inside Policy Summary

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• taxation of Bank owned lands. (page 5)
• UBCM response to gaming policy white paper highlights need for local determination. (page 6)
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• “policy short” comments on mixed use assessments; Homeowner Protection Office; airport capital financing; crown land policies for port development and the Rhodes Report on Ministry of Environment/Fisheries potential reorganization. (page 9)
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Poll Shows that a Majority of British Columbians Support The UBCM Position for Local Control Over Gaming Expansion

MarkTrend poll shows that a clear majority of British Columbians favour local control over gaming expansion. A 60% support for local government support is a clear vindication that what we have been saying in our policy reports and telling the Provincial Government is reflective of the community views said Mayor John Les, Chair of the UBCM Gaming Committee. The response to the questions: The Provincial Government recently proposed legislation that will allow it to override municipal by-laws that restrict casino expansion and slot machines. Do you support or oppose this action by the Provincial Government? By a 60% to 26% margin, British Columbians oppose the Provincial Government’s recent legislation which allows it to override municipal by-laws that restrict casino expansion and slot machines. British Columbians are fairly united in their opposition as a full majority of residents in all demographic groups express their disapproval of this legislation. As one may expect, opposition is particularly high among the province’s seniors, of whom 80% express opposition while just 12% lend their support. The survey was commissioned by UBCM and was conducted between February 11-16, 1999. (The survey of 506 residents across the province is considered accurate to within ±4.4% nineteen times out of twenty.) See page 6.

Municipal Pension Plan Makes Huge Gains

Unfunded Liability reduced by $761 Million

Independent actuary to the Municipal Pension Plan, Jack Levy of Ekler Partners, said in delivering his report to the Municipal Pension Board on March 16th, “huge gains have been made in the financial situation of the plan since the last valuation.”

The Legislation requires that an actuarial valuation of the Municipal Pension Plan be conducted at least once every three years. Mr. Levy was presenting the valuation as of December 31, 1997.

His comments were directed at a chronic problem of the Plan in recent times - the massive unfunded liability. In other words, the pension promises to employees didn’t have sufficient assets to back them up.

However, employees and employers should be relieved to know that there has been a dramatic turnaround in the financial situation of the Municipal Pension Plan. On all of the three following measures the unfunded liability has been reduced:

- Unfunded liability was $1.3 billion as of December 31, 1994 and reduced to $548 million as of December 31, 1997. This is a reduction of over $760 million in just three years.
- The Funded Ratio (Basic Account divided by total accrued liabilities) has increased from 84% to 96% since the last valuation and
- The ratio of the unfunded actuarial liability to covered payroll has decreased from 36% to 14% from 1994 to 1997 respectively.

Jack Levy said about the next valuation, “If the market doesn’t crash we should see a surplus at the December 31, 2000 Valuation.”

Two main contributors to the improvements in the plan are investment returns and actual salary increases that are lower than assumed in previous actuarial valuations.

The results of the most recent valuation continue and accelerate the financial performance since 1994. Legislation was amended in 1994 to allow diversification of investments with lower lower salary increases and reduced inflation, to the plans recent healthy financial performance. Looking over that time span, the leading indicators show:

Unfunded Liability (billion) 1.4 1.3 0.548
Funded Ratio 80% 84% 96%
Unfunded Liability as % of covered payroll 49.6% 36% 14%

Not included in the valuation is the Inflation Adjustment Account which provides pension indexing if funds are available. The most recent Annual Report (1997) of the Municipal Pension Plan provides information on the balance in the Inflation Adjustment Account which stands now at $1.78 billion.

The actuarial valuation is good news for both employees and employers. For employers it offers the prospect of removing those troubling cautionary notes from financial statements regarding a potential unfunded and difficult to quantify financial liability. It also suggests that contribution rate increases are not immediately required to deal with this issue as the unfunded liability disappears. For employees it lifts any clouds they may have felt. For both employees and employers the improving financial condition provides a better atmosphere to talk about the future.

Continued on page 10

Government Agrees to UBCM Request for Input on Liquor Policy

Minister Joy MacPhail has announced that government will seek input on proposed new liquor policy. UBCM had objected to the development of new liquor policy without the involvement of local government, public and other parties such as police. Minister MacPhail said that government is prepared to accept the new policies subject to successful consultations with municipalities. Consultant Jo Surich will conduct the review and details are being sent to all UBCM members (see page 11 for more details on the policy considerations).

Cutback Recap - Feature Pages 7-8

The top priority of UBCM is reviewed in the overview, “Cutback Review”, and articles on four topics: Legal Analysis Intergovernmental Transfers Report Updated Local Government Rated Good Financial Managers

• Cumulative Impacts
• Also featured is the Minister of Municipal Affairs response to five questions UBCM asked on funding issues.
Local Government Staff Attend Benefit Forum

On March 11 and 12, 1999 a benefits workshop was held at the Empire Landmark in Vancouver for 60 participants from all over B.C. The workshop was very well received by the local government staff that attended the forum. The agenda included speakers giving presentations on a variety of topics including group benefits design, underwriting and administration, disability management, pensions and business trends.

This was the first benefits workshop that was held.

Continued on page 6

NCMA in Dawson Creek

The City of Dawson Creek is hosting the 44th Annual North Central Municipal Association Convention on April 29, 30 and May 1, 1999. Dawson Creek offered to host this years convention late in December when it was decided that the District of Mackenzie would be unable to host it. The organizing committee has confirmed the venue for the event will be the George Dawson Inn. The agenda is very full and an exciting Partner’s Program has been confirmed.

UBCM Dues

100% UBCM Membership Renewals

All of BC’s municipalities and regional districts renewed their membership in the UBCM for the 20th consecutive year. This is one of the earliest dates for 100% membership renewal in several years. President Ranta indicated this reflects membership solidarity and a strong commitment to work together. Thank you for your continued support.

Executive Bylaw Changes Considered

Responding to concerns raised at the UBCM 1997 Convention regarding the nomination process for the “village representative”, the Executive has authorized a review of membership.

The purpose is to determine a direction from the membership regarding the nomination elections for the Small Community and Electoral Area Representatives.

The decision was taken among some small community representatives that their “nomination” of a small community representative could be overruled by the general convention.

Concerns were expressed about the role Small Talk and In the Director’s Chair sessions play in determining the nominee to be put forward to the full convention.

The same concern could be raised with respect to the Electoral Area representatives. We will be sending a survey to all UBCM members soliciting their preferences for nominating and selecting Small Community and Electoral Area representatives.

The results are expected to be presented to the Executive at their April 22, 1999 Executive meeting. If changes in the nominating and electing procedures are recommended by the Executive, these will be presented by way of proposed bylaw amendments to the full membership at the 1999 UBCM Convention in Vancouver.

Deputy Executive Director Appointed

Joe Stott has been appointed as UBCM Deputy Executive Director. He took up his duties on February 1, 1999. In January 1999 the Executive reviewed the staff structure and responsibilities and authorized the creation of this position. A thorough recruitment process was undertaken.

Mr. Stott has worked previously in Vancouver, Richmond, Langley Township and Greater Vancouver Regional District. Prior to his local government career, Joe worked for CBC including a stint in Prince Rupert.

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 our membership, the Member Services Program and UBCM policy initiatives.

Each year visits are planned with approximately 25% of the membership outside the lower mainland. Last fall staff travelled to the Squamish- Lillooet, Thompson and North Okanagan areas of the province.

We have planned for 46 visits this year with 28 visits in the spring to the Northwest part of the province, East and West Kootenays and North Vancouver Island.
Local Government and the Georgie Awards

The Canadian Home Builders’ Association (CHBA) of BC will once again be offering a special housing award, also known as a Georgie, in the category Excellence by Local Government in Cooperation/Leadership With Industry. This award is presented to a local government that has shown the greatest leadership in fostering cooperation between public and private organizations in addressing housing issues. Previous winners of this award include:

- the City of Victoria in its approach to providing an innovative mixed use development.
- the District of Chilliwack for its approach to providing an innovative mixed use development.
- the City of Surrey for its approach to providing an innovative mixed use development.

There are many innovative programs being undertaken by local governments around the province, both large and small, that deserve recognition. We encourage elected officials and staff to reflect on some of your programs and submit entries in this year’s Georgie Awards. More information about the category, with entry forms and other information, will be sent to each local government shortly. Entries are usually called for by mid-July.

For more information, please feel free to contact Colleen Watts at the Canadian Home Builders’ Association of BC at (604) 432-7112 or 1-800-933-6777 or visit their web site at www.chbabc.org.

Local Government Awareness:
End of May Deadline for Submissions to UBCM

Given that it’s a local government election year, our theme is Local Government – Your Voice, Your Vote, Your Community. For those communities that carry out programming to promote local government awareness, a reminder that the deadline for submissions for the annual awards program is May 31, 1999. Kit materials, including nomination forms, have been sent out recently to all local governments. We also remind you that we will once again be asking for nominations for the Best Local Government Internet Web Site. The criteria will also be included in the kits sent out and notification sent specifically to your information systems coordinators. If your local government has a web site to be proud of, then please tell us about it.

We also remind those that have previously made submissions to try again. The sites change so much every year and deserve a fresh look. For those wishing to get a head start on planning their 1999 program, the information kit can be found on CivicNet at http://civicnet.gov.bc.ca/ubcm/awareness_99, or call Harriet Permut at UBCM at (604) 270-8226.

Local Governments and the Georgie Awards

April Executive in Victoria

The UBCM Executive will hold its April 22-23 meeting in Victoria in order to maximize contacts with Cabinet and MLA’s while the legislature is in session. Plans include meetings between Ministers and UBCM Committees and presentations to government and opposition caucuses. The full Executive will meet with the Minister of Municipal Affairs. A regular executive meeting is a busy time with 8 to 10 committee meetings before the regular full Executive Meeting. The April meeting will be packed full – Minister of Aboriginal Affairs, Gordon Wilson, has already agreed to attend to meet the Aboriginal Affairs Committee and Minister Jenny Kwan is scheduled to meet the full Executive.

Following the pattern set when the Executive was last in Victoria (July 1996), they will host a get together for all MLA’s, plus meetings with Government and Opposition caucuses.

UBCM NEWS MARCH 1999 3

Around the Province

GOVERNMENT & MEMBERS NWB ORDER FORM

THE NET•WORK•BOOK IS COMING!!

