Inside this Issue

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Two Policy Features

The first special feature begins on page 4 (Policy Briefs) with an overview of 13 topics:
1. Bill 55 Revisited
2. Procurement Reform
3. WCB Regulations on Emergency Transport Vehicles
4. Civil Liability
5. Building and Fire Code Changes
6. Review of Motor Carrier Commission Regulations
7. FCM to Appeal Decision on Access to Municipal Rights of Way by Telecommunications Companies
8. Airports Crash Safety Regulation
9. Forest Land Reserve Phase-Out
10. Strategic Plan for Public Libraries
11. Classification of "Urban Farms"
12. New Farm Practices Protection Act Regulations Proposed
13. Regional Transportation Advisory Committees

The second feature begins on page 21 and is a summary of key Ministry Service Plans of interest to local government.

Budget Reviews

February 18th was budget day in BC and Canada. UBCM issued its budget summaries the same day (our benchmark for reporting) in an In The News circular. Two UBCM staff went inside the provincial budget lock-up to review the budget and service plans. The President was an invited guest to the House to hear the Finance Minister present his budget. Meanwhile other UBCM staff monitored the federal budget presentation. Both reports were brought together in a joint distribution to all UBCM members that same day.

One of the most appreciated aspects of the Provincial Budget and Service Plans is the confirmation by the provincial government to extend grants for another year. This extends the Premier’s original commitment to maintain transfers to local government for three years to now a fourth year.

Community Charter

On March 11, 2003 the Hon. Ted Nebbeling, Minister of State for Community Charter rose in the House and said “I have the honour to present a message from your Honour, the Lieutenant Governor”, and so introduced for first reading, Bill 14, The Community Charter.

In introducing the Bill, Minister Nebbeling said in part “Today we are fulfilling our commitment in the New Era document regarding the community charter by honouring a long-standing request of local governments. In 1991 the Union of B.C. Municipalities introduced the bill of rights for local governments. The principles of this bill of rights have directed the creation of the Community Charter. It is concise legislation, balancing enhanced municipal powers with increased public accountability. Local governments will have greater autonomy to make decisions on the delivery of municipal services. This is for the benefit of their citizens. Municipalities are in the best position to make local decisions for their citizens and for their communities. They are the level of government closest to the citizens, and the Community Charter reflects that.”

The roots of the Charter reach back to the UBCM’s 1991 policy paper “Local Government and the Constitution.” Since the current provincial government took office in June 2001 UBCM has been involved in an intensive policy development process particularly through its representatives on the Community Charter Council, that led to the presentation of a Discussion Paper and draft Community Charter in May 2002 for comment. At the conclusion of the consultation period, reports were prepared for Charter Council on the responses. The Charter Council established a Legislative Sub-committee to review all the various proposed amendments. The full Charter Council met for an intensive session in December to conclude their report to government.

While policy development might be seen to complete with the tabling of the Charter, there is still lots of work ahead. There is much work yet to do to develop the regulations that are needed to accompany the Charter. Some of the most important are the long term borrowing, short term borrowing and those regulations related to concurrent jurisdiction. UBCM believes these offer additional opportunities to enhance local government powers.

The Charter initiative will not be complete until the consequential and transitional legislative amendments are introduced. These are expected later in this legislative session and will deal with the parts of the Local Government Act that will continue to apply to local government and the consequential amendments for Regional Districts, including the procedural parts (within Part 4 and 5) of the Charter that will apply to Regional Districts.

The Charter cannot simply be introduced and left to local governments to implement—UBCM and the Ministry are committed to assist local governments with implementation. Look for more details in future UBCM circulars.

Community Charter Information Sources

For further information visit the MCAWS website (www.mcaws.gov.bc.ca/charter) for:
- newsletter and backgrounder
- Community Charter (Bill 14)
- content overview
- highlights
- questions and answers

Visit the UBCM website (www.civicnet.bc.ca) for:
- summary of changes from the May 2002 consultation draft
- Part by Part Review – Content and Highlights
- Local Government Act amendments for municipalities (that describes the expected parts of the LGA to be repealed or to remain in the LGA)
- Overview of LGA/CC amendments pertaining to Regional Districts.
2003 RESOLUTIONS POLICY SESSIONS

With members’ support and strong chairing by the Resolutions Committee, all resolutions were debated at the 2002 Convention. Delegates have indicated their appreciation in their evaluation and feedback forms. Resolutions and policy papers are the lifeblood of the organization and members recognize that the best debate and input from the membership is received when policy matters are considered by the full membership at Convention. Members also appreciate when resolutions are introduced by the sponsor who can provide background on the intent of the resolution. Sponsors are always urged to have representative introduce their resolution on the floor.

Members’ concerns regarding last year’s policy sessions focused on the lengthy key-note address on Friday, and on the low attendance on the Friday, which raised concern that policy matters are not being considered by the majority of the membership. Having sufficient time for consideration of policy and resolutions is always a key concern, and key to a good pace are: 1) strong chairing of the sessions and 2) members’ consideration to speak succinctly to issues and avoid repetitive debate.

The Resolutions Committee has confirmed that its objectives for 2003 are to complete all resolutions in the allocated timeframe at the Convention and to improve the process. In order to meet these objectives the Committee will: reduce the length of the resolutions procedure overview. With the resolutions procedure outline on the back of the voter card, members are telling us they don’t need as much time to come to a decision, so we will modify the overview, trying one format for the year after an election, and a shorter format for subsequent years. investigate methods to ensure that all resolutions are debated at Convention, including a review of Section 8 policy. We will look into changes to the ordering of the section 8 policy resolutions to keep new issues at the fore of the debate. investigate supporting resolutions amendments on screen during the debate. We hope to ensure the smooth flow of resolutions debate and will look into additional use of technology to provide the most effective support.

Submitting Resolutions for 2003

Check the website, www.civicnet.bc.ca, under UBCM Links for “Procedures for Submitting Resolutions to UBCM” which provides guidelines on content, a model resolution and a review of the UBCM procedures and criteria for consideration of resolutions.

The deadline for submission of resolutions to UBCM is June 30, 2003.

New Executive Member Appointed

Councillor Ellen Woodsword has been appointed to the UBCM Executive as the City of Vancouver representative. She has joined the UBCM Health Committee.
T he City of Vancouver has won the prestigious United Nations award for “Innovation in Public Service” (2002). Vancouver was chosen from hundreds of applicants, and is the only city in North America to win the award.

The award recognizes excellence and innovation in public service delivery. Vancouver won the award for its Neighbourhood Integrated Service Team program, which is a unique initiative that helps Vancouver residents solve difficult issues in their neighbourhood. More than 200 City staff work on 16 teams, each of which represents a particular area of the city. These teams comprise staff from almost all City departments, as well as outside agencies. They work with residents to help solve problems with buildings, garbage, noise or illegal activity.

The award will be given out on June 23, 2003 in New York. Congratulations!

Ministry Reorganization

Submitted by the Ministry of Community, Aboriginal and Women’s Services

T he Ministry of Community, Aboriginal and Women’s Services is saying farewell to a number of key staff who have contributed to the local government system in British Columbia over many years.

The Executive Director of Infrastructure and Services and Deputy Inspector of Municipalities, Andrew MacTaggart, is retiring on March 31, 2003. Joining him in retirement are: Elaine Taylor, Regional Director for the Lower Mainland; Peter Lofthouse, Senior Policy Analyst; Anita Fowles, Research and Consultancy Assistant; Bryan Green, Senior Administrative Officer; John Cooke, Senior Planner; Sharon Plunkett-Adams, Financial Assistant; and Suzanne Shaw, Administration Assistant. The combined talents and experience of this diverse group have been greatly appreciated and they will be missed.

As a result of staff retirements and departures, the Local Government Department has undergone a modest reorganization.

The Infrastructure and Services Division is being renamed “Infrastructure and Finance” and the Acting Executive Director will be Brenda Gibson, who will also act as the Deputy Inspector of Municipalities. This Division will continue to provide support and statutory approvals to local governments and improve districts in the administrative, financial and professional spheres. It will also continue to support the green infrastructure projects for local governments through the Canada BC Infrastructure Program.

An enhanced Advisory Services Branch, located in the Governance and Structure Division, will be managed by Don Sutherland. This Branch will focus on providing general advice, and preparing advisory materials in a variety of mediums and through partnership with representative local government organizations. A major focus will be materials to explain legislative changes that affect local governments, with particular regard to the new Community Charter.

The Community Transition Branch will be joining the Intergovernmental Relations and Planning Division, and will continue to support rural and remote single industry communities facing severe economic conditions.

The Division will also be adding Facilitation Services, which will be managed by Lois-Leah Goodwin. This new service will provide advice and assistance to local governments working to resolve conflicts over regional district services, regional growth strategies or other local government matters. Facilitation Services will also work to promote, develop and create educational resources to encourage the use of alternative dispute resolution.

For an updated list of Department staff and contact information please go to the Ministry web site at www.mcc.gov.bc.ca/lpdi/Contacts/department.htm
Policy Briefs

1 Bill 55 Revisited

For those without long memories, Bill 55 was a significant change to railway and other utility assessment and taxation that was imposed in 1995 over the objections of UBCM. A meeting between Minister Abbott and interested parties was held early in 2002 to discuss ongoing concerns about the impacts of this provincial scheme. Minister Abbott concluded the meeting by stating that he was willing to authorize further staff work to proceed but only on the condition that the UBCM Executive support the general tenor of the meeting that less than full repeal of Bill 55 would be an acceptable outcome. The Minister appears willing to consider staff work on some relaxation of Bill 55 rules but not a return to pre-Bill 55 days.

In order to move the issue ahead, UBCM convened a group of local government staff, the MCAWS Assistant Deputy Minister for Local Government on January 9th, 2003. They reviewed a report on options prepared by UBCM and they selected a number of options for further exploration. The UBCM Executive have agreed that the options should be recommended to government for further work. The options are:

1. look at removing or modifying the tax cap and prescribed tax ratios.
2. bring back minor bridges into assessment base for Commissioner’s Rates.
3. review rationale for adjustment factors for right-of-way and track.
4. discuss with BC Assessment why Commissioner’s Rates haven’t changed over the years.
5. investigate fairness of right-of-way valuation relative to adjacent light industry in urban areas.
6. investigate moving rail yards from Class 6 to Class 5.
7. consider creating a sub-class just for rail.

2 Procurement Reform

In March 2002 the Ministry of Management Services (Procurement and Supply Services Division) posted a document on its web site entitled “Procurement Reform Discussion Paper.” The document indicated that its purpose was to initiate discussion and invite feedback from public sector bodies and the business community on the future of public sector procurement in this province. The intent was to produce new legislation on fair and open procurement and to replace the Purchasing Commission Act.

The original intent was to ultimately bind all public sector organizations (including local government) to this new procurement regime. This caused UBCM some alarm and after consultation the reforms are not including the broader public sector, and will be focusing on reforming strictly provincial procurement practices. UBCM will be seeking to confirm this commitment from the government, now that the Procurement Services Act (Bill 23) has been introduced.

The Ministry of Management Services has expressed an interest in continuing to provide assistance to local governments in improving their procurement practices and would be interested in doing some joint work on best practices and information sharing. They are seeking advice on appropriate speaking opportunities. The use of the provincial BC Bid web site for posting bid opportunities continues to be free to public sector buyers, for the moment.

