities in the level of public funding is the lower scope and level of services provided in unincorporated areas, as well as the lack of cost-sharing by the taxpayers when benefiting from the municipal recreational services.

The Minister of the Environment and Local Government has (on behalf of about 25 local service districts) entered into shared-service arrangements with about 11 municipalities, mostly for the sharing of the capital cost of arenas through property taxation. Also, some local service districts share the operational cost of municipally provided recreation services through property taxation.

Some local service district taxpayers would prefer that only the users of municipal services pay for these through user fees, while municipalities would prefer the cost-recovery of services from all taxpayers through property taxation, since user fees can be difficult to administer and may create inequitable access to the services.

Many municipal recreation facilities were built years ago with large amounts of capital funding from the federal and provincial governments. Therefore, sharing the capital costs of those facilities with neighbouring local service districts was often not required nor sought. Further, the provincial government was at that time providing more fiscal transfers to municipalities, which enabled them to fund the operation of those facilities without necessarily requiring financial support from neighbouring communities.

Because these municipal facilities may soon need to be restored or replaced, and with limited funding sources from other orders of governments, municipalities may need assistance to help cover their capital and operational costs.

Inequitable control over recreational services...

Municipalities have built most of their recreation facilities (that may also

benefit surrounding unincorporated areas) without consulting with local service districts on exactly what facilities are needed and what they were ready to pay.

Local service districts do not have the corporate and financial powers to own, manage and fund recreation facilities or to directly enter into arrangements for the shared provision of services with municipalities.

Library services...

The library community and other members of the public also mentioned that inequities exist over access, use, cost-sharing and control over library services in communities of New Brunswick.

Inequitable access to library services...

While 30 per cent of New Brunswickers own a library card and borrow over three million items a year, about 29 per cent of New Brunswickers do not have access to a public library.

Inequitable cost-sharing of library services...

The provincial government contributes 70 per cent of library funding, while the provision for library facilities and equipment by municipalities represents 30 per cent.

There are only three libraries located in local service districts and the local contribution to these facilities is only two per cent of the library funding (compared to 30 per cent in municipalities). Also, bookmobiles serve parts of rural New Brunswick for which there is no local contribution through property taxation.

The establishment of a library in a smaller community is a challenge without the assistance of neighbouring communities that may also benefit from the service. The capital and maintenance cost of library facilities and equipment falls to the residents of the community in which the library is located. Cost sharing of library facilities through property taxation could help to alleviate the burden placed on one community, while improving its capacity to provide quality service for all within its service area.

The library community is concerned about cost-recovery for municipally provided library facilities and equipment through non-resident user fees, as it could result in decreasing the number of library memberships, and hinder efforts to address literacy challenges in New Brunswick.

Inequitable control over library services...

Local service districts do not have the corporate and financial powers to own, manage and fund library facilities and equipment or to directly enter into arrangements for the shared provision of library services with the provincial government or neighbouring municipalities.

Fire protection services...

Members of the public have generally spoken very positively about their volunteer fire departments. Similar to public schools, fire departments are seen as the heart and focal point of many communities and a significant

source of community pride. Most people would not want to lose their fire department, even if some communities are challenged to provide adequate facilities and equipment, in addition to attracting, retaining and training volunteer firefighters.

Policing and road services...

Most unincorporated areas could not afford to assume the responsibility for their roads because they have too many kilometres of public roads without the necessary tax base, a further consequence of scattered, low-density development along the roads.

Since most unincorporated areas could not provide those services on their own, policing and roads should remain a provincial responsibility.

Administration of local services...

Many participants from unincorporated areas expressed their satisfaction with the administration of their local services provided by the provincial government through the Municipal Services Representatives of the Department of the Environment and Local Government and their MLA. They felt that they do not have the human and the financial capacity to administer their local services on their own, and would prefer that the Municipal Services Representatives continue to do so on their behalf. Some perceived that the administration of services would be too demanding for volunteer elected representatives.

Others would prefer to have a local office with staff to administer their local services, support volunteer efforts, interact with citizens and deal with their needs and demands on a daily basis.

IV. What did the Select Committee hear from members of the public about the local governance options for unincorporated areas proposed by the Round Table?

Community District...

Most participants from local service districts did not support the Community District and offered the following views:

- Other communities would have a say in our local affairs via a Regional Service Body. We are interested in the voluntary sharing of services with other communities, but we do not want to share governance with other communities (especially municipalities)
- A regional board with representatives from all the communities of our region could not and should not decide what is best for our community
- We would be overpowered and controlled by large municipalities
- Our Advisory Committee would be one step further removed from the provincial government and become redundant
- We would lose our community identity within such a large structure

Enhanced Rural Community and Rural Municipality...

Some participants from local service districts felt that the Enhanced Rural Community or Rural Municipality could possibly suit their local governance needs, and offered the following views:

- We could elect representatives who would be recognized by other communities
- We would gain the ability to regulate local activities (by-laws)
- We could own public properties
- We would have the ability to adopt our own land use plan
- We could borrow for capital projects
- We would have the ability to set aside lands for public purposes
- We would have decision-making authority over our local budget and property tax rate
- We would have decision-making authority for the sharing of services with municipalities
- We could have an office with staff serving as a permanent presence in the community to interact with citizens and to deal with their needs and demands on a daily basis
- We would not have the costly responsibility of policing and roads

A few municipalities mentioned that, given their very limited capacity to raise the required revenues from their own tax base to adequately fulfill their basic service responsibilities as a municipality, the Enhanced Rural Community and Rural Municipality would perhaps be more suitable options for their communities.

Annexation of unincorporated areas to municipalities...

Some members of the public felt that the annexation of unincorporated areas to municipalities may be a means to align the geographic/jurisdictional boundaries of municipalities with the communities and the areas served by municipalities. However, they also recognized that annexation is not always locally desired or affordable, and therefore should not be forced.

Residents of local service districts feared losing their community identity and paying more property taxes if their local service district was annexed to a municipality. Therefore they insisted that any annexation projects should provide for a comprehensive assessment of the benefits and costs to all stakeholders, and be agreed to by affected communities.

Incorporation of unincorporated areas into municipalities...

A few unincorporated areas have expressed interest in becoming a municipality, while recognizing that they may not be able to afford such a structure.

Cost implications...

Participants strongly stated that in order to make informed and effective decisions about how they are to govern themselves, they will need the opportunity, including time, information, and financial and technical support, to assess and understand the benefits and costs.

V. Other solutions put forward by members of the public

We need an evolutionary approach that would enable us to assume more community governance as we are ready.

We should maintain the LSD structure with the following improvements:

- Include the Advisory Committees in the municipal election process
- Allow local service districts to have access to long-term financing for long-lived assets related to elective services (e.g., fire protection, recreation)
- Recognize the authority of the Elected Committees to facilitate public meetings of local residents on issues relating to the services for which they are taxed
- Provide for a level of discretionary monies for the Advisory Committee to allow for incidental expenses
- Maintain the economy of scale that exists from the regional administration offices and the Municipal Services Representatives

VI. Where should we go from here?

Community readiness for a local government...

The four options put forward by the Round Table did not appear to meet the different needs and desires across unincorporated areas to adopt a form of local government for the governance of their community. While the Community District put forward by the Round Table was intended to provide a minimal form of local government, most participants rejected this option. Even as a few unincorporated areas demonstrated an interest in the other options (Municipality, Rural Municipality, Enhanced Rural Community), most unincorporated areas would not be willing to try these options.

On the other hand, citizens from unincorporated areas also expressed interest in acquiring local representation and some basic local powers to plan the future of their community and meet their local servicing needs.

A few municipalities mentioned that the Enhanced Rural Community and Rural Municipality would perhaps be more suitable options for their communities.

Perception of local government...

Some participants from unincorporated areas felt that having a form of local government would hinder rather than facilitate the exercise of community governance. They felt that a local government could take power away from their community.

Some citizens of unincorporated areas have a strong sense of traditionalism and a belief that the past is the best guide to the future. This can have a powerful influence on people. The desire to preserve the traditions and ways of the past can overshadow the value of acquiring local powers that would give their community the ability to act on situations they find undesirable and on creating a better future. Change can be desirable and sometimes is inevitable.

