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Inside Policy Summary
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• new provincial emergency program reimbursement rates determined substantial increases in funding (page 3)
• opportunities for cross Canada/AIS boundary emergency planning (page 3)
• closing a loop/hope on farm tax assessments of urban properties (page 5)
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INFRASTRUCTURE UPDATE
A s expected, there was a huge response to the new tripartite infrastructure program. The application closing date was March 15th and while we don’t know the exact number and value of projects, it will be in the hundreds of millions of dollars. One measure of the demand is the sheer “bulk” of the applicant files. 17,000 linear worth of new files!

Once projects are logged and initially screened for eligibility, the ranking evaluation process will begin. When the Ministry of Transportation’s March 15th deadline passed, it is expected that scores of applications will have been received. A more complete appreciation of the extent of applications will be in a better position to communicate time frames needed to complete their evaluations and make recommendations to Ministers on project approvals.

Provincial Transfers in Review
UBCM was relieved that the recent provincial budget preserved Small Community grants and retained most (75%) of the traffic fine revenues. That said, the cut of $3 million from the $13 million in traffic fine revenues seems inexplicable. Yes the formula wasn’t generating what had been expected but UBCM had hoped that the previous amount could be maintained while a replacement was reviewed. “We still have not heard a justification as to how the new number was arrived at”, said UBCM President Jim Abram.

The traffic fine cuts are the latest installment in a series of changes to local-provincial financial relations over the past 10 years. The decade has seen an almost complete erosion of “unconditional” transfers and a movement to conditional, infrastructure grants.

Infrastructure Grants
This was a more positive aspect to the decade. Election promises of affordable housing, community and impounding – communities that are economically, socially and environmentally sustainable; that are safe and secure, accessible and healthy.
• Governing communities – communities that are financially sustainable, have respectful local-provincial government relationships and where there is a fair balancing of community interests.

The Agenda is the product of a UBCM Executive planning process that reflected on where local government wants to go in the next decade. The BC Communities Agenda sets out some short-term objectives, based largely on existing UBCM policy positions. The financial and legislative condition of local government has changed a lot in the last decade. In 1991 we had a vision that included recognition of local government as an order of government. We achieved that. At the same time, we were unable to sustain the type of local-provincial financial relations desired.

We need now to reflect on where local government wants to go in the next decade. You need to help shape that agenda – you need to share in shaping that vision.

That agenda is what we want to work on over the coming months leading up to the convention. The Executive felt that while this was a process they could establish, it was the members that should shape its substance.

However, in the short term the Executive wanted to provide some leadership around immediate priorities. What we have prepared and enclosed is largely based on existing UBCM policy positions. What the Executive has done is shape them into some common themes and directions.

There are 27 specific actions under the six community building themes. Consistent with UBCM’s inter-governmental relations role, many of these, which call for action, are directed at the provincial or federal government. A sample of the range of interests includes:
• Completing land and resource management plans that include a secure working forest for resource communities and implementation of accepted forest certification programs.
• Establishing a permanent infrastructure funding program.
• Developing policies that will provide affordable, secure and reliable energy sources.

UBCM’s 2001 Net-Work-Book will be available soon!! (See page 20 for more information and order form)
MUNICIPAL PENSION PLAN – JOINT TRUSTEESHIP

Director Jim Abram, UBCM President, signed the Municipal Pension Plan Joint Trust Agreement on February 28, 2001, continuing the process of transforming the Plan into a Joint Trusteehip. The final step is for the provincial government’s consideration expected in the next few weeks. Delegates to the 2000 Convention had given unan- imous approval to enter into a jointly trusted pension plan where both employees and employers have decisions in the best interest of the plan and not just their own. The current pension board will be replaced by 16 Trustees, half of which are appointed by the plan sponsors (employ- ers) and half by the plan members (employ- ees). The plan will continue to include employ- ees in the health, school, local government and other sectors. The UCSB objectives for greater local govern- ment control and financial incentives have been met in the agreement. The Member Services Committee with the help of local government in those negotiations. We now need to establish the same mechanisms with the Federal Government Ministry of Environment and Development of Indian and Northern Affairs. We work with these Ministries and Ministries on a regu- lar basis and it is time to formalize that relationship so that local government is afforded the respect that it deserves.

You have a great Ex- ecutive to represent you and I am sure that, to- gether, we can make a dif- ference. I look forward to being part of the process that strengthens our position as representatives of the people. With your help, I know that we can accom- plish great things in this year. I look forward to seeing all of you during the next two months.

100% UBCM 2001 Membership Renewals
Revelstoke was the first UBCM member to renew its 2001 UBCM membership dues. On March 8, 2001, 182 members had renewed their memberships and a full commitment has been given. Thus, the current pension board will be replaced by 16 Trustees, half of which are appointed by the plan sponsors (employers) and half by the plan members (employees). The plan will continue to include employees in the health, school, local government and other sectors.

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Director Jim Abram
President

M.O.U.’s with a repre- sentative environmental organization, a labour or- ganization and the First Nations’ Summit. We share some common is- sues and concerns and it is about time we started to form alliances so that weAppreciate the respect that is afforded to the people. We also need to consult with the public on a daily level of surplus required to proceed with the changes. The results of the December 31, 2000 actuarial valuation expected around the end of March, will be the first report

UBCM and Municipal Affairs “policy and legislation” staff held a workshop on March 23rd to discuss experiences and lessons learned from various recent local-provincial consultation activities. Three attending were (left to right - back) Frank Storey, Alan Osborne, Gary Paget, Richard Taylor, Alison Knighton, Brian Walliser, Marie Crawford, Brenda Gibson. (left to right - front) Alison McNeil, Harriet Permat, Jeri Cooy.
On March 20 the Provincial Emergency Program announced a new “Policy and Reimbursement Schedule Road Rescue/Fire Suppression Tasks” to be implemented April 1, 2001 for out of boundary or area responses. This is the result of the meetings of a Road Rescue Task group established by PEP in September 2000. This responds to outstanding UBCM resolutions dating back to 1992. As well as establishing more equitable rates the policy will also indemnify local governments against incremental costs for WCB coverage and liability protection as the result of out of jurisdiction road rescue responses. By comparison, a Rescue Truck currently receives $100 for the call out or $200 for the response. April 1st the rate will be $125 for the callout or $250 an hour, for response; a pumper (only when requested for fire suppression) currently receives $200 an hour to a maximum of $1,400/day; April 1 the rate will be $200 for the callout or $400 an hour for the response. They have also added a provision of $6 an hour for a generator when used.

UBCM has circulated the policy and reimbursement schedule to all members. When advised of this matter, UBCM President Jim Abram commented: “In a time when downloading of costs appears to be the order of the day, it is refreshing to see a positive financial response to a longstanding UBCM resolution”.

Committee Appointments
The Senior Government Support for Public Transportation, this task force is charged to implement a special resolution endorsed at the 2000 Convention. Appointments were made by the participating agencies at UBCM’s invitation. The members are: Mayor Colin Kinsley, BC Transit Councillor Judy Brownoff, Greater Victoria Transit Commission Councillor George Pull/Mayor Barbara Sharp, GVRD Councillor Marein Hunt, UBCM

UBCM Appointment to “Building” Committees
UBCM Executive appoints representatives to provincial and other committees. Often these are Executive members of UBCM staff. However, the Executive often reach out to member organizations to seek qualified technical representatives.

Recently the UBCM Executive appointed Rick Bortolussi, Manager, Building Approvals, City of Richmond to two provincial committees – the longstanding Building Safety Advisory Council and the more recent Homeowner Protection Office Advisory Committee. Mr. Bortolussi has also joined the Building Envelope Committee.

Until his retirement, Dave Magnusson of the City of Surrey held the former UBCM appointment.

2001 Local Government Awareness: A Year for Student Essay and Poster Awards
For those communities that carry out programming to promote local government awareness, here is a reminder that the deadline for submitting nominations for the annual awards program is May 31, 2001. Kit materials, including nomination forms, were sent to all local governments in February. This year UBCM is again planning to award provincial winners for the Student Essay Award and the Student Poster Award. So remember to send us your winning student submissions, along with your normal municipal program submission.

We also remind you that we will once again be asking for nominations for the Best Local Government Internet Website. The criteria will also be included in the kits sent out and notification sent specifically to your information systems coordinators. If your local government has a website to be proud of, then please tell us about it. We also remind those that have previously made submissions to try again. The sites change so much every year and deserve a fresh look.

For those wishing to get a head start on planning their 2001 program, the information kit and nomination forms for 2001 can be found on CivicNet at: http://www.civcnet.gov.bc.ca/ubcm/awareness_2001, or call the UBCM offices at (604) 270-8226.

Urban Systems 3 C x 4” (repeat Jan 2001)
**Area Associations**

When in Victoria: Get your bearings on Municipal House for your next visit.

Municipal House is your base of operations while in Victoria.

Services
- Meeting facilities
- Facsimile transmissions
- Photocopying
- Courier Services

Equipment
- Meeting room
- Telephone
- Fax machine

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**BCAssessment**

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 saved 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

**AVICC Convention**

The 2001 Association of Vancouver Island and Coastal Communities (AVICC) convention was held March 9 – 11 in Duncan. New University of Victoria President David Turpin, Minister of Municipal Affairs, Jim Doyle and UBCM President Jim Abram were among the keynote speakers. Energy issues featured prominently with a presentation from BC Hydro’s Brian Smith and senior staff and Centra Gas on natural gas pricing. Three very topical workshops filled Saturday afternoon (Natural Step; Economic Opportunities in the Marine Sector; Media Relations). The AVICC new Executive and upcoming conventions are: 2002 - Campbell River; 2003 - Port Alberni; 2004 - Parksville.

