Registration begins for 1999 UBCM Convention

UBCM and the Provincial Government have come to an agreement that communities, through their local government, should direct and define the types of gaming that take place in their area. A precedent setting Agreement was signed on behalf of the Provincial Government by Municipal Affairs Minister Jenny Kwan and UBCM President Mayor John Ranta on June 17th (see below) That Agreement affirms a local say over new gaming facilities, relocations and the extent, scope and type of casino and bingo gaming within their boundaries.

The Agreement covers all the major issues set out in the UBCM Response to the Gaming White Paper and proposals that were supported by UBCM members. This has been a long and involved process. UBCM involvement began in the early 1990’s when the province was considering the introduction of VLTs and later proposed Vegas-style casinos as an option for BC. Then after heated public pressure, the Province decided against Vegas-style casinos in October 1994 and ruled out VLTs in May of 1995. But again in 1996 the Province undertook another review to look at opportunities for gaming expansion. The results of the review again reaffirmed public opinion, there would be no VLTs and no Vegas style casinos.

Here was a commitment to establish new destination and casino style casinos and bingo halls where local government support was indicated.

Efforts intensified in July 1997 when the Province issued its Request for Proposals were released facilities. Prior to 1997, gaming issues had been dealt with primarily by the UBCM Executive but this new provincial direction warranted the establishment of a formal standing Committee of the UBCM Executive to ensure all views and interests were properly represented. This move was made the day shortly thereafter the Minister responsible for gaming indicated his intention to table the Gaming Act to address the legal conflicts and jurisdictional issues surrounding the Province’s gaming policy. Frank Rhodes was contracted to head the Gaming Project Working Group charged with the responsibility of preparing a White Paper and draft Act for public comment. The Group met with members of the UBCM Gaming Committee over the summer of 1998 at which time the UBCM’s position of local determination was stressed.

The final phase of the Committee’s work was the preparation of a discussion paper for preview at the 1998 Convention and as UBCM’s submission to the White Paper. The White Paper and draft Act were released in May of 1999 and UBCM was instrumental in having the deadline for comment extended. The widely supported final position of local determination was stressed.

On April 15th, members of the Gaming Committee of the UBCM Convention agreed to hold a special meeting in May of 1999.

The Province and UBCM have agreed to govern their relationship with respect to gaming issues according to the following principles:

The Province:
- affirms the jurisdiction of local governments, specifically with respect to their land-use and by-law making powers;
- affirms the ability of local governments to make decisions as to whether new facilities or re-located facilities will be permitted within their boundaries;
- affirms local government’s ability to direct the extent, scope and type of casino and bingo gaming within their boundaries. It also affirms the ability of local government to decide whether slot machines or other similar devices could be placed within their boundaries;
- will provide an independent and transparent selection process for new and re-located gaming facilities;
- will share gaming revenue with local governments that host gaming facilities, regardless of their stated opposition to gaming, and without the adoption of a Council/Board resolution;
- will consult in a meaningful way with local government in the development of gaming policy changes that may affect local governments;
- will consult in a meaningful way with local governments regarding the form and content of gaming legislation before it is introduced into the Legislature;
- will ensure that charities are guaranteed an ongoing source of revenue from gaming and that eligibility rules for this funding will be maintained;
- will ensure there is a legislative mechanism for consultation / mediation with adjacent communities;
- reaffirms its commitment that video lottery terminals will not be permitted in British Columbia.

The UBCM intends to:
- actively and cooperatively work with the Province, in the development of comprehensive gaming legislation.
- bring resolution to existing and future disputes through negotiations, where possible, and, in a manner consistent with the principles of this Agreement.

These principles will govern the parties’ actions with respect to gaming henceforth, and until legislation consistent with these principles is passed in the Legislature.

John Ranta
President of UBCM

Honourable Jenny Kwan
Minister of Municipal Affairs

This document dated for reference the 17th day of June 1999.

Memorandum of Agreement On Gaming Policy

Between:

The Union of BC Municipalities (UBCM)

-and-

The Government of British Columbia (the Province)

The Province and UBCM have agreed to govern their relationship with respect to gaming issues according to the following principles:

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- will provide an independent and transparent selection process for new and re-located gaming facilities;
- will share gaming revenue with local governments as set out in the White Paper;
- will share gaming revenue with local governments that host gaming facilities, regardless of their stated opposition to gaming, and without the adoption of a Council/Board resolution;
- will consult in a meaningful way with local government in the development of gaming policy changes that may affect local governments;
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John Ranta
President of UBCM

Honourable Jenny Kwan
Minister of Municipal Affairs

This document dated for reference the 17th day of June 1999.
At last, success! The recent reversal in Provincial Gaming Policy gives local government the appropriate authority over Bingo Gaming facilities; an authority for which we have been advocating for more than a year. Mayor’s Owen and McCallum and their respective Council’s of Vancouver and Surrey deserve much credit for the stand they took in representing the interests of their constituents. Without their steadfast resolve, success may have proven much more elusive. The UBCM Gaming Committee chaired by Mayor Les was unrelenting in pursuit of Provincial recognition of the validity of UBCM’s policies in relation to this issue.

The annual round of visits to Area Association meetings has been completed. I’m pleased to report that from Vancouver Island to the Peace and from the Lower Mainland to the Kootenays, local governments are united behind UBCM’s efforts to ensure your perspective is strongly represented.

The new Liquor Policy has been released and is reflective of considerable local government input. From a rather rocky beginning, the ultimate, the series of recommendations addresses, in a substantial way, the many concerns we heard from the membership. If problems arise during implementation please advise us so we can continue to respond to your issues during the transition to a modernized approach to liquor regulation.

Our package of Municipal Act Legislation is expected to be introduced very shortly. At a recent meeting with Minister Kwan I signalled our general satisfaction with this second of three major Municipal Act Reform initiatives. Neither the Minister nor UBCM got everything that we each had hoped. For this year the resultant compromise is probably more significant for what is not included. Specifically, some problematic proposals regarding local elections campaigning financing will now take the form of a discussion paper which will get us past the November elections and allow sufficient time to fully explore the implications of the proposed changes.

Generally, we are making progress on a variety of files your Executive has dedicated and determined, the staff is awesome, much work to do in the summer before focussing on the September Convention and we all look forward to seeing you in Vancouver.

Have a great summer and don’t forget the sunscreen!

Mayor John Ranta
President

1999 Member Visits
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 membership, the Member Services Program and UBCM policy initiatives. Each year visits are planned with approximately 25% of the membership outside the lower mainland. Staff have completed fifty member visits this year which included visits to the Squamish, Lillooet, Thompson, North Okanagan, East Kootenays and the Northwest areas of the province. Staff also had meetings with members while enroute to the Municipal Officers Association Annual Conference held in Kelowna the first week of June.

New BC Committee of FCM
A new BC Committee was elected and consists of:
• Councillor Joanne Monaghan, Kilmuir, First VP
• Mayor John Ranta, Cache Creek
• Councillor Judith Higginbotham, Surrey
• Councillor George Pul, Vancouver
• Director Larry Brierley, Central Kootenay
• Mayor Michael G. Coleman, Duncan
• Councillor Russell Gerard, Kamloops
• Mayor Don Bel, North Vancouver

In January, 1999 UBCM commenced providing a permanent address and unique telephone number for the LMMA. UBCM’s contract is to provide on a daily basis phone messaging, mail receipting, fax in/out services and some general administration to the LMMA. In May, 1999 UBCM provided registration related services and on-site administration in Whistler for the expanded annual general meeting. The AGM was held on May 13 and 14 and provided an opportunity for LMMA members to discuss topics of mutual concern including RCMP Drug Awareness (DARE Program), Olympic 2010 Bid Society, GTA, skylatr, highways improvements, Y2K, the Business of Government and treaty negotiations. The AGM was well attended and proved very successful.

BC/FCM Travel Fund
Financial Statement
May 1, 1998 - April 30, 1999

| REVENUE | |
|---------------------------------------------------------------------|
| Opening Balance May 1, 1998 | $7,900.64 |
| Received FCM 1998 contributions | 20,265.46 |
| Received FCM 1998 contributions | 20,265.46 |
| Interest earned to April 30, 1997 | 470.53 |
| **Total** | **$29,636.63** |

| EXPENDITURES | |
|---------------------------------------------------------------|
| Members expenses | $16,743.20 |
| FCM Administration Fee (4%) | 779.44 |
| FCM Administration Fee* | 0.00 |
| Bank expenses | 0.00 |
| **Total** | **$11,133.99** |

In 1989, BC municipalities established a travel fund for five BC Directors on the Federation of Canadian Municipalities National Board. It is funded by an annual 1 1/4¢ per capita voluntary contribution. A UBCM staff report to BC delegates at the June FCM Convention showed the fund balance of $11,133.99 plus $15,955.26 of 1999 dues received by FCM but not yet forwarded to UBCM. These amounts should be sufficient to meet the travel costs for the coming year.

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.

If you have questions, we have the answers you’re looking for...
Doug Rundell was appointed Assessment Commissioner and Chief Executive Officer of the BC Assessment Authority on May 6, 1999. He was previously Deputy Commissioner and has been with the Authority since October 1975.

Other Appointments

As of June 1, 1999, the new Provincial Ombudsman is Howard Kushner. He was previously the Director of Legal Services for the Yukon Department of Justice in Whitehorse. He has taught administrative law at UBC and also worked for the Alberta government.

UBCM has appointed Dave Magnusson, Manager of the Building Division of the City of Surrey to sit on the Homeowner Protection Advisory Committee.

Correction

The article that appeared on page 14 of our March issue that was entitled “Change Comes to Property Assessment Appeals” was inadvertently attributed to Richard Rogers. The article was submitted by Janice Leroy, Vice Chair, Property Assessment Appeal Board.

We would like to express our regret for the error.

Northern Rockies Regional District is the new name for Fort Nelson-Liard region

In a move designed to harness the tourism marketing and the economic development of the Fort Nelson-Liard region, the regional district board has decided to change its name to the Northern Rockies Regional District.

The NRRD name change became official on March 26, 1999.

This gives the regional district an autonomous identity, according to a notice from the NRRD, which is based in the Town of Fort Nelson.

The new name also consolidates the promotional theme ‘Home to the Northern Rockies’ which many businesses and organizations in the region have adopted.

The new name also consolidates the promotional theme ‘Home to the Northern Rockies’ which many businesses and organizations in the region have adopted.

In September 1997, the province announced the Northern Rockies Protected Area, which adds another factor favouring the new name.

“We anticipate increased exposure and recognition in the tourism field as well as other economic markets’ says Debbie Walker, who is the director of administration services for the NRRD.