3 WCB Regulations On Emergency Transport Vehicles

The WCB regulation dealing with Emergency Transport Vehicles has been in effect for at least 20 years but was never vigorously enforced. This issue has been brought to UBCM’s attention in the context of firefighting, especially volunteers as employees on a mobile job site, to which the regulation would apply. The WCB has so far advised two communities that we know of (Castlegar and Sicamous) of its intention to enforce the regulation. The issue was raised in Castlegar because the hospital no longer provides 24 hour emergency service. The concern will continue to arise if the BC Ambulance Service (BCAS) will not agree to attend mobile job sites, to which the regulation would apply. The WCB and the Fire Chiefs’ Association of BC wrote a joint letter to the WCB explaining the problem and seeking an exemption for volunteer fire departments from the ETV regulation, especially those smaller and rural departments that can’t comply with the regulation because of specific circumstances in their areas. A prompt response was received from the WCB Chair offering to have their staff meet with UBCM and FCABC. The two organizations will continue to pursue the issue with the WCB.

4 Civil Liability

UBCM and MIA have been pursuing changes for many years to the legislation respecting civil liability, in particular joint and several liability and limitation periods.

In response to the Attorney General’s Discussion Paper on Civil Liability, the UBCM Convention approved a policy paper that included a call for a form of proportionate liability (to replace joint and several liability) and a 10 year ultimate limitation period. The position was submitted to government and many local governments have written in support.

Most recently the Attorney General released a summary of the responses to the discussion paper and it appears that this project is moving slower than we would have liked. UBCM has written to the Attorney General expressing our support for continuing the pace to deal with a priority local government concern.

5 Building and Fire Code Changes

The provincial government has begun consultation on key changes to the building and fire codes and a move to make them more “objective” based rather than rules based. This is part of a national code review undertaking. It also aligns with the province’s deregulation philosophy of less rules and replacing those with objectives. However, UBCM has some reservations. The essence of the “leaky condo” situation in some observers’ view was that preventing water penetration relied on an “objective” test (build structures that don’t leak) and did not show how this was to be achieved (rules). Local governments need to be sure, for instance, that we are not creating new areas that might give rise to building inspection liability.

The Executive have directed that UBCM pursue the higher level potential implications of objective based codes.

6 Review Of Motor Carrier Commission Regulations

The Ministry of Transportation has completed a review of the Motor Carrier Commission regulations as an ongoing part of the Core Review process. The regulations cover a range of subjects of interest to local government including buses, taxis, limousines and use of vehicles for ancillary purposes (e.g., bus transport to a heli-ski operation). The regulations are rooted in an old (1936) Act. The review will be focusing on the need for provincial regulation and what might be left to local jurisdiction. The changes are to streamline and reduce regulation. For instance, should the province focus on driver fitness and vehicle safety but the economic questions around demand and supply for vehicles be a local determination?

Continued on page 23
SAFETY SYSTEMS TRANSFORMATION PROJECT

Background

Since 1995, the provincial government has been reviewing existing safety system legislation to make it more reflective of the current environment. To undertake this modernization exercise, a broad-based consultation process was established with those in the various industry disciplines involved from such groups as the architects, engineers, technologists, contractors, administrators (UBCM), project managers, safety inspectors, trades, and codes and standards specialists to name a few.

These representatives began the review process in October 1995 when the Roles and Responsibilities Work Groups were formed and began meeting. Their Work Groups were formed in October 1995 when the review process began the review process. (business, heavy industry, contractors, homebuilders, recreation, trades, labour, architects, engineers, etc.) Since then, new legislation has been introduced at this session with the Acts coming into effect on April 1, 2004. The Safety Standards Act will provide a consolidation of the Electrical, Fire, Gas and Power Engineers, Boiler and Pressure Vessel Safety Acts together with some sections of the Railway Act. A second act, the Safety Authority Act will establish an independent safety authority in BC.

With respect to the Safety Standards Act (Bill 19), the legislation addresses the design, manufacture, construction, operation, maintenance and use of electrical equipment and systems, gas equipment and systems, elevating devices, amusement rides, boilers, refrigeration systems, aerial trolleys, pressure vessels and railways. The objectives of the legislation are to increase responsiveness, improve enforcement tools, ensure that qualified persons do regulated work and enable objective-based regulation. The Safety Standards Act outlines a number of key strategies to fulfill these objectives:

1. Equivalent Standards Agreements – provides industry with an opportunity to meet safety objectives using innovative, creative and effective management processes.
2. Risk Assessment - With work programs.
3. Safesite – requires all operations to have qualified personnel.
4. Responsible Persons – requires operations to have a designated individual responsible for their operation.
5. Compliance – requires all operations to have a designated individual responsible for their operation.
6. An Act of Parliament – requires all operations to have a designated individual responsible for their operation.

Policy Updates

Holiday Shopping Regulation Act Repealed

Municipalities should take note that the Holiday Shopping Regulation Act (RSBC 1996, c. 191) has been repealed. The government has agreed that municipalities will have six months grace in which to amend any bylaws that reference this statute or to replace any bylaws that rely on its provisions. An Order in Council will come into force on October 1, 2003 which will bring the repeal into full effect.

For those interested in the specific legislative reference, the repeal of this act was contained in Bill 11 (Miscellaneous Statutes Amendment Act, 2003), which received Royal Assent in the Legislature on March 12, 2003. That Bill also removed the reference to the Act from sec. 654 of the Local Government Act and from sec. 279A(1.1) of the Vancouver Charter. UBCM members endorsed resolutions on five occasions that requested the repeal or clarification of the Holiday Shopping Regulation Act as far back as 1984 and as recently as 2001. A court case in the 1980s made significant portions of the Act inapplicable, the effect of which was to leave the regulation of shop hours within local government’s authority. The repeal of the old Act reinforces existing practice and eliminates any confusion in the regulation of business hours.

2002 RESOLUTIONS RESPONSES RECEIVED

A total of 78 resolutions were forwarded to the Provincial Government for consideration following the 2002 UBCM Convention. To date 60 responses have been received from the province and 18 responses are yet to come.

Sponsors of the resolutions have received copy of the provincial responses. Members are advised that the provincial responses can be viewed on www.civicnet.bc.ca under “New Documents.” The following is a list of resolutions responses not yet received:

SR2 Special Resolution on Transportation
A3 Enabling Streetcars on City Streets
B7 Traffic Patrol/Adult Crossing Guards
B8 BC Ferry Service Changes
B9 Licensing of Off-Road/All-Terrain Vehicles
B11 BC Rail - Payment of Full Property Taxes
B12 Gas Franchise Fees
B26 Training of Rescue/Fire Personnel
B48 Classification and Exemption of Residential Properties in the Land Reserve
B55 Fraser River Debris Trap
B65 Insurance Industry Liability Changes
B77 BC Ferries Service
B89 Principles of Medicare
B96 Ombudsman Budget
LR1 Liquor Licensing Changes: Local Consultation
LR2 Small Community Supplement for Education
LR6 Softwood Lumber Dispute: Protecting Communities and Workers
LR7 Value of BC Rail to BC Communities

A complete analysis of provincial resolutions responses will be made, once all responses are received and reported in an upcoming edition of UBCM News and in the Annual Report to the members.
Safety Systems

Continued from page 5

the use of a new information technology system (registry), regulators will be able to identify risk levels and allocate resources to high-risk situations while stakeholders with good safety records are rewarded with less intrusion.

• Multi-Year/Multi-Technology permits and licenses
• Progressive and effective discipline to stakeholders in and outside the system - provides for progressive levels of discipline - advice, compliance orders, court ordered compliance, monetary penalties discipline orders, to finally laying penalties discipline or/and fines and court orders.

The creation of a Safety Authority - will deliver the safety services on behalf of the Province, similar to the role of local governments. The Safety Authority Act (Bill 20), the accompanying piece of legislation outlines in detail how the Authority’s Board will be established, operated and administered.

While the majority of the participants at the February 4th briefing expressed their support for the process undertaken by the Ministry, most expressed concerns about what they didn’t see in the Act that will be included in the regulations. Key concerns included:
• trade certification;
• how Equivalent Standards Agreement will be developed;
• ensure the registry (information technology component) is kept current; and
• integration of these new Acts with the Building Code and Fire Code.

Since much of the detail is included in the forthcoming regulations, participants at the February 4th session discussed how best to remain involved in the process to ensure that these concerns were satisfactorily addressed.

Specific Impacts for Local Governments

Presently there are 11 local governments that administer electrical or gas regulations, or both. The remaining areas of the province are administered by provincial government staff. The proposed Safety Standards Act will continue to delegate, to interested local governments, the ability to provide safety services. Each of the local governments providing, or planning to provide, safety services will be asked to sign an agreement that will set out the minimum standards for safety service delivery. As noted these standards will be set out in regulations accompanying the Act and will be developed in consultation with provincial government. This approach is designed to ensure a consistent level of safety across the province.

While the Act presently enables both provincial and local regulators to enter into Equivalent Standards Agreements, operationally it is more likely to fall under the purview of the provincial regulator due to the intended nature of ESAs being multi-jurisdictional and/or multi-technology related. Consequently, local regulators will be enabled to develop and administer ESAs that are electrical-technology-related only within their territory.

Aimed local governments will need to have some discussions with provincial staff about the costs associated with establishing the registry to ensure that these are not being downloaded onto the affected local governments.

Details relating to the type of software, its compatibility, with existing local systems, what type of data is to be entered and how it will be kept current; will need to be worked out to ensure the registry is workable and effective.

See the March 28th issue of In The House for further details on both Bills.

Reaching Interjurisdictional Agreements

With the introduction of the Community Charter, the provincial government has increased its commitment to encouraging the resolution of differences between local governments and between municipalities and the provincial government.

Part 9 of the Community Charter builds on established legislation for dispute resolution in relation to growth strategies and regional district services. It also establishes an alternative means of resolving disputes between a municipality and another local government, the provincial government, or a Crown corporation.

To further support local governments who are working to resolve interjurisdictional issues, the Local Government Department has been restructured to include Facilitation Services. This new service will provide advice and assistance to local governments working to resolve conflicts over regional district services, regional growth strategies or other local government matters. Facilitation Services will also work to promote, develop and create educational resources to encourage the use of alternative dispute resolution.

Prior to the introduction of the Community Charter, legislation established in 2001 provided the opportunity for regional district service partners to address their changing service needs, renegotiate the terms and conditions of a service arrangement and resolve differences. To date, there have been eleven service reviews initiated throughout the province.

Examples of these reviews include the Central Kootenay Regional District and the Comox-Strathcona Regional District.

Recently, the CKRD completed a review of its West Waste Management service which resulted in a satisfactory outcome.

Examples of these reviews include the Central Kootenay Regional District and the Comox-Strathcona Regional District.

A service review in Comox-Strathcona Regional District resulted in a new cost-sharing formula and other changes to the General Administration service. All of the participants in this service review believed the process was fair and a significant majority considered the ministry’s facilitation assistance important in helping them to reach agreement.

The Mayor of Sayward, Heather Sprout says, “having the ministry as a neutral party, facilitate the service review ensured everyone had the opportunity to provide their point of view and prevented a breakdown in negotiations.”

The regional district is currently in the process of reviewing the water service in the Comox Valley.
ince Jong introduced the prov-
forests Minister Michael de On March 26, provincial
Province Announces Extensive
management and planning.

WORKING FORESTS - DEADLINE EXTENDED FOR COMMENTS

On January 22, 2003 the Ministry of Sustainable Resource Management issued its proposed Working Forest Policy Discussion Paper. The proposal reflects the government’s New Era commitment to “Establish a working forest land base, to provide greater stability for working families, and to enhance long-term forestry management and planning.”

UBCM circulated a Mem-
ber Release on January 24 that provided a summary of the key issues in the discus-sion paper including:
• the four central goals for establishing the working forest;
• how land use plans will provide the detail to determine the range and intensity of forestry use within the working forest;
• information and monitor-
ing to determine trends in how the forest is used; and
• decision making structure.

that has been proposed for administering the working forest.

