It is an Act: The Local Government Act

One of the defining moments of the three-year Municipal Act Reform process came on the afternoon of June 7th, 2000, when committee (clause by clause) debate was completed and the Minister of Municipal Affairs, the Hon. Cathy McGregor, announced the bill, with amendments, was complete. The House reconvened and leave was granted for third reading.

The House then approved Bill 14 and the Speaker, Bill Hartley, rose to say, "It is an Act."

The Act received Royal Assent on May 12th, 2000. Some sections such as the Title and Powers to Establish committees and commissions came into force on Royal Assent. Other provisions will be brought into force by regulation.

The Ministry has circulated a proposed commencement dates for various parts of Bill 14. Bill 14 completes a three-year process to reform the Municipal Act. At the end of the process, we have a new Act – the Local Government Act. It was a huge process. It had three mammoth Bills:

- Bill 33 - 331 sections in 114 pages
- Bill 88 - 336 sections in 157 pages
- Bill 14 - 282 sections in 123 pages

The Ministry and UBCM agree there is an equally large implementation job still to be done.

Some parts of the existing legislation didn't get reformed during the three-year process. This inventory of parts is being updated for consideration in future legislative work planning.

Message from the Minister of Municipal Affairs and the President of UBCM

The Ministry of Municipal Affairs and the Union of British Columbia Municipalities have been working together for the past three years to complete the legislative reform of the Municipal Act. We are pleased to let you know that this work is now substantially done. We believe this legislative reform process has made many significant changes to local government legislation. It has also been a model of the constructive working relationship and consensus-building possible between the Province, the UBCM and local governments.

Many significant changes to the Municipal Act have been made since the provincial government and the UBCM signed their Protocol of Recognition in September 1996. Since then, the Municipal Act has been modernized in all of its core elements to give local governments the greater flexibility they want to respond effectively to their unique needs and goals. In fact, the changes made over the past three years have been so sweeping that the Municipal Act has been renamed as the Local Government Act, to recognize that a clear break has been made in the legislative strategy applying to the local government system. This is a new Act, not just another piece meal update to legislation that has outlived its usefulness.

At the beginning of this three-year legislative reform process, the Municipal Act recognized local government as an independent, responsible and accountable order of government within its jurisdiction. With this new recognition came broader corporate powers for local governments to make agreements, provide assistance, manage property and delegate powers. These new powers gave local governments better tools for managing their affairs, including greater flexibility with respect to service delivery and public-private partnerships. This reform shifted the relationship between the Province and local governments from a top-down model towards a true partnership.

The second year of reforms built on previous changes by authorizing a wider range of services, providing for a more defensible business regulation program, encouraging longer range financial planning, empowering local governments to give residents more adaptable property tax payment options, and opening local government meetings to the public. These changes have given local governments greater flexibility to provide cost-effective services that respond quickly to the changing needs of their communities while balancing the needs of citizens.

Reforms introduced in the 2000 legislative season gave regional districts broader service powers, a tool they need to form more adaptable property tax payment options, and opening local government meetings to the public. These changes have given local governments greater flexibility to provide cost-effective services that respond quickly to the changing needs of their communities while balancing the needs of citizens.

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Enhanced public consultation will make sure those affected by the plans of local government have a chance to have their concerns and ideas heard.

This legislative reform process has been based on extensive consultation and cooperation between the Ministry, the UBCM and local governments. The UBCM has been directly involved in developing proposals recommending changes to the Municipal Act and has co-hosted three symposiums on new local government legislation with the Ministry. Throughout this intensive reform process, local governments have played a key role in designing the needed changes to the Act. Ongoing focussed consultations on the draft legislation have been held with UBCM staff, selected municipal and regional district councilors/directors and administrators, local government planners, local residents, and many stakeholders, provincial ministries and agencies.

In the year ahead, we will work together with local governments and citizens to increase knowledge and awareness of the changes made to the Act. Best practices guides on such topics as the counter petition and service review processes will be distributed, and regional workshops will be carried out.

We look forward to working with local governments to put this new act into action.

Cathy McGregor
Minister of Municipal Affairs

Steve Thorlakson
President, UBCM
I concluded all my visits to Area Association meetings when I accompanied the UBCM Executive to the Lower Mainland Municipal Association conference in Harrison Hot Springs in May. I thoroughly enjoyed getting to all five meetings and the opportunity to meet with you.

One of the things I enjoyed hearing at LMMA was their President Mel Kositsky speak to the good representation they now enjoy on the UBCM Executive. LMMA representation on the UBCM Executive has been an ongoing issue for the past few years and they have done what they needed to do to get better representation. In fact, today of the 19 Executive come from the Lower Mainland.

I also attended the introduction of Bill 14 – the third year in the Municipal Act Reform cycle. This was a massive undertaking. We are on the cusp of a very necessary thing in local government in BC.

After visiting “your” area association meetings and being your guest, this is also my opportunity to invite you to the convention. I will host the UBCM Convention, October 24-27 in Victoria. As UBCM President, I want to make a special invitation to newly elected that may not have experienced a UBCM Convention. It is a big week and you should plan to take in as much as you can. You have so many opportunities to share, learn and shape policy directions. Plus this is the biggest local-provincial political event each year and this year will be no exception.

The Convention is in late October this year – somewhat later for a UBCM Convention, which means I get about an extra month in my term as UBCM President. I am pleased and honoured to be able to serve a bakers dozen months as your President and look forward to seeing you in Victoria.

UBCM News

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

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

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

UBCM Page

PRESIDENT’S MESSAGE

In Memoriam

Ted Pearce, Q.C.
UBCM Solicitor

1977 to 1993

Theo (Ted) Pearce, who was the UBCM solicitor from 1972 to 1993 – 22 years in total – passed away in New Westminster on June 1, 2000.

Ted was born in Catalina, Newfoundland in 1925. He immigrated to Canada and joined the army in 1945. Subsequently Ted went to UBC law school and then articled and was involved in New Westminster/Surrey law firm that became known as McQuarrie Hunter.

He served seven years as a Surrey alderman. Ted succeeded Colin McQuarrie as UBCM solicitor in 1972 and served in that position for 22 years. He was not replaced; the Executive then deciding to obtain legal advice as required.

Thus Ted is one of only two solicitors UBCM has appointed. He was an acknowledged expert in municipal law and received the Queen’s Counsel designation in December 1986.

Ted was a major contributor to UBCM and to local government in BC.

Donation to McKelvey Education Fund

A group of retired municipal officers have donated to the McKelvey education fund $6,051.63. The monies were raised to fund municipal officer education improvement. Thank you for your generous donation.

The McKelvey fund was established in 1986 to mark the retirement of Ted Pearce, Q.C. as UBCM solicitor from 1972 to 1993. The fund has provided a total of $26,282.13 in 65 scholarships.

Arts and Culture Committee Appointed

UBCM President Steve Thorlakson has recently appointed a reconstituted Arts, Culture, Heritage and Tourism Committee of the Executive. The members are:

• Councillor Mel Kositsky, Chair
• Mayor Robert Hobson
• Mayor Paul Jean
• Mayor Arno Hennig

UBCM has turned on its Convention Web site for 2000. Go to: www.civicnet.gov.bc.ca/ubcm/convention_2000

For preliminary conference program information plus full information on hotel accommodations.

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UBCM Convention Hotel

~ May ~

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UBCM Convention Hotel
New BC Committee of FCM

A new BC Committee of FCM was elected and consists of:
- Councillor Joanne Monaghan, Kitimat, FCM President
- Mayor Don Bell, North Vancouver
- Mayor Michael G. Coleman, Duncan
- Councillor Clifford Dezel, Prince George (Chair)
- Councillor Judith Higginbotham, Surrey
- Councillor Mel Kositsky, Township of Langley
- Councillor George Pull, Vancouver
- Third Vice-President Patricia Wallace, UBCM
- Mayor Steve Wallace, Quesnel

Joanne Monaghan
Continued from page 1

ing the quality of life in Canadian communities. Joanne Monaghan is the owner of two Kitimat based business and has been a Councillor of nearly 20 years. During that time Councillor Monaghan has served on a number of Boards and Committees, including as President of the North Central Municipal Association, BC Heritage Trust, some of the Provincial Tourism Advisory Council and President of the Yellowhead Highway Association. She was elected President of UBCM in September 1994 and is the only women to hold two consecutive full terms as UBCM President in the association’s 90-year history. As Chair of the Regional District of Kitimat-Stikine for the past six years, she became involved in the Nisga’a negotiations process and has chaired the Skena Treaty Advisory Committee (TAC) since it was created in 1995. Councillor Monaghan was the UBCM representative on the Treaty Negotiations Advisory Committee (TNAC) for two years and on Order of BC Award Advisory Council.

We congratulate Joanne and wish her the same success she had guiding UBCM at the national level.

During her tenure at UBCM she led the development and eventual signing of the Protocol of Recognition – the political accord of 1996 that saw the provincial government formally recognize local government as an order of government. This was the foundation for the new sections of the Municipal Act that provided the statutory recognition through Bill 33 of 1998.

Recent Appointments

A lan Osborne, familiar to many UBCM members as Municipal Affairs’ Manager of Policy Development in the Corporate Policy Branch, who played a central role for the last three years in Municipal Act Reform, moves over to head the Growth Strategies Office.

Jim O’dea has been named Associate Deputy Minister for Community Development, Coopera tives and Volunteers to oversee the Vancouver Agreement. This is an agreement between the City of Vancouver and the provincial and federal governments which targets special assistance to the Downtown Eastside. Mr. O’dea is well known as the Board Chair for the BC Housing Management Commission.

2000 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 without membership, the Member Services Program and UBCM policy initiatives.

Each year visits are planned with approximately 25% of the membership outside the lower mainland. Staff completed twenty-three member visits this past year which included visits in the West Kootenays last October and the Cariboo this spring, while staff were enroute to the Municipal Officers’ Association Annual Conference held in Prince George.

2000 UBCM Convention Registration

Registration packages for the UBCM Convention held October 24 to October 27, 2000 in Victoria will be mailed to members and others in early July. Take advantage of “incentive” rates until September 29. Convention “bulletins” will be circulated from July to November to give members up-to-date details on some of the individual components of this year’s event.

Accommodations should be booked immediately. For a list of hotels holding room blocks for UBCM can be obtained by calling 604-270-8226. In consideration of other delegates, please release any unused rooms as soon as possible.

