### **DALHOUSIE UNIVERSITY**

### POLI 2230 - Municipal Law and City Politics in Canada

### **3** Credit Hours

### Fall 2019

### Class Meets: Mondays and Wednesdays from 11:35 a.m. – 12:55 p.m.

#### Location: Kenneth Rowe Management, Room 1007

### Instructor: Professor Kristin Good, Associate Professor, Department of Political Science Cross-appointed with the Law, Justice and Society Program

Office: 356 Henry Hicks Telephone: 902-494-1944 E-mail: <u>Kristin.Good@Dal.Ca</u> Office Hours: Monday and Wednesdays: 1-2 p.m.; Fridays 1:30 p.m.-2:30 p.m.; or by appointment.

**Note**: My telephone is only answered when I'm in the office and I don't have voicemail. Email is my preferred mode of communication.

### **Calendar Description**

Most Canadians live in cities, yet local government is the weakest unit in our federal system. What accounts for this? After all, local government has often been described as the foundation of democracy. In Canada, local governments have many unique characteristics, from their constitutional status to the council system and a tradition of non-partisan government. We will explore the character of local government and the issues related to local governance, including regional and metropolitan restructuring and citizen participation, municipal finance, provincial-local relations, and the role of the federal government.

PREREQUISITES: 1000-level course in Political Science or King's FYP recommended. EXCLUSIONS: POLI 3216.03 and <u>POLI 3232</u>.03

### **Extended Description and Objectives**

In Canada, until recently, many political scientists neglected the study of local government and politics, focusing instead on the institutions and policymaking processes of federal and provincial jurisdictions. This is because, in Canada, municipal governments lack independent constitutional status and are highly limited in their legal, fiscal, and political autonomy. A constitutional doctrine of municipalities as "creatures of provinces," which minimizes their importance, continues to influence public policy.

Nevertheless, although historically dominant, such interpretations of municipalities' place in Canada's constitutional order are contested by academics and political elites who view local democracy as fundamental to liberal democratic orders. These scholars also note the rising importance of cities across the world. In fact, Canada is a primarily urban nation and its major political, economic, and social challenges intersect in cities. Although the federal and provincial government also contribute to governing urban places, many municipalities in Canada's major urban centres are at the forefront of policy change in areas such as immigration and the environment which are formally outside of their jurisdiction. For instance, they played a crucial role in the recent resettlement of Syrian refugees and some municipalities have taken a leading role in environmental policies such as banning plastics and through pesticide bylaws. Such examples of local action have led some to reconsider the importance of cities and of municipal governments in their local, national, and international contexts.

The **objectives of this course** are to provide students with the analytical tools to better understand: the nature and impact of municipalities' constitutional and legal status; municipal responsibilities in Canada; the distinct nature of municipal institutions; the impact of municipal law on power in cities; the politics and policy-making processes of Canadian municipalities; as well as the normative basis for these laws, politics and policies. A major concern is to evaluate whether city governments and their legal frameworks support a rich local democracy and effective service delivery in the face of contemporary urban challenges. We adopt a critical perspective on municipal law and governance, engaging with fundamentally constitutional questions about municipalities' purpose and their evolving role within Canadian federalism as well as the extent to which municipal laws and decisions respond equitably to the diversity of urban populations.

### Format

This course is offered in a face-to-face, lecture format with regular class discussion.

# **Learning Platform**

The learning platform for this course is Brightspace, which can be accessed at the following address:

### https://dal.brightspace.com

### **Course Requirements and Assessment**

Research paper	20%
Group presentation	20%
Quiz	10%
Midterm test	20%
Final exam	30%

### A Note on Participation

Although a grade for participation is not assigned, active participation in class discussions is encouraged and attendance will be taken.

Participating actively in class is important for learning and allows me to evaluate your oral communication skills should you decide to ask me for a letter of reference at some point in the future.

### **Research Paper**

Students will write a 10-page (double-spaced, in 12 point font with 1 inch margins) research paper responding to the following statement and questions:

The constitutional doctrine of "creatures of provinces" has dominated conceptions of the place of municipalities in the Canada. What are the origins and effects of this doctrine on city governance and Canadian political life? Is reform in order and, if so, what type of reform?

