1999 Elections Results

Is there a pattern in the results of the November 20th elections? You be the pundits. Here are some interesting statistics to consider.

All positions in six municipalities and one regional district were filled by acclamation. In the final analysis there were just over 150 (or 13%) elected officials (mayors, councilors and electoral area directors) who were acclaimed. Notable is that 39% of all electoral area directors and 22% of mayors were acclaimed. Number of acclamations is dropping by about 50 to 70 persons from the 1990 and 1993 elections

Over 500 or 44% of BC’s 1172 local elected officials (44%) are “newly elected” meaning they did not hold the office they now do prior to the election. “Newly elected” can include those who served on a council or board in a prior term, a councillor may have run for mayor and those who are indeed first time elected officials. Included in the 516 are:

- over one-third (38%) of mayors are new to the position
- 48% of councillors
- 42% of all electoral area directors

While the proportion of newly elected declined slightly from 1996 (44% compared to 48%) it is proving a relatively stable statistic over time being 44% in 1993 and 45% in 1990.

Local Government Again Meets the Need

In the wake of a CRTC decision that provided new customer billing and costing options for 9-1-1 service and the availability of a new service platform, expansion plans are spreading to many currently unserved areas of the province.

Effective October 14th, Powell River Regional District became the latest regional district to offer 9-1-1 services to its citizens. The service is provided in conjunction with the North Island 9-1-1 Corporation. Three more regions are prepared to roll out service during 2000:

- Columbia Shuswap (April 1)
- Thompson Nicola (May-June)
- Peace River (November)

Feasibility studies are underway in Kootenay Boundaries, Central Kootenay, East Kootenay and Cariboo. Telus announced very recently that, acting on a CRTC ruling, it will rebalance 9-1-1 customer billing thought introduction of charges to wireless users, reduction of rural and remote charges and bringing centres changes into line with regular charges.

January 2000

26-28 Richmond, BC

- All newly elected officials from municipalities with a population of 10,000 or more. (Excluding whenever possible AVIM, OMMA and AKBM newly elected officials).

February

2-4 Richmond, BC

- Newly elected Electoral Area Directors (only)

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The local government elections are over and the people have spoken. Some are thrilled with the voters’ choices, some bitter, but all should give thanks that we are able to freely make our choices. Congratulations to all those who have been elected and thank you to all those who have offered their names and platforms for consideration – and a special thank you to those who are retiring from local government politics – voluntarily or otherwise.

A brief breather and then we must regroup to plan and meet new challenges. We will soon have a new Premier and quite possibly a Provincial election in the New Year. We must not allow these distractions to divert the government from dealing with the crucial budget and legislative agenda that impacts on all UBCM members.

On behalf of myself and the Executive, and also your dedicated UBCM staff, may you have a wonderful Holiday Season, open meetings plus some legislation that the mandated us.

As part of the UBCM work program, staff travel to areas of the province annually and meet with municipal and regional district staff. Topics discussed include areas of concern with our membership, the Member Services Program and UBCM policy initiatives.

Each year visits are planned and approximately 25% of the membership outside the lower mainland. For the fall of 1999 and the spring of 2000 43 visits are planned.

For a full listing of all of the other Committee appointments please refer to the UBCM’s web site at: www.civicnet.gov.bc.ca.

SPECIAL THANKS TO DEPARTING EXECUTIVE MEMBERS

The Executive had very heavy responsibilities this year, but much was accomplished including:

- second year of Municipal Act reform results in broad service powers, some finance and taxation, open meetings plus some elements of elections and campaign financing.
- municipal small community protection grants confirmed for three years.
- Memorandum of Agreement gaming signed with the province.
- Gaming Committee he played a key role in the development and execution of the MOU with the province.
- Mayor Les also served as an active member of the Aboriginal Affairs Committee over the past year.
- Councillor Bonny Hawley served two terms on the Executive.
- During his time on the UBCM Executive Mayor Wallace served in a number of key roles such as Chair of the Justice and Protective Services Committee, Chair of the Convention Committee as well as serving on the Resolutions Committee.

The following Standing Committees and Special Committees have been established for the coming year with additional appointments to come once the four positions made vacant are filled at the upcoming December UBCM Executive meeting.

Local Government Awareness
Director Aaron Dinwoodie, Mayor Blair Lekstrom
Aboriginal Affairs
Director Jim Abram, Chair
Director Aaron Dinwoodie
Mayor Corrine lonsdale
LMTC Representative
All Executive Members ex-officio

Community Resources and Communities
Mayors Corrine Lonsdale, Mayor Blair Lekstrom
Mayors Arno Henrik
Gaming
Chair Mel Kokstisky, Chair
Mayors Lynne Kennedy
Councillor Judy Hayman
More appointments to note:
Councillor Patrick Wallace has been appointed as the UBCM representative to the FCM Board of Directors.
The Fisheries Sub-Committee to the Communities and Resources Committee remains in place with the following appointments:
- Mayor Gillian Trumper, Chair
- Mayor Jim Lorne, Campbell River
- Chair Graem Wells, Central Coast RD
- Mayor Gilbert Popovich, Alert Bay
- LMMA, appointee

1999/2000 Member Visits

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We would like to take some time to thank the following members for their contribution over the past year as they are not returning to the Executive:

- Mayor Steve Thorkelson, President
- Mayor John Ranta, Past President
- Director Jim Abram, 1st Vice President
- Mayor Hans Cunningham, 2nd Vice President
- Chair Hans Cunningham, 3rd Vice President
- Chair Graem Wells, Central Coast RD
- Mayor Jim Abram, Chair
- Mayor Corrine Lonsdale
- Mayor Arno Henrik
- Chair Mel Kokstisky
- Mayor Blair Lekstrom
- Mayor Arno Henrik
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- Mayor Hans Cunningham, 2nd Vice President
- Chair Hans Cunningham, 3rd Vice President
- Mayor John Ranta, Past President
- Justice and Protective Services Committee Chair Lynne Kennedy, Chair
- Mayor Jon Kingsbury
- Environment Chair Robert Hobson, Chair
- Mayor Jon Kingsbury
- Mayor Barbara Sharp
- Councillor Pat Wallace

For a full listing of all of the other Committee appointments please refer to the UBCM’s web site at: www.civicnet.gov.bc.ca.

SPECIAL THANKS TO DEPARTING EXECUTIVE MEMBERS......

Towers Perrin

MANAGEMENT CONSULTANTS
1100 Melville Street, Suite 1600
Vancouver, B.C. V6E 4A8
604 691-1002 Fax: 604 691-1062
OFFICES IN VANCOUVER, CALGARY, TORONTO & MONTREAL
UBCM Executive Welcomes New Members

We are pleased to introduce your 1999-2000 UBCM Executive. We are welcoming the following new members to the Executive:

- Mayor Arno Hennig, Greenwood, representing Association of Kootenay and Boundary Municipalities
- Councillor Mel Kositsky, Langley Township, representing Lower Mainland Municipal Association
- Mayor Blair Lekstrom, Dawson Creek, representing North Central Municipal Association
- Mayor Barbara Sharp, North Vancouver City, as Director at Large

As a result of the November elections four members that were elected to the Executive at the September Convention were not returned:

- Ann Hancock, Okanagan-Similkameen RD, Electoral Area Representative
- Bob Balcean, McBride, Small Community Representative
- John Crook, Langford, Director at Large
- Tom Baker, Maple Ridge, Director at Large

Pursuant to UBCM Bylaws these positions are to be filled by the UBCM Executive at their December meeting.
**Area Associations**

**SOOKE AND BOWEN ISLAND INCORPORATIONS**

Inaugural meetings for BC’s two newest municipalities, Bowen Island Municipality and the District of Sooke, will be held on December 4th and 7th respectively. Mayor Corinne Lonsdale represented UBCM at the Sooke inaugural. We congratulate the new Mayors and Councillors and welcome them to the UBCM.

To contact the new municipalities:
- District of Sooke
  2205 Otter Point Road
  Sooke, BC V0S 1N0
- Interim Administrator – David Gawley
  Phone: (250) 642-1634
  Fax: (250) 642-5274

Bowen Island Municipality
- Box 279
- Bowen Island, BC V0N 1G0
- Acting Administrator – Rick Page
  Phone: (604) 947-0243
  Fax: (604) 947-0193

**2000 AREA ASSOCIATION DATES**

- **Association of Vancouver Island Municipalities (AVIM)**
  March 10-12, District of Port Hardy
- **Association of Kootenay Boundary Municipalities (AKBM)**
  April 12-15, City of Cranbrook  * Note modified dates
- **North Central Municipal Association (NCMA)**
  April 27-29, City of Dawson Creek
- **Okanagan Mainland Municipal Association (OMMA)**
  May 3-5, District of Salmon Arm
- **Lower Mainland Municipal Association (LMMa)**
  May 11-12, Village of Harrison Hot Springs

**Other 2000 Dates**

- **Legislative Symposium (Vancouver area TBA)**
- **June 30**
  - Federation of Canadian Municipalities Conference
    (London, Ontario)
  - **June 30**
  - UBCM Resolution Deadline
  - **October 24 – 27**
  - UBCM Convention (Victoria)

**Ken MacLeod Retires**

Ken MacLeod, Assistant Deputy Minister for Local Government in the Ministry of Municipal Affairs, retired on January 7th. He has served 25 years with the Ministry. After schooling in Winnipeg, Ken joined the Ministry in 1975 after being enticed to B.C. as research officer. During his career, he held the position of Research Officer, Director of Research, Executive Director of Policy and Research, Assistant Deputy Minister, Acting Deputy Minister, Deputy Minister, and Assistant Deputy Minister from August 1994 to present.

His service as Deputy Minister was marked by a UBCM Life Membership in 1993. During this time the governance of B.C. communities has changed dramatically and Ken has provided advice to government on many of the initiatives.

Cabinet has appointed Dale Wall as new ADM. He takes up his duties in January. Dale is currently Executive Director in the Growth Strategies section of the Ministry of Municipal Affairs. Prior to joining Municipal Affairs in 1994 he was with the Ministry of Finance and Corporate Relations.

A number of events are being organized to celebrate Ken’s retirement including a reception on January 15th in Victoria and a dinner in conjunction with the Legislative Symposium in Richmond on March 8th.

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**No Increase in UBCM Dues**

The UBCM determined in July 1999 that they should budget for no increase in member dues for 2000. This is the 11th year in the last 19 years that UBCM has had no membership dues increase. Based on a 1982 benchmark, UBCM dues increases remain below what they would have been even if they were adjusted for CPI. Approximately 60% of UBCM operations are financed by member dues. The remainder of the operations are financed by fee for service programs including our Member Services program; Association Services or private sector sales.

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**If you’ve got questions, we’ve got the answers you’re looking for**

We have been providing the public sector with audit opinions and accounting advice for well over 60 years. But that’s not all. Increasingly, our clients are turning to us for related services as well, such as management advice, feasibility studies, financial indicators reports, financial planning, information technology, and human resources planning. Our specialized skills, tailored for your needs, allow you to use your resources — people, facilities, and money — as productively as possible.

For more information on how we can help your Municipality or Regional District, contact one of our 11 offices in British Columbia, or one of our offices across Canada. We’ve got the answers.