Board of Examiners

The Provincial Cabinet has just confirmed the following appointments to the Board of Examiners:
- Suzanne Veit, Deputy Minister, Ministry of Municipal Affairs
- Jennifer Bridaroli, Administrator, City of Fernie
- Richard Taylor, Executive Director, Union of BC Municipalities
- The Board is composed of nominees of the Minister of Municipal Affairs, representing the Ministry, Local Government Management Association (formerly Municipal Officers Association) and UBCM respectively.

The Board is responsible for awarding certificates in municipal administration and management to senior local government employees who meet the standards of qualification as prescribed in the regulations of the board. The board also administers two scholarship funds.

BC Assessment

Survey Plans Online
VIA THE INTERNET

If time is important to you or you would like to provide your clients with fast and efficient services then this product will be of interest. Since it became available in October 1998 many users have reported they are pleased with the service for the following reasons:

- Plans can now be acquired online from any location within BC.
- Plans can be conveniently viewed and stored electronically.
- The cost of acquiring a survey plan is often less than traditional methods of access.
- Once acquired plans can be easily transmitted to a client via e-mail.
- Multi-page strata plans are priced by the plan rather than page.

Recent user statistics indicate this new service is meeting the needs of many clients across the Province. If you are not a current user and would like to know more about this online product please visit the BC Online website at the following address:

http://www.bconline.gov.bc.ca
Area Associations

Association of Vancouver Island & Coastal Communities

President: Mayor Pearl Myhres
1st Vice-President: Director Roxanna Mandryk
2nd Vice-President: Councillor Stan Dixon
Past President: Mayor Frank Leonard
Electoral Area Rep: Director Eileen Benedict
Directors: Councillor Mary Ashley, Councillor Don Gnimel
Executive Coordinator: Eydie Fraser

Association of Kootenay and Boundary Municipalities

President: Councillor Bert Banks
1st Vice-President: Director Rick Hardie
2nd Vice-President: Councillor Amo Hensig
Past President: Councillor Bill Baird
Directors: Councillor Eileen Benedict
Secretary-Treasurer: Loretta Huscroft

Lower Mainland Municipal Association

President: Councillor Marvin Hunt
1st Vice-President: Director Casey Cook
2nd Vice-President: Director Jim Stanger
Past President: Councillor Mel Kositsky
Directors: Councillor Sandy McCormick, Councillor Terry Smith
Secretary-Treasurer: Donna Kenny

Okanagan Mainline Municipal Association

President: Councillor Dan Rogers
1st Vice-President: Councillor Jeff Thom
2nd Vice-President: Mayor Blair Leikam
Past President: Mayor George Waldo
Directors: Councillor Pat Wallace
Secretary-Treasurer: Sue Clark

Local Government Management Association

President: Patti Ferguson, Administrator
1st Vice-President: Councillor Ron Cannan
2nd Vice-President: Councillor Aaron Dimwood
Secretary-Treasurer: Paul Edgington

North Central Municipal Association

President: Director Dan Rogers
1st Vice-President: Director Bill Baird
2nd Vice-President: Mayor Blair Leikam
Past President: Mayor George Waldo
Directors: Mayor/Director Pieter Weeber
Secretary-Treasurer: Sue Clark

Local Government Management Association

At the recent Municipal Officers’ Association Conference held in Prince George the following announcements were made:

- The organization is officially renamed the Local Government Management Association
- The incoming Executive members are:
  - President: Patti Ferguson, Administrator, City of Armstrong
  - 1st Vice-President: Councillor Ron Cannan, Administrator, City of Armstrong
  - 2nd Vice-President: Councillor Aaron Dimwood, Administrator, City of Armstrong
  - Secretary-Treasurer: Paul Edgington, CAO, Village of Tofino
- The new Executive Director is Sandy Cray effective August 2000.
McBride Legal Case

The following article was prepared for UBCM by Ray Young of the firm Lidstone, Young, Anderson.

Twenty-seven days after the election of Mike Frazier as Mayor of the Village of McBride, the former Mayor and defeated candidate Maurice Bonneville filed a Petition in the Supreme Court seeking an order invalidating the election of Mr. Frazier on the basis that Mr. Bonneville contravened S. 152(3)(c) of the Municipal Act.

A person must not by abdication, duress or fraudulent means do any of the following:

(a) compel, persuade or otherwise cause a person to vote or refrain from voting for a particular candidate,
(b) fraudulently put forward any sound justification for legalising or abridging the right of citizens to vote or refrain from voting for a particular candidate or political party.

In Bonneville v. Frazier, Mr. Frazier distributed to voters a notice prepared by a leader of a group of concerned citizens which in rather blunt language advised the voters of the Village of McBride of two equally incorrect facts:

1. The former Mayor of the Village of McBride had been tabled. In addition, the recommendation was not a recommendation to levy a tax within the boundaries of the Village.
2. The Regional Council only had jurisdiction in the rural areas around and outside of the Village.

Mr. Frazier’s own testimony at trial was that he was satisfied in his own mind that the notice was correct. He believed (correctly) that the Regional District could not levy a tax of this sort in the Village. He nevertheless handed out the notice to several different people.

The evidence showed that the notice, once given to a few people here and there by Mr. Frazier, developed “legs” of its own and was widely distributed throughout the Village.

Mr. Justice Parratt found “that over the course of the days leading up to the election, the conversation concerning the documents grew and even those…. Who at first (were) not concerned became alarmed about the situation”.

While the Provincial election case (Friesen v. Hammell, Bowbrick, et al) has not yet gone to hearing on the merits, a preliminary motion made by the NDP MLAs to strike out the Petition as not disclosing any cause of action has been denied by the Court of Appeal. The Court of Appeal confirmed that as to three of the MLAs the matter could not be struck out as not disclosing any cause of action.

In deciding this preliminary motion the Court of Appeal rejected a narrow interpretation of “electoral fraud” put forward by the NDP MLAs. The NDP MLAs suggested that the meaning of the phrase “fraudulent means” should be directed only at the very act of casting a vote and not to an earlier time going to the formation of the political judgment for whom to vote. The Court stated: “We are unable to find any sound justification for interpreting the legislation so narrowly as to permit electoral candidates or political parties to fraudulently mislead the public with respect to the Municipal Act, or other legislation or programs, started with a “resolution.” For more information on the guidelines for drafting and submitting resolutions, contact the UBCM office.

Some government action, proposal or inadequacy in legislation comes to the attention of local government.

A local government passes a resolution.

Area Association Executive determines which endorsed resolutions are “area related” issues and which should go to UBCM as province-wide issues.

The resolutions process:

1. The Area Association forwards resolutions to Ministers responsible – meets with them as required.
2. Ministers respond.
3. The Area Association reports to membership.
4. Resolutions are presented at UBCM Convention.
5. Endorsed resolutions forwarded to the Ministry of Municipal Affairs.
6. Ministry of Municipal Affairs refers resolutions to ministries responsible.
7. Ministries reply.
8. Ministry of Municipal Affairs summarizes the government position and presents the responses to the UBCM Executive.
9. UBCM reports to membership.

UBCM Executive to Review All Agreements with Other Agencies

In the last decade UBCM has entered into a number of agreements (Memorandum of Understanding, Protocols, or other agreements). These include:

- Memorandum of Understanding (Province of BC; Ministry of Municipal Affairs)
- Protocol on Principles for Sharing Environmental Responsibility (Province of BC; Ministries of Environment, Lands & Parks and Municipal Affairs)
- Protocol of Recognition (Province of BC; Ministry of Aboriginal Affairs)

For the information of UBCM members, we have prepared this brief overview of the “resolutions process.”

Policy Updates

UBCM Executive to Review All Agreements with Other Agencies

The Resolutions Process

For the information of UBCM members, we have prepared this brief overview of the "resolutions process."

Council or regional board resolutions are a common way local governments initiate changes to legislation and provincial or federal programs. By obtaining support of Area Associations and in some cases, UBCM, a proposal is seen to enjoy widespread support by local governments. Over the years, countless changes to the Municipal Act, or other legislation or programs, started with a "resolution." For more information on the guidelines for drafting and submitting resolutions, contact the UBCM office.

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UBCM News June 2000

Lasting Creations
PINS - PATCHES - PROMOTIONAL ITEMS
Maureen & Jack Crear

Lasting Creations

UBCM NEWS JUNE 2000

Policy Updates

UBCM Executive to Review All Agreements with Other Agencies

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UBCM News June 2000

Lasting Creations
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Maureen & Jack Crear

Lasting Creations
On June 12, 2000 the BC Lottery Corporation (BCLC) issued a news release outlining the five stage process that will be used for relocating community casinos. The announcement confirms the direction taken by the province in June 1999 to end gaming expansion and provide local governments with the ability to decide whether relocated facilities will be allowed within their boundaries.

BCLC Chair Vic Poleschuk indicated that the process for casino relocations will begin in Southern Vancouver Island region. While some communities have already indicated an interest in hosting a relocated casino, a process announcement is intended to provide a fair and equal opportunity for all local governments to be considered for casino relocations.

The BCLC is the agency responsible for all contacts with local governments on the issue of community casino relocations. The final decision on relocations will be made with local governments in the Southern Vancouver Island region expected by Oct 15, 2000.

The five stage process is as follows:

**Stage 1 – Expression of Interest / Market Analysis (30 days)**
- Seek expressions of interest from local governments interested in hosting a relocated facility and BCLC to conduct a market assessment to determine potential market areas and consult with local governments on potential locations.

**Stage 2 – Preliminary Review and Interim Approval (30 days)**
- Once Stage 1 is completed BCLC to work with Casino provider to prepare a site-specific proposal, with the potential new site selection to be based on a number of criteria including a positive expression of interest from local government and an indication from the local government that there will be a broad based consultation process.
- Once potential site is selected the Chair will contact the local government to arrange a site meeting.

**Stage 3 – Local Government Review and Decision (45 days)**
- Local government to undertake public consultation process; determines whether or not to approve, approve with conditions or reject the application.
- If the application has been rejected, the process terminates with respect to that local government.

**Stage 4 – Final Review (15 days)**
- BCLC ensures local government has undertaken consultation process, and if the approval is conditional BCLC reviews the conditions with the Casino provider to ensure the conditions satisfy all parties.
- BCLC ensures that any conditions for local government’s approval and all concerns of adjacent local governments have been considered.
- If the local government approves the relocation and has held public hearings and the concerns of adjacent local governments have been resolved, the Corporation management will present a report on the relocation application to its Board of Directors for final approval.

