

Meeting of the
**Association of
Manitoba
Municipalities**



with

The Honourable Steve Ashton

Minister of Water Stewardship

January 25th, 2005

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A) Executive Summary

1. The Water Protection Act and Watershed Based Planning

- The protection of water is paramount for all Manitobans and it is crucial that the Provincial Government put measures in place to preserve this important natural resource.
- The new Water Protection Act currently under consideration takes a number of positive steps to help protect Manitoba's water including the creation of a Water Council that will advise the Minister, the development of watershed quality management zones that will help protect water sources by designating all areas of the province into zones and governing activity in these zones, as well as the commitment to public consultations of the upcoming regulations. It is imperative that municipal government be actively involved and consulted in the development of the regulations.
- The Water Protection Act will become an important component of planning in Manitoba along with the Planning Act that is currently under review. Throughout the AMM's involvement in planning discussions it has been stressing a number of key principles that must be addressed.
- The first is that local authority is recognized, as municipal government is the level best suited to make decisions on local issues since they represent a local body of knowledge and expertise. To guarantee local control it is imperative that no appeal exists beyond the local council, as this undermines local authority.
- As well, there must be assurances that throughout the planning process local, public input is permitted. This is especially true in the environmental approval process and local input should be included in the technical review committees.
- One of the greatest concerns with the proposed changes to planning in Manitoba is the implementation as so far the Province has been vague as to how all of these newly legislated ideas and requirements will be implemented. Municipalities will have a major role to play however there is no action plan that lays out what this involvement will entail.
- The AMM is equally concerned with the financial underpinnings of these changes, as again the Province has been vague. Without adequate provincial funding none of the key attributes being considered can occur. Simply downloading financial responsibility to municipalities or applying user fees is not acceptable, as the AMM cannot support policies that unfairly burden local authorities.

Consequently, the AMM urges the Province to ensure local authority is recognized and that public input is permitted throughout the process. As well, the AMM would like to see municipal concerns with implementation and financing addressed prior to moving forward with these planning initiatives.

2. Funding for Conservation Districts

- Connected to municipal governments' concerns with the Water Protection Act and the current proposed direction of planning in Manitoba is the lack of funding for conservation districts.
- It is clear conservation districts are the Provincial Government's preferred method of water stewardship and conservation districts have been mandated a number of responsibilities and are continually taking on greater and greater roles in the management of Manitoba's water system.
- However, while greater responsibilities are being mandated to conservation districts, funding has remained stagnant. Coupled with this, the overall number of conservation districts has grown at the urging of the Province, without additional funding, creating a situation where a greater number of conservation districts with increased responsibilities are getting fewer and fewer funds from the Province. This overall reduction in funds is limiting the ability of conservation districts to meet their increasing mandates.

Therefore, the AMM urges the Provincial Government to rectify this situation and increase funding to conservation districts to the levels needed to allow them to meet their mandates.

3. Increasing Provincial Funding and Staffing for Drainage

- Drainage is one of the most important water-related issues in Manitoba, and continues to be an issue municipalities consistently raise with our association. Currently, the AMM has ten drainage related resolutions alone, and drainage is routinely raised as a concern in our visits with municipalities.
- An effective drainage system is needed in Manitoba to prevent flooding and drought situations, to protect water sources from contamination, and to preserve natural wetlands and fish habitats.
- The importance of drainage cannot be underestimated. Along with being a key component of the Manitoba Water Strategy, increased funding for drainage could help reduce crop insurance claims as well as Disaster Financial Assistance claims.
- In order to improve the drainage system in Manitoba, the Province needs to commit both adequate financing and adequate staff. Current funding levels remain inadequate and greater funding is required.
- Lack of funding is not the only drainage concern raised by our membership. All too often municipalities are experiencing delays in receiving permits for drainage work as there is not enough staff in place to review project applications. This problem will only be compounded as the implementation of the Manitoba Water Strategy moves forward and a greater number of applications are submitted.

Therefore, the AMM urges the Province to make a greater financial commitment to drainage in the upcoming budget to help address the inadequacies of the current system.

