2002 Convention Information see page 12

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British Columbia Municipalities

Community Charter Conference starts Consultations on a Positive Note

UBCM’s Community Charter Conference, held June 19-20 in Vancouver, was like a “mini-UBCM” convention. Over 400 local government delegates attended the two-day conference at the Vancouver Convention Exhibition Centre. Approximately 140 of UBCM’s 182 members were represented (small communities and regional districts accounted for the bulk of the absences.) This event was about one half the size of a regular UBCM convention (900 local government delegates).

The conference featured presentations on the Charter, commentary on each part of the Charter Council, an opportunity for questions from the floor to an expert panel (Donald Lidstone, Janet Erasmus, Dale Wall and Brenda Gibbon) and finally, questions to the delegates in workbook format. This mix of presentations, commentary, questions and opportunities to provide advice is what the delegates seemed to really enjoy, based on evaluation forms submitted to UBCM. Plus the many chances for discussion during breaks made for very productive two days for delegates, UBCM Charter Council and government officials. The delegates themselves added a great deal to the process by their obvious preparation and the insightful questions they contributed. UBCM also acknowledges the financial support of the Ministry of Community, Aboriginal and Women’s Services and the Municipal Finance Authority.

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Evaluation

The delegates gave the conference a 4.1 (out of 5) rating with 89% of delegates rating the conference “good or excellent”. Given that there were 15 working days to put this conference together makes this evaluation even more impressive. The conference then re-organized the prioritization of lessons learned. The Conference took a course and council relationship.

Next Steps: Delegates’ Requests

Delegates were also asked what they wanted to see happen next. Strong themes were: more opportunities for consultation (particularly regionally based), more analysis, to be kept up to date on new developments, and to have the opportunity for discussion at the Convention (see page 5 for more information).

Conference Summary

President Hans Cunningham opened the conference referring to the historical timelines (see page 5) and chaired/moderated through the event.

The first session was a presentation on the process to develop the Charter and discussion on “how to build a Community Charter”. Richard Taylor provided the background on the process and the seven steps to building a Charter (the reference the background paper available on UBCM’s website that described each of the seven steps.) Mayor Frank Leonard commented on some of the challenges facing the Charter Council – the tight time frame; the balancing of local, public and provincial interests, and the balance between required or desirable content. He also addressed the Charter Council moved the focus from a council-minister relationship to a council-municipal relationship.

The conference then re-organized the prioritization of lessons learned. The Conference took a course and council relationship.

UBCM’s Alison McNeil provided the highlights and Lois Lea Goodwin from the Ministry of Community, Aboriginal and Women’s Services gave three examples of how to use the “tools” from the new toolkit to tackle some real life problems. Charter Council member Joyce Harder’s comments included the rationale of providing natural person powers, the creation of 15 spheres of jurisdiction, the creation of four areas of concurrent local and provincial regulatory authority and the decision to maintain the status quo on business regulation and prohibition.

Parts 2/3 – Municipal Purposes and Powers

UBCM’s Allyson McNeil provided the highlights and Lois Lea Goodwin from the Ministry of Community, Aboriginal and Women’s Services gave three examples of how to use the “tools” from the new toolkit to tackle some real life problems. Charter Council member Joyce Harder’s comments included the rationale of providing natural person powers, the creation of 15 spheres of jurisdiction, the creation of four areas of concurrent local and provincial regulatory authority and the decision to maintain the status quo on business regulation and prohibition.

Marilyn Baker’s Charter Council commentary spoke about the need in these Parts to achieve balance between the municipal and public interest. In some cases the reduction of provincial supervision and increased municipal powers were balanced by new accountability measures. She also discussed some of the work that is still to come respecting performance measures and ethical conduct matters.

Parts 6/7 The Financial Sections

Dale Wall from the Ministry provided the overview. Mayor Leonard, wearing his Municipal Finance Authority Chair hat, talked about the continuing work underway on financial liability and the borrowing process. Councilor Pat Wallace’s Charter Council commentary touched on the need to preserve the excellent credit rating of the MFA, the streamlining of various financial, taxation and exemption processes, the debate about a permissive tax exemption for industry, and the need for new revenue sources for local governments.

The conference adjourned for the day after an intensive review of 6 of the 9 parts of the Charter and began the next morning with remarks from the Honourable Ted Nebbeling, Minister of State for Community Charter.

continued on page 17
What a relief to finally have the Community Charter tabled and available for UBCM members to review. I was so much looking forward to the opportunity to discuss the Charter with you and to hear your views. The recent UBCM Community Charter Conference was the first major opportunity for that exchange. It was probably one of the best meetings I have attended (420 participants) that UBCM has organized. The conference was a success on at least two accounts:

- good presentations and format,
- great feedback from those attending.

It was an opportunity for others and myself on the UBCM Executive who participated in the Charter Council to finally talk freely about the discussions that we had while composing the draft. We learnt a lot from the comments at the conference to consider in finalizing the Charter.

I want to take another opportunity to thank all those involved in organizing the conference. They had 15 business days from when the Charter was tabled to when the conference doors opened. An extraordinary effort in bringing the logistics and business program together. The UBCM staff took responsibility for the logistics and the business program was collaboration between UBCM and the Ministry of Community, Aboriginal and Women’s Services. We should not have pulled this event off without that close collaboration. I think that this relationship is somewhat unique in government relations. These are staff that have separate reporting and accountability relationships but can unite behind a common objective. They worked seamlessly to design a program that would get information on the Charter out and solicit the views and opinions of UBCM members.

### BC Reps to FCM Board

The recent Federation of Canadian Municipalities’ conference in Hamilton the following BC representatives were elected to serve on the National Board of Directors for 2002-2003: Mayor Michael Coleman, City of Duncan; Councillor Derek Corrigan, City of Burnaby; Councillor Clifford Donald, City of Prince George; Councillor Stan Dixon, City of Vancouver; Mayor Don Ramsay, Village of Harrison.

Mayor Don Ramsay Village of Harrison Hot Springs

It is with great sadness that we advise his many friends and colleagues at UBCM of the passing of Mayor Don Ramsay at the age of 52 after a lengthy illness on May 27, 2002. Don was one of the initial members of the Harrison Advisory Planning Commission in 1995. He was first elected Mayor in 1996 and was re-elected mayor for a second term in 1999.

### UBCM Tax Notice Service

For the 2002 property tax year, UBCM produced a total of 6,108 tax notices for 12 small communities. This consists of printing the notices and second class postage. For further work, the Council will review the status of the continuing work and its expectations for further work. Likely the Council will meet again in September to consider the paper.

### In Memoriam

Muni S. Evers

UBCM has lost another of its Past Presidents. Muni S. Evers passed away peacefully at home on April 18, 2002 after a brief battle with cancer. Muni was awarded the Order of Canada in 1984 in recognition of lifelong service to his community as City of New Westminster mayor (1969-1983), chairman and commissioner of the New Westminster Police Commission (1959-1982), director and vice-chair of the Greater Vancouver Regional District, vice-chair and member of the boards of trustees of the Municipal Finance Authority of BC, president of the Union of BC Municipalities (1975-76), and vice-president of the Federation of Canadian Municipalities. Muni also sat on numerous other community and institutional boards including the Royal Columbian Hospital, the Pacific National Exhibition, the BC Lions football club, to name only a few. He was recognized numerous times for his service to his community, the community at large, and his profession of pharmacy.

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### Circulare List

- March -
  19 Memo-UBCM Annual Surveys
  20 In The House - Liquor Policy: New Directions

- April -
  9 Memo - Unusual Turn of Events in Haida Case Report - Sustaining Communities Through Forest Policy Change - UBCM Responses and Recommendations
  12 Memo - Regional Community to Community Forum Funding Still Available
  18 In The House - 2002 Bills
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  29 Circular - 2002 Province Wide Community to Community Forum

- May -
  3 In The House - Recent Legislation
  10 Executive Meeting Highlights
  22 In The House - Open Cabinnet:

### “Visit CivicNet”

CivicNet, the UBCM website, is regularly updated to keep the content current and relevant. We have recently established some featured topics so that members can access new information. The following current policy topics can be found on the home page:

- Community Charter
- Forestry
- Energy
- Civil Liability
- Police Costs in Small Communities
- Liquor

If you require information on the 2002 UBCM Convention to be held September 24 – 27 at the Whistler Conference Centre, check the information on the CivicNet home page under the 2002 Convention links.
Member Visits

Each year staff meet with municipalities and regional districts in their municipal halls and board offices as part of our ongoing commitment to local government. This year staff met with 24 UBCM members.

In late April early May, UBCM staff met with elected officials and senior staff at eleven municipal/regional district offices in North Eastern BC.

The award will consist of a trophy that travels on a yearly basis like the Stanley Cup, an announcement in the local newspaper to the winning applicant and recognition at the Union of BC Municipalities Convention in September 2002. Nomination must be received by August 30, 2002 and sent to the BC Energy Aware Committee, c/o of UBCM.