Several obstacles seem to be holding back the desire to change and to acquire local powers through a local government, namely:

- Fear that if they elect local representatives, it would open the door for decisions to be made in a top down, exclusionary process, and lead to uncontrolled increases in property taxation

- Strong sense of traditionalism - Why should we have a local government, we are satisfied with the way our local services have been decided upon and provided
- Lack of knowledge of the existing conditions in their community (i.e., the social, economic and environmental public costs resulting from not having a land use plan in place)
- Lack of a collective vision for the future of the community and lack of knowledge of what should be changed and of what is needed to achieve these changes
- Perception that a local government would take power away, instead of giving power to their community
- Lack of knowledge of the limitations of local service districts, and of the benefits they could acquire through a local government
- Lack of a sense of optimism and confidence that they can make the judgments and the choices that have to be made
- Desire to preserve their sense of belonging and identification to their local service district
- No desire to lose their direct relationship with the provincial government through their Member of the Legislative Assembly and Municipal Services Representative
- Desire to keep the property taxes they are paying at more or less the same level
- No desire for a comprehensive form of local government, such as a municipality. Many would rather stay the same or gain minor local powers

When considering local government for unincorporated areas, it is important to recognize that most local service districts already exercise some level of community governance. Voluntary organizations, such as fire departments, recreation councils, chambers of commerce, churches, tourism associations, watershed protection committees and heritage committees, already contribute in a meaningful way to the social, economic and environmental well-being of their community.

While volunteerism has suffered setbacks due to the economy, the need for dual career families and an aging population, there is still a healthy sense of self-reliance and citizen involvement. In fact, many citizens of unincorporated areas still hold a strong belief that community needs can best be addressed through community resources.

Giving local powers to unincorporated areas through the gradual empowerment of local service districts...

Public input was clear that if citizens of unincorporated areas are to accept change and acquire powers through a local government in order to meet the local servicing needs of all the participants within the community (e.g., residents, businesses, voluntary agencies), the approach pursued by the provincial government should:

- Recognize and build upon the governance currently exercised by communities
- Be flexible enough to fit the different needs and desires across communities

- Allow communities to acquire local powers as they are ready
- Enable communities to be in control of the change

The aim should be to enable unincorporated communities to gradually acquire the powers they need and desire, in order to facilitate the exercise of community governance for the building of sustainable communities.

In light of the public input received, the existing local service district structure could be modernized as follows to achieve such an approach:

- All local service districts should be encouraged to examine their geographic boundaries and reorganize them as necessary to reflect and serve the communities of today
- Each local service district should elect local representatives through the municipal election process
- Each local service district should be granted the local power to adopt and enforce a land use/community plan
- Each local service district should be able to choose to take on additional local powers, as it is ready

Changing the status of some municipalities...

Since some municipalities have difficulty in fulfilling their basic service powers, it may be appropriate to provide them with the opportunity to become a local service district, while retaining those local powers they are able to fulfill.

Changing the geographic/jurisdictional boundaries of municipalities...

Municipalities should be engaged and encouraged in the process of matching their geographic/jurisdictional boundaries with present settlement and community relationships, and should work with neighbouring unincorporated areas to find mutually agreeable and acceptable options.

VII. Recommendations on community governance in unincorporated areas

1. Encourage local service districts and municipalities to examine their geographic boundaries and reorganize them as necessary to reflect and serve the communities of today.

Encourage local service districts to reorganize their geographic boundaries...

Local service districts have been established for the purpose of providing local services to unincorporated areas according to local preferences. Local service districts are service areas, not local governments. About 100 local service districts were first established in 1966 for the purpose of providing fire protection services to all and community services, recreational facilities, street lighting, garbage and refuse collection and disposal to a few.

The geographic boundaries of the initial local service districts were closely aligned with the boundaries of parishes (excluding the municipalities within the parishes). However, as demand for services increased over the last 36 years, areas within those initial local service districts have also become local service districts.

Changes to where people live, work and conduct their daily activities have further led to creating the situation where the geographic boundaries of today's local service districts do not always match present day communities.

Today, about 275,000 people live in unincorporated areas, which are divided into 269 local service districts. Because of this fragmentation of the original local service districts, most have a small population - 170 or 63 per cent have a population of less than 1,000, while another 72 or 27 per cent have a population between 1,000 and 2,000.

This hinders the ability of the different elements within communities to act collectively on the factors that have a strong influence on their common social, economic and environmental well-being.

On the other hand, some participants in the public consultation expressed a desire to preserve their geographic boundaries because they experience a sense of community to their local service district, and fear that it would lead to uncontrolled changes to the local services they receive and the property tax they pay.

Building upon the past, the alignment of geographic boundaries with present settlement and community relationships (e.g., social, economic, service) and people's relation with the natural environment (e.g., watersheds) should be encouraged. As such, a process that would assist local service districts in identifying options for reorganizing their boundaries and assessing the associated benefits and costs should be initiated and facilitated by the provincial government. Any decision to reorganize boundaries should require the support from the citizens of each local service district.

Since the control over land use/community planning would be granted to all local service districts, it should play a significant role in the reorganization of boundaries. It may not be appropriate to pursue a plan for an area that has only been established as a local service district for the purpose of providing a service such as street lighting or recreation. An increasing number of local service districts are recognizing this and have been working together for the purpose of developing and sharing a common plan.

At the same time, every effort should be made to preserve citizens' sense of community. The weakening of citizens' attachment to their community could in fact hinder the exercise of community governance since it would result in reducing their sense of belonging and identification to the community, which would in turn reduce their personal investment in the community. In addition, citizens may perceive that a larger community structure would be less sensitive and responsive to their specific needs, and may also feel less emotionally connected with members of a larger community.

Perhaps, when two or more existing local service districts, or areas within them, become one, each existing local service district (or area within a local service district) could become a ward.

This would enable the election of one or more representatives from each ward (former LSD), the provision of the same range, scope and level of services in each ward, and the setting of the property tax rate in each ward that would reflect any differences in the services provided among the wards.

Such an approach could accommodate people's desire to preserve their sense of belonging and identification, while enabling the achievement of the benefits of aligning their boundaries to include the entire community. Such reorganization of boundaries has been undertaken before. For example, in 1995, six local service districts became the Rural Community of Beaubassin-East and each former local service district became a ward.

Different areas of New Brunswick have different ties (e.g., social, economic, environmental) and put different values on those ties. However, since water sources (for transportation, drinking and other uses) have historically influenced the settlement pattern in New Brunswick and have a very strong influence on the social and economic development of communities, areas sharing the same watershed could consider this as a key factor - especially since land use planning can greatly contribute to the protection of water sources.

Local service districts should also consider the following factors when studying the feasibility and assessing the benefits and costs of reorganizing their boundaries:

- Social ties: Same cultural and linguistic characteristics, social and family ties, churches, community organizations and social spaces
- Economic ties: Same places of employment and for buying and selling goods and services
- Environmental ties: Sharing of important natural resources that are now being used or should be preserved with a view to future use or extraction (e.g., farm land, quarries)
- Service ties: Current and/or potential sharing of services and related infrastructure, facilities and equipment (fire hall, recreation centre, school)
- Shared sense of community: Sharing a sense of belonging and identification to the same place
- Shared rural or suburban character
- Willingness to work together: History and willingness to work together to achieve mutually beneficial goals
- Significance of population, public and private services, tax base and community organizations

Encourage municipalities to reorganize their boundaries...

Some municipalities have a small, dispersed and/or declining population as well as a more or less stagnant tax base, which is limiting their capacity to adequately fulfill their municipal responsibilities. On the other hand, the overall population of unincorporated areas has been growing faster than the population of municipalities from 1971 to 1996.

In 1996, 69 per cent (189,594) of the local service district population lived within a 50 kilometer radius from the seven cities, while 26 per cent (70,913) lived within 20 kilometres. Many of the citizens of those adjacent areas commute to the municipality for employment and/or a large proportion of their activities and relationships (e.g., shopping, social contacts, recreation, etc.)