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1ST VICE-PRESIDENT Councillor Stan Dixon Sechelt
2ND VICE-PRESIDENT Chair George Holme Nanaimo RD
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ELECTORAL AREA REP. Director Dick Quittenton Nanaimo RD
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Councillor Don Gemmel Powell River

**Local Government DateBook – Spring 2001**

April 19-21 BC Recreation Parks Association Kelowna
25-27 Association Kootenay Boundary Municipalities Trail
May 2-4 Okanagan Mainland Municipal Association Merritt
2-4 Govt Finance Officers Association Kelowna
3-5 North Central Municipal Association Prince Rupert
6-9 Building Officials Association of BC Nelson
9-11 Lower Mainland Municipal Assoc. Harrison Hot Springs
25-28 Federation of Canadian Municipalities Banff
29-June 31 Local Government Management Association Whistler
June 12-15 Planning Institute of BC Prince George
16-21 Fire Chiefs Association of BC Prince George

source: UBCM “Calendar” - a publication prepared and printed each year by UBCM. You or your office should have a copy – order one next year.

**GARY WILLIAMS and ASSOCIATES**

Comprehensive Development Plans
Service Contract Negotiation
Strategic Financial Plans Project Management
Tax Policy/ Fiscal Policy Restructure Studies
Retreat Facilitator Interim Management

P.O. Box 786, Nelson B.C., V1L 5S9
Phone: (250) 825-9586 Fax: (250) 825-9615
e-mail: garyw@netidea.com

**Lower Mainland Municipal Association**

Annual General Meeting
May 9 to 11, 2001
Harrison Hot Springs, BC

The LMMA has now expanded its annual general meeting, complete with guest speakers, topical workshops, and information sessions. Please help the organizing committee by “REGISTERING EARLY”. This will help ensure the meeting is a success and enable us to keep dues/fees as low as possible. Registration is now in progress and forms can be obtained by phoning 270-8981 or fax 270-9116.

The completed forms can be faxed or mailed to #20, 10551 Shellbridge Way Richmond, BC V6X 2W9

**Services**
- Meeting facilities
- Facsimile transmissions
- Photocopying
- Courier Services

**Equipment**
- Meeting room
- Telephone
- Fax machine

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**Location of Municipal House**

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Investigating Urban Farm Assessments

UBCM has become aware of situations whereby some properties in municipal residential zones have received farm classification for assessment purposes, and could thereby receive a substantial tax reduction. In the cases that have been brought to UBCM’s attention, it appears that these residential property owners are producing agricultural products solely to receive the assessment/tax benefits that are granted to properties assessed as farms (i.e., for tax avoidance purposes). There is great concern that current assessment regulations which permit properties to receive farm classification regardless of the municipal zoning will be further exploited by residential property owners seeking opportunities for tax avoidance; this could have significant revenue implications for local governments and could negatively impact “bona fide” farmers.

UBCM is working with the Ministry of Municipal Affairs and BC Assessment to determine whether the current farm classification regulations under the Assessment Act can be amended to try to prevent municipal property owners from farming for tax avoidance purposes from receiving farm class. To find an appropriate solution, UBCM and the Ministry sent out questionnaires to get some information from the municipalities that currently have farms within their boundaries. Specifically, questions were asked about whether these “urban farms” (properties classed as farms within municipal boundaries that are NOT wholly within the Agricultural Land Reserve) are permitted under municipal zoning bylaws or are permitted as legal non-conforming uses. It was important to know exactly how individual municipal bylaws deal with agricultural activities and whether the bylaws make distinctions among the various uses for such activities (e.g., do the bylaws allow growing vegetables for personal use but prohibit growing vegetables for commercial purposes?). This exercise is ongoing and the response from affected municipalities has been steady. The deadline for responses was set at March 30th. The tight timeframe is regrettable, but in order to prevent the development of additional “urban farms” by those looking for tax avoidance opportunities before the next assessment cycle, any changes in assessment regulations must be done quickly.

With this information in hand, UBCM will pursue amendments to the farm classification regulation to ensure that zoning is taken into consideration when granting farm class status. While still in the conceptual stage, we are thinking about how to amend the regulation so that a property owner can only get farm class if the land is zoned to allow for agricultural uses or if the farm use is legally non-conforming. A narrower approach might be to limit the amendment to only residential zoning. Under this approach, if the property is within residential zoning, an owner could only get farm class if what is being grown or raised and sold to meet the farm regulation income requirements is permitted by the municipal zoning or is a legal non-conforming use.

Please direct any questions about the spreadsheet/questionnaire to Anita Fownes (250) 387-4084, or email afownes@hm.mnr.gov.bc.ca at the Corporate Policy Branch at the Ministry. Questions about UBCM’s concerns should be addressed to Harriet Permut at UBCM at (604) 270-8226 or hpermut@civicnet.gov.bc.ca.

Guiding Principles

1. The market campaign must be inclusive - all interests have to be invited to participate. (i.e. environmental groups, First Nations, industry, forest communities.)
2. The campaign must be government sponsored/coordinated (“Team BC” or “BC Inc.”).
3. Participants in the campaign would be committed to the completion of all land use plans (build on the progress that has been made).
4. UBCM participants of Team BC will only represent the shared interests of its members, as defined by UBCM policy and these statements of principle. This should continue and, under certain conditions, expand. However, all police agencies must address the decline in the base traffic services and guarantee that the enhanced enforcement funding is not used to replace base traffic services.
5. Police agencies are accountable to their local communities and to all British Columbians for adopting enforcement strategies that reduce deaths, injuries and crashes. They must set and meet performance targets that demonstrate this commitment.
6. Access to timely and reliable road safety data by police, coupled with a capacity within...
Reform of Land Reserve Regulations

By Julie Glover, Land Reserve Commission

The regulatory framework for the Agricultural Land Reserve and the Forest Land Reserve is being reviewed by the Land Reserve Commission with a view to simplifying and clarifying what uses are allowed in the Reserves and how applications are made to the Commission.

This review of the subdi- vision, land use and pro- cedure regulations and policies will result in rec- ommendations to the Min- isters of Agriculture, Lands and Forestry for regulation changes by Cabinet.

The Land Reserve Commission is responsi- ble for managing the Pro- vincial zones – the Agri- cultural Land Reserve (ALR) and Forest Land Reserve (FLR). The Pro- vincial legislation calls on the Commission to pro- vide recommendations to the responsible ministers to “protect and strengthen the land reserve system in British Columbia.”

A regulatory reform project complies with the Com- mission mandate and fol- lows the objectives of the provincial Streamlining Initiative. It also conforms with the strategic direc- tion and action steps con- tained in the Commissi- on’s Strategic Plan 2000. Extensive feedback was obtained from local gov- ernments leading up to the adoption of this plan for the Commission.

The Commission has been assisted in this re- view by a panel of munici- pal and regional district planners who have pro- vided invaluable advice from the local government perspective.

The objects of this re- view are:

- To streamline the regulatory processes for the Reserves.
- To achieve greater policy and regulatory congruency between the ALR and FLR, where possi- ble.
- To make the regulatory framework more enabling and less prescriptive.

The approach followed by the Commission is to:

- Clearly define which uses are allowed in both the ALR and FLR, where possible
- Clarify other permitted uses in the reserves which may be regulated or prohibited by local governments
- Review existing regulations for both Reserves regarding uses and procedures
- Review the regulations for ‘special case uses’ to the ‘per- mission only’ category
- Clarify other permitted uses in the ALR and FLR
- Streamline the application procedures for both Reserves regarding uses and procedures
- Make the regulations for ALR and FLR more parallel

From a local govern- ment perspective, the changes will simplify ap- plication procedures and provide clearer direction to both governments and the public on what land in the reserves can be used for.

For the landowner, the proposal strives to broaden the definitions of agriculture and forestry in the Reserves and to increase economic opportuni- ty while at the same time protecting the land base.

Once the Commission finalizes its recom- mendations a proposal will be forwarded to Victoria for the consideration of the two ministers. It will then be the government’s deci- sion whether to proceed with or modify the propo- sal of the Commission.

The Commission ap- preciates the co-operation it has received from local governments in the administration of the legis- lation and wishes to rein- force this collaborative approach to administering the Reserves. As the project un- dertaken, there will be further consultations with local governments. This initiative, when com- pleted, should strengthen the cooperative relation- ship between the Land Reserve Commission and local governments and should lead to more effi- cient, streamlined proce- dures for governments and the public.

First Time Delegation for the Agricultural Land Reserve

At a signing ceremony in Prince George on January 18th representatives of the provincial Land Reserve Commission and the Re- gional District of Fraser- Fort George signed a dele- gation agreement to transfer certain powers over the ALR from the Commission to the re- gional district. The Wil- low area which has a re- cently adopted Commu- nity Plan is the first unincorpo- rated area of the re- gional district for which the Board will have the authority for subdivision and land use decisions within the ALR.

This is the first time since its inception in 1973 that BC’s Land Reserve Commission has delegated a por- tion of its powers and re- sponsibilities to a local gov- ernment,” explained LRC Chair Dr. Alan Chambers. “It demonstrates the Com- mission’s willingness to work collaboratively with local government as we discharge our mandate of preserving agricultural and forest land and it clearly demonstrates our commitment to a new way of doing business.”

“The Fraser-Fort George Regional District has worked hard to develop community plans which support agricultural and forest use and protect the ALR,” said Regional District Chair Colin Kinsley. “I believe we’ve earned the right to dis- charge these responsibilities and look forward to setting an example for the entire province.”

The delegation agree- ment is for a one-year trial period. It provides for the regional district to assume subdivision and land use decision powers over land in the ALR in one area of the region which has a recently adopted Community Plan.

Decisions made in this area must be consistent with the Regional Plan which was reviewed and endorsed by the Com- mission. The delegation power will be extended to other areas as plans are reviewed by the Com- mission for consistency with the Regional Plan. The Commission and the dis- trict will monitor the im- plementation of the agree- ment.