**Stage 5 – Final Approval**
- If a relocation application is approved by the BCLC Board of Directors, the BCLC will advise all parties to relocation process of its final decision in writing.
- For further details on the process please see the BCLC web site: http://www.bclc.com/

**Province Responds to 1999 UBCM Resolutions**

A total of 105 resolutions were submitted to the provincial government for consideration following the 1999 UBCM Convention. Of these, 11 were either rejected due to a federal nature or not directed to the provincial government for their information only. Therefore these resolutions have not been included in the summary to follow.

The provincial government indicated a willingness to consider changes proposed in 46 of the resolutions and advised that it was not willing to consider changes in 45 of the resolutions. In some cases the province has indicated support for one enactment clause in a resolution, but advised that it would not support the second enactment clause in the same resolution. Consequently, some resolutions have been partially addressed. In addition, the UBCM office will be used for relocating comments with the ability to provide a fair and equal opportunity for all local governments to be considered for casino relocations.

**Singleton Urquhart**

4 C x 5" (repeat Mar 00)

**Towers Perrin**

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Health Act – Sewage Regulations

The Ministry of Health has developed a third draft of a regulation related to the future standards for the operation and maintenance of septic disposal systems. The regulation is intended to provide a basic set of standards for sewage treatment for septic tanks, package treatment plants and other treatment systems which may be implemented, where the discharge is limited to 22,730 liters. In addition, the Ministry of Environment, Lands and Parks has developed a model bylaw to assist in the implementation of the new regulations.

The new draft regulation would require in Section 4(1) that “the municipality or regional district enacts a bylaw – that ensures the use, operation, maintenance, repair and replacement of the sewage disposal system, privy or holding tank conforms to; the Act and the regulation; the conditions of the operating permit; and the order of the officer” for any sewage system that served more than one lot. In addition, the regulation would require in Section 19 that “No person shall receive an operating permit for a type 2, type 3, or ocean discharge system unless the municipality or regional district enacts a bylaw in place which supports the officer by ensuring monitoring, maintenance and repair if the owner fails to comply with an order made in accordance with the Health Act.”

The regulation is intended to avoid future problems with sewage systems, to clarify the role of the Ministry of Health, and to provide local government with the ability to undertake land use developments where the soil conditions will not allow a standard septic system to operate. The Ministry of Health, in the regulation, focuses its responsibility on the regulation of standard septic systems to a single home. The regulation outlines the standards for the use of other types of sewage treatment, but does not allow them to be used unless the local government in the area has adopted a bylaw to regulate them.

The UBCM obtained a legal review of the legislative, regulatory, financial and liability implications to local government, in Sections 4(1) and Section 19 of the draft Health Act: Sewage Regulation and draft model bylaw were implemented. The legal opinion points out that local government does not have the legislative or regulatory authority under the Municipal Act or the Health Act to authorize the maintenance, repair or replacement of on-site sewage disposal systems or undertake the other actions contemplated in the draft regulation and model by-law. The only exception to this is supplementary letters patent which were granted to regional districts in 1970 to regulate outdoor events and have been used by some regional districts to regulate on-site sewage disposal systems.

The review also notes that local government does not have the authority, under the Municipal Act, to enforce an order of an Environmental Health Officer as suggested in the draft regulation. The regulation and the model by-law contemplate that local government under the Municipal Act will be able to recover all of its costs (legal, administrative etc.) related to enforcing the regulation bylaw by placing it on the property tax levy. The legal opinion suggests that local government would not have the ability to recover its costs and would not likely be able to recover any of the costs related to maintenance only those costs associated with the actual replacement of the septic tank.

The legal opinion suggests that local government by agreeing to regulate septic systems may be taking on a similar degree of liability exposure to that experienced in the building inspection function. If a local government was to take on the regulation of sewage system maintenance without statutory authority it may increase its liability exposure “to the level of gross negligence.” The Municipal Insurance Association has indicated that in exercising its regulatory powers over these systems local government could be held responsible if they do not function properly and that there is currently no liability insurance available – either public or private – to cover costs in this area if a problem should arise.

The UBCM will be having further discussions with the Ministry of Health and the Ministry of Environment, Lands and Parks over the development and implementation of new regulations for sewage systems involving small lot developments.

Workplace Exposure to Environmental Tobacco Smoke

The 1997 UBCM resolution A20 called for the UBCM to work with the Workers’ Compensation Board (WCB) to implement regulations which will protect all workers in BC from exposure to secondhand smoke. Subsequently UBCM has participated in the Interagency Steering Committee with the WCB and Ministry of Health, and all three organizations signed a Memorandum of Understanding (MOU) in July of 1998. The MOU is intended to establish a framework for a cooperative approach to the implementation of province-wide requirements to control exposure to secondhand smoke.

The first implementation date of the regulations was April 1998 for most BC workplaces. The final implementation of the regulations were effective January 1, 2000 for public workplaces (public entertainment and long term residential workplaces). On March 22nd, 2000 the B.C. Supreme Court’s decision declared the January 2000 “sunset clause” null and void, leaving the partial exemption in place for public entertainment workplaces. The judge found that the WCB exceeded its powers in instituting a “sunset clause” without holding proper public hearings.

The existing standards continue to provide some protection for workers in public entertainment workplaces including bars, restaurants, casinos, bingo halls, sporting arenas and long-term residential facilities. Employers may still minimize workers’ exposure to second-hand smoke through all reasonable and practicable controls, including administrative and engineering controls.

The WCB, by law, held public hearings for a proposed regulation. The hearings were convened in Richmond, Prince George, Kelowna and Nanaimo during the month of June, 2000.

Questions on Environmental Tobacco Smoke can be directed to Barbara Ingamells, Manager, Member Services at Email: bingamell@civicnet.gov.bc.ca.

Liquor Policy Changes Underway

The Liquor Control and Licensing Branch continues to make changes to liquor policy in response to the Surich report recommendations approved by cabinet in 1999. Liquor policy changes related to minimum drink pricing, the licensing of beverage carts on golf courses, the deregulation of glassware, and the expansion of off-sales to include wine are expected to be undertaken in the near future.

A dedicated Enforcement Hearing Adjudicator will be appointed in early summer to improve compliance and enforcement measures. Anumber of new licensing inspectors will be hired this year and a new suspension schedule is being developed to further strengthen enforcement action.

The branch is currently looking at new measures related to drinking in restaurants, a new licensing scheme to reduce the regulatory burden, and at a regulatory process that would allow existing establishments to increase their patron capacity (to the lesser of the building occupancy or the current limit plus 50%), with input from the local community.

The overall intent of the province is reduce the red tape in the licensing process and to enhance the enforcement and compliance measures where disciplinary action is needed.
2000 New Legislation

Bills Introduced in the 2000 Legislative Session

To date the following Bills have been introduced in the Legislature:

**Bill #1 – An Act to Ensure the Supremacy of Parliament**

This Bill has historical significance dating back to the reign of Elizabeth I. The Bill simply asserts the right of the Legislative Assembly to give precedence to matters other than those expressed by the Sovereign.

**Bill #2 – Budget Transparency and Accountability Act**

This Bill is the result of the final report of the Budget Process Review Panel. The Bill establishes the accountability framework and requirements for government and government-related organizations for budgeting and other purposes.

**Bill #3 – Budget Measures Implementation Act, 2000**

This Bill contains amendments made necessary as a result of the 2000 Budget. Briefly some of the highlights include:
- **Income Tax Act**— reduces the small business tax from 5.5% to 4.75% effective July 1, 2000, adds eligibility requirements that qualified mining exploration expenses must be incurred in BC.
- **Motor Fuel Tax**— increases the tax for transportation infrastructure from 3¢ to 3.25¢.
- **Petroleum and Natural Gas Act**— authorizes agreements between BCTFA and the Minister of Energy and Mines for highway construction and improvement projects that facilitate natural gas and petroleum exploration and production.
- **Property Transfer Tax**— directs how the value of a transaction subject to tax is to be determined where the person to whom the interest is being transferred or someone related to that person already had an interest in the property.
- **Waste Management Act**— allows for a rebate of fees and/or charges when a business switches to a more environmentally friendly method.

The Bill also extends the BC Hydro rate freeze to September 30, 2001. A number of other Acts were amended by this Bill some of these are Corporation Capital Tax Act, Tobacco Tax Act, Social Services Tax Act, etc.

**Bill #4 – Supply Act (No. 1), 2000**

Allows $5.5 billion towards defraying the changes and expenses of the public service of the province.

**Bill #5 – Holocaust Memorial Day Act**

Sets the Day of the Holocaust (Yom Ha'Shoah) as determined by the Jewish calendar, as Holocaust Memorial Day throughout BC.

**Bill #6 – Tuition Fee Freeze Act**

This Bill extends the tuition fee freeze period for post-secondary institutions for a further year ending March 31, 2001.

**Bill #7 – Public Education Support Staff Collective Bargaining Assistance Act**

This Bill ended the school support staff strike in those school districts affected. It also appointed an Industrial Inquiry Commissioner who had 90 days to reach a collective agreement with the parties. Failing this a further 15 days were provided to make a written decision to settle the agreement between the parties.

**Bill #8 – Miscellaneous Statutes Amendment Act, 2000**

Some of the statutes amended by this Bill of interest to local governments include:
- **Forest Land Reserve Act**— standardizes provisions between this Act and the Agricultural Land Reserve Act into the new Land Reserve Commission. It also establishes the powers and responsibilities of an auditor entering on private land.
- **Island Trust Act**— allows the Islands Trust to enter into agreements with First Nations for purposes of the objects of the Trust.
- **Motor Vehicle Act**— makes a number of amendments to this act, including:
  - establishes motor vehicles for which persons specified are exempt from holding a BC drivers licence while driving;
  - exempts for 6 months visitors to and non-residents of BC as well as out of province students while registered and attending certain post secondary institutions from holding a BC drivers licence;
  - drivers exceeding 80 milligrams of alcohol any time within 3 hours of driving can be subject to a 90 day administrative penalty; and
  - amendments to the College and Institute Act, Institute of Technology Act, Open Learning Agency Act, the School Act which allows them to give a British Columbia Adult Education Diploma.

**Bill #9 – Cooperative Association Amendment Act, 2000**

This Bill makes amendments to the new Cooperative Association Act passed last year and to be brought into force later this year. These are mainly technical amendments to correct ambiguities as well as make a number of changes to the Act’s appeal process.