The papers can use the course material to write the paper and should identify at least three additional academic sources to support their answer. In total, the paper should refer to at least eight good sources to support its analysis. The number of sources needed to support the paper effectively depends on the sources and how they are employed.

Here is a list of some important contributions to this debate that do not appear in the course syllabus:

Broadbent, Alan. 2008. Urban Nation: Why We Need to Give Power Back to the Cities to Make Canada Strong. Toronto: Harper Collins.

Levi, Ron and Marianna Valverde. 2006. "Freedom of the City: Canadian Cities and the Quest for Governmental Status," Osgood Hall Law Journal. 44, 3: 409-459.

Sancton, Andrew. 2008. *The Limits of Boundaries: Why City-Regions Cannot be Self-Governing*. McGill-Queen's University Press.

# Group Presentation: Ideas for Improving Municipal Democracy, Governance, Policy and Law in the HRM

Group presentations should identify, present and defend an idea for improving municipal governance in the HRM either at the policy level or at a broader level (i.e. improving municipal democracy, political institutions). Group sizes will be determined shortly after the course begins when class numbers are finalized.

A useful way of thinking about this would be to:

- 1. Identify a gap in policy/law or deficit in HRM municipal institutions;
- 2. Explain why this policy problem or deficit in municipal institutions is important;
- 3. Identify a possible solution to the policy problem/way of addressing the deficit in municipal institutions (this could involve a policy change at the municipal level or a change in provincial law);
- 4. Make the case that it would work or has a reasonable chance of working (be sure to work through the legal implications, the politics that the change would/could generate, think about unintended negative and positive consequences that could arise etc.)

It may be useful to consult other jurisdictions for ideas and to think about the similarities and differences between the HRM and those municipalities in order to make a strong case that the policy change could be emulated or to present a nuanced position.

All group members will receive the same grade. The presentation should be made using Power Point slides that are submitted to the instructor in advance (at least 24 hours before the presentation is scheduled). A two-page (single-spaced) written summary of the presentation and analysis of the merits of the proposed idea must also be submitted on the day the presentation is made. This written document should include a bibliography of the sources consulted including scholarly works, reports, municipal bylaws, websites and any other sources of information and ideas used to develop the presentation. Also, be sure to reference the sources throughout the paper **and presentation** (on the Power Point slides) to support your ideas and to avoid plagiarism (see note in the syllabus on academic integrity).

# Quizzes, Tests and Final Exam

A quiz will be administered on September 23, 2019 and a midterm test will be held November 6, 2019. The quiz will be 30 minutes in length and will be administered at the beginning of class after attendance is taken (from 11:40-12:10 p.m.). The class lecture/discussion will resume after the quiz. You will have the entire class to write the midterm test.

The quiz, test and final exam will test student knowledge of the central concepts, course readings and lecture material asking students to define and explain the significance of important concepts, to summarize an author's argument, to explain the nature of municipal law or to analyze a municipal institution. The midterm test and final exam will also include essay questions. The amount of time that is recommended for each section will be indicated on the test.

### Policy on Late Assignments and Missed Quizzes and Test

I require students who miss assignment deadlines and tests due to illness (including the quiz, midterm test, and group presentation) or who submit their research paper late due to illness to fill out a Student Declaration of Absence form that is available on the course's Brightspace. A maximum of two such forms can be submitted in this course before a medical certificate would be required. This form applies to absences of 3 days or less. Longer absences for medical or family emergencies will require other documentation and should be discussed as soon as possible with the instructor.

Students who miss tests and assignment deadlines will be required to either write a make-up quiz or test at a later date or to submit their assignment upon their return in the case of research papers. Make-up quizzes and midterm tests will be scheduled as soon as possible after the date they were held. If a student misses a presentation but has contributed to the group assignment then they will receive the same grade as members of their group (if the presentation were made in their absence) or the presentation will be rescheduled.

If a Student Declaration of Absence is not provided, a grade of zero will be assigned to the quiz, test or exam. In the case of late papers, a late penalty of 5% per day will apply with a maximum penalty of 15%.

