June 27, 2025

President Trish Mandewo & UBCM Executive
Gary MacIsaac, Executive Director
Union of British Columbia Municipalities
525 Government Street
Victoria, BC V8V 0A8

Sent via email: tmandewo@coquitlam.ca
gmacisaac@ubcm.ca

RE: Regional District Legislative Reform Initiative

Dear President Mandewo, UBCM Executive, and Mr. MacIsaac,

On behalf of the Executive Boards of the five BC Area Associations, we respectfully request that the UBCM Executive include the modernization of the *Local Government Act* (*LGA*), as it pertains to regional districts, in its annual workplan. Please find the attached updated *Regional District Legislation Roadmap* for review and consideration.

Since 2003, UBCM members endorsed over 161 resolutions calling for LGA amendments - three specifically calling for modernization, and one for the creation of a Regional District Charter. Since 2021, a working group of elected officials and CAOs has been advancing this initiative. Over the past year, Area Association Presidents, Board members, and staff have expanded this effort - providing funding, staff support, and engaging with local governments and First Nations across the province.

As part of this engagement, all five Area Associations co-hosted a **Joint Virtual Engagement Session** on February 28, 2025, with 255 UBCM members participating. The session used the *Regional District Legislation Roadmap ('Roadmap')*, prepared by Don Lidstone, K.C., as a framework to identify challenges and opportunities for improvement. A province-wide survey, open from March 8 to May 31, received over 200 unique logins and more than 100 written submissions. Mr. Lidstone also presented at all five Area Association conventions and the UBCM Chair/CAO Forum.

The attached version of the *Roadmap* reflects input from this broad engagement process.

Feedback confirms strong, province-wide support for modernizing the *LGA* to enhance regional district effectiveness. Regional districts face increasing responsibilities but remain limited in key areas compared to municipalities - such as business licensing, subdivision approval, parking enforcement, tree management, and funding tools. These limitations hinder their ability to meet new provincial directives, including those related to emergency management, climate adaptation, and reconciliation. Consistent with Section 1.11 of the Province's DRIPA Action Plan, we have gathered practical guidance to support more inclusive regional governance through enhanced First Nations participation.

There is clear momentum behind this initiative, and we urge UBCM to take the next step: formally add regional district legislative reform to its workplan and help bring the Province to the table for a comprehensive review and modernization of the relevant parts of the *Local Government Act*.

As a next step, we have submitted a proposal for an interactive, discussion-based workshop at the 2025 UBCM Convention and invite UBCM's involvement in this important effort.

We appreciate your consideration and look forward to your response.

Sincerely,

AVICC President Ben Geselbracht
Councillor, City of Nanaimo

NCLGA President, Gladys Atrill
Mayor, Town of Smithers

AKBLG President, Kevin McIsaac
Councillor, City of Fernie

SILGA President,
Louise Wallace Richmond
Councillor, City of Salmon Arm

LMLGA President, Paul Albrecht
Councillor, Langley City

On behalf of the BC Area Association Executive Boards

cc: Theresa Dennison, Executive Director, AVICC; info@avicc.ca
Koryn deVries, General Manager SILGA; yoursilga@gmail.com
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Regional District Legislation Roadmap

June 26, 2025

Prepared by Don Lidstone, K.C.

Lidstone & Company

For

Association of Vancouver Island and Coastal Communities

Association of Kootenay and Boundary Local Governments

Lower Mainland Local Government Association

North Central Local Government Association

Southern Interior Local Government Association

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INTRODUCTION

The Province of British Columbia and Union of British Columbia Municipalities, in response to several resolutions passed at UBCM conventions regarding new or amended legislation governing regional districts, asked the regional districts and local government area associations to demonstrate the extent of interest that may exist for such legislative reform. As an initial exercise, the regional districts and area associations provided this discussion paper for interested parties to comment on current enactments and options for improvement. This paper and the options were considered at the five area association conferences after a February 28, 2025, remote plenary session for the participants. This process has given rise to recommendations to the Province and UBCM at the September 2025 convention of the latter.

This paper is not a legal opinion of the five area associations, the regional districts, or our law firm. It is a discussion paper intended to identify issues and options for discussion. It was set up online for comment and additional issues to be inserted by regional district elected and appointed officials and others prior to the 2025 area association conventions. Ultimately, no legislation changes or adjustments will be possible without deep consultation with First Nations, municipalities, area directors, business, environmental interests, ministries, and many more.