Yes! I want to order the updated 1999 Net•work•book
1 - 5 Net•work•book(s) @ $10.00 per copy

OR 6+ Net•work•book(s) @ $9.00 per copy

7% GST (R108150541)

7% PST

TOTAL

Please ship to:

Attention:

Address:

Purchase Order #:

RETURN ADDRESS: UBCM 15 - 10551 SHELLBRIDGE WAY RICHMOND, B.C. V6X 2W9

PRIVATE ORGANIZATIONS NWB ORDER FORM

THE NET•WORK•BOOK IS COMING!!

Yes! I want to order the updated 1999 Net•work•book

Net•work•book(s) @ $30.00 per copy

7% GST (R108150541)

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TOTAL

Please ship to:

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(repeat Nov 98)
Area Associations

**AVIM Delegates gather in Saanich to celebrate 50th anniversary**

What difference does fifty years make? Well in the words of the Association of Vancouver Island Municipalities (AVIM) President John Crook, “...approaching the big Five-0 is a time for reflection.”

Reflecting upon the founding of AVIM in 1949, President Crook noted that there were only 26 delegates to the very first conference, in contrast to the 240 who attended this year. Councillor Crook concluded that the fundamental reasons for coming together in the first place exist today. Municipalities can achieve more when they work together, on issues that affect the quality of their communities. The 1999 AVIM convention was held March 5th through 7th at the Commonwealth Centre in Saanich.

In these days of economic restructuring, it was timely to have noted economist, Dr. Roslyn Kunin provide the keynote address. She noted that ebbing economies result in low levels of consumer confidence and private sector investment. Beyond these two fundamental components of the economy are two others — government spending and exports. Dr. Kunin held that the link to future prosperity is tied to exports, not of raw materials, but of value-added goods and services, because the increasing debt load of the provincial government does not allow enough flexibility for government investment.

Three cabinet ministers, one federal and two provincial, helped the AVIM delegates mark fifty years of municipal co-operation. Making his first public appearance since suffering a broken leg in a skiing accident, David Anderson, Minister of Fisheries and Oceans, told AVIM delegates about the political awareness of the snow-boarder who collided with him on the ski hill. “Oh golly... I know you! You’re my MLA. No, I mean my MP.”

Mr. Anderson went on to cite the success of the federal government’s infrastructure program. He updated the delegates on the latest developments in the salmon fishing dispute with the US, and his involvement in the coastal communities revitalization underway under the auspices of the Western Economic Diversification office.

The first cabinet minister to appear at the 1999 AVIM was Jerry Kwan, Minister of Municipal Affairs. Mr. Kwan reiterated his government’s commitment to health care and education, explaining that these priorities precluded continued unconditional grants to municipalities. The Minister noted the success of the February legislation forum, and welcomed the ongoing participation of local government in reforming the Municipal Act.

The other cabinet minister to attend AVIM was Gordon Wilson. Mr. Wilson did double duty at the conference by participating in sessions that addressed his dual portfolios — Aboriginal Affairs and BC Ferries. Mr. Wilson is no stranger to the AVIM, having represented the Sunshine Coast Regional District in years past.

On Sunday Mr. Wilson participated in a panel on the Sechelt Band agreement-in-principle. After the mid-morning break, he switched to his BC Ferries hat to assure the AVIM delegates that he considers the ferry system to be part of the provincial highways system. He challenged delegates to help ensure the meeting is a success.

Gordon Wilson. Mayor John Ranta learns the Royal wave from the expert during the entertainment at the 50th Anniversary AVIM Banquet.

Area Association Calendar

| AKBM | April 15-17 |
| OMMA | May 5-7 |
| NCMA | Apr. 29 - May 1 |
| LMMA | May 13-14 |

**LMMA goes to Whistler**

The Lower Mainland Municipal Association has expanded its annual general meeting for 1999 to Thursday and Friday, May 13 & 14 at the Whistler Convention Centre. Councillor Mel Kositsky and the entire LMMA Executive extend an invitation to all LMMA members to attend. The program will feature many interesting topics including Drug Awareness, Olympics 2010 presentation, regional transportation (GVTA, Highways Improvement) TACs and more. The Annual General Meeting will consider your resolutions and elect your new LMMA Executive. UBCM President John Ranta will attend.

The registration fee includes all sessions, guest speakers, daily coffee/ juice, Thursday reception/dinner, Friday continental breakfast and lunch.

Thank-you for “Registering Early” to help ensure the meeting is a success.
Policy Updates

Musqueam Band Loses Celtic Shipyards Case - Going to the Court of Appeal
Contributed by Geoff Thiele, Thompson & McConnell

On November 12, 1998 Reasons for Judgment were delivered by Mr. Justice Holmes of the British Columbia Supreme Court in Musqueam Holdings Ltd. and others v. Assessor of Area #09 - Vancouver and others (Vancouver Registry A980201). This was the appeal by way of Stated Case from the decision on the Assessment Appeal Board decision of October 24, 1997 that certain properties, generally known as Celtic shipyards, which are owned by corporations owned and controlled by the Musqueam Indian Band, are properly on the City of Vancouver’s Assessment Roll and taxable by the City of Vancouver.

This case involves the interpretation of Section 36 of the Indian Act, which states: “Where lands have been set apart for the use and benefit of a Band and legal title thereto is not vested in Her Majesty, this Act applies as though the lands were a reserve within the meaning of the Act.”

In 1994 and 1996, the boards of directors of two Musqueam Band controlled corporations passed resolutions that the Celtic Shipyards lands be held as Reserve lands of the Musqueam Indian Band, both generally and pursuant to Section 36 of the Indian Act. In 1995 representatives of the Musqueam Band appeared before the Court of Revision and successfully applied, arguing Section 36 of the Indian Act, that the Celtic Shipyards property should be removed from the City of Vancouver Assessment Roll and transferred to the Musqueam Indian Band Assessment Roll. Appeals were filed by the Assessor for Vancouver with the Assessment Appeal Board for the 1995 and 1997 Rolls. The Assessor forgot to file an appeal for the 1996 Roll. The Union of British Columbia Municipalities successfully appealed the Assessment Appeal Board to be added to the appeals due to the wide ranging implications for municipalities as Indian Bands could unilaterally and without notice create Indian Reserves.

Argument before both the Assessment Appeal Board and Mr. Justice Holmes focused on the appropriate interpretation to be given to Section 36. The Board argued that, on its face, Section 36 permitted and empowered, the creation of “special Reserves” by anyone and that there was no need for the Federal Crown to be involved in the process. This argument was rejected in favour of the Federal Crown’s position that Section 36 requires some form of executive action on its part. Otherwise, absurd consequences would flow.

It was accepted that Indian Reserves create substantial financial obligations on the Federal Crown and evidence was made before the Assessment Appeal Board and Mr. Justice Holmes that there is a detailed Federal policy related to the addition too and creation of Reserves, all of which could be circumvented if Section 36 was interpreted the way the Musqueam Band was urging. Similar arguments were made on behalf of UBCM regarding the absurd consequences for both the Provincial and local governments.

The 1970 decision of the BC Court of Appeal in Surrey v. Peace Arch Enterprises held that any provincial or municipal regulation related to use of land was ultra vires. Broadly read, that case almost completely eliminates municipal control of activities on Indian Reserves. In addition, there are the financial implications of special reserves: as there is no regulation for special reserves municipalities have no way of knowing if there are any within their boundary, making budgeting difficult if not possible.

Mr. Justice Holmes, like the Assessment Appeal Board, accepted that the Federal Crown must be involved in the creation of special reserves. However, he also found that Section 36 of the Indian Act could not apply to the particular lands in question because the Band controlled companies had granted mortgages over them. Section 29 of the Indian Act prohibits seizure of Reserve lands if mortgage lands could be made into special reserves, the security interest in the land would be eliminated.

Leave to appeal was filed by the Musqueam Band and arguments regarding the leave application were heard on February 17, 1999. The leave application was opposed by the Assessor, the City of Vancouver and UBCM on the basis that it is not a suitable case for an appeal for a number of reasons. Chief Justice McEachern granted leave but no date has been set for the hearing.

UBCM was granted intervener status in this case because of the importance to all local governments.

School Sites Acquisition Charge Update
Contributed by Gary Paget, Ministry of Municipal Affairs

Legislation enabling local governments to collect school site acquisition charges on behalf of school districts was passed at the last session of the Legislature. The Education Statutes Amendment Act, 1998 received Royal Assent in August, 1998 but the legislation has not yet been proclaimed. Currently, the Ministries of Education and Municipal Affairs are working on a package of implementation measures. First, Cabinet regulations are being developed which, amongst other things, would:

- bring the legislation into force;
- provide guidance on the calculation of the charges;
- prescribe categories of development which would be exempt from a charge; and
- set parameters for administration of local governments in charge school districts for administering the system.

Second, the ministries are also developing a “best practices guide” modelled on the successful Development Cost Charges Best Practices Guide. The new guide is being designed to assist school districts and local governments in implementing the new legislation. The objective has been to ease administration of the new system by making it, to the maximum extent possible, parallel to current local government development cost charge practices.

The proposed regulations and the “best practices guide” will be reviewed by the key stakeholders including the UBCM, Urban Development Institute, BC School Trustees Association and school district secretaries and treasurers in a workshop this spring.

Once reviewed by stakeholders, the regulations could be forwarded to Cabinet. Proclamation of the legislation, adoption of the regulations, and issuance of the guide could take place as early as this summer. This would mean that the first school board bylaws enabling the collection of charges could be in place late this year.
White Paper on Gaming Released

On Feb. 2, 1999 the Minister responsible for Gaming, Michael Farnworth, released the Report on Gaming Legislation and Regulation in British Columbia. The report includes 39 recommendations and includes a White Paper on Gaming and the Gaming Control Act. If enacted, this draft will provide the direction and framework for gaming policy in BC. Originally the Minister indicated March 15 as the deadline for comments. Immediately after the release of the White Paper, Committee Chair, John Les wrote to the Minister indicating that just over one month for consultation was not adequate and pressed the Minister for at least two months. On March 10th, a press release was issued stating that the deadline would be extended, “to allow further discussion on certain aspects of the draft act.” In particular, Minister Farnworth stated that he looked “forward to meeting with the UBCM gaming committee.” The Committee is presently pursuing a meeting date with the Minister.