All course requirements other than the final exam (which will be scheduled during the official exam period) must be fulfilled by the final day of classes which is Tuesday, December 3<sup>rd</sup>, 2019.

If a student must miss the final exam due to a family or medical emergency then they would need to produce proof that the exam was missed for a legitimate reason (for instance, a medical certificate) at which point they would be eligible to write a make-up exam at a date set by the Department of Political Science in early January. Travel plans are NOT a legitimate reason to miss a final exam.

### Other Class Policies to Note (See also Section B of this syllabus below)

Research papers for the class must be submitted on Brightspace and will be verified for plagiarism using urkund plagiarism detection software. Please familiarize yourself with Dalhousie University's policies concerning academic integrity in Section B of the syllabus (under university statements).

The instructor will not record the lectures and STUDENTS ARE NOT PERMITTED TO RECORD THE LECTURES themselves.

The Power Point slides covered that will be covered in class will be posted online at least a couple of hours before the class will begin. Students are expected to take notes on the lecture and useful elements of the discussion that expands upon the material covered in the slides.

### **Course Agenda**

Wednesday, September 4: Introduction to the Course and Topic 1 Monday, September 9: Topic 1 Wednesday, September 11 – Topic 1 Monday, September 16 – Topic 2 Wednesday, September 18 – Topic 2 Monday, September 23 – Quiz– and Topic 2 Wednesday, September 25 – Topic 3 Monday, September 30 - Guest lecture by Waye Mason, Councillor for District 7. HRM Wednesday, October  $2^1$  - Topic 3 Monday, October 7 - Topic 4 Wednesday, October 9 – Topic 4 Monday, October 14: Thanksgiving Day - University Closed Wednesday, October 16 – Topic 4 Monday, October 21 – Topic 5 Wednesday, October 23 – Topic 5 Monday, October 28 – Topic 6 Wednesday, October  $30^2$  - Topic 6 Monday, November 4 – Topic 7 Wednesday, November 6 – Topic 7 – Midterm test Monday, November 11 – Fall Study Break, University Closed for Remembrance Day Wednesday, November 13 – Fall Study Break, no class Monday November 18 – Topic 8 Wednesday, November 20 – Topic 8 Monday, November 25 – Topic 9 – Essay deadline Wednesday, November 27 – Topic 9 Monday, December 2 – Topic 10 **Tuesday, December 3** – Monday classes held (Review for final exam)

December 5-15 – Exam Period – Exam schedule to be posted on October 1, 2019.

**Please note**: Students should not make travel arrangements or other plans for the holidays until they know when their exams are scheduled. The exam will not be written early and make-up exams are only offered for reasons of illness or family emergency.

<sup>&</sup>lt;sup>1</sup> \*October 2 is the last day to drop fall term courses without a "W"

<sup>&</sup>lt;sup>2</sup> \*October 31 is the last day to drop fall term courses with a "W"

# **Reading Assignments**

Students must read all of the required reading material for each topic before that topic begins (see schedule above)

# Topic 1: The Nature, Purpose and Importance of Local Government and Municipal Law

**Goals:** Define key concepts like local government, municipality, ABC, multilevel governance; explore what local governments do; and introduce students to the importance of urban governance and local government

Andrew, Caroline. 2001. "The Shame of (Ignoring) the Cities," *Journal of Canadian Studies*. 35, 4: 100-111.

Lucas, Jack. 2013. "Hidden in Plain View: Local Agencies, Boards, and Commissions in Canada," IMFG Perspectives, Institute on Municipal Finance and Governance, Munk School of Global Affairs, University of Toronto.

http://munkschool.utoronto.ca/imfg/uploads/253/imfg\_1453hiddeninplainview\_final\_web.pdf

# **Topic 2: Constitutional and Legal Foundations of Local Government**

**Goals:** Critically discuss the constitutional doctrine of "creatures of provinces"; look at examples of municipal systems in Canada and the legal concepts underpinning them.

Magnusson, Warren. 2005. "Are Municipalities Creatures of the Provinces?," *Journal of Canadian Studies*. Spring, 39, 2: 5-29.

Cameron, David M. with Paul A. R. Hobson. 2009. "Nova Scotia," in Andrew Sancton and Robert Young eds. *Foundations of Governance: Municipal Government in Canada's Provinces*. Toronto: UTP.

