

Statement of General Policies of the UBCM

Adopted at the 80th Annual Convention September 14th, 1983

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UNION OF BC MUNICIPALITIES

The Union of B.C. Municipalities is incorporated under a provincial statute, an Act to incorporate the Union of British Columbia Municipalities. The "objects" of the UBCM Act include:

- (a) to secure united action among members in dealing with all matters of common municipal interest, and, when deemed expedient, to represent members in matters affecting them or the welfare or interests of their citizens;
- (b) to cooperate with other organizations in dealing with matters under the legislative jurisdiction of Canada;
- (c) to discuss and to deal with all problems of municipal government and municipal taxation;
- (d) to cooperate with the Department of Municipal Affairs in the continued development of sound municipal government in the Province, and to recommend amendments to the Municipal Act, and any other Statutes which may affect the affairs of municipalities, and to cooperate with any other bodies having similar aims.
- (e) to represent and assist members in maintaining and furthering municipal autonomy to a degree beneficial to the public interest at the municipal level.
- (f) to acquire, assimilate, and distribute amongst the members statistics, enactments, results of judicial findings, and other general information that may be deemed of value to the members;
- (g) to hold meetings in accordance with the bylaws of the Union for promoting the above objects and for creating and fostering a fraternal spirit among those engaged in municipal work;
- (h) to encourage and promote the organization and development of district and local municipal associations, and, for the purposes of the MUNICIPAL ACT and any other Statutes to certify all such associations which are bona fide district or local municipal associations;
- (h.1) to promote and initiate educational training in municipal administration, including contributing, receiving, managing and investing contributions and donations from members or other persons for the C.S.J. McKelvey Scholarship Fund or other funds and expending these in granting scholarships and bursaries to municipal employees and officers for improving their education or proficiency in municipal administration:
- (i) without restricting the generality of the foregoing, to carry on all of the activities hitherto conducted by the Union of British Columbia Municipalities as it existed prior to the passing of this Act.

In addition to its General Policies, UBCM has adopted a range of policies on specific topics (environment, aboriginal affairs, resource policy, justice, etc.)

These include:

- Achieving Certainty in Treaty Negotiation
- Defining the Municipal Interest in Treaty Negotiations
- Local Government: An Order of Government
- Legislative Action Plan
- Environment Action Plan
- Community and Resources Strategy

A full index of policy papers is available from the UBCM office.

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INTRODUCTION

THE CHALLENGE

Each and every local government in B.C. has grown to fit the needs of its residents - and this is its strength. It is a strength born out of the "grass roots" traditions of local government - its sensitivity to the aspirations of the community, the public's accessibility to local government, and local government's ability to respond to local needs and to be held accountable for its decisions. These are their strengths and are the foundations of a democratic society. But the task of local government has never been that simple. Local governments throughout B.C. face increasing problems in meeting the needs of their communities. Yet in the diversity of local government lies common ground. Many of the problems that local governments face in meeting their communities needs are not unique - they are shared by all local governments. A common thread in these problems are two challenges that threaten the very strengths of local government:

1.

Challenges to local government's ability to fulfill its responsibilities; due in part to:

- the restricted revenue base of local government;
- a legislative framework that does not give local government adequate authority to meet local needs and a legislative basis that is slow and resistant to change in a time of rapidly changing roles of government;
- · a growing imbalance between the demands for

local government services and the financial resources available to local government;

• a growing concern about the lack of power and resources to effectively enforce local decisions;

2.

Challenges to the place of local government in the overall system of government; due in part to:

- an out-dated system of intergovernmental relations;
- a more complex governmental system with blurred lines of jurisdiction, responsibilities and authority; and,
- increasing provincial regulatory power over and above the written laws.
- further prospects of transfers or "downloading" of responsibilities to local government.

THE PROSPECT

If these problems go unresolved, local government will become less able to serve the needs of the public. The effective and efficient delivery of local services will erode and the public will lose confidence in government and in its ability to provide the services that are needed. The system of government will suffer if local government is relegated to a minor, subservient role. In the end, it is the public that will suffer if they are served by weak local government.

