

IN THE HOUSE

UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES

#60 - 10551 SHELLBRIDGE WAY
RICHMOND, BC V6X 2W9
(604) 270-8226 Fax: (604) 270-9116
E-mail: ubcm@civicnet.bc.ca

House Back in Session

The provincial legislature resumed sitting this week after a two week break.

announced \$8.92 million in grants to public libraries. This continues the government commitment to maintain grant levels for local governments and libraries. Funding was increased this year by \$300,000 overall to compensate for declining populations in some regions.

In The House 2003 Index

January 8	Provincial Announcements of Interest
February 13	Provincial Throne Speech
February 18	Budget Day in BC and Canada
March 21	Recent Legislation, and Other Activities Announced by the Provincial Government
March 28	Legislation and other Briefing News
April 11	Provincial Policy Update
April 30	House back in Session

Inside this Issue

Library Grants Announced (page 1)
Network Book Available (page 1)
New Exception to Open Meeting Rules (page 1)
Upcoming Legislation (page 1)
New Legislation (page 2)
Nanaimo Agreement in Principle (page 2)
Sewage Draft Regulation (page 3)
Community Charter Gets a Second Reading (page 3)
Floor Amendment to Community Charter (page 3)

The following are some of the key words of topics of interest covered in this circular.

- library funding - page 1
- closed council meetings - page 1
- community charter - page 1
- Environment Management Act - page 1
- treaty negotiations - page 2

Library Grants Announced

MCAWS Minister, the Honourable George Abbott, has

Net•work•book™ available

The 2003 issue of the UBCM Net•work•book is now out and contains a wealth of contact information. The provincial content is reduced from what was once covered because of the continuing changes in provincial staff and the alternative information sources available on-line for provincial staff but all the new council, board and updated local government staff lists are included.

New Exception to Open Meeting Rules

An April 10th Order in Council (OIC) has been issued under the Local Government Act that allows councils and boards to hold closed meetings to consider:

- (a) *information relating to local government participation in provincial negotiations with First Nations, where an agreement provides that the information is to be kept confidential.*

This provision parallels a provision in the Community Charter that was not expected to take effect until the end of this year.

Upcoming Legislation

As we mentioned in a previous issue, the biggest piece of new legislation will be the Community Charter - Transitional and Consequential amendments that ought to be the length of the current Charter legislation itself.

There is now just about one month (or about 18 sitting days)

Please make copies of this circular and distribute to Council/Board Members /Staff

remaining before the Legislature adjourns on May 30th. We have yet to hear the second reading and committee debates of the Community Charter, but this may come this week.

Plus there are many Bills that we expect to see – a new *Environmental Management Act* to replace the current *Waste Management Act* for example. Several initiatives that may have to deal with the relationship between the provincial interest and local bylaws may also be considered. Plus *Bylaw Forums*, *Land Act* amendments and a new *Pesticide Act*.

New Legislation

Bill 31 – Court Jurisdiction and Proceedings Transfer Act
 This Bill will enact a statute of the Uniform Law Conference of Canada, a similar act can be adopted by each province or territory in Canada.

The purposes of the Act are:

- to replace jurisdictional rules currently used in B.C. Courts with a set of standards recommended by the Uniform Law Conference of Canada
- to bring Canadian jurisdictional rules into line with principles laid down by the Supreme Court of Canada
- by providing these recommended jurisdictional standards (uniform throughout Canada once adopted by all provinces and territories) the act will provide a complement to the proposed "Enforcement of Canadian Judgement and Decrees Act"
- it will provide a mechanism by which the Supreme Court of BC can transfer litigation to a more appropriate forum in or out of Canada providing the receiving court accepts the transfer.

Bill 32 – Enforcement of Canadian Judgements and Decrees Act

This Bill enacts a uniform statute of the Uniform Law Conference of Canada. This Act can be adopted by each province or territory, the goal being uniformity on this subject throughout Canada. The Act embodies two reform projects; one for the interprovincial enforcement of money judgements, the other for non-money judgements, orders and decrees.

Bill 33 – Health Services Statutes Amendment Act, 2003
 This Bill amends some of the statutes administered by the Ministry of Health Services. Some of these of interest to Local Government are:

"*Food Safety Act*" – the amendment will allow inspectors to look at alterations to food preparation facilities.

"*Hospital Insurance Act*" – Adds definitions for "Nisga'a Nation", "Provincial Health Services Authority", and "Regional Health Authorities" the main thrust of the amendments is to reflect that the funding now flows through the authorities.

"*Medicare Protection Act*" – adds new subsections to Section 5 "Responsibilities and powers of the commission" (q.1) & (q.2) which will allow the commission to govern its own practices and procedures under Section 15 "Order in respect of practitioner", and Section 37 "Orders of the Commission" and require that a party to a hearing under those sections submit a matter at issue in the hearing to non-binding mediation.

Snuneymuxw (Nanaimo) Treaty Negotiations - Agreements in Principle Consultation drafts now Public

The Sunueymuxw Agreements in Principle (AIPs) were made public last week. These are consultation drafts of two documents that have been initialed by the negotiator for each party to the negotiations (Canada, B.C. and the Snuneymuxw First Nation - SFN).