4. Certification of Water and Waste Water Plant Operators

- The mandatory certification of water and wastewater operators is another important water-related issue for Manitoba municipalities, as the safety and well being of all Manitobans is impacted by water quality.
- The AMM was pleased to see the regulation governing this be completed in 2003 however municipalities have expressed concern that currently the Department does not have the appropriate staff in place to train and certify all operators in Manitoba and municipalities are uncertain what this means for the September 2006 deadline for certification.
- Additionally, some municipalities have expressed concern regarding the cost both for the course fees and the additional examination fee. To help small utilities keep utility rates at a manageable level, the AMM encourages the Province to include the examination fee in the \$350.00 course fee.

Therefore, the AMM urges the Department to put the appropriate staff in place to move forward with the certification regulations and readjust the timelines accordingly. The AMM also urges the Province to include the examination fee in the set course fee.

5. Drinking Water Safety Act Regulations

- A major concern for many municipalities is the safety of their drinking water supply. The tragedies that have occurred in other municipalities across Canada have highlighted the importance of ensuring that municipal drinking water supplies are safe.
- The AMM was pleased to see the Provincial Government take a lead role and pass the Drinking Water Safety Act in 2002 to address this issue, which was finally proclaimed January 30, 2004. The corresponding regulations that were drafted this fall are however a concern to the AMM.
- The first concern pertains to the downloading of costs and responsibilities, as water is a public health issue yet municipalities are being given greater responsibilities in ensuring the safety of this supply, while simultaneously the Province is imposing greater requirements. This is escalating the costs for municipalities, however the extent of this escalation is unclear as the Province has not calculated what these requirements will mean for municipalities.
- It is clear that these new requirements come at a financial cost, however the Province has not set aside any new funding to help offset this. It appears from the regulations however that the Province has instituted license fees and permit costs for operators to offset its costs. The impact of these requirements to municipalities will be excessive and need to be evaluated, as user fees and increases in taxation only pass the costs on to the already over-burdened taxpayer.

- The AMM is concerned as well with the unprecedented powers that the *Act* gives to the Director as they have a greater role in the approval and refusal of applications than we see as necessary, and can impose restrictions and require municipalities to conduct expensive engineering reports in order to obtain approvals. Shifting these responsibilities away from the Minister raises some concerns with accountability as well.

Therefore, the AMM urges the Province to consult with the AMM in drafting the regulations for the Drinking Water Safety Act.

b) Departmental Issues

1. The Water Protection Act and Watershed Based Planning

The protection of water is paramount for all Manitobans and it is crucial that the Provincial Government put measures in place to preserve this important natural resource. The importance of clean, safe water cannot be overstated. Municipal governments understand the importance of this and the AMM was pleased to have had the opportunity to participate on the Manitoba Water Strategy Steering Committee that was mandated to develop a water blueprint for Manitoba.

In part as a result of the work of this committee, the Provincial Government developed and introduced the Water Protection Act last year. The AMM had long called upon the Provincial Government to consolidate water related services and branches into a single, unified portfolio and was pleased with the creation of this new department. The AMM understands the need to create a comprehensive, legislated mandate for this new department, which is what the Water Protection Act sets out to do.

This Act takes a number of positive steps to help protect Manitoba's water. The AMM is pleased to see the creation of a new Water Council that will be charged with the responsibility of monitoring the development and implementation of the watershed management plans and advising the Minister on water-related issues. This council must be inclusive of all relevant stakeholders to be effective and the AMM believes municipalities must have a voice on the council.

The AMM is also pleased with the development of watershed quality management zones as these zones will protect water, aquatic ecosystems and drinking water sources by designating all areas of the province into zones and then governing, regulating and prohibiting any use, activity or thing in these zones. These management zones will be a useful tool in the development process and will help ensure that sound environmental decisions are being made. However, the creation of these zones must be made based on sound science and cannot be used as a tool to prevent or limit development in certain areas of the province, such as the Capital Region. Management zones will be a useful tool but only if the mapping of

these zones is based on sound science, and it is imperative that the Province completes the maps and provides them to municipalities and watershed management boards quickly.