Some unincorporated areas have been merged with (annexed to) municipalities over the last 30 years. Moreover, the Department of the

Environment and Local Government is currently working on more than 10 annexation projects in response to local requests. Nevertheless, the geographic boundaries of many municipalities (established 35 years ago) continue to remain largely fixed, while the areas they serve often extend beyond their geographic boundaries and into adjacent unincorporated areas where the population is growing and demands for services are increasing.

Therefore, the alignment of the geographic boundaries of each municipality with present settlement and community relationships should be encouraged. The process should be initiated by municipalities or unincorporated areas (local service districts) and facilitated by the provincial government with feasibility studies. The decision to reorganize their boundaries and be represented and served by the same local government should require the support from the citizens in each affected area.

The same factors for the reorganization of local service districts' boundaries should be considered for the reorganization of municipal boundaries.

Unincorporated areas and municipalities may decide that the benefits of joining together are worth the costs, which may or may not be higher. However, it is important to note that the expansion of a municipality's geographic boundaries may not be affordable where it would result in becoming responsible for additional kilometres of public roads while not gaining enough tax base to pay for those roads (because of scattered settlement/low density development along the roads). Also, the annexation of unincorporated areas to municipalities will remain a challenge as long as non-owner occupied residential property owners and non-residential property owners in unincorporated areas do not pay for policing and road services provided by the province through property taxation.

The annexation of unincorporated areas to municipalities should provide for appropriate levels of property taxation for the annexed areas to reflect any differences in the range, scope, level and cost of services provided by the municipality in the annexed area.

Simultaneous study of potential boundary changes...

Some local service districts may wish to simultaneously study the feasibility and assess the benefits and costs of reorganizing their boundaries with one or more local service districts or municipalities, or areas within them, and then decide if this option would be more appropriate and beneficial than keeping existing boundaries.

2. All local service districts should elect local representatives through the municipal election process.

Although local service districts have very dedicated members on their Advisory Committee, participants in the public consultation expressed strong support for the election of their local representatives through the municipal election process.

Each local service district should have an Elected Committee. For the purpose of electing representatives to the Committee, the *Municipal Elections Act*, with appropriate modifications, should be adopted. When two or more

local service districts become one, each existing local service district could become a ward to enable the election of one or more representatives from each ward to the Committee.

Citizens do not expect to elect representatives who will simply make decisions on their behalf. They expect to be meaningfully involved in these decisions and expect their elected representatives to be both highly responsive and effective: sensitive to their needs and demands and effective in using their limited resources to address those demands.

Since they have a culture of making local service decisions through local votes, some citizens from unincorporated areas were concerned that this would open the door for decisions to be made in a top down, exclusionary process, without providing citizens a real opportunity to influence the decisions made.

There is no doubt that the election of local representatives through the municipal election process would be more democratic. However, if there is to be trust between those elected and their electors, it will be essential to provide open houses, public meetings, town hall meetings, or advisory committees for the views of different interests to be expressed and taken into account in reaching decisions.

It is important to remember that local government is a tool that allows others in the community to provide local services that are of common interest. The role of elected representatives is to mediate among the diverse interests, to build consensus, to make choices, and to answer for those decisions.

This Elected Committee would provide the various elements of a local service district with a structure that can exercise local power and accountability. It would provide a legitimate and recognized voice when working with other local service districts, municipalities and the provincial and federal governments. The Elected Committee would also be able to appoint its members to the Solid Waste and District Planning Commissions.

Public input pointed to the need for all New Brunswick communities to have and exercise the local power to adopt and enforce a land use/community plan. Interestingly, there appears to be a strong relationship between having locally elected representatives who can exercise local powers, and having a land use/community plan. In fact, most municipalities (100 out of 103) but very few local service districts (about 50 out of 269) have some form of plan in place.

3. Each local service district should have the local power for land use/ community planning.

Some unincorporated areas have grown significantly over the last three decades, especially around the major municipalities, and continue to grow. However, most local service districts are not equipped with a land use/community plan. Although all local service districts are receiving planning services, such as building permits and subdivision approvals, through the Rural Planning District Commission or a regionally-based District Planning Commission, those tools are limited in their ability to ensure that different types of development (e.g., residential, commercial, institutional, recreational, resource) take place in suitable locations.

Indeed, public input suggested that the lack of land use/community plans has resulted in significant social costs when developments take place where they conflict with traditional rural activities, economic costs when developments take place where it costs more to service, and environmental costs when rural resources are lost as developments replace farms, forest and wildlife habitats. Without a land use/community plan, private benefits can sometimes create significant public costs.

When local service districts do not have a plan, it can also affect neighbouring municipalities. The growth of some municipalities where adequate infrastructure and services already exist has stagnated, while adjacent rural suburban areas are growing and require the extension and duplication of services and associated infrastructure (e.g., roads, policing, fire protection). As a result, many rural areas are rapidly becoming urban, sometimes against the preference of long-time residents.

The provincial government's ability to provide services in the most effective manner is also impeded. For example, new schools are sometimes needed in growing rural suburban areas, while existing schools have fewer students. Also, many developments are taking place along, and with access to, the provincial highways, which reduce their safety and effectiveness.

This lack of land use plans, especially in rural suburban areas but also in the rural heartland areas, is hindering the building of communities that are able to retain a population base, generate jobs, build a tax base that pays for needed services, and that make good use of public infrastructure, facilities, services, land and natural resources. This is a serious problem, since without sustainable communities we cannot build a sustainable and prosperous province.

Land use/community planning is the most important and urgent collective need to be filled through the exercise of local powers provided to a local government. As we look to the future, the public costs associated with not having a plan are simply too significant to not provide all communities with this authority and opportunity.

Since all local service districts in the province are already paying for planning services provided by District Planning Commissions, all they need is the authority and elected representatives to adopt and enforce a community plan. Each local service district should also be able to appoint a Clerk and conduct public meetings for the exercise of this power, and have the authority to acquire land for public purposes.

In unincorporated areas, planning controls may be greeted with a negative response because they may impact directly on the livelihood of those dependent on natural resources. They may also be opposed by residents who are not employed in the resource sector but who have located in rural areas to avoid the regulations in municipalities.

A land use/community plan is a tool that enables the different elements of the community to share their individual needs and interests, discover their collective needs and interests, and formulate a plan in order to mutually meet their needs and interests, while achieving an equitable balance between

public benefits and costs and private benefits and costs. Planning controls are necessary to ensure that different types of development (e.g., residential, commercial, institutional, recreational, resource) will only take place in locations that are most suitable to achieve the social, economic and environmental goals of the community.

Under the leadership of the provincial government, education should also be provided to enable people to understand land use/community planning, the reason it is important and necessary, the planning goals pursued by the provincial government, the powers of their Elected Committee, the services provided by their District Planning Commission, and how they can participate in the planning process with their Elected Committee.

4. Provide the legislative framework for each local service district to choose to take on additional local powers, as it is ready.

Each local service district should be incorporated and a legislative framework should be provided for taking on additional powers, as it is ready. This includes:

- Powers to provide services (e.g., fire protection, recreation facilities, garbage collection, street lighting)
- Corporate powers (e.g., ownership of lands, buildings and equipment, appointment of administrative and operational staff, entering into arrangements for the shared provision of services with other local service districts and municipalities)
- By-law making powers (e.g., regulation of noise causing public nuisance and outdoor exhibitions and concerts)
- Financial powers (e.g., borrowing for capital projects, adoption of budget, fixing of tax rate and user fees)

The decision for each local service district to assume any additional local power should provide for an assessment of the benefits and costs and a meaningful opportunity for public input.

Some participants from local service districts were concerned that they currently do not have the human and financial capacity to administer their local services on their own, and would prefer that the Municipal Services Representatives continue to do so on their behalf. Some perceived that the administration of services would be too demanding for volunteer elected representatives. Others would prefer to have a local office with staff to administer their services, support volunteer efforts and interact with citizens and deal with their needs and demands on a daily basis.