THE RESPONSE -A COMMON STRATEGY

This is not a prospect that is welcomed by local government in British Columbia. Nor should it be welcomed by the public or the other levels of government. A loss of confidence in local government is loss of confidence in <u>a</u> government itself and the ability of a community of common interests to reach their shared goals.

Local governments throughout B.C. have recognized that the only way to turn this situation around is to work together. Through the Union of B. C. Municipalities, local government must develop a common strategy - a strategy that sets out the actions that are needed if they are to succeed in creating the type of local government that will best serve the public.

Such strategy can only be developed and successfully pursued if there is a clear understanding of the common position of local government. The general policies of the UBCM are intended to provide this

direction. But the direction a specific policy statement gives cannot be viewed independently from other policies. Taken together, the policy statements reinforce one another and give the true direction of the UBCM.

The general policies (which are highlighted in bold type) focus on the two concerns that are central to UBCM's role in improving the system of local government:

(1) FRAMEWORK FOR LOCAL GOVERNMENT

what jobs should local government perform and what "tools" does it need to do that job.

(2) INTERGOVERNMENTAL RELATIONS

how local government should relate to other levels of government.

FRAMEWORK FOR LOCAL GOVERNMENT

LOCAL GOVERNMENT RESPONSIBILITIES

At a time when government's roles in the services they deliver and the way those services are delivered is rapidly evolving it is important to know what are and should be the responsibilities of local government. The division of responsibilities between governments should be based on the principle that local government is best able to respond to local needs and priorities.

Cities, towns, villages, district municipalities and regional districts throughout B.C. all provide local services to their communities. They don't all provide the same level or types of services but they do have two things in common:

- they are directly accountable and readily accessible to the public they serve; and
- their objective is to provide service effectively, efficiently and at an affordable cost.

These two principles underlie the basic policy on who should be responsible for serving for local needs:

1.1

LOCAL PUBLIC SERVICES SHOULD BE PROVIDED BY A DEMOCRATICALLY ELECTED, RESPONSIBLE, ACCOUNTABLE AND ACCESSIBLE LOCAL GOVERNMENT.

The public should know what local governments'

responsibilities are and the responsibilities should be clearly set out in legislation. As times change, the needs of the community change and so local government responsibilities should be regularly reviewed to ensure that they are appropriate to present circumstances.

1.2

THE POWERS OF LOCAL GOVERNMENT SHOULD BE ADEQUATE TO MEET LOCAL NEEDS. THE LEGISLATION THAT SETS OUT LOCAL GOVERNMENT RESPONSIBILITIES SHOULD BE REVIEWED REGULARLY AND AMENDED SO IT CONTINUES TO MEET THOSE NEEDS. WHEN LOCAL GOVERNMENT IS EMPOWERED TO CARRY OUT A RESPONSIBILITY, IT SHOULD BE DONE IN A CLEARLY WRITTEN STATUTE.

To ensure that local needs and priorities can be met by local government it must be master of its own house. An adequate and effective legislative framework must be provided within which it can carry out its duties. (policy in Part 2)

LOCAL GOVERNMENT AUTONOMY

Autonomy and accountability must accompany responsibility. Local government must have the freedom to decide how to act on its responsibilities. It must be independent of other government interference but remain accountable to the electorate in its ability to meet its responsibilities. Accordingly:

1.3

THE ULTIMATE DETERMINATION OF THE LOCAL PUBLIC INTEREST IN TERMS OF LOCAL RESPONSIBILITIES LIES WITH LOCALLY ELECTED REPRESENTATIVES; INCLUDING THE FREEDOM TO DETERMINE THE LEVEL OF LOCAL SERVICES, EXPENDITURES AND TAXATION.

In order to preserve local autonomy, local government must have the "tools" to do the jobs it is responsible for. These "tools" are:

- adequate and appropriate authority; and,
- adequate and appropriate financial resources.

Authority

It is pointless to have a responsibility if the means of completing the task are not also available. Local government must be given the most adequate and effective legislative power to put into place what it is responsible for.