The AMM is also pleased to see that Bill 22 includes a clause guaranteeing that there will be consultation in the development of the regulations for this act. This is an important clause since much of the detail will come later through the regulations and the Act is vague in many key areas. For this consultation process to be meaningful however, municipalities must be consulted in the development of the regulations and not simply asked to comment on a completed draft. Input must be sought in the beginning stages of drafting the regulations and not merely once the Province has internally set the direction of the specific regulations. This is essential for municipalities to buy into this process and for needed for the process to be successful.

The Water Protection Act is an important and powerful act and will supersede other legislation, including the Planning Act. The AMM has been actively involved in the review and revisions that have been discussed in relation to the Planning Act and has some concerns with how all of the planning proposals will fit together. The AMM is a strong supporter of watershed based planning, as this unchangeable unit is in many cases the most logical foundation for planning. Throughout the AMM's involvement in planning discussions it has been stressing a number of key principles that must also be considered in relation to watershed based planning.

A major concern for municipalities is that local authority is recognized. The AMM has stressed throughout the development of the Manitoba Water Strategy and the review of the Planning Act that municipal government is best suited to make decisions on local issues. Municipalities are in the best position to make planning decisions since they represent a local body of knowledge and expertise. In order to guarantee local control over land use planning, there should be no appeals process to another jurisdiction that supersedes municipal land use decisions. This is very important to AMM members as councils are elected officials with first hand knowledge of suitable land use within their jurisdiction. They also have a responsibility to objectively consider the consequences for all stakeholders and to establish a plan on that basis. An appeal process beyond this level would undermine the authority of the

municipal council. Similarly, appeals to the Municipal Board should only be considered when a critical mass of ratepayers formally objects to a land use decision. Through these policies, local interests will be upheld based on the authority of the municipal council to undertake effective long-term land use planning.

As well, there must be assurances throughout the planning process that public input is permitted, especially in the environmental approval processes. While the Province is well-equipped to conduct environmental assessments through the Technical Review Committees, the process would benefit from the inclusion of local input. The ongoing use of public consultation as required under the Planning Act also supports the ability of local authorities to effectively undertake land use planning. Community consultations are therefore critically important to land use and water resource planning and the inclusion of consultation feedback will strengthen support for legislation and regulations.

One of the greatest concerns our association has with the Provincial Government's proposed planning direction is in its implementation. So far, the Province has been vague as to how all of these newly legislated ideas and requirements will be implemented. It is clear that municipalities, along with conservation districts and planning boards, will have a major role to play in the implementation of the concepts under consideration. However, how great a role this will be is not clear. An action plan has yet to be developed as to how any of these new requirements will be met and who will be responsible for ensuring that these new requirements are met. It is imperative that the Province work with key stakeholders to develop this action plan before moving too far forward, as it is crucial that local people are consulted and involved in the process. However at the same time, it is crucial that the Province move forward with this initiative since it is important that water resources be protected.

Closely related to the matter of implementation is the issue of financing. Again the Province has been vague on the issue of who will be financing the implementation of this legislation. Without adequate Provincial funding, none of the key attributes being considered can occur. For instance, watershed planning authorities cannot make the watershed management plans required under Bill 22 without financial assistance. However there is no indication that the

Province will provide any financial assistance to watershed planning authorities in the development of these plans. Without Provincial financial assistance, the financial responsibility will be simply downloaded to municipalities or will be financed by all Manitobans through user fees. It appears that some of the proposed changes will place additional administrative burdens on municipalities as well. The AMM cannot support policies that unfairly burden local authorities. Simply put, ideas will not work without a clear commitment from the Provincial Government to provide adequate funding for implementation.

It is essential that the Province develop the financial underpinnings of this legislation so that it can move forward with implementing this initiative. There is currently a great deal of uncertainty among municipal governments regarding planning as they await the Provincial Government's direction. With the decision to take a step back by withdrawing Bill 40 – The Planning Amendment Act after a great deal of energy was spent clarifying the proposed amendments for municipalities, municipal governments are looking for clarification of the Province's new direction. It is therefore essential that the concerns with the Water Protection Act be addressed in order to move forward with its implementation.