The proposals are as follows:
• reallocation of 20% of the logging rights from major li-
censees. One-half of that 20% will be made available to First Nations, woodlot owners and communities. The remaining

One half of the 20% will be available for auction. ($200 million has been set aside to compensate the major licen-
tese for the reallocation). Each of these 20% lots will be established based on the prices received from auctioned wood.

The proposal reflects the provincial government’s intent to “discuss further with local governments whether or not all or part of the relatively small area of Crown forest land lo-
cated within municipal boundaries should be in-
cluded in the Working Forest designation.” Once lands are designated as Working Forest the Provi-
cial Forest designations will be rescinded.

UBCM members have consistently sup-
ported the concept of a working forest to provide greater certainty and sta-
Bility for resource commu-
nities, the Communities & Resources Committee re-
quested that the govern-
ment provide more time for comment to ensure UBCM had an opportu-
nity to hear from the mem-
bership. A new deadline for comments was re-
cently announced by the Minister of April 30, 2003. The Committee is in the process of preparing a re-

UBCM had an opportu-
nity to hear from the mem-
bership. The proposal. Please take the time to review the discus-
sion paper at: http:// srmwww.gov.bc.ca/ rmd/workingforest and
forward your comments by fax to the UBCM office by April 15 at 604-270-9116.

Province Announces Extensive Changes to BC Forest Policy

On March 26, provincial forests Minister Michael de Jong introduced the prov-
ince’s “comprehensive forestry revitalization plan” to an audience of industry, community and First Na-
tions representatives. The highlights of the plan are as follows:
• reallocation of 20% of the logging rights from major li-
censees. One-half of that 20% will be made available to First Nations, woodlot owners and communities. The remaining

• change cut control regula-
tions to provide greater flex-
ibility but companies will be restricted from carrying over unharvested volumes to an-
other cut control period. The uncut portion will be auc-
tioned off.

Further details on the forest policy changes can be found in the March 28 issue of In The House.

Provincial森林 will be defined by other existing boundaries such as municipal, private and treaty settlement lands. The paper notes the pro-
vincial government’s intent to “discuss further with local governments whether or not all or part of the relatively small area of Crown forest land located within municipal boundaries should be in-
cluded in the Working Forest designation.” Once lands are designated as Working Forest the Provi-
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forward your comments by fax to the UBCM office by April 15 at 604-270-9116.

UBCM Reviews Energy Policy

At the February meeting, the Executive re-
viewed the new provincial energy plan, En-
ergy for Our Future: A Plan for BC which was released November 25, 2002. The energy plan has four cornerstones:
• Low electricity rates and public ownership of BC Hydro
• Secure, reliable supply
• More private sector opportunities
• Environmental responsibility and no nuclear power sources

The Executive considered the plan with respect to how it responds to UBCM standing policy on energy matters. UBCM’s position considers several aspects of energy policy, from rates and regulation to energy alternatives and long-range planning. The Executive directed that a UBCM response be prepared that ad-
resses UBCM concerns on several issues, including BC Hydro restructuring, the role for local government in the development of independent power projects and reiterates UBCM policy on several matters. The energy policy analysis briefing, the President’s re-

to the Minister and UBCM standing policy on energy can be viewed on www.civicnet.bc.ca, see the energy link under ‘featured policy topics’.

UBCM NEWS MARCH 2003

1.

Enterprise Risk Management

www.kpmg.ca

Risk is an enterprise-wide issue—it has strategic, operational, financial and informational implications.

Understanding risk and making informed decisions in response to uncertainty is fundamental when seeking to build a robust and deliverable business strategy. Improving the performance of your business through a corporate-wide approach to risk management is the essence of Enterprise Risk Management.

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**Member Services**

**Employer Pension Advisory Committee Established**

The UBCM Executive approved the establishment of an Employer Pension Advisory Committee. In December 2002 a survey was distributed to the membership seeking volunteers for the new committee. A number of interested individuals responded to the survey and members of the new committee include:

- From Chief Administrative Officers: Wayne Baldwin, Chief Administrative Officer, City of White Rock; Bob Moncur, City Manager, City of Burnaby; Bill Eccleston, Director of Human Resources, City of New Westminster.
- From Corporate Services and Human Resources: Patrica Roberts, Director of Financial Services/Deputy Clerk, City of Nelson; Bruce McKay, Director of Finance, Regional District of Kootenay Boundary.
- Primary Trustees: Mayor Frank Leonard, First Vice-President, UBCM (Ph: 604.270.8226; Fax: 604.270.9116; Email: info@ubcmnews.bc.ca).
- Alternate Trustees: Richard Taylor, Executive Director, UBCM (Ph: 604.270.8226; Fax: 604.270.9116; Email: info@ubcmnews.bc.ca). Please contact Barbara Ingamells, Manager, Member Services, UBCM (Ph: 604.270.8226; Fax: 604.270.9116; Email: bingamells@civicnet.bc.ca) if you have questions regarding the Employer Pension Advisory Committee.

The survey was well received with 120 out of 182 municipalities and regional districts responding. The results of the survey have been processed and the preferred method of receiving each of the three types of reports UBCM circulates to members - in the House, Member Relations and Member Updates - is by email with attachments. The second preferred method is by fax. The least desirable method receiving a document is by mail, followed by a combination of methods.

It has been UBCM’s practice to post the Annual Report, Minutes, UBCM News and other reports to the website as well as circulating these larger reports by mail to the members.

Based on the survey results, UBCM is endeavoring to accommodate the specific needs of the members. For those that have indicated e-mail attachments as your preference, we are customizing a distribution network to meet that need. For those who prefer faxing, we will establish a fax broadcast for those members. With respect to the larger documents distributed by UBCM such as Annual Reports, Minutes and UBCM News, we will continue to mail these materials.

**Municipal Pension Plan Activities**

You may wish to visit the Municipal Pension Plan (MPP) website (www.pensionbc.ca/municipal/) which provides pensioners, active employees and employers with extensive information regarding the Municipal Pension Plan. Posted to the MPP website, under news, is a letter sent by John Cook, Chair of the Municipal Pension Board of Trustees to the mayors and other employers with special agreements.

For your information, the Municipal Pension Plan (MPP) website is currently undergoing an overhaul with the expected launch of the revised site in 2003.

The Municipal Pension Board of Trustees has approved a policy change to the Municipal Pension Plan rules; however, the actual rule has not been amended yet. The new rule will mean that plan members who terminate employment before earliest retirement age must wait 12 months before they are eligible to access their termination benefits. Also, members are no longer required to cease seniority rights under a collective agreement before accessing retirement benefits. A detailed fact sheet called “Terminating Your Employment” will be available when the amended rule comes into effect.

The Communications Committee of the MPP Board of Trustees has begun organizational work for the 2003 Annual General Meeting. The meeting will be held on Saturday, November 8, 2003 and will follow a format similar to the first AGM that was held in Vancouver in November 2002. Simultaneous broadcasts of the AGM will be held in Victoria, Prince George, Kamloops and Nelson.

The BC Pension Corporation announced the appointment of Gail Stephens as the new Chief Executive Officer effective May 7, 2003. John Mohrrie, the current Executive Director, is retiring the end of April 2003.

Should you have any questions regarding the Municipal Pension Plan, please contact Barbara Ingamells, Manager, Member Services, UBCM (Ph: 604.270.8226; Fax: 604.270.9116; Email: bingamells@civicnet.bc.ca).

**UBCM SURVEYS ONLINE**

For many years UBCM has maintained an extensive database of survey information on the following topics:

- six types of wage, salary or indemnity surveys
- Engineering Fees and Charges
- Planning Fees and Charges
- Animal Control and Recreation Fees and Charges
- Collection and dissemination of this survey information had previously been a very time-consuming, paper-based exercise. UBCM would send members their survey information, request updates and then UBCM would undertake a lengthy process of updating the data and redistributing the surveys to all members.

At present, nine surveys are accessible electronically.

The first six surveys are restricted for Chief Administrative Officer access only (by pass code), while the final three are publicly accessible on the UBCM website. It has been one year since we moved to this new electronic format so it was an opportune time to check with the members on how the new system was working.

A report on the survey results was provided to the Executive in February and a number of key directions are presently being pursued to improve access, presentation, and updating frequency.

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**2003 Net•work•book**

The 2003 Directory is coming soon. This Directory is a comprehensive workbook for those working in local government or who want to know who's who in B.C. local government.

- Municipal and regional district listings of elected officials and senior staff
- provincial government
- federal cabinet and B.C. MPs
- selected provincial agencies and commissions
- other organizations that have ties to local government

Yes! I want to order the updated 2003 Net•work•book. (prepayment required)

**Quantity**

**UBCM MEMBERS RATE**

Net•work•book(s) @ $10.00 per copy $

**GOVERNMENT ORGANIZATION, CROWN CORPORATION, ETC. RATE**

Net•work•book(s) @ $20.00 per copy $

**NON-MEMBERS RATE**

Net•work•book(s) @ $30.00 per copy $

Add 7% GST (Reg. #108150541) $

BC residents add 7.5% PST $

TOTAL $ $

Attention:

Man/RD/Org:

Return to: Union of B.C. Municicipalities, Suite 60 – 10551 Shellbridge Way, Richmond, BC V6X 2W9

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**E-Mail Or Fax – It’s Your Choice**

One of UBCM’s key services is to provide the membership with timely information on matters of local government interest. Over the years our method of providing information has narrowed down to include faxing and now e-mail. In January we conducted a survey of the corporate administrators to determine what members prefer to receive specific types of UBCM reports and circulars. The intent of the survey was to streamline the delivery of information to the membership.

The survey was well received with 120 out of 182 municipalities and regional districts responding. The results of the survey have been processed and the preferred method of receiving each of the three types of reports UBCM circulates to members - in the House, Member Relations and Member Updates - is by email with attachments. The second preferred method is by fax. The least desirable method receiving a document is by mail, followed by a combination of methods.

The survey results were then used to establish a method of receiving each document. A number of interested individuals responded to the survey and members of the new committee include:

- From Chief Administrative Officers: Wayne Baldwin, Chief Administrative Officer, City of White Rock; Bob Moncur, City Manager, City of Burnaby; Bill Eccleston, Director of Human Resources, City of New Westminster.
- From Corporate Services and Human Resources: Patrica Roberts, Director of Financial Services/Deputy Clerk, City of Nelson; Bruce McKay, Director of Finance, Regional District of Kootenay Boundary.
- Primary Trustees: Mayor Frank Leonard, First Vice-President, UBCM (Ph: 604.270.8226; Fax: 604.270.9116; Email: info@ubcmnews.bc.ca).
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Liquor Policy – Community Input Needed

The UBCM continues to pursue the need for broader community input into liquor establishments. Under the new liquor policy local government is provided no opportunity to provide input on:

• Expansion of patron capacity in existing liquor primary establishments, whose current floor plan allows it.
• Addition of drinking only seats in a restaurant (food primary establishment) – 20% of capacity up to a maximum of 40 seats.
• License retail stores – establishment of new liquor stores at existing liquor primary establishments or expansion of existing facilities, especially since the province recently eliminated the 2000 square foot size limitation.

All of these initiatives will increase the availability of liquor in the community. Little consideration will be given to the location of these facilities in the community or what its relationship has been with the neighbourhood it operates in. Local government will not be given the opportunity to comment on the expansion of existing liquor primary establishments; drinking seats in a restaurant, and the addition of new liquor retail stores by existing liquor primary establishments or the size of these establishments. All of these facilities have the potential to create a number of problems in communities and to place increased demands on the financial and police resources in the community. There is a need to establish a decision making framework which gives local government the opportunity to assess the costs and benefits of these expanded liquor facilities through a community lens:

• Will location of these facilities, given their functions, work for the community?
• How many new or expanded facilities are appropriate in one sector of the community?
• Is the expansion appropriate given the area (i.e. school located nearby, etc.)?

