

2014 Report on Resolutions Received after the Deadline

A total of nine resolutions were received by the Resolutions Committee after the regular June 30 resolutions deadline and prior to the September 19 noon cut-off for late resolutions. These resolutions are “late” and the Resolutions Committee has applied the policies for dealing with resolutions received after the June 30 deadline.

The Resolutions Committee reviewed each resolution in accordance with the Conference Rules and Procedures:

33. Resolutions received after the deadline, are classified as “Emergency” and therefore appropriate for Plenary discussion only if the topic is such that it has arisen since the regular deadline date for submission of resolutions. Resolutions received after the deadline are appropriate to be referred to the Executive if the topic is such that it has arisen since the regular submission of resolutions and, in the opinion of the Resolutions Committee, the topic is non-controversial and in keeping with UBCM policy.

Resolutions received after the deadline are not appropriate for Plenary discussion or referral if they concern a topic that had arisen or was known prior to the regular deadline for resolutions.

Those resolutions with the recommendation “not admit for debate” relate to issues that could have been submitted for consideration prior to the regular June 30 resolutions deadline. In keeping with procedures, these resolutions will be forwarded to the appropriate Area Associations for consideration in the 2015 resolutions cycle, pending approval of the sponsor.

The Resolutions Committee recommends that the late resolutions be dealt with in the following manner:

A. EMERGENCY RESOLUTIONS: ADMIT FOR PLENARY DEBATE FRIDAY, SEPTEMBER 26 AS ISSUES EMERGING SINCE THE DEADLINE

LR1	National Energy Board Public Hearing Process	Burnaby
LR2	Environmental Assessment of Trans Mountain Expansion Project	Victoria
LR3	Requiring Consequence & Response Capacity Assessment for Sunken or Submerged Diluted Bitumen	Vancouver
LR4	Discontinuation of Community Library Training Program	Taylor

B. REFER TO UBCM EXECUTIVE

N/A

C. LATE RESOLUTIONS: NOT APPROPRIATE FOR DEBATE*(Issues known before the June 30 deadline for resolutions)*

LR5	Regional Governance Models	Coquitlam
LR6	Support for Proactive Action to Protect Workers	Fort St. John
LR7	Proactive Action to Protect Workers	Trail
LR8	Worker Protection Through the Westray Act	Powell River City
LR9	Local Authority for Animals in Critical Distress	Kamloops

A. EMERGENCY RESOLUTIONS: ADMIT FOR PLENARY DEBATE FRIDAY, SEPTEMBER 26 AS ISSUES EMERGING SINCE THE DEADLINE**LR1 National Energy Board Public Hearing Process Burnaby**

WHEREAS on 2013 December 16, Kinder Morgan submitted an application to the National Energy Board (NEB) for the Trans Mountain Expansion Project;

AND WHEREAS the NEB made an arbitrary decision on July 15, 2014 to remove from the standard public hearing for a major pipeline project long-standing protocols which provided opportunities for public review through open meetings, oral hearings and cross examination;

AND WHEREAS the loss of the standard public hearing from the application review process constitutes a significant erosion of the democratic rights of provinces, territories, local governments, First Nations and citizens to cross-examine evidence presented, articulate concerns and voice opposition to applications;

AND WHEREAS the loss of all opportunities for intervenors to participate in oral hearing and to cross-examine evidence within the NEB regulatory review process, has broad social, environmental and economic implications that would impact all local governments and their citizens:

THEREFORE BE IT RESOLVED that UBCM call on the federal government and National Energy Board, through the Federation of Canadian Municipalities and other avenues as appropriate, to oppose the loss of the standard public hearing process from the National Energy Board's application review and tribunal process;

AND BE IT FURTHER RESOLVED that UBCM call on the provincial and federal governments, through their appropriate and respective roles, to develop, in consultation with local governments, First Nations, and citizens, the restoration of a full public hearing process to the National Energy Board's consideration of all applications.

RESOLUTIONS COMMITTEE RECOMMENDATION:

Admit for Debate

UBCM RESOLUTIONS COMMITTEE COMMENTS:

As indicated by the sponsor, this resolution responds to a July 2014 decision of the National Energy Board. The decision was not known prior to the June 30 submission deadline for resolutions. Therefore, the Resolutions Committee would suggest that this resolution deals with an emergent issue and meets the criteria to be admitted for debate.