Local governments have been sent the information and nomination package. For information contact Odette Brasser at 604-876-5671 or energyaware@ubcm.bc.ca.

Around the Province

The above photo of the District of Hope municipal hall represents just one of 24 member visits by UBCM staff. Areas visited included North Eastern B.C., Fraser Valley and mid-Vancouver Island.

The 2002 Network Book is Here!

The 2002 Network Book, which was distributed in May, is a comprehensive workbook for those working in local government or who want to know who’s who in B.C. Local Government. The book includes:

- municipal and regional government listings of elected officials and senior staff;
- Ministry of Communities, Aboriginal & Women’s Services;
- federal cabinet and B.C. MPs;
- selected provincial agencies and commissions;
- other organizations that have ties to local government; and

Consulting services in the professional directory section.

Considerable effort goes into the compilation of information and we appreciate the cooperation we receive from local government staff in updating the Local Government Directory section of this book.

To purchase additional copies of the Network Book please contact UBCM:

Phone: 604.270.8226     Fax: 604.270.9116
Email: info@ubcm.gov.bc.ca

Yes! I want to order the updated 2002 Network Book (prepayment required)

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Area Associations

2002-2003 AREA ASSOCIATIONS

Association of Vancouver Island & Coastal Communities

PRESIDENT Councillor Mary Ashley Campbell River
1ST VICE-PRESIDENT Councillor Stan Dixon Sechelt
2ND VICE-PRESIDENT Chair George Holme Nanaimo RD
PAST PRESIDENT Mayor Pearl Myhres Zeballos
DIRECTORS AT LARGE Director Adrian Belshaw Victoria
Councillor Bea Holland Powell River
Councillor Don Gemmel Lake Cowichan
Mayor Jack Peake

The 2002 Convention will be in Port Alberni – April 4-6, 2003

Association of Kootenay and Boundary Municipalities

PRESIDENT Councillor Gord DeRosa Trail
1ST VICE-PRESIDENT Director Rick Hardie KBRD
DIRECTORS AT LARGE Director Bill Baird Creston
Councillor Bill Baird Sparwood
Councillor Bev Bellina RDEK
Mayor Harry Clarke NRRD
Councillor Paddy Greene SQCRD
Chair Karen Goodings PRRD
Director Greg Sehn Cariboo RD

The 2003 Convention will be in Castlegar – April 24-26, 2003

Okanagan Municipal Mainline Association

PRESIDENT Councillor Ron Cannan Kelowna
1ST VICE-PRESIDENT Mayor Gordon Daly Enderby
DIRECTORS AT LARGE Director Steve Quinn Thompson Nicola RD
Councillor Gus Boersma Penticton
Mayor Colin Mayes Salmon Arm
Mayor Tom Shields Osoyoos
Mayor George Waldo Peachland
Councillor Pat Wallace Kamloops

The 2003 Convention will be in Penticton – April 30-May 2, 2003

North Central Municipal Association

PRESIDENT Councillor Jim Thom Kitimat
1ST VICE-PRESIDENT Director Ted Armstrong Cariboo RD
REGIONAL DIRECTORS Director Eileen Benedict BNRD
Mayor Tom Briggs FGGRD
Councillor Ken Buchanan Hazelton
Mayor Harry Clarke NRMD
Councillor Paddy Greene SQCRD
Director Greg Sehn Cariboo RD
DIRECTORS AT LARGE Mayor Sharon Hartwell Telkwa
Councillor Calvin Kruk Dawson Creek
Councillor Mary Sjostrom Quesnel

The 2003 Convention will be in Prince George – May 2-3, 2003

Lower Mainland Municipal Association

PRESIDENT Councillor Ann Claggett Delta
1ST VICE-PRESIDENT Councillor Sandy McCormick Vancouver
2ND VICE-PRESIDENT Councillor Bob Fearnley North Vancouver
DIRECTORS AT LARGE Councillor Barbara Der Burnaby
Councillor Faye Isaac Maple Ridge
Councillor Terry Smith Langley
Councillor Arlene Webster Hope

The 2003 Convention will be in Harrison Hot Springs – May 7-9, 2003

FCM Update on International Trade Agreements

The Federation of Canadian Municipalities (FCM) is continuing to act on its members’ concerns about the potential effect of international trade negotiations on their jurisdiction. Its working group has obtained legal analysis concluding that NAFTA and the GATS may affect municipal regulatory authorities to develop land use plans, apply zoning controls, set procurement policy and to enter into P3s. It continues in its discussions with the federal government on these and other related matters. To view the most recent FCM status reports on this issue, go to the FCM website at www.fcm.ca and look under World Trade.

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248 Second Avenue  250-372-5542
Ashcroft Kamloops, B.C. 100 Mile House
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Email: mthomas@islandnet.com

RESERVOIR CLEANING
A major interest of delegates to the conference was further opportunities for consultation, particularly area association (regional) events. We understand:
- AVICC will hold its meeting on July 12 in Nanoose (call 250.386.5133 for further information).
- NCMA will schedule several events during August.

Conference Provides Advice on Next Steps

As part of their evaluation, delegates were asked what they would "like to see happen next in developing an understanding and response to the Charter?"

We have collected these responses and categorized them. The main themes were:
- distribute materials from the conference for information and action;
- further analysis requested;
- future meetings and consultations, including regional meetings, through UBCM convention and other opportunities;
- further information requested on new developments and general comments on consultation needs, regional district considerations, finances and best practices guides.

We are addressing many of the information needs through a very complete document available on the Civicnet website.

More Information on the Community Charter Available

On our Civicnet website you can access:
- The presentations made on each of the nine Parts plus transition, implementation and some final considerations. The preliminary results clearly indicate a preferred direction and it is not likely that the full results will change direction considerably. If you didn’t attend and would like to complete a workbook, they can be downloaded off the CivicNet website under "Discussion Sessions.
- The Community Charter Council and an Integrated Approach to Communities and Municipal Governance;
- UCMB version of highlights – injection numbers;
- Dispute resolutions: Chartering the proposed legislation;
- Local Government & the Constitutions – At the 1991 UBCM convention UBCM adopted a policy paper on Local Government and the Constitutions. It recognized after all the attempts to gain recognition of local government under the federal constitution we had to start at home, in BC, to seek such recognition. The paper asked for a local government Bill of Rights.
- Modernizing the Municipal Act phase. UBCM began in the early 1990s to work with the Ministry of Municipal Affairs to "Modernize the Municipal Act" by removing a lot of provincial approvals. This initiative was successful and in many respects did not change the underlying philosophy of the Act.
- 1996 grants reductions of over $100 million – led government to agree to reform local government legislation and thus began the process of “Municipal Act Reform”. It was predicated on the view that if the provincial government was not going to help fund local government, then they should get out of the way in terms of how local government manages its operations.
- Parallel ing the legislative changes was the development of several political accords that affected, and advanced the way UCMB conducted inter-governmental relations. Included were:
  - the Protocol of Sharing Environmental Responsibilities;
  - MOUs and Protocols on local government involvement in aboriginal treaty negotiations; and
  - the Protocol of Recognition signed in 1996

Basic Information on the Community Charter

UBCM’s Civicnet website is a good source for basic information on the Charter. Not only can you link to copies of the Charter and Discussion paper, you can find many helpful documents that provide analysis or guides to understanding the Charter. Some of these include:
- Process to Develop the Community:
- Locational guide: Moving from Local Government Act to the Community Charter;
- The Community Charter Council and an Integrated Approach to Communities and Municipal Governance;
- UCMB version of highlights – injection numbers;
- Dispute resolutions: Chartering the proposed legislation;
- Local Government & the Constitutions policy paper – 1993;
- Materials available from the UBCM Community Charter Conference held June 19-20, 2002; and

Preliminary Conference Results

Delegates to the Community Charter Conference provided advice on all nine parts of the draft Community Charter plus transition, implementation and some final considerations. The preliminary results are based on a sample of 100 delegate responses (which was about 50% of those responding). These results are subject to modification as the full final results are completed. However, UBCM wanted to share as soon as it could, the early results of the delegate feedback. Copies of the final workbooks summaries will be made available to all members. In most cases the preliminary results clearly indicate a preferred direction and it is not likely that the full results will change direction considerably. If you didn’t attend and would like to complete a workbook, they can be downloaded off the CivicNet website under the Community Charter section. The following are some of the more interesting results:

Part 1 – Principles

When asked if the Charter principles were clear and concise there was clear support. However, a significant number had reservations about the clarity of the downloading principle (s.20(c)). There was a concern expressed off the floor as well, that it may not clearly capture the various forms of downloading.