# **Topic 3: Municipal Structures: Mayors, Municipal Councils, Representation and Local Leadership**

Tindal, C. Richard, Susan Nobes Tindal, Kennedy Stewart and Patrick J. Smith. *Local Government in Canada* (9<sup>th</sup> edition). Toronto, ON: Nelson Education. Chapter 8 entitled – "Municipal Governing Structures"

# Topic 4: The Nature of Local Democracy: Local Elections in a Non-Partisan Environment

**Goals**: Understand the impact of nonpartisan elections on municipal democracy; explore the case for and against political parties at the local level; understand the debate about electoral reform in the context of the unique institutional features of municipal institutions.

Good, Kristin R. 2016. "Municipal Political Parties: An Answer to Urbanization or an Affront to Traditions of Local Democracy?," in Alain-G. Gagnon and A. Brian Tanguay Eds. *Canadian Parties in Transition: Recent Evolution and New Paths for Research (4<sup>th</sup> Edition).* Toronto: University of Toronto Press.

Moore, Aaron, A. 2017. "The Potential and Consequences of Municipal Electoral Reform," Institute on Municipal Finance & Governance, Munk School of Global Affairs, University of Toronto. Pp. 16. https://tspace.library.utoronto.ca/bitstream/1807/78793/1/IMFG\_perspectives\_20\_electoral\_reform

AaronMoore Oct 17 2017.pdf

In class video (time-permitting, otherwise this documentary should be viewed outside classroom hours):

Munger, Andrew. (2004) 'Campaign: The Making of a Candidate,' National Film Board, Available from: https://www.nfb.ca/film/campaign the making of a candidate/

### Topic 5: Municipal Responsibilities and Law: The Politics of Street-level Law

**Goals**: Explore the importance of municipal law in city development but also in everyday life in cities; examine the power relations underlying municipal laws in seemingly "banal" areas of law; appreciate the deep importance of municipal law.

Valvarde, Mariana. 2012. "The Law of the Street Corner," in *Everyday Law on the Street: City Governance in an Age of Diversity*. Chicago and London: University of Chicago Press, Chapter 2.

Valverde, Mariana. 2017. "How zoning laws can discriminate against Muslims and others," *Toronto Star*, February 3: https://www.thestar.com/opinion/commentary/2017/02/03/how-zoning-laws-can-discriminate-against-muslims-and-others.html

# **Topic 6: Municipal Taxes and Participatory Budgeting**

**Goals:** Examine municipalities sources of revenue, their financial sustainability and reform debates. Discuss the concept of participatory budgeting.

Kitchen, Harry and Enid Slack. 2016. "More Tax Sources for Canada's Largest cities: Why, What and How?," IMFG Papers on Municipal Governance and Finance, Institute on Municipal Governance and Finance, Munk School of Global Affairs. http://munkschool.utoronto.ca/imfg/uploads/348/imfgpaper\_no27\_taxrevenues\_slack\_kitchen\_june 27 2016 updated.pdf

# IMFG panel on participatory budgeting pilot project in Toronto: https://munkschool.utoronto.ca/imfg/research/doc/?doc\_id=402

# **Topic 7: Metropolitan Government/Governance and Local Democracy**

**Goals:** Understand the nature of the metropolitan government/governance challenge. Discuss how the principle of local democracy can be balanced with a need for effective, equitable and sustainable services in metropolitan areas.

Sancton, Andrew. 2005. "The Governance of Metropolitan Areas in Canada," *Public Administration and Development*. 25, 4: 317-327.

Flynn, Alexandra. 2017. "Reimaging Toronto's Community Councils," *Journal of Law and Social Policy*. 27, 6: 94-115.

# **Topic 8: Municipal Governments, the Environment and Environmental Racism**

**Goals:** Explore the role of municipal governments in environmental sustainability and policy. Critically analyze environmental decisions in light of socio-economic and "racial" inequalities.

Waldron, Ingrid. 2018. "Re-thinking waste: Mapping Racial Geographies of Violence on the Colonial Landscape," *Environmental Sociology*. 4, 1: 36-53.

