

**ADDRESS OF THE UBCM PRESIDENT TO THE 2002 ANNUAL CONVENTION
CHAIR HANS CUNNINGHAM**

This morning I want to talk to you about the reasons we are here, about the opportunities we have during this convention for reflecting upon and discussing the issues we are dealing with, and about what I hope we can accomplish together. This annual event gives us the perfect occasion for consensus building so that we can continue to present a strong and united voice for BC communities when dealing with other levels of government.

1. THEME OF CONVENTION – FREESTYLING

The theme of the convention this year was Freestyling – appropriate considering the mountain locale that we're meeting in. A term closely associated with sports – skiers, snowboarders, climbers and other outdoor enthusiasts are all into freestyling these days. It's an apt term in the Whistler context. And you may be wondering why I'm not freestyling this speech instead of reading it out. I'll be getting into a little bit of that later on. And freestyling is a term some would suggest is not closely reflective of the general demographic in this room or a term that immediately jumps to mind when one thinks of local government.

But we are going to challenge that view and we're going to have to do that because it is the imperative direction for the future of local government. We've gone way beyond the agreement that "one size doesn't fit all". We're into an area where we've got to be creative, innovative and thoughtful. Freestyling, in sports and in other areas of human activity, means acting with autonomy, independence and innovation. Key drivers for local government and their leaders in the future.

To inspire us to freestyle, we have a woman of great courage and determination as our keynote speaker on Friday morning. I encourage you to come out and hear the message of Toben Anderson. Indeed it is a very powerful message.

2. PRE-CONFERENCE SESSIONS

While this is the official opening of the convention, many of us have had two intense days of pre-convention sessions. There were sessions on health and treaty negotiations on Monday morning. I have been listening and reflecting on what was being discussed at those sessions. At the treaty negotiation session one of the topics was renewing the local-provincial consultation agreements. Consultation will be a theme we hear a lot about this week.

Another very hot topic on Monday was the police cost issues for small communities and rural areas.

I chaired that session and we heard some of the themes that we have heard so many times before. This is not a new issue – it has been on many UBCM agendas in the past.

But stepping back from the issue itself, one hears the same tune, the same chorus that plays over and over:

- “one-size fits all” solutions don’t work for all BC communities;
- imposing over \$50 million in new costs and responsibilities looks a lot like downloading; and
- concerns are being raised about the commitment to real consultation. What we were given here of course and those of you who were at the session know it was vague, nebulous. Choose “door one” or choose “door two”. All it’s going to cost you is \$100 a year on your taxes. Of course many of you were opposed to that on principle. And even the Community Charter that is trying to give you new and innovative ways to work because we realize that the property tax payer has been impacted as much as they can be, does not help here. We’re looking for new ways to make things happen and yet this was a property tax. So we basically said to the government: How about going back, reviewing it and coming back with some information that we can really use, and some consultation so we can work together. We realize the inequities but we know that we have to work together to try and find results that will work.” We know that some of our communities, especially the ones on the Island and in other areas that have been impacted by the softwood lumber dispute, have mills closed and people out of work are hurting. We know at a time like this an extra tax is absolutely the last thing we need.

These are some of the principles the whole membership has been interested in historically and I want to start by talking about one of them – downloading.

3. DOWNLOADING AND CONSULTATION

I remember that in the early 1990’s when I first joined the Executive, UBCM was being challenged by a number of actions by the then government over downloading. UBCM concerns about downloading have a long history that have been a part of local government life for decades now – you will find it as an element in our early statement of our General Policies adopted twenty years ago.

But in the 1990’s UBCM was concerned that the public didn’t really understand what downloading as a term really meant, so they conducted some focus groups with the public. We were concerned that the public didn’t understand what it meant for them as taxpayers when we said the provincial government was downloading on us. In these focus groups we asked people off the street “what did downloading mean to them.” We got a variety of answers but none that matched what it meant to UBCM at that time. Interestingly and perhaps ironically given the locale of this year’s convention was one response that downloading is what happens when the ski lift breaks down and they have to download everybody off the hill!