The same opportunity is available to any local government-regional dis- trict partnership with whom the Commission reaches agreement on lo- cal plans and bylaws to support agriculture and preserve land for farming.

For more information contact Kirk Miller or Julie Glover (604-660-7029) at the Land Reserve Com- mission or visit their website:

www.landreserveom.ca

EXECUTIVE Commits TO COMPLETING 2001 RESOLUTIONS

You have been heard! Many of you voiced your concerns about not completing all of the resolutions within the timeframe permitted at the 2000 Con- vention. We agree – the resolutions and policy pa- pers are the lifeblood of the organization and we need to ensure there is adequate time to make that happen. The Resolu- tions Committee met in January and confirmed that their objective for the coming year is to complete all of the resolutions at this year’s Convention. To achieve that objective the Committee will ensure there is:

- Adequate time for reso- lutions.
- Disciplined scheduling by all Executive chairs by adhering to scheduled cut-off times for speeches and policy papers.
- Firm chairing – adhere to rules on repetitive speakers.
- Clearer, more concise communications to dele- gates on procedures.

The following recom- mendations were en- dorsed to meet that objec- tive:

- Allocate an additional 30 minutes for resolutions / policy paper discussion to ensure there is ade- quate time for all policy matters.
- Streamline the introduc- tory resolutions session, which outlines the resolu- tions process, to provide more time to debate reso- lutions.
- Ensure that speakers are aware of, and adhere to, their allocated time and session Chairs are to be firm when enforcing the rules on repetitive debate.
- Provide all members with a copy of the Confer- ence Rules and Proce- dures for Handling Reso- lutions prior to the Con- vention, indicating that these are the rules and request that all delegates read and adhere to them.
- The Executive also en- dorsed a few other recom- mendations in an attempt to provide smoother op- eration of the resolutions sessions:

- Consider more techno- logical improvements (i.e., visual support for policy papers) but that these im- provements not be to the detriment of the flow of the resolution sessions.
- Amend s.41 of the Confer- ence Rules and Proce- dures for Handling Reso- lutions so the section now reads:

“Resolutions originating at a Convention work- shop or seminar (i.e., work- shops, Tuesday Forums, etc.) that is not held as a regular plenary session shall be re- ferred to the Executive an- other hands under Paragraph 39 or 40.”

As a reminder, the deadline for submission of resolutions to UBCM is June 30, 2001.
Local Government and the Ombudsman

by Gregory J. Levine
General Counsel, Office of the Ombudsman
Province of British Columbia

Since 1995, the Ombudsman of the Province of British Columbia has investigated complaints about local government. Complaints about local government vary in terms of subject matter and complexity. When a complaint is lodged with the Office, a preliminary issue faced by the Ombudsman and his staff is whether or not the Ombudsman has the authority or jurisdiction to deal with the complaint. Our approach to the issue of jurisdiction is outlined in this report.

Section 10 of the Ombudsman Act empowers the Ombudsman to investigate complaints about, or in relation to, a person’s own investigations about, acts done by authorities which are administrative in nature which have aggrieved or may aggrieve a person. Authorities are public institutions listed in the Schedule to the Ombudsman Act. The Schedule contains many forms of local government, ranging from regional districts through municipalities to corporate entities created by local governments. Acts done, decisions made, and omissions are all within the Ombudsman’s gambit. To aggrieve means to treat unfairly and the Ombudsman is concerned with finding out whether or not authorities have acted fairly or not. Persons include both individuals and corporate entities and both may complain to the Ombudsman.

The key element of jurisdiction which provides a challenge in the local government context is whether or not the complaint focuses on a “matter of administration.” Legislative matters are beyond the Ombudsman’s purview. Local governments are intriguing entities because they, or at least their directing bodies, councils or boards, perform legislative, quasi-judicial and administrative tasks. They are complex entities, multi-functional in nature, directly involved in the lives of their residents, and innovative in seeking solutions to a wide range of problems.

The Ombudsman and his delegated staff must assess each matter before them to determine if it is administrative in nature before an investigation commences (Note, though, that sometimes the Ombudsman or his staff investigate the matter of whether or not the Ombudsman does have jurisdiction). The heart of the decision is whether or not the action taken by a local government is the application of a rule to a specific situation (administrative) or whether or not it is the establishment of a rule governing some aspect of local administration (legislative). For Ombudsman purposes, quasi-judicial decisions are administrative in nature. The form of an action by a council or board or its administration is not as important or significant in assessing whether or not an action is administrative or legislative as is the substance of the action. Hence one cannot simply say that because a Council acted by way of bylaw that its action was necessarily legislative.

Each case must be determined on its own merit but using the general principles outlined above it should be possible to characterize each action by a local government. One tool for local governments to guard against litigation over buildings that have not been inspected satisfactorily during construction. Particularly in light of the decision of the Supreme Court of Canada in Ingles v. Tutkaluk Construction Ltd., local governments should consider placing section 700 notices on title whenever building inspections cannot be adequately conducted. It is important for local governments to recognize that their building bylaws give rise to a duty of care. Those injured by the failure to inspect reasonably building construction. The duty extends not just to the owner/builder but to anyone who may suffer damage by or as result of faulty construction. This includes visitors to the building and future owners.

The Ingles case makes it clear that local governments are obliged to do whatever they have the power to discharge this duty. The facts of that case took place in Ontario. A house renovation was commenced before the building permit was issued. By the time the building inspector attended to inspect, the underpinning of the foundation was already completed and concealed. The inspector visually inspected the concrete and accepted the assurance of the contractor that the underpinning met building code requirements. The building eventually experienced damage due to the defective underpinning. The court noted that the Ontario Building Code Act granted the building inspector powers to stop the work and cut open the underpinning in furtherance of determining whether the underpinning met building code requirements. If found, therefore, that the inspector breached the duty he owed to the owner of the building by failing to use the powers available to satisfy himself that the underpinning was satisfactory.

In British Columbia, section 700 of the Local Government Act offers an alternative to the somewhat-heavy-handed result in Ingles. If a satisfactory inspection has not been, or cannot be, conducted the building inspector may recommend to the local government that a Notice to this effect be placed on title. The local government may then pass a resolution confirming the recommendation. In this way, future owners of the property should be made aware before purchasing the property that the building has not been satisfactorily inspected.

Section 700 requires the local government to notify the owner/builder of the building inspector’s recommendation. More over, a hearing is required before the resolution is passed where the owner/builder may show cause why the Notice should not be filed against the title. Accordingly, the owner/builder will necessarily have full knowledge of the inspection deficiencies. Thus, by placing a section 700 Notice on title the local government succeeds in advising those to whom it owes a duty of reasonable inspection that no such inspection has been conducted on the particular building. This way the Notice acts as a disclaimer of responsibility by the local government and a strong defence against a claim such as arose in Ingles.

Section 701 provides the method by which a Notice may be removed from title. Once the building inspector receives a report that the condition giving rise to the Notice has been rectified the Notice “must” be cancelled. If the clerk fails to act, the owner may apply to council for a resolution. If the Notice is still not removed, the owner may apply to court requiring the local government to show cause why the Notice should not be removed. In a situation like Ingles, then, the local government could place a Notice on title to defend the property to the effect that certain inspections have not been satisfactorily conducted. The owner/builder would then assume the responsibility. Either he incurs the costs necessary to reveal the areas that need to be inspected or accepts the risk that the construction does not meet building code standards.

It should be noted that the section 700 Notice is, by no means, a complete answer to a local government’s liability for unsatisfactory building inspections. Certainly, if unsatisfactory inspections have resulted from the inspector’s negligence a section 700 Notice after the fact will serve only to warn potential purchasers of the problem. It will not assist the local government in defending a claim by an owner without notice. However, in circumstances like the Ingles case where a building inspector is unable to conduct an inspection because the work has already been concealed, the section 700 Notice provides the local government with an option for restricting its exposure to liability short of requiring the work to be torn up.

For further information on section 700 please contact Dave Twining or Tom Barnes at Barnes Twining & Short.
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WORKING FOREST DISCUSSION PAPER RELEASED

O

n February 12th, the provincial government released a discussion paper called “A Work-

ing Forest for British Columbia”. The paper proposes to designate working forests through the Forest Land Reserve. Upon completion of land use plans, Crown lands would be placed in the Forest Land Reserve. The land use plans would identify the three types of integrated resource management zones: special, general and enhanced; which would define the intensity of forest operations on the land while the Forest Practices Code would continue to regulate forest management.

Members of the UBCM’s Communities and Resources and Environment Committees met with provincial representatives to discuss the proposal on March 7, 2001. During that meeting UBCM indicated that our membership has supported the concept of “a working forest” as part of our established policy. However, we indicated that we needed time to consult with the membership to determine if the proposal meets the expectations of local governments. Our UBCM President has since advised the Minister of Forests that we are unable to provide detailed comments until we hear from the members. Consequently, we have requested that the legislation not be introduced until adequate consultation time has been provided.

On March 14, 2001 members were provided with a circular highlighting some of the key points in the discussion paper. Specifically, issues such as “no net loss”, for the process for additions and deletions to the working forest were discussed. The Executive will be reviewing all of the comments received at their April 19-20 Executive meeting. Subsequent to that meeting, UBCM’s views will be made known to the provincial government.

Local government and the Ombudsman

Continued from page 7

might say, for example, that the enactment of a general zoning by-law was legislative in nature but the specific requirement part of an administrative law. But the requirement was quasi-judicial and hence administrative in nature. Another example of a legislative act might be the enactment of a by-law, whereas its enforcement as well as its appeal process might be seen as administrative in nature.

