

Meeting of the
**Association of
Manitoba
Municipalities**



with

The Honourable Gord Mackintosh

Minister of Justice and Minister charged with
the administration of the Manitoba Public
Insurance Corporation Act

February 21, 2005

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A) Executive Summary

Departmental Issues

1. Policing Costs in Manitoba

- The growing pressure on municipal budgets and the increasing cost of police services require greater investment by the Provincial Government, since municipalities cannot bear these costs alone.
- A review process is required to indicate whether police services remain effective in regions that have lost officers and to determine the cost effectiveness of the new system.
- Prior attempts to increase the efficiency of police service provision have resulted in significant municipal concerns regarding costs, levels of service, response times and policing priorities.
- Even with the demonstrated commitment to improving community safety, municipal budgets cannot cover the decision to increase RCMP salaries across the province, along with the other increasing costs of police services.
- Salaries already make up a significant part of most municipal policing budgets and for this reason, the Provincial Government should ensure that the proposed changes do not result in additional costs at the municipal level.
- The Large Urban Policing Working Group is primarily concerned with the high cost of providing police service when the majority of these costs are not under local control. The AMM has found that salaries and accommodations typically account for over 80 per cent of policing costs in large urban centres, and municipalities have no control over these amounts.

Therefore, the AMM urges the Provincial Government to commit additional funding to police services across Manitoba to ensure that communities have access to effective safety and crime prevention services.

2. Municipal By-Law Enforcement

- Some improvements were made to the by-law enforcement system through the 1997 Municipal Act Amendment, however there are outstanding issues regarding non-property by-law offences and the cost for municipalities to enforce by-laws. Current processes are time-consuming and costly since criminal courts are used to deal with by-law issues, even though they are not criminal matters.
- Municipalities are seeking alternative methods of enforcement in order to improve the process for by-law enforcement and are actively pursuing innovative models, as found in the City of Brandon.
- The reality is that the current costs do not allow municipalities to properly enforce needed by-laws. The AMM's support for an alternative system of by-law enforcement is dependent on a cost-neutral arrangement.

The AMM urges the Provincial Government to work with the AMM to develop a more appropriate system of municipal by-law enforcement, and to address such issues as non-property offences and the high cost for municipalities to enforce by-laws.

3. Hiring of Outside Contractors

- Municipalities are responsible for by-law enforcement through issuing tickets and fines, and this responsibility should come with the authority to determine the appropriate method of enforcing municipal by-laws.
- The AMM is pleased that the Province is working to address alternative by-law enforcement as a joint effort with municipalities.
- Municipalities recognize their role in by-law enforcement and are committed to providing a safe environment for their residents through the allocation of municipal funds for police services. Given this level of responsibility, it is appropriate that municipalities are empowered to select the most suitable form of service provision.
- In some cases, municipalities have identified private companies as an effective means of enforcing by-laws. However, restrictions set out in the legislation only allow for the hiring of individuals as designated officers and do not include provisions for hiring private contractors.

Therefore, the AMM urges the Provincial Government to establish a process that allows for by-law enforcement to address local priorities, through processes such as hiring private contractors.

4. Use of RCMP for Court Services

- The task of providing court security and transporting prisoners to and from court is a necessary component of preserving the safety of Manitobans.
- However, RCMP officers have a great deal of responsibility within municipalities and there are sometimes issues of greater concern to be addressed.
- An alternative has been suggested that Manitoba Sheriff Services could perform this duty in all municipalities in order to concentrate RCMP resources on other municipal priorities.
- Municipalities are seeking better ways of funding police services and this action would greatly assist affected communities.

Therefore, the AMM urges the Provincial Government to implement alternatives to court security services through a shift in responsibility from the RCMP to Manitoba Sheriff Services.