Provincial Contact: Brian D. Ross
Tel: (604) 660-2271.

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**Full Service Law Firm**

**Servicing the Interior of British Columbia**

**Municipal Law Contacts:**
Brian D. Ross  Frank R. Scordo

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**UBCM NEWS DECEMBER 1999**
The growth of wireless and other forms of telecommunications together with the entry of new local providers means that BC’s two area codes are now projected to run out of new blocks of numbers that can be provided to their customers; it is what is referred to in the industry as “area code depletion.”

Area Code 604 is projected to deplete in 2005 and 250 in 2007.

Five years prior to new numbers in an area code becoming depleted, a special agency is mandated to notify potentially interested parties, to advise them of potential options, and to receive suggested alternative area code plans. The first meeting is scheduled for June 25, 2000. The meeting is open to all interested persons but now has two board positions. This board will come in to place when the plan rules are established in regulation (expected for April 2000).

Some of the changed Board responsibilities include:

- must make recommendations on changes or amendments to plans;
- approve, in whole or in part and with or without modifications, the annual budget for pension administration and investment activities;
- nominate members of the board to the boards of the pension corporation and the investment management corporation.

The new legislation also provides for the establishment of British Columbia Investment Management Corporation (BCIMC) and the British Columbia Pension Corporation (BCPC). The BC Pension Corporation Board oversees the new pension administration agency, and approves its business plan and budget. It won’t formally exist before proclamation of the legislation (expected for April 1, 2000). However, the new Commissioner, John Mochrie, would like to get a shadow board going as soon as possible.

Governments are required to appoint four separate government/employer reps, one from each of the four pension boards. They will each be appointed by the pension board that they are a member of, and will be representing that pension board at the BCPC Board.

The BC Investment Management Corporation Board deals with the business plan, budget, conflict of interest, guidelines, staffing, and administrative matters of the new BCIMC. It will not be determining the investment strategies for the pension plans. The responsibility for determining or recommending those strategies rests with the pensions boards. Governments, will send two government/employer reps to this board from the four plans, and coordinate with the plan member reps to determine which plans will send somebody from the government/employers side.

UBCM received this information and relayed it to LMMA, AVIM, and potentially interested regional district and municipalities. UBCM offered to and did attend the first meeting on an information gathering basis after which local government might then consider their future involvement. Telecommunication companies are being asked to provide more detailed information on their projected need for new numbers. While several plans for new codes were presented, submissions of alternative letters were invited. The desire is to have an industry led group study and then propose for CRTC approval a new numbering plan. UBCM stressed the need for substantive public information and consultation. A future meeting is scheduled for December. It appeared there may be 911 related issues that need to be considered.

The BC Pension Corporation Board was also set up to implement the pension administration agency and approves its business plan and budget. It will not formally exist before proclamation of the legislation (expected for April 1, 2000). However, the new Commissioner, John Mochrie, would like to get a shadow board going as soon as possible. Governments are required to appoint four separate government/employer reps, one from each of the four pension boards. They will each be appointed by the pension board that they are a member of, and will be representing that pension board at the BCPC Board.

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Potential Impacts of WTO Trade Negotiations on Local Government

Although trade is sometimes perceived as a threat to local government autonomy, it is generally considered a policy concern of the federal government. UBCM has taken positions on past federal trade initiatives because of the potential adverse impacts these activities could have on local government. It proceeded with proposals as soon as they were presented.

Considerable public attention has been drawn to the recent round of World Trade Organization (WTO) talks that took place in Seattle (Nov. 30-Dec. 3, 1999). The proposals made at these talks explicitly included local government as part of their mandate, and the potential for adverse consequences to local government is substantial.

The one proviso that the federal government significantly extended was that the agreement in question would only apply to local government in Canada if the federal government agrees to do so. Prior to the Seattle talks, B.C.'s Minister responsible for Trade, the Hon. Mike Farnsworth, commented publicly that it is unlikely that the federal government will make sure that any future trade/investment agreements with the United States will be compatible with the Canadian system of local government.

In January 1999, these concerns were raised with the federal Minister, David Collenette, by the UBCM Executive. In response, the Minister indicated that plans to deregulate public transportation and charter bus operations would continue, but no final decision had been made on the deregulation of scheduled bus service. In March 1999, the Minister introduced Bill C-77 into the House. Some amendments to the bill were considered, but the bill is not yet in force.

In October 1998, the provincial Ministry of Transportation, Legal Transport and Safety (MOTL) invited UBCM, as well as a number of interested stakeholders, to participate in a workshop to discuss the impact of deregulation. UBCM participated in the session and made specific reference to the importance of the bus to local government for service to rural and remote areas. In many communities the bus provides a key transportation link. In some cases where no other transportation mode is available.

In January 1999, these concerns and others were raised with the federal Minister, David Collenette, by the UBCM Executive. In response, the Minister indicated that plans to deregulate public transportation and charter bus operations would continue, but no final decision had been made on the deregulation of scheduled bus service. In March 1999, the Minister introduced Bill C-77 into the House. Some amendments to the bill were considered, but the bill is not yet in force. This is due to the federal government’s inability to reach a consensus with the provinces on the issue, coupled with the fact that the federal government’s agreement with the provinces is required to trigger any new proposals in the air industry.

The MOTL staff indicated that the BC government’s plans to have its proposals on deregulation ‘on record’ by submitting a position paper to the federal government by year end. Provincial staff also advised that in the coming year the Motor Carrier Commission will be conducting a provincial review of the existing regulations, with an eye to look at streamlining and streamlining in the bus industry, which UBCM would be invited to participate.

Gaming Committee

Continued from page 5

2) develop recommendations for an evaluation process for gaming for the purpose of assessing any changes to its existing facilities ie. hours of operation, additional slots or changes to tables or limits (max number allowed)

3) develop recommendations for the evaluation criteria that should be used in the evaluation process. This is to include socio-economic criteria (i.e. what their needs are and what facilities are available so that a facility or two is needed)

BCM’s Gaming Committee had an opportunity to meet with Dr. Meekison on October 28th and convey the importance of the development of comprehensive gaming legislation. The Committee also stated its support for the inclusion of socio-economic criteria into the evaluation process. This had been one of the key recommendations put forward by the UBCM in its submission to the provincial government. Dr. Meekison indicated that his deadline for responding to the provincial government is January 31, 2000. Until the Meekeison report is completed no requests for other processes that local governments have in place for arbitration/mediation and Committee members reiterated their support for the development of comprehensive gaming legislation.

Dr. Peter Meekison is appointed as independent advisor to review issue of relocations and changes to existing facilities (July).

The UBCM’s Gaming Committee for the past few years including two submissions and lengthy negotiations with the province.

The MOA includes some of the following key elements that UBCM has been pressing the province on for many years:

- confirms local government’s right to make decisions as to whether new facilities or relocated facilities will be permitted within their boundaries;
- affirms local government’s right to decide whether slot revenues or other similar devices could be placed within their boundaries; and
- confirmed a revenue sharing formula with local governments.

At the same time the province also signed agreements with key charity associations confirming their revenue shares from gaming.

Further provincial announcements followed including:

- an end to gaming expansion in BC, no new facilities to be created in the next five years; and
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Executive to Consider Referred Resolutions

Convention delegates had an opportunity to consider all but 20 resolutions at this year’s UBCM, compared to 40 resolutions last year. These include B80 through to B100. Another 8 resolutions were referred to the Executive as directed by the delegates. These include:

- A15: Empowerment of RCMP Officers
- B23: Board of Variance Members
- B53: Georgia Basin Council of Local Governments
- B54: Surface Water Licenses
- B57: Endangered Species Act
- B64: Parks Legacy Interim Panel Report
- B79: Climate Sensitive Design Principles
- L84: Regulation of All Terrain Vehicles

All resolutions in both categories will be examined by the Executive at their December 9-10 Executive meeting. A disposition of these referred resolutions will be circulated to members following the meeting.

GARY WILLIAMS and ASSOCIATES

Comprehensive Development Plans
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Phone: (250) 825-9586  Fax: (250) 825-9615

MORE POLICY

BUS DEREGULATION PUT ON HOLD

On June 17, 1999, UBCM signed a Memorandum of Agreement (MOA) with the province on Gaming. The MOA was the result of a great deal of work by the UBCM’s Gaming Committee for the past few years including two submissions and lengthy negotiations with the province. The MOA includes some of the following key elements that UBCM has been pressing the province on for many years:

- confirms local government’s right to make decisions as to what new facilities or relocated facilities will be permitted within their boundaries;
- allows local government’s right to decide whether slot revenues or other similar devices could be placed within their boundaries; and
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Environmental tobacco smoke (ETS), or second-hand smoke, is a recognized health hazard and as such was included in the process to update the requirements. The second-hand tobacco smoke requirements were developed by workers and employers, aided by the WCB, over a six-year consultation period as well as all requirements in the Occupational Health and Safety Regulation. It was one of the most comprehensive consultation processes on regulation making ever undertaken in North America.

The primary mandate of the WCB is to protect the safety and health of workers in BC. The Board is committed to prevention of workplace injuries and illness due to occupational disease.

2. To what degree is second-hand tobacco smoke a hazard to workers’ health?

Second-hand smoke is a toxic blend of gases and small particles produced when tobacco is burned. It contains more than 4,000 chemicals, many of which are known to cause cancer. It also causes heart disease, asthmatic attacks and other lung diseases.

- Second-hand smoke increases the risk of lung cancer. In BC, it is estimated that 50 non-smokers die each year from lung cancer caused by ETS. (BC Ministry of Health, 1991)
- Second-hand smoke increases the risk of heart disease, including heart attacks. In BC, it is estimated that more than 500 non-smokers die each year from heart disease caused by ETS. (Health Canada)
- Health Canada estimates second-hand tobacco smoke kills more than 4,000 Canadians each year.
- More than 20 per cent, or 4,900,000 of all Canadians are exposed daily to ETS. Most of this exposure occurs in the workplace.

3. What exactly does the Regulation require?

The Occupational Health and Safety Regulation requires employers to control workers’ exposure to second-hand tobacco smoke through one of the following means:

- Prohibiting smoking on the job
- Restricting smoking in a designated smoking area or a separately-ventilated smoking room that is structurally separate from other work areas

Streamside Directives

In 1997 the provincial government passed the Fish Protection Act (Bill 25). The objectives of this legislation were to ensure water for fish and protect and restore fish habitat through protection of riparian areas around streams. The legislation under Section 12 provides for provincial policy directives to be established to protect and enhance riparian areas, as well as allowing for consultation by the Minister with representatives of the Union of British Columbia Municipalities.” Consultation around the process for creating riparian protection areas has been underway between local government, the Ministry of Environment, Lands, and Parks, the Ministry of Municipal Affairs and Housing, Government of BC, Fisheries and Oceans Canada since the passage of the Act and a regulation to cover streamside directives is expected to go to Cabinet in 2000. Local government in 1998 identified the following benchmarks as a basis for participating in the final process: clear liability protection; flexible approach to local government circumstance; technical assistance; and financial assistance to implement and manage the directives. A total of fifteen pilot projects were undertaken by local governments in the summer of 1999 to test the applicability of the streamside directives proposed by the provincial government. The studies indicated that the process was complex, detailed mapping and inventory information on the streams in the local communities was required if the directive was to be applied, technical ambiguities in the directives needed to be corrected, staff at all levels of government would require training to use the directives and the directives needed to address the use of these corridors for other purposes (wildlife, recreational trails, service corridors etc.). The pilot projects also indicated that there needed to be in place Memorandum Of Under-

Climate Change

In 1997 the federal government signed an international agreement to reduce Canada’s emissions from greenhouse gases to 6% below 1990 levels (Kyoto agreement). The provincial government in response to this agreement established the Greenhouse Gas Forum, made up of business, labour, environmental, public interest and local government representatives (including UBCM) to advise it on actions to reduce greenhouse gases. The federal government has provided Fisheries and Oceans Canada financial resources that might be used to assist this process, but these resources have only been allocated for two more years.

