

LEGISLATIVE REFORM INITIATIVE: BUILDING THE CASE AVICC AGM and ANNUAL CONVENTION, April 14, 2023

Summary of Session and What We Heard

SUMMARY OF SESSION

On April 14, 2023, the Regional District of Nanaimo, Alberni-Clayoquot Regional District, and Don Lidstone, Q.C., hosted an interactive, discussion-based session on the legislative reform initiative. The session was intended for municipal officials as well as regional district officials, since many aspects of municipal operations are contained in the *Local Government Act*.

Concerns with this dated legislation include restrictions on taxation and revenue sources, complexities in establishing services, and the lack of provisions in comparison with Section 8 of the *Community Charter* which gives municipalities powers to regulate, prohibit, and impose requirements by bylaw without provincial approval or establishing bylaws. 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' participation in regional governance. These realities should be reflected in a modernized legislative framework.

This interactive panel session followed a similar workshop at the 2022 AVICC Convention in Victoria. The goals of the April 14, 2023 session were:

- to confirm support for the legislative reform initiative and continue the momentum from the 2022 AVICC workshop and the 2023 CAO and Chair/CAO Forums
- to gather an inventory of specific examples of areas of the *Local Government Act* that need refreshing and modernizing
- to determine the best process for moving this project forward

Over 100 delegates attended the session, indicating a broad interest in this evolving topic. Below is a summary of what we heard during the discussion.

WHAT WE HEARD

SPECIFIC EXAMPLES OF AREAS OF CONCERN

**for other themes and examples of areas of concern, please refer to the 2023 panel session slides, included with this package*

Services:

- Collection of development cost charges for police and fire stations
- Recreation facilities unable to meet demands of growing communities

- Subdivision approval
- Road issues especially in rural areas
- Need for regional transportation plan from the Ministry of Transportation and Infrastructure, not just piecemeal solutions
- Business licensing

Financial reform:

- Electoral areas' inability to spend money on services in the way municipalities can
- Constraints in relation to funding silos
- Regional districts relying heavily on partnerships to provide affordable services
- Limited financial resources spent on studies or reports that do not move forward

Governance:

- Need to address inclusive regional governance with First Nations
- Preservation of way of life for First Nations and rural communities
- Need more tools available and local decision-making power to preserve community identity and qualities ("when the 'best' solution is to incorporate, we know we need more tools")
- Regional districts are not represented on municipal councils, but municipalities are represented on regional district boards
- Imbalance on regional district boards between municipalities and often remote electoral areas
- If no central hub with adjacent rural areas around it, it is hard to lead. Need to create a structure where provincial goals can be met
- Citizen distrust in local government

SUGGESTED STRATEGIES FOR RAISING AWARENESS

Raise public and elected official awareness on need for legislative reform:

- We need unity: agree on a need for change
- At the same time, we know that not all regional districts want change
- Appreciate that views and challenges are diverse across the province; capacity is an issue for First Nations and local governments
- Citizens and many local government elected officials are unaware of the inequities stemming from outdated provisions in the *Local Government Act*
- Find as many ways as possible to maintain political pressure on province and put the initiative on the provincial agenda
- Ensure we don't let small solutions and small-scale tweaking of the legislation distract from the larger work of a holistic legislative modernization and review

Make it concrete:

- Must identify specific, concrete, local community issues to build support and create ongoing grassroots pressure on local politicians
- The story we tell cannot be vague
- We need to connect problems with barriers

- Newly elected officials need time to understand the specific barriers
- Identify the things that work in the *Local Government Act* and the things that don't
- We are not starting from scratch
- Planning and land use issues should not be included in this initiative

Align legislative reform with ministerial mandates:

- Connect the issues to the mandates of relevant ministries to demonstrate how legislative reform will assist them in meeting their commitments to the public and will align with provincial priorities.

Demonstrate how legislative reform could benefit ministries:

- Show how resolving the legislative issues could help reduce the administrative burden on relevant ministries
- This will alleviate their workload and resourcing concerns
- Encourage provincial participation in the initiative
- Capitalize on existing opportunities: for example, it is a ministerial mandate to reform local government finance. As well, inclusive governance work is part of the Province's Action Plan under the *Declaration of the Rights of Indigenous People's Act*
- We should use reconciliation as a springboard
- Find ways to link and connect these opportunities with the legislative reform initiative

PROPOSED PROCESS FOR MOVING FORWARD

Work through UBCM as most effective avenue to achieve progress on this project:

- UBCM is the best avenue. UBCM Executive could form a working group comprised of representatives from First Nations, municipalities, regional districts, UBCM, and ministerial staff
- Every regional district and First Nation is different with different views and challenges
- Capacity and resourcing (financial and staff time) are huge challenges for moving this project forward. Project involves research, data collection, collaboration, consultation, drafting

NEXT STEPS

Options include:

- RDN and ACRD propose a third interactive session for the September 2023 UBCM AGM and Convention. Goals of this session would be:
 - To determine interest in creating a UBCM working group to shepherd the legislative reform initiative and how this group should be structured
 - To solidify the process and timeline for advancing the initiative
 - To create a list of priorities to be addressed
- Submit resolution for September 2023 UBCM AGM and Convention calling on UBCM Executive to form working group on legislative reform, comprised of representatives from municipalities, regional districts, First Nations, UBCM, and ministerial staff