Consequently, the AMM urges the Province to ensure local authority is recognized and that public input is permitted throughout the process. As well, the AMM would like to see municipal concerns with implementation and financing addressed prior to moving forward with these planning initiatives.

AMM Resolution Number 2002 – 30

Topic: Watershed Management

Sponsor(s): RM of Coldwell (Interlake District)

Department(s): Manitoba Water Stewardship; Manitoba Intergovernmental Affairs

WHEREAS water does not run along municipal boundaries;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province so that all conservation districts and watershed management boards are based on watersheds.

2. Funding for Conservation Districts

Connected to municipal governments' concerns with the Water Protection Act and the current proposed direction of planning in Manitoba is the lack of funding for conservation districts. The Provincial Government, through the Manitoba Water Strategy and the Water Protection Act, has made it clear that conservation districts are the preferred method of water management. Conservation districts have been mandated a number of responsibilities and are continually taking on greater and greater roles in the management of Manitoba's water system. This is particularly true if integrated watershed management will be done through conservation districts. This will not only increase the mandate of conservation districts but it is unclear how it will be possible when a number of groups and areas are beyond the jurisdiction of conservation districts. While the Provincial Government has no authority over federal lands and First Nations, areas such as community pastures, wildlife management areas and provincial parks are within Provincial jurisdiction and can be dealt with.

However, while greater responsibilities are being mandated to conservation districts, funding has remained stagnant. Coupled with this, the overall number of conservation districts has grown at the urging of the Province, without additional funding. This has created a situation where a greater number of conservation districts with increased responsibilities are getting fewer and fewer funds from the Province. This overall reduction in funds is limiting the ability of conservation districts to meet their increasing mandates.

Therefore, the AMM urges the Provincial Government to rectify this situation and increase funding to conservation districts to the levels needed to allow them to meet their mandates.

AMM Resolution Number 2001 – 29

Topic: Funding for Conservation Districts

Sponsor(s): RM of Westbourne

Department(s): Manitoba Water Stewardship

WHEREAS some conservation districts have assumed responsibility for the provincial drainage system, and they play a major role in managing and licensing drainage works throughout Manitoba;

AND WHEREAS funding to the conservation districts has not kept pace with inflation and maintenance costs;

AND WHEREAS the cost of drain maintenance is a major expense to some conservation districts;

AND WHEREAS the provincial government no longer provides engineering and survey services to the conservation districts which forces the conservation districts to utilize funds previously used for operation in order to provide these necessary services;

AND WHEREAS inadequate funding to conservation districts results in increased levies to the member municipalities;

AND WHEREAS the level of funding does not adequately reflect the value of the infrastructure;

THEREFORE BE IT RESOLVED THAT the Association of Manitoba Municipalities lobby the Province to undertake work on their drains to provide proper and adequate drainage;

BE IT FURTHER RESOLVED that the Association of Manitoba Municipalities lobby the Province to improve and upgrade drains that are the jurisdiction and responsibility of the department of conservation.

BE IT FURTHER RESOLVED that the Association of Manitoba Municipalities lobby the Province to provide additional funding that would allow for the maintenance of provincial drains to provide efficient drainage of land in the agricultural areas of the Province.

3. Increasing Provincial Funding and Staffing for Drainage

Drainage is one of the most important water-related issues in Manitoba, and continues to be an issue municipalities consistently raise with our association. Currently, the AMM has ten drainage related resolutions alone, and drainage is routinely raised as a concern in our visits with municipalities. The wet conditions incurred by Manitobans in the last decade have exposed the problems of the current system and time and again municipalities inform us that the current system is inadequate. An effective drainage system is needed in Manitoba to prevent flooding and drought situations, to protect water sources from contamination, and to preserve natural wetlands and fish habitats.

The importance of drainage cannot be underestimated. Along with being a key component of the Manitoba Water Strategy, increased funding for drainage could help reduce crop insurance claims as well as Disaster Financial Assistance claims. With the current state of crop prices, many Manitoba farmers have begun to diversify their farm practices in new and

creative ways. Several of the new crops being grown in Manitoba are sensitive to standing water. The economic benefits of these attempts to diversify Manitoba's agriculture sector could be lost if the Province is unable to solve the drainage issues that have led to the problem of standing water on fields.