As mentioned earlier, if citizens of local service districts are to accept change and acquire local powers through a local government, the approach undertaken by the provincial government should be flexible. The aim should be to enable unincorporated areas to gradually acquire the powers they need and desire in order to facilitate the exercise of community governance. Local service districts should be in control of changes.

Various options could be considered in order to enable a local service district to acquire these additional powers:

- Through the adoption of a by-law by the Elected Committee (the final decision would be made by the Elected Committee)
- Through the adoption of a resolution by the Elected Committee following a local petition and vote (the final decision would be made by the Elected Committee)
- Through a formal request to the provincial government by the Elected Committee following the adoption of a by-law or resolution (the final decision would then be made by the provincial government)

The provincial government would continue to assume local powers and the Municipal Services Representatives would continue to administer local services, other than land/use community planning, until such time as a local service district chooses to assume that control.

The provincially provided services of policing and roads would remain a provincial responsibility. Most unincorporated areas could not afford to assume the responsibility on their own because they have too many kilometres of public roads without the required tax base to pay for those roads. However, the Departments of Public Safety and Transportation should consult the Elected Committee of each local service district in the provision of policing and road services.

Provide municipalities with the opportunity to become a local service district...

Municipalities that have a limited capacity to raise the required revenues from their own tax base to adequately fulfill their basic local service powers (e.g., roads, policing, fire protection) as a municipality, should be provided with the opportunity to become a local service district, while retaining the local powers they are able to fulfill.

PART 2 - Arrangements for the Shared Provision of Services

New Brunswick municipalities and local service districts often need to share to provide for needed services that would otherwise be impossible or more difficult to provide on their own at an affordable cost. Individual communities may consider pursuing the shared provision of a service when the benefits of the arrangement are worth the costs.

Many local service districts and municipalities already share some services on a regional basis, such as solid waste management and land use planning, while some have chosen to collaborate in the provision of other services, such as recreational facilities.

When choosing to pursue co-operative service arrangements, municipalities and local service districts need to review a number of fundamental questions:

- Is there a role for local government?
- Are there economic advantages?
- Is there a shared vision?
- Do other local service districts or municipalities already have these services in place?
- Would it result in better service?
- Is the service easily divisible? (i.e., the beneficiaries and users versus those who will not use or benefit from the service)

- Do the benefits of a service extend beyond the boundaries of a single local service district or municipality?

For a shared-service arrangement to be sustainable, communities need to clearly define and agree upon the service to be shared, how the costs of the service will be shared, and how they will share control over the shape and future direction of the service.

I. What did the Round Table on Local Governance say about the shared provision of services?

Issues regarding existing regional service commissions...

The Round Table reported the following issues regarding the shared provision of services through the existing regional service commissions (12 Solid Waste Commissions, 12 District Planning Commissions, 13 Economic Development Commissions):

- Their priorities do not always reflect and respond to the needs of the communities they serve and/or they do not have the financial and human resources to do so (e.g., District Planning Commissions do not always deliver the scope and level of land use planning services that local service districts pay for - most local service districts do not have a land use plan in place)
- The communities they serve find it difficult to hold them accountable (i.e., since the Minister appoints members representing unincorporated areas, the commissions have no direct accountability to the citizens served)
- While Economic Development Commissions serve unincorporated areas, those areas have no representation on their board, and do not participate financially

Issues regarding the shared provision of other services...

The Round Table noted the following issues regarding the shared provision of other services:

- There is no formal mechanism to assist local service districts and municipalities in addressing issues that cross their boundaries, such as protecting water sources, identifying infrastructure needs, minimizing land use conflicts, and protecting natural resources and agricultural lands
- There is no formal mechanism to facilitate partnership, collective-decision making and cost sharing of services that benefit more than just one community

Recommendation of the Round Table...

The Round Table suggested that combining the existing regional service commissions under one multi-purpose service agency for each region of the province could provide a more integrated approach. A multi-purpose service agency could have the potential to generate cost-savings by reducing duplication, increase effectiveness in dealing with issues that cross jurisdictions, and improve co-operation among the various participating administrative units.

The Round Table examined various regional models from other provinces throughout Canada and developed three potential scenarios applied to the

New Brunswick context. The first scenario is based loosely on Quebec's Regional County Municipality model. The second scenario is adapted from British Columbia's Regional District model, while the third scenario is based on the "Co-operative" model.

While different in approach and structure, the three scenarios, with the following common characteristics and aims, would:

- Not be another layer of government, but rather an agent of municipalities and unincorporated areas to deliver services
- Be established throughout the province, and their boundaries delineated to reflect regions of common identity and shared interests
- Allow for some decisions to be made on the basis of representation by community (one member - one vote) while other decisions (mostly financial) would be decided by a weighted vote (representation by population).
- Involve the establishment of committees to assist with the delivery of some services since the existing regional service commissions would be integrated
- Provide a means of achieving greater economies of scale
- Provide a forum to resolve issues that cross boundaries
- Provide a mechanism to facilitate the fair sharing of services between communities
- Improve accountability to communities served
- Provide more effective land use planning on a regional and local basis

In consideration of the issues identified and scenarios developed, the Round Table made the following recommendation:

That a Multi-Service Body be established in each region to provide for:

- The delivery of the services of land use planning, solid waste management and economic development on a regional basis
- A mechanism to arrange for and/or deliver services on a regional, and possibly on a sub-regional or local basis
- A mechanism to manage facilities and infrastructure that have regional benefit
- The potential to achieve cost savings through economies of scale and the reduction of duplication
- Greater effectiveness in dealing with issues that cross jurisdictions and improve co-operation among the various administrative units
- Accountability to communities served in regards to services delivered on their behalf
- Fair sharing of services between and among communities
- More and better land use planning at the local and regional levels

II. What did the Select Committee hear from members of the public about the shared provision of services?

Shared provision of service through existing regional service commissions...

Participants in the public consultation raised the following issues regarding the existing regional service commissions:

- They do not integrate their decisions in order to address issues of mutual interest, such as the protection of watersheds and the location of industries in appropriate areas
- Some District Planning Commissions lack the financial and human resources (i.e., Planners) to effectively serve their member communities
- Some District Planning Commissions have difficulty getting members appointed to represent unincorporated areas on their board, which results in long-standing vacancies
- The municipalities of some regions do not have the opportunity to share land use planning services with other communities in their region through a District Planning Commission
- Since they feel they are providing adequate services on their own and/or perceive that the cost would not be equitably allocated, some municipalities do not desire to share land use planning services
- Not all participating communities in District Planning Commissions presently have a level of control over financial decisions in proportion to their respective share of the costs since decisions are made on the basis of one member-one vote
- Since the main role of appointed members of District Planning Commissions is to provide advice to municipal councils, they should not be themselves elected officials from municipal councils
- Unincorporated areas pay for land use planning services via the District Planning Commissions, yet the majority of local service districts do not have a plan in place
- Some commissions serve both rural and urban areas, which creates tensions over service expectations and cost-sharing (i.e., urban areas often expect a higher scope and level of services, and some urban areas feel that rural areas are not paying enough relative to the service benefits they receive, since costs are allocated on the basis of ability to pay, as opposed to the costs of providing the service in an area)
- With a maximum of only four members on their Solid Waste Commission, unincorporated areas feel underrepresented in their decisions
- There are too many Solid Waste Commissions (12) relative to the number of land fills (6)
- The boundaries of some commissions do not adequately reflect the social, economic and environmental ties among communities and/or they cover an area too large to provide for the effective delivery of the service

Shared provision of other services...

As previously mentioned, members of the public felt that inequities exist over access, use, cost-sharing and control of recreational, library and other services in communities throughout New Brunswick. They noted that local service districts do not have the corporate and financial powers to own, manage and fund recreational, library or other facilities or to directly enter into arrangements for the shared provision of local services with the provincial government or neighbouring municipalities. Because there is no mechanism to design service arrangements, taxpayers of many local service districts are reluctant to share these services with municipalities.

III. What did the Select Committee hear from members of the public about the Round Table's recommendation for a Multi-Service Body?*Opposing views...*

The Multi-Service Body recommended by the Round Table did not receive very much support from the participants from local service districts, municipalities and existing Commissions.

