



# IN THE HOUSE

Released May 30, 2006

## SPRING LEGISLATIVE SESSION

The Spring 2006 legislative session adjourned on Thursday, May 18 by agreement of both parties. In total, 35 government bills were introduced, along with eight members' bills and two private bills.

The following are a few highlights from this sitting of the provincial Legislature. (Please note: a full summary of the legislation introduced in this past session will be temporarily available on the CivicNet website under the New Documents tab.)

### HIGHLIGHTS OF INTEREST TO LOCAL GOVERNMENTS FROM THE SPRING LEGISLATIVE SESSION

#### Bill 2 - Budget Measures Implementation Act, 2006

- Small Communities Protection and Regional District Administration Grants – an additional \$42 million over the next three years, in line with the government commitment to double these grants by 2009/10.
- Traffic Fine Revenue Sharing – an additional \$21 million over three years. Grants will be \$50 million annually for the next three years.
- Home Owner Grant to increase by 22% to \$570 from \$470. Grants for seniors, disabled and veterans will increase to \$845 from \$745 and eligibility for additional grant will be expanded to include more people with disabilities. Threshold increased to \$780,000 in assessed value, up from \$685,000.

#### Bill 10 - Community Services Statutes Amendment Act, 2006

*Community Charter/Local Government Act/Municipalities Enabling and Validating Act (No. 3)*

It has now been clarified that municipalities and regional districts are permitted to hold meetings and hearings outside their boundaries, and they will be protected from challenges when such proceedings are held.

#### *Local Government Act*

- The Province can exempt certain types of regional district bylaws from provincial approval requirements. This amendment parallels the provision for municipalities in Section 280 of the Community Charter;
- Regional district committee meetings can be held by means of electronic or other communications facilities;
- Municipal commercial vehicle licences will be based on the calendar year in line with the municipal fiscal year; and

- Local governments and improvement districts are authorized to extend the cost recovery period for collecting latecomer charges for infrastructure services to a maximum of 15 years.

#### Bill 25 - Safety Standards Amendment Act, 2006

This Act assists local government to target and shut down marijuana grow operations by allowing local governments to obtain electricity consumption information from distributors and share it with local fire and safety inspectors and police. The legislation responds directly to a resolution endorsed by the 2005 UBCM Convention (2005-A2 Strategy to Eliminate Marijuana Grow-Ops).

#### Bill 30 - Miscellaneous Statutes Amendment Act (No. 2), 2006

##### *Freedom of Information and Protection of Privacy Act*

Amendments permit limited and temporary trans-border access to and disclosure of personal information in special circumstances, either where it is necessary for system maintenance and trouble-shooting or where an employee or service provider is travelling outside of Canada and needs immediate access to information.

##### *Land Act, Land Survey Act, Land Surveyors Act and Land Title Act*

Amendments allow electronic submission of survey plans through the Land Title and Survey Authority of BC's electronic filing system. These changes will provide improved access to electronic survey records and reduce costs for land survey and subdivision approvals.

##### *Utilities Commission Act*

See "Update on Bill 30 - Independent Power Production (IPP)" below for details on amendments to this Act.

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

### Update on Bill 30 – Independent Power Production (IPP)

In our April 28, 2006 In the House, UBCM advised that the provincial government had introduced legislation in the form of Bill 30 - *Miscellaneous Statutes Amendment Act No. 2, 2006* to exempt independent power projects from having to conform to local government bylaws. Specifically, s. 56 of Bill 30 entails an amendment to the *Utilities Commission Act* (s.121) that broadens an existing exemption to local bylaws to include independent power projects. Prior to this amendment, the exemption was previously designed for “major” public utilities. The purpose of the amendment is to facilitate the development of Independent Power Production, which is considered by government to be in the provincial interest. The Province notes that it provides for a one decision maker process for IPPs similar to other areas of resource development such as forests and mining.

If an IPP meets the conditions set out in a Cabinet regulation, than it meets the exemption test. IPPs for this purpose would be ones that:

- have entered into an energy supply contract with BC Hydro, Powerex or with FortisBC;
- have also completed a provincial permitting and authorizations process; and
- total project must be located on Crown land (if the project is on private land these provisions do not apply and local government remains the authority.)

By moving to a single decision maker option, not only did this remove local government authority it also called into question the MOU that UBCM has in place with the Province on Independent Power Production. The purpose of the Agreement signed in September 2004 was to establish a means through which local governments and the Province can co-operate and collaborate to realize common goals. Two of those common goals include:

- recognizing the jurisdiction and accountabilities of both orders of government;
- providing efficient and effective IPP review and approval processes for both orders of government.

