



July 22, 2022

Dear B.C. Chairs and Mayors:

I write to seek your support for the Regional District of Nanaimo's UBCM resolution urging UBCM to work with the Ministry of Municipal Affairs and local governments in a collective endeavour to modernize the *Local Government Act*.

Regional districts are limited in their legislative authority in comparison with municipalities in several key areas such as business licensing authority, subdivision approval, regulation of fireworks discharge, parking enforcement, tree management, and taxation and funding models.

Further, social, political and economic environments that local governments operate within continue to evolve in areas such as climate change, environmental stewardship and a recognition of the importance of First Nations' meaningful participation in regional governance. These realities should be reflected in updated legislation. Inclusive governance, a goal identified in the Province's Action Plan under the *Declaration of the Rights of Indigenous Peoples Act*, is an important aspect of legislative reform and will inform any re-envisioning of the *Local Government Act*.

This initiative is also of interest to municipal officials, including to those who look to level the playing field with their rural neighbours, as many aspects of municipal operations are contained in the *Local Government Act*. The planning framework, shared by regional districts and municipalities, is within the *Local Government Act* and needs updating.

In June 2021, the Regional District of Nanaimo, with Don Lidstone, Q.C., hosted a virtual half-day session with regional district Chairs and CAOs across BC to explore the possibility of mobilizing a collaborative effort to modernize the legislation. Participants expressed an interest in proceeding with the initiative, pending approval of their Boards.

On April 1, 2022, the Chairs of the Regional District of Nanaimo and Alberni-Clayoquot Regional District, together with Don Lidstone, hosted a workshop on this topic at the AVICC Convention which was attended by elected officials from regional districts and municipalities and generated robust discussion. The slide presentation used at that session is attached for reference.

The Regional District of Nanaimo resolution, endorsed at the April AVICC Convention and included in the 2022 UBCM resolutions book, proposes action on this matter as follows:

WHEREAS regional districts are limited in their legislative authority in comparison with municipalities in several key areas such as business licensing authority, subdivision approval, regulation of fireworks discharge, parking enforcement, tree management, and taxation and funding models;

AND WHEREAS the social, political and economic environments that local governments operate within continue to evolve in areas such as climate change, environmental stewardship and a recognition of the importance of First Nations' participation in regional governance, and these realities should be reflected in updated legislation;

THEREFORE BE IT RESOLVED THAT UBCM be urged to work with the Ministry of Municipal Affairs and regional districts to further a legislative reform initiative for the purpose of comprehensively reviewing and modernizing the Local Government Act.

In addition, the RDN has requested a meeting with Minister Cullen, to be arranged jointly with Chair John Jack of the Alberni-Clayoquot Regional District, to discuss this initiative further at the upcoming UBCM Convention.

We welcome your support of the UBCM resolution and look forward to achieving forward momentum and interjurisdictional collaboration for this important initiative.

Sincerely,



Tyler Brown, Chair
Regional District of Nanaimo

Legislative Reform Initiative: Continuing the Discussion

2022 AVICC Annual Convention

April 1, 2022

9:00 -11:00

Agenda

- 9:00-9:10 Welcome and Introductions
- 9:10-9:30 Legislative Reform Initiative: Context and Background
- 9:30-10:25 Discussion: Ideas for Legislative Change
- 10:25-10:45 Discussion: Process to Achieve this Objective
- 10:45-10:55 Discussion: Next Steps to Continue Momentum
- 10:55-11:00 Conclusion/Wrap Up

Panel

- **Tyler Brown**, Chair, Regional District of Nanaimo; Member of Council, City of Nanaimo
- **John Jack**, Chair, Alberni-Clayoquot Regional District; Member of Council, Huu-ay-aht First Nation
- **Douglas Holmes**, Chief Administrative Officer, Regional District of Nanaimo
- **Don Lidstone**, Q.C., Managing Partner, Lidstone & Company

The Challenge

- Limits on legislative authority no longer supported by policy rationales
- Demographics/population growth/increased development/sparsely populated areas
- Business licensing, subdivisions, fireworks, parking, tree management
- Is such a distinction between authority of regional districts and municipalities still supportable?
- Revenue generation, models of taxation, funding for services – lack of flexibility in current paradigm

The Challenge (continued)

- Establishing services to optimize scale, cost distribution, fair participation
- Urban/rural friction
- Social, political, economic values have shifted significantly since legislation was drafted.

Purpose of Today's Workshop

- Continue the conversation
- Hear from local government partners about aspects of the legislation in need of reform
- Confirm support for this important initiative
- Focus forward momentum and collaboration

Summary of Issues

- *Community Charter* replaced *Municipal Act* in 2003; excellent example of municipal legislation in Canada
- *Local Government Act* created 1966, based on 1849 legislation. Not overhauled in early 2000s as planned.

Summary of Issues Continued

- Challenges with *LGA*:
 - a) convoluted language
 - b) anachronistic provisions
 - c) inflexible
 - d) restrictions on taxation/revenue generation
 - e) complexities in service establishment
 - f) lacks provisions to allow RDs to regulate, prohibit and impose requirements by bylaw without provincial approval
- Social/environmental values have changed since *LGA* was drafted, including:
 - a) First Nations inclusive governance/reconciliation
 - b) climate change
 - c) environmental stewardship

Some Themes from Session with Regional District Chairs and CAOs on June 25, 2021

- First Nations must be invited to be part of this modernizing exercise
- UBCM involvement in this initiative is of great value
- A new legislative scheme should contemplate seven generations into the future; establish a framework responsive to future societal changes

Themes from Discussion June 25, 2021, continued

- “Be careful what you wish for”: More authority requires more resources
- Ensure core task of modernizing RD legislation is not sidetracked by other issues
- RDs need more flexibility with revenue sources. Municipalities have authority to use fees to shape behaviour.

Themes from Discussion June 25, 2021, continued

- Community amenity contributions should be addressed as part of this initiative
- Consultation with Boards, First Nations, stakeholders, developers, owners, citizens, and the Province is key
- MFA could be part of “blue ribbon panel” or a separate technical advisory group

Legislative Reform Ideas Roundtable Discussion

- What kind of legislative reform do you envision?
- How would things improve?

Outline of Process Proposed at June 25, 2021, Session

- 1) Establish a Committee of Board Chairs/CAOs to oversee legislation review process
- 2) Develop “blue ribbon panel”: 3 - 4 experts to identify problems, solutions, consequences. Provide an economic, social, environmental analysis for proposed solutions.
 - a) Panel comprised of elected officials, administrators, and a consultant
 - b) Panel reports to a “parliament” of elected officials/CAOs for guidance
 - c) Process subject to a non-disclosure agreement

Outline of Proposed Process Continued

- 3) Conduct thorough consultation with affected RDs and municipalities
- 4) Invite treaty and non-treaty First Nations as partners in the process
- 5) Based on outcomes from “blue ribbon panel,” Board Chairs produce detailed draft Regional District Charter with accompanying commentary of approximately 15 pages

Outline of Proposed Process Continued

- 6) Identify and consult stakeholder groups including elected officials, administration, LGMA, and MFA. Symposiums could also be conducted for stakeholders to submit ideas and establish a consensus.
- 7) Develop plan to identify milestones of the process to reform legislation.

Outline of Proposed Process Continued

- 8) Establish buy-in from the Premier and Minister of Municipal Affairs
- 9) Engage in the legislative drafting process. Provincial legislative counsel would ultimately present a draft bill to the Legislative Assembly.
- 10) Aim for spring of 2024

Continuing the Momentum

- Where do we go from here?
- Ideas for next steps