They provided the following opposing views:

- Any attempt at integrating existing regional service commissions would be extremely disruptive and expensive since they play different roles, cover different geographic regions and are regulated by different legislation. The costs would largely outweigh the benefits
- A Multi-Service Body would become another tier of local government - undermining the authority and autonomy of communities
- A Multi-Service Body would be too far removed and inaccessible to citizens
- A Multi-Service Body would be unresponsive to differences in service demands and ability to pay among the different communities in a region
- A Multi-Service Body would create more bureaucracy, which would lead to increased costs for taxpayers
- With the responsibility to deliver at least three services on a regional basis, board members could not acquire the knowledge and understanding needed in each service area, thereby hindering their capacity to make informed and effective decisions in each service area
- With a much wider service delivery mandate, local issues and services would not receive adequate attention
- Serving on such a board would require considerable time (e.g., more frequent meetings), which may be an unrealistic expectation of volunteer members
- There is fear of future downloading of responsibilities by the province without matching financial resources
- Cost savings through economies of scale and reduction of duplications would not happen
- Such a structure is just as likely to perpetuate regional disparities and inequalities as to respond to the problems of fragmented local entities

Supporting views...

Other participants favoured the establishment of a Multi-Service Body in each region of the province and offered the following supporting views:

- Substantial savings could be realized through economies of scale and reduction of duplications
- A Multi-Service Body would create the regional leadership needed to address issues that transcend local boundaries such as the protection of watersheds
- A Multi-Service Body could serve as a mechanism for the sharing of decisions related to access and cost-sharing for recreational, library and other facilities in a region

IV. Other solutions put forward by members of the public

Provide for the shared provision of multiple services through the District Planning Commissions...

The Association of District Planning Commissions suggested that the District Planning Commission structure could be built upon to become the Multi-Service Body that provides for multi-service arrangements, without the mandatory integration of the other two regional commissions (Solid Waste and Economic Development Commissions). Planning and building inspection services would be mandatory for all Multi-Service Bodies.

The District Planning Commissions would be maintained or Planning Advisory Committees would be established to perform the consultative and minor adjustment role of the District Planning Commissions. Municipalities and local service districts would gradually and voluntarily determine the other services (e.g., environmental protection, solid waste management, emergency measures, recreational facilities and programs, tourism promotion, sewage, library, engineering, heritage) that would be delivered by their Multi-Service Body. Hence, each Multi-Service Body would arrange for and/or deliver its own menu of services on behalf of member communities.

Provide for the shared provision of multiple services through a legislative framework...

Some participants mentioned that if all communities of New Brunswick elect their local representatives through the municipal election process, a provincially mandated Multi-Service Body for every region of the province would not be necessary. They suggested that local governments should simply be empowered by legislation to voluntarily establish their own arrangements to share services when mutually beneficial.

V. Where should we go from here?

Reluctance to consider the Multi-Service Body...

The Multi-Service Body recommended by the Round Table did not receive much support. The general public input received was that “while such a structure looks nice on paper, it will not work on the ground”. They also did not like the idea that the establishment of a Multi-Service Body in each region of the province would be forced upon communities, and that it would lead to the demise of existing regional service commissions.

Most participants agreed that, at this time, the Multi-Service Body is not the right vehicle. They feel that improvements could be made to the existing Solid Waste and District Planning Commissions, and do not see the need for their integration into one regional service body. While there is a need to foster and enable the shared provision of some local services, this could be arranged through a legislative framework.

Community Economic Development Agencies...

Considering that the organization of new Community Economic Development Agencies is currently underway, in place of Economic Development

Commissions, and that the Select Committee received little public input regarding those agencies, the improvement to those agencies was not considered by the Select Committee.

Improving Solid Waste and District Planning Commissions...

An examination of the territorial, structural, functional and financial organization of Solid Waste and District Planning Commissions suggests that measures could be undertaken to ensure that the provision of land use planning and solid waste management services is provided in a more effective manner:

- Complete the establishment and restructuring of regionally-based District Planning Commissions to serve all local service districts and municipalities in all regions of the province
- Improve District Planning and Solid Waste Commissions
 - Allow local service districts to appoint their members
 - Require each commission to adopt a multi-year service plan and an annual review of that plan, in consultation with participating municipalities and local service districts
 - Require a double-majority support for the making of significant decisions

Arranging the shared provision of multiple services through a legislative framework...

There is a need to develop a legislative framework to enable municipalities and local service districts to voluntarily design arrangements for the shared provision of other services. Without being provided with such an enabling tool, they (especially local service districts) will continue to be reluctant to share in the provision of services.

VI. Recommendations on arrangements for the shared provision of services

5. *Complete the establishment and restructuring of regionally-based District Planning Commissions to serve all local service districts and municipalities in all regions of the province.*

About 100 local service districts are not yet served by a regionally-based District Planning Commission. They are served by the Rural District Planning Commission which was established in 1995 to provide local land use/community planning services to some unincorporated areas until a regionally-based District Planning Commission was established in each region of the province. There are also about 35 municipalities that do not have the opportunity to be served by a regionally-based District Planning Commission.

Since all local service districts in New Brunswick would now acquire the power to adopt and enforce a community plan, and regional planning would be pursued, it becomes very important to complete the establishment and restructuring of regionally-based District Planning Commissions to serve all communities in all regions of the province.

This would include the establishment of a regionally-based District Planning Commission in the regions of southern Victoria/Carleton, York/Sunbury/part of Queens, and Charlotte counties. It would also require the reorganization of the boundaries of some of the existing commissions to serve the remaining local service districts and municipalities.

A few municipalities have not joined an existing District Planning Commission. Leaving municipalities the option to participate or not has created a situation where the establishment of a regionally-based Commission may not be financially feasible in some regions of the province (especially when the largest municipalities choose not to participate). Further, for regional planning to be successful, all municipalities should participate in regionally-based planning.

However, municipalities should be able to choose to continue providing local land use services on their own. This means that those municipalities would share the provision of regional planning with the other communities of their region, but not necessarily the provision of local land use services.

6. Improve District Planning and Solid Waste Commissions.

This includes:

- Allowing local service districts to appoint their members
- Requiring each commission to adopt a multi-year service plan and an annual review of that plan, in consultation with participating municipalities and local service districts
- Requiring a double-majority support for the making of significant decisions

Allowing local service districts to appoint their members:

At present, municipalities appoint their members on District Planning and Solid Waste Commissions, while the Minister of the Environment and Local Government, who is responsible for unincorporated areas, appoints several members who represent unincorporated areas.

The appointment of members by the Minister should no longer be required since each local service district will have an Elected Committee with the authority to make such appointments. There will be a need to re-structure District Planning and Solid Waste Commissions to accommodate these appointed members.

All municipalities, irrespective of their size, already appoint only one member of their Solid Waste Commission. The requirement of a double majority support for the making of significant decisions would eliminate the need for large municipalities to appoint more than one member on their regionally-based District Planning Commission in order to have a level of control in proportion to their respective share of the total service costs.

However, given the current number of local service districts (269) and municipalities (103), it may not be practical or manageable to have each municipality and local service district appoint one member on their District Planning Commission and one member on their Solid Waste Commission. The average number of members on a Solid Waste Commission would then

be 31, while the average number of members on a District Planning Commission would be 25.

As the geographic and jurisdictional boundaries of local service districts and municipalities reorganize, their number will likely be reduced. This would then reduce the membership to a reasonable number.

However, if after the reorganization of boundaries, the number of municipalities and local service districts results in some of the Commissions being too large, then an alternative may be for groupings of local service districts and municipalities, representing equal shares of the region's population and/or tax base, to appoint members.

Requiring each commission to adopt a multi-year service plan and an annual review of that plan, in consultation with participating municipalities and local service districts:

Citizens/taxpayers expect direct accountability from Regional Commissions, while commissions are formally accountable to those who purchase their services - participating municipalities and local service districts.

Furthermore, only with agreed-upon standards can municipalities and local service districts evaluate and judge the performance of their District Planning and Solid Waste Commissions, and hold them accountable for performance.