The boundaries of the former Fort Nelson-Liard regional district remain unchanged.

The Northern Rockies region is located in the far northeastern corner of British Columbia, bordering on Alberta, NWT and Yukon. It occupies 82,500 square kilometres, or just over 9% of the area of the whole province. The NRRD is two-and-a-half times larger than Vancouver Island. NRRD shares its southern boundary with the Peace River regional district.

BC Stats estimates that the 1999 population of the NRRD is 6,574. Three out of four NRRD residents call the Town of Fort Nelson home.

According to the 1996 census of Canada, the NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%, NRRD had a five year growth rate of 16.2%.

UBCM NEWS JUNE 1998
Leaders for the Millennium - Area Association Executives Announced

Association of Vancouver Island Municipalities

**PRESIDENT**
Mayor Frank Leonard

**1ST VICE-PRESIDENT**
Councillor Pearl Myers

**2ND VICE-PRESIDENT**
Councillor John Crook

**ELECTORAL AREA REP DIRECTORS**
Chairperson George Holme
Councillor Stan Dixon
Mayor Russ Helberg
Councillor Bea Holland

**SECRETARY-TREASURER**
Eydie Fraser

**ANNUAL MEETING:** March 10-12, 2000 (Port Hardy)

Association of Kootenay and Boundary Municipalities

**PRESIDENT**
Mayor Arno Hennig

**VICE-PRESIDENT**
Councillor Bert Banks

**PAST PRESIDENT**
Councillor Ed Galzke

**DIRECTORS**
Mayor Tiny Shatsky
Mayor Rick Hardie
Councillor Bill Pfeifer
Councillor Kirk Duff
Councillor Stan Lim
Councillor Gord DeRosa

**SECRETARY-TREASURER**
Loretta Huscroft

**ANNUAL MEETING:** April 13-15, 2000 ( Cranbrook)

Lower Mainland Municipal Association

**PRESIDENT**
Councillor Mel Koslisky

**1ST VICE-PRESIDENT**
Councillor Marvin Hunt

**2ND VICE-PRESIDENT**
Councillor Jan Jasienczyk

**PAST PRESIDENT**
Councillor Janis Elkerton

**DIRECTORS AT LARGE**
Councillor Vicki Huntington
Councillor Alan Herbert
Councillor Barbara Parault

**DIRECTOR, SLRD**
Mayor Corrine Lonsdale

**DIRECTOR, FVRD**
Director John Jenkins

**DIRECTOR, GVRD**
Mayor Don Bell

**JOINT COUNCIL REP**
Mayor John Les

**SECRETARY-TREASURER**
Alberto S. De Feo

**ANNUAL MEETING:** April 27, 28, 29, 2000 (Dawson Creek)

Okanagan Mainline Municipal Association

**PRESIDENT**
Director Aaron Dinwoodie

**VICE-PRESIDENT**
Councillor Ida Makaro

**PAST PRESIDENT**
Councillor Russ Gerard

**DIRECTORS**
Councillor Kathy Clement
Councillor Pat Wallace
Director Vince Fourn

**SECRETARY-TREASURER**
Gary Leier, Director of Personnel

**ANNUAL MEETING:** May 3 - 5, 2000, ( Salmon Arm)

North Central Municipal Association

**PRESIDENT**
Mayor Blair Lekstrom

**VICE-PRESIDENT**
Director Dan Rogers

**PAST PRESIDENT**
Councillor Bonny Hawley

**DIRECTORS REPRESENTING REGIONS**
Director Ted Armstrong
Director Eileen Benedict
Mayor Tom Briggs
Mayor/Chair Harry Clarke
Councillor Tom Dall
Councillor Patrick Green
Mayor Pieter Weeber

**DIRECTORS AT LARGE**
Director Sonny Beck
Mayor Fred Janis
Councillor Jim Thom

**SECRETARY-TREASURER**

**ANNUAL MEETING:** April 27, 28, 29, 2000 (Dawson Creek)

Municipal Officers' Association of BC

**PRESIDENT**
Gordon McIntosh, Executive Director

**1ST VICE-PRESIDENT**
Patt Saeka, Administrator

**2ND VICE-PRESIDENT**
Sandy Gray, Administrator

**SECRETARY**
Gerry Kingston, Director of Finance

**CHAPTER 296 (EDITOR)**
Rick Beauchamp, City Manager

**PAST PRESIDENT**
Colin Griffith, City Manager

**DIRECTORS AT LARGE**
Debbie Comis, City Clerk
Bob Long, Administrator
Jim Montain, Administrator

**CHAPTER REPRESENTATIVES**
Wayne Voklah, Deputy Admin/City Clerk

**ANNUAL MEETING:** May 3 - 5, 2000, (Salmon Arm)

**CITY SPACES**

**COMMUNITY, SITE AND SOCIAL PLANNING**
**PROJECT MANAGEMENT**
**CONSULTATION PROCESSES**
**HOUSING POLICY AND DEVELOPMENT**
**WRITING, EDITING, SPECIAL EVENTS**

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Policy Updates

Coastal Communities Push for Assistance

The Fisheries Sub-Committee of the Communities and Resources Committee has been very active in presenting coastal community issues on the fishery. Committee members have met with a number of provincial and federal representatives on the need for a coordinated effort to address the increasing unemployment as the move toward conservation continues. Mayor Gillian Trumper chairs the Sub-committee and also serves as co-chair of the Project Steering Committee. This Steering Committee appointed federal Fisheries Minister David Anderson will support economic development and diversification in communities affected by the changes in the salmon fishery.

Support is building for a National Transportation Investment Strategy

In a move compatible with UBCM policy, the premiers of the four western provinces called for enhanced federal transportation funding at their annual get-together in May.

Delegates to last September's UBCM convention resolved that the federal government should dedicate a portion of its revenues from fuel taxes to improving highways.

The premiers noted that the federal government raises over $5 billion per year in fuel tax revenue, yet spends only $13 million for highways in Western Canada.

Committee Members include:
- Mayor Gillian Trumper
- Mayor Jim Lorraine
- Mayor Bill Irving
- Mayor Jack Musalem
- Councillor Graem Wells
- Mayor Gilbert Pope
- Councillor Janis Elkerton

Canada is the only G-7 country without a transportation investment strategy, and there are mounting concerns that this neglect could seriously hamper the competitiveness of our economy. By contrast, the US has announced a six-year $218 billion transportation investment program.

Little has been spent in Canada since the federal and provincial governments agreed on what constitutes a national highway system in 1968. The system comprises only three percent of the nation's highways, yet it carries twenty-five percent of the national traffic.

A December 1998 report issued by Canadian governments stated that $17 billion would be required over ten years to provide needed improvements to our highways. The 1.5 cent-per-litre fuel tax levied to reduce the federal government's deficit generates $500 million annually. Now that the federal deficit is under control, these revenues could be used to improve transportation infrastructure.

In April 1999, business leaders and provincial officials gathered in Ottawa to impress upon MPs the need for a national transportation strategy.

In May 1999, transportation ministers met in Ottawa to review progress on the transportation strategy. The western premiers issued their call for the strategy on May 21. The Western Canada Roadbuilders and Heavy Construction Association are lobbying for a federal commitment to a National Transportation Strategy.

UBCM News

UBCM gets clarification on BC Online fees

General fee increases for access to BC Online will not apply to local government. Government recently announced that access would increase to $1.50 per transaction. UBCM sought clarification and provided that information to members.

As part of the announcement fees to local governments are being standardized at $1.00. This resulted in no overall increase in the amount of fees paid. It may result in some cost savings or increases for individual local governments depending on the types of transactions the municipality or regional district was previously utilizing.

School Sites Regulation Still Under Development

Development of a regulation to implement the new provisions for a school site acquisition charge is proceeding. The Provincial Cabinet is currently evaluating options for addressing the increasing unemployment as the move toward conservation continues. The Municipalities and the Federal Ministry of Mines and Resources are being standardized at $1.00. This resulted in no overall increase in the amount of fees paid. It may result in some cost savings or increases for individual local governments depending on the types of transactions the municipality or regional district was previously utilizing.
Communities Empowered to Make Forestry Decisions

Four years of lobbying UCMB's request for more local control over forest management has become a reality. On June 9th Forest Minister David Zirnhelt announced BC's first four community forest pilot sites. Members may recall that it was at the 1993 UCMB Convention that the membership adopted the Towards a Communities and Resource Strategy which specifically called for the establishment of community-based forest tenure and other forms of community involvement in resource management. Since 1993, the Communities and Resources Committee has continued to advocate the community forest model as a means whereby communities could have more control over the key resource that drives their local economies.

Consequently when the opportunity presented itself last year to host one of these sites, the Ministry was overwhelmed with 88 expressions of interest. In was overwhelmed with 88 of these sites, the Ministry itself last year to host one the opportunity presented to communities.

Proposals were evaluated by a subcommittee of the community forest advisory committee based on the following criteria: community involvement, administrative structure and governance, as well as stewardship and management objectives. Rossland Mayor Bill Profili was UCMB's representative on the selection sub-committee. Speaking to the announcement, he stated that "the unique feature of the pilot projects is the opportunity for each to reflect its community's vision. This is a significant change from the traditional downward process of imposing provincial policy on local communities." Communities selected in the initial round include: 1. Bamfield/Huette ay aht Community Forest Society which proposed 418 hectares of Crown Land next to the communities of Bamfield and Anacla. 2. District of Fort St. James which proposed 3583 hectares of Crown land next to the community of Fort St. James. 3. Village of Burns Lake which proposed 19862 hectares of Crown land next to the community of Burns Lake. 4. Esketemc First Nation which proposed 15000 hectares of Crown land and 2560 hectares of Indian reserve land next to the community of Alkali Lake (50 kilometres south of Williams Lake).

Prior to awarding the tenures, the ministry will be holding open houses or community meetings to verify that public, First Nation and stakeholder concerns have been addressed. The term for each pilot is 5 years, after which the communities may be eligible for a long-term agreement of 25 to 99 years. UCMB will keep you posted to further announcements.

Protection of Workers from Exposure to Second-hand Tobacco Smoke

The following letter from Roberta Ellis Vice-President, Prevention Division, WCB was directed to Councillor Bonny Hawley, Chair, UCMB Health Committee.

I am writing to confirm the Workers' Compensation Board's perspective to all interested parties regarding protection of workers from exposure to second-hand tobacco smoke in indoor work sites and consideration of general ventilation as a potential solution to protect workers.