The need for a decision making framework which considers the community becomes even more important given the provincial governments intent to remove itself from the liquor store business and leave the future development of it to the private sector, as currently local government has no formal input into the establishment of liquor stores in the province. The new ministry service plan for the Liquor Distribution Branch, which currently operates 223 liquor stores, states that 30 to 40 liquor stores will be closed each year.

The province has not clearly indicated what liquor primary establishments, whose current footprint allow it;

• Addition of drinking only seats in a restaurant (food primary establishment)
• License retail stores – establishment of new liquor stores at existing liquor primary establishments or expansion of existing facilities, especially since the province recently eliminated the 2000 square foot size limitation.

The Keep of Prisoners program and the reduction of the cost of the program by 50% over two years – reduce the budget from approximately $45 million to $23.5 million in 2002-03 and then to $26.6 million by 2003-04. Based on the budget provided in 2002, the ministry determined that a 39% reduction in the money paid to local government for the keep of prisoners was required and a financial allocation was established for each municipal jail based on its average costs over the past eight years. The ministry implemented the changes in force on uniform costs in April of 2002 and continued discussions with the RCMP, who manage the prisoners in the 55 RCMP jurisdictions, but the RCMP policed jurisdictions were not contacted to tell them what the financial implications of this change might be.

A survey of local government affected by provincial changes to the Keep of Prisoner program identified the following general concerns:

1. Downloading of prisoner costs – no notification of the financial implications of changes to the program until November 2002.
2. Lack of consultation about management of the prisoners.
3. Lack of accountability regarding the cost of prisoners.
4. Lack of cost reduction measures related to the program as suggested earlier by the Minister.

The Minister for Public Safety and Solicitor General has indicated that the province is moving from a per diem reimbursement rate for all provincial prisoners to an hourly or per day reimbursement rate for all provincial prisoners once the information is available. The ministry at the present time does not have an accurate assessment of the number of provincial prisoners, the time they spent in municipal jails or the cost of these prisoners as there is:

• No standard method of counting prisoners around the province;
• No formal notice was provided to the local governments that were providing the service that the ministry was no longer going to pay for the delivery of criminal documents until February 2003. The decision to no longer provide funding for this service and to require that local police services have to continue to deliver the court documents will mean that local governments will have to pick up these added costs.

UBCM has written to the Attorney General and the Solicitor General protesting the downloading of the costs of delivering criminal documents on to local government and is undertaking a survey to assess the financial implications of this decision on local government.

Staples McDannold Stewart ...
POLICE COSTS – PROVINCE AGREES TO PROVIDE MORE TIME FOR CONSULTATION

The provincial government has agreed that policing costs will not be imposed on small communities and rural areas in 2003.

On learning in December that the government was considering moving ahead in 2003 to impose upwards of $50 million in police costs on the small communities the UBCM Police Costs Task Force and the President quickly mobilized and developed a multi-pronged Action Plan. That plan involved contacting the Premier and all MLAs, small communities and regional districts, and responding by also contacting government and among the points they made were:

• lack of meaningful information had made it impossible for many local governments to respond,
• unilateral imposition of police costs could increase strain on the relations between the provincial government and small communities and rural areas,
• impact on small community protection grants -could quite well be wiped out by the increased police costs,
• the downloading of a huge cost on a small number of taxpayers.

The Action Plan also asked for support from the larger municipalities on the grounds that a fundamental principle about adequate consultation had not been met.

Local governments of all sizes are to be congratulated for standing together on this issue.

Both the Premier and the Solicitor General have stated that “the provincial government will not be introducing a new formula in 2003 for the police services in municipalities with less than 5,000 population and unincorporated areas. We will be pursuing legislative changes to facilitate the future implementation of a new financing arrangement. We cannot provide you with more specific information at this time, but will be in consultation with affected jurisdictions. The consultation process will enable us to examine anticipated new tax increases and mitigation criteria and mechanisms for your jurisdiction, and to address any other concerns you may have.”

The UBCM is very aware that this issue has not gone away and has expressed a willingness to work on the issue in cooperation with the provincial government, pointing out that we do not want a repeat of last year’s delays and lack of information.

The UBCM Executive is arranging a meeting with the assistance of the Minister of Community, Aboriginal and Women’s Services, with the Premier, Solicitor General and Minister of Finance to discuss the police cost issue.

The UBCM has requested that the provincial government provide it with the information needed for local government to consider any provincial proposals under consideration and to allow UBCM/local government to develop workable solutions to address this issue based on the following framework:

• Principles-provincial/local government ability to pay, equity cost burden.
• Respect ability for local government solutions that adhere to the principles.
• Process – established timelines; work plans; and rules of engagement.
• Objectives--accept that everybody will pay something, and that a phase in costs and/or mitigation will be needed.

Further information will be forth coming once the meetings with government have occurred.

Local Government Bulwark Tribunal

The Ministry of Attorney General is expected to introduce legislation this spring which will allow local governments to establish bylaw tribunals. Consultations have been underway with bylaw enforcement officers, municipal lawyers and administrators and others to refine the details and work out the remaining issues.

The proposed model is intended to create a simple, fair, cost-effective system for dealing with minor bylaw infractions. The model would meet this goal in BC:

• avoiding unnecessary attendance of witnesses; eliminating the need to hire a 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 handling of disputes of minor bylaw breaches, such as parking, dog licensing, minor zoning matters and other issues that currently incur a relatively small fine. Concerns have been expressed that the legality of this new system might be challenged and UBCM will be seeking assurance from the Attorney General that they will help defend any such challenge.

In a related development, local governments with new powers under the Community Charter, would be able to expand the range of bylaw offences that may be ticketed and determine the fines for those offences.

Once the new legislation is passed it is expected that a number of pilot projects will be established across the province to develop model bylaws required to implement the new process and to put together a best practices guide to assist in the programs implementation.

Keep of Prisoners

Continued from page 9

No standard method of operating local jails, and RCMP policy of counting prisoners once a day at 9 a.m. had distorted existing information on the type of prisoner and allocation of costs under the previous program.

The purpose of the new system is to control costs more effectively and to ensure accountability for the charges paid.

Both the ministry and the RCMP indicate that the arrangements needed to begin to implement the new provincial keep of prisoner will be complete by the end of March. The province with this information will be able to make payments under the Keep of Prisoner program on a quarterly basis to local governments to operate a local jail. The Ministry of Community, Aboriginal and Women’s Services, with the Premier, Solicitor General and RCMP to discuss technical details concerning the management and payment for the keep of prisoners in local jails.

The UBCM will also assist the Ministry of Community, Aboriginal and Women’s Services, with the Premier, Solicitor General and RCMP to discuss Keep of Prisoners issues. The UBCM will then organize a meeting with the Solicitor General to discuss the Keep of Prisoner Program and if it is decided that the RCMP has the ability to house such prisoners “and if asked to house such prisoners could refuse.”

Conclusion

The UBCM Executive’s basic position is that the Ministry of Public Safety and Solicitor General should agree to commit to a compensation rate that relates to the actual cost of keeping a prisoner in a local jail. The UBCM has expressed a willingness to work on this issue on both the administrative and political level. The UBCM will facilitate the negotiation of a standard agreement on Keep of Prisoners with the province and to continue to meet with the Ministry of Public Safety and Solicitor General and RCMP to discuss technical details concerning the management and payment for the keep of prisoners in local jails.

Legal Review

The UBCM has a legal review of the issue and it indicated that the funding for the maintenance of local prisoners was determined by cabinet and it had the right to set the rate and to change it unilaterally.

The issue of whether or not a local government has to provide maintenance for provincial prisoners (prisoners arrested out of municipal boundaries) is not as clear and may provide a framework for future discussions on this issue. A local government, as suggested in the legal opinion, “does not have a statutory duty to house prisoners arrested out of their jurisdiction and transported to a jail within their jurisdiction or or transferred from an out of jurisdiction jail to a local government jail.”

The local government “need not provide the jail facilities for prisoners” and if “asked to house such prisoners could refuse.”
environment Canada has indicated that it intends to list the three new substances—ammonia, inorganic chloramines and chlorinated wastewater under the Canadian Environmental Protection Act (CEPA 1999) List of Toxic Substances. The Notice will be published in the Canada Gazette, Part I before June 23, 2003. Following the publication, local governments will have 60-days to comment.

The affect of placing these three substances on the List of Toxic Substances is that the federal government is required to introduce a regulatory framework for the future use of chlorine, inorganic chloramines, and ammonium in sewage treatment facilities. As a first step to combating the discharge of these substances to the environment, Environment Canada is proposing a pollution prevention planning approach, as defined under CEPA 1999.

The UBCM has written Environment Canada and requested that the following local government concerns be addressed before new substances are identified for inclusion in the List of Toxic Substances:

• federal/provincial harmonization;
• overlap of regulatory requirements between different levels of government;
• recognition of existing pollution prevention plans in British Columbia;
• need for new federal financial arrangements to cover the regulatory costs of upgrading plans and treatment facilities to meet new requirements.

The UBCM has suggested that Environment Canada work within the existing regulatory framework in British Columbia as pollution prevention plans already exist and provide a regulatory framework for the management of these toxic substances.

We indicated that a coordinated process is required on this issue as local government cannot afford to change the operation of sewage treatment facilities each time a new toxic substance is identified at the federal level.

**Why does British Columbia need a Species at Risk Strategy?**

The identification, protection and recovery of species and ecosystems at risk are complex and pressing issues for British Columbia. In 2001, of the 3,320 plant and animal species assessed by the BC Conservation Data Centre, 361 plants and animals and 179 plant communities are ranked as threatened or endangered (red listed). An additional 482 species are considered vulnerable (blue listed). Of these species, 131 are nationally listed as Endangered, En-dangered, Threatened or Special Concern by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC).

The British Columbia government is second only to Ontario in terms of the percentage of nationally listed species at risk that occur within our borders.

The British Columbia Government Strategic Plan (2002-2005) includes a species at risk indicator to measure progress in achieving the sustainable use of natural resources. The target is to reduce the percentage of known native species in the province that are threatened or endangered (from the year 2000 baseline of 14.5%) to 10% by 2020. This target is based on the species at risk indicator.

The federal Species at Risk Act (SARA) is expected to be proclaimed in the fall of 2003. SARA includes “safety nets” to provide for biodiversity conservation and recovery of species at risk and their habitats, as well as the control of exotic species. The Species at Risk Act (SARA) includes “safety net” provisions that enable the federal government to assume responsibility for ensuring the protection and recovery of federally designated species normally under provincial jurisdiction. The federal minister is of the opinion that the laws of the province do not adequately protect the species. This potential federal intervention could create considerable uncertainty for land use planning, management of provincial Crown lands and even private land development. The Commission for Environmental Cooperation under NAFTA (North American Free Trade Agreement) is committed to responding to the public’s concern on environmental issues and has conducted a number of reviews of the application of the federal Fisheries Act in British Columbian communities.

An effective Species at Risk Strategy will assist in responding to future legal challenges such as injunctions granted to the Sierra Legal Defence Fund to halt logging on critical Sparrow-Chick habitat; and, forest management plans that mandate protection and recovery of species at risk and their habitats. This might include the control of exotic species. The SARA specifies that sustainable forest management plans must address identification and protection of rare, threatened and endangered species and ecosystems.

The majority of species at risk in British Columbia occur in regions such as the Okanagan, the Lower Mainland, and southern Vancouver Island. The species that occur in the Okanagan, the Lower Mainland, and southern Vancouver Island, where most of the land base is privately owned, and under the jurisdiction of municipal or provincial governments. In other areas of the province, private forest, forest, and agricultural lands can provide important habitat for species and ecosystems at risk. Incentive programs and stewardship and partnerships agreements are needed to encourage voluntary protection of ecosystems and habitat for species at risk by private landowners.