The first document is an AIP that deals with land, resources, culture, some self government provisions and cash, which would become a final treaty. The second is a Governance AIP which deals with a range of authorities and the local and regional government relations and would become the Governance Agreement. This agreement would come into effect at the same time as the treaty but not be a part of it. The AIPs are the foundation for final agreement negotiations.

The SFN is currently reviewing the draft AIPs with their

Bills currently in the Legislature,
as well as older bills and Hansard transcripts can be viewed on the Legislative Assembly web site at:
www.legis.gov.bc.ca

members and we are advised that a signing of the AIPs is targeted for mid to late June. Snuneymuxw is one of six lead or "break through" treaty tables identified in the province at which it is hoped an AIP will be signed by the end of 2003.

UBCM has produced a highlights document and posted this and the summary of the AIPs produced by the three parties, as well as the documents themselves on our Treaty Advisory Committee (TAC) website. For copies of any of these documents, contact Alison McNeil in the UBCM office at amcneil@civicnet.bc.ca, (604) 270-8226, ex. 117. Note that the AIPs summary is available on the Treaty Negotiations Office (TNO) website (www.gov.bc.ca/tno/). UBCM will also be producing an analysis of issues of greatest interest to local governments in the AIP, comparing them with other offers and agreements produced to date through the BC Treaty Process.

Community Charter Receives Second Reading

Second Reading Debate on Community Charter

At the morning session on April 29, 2003 The Honourable Ted Nebbeling moved Bill 14, the Community Charter, for second reading. The Minister spoke followed by government members Blair Lekstrom, Bill Bennett, Hon. Greg Hasley-Brandt, Hon. Sandy Santori, Blair Sufferdine, John Les, Sheila Orr, Wendy McMahan, Harry Bloy and Lorne Mayencourt. The debate adjourned to the afternoon session when the Leader of the Opposition spoke for about one hour. Minister Nebbeling closed debate and Bill 14 passes second reading on a vote of 37 to 1.

Floor Amendments to the Community Charter

Minister Ted Nebbeling has put on notice that he will introduce two amendments to the Community Charter. These are:

- to remove "firearms" from the "weapons" sphere of regulation (regulate, prohibit and impose requirements) and create a stand alone authority to regulate and prohibit the discharge of firearms.

- to add a requirement that council must give notice and provide an opportunity for those affected to be heard before passing a business regulation bylaw. The notice is in the form council considers reasonable. This is a new requirements from the LGA but is less than the notice proposal in the May 2002 Charter consultation draft.

Ministry of Health – Sewage Regulation Amendment

The Ministry of Health is proposing a new framework for on-site wastewater administration while continuing to protect public health. The ministry has released draft regulation that reflects the following government priorities in policy development – deregulation; industry accountability; outcome-based policy; fiscal restraint.

The intent of the proposed changes is to reduce the regulatory burden on both the industry and the health authorities, reduce delays caused by the current permitting and inspection process, and increase the pool of trained industry professionals. The new regulation proposes to use an outcomes-based approach that recognizes the need for technological and site constraint flexibility by removing all prescriptive standards from the regulation. It is proposed that an Advisory Committee of experts be established to develop industry standards that reflect current design, installation and maintenance science and technology. The intent of the regulation is to require a trained professional or certified practitioner to put forward sewage systems based on the industry performance standards established.

Upon the completion of the installation of the system the certified professional would submit a certification indicating that the system was installed in accordance with the regulation and the owner would issued a registration document. The registration document would remain until the system was replaced or altered.

Operation and maintenance requirements under the new regulation would rest solely with the owner of the system.

The health authority would remain the administrative body for the regulation and would maintain the files for all systems, collect fees, and carry out inspection and enforcement activities as necessary.

With respect to the appearance of grassy median strips and road shoulders, let me assure you I understand the importance of the tourism industry to our province and its communities. However, as you mentioned in your letter, the elimination of esthetic mowing is saving the province money, about \$1 million a year. These savings allow the ministry to focus its resources on critical safety and rehabilitation needs, which are essential to the revitalization and development of all sectors of the economy, including tourism.

While ministry staff and I are always looking for alternative ways to maintain the appearance of ministry properties and rights-of-way, we must first be mindful of our safety needs and our financial imperatives. In light of this, the ministry faces significant challenges in considering the delivery of an esthetic mowing program.

All of the foregoing being said, it may interest you to know that the ministry is implementing an "Adopt-a-Highway" program that will encourage community groups and private businesses to undertake or sponsor esthetic grass mowing and landscape maintenance or beautification projects along sections of highways, interchanges and community entrances. Sponsoring community groups and businesses will be recognized for their contributions by highway signage acknowledging their contribution. Interested groups or individuals are encouraged to contact the local district manager who will be able to discuss their participation in the program.