While the term “matter of administration” in s. 30 of the Ombudsman Act may seem somewhat vexing in the context of local government, principles of administrative law and case law provide a framework for appreciation of whether or not certain actions fall within its scope.

Local government complaints present challenges and opportunities for the Ombudsman. The question of jurisdiction and its preliminary determination will always be faced by the Ombudsman and his staff when they receive complaints about local government. The Ombudsman and his Office welcome questions and comments about jurisdictional matters and, while the Office cannot provide legal advice to authorities, complaints or witnesses, Ombudsman staff will endeavour to explain jurisdictional positions taken by the Office.

Traffic Service

Continued from page 5

corresponding to road safety problems is crucial if police agencies are to meet performance outcomes. The report proposes that the province establish an Independent Strategic Enforcement Unit led by the police to develop a traffic safety plan, and deliver enhanced enforcement programs.

The Ministry of Attorney General is currently discussing a multi-year funding agreement with ICBC, who has been spending approximately $2 billion a year to fund the CounterAttack and the Target Traffic Enforcement programs in the province. The ministry is developing a business plan which would see increased resources provided to police agencies for traffic enforcement to address local problems. The delivery of these new services may be on a regional, detachment or local basis depending on the circumstances in the area.

UBCM. The Panel released its report on March 28, 2001. Key recommendations of interest include:

WCB Introduces Changes to Second-Hand Smoke Regulations

After a comprehensive consultation and public hearing process that was consequential to last year’s Supreme Court of BC decision, the Workers’ Compensation Board (WCB) has approved amendments to the Environmental Tobacco Smoke regulations to further control workers’ exposure to second-hand smoke in hospitality, long-term care and provincial correctional facilities. The revised regulation will come into effect September 10, 2001. Prior to that date, the WCB will be providing employers with educational and training materials and working directly with employers to facilitate compliance.

The amendments provide that all employers must control workers’ exposure to environmental tobacco smoke, and provides reasonable options, such as designated smoking areas or other equally effective means, to protect workers. Designated smoking areas include safe, outdoor locations and separately ventilated indoor smoking rooms that workers must not enter in the course of their duties except in an emergency, where there is a requirement to investigate for illegal activity, or until the smoke has been effectively removed.

A copy of the amended regulation, along with the most frequently asked questions and other background information, are posted on the WCB’s web site at www.worksafebc.com. As well, interested parties may call the WCB at (604) 276-3100 in the Lower Mainland or toll-free across BC at 1-888-621-SAFE to make inquiries.

As part of the process of reviewing submissions from industry and the public, the WCB commissioned a review of scientific literature on the health effects of second-hand smoke exposure; a review of the current science regarding ventilation; and also an independent economic review of the proposed regulation. These documents are also available on the WCB web site.

Aggregate Report Released

The co-existence of aggregate operations and residential areas has been the source of growing tension, most notably in high growth areas, where the demand for land places pressure on both the aggregate industry and local governments. Over the years, UBCM members have sought to address the situation, requesting that local governments be provided with the authority to regulate the location of quarry and gravel operations “land uses” within local bylaws. However, existing legislation and regulation has not permitted this to happen which has only heightened the conflict within some communities.

Recognizing the need to address this problem, the provincial government established an Aggregate Advisory Panel last July to review the planning, approval and management processes for sand and gravel pit and rock quarry resources both on private and Crown land through out BC. Panel members have been travelling the province, listening to delegations and receiving position papers from various interests, including UBCM.

The Panel released its report on March 28, 2001. Key recommendations of the report include:

- establishment of an Aggregate Co-ordinating Office to administer the Aggregate Fund and related policy and legislation.
- amendment of the Mines Act to restrict the issuance of permits in approved Aggregate Resource Management Plan areas to those areas zoned by local governments for aggregate production.
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Local Government Act Implementation

Service Arrangements and Service Reviews

Contributed by the Ministry of Municipal Affairs

A uthority for service review and withdrawal. The three first publica-
tions, a guide and two booklets, focus on:
• fundamentals of shared service arrangements;
• key elements of sustainable service arrangements; and
• designing service arrangement and service reviews.

The Ministry worked with consultants, Semmens & Adams and Urban Systems, on the preparation of the Guide to Regional Service Arrangements and Service Reviews. An advisory panel, comprised of Ministry staff, local government administrators, UBCM and the LGMA was created to provide guidance and advice on the guide. The Guide is written as a resource to local government practitioners. The purpose of the guide is to assist regional districts in designating innovative and sustainable service arrangements and to provide direction on ways to maximize the effectiveness of service reviews.

In addition to the guide, two booklets have been produced. The booklets are aimed at introducing the new opportunities for innovative service arrangements and service reviews to regional district board members and municipal council members. They are:
1. Designing Regional Service Arrangements: An Introduction
2. Regional Service Reviews: An Introduction

These booklets and guide contain information on the new regional district legislation service arrangements and new authority for service review and withdrawal. They are expected to be distributed electronically at the beginning of April on the new Local Government Advice page www.marh.gov.bc.ca/LGPOICY/LGADVICE/on the Internet.

A second guide is planned for publication in May. This guide will provide direction on the effective use of dispute resolution techniques in service reviews and withdrawals. It focuses on:
• understanding sources of RD service disputes;
• use of interest-based negotiation and mediation;
• statutory dispute resolution process; and
• factors contributing to successful negotiations.

It is expected that two additional publications will be made available later this year. These publications will provide information on the new regional district service withdrawal provisions contained in Bill 14.

The guide will provide local government administrators with detailed guidance on:
• how the service withdrawal process works;
• processes for initiating a service withdrawal; and
• services exempt from withdrawal.

The booklet on service withdrawal will introduce regional district directors and municipal councillors to the new Local Government Act provisions that provide service partners with the ability to withdraw from a limited number of regional district services.

All documents will be available electronically from the Ministry’s home page at www.marh.gov.bc.ca/LGPOICY/LGADVICE/ on the Internet.

Check out the following bulletins for more information:


Bulletin F.3.0.0 RD Services and Powers

Instead of a defined list of service powers, regional districts now have broad powers to provide services equivalent to the general service authority for municipalities.

Bulletin F.3.1.0 RD service jurisdiction within municipal boundaries

• Discusses the nature of the regional district regulatory jurisdiction within the municipal boundary.

Bulletin F.3.20 RD service establishing bylaws

Includes information/guidance on what must, and can, be in service establishing bylaws and what procedures must be undertaken in adopting these bylaws.

Bulletin F.3.3.0 RD development services and social planning services

• Development services and social planning services are now treated as two typical regional district services.

Bulletin F.3.4.0 Continuation of RD services

• August 30, 2000 transition date applies to local and extended service bylaws, including those converted from previous or other service authorities.

Bulletin F.3.5.0 RD service review and withdrawal provisions

• Part 24, Division 4.5 provides a process for regional districts and their service partners to review the terms and conditions of an existing service.

Bulletin F.3.6.0 Exemptions from the RD service withdrawal provisions

• A new process for participants to withdraw from a limited number of services.

The Ministry is working to provide the information and guidance needed for implementation of the new regional district legislation. In addition to detailed guidance materials on service arrangements, service reviews and service withdrawals, there are bulletins available on these and other aspects of the recent changes to the regional district legislation.

If you have questions about the content of the guides or booklets, contact the Corporate Policy Branch (250) 387-4084 or email mareview@hq.marh.gov.bc.ca.

The Ministry is working to provide the information and guidance needed for implementation of the new regional district legislation. In addition to detailed guidance materials on service arrangements, service reviews and service withdrawals, there are bulletins available on these and other aspects of the recent changes to the regional district legislation.

A mendments to the Local Government Act made by Bill 14, 2000 include significant changes to regional district powers. The changes include:
• extending broad service powers to regional districts;
• providing for the development of more flexible service arrangements;
• providing an opportunity for participants in services to initiate reviews of service arrangements; and
• enabling, in certain cases, the withdrawal of participants from services.

As part of the Ministry’s plan for implementing the Local Government Act, a series of publications are being written on elements of the new regional district changes. The publications provide information on the effective use of the new regional district legislation service arrangements and new authority for service review and withdrawal.
Protective Services Meetings With Attorney General

The Protective Services Committee met with the new Attorney General, the Honourable Graeme Bowbrick, on February 2, 2001. The Committee discussed the following issues with the Attorney General:

1. The expansion of bylaw courts to deal with low-level crimes;
2. The implementation of new drug treatment courts; and
3. The police cost, but the ministry did not have and would not likely be getting any additional funding.

The Attorney General indicated that he was not opposed to the expansion of bylaw courts provided there were no additional costs to the province and the judiciary was in agreement with the process developed to implement them. He stated that he supported the concept of a model drug treatment court in Vancouver and would be working with the federal government to ensure it was implemented. The minister requested local government assistance in convincing the federal government to implement a drug treatment court in Vancouver and to pressure the federal government to share the costs of crime funding with the province.

The Committee pointed out that policing costs were an increasing concern to all local governments. The reinstatement of transition grants for municipalities reaching the 5,000 population threshold are important elements in addressing this problem. In addition, the committee felt that there was a need to closely examine new ways of funding policing costs in the province. The Attorney General indicated that he supported the review being undertaken by the RCMP into the delivery and financing of police services and that he recognized the problems that some local governments were having in funding police cost, but his ministry did not have and would not likely be getting any additional funding.

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Species-at-Risk Legislation: Compensation Measures

T he federal government intends to pursue new legislation to protect endangered species and Dr. Peter Pearse has completed a report on compensation related to species-at-risk. In the report he notes that “Under the proposed Species at Risk policy, compensation will come into play only when landowners are unable or unwilling to engage in cooperative solutions and critical habitats are not otherwise protected; where in effect, all other efforts fail and the government must resort to the imposition of regulatory restrictions. If the policy works well, these cases will be rare; the better it works, the rarer they will be. To put it another way, the frequency with which the federal government invokes the regulatory controls and compensation will be a measure of the policy’s failure.”