In response to Bill 30, the UBCM Executive endorsed the following motion, which was conveyed to the Province:

*That UBCM lobby the Province to set aside the Utilities Commission Act amendment, as proposed in Bill 30 and return to the MOU process.*

We are also aware that many members joined UBCM with that request, including three Area Associations that endorsed similar motions at their annual meetings. This section of the Bill received lengthy debate in the House but despite appeals to withdraw the amendment to the *Utilities Commission Act*, the Bill received Royal Assent on May 18, 2006. Extracts from the debate can be found on CivicNet at [www.civicnet.bc.ca](http://www.civicnet.bc.ca) under Featured Policy Topics/Energy/Independent Power Projects/Bill 30.

On May 25, 2006 the Honourable Richard Neufeld met with UBCM members as part of a member consultation session on Bill 30. During the session, the Minister outlined the Province’s need to move to a single decision maker process to provide certainty in the area of IPP development. He also put forward the following proposal to members:

- Formalize involvement of local governments in IPP development
  - amend the existing MOU with UBCM
  - a new MOU with UBCM or individual regional districts;
- Consider local government requests to designate less than 50 megawatt proposals as reviewable under the *Environmental Assessment Act*;
- Public meeting, open houses under provincial processes (e.g. Water Licensing and *Land Act* applications); and
- Squamish Lillooet RD: Water Act Reserves, possible regional IPP strategy.

During the session, the Minister indicated his intent to continue to consult with local governments. The members noted that they needed clarification about what would constitute “consultation”, what the new process would look like and how local governments would be engaged in that new consultation process. And, while they questioned amending the MOU or establishing a new MOU, members did acknowledge the need to ensure that local government interests were represented in the process in some form.

A full copy of the Province’s presentation is also located on CivicNet in the Bill 30 section of the online library (see previous file path).

## UBCM Act Updated

The UBCM Incorporation Act revision was approved by the Legislative Assembly on May 10, 2006.

This process was initiated by UBCM as part of its centenary. It had the support of Ian Izard, Q.C., Office of the Clerk of the Legislative Assembly and Brian Grier, Chief Legislative Counsel in the Ministry of Attorney General. The objective was to update the cross references in the 1959 UBCM Act and to reorganize the Act to make it easier to read. Under the rules for a statute revision, no changes to the policy can be made. Senior Legislative Counsel Janet Erasmus undertook the revision and has done a highly commendable job. Obtaining Cabinet approval will be the final step in bringing the new UBCM Act into force.

## Fiscal Imbalance

Local government has long complained about its reliance on property tax as its major source of revenue since it has no direct ability to access other major tax sources such as income, sales or natural resource revenue. The provincial government's previous Revenue Sharing Program was eliminated in the 1990s. Of late, however, there is renewed discussion of addressing the fiscal imbalance. It started at the federal/provincial level but is coming down to local government. FCM will release a paper in June before the meeting of provincial and federal ministers of local government. Premier Campbell made this statement recently in the Legislative Assembly:

*The Prime Minister has reiterated his clear commitment to reform intergovernmental fiscal relations that will ensure stable, long-term funding mechanisms that better serve all citizens.*

*Municipal and First Nations governments also need to be considered as part of that undertaking. British Columbia will put that issue squarely on the table in addressing the fiscal imbalance at the first ministers meeting later this year. It will pursue new vehicles that are less susceptible to the uncertain winds of political change. Treaties can be instrumental in that regard, and this government will pursue them with renewed vigor and new flexibility.*

## Agriculture Land Commission Vacancies – Nominations Sought

Advertisements for the four member vacancies (Kootenay, North, Interior and South Coast, plus a vice-chair for the South Coast) to the Board Resourcing & Development Office (BRDO) have been posted to the BRDO website. To view the advertisements, go to [www.fin.gov.bc.ca/oop/brdo/adverts.htm](http://www.fin.gov.bc.ca/oop/brdo/adverts.htm) and click on the "advertised vacancies" link, and then on either the ALC member or vice-chair posting. There is also a link to these openings on the ALC website home page at [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca). Individuals interested in applying can follow the online application instructions. The positions will be posted for three weeks, closing June 2, 2006.

## Assessment Act and Assessment Authority Act Under Review

The provincial government is undertaking a review of the *Assessment Act* and *Assessment Authority Act*. At their May meeting the UBCM Executive considered the Terms of Reference for this review, which has been prompted by the "limitations of the current property assessment system to respond to new and existing policy issues."

The general goal of the review is to ensure that the current assessment system is fair and equitable to the taxpayer and supports future economic growth. It will examine BC Assessment's governance and service quality and will also discuss issues related to assessment methodology and policy.

UBCM would like to see this review consider local government interests. In preparation for consultation by the Province, UBCM will be developing a summary of key issues raised by our members in recent years relating to assessment and their implications for property taxation, (e.g. "urban" farms, Short Term Overnight Commercial Accommodation Properties, etc). We invite our members to provide us with any current priority assessment issues they would like to see examined as part of this review. Please e-mail a background summary and description of the issue(s) to Alison McNeil at [amcneil@civicnet.bc.ca](mailto:amcneil@civicnet.bc.ca) by June 9, 2006.