In order to improve the drainage system in Manitoba, the Province needs to commit both adequate financing and adequate staff. The AMM was pleased to see a \$1 million increase in drainage funding in the 2003 budget however the total amount remains inadequate and greater funding is required. An increase in drainage funding will allow municipalities to proceed with the drainage construction, repair, and maintenance projects so desperately needed. As the implementation of the Manitoba Water Strategy moves forward, increased funding for drainage projects is essential.

Lack of funding is not the only drainage concern raised by our membership. All too often municipalities are experiencing delays in receiving permits for drainage work as there is not enough staff in place to review project applications. This problem will only be compounded as the implementation of the Manitoba Water Strategy moves forward and a greater number of applications are submitted.

Therefore, the AMM urges the Province to make a greater financial commitment to drainage in the upcoming budget to help address the inadequacies of the current system.

AMM Resolution Number 2002 – 51

Topic: Increasing Provincial Funding and Staffing for Drainage

Sponsor(s):

Department(s): Manitoba Water Stewardship

WHEREAS staffing levels of Manitoba Conservation are proving inadequate to provide timely approval of applications for licences under The Water Rights Act;

AND WHEREAS funding levels for the proper maintenance of provincial drains are grossly deficient;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province to remedy the shortfalls of staffing and funding within the Department of Conservation.

AMM Resolution Number 2001 – 30

Topic: Provincial Maintenance of Drains

Sponsor(s): RM of Morris (Central District); RM of Rosser; RM of Macdonald

Department(s): Manitoba Water Stewardship

WHEREAS inadequate drainage of agricultural land is a major concern to both the farming community and to municipalities;

AND WHEREAS municipalities continue to improve drainage to keep pace with the expectations of the farming community;

AND WHEREAS the Department of Conservation has made little attempt to maintain drainage systems for which they are responsible;

AND WHEREAS the financial loss due to improper drainage not only affects the farming community, but reduces the revenues that would be generated to the federal and provincial governments;

THEREFORE BE IT RESOLVED THAT the Association of Manitoba Municipalities lobby the Province to undertake work on their drains to provide proper and adequate drainage;

BE IT FURTHER RESOLVED that the Association of Manitoba Municipalities lobby the Province to improve and upgrade drains that are the jurisdiction and responsibility of the department of conservation.

BE IT FURTHER RESOLVED that the Association of Manitoba Municipalities lobby the Province to provide additional funding that would allow for the maintenance of provincial drains to provide efficient drainage of land in the agricultural areas of the Province.

AMM Resolution Number 2001 – 33

Topic: Access to Municipal Drains

Sponsor(s): RM of Fisher (Interlake District)

Department(s): Manitoba Water Stewardship

WHEREAS municipal drains have been constructed in the past and have not been legally registered;

AND WHEREAS municipalities are responsible for the maintenance of their drains;

AND WHEREAS a landowner can interfere with access onto property for the purpose of maintaining municipal drains that have not been registered;

THEREFORE BE IT RESOLVED THAT the Association of Manitoba Municipalities lobby the provincial government to legislate authority for a municipality to enter upon private land and overrule non-cooperative landowners standing in the way of progress, in order to maintain and/or improve municipal drains.

AMM Resolution Number 2001 – 34

Topic: Delays in Issuing Drainage Permits

Sponsor(s): RM of Bifrost (Interlake District); RM of Headingley

Department(s): Manitoba Water Stewardship

WHEREAS drainage work in Manitoba is regulated by The Water Rights Act which requires a licence from the Province to undertake any work related to any drainage system including maintenance activities such as ditch clean-outs and culvert installation;

AND WHEREAS regional water managers have the responsibility to review and process the licence applications and are responsible for very large regions;

AND WHEREAS the regional water managers are clearly unable to meet the demands for licences from both the public and private sector, resulting in unreasonable delays in obtaining licences, licences being granted after the work is performed, and a significant amount of work proceeding without licences;

AND WHEREAS the delay in issuing permits is delaying municipal drainage works;

THEREFORE BE IT RESOLVED THAT the Association of Manitoba Municipalities lobby the Province to appoint a committee of provincial and municipal representatives to undertake a review of the licensing process with a view to either:

- a. Amending the legislation to limit the conditions in which licences are required, or
- b. Assigning additional staff to process licence applications within a reasonable time frame, or
- c. Both of the above.