The paper notes that there is a need for extreme care in developing compensation arrangements as “regulatory intrusions on property are usually compensated in Canada, the arrangements for compensation in this case imply a significant shift in policy. The precedent has implications not only for federal endangered species policy but also for other policies that affect property rights, and for governments other than the federal government.”

He recommends that, “Compensation should be paid strictly to people who have a legal interest in the land subject to the regulatory controls. This is not to say that others will not be adversely affected – contractors, employees, local communities and others, even taxpayers may suffer direct or indirect losses. But measurement of all the economic effects – positive as well as negative – that might ripple through a community or region would be unmanageable.”

The UCRC recommended that the federal government in developing a regulation on compensation ensure that there is an ‘economic transition program for local communities’ built into the process. Environment Canada should signal to local communities that it is prepared to address the economic and social impacts that its decision may have on them, by undertaking measures such as the following:

- Training programs
- Education
- Economic support
- Re-location support
- Compensation to local communities, workers and companies.

Dr. Pearse, in his report, acknowledges these concerns but proposes that “economic and indirect effects on local communities and businesses might be serious in some cases, calling for governmental assistance. But this should be provided through programs directed toward rural and regional economic adjustment, of the kind recently implemented to assist distressed fisheries and agricultural communities. Transition programs, involving support for training, relocation and development projects, unlike compensation policies, can be tailored much more to particular circumstances and needs, and involve local communities much more in their delivery.”

An underlying theme in the report is the need for cooperation between the federal and provincial governments in the implementation of the Species at Risk Act and it recommends that:

- “the federal government refrain from expending funds under the stewardship and incentive programs until a bilateral agreement is in place with the provinces or territories where the funds are applied.”
- “the federal government refrain from unilateral actions under the “safety net” provisions of the Species-at-Risk Act, including the regulatory restrictions that trigger compensation, until these agreements are in place and it becomes apparent that such agreements cannot be negotiated.”

Climate Change – A Growing Problem

There is increasing scientific evidence that climate change is a growing problem and that if we do not begin to take some steps to reduce air quality emissions it will affect our quality of life. In British Columbia, over the past century, coastal temperatures have increased by about 0.6 degrees, while the interior has warmed by over 1 degree – twice the rate of the global average. British Columbia is responsible for approximately nine per cent of Canada’s greenhouse gas emissions. The largest components of these emissions were from the following areas:

- 24% commercial and industrial operations;
- 17% oil and gas production;
- 16% personal motor vehicles;
- 12% freight transportation;
- 8% residential buildings.

This is a very complex problem and the solutions to it are not fully understood at this time.

The provincial government in October 2000 released a report entitled “British Columbia Climate Change Business Plan 2000/1 – 2002/03”. The paper outlined some 50 different actions that the provincial government might take to address the greenhouse gas issue. One of the options identified was a fee and tax charge on emissions.

Continued on page 13

STREAMSIDE PROTECTION REGULATION

T he provincial cabinet on January 19, 2001, approved a new regulation under the Fish Protection Act to protect fish habitat in urban areas.

The Streamside Protection regulation will allow the provincial government to use a planning approach to address streamside issues and give it the flexibility to determine the type of process which will work best in the community – watershed management plans; stormwater management; development areas etc.

The regulation establishes a five year time frame for implementation and applies to residential, commercial and industrial development.

The regulation applies only in the following regional districts and all municipalities within them: Capital, Central Okanagan, Columbia-Shuswap, Comox-Strathcona, Cowichan Valley, Fraser Valley, Greater Vancouver, Nanaimo, North Okanagan, Okanagan-Similkameen, Powell River, Squamish-Lillooet, Sunshine Coast, Thompson-Nicola. It also applies to the trust area under the Islands Trust Act.

The regulation addresses a number of concerns identified by local government as follows.

Liability Protection

The new regulation provides for clearer liability protection – “due diligence” defence where a local government follows the directive. Fisheries and Oceans Canada has indicated that the measures outlined for the protection of streamside areas in the regulation meet its requirements.

Cost to local government

The current system is costing local government time and resources due to bottlenecks in the decision making process with the agencies, lack of consultation between the three levels of government and general inefficiency in the process. We need to find a better way to do business in this area and the regulation provides an opportunity to do that through the development of partnerships.

Cooperation/Consultation

The regulation takes a cooperative approach to the implementation of the directive through the development of partnerships.

Continued on page 15

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Streamline Protection
Continued from page 12
elimination of MOU’s. The process provides a framework for determining how each level of government will work with the other, what the concerns are and how each concern will be addressed.

Strategic Approach
The process outlined in the regulation will allow local government to approach the issue in a strategic manner, focusing on those streams most at risk, an MOU process to ensure that a partnership between established and the technical and financial resources are in place to implement the initiative.

Financing
The federal and provincial government has indicated that they will continue to provide funding for:
• Mapping and inventory of streams
• Technical Assistance
• Best Practices Guide

Local Government Consultation and Conclusion
Since the passage of the Fish Protection Act in the summer of 1997, local government has had ongoing consultations with the provincial government on the development of a regulation to protect riparian habitat. A local government workshop was held in December 1997; a series of regional and technical workshops were held in 1998 and 1999; and consultation sessions were held on the protection of fish habitat at the local level, at the regional level and at the provincial level.

The provincial government has indicated that it has continued to hold the Streamside Protection Regulation, and that the federal and provincial government will provide the technical assistance and financial resources required for local government to implement the regulation at the community level, it is willing to consider support for the regulation currently outlined.

The Streamside Protection regulation does not address all of local government concerns related to the provision of technical assistance and the provision of the resources needed to implement it. The regulation does however provide a framework for local government to identify its needs and to focus its efforts in the community on those areas where a partnership can be developed.

Overall the Streamside Protection Regulation is a positive initiative which will assist in the protection of fish habitat, provide cooperation between the three levels of government, and provide a more effective and efficient framework for decision-making.

More information is available through the Ministry of Environment, Lands and Parks or through the Department of Environment, Lands and Parks Protection Regulation at http://www.elp.gov.bc.ca/fish

Drinking Water Legislation
Will new drinking water be introduced during this legislative session? If so, what will it be? These are just a few of the questions outstanding as this newsletter goes to print. High on UBCM’s priority list is to have legislation that comes with a commitment to fund needed assessments, planning operator training and infrastructure.

There is no doubt that addressing drinking water is a top priority. The Auditor General has reported on the need for action; and many resolutions have called for increased control of ground water and activities in watersheds.

Drug Treatment Court
The federal and provincial government announced an agreement in principle on February 19, 2001 to develop a drug treatment court in Vancouver, which is the first drug treatment court to be developed in 1998. Offenders who are currently not receiving drug and alcohol treatment while in provincial jails and are released back into the community to resume the cycle of crime. The intent of the drug treatment courts is to allow the criminal justice system to try a different approach that will better serve the needs of the individual and the community to break the cycle of drug abuse and the incidence of drug related crime.

Drug courts in the United States have shown to be successful in reducing the cycle of drug use and in reducing the number of crime committed to support drug dependence.

The intent is to link drug addiction treatment, community-based health, public health and social services with the courts in an attempt to deal with the criminal activity. Offenders participate in a comprehensive court-mandated program, which includes addiction treatment, services and support, the program in Vancouver will initially be established to deal with 50 offenders in the first year.

The City of Vancouver, the federal and provincial government are currently working out the details of the drug treatment facilities, housing and other services required to make this pilot project work.

The objective is to reduce the 147 illicit drug overdose deaths per year in the City of Vancouver and reduce the persistent criminal activity, violence, discord, mental and physical problems associated with chronic drug use and addiction.

If the pilot project is successful, it may be used as a model that other communities might use as a tool to address problems of high drug abuse in the community.

Local Government Stewardship Council
In the 2000 Environment Action Plan the UBCM requested that a review of the product stewardship programs be undertaken to look at some of the following issues:
• coordination of ‘public education’ and the media messages between the provinces, regional districts and industry regarding the recycling of products;
• clear measures to ensure that the public has access to the financial information necessary to understand and monitor the program;
• ongoing regulatory enforcement of the program to ensure that the objectives are being met and the program is serving the “public interest.”

The Ministry of Environment, Lands and Parks has responded to this initiative by proposing that a Local Government Stewardship Council be established. This Council will be made up of ten local government representatives from around the province and would provide an opportunity for dialogue and information exchange.

Local government would have an opportunity to assess and review program performance and effectiveness of existing product stewardship programs. The Committee would also provide a forum to discuss industry, local government and ministry concerns about product stewardship programs.

The Council would provide an opportunity for the ministry to make local government aware of new programs under consideration and to obtain its input on these initiatives. There are possible stewardship initiatives by the dairy industry and the oil industry that have been proposed. Rigid plastics containers are a growing problem, with over 6000 tonnes being sent to local landfill sites in the province. This new venue would provide a forum to discuss the future direction of stewardship programs and the needs of local government in this area.

The UBCM Executive has endorsed the creation of a Local Government Stewardship Council and is approaching a number of local governments to appoint technical representatives to the Council.

An MOU process was undertaken to look at some of the following issues:

- public accountability for the operation of the program, such as public representation on product advisory boards and open access to the information provided to these boards and the decisions made by these boards;
- clear measures to ensure that the public has access to the financial information necessary to understand and monitor the program;
- ongoing regulatory enforcement of the program to ensure that the objectives are being met and the program is serving the ‘public interest’.

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Climate change
Continued from pg 12
light duty vehicle emissions but this option has been rejected by the government as the public did not feel that increased tax on light duty trucks was acceptable.