Parts 2 and 3 – Purposes and Powers

The top four regulatory problems identified by participants were (1) animal control, (2) business, (3) enforcement, and (4)
building inspection (followed by signs, nuisances, land use and traffic). Slightly more than one-half felt comfortable, at this early date, that the Charter would give them the tools to deal with these problems (a full 25% were “unsure” indicating a need for more consideration of the Charter powers). “Concurrent jurisdiction” is a new model that is introduced in the Charter. It recognizes that there are some regulatory areas that aren’t purely local or purely provincial but are shared jurisdictions. It sets up four areas of concurrent jurisdiction – health, environment, prohibition of soil deposit or removal, and standards for building construction. Del- egates indicated areas where they would like to regulate in each of the four areas. The more frequently mentioned topics are: Public Health – water quality, septic systems, standards for public swimming pools, alcohol and design. Protection of the natural environment – creeks and streams, air quality, shore- lines. Setting standards for Buildings and other structures – local standards, fire sprinklers; exterior finishes. Prohibiting deposit/removal of soil and other materials – gravel, construction and demolition, construction waste; contaminated soil, quarry operations. Fairly consistently, 60% said they would like to see these powers jointly through UBCM and 40% said they would be prepared to seek these powers individually. The final question in this part was support for inter-municipal regulatory schemes. Two-thirds of delegates supported the concept and indicated that possible areas would be animal control, building inspection, business licensing, and protective services.

Part 4 – Public Participation and Account- ability

A clear message from 85% of respondents was that the council should have the authority to invite others to closed meetings (60% said yes); on opinions on various design issues (business as usual, 36% yes, new and exist- ing businesses 26% yes); require repayment (67% yes); allow partial exemp- tions in geographic areas (53% yes); require elector approval (59% yes) and exemp- tions only if exist- ing; also receive exemp- tions (69% no); the bottom line in terms of support for business exemptions, under any circumstances was 22% yes, 71% no and 6% didn’t know.

The participants’ interest in utilizing the following new revenue sources in their jurisdiction was (numbers responding not):

- road taxes 41
- hotel room tax 58
- fuel tax 52
- local entertainment tax 35
- resort tax 31
- parking stall tax 21
- fees as a tax 29

Sales taxes were men- tioned frequently as an- other potential revenue source.

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Provincial Contact Partner: Bill Cox, Partner
Tel: (604) 688-5421

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Part 5 – Municipal Procedures

The workbook for this part began with three ques- tions:

• 87% clear support for the role proposed for council members.
• 73% supported the re- moved role for the mayor.
• 91% supported the duty to keep matters confidential.

Parts 6 and 7 – Financial Sections

After asking what munici- palities might use business- tax exemptions for (eco- nomic development); if the authority should be allowed for neighboring municipalities even if your municipality didn’t provide exemption (55% said no); and opinions on vari- ous design issues (business as usual, 36% yes, new and exist- ing businesses 26% yes); require repayment (67% yes); allow partial exemp- tions in geographic areas (53% yes); require elector approval (59% yes) and exemp- tions only if exist- ing; also receive exemp- tions (69% no); the bottom line in terms of support for business exemptions, under any circumstances was 22% yes, 71% no and 6% didn’t know.

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Part 6 – Legal

This section of the delegate responses focussed on the proposals for new Local Government Bylaw Fo- rums for hearing bylaw disputes. There was a wide range of views as to the maximum fine under a bylaw that would be heard at these new forums but 45% set the ceiling at $500 and another 20% set the ceiling at $1,000. Some of the comments sug- gested that the threshold should be set by local gov- ernment. A very strong 80% felt that there should be different amounts for different types of bylaw infractions.

There was also very strong support for dis- counts for early payment (95%), with similarly strong support for local governments to set the details in their own by- laws (94%), and if that was not possible, for local governments to have the ability to set out the details within an overall provincial framework (93%).

There was good support (74%) for formal grievance agreements (with reduced fines) and a similar pattern that local government should set the details (83%) with somewhat lower support for local governments setting details within a provincial framework (61%). Finally, 70% sup- ported the ability to use voluntary adjudicators in place of professional adjudicators. What was quite clear is that del- egates didn’t like the sug- gested name of Local Government Bylaw Fo- rums (63%) but there was no common refer- ence among the sug- gested alternatives.

Final Questions

The delegates were finally asked some open-ended wrap-up questions. Commonly mentioned as what delegates liked most about the Charter were:

• it’s simple, clear legisla- tion
• streamlined and concise
• greater flexibility, more autonomy and broader powers
• more authority to make local decisions locally
• a “giant step in the right direction”.

Areas that needed the most work to complete the Charter included:

• clarifying the structure of the Charter
• a clear commitment to re- peating the principle
• clarifying the revenue sources and how they can be used
• re-evaluating for remov- ing the business tax exemp- tion
• reviewing the balance be- tween the role of the mayor and council.

Among the benefits of the Charter were en- hanced efficiency and more local control. The capacity of small commu- nities was mentioned as one of the challenges of using the new Charter – small community con- cerns were not unique to this question but were mentioned in relation to several other topics.

In conclusion there appeared to be broad basic support for the Charter, the need as Minister Nebbeling stated for “tweaking” in a number of areas, and some major issues for the Charter Council members to seri- ously review.

UBCM thanks all those responding and for their direction.

Part 9 – Governmental Relations

This part attracted some significant responses. When asked if the Charter provides enough provi- sions to create the inter- governmental relationship- ship that is needed, a sig- nificant 49% said yes, but 33% said no and 27% didn’t know. When asked what was the best option for managing local-pro- vincial relations:

• 34% said use existing or- ganizations
• 26% said set up a non- legislated consultative body.
• 41% said to establish in statute a permanent Com- munity Charter Council.

Part 9 also deals with dispute resolution. A near majority saw the Charter assisting in resolving lo- cal-provincial disputes. A near majority were inter- ested in expanding the list of matters subject to bind- ing arbitration. In both cases the number of del- egates that responded “didn’t know” was signifi- cant (26% and 37% respec-

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Part 9 also deals with dispute resolution. A near majority saw the Charter assisting in resolving lo- cal-provincial disputes. A near majority were inter- ested in expanding the list of matters subject to bind- ing arbitration. In both cases the number of del- egates that responded “didn’t know” was signifi- cant (26% and 37% respec-
New Act And Regulation For Agricultural Land Reserve

Bill 21, the Agricultural Land Commission (ALC) Act, passed third reading on May 14, 2002. Bill 21 combines some of the provisions of three existing Acts which are being repealed: the Agricultural Land Reserve Act, the Land Reserve Commission Act and the Soil Conservation Act. It also amends the land use provisions of the Forest Land Reserve Act. (The Land Commission’s responsibility for the Forest Land Reserve will be phased out by April 2003.) Finally, a revised “Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation” will be brought into force at the same time as the legislation, which is expected to be later this fall.

Notable changes to current legislation found in Bill 21 relate to the Commission structure, delegation of authority to local government, enforcement and dispute resolution.

Changes to Commission structure

This implements Cabinet direction approved in January 2002. A memo from the Land Reserve Commission (LRC) was sent to all local governments on January 29, 2002 explaining these structural changes including the establishment of six regional panels, (up from three, with one panel for each geographic region of the province). There is no appeal from regional panels to full board. The new Commissioners were appointed in April and are listed on LRC’s website (www.lrc.gov.bc.ca).

Expansion of Delegation Authority

The new Act gives the ALC power to delegate authority to decide applications for non-farm use or subdivisions for lands in ALR not only to local governments but now also to public agencies, (e.g. Land and Water BC, Oil and Gas Commission). UBCM has been assured that the LRC’s intent is to consult fully with local governments before delegating this authority to a public body. This authority means that local government and public agencies can control what happens inside ALR boundaries in relation to subdivision and non-farm. Once the power is delegated, the local government/public body will wear the Commission’s hat while processing applications. The LRC emphasizes that since delegation is voluntary, it is not offloading. An agreement between the Land Commission and a local government/public body has to be in place prior to delegation, (one such agreement has been negotiated with Fraser-Fort George Regional District in January 2001).

Dispute Resolution through Facilitation

The Act establishes a dispute resolution process to resolve disagreements between the Commission and local governments over “community issues” related to agricultural land (including Official Community Plans and Regional Growth Strategies). It sets out a process for appointing a facilitator to make an assessment and recommendations to resolve a dispute.

Regulatory Reform

The LRC reactivated the regulatory reform initiative they began over a year ago, (UBCM was consulted at that time and has continued to provide input). The plan is to bring the new regulations into force at the same time as the legislation, which is expected to be later this fall.

Policy Updates

A Disaster Like No Other

Contributed by Paul Cox, Provincial Pandemic Planning Coordinator, BC Centre for Disease Control

Schools are closed, all public gatherings are cancelled, hundreds of thousands of British Columbians are clinically ill and thousands are dying. Medical resources are becoming scarce and the supply chain is severely disrupted. This has continued for weeks and the end is not in sight. Other parts of the country and the entire world are in a similar situation. As things appear to be improving, there is a second, more deadly wave of illness predicted.