5. MPIC Compensation for Motor Vehicle Accidents

- Municipalities are concerned with the limited number of instances that municipal fire departments are eligible to receive compensation from the Manitoba Public Insurance Corporation (MPIC) for responding to vehicle fires and accidents, as well as with the inadequate amounts of this compensation.
- When MPIC deems the municipal fire department eligible for compensation, the current rate of compensation does not cover the cost of responding, burdening the municipal fire departments with the costs of emergency response.
- When responding to vehicle fires and accidents, municipal fire departments respond with the appropriate number of personnel and equipment. The AMM surveyed its membership during 2004 and an hourly rate of compensation should be established for all calls. Where extraordinary measures are required, additional compensation should also be considered.
- The AMM would like to see the rate increased to \$750 an hour to more closely reflect the actual costs of responding to motor vehicle accidents. The need for the large increase at this time is in part due to the reality that this rate has not been changed in many years. For this reason, the AMM would like to see as a part of the rate increase a commitment to revisit this rate at regular intervals, such as every three years, to ensure it is providing compensation for the actual costs of responding to accident scenes.
- Until recently, a committee was in place to hear appeals for denied municipal MPIC compensation claims. However, this committee has not met regularly for some time despite the expressed interest from some AMM members wishing to file an appeal and the AMM believes a municipal appeals process is necessary to ensure openness and accountability for MPIC claims.

The AMM strongly urges the Province to establish a fair rate of compensation for municipal fire departments so that municipal fire departments do not suffer further financial hardship for responding to road emergencies. The AMM further urges the Province to re-establish the MPIC appeals committee to ensure openness and accountability for MPIC compensation claims.

General Issues

1. Education Funding

- Education remains the number one concern for municipalities as the current model of taxation is not sustainable and a new taxation model is needed
- While the AMM was pleased to see the Province recognize the importance of this issue with the recent commitment in the Throne Speech of an immediate reduction in education taxes on farmland, municipal property taxes should be used to fund strictly municipal services, and a complete removal of education funding from all property classes is needed.

- 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 to fund education. While every citizen should contribute to education funding, this does not occur under the current regressive system of property taxation.
- The AMM was pleased with the commitment of further reductions in the 2005 Budget beyond the 50% reduction on farmland and believes relief is needed on all property classes, as 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.

2. Land Use and Water Resource Planning

- Since new water legislation is forthcoming and the Planning Act is currently under review, a municipal perspective must be represented as legislation is formulated.
- The first municipal priority for land use and water resource planning legislation is to recognize local authority.
- The need to recognize local interests pertains to the inclusion of consultation processes within land use and water resource planning legislation.
- The second municipal priority relates to the responsibilities held by the Provincial and municipal governments regarding effective land use and water resource planning.
- The AMM is concerned that municipalities, conservation districts and planning districts will be expected to take on significant administrative and financial obligations in order to provide additional services.
- The Provincial Government must consider the impacts of adding new responsibilities to their own operations since requiring all municipalities and planning districts to create a development plan will increase the demand for the ministerial approval process.
- The Provincial Government must provide support for municipalities that lack the resources to meet the new legislative requirements.

The AMM urges the Provincial Government to ensure that legislation and regulations related to land use and water resource planning are responsive to municipal concerns, including the need for local authority and a balance between Provincial and municipal government responsibilities.

B) Departmental Issues

1. Policing Costs in Manitoba

Safety and crime prevention are critical components of a healthy, sustainable community. These priorities require increased attention at the municipal level since municipalities pay a considerable portion of these costs and play a key role in alternative service delivery. The growing pressure on municipal budgets and the increasing cost of police services require greater investment by the Provincial Government, since municipalities cannot bear these costs alone.

The major municipal concerns regarding policing are escalating costs and the inefficiencies of service provision. The AMM appreciates that the RCMP has developed a report to implement changes to the current system, but the effectiveness of these changes can only be ensured where evaluation mechanisms are in place. A review process will indicate whether police services remain effective in regions that have lost officers and will also determine the cost effectiveness of the new system. Prior attempts to increase the efficiency of police service provision have resulted in significant municipal concerns regarding costs, levels of service, response times and policing priorities. The proposed changes should incorporate these concerns without placing an additional financial burden on municipalities.