**Bill #10 – McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement Act**

This Bill assists in the implementation of the McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement. The agreement among the McLeod Lake Indian Band, Canada and British Columbia settles disputes among the parties, including litigation commenced in 1986 regarding rights claimed by the McLeod Lake Indian Band under Treaty No. 8 which Canada entered into with certain Beaver, Chipewyan and Cree first nations in 1899.

**Bill #11 – Forest Statutes Amendment Act, 2000**

This Bill makes amendments to the Forest Act, the Forest Practices Code and the Range Act. The amendments to these statutes are designed to reduce costs to industry and government as well as streamlining the system. The following are some of the amendments included in the Bill:
- **Forest Act**— amendments to:
  - require an allowable annual cut to be determined for a woodlot

Continued on page 9

New Local Government Act

Using the Reformed Municipal Act (URMA) takes on a new look!

See new information bulletins about

Bill 14 Local Government Statutes Amendment Act, 2000

www.marh.gov.bc.ca/MUNIADMIN/ and

www.marh.gov.bc.ca/LGPOLICY/MAR/

Using the Reformed Local Government Act

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2000 New Legislation

Continued from page 8

Lot licence area instead of requiring a volume of timber to be harvested each year;
- provide that a rate of timber harvesting be determined for a community forest agreement instead of requiring a volume of timber to be harvested;
- include woodlot licences in definition of allowable annual cut.

Forest Practices Code – amendments to:
- in some circumstances, eliminate the requirement to obtain a permit or licence to use a forest road on Crown land for minor salvage operations and defined range operations;
- eliminate, in certain circumstances, the need to obtain a Forest district manager’s approval of layout and design of a road if it is wholly contained in a cutblock and is authorized by a timber sale that does not provide for cutting permits or a road permit, the road is not in an area of moderate or high landslides as determined by a terrain stability field assessment, or, if in a Community Watershed, a soil erosion field assessment does not indicate a high or very high surface soil erosion or soil erosion potential (mapping carried out in accordance with the regulations indicates the road is not in a area with a high or very high soil erosion potential).
- expands ways in which an excavated or bladed trail can be authorized.

Range Act – allows a Forest district manager to authorize govern-ment employees or agents to use or improve Crown range for purpose related to improving the condition of the Crown range for grazing, cutting hay or range conservation or management.

Bill #12 – Regulatory Streamlining Miscellaneous Statutes Amendment Act, 2000

This Bill amends a number of Acts to streamline government administration and operations to remove red tape to help reduce the regulatory cost of doing business. Portions of interest to local governments include:

Municipal Act – an amendment to s. 356(5)(a) to make the language clear that a person is responsible for a portion of the property tax on Crown land for the portion of the year it was held or occupied.

Assessment Act – an amendment to s. 26(5) to add a requirement for assessment roll notes if Crown land ceases to be held or occupied by another person.

Financial Disclosure Act – makes officials and employees of the Islands Trust subject to the requirements of this Act.

School Act – amends s. 38(3)(b) to permit the Minister to determine the type of trustee representation for a school district that is most suitable to its needs.

Taxation (Rural Area) Act – amends s. 11 to provide that if an owner of farm land who produces seasonal crops or produce applies for deferral of taxes, the Surveyor of Taxes may treat the application as applying to subsequent tax years as well. Also amends s. 14 to expand the means of making tax payments to include prescribed electronic means and authorizes the Surveyor of Taxes to make regulations respecting this.

Bill #13 – Motor Carrier Amendment Act, 2000

This Bill makes amendments arising from recommendations contained in the report by Stan Lanyon “A Study of the Taxi Industry in British Columbia”. This Bill removes the exemption that applied to taxis and limousines operating only in one municipality, so that all taxis will have to be MCC licensed. It repeals and replaces the section dealing with reconsideration of decisions and orders; allows for the formation of Taxi Associations; and provides for a six-month transition period for taxis brought under this Act.

Bill #14 – Local Government Statutes Amendment Act, 2000

This Bill is a result of consultation in the past year and is the third year of the Municipal Act rewrite program.

The major focus of the legislative changes this year are:
- renaming the Act the “Local Government Act”;
- revamping of Part 24 (Regional Districts) and Part 23 (Improve-ment Districts);
- adding a new Division 5 to Part 4 respecting “Counter Peti-tions” that brings together the current municipal and regional district counter petition provisions and adds a provision prohibiting those taking petitions from making false statements; and
- providing that the title for park land dedicated by subdivision or provision in place of a development cost charge will vest in the local government.

These changes will be further detailed elsewhere in this news-letter and in our circular of May 11, 2000. Information is also available on the main page of UBCM’s web site at http://www.civicnet.gov.bc.ca.

Bill #15 – Tobacco Damages and Health Care Costs Recovery Act

The purpose of this Bill is to correct errors in the descriptions of various electoral districts.

Bill #17 – Protected Areas of British Columbia Act

This Bill establishes new class A parks and new ecological re-serves and consolidates existing parks and ecological reserves under one act.

Bill #18 – Finance and Corporate Relations Statutes Amendment Act, 2000

This Bill contains amendments to a number of statutes adminis-tered by the Ministry of Finance and Corporate Relations. Some of these are:

Financial Administration Act – is amended by adding a new section 4.1 which implements the new provisions for the manage-ment of capital expenditures recommended by the consultants in the Capital Management Process Review for the provincial gov-ernment.

Consequential amendments are also made to the Financial Information Act and the Hydro and Power Authority Act.

Income Tax Act – adds a new Part 7, “British Columbia Manufacturing and Processing Tax Credit” which sets out the types of property, the manufacturing and processing activities, and the corporations that qualify for the new tax credit.

Bill #19 – Income Tax Amendment Act, 2000

This Bill separates BC’s provincial income tax system from the federal system, as announced in the last Budget. The legislation allows the province to apply its own tax rates directly to taxable income, set provincial tax brackets and non-refundable credits. The new system will be in place for the next tax year. The Bill also includes provision for a small tax cut.

Bill #20 – Motor Vehicle Amendment Act, 2000

This Bill amends the Act by defining “motor assisted cycle” in the Act and excluding it from the definitions of “motor vehicle” and “vehicle”. It provides municipalities with the power to make bylaws to prohibit a parent or guardian of a person under sixteen years of age from authorizing or knowingly permitting the person to operate a motor assisted cycle on path or way designated under s. 124(1) of the Motor Carrier Act, Motor Carrier Act, and Waste Management Act.
Committees

Policy Shorts

The UBCM Executive is regularly monitoring or acting on 25 to 30 issues that are being reviewed by one of its committees or that aren’t one of the major Executive issues such as infrastructure or financing local government. The following are a sample of files that are active or being monitored.

Low Speed Vehicles

Transport Canada is moving to establish a low speed vehicle class and set minimum safety standards. Provinces would then develop requirements for their use and licensing. Consultations are underway about the circumstances where low speed vehicles might operate. One option is to restrict their use to roads with speed limits of 30km/h or less, with specific signage for Low Speed Vehicles and provide the transportation authority (e.g. municipality) has agreed to Low Speed Vehicle use.

Anti-Fencing Code

UBCM, along with representatives from several local governments, is participating in a Ministry of Municipal Affairs, and UBCM are participating in a study that explores the concept of a guaranteed assessment roll. It is expected that this study will be presented at the UBCM Convention in October.

Assessment of Strata Accommodation Properties

A discussion paper drafted by the Assessment Authority and the Ministry of Municipal Affairs should be available shortly which reviews current problems in the classification for assessment purposes of stratafied accommodation properties and discusses possible options for changes. A similar review was done in 1994 and resulted in an amendment to the assessment classification regulation. This study is the result of renewed efforts by developers and property owners to escape the provisions of the 1995 regulation which narrowed the types of accommodation properties that could qualify for the Class 1 (Residential) classification.

Guaranteed Assessment Roll

The Assessment Authority, the Ministry of Municipal Affairs, and UBCM are participating in a study that explores the concept of a guaranteed assessment roll. It is expected that this study will be presented at the UBCM Convention in October.

Committee Meets with Gaming Minister

Provincial Gaming Minister Joy MacPhail met with representatives of the UBCM Gaming Committee on May 17th and confirmed the province’s direction with respect to gaming. Minister MacPhail advised that the province has prepared draft gaming legislation but she could not confirm that it would be introduced at this spring’s legislative sitting. She also indicated that in keeping with the Memorandum of Agreement with UBCM signed last year, UBCM would be provided with an opportunity to review the draft legislation prior to its introduction in the House. Committee members, Councillor Mel Kositsky and Councillor Lynne Kennedy confirmed with the Minister that in the absence of gaming legislation, the MOA and the recommendations regarding facility relocations put forward by Dr. Peter Meekison, will direct government’s gaming policy.

Permissive Tax Exemptions for Leased Property

UBCM has requested that a joint review be undertaken with the Ministry of Municipal Affairs of the legislative provisions for permissive tax exemptions for occupants of leased property, and that the authority for an Area Assessor to disallow a permissive exemption granted by a Council or Board be clarified.

Members’ Conflict of Interest Act Review Report

UBCM has expressed its objections to the Select Standing Committee of the Legislature that reviewed the Members’ Conflict of Interest Act, regarding a statement in the Committee’s report that indicates that UBCM agreed that the MLA’s Act should be extended to cover local government. In fact, UBCM has recommended that the MLA’s Act NOT be extended to cover local government.

Committee Responds to Wouters Report

On April 5th, Garry Wouters’ forest policy review report was released. UBCM, along with a number of other organizations including: the Council of Forest Industries, BC Chamber of Commerce, BC Business Council, Central Interior Logging Association, Interior Logging Association, Truck Loggers Association, BC Wood Specialties Group, and North West Loggers Association had met with Wouters a number of times over the past few months. Following a review of Wouters’ final draft, the Coalition of organizations had a number of concerns. Key issues, common to all organizations, that were not adequately addressed by the forest policy review report included:

1. Lack of a strong vision for a growing forest sector. The report will require industry to do more with less.
2. No strong commitment to establish a secure working forest land base as has been done with protected areas. The report references the need to do this but no prescribed % is set and no timeframe is outlined as to how this will be done.
3. No commitment to growing the AAC (Annual Allowable Cut) over time. There was no commitment to growing the AAC and instead the report recommended the establishment of a task force to look at timber supply.