Sometimes in the near future, BC will be faced with this scenario – a global epidemic that is caused by a strain of influenza virus that spreads rapidly and causes extraordinarily high rates of illness and death. “Pandemic Influenza” has been here several times before and it will be back. That is the bad news. The good news is that we have time to plan to minimize rates of death, illness and suffering, as well as limit the scope of social and economic upheaval.

The Pandemic itself cannot be prevented, effective planning can mitigate its impact. To “reduce morbidity and mortality” is the goal of the “BC Pandemic Influenza Plan”, a set of planning guidelines being developed by the BC Pandemic Influenza Advisory Committee. Although the advisory committee and sub-working groups are primarily composed of health professionals, the scope of this type of disaster is such that it requires all sectors of society, from front-line health-care workers to business, industry and government to plan to together – NOW.

Within BC, Health Authorities are establishing Pandemic Influenza planning committees. Health Authority planning committees NEED to work with municipalities and regional districts to ensure that roles, responsibilities and resources are identified and effectively utilized at the local level. Cooperative and coordinated Pandemic planning will also build our capacity to respond effectively to many other natural and human made disasters. Your Health Authority needs your support to ensure that Pandemic planning is given the highest possible priority in your locality.

UBCM NEWS JUNE 2002

7
Infrastructure Project Announcements Roll Out

The months of May and June have brought a lot of good infrastructure news to communities across the province. A total of 100 projects have now been announced, including the 15 green projects announced on December 17, 2001.

The more recent announcements were 60 green projects on May 16, 2002, the Kamlipos water treatment plant announcement (also green) on June 6th, and a further 18 green and 6 “other” community based projects on June 29.

Under the Canada-BC Infrastructure program, the federal, provincial and local governments will invest a total of $800 million by 2006. The June 29 announcements bring the combined total contribution of the federal and provincial governments to more than $167 million, part of the $268 million that each is contributing towards the program over its six-year lifespan. The local government project applicants are contributing the remaining one-third of the costs eligible under the program guidelines, plus any additional costs.

UBCM has faxed the project releases to members as they have been announced. A full list of the projects announced to date (indexed by date of release with detailed backgrounders) may be found online at the federal web site at www.deb.ca/penta releases. There will be more project announcements under the program in the weeks and months ahead. The Management Committee is also now working on a revised guide for a future project application intake, which will be facilitated by a new online application process. The program will be communicating with local governments about this next intake when appropriate, and UBCM will ensure that its members are kept informed.

New Act and Regulation for Agricultural Land Reserve

Continued from page 7

those uses which local governments may regulate but not prohibit. They provide for a wider range of permitted uses and simpler criteria for specified uses in the ALR (e.g. dog kennels, equestrian facilities and certain roads and utility uses) will now be permitted without application to the LRC. The provisions will also outline those uses that the Commission permits without application but which a local government may wish to allow. The LRC Chair and CEO is communicating changes in the new Act and regulations directly to UBCM members through a series of information bulletins (also available on their website www.lrc.gov.bc.ca). The LRC advises that they plan to meet with as many local governments as possible to explain the changes and answer questions. The LRC has responded to UBCM’s request to provide local governments with more time to come up to speed on the changed regulations. Local governments will need transition time to examine their regulatory framework for ALR lands within their jurisdiction and to consider whether adjustments are necessary before the new legislation and regulations are enacted.

Ambulance Service Under Review

The provincial government is undertaking a Core Review of the BC Ambulance Service and the Emergency Health Services Commission.

As one component of this review, UBCM was invited to participate as a stakeholder in a multi-jurisdictional assessment of the impact of alternate service delivery models. The consultants doing the review facilitated a workshop on May 8 and 9 in Vancouver. UBCM was represented by Mayor Wayne Hunter of Central Saanich, who is also the Vice-Chair of the Capital Regional District, and by local government consultant Doug Allan. The workshop was also attended by representatives of the BC Ambulance Service, the Emergency Health Services Commission, Paramedics, CUPE, Regional Health Authorities, the Provincial Health Services Authority, the BC Medical Association, the EMS Director for the City of Calgary, Hospice on the Fraser Valley, and the Ministry of Health Planning, and the Fire Chiefs’ Association.

While the session produced a good discussion of the issues involved in the delivery of ambulance service from a wide range of perspectives, it is not known whether the consultants’ conclusions were based on what they heard, nor what recommendations they made to the government with respect to any reorganization of the ambulance service.

Given the uncertainty of outcomes associated with this process, UBCM wrote to Minister Hansen asking that local government be provided with the continued opportunity for involvement in this review and in the development of whatever new model may be considered for the delivery of ambulance service in the province. A request was also made to receive a copy of the report made to government on the review.

New Liquor Policy Under Development

continued on page 11
New Drinking Water Protection Measures

The Minister of Health Services Colin Hansen announced a $16 million action plan to strengthen drinking water protection in the province. The Drinking Water Action Plan focuses on eight key principles:

1. The safety of drinking water is a health issue.
2. Prevention and source protection are a critical part of drinking water protection.
3. Providing safe drinking water requires an integrated approach.
4. All water systems need to be thoroughly assessed to determine risks.
5. Proper treatment and water distribution system integrity are important to protect human health.
6. Tap water must meet acceptable safety standards and be monitored.
7. Small systems require a flexible system with safeguards.
8. Safe drinking water should be affordable, with users paying appropriate costs.

Under the new action plan the Ministry of Health Services will be the designated authority for the development and new positions of drinking water protection officers will be established in each of the regional health authorities. Under the new program source-to-tap assessments will be performed on all water systems in the province. The assessments will be used to identify deficiencies, and establish plans for infrastructure upgrades and replacements.

Two technical committees will be established to provide advice on regulatory changes and standards, further standards for tap water are being considered – a drinking water advisory committee and a groundwater advisory committee.

The costs of the new program and how it will be paid for has not yet been finalized. The province has indicated that consultation with key stakeholders will begin shortly to develop cost-recovery options for the new action plan. The UBCM will be involved in future discussions on the implementation of the new drinking water action plan.

Environment

Climate Change Policy

Minister Anderson recently released the federal government’s proposed climate change program. He indicated that the Canadian objective is a 6% reduction in greenhouse emissions below 1990 levels (240 mega ton reduction). Canada has already achieved a 30% reduction and has a decade in which to meet the remaining 70%. The federal proposal is intended to be flexible and to focus on three measures that Canada could use to meet the goals it agreed to under the Kyoto Agreement.

1. Increasing energy efficiency through domestic emissions trading – no region will be asked to bear an unreasonable burden;
2. Targeted measures – on a sector by sector basis;
3. International measures – emission trading measures and purchase needed credits in the international market.

The federal proposal outlines four options to meet the objectives outlined in the Kyoto Agreement:

Option 1: Broad Air Pollution

Option 2: All Targeted Measures – this option would attempt to achieve the climate change objectives through a broad range of policy instruments, including incentives, covenants, regulations and fiscal measures. A close partnership between the federal/provincial government would be required to implement this option and its focus would be on reducing greenhouse gas emissions in a number of sectors, including electricity, oil and gas transportation, building, industry, municipalities, agriculture, forestry and fishing.

The federal government would need to regulate the domestic emission trading system and to purchase permits for trading with the new revenue going to the federal government.

Option 2: All Targeted Measures – this option would attempt to achieve the climate change objectives through a broad range of policy instruments, including incentives, covenants, regulations and fiscal measures. A close partnership between the federal/provincial government would be required to implement this option and its focus would be on reducing greenhouse gas emissions in a number of sectors, including electricity, oil and gas transportation, building, industry, municipalities, agriculture, forestry and fishing.

The federal government would need to regulate the domestic emission trading system and to purchase permits for trading with the new revenue going to the federal government.

Reflections on the implementation of the new drinking water action plan.
Provincial Environmental Assessment

The provincial government has introduced new legislation governing the environmental assessment process in the province (Bill 38 - Environmental Assessment Act). The goal of the new legislation is to introduce more streamlined and flexible environmental assessment procedures for major projects. There will be greater discretion about the type of projects that may be subject to an environmental assessment review versus a permit review.

The province has introduced the following changes into the environmental assessment process:
- Proponents will be able to determine their own terms of reference for review in consultation with the Environmental Assessment Office;
- Customization of environmental assessment procedures on a project-by-project basis;
- Consultation procedures will be determined by the Environmental Assessment Office on a project-by-project basis;
- Project Committees will not be established for each new project under review – as currently happens;
- Proponents will have the ability to request a concurrent review of all provincial government approvals required for the project to be undertaken.

The Environmental Assessment Office will have the ability to determine the policy process and whether or not an environmental assessment is required for a project – i.e., waive environmental assessments for projects that are inappropriately captured by the regulations.

The Minister will be able to determine whether a project can go ahead and what permits will be required.

The role of the Environmental Assessment Office will be to work with the line ministries to determine what the performance standards are for the project proposed.