The Board's position on these matters is as follows:

• The WCB is committed to protecting workers from exposure to known workplace hazards, including second-hand tobacco smoke. The requirements for second-hand smoke are outlined in Sections 4.81, 4.82 and 4.83 of the Occupational Health and Safety Regulation. Other requirements in Part 5 of the Regulation on chemical substances also apply.

• WCB health and safety standards for second-hand tobacco smoke (also called environmental tobacco smoke) do not ban smoking in the workplace. They require employers to control workers' exposure through various means such as prohibiting smoking on the job, restricting smoking to a designated smoke break area such as a safe, outdoor location or a separately ventilated smoke break room, or by other equally effective means.

• The WCB will consider any proposal brought to it to control workers' exposure to second-hand smoke under the "other equally effective means" clause, including general and local ventilation. At this time, neither the WCB nor any other regulatory agency is aware of a general ventilation design that prevents workers' exposure to second-hand smoke.

• In the fall of 1998, a submission was received at the WCB from consultants to some members of the hospitality industry. The submission was intended to address the "other equally effective means" clause through the use of general ventilation. In good faith, the Board is reviewing the submission to determine if it assures workers equal or better protection to other options in the standards — prohibition, a safe, outdoor location, or a separate room with its own ventilation to the outside.

• Standards to prevent workers' exposure to second-hand smoke have been in place in most B.C. workplaces since April 15, 1998. Restaurants, bars, games rooms, bingo halls, sporting arenas and extended care facilities have until January 1, 2000 before the requirements fully apply to them.

• Per section 4.83, the Board will begin applying the standards set by the Regulation for public facilities beginning January 1, 2000.

• The Workers' Compensation Board has no jurisdiction to control exposure of second-hand smoke to the public which is rightly the authority of locally elected governments. • The Workers' Compensation Board is committed to a co-operative implementation strategy in partnership with public health agencies and the Union of BC Municipalities, and in consultation with the hospitality sector and unions.

We look forward to a continuing productive dialogue with members of the hospitality industry and other stakeholders on these and other health and safety standards in order to drive down the incidence of workplace injury and disease.

A 1997 UCMB Convention Resolution called for UCMB to work with the WCB to implement regulations, which will protect all workers in BC from exposure to secondhand smoke. Subsequently UCMB has participated in the Interagency Steering Committee with the WCB and Ministry of Health, and the committee has developed a strategy for co-operation among regional public health agencies, WCB, Ministry of Health and UCMB on this issue.

Please direct your questions or comments to the Health Committee to Barbara Ingamells, Manager, Member Services (Phone: 604-270-8226; Fax: 604-270-9116; E-mail: bin@gov.civinet.gov.bc.ca).

McCarthy Tétrault
4 C x 5" (repeat Mar 99)
Federal Trade Negotiations and the Impacts on Local Government Procurement

At its April meeting, the UBCM Executive expressed concern about the implications for local government procurement, should the federal government proceed with changes to the World Trade Organization (WTO) Agreement on Government Procurement (AGP). It is our understanding that these changes would include so-called “sub-central governments”, i.e., provincial and local governments, under the international procurement rules only currently followed by the federal government, as the AGP’s signatory.

UBCM has written to the federal Minister for International Trade, the Hon. Sergio Marchi, to express concern about the impacts on local governments should the federal government proceed with its proposals to extend the AGP rules to local governments. As we noted in the letter to Mr. Marchi, we feel that these kinds of requirements would be excessively onerous for local governments across the country to meet. It is our view that the extension of the AGP to local governments would mean that local governments would be required to change their procurement policies and practices to accommodate foreign suppliers, and to consequently accept increased administrative burdens, liabilities and costs in return for the potential cost of being fairly treated.

Do we need to have “uniform, affordable, and comparable criteria with grants checks across the country? Normally the federal government is responsible for information only. Of these, 4 have been addressed or considered in 37 of the resolutions (48%) and that it was not willing to consider changes in 37 of the resolutions (40%).

The province has indicated that 10 issues (11%) have already been addressed or at least partially addressed. In addition, the provincial government indicated that it would have to undertake a further review of issues identified in 1 resolution (1%). The Executive has directed follow-up on specific resolutions and other issues have been referred to the appropriate Executive Committees to pursue.

Sponsors have been mailed copies of the responses to their resolutions. Copies of the full provincial report are available upon request or the report can be viewed on the UBCM website. (www.civicnet.gov.bc.ca)

Members are reminded that the UBCM web site is an important source of information for researching previous resolutions. Are you wondering if a specific resolution has been considered by UBCM previously? Log on to the UBCM website and you can search ten years worth of UBCM resolutions and determine if your issue has been considered, endorsed and how the Province responded. Simply plug in some key words and let the computer do the work.

If you have any problems or enquiries please contact Marie Crawford at the UBCM office.

The new regulations would require that Category B airports, which handle eight or more commuter aircraft or fewer than eight airlines per day to have trained fire fighter and equipment on site with a response capability of three minutes.

Transport Canada in negotiating with communities in British Columbia to take over their local airports indicated that “Crash Fire Rescue” would not be required. They pointed out that the cost/risk analysis the federal government used the time needed. The federal government had undertaken and concluded that the cost/risk analysis showed that fire protection at these types of airports was not needed. The federal government used the additional cost savings to be gained from the elimination of fire protection at airports as an entitlement for local communities to take over these airports. Local governments were promised on numerous occasions by federal Transport officials that it did not intend to introduce new regulations for fire protection at airports which would affect the financial viability of these airports.

The adoption of these new regulations would require an estimated $500,000 to $600,000 per year in operating costs to local airports. This would mean added costs to local passengers and to airlines. Given that the local airports were established to operate on a cost recovery, it might mean the closure of some of these airports unless they were subsidized.

The Common Front is currently developing a strategy and has made some preliminary contacts regarding this proposal. Considering the success of the Common Front in the past we consider that action on this issue be co-ordinated through the Common Front to ensure a unified strategy.

Province explores options for background checks for community volunteers working with kids

Community volunteer groups are responding to parents concerned about risks to their children in recreational programs and they are increasingly relying on a criminal records check for adults who are in contact with children or vulnerable adults.

Most of these organisations operate on a limited budget, and have expressed to the Attorney General the financial hardship that results from the costs of criminal records checks.

Currently, there is a wide range of approaches to checking criminal records by policing agencies in the communities across the province. In some cases a criminal records check can be obtained free of charge, while other jurisdictions charge a fee. Some fees are over $50.

Attorney General Ujjal Dosanjh has set the challenge of dispute resolution and the payment of “compensation” if suppliers or other levels of government, including provincial and local governments, are not being fairly treated. Other levels of government, including provincial and local governments, will be shoudering the burden and potential cost of achieving federal trade objectives, without necessarily seeing any direct benefit.

We have also written to the Hon. Mike Farnworth, B.C.’s Minister of Employment and Investment, requesting that he represent our views to the federal government in discussions.

The UBCM Executive has also sponsored an Emergency Resolution for consideration by the Federation of Canadian Municipalities which advocates that participation by other levels of government in a revised AGP should be a provincial option, with each province seeking the formal concurrence of its local government organizations, prior to agreeing to be bound by the WTO rules for government procurement.

UBCM sent out copies of its correspondence on this matter and the FCM Emergency Resolution and background to members in late May. Please contact Harriet Permut at the UBCM office (phone: 604/270-8226; fax: 604/270-9116; e-mail: hpermut@civicnet.gov.bc.ca) for further information.

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It's time for clarity
New Legislation

1999 BILLS: Bills 52-70

As the legislature did not adjourn the sitting which started in 1998, the Bill numbering for 1999 starts after Bill 51 Nisga’a Final Agreement. The following Bills have been introduced:

Bill 52 — Taxation Statutes Amendment Act, 1999

This Bill amends a number of Taxation Statutes to make changes announced in the 1999 budget speech. Some of these amendments were to:

- Assessment Act—adds definitions and the power for the Lieutenant Governor in Council to prescribe manuals, establishing rules, formulas, rules or principles for the calculation of cost, and depreciation rates and principles for the application of depreciation for dams, power plants and substations. It also validates these items on the roll for 1994 to 1999.

- Income Tax Act—the amendments in this Bill were announced in the Budget Speech. Some of the highlights are:
  - reduces the personal income tax surtax effective 2000,
  - reduces small business tax rate effective July 1, 1999,
  - deducts some of the clear gas tax to BC Ferry Corporation and BC Transportation and Financing Authority.


Bill 53 — Budget Measures Implementation Act, 1999

This Bill implements measures announced in the Budget Speech. Some of these changes are:

- BC Transit Act—clarifies that it is expenses rather than expenditures that are to be taken into account when calculating the annual cost of a public passenger transportation system.

- Ferry Corporation Act—increases the debt limit from $975 million to $1,350 million.

- Greater Vancouver Transportation Authority Act—provides the bylaws of the City of Vancouver that prohibit the movement of trucks with the same deemed approval as in bylaws adopted by other municipalities. Also provides an amendment to allow the making of orders to exempt the GVTA, a subsidiary of the GVTA, a contractor of the GVTA, or a municipality from certain taxes, fees, or licensing requirements in relation to the construction, acquisition or operation of a transportation service.

- Highway Act—transfers highways outside municipal boundaries and arterial highways from the government to the BC Transportation Financing Authority effective March 31, 1999. See sidebar entitled “BCTFA Gets Title to All Arterial Highways and Rural Roads”, in this Bulletin.

- Industrial Development Incentive Act—increases cap on loans from $450 million to $550 million

- Municipal Finance Authority Act—allows members of MFA to approve resolutions by phone or other communications media; deals of the agreements MFA may enter into in relation to borrowing, lending, or investing of money. It also imposes joint and several liability for securities issued by a Regional Hospital District by the MFA, with the RHD, the Regional District with which it shares boundaries and the municipalities which make up that Regional District.

- Municipalities Enabling and Validating Act (No. 2) —GVRD borrowing on behalf of regional authorities — allows GVRD to undertake short term borrowing including borrowing on the commercial market on behalf of the Greater Vancouver Transportation Authority, Greater Vancouver Sewerage and Drainage District, Greater Vancouver Water District.

- Bill 54 — Supply Act (No. 1) 1999

- $5.2 billion dollars to defray charges and expenses of the public service for the fiscal year ending March 31, 2000.

- Bill 55 — Probate Fee Act

- Amendments made by this Bill ensures that the probate fees collected by the Province of BC since 1988 will be retained. These amendments were made necessary by a Supreme Court of Canada decision in October, 1998.

- Bill 57 — Range Amendment Act, 1999

- This Bill makes a number of amendments to the Range Act among other amendments dealing with grazing and temporary hay cutting permits.