But, today too, we have to be clear about what we mean by downloading. It is a major theme in many of the resolutions received for this convention. I heard you talk about it at your sessions on Monday and Tuesday.

And we are going to consider a Special Resolution this morning based on those resolutions I just referred to. I related the story about the public’s misunderstanding of what we refer to as downloading because we shouldn’t assume either that it means the

same thing to all of us in this room or that it means the same thing to the provincial government.

The views today about what constitutes downloading appear to be on a continuum.

At one end we have the view that it constitutes the imposition by another level of government of new responsibilities onto local government without the financial resources to pay for them. Unfunded mandates.

At the other end of the continuum we have views expressed that it also includes the withdrawal of a service previously provided by another level of government to a community. There is no legislative obligation on local government to perform that service but there is a dynamic created by the withdrawal of that service that starts to compel local government to step into the void. Some are calling that downloading. Others, to try to distinguish it from the more traditional view have coined the term “passive downloading”.

In between those views we have a range of other types of actions by the provincial government that are also being termed as downloading. Take for example courthouse closures. The provincial government closes a court; and now it costs the local government more to send its police to a neighbouring city to do their court duty. No new responsibility – but clearly a new cost as a result of a provincial decision.

I am not here to tell you what is the right definition of downloading. My message is that we need to be as clear as possible in discussing this issue and find a mutually understood definition or perhaps definitions in the plural as to what we mean by downloading.

And we need this clear definition particularly for the discussions we have with the provincial government. I told the story about the public focus groups for a reason – it is so much about communication. If we have one meaning for downloading and the provincial government has another, we will have that gap in understanding that I earlier described. We can't communicate if we have different languages.

So when we talk later this morning about downloading we need to try to articulate a common language. This is particularly relevant to the application of the “no downloading” principle as is reflected in the Community Charter and the *Community Charter Council Act*.

The only caution I would raise is not to make the definition so widely encompassing that it becomes meaningless and erodes the very easily understood definition of imposing unfunded mandates. There is a relationship with consultation that runs parallel to this discussion on downloading. When should the provincial government be governed by the no downloading principle; and when should the principle of advance notice and prior consultation before the provincial government does something that affects our communities; and when does which principle kick in.

To which situations does the no downloading principle apply and to which ones does it not apply? Its application is directly tied to our desire of local-provincial consultation.

In some situations, maybe we are saying that we can't stop the provincial government from changing the way it provides a service but that they should or must talk to local government first. This has been framed as the consultation principle.

In my term as President as you probably know I have seen a very mixed record on consultation by the provincial government. I recognize they have an ambitious agenda and are driven to make changes. Consultation takes time – but it often results in better decisions. Consultation isn't about talk for talk's sake. Consultation is required because it leads to better decisions and better outcomes for our communities. At a minimum it is “no surprises” government.

We have seen some good examples of consultation during my term as President. The two ministries that were formed largely out of the former ministry of environment have continued to involve UBCM in many of their key initiatives. The Community Charter is a serious attempt to consult in the development of new legislation. The Premier's summits may take time to evolve in to effective forums but they are a groundbreaking attempt to get federal, provincial, local governments and first nations leaders all in the same room.

But there have been some disappointments – some aspects of the new liquor policy were a surprise to us, as was the legislation repealing the *Pawnbrokers Act* and changes to the *Mineral Tenure Act*. Both proceeded without notice or consultation. In both cases we are left unsure because of the legal uncertainties that have been created. I am hopeful that out of these experiences, these surprises and their potential unintended consequences, we can develop a more consistent understanding of the need and indeed, the benefits of local-provincial consultation.

Before moving off the downloading issue I want to touch on a sensitive area for local governments. I want to speak candidly about being trapped into funding a previous government responsibility and the dangerous precedent that sets. The scenario is one that I touched on earlier in my remarks. The provincial government withdraws a service that is valued in the community. The community reacts and starts talks with the government about restoring the service. In the process of those discussions the provincial government representatives may say something like – well if you pay for this portion we will think about coming back or staying in your town. I feel for those who must make those difficult decisions. You care about your communities. But what I raise is the precedent it creates for other communities and for future provincial government actions. I don't have the answer to this dilemma but I think it is a difficult issue we must put on the table because I don't think what we have seen recently are just one-time situations. This is something we need to discuss as a collective body of UBCM – so we avoid the “divide and conquer” outcomes.