The regulations under the legislation will be simplified, although the threshold levels for project reviews will likely be retained. The number of regulations will be reduced.

The framework is based on the following product stewardship principles:
- Producer/User Pay – responsibility is shifted to producers and consumers; no shift to other levels of government.
- Level Playing Field – all brand-owners treated equitably; all consumers have equitable access to facilities; reduce systemic barriers to new participants.
- Performance-based – regulatory clarity, flexibility; minimum government involvement, tailored to specific products, consistent with pollution prevention hierarchy; encourages continued innovation.
- Transparent and Accountable – development process (open/involves stakeholders); industry accountable to government and consumers.
- The ministry intends to undertake a review of the 6 stewardship programs it regulates based on this new strategic framework:
  - Scrap Tires (1991)
  - Lead Acid Batteries (1991)
  - Used Oil (1992)
  - Post Consumer Paint (1996-97)
  - Residuals (1996-97)

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Contaminated Sites

The provincial government has recently introduced amendments to the Waste Management Act (Bill 32) clarifying when a site has been determined to be a contaminated site under the legislation. The legislative changes have also introduced amendments to limit the liability of mine site owners for contamination, essentially eliminating the former owner of the mine from any liability for ‘historical’ contamination.

The Ministry of Water, Land and Air Protection established a four member panel to review the contaminated sites regulations. The Ministry is concerned about the ongoing administrative costs associated with the current contaminated sites program and is looking at measures that would reduce these costs and reduce its role.

The panel is made up of Margaret Eriksson, lawyer; Dennis Koenasewiet, environmental consultant; Peter Lloyd, chartered accountant; and John Sager, Manager, Toxics and Spent Waste, and Postciders with the Ministry of Water, Land and Air Protection. The panel is looking for input from the public on the contaminated sites issue by July 19, 2002 and are expected to provide a final report to the Minister by September 3, 2002.

The recommendations from the panel are to be used to develop a new policy framework for contaminated sites regulations in the province and to inform subsequent legislative changes required for the Spring 2003 sitting of the legislature. The government’s intent is “the creation of an administratively effective and efficient contaminated sites regime that is performance based, less time consuming and reduces direct government administration and oversight to only those sites that pose a high risk to the environment and human health.”

Local government has two major issues related to contaminated sites review. The first issue is that the liability and the costs for off-site contamination management and clean up of contaminated sites is not transferred to local communities. The second issue is that the sites are cleaned up by the polluters to the point that they can be used for other purposes in the community.

There is the potential that the legislative/regulatory changes being considered by the province could minimize the liability of the polluter and reduce the incentives to clean-up the site. Local government and some industry sectors could be faced with potential liability problems of contaminated sites and off-site pollution in the future.

The UBCM representatives recently met with the Chair of the review committee to convey our concerns and interest.

Smart Growth BC

Smart Growth BC is offering a Small Communities Workshop free of charge to citizens, community groups and decision makers who want to see smart growth principles and practices incorporated into planning and development documents and implemented at the local level. The workshops are offered primarily to suit the geographical needs of the host community. The workshops are intended to facilitate the process through its regulatory and human health.”

New Liquor Policy

Continued from page 8

8. Clubs Retain Privileges and Restrictions (No Changes)

The Justice and Protective Services Committee met with the Minister of the Public Safety and Solicitor General in May to discuss the changes that the province was considering. The Minister confirmed that the province intended to change provincial liquor policy and shift the focus to public safety issues—serving minors, intoxication—over-serving of liquor, overcrowding, and illegal liquor sales.

The Committee’s discussions focused on four key issues of local government concern:

• transition policy – need to ensure that a mechanism is in place so that local government can adapt this new legislation to incorporate the existing liquor policy will continue to be effective; and
data-restricted licence requesting that the province not go forward with this proposal as it would likely create enforcement problems in local communities
• extended operating hours – requested that the regulation permit a flexible process which would allow the hours of operation to be voided if the operation of the licensed establishment was creating problems in the local community or if the liquor sales were not being sold for consumption on the premises

The Committee pointed out that local government had two major concerns regarding the proposed changes to provincial liquor policy. The first concern is the impact that these policy changes would create for local liquor enforcement policies. The second concern is the added police resources that may be required to address liquor related problems that might arise as a result of extended hours of operation.

The Minister supported the need for increased measures to ensure compliance and enforcement and the need for the police to be proactive when enforcing liquor policy.

IT/Telecom Stewardship Program

A report entitled “Industry Roadmap – Overview of National Action Program for Managed Reuse of End of Life IT and Telecom Equipment in Canada” was prepared for the Information Technology Association of Canada to foster discussion on the development of a national program for IT and Telecom equipment in Canada.

The list of products to be included in the program were identified as follows:

• Personal computers
• Monitors
• Laptop computers
• Telephones
• Home and office systems

The development of an industry product stewardship plan to deal with IT/Telecom equipment is a concept that should be supported by local government and realized as some of this equipment contains toxic metals that could create contamination problems at landfill sites in the future.

The program proposed by the industry, however, does not ensure the requirement responsibility for the operation of the program and the costs of operating it from a local government perspective.

The report in outlining the industry stewardship program determines that as part of its “shared responsibility” for the waste stream that municipalities should absorb the collection and transportation costs of taking the IT and Telecom equipment to a processing facility for disposal.

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Greg Gilhooly
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Convention

Nomination Procedures for the UBCM Executive

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

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

There are SEVEN appointed positions:
- Past President and representatives of the five Area Associations - AVICC, AKBM, OMMA, NCMA and LMMA
- GVRD Representative
- Vancouver Representative
- Small Community Representative
- Third Vice-President
- Electoral Area Representative
- Immediate Past President

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

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

The Nominating Process

June

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

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

July 31

Nominations close - all candidates must have their documentation submitted.

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

Mid-August

The Nominating Committee report will be distributed to all UBCM members which will include:
- names of members and positions
- photo (to size set by Nominating Committee Chair)
- biographical information. The maximum length of such information shall be 300 words. If the information provided is in excess, the Nominating Committee Chair shall return it once for editing; if it still does not meet the maximum the Nominating Committee Chair shall edit as required.

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

2002 UBCM Convention Registration Available

Registration packages for the 99th UBCM Convention (Sept. 23–27) in Whistler were mailed to members and others in late June. Take advantage of “incentive” rates until August 23.

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

Accommodations should be booked immediately. A list of hotels holding room blocks for UBCM can be found on the website: wwwcivicnet.gov.bc.ca/ubcm/convention-2002. In consideration of other delegates, please release any unused rooms as soon as possible.

Clarification of Time for BC Government Reception at Convention

The time for the BC Government Reception at the 2002 UBCM Convention is correctly listed within the registration program but not correctly listed on the back cover. To confirm the reception will be:

Wednesday, September 25th, 5:00 – 7:00 p.m.
Westin Hotel

To mark the retirement of UBCM Executive Director Jeff McKelvey in 1995, the UBCM established a scholarship fund in his name. Jeanne McKelvey, who was Jeff’s wife and also a UBCM Life Member based on her 30 years’ employment service, passed away in September 2000. Jeanne left a bequest of $16,258 to all UBCM members which will include:

- scholarships totaling $6,450 awarded. The Jeff McKelvey scholarship fund balance now stands at $100,796.
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IMPROVING THE TREATY PROCESS – REPORT HIGHLIGHTS

The Tripartite Working Group Report “Improving the Treaty Process” was released in May 2002 and provides a welcome discussion of future directions for the beleaguered BC treaty process, (the full report is available on the BC Treaty Commission (BCTC) website: www.bctreaty.net). The report was developed by senior officials from the governments of Canada and BC and the First Nations Summit (FNS) and builds on the recommendations for treaty process change made by the BC Treaty Commission in their 2001 report “Looking Back, Looking Forward”.

UBCM’s Aboriginal Affairs Committee has reviewed this report in detail and will be providing a response to the three Principals (see end of this article).

A large part of the report focuses on the idea of building treaties incrementally and discusses the benefits, implementation actions, and related issues of predictability and governance. This approach is seen as addressing many of the problems the BCTC identified with the current comprehensive treaty negotiation process, including:

• Expensive and lengthy in terms of producing results
• No stability for parties and third parties provided on the ground during process
• No improvement of social and economic conditions for First Nations during process
• Leading to growing frustration and reduced support for treaty process

The solution the three Principals (BC, Canada, FNS) have committed to diversifying their approach to treaty making by opening it up to a variety of incremental measures that will produce results in the short term. This will occur while the parties progress towards comprehensive agreements, which remains the longer term goal. Adopting an incremental approach to achieving a final treaty will not be imposed on tables and they also have the choice of retraining with the current process. The idea of “incremental treaty making” is still being developed as a concept and in essence, represents a commitment by the parties to be innovative and to strive for results on the ground.