The model currently being looked at would establish “riparian reserves” along streams that would allow limited activity in the designated setback areas that were not considered by the federal or provincial government as detrimental to fish habitat. Local government would in many instances be responsible for the costs associated with maintaining these reserves.

Municipal House is Your Office in Victoria

Municipal House is located at 545 Superior Street, right behind the Parliament Buildings in Victoria. UBCM members are reminded that they are invited and encouraged to use these offices while doing business in Victoria. We have telephone, fax and internet facilities available for your use at no charge as a UBCM member. Need some photocopying for a presentation? Come and see us. Eydie Fraser, our Executive Coordinator, would be pleased to welcome you even if you just want a place to pause and consider your strategies between meetings with provincial government officials. The coffee is always on.

UBCM NEWS DECEMBER 1999
New Septic Sewage Regulation

The Ministry of Health is responsible for the construction, operation, and management of small sewage facilities serving nineteen or fewer residences and is in the process of developing new septic sewage regulations. A local government working group has been established to provide advice to the ministry on these new regulations.

The ministry is currently examining a number of different options. One option is to develop a complete set of regulations requiring ongoing inspections by environmental health officers of septic systems. A second option is to focus the ministry’s involvement on single lot/single residence developments where a standard septic system can be used, and the servicing of other types of developments would be addressed by the local government when dealing with the approval of the land use and zoning related to the development.

One of the current problems that the Ministry of Health is hoping to address by these changes is the “piecemeal” implementation of the septic sewage regulations and the potential for the regulation to be interpreted differently by each local government. The ministry recommends that the regulation be implemented in a consistent manner to avoid any confusion.

Endangered Species

According to the federal government there are 339 endangered species in Canada and the loss of habitat accounts for 75% of the decline of wild species that are currently listed as threatened or endangered, such as the purple caribou, the eastern cougar and the loggerhead shrike. Environment Canada has indicated that it will be bringing forward new endangered species legislation to preserve the habitat of animals at risk of extinction. The proposed legislation would create a $20 million fund to compensate landowners who agree to protect critical habitat or who cannot use their land for economic gain as a result of it being identified as essential habitat for an endangered species.

The legislation would provide legal protection, including automatic prohibitions against killing, harming, harassing, capturing, possessing, buying or selling of an endangered or threatened species. Under the legislation the federal government would have the power to invoke criminal law powers to protect endangered species in the event that a landowner deliberately or recklessly engaged in the destruction of habitat that had been designated as essential to the survival of an endangered species or in the event that a province did not have the capacity or intent to provide protection for endangered species.

The intent of the federal government is to create a framework in which the provinces and economic interests can develop a co-operative approach to ensure the future recovery and protection of endangered species. The UBCM has recommended that the province consider an appropriate response as further details are released by the federal government.

Contaminated Sites

The provincial government in 1993 amended the Waste Management Act introducing contaminated sites legislation and a regulation implementing the contaminated sites legislation. The Ministry of Environment, Lands and Parks is continuing to undertake a comprehensive review of the contaminated sites regulation.

The UBCM has provided an initial cut of local government concerns that might be dealt with in the review of the contaminated sites regulation:

administration - need for better information to industry about the issue, map of the property with the application etc.
flexibility in the process;
approval that water was being dealt with in a ‘piecemeal’ manner;
property taxation - elimination/reduction of property taxes due to contamination of property and abandonment/failure to clean-up sites;
joint and several liability of parties;
widely re-zoning - need for local government exemption from filing site profiles where the zoning and/or land use remains unchanged;
treatment of small sewage facilities; and
cover cost of review in large urban areas.

Drinking Water – Who is protecting it?

The Auditor General released a report in April 1999 on the province’s efforts to provide a plan to protect drinking water sources in eight communities around the province: Fort St. John, Prince George, Williams Lake, Prince Rupert, Trail, Kelowna, Abbotsford and Nanaimo. The Auditor-General concluded that the province was not adequately protecting drinking water sources from human related impacts and that one of the key problems was “the lack of an effective, integrated approach to land use management.”

The Select Standing Committee on Public Accounts reported that all recommendations of the Select Standing Committee on Public Accounts had been adopted by the standing committee of provincial and municipal ministers and agencies involved in water management had been established and that an action plan to improve the administration and enforcement of drinking water had been developed.

The Committee was told that no action plan was in place there were no deadlines or targets for its implementation and that the lead agency for addressing the problems identified in the report had not been identified.

The Auditor General, when asked if a key concern identified in his report that water was being dealt with in a ‘piecemeal’ fashion had been addressed by the provincial government, indicated that it was still concerned about the issue and that the new accountability and reporting plan was not a “front-desk” issue for the government. It ‘s not being handled as a priority issue. It’s part of something else.”

Beverage Container Program Expanded

In 1970 British Columbia introduced the first mandatory recycling system for beer and soft drinks in North America. In 1998 the provincial government expanded the beverage container deposit refund program to include most ready-to-drink beverages (including 100% non-alcoholic), milk and milk substitutes, in response to many years of requests by UBCM and other groups.

On October 1, 1999 the beverage container program was expanded to include plastic and paper milk containers and plastic pouches. A deposit of five cents is charged on all ready-to-drink non-alcoholic beverages in containers one litre or less, and 20 cents on containers over one litre.

The new beverage container stewardship program has been very successful. The industry steward for non-alcoholic beverage containers had an estimated recovery rate of 75%, the industry steward for wine, spirits and imported beer had an estimated recovery rate of 75%, and the industry steward for non-alcoholic beverage containers had an estimated recovery rate of 81%.
Next Phase of Municipal Act Reform

Continued from page 15

and commissions. As you recall, these items came up as part of the broad corporate powers work, but were deferred at that time:

• The role of the Provincial government in a number of discrete areas such as, the highway abandonment process, replatting, the classifying and naming of municipalities, and the remaining provincial approval requirements.

While a review of provincial approvals was undertaken during the first year of the reform, it may be useful to have a look at these again in the context of broad local government powers:

• Limited regulatory powers update. This would include both a technical consolidation and modernization of the current general regulatory powers (e.g., nuisance) as well as a policy review with respect to building regulatory uniformity issues;

• Review of the tax sale process.

Last year, the fiscal year of the reform, it may be useful to delineate the tax sale process.

Sooner after your convention, I will be seeking Cabinet endorsement of the proposed 2000 legislative agenda. As you know, I cannot control the government’s legislative agenda, nor is UBCM the only group from which input on that agenda will be sought. We must, therefore, leave open the possibility of changes to these proposals to better integrate them with emerging government priorities.

During the workshop on new legislation, a questionnaire was distributed and collected from approximately 70 respondents. (See results of the questionnaire in a related article.)

• What are the next steps? It was agreed that further work and consultations should be undertaken to develop the proposed legislation and that proposals will be presented at the third Symposium on New Local Government Legislation, likely to be held in early March.

CivicNet Update

CivicNet is a UBCM Member Service website that provides a single window access to and for local governments in British Columbia. Established in September 1995, the site provides:

• access to information on 180 municipalities (cities, districts, towns, villages) & regional districts and the associations of BC local government;

• links to provincial, federal and other information sources of particular interest to BC local government; and

• a UBCM Executive list & staff list, Executive Meeting Highlights, Member Releases, Annual Reports, 10 years of resolutions, surveys and other UBCM information sources.

UBCM staff are continually updating the CivicNet website and following are some new items that have been recently added:

• Disposition of Resolutions Considered at the 1999 UBCM Convention October 8, 1999

• 1992 – 1998 Provincial Responses to the UBCM Resolutions

• Member List (now 82 members with a direct link to their website) and the

• Updated UBCM Bylaws

Future items to be posted to the website include:

• 1999 Annual Report

• Highlights of the December Executive Committee meeting

• Updated Guide to Information Services and the

• 2000 Local Government Awareness Week program

If you would like additional information regarding the website, please contact Barbara Ingamells, Manager, Member Services at email: info@marb.gov.bc.ca.

Access the CivicNet website at the following address http://www.civicnet.gov.bc.ca.

Water Conservation

Continued from page 14

The Government of Canada, the Province of British Columbia and the British Columbia Water & Waste Association (BCW&A) have entered into a Partnership Agreement to communicate, facilitate and monitor implementation of the Water Conservation Strategy for BC. Municipalities and regional districts are key water suppliers, management and conservers.

The BCW&A is in the process of developing a series of Best Management Practices Guides focusing on municipal and regional water conservation planning and management and needs volunteers from local government to assist in developing these guides. If your local government is interested in participating in this project or would like more information contact Ellen Libermann in Vancouver 604 540-0111 or e-mail wucet@bcwwa.org.

UBCM News December 1999
An afternoon session during the 1999 Convention on proposed directions for changes to regional district legislation was very well attended. It began with the UBCM representatives on the Steering Committee presenting an overview of the results of the regional consultations held in June-July. Professor Bob Bish also presented the results of research he had conducted on behalf of the BC government, indicating a high interest among delegates in governance structures compared favourably to North America and he also presented 20 specific recommendations. There was lively discussion after the presentations, indicating a high interest among delegates in this topic.

The second part of the session began with a presentation of the Steering Committee’s ten recommended directions, grouped into three thematic areas:

• overall directions
• directions on electoral areas
• direction on service areas

Each of the delegates at the Urban Forum were then asked to identify the three major issues that their community would have to face in the next three to five years. The delegates identified the following issues as the key issues that urban communities would be faced with over the next few years:

Community Safety — Policing Infrastructure

The third annual Urban Forum provided an opportunity for urban representatives to meet with elected officials around the province and to discuss common problems faced by their communities. The intent of this year’s forum was to explore the major issues faced by urban communities today, to identify priorities for the coming year, and to begin developing an action plan to address these issues.

The session began with a report on actions taken by the UBCM on issues of specific interest to urban communities, such as gaming policy, liquor policy, urban treaty issues, Municipal Act reform, streamside directives and justice issues (traffic fine revenues, bylaw courts, proceeds of crime etc.). Each of the delegates at the Urban Forum were then asked to identify the three major issues that their community would have to face in the next three to five years. The delegates identified the following issues as the key issues that urban communities would be faced with over the next few years:

Community Safety — Policing Infrastructure

Future UBCM Convention Locations

The 2000 UBCM Annual Convention has been confirmed for Victoria from Tuesday, October 24 to Friday, October 27 at the Victoria Conference Centre. A list of hotel blocks was circulated to members; please call the UBCM office if you require a copy.