In 2002 the Province published the book entitled *The Community Charter: A New Legislative Framework for Local Government*. On page 4, the minister stated: "The next phase of the reform process will expand to regional districts…". On page 6 the Community Charter Council stated: "These changes will serve as the essential building blocks for later legislative reform for regional districts…These reforms will be addressed in later phases". The *Community Charter* was adopted in 2003 and came into force in 2004.

From 2003 to 2022, UBCM endorsed 161 resolutions mentioning 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 called for modernization of the LGA and one sought creation of a *Regional District Charter*, based on the White Paper published in May 2002 by the Province.

Municipalities participated in this conversation, considering:

- the often-articulated need to 'level the playing field' between municipalities and electoral areas,
- the inability for RDs to respond to regional needs in a nimble fashion since the exercisable powers at the RDs are less nimble than those in municipalities thereby impairing the ability of the Region to truly act as a federation, and

- revenue and expenditure models have evolved to be unfair to either municipalities or rural areas, depending on location and history.

Fundamental to an analysis of structure, funding processes, and voting rules is whether regional districts continue to operate with service silos, how the interests of municipalities and rural areas can be balanced and protected in a fair way, and how to ensure that decision making is based on fair representation. It may not be necessary to alter these fundamentals if the processes and service/regulatory empowerment on the other fronts are modernized for electoral areas along the lines of the *Community Charter*. Also, it may be that Metro Vancouver Regional District does not fit all the paradigms described in this document, given the special utility Acts, the relative absence of rural areas, the size of the current board, the magnitude of capital projects, the absence of a "regional hospital district board", the focus of grants on transit, and the perceptions about citizen representation. That said, nearly everything in this document applies to Electoral Area A of Metro, and the Principles and Executive Summary herein apply to Metro generally.

Thanks to the UBCM for hosting the initial consultation session at the annual convention in 2023, hosting the electoral area director consultation session in 2025, and the processing of relevant resolutions. As well, the Province has considered LGA amendments responsively over time to respond to UBCM resolutions and will consider proposals from the UBCM after the area associations have considered the modernization of the Act and demonstrated substantial interest in this project.

Thanks to Chair Ben Geselbracht and AVICC Executive Director Theresa Dennison for coordinating the regional meetings and organizational logistics for this process, and to the Regional District of Nanaimo and its Chair Vanessa Craig, CAO Douglas Holmes, and officials Elizabeth Hughes and Gail Smith for taking on the responsibility of leading this discussion.

PRINCIPLES

Based on consultation with the regional districts over the past three years, the following fundamental principles govern the review, analysis, and recommendations:

- First Nations and Indigenous individuals must be included in the legislative reform program without discrimination
- No amendment to the regional district legislation shall impact the bond rating for the Municipal Finance Authority of British Columbia
- No regional district, or participant, shall be obligated to make any changes from status quo services, procedures or finances - regional districts may in their discretion voluntarily subscribe to new opportunities but nothing will force them to use new powers or revenue sources

- The legislative review shall not result in new downloading from the provincial government to regional districts, without sufficient new funding sources
- Regional districts need to be empowered to respond to rapid change such as emergencies and disasters, climate change, and other things not contemplated in 1965 when the legislation was initiated
- Regional districts must have the same level of recognition as municipalities in the context of relations with the provincial government, crown corporations, and crown agencies
- The legislation must reflect the unique character, culture and history of each regional district, noting the varied and constructive differences between metropolitan entities, rural entities, and combinations - legislation that says "one size fits all" will not work for the British Columbia regional districts
- Interests of municipalities must ne balanced when considering interests of rural areas
- Ratepayers seek absolute accountability and transparency on RD project capital and operating costs.

  What we heard: "A concern raised by some RDs who do not want to take on more work. We need to constantly remind these RDs that the legislation is enabling and should not require any jurisdiction to take on additional duties without the local political will and, if/where there is a need to take more work on as a consequential outcome of the legislative rewrite, to the extent that the local jurisdiction is inheriting work formerly under the purview of the Province, that work should be accompanied by a new funding source as stated in the principles of the LGA rewrite".