Since these three issues are fundamental, Coalition members unanimously advised that they could not support Wouters’ report.

The full report is some 90 pages long, divided into three sections:

• Part 1 – On the Land: Creating Greater Certainty and Managing for Sustainability
• Part 2 – The Forest Industry: Dynamic, Globally Competitive and Diverse
• Part 3 – Communities and Workers

Additional sections include: ‘Implementation’ of the Recommendations, Appendices relating to the public consultation process undertaken as part of the Review, The Proposed Role and Structure of FRBC. The Aboriginal Interim Measures Agreement and a proposal for an enhanced silviculture program.

The Communities and Resources Committee confirmed at their May 10th meeting that they will continue to monitor the Provincial Government’s actions with respect to forest policy in light of the release of Wouters’ report.

GARY WILLIAMS and ASSOCIATES

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Environment Policy

The federal government introduced the Species at Risk Act into the House of Commons on April 11, 2000. The legislation is based on the following:

- voluntary preventive measures to protect endangered species;
- promoting stewardship and incentive programs to assist private landowners in helping to protect habitat required by endangered species;
- building partnerships with provinces to protect species at risk.

The preamble to the Act states that:

All Canadians have a role to play in the conservation of wildlife in this country, including the prevention of wildlife species from becoming extirpated or extinct, the conservation efforts of individual Canadian communities and communities should be encouraged and supported.

Stewardship activities contributing to the conservation of wildlife species and their habitats should be supported to prevent species from becoming at risk, community knowledge and interests, including socio-economic interests, should be considered in developing and implementing recovery measures.

The final list of species identified as endangered and the addition of any new species is made by the federal cabinet on the recommendation of the Minister, after an assessment by a scientific panel and consultation with others.

The focus of the legislation is on the development of stewardship agreements to provide for the conservation of a species at risk. The Honourable David Anderson in his press release indicated that: “Our first line of defense will be to protect habitat through conservation and voluntary measures. We have tough choices to make to protect endangered species and we will maximize success working together.”

In a recent review, the Alberta government identified that each year it costs approximately $3.3 million to recycle spirit, wine, cider and cooler containers in the province and that the cost of recycling these containers has been paid for by the Alberta Gaming and Liquor Commission. The government announced that the recycling costs of these containers would be included in the wholesale price of the product in the future. As a result of the policy change, the wholesale price of a 750ml glass liquor container would increase by six cents, and the wholesale price of a plastic liquor container would increase by about three cents.

Contaminated Sites

A recent report by the Ministry of Environment, Lands and Parks entitled “Environmental Trends in British Columbia 2004” indicated that between 1988 and 1999, 5,122 contaminated sites were identified and 386 were cleaned up. Since 1992 an average of 97 contaminated sites have been remediated each year. The Contaminated Sites Implementation Committee, a government/industry stakeholder group established to monitor the implementation of the regulation, is continuing with its review of the regulatory process to determine how it can be made more cost-effective and efficient in protecting the public.

Air Quality

“In 1998, 24 out of 33 communities monitored exceeded the fine particulate levels at which health effects are known to occur, more than 5% of the time. Sixteen of these communities exceeded this level more than 10% of the time”, according to the “Environmental Trends in British Columbia 2004” report prepared by the Ministry of Environment, Lands, and Parks. This report indicated that communities in the interior of the province are exposed to higher concentrations of particulate levels than communities in the more populated southern areas.

The major source particulates originate from the processing of forest products.

The Air Quality Branch in the Ministry of Environment, Lands, and Parks is working with local communities to develop airshed management plans. This process provides for additional monitoring of pollution sources, identification of present air pollution problems, development of an airshed management plan to address short and long term steps for improving air quality in the community, and implementation of these management solutions while maintaining jobs. A recent plan has been developed with a multi-stakeholder committee in Quesnel, which in 1998 was identified as a key area for action.

Environment Shorts

SPECIES AT RISK ACT (SARA) – BILL C-33

The focus of the legislation is on the development of stewardship agreements to provide for the conservation of a species at risk. The Honourable David Anderson in his press release indicated that: “Our first line of defense will be to protect habitat through conservation and voluntary measures. We have tough choices to make to protect endangered species and we will maximize success working together.”

In the event that a species is identified as endangered, the legislation requires that any action plan to recover the species must be developed in consultation with the affected: Section 48(3) To the extent possible, an action plan must be prepared in consultation with any landowners and other persons whom the competent minister considers to be directly affected by, or interested in, the action plan, including the government of any other country in which the species is found.

The issue of compensation is addressed in the legislation as follows: Section 64(1) The Minister may, in accordance with the regulations, pay to any person for losses suffered as a result of any extraordinary impact of the application of section 58, 60, or 61 or any emergency order in respect of habitat identified in the emergency order that is necessary for the survival or recovery of a wildlife species.

(2) The Governor in Council may make regulations that the Governor in Council considers necessary for carrying out the purposes and provisions of subsection (1), including regulations prescribing (a) the procedures to be followed in claiming compensation; (b) the methods to be used in determining the eligibility of a person for compensation, the amount of loss suffered by the person and the amount of compensation to be paid in respect to any loss; and (c) the terms and conditions for the payment of compensation.

The Environment Minister has appointed Dr. Peter Pearse to review the issues and provide advice on the development of a.
Preparing for 2000 UBCM Convention

New delegates may be asking – what can I expect to see and receive leading up to my first UBCM Convention? And old hands might want to read this article just because the Convention is about a month later – pushing back some of our time frames.

Capital Ideas: The 2000 UBCM Convention

October 24 – 27
Victoria, B.C.
Victoria Conference Centre

Accommodation
All delegates are responsible for their own accommodation. This is usually block booked by your corporate administration. Hotel information is available from our office (604)270-8226 or on our web site (www.civicnet.gov.bc.ca) See chart below.

Registration
Registration packages this year will be distributed in late July. Please read them carefully because there are lots of choices to make.

Convention Program Updates

Convention Bulletins
During the period leading up to the Convention the UBCM will issue a number of one or two page bulletins – beginning with Long Service Awards. Others will include program updates on workshops and clinics.

Pre-Conference Newsletter
The September UBCM Newsletter will have a significant portion devoted to convention content – all designed to keep you up to date on the convention planning.

Convention Documents

There are a number of key documents that will be considered and in some cases voted on at the AGM or elsewhere in the business sessions.

Nominating Committee Report
Planned to be distributed in late August. It contains the nominations for all the various UBCM Executive positions and their biographical statements.

Annual Report and Resolutions Book
This is the main focus of any UBCM Convention. The Annual Report, including financial statements is considered during the AGM. The resolution portion is the focus of three mornings of discussion and debate. This should be distributed in late August.

Policy Papers
These are special papers prepared for consideration at the Convention. The Executive at its July meeting will determine the final list. They would be distributed in early September or if necessary at Convention.

Available at Convention

Final Program
The final program will be available in your delegate’s kit upon registration.

Late Resolutions
You will also receive the report on resolutions received after the resolution deadline (June 30) in your delegate kits.

Staying in Touch
• look for UBCM bulletins and Newsletter
• visit our web site (www.civicnet.gov.bc.ca)

1991 Victoria Conference topped Registration

UBCM Convention returns to Victoria this year after nearly a 10-year absence. The 1991 Victoria UBCM Conference was the largest attendance for a UBCM Convention. We expect a big attendance for the 2000 Convention.

The 1991 Conference already has some “déjà vu” aspects to it.

The then Social Credit government under Premier Mike Harcourt was Gordon Campbell, then First Vice-President. He presented Mike a baseball and bat ready to step up to the plate and play ball.

Harbour made his address not really knowing if there would be an election or not. The UBCM Executive spokesperson who thanked Mike Harbour was Gordon Campbell, then First Vice-President. He presented Mike a baseball and bat and with the inference to get ready to step up to the plate and play ball.

1959 Kelowna
1969 Kamloops
1979 Vancouver
1989 Penticton
1991 Victoria
1999 Vancouver

Later that day then Premier Rita Johnson called the election at a press conference in Vancouver. She returned to Victoria and made her first election speech on Friday morning to UBCM. It turned out to be marred by youth environmental protestors (masquerading as Sacred youth supporters) who interrupted her address.

Nomination Procedures for the UBCM Executive

The ongoing administration and policy determination of the UBCM is governed by an 19-person Executive Board that is elected and appointed at the Annual Convention.

There are ELEVEN elected positions:
• President
• First Vice-President
• Second Vice-President
• Third Vice-President
• Director at Large (5 positions)

There are seven appointed positions:
• Immediate Past President
• Vancouver Representative
• GVRD Representative

Area Association Representatives - AVICC, AKBM, OMMA, NCMA and LMMA

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

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

The Nominating Process

June
Nominating Committee has circulated a Call for Nominations notice that contained the following information:
• positions open for nomination
• process for nomination
• qualifications for office
• role of Nominating Committee
• closing date for nominations (prior to Convention)
• general duties of an Executive member

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

July 31
Nominations close – all candidates must have their documentation submitted.

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

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

The Nominating Committee has circulated a Call for Nomination notice that contained the following information:
• general duties of an Executive member
• qualifications for office
• process for nomination
• closing date for nominations (prior to Convention)
• role of Nominating Committee

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

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

2000 Convention Hotel List

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<tr>
<th>Hotel</th>
<th>Phone</th>
<th>Fax</th>
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<tr>
<td>Chateau Victoria</td>
<td>382-4221</td>
<td>380-1950</td>
<td>$85/$99 Std./Ste.</td>
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<tr>
<td>Carson Hotel Grand Pacific</td>
<td>386-0450</td>
<td>385-8579</td>
<td>$129</td>
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<tr>
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<td>366-1211</td>
<td>360-1418</td>
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RCMP REVIEW – WHAT ARE THE FINDINGS?

The federal Treasury Board Secretariat in 1999 requested a review of the RCMP and a report by an independent team entitled Resource and Management of the Royal Canadian Mounted Police was completed.