Based on the results of a member survey, the UBCM Executive endorsed that the UBCM convention will continue to rotate to Vancouver every other year. Victoria, Penticton, Whistler, and Kelowna have indicated interest in hosting the alternate years. The UBCM Convention Committee will propose a rotation schedule at the December Executive meeting. A notice regarding future locations will be circulated to members following confirmation. The following Vancouver dates have been confirmed at the Vancouver Convention & Exhibition Centre:

2001: Tues. Sept. 25 to Fri. Sept. 28
2003: Tues. Sept. 23 to Fri. Sept. 26
2005: Tues. Sept. 27 to Fri. Sept. 30
2007: Tues. Sept. 25 to Fri. Sept. 28
2009: Tues. Sept. 29 to Fri. Oct. 2
2011: Tues. Sept. 20 to Fri. Sept. 23
2013: Tues. Sept. 17 to Fri. Sept. 20

The 2000 UBCM Convention will be held in Victoria October 24–27. The business sessions will be held at the Victoria Conference Centre. Accommodation will be in surrounding facilities and information on accommodation has been distributed to all members. You should reserve now with over 1,400 delegates and others expected to attend. It’s a good idea to get your space secured now. Planning is already underway for the next year. For those new to the event, the basic format of a UBCM Convention is:

**Monday**

Pre-conference study tours and study sessions (optional)

**Tuesday**

Three special forums for: Small Communities; Regional District Electoral Areas; Large Urban Communities and the Opening Reception

**Wednesday – Friday noon**

Main Convention - business sessions, clinics, workshops, keynotes addresses and much more
Delegates Evaluations

At press time, we had received 164 delegate evaluation forms, or 19.5%, down from last year’s high of 30%. Sixty-one percent of you rated the conference as ‘good’ overall – with a composite rating of 3.9 out of 5. Some of you voiced the opinion that this conference was ‘generally uninvigorating, lackluster – attributable, some speculated, to local elections being just weeks away and also to the current state of the provincial government. Provincial-content ratings declined slightly over 1998 – most complaints stemming from conflicting times of meetings and sessions. On the positive side, you told us most workshops, clinics and sessions were well received and informative with effective speakers.

Thursday’s Telecom 101 clinic attained a perfect score! Resolutions ran the smoothest in years, and probably would have received more favourable comment had guest keynote speakers not gone overtime.

An overwhelming number of you cited networking and information sharing as the most liked aspect of the convention, and the Delegates Lounge was a welcome innovation. You were also impressed by the quality and quantity of exhibits at this year’s Tradeshow, rating it 4.2 overall (up from 4.1 in 1997).

Food services were a dramatic improvement over our last visit to VCEC – your comments do have bearing (‘mutant lasagne’ did not appear at this year’s convention)!

Thank you to all of you who took the time to respond to our questionnaire. Your feedback enables us to respond to your needs – keep them coming!

UBCM Executive, members and staff wish to thank the following SPONSORS for contributing to the success of the 1999 UBCM Convention:

Alexander, Holburn, Beaudin & Lang
Aqualta
BC Agriculture Council
BC Assessment Authority
BC Buildings Corporation
BC Gas Inc.
BC Hydro
BC Salmon Farmers Association
Canada Life
Canada Post Corporation
Canadian Organization of Forest Industries
Canadian Pacific Railway
Canadian Wood Council
Cariboo Lumber Merchants’ Association
Certified General Accountants Association of BC
Coast Forest & Lumber Association
Credit Union Central of British Columbia
Forest Alliance of BC
Forest Renewal BC
ICBC
Interior Lumber Merchants’ Association
KPMG
Kwantlen University College (students of Floral Design)
Lidstone, Young, Anderson
Municipal Finance Authority
Municipal Insurance Association of BC
Murdy & McAllister
Northern Forest Products Association
Pacific Blue Cross
Pattison
Ray & Berndtson / Tanton Mitchell
Rogers
Shaw Communications
Singleton Urquhart Scott
Stantec
Staples McDannold Stewart
Trans Mountain Pipeline Company Ltd.
United Flower Growers Coop
Urban Systems
Weyerhauser Canada

Special thanks also to the City of Vancouver for their financial contribution.

COMPARATIVE RATINGS OF THE 1993-1999 CONVENTIONS

NOTE: Ratings are rounded, percentages are actual calculated.

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<tr>
<td>1999</td>
<td>3.9</td>
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<td>3.7</td>
<td>4.1</td>
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<td>4.2</td>
<td>4.2</td>
<td>4.2</td>
<td>0.0%</td>
<td>5.4%</td>
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PRE-CONFERENCE PROCEDURES

Registration Procedure
4.4
4.5
4.3
4.4
4.4
4.4
-2.2% 2.2%

Procedures for Submitting and Vetoing Resolutions
4.6
4.0
3.9
4.3
3.9
3.9
3.3% 26.8%

CONFERENCE FACILITIES

Message and Fax Centre
4.3
4.4
4.3
4.3
4.3
4.4
-1.8% 9.5%

Office Services Booth
4.0
4.2
4.2
4.2
4.2
4.2
2.5% 2.9%

E-mail Services
4.2
- not previously evaluated

UBCM Daily News
4.2
4.3
4.2
4.2
- not previously evaluated

 Suffolk
3.8
4.1
4.2
4.1
4.0
4.2
3.0% -4.0%

Hotel Accommodation
4.1
3.4
3.0
4.5
4.1
4.2
19.1% 13.5%

Conference Centre Facilities
4.3
4.1
3.9
4.2
3.9
4.2
6.1% 11.5%

On-site Convention Registration
4.4
4.3
4.2
4.2
4.2
4.2
2.2% 4.6%

Petty Cash Program Desk
4.2
4.1
4.5
4.1
- not previously evaluated

-1.9% 6.5%

CONFERENCE FUNCTIONS

Regional District Luncheon (Tuesday)
4.3
3.9
2.1
3.9
3.3
4.0
-2.0% 55.0%

Saskatchewan Luncheon (Tuesday)
4.2
3.6
2.4
4.1
3.4
3.9
7.6% 74.6%

Large Urban Luncheons (Tuesday)
4.2
3.9
2.5
( not previously offered)
3.7% 61.9%

Welcome Reception (Tuesday)
4.2
4.2
4.2
4.4
4.4
3.9
4.1
1.1% 33.7%

Continental Breakfasts
4.0
3.8
2.3
4.0
4.1
4.0
6.0% 75.2%

Coffee Services
4.3
3.8
2.0
4.0
4.0
4.1
6.5% 34.9%

Area Association Luncheons (Wednesday)
3.9
3.8
2.7
4.1
3.6
4.1
-3.5% 46.2%

Delegates’ Luncheon (Thursday)
4.0
4.0
3.3
4.1
3.8
4.2
8.6% 21.7%

Annual Banquet (Thursday)
4.3
4.3
4.1
4.1
4.1
4.1
5.6% 5.0%

Annual Dinner (Thursday)
4.1
4.0
4.1
4.0
3.5
4.0
3.0% 5.0%

PROVINCIAL CONVENTION

Provincial Appointments Desk (Wendy Staff)
3.6
3.7
3.7
3.7
3.8
3.2
-1.9% -5.0%

Opportunity to Meet With Municipal Affairs Officers
3.5
3.8
3.7
3.5
3.5
3.5
3.7
3.8% 2.9%

Opportunity to Meet With Minister of Municipal Affairs
3.6
3.7
3.7
3.7
3.8
3.6
3.6% 24.5%

Opportunity to Meet With OMPA Cabinet Ministers
3.3
3.3
2.7
3.6
3.4
3.3
-3.4% 18.7%

Opportunity to Meet With Other Provincial Officials
3.5
3.4
3.3
3.8
4.0
3.8
-4.1% 7.2%

Ministry Workshops (Wed. pm.)
3.5
3.7
3.4
- not listed as a workshop
-3.8% 3.4%

PRE-CONFERENCE SESSIONS

Overall Study Tours Rating
3.2
3.8
3.7
4.0
4.0
3.9
3.9
1.1% 3.8%

Overall Study Tours Rating
4.7
4.8
4.7
4.7
4.4
4.4
2.2% -0.2%

CONFERENCE PROGRAM CONTENT

Regional Districts Forum
3.5
3.6
3.5
3.9
3.8
4.0
4.0
-3.1% -0.0%

Small Talk Forum
4.0
3.8
3.7
4.1
4.0
4.0
4.2
4.9% 7.7%

Urban Community Forum
3.6
3.6
3.7
4.0
3.8
4.0
-0.3% -0.5%

New Act Reform at Regional Legislation Session (Tuesday)
3.7
3.3
3.5
3.5
3.2
3.2
-4.8% 23.5%

Resolutions Sessions
3.8
3.9
3.7
4.1
3.7
3.7
-0.8% 50.9%

Elections Proceedings
3.6
3.7
3.9
4.0
3.9
3.9
3.5
4.3% 7.2%

Policy Papers (Wed. am.)
3.5
3.7
3.6
3.9
3.7
3.6
-1.8% 6.1%

Keys to: Canoe Taylor (Thurs. a.m.)
3.7
3.6
3.5
4.1
3.7
4.0
6.0% 7.1%

Keys to: Anson McAllister (Fri. am.)
3.3
4.5
- 4.0
- not previously evaluated

Overall Early Bird Clinic Rating
3.0
3.0
2.4
3.9
2.8
3.9
3.8
1.8% 13.0%

THURSDAY AFTERNOON WORKSHOPS

Open for Business – Strategies for Econ. Development
3.7
- not previously evaluated

Smart Communities
4.0
- not previously evaluated

Film and the BC Economy
4.0
3.0
- not previously evaluated

BC Economy = Communities + Resources
3.8
3.0
- not previously evaluated

Economy of Arts, Culture and Heritage
3.8
3.4
4.0
3.0
3.9
3.7
6.9% 6.4%

OVERALL SEMINAR RATING
3.8
3.4
3.9
4.0
3.9
3.7
3.7% 6.9%

OVERALL PARTNERS PROGRAM RATING
4.3
4.5
3.9
4.4
4.0
4.3
4.2
-3.0% 11.3%
Awards Given at the 1999 UBCM Convention

A number of awards were presented at various points throughout this year’s convention – some of the more pleasant duties associated with our annual meeting.