AMM Resolution Number 2000 – 27

Topic: Third Order Drains

Sponsor(s): RM of La Broquerie (Eastern District)

Department(s): Manitoba Water Stewardship

BE IT RESOLVED THAT the Association of Manitoba Municipalities lobby the provincial government to acquire the right-of-way of those portions of all third order drains that they do not already own.

AMM Resolution Number 1999 – 57

Topic: Drainage

Sponsor(s): RM of Dauphin (Parkland District)

Department(s): Manitoba Water Stewardship

WHEREAS Manitoba Conservation, Water Resources Branch, has fragmented certain drains, creeks, and rivers into areas they service and maintain and leave other areas to the land owner or municipality, which results in these drains not functioning to their top capacity and causing severe flooding and channel changes;

THEREFORE BE IT RESOLVED THAT the Association of Manitoba Municipalities lobby the Province of Manitoba to make the Water Resources Branch or the local conservation districts responsible for maintaining these drains from the headwaters to the stream's mouth.

AMM Resolution Number 1999 – 59

Topic: Drainage Licenses

Sponsor(s): RM of Dufferin

Department(s): Manitoba Water Stewardship

WHEREAS the Province of Manitoba has the authority to issue licences to individuals and corporations for drainage projects;

AND WHEREAS municipal corporations are aware of the impact which proposed drainage projects will have on properties downstream;

THEREFORE BE IT RESOLVED THAT the AMM request the Province of Manitoba consult with the local municipal corporation before issuing a drainage licence.

AMM Resolution Number 1998 - 35

Topic: Municipal Authority for Drainage Works

Sponsor(s): RM of Russell

Department(s): Manitoba Water Stewardship

WHEREAS in recent years, there has been an increase in drainage by landowners to create more arable land;

AND WHEREAS with this increase in drainage, a concern has arisen as to where the water ends up; in most cases it is just moved from one neighbour to another without proper channels for the water to flow to natural runways;

AND WHEREAS municipalities are upsizing culverts to allow the larger volumes of water to get away quickly;

AND WHEREAS in the past number of years individuals and municipalities have suffered damage due to poor water management;

AND WHEREAS the Province of Manitoba is considering amending legislation to give municipalities more authorization when it comes to jurisdiction over illegal drainage;

AND WHEREAS municipalities should not be expected to enforce legislation that is made by the Province;

AND WHEREAS the provincial legislation is adequate and we believe it is the responsibility of the governments that make the laws to enforce them;

THEREFORE BE IT RESOLVED THAT the Union of Manitoba Municipalities request that the Province implement stricter enforcement of drainage to alleviate the problems of flooding and financial burdens to individuals, municipalities and governments.

AMM Resolution Number 1996 - 33

Topic: Drainage Works

Sponsor(s): LGD of Mountain; RM of Russell

Department(s): Manitoba Water Stewardship

WHEREAS drainage construction works carried out in the province of Saskatchewan can create drainage problems, silting and erosion in downstream municipalities in the province of Manitoba;

AND WHEREAS drainage construction works by upstream municipalities in Manitoba can create drainage problems, silting and erosion in downstream municipalities in the province;

THEREFORE BE IT RESOLVED THAT the Union of Manitoba Municipalities:

1. Request the Province of Manitoba to enter into discussions with the Province of Saskatchewan to determine the impact of works in Saskatchewan on watercourses in Manitoba, with a view to determining what remedial works might be required to reduce the consequences of these works;
2. Request that the Department of Natural Resources and the Department of Environment utilize the existing legislation of The Water Rights Act and The Environment Act to ensure that upstream drainage works in Manitoba and Saskatchewan do not negatively affect downstream municipalities in Manitoba.