EXECUTIVE SUMMARY

The existing legislation provides for regional districts as local governments that do not have the recognition or status of municipal governments. This is partly a function of the history of these entities, commencing at the time of the introduction of the legislation in 1965.

First Nations

First Nations have had traditional governments for at least 10,000 years and, as many would say, from time immemorial. Regional districts have existed since 1965. Despite this history, First Nation governments and members are not included in regional district governance (except in the limited circumstances where there is a treaty settlement area or special legislation, such as for the **shíshálh Nation**). British Columbia has adopted the *Declaration on the Rights of Indigenous Peoples Act* ("DRIPA") to formally incorporate into BC law the indigenous rights instrument of the United Nations entitled the "United Nations Declaration on the Rights of Indigenous Peoples" ("UNDRIP"). DRIPA sets out a process to align

British Columbia laws with UNDRIP, and the provincial action plan provides for ending indigenous specific discrimination and promoting economic well-being. One of the specific actions in the BC action plan is to support inclusive regional governance by advancing indigenous participation on regional district boards. This was supported by UBCM in its July 30th, 2021 submission.

The Province should make this a high priority until it is done but not alter the course of First Nation-regional district tables and others such as Fraser Basin Council that are already working to build consensus on structure and function.

> ***What we heard:*** "First Nation should have a seat at the table DRIPA is a document signed by the Prov Government yet the present Local Government Act does not allow to invite them to the table".
>
> "Encouraging the Province to take action on incorporating DRIPA into the Local Government Act, the Community Charter, and the Islands Trust Act should be a priority."
>
> "It must be considered in the creation of an inclusionary framework for each First Nation's participation in regional governance that; democratic electoral processes exist, that RD service provision is supported by the raising of revenue to provide the service from the locale that benefits from that service, on the same level playing field as exists now, for the provision of those services, that First Nation's with a governance model that resembles - or reasonable could resemble - a municipal framework of service provision to residents be able to represent at a RD table their residents in the same manner as a municipal director does currently".
>
> "We have participated in the Inclusive Governance initiative sponsored by MUNI exploring non-treaty First Nations Participation on Regional Boards. Nations in the Capital Regional are concerned their voices would be overwhelmed on the 24 member Board, particularly with the current system of weighted voting, and would like other mechanisms to impact decision making that do not involve a seat at the Board table".
>
> "The explicit call to include First Nations and Indigenous persons in legislative reform reflects alignment with BC's DRIPA and UNDRIP".
>
> "Agreed that First Nations need to be included in the Provincial governance framework, and it seems logical that the fit is within the existing RD framework. I see parallels to small communities/unincorporated communities, and small municipalities across BC that have a 'seat' at the RD table. It must be considered in the creation of an inclusionary framework for each First Nation's participation in regional governance that; democratic electoral processes exist, that RD service provision is supported by the raising of revenue to provide the service from the locale that benefits from that service, on the same level playing field as exists now, for the provision of those services, that First Nation's with a

governance model that resembles - or reasonable could resemble - a municipal framework of service provision to residents be able to represent at a RD table their residents in the same manner as a municipal director does currently."

Status

The *Community Charter* (CC) in section 1 recognizes municipalities as an order of government within their jurisdiction in accordance with principles based on the municipal charter of rights adopted by the Union of British Columbia Municipalities. Regional districts, on the other hand, are not recognized at the same level in the *Local Government Act* (LGA), considering there are no supporting principles of regional district governance in the LGA compared to those of municipalities in the CC

Similarly, the principles of municipal-provincial relations for municipalities are based on the UBCM charter of rights, while the regional district principles for relations with the Province are restricted to five elements that are less respectful of regional district jurisdiction and interests.

Under the constitution, all local governments in the provinces are children of their provinces, created and empowered by legislation. Regional districts are lesser creatures under the local government act, in the context of the statutory guiding principles, the provisions respecting relations with the province, the need to read nearly every section by also reading the relevant municipal legislation, the restrictions on regulations in the rural areas, and the extraordinary level of provincial approval requirements.

Part 9, Division 1 CC, entitled "Provincial-Municipal Relations", does not clearly apply to regional districts in relation to unilateral changes such as forced amalgamations, expansions, dissolution, or separation.