- Bill 58 — Pension Benefits Standards Amendment Act, 1999

- This Bill amends all the provincial Pension Statutes to bring wording in line with the two year vesting rules. It also changes the definition of "spouse" to include persons of the same gender and to protect separated persons. Disallows mental illness as a ground for unlocking pension money under section 26(6), which allows a person with shortened life expectations to convert the pension to a payment or series of payments acceptable to the board.

- Bill 59 — Tuition Fee Freeze Act

- This Bill extends the "tuition fee freeze" for post secondary institutions by one year to March 31, 2000.

- Bill 60 — Fire Services Amendment Act, 1999

- Bill 61 — Fire Services Amendment Act, 1999

- This Bill formally amends the Fire Services Act to allow the Fire Commissioner to issue bonds for long service and bravery.

Reforming the Municipal Act

The nature of work on the 1999 Municipal Act Reform (MAR) package will soon change and work on elements of the 2000 package has already begun.

1999 Legislation

Consultation on the 1999 legislation is complete and the legislation is still expected to be introduced at this session. It is anticipated that it will contain broad service powers, business licensing, financial management, some financial and tax provisions, open meeting, and some changes for elections and campaign finance.

When adopted, attention will turn to implementation. Immediate attention ought to be given to any changes to elections provisions.

2000 Legislation

UBCM and the Ministry of Municipal Affairs had agreed to a three year program of Municipal Act Reform. Elements of the 2000 program should include remaining finance and taxation issues.

In addition to those components and very important are the land use and regional district sections. Work has already begun in these areas so that ideas can be discussed at the fall UBCM convention.

The land use review was formally launched at the Marketplace, Invitational of BC conference last month.

Regional District legislation regional consultations are already underway. These sessions are intended to confirm/ amend the suggested priorities development by a Steering Committee. The Steering Committee used the results of earlier issue identification sessions at the 1998 Convention and 1999 Legislative Symposium to develop target areas for reform. The results of the regional workshops will:

- feed into sessions at the Convention that will:
  - provide direction to a number of working groups to be established in the fall that will develop
  - specific proposals for consideration at the 2000 Legislative Symposium (likely again in February) so that:
    - legislation can be finalized in time for it to be available to be introduced in a spring session.

BCTFA GETS TITLE TO ALL ARTERIAL HIGHWAYS AND RURAL ROADS

An amendment to the Highway Act contained in Bill 53, the Budget Measures Implementation Act 1999, gives the BC Transportation Financing Authority title to every highway outside a municipality and every arterial highway. As well, the BCTFA will obtain title to any land protected for future highway development that is owned by the provincial government. This allows the BCTFA to account for these highways as capital assets. The amendment does not affect the responsibilities of the Ministry of Transportation and Highways in relation to these roads.

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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.
Taking advantage of deregulation of the telecommunications industry, countless providers of telephone, Internet and cable-television service are demanding access to municipal rights-of-way. The City of Vancouver believes that all similar users of rights-of-way should be allowed access on an equitable basis, provided they do not impose additional costs and liabilities on municipal governments and taxpayers, as a result of their activities, and that they compensate municipalities for any costs and liabilities as a result of their activities.

In the fall of 1998, Ledcor Industries did impose future costs and liabilities on Vancouver taxpayers by installing a telecommunications line on City property without municipal consent or knowledge. Rather than sign an agreement to mitigate these costs as requested, Ledcor has applied to the CRTC to force the City to accept the situation.

As well as responding to the CRTC on this matter, Vancouver is also asking the CRTC to clarify the issue for the benefit of all municipalities and telecommunications carriers. The CRTC and several other major cities will be participating in the public notice process that the CRTC has already said it will hold on this important national issue.

Essentially, the problem stems from unclear federal legislation that gives carriers the right to access municipal rights-of-way subject to municipal consent but does not specify what appropriate terms are for that consent. Our expectation is that the CRTC, after appropriate input, will clarify these terms for the benefit of all parties.

This article gives some historical background on the issue, looks at why this is important to all municipalities and touches on the expected CRTC process.

History and Legislative Background

As telecommunications networks were built in Canada, it became common practice for municipal governments to grant free right-of-way access to telecommunications companies.

The new Telecommunications Act (the Act) came into force in 1993 and significantly deregulated the industry. In May 1995, the Canadian Radio-Television and Telecommunications Commission (CRTC) released a report entitled "Competition and Culture: A Call for Action".

In addressing the issue of competition, one of the three broad policy areas in the report, the Convergence Report, stated that where was wide support for the operating principle that 'fair' and 'substantial' competition in the best interests of consumers. It went on to note that 'substantial' competition is generally recognized as the best means of stimulating choice and economic growth. The Convergence Report made no reference to access to municipal rights-of-way nor to the impact that deregulation will have on municipalities.

Effect of Deregulation on Municipal Governments

Street right-of-way, particularly in the downtown areas of major cities is an increasingly scarce and valuable resource. Even without deregulation of telecommunications, construction and repair of essential sewer and water systems was becoming difficult and expensive due to the myriad other competing very successfully new telecom entrants that were competing for the same space.

In our view municipal governments may therefore set terms and conditions in return for granting access.

Since about 1997, in Vancouver and other cities and municipalities we have been successfully negotiating agreements with new telecom entrants that mitigate the costs and liabilities presented by these companies. These agreements generally follow the principles established by the FCM for this purpose:

- Municipal governments must have the ability to control the number and types of systems being installed.
- The use of municipal rights-of-way by telecommunications companies must not impose any financial burden on municipal governments and taxpayers.
- Municipal governments must not be responsible for the costs of relocating telecommunications infrastructure if relocation is required for urban planning or for reasons deemed necessary by the municipality.
- Municipal governments must not be liable for economic loss, legal costs or physical restoration costs resulting from the disruption of telecommunications services arising out of the actions of a municipal government.
- Municipal governments are entitled to receive revenues over and above direct costs associated with rights-of-way as compensation from corporations using public (municipal) property for profit, as federal and provincial governments do today.

Up until Ledcor trespasses on City property, other new entrants such as Metronet have been entering agreements and have apparently been competing very successfully.

The CRTC's decision gives telecommunications carriers the right to access municipal rights-of-way for the installation of transmission lines. Under the Act however, the right of telecommunications companies to use municipal right-of-way is subject to municipal consent. Section 4(3) of the Act provides that:

"No Canadian carrier or undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking undertaking 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**Liquor Policy**

The UBCM indicated to the provincial government that it supported the following changes in liquor policy:
- reducing the 10 licence types to two;
- eliminating regulatory policies, such as the number and size of televisions in bars;
- simplifying the licence approval process;
- allowing wineries to serve wine and food without having to apply for multiple licences;
- regulating and licensing U-Brews and U-Vins.

The UBCM highlighted the following local government concerns with respect to changes in liquor policy:
- local enforcement of liquor policy;
- local government bylaws and zoning;
- local government control of liquor policy.

In a report, the UBCM recommended that any changes in liquor policy be subject to the following:
- major enhancement of enforcement capacity;
- enforcement programs and liquor policy changes be implemented concurrently;
- changes in hours of operation be subject to local approval;
- local government zoning regulations apply in all instances;
- no downloading on to local governments of liquor licensing applications it will provide on;
- local governments will have the authority to charge cost-recovery licensing application fees.

The provincial cabinet on June 3, 1999 announced that it would be implementing changes to the liquor regulations and the Liquor Act proposed by the consultant Jo Surich for further details www.fin.gov.bc.ca/streamline/Lreport.htm.

These changes include those supported by the UBCM.

The liquor policy changes announced by the provincial government suggests that a number of local government concerns were addressed:
- the number of liquor inspectors will be increased to allow for increased enforcement of the liquor regulations;
- the enforcement mechanisms are to be in place before changes are introduced to licensing;
- municipal approval will be required for changes in hours of operation;
- local government will have the ability to determine which liquor licensing applications it will provide on;
- local governments will have the authority to charge cost-recovery licensing application fees.

There are still a number of issues which have to be pursued further. The major issue from a local government perspective that may not be resolved is the issue of allowing hotel pubs, lounges, neighbourhood pubs, marine pubs and the need to extend to the building occupancy limit or the current liquor capacity plus fifty percent.

From the perspective of industry stakeholders, this recommendation is one of quid pro quo for bars in return for the recommendation to legitimate and control the current practice of limited service in drinking without food in restaurants. Consequently, they object to a blanket requirement that these increases be subject to the local government approval.

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- local governments will have the authority to charge cost-recovery licensing application fees.
The Auditor-General has recently completed an audit of the actions undertaken by the province to protect drinking water sources. The intent of the audit was to answer the following question: Does the level of protection provided by the Province to drinking water sources could be expensive for the approximately 100 municipalities outside Victoria and Vancouver that use unfiltered surface water. The report suggests that the capital cost of installing filtration would be about $700 million and the extra cost of financing, operating and maintaining the new treatment plants would be about $30 million a year.

The Auditor-General points out that provincial regulations tools do not appear to provide drinking water suppliers with the same broadly based rights as other resource users, such as tree farm licences.

The province intends to undertake 8 pilot projects (85,000 each pilot) to determine how the directive will be taking in its relief.

This document takes on greater significance given the recent downsizing of the ministry and the UBCM will be having discussions with the ministry on the potential impact that the business plan and downsizing will have on water and other resources.

The Auditor-General in his report concludes that: "The Province is not adequately protecting drinking-water sources from human related impacts, and that this could have significant cost implications in the future for the Province, for municipal and regional governments, and for citizens in general. The key problem is lack of an effective, integrated approach to land-use management. This could lead to less than optimal choices being made between the need to protect source water and the need to allow other activities."

The report estimates that the cost of neglecting our drinking-water sources could be expensive for the approximately 100 municipalities outside Victoria and Vancouver that use unfiltered surface water. The report suggests that the capital cost of installing filtration would be about $700 million and the extra cost of financing, operating and maintaining the new treatment plants would be about $30 million a year.

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Nominations Procedures For the UBCM Executive

The ongoing administration and policy determination of the UBCM is governed by an 11-person Executive that is elected and appointed at the Annual Convention.

There are ELEVEN elected positions:
- President
- First Vice-President
- Second Vice-President
- Third Vice-President
- Director at Large (5 positions)
- Small Community Representative
- Electoral Area Representative

There are seven appointed positions:
- Immediate Past President
- Vancouver Representative
- CVRD Representative
- Area Association Representatives - AVIM, AKBM, OMMA, NCMA and LMMA

Nominating Committee is appointed under provisions of the UBCM bylaws and is composed of the Immediate Past President and representatives of the five Area Associations.

