

Our Communities - Our Future!

BACKGROUND

Summary of Key Legislation supporting the formation of Rural Communities and Municipal Restructuring

Introduction

The aim of the “Our Communities - Our Future!” initiative, is to empower New Brunswickers with the ability to make local decisions, so that they can plan the growth of their communities and meet their local service needs.

In order to facilitate this new approach to local decision-making, the Province is introducing opportunities for both unincorporated communities (Local Service Districts) as well as existing Villages to consider a new form of local government called the “Rural Community”.

The first step in creating these opportunities involves changes to various Provincial Acts and Regulations, providing the legal authority to move forward. **This will make it possible for communities to express interest in, and consider a new form of local government as they are ready.**

Summary of Key Changes Concerning Municipalities

New Brunswick’s municipalities (Cities, Towns and Villages) already have a form of local representation (elected council) and legislation is already in place to help guide how they are governed. There are, however, some changes affecting municipalities including the following:

- A process for **measuring local support** when considering the annexation of an unincorporated area to a municipality, to be set out in Regulation.
- A guide for arranging the **sharing of services** with neighbouring communities, which identifies the services that can be shared and how the sharing arrangement would work, to be set out in Regulation.
- An **option for Villages** to become a Rural Community or join with neighbouring Local Service Districts (LSDs) to become a Rural Community.



Summary Of Key Changes Concerning Rural Communities:

The Structure of a Rural Community

The creation and functioning of a Rural Community Council entails the following:

- The citizens of a Rural Community become what is called a 'body corporate', meaning that they have the ability to **elect** a Rural Community Council. Through a Council, the Rural Community has local decision-making powers.
- Provisions are made for the functioning of a Rural Community Council, including the following:
 - The composition of a rural community council.
 - The duties of the mayor and council members, as well as the clerk, treasurer, and auditor.
 - Council meeting procedures.

Responsibility for Providing Services in a Rural Community

Where Municipalities generally provide a broad range of services to residents, when a Rural Community is established it must provide one service - **community planning**.

A Rural Community may take on responsibility for the provision of **additional services as it is ready to do so**.

These additional services can include fire protection, street lighting, recreational facilities, and so on. **The Province continues to provide services, including policing and roads, to former LSDs within a Rural Community until the Rural Community itself chooses to provide them.**

If a Village chooses to become part of a Rural Community, the former Village residents continue to receive from a Rural Community, all of the services that they once obtained prior to incorporation as a Rural Community, unless the Provincial Government approves a change.

Powers:

When a rural community is formed it has various **corporate powers** in order to facilitate decision-making and day to day operations, including:

- The power to make by-laws supporting services provided, and to administer and pay for the costs associated with providing those services.
- The power to appoint a clerk, treasurer and auditor, as well as members to the solid waste, and planning commissions serving the area.
- The power to own land, buildings and equipment in order to provide services.
- The power to enter into agreements in order to share services.



Once established, a Rural Community also has the power to make **by-laws** to regulate things such as:

- Subdivisions, zoning, and setback areas
- Noise causing public nuisance
- Outdoor exhibitions and concerts

In order for a Rural Community to pay for the provision of services, certain **financial powers** are also necessary, including the following:

- Power to adopt an annual operating budget, and to establish local taxation rates to help pay for the services provided.
- Power to borrow for capital projects in support of the local services the rural community is responsible to provide.

Establishing a Rural Community

The following process identifies the five steps required to become a Rural Community.

1. A number of LSDs, or one or more LSDs in combination with one or more Villages send a letter to the Minister of the Environment and Local Government indicating that they are interested in considering a new form of local government.
2. The Department makes an **initial assessment** of factors such as population, tax base, the existing services, and economic circumstances within these communities.
3. Depending on the results of the assessment, the interested communities then request that a 'Feasibility Determination' be carried out. This process will be set out in Regulation.

4. The **Feasibility Determination** is a detailed examination of the interested communities that looks at the benefits and costs of becoming a Rural Community and includes such considerations as:

- geographical boundaries
- local representation
- community planning services
- costs for services
- the name of the Rural Community

The Feasibility Determination is carried out by the Department with the involvement of the interested communities.

5. Once a Feasibility Determination is completed, and conditions for forming a Rural Community are seen to be favourable, the Minister will be required to **measure local support** as set out in Regulation. This will provide opportunities for local participation in the decision-making process.

Moving Forward

The legislative changes to support the establishment of a new form of local government are simply the first step in presenting new opportunities to communities in New Brunswick.

The Department of the Environment and Local Government is committed to working with interested communities as they consider forming new communities and a new future.



FOR MORE INFORMATION

For more information about Rural Communities or to talk with Departmental staff about any aspect of the “Our Communities – Our Future!” initiative, please contact:

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Visit the Department's “**Our Communities – Our Future**” web site:

<http://www.gnb.ca/0009/0376/0004>

To view or obtain a **copy of the Bill - An Act Respecting Rural Communities**,
visit the *Legislative Assembly Web Site*:

www.gnb.ca/legis/index-e.asp