1.4

LOCAL GOVERNMENT SHOULD HAVE THE NECES-SARY LEGISLATIVE POWERS TO MEET ITS RESPON-SIBILITIES, THE POWER TO ENSURE ITS POLICIES AND FINANCIAL PROGRAMS ARE MUTUALLY SUPPORTING, AND THE DISCRETION AND FLEXIBILITY TO DETERMINE THE MOST APPROPRIATE METHODS OF MEETING THE LOCAL NEEDS.

If decisions of local government are to have the desired results, local government authority must be respected by the community it represents. The general public must be assured that the decisions of those they elect to represent them will be respected and enforced throughout the community.

1.5

LOCAL GOVERNMENT MUST HAVE THE POWER TO ENFORCE ITS DECISIONS AND TO ESTABLISH EFFECTIVE DETERRENTS TO ENSURE ITS AUTHORITY IS RESPECTED.

Local government will be ultimately held accountable for its actions at the "ballot-box". However, there is a growing trend to hold local government responsible for the impacts of its actions(such as claims of nuisance actions) that are beyond its control. The responsibility of local government must be limited to those things over which it has control.

1.6

LOCAL GOVERNMENT LIABILITY MUST BE LIMITED TO CASES WHERE NEGLIGENCE IS PROVEN.

Financial Autonomy

Over-riding virtually all activities of local governments is the ever-present problem of raising the necessary revenues to meet their needs. One of the toughest decisions in local government is balancing the public's needs for basic services against the limited revenue sources available. Local government cannot be expected to meet local needs without adequate financial resources.

1.7

LOCAL GOVERNMENT SHOULD HAVE ACCESS TO SUFFICIENT REVENUE TO SUPPORT LOCAL SERVICES.

There are three basic sources of local revenue:

• taxation on property and related grants in lieu of taxation;

- transfers from other governments; and,
- other forms of locally generated fees, licences and revenue from local enterprises.

On a Province-wide basis, approximately 60% of local government's financial needs are met from property taxation. Such taxation must be based on an appropriate and independently established assessment system so that all properties carry their fair share of tax, and B.C.'s present assessment system generally meets this requirement. The determination of the amount and distribution of taxes must remain the responsibility of those elected to local office. Other governments and their agencies must through their grants-in-lieu of taxes assume the same tax burden as the ordinary property tax-payer.

1.8

PROPERTY TAXATION DISTRIBUTION MUST BE THE RESPONSIBILITY OF LOCAL GOVERNMENT; IT SHOULD BE BASED ON ACTUAL VALUE ASSESSMENT AND GRANTS IN LIEU OF TAXES PAID BY OTHER GOVERNMENTS AND THEIR AGENCIES SHOULD BE PAID ON THE SAME BASIS AS THE ORDINARY TAXPAYER.

In recognition that local governments provide services to people in addition to services to property, a revenue-sharing mechanism through which Provincial revenues are shared with local governments must be maintained. It should be predictable in amount and tied to anticipated Provincial revenues and to the general economy. The distribution of shared revenue should preserve the greatest degree of local autonomy in deciding how the funds are best used in a given area.

1.9

LOCAL GOVERNMENT SHOULD HAVE ACCESS TO A SHARE OF PROVINCIAL REVENUES WHICH SHOULD BE PREDICTABLE AS TO THE AMOUNT AND THE TIMING OF ITS ANNOUNCEMENT AND THE MAJOR PORTION OF SHARED REVENUE SHOULD BE IN UNCONDITIONAL GRANTS.

Finally, it must be recognized as a basic principle, that responsibilities and the financial resources to meet those responsibilities are related. As local responsibilities change, so should the access to financial resources.

1.10

ACCESS TO ADDITIONAL REVENUE SHOULD BE PROVIDED WHEN LOCAL GOVERNMENT IS ASSIGNED NEW RESPONSIBILITIES.

PART II

INTERGOVERNMENTAL RELATIONS

Gone are the days when governments could act in isolation. The relationships between governments are complex but necessary. There must be even closer and more effective ties between local and other governments. The only way to achieve these closer ties is to renounce the "master-servant" relationship that has coloured the relationships. It is no longer acceptable for local government to be considered as a necessary, although minor relative in the family of government. Local government must be recognized as being an equal partner in the family of Canadian government; a partner in providing services and a partner in the discussions which lead to the provision of those services.