The Nominating Committee is responsible for overseeing the nominating and election process.

The Nominating Process

May
Nominating Committee will circulate a Call for Nomination notice that will contain the following information:
- positions open for nomination
- process for nomination
- qualifications for office
- role of Nominating Committee
- closing date for nominations (prior to Convention)
- general duties of an Executive member

It will include instructions on how to access additional information on UBCM Executive responsibilities and how, preferably, to submit a nomination.

July 30
Nominations close - all candidates must have their documentation submitted.

Following that deadline, the Nominating Committee will review the credentials and prepare their report. It is not the role of the Nominating Committee to recommend any one nomination. They are to ensure nominations are complete and are according to policies and procedures.

Mid-August
The Nominating Committee report will be distributed to all UBCM members which include:
- names of members and positions
- photo (to size set by Nominating Committee Chair)
- biographical information.

The maximum length of such information shall be 300 words. If the information provided is in excess, the Nominating Committee Chair shall return it once for editing; if it still does not meet the maximum the Nominating Committee Chair shall edit as required.

For further information on the nomination and election process contact the Chair, UBCM Nominating Committee.

Convention

Future UBCM Convention Locations Update

A survey was circulated to members in April request- ing input regarding the future of UBCM conven- tion locations. The prime question is whether or not to continue holding the convention in Vancouver every other year, or to go to a more regular rotation of all the eligible venues.

Preliminary results of the survey (67% response) have both options equally preferred: If you have not yet returned your survey, your response is still strongly encouraged (one per board / council). Many comments regarding con- vention locations (venues, hotels, travel, costs) have been noted from the sur- veys and may be the de- termining factors in this decision.

1999 UBCM Convention Registration

Registration package for the last UBCM Conven- tion of the 20th century (Sept. 27 - Oct. 1, 1999 in Vancouver) will be mailed to members and others in early July. Take advan- tage of “incentive” rates until August 27.

Convention “bulle- tins” will be circulated from July to October to give members up-to-date details on some of the individual components of this year’s event.

Accommodations should be booked imme- diately. A list of hotels holding room blocks for UBCM can be obtained by calling 604-270-8262. In consideration of other deleg- ates, please release any unused rooms as soon as possible.

Small Community & Electoral Area Representative

The UBCM Executive re- ceived at their April 23, 1999 Executive meeting the results of a survey of the membership regarding the nominations and elections for Small Com- munity and Electoral Area Representatives at the an- nual UBCM convention.

The survey was distrib- uted to all 180 UBCM members. To date 81 members or 45% of mem- bers have responded. Re- sponses are higher from small communities and regional districts.

Responses to Question 1:

The first question asked:
1. We prefer Small Com- munity and Electoral Area Representatives respectively to qualify for convention travel rates:
   1a) Recommended by Small Communities and Electoral Area Representatives respectively.
   1b) Elected only by Small Communities and Electoral Area Representatives respectively.

2. If you prefer the Small Communities and Elec- toral Area Representatives be elected by Small Communities/Electoral Area (option 1b), would you prefer:
   2a) The election be held at Small Talk / RD Day respectively (Tuesday), or
   2b) Concurrent with the election for Directors at Large (Thursday of the Convention).

The UBCM Conven- tion Committee will re- view the results of the sur- vey at the July Executive meeting and make a rec- ommendation to members by the end of the year.

The 2000 convention has been confirmed for Victoria and the 2001 con- vention for Vancouver. The new schedule will be implemented for 2002.

Regional District Legislative Sessions

Work on regional district legislation has begun, ses- sions in each Area Asso- ciation region are sched- uled to take place late June and early July.

A process has been launched that will involve:
- Regional consultations in late June including one in each area association’s region.
- Consideration of options at the September Convention.
- Review of legislative di- rectives at a February 2000 Legislative Symposium.
- Setting the stage for fi- nalization and introduction of legislation.

The approach is to fo- cus on what are agreed to be the “major irritants” and fix them.

Using “issues identifi- cation” materials gener- ated at the 1998 UBCM convention and 1999 Legis- lative Symposium, a Steering Committee com- posed of various local of- ficials and Ministry staff have identified the major issues they feel should be the focus of the work.

Members will have the opportunity to confirm or amend the identified maj- or issues at the regional forums.

If you wish further in- formation on the session in your region call your Area Association contact or the UBCM office (604- 270-8262) for the dates, place and organizer in your region.

UBCM Convention Travel

Air Canada/AirBC has been appointed the Offi- cial Airline for the Union of BC Municipalities 96th Annual Convention in Vancouver, September 27 – October 1, 1999. Call Air Canada at 1-800-268-0024 (http://www.aircan.ca) or your travel agent to take advantage of special con- vention rates.

The following event number must be given to your booking agent and appear in the TOUR CODE BOX on your ticket to qualify for convention rates.

CV993278
Policing Review to be Considered at 1999 Convention

Policing costs represent one of the single largest expenditures faced by local governments. In response to a number of concerns by local communities, UBCM will undertake a further review of the problems local governments face in financing policing costs.

The report will look at a number of options for financing of policing costs such as:
1. Provincial Funding of Policing Costs
2. Regional District Funding of Policing Costs
3. Local Funding of Policing Costs Based on Service Delivery Area.

The purpose of the report will be to identify some basic principles that everyone can agree on for the funding of police services. An example of these principles might be the following:
1. All areas, including small incorporated communities, contribute to the financing of policing costs.
2. The amount paid by a community reflects the ability of that community to pay, including consideration of the assessment base of the community.
3. The amount paid by residents of unincorporated areas toward the cost of policing be more clearly identified than it is now as part of the rural tax rate.

The purpose of the report will be to identify some options in the short term and/or long term that local governments are willing to support to address the problems they face in financing policing services.

The report will be presented for discussion at the 1999 UBCM Convention.

UBCM joins B.C.’s Attorney General in calling on Ottawa to fill RCMP vacancies

With more than 400 vacancies in the RCMP in British Columbia and Ottawa’s claw back of $8.2 million in RCMP funding, UBCM joined Attorney General Ujjal Dosanjh at a May news conference to warn Ottawa about the consequences of the deficiencies in RCMP resources.

UBCM President, Mayor John Ranta, and the Attorney General wrote to Solicitor-General Lawrence MacAulay to express grave concerns about the ability of the RCMP to adequately police the many municipalities who contract with the RCMP.

Mayor Ranta wrote Ottawa saying that “the funding and human resources need to be restored to the RCMP in our province immediately so that the RCMP can maintain peace, order and the rule of law in our communities”.

Attorney General Dosanjh’s letter stated “for the second year in a row your government has ignored the critical funding shortfall in the RCMP budget”. He added, “The federal government is undermining our ability to provide the residents of our communities with an appropriate level of policing”.

The letters were made public at a joint news conference in Vancouver on May 1st. Vancouver Councillor Lynne Kennedy, who chairs UBCM’s Justice and Protective Services Committee, and Richmond Mayor Greg Halsey-Brandt shared the podium with Attorney General Dosanjh to reinforce the message in the letters to Ottawa.

In her remarks to the media, Councillor Kennedy amplified the call to fill the 400 RCMP member vacancies in British Columbia.

Mayor Halsey-Brandt, who has been working with other Lower Mainland mayors on RCMP matters, called for Solicitor General MacAulay “to come out to B.C. so that he can see the problem for himself”.

Attorney General Dosanjh said “British Columbians willingly pay their share of RCMP costs. It is time for the federal government to meet its obligations under the agreements they signed in 1992”.

B.C. signed police agreements with the Solicitor General of Canada to provide provincial and municipal RCMP services from April 1, 1992 to March 31, 2012. The 20-year agreements stipulate what the province, municipalities and the federal government must pay toward costs of the RCMP providing policing services.

The May news conference generated stories in the Globe and Mail and major BC daily newspapers. Radio and TV outlets carried reports over the weekend. A UBCM circular was sent to members by fax on May 3rd.
Financial Policy

Volunteer Firefighters

1999 Bills

Continued from page 8

Bill 61 — Consumer Protection Amendment Act, 1999

The main thrust of this Bill is to make amendments to the Part of the Act which deals with Part 1—Direct Sales and Exclusory Contracts by providing:

- that a direct sales contract is not binding if the contract is not in writing or is not signed or if the buyer is not advised of cancellation rights, or if the buyer does not receive a copy.
- enhances cancellation rights as part of a national harmonization project respecting direct sales legislation by:
  - extending initial cancellation period to 10 days.
  - affording a one year direct sale cancellation period if direct seller is not licensed under the Act, the contract does not contain specified information or the goods or services are not supplied within 30 days of the supply date specified in the contract.

Bill 62 — Miscellaneous Statutes Amendment Act, 1999

Some of the Statutes amended by this Bill of interest to municipalities are:

- Budget Measures Implementation Act, 1999 — validates specified bylaws of the Greater Vancouver Transportation Authority effective April 1, 1999 and allows the collection of money under them.
- Financial Administration Act — allows the government and government bodies to enter into intergovernmental cooperatives in order to manage risks or maximize benefits associated with fluctuating prices of goods and services.

Greater Vancouver Sewerage and Drainage District Act — allows GVSD to enter into agreements with UBC to recover the cost of sewage services.

Municipalities Enabling and Validating Act (No. 2) — validates a land exchange agreement in the watershed for the Greater Victoria Water Supply.

Offence Act — allows a judge to adjourn a trial and notify the parties of the new time and place and removes the maximum 8 day adjournment restriction and requirement that parties consent.

Bill 63 — Wildlife Amendment Act, 1999

This Bill makes a number of changes to the Wildlife Amendment Act. Some of the amendments made to this Act are:

- new definitions of “resident” and “non-resident” for wildlife purposes.
- makes it an offence to feed or attract dangerous wildlife.
- reorganizes the offences under the Act and increases the range of fines and penalties that may be imposed for those classes of offences.
- adds a section on “Creative Sentencing” which allows that the court may regard as a mitigation of the nature of the offence and the circumstances surrounding its commission and make an order under this section.

Bill 64 — Securities Amendment Act, 1999

This Bill makes a number of changes to the Securities Act dealing with such things as “Financial Instruments” and “Designated Mutual Funds” establishes the Commission’s power to regulate quotation and trade reporting systems, and requirement of prospectuses.

Bill 65 — Labour Statutes Amendment Act, 1999

Some of the Acts amended by this Bill are:

- Employment Standards Act — extends the enforcement mechanisms of the Employment Practi- cers Act for the recovery of wages paid to a talent agency on behalf of an employee and are not remitted in time to the employee.
- Skills Development and Fair Wage Act — repeals section 6 which required that a contractor or sub contractor must provide a statutory declaration to the ten- dering agency recognizing their obligations to comply with this Act.
- Workers Compensation Act — replaces the current fixed amounts payable for funeral expenses with an authority that can be determined by WCB Policy.