Similarly, Part 9, Division 3 CC, entitled "Dispute Resolution", does not clearly apply to regional districts in relation to disputes between regional districts and other local governments or the provincial government or a provincial government corporation. The dispute assistance, voluntary binding arbitration, mandatory binding arbitration, final proposal arbitration, full arbitration, and other provisions could provide practical solutions for regional districts encountering disputes.

> ***What we heard:*** "Agree that Regional Districts be recognized as an order of government with natural person powers and should be given same recognition as municipalities".
>
> "Regional districts are a second class citizens. They are treated like children by not allowing them more responsibility, or in this case powers and authorizations. Administrations in regional districts are trained professionals. Elected officials are duly elected by the public. No different than the municipal counterparts. Regional districts do not require hand holding. They need the tools to get the job done in a quick and nimble way, just like municipalities".

Natural person powers

Municipalities in virtually every province have "natural person powers" (legal capacity, rights, powers, and privileges of a natural person of full Capacity) to make agreements, acquire or dispose of property, delegate authority, participate in commercial/industrial undertakings, hire/fire and other things that a natural person can do. In BC, municipalities have natural person powers under section 8(1) CC. Regional districts, on the other hand, are limited to express corporate powers of a board listed in section 263 LGA. As well, many LGA provisions and regulations would not be required if the regional districts were to have natural person powers, such as the parks and trails regulation, which allows leases, SROWs, easements, licences of land for a regional park or trail.

> ***What we heard:*** "An example: to enter a partnering agreement required bylaw consent from participants, and provincial approval, taking months".

Regulatory powers

A regional board may regulate people or things in accordance with a limited number of specific service powers under Part 9 LGA. Given the broad, overarching authority of a municipality under section 8 CC, the regulatory authority of a regional board in relation to building regulation, fire/health, drainage/sewage, waste, animals, nuisances, businesses, or other things, is restricted. Objectively, regional districts have reported that their regulatory powers are inadequate to address climate change, wildfires, flooding, heat domes, or other matters that municipalities address routinely. There are many examples, but one is the authority to regulate tree removal on land while the municipality on a contiguous parcel has extensive authority to regulate, prohibit, or impose requirements. The regulatory powers of municipalities are based on the generic broad authority model adopted by most of the provinces and territories since the mid-1990s and upheld by the Supreme Court of Canada in 2004 in *United Tax Fellowship v. Calgary,* yet the regulatory powers of regional districts continue to be based on the approach taken in the 1849 *Baldwin Act* of Upper Canada which required specific detailed statutory provisions for each regulatory bylaw. Also, the counties governing the rural areas of other provinces such as Alberta have the same regulatory authority as the municipalities.

Places in British Columbia such as the heavily developed and populated community of Thornhill and the unincorporated areas around West Kelowna or Nelson require reasonable regulation of human activities to deal with protection of the natural environment and the other things at least to the extent that these things are addressed by contiguous municipalities. The absence of the authority to provide for such regulation in populated, developing, and other areas of British Columbia has resulted in irrevocable health, sanitary, planning, environmental, and servicing problems. There are dozens of examples, but these include places like Thornhill, Charlie Lake, French Creek, and Christina Lake, and like View Royal and Colwood prior to incorporation.

Municipal councils in a regulatory bylaw may provide for a system of licenses, permits, or approvals and take advantage of the list of regulatory standards and controls countenanced under section 15 cc, whereas a regional board can only do those things in a bylaw that relates to a regional district service such as waste management.

Considering the authority to enter on property, the cross reference in section 284 LGA appears to contain an error, by omitting sub-section 16(6) yet going on to limit the ambit of that sub-section even though it has been omitted. The authority to discontinue providing a utility or service to a property does not apply to regional districts.

Municipalities have the authority under section 8(3) of the *Community Charter t*o impose requirements in relation to their areas of regulatory authority, except in relation to firearms or business. This was heralded as a major advancement for municipalities. It is missing from the regional district regulatory authority, except for several limited purposes such as drainage and sewerage. Importantly, if a regional district provides a service, it cannot impose requirements in relation to the service, except in the limited instances where this is allowed (such as drainage and sewers).