The report identifies a number of benefits to using an incremental approach. Process efficiencies are one of the benefits and include “greater flexibility of timing and sequencing of arrangements and agreements and testing arrangements before they are locked into a final agreement”. Incremental approaches may permit all parties to be more flexible in approaching their mandates since they will often be time-limited, trial arrangements.

Another benefit of using this approach is improved relationships that may result from greater social and economic stability achieved sooner in the process and experience gained from implementing agreements on the ground. The report also says that relationships may be improved through an incremental approach by enhancing relations between First Nations and local governments and business interests.

UBCM’s Aboriginal Affairs Committee is pleased to announce that Community to Community Forum funding is still available through UBCM. Already this year we have approved more than a dozen applications for funding received from local governments and First Nations around B.C. The federal Department of Indian Affairs and Northern Development and BC’s Ministry of Community, Aboriginal and Women’s Services have generously contributed funding to this program.

A Community to Community Forum is an event bringing together local government and First Nation community leaders for the purpose of encouraging dialogue and understanding on issues of mutual interest and areas of common responsibility. Creating opportunities for dialogue is vitally important for improving the effectiveness of current relationships and strengthening the foundations for future post-treaty relationships.

A copy of the Information Kit on Regional Community to Community Forums is available on our website (www.civicnet.gov.bc.ca). This kit provides guidance for getting regional Community to Community Forums off the ground in your region. Specifically, the kit provides:

1. Answers to questions about why and how local governments and First Nations community leaders wish to organize a Regional Community to Community Forum;
2. Information on how to plan and organize an event;
3. Guidance on how to apply to UBCM for funding, including a sample application and budget.

Events must be held in 2002.

This is an exciting opportunity and we invite you to get involved in this initiative; and

For more information contact: Alison McNeil at UBCM (604-270-8226) or by e-mail amcneil@civicnet.gov.bc.ca.

ECONOMIC DEVELOPMENT

The First Nations Land Management Act (FNLMA) is federal legislation that provides participating Indian Bands (currently 5 in BC) with broader powers to manage their lands and resources. UBCM has had a longstanding interest in this initiative due to the implications for local governments, particularly with respect to coordinating land use and servicing.

On March 20, 2002, the federal Minister of Indian Affairs and Northern Development (DIAND), the Hon. Robert Nault, announced plans to expand application of the Act by adding 30 First Nations every two years.

On May 21, 2002, UBCM and provincial Treaty Negotiations Office staff met with DIAND representatives to discuss plans for expansion of the Act and we learned that:

• The timeline for additional First Nations using this legislation is about 2 years – nothing is going to happen immediately.
• The federal government is supportive of First Nations developing formalized relationships with stakeholders on and off reserve, as part of this initiative; and
• There is much more work to be done.

The report lists the following subjects for incremental arrangements or agreements:

• Land and resources – protection, acquisition, First Nation access, First Nation involvement in management and planning.
• Governance arrangements (e.g. needs to implement the land and resources agreements).
• Fiscal arrangements.
• Economic development initiatives.

The concept of “time outs”, where treaty negotiations are placed on hold and a First Nation focuses on its other priorities, is supported. Importantly, the concern of losing all momentum including key human and support resources to negotiations is raised in this context.

With respect to the organization of the treaty negotiations within the Governments of Canada and BC the report comments: “The amount of human and financial resources and the manner in which governments de

Continued on page 14
Managing Offers, Ratification & Funding Implications

The report addresses the fact that the Governments of BC and Canada acknowledge that while public offers were important for general information sharing, they placed a strain on the negotiating tables. It then notes that an incremental approach to treaty making may diffuse some of the concerns about offers during the agreement-in-principle process. This alone does not resolve the issue of how and when to communicate with the public at key points in the process. So the report goes on to suggest as an option that the parties jointly determine the timing and manner in which they will provide one another and the public with information regarding their positions. It also states there is a “need for the parties to review their Openness Protocols to determine if changes are required to promote a more productive process.”

An incremental approach to treaty making will mean that a greater number of agreements, both constitutionally protected and non-constitutionally protected, will need to be ratified and discussed in the context of new methods for ratification for each party. With respect to funding implications of an incremental approach, clarity about the relationship between benefits provided under incremental approaches and the comprehensive treaty mandate will be essential. A number of considerations for the adjustment of negotiation support funding arrangements are discussed. The progress being made by the Financial Issues Tripartite Working Group is supported.

Next Steps and Workplan

Four next steps are recommended, one of which has been accomplished with the endorsement of this report by the Principals. Staff are currently developing workplans to identify options that could be used by individual tables. A general workplan is included with this report, but provides little information. UBCM anticipates receiving more details on implementation of the report recommendations at the upcoming Province-wide Advisory Group meeting (formerly TNAC) to be held in July.

Summary of UBCM Response to the Report

UBCM has conducted a detailed review of the report and will be providing feedback to the three Principals. The following is a summary of our primary recommendations.

Develop Effective and Efficient Consultation Mechanisms

The goal of producing more tangible results in a shorter length of time means that consultation with local governments and others needs to be effectively defined and executed at high level tables and individual tables. No amount of efficiencies can make up for insufficient government funding of the process.

Make Solutions to “On The Ground” Issues a Priority

Issues raised by local governments in the treaty process are often key to how agreements and arrangements with First Nations will play out “on the ground” – these need to be a major focus if incremental steps are to be successfully achieved.

Make Local Government Relationships a Milestone

“Process efficiencies” such as milestones can ensure results are produced. Relationship building with local governments and development of consultation plans are two recommendations for process milestones.

Provide Public Information Early and Often

Communication with the public about the treaty process generally and in relation to individual negotiations has been a key priority for local governments from the beginning. Changes to the treaty process need to be effectively defined and executed at high level tables and individual tables. No amount of efficiencies can make up for insufficient government funding of the process.

Provide Next Steps and Workplan Details Quickly

Those affected and involved need to know how the treaty process will proceed. This information will also assist in crafting a new agreement with the province on local government participation in treaty making.

Land Management Powers

Continued from page 13 to be done by First Nations and the federal government in the process of providing new land management powers to First Nations.

There has been considerable amount of interest in the FNMLA expressed by Indian Bands. However, the number of First Nations that have expressed interest is limited to 30 across Canada and of those, 10 from BC. This is in addition to the five First Nations currently participating with the Indian Bands (the only one in BC with an approved Land Code) government, N’Quatqua, Squamish and Musqueam First Nations.

Choosing the 30 First Nations to be added to the FNMLA will occur on a “first come, first served” basis. First Nations must complete a number of steps and obtain consent from their communities. The list of 30 will be finalized by the end of September 2004. From then, they will have 2 years to develop their Land Codes. First Nations would therefore not be using the FNMLA until September 2004.

At the meeting, UBCM staff emphasized the importance of coordinating land use and services between First Nations who eventually use this legislation and their neighboring local governments. One of the process milestones for First Nations in the two years spent developing their Land Codes could be evidence that they are developing this relationship (e.g., signed protocol or other coordination mechanisms and commitments). Provincial government representatives at the meeting supported this direction. They also explained some of the implications this initiative has for treaty negotiations in BC.

DIAND representatives advised that next steps planned include an information session on FNMLA for provincial governments and local government organizations across Canada and the development of tracking mechanisms and handbook.

BC Gas proposed operating agreement

T he May UBCM Executive meeting gave the go ahead to develop a joint response to the proposed BC Gas Operating Agreement. This included making arrangements for the necessary resources (including legal counsel), funding this work on a user pay basis, and forming a small working group of local governments. The group will be elected (elected at staff) and work with UBCM to develop the “process of value to all affected communities.” The end product will be a submission which will be brought forward to the full committee for endorsement, and subsequent use in discussions with BC Gas.

In February, after the decision by the BC Utilities Commission that advised BC Gas it would not be using a submission of a standard operating agreement, President Cunningham wrote to the 46 municipalities, asking their direction on whether you continued to want UBCM to play a coordinating role in this process.

21 Communities responded, 15 positively.

Work has begun by starting an analysis on the proposed agreement

• which provisions are favourable to municipalities and which are not;
• items that weren’t included from the existing agreement; and
• items which have not been considered in earlier agreements.

From this a discussion paper will be prepared which will be circulated to participants for your feedback. As well, a survey of the status of the BC Gas Agreement is being undertaken.
“APPROVAL IN PRINCIPLE…”

Just what does it mean?

“Just what does it mean when a Council passes a motion to approve something ‘in principle’? Does it mean the proposed action is approved or not?”

The above question is often raised in workshops on meeting procedures. Given that this procedural issue often confuses elected officials and senior municipal staff, it is bound to be even more puzzling for the parties affected by the “approval in principle” (like contractors and developers) and for the general public. In this article I will attempt to shed some light on this issue, reduce the confusion and uncertainty, and offer common-sense alternatives.