With respect to the UBCM response, the Gaming Committee has circulated a copy to every member for comment. The extension will now provide the Committee with an opportunity to fully consult with the members on the UBCM position. Our response highlights the seven key recommendations in our Initial Submission as well as other issues that will have serious implications for local governments. The following is a summary of the White Paper recommendations UBCM proposed in its draft be supported or not supported:

Support for:
• the right for local governments to approve of new facilities (Rec. 32)
• the continued role for the BC Gaming Commission to oversee charities (Rec. 11)
• revenue sharing with local governments with gaming facilities (Rec. 34)
• the role and responsibilities of the Gaming Audit Investigation Office (Rec. 18)
• a guaranteed funding mechanism that ensures charities revenues (Rec. 13)
• a special police and prosecutorial program to address illegal gaming (Rec. 29)

Strong exception to:
• the power and authority that has been vested in the Minister to: - override local government bylaws; - expand and relocate facilities without local government approval; and - determine the types of games without public consultation (Rec. 33)

The UBCM Gaming Committee will keep members apprised of any new developments in the coming weeks.

Municipal Support Still Needed to Address Secondhand Smoke

At a recent “Council of Ministers Meeting” the issue of regulating worker and public exposure to secondhand smoke was discussed by a panel consisting of Councillor Lynne Kennedy, WCB officials, Regional Health Board representatives and the voluntary health agencies. The following key messages were conveyed by the panel and are being provided to all GVRD municipal Councils for your consideration and appropriate action:

- The WCB, Ministry of Health, Regional Health Authorities, UBCM and Volunteer Health Agencies (as the Clean Air Coalition) are working together to implement the WCB workplace smoking provisions as they effect the hospitality sector and its workers. This is intended to provide a simple window approach to implementation of these provisions when they take full effect on January 1, 2000.
- Despite rumours and representations to the contrary, the WCB is not considering a delay in the implementation. This is intended to provide a simple window approach to implementation of these provisions when they take full effect on January 1, 2000.
- No requirement to increase funds to problem gambling programs as government revenues increase (Rec. 36)

The WCB is working to: - expand and relocate facilities without local government approval; and - determine the types of games without public consultation (Rec. 33). The WCB is working to ensure that local governments with gaming activities receive gaming revenues, that can monitor and oversee gaming activities. The WCB is not working to: - no requirement to undertake social and economic impact assessment studies - no requirement to increase funds to problem gambling programs as government revenues increase (Rec. 36)

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Cutback Recap

During the February 24th Extraordinary Meeting on the transfer reductions, UBCM President John Ranta gave an overview of activities since the Minister of Municipal Affairs made the announcement on changes to transfer and other grant programs. This special newsletter report to the members provides more details for the full UBCM membership on activities undertaken by the President and Executive. At their January meeting the Executive formulated the goals and objectives of strategy to respond to the governments decision. A series of events and project plans were developed in pursuit of the strategies' objectives. Some of the main projects are summarized in this newsletter section and included:

- Inventory of Provincial Downloading and Cumulative Impacts (see summary). This report was released following the President's appearance on Voice of the Province (Rogers cable program) and a meeting with members of the Legislative Press Gallery. Copies were provided to regional media and members.
- A special circular "Cutback Talkback" was designed particularly for MLAs to bring to their attention such themes as: - What the Editorial pages are saying... - What the Headlines are saying... - What UBCM Members are saying...
- As well a mock tax notice was designed and distributed to show how municipalities could enhance provincial government accountability.
- An Update on Intergovernmental Transfers since 1996 was undertaken (see separate article). This was released prior to the recent Federal budget.
- A legal opinion was obtained (see overview). It was reviewed with those attending the Extraordinary Meeting.

In addition, a number of circulars were produced to help keep the members informed of activities up to and including the disappointing meeting with the Premier and Minister on February 17th. Most recently the direction given at the meeting were also circulated. These were:
1. UBCM members are saying Enough is Enough... you are directing the Executive not to give up on resisting the latest downloading.
2. We can't back off from calling for the restoration of the grants - otherwise the Provincial Government will just come back again.
3. We will continue to negotiate on Financing Local Government.
4. Local government must continue to increase public awareness.
5. Local government is committed to continue the legislative reform process. Each and every local government representative must go home and develop plans to increase public awareness (e.g. through a tax notice statement).
6. In pursuance of item #2, the President will be meeting with the Minister before the end of March.

Cutback Transfers Report Updated

A principal justification for the major round of cuts to municipal transfers in November, 1996 was the provincial government being forced to take that action because its transfers had been reduced. Then Finance Minister Andrew Petter said at the time: “To date, we’ve protected municipalities from the hundreds and millions of dollars in cuts that the federal government has passed onto us. It’s time to start sharing the burden.”

In response, UBCM commissioned Gary Williams to undertake a study on federal-provincial and municipal transfers. He found that at that time the provincial government was not correct in its statement that local government had been protected:

“The reduction in intergovernmental transfers started with the provincial government reducing funding to municipalities in 1982. Reductions in federal transfers to the province did not start until 1988. In terms of significance, over the 15 years since 1981, the reduction in transfers payments has been greater than the province... The notion that municipalities were somehow protected from federal transfer reductions is not supported by the evidence.”

In January, 1999 UBCM asked to have the earlier report updated. The update concluded:

“You are directing the Executive not to give up on resisting the latest downloading. We can’t back off from calling for the restoration of the grants – otherwise the Provincial Government will just come back again. We will continue to negotiate on Financing Local Government. Local government must continue to increase public awareness. Local government is committed to continue the legislative reform process. Each and every local government representative must go home and develop plans to increase public awareness (e.g. through a tax notice statement).

In pursuance of item #2, the President will be meeting with the Minister before the end of March.

Legal Analysis

Did government contravene any legislation or other undertaking to local government in making the decision to reduce transfers or by eliminating the equalization program? That was the basic question posed by UBCM in seeking legal advice. Reference was made to the new notice and consultation provisions of Bill 31, the Protocol of Recognition, and the consultation requirements under the Local Government Grants Act and the Sub-Agreement on Financing Local Government. The findings noted in part that Bill 31 applies just to the Municipal Act and not the Grants Act; that the Protocol is a political accord and is not in the nature of an “enforceable contract” and that the changes made to the Local Government Grants Act in 1997 provide Cabinet or the Minister wide latitude to make changes to the types and amounts of transfers.

Legal Analysis

Local Governments Rated Good Financial Managers

A recent survey showed local governments as clearly outperforming the provincial government in their rating as financial managers. 55% of those responding felt that local government was doing a good job of managing their tax dollars compared to 14% for the provincial government.

Transfers to provinces

Over the next five years, the provinces and territories will receive an additional $11.5 billion specifically for health care. This increase will be allocated to the provinces and territories on an equal per capita basis.

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Transfers to provinces

| Source: Finance Department printed in Vancouver Sun Feb 17, 1999

Cutback Recap

Staples McDannald & Stewart
3 C X 3.5" (repeat Nov 98)
Minister Provides Clarification on Funding Issues

The UBCM Executive asked the Minister of Municipal Affairs five questions of clarification. The following are the topics, questions and the responses.

1. What is the Future For Transition?

Question: Transition implies they are moving to some next step. Please confirm who is affected, the amount of transition funding individually received and the prospects for 2000 and beyond.

A breakdown of the 1999 grant estimates for individual municipalities encloses which includes the estimated transition assistance. We expect that only 15 municipalities will receive transition assistance, although this could change as we complete the final calculations based on the actual 1999 database. The amount of transitional assistance will be determined each year as part of the provincial budget process.

2. Fine Revenue

Question: What formula did Treasury Board use to determine the $13 million? Is it a formula that will see the amount of revenue to municipalities granted in the future if overall fine revenues grow? How are fine revenue transfers to be paid over to municipalities during 1999?

a. The amount of traffic fine revenue sharing that can be afforded this year is $13.2 million and this represents about 30% of overall traffic revenue. The distribution of the total is based on a municipality’s policing costs as a percentage of province-wide municipal police costs. The 1999 estimates are based on 1997 costs provided by the Ministry of Attorney General. These costs are the most recent available.
b. Non-traffic camera violation ticket revenue shares have fluctuated. A decline was evident from 1993/94 to 1996/97. Revenues are expected to stabilize in 1998/99 and may increase in future years. As noted in the December 18, 1998, News Release, as traffic fine revenues increase, local government’s share will also increase.
c. We need the latest policing cost data from the Ministry of Attorney General.

3. Regional Districts

Question: Can you please provide additional details of this aspect? As you are aware, until this year all regional districts received a flat annual grant of $100,000, regardless of size. For 1999, we have made the regional district grant system consistent with principles established for the small community protection program. This will have the following implications for regional district financial transfers:

- The basic grant for the smallest regional districts (less than $20,000 including municipal populations) will increase to $120,000.
- Regional districts with populations between $0.00 and $100,000 will experience a modest reduction to $100,000.
- The regional district basic grant will be eliminated for regional districts with populations greater than $100,000.

I sent a letter to all regional district chairs and boards on December 18, 1998 outlining these changes.

4. BC Rail

Question: What is the significance of a five year commitment? In the fifth year of the program, we will review the B.C. Rail payments-in-lieu in the context of the implementation of the Financing Local Government Study and possible changes to the federal program of payments-in-lieu.

5. Infrastructure Eligibility

Question: Can you please provide additional information on what types of projects would qualify or how municipalities and regional districts can determine eligibility?

A program guide and grant application forms were sent to all municipalities and regional districts in mid-January with copies to the UBCM office.

The main priority for the program will be water and sewer projects with approximately $1.5 million directed to other infrastructure projects in each program year. Priorities will be given to projects that respond to health and environmental concerns, support distressed resource communities and/or support regional growth strategies.

The deadline for the first phase of applications is February 28, 1999. I intend to begin announcing approved projects in April 1999. Applications received after February 28, 1999 will be considered for subsequent approvals.

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.
Policy Shorts

UBCM says “Don’t change Assessment Rules for Mixed Use Properties”

The Provincial Government appears to be under pressure from development interests to change the rules on assessment of mixed-use properties. There have been several assessment appeal cases that have upheld the current rules and now the industry is making direct appeals to the Premier’s office. One meeting was held recently by the Ministry of Municipal Affairs to canvass views of a group of invited parties. UBCM has written to the Deputy Minister saying this is too important and complex a matter just to have one hearing. If changes are being considered there has to be a far more open and extensive process.

Homeowner Protection
Legislation Just Weeks Away From The Effective Date But Still No Notice to Local Government

UBCM Executive has had a range of issues and concerns with the new HPO requirements but timing of implementation has always been a concern. At the time of production of this newsletter there was just five weeks to go until the new legislation takes effect.

Still there is no information in the field. They just don’t seem to understand what our needs are to communicate and distribute information. As a last ditch effort the President will be raising the matter with the Minister before the end of March.