Participating communities (as service contractors) and Regional Commissions (as service suppliers) should agree and specify, in advance, exactly what kinds of services are expected and what kinds of standards must be met.

While District Planning Commissions make substantial efforts to communicate with participating municipalities and local service districts, there is no requirement under the *Community Planning Act* for an agreement on the scope and level of services to be delivered to participating communities (even if budgeting decisions are linked to service decisions).

District Planning Commissions are required to submit to the Minister and to each council in the planning district an audited financial report for the previous year, and an annual report setting out its activities for the previous year. These requirements fall short of providing a comprehensive, transparent and effective process for participating communities to know about and to judge their District Planning Commission's performance, and to set improvement targets.

Solid Waste Commissions also make significant efforts to communicate with participating communities, but there is no requirement under the *Clean Environment Act* or NB Regulation 96-11 under the *Clean Environment Act* for an agreement on the scope and level of services to be delivered to participating communities (even if budgeting and borrowing decisions are linked to service decisions). Solid Waste Commissions are required by Regulation to submit to the Minister (not to participating communities) an annual report, setting out a description of their activities during the previous fiscal year. This again falls short of providing a comprehensive, transparent

and effective process for participating communities to know about and to judge their Solid Waste Commission's performance, and to set improvement targets.

District Planning and Solid Waste Commissions, in consultation with all participating communities, should be required to adopt multi-year service plans and annual reviews of these plans. Each Commission would also submit its multi-year service plan and the annual review to the Minister of the Environment and Local Government for review and acceptance to ensure that the plan meets provincial standards.

Each Commission would, in its service plan, specify the scope and level of service that will be delivered and the anticipated costs of providing those services to participating municipalities and local service districts. The annual review would evaluate the performance and set needed improvement targets for the multi-year service plan.

Such a planning process would bring the District Planning and Solid Waste Commissions and the elected officials from all participating communities together to discuss and agree upon service scope, standards and associated costs - fostering a stronger sense of mutual identification to the priorities and agendas of the Commissions and communities.

Some District Planning Commissions do not have enough professional Planners to meet the existing needs of participating municipalities and local service districts in the preparation and revision of community plans. This problem will likely be compounded when all local service districts assume control over planning and start requesting the preparation of local plans. District Planning Commissions need to be able to attract professional Planners to enable them to meet existing and future needs. Therefore, a strategy should be developed to train and/or attract needed professional Planners to these Commissions.

Requiring a double-majority support for the making of significant decisions:

Significant decisions that affect the scope, level and cost of services provided by the District Planning and Solid Waste Commissions, such as the adoption of the annual budget, the borrowing of money, the adoption of the multi-year service plan and its annual review, should be supported by a double majority: 1) an appropriate majority of the members, 2) that must also represent a majority of the population and/or tax base of the region served by the Commissions.

Such a double majority would help avoid situations where a majority of the members, representing a majority of participating local service districts and municipalities, could impose a decision on other members, when the larger portion of the costs of that decision would have to be borne by those other members, because they represent the majority of the population and/or tax base of the region.

It would also avoid situations where a single member, representing a municipality or local service district with a large proportion of the population and/or tax base of the region, could, on its own, impose a decision on the other members.

The double majority formula encourages negotiation in order to achieve compromises for the benefit of all participating communities.

The executive officers of a Solid Waste Commission do not have the authority to make decisions that affect the provision of services, since the business and affairs are controlled and managed by the members only. Currently, a member from a municipality with more than one-third of the total population represented by all the members present at a meeting, may block the election of any other member as an executive officer (that member has veto power). This has created a situation where several other members have to side with such a member if they are to elect an executive officer.

Therefore, the election of executive officers on Solid Waste Commissions should no longer require the support of a two-thirds majority of the members/participating communities representing a two-third majority of the population of the region. In addition, the Minister should be relieved of the responsibility of administering the election for the executive officers of a Solid Waste Commission.

7. Develop the legislative framework to empower local service districts and municipalities to design and review arrangements for the shared provision of services and to resolve disputes.

Designing & reviewing arrangements...

Beyond the regional commissions, (Solid Waste and District Planning Commissions), there is a lack of a mechanism to enable local service districts and municipalities to design and review arrangements for the shared provision of services, such as recreational, library or other facilities. Without being provided with such an enabling tool, communities will continue to be reluctant to share in the provision of services.

A legislative framework should be developed in order to enable municipalities and local service districts to design and review arrangements based on three elements: service definition, service cost and service control.

Service definition:

A clear and agreed upon definition, properly drafted, would reflect the participants' common vision that underlies the decision to provide the particular service. In drafting a definition, participants would need to consider three specific issues: the scope of the service (e.g., a single facility or a list of facilities), the level of service (e.g., quality or standard) and the area to be served (i.e., the geographic region within which the service is to be provided).

Service cost:

Three specific cost issues are important to consider when designing a service arrangement: how to pay for the service (i.e., cost-recovery via property taxes and/or user fees), who should pay for the service (i.e., cost-allocation or tax contribution among the participants in accordance with benefits received or ability to pay) and how to limit costs (i.e., the maximum amount that would be demanded through taxation for the service).

Service control:

To capture the benefits associated with shared service provision, control over the service must be shared with other service participants. Communities that choose to pursue co-operative service provision must accept a certain loss of control over the shape and future direction of the particular service, in exchange for the benefits received.

A sustainable service arrangement would structure control in a way that gives each participant the ability to influence decisions, and is responsive to fundamental changes (e.g., changes in population, demand for service, etc.). The legislative framework would provide direction to participants in designing this structure and process.

The experience of other jurisdictions as well as across New Brunswick could serve to develop such a framework (e.g., Greater Saint John Regional Facilities Commission, Bathurst Civic Centre).

Resolving disputes...

Even with the best intentions, there is always a potential for conflicts between communities involved in a service arrangement - over the service shared, the associated service costs, or the control over the service. Thus, there should be a mechanism to help resolve such conflicts. The experience with service arrangements in New Brunswick as well as other jurisdictions could serve as a model for a dispute resolution process.

PART 3 - Planning Tools***I. What did the Round Table on Local Governance say about regional planning?****Strong interdependence among New Brunswick communities...*

The Round Table was of the opinion that residents of unincorporated areas and municipalities are often closely connected on a regional basis by transportation networks, employment opportunities, social and cultural activities, settlement patterns and geography. While residents live in one area, they may work, shop and/or participate in recreational or cultural activities in several other areas. Residents are multi-community members and form part of a larger natural region of common identity and shared interests.

Common issues facing municipalities and unincorporated areas...

The Round Table reported that many issues spill over jurisdictional boundaries, yet there is no formal mechanism to address them. Municipalities and unincorporated areas do not have a framework that will allow them to effectively engage in a dialogue over issues that cross their boundaries (e.g., protecting water supplies, determining infrastructure needs, minimizing land use conflicts, protecting natural resources and agricultural lands). Regional issues most often require regional responses, and there are inadequate structures and tools in place to allow this to happen. An enabling mechanism is required that will facilitate communities working and planning together to find solutions to regional problems.

Principle to be pursued...

The Round Table suggested that if land use planning is to be emphasized locally, there should be a strong link made to regional considerations. Individual land use plans within a region should not conflict or undermine one another, but rather should be complementary. Land use planning on a regional basis is essential.

Recommendation of the Round Table...

The Round Table recommended that a regional planning tool be developed to bring about improved co-ordination and linkages between communities in terms of land use planning, infrastructure development and the protection of the natural environment.

II. What did the Select Committee hear from members of the public about planning tools?*Provincial planning policies...*

Some members of the public said that the province should articulate its vision in the form of a Provincial Planning Policy to plan and manage development.

They felt that such a policy is essential to address issues of significance to all New Brunswickers and that cross local geographic/jurisdictional boundaries.

They suggested that a comprehensive and integrated Provincial Planning Policy is needed in order to provide an overall and consistent direction and framework to guide the provincial government, the regions and communities in preserving and building sustainable communities.

Regional planning...