The province is also working to establish a Species at Risk Interdepartmental Committee made up of representatives from the Ministries of Water, Land and Air Protection, Agriculture, Food and Fisheries, Sustainable Resource Management, Community, Aboriginal and Women’s Services, Environment and Energy, Forests, Recreation, Science and Technology, Transportation and Industry, and Parks Canada. The UBCM has agreed to monitor this process and engage in discussions where local government interests are affected.

**What is Canada’s Approach?**

The Government of Canada ratified the Kyoto Protocol on December 17, 2002. The federal government has stated that the approach adopted by it recognizes:

• a made-in-Canada approach based on collaboration, partnerships and respect for jurisdictions;
• no region bearing an unreasonable burden;
• taking a step-by-step approach that is transparent and evergreen;
• minimizing mitigation costs while maximizing economic opportunities;
• promoting innovations; and,
• limiting uncertainties and risks.

The Plan sets out a three-step approach for achieving Canada’s climate change commitment of reducing annual greenhouse gas emissions by 240 megatons by 2012.

• Emissions reductions up to 2010 – achieved through a combination of national and international credits;
• Current and potential actions to reduce (60 MT) – measures to increase energy efficiency-computers, appliances, increased fuel efficiency in motor vehicles, retrofit older homes, R2000 standard in new homes, community level action.

The Plan proposes five key instruments to meet the identified objective:

• Emissions reduction targets for large industrial emitters established through covenants with a regulatory or financial backstop that would create an incentive for shifting to lower-emissions technologies and energy sources, while providing flexibility for the emitters through emissions trading and access to domestic offsets and international permits.
• Partnership Fund that will cost-share emissions reductions in collaboration with provincial and territorial governments, as well as local governments.
• Aboriginal communities, non-governmental organizations and the private sector.
• Strategic Infrastructure investments in innovative climate change proposals such as urban transit projects, intermodal transportation facilities and a CO2 pipeline.

• Coordinated innovation strategy.
• Targeted measures including information, incentives, regulations and tax measures.

The industry sectors affected by the federal greenhouse gas policy and where agreements will need to be reached are: thermal electricity, oil & gas, mining, pulp and paper, chemicals, iron and steel, smelting and refining, cement and lime, and glass.

The British Columbia government in the 2003 Budget has indicated that it is “developing a made-in-BC plan for meeting its targets for reductions in greenhouse gas emissions” and that the plan will be released later in 2003.

Local governments will be expected to take further action to encourage alternative forms of transportati, curb urban sprawl, protect and enhance urban green space, use renewable forms of energy and undertake energy efficiency retrofits on buildings. The federal government will continue to provide support for these activities through the Green Municipal Funds (Green Municipal Enabling Fund and Green Municipal Investment Fund), Climate Change Action Fund.
Local Considerations in IPP Development

Independent power production - the new kid on the energy block

The province’s energy plan, released in November 2002, “Energy for Our Future: A Plan for BC” indicated that all new energy production would be from independent power sources. The plan also established a goal that 50% of all new power sources be provided by “green” sources, such as micro-hydro, wind, solar, wave, geothermal, among others. The Communities and Resources Committee recognizes there is a need for local governments to increase their knowledge to best manage the issues that arise in the development of independent power projects (IPPs) within their jurisdictions. The Committee invited Jane Newlands of SJN Communications to their recent meeting to discuss the issues local governments are facing in the planning and approval processes for independent power projects (IPPs) and ways to ensure community interests are appropriately addressed. At present the Squamish Lil’oost RD and nearby Regional Districts, due to favourable terrain, are experiencing immediate high interest in IPP development, as indicated by the number of watercourse leases that have been submitted to the province. Ms. Newlands has been working with the Squamish Lil’oost RD to develop awareness and policy around the issues in IPP development. Issues to be managed at the local level include siting and zoning, managing project impacts, assessing cumulative impacts, assuring community benefit, and participating with the province on project reviews. Activities the Squamish Lil’oost RD has been involved in to improve the process of development of IPPs in the region include:

- Development of an MOU with Land and Water BC to articulate roles, responsibilities, process and expectations of the parties in the review process.
- Agreements with BC Hydro on power line development and system expansion to increase awareness of the cumulative impacts that could occur in the region.
- Planning Initiatives. The SLRD is actively participating in development of the area LRMP and on the energy subcommittee. It is working with LWBC to improve the coordination of reviews of applications at the local and seniors levels. Locally it is working to designate ‘scenic value areas’ in the OCP that have visual quality criteria for development.
- Power Line Development - establishing clear requirements for the siting, design and visual impacts of proposed lines. Power lines and extensions to BC Hydro lines have emerged as the most sensitive issue in the area.
- Articulating Community Benefit - negotiating agreements for one time community benefit and annual community amenity agreements are assisting with the delivery of tangible community benefit from IPP production.

The SLRD is working to articulate its expectations for benefit and the benchmarks set there may set some precedent for IPPs province-wide.

- Public Consultation Guidelines - guidelines for one-hearing public consultation assist the SLRD and the developer in more efficient approval processes.
- Improved Communication and Access to Information - the SLRD is looking to post its IPP development information, projects and status on its webpage with updates in the RD newsletter.

This is a very brief synopsis of the very comprehensive discussion led by Ms. Newlands, provided to assist you in scoping the issues you might be facing. More information from this presentation, including powerpoint overview and hand-outs can be downloaded from the SLRD website.

Continued on page 22
The UBCM has sponsored seminars for newly elected local government officials for many years with the 2003 seminars being the 19th series to be offered. Returning as program chair was Allison Habkirk, former councillor and now mayor of the District of Central Saanich.

The 2003 series included five seminars offered in Nanaimo, Richmond (3) and Penticton. Each of the seminars catered to a specific sub-group of newly elected officials:

1. Richmond Communities over 10,000 population
2. Nanaimo AVICC members
3. Richmond Electoral Area Directors
4. Penticton OMMA/AKBM members
5. Richmond Communities under 10,000 population

The seminars commenced on a Wednesday or Thursday evening and closed on the following Friday or Saturday afternoon. Each seminar program included 13 sessions with 18 or more presenters. (see next page for a complete list of presenters).

Evaluation ratings for the seminar continue to be good-excellent (4.1 – 4.6). By an overwhelming majority participants rated the seminars good to excellent (4.0 – 5.0), as follows:

Seminar #1 91% 4.1 overall rating
Seminar #2 92% 4.3
RD 100% 4.6
Seminar #3 94% 4.4
Seminar #4 90% 4.4

Many helpful comments made in the evaluations will improve the sessions even more resulting in some 39 recommendations for future sessions.

UBCM gratefully acknowledges the contribution of the following mayors, councillors and directors who contributed to the small group discussion:

January 16 – Richmond – Large Urban
Marvin Hunt Pat Wallace
Don MacLean Frank Leonard
Corinne Lonsdale

January 23 – Nanaimo – AVICC
Mary Ashley Elaine Hamilton
Bea Holland Pat Wallace
Ken McRae Tom Krall
Nicola Wade

January 30 – Richmond – Regional Districts
Aaron Dinwoodie Robert Hobson
Susan Gimse Jim Abram
Pat Wallace John Ranta

February 6 – Penticton – OMMA/AKBM
Ida Makaro Hans Cunningham
Aaron Dinwoodie Ron Cannan
Robert Hobson Brenda Binnie
Pat Wallace

February 14 – Richmond – small communities
Aaron Dinwoodie Susan Gimse
Pat Wallace Frank Leonard
Corinne Lonsdale

UBCM NEWS MARCH 2003
UBCM President Patricia Wallace (centre) attended all five seminars, outlined the role and current issues facing UBCM and met with the delegates. On her right is the Honourable George Abbott, Minister of Community, Aboriginal and Women’s Services and on her left is UBCM First Vice President Mayor Frank Leonard (also Chair of the Municipal Finance Authority). Both the MFA and MCAWS were major financial sponsors of the seminar series along with BC Gas.

Volunteer participation by seasoned professionals and elected officials is a strength of the seminars. City of Nanaimo CAO Jerry Berry (right) and Al Kenning, Deputy City Manager, were among the many knowledgeable presenters (see presenters and mentors list).

A new approach to the subject of "Councilland and staff relations" and "The Effective Team" saw mayors, chairs and CAO's duos present their thoughts—one of which was Mayor Barbara Sharp and City Manager Ken Tolstom of the City of North Vancouver.

The opportunity to network with other elected officials was an important part of the seminars—as it is at most UBCM functions.

Over 500 elected officials attended the 2003 seminar series, including 44 mayors, 384 councillors and 76 electoral area directors. Of those attending, 487 were newly elected—just over 90% of the newly elected from around the province. Of the 154 municipalities and 28 regional districts, representatives of 126 attended.

UBCM NEWS MARCH 2003

Presenters

The Mayor’s Welcome
Mayor Gary Korpan, City of Nanaimo
Mayor Malcolm Brodie, City of Richmond
Mayor David Perry, City of Penticton

Presentations and Resource Assistance
The Honourable George Abbott, Minister of Community, Aboriginal and Women’s Services
Councillor Pat Wallace, Kamloops, UBCM President
Mayor Frank Leonard, Saanich, UBCM First Vice-President
Chair Hana Cunningham, Central Kootenay RD, UBCM Past President
Mayor Barbora Sharp, North Vancouver City
Former Mayor Julia MacDonald, City of Nanaimo
Chair Robert Hobson, Central Okanagan RD, UBCM Executive
Mayor Walter Gray, Kelowna
Former Mayor Bruce Milne, Sechelt
Councillor Marvin Hunt, Surrey, UBCM Executive
Mayor Don MacLean, Pitt Meadows, UBCM Executive
Councillor Mary Ashley, Campbell River, UBCM Executive
Director Aaron D’Irwood, Central Okanagan RD, UBCM Second Vice-President
Director Susan Gimse, Squamish-Lillooet RD, UBCM Executive

The Municipal Lawyers
Peter Kenward, McCarthy Tétrault
Ray Young, Lidstone, Young
Grant Anderson, Lidstone, Young
Guy McDonnell, Staples McDonnell Stewart
Colin Stewart, Staples McDonnell Stewart
Michael Woodward, Woodward Walker
Sandra Carter, Bull, Housner & Tupper
Brian Taylor, Bull, Housner & Tupper
Michael McAllister, Mundy McAllister
Steve Berra, Executive Director, Municipal Finance Authority
Shelley Hahn, MFA
Paul Patterson, UBC Associate
Director of Public Affairs
Dale Wall, Assistant Deputy Minister, Community, Aboriginal and Women’s Services
Gary Paget, MCAWS
John Mooren, Lobbyist
Jerry Berry, City Manager, Nanaimo
Al Kenning, Deputy City Manager, GM Corporate Services, Nanaimo
Gerald Kingston, Administrator, Fraser Valley Regional District
Tom Machmer, Director of Finance, Fraser Valley Regional District
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Health Committee Meets with Hon. Katherine Whittred

On February 28th, 2003, the UBCM Health Committee met with the Hon. Katherine Whittred, Minister of State for Immediate, Long Term and Home Care. The Committee was pleased to be able to spend more than an hour with the Minister and her staff to discuss a number of issues within the Minister’s portfolio. The Committee asked the Minister to comment on the provisions on Bill 73, the new Community Care and Assisted Living Act, and how it differs from the previous Bill 16. The Minister discussed the changes made to accommodate the new Assisted Living projects and to provide a registration process for these. The Committee was also interested to hear about the provisions to develop the registration framework and received assurances that local governments would be included in the consultation process. The inclusion of a registration process is certainly a positive improvement from the previous scheme. Local governments will have to wait for the regulations to be developed to get a better picture of the effectiveness of the new process and whether it will address local concerns.