The report noted that:
- The RCMP is the provincial police force in all provinces, except Ontario and Quebec, and all three territories. It is also the municipal force in many towns and suburban areas within these provinces, notably in suburban Vancouver.
- The contract defines precisely what costs are to be included in the cost base and thereby recovered from the contract partners. Not all costs of contract police services are included in the cost base (e.g., the cost of administration at headquarters is excluded from the contract).
- The Contract also defines the cost sharing ratio with partners. The cost ratio which is applied to the defined cost base, is as follows:
  - Provincial/Territorial Police Services: 70% provincial, 30% federal;
  - Municipal Police Services:
    - Population less than 15,000: 70% municipal, 30% federal;
    - Population greater than 15,000: 50% municipal, 50% federal;
  - Regional/municipal entities after 1994: 100% municipal if one or more of the municipalities in the region had its own police force (regardless of population);
  - First Nations communities: 48% provincial, 52% federal.

- Tripartite Agreements for First Nations communities - 48% provincial, 52% federal.

The report points out that “discussions with contract partners indicate a generally high level of satisfaction by provinces and municipalities with the operational performance of the RCMP. On the other hand, there is an acute dissatisfaction with the inability of the RCMP to deliver on contracted FTE requirements, and to provide credible management information and financial forecasts.”

The report concluded that the current contract gives the RCMP very little flexibility to manage costs. In short, the RCMP cannot independently determine staffing levels or change the cost base. This has become an increasingly serious problem because the RCMP has not received reference level adjustments for contract policing since 1994/95, but a number of provinces have requested significant FTE increases.

The current contract was negotiated for a twenty-year term that ends on March 31, 2012. The federal government could cancel the contract in 24 months notice, but this is unlikely considering the significant financial decision such a decision would place on federal/provincial relations.

The report stated that there were shortfalls in federal funding for contract policing as a result of an increase in the demand for contract policing from the provinces and municipalities - it identified a total $5.6 million for fiscal years 1998/99 that were not filled by the RCMP.

The transfer of responsibility for the Payment-in-Lieu of Taxes (PILT) from Public Works Canada to the RCMP, and the un-funded portion of the pay raise that is now in effect.

Last year Treasury Board Ministers approved 50% of the proposed pay raise for RCMP members, and directed that the remainder be funded by the RCMP.

The report pointed out that a memorandum of agreement had been reached between the Solicitor General, the Treasury Board and the RCMP. Under this agreement the RCMP on an annual basis beginning in 1999/2000 can request an incremental funding related to new contract policing increases – this does not cover shortfalls from the past however. The report recommended that the agreements should provide for “$5.6 million for the federal portion of 188 additional contract policing FTEs requested for 99/00 ($18.9 million gross) and Mayor Leonard and his staff for all of their work – it is a long awaited win for all local governments.”

Auxiliary Constable Program: What is the Status Today?

The RCMP has indicated that there are currently 552 appointed auxiliaries in the program. Participation in the program is down from the 1,119 auxiliaries who were registered in the program in 1997 (although only 548 of the auxiliaries were active and met program requirements).

The major reasons for the decline in the auxiliary program is the 1997 moratorium on recruiting auxiliaries pending development of new recruitment strategies and training standards and the decision to disarm auxiliary and reserve constables.

The decision whether auxiliary or reserve volunteers should be armed is an operational decision to be made by the Commanding Officer of “E” Division and the Chief Constables of individual police departments (for reserves). The Commanding Officer in 1998 made the decision to disarm auxiliary constables in the RCMP in British Columbia. The decision to disarm auxiliary constables was based on problems and concerns with auxiliary training, public safety issues, and other circumstances. This decision brought BC’s auxiliary constable program in line with other RCMP constable programs in Canada where auxiliaries have never been permitted to carry guns.

A new provincial Auxiliary/Reserve Constable Program policy was developed in 1999 and administered by the Ministry of Attorney General in concert with the RCMP and the individual Municipal police departments. The Provincial policy confirms the operational authority of the Commanding Officer and Chief Constable, stipulates that if volunteers do carry firearms they must be trained and qualified to the same standards as police officers. Today, only three of the twelve municipal departments allow reserves to carry guns while police activities under the direct supervision of a regular member.

Justice Committee Meets With Attorney General

In early April the Justice and Protective Services Committee met with the new Attorney General Andrew Petter and the Minister of Municipal Affairs Cathy McGregor. The meeting focused on highlighting for the Attorney General and his new Deputy some of the Justice Committee’s priorities.

The Committee discussed the expansion of bylaw courts, the development of the new liquor policy in the province; the implementation of a pilot drug court, local government concerns regarding the provision of RCMP police services and the financing of policing costs, and the need for increased equity in the sharing of traffic fine revenues.

The Attorney General provided early indications that he supported the concept of bylaw courts, subject to the cost implications being addressed. It was agreed that a joint ministry/local government by-law working group would deal with the issue further. He stated that the enforcement of liquor regulations was a concern of the Ministry of Attorney General and they were looking at new initiatives in this area. The Attorney General stated that the RCMP would be providing 200 new officers to British Columbia in 2000 and he would be discussing local government needs with the federal government. He also agreed to UBCM involvement in the upcoming five year review of the RCMP contract. The Ministry of Municipal Affairs agreed to act as the lead agency in a further review of the sharing of traffic fine revenues.

Vicious Dogs Legislation Introduced

One of UBCM’s long standing policy requests has been met. On June 15th, Bill 24, Miscellaneous Statutes Amendment Act (No. 2), 2000 was introduced into the House. The Bill includes amendments to both the Local Government Act and the Vancouver Charter to provide municipal control officers and peace officers with the authority to obtain a warrant to seize and impound a dangerous dog on private property. In those instances where a dog presents an imminent danger to the public and it is not practical to obtain a warrant, the officer in the command of a company of peace officers, would be able to seize and impound the dog on private property.

Authority is also provided for the impoundment and destruction of a dangerous dog, as required.

As far back as 1982, UBCM members have endorsed resolutions requesting that local governments be provided with the authority to deal with vicious dogs. Over the years numerous attacks have occurred, leaving local governments frustrated by their inability to act. As a result of two attacks in Saanich, Mayor Leonard requested UBCM support for a meeting he had arranged with the Attorney General on the matter. On June 7th, Mayor Leonard, Saanich staff and UBCM staff met with Attorney General Andrew Petter and pressed the Minister to act quickly. During the meeting the Minister indicated he would make every effort to put the legislation forward as soon as possible. The legislation was introduced one week later.

A special thank you to Justice Minister Leonid and his staff for all of their work – it is a long awaited win for all local governments.
Infrastructure Status in BC

The Federal Government announcement that $2.4 billion over the next six years is estimated to result in our province’s receipt of $700-750 million allocation for British Columbia. Based on one-third local-provincial-federal participation this would imply a total program funding of $2.4 billion.

In previous programs the detail about how the money will be spent in BC is set out in a federal-provincial agreement. This time UBCM wants to be an official part of those talks so that local priorities are reflected in the program design. This wasn’t an issue in the original Infrastructure Works (IWP1) Program because then Premier Mike Harcourt (and formerly a big supporter of the FCM infrastructure initiative) agreed that 90% of funding should go to sewer and water. However in the extension to that program (IWP2), local government got shut out of much of program and ended up with a modest amount for local roads that only through intense pressure, was UBCM even able to expand to somewhat larger that had originally been intended. The general feeling was IWP2 didn’t reflect local priorities.

So for this program UBCM wants to be in on the ground floor for the discussions on the BC agreement. It will determine such things as the type of projects that will be eligible and the application/adjudication process.

The exact funding allocation for BC should be provided by federal Treasury Board very soon and it is expected discussions will begin and continue over the summer.

Plastics Recycling – Will it be the Next Stewardship Initiative?

A new baseline study of plastics was recently undertaken in the province to determine how many rigid plastic containers were generated in the province, how much was recovered and how much was discarded. The study was jointly funded by the Ministry of Environment, Lands and Parks and industry and the terms of reference for the review was set by a multi-stakeholder group made up of representatives from industry, the Recycling Council of BC; SPEC and local government representatives.

The review looked at rigid plastic containers such as beverage containers, detergent bottles, milk jugs and dairy tubs and lids.

The study found that plastic beverage bottles represented the largest category of household plastic containers and had the highest recycling rate at 66%. All of these containers are included under the provincial deposit/refund system and it is anticipated that the recovery rate for plastic beverage containers will increase as a major expansion of the program took place in 1998/99 and the new program is still being developed.

The second largest category of household plastic generated in the province was from used detergents and household cleaners. These containers only had a 13.4% recycling rate and had the largest impact on disposal facilities, with over 6,000 tonnes being sent to landfills.

The third largest category of household plastic containers generated was from standard 4 litre milk jugs. A total of 62.5% of these containers were recycled.

The final category of household plastic containers examined in the study was from used dairy and non-dairy products such as ice cream, yogurt, sour cream, margarine, cream cheese, honey etc. A total of 33.3% of these containers was estimated were recycled and a total of 2,400 tonnes was landfilled.

Overall the recycling rate for rigid plastic containers was reported at 45.5%. The province is attempting to use this baseline study to encourage the establishment of a national stewardship program to require the recycling of rigid plastic containers.

British Columbia is only a small player in the plastics market and it is felt that in order for a plastics stewardship program to be successful in the province it requires a national umbrella to operate under. The study indicated that the plastics industry had already undertaken some measures to recycle plastics, but that it would have to do more if it was to reach the 85% recovery rate established as a baseline in the beverage container management regulation.

One of the keys to a successful plastics stewardship program is the establishment of a stable market for recycled plastics - through recycled content regulations or other means – as historically the market for plastic resin can be subject to major fluctuations in price.

Drinking Water Protection

Recent events in Ontario have heightened the need to ensure that measures are in place to both treat drinking water and to protect source of local drinking water to ensure it is safe for the public to use.

British Columbia, according to an official from the Ministry of Health, has the highest number of boil water orders in Canada. This not an indication of poor treatment facilities or poor water quality, but due in part to the fact that approximately 63% of community drinking water supplies are from surface water, which is potentially more vulnerable to contamination from naturally occurring parasites than other water sources.

A report by the Auditor General in 1999 highlighted the need for an integrated approach to the protection of drinking water sources in the province as the paper points out water treatment facilities alone cannot ensure a safe drinking water supply. The report indicated a need to protect water supplies at the source and to monitor groundwater supplies, as currently there is no protection for groundwater in the province.

The Auditor General identified seven government ministries and government agencies whose actions may affect water quality. The report recommended that the government designate “a lead agency for drinking water interests, to coordinate government policy and action on drinking-water issues” and that it report annually on the protection of drinking water sources.

The province has responded to the Auditor General’s report by creating a committee of government agencies to coordinate action on drinking water issues and identified the Public Health Officer as responsible for issuing an annual report on the quality of drinking water.

