

What We Heard: Joint Area Association Virtual Engagement Session on the Regional District Legislative Reform Initiative February 28, 2025

On February 28, 2025, with support from all five Area Associations, a half-day virtual engagement session was held to discuss the Legislative Reform Initiative, a collaborative intergovernmental initiative to reform the regional district provisions in the *Local Government Act*. All UBCM members were invited to participate in the session. Over 250 local government elected officials and staff attended.

The broad objectives of this province-wide session, led by Don Lidstone, K.C., were to enhance awareness about the Legislative Reform Initiative, to engage with membership on the aspects of the *Local Government Act* that need updating, and to receive feedback about issues, concerns and specific examples relevant to particular regions within British Columbia.

Using a comprehensive document titled “Regional District Legislation Roadmap” that he had prepared as the foundation for discussion, Mr. Lidstone presented a review of the *Local Government Act* on a section-by-section basis, identifying problems with the existing legislation as well as potential solutions, and answering questions from participants about the legislation and the scope, intent and process for the Legislative Reform Initiative.¹

Following the February 28 session, the “Roadmap” document was transposed into an online survey that was distributed to all Area Association members. The survey invited participants to submit comments, examples, and recommendations regarding challenges local governments from all five Area Associations are facing with the current legislation. Input and feedback gathered from the February 28 virtual engagement session, the subsequent Area Association meetings held in spring 2025, and the spring Regional District Chair and CAO Forum, along with the survey responses received from elected officials and local government staff from March to the end of May 2025, will be collated and analyzed with a view to producing a legislative roadmap in July 2025.²

RESOURCES:

- The slides accompanying Mr. Lidstone’s presentation at the February 28, 2025 virtual engagement session are available [HERE](#);
- A video recording of the session is available here: <https://youtu.be/g1DbLn4JfLs>;
- The Draft Roadmap Document can be accessed [HERE](#); and
- The Survey is available until May 31, 2025, and can be accessed at the following link: <https://www.surveymonkey.com/r/LQD3BW9>.

¹ The Regional District Legislative Reform Initiative is not seeking to reform the election provisions, land use, planning, housing, or other parts of the *Local Government Act* that do not govern regional districts.

² After the February 28, 2025 virtual session, the ad hoc working group decided by consensus not to submit a joint resolution to UBCM regarding legislative reform, but instead to submit the “Roadmap” document, along with engagement results and recommendations, directly to the UBCM Executive for consideration in their 2025/2026 workplan.

Participants' Questions and Comments by Topic

The following is a summary of the questions and observations raised by participants at the virtual engagement session, broadly organized by topic area. Many questions and comments raised at the session fall under more than one topic.

GOVERNANCE

General

- The label "Director" continues to be a problem for Electoral Areas as no one knows who we are. Will this initiative address that issue?
- Rural areas are governed by the Province in areas such as transportation and stormwater management, but the Province has no requirement to consult us. Would new legislation help this?
- What is your view on term limits for CAOs? Their contracts could be renewed but would require a vote of the regional district Board.

Code of Conduct

- The mandatory Code of Conduct and provincial enforcement might help with some behaviors.
- Code of conduct should be mandatory for all elected officials before they take office.

Regional District Chair

- Do you think the regional district model for election of a Chair is a good one that could benefit being brought to municipal government? Could it help the current atmosphere if mayors had to be elected from the Council body?
- Should regional districts have a directly elected Chair?
- The Chair position of our regional district has been dominated by one municipality for 68.5 out of the 70 years. Can we get a term limit to allow smaller communities to participate at the top level?
- If the Board has a problem with a Chair that is out of line, is there any way that the Board could remove the Chair before the annual election of the Chair? Could it be something included in the Procedure Bylaw?

Boundaries and Restructuring

- Will regional district boundaries be considered in the development of new legislation?
- How can a municipality expand its geographic area? Small towns seem trapped by surrounding regional districts. Will this be considered in the development of new legislation?
- Will protecting electoral area boundaries from municipalities be considered in new legislation?
- My electoral area looked at boundary restructure at the Ministry's suggestion. When we expressed an interest, the Ministry refused to fund the study. There is no support for an electoral area to move forward in their search for governance.
- Electoral areas need to be able to get Crown land for things like housing. In many cases, we do not own chunks of land and need it to go forward to keep our communities growing and healthy.
- Can this initiative address the increased urbanization in the electoral areas by creating an easier and more cost-effective method for small municipalities to be created? It seems like more electoral areas want municipal services and authorities. Historically they would have to incorporate as a municipality. But the downloaded responsibilities onto municipalities have created a significant barrier for new incorporation.
- Could the municipal classifications (township, village, city, etc.) be used to reduce the administrative burden so that electoral area residents that want urban services can be carved off rather than dragging true rural areas into urban services?