The Minister also clarified that depending on the level of services involved, drug and alcohol recovery centres would be registered and a special licensing category could be created under the new legislation. Other matters pursued by the Committee included concerns about the lack of coverage of Assisted Living tenants under the Residential Tenancy Act (the Housing Policy Branch of MCAWS is heading up an interdepartmental committee to address the problem), the allocation by level of care of the New Era commitment for 5,000 new intermediate and long-term care beds; the payment schedule for long-term care and the relationship to disabled benefits from the Ministry of Human Resources, and the status of new federal funding relative to health care and palliative care initiatives.

UBCM to Partner in BC Chronic Disease Prevention Alliance

The Ministry of Health Planning has a mandate to promote a prevention/wellness agenda, apart from the traditional acute disease/primary care model of the Ministry of Health Services. This prevention/wellness agenda seems to be gaining more credibility with the federal and provincial governments as a worthwhile long-term investment in the well-being of citizens. It is also receiving more attention in terms of programming and possible funding under the new federal-provincial Health Accord and federal budget. There will be more information forthcoming this spring about the national Health Living Strategy.

Health

The Chronic Disease Prevention Alliance of Canada (C-DPAC) was constituted in 2001 to strengthen linkages among established, new, and emerging chronic disease prevention initiatives in Canada. The Alliance brings together the key players in government, health-sector, non-government organizations (NGOs) and the private sector to work together under a population health framework to jointly advocate for various healthy living programs and policies. It was found that these organizations had common experience and complementary mandates and were stronger and more effective when they worked together on health promotion concerns. The Federation of Canadian Municipalities (FCM) is a participant in this national initiative.

Several provincial branches of CDPAC have been started, and BC has recently created a counterpart organization, the BC Chronic Disease Prevention Alliance. UBCM was invited to participate as a member of the Coordinating Committee, and at its February meeting the Executive agreed to accept this invitation to represent local governments within this group. This initiative brings together staff from the Ministry of Health Planning, health authorities, and Health Canada as well as NGOs such as the Heart and Stroke Foundation, the Canadian Diabetes Association, the Dietitians of Canada, the Canadian Cancer Society, the Public Health Association and the BC Parks and Recreation Association to provide leadership and enhance collaborative action among government, non-government and private sector organizations; advocating for health promoting policies, environments, programs and services; and increasing the capacity of communities to create and sustain health promoting policies, environments, programs and services.

Relevance to Local Government

Many local governments in BC have been supporters of the Healthy Communities philosophy which advocates a role for local government and community generally in contributing to our own health and wellness. The traditional local government role is that of a community leader. Local governments have also played an important role by supporting healthy programs and policies such as physical fitness, safe playgrounds, seniors and youth programming, safe community planning, environmental stewardship, clean drinking water and clean air, and falls prevention, to name a few.

Local governments in BC have won awards for their work in this area including the City of Richmond for its Corporate Wellness program and the City of Surrey for its active city program. In October 2002, UBCM itself was given an Award of Merit by the Public Health Association of BC.

Primary Goal

The Alliance’s Terms of Reference indicate that the primary goal will be to reduce the burden of chronic disease in BC by:
- enhancing collaboration among government, non-government and private sector organizations;
- advocating for health promoting policies, environments, programs and services; and
- increasing the capacity of communities to create and sustain health promoting policies, environmental, programs and services.

Regional Hospital District Study Update

As reported in the December, 2002 edition of the UBCM News, at UBCM’s urging the Ministry of Health Services has commissioned a review of the role of Regional Hospital Districts (RHDs) and the cost sharing processes among the Ministry, the regional health authorities, and the RHDs. The study is being supervised by a Steering Committee comprised of members of each of the involved sectors, and includes representatives from UBCM. Since December, the Steering Committee agreed to Terms of Reference for itself and for the

Continued on page 18

Developing options.

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Convention
2003

Survey on Convention
Forum Day

Tuesday, historically a ‘Forum day’ preceding the full
business sessions, has included:
• small talk session (oriented to communities under
  5,000 population);
• large urban forum; and
• In the Director’s Chair (for electoral area direc-
tors).
In response to some suggestions about serving the
interests of ‘medium sized’ municipalities, rural mu-
unicipalities and rural areas, the Convention Commit-
tee has directed that a survey be undertaken of UBCM
members to find out what you really want in these
sessions. Look for the survey coming to you in the near
future.

Kelowna – Site of the
2004 UBCM Convention

The 2004 UBCM Convention will be held September
21-24, 2004 in Kelowna, BC. This is the first time the
convention has been held in Kelowna since 1959.
Following a recent site visit, UBCM is working with
the City of Kelowna to finalize hotel room rates and
allocations. Look for accommodation reservation in-
formation in the near future.

2003 Convention Theme:
Connecting Communities

This year marks the 100th Annual General meeting of the
Union of BC Municipalities. Local governments have
met together 100 times since UBCM was first estab-
lished. Local governments have met each and every
year because of a need and a compelling reason. The
reason is the same as stated by the UBCM President in
1906 – “Let us speak with one concerted voice…. ”.
The UBCM Convention connects communities in
at least three ways. First, UBCM is about communities
connecting with others and then speaking with one
common voice on common concerns.
Second, the convention is also about communities
connecting with one another, sharing experiences and
growing stronger from those connections.
Third, the convention is an opportunity for com-
munities to connect with other levels of government,
particularly the provincial government through their
significant participation and presence.
This year’s convention will celebrate what UBCM
has achieved in its past 100 annual general meetings.
We will look at what we have achieved, how we
achieved it; and we will reflect on the successes of a
common front. Based on our 10 decades of experience,
we will look to setting the foundations for the next 100
AGMs that connect all the communities of British
Columbia.

Convention Planning Begins

100th UBCM Annual General Meeting

The UBCM Convention Committee is hard at
work planning for the 2003 UBCM, which will be our 100th AGM. (This is not our
100th anniversary but is the 100th AGM). The Commit-
tee has established the theme, “Connecting Commu-
nities” established the broad time frames, approved
the basic content for the Partners program, reviewed
the delegate evaluations from the 2002 Convention
and directed many improvements. For instance:
• eliminate ticketing and replace with an enhanced
  name tag that will show all the extra functions that
  the delegate is registered for
• include the evaluation forms in the delegate’s kits.
• Expand “pocket program”
The Executive has also confirmed that UBCM will
maintain the existing policy for inviting provincial
leaders as speakers to the convention.

Want to meet local government decision-makers and purchasers?

municipal
to market
place

at the 100th Annual UBCM Convention

September 24th and 25th, 2003

Vancouver Convention & Exhibition Centre

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exposure to local government decision-makers and purchasers. The Municipal
Marketplace TradeShow & Exhibition only happens every two years and already 70% of
the 2003 booth space is sold. Book your space now before it is too late!

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Lemaire & Co. Event Management at 604-730-0535

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you would like to see on the tradeshow floor! Send leads to UBCM: ubcm@civicsnet.bc.ca or fax 604.270.9116

UBCM Convention
September 23-26, 2003

Vancouver Convention and
Exhibition Centre

Pre-convention Study Tours and Study
Sessions
Monday, September 22nd

Forum Day
Tuesday, September 23rd

Orientation Session for New Delegates
Tuesday, September 23rd, 4:00 – 5:00 p.m.

Welcome Session
Tuesday, September 23rd, (evening)

Business Sessions
Wednesday, September 24th to Friday, Sep-
ember 26th ( Noon)

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COMMUNITY TO COMMUNITY FORUM DELIVERS POSITIVE MESSAGE

Over 150 representatives from First Nations and local governments gathered in Vancouver on March 14, 2003 for the third province-wide Community to Community Forum. Also in attendance were representatives from the federal and provincial government, the BC Treaty Commission and two provincial ministers bringing the total attendance to 170 people. Jointly organized by the First Nations Summit (FNS) and UBCM, the event had the highest attendance and approval rating of any conference of this kind so far.

Event Co-chair Aaron Dinwoodie, UBCM’s second Vice-President, remarked that the growing interest shows the importance people continue to put on dialogue as a means of understanding each other better, resolving differences and working together for the benefit of their respective communities.

The conference theme “Resolving Conflict and Pursuing Joint Opportunities” was highlighted in presentations by First Nations and local government leaders. Three Chiefs and three Mayors from neighbouring communities spoke about their work to improve their relationship and the challenges and successes encountered along the way.

Minister of Community, Aboriginal and Women’s Services, the Hon. George Abbott, also addressed conference participants, encouraged them in their efforts and joined in the small group discussions throughout the day. Minister of State for the Community Charter, the Hon. Ted Nebbeling, also participated in the conference and UBCM President Patricia Wallace thanked him for all his work resulting in the introduction of the Community Charter in the provincial legislature earlier in the week. President Wallace and Lydal Hvitson of the First Nations Summit Task Group emphasized the commitment of their respective organizations to the 2001 Protocol on Cooperation and Communication, from which the Community to Community Forum program is a tangible result.

Participants broke into small groups to engage in discussions on resolving disputes using a fictional scenario as a starting point. Comments provided on conference evaluation forms reveal that the majority of participants felt they had gained ideas that will assist them in improving communications and cooperation between their governments back home.

The first Community to Community Forum bringing together elected leaders from First Nations and local governments around the province was held in 1997 and a second in 2001. All three events have had the same three general objectives:

1. To educate and inform one another;
2. To provide a forum for dialogue on issues of mutual interest and concern;
3. To strengthen relationships to foster future cooperative action.

The UBCM and the FNS thank the following sponsors for their funding contributions which made the event possible: Indian and Northern Affairs Canada (BC Region), the Ministry of Community Aboriginal and Women’s Issues, the Municipal Finance Authority and the Province of Canada (Aboriginal Banking Division).

POST-HAIDA DECISION UPDATE

In the December 2002 issue of UBCM News, we reported on the legal opinion provided to UBCM on the implications for local governments of the BC Court of Appeal decision in the Haida case.

“Since the decision was delivered, some of our members have advised us that they are receiving correspondence from neighboring First Nation governments articulating their expectations for consultation by local governments on a range of issues, mostly related to land development. Most of these letters refer directly to the Haida decision and do not differentiate between consultation on decisions pertaining to Crown land versus private land, nor between local government and provincial and federal Crown.”

The legal opinion prepared for UBCM explains that the Crown has the primary duty to consult where there is a possible infringement of an aboriginal right and our role as local government, where Crown land is involved, is to oversee the Crown. “The Haida decision should not significantly affect how local governments do business, except where they regulate or seek to acquire rights to Crown lands or resources. In those situations, a local government should consider whether First Nations rights may be affected, and if so, what degree of consultation and accommodation by the Crown has been undertaken. The failure to do so may make local governments receiving rights to Crown lands and resources constructive trustees as a result of the Crown’s fiduciary obligations to First Nations.”

TAC WEBSITE LAUNCHED

Early March, UBCM launched a new website for Treaty Advisory Committees (TACs) to facilitate communication among local governments on treaty matters. This communication is particularly important at a time when some of the lead treaty tables are expected to conclude Agreement in Principle (AIP) by early to mid 2003 and others by the end of 2003/early 2004.

It is intended that this website will allow members of the seventeen TACs and their support staff to share their interests and concerns about both substantive treaty issues and process issues. TACs will also benefit from this site by learning more about issues arising at other treaty tables in the province and the approaches taken by the three Principals in negotiations (Government of Canada, Government of BC and First Nations).

Key objectives for the website are:

- Increased and expedited communications and information sharing among TACs.
- More effective definition and representation of local government interests at treaty tables; and
- Helping to ensure that from one treaty table and one draft AIP to another, local government interests in land, intergovernmental relations and other key issues are being addressed consistently.