As the importance of alternative crime prevention increases, additional time and resource commitments are required from municipalities in order to focus these efforts on local priorities. Several municipalities have demonstrated a commitment to local efforts by following the example set by the Town of Stonewall. Through this process of community consultation, many municipalities have created an environment of open and collaborative

efforts that align RCMP action with local priorities. Even with this demonstrated commitment to improving community safety, municipal budgets cannot cover the decision to increase RCMP salaries across the province, along with the other increasing costs of police services. Salaries already make up a significant part of most municipal policing budgets and for this reason, the Provincial Government should ensure that the proposed changes do not result in additional costs at the municipal level. Improved policing efforts will be successful to the extent that they do not create an additional financial burden on municipalities.

The AMM is appreciative of the 2004 Throne Speech commitment to provide funding for 40 new police officers for Winnipeg, Brandon, rural Manitoba and the North. This commitment must be carried out through clear budget commitments and the timely staffing of these positions. The strategic placement of the new officers will create a key opportunity to address some of the gaps in RCMP services that are evident across the province. However, this important funding allocation will be impacted by the Treasury Board decision regarding RCMP salary increases. The AMM is aware that the RCMP is awaiting a response on this issue and the effect of this response cannot be underestimated. As municipalities must contribute to additional salary expenses, this will place additional pressure on municipal budgets. The high demand for additional officers supports the need for a new method of funding police services in Manitoba.

The AMM has also been working closely with the Large Urban Policing Working Group to express the policing concerns of the seven largest urban centres in Manitoba. This group is primarily concerned with the high cost of providing police service when the majority of these costs are not under local control. The AMM has found that salaries and accommodations

typically account for over 80 per cent of policing costs in large urban centres, and municipalities have no control over these amounts. This financial burden means that municipalities are unable to sufficiently address local priorities and undertake innovative crime reduction measures, such as youth drop-in centres or similar programming. The present system does not consider the new challenges that municipalities face and is therefore unsustainable. The Large Urban Policing Working Group is dedicated to seeking solutions to the existing problems and the AMM looks forward to working with this group, the Provincial Government and the RCMP to appropriately address the issue of funding police services in Manitoba.

All municipalities are struggling to provide adequate police services to their communities and this will continue as long as the current system of funding is in place. Policing costs are demanding an increasing share of fixed municipal budgets, making the system unsustainable.

Therefore, the AMM urges the Provincial Government to commit additional funding to police services across Manitoba to ensure that communities have access to effective safety and crime prevention services.

AMM Resolution Number 36 – 2004

Topic: Policing Issues

Sponsors: RM of Springfield (Eastern District)

Department: Manitoba Justice

WHEREAS there is an increased cost to provide effective policing in urban and rural communities;

AND WHEREAS the resources and level of funding provided by the Provincial Government are inadequate for our communities' needs;

THEREFORE BE IT RESOLVED that the Association of Manitoba Municipalities lobby the Provincial Government to adequately resource the RCMP and local municipal police forces.

AMM Resolution Number 26 – 2002

Topic: Tax Sharing Grants to Cover Police Costs

Sponsors: Town of The Pas (Northern District)

Department: Manitoba Justice

THEREFORE BE IT RESOLVED that the Association of Manitoba Municipalities lobby the Province to review current provincial-municipal tax sharing program to make distribution of funds more equitable in relation to actual municipal costs for police protection.

AND BE IT FURTHER RESOLVED that the AMM request the establishment of a joint task force to review and make recommendations regarding the provision and cost of policing.

AMM Resolution Number 48 – 2000

Topic: Funding for Municipal Policing

Sponsors: Town of Morden (Central District)

Department: Manitoba Justice

THEREFORE BE IT RESOLVED that the AMM lobby the Province to review current Provincial-Municipal tax sharing per capita grants to make distribution of funds more equitable in relation to actual municipal costs for police protection.