Repeals and re-enacts sections 36 the accident fund for pay- ment of expenses in administer- ing the Workplace Act and es- tablishes industry classes for the purposes of assessment to maintain the accident fund and gives the board the power to set rates or classes, create new classes, etc.

Bill 66 — Attorney General Statutes Amendment Act, 1999

Some of the Acts amended by this Bill are:

- Court of Appeal Act — adds a new section that provides for the rulings of the court that leave to give judgments in pro- ceedings they heard while in office, and to continue hearing and appeal cases that have been ap- pointed to another court.

Bill 67 — Strata Property Amendment Act, 1999

The Strata Property Act was given Royal Assent in 1986 but has not yet been brought into force. Generally these amend- ments to the Strata Property Act deal with the operation of the strata corporation but there are a couple of amendments which will be of specific interest to lo- cal government. These amend- ments are:

- the definition of “applying officer” means an appropriate approving officer appointed under the Land Titles Act;
- the approving officer must not approve a bare land strata plan unless it complies with the regulations;
- a strata lot may not be sub- divided by the deposit of a strata plan which could create another strata corporation.

Bill 68 — Forest Amendment Act, 1999

This Bill makes a number of amendments to the “Forest Act.” Some of these are:

- adds a new section which al- lows the regional manager to consolidate 2 or more timber licences into a timber or timber licence, with the consent of the holder of the licence. It lays out how the managed may achieve the consolidation;
- provides transition provisions for the introduction of the maximum term of a woodland licence to 20 years;
- allows that the district manager if permitted by the regulations, with the consent of the licence holder, may change the bound- ary area of the woodland licence.

Bill 69 — Education Statutes Amendment Act, 1999

This Bill amends a number of the acts administered by the Ministry of Education, inter- est to local government is an amendment to the School Act which allows participation in a meeting by telephone or other means of communication.

Bill 70 — Agricultural Land Commission Act, 1999

This Bill amends the Act to es- tablish the public process that must be followed by the Board (Commission or Commissioner- es as defined under section 39 of the Act) and issues it must consider when matters are re- ferred to it. It provides for at least one public hearing in each area of the province and that when deciding the outcome, must give weight in descending order of priority to:

- agricultural values, includ- ing the values of agricultural land and the promotion of agricultural purposes;
- environmental and heritage values;
- public interest and safety; and
- economic cultural and so- cial values.

The sections amended by this Bill allow the Lieutenant Governor in Council to remove a matter from consideration by the Agricultural Land Com- mission, and decide the matter it- self when the provincial interest is broader than the specific man- date of the ALC.

Community Volunteers

Continued from page 7

provincial”

To meet this challenge, the British Columbia Asso- ciation of Chiefs of Po- lice has established a task force to address the many concerns about the man- ner of conducting crim- inal record checks, the cost associated with this special service. The task force includes representa- tion from the province and UBCM.

A major consideration for the task force is the desire to assist the volun- teer community where possible.

Some of the services volun- teers provide contribute to the quality of our commun- ities, whether coaching a soccer team or helping the elderly.

These people are not paid to perform these tasks, their organisations generally have limited budgets, and the costs of checks make it more diffi- cult to recruit volunteers.

The task force is exploring cost recovery options and the responsibility for the program. Essentially, criminal records checks are outside the scope of the public duty of the po- lice and are legally deemed to be a ‘special service’.

The province is looking at whether or not it should run a criminal record check program for volunteer agencies. This would provide uniform- ity, however it may not be sensitive enough to local issues in the diversity of community environments in British Columbia.

There is also a need for volunteer agencies to recog- nise the limitations of a check for a criminal record. The volunteer groups need to use these checks as a supplement to their own screening proc- esses.

The task force is examin- ing the many legal and policy implications of the issue. The task force de- liberations will be re- viewed by the BC Asso- ciation of Chiefs of Police as well as the UBCM.

If you have any ideas or comments, please get in touch with UBCM or the task force. Please contact Joe Stott, deputy executive director at (604) 270-8226.
TREATY NEGOTIATION ADVISORY COMMITTEE UP-DATE

A wide range of topics have been discussed at TNAC over the past three months. Three topics which may be of particular interest are tripartite talks, observer status and the new B.C. Capacity Building Initiative.

Tripartite Review of the BCTC Process

The current round of tripartite talks concluded in mid-January. The talks focused on possible resolutions to the following province-wide issues:
1. statement on aboriginal and constitutional issues
2. the urgency of negotiations following the Delgamuukw decision
3. ways of accelerating land, resources and cash and financial component negotiations and offers, including staged implementation, interim measures, consultation, governance, identification of Nations, and principles for the resolution of financial limitation period, and role of the BC Treaty Commission.
4. statement on certainty
5. capacity building for First Nations
6. a number of ancillary issues, including principles of good faith negotiations, compensation, negotiation funding, cost-sharing memorandum of understanding limitation period, and role of the BC Treaty Commission.

The Federal Government has initiated a program in B.C. to enhance the capacity and expertise of First Nations who have already Aboriginal title to prepare for consultation on land and resources referrals. The program was suggested by members of TNAC, particularly from the resource sectors, to address land and resource management capacity gaps. Funding will be utilized for the development of capacity building (eg: training of First Nation members; development of strategic plans; institutional capacity building; eg: establishment of land and resource management structures within the First Nation); or business capacity building (eg: joint ventures that build capacity in the First Nation). It is hoped that this project will assist First Nations in expeditiously responding to consultation referrals on forestry, environmental and other matters, so that resource development is not unnecessarily held up.

The initiative is operating under a very fast time line. The proposal call went out on May 26 and the deadline for proposals is June 30. A council has been struck to review and make decisions about proposals during July and August. The council includes First Nations representatives and members from TNAC. It is anticipated that funds will be disbursed in September.

The project involves $15 million from the federal government. The project is expected to fund 300 proposals. Accepted proposals will be monitored on a monthly basis.

Ministry of Municipal Affairs Enters Contribution Agreement with UBCM for Regional 'Community to Community' Forums

UBCM has entered into a contribution agreement with the Ministry of Municipal Affairs for Regional 'Community to Community' Forums to enhance working relations between local governments and First Nations communities. The Agreement involves $25,000 for a minimum of six forums. The fund is being administered by UBCM.

What is envisioned are joint events organized by local government and First Nations communities. Each forum will focus on issues of mutual interest and areas of common responsibility. The conferences could include many issues, including economic development, environmental protection and services to residents. Participating local governments, in conjunction with participating First Nations, will work together to determine the content of each forum. Costs of the forums will be shared through funding provided by the provincial government and participating local governments.

"Finding new ways to co-operate in resolving local aboriginal community interests and regional Community to Community Forums in the near future, the interests of the people involved in each forum will be shared, and the provincial government will be included to provide opportunities for local First Nations communities to address many issues. This approach will be shared through funding provided by the provincial government and participating local governments."

MAYOR GILLIAN TRUMPER STEPS DOWN AS UBCM REPRESENTATIVE TO TNAC,
DIRECTOR JIM ABRAM APPOINTED AS REPRESENTATIVE

The UBCM Executive appointed Director Abram as UBCM representative to the Treaty Negotiation Advisory Committee. Director Abram is the chair of the Aboriginal Affairs Committee, a position he has held since 1994. He is also the second vice president of UBCM and a rural area director on the Board of the Comox Strathcona Regional District.

The Treaty Negotiation Advisory Committee (TNAC), includes provincial organizations whose members may be directly affected by treaty settlements. Committee members come from business, labour, environmental, recreational, fish and wildlife groups and local governments.

Each TNAC member also sits on one of four sub-committees: Fisheries; Forests, Lands and Wildlife; Third Parties; and Metis. Each meeting of the committee members monthly with members of the provincial and federal governments exchange information and ideas. Mayor Trumper, UBCM Executive Director, chairs the governance sub-committee.

Mayor Trumper, City of Port Alberni, was the TNAC representative for three years and was president of UBCM in 1994-95. Mayor Trumper thanked the observers at the tripartite talks between Canada, British Columbia and the First Nations Summit in 1998. Her significant service on TNAC and all the hard work and many hours that she has devoted on UBCM's behalf have been highly recognized. Mayor Trumper has graciously accepted an invitation to continue to participate on the UBCM Aboriginal Affairs Committee. Her experience and insight are greatly appreciated.

UBCM and PROVINCE SIGN SUB-AGREEMENT TO 1996 PROTOCOL

On April 6 UBCM and the Ministries of Aboriginal and Municipal Affairs finalized an agreement for joint action on local government interests affected by aboriginal issues. It has been set up as a sub-agreement to the 1996 Protocol of Recognition signed by UBCM and the Province. The 1996 Protocol acknowledged local government's need for further protection, firm, responsible and accountable order of government.

The current issues identified in the Sub-Agreement for immediate action are:
1. inter-First Nations compensation; and governance-first nation conflict resolution; inter-governmental linkages and relationships; and representation and Aboriginal self government. This project is just one example of the type of co-operative work that is envisioned under the Sub-Agreement.


Treaty Negotiations Status

as of May 26, 1999

There are 51 First Nations in the British Columbia Treaty Commission (BCTC) process.

GORDON WILSON
ADDRESSES ABORIGINAL AFFAIRS COMMITTEE

Minister Wilson addressed the Aboriginal Affairs Committee at its April meeting in Victoria. Issues discussed included:

- Bill C-49 - the minister agreed that this federal legislation is a potential disincentive for first nations to negotiate treaties in the BCTC process;
- meaningful local government participation in the treaty process;
- pre- and post-treaty mechanisms for resolving disputes - Minister Wilson agreed that there “needs to be good language” for resolving disputes between local governments and First Nations in the post-treaty environment. The Minister said he would “be anxious” to hear suggested language on this issue from the Aboriginal Affairs Committee. He did not say where he thought the language ought to be located – in treaties, in legislation or in bilateral agreements between local governments and first nations;
- the need to inform the public on the treaty process without engaging in the type of public relations campaigns associated with the Nisga’a Final Agreement; and
- the need for dedicated negotiators at active treaty tables.

The Minister also indicated that his Ministry is attempting to get First Nations to regionally negotiate issues such as overlaps. Minister Wilson asked for some suggestions for improving local government participation.