The Resolutions Committee notes that the UBCM membership endorsed resolution 2011-LR6, which called on the National Energy Board, Port Metro Vancouver, and the federal government to:

“ensure that any applications to expand the amount of oil transported by pipeline ... in British Columbia undergo:

- a. the highest degree of environmental assessment; and*
- b. meaningful public consultation, including direct engagement with affected municipalities, regional authorities and British Columbia First Nations.”*

LR2 Environmental Assessment of Trans Mountain Expansion Project**Victoria**

WHEREAS the Environmental Assessment Office of the Province of British Columbia (“the EAO”) entered into an Agreement in 2010 with the National Energy Board (“NEB”) under which the EAO accepts that the NEB assessment of a pipeline constitutes the equivalent of an assessment under the British Columbia *Environmental Assessment Act*;

AND WHEREAS Trans Mountain’s responses to motions filed in early July 2014 by intervenors in the NEB hearing process for the Trans Mountain Expansion Project demonstrate that Trans Mountain is failing to adequately respond to written information requests, which are the only opportunity for intervenors to test and clarify Trans Mountain’s evidence;

AND WHEREAS this failure to respond to written information requests means that intervenors are not able to properly prepare their own evidence and participate meaningfully in the assessment process for the Trans Mountain Expansion Project, in contravention of the preamble to the Agreement, which states that any assessment of a project pursuant to the *National Energy Board Act* would take into account any comments submitted during the assessment process by the public and Aboriginal peoples:

THEREFORE BE IT RESOLVED that the UBCM request that the Province direct the EAO to withdraw formally from the Agreement pursuant to Clause 6 thereof and undertake its own Environmental Assessment process for the Trans Mountain Expansion Project, which should include sufficient opportunity for meaningful participation by all interested British Columbians.

RESOLUTIONS COMMITTEE RECOMMENDATION:**Admit for Debate****UBCM RESOLUTIONS COMMITTEE COMMENTS:**

As indicated by the sponsor, this resolution responds to a July 2014 decision of the National Energy Board. The decision was not known prior to the June 30 submission deadline for resolutions. Therefore, the Resolutions Committee would suggest that this resolution deals with an emergent issue and meets the criteria to be admitted for debate.

The Resolutions Committee notes that the UBCM membership considered but chose not to endorse two related resolutions, 2011-B168 and 2010-A1, both of which called on the provincial and federal governments to combine their respective environmental assessment processes into one harmonized environmental assessment process.

Also related, the Committee notes that members endorsed resolution 2011-LR6, which called on the National Energy Board, Port Metro Vancouver, and the federal government to:

“ensure that any applications to expand the amount of oil transported by pipeline ... in British Columbia undergo:

- a. the highest degree of environmental assessment; and*
- b. meaningful public consultation, including direct engagement with affected municipalities, regional authorities and British Columbia First Nations.”*

**LR3 Requiring Consequence & Response Capacity Assessment
for Sunken or Submerged Diluted Bitumen****Vancouver**

WHEREAS on December 16, 2013, Kinder Morgan submitted an application to the National Energy Board for the Trans Mountain Pipeline Expansion Project to increase the transportation of diluted bitumen via pipeline through British Columbian communities, across more than 700 streams and water-crossings in 12 BC watersheds;

AND WHEREAS diluted bitumen has been shown to submerge and/or sink when spilled into freshwater environments, resulting in prolonged and costly response operations with limited success and negative impacts to local ecosystems, public and environmental health, local economies, and cultural and recreational resources;

AND WHEREAS, as per Trans Mountain’s response on July 11, 2014 to intervenors in the NEB hearing, Trans Mountain maintains that in the event of a diluted bitumen spill sunken or submerged oil “would be treated as a post-emergency response function” and declined to provide any specific information about how response plans or equipment stockpiling for the project would address submerged or sunken diluted bitumen, thereby raising serious concerns about the capacity to respond to the risk currently posed to local communities and watersheds by the existing Trans Mountain pipeline:

THEREFORE BE IT RESOLVED that, for the protection of communities and ecosystems reliant on the health of watersheds across BC, the Union of BC Municipalities call on the National Energy Board to compel Trans Mountain and all other pipeline operators shipping diluted bitumen, to provide site specific consequence analyses and response plans and tactics for submerged and sunken oil to be subject to public review and approval by impacted communities;

AND BE IT FURTHER RESOLVED that UBCM call on the provincial government to conduct a full assessment of the response plans, tactics, equipment and capacity currently available within the Province of BC to respond to sunken or submerged oil.

