

# Legislative Reform Initiative: Next Steps

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# Agenda

2:30-2:40 Welcome/introductions/objectives of session

2:40-3:40 Legislative Reform Initiative: A Summary

- Context and background
- Challenges with the Local Government Act
- 20 years of resolutions: a quick review
- Actions taken on this initiative
- Themes from previous sessions and discussions
- Priorities identified in previous discussions
- Background and questions from Ministry of Municipal Affairs
- Reflections from the panel and discussion
- **Decision: Is there an interest in proceeding with the leg reform initiative?**

3:40-4:20 Options for steering and managing the legislative reform initiative

- UBCM working group
- Joint local government project
- Other ideas
- **Decision: decide the best path forward to manage the initiative**

4:20-4:30 Conclusion/wrap up

# Welcome and Introductions

- **Vanessa Craig**, Chair, Regional District of Nanaimo
- **John Jack**, Chair, Alberni-Clayoquot Regional District; Chief, Huu-ay-aht First Nation
- **Jason Lum**, Chair, Fraser Valley Regional District; Council Member, City of Chilliwack
- **Don Lidstone**, K.C., Managing Partner, Lidstone & Company

# Objective of Today's Session

- Provide context and background about the Legislative Reform Initiative
- Decide whether to proceed with the Legislative Reform Initiative
- Decide the best path forward to steer the process

# Legislative Reform Initiative: Context and Background

- Community Charter replaced Municipal Act 2003
  - Excellent piece of municipal legislation in Canada
- Local Government Act (LGA) created in 1966
  - Not overhauled in early 2000s as planned
- Comprehensive modernization of LGA has not been done
  - Accountabilities of RDs continuing to increase
  - RDs lack tools and authority to meet expanded responsibilities
  - Many aspects of municipal operations that need updating are in the LGA (planning)

# Challenges with the Local Government Act

- 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

# Challenges with the LGA (continued)

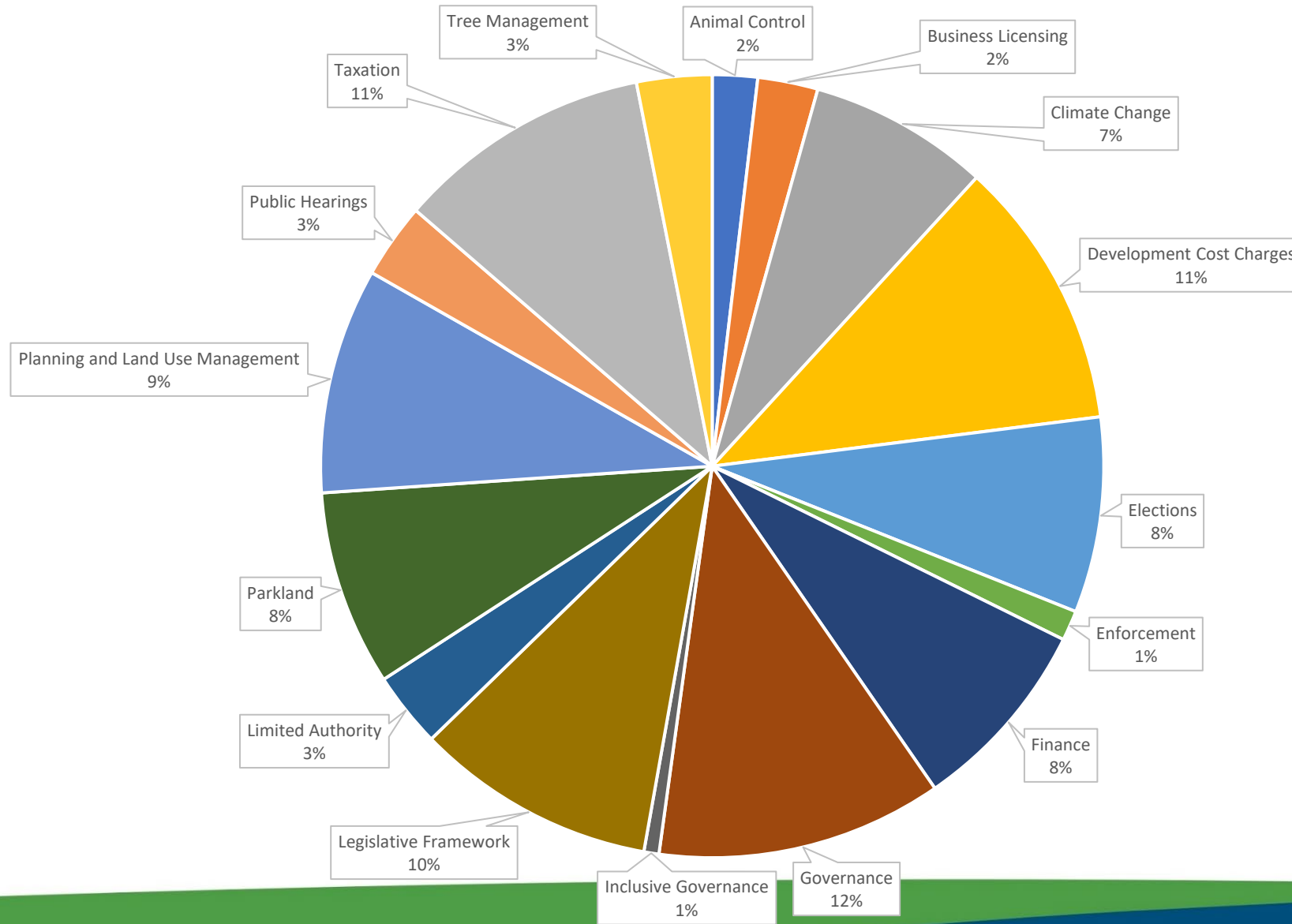
- Establishing services to optimize scale, cost distribution, fair participation
- Urban/rural friction
- Social, political, economic values have shifted significantly since legislation was drafted
- \*The Province has implemented incremental legislative change over time - which is welcome and beneficial - but it is time for a comprehensive review and update.