4. COMMUNITY CHARTER

I want now to turn to the Community Charter. I want to talk about two aspects – policy and process. First to process.

I realize there are some good reasons to delay the introduction of the Charter into the House until next spring. As a Charter Council member I am very aware of the huge

amount of work that remains to be done, particularly around the consequential and transition amendments. I am aware that that work couldn't be completed this fall and there is reason in waiting to bring forward a complete package in the spring. The delay also gives more time to consider the suggestions made and still being made – including those we will hear at this meeting.

But still I can't help but be disappointed and a bit nervous. I am concerned about the possible loss of momentum or potential for backsliding. To be frank, the Charter probably will not get a whole quantum better than what we have now. To be more precise about what I mean it is this – I hope we will see some real improvements in key areas in the final Charter but I don't expect to see huge additional areas of local powers and authority.

What I fear is the potential for erosion of what is there now. Some groups have said the Charter goes too far – and they want the government to pull back. And they will use this time to continue to push for their wishes.

I have discussed this situation with the Executive and we are calling on the provincial government to demonstrate its continued commitment and to act to put some of the key elements into place now in some form or other. We have singled out the principles of part 1 of the Charter and the required consultation elements of part 9 as things the government should set in force now. We can't afford to see any erosion of these fundamental tenets of the Charter. Nor can we wait a year to see them have their full force and effect come into play.

As the adage goes: “Why wait for spring? – do it now”.

Charter Policy

Finally, you will have an opportunity to address the policy issues arising from the Charter later this morning. The Executive has put forward a paper for your consideration. We have stayed at a high level – we do not feel it is the role of the convention to wordsmith the Charter – your Executive and staff can carry the many helpful “tweaking” suggestions forward. But we need your guidance on the substantive issues.

5. WHY WE ARE HERE.

And that is the reason we are here this week in Whistler – for you to set the policy directions for UBCM. You know of course that UBCM is and remains at its core, fundamentally a policy driven organization. Your resolutions, your policy papers, that is what gives us direction.

We will address a wide variety of important topics – forest policy, energy, liquor, civil liability, just to name a few.

I urge you to engage in these discussions.

It is vital to the future of the communities of BC. You are their voice. Make it heard this week.

There are also other reasons we are here at this convention:

The UBCM convention has evolved to become the key week in the world of local-provincial government relations in British Columbia. This convention reflects the importance placed on the opportunities to talk about BC communities. The Premier of course will be here along with most Ministers and Caucus. In fact almost all of the government caucus is attending UBCM and I thank them for taking the time and interest to attend. Also attending are the members of the Opposition.

The convention is also about the opportunity to network. This is my 17th UBCM convention and at each and every one I have benefited from the informal discussions I have had with you and I've always brought back new ideas for my own community.

At this point I would like to thank the Charter members that I worked with this year. It was your hard work and dedication, your travelling around the province and your willingness to meet with the members. When you look at the Charter you can imagine the number of countless hours of work it took to make that happen. I would also like to thank the government members of that Council and the members of the Ministry who were involved in that because they also spent countless hours. Of course I would like to thank our staff because, believe me, the staff that we have here at UBCM is beyond a doubt the best staff serving any local government organization in all of Canada. I'm very proud of them.

Just a couple of final words. You know that province says that "a new broom sweeps clean" and we've got a new government and it's busy sweeping away. I remember when I was a kid and I was told to go up and clean my room and they gave me a broom among other things. One of the things I did of course, we all know about sweeping stuff under the rug. But once in awhile when I was particularly creative and I had a great pile of toys sitting on the floor and I knew it was going to take hours to pick them all up and put them back, I'd take them from my room and I'd push them into my brother's room, usually behind the bed where they couldn't be found right away. And I draw that to you as a parallel that in fact we need to ensure that the new broom of this new government sweeps clean, doesn't sweep the material under the rug and definitely doesn't push it into our room because we have our own government, and our own room to keep clean.

Thank you very much.