RESOLUTIONS COMMITTEE RECOMMENDATION: *Admit for Debate*

UBCM RESOLUTIONS COMMITTEE COMMENTS:

As indicated by the sponsor, this resolution responds to a July 2014 response from Kinder Morgan to intervenors in the NEB hearing regarding the Trans Mountain Pipeline Expansion Project. The content of Kinder Morgan’s response was not known prior to the June 30 submission deadline for resolutions. Therefore, the Resolutions Committee would suggest that this resolution deals with an emergent issue and meets the criteria to be admitted for debate.

The Resolutions Committee notes that the UBCM membership considered but chose not to endorse two related resolutions, 2011-B168 and 2010-A1, both of which called on the provincial and federal governments to combine their respective environmental assessment processes into one harmonized environmental assessment process.

Also related, the Committee notes that members endorsed resolution 2011-LR6, which called on the National Energy Board, Port Metro Vancouver, and the federal government to:

“ensure that any applications to expand the amount of oil transported by pipeline ... in British Columbia undergo:

- a. the highest degree of environmental assessment; and*
- b. meaningful public consultation, including direct engagement with affected municipalities, regional authorities and British Columbia First Nations.”*

LR4 Discontinuation of Community Library Training Program

Taylor

WHEREAS the Community Library Training Program (CLTP) was a distance education model coordinated by the provincial government’s Libraries Branch that provided professional training and certification opportunities for public library staff without the burden and expense of having to be away from their community;

independent study of urban and rural regional governance models to identify best practices and efficiencies and determine the feasibility of implementing those in BC:

THEREFORE BE IT RESOLVED that the provincial government conduct a study of regional governance models, not only to identify best practices and efficiencies but also to increase democratic accountability, so as to determine the feasibility of implementing these goals in BC.

RESOLUTIONS COMMITTEE RECOMMENDATION: Not Admit for Debate

UBCM RESOLUTIONS COMMITTEE COMMENTS:

As indicated by the sponsor, this resolution responds to a May 2014 resolution from the BC Chamber of Commerce. The decision was known prior to the June 30 submission deadline for resolutions. Therefore, the Resolutions Committee would suggest that this resolution does not deal with an emergent issue and does not meet the criteria to be admitted for debate.

The Resolutions Committee notes that in 1999, due to time constraints, the UBCM membership referred resolution B80 to the UBCM Executive. The resolution called on the provincial government to fund an independent assessment of two governance options: rural regional districts, and a county structure. Upon consideration, the UBCM Executive chose not to endorse the resolution.

LR6 Support for Proactive Action to Protect Workers

Fort St. John

WHEREAS it has been more than two decades since the Westray mine disaster in Nova Scotia and a decade since amendments were made to the Criminal Code of Canada to hold corporations, their directors and executives criminally accountable for the health and safety of workers;

AND WHEREAS police and prosecutors are not utilizing the Westray amendments, and not investigating workplace fatalities through the lens of criminal accountability;

AND WHEREAS more than 1,000 workers a year are killed at work:

THEREFORE BE IT RESOLVED that UBCM urge the federal and provincial governments to ensure that:

- Crown attorneys are educated, trained and directed to apply the Westray amendments;
- dedicated prosecutors are given the responsibility for health and safety fatalities; and
- there is greater coordination among regulators, police and Crown attorneys so that health and safety regulators are trained to reach out to police when there is a possibility that Westray amendment charges are warranted.

RESOLUTIONS COMMITTEE RECOMMENDATION: *Not Admit for Debate*

UBCM RESOLUTIONS COMMITTEE COMMENTS:

Refer to resolution B127 in the 2014 Resolutions Book.

