



FEDERATION OF CANADIAN MUNICIPALITIES

FÉDÉRATION CANADIENNE DES MUNICIPALITÉS

CORRESPONDENCE  
2017 APRIL 3

04458

In order to pay the attached invoice, a motion of Council is required.

March 17, 2017

Dear Mayor and Members of Council,

For the past 20 years, FCM's Legal Defense Fund has been a critical tool in defending the national legal interests of Canada's municipalities. When a member calls on FCM to intervene in a court case of national importance, it's the Legal Defense Fund that makes this support possible. The Fund has been instrumental in setting important legal precedents on a number of issues that are of crucial importance to all municipalities. These include rights-of-way management, payments in lieu of taxes, environmental protection as well as the constitutional ability of municipalities to exercise their legislative powers.

After years of activity, FCM's Legal Defense Fund has been fully depleted. Now we need municipalities like the City of Burnaby to help restore the long-term health of the Fund.

A robust Legal Defense Fund is more important than ever. As courts — particularly the Supreme Court — become more strict with regard to the number of intervening parties they will allow in any given case, FCM is consistently recognized as the sole municipal intervener in cases with national implications. That means the Fund is the most certain and cost-effective way of protecting municipal legal rights in bodies such as the Courts of Appeal (provincial and federal), the Supreme Court of Canada and administrative bodies like the CRTC. While the Fund is used specifically for costs incurred directly by FCM, its influence in setting national legal precedents benefits every municipality in Canada. A recapitalized Fund will enable FCM to continue its longstanding efforts to maintain adequate municipal control over local rights-of-way and to maximize cost-recovery — while also bringing the municipal voice to a broad range of legal issues. What's more, it will support a growing demand for FCM to seek out proactive legal opinions on emerging policy issues, such as marijuana legalization. This will help provide all municipalities with the best legal advice available at a fraction of the cost, while contributing to the development of a united municipal response on national issues.

FCM has established a long-term strategy to recapitalize the Legal Defense Fund annually — beginning with an immediate call for contributions to cover ongoing legal costs. While support is voluntary, we strongly encourage members to contribute. FCM's Board of Directors has established a set contribution formula of 2 cents per capita. Enclosed is a voluntary invoice that indicates the City of Burnaby's proposed contribution for this year. This amount can be changed based on your budgetary situation. Starting next fall, municipalities will be invited to make an annual voluntary contribution to the long-term viability of the Fund as part of FCM's yearly membership drive.

All of us have a role to play in advancing the legal interests of Canada's municipalities. Thank you in advance for your immediate and ongoing support of the Legal Defense Fund. For more information, visit the membership page at [fcm.ca](http://fcm.ca) or email [info@fcm.ca](mailto:info@fcm.ca).

Sincerely,

Clark Somerville  
FCM President

Note from Legal: The Federation of Canadian Municipalities' Legal Defence Fund provides a cost-effective means for municipalities to bring forward legal concerns of common interest. FCM has established a new long-term strategy to recapitalize its Legal Defense Fund annually. The Legal Department recommends that Council approve payment of the invoice from FCM for the City's 2017 contribution to the FCM's Legal Defense Fund.

Copied to:  
City Manager  
Deputy City Manager  
City Solicitor

**President  
Président**  
Clark Somerville  
Councillor  
Regional Municipality of  
Halton, ON

**First Vice-President  
Première vice-présidente**  
Jenny Gerbasi  
Councillor  
City of Winnipeg, MB

**Second Vice-President  
Deuxième vice-présidente**  
Sylvie Goneau  
Conseillère  
Ville de Gatineau, QC

**Third Vice-President  
Troisième vice-président**  
Bill Karsten  
Councillor  
Halifax Regional  
Municipality, NS

**Past President  
Président sortant**  
Raymond Louie  
Acting Mayor  
City of Vancouver, BC

**Chief Executive Officer  
Chef de la direction**  
Brock Carlton  
Ottawa, ON

24 rue Clarence Street  
Ottawa, Ontario, K1N 5P3

T 613-241-5221  
F 613-241-7440

[www.fcm.ca](http://www.fcm.ca)





FEDERATION OF CANADIAN MUNICIPALITIES  
FÉDÉRATION CANADIENNE DES MUNICIPALITÉS

# Invoice / Facture

24, rue Clarence Street, Ottawa,  
Ontario, K1N 5P3  
T. 613-241-5221 F. 613-241-7440

Chu, Lambert  
City of Burnaby  
4949 Canada Way  
Burnaby, British Columbia / Colombie-Britannique V5G 1M2

**Invoice / Facture:** ORD-04458-X6B9R4  
**DATE:** 03/01/2017  
**ACCOUNT/COMPTE:** 17  
**DUE DATE/DATE LIMITE:** 04/01/2017

ITEM/DESCRIPTION	QTY/QTE	RATE/TAUX	TAX/TAXE	TOTAL
Legal Defense Fund/Fonds de défense juridique	223,218.00000	\$0.0230	\$256.70	\$5,390.71
			<b>GST/TPS (5%):</b>	\$256.70
			<b>TOTAL:</b>	\$5,390.71

## PAYMENT/PAIEMENT

**By cheque** payable to:  
**Federation of Canadian Municipalities**  
**Par chèque** à l'ordre de:

## Fédération canadienne des municipalités

24, rue Clarence Street

Ottawa, Ontario K1N 5P3

HST # / No. de TVH: 11891 3938 RT0001  
QST # / No. de TVQ: 1202728231DQ0001

## By Electronic Funds Transfer/Par transfert électronique de fonds

Royal Bank of Canada (RBC)  
90 Sparks St, Ottawa, ON K1P 5T7

**Transit Number/Numéro de transit:** 00006  
**Account Number/Numéro de compte:** 1006603

accountsreceivable@fcm.ca/comptesrecevables@fcm.ca

**Ref No. / No. de référence :** 17