AMM Resolution Number 1995 – 24

Topic: Drainage Projects

Sponsor(s): RM of Birtle (Mid-Western District)

Department(s): Manitoba Water Stewardship

WHEREAS municipalities and landowners are finding it difficult to obtain a licence from the Department of Natural Resources to construct drainage works;

AND WHEREAS individuals are proceeding with such works without a licence or authorization;

AND WHEREAS it would appear that the Water Resources Branch of the Department of Natural Resources are understaffed in comparison to the size of their regions;

THEREFORE BE IT RESOLVED THAT the UMM request that the Department of Natural Resources - Water Resources Branch review their present structure and recommend that a number of local boards be established to review applications submitted for licences to construct drainage works.

4. Certification of Water and Waste Water Plant Operators

The mandatory certification of water and wastewater operators is another important water-related issue for Manitoba municipalities. The need for the highest water quality possible cannot be exaggerated as this directly impacts the safety and well being of all Manitobans. Our association was pleased that on April 22, 2003 the Environment Act Regulation 77/2003 was published requiring the mandatory certification of water and wastewater plant operators. The AMM was actively involved in developing this regulation that requires all operators be trained by August 31, 2004, and only certified staff employed by September 2006.

Municipalities have expressed concern however, that currently the Department does not have the appropriate staff in place to train and certify all operators in Manitoba. It is unclear what this means for municipalities. There has to date been no reply as to when the August 31, 2004 deadline will be extended to and without adequate staff to manage this program, the September 2006 deadline for certified staff is unrealistic.

Additionally, some municipalities have expressed concern regarding the cost both for the course fees and the additional examination fee. To help small utilities keep utility rates at a manageable level, the AMM encourages the Province to include the examination fee in the \$350.00 course fee.

Therefore, the AMM urges the Department to put the appropriate staff in place to move forward with the certification regulations and readjust the timelines accordingly. The AMM also urges the Province to include the examination fee in the set course fee.

AMM Resolution Number 2004 - 48

Topic: Exam Fees for Water Training Courses

Sponsor(s): RM of Whitewater

Department(s): Manitoba Water Stewardship

WHEREAS small utilities have a problem keeping utility rates at a respectful level;

AND WHEREAS the cost of Water Treatment I and Water Distribution I courses were \$350.00 per course plus an additional fee of \$150.00 per course to write the examinations;

THEREFORE BE IT RESOLVED THAT the Association of Manitoba Municipalities lobby the Provincial Government to include the examination fee in the \$350.00 course fee.

5. Drinking Water Safety Act Regulations

A major concern for many municipalities is the safety of their drinking water supply. The tragedies that have occurred in other municipalities across Canada have highlighted the importance of ensuring that municipal drinking water supplies are safe. The AMM was pleased to see the Provincial Government take a lead role and pass the Drinking Water Safety Act in 2002 to address this issue. Our association was happy to have had the opportunity to provide input into the Act, as it will have major implications for municipalities.

The AMM was pleased to see that the Drinking Water Safety Act was finally proclaimed on January 30, 2004. The corresponding regulations that were drafted this fall are however a concern to the AMM. The Province had previously committed to consulting the AMM in the drafting of the regulations so the AMM was surprised and concerned to receive these regulations for discussion without having been asked for input in their drafting. There are a number of serious concerns the AMM has with the draft in its current state. It is important that municipal concerns are considered as these regulations are reworked, and the AMM looks forward to representing these concerns and working with the Province in this regard. Among the concerns the AMM has raised to the Province thus far are the downloading of costs and responsibilities, the finances necessary to carry out the requirements, and the powers invested in the Director.

The first issue pertains to the downloading of costs and responsibilities. Water is a public health issue yet municipalities are being given greater responsibilities in ensuring the safety of this supply, while simultaneously the Province is imposing greater requirements. This is escalating the costs for municipalities, however the extent of this escalation is unclear as the Province has not calculated what these requirements will mean for municipalities.