2. Municipal By-Law Enforcement

A further aspect of judicial services relates to municipal by-law enforcement and the problems municipalities have identified regarding the current system. Although some improvements were made through the 1997 Municipal Act Amendment, there are outstanding issues regarding non-property by-law offences and the cost for municipalities to enforce by-laws. As well, current processes are time-consuming and costly since criminal courts are used to deal with by-law issues, even though they are not criminal matters. These extensive procedures needlessly place pressure on an already overloaded criminal court system, including increasing the costs of court services.

Municipalities are seeking alternative methods of enforcement in order to improve the process for by-law enforcement and are actively pursuing innovative models, as found in the City of Brandon. These models could include procedures for dealing with by-law enforcement outside the criminal court system and could be supported by in-kind contributions such as access to municipal chambers and other municipal resources. Through such processes, a more appropriate system of by-law enforcement will be possible, without assigning additional financial responsibilities to municipalities. The AMM is prepared to work with the Provincial Government to facilitate the implementation of alternative by-law enforcement systems in order to improve police services throughout Manitoba.

In general, the AMM is appreciative of the action that has been taken regarding improvements to the by-law enforcement system. However, municipalities require the flexibility to provide alternative methods in order to effectively enforce municipal by-laws.

The reality is that the current costs do not allow municipalities to properly enforce needed

by-laws. The AMM's support for an alternative system of by-law enforcement is dependent on a cost-neutral arrangement. Therefore, the Provincial Government should recognize the need to provide cost-effective alternatives to municipal by-law enforcement across Manitoba.

The AMM urges the Provincial Government to work with the AMM to develop a more appropriate system of municipal by-law enforcement, and to address such issues as non-property offences and the high cost for municipalities to enforce by-laws.

AMM Resolution Number 60 – 2004

Topic: By-Laws

Sponsors: RM of Springfield (Eastern District)

Department: Manitoba Justice

THEREFORE BE IT RESOLVED that the Association of Manitoba Municipalities lobby the Provincial Government to establish an effective system of by-law courts for municipalities.

3. Hiring of Outside Contractors

An important aspect of municipal policing is the ability for municipalities to guide the provision of police services to key priority areas. Municipalities are responsible for by-law enforcement through issuing tickets and fines, and this responsibility should be combined with the authority to determine the appropriate method of enforcing municipal by-laws. With the escalating costs of police services, the limited resources and competing demands, it is necessary for municipalities to have greater flexibility in the enforcement of by-laws. AMM members believe that it is equally appropriate to hire private companies with the expertise to perform by-law enforcement and the Provincial Government should revise legislation to establish this provision.

Provincial legislation greatly impacts the ways that municipalities can conduct business since all municipal authority is defined by the Provincial Government. The AMM is pleased that the Province is working to address alternative by-law enforcement through a joint working group with municipalities. As well, the review of the Provincial Police Act will be an important step towards remedying the current deficiencies in police service provision across Manitoba. As the Act is reviewed it will be essential to include a municipal perspective and incorporate municipal concerns into the revised legislation.

The most effective way that new legislation can meet the needs of municipalities is to remain flexible to allow local governments to implement measures that are suited to their communities. Regarding this issue, municipalities support the concept of allowing private contractors to provide by-law enforcement services. In recent years, several municipalities have identified gaps in the services that RCMP officers are able to provide as a result of

reduced resources. Municipalities recognize their role in by-law enforcement and are committed to providing a safe environment for their residents through the allocation of municipal funds for police services. Given this level of responsibility, it is appropriate that municipalities be empowered to select the most suitable form of service provision. In some cases, municipalities have identified private companies as an effective means of enforcing by-laws. However, the restrictions set out in the legislation only allow for the hiring of individuals as designated officers and do not include provisions for hiring private contractors. Municipalities must gain the authority to make this decision through changes to provincial legislation.