Regional planning is also needed to enable communities to collectively address issues that cross their respective geographic/jurisdictional boundaries towards the achievement of the Provincial Planning Policy. The Regional Plan would guide the preparation and review of community plans so that they fit together to achieve common social, economic and environmental objectives, in keeping with the Regional Plan and the Provincial Planning Policy.

However, some participants were concerned that regional planning would supersede local planning against the will of communities in the interest of the perceived regional common good. They did not want local power to be taken away from their community.

It was mentioned that it is the responsibility of the provincial government, not of municipalities, to address the issues of urban sprawl and ribbon development, since they have resulted from an absence of governmental policies and actions.

Unincorporated areas...

Not all unincorporated areas are alike. The more rural and remote areas of New Brunswick, which are small and not facing development pressures,

may not need to have a local land use plan if a Provincial Planning Policy and a Regional Plan were in place. On the other hand, the denser suburban areas around municipalities are facing more important and pressing issues, which require more detailed planning.

Legislative framework...

The planning community also strongly expressed the need to modernize the *Community Planning Act*, especially if provincial land use policies and regional planning are to be pursued. The need for a legislative framework for the integrated management of water, air and land was also mentioned.

III. Where should we go from here?

Enabling local land use/community planning will not be enough...

The social, economic and environmental public costs that have resulted from a lack of local planning in unincorporated areas, are also due to a lack of planning at the provincial and regional level. For example, when industrial developments locate in areas that are not designated and do not have adequate services in place to serve industries, this is also due to a lack of provincial direction and a lack of regional ability to act on issues of common interest.

Granting power to all local service districts to adopt and enforce a land use/community plan should go a long way to avoiding unnecessary public costs in the future. However, it is important to recognize that while all communities are affected and have a partial responsibility to act on issues that cross jurisdictional boundaries, no community is fully in charge. Therefore, community plans, by themselves, will not provide communities the ability to pursue common interests and/or resolve conflicting interests.

Need for provincial and regional planning tools...

Since local service districts and municipalities are an interdependent network of communities, what is taking place in and under the control of one community may sometimes affect surrounding communities without their participation. If local service districts and municipalities are to work together to pursue common interests and/or resolve conflicting interests, they need to be provided with some direction and a collective ability to act.

IV. Recommendation on planning tools

8. Complete the development of a comprehensive and integrated Provincial Planning Policy.

While communities may have common interests (e.g., generate jobs, build a tax base), they may also have conflicting interests in the pursuit of their common interests (e.g., disagreement on the location of industrial developments).

As a result, what may appear to be in the best interest of a community may not be in the best interest of the region. It is sometimes hard for a community to voluntarily sacrifice for the benefit of neighbouring communities.

A provincial planning policy could provide the needed direction to resolve such "collective action" problems. For example, a provincial policy could

require that all industrial developments be located in designated areas where adequate services and related infrastructure exist or can be provided in an economic manner.

In effect, a comprehensive and integrated Provincial Planning Policy could serve to articulate the goals to be pursued by the provincial government, municipalities and local service districts for the building of sustainable urban and rural communities. This will aid in protecting watersheds for suitable quality and quantity of ground and surface water, protecting agricultural and forest lands, locating commercial and industrial developments in designated and serviced areas, limiting public costs, allocating public costs to beneficiaries, and moving traffic efficiently and safely.

A Provincial Planning Policy should be limited to the articulation of the goals to be pursued. Since the local service districts and municipalities of each region of the province present different social, economic and environmental situations, a Provincial Planning Policy that would attempt to address all situations would have to be very prescriptive. Local service districts and municipalities would likely not support such an approach, since they would feel that it is taking too much control from their communities.

Not only do local service districts and municipalities need to be provided with provincial goals, but they also need a tool that would enable them to share their individual needs and interests, discover their common and conflicting needs and interests, and formulate a regional plan to address their common and conflicting needs and interests, while achieving the provincial goals.

A regional plan would also guide the preparation and review of local land use/community plans so they meet the needs and interests of each community, while meeting the collective needs and interests of all communities of the region. Further, regional planning would help to identify opportunities for the shared provision of services among communities.

Following the acceptance of a regional plan by all participating local service districts and municipalities through their District Planning Commission, it should be submitted to the provincial government for review and acceptance to ensure that the plan meets the provincial planning goals.

A Provincial Planning Policy that would articulate the goals to be pursued by the provincial government, municipalities and local service districts, coupled with a regional planning tool that would enable local service districts and municipalities to mutually meet their needs and interests, would assist in building sustainable rural and urban communities: communities that are able to retain a population base, generate jobs, build a tax base that pays for needed services, and make effective, efficient and equitable use of public infrastructure, facilities, services, land and natural resources.

If a Provincial Planning Policy and regional planning are to be pursued, the provincial government will also need to steer government departments in

the same direction and provide multi-departmental support to municipalities, local service districts and District Planning Commissions.

PART 4 - Public Participation in the Process of Change

I. What did the Round Table on Local Governance say about public participation in the process of change?

Principles to be pursued...

The Round Table stated that restructuring should be community driven, facilitated by government. If changes are to occur, they should, as much as possible, be driven by communities themselves, with the province playing a facilitation role in making the changes happen. As part of the process, the benefits and costs of restructuring need to be clearly identified and understood. Ultimately, the changes should benefit both unincorporated communities and existing municipalities.

The Round Table also felt it is important that communities be proactive in working towards local government. Establishing some form of local government that will allow for local decisions to be made on local matters was seen as a positive step. It is important for communities to understand the benefits of taking charge of their future through the establishment of local government.

Recommendation of the Round Table...

The Round Table recommended that the general public must be fully engaged and made aware of the issues confronting unincorporated areas, through a comprehensive consultation process that would also facilitate the choice, adoption and implementation of acceptable and appropriate local governance models, regional service delivery structures, and adjustments to local and regional boundaries and administrative units.

II. What did the Select Committee hear from members of the public about public participation in the process of change?

Desire to be fully involved and supported in the process of change...

Participants from unincorporated areas expressed a desire for the process of change to provide citizens the opportunity to be fully engaged, be supported with technical and financial assistance, and be provided with sufficient time and adequate information to enable them to fully assess and understand any changes.

Some participants felt that the process of change should be initiated and facilitated by the provincial government, because communities may not be ready to initiate such a process on their own. Others said that it would be useful to establish committees of citizens, at the local and regional level, to facilitate the sharing of information with the citizens of their local service districts.

Some participants expressed the need to gain more knowledge of the role of the local service district, and of the powers they could acquire through a local government. They feel they do not have the information they need to participate in a meaningful way in the process of change.

Desire to be in control of changes...

Most participants from unincorporated areas expressed their desire to choose how they are to locally govern themselves in the future. They want any changes to be supported by the citizens from their communities.

Desire to know the cost implications...

Many participants from unincorporated areas were skeptical about having to provide their views on the various options put forward by the Round Table, without being provided with adequate information, especially relative to the costs and fiscal implications of the various options. In fact, many participants appear to have rejected all the options, since they feared that by saying yes, they would have to live with an option that perhaps carried significant costs.

Training of representatives...

Some participants from local service districts mentioned that the members of their Committees should be better educated in order to effectively fulfill their role. Local representatives should be provided with training in order to fully understand the local powers their community would acquire and to have the skills to exercise them.

III. Where should we go from here?*Meeting the expectations of citizens...*

There is no doubt that if people are to accept changes, they need to be part of the process and able to influence the resulting changes. If there is to be trust between the provincial government, municipalities, local service districts, and Regional Commissions in the process of change, it will be essential to make provision for the views of different interests to be expressed and taken into account in decisions.