# 20 Years of Resolutions: A Quick Review

- From 2003 to 2022, 161 endorsed resolutions specifically mentioned amending the Local Government Act. 34% were sponsored by regional districts. The rest are from municipalities.
- An additional 71 resolutions requesting an LGA amendment were submitted to UBCM for consideration and were either not endorsed or not admitted for debate.
- Of the 161 endorsed resolutions, three have called specifically for modernization of the LGA and one has called for the creation of a Regional District Charter.
- The 5 most common themes are:
  - Governance
  - Development Cost Charges
  - Taxation
  - Legislative framework
  - Planning and land use management



# Resolutions At a Glance



# Actions Taken on this Initiative

- **April 2021** – RDN initially presented this topic to Chair/CAO Forum for preliminary discussion
- **June 2021** – RDN and Don Lidstone hosted a half-day session with BC Chairs and CAOs to explore a collaborative effort to modernize the LGA
- **April 2022** - AVICC convention – RDN, ACRD and Don Lidstone hosted a 2-hour workshop with local governments to hear about areas needing reform, and to build support for interjurisdictional collaboration
- **September 2022** - RDN submitted resolution, endorsed by UBCM, proposing that UBCM work with Ministry and local government on this initiative

## Actions Taken on this Initiative, cont'd

- **September 2022** – RDN and ACRD met with former Minister of Municipal Affairs Nathan Cullen to discuss moving project forward
- **March 2023** - Provincial response to RDN 2022 UBCM resolution on legislative reform received:
  - “The current framework mostly works well”
  - RDs can be innovative, creative in targeting issues
  - RDs should work with Ministry for tailored regulations
  - New tools/authorities must be based on a clear analysis
  - Consensus is needed for system-wide change
  - January 2022 “MOU on Local Government Financial Resiliency” (UBCM/Province) establishes a working group to review challenges

## Actions Taken on this Initiative, cont'd

- **March 2023** – RDN again presented on this initiative to CAO Forum and Chairs/CAOs Forum to gather ideas and specific examples
- **April 2023** - RDN, ACRD and Don Lidstone hosted a second panel session at the 2023 AVICC Convention in Nanaimo, building on ideas from 2022 AVICC workshop and seeking guidance on how to move the project forward
- **September 2023** – UBCM Convention (Vancouver), RDN, ACRD, City of Chilliwack, and Don Lidstone hosting a third panel session, building on ideas from the April 2022 and April 2023 AVICC sessions, and seeking guidance on next steps, process and timeline, and priorities to be addressed

# Themes from Previous Sessions and Discussions

- UBCM may be the most effective avenue for shepherding this initiative
- First Nations must be invited to be part of modernizing exercise
- A new legislative scheme should contemplate seven generations into the future; establish a framework responsive to future societal changes
- “Be careful what you wish for”: more authority may require more resources
- Ensure core task of modernizing 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 Previous Sessions and Discussions, cont'd