The AMM recognizes that a key barrier is the process of ensuring that officers are appropriately trained in order to minimize risk in their daily work. Municipalities agree with this concern and want to employ sufficiently trained individuals to ensure the safety of officers and residents. At the same time, sufficient options must be available to ensure that safe and effective by-law enforcement is possible. Municipalities will resist proposals that remove local decision-making capabilities, therefore the Province should create an environment that is conducive to local authority and guarantees the safety of Manitobans. Flexible legislation is required to accomplish this objective.

Therefore, the AMM urges the Provincial Government to establish a process that allows for by-law enforcement to address local priorities, through processes such as hiring private contractors.

AMM Resolution Number 33 – 2004

Topic: Hiring Outside Contractors

Sponsors: RM of West St. Paul (Interlake District) and RM of Springfield (Eastern District)

Department: Manitoba Justice

THEREFORE BE IT RESOLVED that the Association of Manitoba Municipalities lobby the Provincial Government to ensure the removal of any administrative barriers that would prevent municipalities from retaining independent contractors for the provision of local enforcement of by-laws and applicable provincial statutes, such as the Highways Traffic Act.

4. Use of RCMP for Court Services

The RCMP currently provides an extremely valuable service to Manitoba municipalities through involvement in a variety of community services. The task of providing court security and transporting prisoners to and from court is a necessary component of preserving the safety of Manitobans. However, RCMP officers have a great deal of responsibility within municipalities and there are sometimes issues of greater concern to be addressed. For this reason, AMM members are seeking an alternative to the current methods of service provision in this regard.

A common theme regarding judicial concerns related to municipalities is the need for flexibility at the local level to identify priorities and address the community's top concerns. This theme is evident since municipalities want the authority to provide court security through alternative means. In many municipalities, salaries account for 80 per cent of the total cost of police services. Municipalities have no direct control over these costs, however a greater ability to focus officers on municipal priorities would ensure that municipal funding is applied to the most important police services. An alternative has been suggested that Manitoba Sheriff Services could perform this duty in all municipalities in order to concentrate RCMP resources on other municipal priorities. Municipalities are seeking better ways of funding police services and this action would greatly assist affected communities. There are limited resources available for essential community policing initiatives and eliminating these additional salary costs from municipal responsibility would have a beneficial impact.

Therefore, the AMM urges the Provincial Government to implement alternatives to court security services through a shift in responsibility from the RCMP to Manitoba Sheriff Services.

AMM Resolution Number 35 – 2004

Topic: Use of RCMP for Court Security

Sponsors: RM of Coldwell (Interlake District)

Department: Manitoba Justice

WHEREAS RCMP may be presently providing security duties at courts;

AND WHEREAS the RCMP may also be providing transportation for prisoners to and from court;

AND WHEREAS this not only ties up officers from other duties, but adds a significant cost to our policing;

THEREFORE BE IT RESOLVED that the Association of Manitoba Municipalities lobby the Provincial Government to have Sheriff Services assume some of the duties currently delegated to the RCMP to free up its time for other duties.

5. MPIC Compensation for Motor Vehicle Accidents

In recent years, AMM members have expressed concerns regarding the emergency response procedures on Manitoba's roadways. A number of specific concerns have been raised with regards to the financial compensation municipal fire departments are eligible to receive from the Manitoba Public Insurance Corporation (MPIC) for responding to vehicle fires and accidents. Municipalities have brought to the attention of the AMM numerous instances where municipal fire departments are not provided any compensation at all from MPIC, and where they do receive some compensation, the amount is inadequate. It is also believed that the Province is lacking an adequate process for appealing these amounts.

Currently, the rate of compensation does not cover the actual cost of responding, even in situations where MPIC deems the municipal fire department eligible for compensation. Furthermore, there are many incidents where MPIC does not award any compensation whatsoever and municipal fire departments are burdened with the full cost of emergency response.