# **Topic 9:** Governing in a "Superdiverse" Context: The Municipal Role in Immigration, Indigenous relations and Diversity policies

**Goals:** Explore the municipal role in immigration policy, refugee resettlement, diversity management and in reconciliation with Indigenous peoples.

Good, Kristin. "Local Immigration and Diversity Policymaking," Unpublish draft chapter for a coedited textbook project (with Jen Nelles) entitled *Canadian Urban Governance in Comparative Perspective*, University of Toronto Press. [to be posted in November]

# **Topic 10: Conclusion: Toward Constitutional Recognition of Canadian Municipal Governments?**

Good, Kristin. 2019. "The Fallacy of the "Creatures of Provinces Doctrine": Discovering Municipalities' Constitutionality and Place in Provincial Constitutions," Forthcoming research paper to be published by the Institute on Municipal Finance and Governance, Munk Centre for International Affairs, University of Toronto.

Grade	GPA		Definition	
A+ A A-	4.30 4.00 3.70	90-100 85-89 80-84	Excellent	Considerable evidence of original thinking; demonstrated outstanding capacity to analyze and synthesize; outstanding grasp of subject matter; evidence of extensive knowledge base.
B+ B B-	3.30 3.00 2.70	77-79 73-76 70-72	Good	Evidence of grasp of subject matter, some evidence of critical capacity and analytical ability; reasonable understanding of relevant issues; evidence of familiarity with the literature.
C+ C C-	2.30 2.00 1.70	65-69 60-64 55-59	Satisfactory	Evidence of some understanding of the subject matter; ability to develop solutions to simple problems; benefitting from his/her university experience.
D	1.00	50-54	Marginal Pass	Evidence of minimally acceptable familiarity with subject matter, critical and analytical skills (except in programs where a minimum grade of "C" or "C+" is required).
F	0.00	0-49	Inadequate	Insufficient evidence of understanding of the subject

# Undergraduate Courses Grading Scale and Definitions

matter; weakness in critical and analytical skills; limited or irrelevant use of the literature.

INC	0.00	Incomplete
W	Neutral and no credit obtained	Withdrew after deadline
ILL	Neutral and no credit obtained	Compassionate reasons, illness
Р	Neutral	Pass
TR	Neutral	Transfer credit on admission
Pending	Neutral	Grade not reported

# SECTION B: UNIVERSITY POLICIES, STATEMENTS, GUIDELINES and RESOURCES for SUPPORT

This course is governed by the academic rules and regulations set forth in the University Calendar and the Senate, available at <a href="https://academiccalendar.dal.ca/Catalog/ViewCatalog.aspx?pageid=viewcatalog&catalog">https://academiccalendar.dal.ca/Catalog/ViewCatalog.aspx?pageid=viewcatalog&catalog</a> gid=81&chapterid=4424&loaduseredits=False

### **University Statements**

# • Territorial Acknowledgement:

Dalhousie University is located in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq. We are all Treaty people.<sup>1</sup>

# • Academic Integrity

At Dalhousie University, we are guided in all of our work by the values of academic integrity: honesty, trust, fairness, responsibility and respect. As a student, you are required to demonstrate these values in all of the work you do. The University provides policies and procedures that every member of the university community is required to follow to ensure academic integrity. (read more: <u>https://www.dal.ca/dept/university\_secretariat/academic-integrity.html</u>

### • Accessibility

The Student Accessibility Centre is Dalhousie's centre of expertise for student accessibility and accommodation. The advising team works with students on the Halifax campus who request accommodation as a result of: a disability, religious obligation, or any barrier related to any other characteristic protected under Human Rights legislation (NS, NB, PEI, NFLD).

If there are aspects of the design, instruction, and/or experiences within this course that result in barriers to your inclusion please contact the Study Accessibility Centre: <u>https://www.dal.ca/campus\_life/academic-support/accessibility.html</u>

Please note that your classroom may contain accessible furniture and equipment. It is important that these items remain in the classroom, undisturbed, so that students who require their use will be able to fully participate.

<sup>&</sup>lt;sup>1</sup> For more information about the purpose of territorial acknowledgements, or information about alternative territorial acknowledgements if your class is offered outside of Nova Scotia, please visit <u>https://native-land.ca/</u>.

