



IN THE HOUSE

Released June 30, 2005

Good News for Local Government - RAR, New Deal, RCMP Staffing Appeal, Transit Funding

New Deal Update

Canada, BC and UBCM are now actively working to transform our April 15th New Deal Agreement in Principle, on the transfer of federal gas tax into a Final Agreement.

A recommended Final Agreement could be finalized in early July that could make its way through the final approval stages.

With federal budget approval also now in place it is anticipated that funds could indeed begin to flow in 2005. In anticipation, UBCM as program administrator is beginning to put the necessary steps into place to launch the program. This could include information workshops on how to access funds.

For further information see the June 2005 UBCM News (page 1) plus visit the CivicNet website for copies of the AIP – Appendix A, B and C are vital to understanding the proposed eligible projects, costs and allocation system.

UBCM would like to have initial funds out at, or before, convention but we don't control all the timing approvals.

Supreme Court Agrees to Hear Appeal

The Supreme Court of Canada has agreed to hear the appeal by the federal government of a decision by the Federal Court that all civilian employees providing support services to RCMP detachments had to be federal public servants employed under the Public Service Employment Act. The Supreme Court in agreeing to hear the appeal also determined that the Public Service Alliance Union (PSAC) must pay the federal governments costs of the appeal.

The decision follows on, a two to one decision, on January 6th, 2005 by the Federal Court of Appeal, which declared that

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Minister Grants Extension for the Riparian Areas Regulation

At UBCM's request, the new Minister of Environment, Barry Penner, granted local governments an extension for the implementation date of the Riparian Areas Regulation (RAR) from June 30th, 2005, until March 31st, 2006.

UBCM recently advised the new Ministry of Environment that it felt that the vast majority of affected local governments were not in a position to implement the RAR on June 30th, 2005. The Minister agreed to provide those local governments that had originally been granted an extension on March 31st, 2005, an additional extension until March 31st, 2006.

While significant progress has been made on the RAR implementation work plan, the extension will provide additional time to incorporate local government input, and complete, the remaining RAR implementation tools. Such tools include a completed liability review, local government training sessions, a monitoring and enforcement strategy, a signed tripartite protocol agreement, and a finalized assessment methodology. The extension will also afford local governments further time to review and integrate the remaining implementation tools into their land-use decision-making process, as well as develop appropriate strategies to meet the new March 31st, 2006 implementation deadline.

UBCM is pleased that the Minister has acknowledged the need for flexibility within the Riparian Areas Regulation implementation schedule, and will continue to work with the Ministry of Environment on ensuring that the tools required for implementation of the RAR are completed in an expeditious manner.

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

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municipal policing agreements with two municipalities – Humboldt, Saskatchewan and Antigonish, Nova Scotia, contravene Section 10 of the RCMP Act. The question before the court was whether Section 10 of the RCMP Act requires civilian staff in municipal RCMP detachments to be federal public servants employed under the Public Service Employment Act, or whether it allows municipalities to provide the staff. Section 10 (1) states that "civilian employees that are necessary for carrying out the functions and duties of the Force shall be appointed or employed under the Public Service Employment Act". The decision came after a legal challenge to the courts from the Public Service Alliance Union (PSAC). The first legal challenge by PSAC was made in November 2000 with the Federal Court Trial Division ruling against PSAC in January of 2004. PSAC then launched an appeal to the Federal Court of Appeal.

The implications of the decision by the Federal Court of Appeal would have had a significant impact on all RCMP detachments throughout Canada which use municipal employees in the provision of support services. Municipalities that contract for RCMP services under existing agreements have the option to provide the detachment with support staff themselves, or allow the federal government to supply such employees at municipal cost. If the decision of the Federal Court of Appeal should stand, all current municipal RCMP agreements would have to be amended and all civilian employees would have to be public service employees represented by the Public Service Alliance of Canada (PSAC) union rather than municipal employees represented by chiefly (but

not exclusively) the Canadian Union of Public Employees (CUPE).

British Columbia (RCMP "E" Division), in particular would have been affected by this decision, as it has the largest number of municipal service contracts in Canada. There are about 1,000 civilian municipal employees throughout 150 RCMP detachments and communication call centres in British Columbia that could potentially be affected by the court ruling. The court decision could pose problems for municipalities in terms of absorbing or reassigning municipal support staff. The decision would also have eliminated the ability of municipalities to provide in kind support to their RCMP detachments and local control over a locally funded service would be removed.

The British Columbia government will be seeking intervener status before the Supreme Court of Canada in this case to ensure that the British Columbia's issues are represented.

Federal Transit Funding

At the recent Canadian Urban Transit Association meeting federal infrastructure Minister John Godfrey announced special additional funding for transit as part of the agreement for NDP support of the federal budget.

In the case of BC, the federal budget amendment, which also recently was passed, would see \$100 million transferred to BC over the next two years. The major caveat is that the funding is contingent on a federal budget surplus being available. The federal government is also stipulating that the allocation of funding is to be primarily based on transit "ridership".

It is anticipated that BC's funding will be transferred to UBCM, allocated on the basis of the "ridership" formula for uses specified in the transfer agreement. Work has begun on an AIP for this transfer and will draw on much of the terms and conditions for the New Deal final agreement.

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