Municipal fire departments respond to 911 and other emergency calls within their jurisdictions, including federal and provincial roadways, and are frequently the first to arrive on the scene. Fire departments provide extremely valuable services, however, the rate at which they are compensated for these emergency responses does not address the actual costs of responding to vehicle fires and accidents. In some cases, such as false alarms, municipal fire departments do not receive any compensation at all even though they have provided a necessary service by responding to the call. While the AMM appreciated the marginal

increase to the rate of compensation two years ago, the amounts remain inadequate, and municipalities are continually forced to make up the difference.

During 2004 the AMM surveyed our membership and from the results we have received, it is our recommendation that the rate of compensation be increased to an hourly rate of \$750 for all calls to reflect the actual costs of responding to accidents. This increase must take into consideration all aspects of the call, including both personnel and equipment. It is also necessary that where extraordinary measures are required, additional compensation should be considered. The need for the large increase at this time is in part due to the reality that this rate has not been changed in many years. For this reason, the AMM would like to see as a part of the rate increase a commitment to revisit this rate at regular intervals, such as every three years, to ensure it is providing compensation for the actual costs of responding to accident scenes.

Another important issue for AMM members is the lack of a mechanism of appeal for denied MPIC compensation claims. A review process was established in 1998 for municipalities to appeal denied compensation claims. The AMM believes this committee is important to ensure accountability and fairness for MPIC compensation claims, yet this committee has not met regularly for some time despite the acknowledgement from some of our membership that they have attempted to put in appeal claims. This committee is crucial to provide municipalities with an avenue by which to appeal the denial or explain extenuating circumstances; however, without this appeal mechanism, MPIC can turn down claims without further explanation and the AMM believes this practice to be unfair. Therefore, the

AMM believes that this appeal committee should be re-established to ensure an open and accountable process for MPIC compensation claims.

The AMM strongly urges the Province to establish a fair rate of \$750 for compensation to municipal fire departments so that municipal fire departments do not suffer further financial hardship for responding to road emergencies. The AMM further urges the Province to re-establish the MPIC appeals committee to ensure openness and accountability for MPIC compensation claims.

AMM Resolution Number 53-03

Topic: Increased Payments for Response to Vehicle Accidents

Sponsors: Town of Neepawa

Departments: Manitoba Public Insurance, Manitoba Labour and Immigration

WHEREAS fire departments provide rescue services for motor vehicle accidents in the Province;

AND WHEREAS the Province provides a flat rate payment of \$376.00 or \$537.00, depending on the severity of the accident, to the Municipal fire department that responds to the motor vehicle accident;

AND WHEREAS this payment is not indicative of the cost of responding to the motor vehicle accident;

THEREFORE BE IT RESOLVED THAT the Association of Manitoba Municipalities lobby the Provincial Government to increase payments to municipalities to better reflect the actual costs of responding to motor vehicle accidents.

AMM Resolution Number 88-01

Topic: Minimum Payment for Response to Vehicle Accidents

Sponsors: RM of Wallace

Departments: Manitoba Public Insurance

WHEREAS at present fire departments are receiving calls to accidents from 911 and in some cases they do not qualify for any compensation;

THEREFORE BE IT RESOLVED THAT the Association of Manitoba Municipalities lobby the Province to provide a minimum of \$200 compensation for any calls to accidents on numbered highways initiated by 911.

C) General Issues

1. 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 be applied equitably 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.

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.

2. Land Use and Water Resource Planning

Municipalities are highly involved in planning for both land use and water management purposes. As a main stakeholder in these processes, the AMM has appreciated the opportunity to actively participate in the consultations regarding the legislation that affects these two types of municipal planning efforts. Since new water legislation is forthcoming and the Planning Act is currently under review, a municipal perspective must be represented as legislation is formulated. There are two major municipal considerations that must be given priority in any new legislation and these are consistent for both land use and water resource planning. The first pertains to recognizing local authority regarding planning matters. The second consideration relates to the division of responsibility between municipalities and the Provincial Government.