Treaty Advisory Committee Websites

We would be interested in any suggestions for BCC’s Aboriginal Affairs Information Network (www.civilnet.gov.bc.ca/ubcm/aboriginal/). One area of the site which has been recently updated is the addition of a listing of Treaty Advisory Committee home pages. Currently there is a direct link to TAC home pages:
1. Fraser Valley TAC at www.FVRD.bc.ca/TAC/
2. Lower Mainland TAC at www.gvr.d.ca/LMT
3. Prince George TAC at www.pgweb.com/treaty

Fish Protection

Continued from page 11

A workshop was held on the fish protection directive at the Environment Committee meeting in May. The Chair of the Environment Committee, Minister Wilson, outlined the benchmarks local government had endorsed in the 1997 Environment Action Plan if it was to be an active participant in the process:

- fair liability protection;
- flexible approach to local circumstances;
- technical assistance; and
- financial assistance to implement the directives.

Local government representatives at the conference stressed the need for a dispute resolution process, the need for a coordinated enforcement and compliance strategy; the need for coordinated fund- ing and technical training to implement this approach (i.e. mapping and inventory of streams etc.); and the need for more efficient and effective intergovernmental relations.

A number of local governments have expressed interest in exploring the establishment of a regional fisheries co-ordinated enforcement body. The Standing Committee was holding hearings with respect to Bill C-49, the First Nations Land Management Act.

Mayors went before the Committee on behalf of UBCM and the Fraser Valley Civicnet Director, Jim Abram, Chair of the Aboriginal Affairs Committee, was unable to make the trip due to a prior commitment. Joint representatives were made by the Fraser Valley District of North Vancouver and Councillor Nancy Chiavario, Vancouver, on behalf of the Lower Mainland.

Bill C-49 will ratify a Framework Agreement on First Nation Land Management signed by the 14 First Nations and the federal government in February. It will allow participating First Nations to opt out of land management sections of the Indian Act and to establish their own land codes to manage reserve land. There are five participating First Nations in B.C. These First Nations are the Musqueam, Squamish, Westbank, N’Quatsan and Lheidli Teneh.

Bill C-49 does not modify the Indian Act but identifies land-related sections of that Act will no longer apply to the 14 First Nations once they have enacted their land codes. Bill C-49 stipulates the procedures that must be followed in this regard.

UBCM has 4 main concerns with this legislation. They are:

1. BC Treaty Commission Process - The Bill creates potential confusion in situations where land management agreements are being implemented at the same time as self-govern ment authorities are being negotiated through the BC Treaty process.
2. Inter-governmental Relations - There has been no consideration given in the Bill for mechanisms for the harmonious evolution of intergovernmental relations between neighboring first nations and local governments.
3. Expropriation - The Bill contains broadly worded expropriation powers that can be exercised in relation to local government interests.
4. Notification and Voting Rights - Expropriation powers may be granted Bill C-49 authority without Parliament’s review or notification of other levels of government.

This Bill is of particular significance to local governments adjacent to the proposed expropriation boundaries and in relation to the Framework Agreement. These first nations will be in a position to commence the process of creating their own land codes after passage of the Bill. However, the Bill is of significance to all communities throughout B.C. The Standing Committee was hearing concerns from the above concerns, and suggested changes to the Bill that would address these concerns in a fair and reasonable fashion without undermining the intent of the Bill and without compromising the Treaty Commission because of the Bill.

The Standing Committee completed its hearings on May 26. The Committee recommended two beneficial changes to the expropriation provision in the Bill. These changes create greater certainty regarding the parameters of the expropriation powers. The Senate Committee accepted the changes to the Bill recommended by the Senate, and the amendments were passed through the house on May 25. The Bill is now law.
“PROCEDURES THAT MAKE NO SENSE” (Part 4)
By Eli Mina, P.R.P.

In the previous three issues of the UBCM newsletter we discussed several procedures of questionable benefit. In the final installment of this series, several other procedures are placed in the proper perspective. The information given herein comes from practical experience and is consistent with the 1990 edition of Robert’s Rules of Order Newly Revised (RONR).

A “negative” motion

A request for funding comes before Council. A member who opposes the request moves “That Council not approve the funding”. There is heated debate on the subject, and - believe it or not - the motion is defeated. The applicant for funding is jubilant, believing that the “double negative” means that the funding was approved. Council says - “Hold it! Don’t open the champagne bottles yet… No motion to approve anything was adopted, and therefore nothing was explicitly authorized. A “double negative” does not mean that any affirmative action would be taken. To approve the funding, a separate motion in the affirmative would have to be presented and adopted. Can such a motion be presented at the same meeting? Yes.

RONR generally recommends that motions to refrain from doing something be avoided, since the same outcome (i.e.: no departure from the status quo) would be accomplished without a motion. The alternative? Frame your motions in the affirmative. For example: “Resolved, That the Council approve the funding”, or “Resolved, That the Council reject the funding request”.

Speaking against your own motion

A contentious proposal is scheduled for debate and decision making. A member who is opposed to it makes a motion that the proposal be adopted ("just get it on the floor"). She then speaks against her own motion. Immediately another member raises a point of order: “You cannot speak against your own motion”. Even though this is a relatively minor infraction of the rules, the point of order is valid, and the “nit picking” can lead to time-consuming procedural arguments.

To prevent such a situation, the first member should have made the motion in a way which was consistent with her sentiments. For example: Instead of moving “That we go on record as supporting the proposed highway project” and then speaking against it, she should have moved “That we go on record as opposing the proposed highway project”. She could then speak in favor of her motion.

A motion to reaffirm a policy

A new Council is elected, with several “novice” members. The previous Council adopted a resolution, declaring the municipality “a nuclear-free zone”. A re-elected member moves that Council reaffirm this policy. However, the new Councilors appear to have minds of their own, and are not prepared to “tow the party line”. The motion to reaffirm is narrowly defeated. Should the new Councilors break the news to their supporters, that the “nuclear-free zone” policy is no longer in effect?

Not so fast! Nothing was explicitly amended, and therefore the “nuclear-free zone” policy still stands. To cancel the policy, a separate motion to rescind it would be required. Similarly to the motion “to refrain from doing something” (see item above), the motion “to reaffirm” does not represent a departure from the status quo, i.e.: if it is adopted, nothing changes; if it is defeated… well, still… nothing changes.

The message? Present motions which represent a departure from the status quo. If you pursue motions that don’t do that (i.e. motions “to do something” or “to re-affirm something”), then - at the very least - explain that their defeat does not produce the opposite outcome.

Vacating the chair to present a report

The Chair gets ready to present a report to the assembly. The report is purely for information, and no action is proposed in it. Still, the Chair says: “I will vacate the Chair and ask the Vice-Chair to take over while I present the report”. The Vice-Chair takes over and recognizes the Chair to present the report. After the report is presented, the Vice-Chair hands the gavel back to the Chair.

Why use this ceremonial process? Don’t ask me, and don’t look for the justification in RONR either. This procedure is to the ultimate in ceremonial flummery. Under RONR, the only time when the Presiding Officer may be required to vacate the chair is in order to debate a pending motion, and - even then - only in a large meeting (substantially more than 12 members in attendance). There is no useful purpose served by vacating the chair to present a report for information only, since no motion is ever debated.

In fact, unless your Procedure Bylaw specifies otherwise, your Mayor or Chairperson should be free to debate issues like other Councilors without vacating the Chair, but on an emotional footing, e.g.: “I want to participate in the discussion, and I will add my name to the speakers’ lineup” or: “I want to speak on this issue for the second time, and I will wait for those who want to speak on it for the first time”.

Recording opinions in the minutes

Are your minutes long and wordy? Are they tedious and hard to read? Does it take rocket science or a high-powered microscope to find out what the actions were? Because they are “buried” within all that verbiage, like needles in a haystack?

Part of this problem arises when Councillors demand that their reasons for supporting or opposing a decision be entered in the minutes. To counter such demands, consider this definition: “Minutes are primarily a record of what was done - not said - in a meeting”. Generally speaking, there is no requirement in RONR to record any comments, but just the actions.

Even if there is a need to capture “the essence of the debate” (and there often is), this should be done in point form, and without reference to “who said what?”. For example: “The main points raised in favour of the motion were: 1…, 2…, 3…” The main points against it were: 1…, 2…, 3…” The motion was adopted”.

Often, there are no entrenched standards on minute taking. To address this problem, the staff should prepare minute taking standards and present them to Council for approval. Once such standards are approved, the response to the adamanent demands to record personal comments in minutes should be: “This is contrary to the policy approved by Council. As a staff member, I am bound to follow this policy”.

Ratifying in-camera action in an open meeting

Under the Municipal Act, in-camera interests requires, the public can be excluded from a Council or Board meeting, to discuss matters typically kept as an “in-camera” meeting. Issues that are typically scheduled for an in-camera meeting relate to Legal advice, proposed land transactions, Labour negotiations (the 3 L’s), and others.

A common mistake is to assume that no decisions can be made in an “in-camera” meeting, and that any motions must be brought to an open meeting for decision. In fact, proceeding in this way would likely defeat the object of confidentiality and would make no sense. Logically, the decision (if any) should be made during the “in-camera” meeting, and the minutes of this meeting should be approved at an open meeting, and not an open one.

In closing

Once again: If a meeting procedure makes no sense, it may well be used because of habit, and not necessarily due to an established principle. Questioning such procedures is the overall principle is that formal procedures are intended to facilitate progress (not to impede it). To uphold the rights of the majority, the minority, the individuals, the absentees, and the organization; and to ensure that fairness, equality and common-sense prevail.

More information on Eli Mina (no “www” please!!).

The Ottawa-based trails agency cites the Capital Regional District’s 100 km Older, Hoggs' Croose Trail as a worthy British Columbia case study in the March release of Trail Monitor 1: The Economic Benefits of Trails. The document is a fact sheet that describes everything from job creation, to money spent by trail users, to the impact of trails on property values. Aimed at local decision makers, trail managers and the general public, the fact sheet uses Canadian research data on trails used by hikers, snowmobilers and cyclists.

If you want a copy of the Trail Monitor 1 fact sheet call Anne Robinson at 613-562-5313. The Go for Green initiative also maintains an Internet website at www.gogoforgreen.ca.

Eli Mina
3 C x 2
repeat March 99

Courses and Resources

Economic benefits of Greenways promoted by Go for Green agency

Trails and greenways can generate economic benefits to the surrounding commu- nities according to a publication from the Active Living and Environment program “Go for Green”. The Ottawa-based trails agency cites the Capital Regional District’s 100 km Older, Hoggs’ Croose Trail as a worthy British Columbia case study in the March release of Trail Monitor 1: The Economic Benefits of Trails. The document is a fact sheet that describes everything from job creation, to money spent by trail users, to the impact of trails on property values. Aimed at local decision makers, trail managers and the general public, the fact sheet uses Canadian research data on trails used by hikers, snowmobilers and cyclists. If you want a copy of the Trail Monitor 1 fact sheet call Anne Robinson at 613-562-5313. The Go for Green initiative also maintains an Internet website at www.gogoforgreen.ca.