It is clear that these new requirements come at a financial cost, however the Province has not set aside any new funding to help offset this. It appears from the regulations however that the Province has instituted license fees and permit costs for operators to offset its costs. The impact of these requirements to municipalities will be excessive and need to be evaluated, as user fees and increases in taxation only pass the costs on to the already over-burdened taxpayer.

The AMM is concerned as well with the unprecedented powers that the *Act* gives to the Director. This individual has a much greater role in the approval and refusal of applications than we see as necessary. As well, he or she can impose restrictions and require municipalities to conduct expensive engineering reports in order to obtain approvals. Shifting these responsibilities away from the Minister raises some concerns with accountability as well.

The Drinking Water Safety Act demonstrates a significant commitment from the Province to the maintenance of safe drinking water for all Manitobans. The regulations however must take into account the concerns that the municipalities have. The Province has committed previously to including the AMM in the drafting of the regulations and our association looks forward to working with the Province on this issue.

Therefore, the AMM urges the Province to consult with the AMM in drafting the regulations for the Drinking Water Safety Act.

AMM Resolution Number 2001 - 39

Topic: Protection for Groundwater Sources

Sponsor(s): RM of Reynolds

Department(s): Manitoba Water Stewardship; Manitoba Intergovernmental Affairs

WHEREAS the quality of potable groundwater has always been of great importance to the quality of life and health of the citizens of the province;

AND WHEREAS a potable water source is essential for rural residential land uses;

AND WHEREAS septic fields and injection systems in rural residential developments are resulting in a negative impact on potable groundwater sources;

THEREFORE BE IT RESOLVED THAT the Association of Manitoba Municipalities lobby the Province to strengthen the provincial land use policies to require greater protection for potable groundwater sources.

c) General Issues

6. Education Funding

For 2005, the AMM has identified education funding to be its top priority. The ongoing need to shift education funding away from property taxes was demonstrated when our membership passed a resolution requesting that the Province develop a new taxation model that removes school tax levies from all properties. The current model is not sustainable and further action must be taken to relieve the pressures on municipal property taxes.

The recent Throne Speech included a significant first step that was much appreciated by the AMM membership. A 33 per cent reduction in farmland property taxes will assist an agricultural community that has experienced ongoing pressure as a result of BSE and consecutive years of poor weather conditions. The prospect of a further reduction in the 2005 Budget to 50 per cent will also lessen the negative impact of past years. This commitment of \$33 million over two budget years is an appropriate beginning to the process of separating education funding from property. Municipal property taxes should be used to fund strictly municipal services, and reducing the education portion of property tax will facilitate this process.

The Province has also made reference to further education tax relief being unveiled in the next budget. In order for further action to incorporate municipal interests, education tax relief must equitably be applied to all classes of property. Phasing out the residential

Education Support Levy (ESL) is an essential part of this initiative and is certainly beneficial to residential landowners. However, reductions in education tax relief should be available to all property owners since it is incongruous for education funding to be associated with property. At the same, a shift away from property should not justify a reduced investment in the education system. The AMM strongly supports the need for high quality education in all areas of the Province, yet maintains that other sources of Provincial revenue are more appropriate than property taxation. While every citizen should contribute to education funding, this does not occur under the current regressive system of property taxation. At present, there is an unfair reliance on property owners to fund an education system that contributes so much to the prosperity of Manitoba. Consequently, the AMM would like to see the Province take the opportunity presented by Budget 2005 and make a clear policy statement on its intended direction regarding the removal of education funding from property. The AMM believes a clear five-year plan is needed where the end result is the total removal of education funding from property. Budget 2005 should therefore build on what the Provincial Government has already accomplished to ensure that all Manitobans fund education equitably.

An important aspect of this issue is that municipalities are required to provide a wide variety of services while relying almost exclusively on property taxes as a source of revenue. Until methods of municipal financing are drastically changed, municipalities must be empowered to control the level of local property taxation without having to use this mechanism for Provincial purposes such as education. The current funding system places an unfair burden on property owners and hinders the ability of municipalities to provide property services, such as infrastructure improvements. The AMM appreciates that the Province has begun to take action to improve this situation and looks forward to working with the Provincial Government to develop a long-term plan to shift education funding away from property taxation.

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