Cutback Review Publications

Continued from page 8

on Cutbacks:
• Cutback Talkback: What the Editorial pages are saying
• Cutback Talkback: What the Headlines are saying
• Cutback Talkback: What UBCM Members are saying
• Tax Notice designed to enhance government accountability. Questions about Fairness and Equity.

Other

• GVRD Council of Councils Meeting: UBCM Report on Cutbacks.
• Consultation Guide. Copies of the reports were sent to all UBCM members. If you didn’t receive a copy and would like to do so please complete the form beside and return to UBCM.

Legislative Symposium

Summary reports of the February 24-25th Legislative Symposium jointly sponsored by the Ministry of Municipal Affairs and UBCM are in the process of being distributed to all UBCM members. Contributing their advice on proposals for reforms to the Municipal Act were 222 representatives of 117 local governments. Generally, the session received good marks overall with the delegates appreciating the small group discussion format. MOA again supplied the small group recorders and the summary reporters.

Based on feedback at the Symposium, work is moving on draft legislation through the Working Group or other processes. Legislative scope for 1999 continues forward to include:

• A limited set of elections amendments.
• A consolidation and broad enabling authority for service powers.
• Aspects of financial planning, reporting and taxation authorities.
• Business licences and open government.

What will we be able to accomplish here in 1999 hasn’t been finalized but the Ministry is still working on legislation around open versus closed meetings.

Discussions on the approach to regional district legislation have given rise to one possible approach that is being considered. Under this approach, rather than wide ranging review that might take an extensive period, the focus would be on identifying a limited number of top irritants and trying to get a solution to these in a more limited time.

Using the Reformed Municipal Act (URMA)

Municipal Affairs has just finalized as part of its assistance program for the 1998 Municipal Act changes an implementation guide called Using the Reformed Municipal Act. It can be accessed along with other Municipal Act Reform materials through their website. Binders are also made available to each local government.

ORDER FORM

Cutback Review Publications

Name:

RD/Mun:

Please send me the following:

☐ UBCM Inventory of Provincial Downloading and Cumulative Impacts.
☐ MarkTrend Research: Municipal Funding Survey.

Fax to UBCM office (604) 270-9116

“Rhodes Report”

This is the “short hand” for a report that was recently received by government and recommended moving all fish, wildlife, habitat and conservation officers from the Ministry of Environment, Lands and Parks to the Ministry of Fisheries. UBCM reviewed the report and concluded that a critical analysis of the report could not even sustain support for its recommendations.

URMA is now available!

Reformed
Using the Municipal Act


Hard copy: available from Crown Publications (250) 386-4636

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

UBCM NEWS MARCH 1999 9
Forest Action Plan Continues to Unfold

On December 2nd, the Premier and Minister of Forests met with a number of community leaders, in-person and via conference call, to discuss the next steps in the province’s Forest Action Plan. The first part of the Plan was announced back in November 1998. It introduced a new pricing system, making timber available to the value-added, independent wood manufacturing and market logging sectors at fair market cost. It also revised the deposit requirement for larger, long-term sales and introduced streamlined processes to encourage small scale salvaging.

The second part of the Plan includes the following key elements:

- changing government policies to align them more closely with market realities including flexible utilization standards, adjusting burnt wood pricing, easier appraisal of right-of-way timber
- streamlining administrative requirements including standardized planning templates, streamlined cutting permits and road permits, small scale salvage permits, new woodlot license regulations that move toward a more results-oriented Forest Practices Code.
- adjusting billing procedures for stumpage to provide for a more flexible payment option, temporary 90 day extension on bills, phase out interim billing, revised appraisal and billing procedures for timber removed from state-own
- implementing efficiency measures that will recognize the different needs and circumstances of the company.

More recently, on March 1st the province announced another element in the Forest Action Plan that will dedicate $100 million to support forest communities and provide re-employment services to forest workers over the next two years. Specifically the announcement provides:

- new transition and adjustment assistance for forest communities: FRBC is providing $30 million over the next two years for forest communities to restructure and diversify after a major forest job loss.

AVIM - 50th Anniversary

Continued from page 4

support for municipalities in their current difficulties with Victoria. UBCM President, Mayor John Ranta, also spoke to the AVIM convention. He updated delegates on the UBCM executive’s efforts to oppose the funding cuts from the province and urged municipalities to continue working with the Ministry of Municipal Affairs, despite the funding cuts issue. Unanimously, the AVIM Executive endorsed the UBCM Executive’s approach. Thirty-three resolutions were considered by the AVIM Executive convention, and only one urging a provincial sales tax exemption for high-tech industries was not endorsed.

The annual election of the AVIM Executive resulted in the succession of host community Mayor Frank Leonard as President-elect. First Vice-president is Zeballos Councillor Pearl Myers, and Second Vice-president is Regional District of Comox-Strafordon Director Roxanna Mandryk.

Directors-at-large elected by ballot were: Sechelt Councillor Stan Dixon, Port Hardy Mayor Russ Hellberg, and Victoria Councillor Bea Hol-land. In addition, Regional District of Nanaimo-Chair George Holme was acclaimed as the Electoral Area Representative on the AVIM Executive for 1999-2000.

Port Hardy succeeded in the bidding for the host community for the 2001 AVIM conference. The 2000 conference is slated for Tofino.

In addition to Vancouver Island municipalities and regional districts, the AVIM comprises communities in the Powell River, Sunshine Coast, and Central Coast regional districts.

Kerr Wood Leidal
3 x 1.78" (repeat Nov 98)

UBCM Committees

Municipal Pension Plan

Continued from page 1

Legislation

In November of 1998 UBCM circulated to the membership an advisory on potential changes to the legislative and governance structure of the MPP. It described potential legislation in three areas:

Consolidation and “streamlining”

The purpose of legislative reform in this case is to:

- consolidate the four separate statutes of the four main pension plans (Public Service, Colleges, Teachers and Municipal) into one statute. The new statute would contain all the provisions common to all pension plans but with separate parts as needed to describe unique features of each plan.
- removing much of the detail now in legislation into regulation.
- the first point seems fairly non-controversial. However, the move of items from legislation to regulation will need to be weighed carefully—on one hand, change to aspects of the plan now can be held up because of the time-frame of the legislative review and drafting process; yet on the other hand, having details in legislation provides some people with a higher degree of certainty that changes will not be made without due consideration.

Creating new administrative and investment entities

Concurrent with governance discussions outlined in the following section, legislation drafting is underway to:

- establish the Superannuation Commission as a more independent body (e.g. government or crown corporation) reporting to a board of directors rather than within the current government structure. This would provide greater staffing and budgeting flexibility.
- re-establish the Office of the Chief Investment Officer (which handles plan investments) as an independent entity to address recruitment and staff issues complicated by the current government recruitment structure.

Provision for Joint Trusteeship Arrangements

Some plans are interested in exploring legislation that will allow them to move to a form of joint trusteeship where responsibility for the pension plan is shared equally between trustees appointed by employer and employees participating. Currently, all decisions about the plan design and funding are made by government officials—the Legislature, Cabinet, Minister or others as the case may be. The Municipal Pension Board is an advisory body.

Moving to a joint-trusteed plan would be a major step. At this time, it is not contemplated that plans in an unfunded liability position would see a change to their governance structure (these are the Municipal and Teachers plans). As well, the large number of independent employers and range of unionized and non-affiliated employee groups in the Municipal Plan presents a major challenge to trustee governance.

Currently enabling legislation is being drafted to contain the ability to negotiate a Joint Trusteeship Agreement for the MPP to replace provincial government as the sole sponsor.

Discussions are continuing and legislation is still expected this spring.
**Justice & Protective Services**

**Liquor Policy - What Does the Future Hold?**

The provincial government, in response to a request from the Business Task Force, announced on November 16, 1998 that it intended to undertake a review into liquor regulations and that recommendations would go to Cabinet by the end of February 1999. The liquor review was undertaken by Jo Surich, an consultant, and covered a broad range of issues, such as:

- licensing of restaurants/mailing areas (so that they can serve liquor without having to serve food);
- licensing of establishments that serve liquor;
- size of television screens in liquor establishments;
- use of credit cards in liquor stores;
- Sunday opening of liquor stores.

A meeting was organized by the consultant on January 22nd and 23rd to discuss potential changes to liquor policy. Representatives from all of the liquor industry associations and industries involved in liquor were in attendance. Two UBCM representatives attended the meeting: Councillor Lynne Kennedy, Chair of the Justice and Protective Services Committee; Ken Vance, UBCM staff. The meeting looked at ways to reduce or eliminate problems that industry encounters with the liquor licensing system. The meeting became, in part, a ‘negotiating session’ among licencees over ways they could agree to expand their ability to increase liquor sales to the public. In the final analysis, it does not appear any enduring ‘agreement’ was reached between the licensers on the expansion of liquor sales, particularly given a recent report from the Neighbourhood Pub Owners’ Association opposing the expansion of liquor sales in restaurants.

**Municipalities Not Responsible for Torts of RCMP Officers**

Prepared by David Butcher, Singleton Urquhart Scott

In British Columbia, municipalities with populations greater than 5,000 are obligated to make arrangements for policing within their jurisdiction. Twelve B.C. municipalities have chosen to operate their own police forces. The remainder of the province have a municipality and a municipal police unit within their jurisdiction. The Province, in turn, has an agreement with the federal government that the federal force will act as the provincial police force in the province. Those agreements provide that Canada is responsible for the management of policing within each municipality in which the RCMP is contracted to work.

At common law, police officers were viewed as exercising original ministerial authority as public officers of the Crown and were therefore liable. They were personally liable for their own torts, but their employers were not vicariously liable.

The B.C. Police Act makes it clear that municipalities responsible for the torts of their municipal police force and that individual police officers are not liable unless they have been guilty of dishonesty, gross negligence, or willful misconduct.

Until recently, the question of legal responsibility for the torts of RCMP officers remained what Madam Justice Southin, of the Court of Appeal, had described as a “rather murky aspect of constitutional law”. In a recent case, Rosario v Gladney and the City of Richmond, Mr. Justice Ralph of the Supreme Court of British Columbia clarified the nature of this area of the law. He held that municipalities are not liable for RCMP officers.

**National Crime Prevention Funding**

In 1998, the federal government began implementation of a new $32 million dollar crime prevention program.