The site has three main components:

- TAC NEWS;
- TAC REPORTS; and
- TAC RESOURCES.

We encourage all TACs to contribute to the site and highlight the valuable work they are doing to advance local governments’ interests in treaty matters. This communication is particularly important at a time when some of the lead treaty tables are expected to conclude Agreement in Principle (AIP) by early to mid 2003 and others by the end of 2003/early 2004.

What is an information ‘navigator’? It is the only way to make sure that your website is easily navigable, effective and user-friendly. An Information Navigator puts the controls in the user’s hands. Key objectives for the website are:

1. To provide a forum for dialogue on issues of mutual interest and concern;
2. To strengthen relationships to foster future cooperative action.

The UBCM and the FNS thank the following sponsors for their funding contributions which made the event possible: Indian and Northern Affairs Canada (BC Region), the Ministry of Community Aboriginal and Women’s Issues, the Municipal Finance Authority and the Province of Canada (Aboriginal Banking Division).
NEW PROVINCIAL POLICY DIRECTION ON TREATY ISSUES

Information on provincial policy direction changes was provided at an open Cabinet meeting on November 22, 2002 by the Minister Responsible for Treaty Negotiations, Geoff Plant. At the meeting, he indicated that the province was moving in their new direction in their approach to certainty, self-government and economic development. The information below is based on the Minister’s presentation as well as information obtained from the provincial Treaty Negotiators’ Agreement Achieved (TAAs) and the UBCM’s response made by the previous TAs that will eventually become part of constitutionally protected final treaties, the province favours the Nisga’a’s “modification” of rights model, but without release of rights for self-government agreements, which are not part of AIP’s and would not be constitutionally protected, the province is willing to accept a “non-assertion of Aboriginal rights” model.

Economic Development

In his remarks at the open Cabinet meeting, Minister Plant stated that government requires treaty arrangements that will allow for the province to come up with an arrangement that allows Aboriginal governments to grow and evolve – flexibility is key to good government. The province states that it wants to develop an approach to self-government that ensures Aboriginal communities can work well and практически with their neighbouring local governments.

Aboriginal Self-Government

This issue was of course the keystone in the province’s treaty referendum last year. The Minister states that the “challenge” to come up with an arrangement that allows Aboriginal governments to grow and evolve – flexibility is key to good government. The province states that it wants to develop an approach to self-government that ensures Aboriginal communities can work well and practically with their neighbouring local governments.

TAC Website

Continued from page 17

Message Board

This “message board” or electronic bulletin board allows members to communicate with other members on areas of interest or concern. An e-mail address is required to use this service.

Library

Information provided by TACs around the province is posted here. Items provided by the previous TACs and those from treaty tables in the same area, such as draft chapters and negotiation updates.

UBCM TAC updates

UBCM provides regular update bulletins to TACs across the province on Aboriginal Affairs. These will continue to be sent electronically to all TAC administrators and posted on the website. TAC members can enter their e-mail address if they would like to receive this update directly by e-mail (PDF for now) from UBCM.

Access to this site is limited to TAC members and their support staff through a confidentiality log in and password. Please contact Alison McNeil in the UBCM office if you would like more information (amcneil@ubcm.net).

TREATY NEGOTIATIONS UPDATE

Five treaty tables are working towards completion of Agreements in Principle (AIP) in the near future. The Snuneymuxw (Nanaimo) treaty table may be first to announce completion of an AIP by March 31“. There is also optimism at the Tsawwassen (Lower Mainland) and Sliammon (Powell River) treaty tables that deals can be reached this spring or summer. There are two other tables that have been identified as “lead” or “break-through” by negotiators (Gitanaxw and Nuu Chah Nulth), however negotiations are not progressing as smoothly and there are still many issues to be worked out.

What remains to be seen and judged is the level of detail contained in the AIP’s produced and what is left to be negotiated in the interval between AIP and final agreement. Local governments are concerned that issues are not left to last in the negotiations. How treaties translate to changes in the status quo, in terms of jurisdiction of land and servicing and other “on the ground” issues, are critical to the working relationships between First Nations and local governments. For regular updates on progress at treaty tables as well as draft chapters of agreements, see the BC Treaty Commission website and new TAC website (see article on page 17 (www.bctreaty.net).

REGIONAL COMMUNITY TO COMMUNITY FORUM PROGRAM

FUNDING NOW AVAILABLE FOR 2003 EVENTS

The UBCM Aboriginal Affairs Committee is pleased to announce that federal funding for local government and First Nation regional community forums to the UBCM Community Forums is again available through UBCM. The region is seeking opportunity and we invite you to respond by organizing an event in your area. Applications must be received by UBCM by May 1, 2003.

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 to both governments. Creating opportunities for dialogue is vitally important for improving the effectiveness of current relationships and strengthening the foundations for future post-treaty relationships.

This initiative responds to the success of three province-wide Community to Community Forums jointly organized by UBCM and the First Nations Summit. At these events, First Nation and local government leaders from around the province recommended that forums of this type be held at the local/regional level between neighbouring communities.

As a copy of the Information Kit on Regional Community to Community Forums is available on the UBCM website (www.ubcm.net).

The kit provides information on how to plan and organize an event and guidelines on how to apply to UBCM for funding, including a sample application and budget. Events must be held by December 31, 2003.
IMMUNIZING YOUR COUNCIL AGAINST DYSFUNCTIONS

(Part 2)

By Eli Mina, M.Sc., P.R.P.

This is the second in a series of articles on building the foundation for shared decision-making. It is based on the writer’s new book: “The Business Meetings Sourcebook: A Practical Guide to Better Meetings and Shared Decision Making” (Visit http://www.elimina.com/books for more information on this book).

The first article discussed the importance of having a clear mandate and a strategic direction for the municipality, and ensuring that Council meetings include strategically driven agenda items. Using a proactive approach, long-term priorities can be handled in a deliberate, gradual and evolutionary manner. The strategic plan does not just sit on the shelf and gather dust. It is used to advance the interests of the community in a proactive manner.

With a strategic direction and a long-range work plan in place, the next component of the foundation of shared decision-making is a coherent and cohesive Council. Such a Council would be working as a team, making credible, balanced and holistic decisions on behalf of the community, and ensuring that the citizens are well served.

Using a scale of 1 to 4, a Council can be classified as:
1. Dysfunctional
2. Functional
3. Effective
4. Excellent

Many Councils are at level 2 (functional) most of the time, and occasionally slip to level 1 (dysfunctional). Effective Councils are uncommon, and excellent ones are a rarity.

How would you rate your Council? The table below will help you in measuring your Council’s effectiveness as a governing body.

<table>
<thead>
<tr>
<th>Description of Council</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strictly a rubber-stamp operation, operating on the ground level.</td>
<td>0</td>
</tr>
<tr>
<td>Operational, driven by various interests and decisions by internal agendas.</td>
<td>1</td>
</tr>
<tr>
<td>Efficient, making clear, deliberate, and excellent decisions.</td>
<td>3</td>
</tr>
<tr>
<td>Effective and credible, balanced, coherent, inclusive, and excellent outcomes.</td>
<td>4</td>
</tr>
</tbody>
</table>

The numerical exercise between 0 and 10 points, with a maximum of 100. The total score will give you (hopefully not) and 100.


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Over the past year the MFA has been involved with the design and implementation of an Investment Program for BC’s Elected Officials and Municipal Employees. The Municipal Investment Plan started to accept applications at the end of February with payroll deductions slated to begin in mid-March. The plan is open to all municipal employees, elected officials and their spouses/partners.

Benefits for your municipality/regional district

Large corporations have been offering their employees comparable investment plans as an added incentive in their employees’ benefit packages. We feel that the Municipal Investment Plan will be able to assist municipalities in the attracting and retaining of exemplary employees.

Benefits to plan members

Using the combined bargaining power of BC’s Municipalities and Regional Districts, the MFA was able to negotiate fee discounts that would not be available to many municipalities working on their own.

Benefits to plan members

The lowering of investment management fees (up to 40%), means that on a typical equity mutual fund, you, the investor will realize almost 1% more annually in performance than someone who cannot access the Municipal Investment Plan. This happens because Sun Life is reducing its management fees (the fees deducted prior to mutual fund companies releasing their results) in regard to the mutual funds offered.

Why is the MFA involved?

The MFA was asked by both an investment firm and our members to investigate offering an investment program that would be open to BC’s municipal officials and employees. The MFA is promoting this plan because we are 100% owned by local governments throughout BC. The staff are salaried, and do not receive bonuses or other compensation. It is simply too good a deal not to promote. This plan is, of course, voluntary and if any participants have existing RRSP/Investments with Sun Life, or other mutual fund companies, these monies can be transferred into the plan at no charge by Sun Life Financial and then can realize the savings immediately.

How can you find out more information?

Visit our website, www.mfa.bc.ca or contact Marguerite by phone at 250-380-0432 #226 or by email at marguerite@mfa.bc.ca. If you have employees interested in the plan let us know and we will schedule an educational session in your area.

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— Johnny Carline, Chief Administrative Officer, Greater Vancouver Regional District

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MINISTRY SERVICE PLANS

The Ministry Service Plans are now presented with the Provincial Budget and are equally important to review. In fact in 2002, a close reading of a UBCM review of one ministry’s service plan would have alerted municipalities to the elimination of criminal document service funding and the reduction of funding for the “keep of prisoners”.

UBCM has examined the current plans and prepared a selected summary which is extracted here. For further information members should look to Civicnet or the complete plans available on the ministry websites.

The review begins with the Ministry of Community, Aboriginal and Women’s Services.

Community, Aboriginal and Women’s Services

The Ministry plan has restated three of its goals:

- The previous goal of “open, accountable and financially responsible local government” is modified slightly to “open, accountable and effective local government”.
- The strategies include:
  - develop and implement Community Charter municipal provisions.
  - define scope and develop second phase of Community Charter.
  - develop a strategic plan for public libraries in British Columbia

The restated goal of “housing needs and safe building standards met” included strategies of:

- develop housing industry stimulation options for the implementation of the new provincial housing policy.
- provide consultation and request for change in legislation to amend the Homeowner Protection Act.
- develop options for the implementation of the new provincial housing policy.
- participate in development of new objective-based building and plumbing codes.
- develop proposals for a modern, efficient building regulatory system.
- establish and implement a mechanism for code interpretation services for all provincial users.

The restated goal of “loss of life, injury and property damage are minimized in the building environment” has these strategies of interest to local government:

- develop the BC Fire Code in an objective-based format (2004/05).
- transfer the Safety Engineering Services Division to an independent authority (2003/04).

Attorney General

Certain strategies are more explicit than in their previous service plan. Under the objective of “support operation of three levels of court in processing cases in a timely efficient manner” the following interrelated strategies are noted:

- reform processes for hearing disputed traffic offences.
- remove municipal unpaid disputes from the Provincial Court hearing process.

With respect to Treaty Negotiations there are two strategies of interest:

- build public support for negotiations and agreements by strengthening linkages among communities, providing information and raising awareness.
- implement new protocol with Union of British Columbia Municipalities regarding local government involvement in negotiations.

Public Safety and Solicitor General

The Plan highlights some structuring such as adding to the Ministry the Office of the Superintendent of Motor Vehicles (formerly Ministry of Transportation), Compliance Operations (formerly part of ICBC) and Problem Gaming Program (formerly part of Health).

The area of Policing and Community Safety will see:

- a focus on critical infrastructure, specialized police services and other enhancement projects.
- restructuring police financing to ensure equity in funding policing costs.
- providing equitable access to victim services by funding 24 new police-based and community-based victim service programs and implementing 24-hour crisis line.