# • Student Code of Conduct

Everyone at Dalhousie is expected to treat others with dignity and respect. The Code of Student Conduct allows Dalhousie to take disciplinary action if students don't follow this community expectation. When appropriate, violations of the code can be resolved in a reasonable and informal manner—perhaps through a restorative justice process. If an informal resolution can't be reached, or would be inappropriate, procedures exist for formal dispute resolution. (read more: <a href="https://www.dal.ca/dept/university\_secretariat/policies/student-life/code-of-student-conduct.html">https://www.dal.ca/dept/university\_secretariat/policies/student-life/code-of-student-conduct.html</a>)

# • Diversity and Inclusion – Culture of Respect

Every person at Dalhousie has a right to be respected and safe. We believe inclusiveness is fundamental to education. Dalhousie is strengthened in our diversity and dedicated to achieving equity. We are committed to being a respectful and inclusive community where everyone feels welcome and supported, which is why our university prioritizes fostering a culture of diversity and inclusiveness.

(read more: https://www.dal.ca/cultureofrespect.html

# **University Policies and Programs**

- Important Dates in the Academic Year (including add/drop dates) <u>http://www.dal.ca/academics/important\_dates.html</u>
- Dalhousie Grading Practices Policy
  <u>https://www.dal.ca/dept/university\_secretariat/policies/academic/grading-practices-policy.html</u>
- Grade Appeal Process <u>https://www.dal.ca/campus\_life/academic-</u> support/grades-and-student-records/appealing-a-grade.html
- Sexualized Violence Policy <u>https://www.dal.ca/dept/university\_secretariat/policies/human-rights---equity/sexualized-violence-policy.html</u>
- Scent-Free Program <u>https://www.dal.ca/dept/safety/programs-</u> services/occupational-safety/scent-free.html

# Learning and Support Resources

- General Academic Support Advising
  <u>https://www.dal.ca/campus\_life/academic-support/advising.html</u>
- Student Health & Wellness Centre <u>https://www.dal.ca/campus\_life/health-and-wellness.html</u>
- On Track (helps you transition into university, and supports you through your first year at Dalhousie and beyond <u>https://www.dal.ca/campus\_life/academic-support/On-track.html</u>
- Indigenous Student Centre https://www.dal.ca/campus\_life/communities/indigenous.html
- Elders-in-Residence (The Elders in Residence program provides students with access to First Nations elders for guidance, counsel and support. Visit the office in the Indigenous Student Centre or contact the program at elders@dal.ca or 902-494-6803.) <u>https://medicine.dal.ca/departments/core-units/globalhealth/diversity/indigenous-health/elders-in-residence.html</u>
- Black Student Advising Centre: <u>https://www.dal.ca/campus\_life/communities/black-student-advising.html</u>
- International Centre https://www.dal.ca/campus\_life/international-centre.html
- South House Sexual and Gender Resource Centre <u>https://southhousehalifax.ca/</u>

- LGBTQ2SIA+ Collaborative <u>https://www.dal.ca/dept/hres/education-</u> campaigns/LGBTQ2SIA-collaborative.html
- Library <u>http://libraries.dal.ca</u>
- Copyright Office <a href="https://libraries.dal.ca/services/copyright-office.html">https://libraries.dal.ca/services/copyright-office.html</a>
- Dalhousie Student Advocacy Services <u>http://dsu.ca/dsas</u>
- Dalhousie Ombudsperson <u>https://www.dal.ca/campus\_life/safety-respect/student-rights-and-responsibilities/where-to-get-help/ombudsperson.html</u>
- Human Rights and Equity Services <a href="https://www.dal.ca/dept/hres.html">https://www.dal.ca/dept/hres.html</a>
- Writing Centre <u>https://www.dal.ca/campus\_life/academic-support/writing-and-study-skills.html</u>
- Study Skills/Tutoring: <u>https://www.dal.ca/campus\_life/academic-support/study-skills-and-tutoring.html</u>
- Faculty or Departmental Advising Support: See <u>https://www.dal.ca/faculty/arts/programs.html</u> for links to departmental websites and information about advising