LR7 Proactive Action to Protect Workers

Trail

WHEREAS it has been more than two decades since the Westray mine disaster in Nova Scotia and a decade since amendments were made to the Criminal Code of Canada to hold corporations, their directors and executives criminally accountable for the health and safety of workers;

AND WHEREAS police and prosecutors are not utilizing the Westray amendments, and not investigating workplace fatalities through the lens of criminal accountability;

AND WHEREAS more than 1,000 workers a year are killed at work:

THEREFORE BE IT RESOLVED that UBCM urge the federal and provincial governments to ensure that:

- Crown attorneys are educated, trained and directed to apply the Westray amendments;
- dedicated prosecutors are given the responsibility for health and safety fatalities;
- police are educated, trained and directed to apply the Westray amendments; and
- there is greater coordination among regulators, police and Crown attorneys so that health and safety regulators are trained to reach out to police when there is a possibility that Westray amendment charges are warranted.

RESOLUTIONS COMMITTEE RECOMMENDATION: *Not Admit for Debate*

UBCM RESOLUTIONS COMMITTEE COMMENTS:

Refer to resolution B127 in the 2014 Resolutions Book.

LR8 Worker Protection Through the Westray Act

Powell River City

WHEREAS it has been more than two decades since the Westray mine disaster in Nova Scotia and a decade since amendments were made to the Criminal Code of Canada to hold corporations, their directors and executives criminally accountable for the health and safety of workers;

AND WHEREAS police and prosecutors are not utilizing the Westray amendments, and not investigating workplace fatalities through the lens of criminal accountability;

AND WHEREAS more than 1,000 workers a year are killed at work:

THEREFORE BE IT RESOLVED that UBCM urge the federal and provincial governments to ensure that:

- Crown attorneys are educated, trained and directed to apply the Westray amendments;
- dedicated prosecutors are given the responsibility for health and safety fatalities;
- police are educated, trained and directed to apply the Westray amendments; and
- there is greater coordination among regulators, police and Crown attorneys so that health and safety regulators are trained to reach out to police when there is a possibility that Westray amendment charges are warranted.

RESOLUTIONS COMMITTEE RECOMMENDATION: *Not Admit for Debate*

UBCM RESOLUTIONS COMMITTEE COMMENTS:

Refer to resolution B127 in the 2014 Resolutions Book.

LR9 Local Authority for Animals in Critical Distress

Kamloops

WHEREAS authority to remove animals in critical distress from hot vehicles is specifically established in the *Prevention of Cruelty to Animals Act* and is limited to special provincial constables under the *Police Act*, such as the Society for the Prevention of Cruelty to Animals (SPCA) and police officers, but not bylaw enforcement officers;

AND WHEREAS the *Community Charter*, which provides authority for local governments to establish bylaws for animal control, including seizure of animals "suffering" and entry onto and into property, cannot be interpreted in the same manner as the *Prevention of Cruelty to Animal Act* because specified authority has not been provided to bylaw enforcement officers by the Act;

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities request the Province of British Columbia to:

- *Amend the Prevention of Cruelty to Animals Act* to:
 - Empower bylaw enforcement officers as "authorized agents" for the purpose of enforcing the provisions of the Act;
 - Grant specific authority for local governments to establish, by bylaw, the authority to enter without a warrant into any premises (other than a dwelling house) and any vehicle, aircraft, or vessel for the purpose of seizing any animal in critical distress to relieve the critical distress of the animal; and
- *Amend the Community Charter* to:
 - Amend Section 48 to provide authority to seize animals in "critical distress" rather than suffering;

- Add a definition for "critical distress" similar to the definition in the *Prevention of Cruelty to Animals Act*; and
- Amend Section 16 to include authority to enter without a warrant into any premises (other than a dwelling house) and any vehicle, aircraft, or vessel for the purpose of seizing an animal in critical distress to relieve the critical distress of the animal, in the same manner as the *Prevention of Cruelty to Animals Act*.

RESOLUTIONS COMMITTEE RECOMMENDATION: *Not Admit for Debate*

UBCM RESOLUTIONS COMMITTEE COMMENTS:

In the background material for this resolution, the sponsor references a high profile incident of a Lower Mainland dog walker who left dogs in a hot vehicle, resulting in the deaths of the pets. The issue was known prior to the June 30 submission deadline for resolutions. Therefore, the Resolutions Committee would suggest that this resolution does not deal with an emergent issue and does not meet the criteria to be admitted for debate.

*The Committee advises that the UBCM membership has not previously considered a resolution calling on the provincial government to amend the *Prevention of Cruelty to Animals Act* and the *Community Charter* to grant bylaw enforcement officers authority to enter dwellings or vehicles to retrieve animals in critical distress.*