Municipalities are in the best position to make the majority of planning decisions since they represent a local body of knowledge and expertise. For this reason, the first municipal priority for land use and water resource planning legislation is to recognize local authority. The review of the Planning Act will provide several opportunities to meet this objective, such as ensuring that municipalities have the final say in all land use planning decisions. 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.

The need to recognize local interests also pertains to the inclusion of consultation processes within land use and water resource planning legislation. Meaningful consultations provide a vehicle for municipalities to express their concerns and ensure that these concerns will be taken into account. Such consultations should occur while developing the legislation and its accompanying regulations. This will be particularly important regarding water resource planning since the regulations are expected to articulate crucial details regarding the implementation of the Water Protection Act. Local expertise should also contribute to the development and implementation of watershed management plans since this type of expertise is based on historical information about the area. In addition, the review of the Planning Act should include public consultation, as it is essential that municipalities have the opportunity to express their specific views and garner a deeper understanding of the specific details of the proposed act.

New procedures within the Planning Act should also allow for public input, such as the environmental approvals 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.

The second municipal priority relates to the responsibilities held by the Provincial and municipal governments regarding effective land use and water resource planning. In particular, the extent of new municipal responsibilities remains unclear for the Water Protection Act and the Planning Act review. As a result, the AMM is concerned that municipalities, conservation districts and planning districts will take on significant administrative obligations in order to provide additional services. Due to the limited resources available to these organizations, the AMM cannot support policies that unfairly burden local authorities. Therefore, minimizing the uncertainty surrounding the responsibilities of municipalities, conservation districts and planning districts will clarify the impacts of the new policies and contribute to a greater understanding of the legislation.

The Provincial Government must also consider the impacts of adding new responsibilities to their own operations. For instance, requiring all municipalities and planning districts to create a development plan will increase the demand for the ministerial approval process. Presently, municipalities view the approvals process as too lengthy and the AMM is concerned that an increased demand for development plan approvals will further delay the approvals process and plan implementation. This concern will potentially impact the public hearing process where technical staff from the Province is required to attend. The Province is most appropriately positioned to address environmental concerns, however the presence of Provincial representatives at public hearings will facilitate understanding and acceptance from communities. Development plan approvals and public hearings provide municipalities

with important tools to accomplish community planning, therefore the Province should avoid delays in completing these processes and ensure effective information sharing.

Administrative responsibilities must often be supplemented by additional technical requirements that may not be available to all municipalities. Integrating land use and water resource issues through comprehensive planning will therefore require additional financial resources. In order to undertake the type of detailed planning that is expected, mapping and other technical services will be required. For instance, the Water Protection Act refers to the identification of watershed quality management zones however, in many cases, municipalities do not have the necessary levels of expertise or financial resources to meet this requirement. A similar situation could arise if development plans become mandatory for all municipalities or if the need to map agricultural zones is part of the reviewed Planning Act. For this reason, the Provincial Government must provide support for municipalities that lack the resources to meet the new legislative requirements.

Land use and water resource planning are very important for municipalities since each has wide-ranging impacts on the way that municipalities function and the development that occurs within their boundaries. Environmental considerations are very important to municipalities as they strive to balance the protection of natural resources with community development. Both types of planning ensure that municipalities are implementing a long-term approach and considering the impacts of current actions on the future of their communities. The AMM is supportive of the Provincial Government's efforts to improve land use planning and water resource management in Manitoba. Due to the strong interconnection between land use and water resource planning, municipal concerns are

consistent across these two issues. The legislation that is currently under consideration will only be effective to the extent that it incorporates the municipal concerns outlined above.

The AMM urges the Provincial Government to ensure that legislation and regulations related to land use and water resource planning are responsive to municipal concerns, including the need for local authority and a balance between Provincial and municipal government responsibilities.