3. Forest Road Maintenance Policy

Deputy Minister Don Wright reported:

The Ministry of Forests is in the midst of working level discussions with the Ministry of Transportation regarding the possible transfer of maintenance responsibilities. The focus of the particular discussions is to determine if there are administrative advantages to rationalizing the provincial road network. The purpose of that rationalization would allow both Ministry of Forests and Ministry of Transportation to focus on administering roads more in line with their mandate. In other words, it is felt that, in general, Ministry of Forests should focus on administering industrial forest roads and Ministry of Transportation on roads that provide main access to communities and populated areas.

Regardless, it is important to note that there are still many technical issues that require resolution at the working level, and as such no timeline offers can be made as to when or whether transfer of administration of rural roads will occur. However, it is the ministry's aim to have a resolution to this matter prior to the start of fiscal year 2005.

In any event, there are no plans to declassify or deactivate any Forest Service road or highway that provides primary access to

a community such as those represented by your members. As such, those primary access roads will continue to be maintained.

I also confirm that where transfer of a primary access road to a community is anticipated, community representatives will be contacted prior to transfer.

UBCM Representation in Victoria

UBCM delegations led by UBCM President Patricia Wallace have had a busy time with meetings in Victoria representing local government interests.

The big push was on Thursday, April 10th with four sets of meetings with Ministers.

- Agriculture/Aquaculture

Meeting with Ministers Abbott and Van Dongen on the recommendations of the Agriculture-Local Government Review Committee Report. Issues discussed were right to farm legislation in relation to both agriculture and aquaculture.

- Community Charter

Met with Minister Ted Nebbeling to discuss the progress of the Community Charter through the House. The Charter is now expected to receive second reading after the two week break of the Legislature (the high level debate as opposed to the clause by clause discussion which occurs at Committee stage which follows second reading).

Also discussed were potential new revenue sources and the development of the regulations needed to accompany the Charter's enactment.

CHECK US OUT!!

UBCM Circulars are posted on our website:

www.civicnet.bc.ca

Recent circulars of interest:

- In the House (February 18) Budget Day
- Member Release (March 5) Highlights of February Executive Meeting
- In the House (March 21) Recent Legislation, other Activities and Announcements

- MCAWS

Met with the Honourable George Abbott to discuss a number of ongoing files including the 1% utility tax.

- Provincial Economic Streamlining

The last meeting was with Ministers Abbott and Falcon regarding the provincial governments interest to facilitate the approvals of "provincially significant developments".

Police Costs

A week earlier, UBCM met with Minister George Abbott and Solicitor General Rich Coleman.

During the meeting the province presented its "bottom-lines" with respect to recovery of police costs and UBCM presented its expectations. A communiqué of the results of the meeting is being finalized that will include a revitalized consultation program. A new discussion paper will be issued and a series of regional consultations will be held before the end of June.

Product Stewardship – New Regulatory Framework Under Development

The Ministry of Water, Land and Air Protection has developed a "British Columbia Industry Product Stewardship Business Plan". The ministry is looking at a single regulation to cover all product stewardship programs in the province by September 2003 and will be moving from a government control model to an industry responsibility model. The ministry has stated that it will be looking at developing a new regulatory framework for the stewardship programs in the province:

- Scrap Tires (1991)
- Lead-Acid Batteries (1991)
- Used Oil (1992)
- Post Consumer Paint (1994)
- Residuals (1996/97)
- Beverage Containers (1970-Litter Act; 1998-current regulation)

The ministry is attempting to develop a regulatory framework that is results based and one in which the industry stewardship plan, once approved, would be legally binding and the basis on which the ministry might take enforcement action if problems should arise.

Under this new framework it is important that the positive elements of the existing regulation be retained from both a business and public policy perspective. In the case of business, there is a need to ensure that a level playing field is maintained and that the rules are the same for everyone in the sector so that no one gains an economic advantage. In the case of the public, there is a need to ensure that the results that industry is expected to achieve are clearly understood, such as an 85% recovery rate for beverage containers, and that the deposit-refund system is maintained as it has proven to be very important to meeting the recovery objective. It is also important that that the retail sector be involved in the process as this continues to provide the greatest level of convenience to the consumer in returning the product directly and the stewardship agencies management of the product. The most successful stewardship programs to date all directly involve the retail sector in the collection of the product – tires, batteries, new oil program, and the beverage container program.

The future development of sustainable communities will increase urban density and the need for greater integration in the product chain (producer-manufacturer-retailer-consumer-product recovery). Stewardship programs will need to develop and promote economic models that encourage this process in the future, for example, the integrated recycling models like the Changes Recycling Centres would appear to be a system that would support this concept.

The UBCM has requested that the provincial government framework for product stewardship programs contain the following measures:

- Fully funded by the industry – (i.e. costs such as, marketing, collection, transportation, and processing the material).
- Maximize the recovery rate of product from local landfills – 85% recovery rate or higher;
- Ensure the consumer has the broadest choice of options – deposit-refund system, eco-fees etc.;
- Ensure the operation of a mixed collection system – return-to-retail, depot and curbside;
- Ensure that decisions related to solid waste management are made with the agreement of the municipal and regional district governments in the area;
- Expansion of product stewardship programs to cover milk containers/milk products;
- Introduction of post-consumer content requirements to promote the development of markets for recycled plastic containers.