The provincial government has taken some positive steps to address the issue. It is implementing a preferential tax policy for alternative fuels based on market share and environmental benefits and it has leased 150 natural gas and propane vehicles to replenish its aging fleet. Under the Green Economy initiative, the province has provided $300,000 for an Ethanol Development Program and an environmental research fund to support the development of best management practices and technologies for reducing natural gas flaring, sulphur dioxide, fugitive emissions and GHG emissions.

The BC Building Corporation is initiating a green buildings program to encourage the retrofit of provincially funded schools, universities, colleges and health care institutions to improve energy and water efficiency and to implement a sustainable approach to design and construction of new buildings.

Local government has a role in playing in reducing the impact of climate change. Land use density is seen as the critical factor that ties land use planning and transportation planning together, the lower the urban density the greater the dependency on automobiles. It is generally believed that appropriately 40-50 persons per hectare (i.e. 20 persons per acre) are required to make transit and public service viable. Local communities in their planning will need to focus on increased density and mixed-use development in order to reduce greenhouse gas emissions.

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ROOFING CONTRACTORS ASSOCIATION OF B.C.

UBCM NEWS APRIL, 2001
Remuneration, Expenses and Benefits for Council/Board and Committee Members

Contributed by the Ministry of Municipal Affairs

Municipalities

The Local Government Act no longer provides specific authority to make payments or provide benefits to council members but these payments and benefits may still be made.

The general authority in section 333 to make any expenditures provided for in a financial plan, combined with the broad interpretation provisions of section 9, replaces the need to specifically authorize particular types of expenditures. So, if it’s in your financial plan and it’s for municipal purposes, you can spend it. It should also be noted that the authority under section 333 is broad enough to include payments and benefits to non-elected committee members.

By removing the specific authority for council member remuneration, expenses and benefits, the limitations on those expenditures are also removed. This means that council is now free to make decisions about amounts and the types of these expenditures in the same way that it does for all other expenditures, without any statutory restrictions or limitations.

There is, however, a requirement (under section 329.1) that council report the amounts of remuneration paid to council members, along with the amount of expense payments and benefits. These reporting requirements are similar to those under the previous Municipal Act.

Regional Districts

Amendments made in Bill 14 will provide regional district boards with the same authority as municipalities (described above) to make payments to board and committee members. However, the new provisions are not yet in force. The new authority will come into effect at the same time as the new financial plan provisions (anticipated to be in January 2003).

Since the new provisions are not yet in force, regional districts must still comply with the provisions of sections 788 and 789 when making remuneration or expense payments to board or committee members and providing benefits to board members. These provisions represent some limitations on these types of expenditures, and regional districts should be aware of these restrictions when passing the required bylaws.

The reporting requirements in section 790 have been repealed because regional districts are now required to report board member remuneration, expenses and benefits in accordance with section 329.1 (which is cross-referenced in section 814). However, there is now a longer requirement to report the remuneration and expenses of committee members.

Regional districts are now free to make decisions about amounts and the types of these expenditures in the same way that it does for all other expenditures, without any statutory restrictions or limitations.

On January 25, 2001, the CRTC delivered its ruling in an important test case concerning telecommunication companies laying cable across municipal property. The CRTC essentially ruled that companies installing telecommunications infrastructure on public property are liable for some minor initial costs of installation, but are not responsible for significant ongoing costs. The decision, if it stands, will restrict municipalities’ authority to manage municipal property and to obtain full compensation for the use and occupation of right of way lands by federally regulated telecommunications carriers.

The primary dispute, starting in 1999, involved the City of Vancouver and Ledcor, a telecommunications services provider. Ledcor installed fibre optic cable on Vancouver property without approval of, or compensation to, the City. Ledcor alleged that Vancouver’s terms and conditions for the use of the lands were too onerous.

The City was supported in this dispute by FCM and various local governments from BC and across the country. FCM represented municipal interests in the public proceedings before the CRTC. FCM has advocated that communications carriers installing networks on public land must abide by applicable municipal requirements and compensate municipal governments fully for the use of that land.

Vancouver City Engineer Dave Rudberg provided the City’s reaction to the decision: “We’re disappointed the CRTC decision does not address the significant ongoing costs of private business using public land. Initial costs of installation are only 10-20 per cent of the total cost of digging up our streets to lay cable. The CRTC decision does not adequately address the costs of traffic disruption, or the extra costs to dig around these lines during sewer and water construction. Vancouver spends an additional $500,000 per year working around these lines. The decision does not presently allow for the costs of repairing roads whose life has been shortened by 30 per cent by telecommunication construction. And it does not provide for any rental fee for the years of use and profit telecommunication companies will realize from using municipal rights of way.”

Mr. Rudberg went on to state that: “On a larger scale, the CRTC decision flies in the face of the generally accepted principle that an owner of land (in this case, the City of Vancouver) is entitled to be paid for the use of that land by ‘for profit’ companies.”

The City will be working with the FCM and other Canadian municipalities on an appeal of the CRTC decision to the Federal Court.

FCM’s press release which summarizes the key points of the decision and a link to the full CRTC decision are available through the FCM web site at www.fcm.ca.

Railway Safety Act

BCM recently advised its members that it had recently received a proposed regulation on grade crossings under the new Railway Safety Act (June 1999) that will have significant impacts on any local government that has railway grade crossings that are subject to the federal regulations.

The proposed Grade Crossing Regulations are intended to outline the responsibilities of road authorities, railway companies, and others with respect to assuring the safety of the grade crossing environment for persons on the road, the rails, and adjacent properties. This regulation has been under development for some time and that all provinces and some municipalities have contributed suggestions and comments. We are further advised that Rail Safety Consultative Committee on this proposed Grade Crossing Regulation included representatives of provincial, municipal government, and the Federalization of Canadian Municipalities.

Four principal effects have been initially identified:

1. Safety Assessments

Grade crossing Safety Assessments are required in a prescribed form and are to be completed by qualified persons at regular intervals (5 years). This requirement will result in new levels of joint enterprise and cooperation between railroads and road authorities. These assessments will be kept and will become part of the public record, accessible through Freedom of Information requests.

Development Process

The Safety Assessment process includes a requirement to complete an assessment prior to certain development approvals. Zoning and subdivision approvals that have significant effect on the operation of a grade crossing would trigger the Safety Assessment requirement. In addition, building per-
Interim Measures Protocol Update

The number of Interim Measures and Treaty Related Measures agreements being negotiated and concluded around the province between First Nations and the provincial government has grown exponentially over the last six months. It is more important than ever to ensure local government interests are taken into account so that when interim measures and Treaty Related Measures agreements are signed off, they work at the local level.

This is what the Protocol on “Local Government Role in the Negotiation of Interim Measures Including Treaty Related Measures” between UBCM and the Province is intended to achieve. This Protocol was signed by Mayor Steve Thorlakson, Director Jim Abram and the Minister of Aboriginal Affairs, at the 2000 UBCM convention.

As part of the protocol implementation, UBCM is finalizing the list of local government contacts that will be used by provincial line ministries when beginning negotiation on Interim Measures. To date, two-thirds of UBCM members have responded to our request to appoint an Interim Measures contact (the administrator is being used as a default where there is no contact designated). Treaty Advisory Committees (TACs) are the contact point for Treaty Related Measures negotiations. All local government contacts will be sent regular updates on Interim and Treaty Related Measures negotiations as progress as well as a list provincial government line ministry contacts. For more information, please contact the UBCM office.

AIP Reports

Since last fall, the number of Agreement in Principle (AIP) offers and the intensity of negotiations at some negotiating tables have dramatically increased. For many TACs this has meant increasing work loads, tighter timelines and even greater strain on budgets. Tighter timelines in particular have meant, in certain cases, inadequate time for TACs to review key documents prior to AIP initiating.

The Sliammon Agreement in Principle (AIP) was initiated by negotiators for each of the three parties on February 24, 2001 and is expected to be signed in April 2001.

Continued on page 16

Aboriginal Updates

SECOND PROVINCE-WIDE COMMUNITY TO COMMUNITY FORUM

Director Aaron Dumoulin, UBCM President, Jim Abram and Kathryn Tenenre, First Nations Summit open the conference.

Delegates participate in small group discussions.

“Today’s event sends a strong message that local government and First Nations leaders are committed to building relationships between our communities and our government.” This view was expressed by UBCM President Jim Abram in his opening address at the First Nations Summit held on Jan. 29, 2000.

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Continued on page 16
LOCAL GOVERNMENT LEADERS PROVIDE ADVICE ON COORDINATING FIRST NATIONS LAND MANAGEMENT

Local government leaders have met with federal Department of Indian Affairs (DIAND) officials and Robert Louie, Chair of the First Nations Land Advisory Board (LAB), on February 15, 2001 to discuss implementation of the First Nations Land Management Act.

The First Nations Land Management Act (FNMLA), Bill C-49, received Royal Assent in 1999 and brought into effect a 1996 Framework Agreement. The effective date of the FNMLA is that land-management related sections of that Indian Act will no longer apply to Indian Bands listed on the schedule in the Act, once they have enacted their own “land codes.” Five of the participating Indian Bands are in BC: Lhediil تنیه، Musqueam, N'Quatqua, Squamish and Westbank. Other Bands can be added to the legislation through an Order in Council by federal Parliament, once a review of the Framework Agreement has been completed. UBCM Aboriginal Affairs Committee Chair, Director Aaron Dinwoodie advised that when UBCM learned that this review was underway, they asked for an opportunity to allow their membership to be in the five First Nations to get an update on implementation and to be consulted.

Federal officials advised that so far in BC, only the Lhediil تنیه First Nation near Prince George has had its Land Code approved and transfer agreement concluded with the federal government. BC has the highest number of First Nations involved, with Ontario second at four. BC also has the highest number of First Nations involved that are located in urban areas.