The new program provides local government with new resources to undertake community-based crime prevention initiatives:

- **Community Mobilization** - $500,000 per project;
- **Investment Fund** - $1 million per year for a maximum of 5 years;
- **Partnership Program** - $200,000 per project for a maximum of 3 years.
Liquor Policy

Continued from page 11

by the Liquor Control and
with a template provided
cabarets in accordance
local government
ment is to be distributed to
lining the new policy and
that the new policy had
ister MacPhail announced
uor policy and that the
ment be developed on the
ations" or concur with the
the provincial govern-
'observers', and not to nego-
provinces, but the proposal
the number of seats set by the
• Seating Capacity - Cur-
- Primarily food service.
• Hours of Operation - Eliminate hours of service
- total proposed for drink-
- Satting Capacity - Cur-
- municipal approval.
- 4 a.m. with municipal
- 4 a.m. may be extended to 4
- 6 projects in the Kootenay
- 19 projects on Vancou-
- The federal and pro-
- 13 aboriginal projects
- 13 projects directed at
- 10 projects in the north
- 12 projects in the inte-
- 20 projects in the lower
- 6 projects in the Kootenay
- Women
- Aboriginal
- The federal/provincial
- The UBCM has written
- Auxiliary Policing

Announcing the new . . .

Diploma in Local Government Management Program
School of Public Administration
University of Victoria
This part-time 12-course program is designed for local
government employees (managers, administrators and
front-line staff). The program is available throughout
British Columbia via distance education. The Diploma
includes the required courses for certification by the
Board of Examiners for the Senior, General and
Advanced Certificates.

Entrance requirements: normally two years of post-
secondary education, plus work experience in the local
government sector.

Application Deadline Program Entry
May 31 September
October 15 January
February 15 May

Crime Prevention

Continued from page 11

Under the Community Mobilization Program approx-
imately $2 million a
year has been allocated to
British Columbia directly
for crime prevention for
each of the next five years.
This money can be used
by local communities for
specific projects to address
youth violence, drug
problems, prostitution, car
theft, etc, to undertake
a needs assessment in the
community; or for train-
ning and skills develop-
ment. The funding may be
directed at new projects
or at existing projects in
the community, however
the money is not intended
to provide ongoing oper-
ating costs for any of the
projects approved. A fed-
eral/provincial Joint Man-
agement Committee has
been established to review
all proposals for funding
and to make recommen-
dations to the federal gov-
ernment who will make
the final decision.

The federal and pro-
government have
identified the following as
the priority areas for fund-
ing under this program:
- Youth
- Children
- Women
- Aboriginal

RCMP - Federal
Cutbacks Restored
The federal government agreed in December 1998 to
pay the $10 million deficit the RCMP had accrued
in contract policing service costs in British Columbia.
The decision means that the announced cutbacks in
the use of RCMP aircraft and marine vessels should
be restored . .
The RCMP is currently experiencing a manpower
shortage due to retirements, increased attrition
and normal leave, but this is seen as temporary until new
recruits come into the system. The federal govern-
ment has allocated the RCMP funding for the train-
ing of new cadets at the Regina Training Academy.
The current manpower shortages have been fur-
ther highlighted due to the elimination of the sur-
plus in new recruits in 1998, which gave some de-
tachments additional manpower and added flex-
ibility in the allocation of policing resources. In
addition, for the first time in a number of years the
RCMP has allowed it's members promotions. This
has left the appearance of a large number of vacan-
cies in the "constable" position, although the number
of police officers in the detachment may not have
changed.

Auxiliary Policing

Continued from page 11

The UBCM has written
to the Attorney General
requesting his assistance
in ensuring the survival of
the auxiliary constable
program.

Expand your local government knowledge!

Elected officials will find these courses of
particular interest:

| ADMN 315 | Local Government in Canada: Administration and History |
| ADMN 423 | Local Government in British Columbia |
| ADMN 445 | Urban and Regional Economics |
| ADMN 446 | Local Government Land Use Planning |
| ADMN 447 | Local Government Labour Relations and Human Resource Management |
| ADMN 448 | Local Government Finance |
| ADMN 452 | Local Government Law |

Contact for course and program details:
Heather Kirkham, Program Manager
Ph. 250-721-8067 Fax: 250-721-6218
hkirkham@hsd.uvic.ca
http://www.hsd.uvic.ca/PADM/padm.htm

http://www.hsd.uvic.ca/PADM/padm.htm

UBCM NEWS MARCH 1999
The Minister of Environment, Lands and Parks is preparing a flood planning guide to assist local communities in preparing for and improving their flood response capabilities. The manual will provide a useful compendium of information to assist both dyking authorities and local governments with flood planning.

Streamside Directive - Where Are We Headed?

The Ministry of Environment, Lands and Parks is planning to undertake a two stage review of the contaminated site regulation/legislation in 1999 with the assistance of the Contaminated Sites Implementation Committee. The intent of the review is to make the following types of changes to the regulation/legislation: simplify and consolidate; remove procedural issues; enhance flexibility; decrease processing time.

The first stage of the review will look at intermediate changes that have high stakeholder support and can be addressed through policies and procedures or amendments to the regulation (March 31, 1999 target date).

The second stage of the review is to look at those changes which may require a more comprehensive review of the regulation and possible amendments to the legislation. The proposed schedule for this review is the following:

- April 1999 - prepare review package and request submissions
- September 1999 - all submissions due
- November 1999 - ministry checks, site visits, draft amendment package
- December to February 2000 - public consultation meetings
- March to June 2000 - Order-In-Council/Request for Legislative Amendments

Responding to a UBCM survey, local governments discussed the following issues on the contaminated site issues:

- role of local government in the contaminated sites process - what is the role of local government (i.e., ‘gatekeeper’ of the process or ‘document drop center’);
- administrative cost to local government of the regulation - cost recovery for reviewing site profiles ($50 does not cover costs);
- impact of the contaminated sites regulation on land use decisions - city wide re-zoning; property taxation and abandoned sites;
- liability of local government in the process - joint liability.

The Business Council of British Columbia has commissioned a major review of the contaminated site process. Industry has identified the following issues: applying ‘retroactive liability’; inconsistent application/interpretation of regulations/legislation; development of and access to supporting guidance (i.e., ‘gatekeeper’); exclusion of mining operations from regulation; and some specific changes in the standards to assess the extent of contamination on a site.

Industry also identified a number of issues which relate to the development of a best management practices guide: clarification of roles and responsibilities (i.e., MOA at local level); may consider development of enforceable/interpretation of the contaminated sites, use of formal mechanisms to develop policies; and some unresolved issues related to the development of a new ten member Environmental, Lands and Parks Committee.

New Beverage Container Regulation - What Is The Current Status?

The new beverage container regulation has had a number of benefits for local government in the management of solid wastes. The regulation has expanded the number of beverage containers subject to the deposit (juice, water, Canadian Clear, beer, wine and liquor containers, etc.) and assisted in the development of a mixed beverage container collection system through the province (return-to-retail and depot).

The three stewardship plans under the regulation: Liquor Distribution Branch; Brewer Distributor Limited; and Encorp have shifted some of the cost to deposit (juice, water, Canadian Clear, beer, wine and liquor containers, etc.) and assisted in the development of a mixed beverage container collection system through the province (return-to-retail and depot).

Unresolved Issues

There are still a number of unresolved issues related to the development and implementation of a beverage container policy. Industry is currently examining the options for recycling drinking boxes (tetra-pak etc.). Cabinet allowed the industry a one year exemption to develop and implement a process to deal with aseptic beverage containers.

The granting of a full exemption from the process for ‘gable top’ containers (milk containers etc.) is still an issue with local government and industry representatives.

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The granting of a full exemption from the process for ‘gable top’ containers (milk containers etc.) is still an issue with local government and industry representatives.
The Problem

By the mid-1990s, changes to the assessment system and a period of rising property values, combined to make it difficult for the Board to support its primary function: resolution of assessment disputes in a cost effective and timely manner. The Board started carrying a substantial backlog of appeals. Although the Board made some progress in reducing the backlog of outstanding appeals during 1996 and 1997, 1,640 appeals remained unsolved at the end of 1997.

The combined value of properties in the backlog was $21 billion, representing approximately $1.4 billion in tax revenues. The backlog of appeals created uncertainty about the assessment system. Properties are taxed in the year in which the assessment notice is sent even if an appeal is filed, therefore, if the Board orders a revaluation in value or a change in class or exemption, municipalities must issue a refund. Some jurisdictions had been required to make large payments for tax refunds several years after the tax year from which they arose.

What Was Done

In 1997, amidst growing concern over the backlog and dissatisfaction over the expense and delay inherent in the system, a review of the assessment appeal system was initiated. The review recommended that the Board adopt dispute resolution approaches that would ensure effective case management and early communication, initiating a retreat from reliance on oral hearings. In early 1998, the government appointed a new Chair of the Board, with a mandate to operate as a change agent. In the spring of 1998, the Board commenced restructuring with recruitment, through a rigorous competition, of four full-time Vice Chairs that report to the Chair.

In June, after extensive consultation, the Board adopted new Rules of Practice and Procedure that support active and aggressive case management and promote early resolution of appeals. In July, the Board implemented a case management regime that ensures that the progress of virtually all appeals is managed by an accountable Vice Chair from inception to resolution. The Board remains in control of the process, actively intervening to ensure early and adequate disclosure, early and clear articulation of issues and legal principles, and whenever possible, early resolution without hearing. Concurrently, the Board adopted a case flow management system which differentiates among appeals based on complexity, ensuring early identification of all appeals that can benefit from case management.

New legislation was enacted in October that enhanced and clarified the Board’s powers to manage appeals and conduct effective dispute resolution. The amendments enable the Board to maintain greater control over the progress of appeals and give the Board the power to require parties to engage in dispute resolution processes, such as settlement conferences and appeal management conferences. These processes support early resolution, ensure the parties are prepared for hearing and reduce time and expense. In addition, the amendments give the Board greater authority to enforce pre-hearing orders and penalize parties for non-compliance with the Board’s rules or orders.

1999 was a year of change at the Assessment Appeal Board ... whoops ... make that the Property Assessment Appeal Board - even the name has changed.

Change Comes to Property Assessment Appeals

Contributed by Richard Rogers, Registrar, Property Assessment Appeal Board

Singleton Urquhart Scott
3 C x 7"
(repeat Nov 98)

The Future

The final stages of restructuring will see, in the spring of 1999, development and implementation of a new computer system that will support scheduling, administration and management. Growing aggressive hands-on appeal management, a consistent and firm approach to adjournment requests, compulsory participation in appeal management processes and mandatory early and full disclosure of the case to be met have combined to bring about the necessary philosophical shift among most members of the assessment community. Relationships are building. The focus of the process is now collaboration and consultation. With only a few exceptions, most agents and assessors have abandoned the ineffective adversarial approach that previously characterized the appeal system. As a result, most appeals are now resolved without hearing, and, in a growing number of cases, without Board assistance. An observable phenomenon is that parties now view the appeal management steps on their own, and merely report to the Vice Chair in charge, without the need for active Vice Chair facilitation.