Long Service
At the 1999 UBCM Convention, President John Ranta was pleased to present Long-Service Awards in recognition of 25 years’ service to local government as a Mayor, Councillor or Director to:

- Councillor Michael Caljouw, City of Duncan (second row, right)
- Councillor John Keryluk, City of Port Coquitlam (top, left)
- Mayor Jack Loucks, City of North Vancouver (bottom, right)
- Councillor Wesley Demchuk, Village of Midway (accepted on his behalf by Mayor James McMyn)

Life Membership
President-elect Steve Thorlakson presented a Life Membership to Cache Creek Mayor John Ranta in recognition of his service as UBCM President, 1998-1999. (top, right)

Energy Aware
Gary Hamer of BC Gas and last year’s winner, the City of North Vancouver (represented by Mayor Jack Loucks), presented the Energy Aware Award to this year’s winner, the City of Surrey. (bottom left)

Local Government Awareness
Director Aaron Dinwoodie and the Honourable Jim Doyle, Minister of Municipal Affairs, presented the 1999 Local Government Awareness Awards as follows:

- **Year Long Award**: City of Langley (accepted by members of City Council and City Administrator Bob Wilson)
- **Month Long/Week Long Award**: City of Kelowna (accepted by Councillor Sharon Shepherd)
- **Web Site Award (Small Community)**: District of Port Edward (accepted by Mayor Ed Wampler)
- **Web Site Award (Medium-Sized Community)**: City of Chilliwack (accepted by Mayor John Les)
- **Web Site Award (Large Community)**: District of North Vancouver (accepted by Mayor Don Bell and Municipal Manager Gord Howie)


The benefits of participat-

ing in physical activity and

sport, throughout one’s lifetime are well docu-

mented. Lifelong participa-

tion starts early in child-

hood and, at first glance, one would expect that 

there are as many oppor-

tunities for girls as for boys. However, in most segments of Cana-

dian society a gap emerges in physical activity levels between boys and girls at about the time of puberty. The gap widens through 

teen years and solidifies at adulthood, at which time the physical activity levels slow down. There is no evidence to suggest that the gap decreases as women get older. Further-

more, there is evidence that Canadian municipal Parks 

and Recreation Depart-

ments may contribute to this gap by subsidizing more sport and physical activity for males than for females. While some pub-

lic facilities, like swimming pools and fitness studios, tend to serve both genders equitably; others, such as arenas, sports fields and gymnastums, often do not.

The result may be public investment in recreation derives less health benefit for women than for men, a goal that is not attainable, not just occurring in regist-

ered program settings, were examined, service to both genders might be rela-

tively equal. However, the complainant and the HRC focussed on the complaint only on sport and physical activity to ensure that only subsidized activities were 

compared. Within this scope, there appeared to be inequity.

As the complaint went to the next stage, the City and the Complainant agreed to the option of Mediated Discussions (as opposed to Tribunal Hear-

ings). Because of the pub-

clic policy implications of the issue in BC, the HRC’s Deputy Chief Commissi-

ioner signed a co-

respondent to the process to 

protect the public interest. On March 8, 1999, the three parties agreed on a five-

part Gender Equity Pro-

gram.

ONE

A monitoring process to gather valid and reliable statistics on the City subsid-

sary of sport and physical activity based programs by gender to track the progress toward the goal of 50% reduction of bias over five years, including a similar increase in female participation rates relative to current ratios;

TWO

Creation of a Gender Eq-

uity Committee to coordi-

nate the Program and its allocations to the City Council on its implementa-

tion;

THREE

Creation of a new city staff

position titled Gender Eq-

uity Coordinator to spear-

head City efforts in the Pro-

gram and support the 

Committee;

FOUR

Establishment of a Gender 

Equity Fund ($50,000.00 

per year for a minimum of 

five years) to rectify the 

bias to the next stage, the City facilities have a Gen-

der Equity Policy.

Many questions about the 

Program are still un-

clear and its implications 

uncertain. The Gender Equity Committee in Coquitlam will be dealing with the 

details.

The Chief Commiss-

ioner of the BC Human Rights Commissi-

on wrote in a letter that she is “... hopeful that the establishment and implementation of the Program will not only effect both attitudinal and systemic changes but will also serve as 

a model for other municipal governments to follow in the future”.

5) While we must be sensi-

tive to cultural mores and tra-

ditions, all females in Canada can benefit from participation in physical activity. Attempts must be made to create pro-

grams, facilities and services to cater to females regardless of ethnic background or cul-

tural traditions.

6) Specific initiatives will vary by community but may include:

- Prioritizing activities domi-

nated by females in facility allo-

cation processes;
- Staff training to sensitize all staff and learn how to facilitate female participation;
- Encouraging female participa-

tion in marketing activities.

Using role models, pilot projects and special programs which target inactive females;

Ensuring that funding to “tra-

ditional group” is not the primary determination in resources allo-

cation;

Development of Gender Eq-

uity Policy;

Development of Harassment and Abuse Policy;

Ensuring that municipalities work with non-profit voluntary sport organizations who use municipal facilities, but are au-

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eral equity policy.

We recognize that each municipality will respond to this issue in a way that reflects its particular situa-

tion. We know many of our members have been struggling with this issue for years. Most have taken steps to rectify inequities of various types in their parks and recreation sys-

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gal implications of the Coquitlam case are still unclear, and its effect in other jurisdictions uncer-

tain, at a minimum, the case provides an impetus to address the issue.

Finally, BCRA and CPIA would like to com-

mend the City of Coquitlam for its pioneering leader-

ship on this issue once the problem was identified and clarified. Its efforts will provide guidance for other members of BCRA and CPIA so they might have an easier road to follow.

UBCM News December 1999

The Specific Case

A non-profit gymnastics club with a predominantly female membership made repeated requests to the City of Coquitlam, BC for financial assistance to help pay for the privately owned gym it rented. The requests were made on the grounds that the City sub-

sidized other facilities used by non-profit sport groups. The requests were denied. The father of a gymnast, concluding that this constitutional discrimination on the basis of gender, filed a complaint with the BC Human Rights Commis-

sion (HRC). The Commis-

sion’s preliminary investiga-

tion concluded that there were grounds for the complaint to proceed. The complaint suggested that in Coquitlam, like many Canadian communities, public funds were more likely to subsidize the 

traditional male-dominated 

sport and physical activities 

than female activities. The City felt that if activity in all its parks, recreation and cultural programs at just that occurring in regist-

ered program settings, were examined, then subsidized activities might be rela-

tively equal. However, the complainant and the HRC focussed on the complaint only on sport and physical activity to ensure that only subsidized activities were compared. Within this scope, there appeared to be inequity.

As the complaint went to the next stage, the City and the Complainant agreed to the option of Mediated Discussions (as opposed to Tribunal Hear-

ings). Because of the pub-

clic policy implications of the issue in BC, the HRC’s Deputy Chief Commissi-

on signed a co-

respondent to the process to 

protect the public interest. On March 8, 1999, the three parties agreed on a five-

part Gender Equity Pro-

gram.

ONE

A monitoring process to gather valid and reliable statistics on the City subsid-

sary of sport and physical activity based programs by gender to track the progress toward the goal of 50% reduction of bias over five years, including a similar increase in female participation rates relative to current ratios;

TWO

Creation of a Gender Eq-

uity Committee to coordi-

nate the Program and its allocations to the City Council on its implementa-

tion;

THREE

Creation of a new city staff

position titled Gender Eq-

uity Coordinator to spear-

head City efforts in the Pro-

gram and support the 

Committee;

FOUR

Establishment of a Gender 

Equity Fund ($50,000.00 

per year for a minimum of 

five years) to rectify the 

bias to the next stage, the City facilities have a Gen-

der Equity Policy.

Many questions about the 

Program are still un-

clear and its implications 

uncertain. The Gender Equity Committee in Coquitlam will be dealing with the 

details.

The Chief Commiss-

ioner of the BC Human Rights Commissi-

on wrote in a letter that she is “... hopeful that the establishment and implementation of the Program will not only effect both attitudinal and systemic changes but will also serve as 

a model for other municipal governments to follow in the future”.

5) While we must be sensi-

tive to cultural mores and tra-

ditions, all females in Canada can benefit from participation in physical activity. Attempts must be made to create pro-

grams, facilities and services to cater to females regardless of ethnic background or cul-
tural traditions.

6) Specific initiatives will vary by community but may include:

- Prioritizing activities domi-

nated by females in facility allo-

cation processes;
- Staff training to sensitize all staff and learn how to facilitate female participation;
- Encouraging female participa-

tion in marketing activities.

Using role models, pilot projects and special programs which target inactive females;

Ensuring that funding to “tra-

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Since 1980 our firm has restricted its practice to acting for local government and providing advice concerning municipal law to other clients.

British Columbia is on its way to becoming a water-use efficient province. In a recent survey of regional districts, municipalities and improvement dis-

tricts, 76% of B.C. re-

spondents have already developed, or are in the process of creating water-use efficiency programs. Despite these efforts, over 17% of our surface water sources have reached or are nearing their capacity to reliably supply water. Groundwater levels are declining and over one-

third of our aquifers are vulnerable to contamin-

ation. While the water sup-

ply situation is not a seri-

ous problem for many communities, this figure tells us that the availabil-

ity of a healthy, sustain-

able and plentiful water resource can no longer be pre-

sumed.

The Water Conservation Strategy for British Colum-

bia (available at www.env.gov.bc.ca) lays

points to the need for a more coordinated, prov-

ince-wide approach to water-use management to ensure the most efficient use of our resource. The Strategy offers a general framework and a menu of water-use efficiency tools from which to be-

Assessing water supply and water demand manage-

ment tools. It builds upon the work undertaken by various municipalities, regional districts and improvement districts around the province.

Continued on page 23
Delegates Provide Input on 2000 Legislation

Contributed by Local Government Policy Section, Ministry of Municipal Affairs

A survey conducted at the UBCM Convention gave delegates the opportunity to provide input on 2000 legislation. The Questionnaire on Proposed 2000 Legislation was distributed at the Municipal Act New Legislation Monday afternoon study session. Results from the survey in relation to such issues as public consultation and development variances are detailed below.

Public Consultation

More than 50 per cent of respondents indicated that the public hearing process is flawed and suggested that there be more public information and advertising, in-camera presentations and clear rules on time limits. A few respondents suggested that public information sessions should be held before the hearings and that a neutral third party be selected to manage the process.

Response was mixed on whether it was important to provide alternatives to public hearings. Thirteen (28 per cent) of the respondents indicated public hearings are very important, 35 per cent indicated they were only moderately important, while 36 per cent indicated they weren’t important at all.

Development Variances

The survey also indicated that there is confusion about the respective powers of the Developers of the Development Variance Permits (DVP) and the Board of Variance (BOV). Half of the respondents use the DVP to grant variances to local government bylaws. Thirty-seven per cent use both, and 14 per cent use only the BOV. A small number of respondents suggested that a clearer definition of the powers of both be developed through education sessions, while other suggestions included eliminating one or the other, allowing local government to choose either the DVP or BOV or hearing appeals at the planning committee level.

Counter Petitions

A number of respondents confirmed that they had experienced significant problems with counter petitions:

- Lack of public understanding of counter petition process (56 per cent).
- Inability of the number of electors, 32 per cent.
- Timing of the counter petition in relation to planning the project (31 per cent).
- Verifying all signatures (29 per cent).
- One project may involve more than one matter that needs to be counter petitioned (29 per cent).

Classes of Municipalities

The majority (64 per cent) of the respondents considered “class of municipalities” unnecessary, while 31 per cent were neutral on the topic, and only 5 per cent considered classification important.

Other Proposed Legislative Items

Commissions

Commissions are established in 66 per cent of the respondents’ municipalities or electoral areas. The most common commissions were parks, recreation and advisory planning. Others included heritage/culture and economic development, airport/tourism/transportation, water/sewer, civic properties.

Seventy per cent of the respondents support repeal of specific provisions and rely on general powers to establish commissions.

Committees

Issues that should be addressed concerning committee appointments:

- Eight respondents indicated council should appoint or be consulted, three respondents indicated there should be broader representation. Others wanted a limited length of term, more communication with the public on the purpose of committees, more mayoral control over appointments and that committees should exclude the mayor and lay people.