The problem

From time to time a Council wants to express a favourable position on a proposed course of action, but is not ready to finalize the commitment to it. A motion “to approve the project in principle” is then made and adopted. On the positive side, this approach seems to achieve the desired outcome, namely giving a tentative “green light” for the project. However, this approach leaves several unanswered questions, such as the following:

• What exactly has Council decided? Is it a “go” or a “no go”?
• What are municipal staff and outside contractors supposed to do about a project that was approved “in principle”?
• What must they do to have the words “in principle” removed and thereby have Council’s commitment finalized?
• Might the vague “approval in principle” create a perception of a commitment to proceed?
• If, based on this perception, contractors went ahead, hired staff and purchased equipment, would they be in a position to take action against the municipality if Council decides not to finalize the commitment?

Undoubtedly, an innately confusing motion to approve something “in principle” can lead to confusion, uncertainty, and disputes, and may even create a liability for the municipality. To avoid such problems, you need absolute and explicit clarity as to what precise commitment is given.

The solution

To avoid the problems associated by the vague “approval in principle,” you must clarify the exact meaning of any resolution to be adopted by Council. This means that motions will require more work to write. Taking “the lazy route” out and relying on people to be “logical and reasonable” when interpreting what Council meant is not acceptable (in reality, many people interpret confusing motions to suit their own needs).

Let us look at three examples.

Example 1

Research needed prior to final commitment

Suppose Council is intrigued by an arts project, which is proposed to be pursued in partnership with the private sector. However, Council needs answers to some key questions before giving the final OK. Instead of a resolution to approve the project “in principle,” a more appropriate resolution may be as follows.

Resolved, A. That the Council of ________ has elements which seem sensible and positive for the community, and that a real effort is evident in the proposal to balance the need for growth with the need to uphold community, environmental and social values;

B. That, notwithstanding the positive impressions received, ________ has elements which seem sensible and positive for the community, and that a real effort is evident in the proposal to balance the need for growth with the need to uphold community, environmental and social values;

C. That staff be directed to research and provide analysis and answers to the following questions on or before Council’s March 31st 2005 meeting:

1. ________; and
2. ________; and
3. ________;

Example 2:

Project plans must be modified

Suppose a developer is concerned about the municipality if Council decides not to finalize the commitment?

Council identifies a few areas of concern and wants the plans modified before considering them further. To avoid a perceived commitment to the development, the following resolution should replace the “approval in principle”:

“Resolved, A. That it is Council’s opinion that the proposed re-zoning outlined in ________ has elements which seem sensible and positive for the community, and that a real effort is evident in the proposal to balance the need for growth with the need to uphold community, environmental and social values;

B. That, notwithstanding the positive impressions received, ________ has elements which seem sensible and positive for the community, and that a real effort is evident in the proposal to balance the need for growth with the need to uphold community, environmental and social values;

C. That staff be directed to research and provide analysis and answers to the following questions on or before Council’s March 31st 2005 meeting:

1. ________; and
2. ________; and
3. ________;

Courses and Resources

Get recognition for your Public-Private Partnership

The Application Form for the 2002 National Awards for Innovation and Excellence in Public-Private Partnerships is now available. Qualifying Projects may submit in the following three categories.

- Project Financing
- Service Delivery
- Infrastructure

To receive your copy of the application form log on to our Website: www.pppcouncil.ca or call The Canadian Council offices at 416.861.0500.

Deadline for Applications is 4:30 p.m. Wednesday, July 10, 2002.

UBCM NEWS JUNE 2002 15
Courtenay’s library a “stunning” use of wood

Courtenay’s new public library is so cleverly realized that circulation has jumped dramatically since opening day.

“The new library is, in a word, stunning,” said the B.C. Library Association’s executive director Michael Burris. “The building echoes Courtenay’s past and the use of wood is a tribute to those who worked to make the project a reality.”

Head librarian Elizabeth Johnson agrees, reporting that circulation is up an average of 35 per cent monthly since the new building opened.

The new library is a 12,854 square foot building featuring heavy exposed timbered trusses and trusses, wood-framed windows, and the master stroke, a wood-shingled exterior.

Using wood in Courtenay had been a natural. The old Courtenay Creamery used to sit on the plot, the corner of Duncan Avenue and 6th Street. An early school sat next door. To capture the threads of history in the new building, library planners borrowed ideas heavily from old photos of the wood-built creamery and school.

“The architect took some of the vernacular of that time — roof shapes, materials and extensive use of wood. Wood fits with our downtown’s heritage look,” said Trudy Roggans, city planner.

Courtenay’s vibrant downtown core is an intriguing array of shops that create a vintage ambiance with the library setting the biggest footprint in the core. It is designed with three roof structures, a flat middle roof connecting side-peaked roofs, forming a collection of smaller shapes rather than one huge shape. The library not only adjusts to history but to the streetscape.

Wood use picks up economic threads also. As is the story throughout the province, the region’s economy relies on forest products.

Christine Lintott, associate with Paul Merrick Architects in Victoria, who designed the project, said, “Wood is a big part of the language of architecture on the west coast.”

Merrick group architect Jim Kerreman explained the library’s use of wood allowed extensive spans with the trusses. The result is a more open look with fewer columns. Wood both satisfied building code requirements for structural integrity, and offered economic and aesthetic advantages.

Rougans said, “Right from the beginning we felt the use of wood fit with our downtown perfectly. It lends an updated historical theme, with lots of interesting spaces.”

The library opened in December, 2001, and people are struck as they walk through the doors. The entry is double story. Open trusses arch overhead. Light spills in through the skylights. There is attractive millwork around the circulation-information purpose room and washroom.

BUILT BY PERMA CONSTRUCTION, COURTEENAY LIBBYAR OWNES THE BUILDING AND LEASES IT TO THE LIBRARY. THE PROJECT CAME IN AT 17,000 SQUARE FEET. UBCM TO RESPOND TO DISCUSSION PAPER ON CIVIL LIABILITY

On April 16, 2002 the Honourable Geoff Plant, Attorney General, released a Consultation Paper and questionnaire on Civil Liability. The UBCM/MIA Joint Task Force will be preparing a response.

The Consultation Paper addresses a number of topics of long-standing concern including:

- Limitation periods joint and several liability
- The Task Force also sees advantages in commenting on:
  a) Non delegable duty where the principal is held liable for acts of contractors
  b) Vicarious liability — holding employers liable for acts of their employees

The response that will take into account the many resolutions endorsed at previous conventions. It will be based on previous policy on limitation periods and joint & several liability. Plus the submission will be supplemented.

The UBCM to Respond to Discussion Paper on Civil Liability

BC is Asking for Wood!

Wood is the healthy choice for our environment and our economy. When we build with wood in British Columbia, we’re leading by example, showcasing our province’s finest building material to the rest of the world.

To order a copy of WoodWORKS!, a one-time program offering by WoodWORKS!, a Canadian Wood Council initiative.

WoodWORKS! is a program sponsored by the Canadian Wood Council. It is supported by the forestry innovation and marketing committee of the forest products association.
Consultations Starts on a Positive Note

Gary Paget from the Ministry provided the context for Charter Council member Don Avison’s comments. That commentary noted among other points that the relationship between local and provincial government under the Charter is more horizontal than vertical in nature, that the Charter stresses resolution of disputes through negotiation rather than litigation to the maximum extent possible. Based on the view that one can’t legislate good relationships only create a framework, he outlined the rationale for the extent of legislation proposed for mandatory consultation and to reflect the provincial government’s commitment to no off-loading. One of the issues the Council was looking for feedback on was the extent that existing organizations are relied on for intergovernmental relations, or whether to create a new body by agreement or a new institution in legislation.

New Court Reforms

The two main features of the proposal are:

• A simple “front-end” process for initiating enforcement
• A local government forum to hear disputes

The proposed model is intended to create a simpler, fairer, cost-effective system for dealing with minor bylaw infractions. The model would meet this goal by:

• eliminating the requirement for personal service;
• establishing a dispute resolution forum dedicated to hearing bylaw matters;
• allowing the forum to make decisions in a simple cost-effective manner – adjudicator hearing the individual concern of the local citizen and making a decision;
• avoiding unnecessary attendance of witnesses;
• eliminating the need to hire counsel;
• ensuring the timely resolution of disputes.

The new community forum would replace the Provincial Court as the venue for resolving disputes of minor bylaw breaches. Under the proposal the Provincial Court would only hear disputes arising from serious bylaw offences where significant fines or imprisonment are contemplated. Local governments would be expected individually or in groups to establish a forum and to pay for its operation to handle disputes of minor bylaw breaches, such as parking, dog licensing, minor zoning matters and other issues that currently incur a relatively small fine.

The nature of the forum that would need to be established to deal with minor bylaw matters and the maximum size of the bylaw fines that local government could manage under this new model will need to be established to deal with minor bylaw matters and the maximum size of the bylaw fines that local government could manage under this new model are still under discussion.