The area of Liquor Control and Licensing will:

- Target inspections on high-risk problem establishments.
- Create tools to identify high-risk establishments in consultation with local governments, police, schools and communities.
- Ensure new liquor primary licensing decisions are effectively reviewed by local government and have community support.
- Set terms and conditions for hours, size and entertainment that are consistent with community standards.

Agricultural Land Commission

The ALC reports to the Minister of SRM and its service plan reflects a continuation of the direction set for the ALC in Spring 2002. This was when the ALC was re-focused on agricultural land preservation, reducing regulations and streamlining procedures, mainly through passing of the new ALC Act and regulations.

The ALC experienced an increase in the number of applications since the last plan and they have not been able to meet some of their performance targets, including time limits for decisions. Interestingly, to achieve their targets they are relying on local government to take on delegated authority from the ALC to decide non-farm use and subdivision applications. However, they report that there has been a “clear reluctance on the part of some local governments to take on this role” and “some viewed delegation as downloading while others may have been awaiting outcomes of the Community Charter initiative.” Among other challenges faced, they note protecting farmers’ right-to-farm particularly on lands near urban areas and achieving a balance between the preservation of agricultural land and the needs of First Nations in the treaty process.

The plan sets out four goals of the ALC and related objectives, strategies, performance measures and targets; one goal is the “A provincial land reserve system that considers community interests.”

Ministry Services Plans

Water, Land and Air Protection

The ministry’s goals and objectives lay out a broad set of actions under each of its core business areas:

Environmental Protection

- Revise legislation (Waste Management Act and Pesticide Control Act) and associated regulations to enable implementation of innovative and results-based approaches.
- Amend legislation to ensure clean up of previously contaminated sites that pose a high risk to human health and the environment—Contaminated Sites regulation revision.
- Shift to a geographic area-based planning approach to reduce the effect of air emissions on health and the environment (including ongoing opposition to Sumas II power project).
- Develop a climate change strategy and action plan for British Columbia, and ensure the province’s interests are addressed in a national strategy.
- Protect surface water and groundwater from health-threatening contamination by implementing groundwater regulations and the Action Plan for Safe Drinking Water.
- Create a business strategy that enables producers to remove high-risk components from the waste stream and expand the number of products that can be recycled.
- Revise the Flood Hazard Management Strategy to clarify the roles and responsibilities of the provincial government, local governments and others.
- Respond effectively to high-risk environmental emergencies in conjunction with other ministries, local governments and industry.
- Partner with other ministries and local governments on permanent flood protection initiatives through administration of the Flood Protection Assistance Program.

Environmental Stewardship

- Coordinate government, public and industry-led actions to identify, protect and recover species and ecosystems at risk.
- Streamline the Wildlife Act, Park Act and other legislation, including clarifying the designation categories for parks and protected areas.

Park, Fish and Wildlife Recreation

- Develop a new funding and management model for recreational services in the provincial park system.
- Work with communities on the development of key parks and special tourism destinations.
- Develop agreements/partnerships with other governments, the private sector and other stakeholders to improve park and wildlife recreation opportunities.

The ministry has also identified key initiatives:

Wildlife-Human Conflict Reduction Strategy
- Streamside Protection regulations
- Annual compliance plans results report

Agriculture, Food and Fisheries

Several points addressed in the planning context, including strengths and challenges make a case for the Ministry’s approach to managing the interface of agriculture (including aquaculture and fisheries) and local government. The planning context:

- recognizes that biggest impacts and benefits of agriculture and seafood production are in rural communities...
- identifies as a challenge that local governments have limited jurisdiction and powers...“Local governments affect both agriculture and aquaculture through their...
Ministry Service Plans
Continued from page 21

Corporation by 03/04, implement changes to rate structures and Energy Efficiency Act by 04/05. Energy policy and legislative change is to be implemented over next 2 years.

Forests

The Plan indicates that the following changes have now been incorporated into the new Plan:
• implementation of defined forest area management and market-based pricing regimes will be phased in during 2003-04 in order to facilitate completion of consultation and legislation processes.
• the management of Forest Service recreation sites and trails has shifted to partnerships agreements where possible, and user-maintain for the rest.
• while the planned closure of certain forest district offices will be proceeding, following a review of access requirements for rural areas of the province some staff will remain working in local communities.
• the following reflect changes from the previous Service Plan:
  • new Wildland Fire Act will be introduced in January 2004 to reflect the new cost sharing for fire protection activities.
  • despite the greater responsibilities taken on by forest licensees for forest health government continues to recognize its obligations to manage infestations in BC Parks and protected areas and manage defoliator outbreak that span many jurisdictions.
  • with the new Forest and Range Practices Act shift toward area based management and greater reliance on professional and company accountability.
  • changes will be made to the Small Scale Salvage program.
  • over next two years, Ministry to transfer responsibility for forest service roads with industrial uses to forest industry and to plans to discontinue maintaining forest service roads to the public use standard and transfer the responsibility to maintain those roads to MOTR or to road user groups.

Competition, Science and Enterprise

While the Ministry’s prime focus last year was in devolving non-core activities, the year’s Service Plan outlines a number of new initiatives for the Ministry including:
• Vancouver Convention and Exhibition Centre expansion;
• OneStop small business registration services; and
• increased economic development in the heartland.

With respect to the latter, the objective is to have the Ministry “lead and work in partnership on economic development opportunities with organizations, communities and the private sector.”

One of the key objectives for the Ministry is to improve physical and human infrastructure which encourages growth. Some of the strategies outlined to meet that objective include:
• deliver the final 3 years of the $800 million Canada BC Infrastructure Program with the Ministry of Community, Aboriginal and Women’s Services;
• champion provincial interests in key economic infrastructure projects, such as ports and airports.

Ensure a coordinated approach with partner ministries.

Energy and Mines

Changes in the lay out of core business areas, and additions of core business areas reflect the Ministry’s objectives in energy and oil and gas development.

Local government will be specifically interested in the proposal (under Offshore Oil and Gas Development Performance Targets) to implement an offshore oil and gas regulatory strategy that addresses both social and scientific research program by 04/03. The ministry expects to conclude arrangements with First Nations and coastal communities by 04/05 and commence development by 05/06.

New objectives include implementing energy policy, developing offshore oil and gas, and establishing a funding mechanism for new revenue generation proposals. The Vision, Mission, Core Values include the need to return Crown to sustainability.

The provincial Energy Policy timeline indicates a goal to implement the Heritage electricity contract changes to BCUC and separate Crown Transmission rights.

Transportation

Highlights of changes from the previous service plan include:
• a three-year capital investment of $5.5 billion in the highway system and related infrastructure, gateway infrastructure, community and rural airports, and major public transit infrastructure. Investment in provincially owned rail infrastructure and local public transit to be delivered through separate service plans. The three year investment plan will be supported, in part, through a new set of transportation investment partnerships with the federal government, and by an additional 3.5 cents per litre of premium

Health Planning

Their Plan includes:
• review Medical Services Commission structure
• develop regulatory framework to support private sector input in setting transportation priorities.
• focus on capital financing, selected areas of service delivery, and implementation of information technology services.
• major initiatives: new Primary Care Renewal strategy and specific projects; Chronic Disease Management strategy

Health Services

Their Plan includes:
• review the provision of ambulance services
• commence implementation of a population needs-based funding formula to allocate resources to Health Authorities.

Provincial Revenue

The Ministry’s ‘planning context’ cites the following as one of its internal factors: “the proposed Community Charter could have significant, but as yet undetermined, impact on tax programs.”

This Ministry’s primary connection to local government is as the administrator of the provincial Real Property Tax System (rural and school tax) and as the administrator of the Home Owners Grants system.

Presumably, these systems would benefit from proposed overall improvements being made to information management systems, new electronic technologies to facilitate ease of transactions and collections, and improved enforcement and audit functions.

Children and Family Development

During 2003/04 to 2005/06, the Ministry will transfer authority for services in its Community Living Services and Child and Family Development programs to local government for high-speed broadband access.

By way of conclusion to the proposed scenario, Legislation will be introduced in Spring, 2003 to enable the establishment of these new authorities.

IPP Development

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www.civicnet.bc.ca, see the Energy link under ‘Featured Policy Documents’. You will find material on the following topics:
• An Overview of IPP Development in the SLRD
• Rezoning for IPP Development in the SLRD
• Community Benefit and Amenity Agreements
• Public Consultation Guidelines
• Process Map of the Proposed Approvals Process (local government and LRBC)

Your input is requested:

The Communities and Resources Committee is interested in hearing from local governments on the issues and challenges they are facing in dealing with IPP development.

Please indicate whether you would support the UBCM preparation of a best practices guide for local government in managing the issues that arise in IPP development.

Your comments can be directed to Deana Grinnell, Policy Analyst, by fax to 604.270.9116 or by email to dgrinnell@civicnet.bc.ca.
7 FCMA To Appeal Decision On Access To Municipal Rights Of Way By Telecommunication Companies

The Federal Court of Appeal has rendered its ruling in the appeal by FCMA and five municipal governments of Canadian Radio-television and Telecommunications Commission (CRTC) decision that denied municipal governments the full authority to manage their public lands and to charge for their use by telecommunication companies.

On December 17, 2002, the Federal Court of Appeal upheld the decision of the CRTC that there are no constitutional limits on its power to impose all of the conditions under which telecommunication companies may access, and use, public lands and water for their transmission lines. However, the Court was divided with respect to how the CRTC dealt with the issue of compensation for the use of municipal lands.

FCM is concerned about the implications of the ruling in relation to the right of municipal governments to regulate public lands and to receive fair compensation for their use by telecommunication companies. As an example, if the ruling is allowed to stand, a municipal government such as the City of Edmonton could lose over $7 million per annum in revenues. On March 3, 2003, FCM submitted an application for leave to appeal to the Supreme Court of Canada.

8 Airport Crash Safety Regulations

The federal government has introduced new safety standards (CAR-308 Aircraft Emergency Intervention Services AEIS), that will require airport operators to provide emergency intervention at non-designated airport emergency intervention services (AEIS) airports of 20+ seat aircraft annually. The new regulations would appear to affect 9 community operated airports in British Columbia.

A number of these airports had previously provided emergency response but the service was discontinued by Transport Canada before the airport was transferred to the local community between 1993 and 1998. The federal government in its negotiations with local government to take over community airports indicated at that time that local communities would not need to have fire equipment and staff at the airport to deal with potential airport crashes. This resulted in substantial savings in the airport operations and in the transfer costs that the federal government paid to local government. If the operation of these AEIS airports is renewed, the AEIS service will be provided.

The new regulation will require a minimum response time of 5 minutes and it has eliminated the previous requirement; the immediate phase being an immediate response by staff stationed at the airport and the second phase involving the community fire department where specialized service is required. The affect of this decision will be that the majority of the community airports affected will have to have firefighting equipment and trained firefighting staff located at the airport to meet new federal requirements.

The federal government has indicated that it will provide funding to cover initial capital costs for vehicles, ongoing vehicle replacement costs and initial training at the affected airports. Funding will not be provided for initial or ongoing operating and maintenance costs nor for ongoing training costs. Transport Canada has estimated that the initial capital cost to be $15 million and have included this in ACAP funding until 2005.

A report prepared for the Air Transport Association of Canada (ATA) by the Airports Council International-North America (ACI-NA) and Federation of Canadian Municipalities has estimated that the initial capital costs will be $285,000 and the estimated ongoing costs will be $115,000 for community operated airports to meet the new federal regulatory requirements. This is at a time when small communities are facing severe financial difficulties as a result of increased costs and other difficulties facing the industry:

- Increased 2012-2013 Security Charge of $24 per return flight;
- Increased airport user fees as a result of the ending of tax-free subsidies;
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