Of the respondents, 62 per cent agreed on the option to repeal specific authorities for appointment of committees and rely on the general council powers to delegate.

Majority duties

A large majority (81 per cent) agreed that the list of mayoral duties included in the current legislation is the right list. Five respondents said that mayoral duties should be expanded to include community organizations, and council powers to media and the public, and four suggested deleting the power to establish committees and appoint members.

Other suggestions included adding authority to mayors to reprimand and/or suspend councillors in conflict of interest situations. The most common views on acting mayor and deputy mayor were that they should be one and the same, and should have the same powers as the mayor in the mayor’s absence.

General comments on mayors, councillors and committees

Of the 27 respondents who provided general comments on mayors, councillors and committees, by far the most common suggestion was to clarify roles and duties (16 responses). Other suggestions were to clarify/legitimize committees of the whole and, alternately, “get rid of committees as a whole.” Many felt conflict of interest legislation should apply as well, with some respondents wanting to establish committees, not just councillors.

Your Input Counts

Based on these results, the Ministry and UBCM have agreed to:

- Defend review of municipal classifications, and include this in follow up work on municipal structure
- Continue work on land use, counter petitions, committees, commissions and duties of the mayor and seek further input at the next Symposium

Minister Outlines Next Phase of Municipal Act Reform

Contributed by Local Government Policy Section, Ministry of Municipal Affairs.

Discussion of Municipal Act reform was lively at the annual UBCM Convention last September. Municipal Affairs Minister Jim Doyle addressed the convention and acknowledged the tremendous progress made in reforming the Act, particularly in recognizing local government as an independent, responsible and accountable level of government within its jurisdiction. He also cited expanded corporate and service powers, financial flexibility and increased opportunities for public private partnerships as major accomplishments in the reform of the Act. He closed his remarks by praising the joint efforts of the UBCM and the Ministry in working towards the significant changes now in place in the Municipal Act.

Throughout the convention, UBCM members stressed that the major priorities for the proposed 2000 legislation will be regional districts, elector assistant and counter petition, improvement districts, and land use, with a review of the regional district section of the Act as their number one priority. Key issues include improving the level of understanding and accountability of regional districts, enhancing the governance for electoral areas, increasing flexibility in service agreements and finding a better way to resolve differences.

Their second priority will be to review the electors assistant and counter petition processes. Members offered a number of suggestions on counter petition proposals and proposed an expansion of the scope of the review to include assent of the electors by voting. Assent is now required in a number of circumstances and the two should be reviewed at the same time to ensure a principled approach to both voting and counter petition.

Planning and land use were also cited as priorities. Early consultations on the planning and land use review have been completed and further consultations will be held with specific interest groups.

Members also agreed that the name of the Act should be changed to the “Local Government Act” when the overhaul of the Municipal Act is substantially completed, which will be at the 2000 legislation stage.

In his September 22, 1999 letter to UBCM President John Ranta, the Minister stated his intention to tackle some additional areas:

- General governance issues, including the powers of the mayor and of committees

Continued on page 23

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Liquor Policy Changes Underway

The provincial government has continued to forge ahead with changes to provincial liquor regulations. The provincial government has introduced new regulations concerning the use of credit cards in liquor stores, the sale of rice wine in liquor stores, the licensing of u-brews and u-vins and changes in the appeal process when violations occur. A number of these regulatory changes will not come into effect until some time in 2000.

The province has appointed a Liquor Regulation Advisory Panel to oversee implementation of the liquor policy changes and to provide advice to the government as part of its red tape reduction initiatives. The panel is made up of six representatives from the liquor industry, one representative from the B.C. Association of Chiefs of Police and two representatives from local government. The local government representatives are Councillor Lynne Kennedy, Chair, UBCM Justice and Protective Services Committee and Richard Taylor, Executive Director.

A UBCM/Provincial Government Working Group has been established to provide input and advice on the implementation of the liquor policy review. The working group is made up of a staff representative from Merritt, Nanaimo, Whistler, Prince George, Surrey, New Westminster, Vancouver, Kamloops, Victoria and UBCM and representatives from the Liquor Control and Licensing Branch. The working group is looking at the impact of an increase in patron capacity to the fire marshal code on communities, increased enforcement of liquor regulations and the future role of local government in the de-regulation of provincial liquor laws.

A pilot project is underway in each of the communities represented on the working group to look at the implications of allowing existing hotels, neighbourhood pubs and cabarets to increase their patron capacity to the fire marshal code, rather than the capacity set under existing liquor regulations. The intent is to examine the zoning, parking, number of washrooms, neighbourhood concerns and other issues related to this type of change and how these issues might be addressed before an expansion of patron capacity is undertaken.

The intent of the provincial government over the next two years is to reduce the number of classes of licences from 10 to 5 types of licences, with the majority of establishments falling into two licence classes: A – service-by-the-glass (hotels, pubs, cabarets etc.) or B-service-by-the-glass primarily food (restaurants). The liquor branch is looking at increasing enforcement and compliance by increasing the number of liquor inspectors in the field, introducing fines for some types of infractions and reducing the types of infractions that can be appealed. Local government will be asked for increased input on the hours of operation, number, size and type of liquor establishment that is appropriate in the local community.

Policing Costs – Equity/Fairness Key Measure to Address

All communities over 5,000 population are required to provide police services under the Police Act and the Municipal Act. They may choose, in consultation with the Attorney General, to provide their own municipal police force or contract with the RCMP to provide police services. Municipalities under 5,000 population are policed by the provincial force and do not pay any policing costs (81 communities). Municipalities between 5,000 to 15,000 population pay 70% of the policing costs and municipalities over 15,000 population pay 90% of the policing costs (59 communities).

Rural areas contribute to policing costs through the collection of rural property taxation by the provincial government. Those communities who have their own police force pay 100% of the policing costs (12 communities).

The threshold level for paying policing costs in other provincial jurisdictions is much lower than in British Columbia. In Alberta the threshold level is set at 2,500 population – County, Municipal District and Metis governments however do not pay for policing costs. In Saskatchewan the threshold level is set at 500 population – however everyone is required to contribute to policing costs even those under 500 population and in rural areas based on a per capita basis and on the level of service provided.

Approximately $669 million a year is spent on the delivery of local police services in British Columbia. Local government spends approximately $257 million (Own Force $218 million, RCMP $239 million). The provincial government approximately $131 million, and the federal government $81 million on policing.

Chart #1 illustrates in percentage terms the contribution made by each level of government to policing costs.

The inequities in funding and frustration over the level of service. The third measure was a virtual tie between the limited sources of revenue to fund policing costs, the lack of control over policing costs and the lack of accountability over the delivery of police services.

Bylaw Courts – Future Expansion Under Review

Two key problems faced by local government today is the lack of enforcement of local government by-laws by the courts and the collection of fines when tickets are used, a cost which can become unwieldy when court action is required as the costs often outweigh the returns.

A number of local governments have suggested that they no longer use the provincial court system to address bylaw issues due to the unwillingness of the courts to deal with these types of matters, the time it takes to get a court hearing, and the cost of enforcement through the courts.

A UBCM/Ministry of Attorney General Working Group has been established to look at the feasibility of establishing more bylaw courts in the province. Local government representatives from New Westminster, North Vancouver District, North Vancouver City, Maple Ridge, Kelowna and Parksville are currently members of the working group, along with two representatives from the Ministry of Attorney General. Currently there are two bylaw courts in the province (Kelowna and Prince George), both of which have been successful in allowing local government timely access to the courts for enforcement of local bylaws and seen a clear message to the public that municipal by-laws will be enforced.

The working group has agreed to collect more information on the volume of local government by-law issues and to provide advice to the government on the future role of local government in the delivery and financing of police services. The first two measures were agreed to by local government in the local community.
Introduction

In December, 1993, First National met with the Mayor and the Approving Officer to discuss First National’s development plans for the Gowlland Highlands. McMinn wrote two letters to the President of the Nature Conservancy advising him of what First National was planning and what the District might do with the development applications, including possible problems that might be encountered by First National. The letters were personal letters from McMinn sent from his personal account in the Province and were placed in the District’s files.

The President of the Conservancy sent copies of these letters to the Senior Executive at the Provincial Government responsible for assisting the Nature Conservancy in its negotiations with First National. The Provincial Government eventually took over negotiations with First National. In February, 1994, when it became apparent that the Nature Conservancy was not going to be able to purchase all of the property from First National, the Province sought only to purchase the 1,467 acres, leaving First National to apply to the District of Highlands for increased density in the 300 acres for the 1,467 acres. In February, 1994, First National applied to rezone the 300 acres into five acre parcels. The rezoning application was apparently not processed by the District, and in November, 1994, the Province began to consider the possibility of purchasing the entire property and developing the 300 acre portion into residential lots in order to recover some of its costs. The Approving Officer advised the Province that he would support an increased density for the 300 acres if the Province created a park out of the 1,467 acres. First National was unaware of these discussions.

Eventually, First National sold all of the property except for 30 acres to the Province for a price of $80,000. First National then entered into discussions with the Conservancy to determine the scheme of subdivision approval or rezone an area of the property.

The Government of British Columbia has a policy of new subdivision developments. The policy states that a new subdivision shall, by agreement, go to first refusal from its start. The UBCM will not participate in Court decisions which affect all municipalities, no matter whether it would contribute part or all of the costs of an appeal. The decision whether the UBCM will participate will be made by the Executive.

In November and December 1995, First National had some communication with the Nature Conservancy regarding the possibility of the sale of the Gowlland Highlands. The Minister of the Province had a decision to make rezone the property from Nature Conservancy for the creation of a park. For some considerable period of time prior to this the Mayor McMinn had been in efforts to pre-empt the property. In November 1995, the Minister of the Province that he would support a purchase or rezone the 300 acres for the 1,467 acres. First National had been unable to develop the property. The Government of the Province and the District had been working to determine the possibility of the sale of the property. In December, 1995, the District of Highlands had been in discussions with the Province to approve or not to approve funding to First National. The Executive of the UBCM in December 1995, the UBCM Legal Assistance Fund was established as a result of a 1978 resolution. Over the years it has provided $143,000 for legal assistance to area residents (some multiple funded). This program is currently funded annually from surplus whihes which have occurred within the operating budget. The 1978 resolution established seven guidelines for the program.

(a) There shall be no participation by the UBCM at the initial trial stage in any Court action, whether it be the Supreme, Court of Queen’s Bench, or the Court of Appeal.

(b) The UBCM shall only participate in appeals of Court decisions which affect all municipalities, no matter whether it would contribute part or all of the costs of an appeal. The decision whether the UBCM will participate will be made by the Executive.

(c) Complete discretion will be exercised by the UBCM as to whether it should contribute part or all of the costs of an appeal. The decision whether the UBCM will participate will be made by the Executive.

(d) There will be no UBCM participation in Court decisions in which the UBCM has an active role as an approver or the interpretation thereof which could be achieved by amending the bylaw to bring it within the Municipal Act.

(e) The UBCM will not participate in Court decisions in which the Province or a Provincial district has an active role as an approver or the interpretation thereof which could be achieved by amending the bylaw to bring it within a Provincial Act.

(f) The UBCM shall not participate in Court actions when the subject matter is directly indefensible from its start.