2.1

AS THE BASIS FOR RELATIONS BETWEEN LOCAL AND SENIOR LEVELS OF GOVERNMENT, LOCAL GOVERNMENT MUST BE RECOGNIZED AS A FULL AND EQUAL PARTNER IN THE SYSTEM OF CANADIAN GOVERNMENT.

Three things are needed to realize this objective:

- · conformity by other governments to local decisions;
- a commitment by all governments that they will ensure that their actions in one field reinforce and not undermine the actions of other governments and,
- a partnership in meeting shared government responsibilities.

CONFORMITY TO LOCAL DECISIONS

Local governments have been given certain respon-

sibilities to fulfill by the Provincial government. Quite simply, these responsibilities are delegated because local government is the best way to provide these services and the public is expected to conform to the decisions of local government. So too should the senior levels of government.

A basic premise of a "partnership" among governments is that:

2.2

GOVERNMENT MINISTRIES AND AGENCIES MUST COMPLY WITH LOCAL GOVERNMENT AUTHORITY IN AREAS OF LOCAL RESPONSIBILITY AND THEY SHOULD NOT UNDERMINE LOCAL GOVERNMENT BY-LAWS OR PROGRAMS.

In a Province as large and diverse as B.C., it must be recognized that local needs vary and that the scope of each individual local government to respond to those needs must not be hindered. Flexibility and respect for the diversity of local government goes hand in hand with the basic respect for its decisions.

2.3

OTHER ORDERS OF GOVERNMENT POLICIES AND REGULATIONS THAT AFFECT LOCAL GOVERNMENT SHOULD RESPECT THE VARYING NEEDS AND CONDITIONS OF DIFFERENT AREAS OF THE PROVINCE.

COORDINATION AND COOPERATION

It is not enough just to respect local government actions. The reason for existence of all orders of government is to serve the same people, albeit in different ways and frequently for different purposes. The full benefits of government action can only be realized if these actions complement and support one another. The only way that this can be achieved is through full inter-governmental coordination and cooperation.

2.4

GOVERNMENTS SHOULD BE COMMITTED TO CONSULTATION AND COORDINATION OF THEIR ACTIONS TO SERVE THE PUBLIC.

One of the best ways to ensure this happens is to ensure that government at all orders are working together. They should be doing things that assist one another and thereby reinforce their actions and increase the benefits to the public. With particular reference to local government the:

2.5

OTHER ORDERS OF GOVERNMENT SHOULD ESTABLISH POLICIES AND PROGRAMS THAT SUPPORT LOCAL GOVERNMENT.

Basic to our system of government is that local needs are best met at the local level. However, when a senior government has a responsibility to meet certain local needs, local government should be included in the process- local government has considerable experience and local knowledge to offer to the other orders of government.

2.6

LOCAL GOVERNMENT SHOULD BE INVOLVED IN THE DEVELOPMENT AND DELIVERY OF THE PROGRAMS OF OTHER ORDERS OF GOVERNMENT WHICH ARE DESIGNED TO MEET LOCAL NEEDS.

Local responsibilities and priorities have changed markedly in the last decade and so have the responsibility and priorities of senior governments. This change is natural but the impacts of unilateral changes in other government policies and programs do not always benefit local government. The process of managing changes in government responsibilities and priorities must be improved by ensuring that:

2.7

OTHER ORDERS OF GOVERNMENT SHOULD GIVE ADEQUATE NOTICE AND SHOULD CONSULT ON LEGISLATION OR OTHER CHANGES THAT WOULD AFFECT LOCAL GOVERNMENT.

The consultation process should include guaranteed:
• notice to local government of the intention to establish, change or terminate a policy or program;

- assessment of the impact of the action on local government;
- local involvement in developing policies; and,
- financial compensation where the changes impose a new cost burden on local government, particularly where operating costs must be assumed by local government.