Robert Louie, Chair of the Board comprised of chiefs from participating Indian Bands, advised that there is a high level of interest from First Nations across Canada in accessing this legislation and that he expects up to 30 Bands to be added in the next wave, perhaps about 8 in BC. He also advised that currently the Lands Advisory Board and DIAND are undertaking a joint Review of the implementation of the legislation. An independent consultant is now conducting this work to be conducted in two phases, the first of which is now underway and will involve discussion on structuring the “opting in” process for other Bands.

Representatives from affected local governments at the meeting told federal officials and the Lands Advisory Board Chair that First Nations land management does not want control over First Nations land management, instead they want input. They need to have similar duties toward local governments on their Statement of Intent. Lands can be added as Treaty Settlement Lands post-treaty however while a quantum limit is maintained, no time limit is included as it was with the Sechelt AIP. This provision also appears in the NT CIP AIP below. The provisions dealing with certainty refer to the legal technique but offer, no specifics. A chapter on Sliammon’s role outside their lands is included, reportedly because the First Nation wanted some sort of role outside their treaty settlement lands on those lands that they included in their Statement of Intent. This chapter refers to public planning processes, parks and protected areas, traditional recreation tenure and “gathering”. The latter provisions on “gathering” have raised concerns for some third parties that feel that this may lead to continuing uncertainty on Crown lands.

The governance chapter is slim and provides a framework only. The relations with local government chapter is to be negotiated by the parties and local government on an Intergovernmental Relations Working Group. Finally with respect to cash under the AIP the Sliammon would receive $24.4 million.

Most recently, an AIP was reached at the Nuu Chah Nulth (NTC) table and initiated by negotiators on March 10. (The NTC is one of the largest First Nations grouping in BC with a population of about 6,500 and is located on central Vancouver Island). This development came as a surprise to many third parties and local government representatives in the area. While the parties had still been intensively negotiating since they exchanged offers in December 2000, they remained far apart on a number of issues. The Regional Advisory Committee (RAC) walked away from the table on hearing of the impeding signing as they felt they had not been given adequate time to review the final drafts.

The approach taken in the AIP was to reach agreement on as many items as were ready to go, using standard language like that included in the Sliammon AIP and leave some major outstanding issues to be negotiated later. For example, the AIP does not contain the precise description, location and amount of Nuu-chah-nulth First Nations lands for each Nuu-chah-nulth First Nation. There is also considerable work to do on fish allocations.

At the Snuneymuxw (Nanaimo) negotiations, the province has recently released a Snuneymuxw and local government interjurisdictional study by consultant Peter Adams. The document has been e-mailed to Treaty Advisory Committee administrators and is also available at the following website: http://www.aaf.gov.bc.ca/news-releases/index.stml While AIP drafting has been taking place, unresolved issues include those related to First Nation jurisdiction and coordination of land use in urban areas. To date, an agreement has not been reached.

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**What’s New for Planners?**

**Contributed by the Ministry of Municipal Affairs**

Have you visited the Ministry of Municipal Affairs Web site lately? The Web pages are continually updated and improved at www.marh.gov.bc.ca on the Internet.

One of the most popular pages is the Best Practices page, which links to a number of publications aimed at providing direction or advice on improving professional practice in local government. You can access the Best Practices Page at www.marh.gov.bc.ca/LGPOLICY/best.html on the Internet.

Several electronic publications of interest to planners are also available at that page. Two recent publications, jointly produced by the Ministry of Social Development and Economic Security and the Ministry of Municipal Affairs, include the Revised 2000 Planning for Housing: An Overview of Local Government Initiatives in B.C. and Local Responses to Homelessness: A Planning Guide for B.C. Communities.

Revised 2000 Planning for Housing shares information from case studies and examples about the initiatives that local governments in British Columbia have undertaken to encourage the development of a wide range of housing options. Local Responses to Homelessness provides a comprehensive survey of successful strategies to fight homelessness throughout B.C.

Planners will find other publications of particular interest, which, although not new, provide relevant professional advice. Items include guides on housing, governance and management, engineering and elections.

Another important page for planners is the Planning Advice and Approvals Branch web page. Recently given a fresh, new look, the planning page now profiles current planning information. Planning circulars and bulletins including information on the changes brought into force January 1, 2001 are featured at www.marh.gov.bc.ca/PLANNING/ on the Ministry’s Web site.

If you have questions or comments, call your regional assignment contacts listed on the Planning Advice and Approvals web page or email paul@hq.marh.gov.bc.ca.

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**Courses and Resources**

**“COMBATTING PROCEDURAL NONSENSE IN MEETINGS”**

By Eli Mina, P.R.P.

“I have a point of order to raise. You can’t make a speech on a motion and then move a long standing member,” claims a Councillor. Later in the meeting, another Councillor says: “Your Worship, an amendment cannot change the intent of the motion unless the mover agrees to it.” In fact, both members are incorrect, but their points of order cause lengthy arguments about Council procedure. Is this a profitable investment of time?

Mayors and Councillors often see rules of order as necessary evil and as something that they must follow, or else... Violations of rules real or perceived can wreck and cause a Council to waste inordinate amounts of time arguing about procedure, at the expense of the issues and the substantive decisions that need to be made on behalf of the community. The effect of this procedural focus is negative and disruptive.

Most people don’t know that there is another way. They fear and panic when a violation of an obscure rule is alleged, and often “surrender” to a “nitpicker” or a “closed parliamentarian”. They don’t know that they can liberate themselves from this sad and unfortunate reality.

This article presents a few tools with which to combat procedural nonsense in meetings and re-enthronce common sense in “the driver’s seat”. These tools are drawn from Chapter 7 of “The Complete Handbook of Business Meetings” (AMACOM, 2000).

**Entrenching the purpose of the rules**

If rules of order are to be used productively, their purpose must be clear to everyone. Every member must support the notion that the rules of order are intended to help facilitate productive work while protecting majority and minority rights. If used well, the rules should enable members to participate in discussions and decision making on an “even-play- ing field” with the know- ledge having the same opportu- nity to speak and in-

**Making a commitment to plain language**

One important step in combating procedural nonsense is to facilitate a shift from archaic parliamentary terminology to “people-friendly” plain language.

It is not imperative to use formal parliamentary language. In principle, it should be up to the members (with their wishes expressed collectively, by a majority vote, and not governed by the desires of one member or a vocal minority) to decide how formal and “parliamentarily” precise they want their meetings to be. As long as individual rights are respected and as long as the business gets done, there is nothing wrong with making a decision to opt for one of these levels: “formal”, “semi-formal” or “informal”. The dominant factor in making such a decision is: What level of formality would lead to the most productive meetings and yield the best returns on investment to the community?

Eli Mina M.Sc., P.R.P. is a Vancouver-based consultant, professional chair- man, seminar leader, book author, and registered parliamentarian. He special- izes in chairing conten- tious meetings and public hearings, demystifying and humanizing the rules of order, and facilitating consensus building ses- sions on organizational renewal and change man- agement. Eli can be reached at (604) 730-0377, or by e-mail at eli@elimina.com. You can also visit Eli’s web site at www.elimina.com.

Eli is the author of “The Complete Handbook of Busi- ness Meetings”, recently published by the Ameri- can Management Associa- tion (AMACOM Books, 2000) as its definitive guide on meetings and rules of order. This book can be ordered in Canada through McGraw-Hill, by phoning 1-800-565-5785 or through indigo.ca or chapters.ca.

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**Courses and Resources**

**Assessing the significance of procedural violations**

“...But”, you might say. “When we use plain lan- guage, we are not using the author, and terminol- ogy from Robert’s Rules of Order. Wouldn’t this invalidate the way we do it? Our long standing members would raise all kinds of points of order and will claim that we are violating our rules...”

Speaking about Robert’s Rules of Order, you may be interested to know that on page 250 of the 1990 edition this book makes an intriguing state- ment: “In ordinary meet- ings, it is undesirable to raise points of order on minor or technical character if it clear that no one’s rights are infringed upon and no real harm is done to the proper transac- tion of business.”

How about this? Would the use of plain lan- guage infringe upon any one’s right? Would it harm the proper transac- tion of business? Not likely, unless the nit-pick- ers start arguing about it and wasting precious time.

So next time someone alleges that a procedural violation has occurred, ask these questions: Is this an in- deed a procedural violation? (i.e.: Has a docu- mented rule from your procedure bylaw or rule book been breached)? If so - is it a significant or insignificant breach? Have anyone’s rights been violated? Has any harm been done to the proper transaction of business?

And here is yet another question for you to con- sider: if your procedure bylaw lends itself to being reached, is it time to amend it (without violating the Act)? Is it time to make it more consistent with the realities of the 21st century and with your Council’s current needs?

**Reducing “Nit-picking”**

In the absence of in-depth procedural expertise in a meeting, the chair’s greatest nightmare can be “the closet parliamentarian”, i.e.: an individual who claims to have procedural knowledge and demands that things be done a certain “correct” way. How do you address this difficulty? It would be too costly to invite a genuine expert parliamentarian to attend every meeting. You should be able to use common sense to deal with this situation on your own.

In principle, it should be up to the members (with their wishes expressed collectively, by a majority vote, and not governed by the desires of one member or a vocal minority) to decide how formal and “parliamentarily” precise they want their meetings to be. As long as individual rights are respected and as long as the business gets done, there is nothing wrong with making a decision to opt for one of these levels: “formal”, “semi-formal” or “informal”. The dominant factor in making such a decision is: What level of formality would lead to the most productive meetings and yield the best returns on investment to the community?

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Municipal Finance Authority of BC

MFA in Manitoba!

Leasing Program

Jim Craven, Steve Berna, and Bob Leighton have just returned from Winnipeg where they met with Finance Ministry officials to explain the MFA leasing program and the opportunity it offers to municipal officials.

