



6.5 Federation of Canadian Municipalities - IGA2019-0722

A) FCM Annual Conference and Trade Show

FCM's Annual Conference and Trade Show took place in Quebec City from May 31 – June 2, 2019. The following summarizes some of the highlights from a City of Calgary perspective.

Political Keynotes

The leaders of all four major national parties presented keynote addresses to the gathering in Quebec, each taking the opportunity to respond to FCM's election priorities including: a long-term transit funding plan; improved mechanisms for federal-municipal engagement; and universal broadband. Highlights from each leader's comments are below. It is of particular note, however, that Prime Minister Trudeau's comments fell relatively "flat," when compared with the other leaders, particularly Conservative leader Andrew Scheer. Whereas in past years, the Prime Minister's message has been very well-received by the delegates, this year's reaction was somewhat muted. In part, this was surely driven by the current political circumstances in Ottawa, but it was also a response to the substance of his message. Although the Prime Minister indicated a willingness to work more directly with municipalities should provincial governments be obstructionist, his speech focused primarily on past achievements, and failed to make any firm commitments to enhancing or stabilizing funding for municipalities.

Prime Minister Justin Trudeau

The Prime Minister's remarks focused primarily on past achievements, highlighting the work his government has done with FCM over the past four years. Without providing much in the way of additional commitments, the Prime Minister nevertheless remarked on the importance of this partnership, and indicated the need to continue to work together. With an election on the horizon, the Prime Minister also used the opportunity to draw a distinction between his government's approach, and the challenges some municipalities are facing with conservative provincial governments, particularly in Ontario. Although he did to illustrate his government's willingness to work with municipalities despite provincial obstruction, his comments also seemed directed at his conservative opponents at the federal level, stating "let's not be blasé about this...Conservative politicians want to slash funding for municipalities."

Leader of the Official Opposition, Conservative Leader Andrew Scheer

Mr. Scheer might have objected to the Prime Minister's characterization of his party and its plan for municipalities. The Conservative leader committed, for instance, to applying a "municipal lens" to all policy decisions made by a Conservative government. While not entirely clear what this means (it might be akin to similar "environmental" or "gender-based" lenses, whereby the impacts of different decisions on municipalities is built into government decision-making), Mr. Scheer's comments were greeted by considerable applause. So too was his commitment to build on the success of the federal Gas Tax Fund, which, he pointed out, was an initiative of the previous Conservative government. Without committing to a permanent increase in the Gas Tax Fund, Mr. Scheer did indicate that a similar arrangement would be applied to other areas of infrastructure funding.

Leader of the New Democratic Party, Jagmeet Singh

Mr. Singh's comments came one day after the NDP released their Climate Strategy: "The Power to Change." Most of Mr. Singh's remarks focused on this strategy to take climate action while simultaneously creating good jobs, which included "good news for municipalities." Among this good news was a commitment to direct, allocation based funding for transit in all communities to make public transit both greener and more affordable. Mr. Singh also highlighted his Party's commitment to build half-a-million new affordable homes to make up for "three decades of federal neglect." Finally, like the Prime Minister, Mr. Singh also referenced the difficulties some municipalities have been facing with their provincial governments, including the prospect of provincial funding cuts. Mr. Singh noted that "when faced with cuts in public services, municipalities are forced to pick up the slack," but committed to be a "federal partner willing to give municipalities the tools" to manage these challenges.

Leader of the Green Party, Elizabeth May

Speaking on the last morning of the conference, Ms. May nevertheless drew a large crowd. Recognizing that her party is unlikely to form government after the next election, Ms. May committed instead "to continue to advance [the municipal] agenda for predictable, long-term stable funding for infrastructure, public transit, sewer and wastewater upgrades, housing...all the programs that Canadians rely on."

Resolutions

Each of the seven resolutions for consideration before the delegates was approved including calls on the Government of Canada to:

- Expand capital support for small airports
- Work with municipalities to end gender-based violence
- Promoting regional approaches to disaster mitigation and flood planning
- Ensuring municipal engagement in the Canadian Broadband Strategy
- Defining the federal role in housing affordability
- Promoting rural economic development
- Supporting the purchase of zero-emissions transit and municipal fleet vehicles

The City of Calgary proposed an amendment to the resolution regarding regional approaches to disaster mitigation and flood planning. The change was simply to clarify the language to ensure that municipalities themselves, and not just regional boards or service commissions, would be eligible for any related federal funding. This amendment was endorsed by the sponsoring municipality of Gatineau, QC, and supported by 90% of the delegates.

Also of note, more FCM delegates supported the resolution calling for municipal engagement on the Canadian Broadband Strategy (95%) than on efforts to end gender-based violence.

Opportunities for energy-related advocacy

There were several opportunities for delegates to engage in, or learn from, advocacy around Canada's responsible energy industry. The Resource Communities of Canada Council (RCCC), for instance, had a large and visible presence at the event, including a very-well attended launch event on the Thursday evening, a trade-show booth and the distribution of t-shirts and other promotional materials.

The Canadian Global Cities Council, comprised of the eight largest chambers of commerce in the country, also staffed a trade-show booth to launch its dialogue on Canadian energy. Over the course of the three days of the trade show, delegates had the opportunity to hear from chamber staff, industry experts, and Canadian mayors, including a panel discussion between Mayor Nenshi and Mayor Lori Ackerman of Fort Saint John, BC.

Following requests from AUMA, RCCC and The City of Calgary, FCM also organized a breakfast workshop on "Powering Canada through Energy Development," including Sandip Lalli from the Calgary Chamber of Commerce, and Mayors from BC and Quebec. Despite being at 7: 00 a.m., the workshop was very well-attended with more than 100 delegates

B) FCM Legal Defence Fund – Intervention re Ontario's Bill 5, the Better Local Government Act

Passed in the Ontario Legislature in August 2018, Bill 5 reduced the number of Toronto city councillors from 47 to 25. When Bill 5 passed just over two months before the scheduled Oct. 22 municipal election, many Toronto council candidates had already been officially registered as of July 27. Bill 5 is now being challenged in the Ontario Court of Appeal, led by the City of Toronto and other parties. FCM sought – and was approved for – intervener status, and took part in hearings in Toronto on June 10 and 11 in Toronto. FCM's intervention is funded through the FCM Legal Defense Fund, which was expressly created to allow FCM to defend the interests of the local government sector at the national level.

Why is FCM trying to intervene in this case?

The outcome of this case will directly affect all FCM members in Ontario and across Canada. FCM can make a useful contribution to the Court's deliberations in this case as it has in past instances where the Courts have been asked to rule on crucial matters of municipal law.

Why is FCM getting involved in a provincial matter?

FCM applies to intervene in order to contribute to an understanding of s. 92(8) of the *Constitution Act*, 1867, and thus to constitutional and municipal law in Canada. Decisions to seek leave to intervene in cases such as this with support of the FCM Legal Defense Fund are vetted through a three-stage process, including recommendations by internal staff, consultation with FCM's Legal Advisory Committee, and approval by FCM's Board or Executive Committee. This process is meant to ensure that FCM only seeks to intervene in cases that present national implications, and that those cases include an important precedent-setting component.

What is FCM arguing?

The purpose of Bill 5 is to change the number of electoral districts within the City of Toronto from 47 to 25 wards. FCM submits that the timing of the enactment violates the **constitutional** safeguards for **local** democracy imminent in 92(8), particularly the rule of law. It does that by supplanting the established order for the 2018 election well past the middle of the election period. FCM offers no argument on whether this purpose is within the power of the province under 92(8) of the *Constitution Act*, 1867.