The few appeals that do go to hearing tend to be the relatively simple single family residential appeals, or the very complex matters where a legal decision is required to provide direction for the future. In the latter case, appeal management ensures that the parties are well prepared for hearing, such that hearing time is effectively and efficiently used.

Results

The results speak for themselves. The Board reduced the total number of outstanding appeals by one-third between December 31, 1997 and December 31, 1998, despite receiving more than 1,500 new appeals in 1998. The Board anticipates that all single year appeals for 1998 will be resolved before the 1999 appeal year commences, and repeat appeals for 1998 will be resolved concurrent with previous year appeals.

Board members and Vice Chairs are accountable for issuing decisions within 60 days after hearing, saving exceptional circumstances.

When the new computer system is in place, scheduling will be automated, members will be able to communicate with the Board more efficiently and all appeal files will be automatically streamed for the appropriate degree of appeal management.

The system will also support an interactive web site which will allow the public to make comments, regarding content, and search tools. With the new system in place, the Board anticipates electronic clearing of the entire appeal backlog (except those that are contingent on court decisions) by the end of June 2000.

Benefits for Municipalities

What does this mean for municipalities? The primary dividends are:

• certainty of the tax base for the years 1999 and forward
• predictability of timing and processes for conclusion of backlogged appeals
• enhanced ability to track progress of appeals through the appeal process

Although this is not new, it is worth restating that municipalities have the option, as of right, to be added as parties to any appeal regarding a property in their jurisdiction. Once made a party, the municipality would be included in all case management processes and given notice of all appeal events.

As the Board has not yet finalized the face, content, access levels or links to be associated with its web page, it would appreciate any thoughts interested people may have about content, and search options that would be most useful. Please contact the Board’s Registrar, Richard Rogers, with your comments: Phone: (604) 775-1740 or E-mail: rrogers@hq.marh.gov.bc.ca.
Treaty negotiators for the governments of Canada and British Columbia and the Sechelt Indian Band released a draft Agreement in Principle (AIP) on January 26. Premier Clark addressed TNAC on the Sechelt AIP on the same day. Premier Clark stated that the combination of the Nisga’a Final Agreement and the Sechelt Treaty will create momentum for other treaty tables. Clark made an analogy with labour relations: he said that once three or four treaties are concluded it will be extremely difficult to come up with another model; that there was a similar need here.

Clark said that the AIP will be signed by B.C. Canada, and the Sechelt Nation in early February. Clark said that it would probably be within a couple of weeks in the case of the province; however, to date the province has not formally approved the AIP.

According to Clark, the parties will move rapidly to a final agreement (stage five in the BCTC process). The Premier added that there could be a treaty within six to eight months. UBCM has been advised that none of the proposed Sechelt Treaty Settlement Land (about 1,031 hectares of existing Sechelt lands and about 933 hectares of new lands) is in overlap areas, however, there are some overlaps off-TSL with the Squamish Nation and with the Tsilhqot’inn and Slilpahtu Nations. Hence, apparently, the Squamish re-drew their boundaries to remove the overlap and the Tsilhqot’inn and Slilpahtu Nations have signed a protocol agreement with the Sechelt to deal with their overlaps.

One important provision in the Sechelt AIP was a very short section on observer status in the Nisga’a Final Agreement, relates to additions to TSL. In the draft AIP, Sechelt may submit proposals to Canada and B.C. to have up to 3,055 hectares of land that have been acquired or optioned added to Sechelt Treaty Land. But on land within the boundaries of a municipality may not be added to Sechelt TSL without the consent of the municipality. The Sechelt have already indicated an interest in purchasing 100 acres of this simple land and have added it to their TSL after a final agreement is concluded. The land has been on the market for a number of years, and is within the boundaries of the District of Sechelt. Chief Garry Feschuk of the Sechelt Indian Band has approached Mayor Bruce Milne of the District of Sechelt to sound him out about the District’s position on the 100 acres, should the Sechelt decide to purchase the land.

Mayor Milne addressed this issue at a panel discussion at the AVMA Conference earlier this month. He said that the District must decide how it will take the Sechelt request to the community in the event that the District pursues it. The veto in the AIP would protect the District, but it provides no guidance as to how the veto is to be exercised. Mayor Milne said that this is the sort of issue that local governments across the province will face as they begin to negotiate treasuries. “At the end of the day, it is local government that must find ways to ensure that treaties actually do work,” he said. He expressed the view that, with respect to developed or leased land, consent will probably not be given unless adding the land to TSL will clearly benefit the entire region.

Some of the other key terms in the AIP are as follows:

1. On the effective date, Sechelt treaty land will amount to about 1,168 hectares (286 hectares of rural land and 884 hectares of urban land). Sechelt land is and will be held in fee simple.

2. On one of the urban parcels the Sechelt will share gravel and timber revenues with the province. Each will receive 50% until special extraction levels are reached, and thereafter, Sechelt will receive 100% of the revenues.

3. The Sechelt will receive $42 million in cash.

4. Existing interests on Sechelt lands will continue on their current terms.

5. Sechelt Treaty Lands will be owned in fee simple.

6. The Sechelt will own surface and subsurface resources; and

7. The Sechelt AIP incorporates the language used in the improving procedure. Local governments, of course, continue to have input into negotiations through TACs.

B.C., Canada and the First Nations’ Summit (FNS) first engaged in Tripartite Talks in the spring of 1995. Fourteen members of the Treaty Negotiation Advisory Committee (TNAC), including UBCM’s representative to TNAC, Mayor Trumper, were granted observer status at these talks. The talks broke down in April when the FNS rejected one of four components of a package tabled by the province. It was understood that TNAC (and therefore UBCM) would continue to be granted observer status should treaties come to fruition.

UBCM and all other TNAC members have objected to the exclusion of the province from the recent round of tripartite talks. The talks have focused on the following province-wide issues:

1. statement on aboriginal and Treaty Title;
2. the urgency of negotiations following the Delgamu’ukw decision.

Treaty Negotiation Advisory Committee (TNAC) observer status at these talks was removed at the request of the FNS. UBCM is a member of TNAC. The FNS is opposed to observers, the decentralized nature of the FNS political structure, and because some chiefs believe that some TNAC members are hostile to their cause. Grand Chief Ed John and Chief Joe Mathias attempted to gain the FNS a position at a meeting with TNAC on December 17. Grand Chief Ed John and Chief Joe Mathias extended an invitation, on behalf of the FNS, to TNAC to attend the FNS annual meeting at the end of January to discuss treaty issues. See UBCM Attends First Nation’s Summit Meeting below.

UBCM and all other TNAC members have objected to the exclusion of the province from the recent round of tripartite talks. The talks have focused on the following province-wide issues:

1. statement on aboriginal and Treaty Title;
2. the urgency of negotiations following the Delgamu’ukw decision.

Mayor Gillian Trumper, Director Jim Abram, and UBCM staff, along with other TNAC representatives, attended a First Nation’s Summit meeting on January 27. The First Nations involved in the BCTC process, exchange information and ideas at these meetings, which are held three or four times a year. UBCM’s presence at these meetings was somewhat historical in that it was the first time TNAC had been invited to and had attended them. (Aboriginal leaders have attended on previous occasions.) The major faith groups and the Aboriginal Rights Coalition were also invited.

Mayor Trumper, Jerry Lampert (Business Council of B.C.), John Shields (B.C.G.E.U.), and Ruth Lampert (Business Council of B.C.), as well as UBCM’s Milne, were invited to the meeting. After being informed that the meeting would be the start of increased opportunities to speak candidly with each other, Mayor Trumper mentioned that UBCM had been asked to attend.

To date there has been no progress on the key issues to be discussed at the Tripartite Talks. UBCM will continue to push for this status.
GORDON WILSON APPOINTED AS MINISTER OF ABORIGINAL AFFAIRS

Gordon Wilson, MLA for Powell River-Sunshine Coast, was appointed to the provincial cabinet as minister of aboriginal affairs on February 25. Wilson was previously responsible for the Columbia Ferry Corporation on January 25.

Premier Clark was quoted in a B.C. Government News release as saying that Mr. Wilson will build on the work of former minister Dale Lovick by implementing the Nisga'a agreement and furthering the current series of First Nations negotiations. “Gordon Wilson has been a strong advocate for our First Nations people and their quest for social justice,” Mr. Clark said.

Mr. Wilson addressed the Treaty Negotiation Advisory Committee at a meeting on February 25. Director Jim Abram and UBCM staff attended this meeting. Mr. Wilson said that he wants to rebuild trust and negate some of the cynicism that currently exists relating to treaty negotiations. He said that he specifically asked for the aboriginal portfolio. It is dishonest, he said, to purport to be negotiating treaties if provincial mandates are less than secure, and it is dishonest to say that the process is open if the mechanisms for public input are ineffective and insidious. “Its time to get down to work,” Mr. Wilson said. We need a defined timetable and an effective, expedited process for resolving difficult issues and bringing a greater degree of social unity and economic certainty to the province than we have today. There needs to be certainty that the process will be concluded, he said.

Mr. Wilson singled out the need to resolve issues relating to fair compensation for those impacted by treaties, particularly in the fishery and forestry sectors. He also mentioned the need to resolve issues relating to conflicting land uses, interim measures, and fair and equitable distribution and access to resources.

Mr. Wilson also took part in a panel discussion on the Sechelt AIP at the recent AVIM conference. See Sechelt Draft Agreement-in-Principle. He reiterated that the treaty process must be expedited. “We cannot afford to make an industry out of negotiating treaties,” he said.

He also emphasized that delays and stagnation can occur at treaty table when chief negotiators are continually being rotated. He said that he hopes to start a process to develop dedicated negotiating teams.

Local governments must be fully engaged if treaties are to succeed in the long term, he said. For this reason he is actively seeking assistance and advice, and he said that he has an “open-door policy and open lines of communication.”

Mr. Wilson has accepted an invitation to attend the next UBCM Aboriginal Affairs Committee meeting in April.

B.C. PROPOSES “FAST-TRACK TREATIES”

The provincial Negotiations Project Team headed by Tony Penikett, Deputy Minister of Aboriginal Affairs, is preparing a “fast-track” treaty proposal. The proposal will, if approved by Cabinet, facilitate final negotiations sessions and offers to a select number of First Nations whom the Province believes are candidates for success. A successful treaty will be developed in a manner that will ensure that First Nations will be offered accelerated negotiations on lands, assets, and access and leaving self-government negotiations to a later date.