There is a strong possibility that the Association of Manitoba Municipalities will offer the MFA leasing program to their members and it is essential that their province also understands exactly how the program works. The provincial officials were ‘on side’ in a very short time and offered some additional suggestions concerning fixed rate advantages which could only enhance an already successful program.

They will get back to us shortly – in the meantime six deals have already been signed in Ontario with more on the way.

Investors

MFA presented a seminar to major Winnipeg investors.

In concert with Mark Warren of Laurentian Bank, Jim Craven and Steve Berna gave a presentation to five major MFA investors in Manitoba. The half-hour seminar focused on recent events in BC, including the expanded role of the Authority in financing the utilities of the lower mainland (water, sewer, drainage) as well as E-Comm and TransLink.

In addition, MFA staff clarified the AAA rating recently awarded by S & P and gave future details on bond issues likely to be expected in the future. Following the seminar the investors were hosted at the Manitoba Club and were given copies of all seminar material. Since 1981, MFA has had a AAA rating from Moody’s Investors.

Surpluses for 2001

Large amounts of cash surpluses will be returned to the MFA members in the spring of 2001. These surpluses should be recorded on the MFA members’ books in reserve accounts of a similar nature or project. Listed below are the issues and their corresponding terms that will be receiving cash surpluses. In order to calculate your share of the cash surplus, please contact Steve Berna or Graham Egan or go to the ‘Status of Issues’ page on our website and it will explain how to do this calculation.

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Municipal Finance Authority of British Columbia Rating Harmonized at ‘AAA’; Outlook Stable

Analysts: Paul B. Calder, CFA, Toronto (1) 416-956-4870; Valerie Blair, Toronto, (1) 416-956-4870

TOKORO (Standard & Poor’s CreditWire) February 15, 2001—Standard & Poor’s today announced its triple-A, harmonized local currency issuer credit and senior unsecured debt ratings respecting the Municipal Finance Authority of British Columbia (MFA/B). The MFA’s foreign currency issuer credit and senior unsecured ratings have been harmonized at A+, which is Standard & Poor’s sovereign ceiling on Canada.

The rating outlook is stable.

On Oct. 31, 2000, Standard & Poor’s and the Canadian Bond Rating Service (CBRS) announced that they have combined operations in Canada. A process is underway to harmonize all ratings assigned by CBRS with the Standard & Poor’s framework, which includes the translation of all ratings onto the Standard & Poor’s ratings scale. The ratings announced today are expressed on Standard & Poor’s global ratings scale. Going forward, all new debt issue ratings on the authority will be based on the harmonized credit rating. Ratings harmonization arrangements do not constitute upgrades or downgrades of ratings assigned by CBRS, nor do they signify any changes in an issuer’s underlying credit quality, unless explicitly indicated. Ratings on specific debt issues previously assigned by CBRS to the authority will remain in effect until May 1, 2001, when they will be formally withdrawn (unless superseded in light of credit-related rating actions in the interim).

The ratings reflect the authority’s strong liquidity position, its historical record of prudent lending operations during its 30-year history and the sound legislative framework that safeguards investor interests. In addition, the MFA/B ratings reflect:

• The authority’s collective borrowing strength, including several obligations among the 27 Regional District obligors and the joint and several obligations among municipal members of Regional Districts respecting Regional District loans with the MFA/B;

• The authority’s statutory power to levy unlimited tax requisitions on all taxable land and improvements in the province, including the City of Vancouver (local currency: AAA/Stable/–/foreign currency: A+/Stable/–), without any senior government approval, and its requirement according to internal policy to recover any draw on its debt service reserve fund (which provides liquidity support should a member be unable to meet debt service obligations) through such a tax levy;

• Strong reserve and reserve fund positions among municipal members, enhancing their liquidity and moderating future debt issuance;

• The supportive relationship between the province and non-GVRD municipalities in terms of grants and Standard & Poor’s expectation that an unfavorable service exchange will not burden the local government level;

• A moderate degree of upward revenue flexibility given the lower than average property tax burden of B.C.’s municipal sector relative to other municipal jurisdictions. The total tax levy relative to the market value of taxable assessment is roughly 0.5% on a province-wide basis;

• A rising but manageable debt burden, particularly with respect to the Greater Vancouver Regional District (GVRD) utility and transit funding obligations. The Province of British Columbia has conferred new revenue sources to the GVRD and assumed its hospital debt and the initial phase of the capital intensive SkyTrain development (a regional commuter train system in British Columbia’s Lower Mainland), pursuant to the agreement to transfer transportation services to the local level; and,

• A relatively wealthy provincial economy, which is now improving from the struggles of the late 1990s.

MFA/B long-term net debt has doubled between 1995 and 1999 and will continue to increase through 2007 but decline thereafter. Net debt per capita was approximately CS$70 at December 31, 2000, and depending upon capital approvals, debt issuance demands and population growth, net debt per capita may reach C$100 by 2006. Off-setting this anticipated net debt by the GVRD is the transfer of many new revenue sources from the province, such as parking and vehicle taxes, as well as a percentage of provincial gas tax, which occurred with the transportation service exchange in 1998. In addition, the declining borrowing requirements of non-GVRD municipalities are expected to partially offset the heightened level of MFA/B borrowing on behalf of the GVRD.

MFA/B credit and debt ratios are consistent with peer municipalities within the AAA category, particularly when viewed within the same legal framework as other municipalities that benefit from peer joint and several legal liability. For example, debt service as a percent of revenues is currently roughly 5% and net debt to market value of taxable assessment ratio is 0.7%, which are within the range of similarly rated municipal entities. Given the various incremental revenue sources that are expected to be made available to the GVRD, Standard & Poor’s anticipates that these ratios will remain relatively stable over the medium term, even as the absolute level of debt rises.

The GVRD, which includes the City of Vancouver, comprises such a high proportion of the provincial population (57%), assessment (66%) and wealth generation, and its borrowing program is becoming such a significant share of the MFA/B’s overall debt issuance, that its credit strength significantly influences the credit quality of the MFA/B. Any weakening in GVRD credit quality, linked to capital cost overruns or a significant rise in the local tax burden, could undermine the authority’s current strength. However, the MFA/B is not compelled to act as the borrowing agent for TransLink (the GVRD transit authority that will be responsible for much of the increased debt burden) should the authority determine that its credit quality may be impaired by the higher risk profile associated with transit activities. Given the MFA/B’s historical record of prudent management, this provides an important risk mitigant for Standard & Poor’s.

Outlook: Stable

The rating outlook reflects Standard & Poor’s expectation that the MFA/B and the GVRD, as its key borrower client, will manage the use of debt financing for capital purposes in a prudent manner that does not diminish the credit strength of the authority borrowing position. Although MFA/B net debt may approach a peak of C$1,000 per capita by 2006 from the current level of roughly C$571, Standard & Poor’s expects that revenue sources will rise commensurately to meet these higher debt service obligations.
Unconditional Local Government Grant History

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Under Revenue Sharing Act

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Under Local Government Grants Act

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BC Rail Payments in Lieu Should be Maintained at Last Year’s Levels

It is expected that a UBCM recommendation will be accepted to continue to use the current BC Rail payments for one more year as the basis for determining the distribution of BC Rail payments in lieu of property taxes.

The assessments that are currently being used date back to 1995 and are in need of revision. Not only are the property values extremely dated, but many properties have been sold, making the property list inaccurate. When the railway and the assessors began the updating process earlier this year, it became apparent that more time was needed to produce a valid and accurate roll of BC Rail’s current holdings.

This would provide a longer period for local governments to adjust their financial plans for next year. It is likely, given the technical difficulties in producing a valid list of properties and property values in the near future, that the provincial government will be inclined to use the current distribu-

Singleton Urquhart

4 C x 5" (repeat Jan. 2001)
Proposed South Cariboo arena showcases wood

The District of 100 Mile House in south central B.C. was cut from the forests over 100 years ago during the Cariboo Gold Rush. Long after the gold was gone, however, the community continues to find its identity, its pride and its living in the immense forested plateaus that surround it.

“This is a very much a wood community. Our livelihoods depend on it," said Greg Sehn, chair of the Cariboo Regional District.

Putting thought into action was simple, said Sehn. All they had to do was ask. Following on the heels of the provincial government’s recently adopted “B.C. Builds With Wood” strategy, the regional district passed a resolution requiring all publicly-funded building projects to consider the integration of wood into the design and, where economically viable, to choose wood as the primary building material.

Wood WORKS!, a Canadian Wood Council initiative supported by Forest Renewal B.C., spearheaded the B.C. Builds With Wood strategy. “Wood WORKS! is aiming to create a ‘build with wood’ culture by implementing an extensive, grassroot community-based ‘think wood’ campaign targeting politicians, government ministers, municipal governments, business leaders, architects, engineers and builders,” explains Roseline Ferre, Wood WORKS! BC Project Manager.

While the proposed new and improved arena is still in the conceptual design stage — it must pass a public referendum before being allowed to proceed — the move to build the 35,000 square foot multi-use structure in wood has already received a lot of support.

Forest companies in town and the local home building association have thrown their support behind the project with offers to donate all the wood.

Donations such as these obviously pave the way for an aesthetically more pleasing and appropriate building at a much lower cost, said architect Bernard Perreten, of Bernard Perreten Architecture Inc. responsible for drawing up the conceptual design. But even without wood, wood would still be cost-competitive, he said, adding that there are a lot of practical reasons for choosing the wood option as well.

“If you were to do a very inexpensive pre-engineered steel building, sure, that’s very cost-effective. I’m not sure if it would be appropriate for the area. It’s kind of like an airplane hangar type of building, so it’s not the nicest thing. “Because wood is a warm material it just feels good. It has good acoustic properties and, in fact, in terms of fire resistance it’s better than steel, so there’s all kinds of advantages with large wood structures.”