SHARED RESPONSIBILITIES

The heart of any true partnership is the frank and frequent discussion on all aspects of what the partnership is trying to deliver. When governments share the responsibility for delivering a service they have an obligation to the public to work together. Shared

responsibilities demand more than just cooperation and coordination - they demand a firm and lasting commitment. A commitment to confer with local government on any matter that affects it would be a major step forward in inter-governmental relations. On the basis of that commitment could be built an ongoing process on consultation, shared financing and joint decision-making which will benefit all of our citizens.

2.8

GOVERNMENTS SHOULD BE COMMITTED TO CONSULTATION AND JOINT DECISION-MAKING WHENEVER THEY HAVE RESPONSIBILITIES WITHIN THE SAME AREA OF JURISDICTION.

Local government cannot be expected to fund the shared responsibility of other orders of government exclusively from local sources. Where there is a sharing of responsibilities between governments it is natural that there be a sharing of the financial obligations. If a shared responsibility between a senior government and local government can be established, flexible sharing formulae should be developed which recognize each government's level of involvement. Two situations arise where financial sharing by another government at the local level is essential:

• when the another government determines exclusively the local standards to be met. In this case:

2.9

PROGRAMS THAT ARE EXCLUSIVELY DETERMINED BY ANOTHER GOVERNMENT SHOULD BE FINANCED BY THAT GOVERNMENT FROM THEIR REVENUE SOURCES.

• where another government prescribes a standard that over-rides local priorities and imposes an added cost burden on local government. In this case:

2.10

FINANCIAL ASSISTANCE SHOULD BE PROVIDED TO LOCAL GOVERNMENTS BY OTHER ORDERS OF GOVERNMENTS WHEN THEIR POLICIES OVER-RIDE LOCAL PRIORITIES OR IMPOSE AN ADDITIONAL FINANCIAL BURDEN ON LOCAL GOVERNMENT AND THAT ASSISTANCE SHOULD EQUATE TO THE ADDED COST BURDEN.

Situations do arise within the area of shared responsibilities where the wider interest must over-ride local autonomy. However, such situations should be limited and must be clearly defined:

2.11

THE ABILITY OF OTHER ORDERS OF GOVERNMENT TO OVER-RIDE LOCAL GOVERNMENT DECISIONS MUST BE ESTABLISHED BY LEGISLATION AND MUST BE CLEARLY LIMITED TO THOSE MATTERS THAT WOULD SUBSTANTIALLY AFFECT A PROVINCIAL RESPONSIBILITY AND BE SUBJECT TO APPEAL.

The need for an appeal process recognizes that governments will not always agree on what is the public interest. However, all too often local government is being challenged by other governments through the Courts to defend its actions. Differences of opinion about the public interest should rarely be referred to the Courts - they should be resolved by those elected to determine the public interest.

2.12

CONFLICTS ON MATTERS OF PUBLIC POLICY BETWEEN ORDERS OF GOVERNMENT SHOULD BE SETTLED BY NEGOTIATION.

Negotiation and the spirit of cooperation must underlie this and all approaches to inter-governmental relations.

FROM POLICY TO PRACTICE AND IMPLEMENTATION

Local government is big business. Together local governments in B.C. employ thousands of people, have budgets that total nearly \$3 billion, and have a massive value of assets to manage. Local government is big business but its purpose is simple - to serve the people. This is why the general policies of the UBCM are few in number and deal with the basic issues of local government. It is a simple idea with a simple purpose that we are trying to achieve through the policies.

A common thread throughout the policies is that local government should change in response to the changing needs of the community. This theme should be reflected in the policies themselves - they should be reviewed regularly and kept up to date.

UBCM PRACTICE

The general policies of the UBCM are just that -general. They are not intended to deal with specific situations but rather offer a common foundation on which the UBCM can take position on specific problems. The resolutions of the UBCM Conventions are one way in which the general policies are reflected in specific situations. Position papers of the UBCM are another example of how the policies are put into practice.

IMPLEMENTATION

It is not enough just to have policies. They only offer a guide as to how to react in a particular situation. Policies must be followed by actions. Implementation of the UBCM policies will depend on the actions of many. It will depend on the other orders of government and it will depend on ongoing actions of the UBCM and its members, such as in building public support for local government reforms, focusing the attention of the provincial government on the changes required, and pressing for more involvement in discussions involving the federal government when matters affecting local government are being discussed.