

May 19, 2021

The Honourable David Eby
Attorney General and Minister Responsible for Housing
PO BOX 9044
STN PROV GOVT
Victoria BC V8W 9E2

Dear Minister Eby:

RE: Local Government Autonomy

As you are aware, on April 13, 2021, UBCM received a letter from the City of Penticton, asking that we write to the Premier to request that he reconsider the invoking of paramountcy as it relates to 352 Winnipeg Street, Penticton. We appreciate the opportunity to have discussed this with you and representatives from BC Housing.

UBCM does not wish to become involved in a local dispute, but as an organization representing local governments across the province, we urge the Province to commit to working in collaboration with local governments within the boundaries of their respective jurisdictions on current and future projects of mutual concern.

We are concerned that the application of statutory immunity sets a dangerous precedent and undermines local government autonomy as established in legislation. The *Community Charter* confirms that municipalities and their Councils are an order of government within their jurisdiction that is "democratically elected, autonomous, responsible and accountable" and must operate under strict statutory conditions associated with public consultation and public interest. Furthermore, the *Local Government Act* grants local governments the powers and flexibility required to respond to the needs of their communities within that mandate.

I have attached for your reference a UBCM resolution further elaborating on these principles, endorsed by our membership in 2019, following the application of statutory immunity in Maple Ridge. I would also note that then Minister of Municipal Affairs and Housing Selina Robinson provided assurance the application of statutory immunity in Maple Ridge was a special case, and affirmed that the Province takes local government autonomy seriously.

We would welcome the opportunity to explore a dispute resolution mechanism that could be used as an alternative to the application of statutory immunity in the future.

Yours truly,

A handwritten signature in black ink, appearing to read "B. Frenkel". The signature is fluid and cursive, with the first letter of the first name being a large, stylized capital 'B'.

Brian Frenkel
UBCM President

cc: Hon. Josie Osborne, Minister of Municipal Affairs
Mayor John Vassilaki and Council, City of Penticton

Attachment – UBCM Resolution 2019-B3

Whereas Section 1 of the Community Charter confirms that municipalities and their Councils are "democratically elected, autonomous, responsible and accountable" and must operate under strict statutory conditions associated with public consultation and public interest; and that Section 1 of the Local Government Act grants local governments the powers and flexibility required to fulfill their purpose and respond to the needs of their communities within that mandate;

And whereas the Government of BC has shown a willingness to overrule municipal land use regulations, dispense with public consultation functions mandated by the Local Government Act, and forego collaboration with local government, actions that can set a precedent in undermining the jurisdiction of municipal Councils to determine and represent the interests of their communities through a fair and accountable public process:

Therefore be it resolved that UBCM request the provincial government to commit to working in collaboration with local governments within boundaries of their respective jurisdictions on all current and future projects of mutual concern.