Public input was clear that if the process of change is to meet the expectations of citizens, it should be pursued as follows:

- Be initiated either by the community or the provincial government
- Seek and facilitate the involvement of all stakeholders
- Support the involvement of stakeholders with technical and financial assistance
- Provide sufficient time and adequate information for all stakeholders to fully assess and understand changes
- Establish local and regional committees to facilitate the sharing of information
- Require the support of citizens in each local service district and municipality
- Provide for an assessment of the costs and fiscal implications of changes
- Provide for the training of elected representatives

IV. Recommendation on public participation in the process of change

9. *Local service districts, municipalities and regional commissions must be engaged in the process of change, with the technical and financial assistance of the provincial government.*

This includes:

- Any reorganizing of geographic/jurisdictional boundaries
- Undertaking land use/community planning
- Electing local representatives
- Taking on additional local powers
- Adding or deleting a local service
- Changing the status of municipalities
- Expanding District Planning Commissions
- Improving Solid Waste and District Planning Commissions
- Undertaking arrangements for the shared provision of services
- Undertaking regional planning

Initial empowerment of local service districts...

The initial process for empowering local service districts should be facilitated by the provincial government with feasibility studies to assess the benefits and costs, which should provide all citizens of those areas with a meaningful opportunity to define and support:

- which local service district they will be part of and its geographic/jurisdictional boundaries, and whether wards will be established
- how many representatives will serve on their Elected Committee, and whether their representatives will be elected by ward or at large
- what local powers they will initially acquire beyond land use/community planning
- how much they will pay for the local powers they decide to exercise

Reorganizing geographic / jurisdictional boundaries

As already mentioned, a province-wide process that would assist local service districts in identifying options for reorganizing their boundaries and assessing the associated benefits and costs should be initiated and facilitated by the provincial government, while the decision to reorganize the boundaries of a local service district should require the support of citizens.

Taking on additional local powers...

Various options would be considered in order to enable a local service district to assume one or more additional powers:

- Through the adoption of a by-law by the Elected Committee (the final decision would be made by the Elected Committee)
- Through the adoption of a resolution by the Elected Committee following a local petition and vote (the final decision would be made by the Elected Committee)
- Through a formal request to the provincial government by the Elected Committee following the adoption of a by-law or resolution (the final decision would then be made by the provincial government)

Adding or deleting a local service...

Whether or not a local service district would acquire a local power to provide a service, the local decision-making process undertaken by the Elected Committee should provide open houses, public meetings, town hall

meetings, or advisory committees for the views of different interests to be expressed and taken into account in decisions to add or delete a local service.

Land use/community planning...

As previously mentioned, education should be provided to enable citizens of local service districts to understand land use/community planning, the reason it is important and necessary, the planning goals pursued by the provincial government, the powers of their Elected Committee, the services provided by their District Planning Commission, and how they can participate in the planning process with their Elected Committee.

Municipalities...

Changing the geographic / jurisdictional boundaries of some municipalities...

As mentioned earlier, this process could be initiated by a municipality or local service district and facilitated by the provincial government, while the decision to reorganize their boundaries and be represented and served by the same local government should require the support from the citizens in each affected area.

Changing the status of some municipalities...

This process could be initiated by an interested municipality and facilitated by the provincial government, while any decision to become a local service district, retaining those local powers they are able to fulfill, should require the support from the citizens of the municipality.

Expanding District Planning Commissions...

The process of completing the establishment and restructuring of regionally-based District Planning Commissions to serve all local service districts and municipalities in all regions of the province should be initiated and facilitated by the provincial government, in consultation with all affected municipalities and local service districts.

Improving District Planning and Solid Waste Commissions...

The provincial government in consultation with Commissions, local service districts and municipalities should facilitate the process of improving District Planning and Solid Waste Commissions. The provincial government should also provide District Planning and Solid Waste Commissions with ongoing technical support.

Legislative framework for the design of arrangements for the shared provision of services and dispute resolution...

The provincial government should provide technical assistance, along with a legislative framework, to municipalities and local service districts to facilitate arrangements for the shared provision of services and for the resolution of associated disputes.

Regional planning...

The provincial government will need to provide multi-departmental support to municipalities, local service districts and District Planning Commissions in the preparation and implementation of their regional plan.

Conclusion

This Report is the result of the insightful and beneficial feedback received from the many New Brunswickers who have made their views known to the Select Committee. Again, the Committee wishes to thank everyone who attended the hearings and took part in this important process for all New Brunswickers.

While recognizing that New Brunswick communities are facing numerous social, economic and environmental problems, the nine recommendations of the Select Committee have been thoughtfully targeted at providing unincorporated areas and municipalities with the tools they need to work toward resolving their most important problems.

As we look to the future, the social, economic and environmental benefits of moving forward with the proposed changes are well worth the required effort.

Both the provincial government and communities across the province will be called upon to exercise leadership and work together as shareholders in the process. The provincial government will need to undertake a deliberate process to create the proposed tools and to engage and assist communities in the process of change. In turn, communities will need to be open and ready to achieve the changes they most need.

While it is the responsibility of the provincial government to provide communities with adequate tools, communities are in turn responsible for the use of those tools in the best possible manner in order to meet their local needs and interests.

The Committee is hopeful that its recommendations will be pursued by the provincial government and by all the communities across New Brunswick, and that they will become part of an overall provincial, regional and local vision and strategy to ensure the sustainable development of urban and rural communities.

Hon. Mr. Mockler laid upon the table of the House a letter between Kingsway Materials Ltd. and the Department of Transportation dated February 8, 2002.

Hon. Mr. Green announced that it was the intention of the government that the House resolve itself into a Committee of Supply to continue consideration of the estimates of the Department of Training and Employment Development, following which, the House would resolve itself into a Committee of the Whole to consider legislation, namely, Bill 27.

The House, according to Order, resolved itself into a Committee of Supply with Mr. Bernard in the chair.

And after some time, the Chairman declared it to be 12.30 o'clock p.m. and left the chair to resume again at 2 o'clock p.m.

2 o'clock p.m.

The Committee resumed with Mr. Ashfield in the chair.

And after some further time, Mr. Speaker resumed the chair, and Mr. Ashfield, the Chairman, after requesting that Mr. Speaker revert to Presentations of Committee Reports, reported that the Committee had had under consideration the matters referred to them, had made some progress therein, had passed several items, and asked leave to sit again.

Pursuant to Standing Rule 78.1, Mr. Speaker then put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

The following are the items reported:

MAIN ESTIMATES, 2003-2004
ORDINARY ACCOUNT

DEPARTMENT OF TRAINING
AND EMPLOYMENT DEVELOPMENT

Resolved, That there be granted to Her Majesty a sum not exceeding \$204,193,000 to defray the expenses of the following programs:

| | |
|--------------------------------------|-------------|
| Corporate Services | 71,535,000 |
| Apprenticeship Services | 3,756,000 |
| Advocacy Programs..... | 931,000 |
| Labour Services..... | 1,667,000 |
| Employment Development | 27,268,000 |
| Labour Market Development | 99,071,000 |
| Less amounts authorized by law | 35,000 |
| Voted | 204,193,000 |

GENERAL GOVERNMENT

Voted, Supply in the following amount to defray the expenses of the following program:

| | |
|-----------------------------------|---------|
| Labour and Employment Board | 627,000 |
|-----------------------------------|---------|

WORKING CAPITAL - MAXIMUM BALANCES
2003-2004

PETTY CASH ADVANCES

| | |
|---|--------|
| Training and Employment Development | 20,000 |
|---|--------|

INVENTORIES

| | |
|---|-----------|
| Training and Employment Development | 1,250,000 |
|---|-----------|

The said items were concurred in by the House.

The House resolved itself into a Committee of the Whole with Mr. Ashfield in the chair.

And after some time, Mr. Bernard took the chair.

And after some time, Mr. Speaker resumed the chair, and Mr. Bernard, the Chairman, after requesting Mr. Speaker revert to the Order of Presentations of Committee Reports, reported:

That the Committee had directed him to report the following Bills as agreed to:

Bill 21, *An Act to Amend the Potato Disease Eradication Act.*

Bill 23, *Statute Revision Act.*

Bill 27, *An Act to Amend the Employment Standards Act.*

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, Mr. Speaker put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

And then 5.20 o'clock p.m., the House adjourned.

The following documents, having been deposited with the Clerk of the House were deemed laid upon the table of the House pursuant to Standing Rule 39:

Documents requested in Notices of

Motions 64, 77, 78, 80, 83 and 86

January 14, 2003