

APPENDIX F

TO: UBCM Members
FROM: UBCM Executive
DATE: October 19, 1997
RE: **LOCAL GOVERNMENT LEGISLATION
SUPPLEMENTARY REPORT**

<p>ITEM #4(a)²</p> <p>October 22, 1997</p> <p><i>B.C. COMMUNITIES AGENDA</i></p>
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1. DECISION REQUESTS

To review priorities for 1998 legislation and policy development processes. This report will be introduced on October 22 and considered as a Supplementary Report on October 23 during the session beginning at 9:00 am.

2. CONTEXT

It is expected that 1998 will be an important year for local government legislative reform. This report outlines proposed activities. However these must be seen in the context of past and future activities.

Legislative reform has been ongoing. The roots of the 1998 program lie in the early 1990's "Modernizing of the Municipal Act" process, the UBCM's Local Government and the Constitution policy papers, first adopted in 1991 and the Joint Council's 1997 initiated legislative program (resulting in Bill 46).

The activities of 1998 will be one step in a multi-year activity program. This reflects the Joint Council's preference for significant change up front, followed up by subsequent staged changes to legislation - as opposed to a long policy development process of review leading to legislation replacing the current Act sometime in the future.

3. ELEMENTS OF 1998 PROPOSALS

The Joint Council is proposing a 1998 program with these basic elements:

Priorities for early legislative action (1998 if all approvals can be got):

- 1) a preface/preamble to the Municipal Act - legislate principles guiding the establishment of a new legislative foundation for local government.
- 2) in camera meetings - specify types of matters on which local governments may/may not have "in camera" meetings and clarify procedural rules for such meetings.

3) public-private partnerships - provide local governments with more flexible authority to provide services, including the use of P3s.

- 4) “housekeeping” amendments (as essential) - changes to specific sections of local government legislation to address specific concerns.
- 5) Municipal Act changes arising from other processes - legislation arising from areas that are currently being or could be reviewed through separate consultation and policy development processes.
- 6) broad corporate powers - provide local governments with more general authority in areas such as contracts/agreements, acquisition/disposal of property/assets.

Priorities for policy development leading to early legislation and possibly more policy consultation:

- 7) broad service/regulating authority - provide local governments with broad, general powers to provide services and regulate matters.
- 8) Joint Council - legislated authority for Joint council and UBCM/government consultation process.
- 9) conflict of interest - provide more guidance and clarity to local government members regarding the substance of and procedure on conflict of interest.
- 10) tax sales - review and rationalization of the basis and process for tax enforcement through the sale of real property for taxes.

Prioritize for early policy development leading to legislation:

- 11) classification of municipalities

In the case of UBCM, the 1998 proposed elements reflect past resolutions and policy papers. These were captured in a fall 1996 submission to the Joint Council entitled “Toward New Municipal Legislation”.

Appendix A contains the sub-agreement on new legislation adopted by the Joint Council (recognizing the Principles section may need to be refined based on comments received on the Discussion Paper “Getting Our ‘Municipal’ Act Together”).

4. RELATIONSHIP TO 1997 RESOLUTIONS

In the Resolution Book, the Resolutions Committee noted that they received a great many resolutions (31) related to legislative reform including:

- *six calling for fundamental reform of local government legislation*
- *numerous others addressing key themes - liability and public-private partnerships plus many other resolutions on specific issues.*

All resolutions have been placed in Section C (C28-C58) and will be referenced in policy papers to be considered at the 1997 UBCM Convention. Parts of the policy papers would address:

- a) *Basic Legislative Reform - The Joint Council has agreed to a review of local government legislation and proposals will be presented to the Convention.*
- b) *Two key themes: i) Public-Private Partnerships; ii) Liability Action Program*
- c) *Specific Amendments (in the context of 1998 legislative priorities and the overall review)*

The liability related resolutions have been referenced in preparation of the “Liability Action Plan” [Item 7(a)].

Resolutions C28 to C32 all call for a form of fundamental reform of local government legislation. This has been agreed to by the Joint Council in the Sub-agreement and is the underlying reason for the 1998 program.

Resolutions C52 to C58 concern public private partnerships. This is one element of the 1998 program. These resolutions could be referred to that process.

The relationship of Resolutions C33 to C43 to the 1998 program is outlined in Appendix B.

5. RECOMMENDATION

- That the Municipal Act Review - Proposals for 1998 Legislation and Process (set out in Section 3) be approved as a basis for UBCM activities;
- That the actions set out in Appendix B with respect to resolutions C33 to C43 be approved.
- That resolutions C28 to C32 be considered underlying in the proposal.
- That resolutions C52 to C58 be considered in development of public, private partnership.

It is anticipated that workshops and various policy sessions on legislation during the convention will provide direction to the Executive to:

- respond to the proposed principles for the new legislation;
- develop a member involvement process to ensure ongoing consultation in the development of new legislation.

APPENDIX B

RESOLUTION	TOPIC	HOW THE RESOLUTION IS REFLECTED IN THE 1998 PROGRAM
C33	Business Licensing Powers Parallel to Vancouver Charter	7
C34	Business Licensing Powers	7
C35	Business Licensing Powers	7
C36	Powers to Structure Committees	6
C37	Road Title to All Municipalities	6
C39	Financing of Roads	6
C40	Sewer Usage Fee	6
C41	Dedicate Environmentally Sensitive Areas	7
C42	Delegating of Permitting Powers to Staff	6
C43	Amend Land Use Contracts	6