The discussion paper is intended to solicit input on the proposal prior to making legislative changes and is available on the internet at http://www.ag.gov.bc.ca/legislations/bytlaw/bylaw.html. The Ministry of Attorney General will accept feedback on the proposed local government bylaw forum process until July 30, 2002.

Building Envelope Solutions: Theory and Practice Course

Concerned about risk management reduction in your department?

Want to learn about the emerging technologies in building envelope construction?

Building Envelope Solutions: Theory and Practice (B.E.S.T. Practice) course was sponsored and developed by the British Columbia Institute of Technology, provided by Chartered Building Inspectors of British Columbia and Partnership between Cambridge Management and Housing Corporation and the Homeowner Protection Office and the British Columbia Institute of Technology, to provide guidance to professionals who are involved in the design and construction of buildings and in the field of building envelope technology. The course is intended for building inspectors, architects, engineers, and other professionals involved in the design and construction of buildings and in the field of building envelope technology. The course is divided into two parts: Part 1 – Theory, and Part 2 – Practice. Part 1 of the course provides an overview of the principles and methods of building envelope technology, including the physical and chemical properties of materials, the role of the building envelope in energy conservation and durability, and the role of the building envelope in providing a healthy and comfortable living environment. Part 2 of the course focuses on the practical application of the principles and methods of building envelope technology, including the selection and specification of materials, the design and detailing of building envelopes, and the inspection and maintenance of building envelopes.
Policing Costs: Solicitor General confirms that small and rural communities will pay

The Solicitor General in a meeting with the UBCM President in late April confirmed that the provincial government is committed to making changes to police cost policy so that all communities pay something towards the cost of policing. He indicated that the government had been made aware of the inequities in the current system by a number of local governments and that the province was prepared to address them.

The Minister did, however, indicate that no new provisions would be put in place before 2004. He also recognized that some mitigation measures might be needed given the limited fiscal capacity of very small communities and the current economic situation in some communities.

The Ministry of Public Safety and Solicitor General is preparing a detailed submission on the different options cabinet might consider to require communities to pay for policing costs. The cabinet submission outlining those options is expected to go forward sometime in July.

Further information will be made available once cabinet has made a decision on what options it is willing to consider. The UBCM is organizing a consultation session on policing costs at the UBCM convention on the afternoon of Monday September 23, 2002.


The legislation establishes new rules of evidence for traffic and bylaw tickets to speed up the resolution of these matters, such as:

- Allow oral or written testimony; or any record or thing that the court considers relevant to the issue and credible and trustworthy;
- Relevant to the issue and credible and trustworthy;
- Matters that involve determination of aboriginal or treaty rights or claims;
- Matters arising under the Canadian Charter of Rights and Freedoms;
- Trial of a person charged with an offence for which, on conviction, the person is liable to be sentenced to a term of imprisonment.

The clarification of what issues must be dealt with by a provincial court judge will make it easier to determine which issues can be dealt with locally and which must be taken to a provincial court judge to be dealt with.

The discussion paper released by the Attorney General proposes a new model to resolve bylaw disputes by establishing local government bylaw forums to deal with minor matters and which must be considered by a provincial court judge, such as:

- Matters related to contempt of court;
- Matters related to interpretation of the constitution;
- Matters that involve determination of aboriginal or treaty rights or claims.

The province has passed new legislation (Bill 46—Attorney General Statutes Amendment Act) concerning the rules of evidence and the jurisdiction of provincial court judges. The Attorney General also released a discussion paper entitled “Local Government Bylaw Forum” on June 20, 2002 outlining a new process for resolving minor bylaw disputes.

The provincial budget allocates $18 million for uniformed and non-uniformed police to cover the actual costs of the facilities and which must be taken to a provincial court judge.

The Keep of Prisoners Program (KOP) is the program under which the provincial government pays local communities and police for holding certain categories of prisoners. The ministry has identified its targets for changing the program as follows:

- Reduce costs for the KOP by 50% over two years — reduce budget from $5.2 million to $2.6 million by 2003-04.
- Establish an hourly or per diem reimbursement rate for all provincial prisoners.
- Enter into written agreements for the operation of each jail facility to ensure accountability — earn forcing municipality or RCMP ‘E’ Division.

The ministry considers that the province pays local communities to hold certain categories of prisoners but that the police force is not compensated for the actual cost of maintaining the prisoners.

The Ministry of Public Safety and Solicitor General has indicated that it intends to introduce fiscal accountability into the Keep of Prisoner Program, by establishing provincial wide standards. The Keep of Prisoners Program (KOP) is the program under which the provincial government pays local communities and police for holding certain categories of prisoners. The ministry has identified its targets for changing the program as follows:

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Sewer and Water Debt – Pre-1983

On May 31, 2002, the Ministry of CAWS released a circular regarding the future of the sewer and water assistance/grant program for pre-1983 debt. Earlier this year, the ministry had approached the MFA about the feasibility of removing this liability from the provincial books and thereby eliminating the application process associated with this liability. The ministry inquired if the province could make this possible by forwarding to the MFA one lump-sum payment, and then have the MFA apportion that payment to each participating member.

After various discussions, the MFA and the ministry came to an agreement in principle whereby the ministry would forward to the MFA the money (i.e. what the MFA could invest the monies at) of the future grant obligations and the MFA would continue to fund members under the grant program according to the level of payments made for the calendar year 2001. Original discussions focused on the actual paydown of the applicable debt; however, since a significant number of these pre-1983 debt issues expire within three years, the MFA elected not to reduce individual debt levels but to make payments to the participating borrowers on a semi-annual basis. Administratively (i.e. less cost to change the software), it was felt best to leave the billing process untouched and simply continue to reimburse the participants in a manner similar to that of the ministry, excluding the grant application process. Individual paydown of debt could then become the decision of the individual members. Paydown of debt, previously, was not possible because the province would not reimburse the local government. With the monies in MFA hands, early debt retirement is now possible.

Payments to members will be made in the middle of July 2002 and January 2003 and will cover the billing periods for Jan. 1 to June 30 and July 1 to Dec. 31 respectively. Each payment will be equal in magnitude and should equate, on an annual basis, to the amount received in 2002. These payments will continue until the earlier expiration of the bylaw or the latest stop-payment date, as determined by the MFA.

It is hoped by both the MFA and the ministry that this “payout” will benefit individual regional districts and municipalities by providing them with more flexibility regarding debt payout decisions, while eliminating the need to apply annually for sewer and water assistance grants. Participants may now elect to payout sewer or water debt and still receive their full share of the continuing annual grant amount.

Treaty Referendum

The Chief Electoral Officer reported the results of the referendum to the Speaker of the House on July 3, 2002 upon completion of the ballot count, as required by Section 16 of the Treaty Negotiations Referendum Regulation. The results for each of the eight questions were reported, along with the breakdown by electoral district for each question.

Elections BC has noted that they will also be preparing a full report on the referendum, including a comprehensive review of the process, detailed results, and the cost of the referendum. The Premier stated the results show public commitment to the treaty process. The province has indicated that during the next 30 days, they intend to meet with First Nations leaders, the federal government, and third parties to discuss the results and ways to make treaty negotiations more effective.

Elections BC mailed out over 2 million referendum packages to registered voters between April 2 and April 12, 2002 and the deadline for mail-in returns was May 15, 2002. About 36 percent of registered voters completed the referendum forms. The overall result was that for each question, the majority of validly cast votes were in favour of the question stated. (See side bars for wording of each question and summary of results).

Question 6 on a delegated style of government received second lowest support (87 percent). Interestingly, the lowest support comes from two urban ridings (Victoria Beacon Hill (73 percent) and Oak Bay (79 percent) and many of the core Vancouver ridings (ranging 72-80 percent).

Question 7 on harmonizing land use was fifth ranked in terms of overall support (62 percent). Here, the regional variations are not as marked but still lower in two Victoria ridings mentioned above (80/85 percent respectively) and softer in the Vancouver core ridings. Support was very strong in places like Chilliwack and Prince George.

Pooled Investment Fund – 2001 Dividend

The 2001 users of the MFA’s pooled Investment Funds once again shared in a $250,000 dividend, distributed on June 12, 2002, bringing the total dividends since 1992 to $2.3 million. The MFA would like to thank all of the Fund’s users for their support and hope the product continues to meet their needs.

Fall 2002 Debt Issue

Local governments that are planning on borrowing in the Fall of 2002 may want to give some thought to “locking-in” their borrowing costs now. There is no change to “lock-in” now, and current 10-year rates = 5.98%, and 20-year rates = 6.36%. The Bank’s profit (1 to 2 one-hundredths of 1%) is built into the rates quoted above.

These “lock-ins” are useful for projects with tight budgets, where members expect rates to increase between now and Fall 2002. The “lock-ins” can be done during any business day and the rates for 10 or 20 years will be higher or lower than today’s rates.

A full summary of results can be viewed on the Elections BC website at www.elections.bc.ca/index.html.

Municipal Finance Authority of BC

Summary of Results

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