



## Municipal Affairs Office of the Minister

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April 27, 2021

Mayor Amanda McDougall  
Acting President, Nova Scotia Federation of Municipalities  
Suite 1106, 1809 Barrington Street  
Halifax, NS B3J 2K8

Dear Acting President McDougall:

Under the provisions of the *Municipal Government Act*, the Minister of Municipal Affairs must provide to the Nova Scotia Federation of Municipalities (NSFM) 12-months' notice of any provincial legislation, regulation, or administrative actions that could have the effect of decreasing revenues or increasing the required expenditures of municipalities. This letter is intended to provide notice of such changes for fiscal year 2022-2023 and beyond.

The Department of Municipal Affairs (DMA) canvassed all other provincial departments to seek information on plans for legislative, regulatory, and policy changes in the coming fiscal year. The following is a summary of the results of that process.

### **DEPARTMENT OF ENVIRONMENT**

It is possible that municipalities would incur incremental costs in implementing the *Coastal Protection Act* in the coming fiscal year. Nova Scotia Environment (NSE) is providing notice of changes which will be required in municipal building and development permit approval processes now that the coastal protection legislation (Bill 106) has passed. This legislation will provide consistent, province-wide legal protection for our coast by restricting development and related activity in areas where structures will be at risk of damage due to coastal flooding and erosion, or where it will damage sensitive coastal ecosystems.

Under this legislation, municipalities will be enabled to issue a building and/or development permit for construction within a coastal protection zone to be defined by regulation if the proposed location of the construction is above a minimum building elevation specified in regulations and is situated upland of a horizontal setback certified by a designated professional. This will require minor modifications to municipal administrative processes for these types of permits.

It is expected that responsibility for competent, accurate, and objective certification will rest with the member of the designated profession, with forms and a standard for assessing risk of flooding and erosion risks to be provided by NSE. It is further anticipated that municipalities will be responsible for determining whether the proposed site is within the zone (and therefore whether the Act applies), and whether the Act applies to the general type of structure or construction proposed. Subject to the final form of the regulations, if the Act applies, the municipality may be required to determine whether the proposed location is above the minimum building elevation specified in the regulations, whether the proposed location is upland of the horizontal setback certified in a designated professional report accompanying the permit application, and ensure the designated professional was a member in good standing of the relevant professional body at the time the report was signed.

Specifics of which professional groups will qualify to provide the certification, specific standards and forms to be used, and other administrative details will be set out in regulations. The delineation of the zone and the specifics of restrictions, various exceptions and standards that apply within it will also be set out in regulation. NSE will be consulting with municipalities on the regulations.

## **DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS**

### Procurement

Every two years Global Affairs Canada updates its thresholds for covered procurements under the Canada Europe Trade Agreement (CETA) and the Canada Free Trade Agreement (CFTA). Municipal procurements are covered under these obligations. All procurements above these thresholds must be tendered unless subject to exemption. Thresholds were last updated on January 1, 2020 and are as follows:

	CETA Thresholds	CFTA Thresholds
Goods	\$366,200	\$105,700
Services	\$366,200	\$105,700
Construction	\$9.1M	\$264,200

It is anticipated there will be new thresholds for CETA and CFTA for 2022-23. These thresholds are calculated based on data that will not be available until the end of this year, so, at this time, the scope for municipal involvement is not known. We will advise as soon as we receive updated information.

## **DEPARTMENT OF JUSTICE**

### Biological Casework Analysis Agreement

The Biological Casework Analysis Agreement provides Nova Scotia's Municipalities with DNA analysis arising from criminal investigations. DNA is an important service that helps solve crime. The financial cost of this program is expected to increase to \$808,203 for 2021-22 for Nova Scotia compared to \$701,690.22 in 2020-21. This increase is primarily due to the rise in costs for Employee Benefits Plan (EBP) effective in 2019-20.

The proration of the cost to municipalities will be reassessed annually upon the DMA's release of the "Total Uniform Assessment" for the current fiscal year.

### RCMP Labor Relations Regime

On June 19, 2017, Bill C-7, An Act to amend the *Public Service Labour Relations Act*, the *Public Service Labour Relations and Employment Board Act* and other Acts and to provide for certain other measures received Royal Assent. Bill C-7 created a new labour relations regime applicable to the RCMP Regular Members and Reservists. Although labour contract negotiations began in June 2020 and are expected to be completed by December 21, 2021, there is a possibility that they may extend into early 2022. As such, the payout date for the contract increase including retro pay is not certain and could fall in either fiscal year 2021-22 or 2022-23. We will monitor the situation closely and keep municipalities up to date as the process moves forward.

Given this is an ongoing negotiation, the cost implications cannot be identified at this time. However, DOJ is committed to keep municipalities informed as the negotiations unfold.

### The Accessibility Act

The Accessibility Act requires public sector bodies (which include all municipalities and villages in NS) to meet certain obligations including the establishment of an accessibility committee and plans for each body. Municipalities should all be aware of this; the Directorate indicates several municipalities have begun recruiting committee leads and members. All municipalities and villages have until April 1, 2022 to develop an accessibility plan and establish an accessibility committee.

Work is underway on the development of the accessibility standards for the built environment. This work is a significant milestone in our efforts to become an accessible province by 2030. An internal working group is now working to develop a proposed standard based on the recommendations submitted by the Accessibility Board. There will be an opportunity for municipalities, villages, and Nova Scotians to provide input once recommendations are complete. The goal is to have the first phase of the standard enacted by May 2022. At a minimum, one-year notice will be given to municipalities and villages of any policy and regulation change that will impact their revenue or expenditures.

## **COMMUNITIES, CULTURE, AND HERITAGE**

### Library Funding

In 2020-21 Communities, Culture and Heritage launched a new funding model to the Nova Scotia library community providing a \$2.081 million increase in annual investment from the province in our regional libraries, from \$14,400,000 to \$16,400,000 annually. Libraries also receive funding from municipalities, and the new formula identifies new funding amounts for municipalities. These new mandated amounts will come into effect in 2022-23.

Municipal funding contributions remained at current levels for 2021-22; however, municipalities can elect to implement their new funding contributions to libraries this year, as outlined in the new funding model, should they wish to do so.

This additional time is to allow for data to be collected to capture the additional operational contributions being made to library boards from municipalities.

If any of the above content is unclear or should you have any questions regarding the provided information, please do not hesitate to contact the department for clarification.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brendan Maguire", with a long horizontal flourish extending to the right.

Brendan Maguire  
Minister of Municipal Affairs