(g) The UBCM shall have some control over the selection of Counsel and any losses recovered shall, by agreement, go to reimburse the UBCM and secondly, the municipality involved.

When a request for funding is received from a member, the UBCM shall, sign the evaluation to a lawyer of a firm not connected with the case but practising in municipal law. The UBCM Independent review provides the Executive with a recommendation and renders a decision. The UBCM and the municipality involved are both aware of the discussions through the process of settlement or final court decision.

Discussion

The discussion from the First National case has raised concern as there are many circumstances when mayors, members of Council or municipal salaried officers or employees may lobby on behalf of a local government to achieve a desired goal which may be contrary to the broader public interest. The case found no personal or private motive which caused the Mayor and Administrator to do what they did; they were simply acting in the pursuit of their duty and in the best interest of the residents in the affected area. The case is currently under appeal by all parties to the Court of Appeal. The judgment from the First National case has raised concern as there are many circumstances when mayors, members of Council or municipal salaried officers or employees may lobby on behalf of a local government to achieve a desired goal which may be contrary to the broader public interest. The case found no personal or private motive which caused the Mayor and Administrator to do what they did; they were simply acting in the pursuit of their duty and in the best interest of the residents in the affected area.

First National Properties Ltd. v. District of Highlands and others

By Guy McDannell, Staples, McDannell, Stewart

Facts

First National owned 1,767 acres of undeveloped rural land just north of Victoria. Of this, 1,467 acres was part of the Gowlland Highlands. In 1987, McMinn, the first Mayor of the District of Highlands, obtained approval from the Nature Conservancy to establish the Gowlland Highlands as park land and had been working with the Nature Conservancy on this matter for a long time. The Gowlland Highlands was incorporated and assumed authority for zoning and development approval within its boundaries. All of First National’s lands were located within the District of Highlands.

In November, 1995, the District of Highlands was in discussions with the Province to approve or not to approve funding to First National. The Executive of the UBCM in December 1995, the UBCM Legal Assistance Fund was established as a result of a 1978 resolution. Over the years it has provided $143,000 for legal assistance to area residents (some multiple funded). This program is currently funded annually from surplus whihes which have occurred within the operating budget. The 1978 resolution established seven guidelines for the program.

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Under the old provisions of the Municipal Act, a municipality was required to prepare a five-year Capital Expenditure Plan, a budget, an annual budget and a five-year Capital Expenditure Forecast (s. 327, 328 and 329). These sections have been repealed and replaced by a new requirement to prepare a Financial Plan (new s. 327) for a five-year period to include both capital and operating budget items. This provision will be effective if the financial plan must include all funding sources, expenditures, and transfers between funds. This new financial plan must be adopted before the property tax bylaw is passed each year. Under new s. 333, a municipality may not make an expenditure that is not provided for that year in its financial plan, although there are provisions for amending the financial plan as needed.

Despite the fact that municipalities must have a financial plan in place before they begin negotiations with the real world, it will take a couple of years to develop a truly meaningful plan. This is because the building blocks, reliable and relevant data, are likely not readily available. Any plan for the future is based on assumptions, which ultimately determine the quality of the plan. The assumptions are only as good as the data and the assumptions that are made.

It will take time and money, neither of which is plentiful in municipalities for these purposes. The data, and in some cases no amount of resources would produce reliable results (ponder predicting provincial grants).

One of the benefits of the long term focus on all expenditures is that because the complete cost of any program or capital work is accounted for, it is assessed on that basis. As well, when you start focusing on the long term, you see that changes are more easily justified providing that large reserve and surplus levels are adequately explained. The latter point can pose a problem as most municipalities have large surplus and reserve levels, but no real planned fund use. It is not enough to simply say that the money is a statutory reserve and is therefore “used up”. If you are not already familiar with your municipality’s reserve and surplus levels, and what they can be used for, find out.

Lastly, any discussion on the financial plan would not be complete without reference to the new requirement under section 327 of the Municipal Act to undertake “a process of public consultation regarding the proposed financial plan before it is adopted”. The Act does not provide any direction on how to do this, or on what might be considered an adequate consultation, nor on how to define or if any of the things provided (or planned to be provided) by the Ministry of Municipal Affairs. It is also unclear whether a public consultation would be required for amendments to the financial plan after initial adoption each year.

Unfortunately, there is no Ministry, or even a lawyer, who could provide the answer to these questions, as ultimately, it is the courts that have the final say. However, the bottom line is that no municipality wants to have its budget challenged and therefore must make sure it is well founded on adequate public consultation.

Therefore, it is advisable to take a very “reasonable man” approach. This means using common sense. The public needs to have reasonable access to relevant budget information for a reasonable amount of time before the financial plan is adopted. They need to be given an opportunity to make comments (hence the word consultation) and to be made aware of meeting times and dates or methods to submit their comments. Finally, if major changes are made to the budget after the consultation, consult again (consider doing an infrastructural consultation process when the budget is near final form). Remember the words “process and consultation” are significant in the attempt, and document the process.

The Ministry of Attorney General has agreed to re-consider an earlier proposal in the process of ticketing undertaken by local government, both traffic and MTI to determine what areas of the province a bylaw court might work. The Ministry of Attorney General is currently undertaking a review of the existing review of the bylaw courts to determine how well they have worked and the cost savings they have provided.

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The Ministry of Attorney General has agreed to re-consider an earlier proposal in the process of ticketing undertaken by local government, both traffic and MTI to determine what areas of the province a bylaw court might work. The Ministry of Attorney General is currently undertaking a review of the existing review of the bylaw courts to determine how well they have worked and the cost savings they have provided.
TWO OFFERS PRESENTED

The federal and provincial governments have recently made public offers to two groups of First Nations engaged in the treaty process.

Ditidaht/ Pacheedaht Offer

Canada and BC released details of their land/cash offer to the Ditidaht and Pacheedaht First Nations on October 26. (These First Nations are located on the southwest coast of Van-

couver Island and are jointly pursuing a treaty). The stated intent is that the offer will expedite the fi-
l nalization of an AIP. The First Nations have already issued a statement indicat-
ing they have rejected the offer, so it is difficult to tell whether it will accomplish this objective in the long run. Key components of the offer include:

- **Land**: Three parcels of Crown Land totalling 1,802 hectares. Treaty set-

tlement land, including existing reserves, would total 2,527 hectares.
- **Cash**: $5.35 million transferred over time

The offer states that the First Nations were initially ten draft AIP chapters including: a gover-

nance chapter, a confederacy chapter concerning the impor-

tance of the First Nations capacity, the
culture of the First Nations, the
lack of any other viable alternatives, and the First Nations' presentations was directly in line with the First Nations' con-

cern to First Nations, such as cer-

tainty, governance and taxation in the First Nations. As certainty and tax exemption phase-out.

Cash: $29.75 million

In-SHUCK-Ch N'Quat'qua Proposal

Canada and BC publicly presented a land/cash proposal to the In-

SHUCK-ch N'Quat'qua First Nations on October 29. (This group represents four First Nations – the

N'Quat'qua, located on the southern shore of Anderson Lake and the Douglas, Samahqmquam and Skookumchuck, located along the lower Lillooet River). Again, the stated intent is that the proposal provides the First Nations with the public na-
ture of the offer and have already rejected it. Key components of the offer include:

- **Land**: 11 parcels of new land, including about 18,000 hectares in treaty settlement lands.
- **Cash**: $29.75 million

The offer states that "Ditidaht and Pacheedaht may acquire lands which will become treaty lands, with the

agreement of Canada and BC, in accordance with the following criteria:

- The total area will not exceed 500 hectares for Ditidaht and 200 hectares for Pacheedaht; Land will be within or adjacent to proposed Settle-
m ent Lands;
- There will be no cost to Canada or BC; and - The access provisions for Settle ment Lands apply".

In-SHUCK-Ch N'Quat'qua Proposal

A Special Assembly of the First Na-
tions Summit (FNS) was held at the end of October and Director Jim Abram, chair of UBCM's Aboriginal Affairs Com-

mittee, was there to ob-

serve the proceedings. The purpose of the meeting was to discuss what the FNS perceives as a lack of progress being made at treaty negotiation tables. Presentations by repre-

sentatives from both gov-

erments were followed by a response from each FNS Task Group member and individual members around the table.

Minister of Aboriginal Affairs, Hon. Dale Lovick, was direct in his remarks concerning the impor-
tance of First Nations stay-
ing at treaty tables to nego-

tiate a solution and the lack of any other viable alternative.Copies of his speaking notes have been sent to all Treaty Advi-

sory Committees). He rec-

ommended that the First Na-

tions Summit stay at treaty tables. They believe that the new AIP agreements are similar to

tional governments. Members of the FNS stated their continued commitment to stay at negotiat-

ing tables, in two resolutions passed at the meet-

ing, they also announced their support for:

1. All First Nations which exercise their "aboriginal ti-

tle and rights in areas in-

cluding timber, minerals, water, fisheries and wildlife to support a livelihood";

2. (the Council of the Haida Nation in advancing an abo-

riginal title lawsuit to Haida Gwaii (Queen Charlotte Is-

lands)."

The First Nations Summit is comprised of leaders from all First Na-
tions involved in the BC treaty proc-

ess. It meets frequently to discuss issues of common concern and to communicate these issues to federal and provincial governments. Members of the Task Group (executive ar-

re:

Chief Joe Mathias, Chief Ed John-

and Robert Louie.

Aboriginal Update

Implementing a municipal gender equity policy for recreation and sports programs means you need information and resources. Can you say yes to the following questions?

- **Do you know the extent of gender equity in your municipality’s recreation programs?**
- **Do you know who you are subsidizing or not subsidizing?**
- **Do you have the capacity to report on the complexity of sports programs, club rentals, admissions and custom of your facilities?**

If not, KPMG professionals are uniquely positioned to help you.

- **KPMG** is currently working in helping to develop a complete system of gender equity reporting for a municipality in Greater Vancouver.
- **KPMG** is in a position to share the benefits of this significant experience.
- **KPMG** can provide you with our No-Obligation Assessment of how you can successfully create routine, reliable gender statistics, and how KPMG can help you to achieve this goal.

If you would like to learn more about these opportunities, please contact Tony Segues (604) 691-3443 or tegues@kpmg.ca.

KPMG

It’s time for clarity.
ABORIGINAL ISSUES - HIGHLIGHTS OF PROVINCIAL AND FEDERAL RELATIONSHIPS

Two New Reports Now Available from UBCM Office

Treaties in Urban Areas

A Discussion Paper, “Approaches and Options for Treaties in Urban Areas” is available from the UBCM office. The report is the result of a series of working group meetings and incorporates the comments of participants in a conference session of the UBCM Terrace chapter. The report was sent to all UBCM members, including Treaty Advisory Committees. Copies can be obtained from the UBCM Office.

Sechelt AIP

A discussion paper comparing the Sechelt Agreement in Principle (AIP) with the Nisga’a Final Agreement (NFA) has been sent to all Treaty Advisory Committees. The report focuses on aspects of the Sechelt AIP that are not found in the NFA and local government concerns are with respect to First Nation-local government relations on land use, servicing, taxation, political representation and dispute resolution. They also provided input on the options generated by the working group on how these concerns could be addressed through treaties.