Mr. Penikett told the Treaty Negotiation Advisory Committee (TNAC) at a meeting on January 25 that new fast-track treaty proposals will be reviewed by the Senate and Cabinet at the end of January; however, Premier Clark addressed TNAC on January 18 at which time he endorsed the “two-track” process. He reiterated that B.C. would continue moving negotiations forward. “We would pursue fast-track treaties with selected First Nations; but he also said that he was not optimistic about fast-track treaties due, he said, to lack of Federal support for the idea, both in the Senate and in Federal and in planning. He also indicated that he did not particularly like the term “fast-track.”

Recently, the Executive Committee in principle the use of Reciprocal Consultation Agreement (RCA) to help in advance discussions to find mandates that must be followed in this regard.

UBCM has not taken a position on Bill C-49 as a total package. However, UBCM has had specific concerns with the legislation which have been communicated to the Federal Government on numerous occasions. It is anticipated that the Senate will hold hearings in this regard, and UBCM, together with TACs and affected local governments, will ensure that concerns are fully represented. These concerns include:

1. absence of a legislative requirement for consultation with local government before a code is adopted - or provisions for continued consultation within a code,
2. potential confusion created in situations where land management agreements are being implemented at the same time the treaty negotiations are being dealt with through the B.C. Treaty process,
3. additional First Nations may be granted Bill C-49 authority without Parliament's review,
4. expropriation powers that can be exercised in relation to local government lands,
5. the Executive Committee is not within the current Treaty Negotiation Advisory Committee (TNAC) conference. He indicated that he did not particularly like the term “fast-track.”

Sechelt Draft Agreement

Continued from page 15

Sechelt Draft Agreement

Sechelt First Nation.

There are slightly less than 1,000 members in the Sechelt Nation. The Sechelt draft AIP is available on the UBCM Aboriginal Affairs website at http://www.aaf.gov.bc.ca/aaf/.
"PROCEDURES THAT MAKE NO SENSE"
Part 3: Those ‘friendly’ amendments...
By Eli Mina, P.R.P.

Much time and energy is often wasted in Council and Board meetings, trying "to do things right", and -while doing so - following procedures and formalities that make no sense and achieve nothing. In the last two issues of the UBCM newsletter we discussed several such procedures. In this installment, we discuss one very common source of confusion: Those called "friendly amendment".

1. The scenario

A motion is introduced and debated, and then a member proposes an amendment. She claims that the amendment is "friendly", and therefore only the consent of the mover is needed to approve it: "Is this amendment friendly to the mover?", she asks. "No", says the mover. "Why not?", asks someone else.

Much time is spent trying to figure out just how "friendly" the amendment is. Chaos and confusion reign. Some even assume that an amendment which is not "friendly" is out of order...

2. What RONR says

After a careful search of the 1990 edition of Robert's Rules of Order Newly Revised (RONR, 1990 edition), I have not found the words "friendly amendment", or even the word "friendly". It begs the question: Just what is a "friendly amendment"? Does it hurt or kiss you?

But upon further research, I said: "Eureka!!". On RONR page 52, I found a reference to "routine business", or "questions of little importance", to which "there seems to be no opposition". This is as close to "friendly" as RONR gets. It indicates that the formality of a motion may not be required for such routine proposals, and that the vote on them can be taken by "unanimous consent", i.e.: The Chair asks: "Is there any objection to this?", and -in the absence of any objection - directs that the action be taken.

If, however, an objection is raised, a formal vote on the proposed action would usually be needed. This does not mean that "unanimous consent" is not a legitimate vote. It is indeed a method of voting, albeit informal one. But the decision is just as binding as one made by a formal vote.

3. Two questions to address

With this in mind, let us return to our "friendlyness" discussion. Typically, the proponent of a "friendly amendment" means an amendment which "is acceptable to the mover", or "is supportive of the intent of the motion", or "is of a housekeeping nature and only seeks to clarify and strengthen the wording of the motion", or "is not inconsistent or hostile to the intent or spirit of the motion".

Which raises two questions. First: Is it the maker of the original motion (exclusively) who decides that a "friendly amendment" (under any of the above definitions) will be approved? And second: If an amendment is not "friendly", is it out of order? The answers to both of these questions is: No.

As to the first question: Under RONR page 39, the mover has control over the motion only until it is stated by the Chair and opened for debate. After this, the mover loses control over the motion. It now belongs to the members, and its fate is in their hands. It is the members - and not the mover - who decide whether the motion will be amended, and whether it will be subsequently adopted, rejected, postponed or referred to a committee. The principle is: The majority rules. It is a democratic rule, and not "the tyranny of the individual or the minority".

As to the second question: Under RONR page 132, an amendment must be germane, or "in some way involve the same question to which it is applied". In other words: The amendment has to relate in some way to the main motion. Does it have to be "friendly"? Well, here is something which may surprise you: "An amendment cannot introduce a new idea or a controversial amendment; it is used because of habit, or even to achieve no effect, or to defeat the spirit of the original motion and still be germane". The mover does not have the exclusive right to accept "friendly amendment" nor to block a hostile amendment.

4. Simplifying the process

Having clarified this, there remains the underlying need to simplify the collective decision making process, and to avoid a time consuming debate on a non-controversial amendment. This can be accomplished via the "unanimous consent", as explained earlier. But it is the members who decide to waive the debate and the formality of adopting the amendment, and not the mover.

5. An Example

Example: A motion to purchase a computer at a cost not exceeding $2000 is introduced and debated. A member proposes what seems to be a non-controversial ("friendly") amendment to add the words "including all taxes". The Chair asks: "Is there any objection to adding "including all taxes"?". If there is no objection, the Chair declares that the amendment has been approved, and resumes the debate on the amended motion. If there is an objection (by any member, and not only the mover), the Chair opens the amendment for debate, later takes a formal vote on it, and only then resumes the debate on the main motion (original or amended).

6. In closing

Once again: If a meeting procedure makes no sense, it may well be that it is used because of habit, and not due to an established principle.

All the best in your meetings!!

Eli Mina
(repeat Nov 98)
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Courses and Resources

Bylaw Enforcement Courses

The brochures for the Justice Institute Bylaw Enforcement Level I and Level II courses were recently mailed to municipal and regional district offices. The matter of effective bylaw enforcement and prosecution is an ongoing concern of UBCM’s. This course is an intensive training session at the Justice Institute of B.C. and is designed for those involved in enforcement and prosecution of local bylaws. The content is comprehensive and presented by knowledgeable individuals from the various fields.

Upcoming 1999 class dates for Level I are March 8 - 12 and May 17 - 21. The Level II course will be held April 19 - 23.

For further information, please call the registration office at the Justice Institute at (604) 528-5590.

'NEW DIRECTIONS’ IN ENVIRONMENTAL POLICY:
Conference on Local Government and Environmental Legislation/Regulation

May 20-21, 1999
Delta Pacific Resort and Conference Centre
Richmond, B.C.

A Conference Presented in Cooperation with the Ministry of Environment, Lands and Parks; Ministry of Municipal Affairs; Fisheries and Oceans Canada; and Union of B.C. Municipalities

The conference will focus on new directions being undertaken in environmental policy and the future role of local government in environmental policy.

Over the two days the conference will look at a broad range of environmental issues, such as:

• Contaminated Sites Review
• Solid Waste Management - Stewardship Programs
• Fish Protection - Streamside Directives
• Sewage Management: New Regulations for Urban and Rural Areas
• Greenhouse Gas Policy
• Drinking Water Management
• Pesticide Management

The conference will provide an opportunity to:

• Network with local and provincial government decision-makers
• Be proactive in leading your community in environmental issues
• Look at the future direction of environmental policy and the role of local government in environmental protection

The Conference will commence at 8:30 a.m. on Thursday and end at 3:00 p.m. on Friday.
Municipal Finance Authority of BC

1998 Chairman's Report

Len Traboulay, Mayor of Port Coquitlam

The Authority has had another dramatic year of growth, change and success. Our investment pool in its 10th anniversary year has broken all previous records in size, pushing through the billion dollar barrier to top out at $1.1 billion on July 8th, 1998. Ten years ago when we initiated this new idea for local government in British Columbia, we had no idea of its popularity or of its eventual growth potential.

The pool was originally seen as an investment opportunity for smaller to medium-size municipalities but the attractive returns appeal to all sizes of municipal jurisdictions. At this point it would be appropriate to reflect on the past ten years and thank the following partners:

1. Our private sector partners, Phillips, Hagar & North Ltd. and Royal Trust who have helped make the pool such a success. Both companies entered the Canada-wide competition in 1989, offering low rates, superior performance and the courage to take on a new, unproven concept at historically low management fees.

2. The public partners, the MFA Board of Trustees and the staff of the Authority, who pioneered the concept in 1989 and then later introduced it to the municipalities of Ontario, Manitoba and the First Nations on a consulting basis.

3. Our investors, the municipalities and regional districts of British Columbia, who enthusiastically took up this new idea. They took the volumes from $100 million in the 1st year to $900 million in the 4th year. Over time hospitals, schools, colleges and universities have also been steady investors as have the First Nations through the First Nations Finance Authority.

4. Our institutional investors, the FNFA and Government Finance Officers Association.

5. The Province of Quebec and the Association of Municipalities of the Province of Quebec for their confidence in us and finally thanks to our staff for another year of sustained creativity.

After providing investment pool services to thirty First Nations across Canada, we then began work with our staff, First Nations staff and our investors towards the creation of a First Nations Finance Authority (FNFA) to access financial markets under the authority of its own collective credit. We are active consultants to the FNFA and the Federal Government on this ongoing project.

Another joint project in Quebec was recently triggered by the investment pool concept. MFA staff and I were back to Quebec City and Montreal for a week early in 1999 to offer consulting services to the Province of Quebec and the Association of Municipalities of Quebec. We also were invited to visit the Province of Ontario and Nova Scotia to put in place similar projects.

As a tribute to these ten successful years, the Trustees have created an Educational Fund for elected and appointed officials effective in 1999, which will in perpetuity receive 1/2 basis point from the Authority’s portion of the management fees to be used for training purposes, administered by a committee from the Municipal Finance Authority, Union of B.C. Municipalities, Municipal Officers’ Association and Government Finance Officers Association.

Phillips, Hagar & North Ltd. and Royal Trust have both agreed to make contributions, as business allows, to this fund. All three of us will take this from our earnings, with no increase in management fees to our clients.

As a result of low management fees and effective investing strategies, our after-cost earnings for the pool have again exceeded both the three-year and the one-year rates of all other chartered bank mutual funds of similar types.