- Establishment of an LCC, with broader, more accountable representation, could be another trigger for greater authority as an alternative to incorporation.
- One issue potentially related to LCC legislation is related to improvement districts. My understanding is that if incorporation is approved by voters, improvement districts are required to become part of local government. If LCCs are established, resulting in broader, more transparent and accountable governance in electoral areas, should there be an LGA provision requiring improvement districts to become part of regional district governance?

Voting

- Larger municipalities can use their weighted vote to make changes to regional district budgets, even on items that they do not pay for. Need more fairness and equity with weighted votes.
- With regard to a service expansion, currently municipalities enjoying a majority vote on a regional district Board can force an electoral area into that service without consultation or consent of those electoral area electors. Can this be remedied?
- Can the concept of shared services be used to restore stakeholder voting rights to electoral area Directors and avoid the Board voting on services that they neither pay for nor participate in?
- Electoral area Grant in Aid is typically a single-participant service. Therefore, municipalities with the majority vote can commandeer the electoral area Grant in Aid service to fund their own municipal priorities. Can this be remedied?
- On regional district grants, municipalities act like "What's ours is ours and what's yours (regional district's) is ours!"
- Recently in the Capital Regional District, the Board allocated more than half of the Growing Communities grant funding to regional services/projects (i.e., not to electoral areas) despite each of the municipalities directly receiving Growing Communities Fund funding. Could there be a legislative requirement on regional district Boards to deal equitably with electoral areas regarding the distribution of provincial grants (where discretion can be applied) and other matters?
- In our regional district, Community-Building Funds (Gas Tax) coming from UBCM are divided amongst the electoral areas based on population. This is our only viable source of infrastructure funding. (The municipalities receive their own Gas Tax.) The municipalities with their majority vote are now determined to take away all of the electoral area Gas Tax funds for their own priorities. Could we have legislation to protect the electoral area Gas Tax?
- Can a Director vote on "block" motions at a regional district board meeting when they aren't a member of some of the functions in this block (i.e., they are not an eligible voter for some of the motions in the block)? And similarly, should regional district committee votes (on recommendations for the Board) be restricted by who is in the function?
- Recently in the Capital Regional District, there have been several voter approval processes initiated (typically AAPs due to the cost of referenda) that electoral areas and other local governments have been unable to opt out of. This can result in electoral areas being roped into regional services from which they will receive little benefit. Is there is a legislative solution to this?
- There is frequently a sharp division between the aspirations of the electoral areas versus the municipalities at the Board table, with each side voting as opposing blocks. Since the CAO is on contract, their concern for job security encourages them to promote and support the majority-sized block. When this is a municipality, the electoral areas are left with no CAO or staff to support their interests. Can you envision a way to remedy this very serious problem?

First Nations Inclusive Governance

- If a First Nation Indigenous governing body is within municipal boundaries and letters patent, would they be included in the regional district Board governance structure or on the municipal Council?
- The Regional District of Central Okanagan has been working on attaining a vote on the Board for Westbank First Nation. Will this initiative help, fast-track, or hinder work already underway?
- The LGA does not contemplate elected First Nation Councillors under the *Indian Act* who are also elected electoral area Directors. As a consequence, that electoral area Director would be required to declare a conflict on a wide range of matters related to the First Nation—a problem which appointed members from municipalities and Treaty First Nations don't experience.
- Do First Nations with a vote on their regional district Board represent the electorate on their lands or does that population remain as part of an electoral area with a Director that cannot represent them?
- Thank you for noting that this work will not impede the work being done for inclusive regional governance. Recognizing the process required for legislative reform, it is important that the work being done with non-Treaty First Nations be included in this process. The LGA currently restricts Nations to appoint from their elected leadership. Has consideration been given to recognize First Nations governance and allow First Nations to appoint hereditary leaders as their representatives?

FINANCE

Budget Process

- Can you explain specifically how a municipality can use their majority voted weight to change a regional district budget? Can they change any aspect of the budget or only the parts they pay into? For example, can they alter the budget of electoral area administration (established by bylaw) even though they don't pay for it?
- Will the regional districts be able to move funds from one service to another service like the municipalities?

Taxation and Revenue

- One area we are discussing with the Province is to allow regional districts to become taxing authorities. For 2025, the Regional District of Okanagan-Similkameen taxpayers will pay over \$1 million to the Province. Should regional districts be allowed, at their discretion, to be taxing authorities?
- Will regional district property taxes in arrears, tax sales, and the tax sale redemption period form part of the review?
- Treaty First Nations can set their own property assessment values independent of the BC Assessment Authority, sometimes at just 5% of the true property values. This results in an unfair balance of tax requisitions to the regional district. Will this imbalance be looked at?
- Electoral areas cannot issue fines or licenses, resulting in the impossibility of enforcing bylaws. Will this situation be considered in the development of new legislation?
- Electoral areas only have limited taxation options versus municipal taxation options: residential versus commercial versus forestry versus other.
- The Payment in Lieu of Taxes funding program needs to be reviewed as municipalities and regional districts each receive these funds and the use of them. A portion of the regional funding is used for regional tax services where the electoral areas need more for their utility tax services.