Overall the quality of surface water has remained relatively stable since 1985. The only major decline in water quality has been in the Georgia Basin and Southern Interior this is due to primarily to population growth and non-point source pollution. None of the 33 monitored water bodies used for drinking water in British Columbia have received a poor or borderline ranking. A recent report by the Ministry of Environment, Lands and Parks entitled “Environmental Trends in British Columbia”, however, has suggested that one in three major aquifers in British Columbia is potentially vulnerable to contamination, the extent of this problem is not fully understood. At the present time, the most vulnerable aquifers with health-related water quality problems were identified in the Fraser Valley.

McCarthy Tétrault

4 C x 5” (repeat Mar 00)

Taxable Status of Funeral Homes Clarified

A March 29, 2000 Court of Appeal decision stated that a funeral home and a crematorium in Burnaby are incidental to a place of burial for the purposes of the Cemetery and Funeral Services Act and as such are exempt from real property assessment and taxation.

As a result of concerns expressed by UBCM, the City of Burnaby, and the Ministry of Municipal Affairs, the government included a provision in Bill 24, the Miscellaneous Statutes Amendment Act (No. 2), 2000, to amend section 339(1)(f) of the Local Government Act to clarify that funeral homes, crematoria, and other similar improvements that are on cemetery land, are taxable in the same manner as those that are not on cemetery land.

The implication is that cemetery lands and ancillary buildings (i.e., maintenance-sheds, caretaker’s house) are exempt regardless of ownership; municipal cemeteries and other municipally owned (or held by a Board of Trustees) improvements are still exempt; but privately owned funeral homes, crematoria, columbaria and similar improvements are not exempt if they are on cemetery lands or if they are free-standing.
The conference was comprised of three sessions, each with a distinct purpose. The first session, Introduction to Treaty Negotiations, provided a crash course for those new to the process or those wanting a refresher. The second session, Current Issues in Litigation and Negotiations, was a full day session at which 15 speakers presented their perspectives on a range of topics of key interest to local governments. Session three, Policy Session designed to solicit input from local government representatives focusing on four issues. Rounding out the three days, UBCM Aboriginal Affairs Committee members and Treaty Advisory Committee (TAC) chairs met directly following the conference, taking advantage of the opportunity to share issues and input.

Session 1 - Introduction to Treaty Negotiations

Participants at the session heard from BC Treaty Commissioner Kathleen Keating on how and why the treaty process started and how it currently operates. Patrick O’Rourke from the Ministry of Aboriginal Affairs and Lorne Browne from the Federal Treaty Negotiation Office discussed their respective governments’ roles and interests in negotiating treaties with First Nations in BC. UBCM’s Richard Taylor made a presentation on the history of local government in treaty negotiations. Three TAC Chairs, Director Aaron Dinwoodie, Mayor Don Bell, and Councillor Joanne Monaghan then described lessons their TACs had learned in the process of fulfilling their role. Thanks go to Tamara Little, co-ordinator of the Fraser Valley Treaty Advisory Committee, who took on the task of organizing this session with UBCM.

Session 2 - Current Issues in Litigation and Negotiations

The day long session began with Miles Richardson, head of the BC Treaty Commission presenting an overview on the state of the treaty process. Minister of Aboriginal Affairs, Hon. Dale Lovick, John Watson, Regional Director General for the Department of Indian Affairs Canada (representing Minister Robert Nault) and George Watts from the First Nations Summit, then presented their views on the what is working and what is not. In their evaluations of the conference, participants agreed that the opportunity to hear the views of First Nations was extremely important.

The opening panel was followed by five TAC chairs who presented their TAC’s experience with identification and representation of local government interests at specific treaty tables. Mayor Bruce Milne described his TAC’s experience with the Sechelt Negotiations and discussions on land selection and additions to treaty settlement lands. Mayor Clint Hames and Chair Susan Gisborne spoke about the InSHUCK-ch N’Quatqua negotiations and how issues of local government relations and non-member representations had been addressed at that treaty table. Mayor Don Bell from the Lower Mainland TAC and Mayor Peter Weeber from the Skeena TAC provided their perspectives on addressing local government interests in resource issues.

Next, participants received an update on important cases currently making their way through the courts. The cases reviewed were significant to the BC context and related to Aboriginal title, rights and treaty rights. Other cases covered related directly to local governments involving consultation with First Nations, and application of bylaws on Indian Reserve lands.

The panel session on “What is Ahead for the Treaty Process?” received the highest rating of the day. The panel was moderated by lawyer Harry Slade, and included lawyer Barbara Fisher. (A former BC Treaty Commissioner), Professor Paul Tannert from UBC, and Gordon Gibson from the Fraser Institute. There was lively debate around the questions posed by the moderator and those from the floor. Most speakers felt that the treaty process was in need of some changes, but still held the most promise for the way ahead.

Session 3 - Policy Session

Friday’s policy session received highest rating of the three days. About 80 people attended the policy session and in small groups discussed and responded to questions contained in a workbook designed for this session. The topics discussed were:

- Land Use Coordination between Local Government and First Nations
- Additions to Treaty Settlement Lands Post-Treaty Acquisition of Land for Treaty Purposes on a Willing Buyer/Milling Seller Basis
- Non-Member Representation on Treaty Settlement Land

Throughout this session, UBCM members provided their views on these critical issues which have been provided to the provincial and federal governments and which will continue to contribute to ongoing UBCM policy development.

COMMUNITY TO COMMUNITY FORUMS BUILDING ON SUCCESS

The Community to Community Forum program is designed to build on and strengthen relationships between neighbouring First Nation and local governments. Launched in July 1999, the program has had a successful first phase with many local governments and First Nations taking advantage of this opportunity to meet and discuss their community goals and common future.

To date, UBCM has approved funding (provided by the provincial government through a contribution agreement) for ten events that will take place in regions around the province, (these are listed below). Six events were completed by June 30 and another four have been planned and will occur by October 31, 2000.

1. Regional District of Alberni-Cape MoresquodAVCC & Nuu-chah-nulth Tribal Council
2. Cowichan Valley Regional District/AVCC & Ditidaht First Nation
3. District of 100 Mile House & Carin Lake Band
4. Central Okanagan Regional District & Westbank First Nation
5. Regional District of East Kootenay & Ktunaxa Kinbasket First Nation
6. City of Fort St. John & Fort Nelson First Nation
7. District of Kent & Stikine Nation – (Seabird Island, Chealis, Cheam, Scowitiz, Skawahlook Bands)
8. Village of Massett & Old Massett Indian Band
9. City of Port McNeill & Port McNeill Indian Band
10. Regional District of Skeena-Queen Charlotte & Haida Nation/Skegigate Band

UBCM recently received a contribution from the federal government to fund additional regional forums. An application package was sent to all local governments on May 15. Additional copies of this package are available from the UBCM office. The first application deadline is July 31, 2000.

There is no doubt that it takes considerable time, effort and mutual commitment to get these events off the ground. Therefore UBCM has contacted both the First Nations Summit and Union of BC Indian Chiefs encouraging them to raise awareness among their members about this program so that more local government and First Nations neighbours can take advantage of this important opportunity.

The Forest Alliance is a citizens coalition with 10,000 community members working to provide a balance between ecological, environmental and social needs of our forests, for today and tomorrow.

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Energy Aware Award

The Energy Aware Committee invites all BC local governments to participate in the ENERGY AWARE AWARD CONTEST. The award is offered annually to a municipality or regional district, which is judged to best integrate energy planning into community plan-

Background

Energy is an invisible commodity. We all use it but the majority of us are removed from its sources and can not clearly identify and understand all the negative impacts associated with energy use. Addressing problems such as climate change, pollution, resource exhaus-

Criteria

• The submission must include an article of no more than 1,000 words and an abstract with a 200 word minimum explaining how the project submitted exemplifies Community Energy Planning.
• The article may include photographs or drawings as appropri-
• Additional supporting materials such as video and newspaper articles are encouraged.

The judging panel will provide one paragraph summary of their reasons for selecting the winning entry and, if awarded, the “Honourable Mention”. The decisions of the judging panel will be final.

Award

The award will consist of a trophy (that will travel on a yearly basis like the Stanley Cup®), an announcement in the newspaper local to the winning applicant, and recognition at the Union of BC Municipalities Convention. Other venues for recognition may be arranged which are commensurate with the interests of the winning applicant and the committee.

Deadline

All submissions must be received by Sept. 30, 2000 and sent to:
Energie Aware Committee Suite 15 10551 Shellbridge Way Richmond, BC V6X 2W9 Phone: 604-270-8226 Fax: 604-270-9116

Eligibility

This award is open to all municipalities, cities and regional districts in British Columbia.

TREATY NEGOTIATIONS HIT DIFFICULT TIMES

The treaty process in BC has hit difficult times. Some First Nations are again looking to the courts to address their unresolved claims, following on the landmark December 1997 Delgamuukw decision. This decision held that Aboriginal title exists in BC, and that there are ways to es-

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THE FIRST NATION TREATY NEGO-
TIONS ALLIANCE represents a growing number of BC First Nations.
In the BC Treaty Commission’s 2000 Annual Report, reference is made to the unbridged gap between the visions of treaties held by federal and prov-

MORE BAD NEWS CAME...
**NEWLY ELECTED SEMINAR HIGHLIGHTS: COUNCIL PROCEDURES**

By Eli Mina, P.R.P.

As a member of the new council team, I attended the five UBCM Newly Elected Seminars, it was my pleasure to work with the participants and address the subject of Council Procedure. I found the discussions to be exciting and illuminating. Many interesting issues arose, and time went by very quickly. As I joined participants at the wine and cheese receptions which followed my presentations, I was heartened by the high level of interest in the topic and in my work.

As we flow into the sessions, I would like share with the readers of the UBCM Newsletter my thoughts on some of the issues and themes that emerged during these seminars.

Knowing your rights

Many questions related to the role of Council member both as the individual and as a member of a cohesive team - the opportunity to make a substantial difference for a community.

Eli Mina M.Sc., P.R.P. is a Vancouver-based consultant, professorial chairman, seminar leader, book author, and registered professional chairman. He specializes in chairing contentious meetings and public hearings, demystifying and humanizing the rules of order, and resolving organizational disputes. Eli can be reached at (604) 730-0377, or e-mail at eli@elimina.com. You can also visit Eli’s website at www.elimina.com.