During 1998, the Authority offered some new financial management tools to its members. These voluntary products—forward starting swaps and blend and extends—are designed to allow our members to actively manage their future refinancing risks by “locking-in” these future interest rates now, based on today’s historically low rates. Throughout 1998, twenty-five members took advantage of these products by locking-in $116 million of future refinancings.

At its semi-annual meeting in the fall of 1998 the Authority, at the request of the GVRA, agreed to become the fiscal agent of the Greater Vancouver Transportation Authority (GVTA). The GVRA swapped their Regional Hospital District debt for additional transit responsibilities and also received additional tax room with that overall agreement. The lower mainland was probably the only heavily urbanized area in North America that did not have control over its own transit structure, and had long sought more control over transportation in general, and transit in particular.

The MFA’s role in the success of any Regional District is subtle but critical. A cost-effective and efficient capital financing facility was clearly vital for this new entity’s success, and as these are the raison d’etre of the authority, the GVRA of course approached the MFA to fulfill this role. We took this step after careful review, including confirmation from the rating agencies that there would be no threat to our current enviable status. This financing will not only be subject to all the controls that normally protect the Authority, such as joint and several liability of the municipalities of the GVRA, and approval of any borrowing by the Inspector of Municipalities, but remains conditional on the ratings staying unaffected. The GVTA will also be required to contribute 2% to the debt reserve fund, which is twice the amount required at the municipal level.

While access to financing is critical to the GVTA, existing members also benefit from the greater liquidity of future issues, and from the improved distribution of issue cost over-heads. The 1999 Annual Meeting will see the first borrowing request on behalf of the GVTA. It will cover the existing debt on the transportation assets being taken over by the GVTA—a thousand buses, one hundred and fifty SkyTrain cars, and hectares of land. As well, our meeting will no doubt see the first financing of new buses, roads, and other infrastructure components as the GVTA takes its first steps to address the years of chronic under-funding.

The debt of Regional Hospital Districts province-wide has now become our responsibility; but only for those jurisdictions outside of the GVRA.

The old regional hospital debt outside the GVRA amounts to approximately $300 million, with the yearly requirements being about $50 million.

This move was partly in response to repeated requests from Regional Hospital Districts which came via letters and also resulted in several UBCM resolutions.

The E-Comm project was officially opened this year. We were proud to play a role in raising the $146 million required for this project.

The sinking funds paid out $10.4 million in surpluses this year and stopped collection of an additional $35.2 million in loan payments which pertain to the aforesaid surpluses.

Leasing growth has pushed our year-end totals to approximately $23.4 million. The interim financing program also had a tremendous year, topping off at $54 million mid-year.

Our investment pool managed by Phillips, Hagar & North Ltd. performed well, posting the following returns:

<table>
<thead>
<tr>
<th>Money Market Fund</th>
<th>4.85%</th>
<th>7.08%</th>
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<tbody>
<tr>
<td>Intermediate Fund</td>
<td>5.20%</td>
<td>6.20%</td>
</tr>
<tr>
<td>Bond Fund</td>
<td>6.71%</td>
<td>9.98%</td>
</tr>
</tbody>
</table>

By the end of 1998, the Authority’s outstanding debt was $2,282 billion in Canadian funds and $1.9 million in U.S. funds. The movement to Canadian dollars is almost complete. In the fall, we re-opened and expanded our spring issue making the overall size (spring and fall) in excess of $400 million.

The year 1998 also marks the fifth year in a row that our operations dividend has exceeded the tax levy by 2 1/2 times. Again in 1998 our tax levy was around $100,000 and our dividend was $250,000. Our total dividend paid since 1992 now equals $1.4 million.

Our Financial Forum this year was an astounding success. The evaluations came in very high for all the sessions. It was attended by over 100 students from B.C. High Schools and Universities, as well as our local government members and many bankers. Altogether we had 275 attend this event.

The morning began with a presentation on Quebec. Among the speakers were Gordon Gibson of the Fraser Institute and former Premier Daniel Johnson. After the morning session, the former Premier found time to meet with the students over lunch.

The afternoon’s sessions, ably chaired by Iona Campagnolo, featured a variety of speakers. From the Fraser Institute, Gordon Gibson; from the Laurent Institute, Roslyn Kurin; from the Nesga a perspective, Edmond Wright; from the Sechelt perspective Mayor Bruce MIME; with the historical aspect coming from Paul Tennant and the Provincial view from Deputy Minister Philip Steenkamp.

Thanks to all the Trustees for another productive, harmonious and change-filled year. Thanks to our members who have placed their confidence in us and finally thanks to our staff for another year of sustained creativity.
CivicNet

For municipalities/region districts considering a website, there was a very good article in the November/December 1998 Government Computer. The article is titled "Building a Successful Website: the three stages," and discusses the first stage of development, the pre-production stage. The article concludes by indicating that the second and third stages, the production stage and the post-production stage, will be reviewed in upcoming columns.

If you are interested in additional information on the above article please contact Gerald Lemay at (604) 233-5731 or e-mail at glemay@net-inst.com.

UBCM staff are continually updating the CivicNet website (www.civicnet.gov.bc.ca) and you may wish to check out some of the new items which include:
- Provincial Transfer Cuts (home page)
- 1995 UBCM Convention Trade Show (home page)
- HEABC Physicians Recruitment Program (under Links - other)
- 1999 Short-term Vehicle Program (under UBCM - Member Services).

If you would like additional information regarding the website, please contact Barbara Ingamells, Manager, Member Services at e-mail: bingamell@invinet.gov.bc.ca.

CP Program Departs

Effective February 28, 1999, the Certified Professional Program (CPP) moved from UBCM to the joint auspices of the Architectural Institute and the Association of Professional Engineers and Geoscientists. The CPP allows architects or engineers, who have taken a special course of studies on the Building Code, to have access to expedited building permit approvals for complex buildings. The program originated with the City of Vancouver in 1979 and it became part of their Charter in 1981. Since that time, the City of Surrey and several other municipalities have adopted the program. UBCM has been providing administrative support to the CPP committee since 1993.

After a legal review of the program, and a subsequent failed attempt to restructure the program under the Municipal Act, it was decided by the UBCM Executive that UBCM could no longer appear to "support" the program through our administrative services or the use of the UBCM logo.

1999 Community Development Institute

Local leadership for Sustainable Communities

If you want to make a difference in the world, start by participating in your own community! Youth and adults interested in working together to change their community for the better are joining together for a week of festivities and workshops, July 25 - 30, at the 1999 Community Development Institute (CDI).


Participants are welcome to register in one workshop or for the entire week. They will learn how to develop sustainable, self-reliant communities and meet community activists and leaders from across B.C.

The Institute is sponsored by the Social Planning and Research Council (SPARC) of B.C. and will be hosted by the community of Chilliwack. For further information or to request a program calendar, please contact the Community Development Institute (CDI) at (604) 718-7755 or by e-mail (cdi@sparc.bc.ca).

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at the 96th Annual UBCM Convention

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STREET WISE

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Municipal governments struggle to address concerns about sexually abused children and youth, a problem that is not exclusive to British Columbia communities. In March 1998, "2nd International Summit of Sexually Exploited Youth Out From the Shadows" was held in Victoria. The summit, co-sponsored by the Office of the Ombudsman and the University of Victoria School of Child and Youth Care, was a follow-up to the 1996 World Congress against the commercial Sexual Exploitation of Children held in Stockholm. It was an opportunity for decision-making positions or positions of influence to learn about solutions from the personal experience as sexually exploited children and youth.

Out From the Shadows brought together forty-five young people from Canada, the United States, Central and South America who had survived commercial sexual exploitation. The youth directed the conference proceedings and developed an agenda for action. The summit concluded by giving voice to these young people in the spirit of Article 13(1) of the UN Convention on the Rights of the Child, which states: "The child shall have the right to freedom of thought, conscience and religion; this right shall include freedom to change his religion or belief, and that right shall be protected even in public authority."

The voices and experiences of the children who lived on the streets and survived sexual exploitation. The adults who attended did not direct, instruct, lecture, or advise the youth about how to solve their problems. The adults were not there to give advice to the youth. Adults were there to listen, and to recognize and acknowledge the expertise of youth in understanding the problem and finding solutions.

The stories of youth delegates were powerful. One of the co-chairs, Cherry Kingsley, said, we represent thousands of voices. Many of our friends are dead - from drugs, from suicide, from AIDS, from murder. For many participants the summit was the first opportunity to tell their story in a safe environment. These young people were articulate, thoughtful and intelligent, and while their stories were painful, their messages were positive and uplifting. Ms. Kingsley noted if you see them only as victims you have missed the point. These young people could be leaders.

The other co-chair, Honourable Senator Landon Pearson, encouraged the youth to be heard and said, "All that you have to share, all the suffering will be transformed to help others and then the world will listen." The youth delegates developed a Declaration and Agenda for Action to which we, as adults, could commit. The declaration is an affirmation of the rights of all children including the right to be protected from exploitation and harm. The youth agenda for action is:

Our Agenda contains actions that are based on our beliefs. Our beliefs have come from what we have learned. I understand why these actions will work, you must understand our beliefs and the life experiences that have led to these beliefs. We believe that:

Education is vital in our struggle against the sexual exploitation of children and youth.
The voices and experiences of sexually exploited children and youth must be heard and be central to the development and implementation of action. We must be empowered to help ourselves;
We have a right to resources that are directed towards sexually exploited children and youth and our very diverse needs;
As children and youth, we are all vulnerable to sexual exploitation; whether male, female, or transgendered;
We must protect us as sexually exploited children and youth and no longer punish us as criminals.
We are all responsible for our children and youth, the issue is not ours alone. Governments, communities, and society as a whole must be held accountable for the sexual exploitation of children and youth.

At the September 1998 UBMC Convention in Penticton, the Office of the Ombudsman facilitated a workshop for convention delegates to view a video produced at the summit, to meet some of the youth delegates from the summit and discuss the issues presented to person to person. This well attended forum was an opportunity for community leaders to hear directly from the youth about community actions that can prevent our young people from becoming victims of commercial sexual exploitation.

The Ombudsman has been a leader in the promotion of the UN Convention on the Rights of the Child both in British Columbia and at a national and international level. The Ombudsman has promoted youth participation programs that affect them through sponsorship of conferences and a team dedicated to addressing complaints about services to children and youth. Community leaders interested in more information about the declaration and agenda for action from Out From the Shadows can contact the Ombudsman Office or visit the Ombudsman website at http://www.ombud.gov.bc.ca.

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