Borrowing

- Regarding public assent when borrowing funds: We are in the process of taking over two private utilities, and property owners are upset that their tenants are allowed to vote on the borrowing bylaws.
- Will this work be considering ancillary LG regulations, like the Municipal Liabilities Regulation, such as increasing the Approval-Free Liability Zone?

REGULATORY ISSUES

General

- A reference to the bylaw enforcement program would be helpful - not for discussion now but later reference.
- First-time bylaw enforcement pitfalls.

Tree-Cutting Authority

- If tree-cutting authority will be proposed for electoral areas in regional districts, should the Trust authority also be revised? Don indicated that the Trust would not be included in the proposed review.
- Under the *Community Charter*, municipalities can order a property owner to remove hazard trees, but regional districts can only say “pretty please.” In a future that includes climate change and more extreme wildfire events, could regional districts see further authority? Or is this a “careful what you wish for” and potential provincial downloading?

Water Protection

- Regarding approval for temporary farm work housing in regard to septic systems, which potentially has a contamination for local drinking water source: the regional district is not able to approve, even though the regional district is responsible for water management. P.S.: Interior Health advised they are not the approving agency.
- Rural areas are significantly affected by private managed forest land practices--the *Private Managed Forest Land Act* does not provide adequately for water protection. Could this initiative help to fix that?
- Why would fees as taxes encourage water conservation? User fees based on consumption will do that.

INFRASTRUCTURE AND SERVICES

- Smaller, area-specific utilities, particularly small water districts, face very daunting liabilities regarding replacement of decades-old asbestos-cement distribution systems. Will any aspect of the review provide options for addressing this?
- The Province should allow regional districts to establish super water systems.
- Can regional districts currently take on/develop "Community Forests"? Or will we need natural person powers? Could it be done under a service establishment bylaw?

LAND USE PLANNING

Note: It is not contemplated that land use planning be included in the Regional District Legislative Reform Initiative.

General

- Will land use planning issues be considered part of the LGA review? For instance, subdivision approvals, suburban sprawl, roads, and the resulting demands for increased urban services in traditionally rural areas.
- If land use provisions will be included in the proposed regional district review, should similar provisions not apply to the Trust? Regarding Local Community Commissions (LCCs), Salt Spring established an LCC (with voter approval) that has delegated authority over 14 local Capital Regional District services. Shouldn't LCCs, which broaden elected representation and offer the opportunity for consolidation of service administration, get more support in the LGA, both financially and in terms of authority?

Regional Growth Strategies

- Can a municipality unilaterally request to be removed from a regional growth strategy? Section 430(2) seems to imply that only the regional Board itself can request the Minister to authorize an RGS that is applicable to only part of the regional district.
- What ability does an electoral area Director have to "opt out" of a proposed RGS? Can an electoral area, or a number of electoral areas, be forced into a new RGS against their wishes?

OCPs

- Do electoral area OCPs have any real authority or applicable use?
- Based on what was just said, that no buildings can be inconsistent with an OCP, if there is no zoning bylaw then there is no regulation to ensure that what is developed is aligned, and the OCP remains a vision but not an actionable bylaw. Is this correct?
- Is it possible to have a Development Permit Area without having an OCP in that area?

Subdivisions

- For housing development in electoral areas, who would be the point person working with the developer, as regional districts do not have staffing to deal with subdivision concerns and issues, types of infrastructure, and amenities? Especially as it impacts surrounding municipalities.
- Without any recourse when Ministry of Transportation and Transit subdivisions go badly wrong, the regional district is left holding the bag.

LOGISTICS AND OVERALL APPROACH OF THE LEGISLATIVE REFORM INITIATIVE

- How can we ensure that the *Local Government Act* and *Community Charter* actively strengthen local democracy and include safeguards against erosion, particularly in light of challenges to democratic institutions we are seeing in other jurisdictions, such as the U.S.?
- What are the pros and cons of different approaches regarding status recommendations with respect to using *Local Government Act* versus *Community Charter* fixes?
- If Metro Vancouver, with its host of issues in the public eye, is barely on the radar of the Province, how can regional districts hope to get the Province's attention on the rest of these numerous issues?
- Do you anticipate that the Province will be willing to make amendments on issues that obviously need to be modernized (low-hanging fruit as it were), sooner than the 2+ years that it may take for a complete modernization?
- Given the process we are now in, and ahead, what is a likely timeline for changes to occur?
- For this initiative, will regional districts and municipalities have a role in public engagement and information-sharing?
- Do you want responses from each municipality or regional district or from all members of Council?
- If I want to contact someone on here to get more information, how would I go about this?