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UBCM NEWS JUNE 19989
Municipal Finance Authority of BC

Pooled Investment Funds

THE MFA WOULD LIKE TO THANK ALL OF ITS participants for a great 1998 and a terrific start to 1999.

Because of such high volumes we are once again having a $250,000 dividend. 1998 participants can expect to receive the dividend in their account(s) by mid June. This year's dividend brings the total of all dividends given since 1992 to $1,672,000. To the best of our knowledge we are the only government institution that gives out dividends.

Another benefit of the municipalities’ continued use of the Pooled Investment Program is the establishment of the new Education Fund. This has been solely funded by the MFA, out of its excess operating revenues, and its partners: Royal Trust, Philips, Hager & North and Municipal Officers’ Association. There has been no increase in any of the pool's management fees to the municipalities in order to create this fund.

The purpose of the Education Fund is to supplement funding needed by the municipalities and regional districts for educational purposes. With shrinking budgets, it has become apparent that funding for education has dwindled. The Board of the Education Fund will consist of at least the following offices, or their nominees:

a) Chairman of the Municipal Finance Authority
b) Executive Director of the Municipal Finance Authority
c) President of the Municipal Officers’ Association
d) Executive Director of the Municipal Officers’ Association
e) President of the Government Finance Officers’ Association of B.C.
f) Inspector of Municipalities
g) President, Union of B.C. Municipalities

They anticipate meeting over the summer to determine the criteria and application process for the fund and hope that by the end of September they will be in a position to take formal applications for the fund. The allocation of monies between employee and elected officials is 80% and 20% respectively.

After discussions with our clients over the last year, we have found that the continued use and the increase in use over the last half of 1998, has been partly due to the low interest rate environment we are currently in. Rather than spend time trying to add 2 to 3 basis points to their portfolio, municipalities have indicated their time has been better spent elsewhere.

Your model of the Pooled Investment Program has once again caught the attention of other provinces in Canada. We have been to Ontario and Quebec to give them an overview of the program. The Yukon government recently passed legislation so that they can utilize our investment pool and the Northwest Territories has contacted us for more information about the pool.

We are currently working with our partners to become more efficient in our service delivery and also to ensure everyone is Y2K compliant. With the collection of property taxes soon approaching, we hope you will continue to use our Pooled Investment Funds. Remember the added benefits of our service - Dividends, Education Fund and Time Management!

Statistics R Us

Municipal Statistics – do they make the hair on the back of your neck stand on end or perhaps they just get the muscle next to your eye twitching! Rest assured, besides all of the important and valuable information they give to Municipal Affairs they are also a great help to the MFA.

Some examples of the information that is included in our presentations are the level of taxes, % of collection of taxes, revenue and expenditures, grants in lieu, capital tangible assets and reserves and surpluses. The statistical information that you give to Municipal Affairs is subsequently summarized for our purposes.

We combine this summarized data with our own in-house information to form the complete package that is given annually to the Rating Agencies (Moody’s, Standard & Poor’s, Canadian Bond Rating Service). The accurate and current information provided by the statistics only enhances this presentation. The annual meeting with the Ratings Agencies is the prime opportunity we have to showcase the municipalities and regional districts of B.C. and reconfirm our worthiness of our AAA credit rating.
Legal Assistance Policies

The UBCM legal assistance program was established as a result of a 1978 resolution. Over the years it has provided $143,000 assistance in 55 cases (some multiple funded). This program is currently funded annually from surpluses which have occurred within the operating budget; however there is no assurance that surpluses will continue to occur. The 1978 resolution established seven guidelines for the program.

(1) UBCM may financially assist a member in a legal case subject to the following (Resolution 2(a), 1978).
(a) There shall be no participation by the UBCM at the initial trial stage in any Court action, whether it be the Supreme, County or Provincial Courts.
(b) The UBCM shall only participate in appeals of Court decisions in which the subject matter is clearly indefensible from its start.
(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 involving the validity of a particular bylaw 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 which deal with the policy of a particular municipality, e.g. shopping hours, no-growth policy, etc., which may not be a general policy of most municipalities.
(f) The UBCM will not participate in Court actions when the subject matter is clearly 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. Criteria (b) has been interpreted to apply only to appeals of Court decisions and not of administrative tribunals. Recently UBCM has experienced more inquiries about assistance to appeal decisions such as Human Rights Commission, Expropriation Commission, Assessment Appeal Board and most recently, Freedom of Information and Privacy Commissioner. Our practice has been to advise that they would not qualify. The Executive at their April 23, 1999 meeting confirmed retaining the existing criteria.

Who is involved?
CivicInfo BC
Project Partners
- BC Assessment Authority
- Local Government Institute, University of Victoria
- Ministry of Municipal Affairs, Government of BC
- Municipal Finance Authority of BC
- Municipal Insurance Association of BC
- Municipal Officers' Association of BC
- Union of BC Municipalities

What is CivicInfo BC?
This exciting initiative will make vital information resources pertinent to the local government sector available from a standard World Wide Web browser. Using an easily navigable "Yahoo"-style subject directory, users will be able to locate what they need with just a few mouse clicks. The content will also be accessible using full-text keyword searching to offer users maximum speed, ease and flexibility in getting to the information they need – when they need it.

Communication + Collaboration = Synergy. What is the opportunity?
Research done during the planning stage of CivicInfo BC showed that Canadian content in the local government field is not well represented on the Web. Even where good information is available it is dispersed, and is therefore often difficult and time consuming to find (thus expensive and wasteful in terms of time spent searching).

The situation for BC is no different. Although most of the larger organizations in the field have a Web presence, in many cases the capabilities of the medium are not being fully exploited. Many BC local governments are using the Web in innovative ways, and there is very useful information on these sites. However, it has the potential to be used more effectively if it is identified and referenced centrally for access by a dedicated search engine via a single Web gateway.

Many of the communications with and between municipalities and regional districts is in the form of paper documents, fax broadcasts, and telephone calls. Because these are relatively expensive and hard to manage formats, much of the expertise and “corporate knowledge” which resides in these agencies and local governments is not available for sharing within the sector.

There is a clear oppor

CivicInfo BC – The Local Government Information Sharing Project

CivicInfo BC, with its launch planned to mark the millennium in January 2000, will be a new Web-based information service for local governments and communities in BC. Significant progress towards implementation has been made since last summer, when several organizations in the province partnered to carry out the initial Needs Assessment phase of the Local Government Information Sharing Project.

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CivicInfo BC

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Aim to enhance the quality and availability of information, increase communication, and encourage collaboration by collecting and disseminating information in electronic format. The benefits will be seen in reduced costs, increased capacity for fact-based decision-making, heightened efficiency, and ultimately, stronger and better BC communities, better able to withstand the pressures and demands of the 21st century.

What type of content will be included?

Decisions over the type of content to be included are being based on categories suggested by respondents to the 1998 Needs Assessment survey. The overall aim is to provide a "one-stop-shopping" experience for those looking for local government information. This will involve locating and organizing centralized access to those Web resources that are already available, as well as the collection and organization of new material. Subject to resources being available, CivicInfo BC is looking at providing some of the following types of content:

- Sample bylaws – Policies and procedures
- Sample bylaws and policy/procedure documents to be fully searchable and downloadable - go directly to the part needed, then save or print the section for further use. UBCM will contribute the best of its Bylaw library for digitization to form the core of the collection.
- Local Government Provincial Legislation and Regulations
  Fully hyperlinked and searchable versions of all the most-used provincial legislation and regulations.
- Problem solving information, project reports, best practices guides, benchmarking information
  A repository of the full text of reports and other documents to be made available via the Web for searching, browsing, and printing, supplemented by a directory of names of people willing to discuss issues in more detail. A repository of sharing information with peers and learning from the experience of those who have "been there".
- Manuals, educational materials, contact directories, newsletters
  A wide variety of materials currently available in print format, with value and functionality enhanced through being available electronically.
- Statistics, surveys
  Both collection and dissemination of survey and statistical data using a Web browser can offer significant time and cost savings.

What progress has been made so far?

As mentioned above, the Needs Assessment was carried out last summer (the report of the findings is available on the Web at http://www.hsd.uvic.ca/PADM/research/lgisreport.htm). In recent months the business planning has been completed, and implementation plans have been drawn up. Efforts are now under way to proceed to the next stage, which will be planning and development, and to provide a secure future for the maintenance of the service. Strategic partnerships and other innovative arrangements are being investigated, and help is being sought from Millennium grant funding.

For more information contact Barbara McGinn, Project Manager by e-mail at info@img.dmis.ualberta.ca or by phone at 250-383-4986, or by fax at 250-384-3000.

Drinking Water

Continued from page 11

The Water Act does not protect the quality of the water against human-caused damage over the long term during which the supplier may be late to the fire hydrant. The Health Act holds a supplier responsible for providing safe water to its customers. Even if the source has been contaminated by activities of another party, the water supplier must carry out, and pay for, any steps required to render the tap water safe." The Waste Management Act and other legislation requirements (those who cause contamination to correct the damage they have caused to the environment), however, "there is no requirement for those whose contamination has caused the environment to list or report to the Minister and that changes have not yet been determined. The UBCM understands that a Stakeholder Advisory Committee will be established to provide advice to the Minister and that working groups will be established to develop the new regulations, both of which will have local government representation. The liquor policy changes are intended to be brought in over a two to three year period.

Liquor Policy

Continued from page 10

Some of the other issues where further discussion is likely to occur include: the timing of the liquor policy changes, Single Occupancy Hotels, and hours of operation. The issue of whether or not minors will be allowed in licensed establishments has been deferred. The future status of Single Occupation Hotels will likely become an issue involving negotiations with interested and affected municipalities, with the General Manager making the final determination. Finally, the exact hours that drinking establishments may be allowed to operate will need clarification. The precise details and timing of the liquor policy changes have not yet been determined. The UBCM understands that a Stakeholder Advisory Committee will be established to provide advice to the Minister and that working groups will be established to develop the new regulations, both of which will have local government representation. The liquor policy changes are intended to be brought in over a two to three year period.

Announcing the new . . .

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Program Entry: September
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ADMN 448 Local Government Finance

ADMN 452 Local Government Law

Contact for course and program details:
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http://www.hsd.uvic.ca/PADM/padm.htm

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