Legal Update: Regulating Indian Reserves

By Richard Parr; Lidstone, Young, Anderson

This article is based on a more comprehensive review produced by Lidstone, Young, Anderson. This article concerns a recent Quebec Court of Appeal judgment which has come to a different conclusion than the British Columbia Court of Appeal regarding the scope of local government jurisdiction on Indian reserves located within the boundaries of municipalities and regional districts. In Simon v. Okla (Municipality) the Quebec Court of Appeal determined that municipal zoning and construction bylaws can apply on Indian Reserves. The Court has held the exclusive jurisdiction of the federal government to the regulation of Indian land uses on reserves in Quebec. Simon v. Okla is contrary to settled law in British Columbia. In 1970 the B.C. Court of Appeal in Simon v. Peace Arch Enterprises Ltd. determined that municipal and provincial government bylaws regulating zoning, building permits, and construction of buildings on Indian land do not apply on reserve lands or even to the activities of non-Indians thereon (ie. leaseholders on designated lands). The B.C. Court of Appeal determined that such bylaws strike at the heart of the federal jurisdiction over reserve lands because they are directed at the use of reserve land. The Quebec Court of Appeal has disagreed with this conclusion. The Quebec Court stated that “it is the possession of the land and the Indian use, more than the general use of land reserved for Indians that must be retained as constituting the very essence of the federal competency in this matter, contrary to what had been decided in the Peace Arch decision.”

Thus, in Quebec, at least a local government Fourth Annual Joint TAC Meeting at Convention

For the fourth year in a row, the B C M C Aboriginal Affairs Committee (Chair – CISAC, AC) and TAC members met in the early morning hours to share reports on their activities and current priorities. Director Jim Abram reported that the Treaty Negotiation Advisory Committee and treated TRMs and sought TAC views on information sharing and UBCM requests for input from TACs, specifically whether there was “paper overload” or whether people preferred continued circulation of material. TAC members generally felt that the material sent to them in hard copy continued to be their main source of information and that this practice should continue. Each TAC member made a report on current activities and concerns of their TAC. Discussion of the new Treaty Related Measures policy ensued and the AC and TAC back provided to UBCM.

Local governments should be involved in treaty negotiations with First Nations in BC. We discussed by what criteria to decide which measures are treaty-related.

Need to pursue TAC involvement in interim measures as TACs need to be proactive in contacting line ministry staff in the regions.

Finally, it was noted that a result of the November 6th meeting was that new TAC members are on board in the new year. As in the past, a “New TAC Member Kit” including information on the BC treaty process, local governments and First Nations in BC in treaty negotiations will be available from UBCM.

Minister Dave Mitchell’s short presentation was punctuated by a few important announcements. The first was that he felt his government was on the threshold of a significant breakthrough in improving the treaty process that would be a foundation for Treaty Related Measures (see article this page). The Minister expressed his hope that there will be full federal and provincial government sign-on to TRMs, since they will provide First Nations with certainty and thereby renew their confidence in the treaty process. Minister Lovick also announced that his government would withdraw from treaty negotiations with the West Kootenay First Nation until such time as they stop all logging activities and that he would be asking the federal minister to do the same. The remainder of the session was directed to questions and answers. Notably, during this part of the session Minister Dave Mitchell underscored that the Ministry of Aboriginal Affairs had no change in policy with respect to the Crown Reserve (AR) area; meaning that First Nations would be subject to the same rules as any other party in removing lands from the ALR.

LEGAL UPDATE: REGULATING INDIAN RESERVES

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Fourteenth Annual Joint TAC Meeting at Convention

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“MAKING PEACE WITH THE STAFF”
By Eli Mina, P.R.P.

“Just who is the boss around here? We, the elected officials, or the staff? All we do at our meetings is rubber-stamp the recommendations of the staff, when we are the ones accountable to the community...”, says one Councillor to another after a meeting.

“How come the minutes don’t reflect my comments? Who is the new Mayor? I demand that you keep a complete record!! And don’t you dare say no! I topped the polls in the last election, and you are just an appointed bureaucrat”, so says an outspoken Councillor to the Clerk.

“This staff report shows utter incompetence and a lack of sensitivity to the community. We should be looking for more enlightened staff for new reserves...”, says a Councillor in the heat of the discussion during a Council meeting.

These interactions may be exaggerated, but they do reflect the potential for tensions and adversary between elected officials and staff. This article offers a few ideas on building a more harmonious relationship with the staff, and thereby preventing (or at least reducing) the potential for such tensions.

Legal Update
Continued from 28 December
where there is a direct conflict, Federal legislation prevails.

Clearly, if Simon v. Okanagan makes the point that the law takes in B.C., there would be a profound impact on resolutions between municipalities/regions and Indian bands with regard to land-use on reserves.

Mississauga Councillor in the heat of the discussion during a Council meeting.

Legal Update
Continued from 28 December

Note:
1) 1998 CAOD-09-001784003
2) 1970 J.W.W.R. 380 (B.C.A.)
3) From unofficial translation of the Indian Act
4) R.S.C. 1985, c.1-5
5) Section 81 of the Indian Act

Courses and Resources
Seven BC Wood Culture Champions announced

Fort St. James, Kelowna, Lake Country, Midway, Port Alberni, Port McNeill, and Smithers are the first BC Wood Culture Champions. They have achieved this recognition by participating in the BC Communities Build with Wood Award in time for the early bird deadline of October 31, 1999. "Congratulations to these communities for taking the time and making the effort to do something very important for our economy and our environment — contributing to the creation of a wood culture in BC," said Jim Engleson of CANFOR and Chair of the Wood WORKS BC Provincial Steering Committee. For all members of UBCM, there are still three (3) $20,000 awards to win. All communities can put in their bid for these awards and be recognized as BC Wood Culture Champions by submitting an application for the next deadline of January 31, 2000.

Municipal Finance Authority's Annual Meeting is on March 8th and 9th in Victoria. All borrowing bylaws, with accompanying Certificates of Approval, are to be in the MFA's office by February 9, 2000, in order to participate in our Spring borrowing.

Mark your calendars! This year’s forum will feature a panel of experts dealing with the challenges of retooling cities and towns for the new millennium. The sessions will be co-sponsored by the University of Victoria in celebration of their 25 years of Public Administration Programs in British Columbia.

This symposium will feature our usual high-powered panelists. You can expect a preliminary program in early January.

Investment Performance

Performance in the Pooled Investment Funds has been mixed. The Money Market Fund has performed well, while the Intermediate and Bond Fund’s performances have been negatively affected by the fear of rising interest rates. This fear of rising rates has diminished somewhat, with the U.S. and Canada both raising borrowing rates in order to slow the economies.

Please remember, the Bond Fund is a five-year investment and as such has earned on average 7.69% from 1995 to 1999 [1995=14.69% 1996=10.57% 1997=4.75% 1998=6.71% 1999=2.75% to November 17].

Expectations are for all three funds to perform well for the remainder of 1999 and in the year 2000.

FOR APPLICATION INFORMATION CONTACT:
ROSELINE FERRE – Wood WORKS – BC Coordinator
PH. 250-562-0357 FAX:250-562-0323
Email: rferre@pgonline.com www.wood-works.org
Next Phase of Municipal Act Reform

Continued from page 15

and commissions. As you recall, these items came up as part of the broad corporate powers work, but were deferred at that time:

• The role of the Provincial government in a number of discrete areas such as the highway abandonment process, replatting, the classifying and naming of municipalities, and the remaining provincial approval requirements.

While a review of provincial approvals was undertaken during the first year of the reform, it may be useful to have a look at these again in the context of broad local government powers:

• Limited regulatory powers update. This would include both a technical consolidation and modernization of the current general regulatory powers (e.g., nuisance) as well as a policy review with respect to tolling regulation uniformity issues;

• Review of the tax sale process. Last year, the finance and taxation working group undertook some work in relation to tax sales. As this important work is well advanced, I propose proceeding with this item in the coming year; and

• A limited set of improvement district amendments. Inclusion of this component in the proposed agenda is proposed primarily because of the potential linkage with the regional district review. Due to limited staff resources, this component would be limited to the most critical elements.

Soon after your convention, I will be seeking Cabinet endorsement of the proposed 2000 legislative agenda. As you know, I cannot control the government’s legislative agenda, nor is UBCM the only group from which input on that agenda will be sought. We must, therefore, leave open the possibility of changes to these proposals to better integrate them with emerging government priorities.

During the workshop on new legislation, a questionnaire was distributed and collected from approximately 70 respondents. (See results of the questionnaire in a related article.)

What are the next steps? It was agreed that further work and consultations should be undertaken to further develop the proposed legislation and that proposals will be presented at the third Symposium on New Local Government Legislation, likely to be held in early March.

Users of the amended Municipal Act are invited to provide examples of practical and innovative ways that Bill 31 and Bill 88 are utilized. Submissions should be directed via the MAR Ministry website: http://www.marh.gov.bc.ca/LGPOLICY/MAR or faxed to (250) 387-4120.

Check it out - updated regularly

Municipal Act Reform website http://www.marh.gov.bc.ca/LGPOLICY/MAR/
1998 total visits = 2990
1999 total visits = 2990
1998 average = 249/month
1999 average = 436/month
Increase from 1998-1999 = 79%

Ministry of Municipal Affairs - mawreview@hq.marh.gov.bc.ca

CivicNet Update

CivicNet is a UBCM Member Service website that provides a single window access to and for local governments in British Columbia. Established in September 1995, the site provides:

• access to information on 180 municipalities (cities, districts, towns, villages) & regional districts and the associations of BC local government;

• links to provincial, federal and other information sources of particular interest to BC local government and;

• a UBCM Executive List & staff list, Executive Meeting Highlights, Member Releases, Annual Reports, 10 years of resolutions, surveys and other UBCM information sources.

UBCM staff are continually updating the CivicNet website and following are some new items that have been recently added:

• Disposition of Resolutions Considered at the 1999 UBCM Convention October 8, 1999

• 1992 – 1998 Provincial Responses to the UBCM Resolutions

• Member List (now 82 members with a direct link to their website) and the

• Updated UBCM Bylaws

Future items to be posted to the website include:

• 1999 Annual Report

• Highlights of the December Executive Committee meeting

• Updated Guide to Information Services and the

• 2000 Local Government Awareness Week program

If you would like additional information regarding the website, please contact Barbara Ingamells, Manager, Member Services at e-mail: wuec@bcwwa.org.

Access the CivicNet website at the following address http://www.civicnet.gov.bc.ca.

Water Conservation

Continued from page 14

The Government of Canada, the Province of British Columbia and the British Columbia Water & Waste Association (BCWWA) have entered into a Partnership Agreement to communicate, facilitate and monitor implementation of the Water Conservation Strategy for BC. Municipalities and water utilities will be working to conserve water supply, management and conservation.

The BCWWA is in the process of developing a series of Best Management Practices Guides focusing on municipal and regional water conservation planning and management and needs volunteers from local government to assist in developing these guides. If your local government is interested in participating in this project or would like more information contact Ellen Libermann in Vancouver at phone (604) 540-0111, fax: 540-4077 or e-mail wuec@bcwwa.org.

UBCM NEWS DECEMBER 1999