- Community amenity contributions should be addressed as part of this initiative
- Consultation with Boards, First Nations, stakeholders, developers, owners, citizens, Province is key
- Identify specific, concrete, local community issues to build ongoing grassroots pressure on local politicians
- Planning and land-use issues should not be included in this initiative
- Connect issues to ministerial mandates
- Capacity and resourcing (financial and staff time) will be major challenges for moving project forward

# Priorities to Be Addressed: Ideas from March 2023 Chair/CAO Forum

- Legislative Powers
  - Clarify respective powers of Mayor and Council
  - Amending legislation that provides the ALC with powers to supersede the OCP and RGS
  - Give local governments time to make those changes within the land use plan in the OCP and RGS
- Weighted Voting Structure
  - EA Directors outvoted by municipalities (Planning and Land Use Management)
  - Unfair voting practices on RD assets/service establishment bylaws and their taxation with limited and ineffective representation

## Priorities to Be Addressed: Ideas from March 2023 Chair/CAO Forum, cont'd

- Subdivision Approval
  - Maximum build-out to water availability to ensure sustainability. Water consumption needs to be met by raw water source without affecting other current infrastructure, forced to create potable water service
- Inclusive Governance
- Revenue Alternatives
  - Sales tax revenue alternatives, competing for grant funding
  - Ability to have additional revenue streams
  - Additional tools to meet residents' quality-of-life expectations



## Priorities to Be Addressed: Ideas from March 2023 Chair/CAO Forum, cont'd

- Long-term Borrowing
  - For regulated infrastructure (water treatment) and essential services (sewer where there are health and/or environmental issues). Not requiring AAPs/referendums.
- Service Establishment – reduce complexity
- Business Licensing – enable RDs to have licensing
- Bylaw Enforcement – declared nuisances

# Background and Questions from Ministry of Municipal Affairs

- Legislative reform is a resource-intensive process
- Need to demonstrate a clear gap in tools and authorities
- Must show a real need and a clear path
- Must be evidence-based and targeted
- Consider options other than legislative reform
- Provincial priority on affordability and housing supply presents urban/regional opportunities to participate in solutions

## Background and Questions from Ministry of Municipal Affairs, cont'd

- Province has several other initiatives that impact regional district authorities (e.g., inclusive governance study, financial review working group, consideration of business licensing)
- Demonstrate how local government challenges align with provincial priorities
- Local government needs an effective process to organize this project and to enable broad, inclusive and meaningful consultation

## Questions for Consideration from Ministry of Municipal Affairs

- Are there specific RD challenges and legislative concerns that align with the current provincial priorities? What are the clearly defined problem statements/lack of authority for RDs not already accommodated for?
- Given the inherent flexibility in the RD system, are there other tools or approaches that may address challenges that could support RDs in the absence of legislative changes?
- Have inclusive, broad, meaningful conversations about RD outcomes and authorities occurred across all RDs? And have those been shared with MUNI? How will RDs organize themselves to ensure that all voices will be heard?

# Reflections from the Panel

## Why this initiative is important...

Slido Poll:  
Is there an interest in proceeding with  
a legislative reform initiative?

YES

NO

## Discussion: Options for Next Steps

- What process would be most effective to steer and manage this initiative?
  - UBCM working group
  - Joint local government-led project

# A Refresher: Process Suggested at April 2023 AVICC Workshop

## **Option 1: UBCM Working Group**

UBCM to manage this initiative; establish working group to steer the legislative review process:

- Working group comprised of reps from municipalities, regional districts, First Nations, UBCM, ministerial staff
- Research and policy work on the framework/approach to reviewing and modernizing the LGA
- Report back to UBCM membership in 2024 (if there is a resolution from the floor in 2023) or in 2025 (if resolution is submitted in 2024)
- Discuss pros and cons of this option (unified, centralized, broad reach, consistency, mechanisms in place)



# Alternative Process To Consider

## Option 2: Joint Local Government Project

Local governments could contribute funding to establish a working group to oversee the legislative review process.

- Working group possibly comprised of reps from municipalities, regional districts, First Nations, UBCM, ministerial staff
- Undertake research and policy work on the framework and approach to reviewing and modernizing the LGA
- Report back to UBCM membership? Local governments?
- Discuss pros and cons of this option (challenges with capacity, resources, complex coordination)

# Slido Poll: Choose One Option

- Option 1: The Legislative Reform Initiative should be steered and managed by a UBCM Working Group.
- Option 2: The Legislative Reform Initiative should be steered and managed as a joint local government project.
- Option 3:

# Conclusion and Wrap Up

- Action(s) depending upon results of today's polls
- RDN staff will follow up with a “What We Heard” document

Thank you!