**WOMEN’S ECONOMIC SECURITY AND PAY EQUITY**

The Minister of Women’s Equality, the Hon. Joan Smallwood, has released a Discussion Paper, which has four themes:

1. closing the wage gap
2. closing the poverty gap
3. supporting women, children and families
4. increasing women’s representation in positions of influence

Theme 1, 3 and 4 reference municipalities.

**Courses and Resources**

**Women’s Economic Security and Pay Equity**

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3. supporting women, children and families
4. increasing women’s representation in positions of influence

Theme 1, 3 and 4 reference municipalities.

**Theme 1**

This theme deals with promoting women’s equality in the labor market. It suggests three options for extending pay equity:

- **Implement pay equity in the private sector and local government through voluntary compliance.**
- **Implement pay equity (and employment equity) part of a condition of a bid on government contracts over a certain value.**
- **Legislative approach to pay equity – that could be either proactive or complaint driven.**

Two other approaches are advanced:

- **Low-wage redress – employers to set aside an amount (such as one percent of payroll to top up wages in the lowest paid female-dominated job class)**
- **Employment equity – ensuring all levels and types of occupations are open to women.**

The paper also references the development of a Women’s Workplace Equality Office (WWEO) that among its other responsibilities would work with local governments on women’s economic equality.

**Theme 3**

Of particular relevance to local government is the suggestion that WWEO might work with local government on family friendly work place policies and initiatives.

**Theme 4**

This theme looks at women’s access to decision making structures and processes and cites experiences with deputy ministers; provincial boards and commissions; health and education sectors; and private sector.

Local government is not mentioned directly.

Consultations are being held with women in regional sessions. Work to continue on development of the WWEO.

**Conclusion**

Once again, I want to thank the many participants in the newly elected seminars for their active participation in my sessions on Council Procedures. Thank you for your time and for teaching me much about your work, and I hope that I was able to do the same for you.

May your next three years be productive and successful for you as a member of Council. May the people you represent - as an individual and as a member of a cohesive team - the opportunity to make a substantial difference in the lives of our communities.

Eli Mina, P.R.P.

UBCM NEWS JUNE 2000
The joint study of Quebec municipalities, which MFA and KPMG LLP produced, is being carefully examined by the local government of that province. Municipalities in Quebec appear interested to explore the ways whereby they can reduce their present practice of launching over 900 debt issues every year and instead raise the same amount of money ($2 billion) in only four issues.

The savings in legal fees and commissions are enormous. An even larger benefit occurs when one examines the timing issue. MFA waits until rates are near the lows of the year before launching an issue (see chart below from our latest issue).

In Quebec, with 900 issues each year, there is seldom a week when local government is not in the market. Consequently just on market timing alone, MFA borrows over a percent cheaper by waiting for lows and launching larger issues.

Ontario Municipalities Sign Leasing Deal

On June 26, 2000, Ontario local government agreed to become part of the “Made in B.C.” Municipal Leasing Plan. The Yukon and North-west Territories have also agreed in principle to join our pool.

Estimates for the next five years show MFA could easily raise the Pooled Investment Fund dividend by 100% over the next five years by adding the Western Provinces and Territories to our leasing pools.

Video Conferencing with Finland – Panel Discussion GFOA Chicago

MFA was invited to be part of a worldwide video conferencing hookup with our collective credit counterpart in Finland on May 24, 2000.

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1999 Pooled Investment Dividend

On June 14, 2000 the MFA Pooled Investment Dividend was awarded to all those who used the investment pool in 1999. Once again the dividend was for $250,000 and if you want to see your share, check your next statement or check the amount on our website (www.mfa.bc.ca).

New Strata Property Act Soon in Force

A new act will soon replace the Condominium Act as the primary legislation covering the development and governance of strata properties in BC. The Strata Property Act (SBC 1998, c. 43) along with its amendments, regulations and forms, will come into force on July 1, 2000.

The new Act and the Strata Property Regulation (BC Reg 43/2000) are available on the Ministry of Finance and Corporate Relations web site (www.fin.gov.bc.ca/strata.htm). Also available on that site are highlights of the new legislation.

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**Resource Directory**

The UBCM’s 2000 *Net•work•book* is now available. This directory is a comprehensive workbook for those working in local government or those who want to know who’s who in B.C. local government. The directory includes:

- municipal and regional government listings of elected officials and senior staff
- legislative officers
- federal cabinet and B.C. MPs
- selected provincial agencies and commissions
- other organizations that have ties to local government
- consulting services in the professionals directory section

To place your order on-line, go to:

www.civicnet.gov.bc.ca/ubcm/NWB/nwb_order_form.shtml

or contact the UBCM office at:

Tel: (604) 270-8226
Fax: (604) 270-9116
Email: ubcm@civicnet.gov.bc.ca

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fax: (250) 386-0221
e-mail: crown@pinc.com

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**CivicNet Update**

CivicNet is a UBCM Member Service website that provides:

- access to information on 182 municipalities (cities, districts, towns, villages) & regional districts and the associations of BC local government;
- links to provincial, federal and other information sources of particular interest to BC local government; and
- a UBCM Executive list and staff list, Executive Meeting Highlights, Member Releases, Annual Reports, 10 years of resolutions, surveys and other UBCM information sources etc.

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

- 1999 UBCM Annual Report;
- 2000 Guide to (UBCM) Information Services;
- 2000 Local Government Awareness Week program;
- Updated information regarding Area Associations;
- Highlights of the December, March and May, 2000 UBCM Executive meetings;
- Member List (now 93 members with a direct link to their website);
- Link to the Provincial Government Vehicle Rental / Travel Accommodations;
- Bill 14: Local Government Statutes Amendment Act, 2000 (Third Reading); and
- Various other links.

Future items to be posted to the website include:

- Updated Fact Sheets and regular updates regarding the 2000 UBCM Convention held in Victoria the 3rd week of October.

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

Access the CivicNet website at the following address http://www.civicnet.gov.bc.ca.
Any hope municipalities and their contractors had that the courts would ease the liability burden they face was dashed by a recent Supreme Court of Canada decision. Currently, 40% of all claims against municipalities in British Columbia arise out of building regulation services. More significantly, these claims account for 60% of the costs of defending and paying liability claims. These figures are bound to rise in the future. The City of Vancouver, whose building inspectors have been given immunity from liability claims, is the only exception to this situation.

On March 2, 2000 the Supreme Court of Canada handed down its Reasons for Judgment in Ingles v. Tukaluk Construction, 2000 SC 12. The decision is the latest in a series of cases where the Supreme Court has been called upon to examine the liability of municipal building inspectors for defective construction. This liability has been a factor in the landmark case of Kamloops v. Nielsen [1984] 2 SCR 25. It was extended to owner/ builders in Manolakos v. Vernon [1989] 2 SCR 1299. The Ingles case is significant because it both extends this liability and raises the standards to be used to evaluate inspection services. As a result, municipalities and their building inspection departments will, once again, have to carefully examine the manner in which they conduct themselves.

The facts in the Ingles case are fairly simple, and relatively common. The plaintiff retained a contractor to carry out renovations to his home. He knew a building permit was required to ensure that inspections of the renovations would take place. Nonetheless, when his contractor suggested it would be quicker to start work without the permit, he agreed. By the time a permit was obtained critical underpinning work had been completed and covered up. The building inspector carried out the best visual inspection he could and, accepting the contractor's assurances that the work had been properly done gave his approval.

A few weeks after the project was completed the plaintiff discovered the underpinning was completely inadequate and costly repairs were required. He sued both the contractor and the city to recover the cost of repairs. The city argued that the plaintiff should not have relied on its inspections to assure the construct was adequate because the permit was not obtained until after the work was done. The trial judge disagreed and held the city liable, although he held the contractor liable for the cost to remedy defects that work. The exceptions to the Manolakos doctrine were confined to situations where the owner’s conduct “extended far beyond mere negligence” and went to the point of mocking the building inspection scheme. The Court held that an owner/ builder whose own negligence contributed to the damages, some exceptions were made. In particular, they held that an owner/ builder whose “floated” the building bylaw or was “indif- ferent” to the requirements common law doctrines that limited a plaintiff’s right to seek damages in circumstances where the plaintiff’s behaviour led, in some way, to his or her injury. The Court believes there is no rule for these doctrines in today’s professional opinion of the law.

The practical significance of the Ingles case arises out of its treatment of the inspector who was confronted with complete work to examine. This is not an uncommon situation. The building inspector carried out the best visual inspection he could and, accepting the contractor’s assurances that the work had been properly done gave his approval. The Court held that when a building inspector is undertaking an inspection after work has commenced he or she should be “wary” about approving work that is no longer visible. In such circumstances it is not sufficient to simply do the best visual inspection possible and rely on the assurances of the builder that the provisions of the Building Code were met. It would probably be acceptable to rely on the detailed opinion of a professional engineer or architect. Alternatively, resort must be taken to other avenues available in the law. Typically these will include the requirement to uncover completed work or undertake independent testing.

Chillingly, the Court suggested, that in order to raise a defence, a municipality “would have to show that it would be impossible, upon full exercise of the powers granted under the governing legislation, to discover any hidden defects.”

Thus it appears, if an adequate inspection cannot be carried out and the work is not certified by a Professional Engineer or architect, then the measures available pursuant to the bylaw would not be able to bring a claim.

2000 New Legislation

Bill #21 — Spouse Amendment Act, 2000

This Bill repeals and re-enacts the definition of “spouse” in various statutes to include persons of the same gender. The Bill includes the Home Owner Grant Act, Pension Benefits Standards Act, Public Sector Pension Plans Act, Victims of Crime Act, as well as many others.

Bill #22 — Cost of Consumer Credit Disclosure Act

The Bill establishes disclosure requirements applicable to credit arrangements, advertisements, including credit agreements relating to credit sales, credit cards and leases of goods. It applies to a credit agreement:

if the loan is individual and the agreement entered into primarily for personal, family or household purposes;

if the agreement is entered into by the grantor in the ordinary course of carrying on a business;

if the agreement is changed by a loan broker or is a credit agreement or a class of credit agreements prescribed by regulation.

The Act also contains enforcement and compliance provisions.

Bill #23 — British Columbia Transit Amendment Act, 2000

This Bill clarifies that BC Transit retains, for the purpose of the planning and construction of the Rapid Transit project, its rights, powers and privileges in the area serviced by the Greater Vancouver Transit Authority (GVTAA).