As a result of the wildfires in Fort McMurray and Lytton, lawyers typically recommend adoption of preventive measures by the local governments. An example is a "fire smart" building bylaw. However, in most of the areas of the regional districts that have wildfire interface concerns, building regulation bylaws are limited to areas where the regional board has established a service in relation to "building inspection". Generally, these areas are limited, and no regulation or inspection takes place even though the British Columbia building code applies throughout British Columbia as if it is a municipal bylaw under section 4(a) of the *Building Act*.

A related concern is the restrictive content of regional district building regulation bylaws in rural areas. The authority for building regulation in section 298 LGA is word for word the same as in the 1960 *Municipal Act* (RSBC 1960, c. 255). For regional district areas that have a building service, these 1960 powers can be exercised in accordance with section 297, but in my view these powers are inadequate to fulfill application of 2024 Building Code provisions. Also, although the 2024 Code applies as if a bylaw outside the building service areas, there are no building bylaws or permits to enforce the Code.

Municipalities have useful interpretive tools. For example, section 10 CC provides that municipal bylaw is not inconsistent with another enactment if a person who complies with the bylaw does not buy this contravene the other enactment. The regional district provisions are silent in this regard.

What we heard: "Regional districts were not given the authority to adopt similar 'Tenant Protection Bylaws'".

"In relation to its role as the local government for Electoral Area A, Metro Vancouver would benefit from the ability to consider regulating tree removal, and additional regulatory powers to address climate change, wildfires, and flooding".

Services in rural areas

In any portion of a municipality, the council may proceed with a local service area so that the owners in that area pay for a service that is not subsidized by the rest of the municipality. This requires a buy-in from the taxpayers in the local area. This scheme, which is a modern and efficient crystallization of the traditional local improvement areas and specified areas, is used routinely and efficiently through throughout municipalities.

In any portion of a regional district, the board may proceed with the service such that the owners in that area pay for that service and it is not subsidized by the rest of the regional district. The difference, however, is the process for initiating a new local area service in a rural area – in addition to the buy-in (assent, alternate approval, or petition) the bylaw requires the approval of the inspector, approval by the board or area director, as applicable, and possible directions from the minister for amendments. It is interesting, therefore, that as of 1965, under section 766AAA of the 1960 *Municipal Act* (RSBC 1960, c. 255) a regional district could establish a local improvement scheme or specified area scheme, being the statutory precursors to the local area service, in the rural area without provincial approval other than for boundary extensions.

The interface between the LGA and other provincial statutes causes problems for regional district service provision – for example, the *Environmental Management Act* creates problems for interpretation and application of LGA provisions. Also, Sections 315 and 316 LGA do not keep up with modern waste management initiatives.

What we heard: "The needs of a population with more than 4000 is still significant".

"Regional districts/electoral areas are heavily subsidized by the provincial government and municipalities. This model was created 60 years ago, and since then, many so-called "rural areas" may still be "rural" (just as many municipalities are) but have grown into populous areas that should be incorporated, and hence, the regional district system is broken. Incorporation or amalgamation is the only way to "level the playing field" if some electoral areas have grown to the point where they need municipal authorities".

"Incredible delays in establishing service areas".

"RD boundaries (and electoral area boundaries within RDs) that were set decades ago and might no longer reflect the population/density of the RD".

"In fact, we have a huge reputation problem, and much of it is due to the inherent structure of the regional district and our inability to respond to residents' legitimate concerns in a timely manner--or at all. EA Directors are spending more and more time on advocacy with senior government on behalf of residents' concerns, and there is no clear avenue to resolve significant problems that municipalities have better tools to deal with. I also believe that the regional district structure is one of the factors in the increasingly stark rural/urban political divide in BC. Residents of the City of Vancouver have most of their day-to-day concerns met by the municipality, and rarely interact with the province, but residents of rural and unincorporated areas are constantly at the mercy of senior government agencies that are not responsive to their needs".

"As an electoral director ministers and government treat us differently when we in reality represent more residents than district municipalities or small towns. My area has 3000 residents alone. My area is as large as keremos. Why am I treated differently?"

"I don't mind the current set up with services and need for electoral assent for new services. Overall the framework and principles is good".

"In relation to its role as the local government for Electoral Area A, Metro Vancouver supports making the introduction of a new local area service process more efficient (e.g. removing need for approval from the provincial inspector). It will be important to view any recommendations for reform from the perspective of different regional district roles. For example, as far as electoral areas are concerned, in many cases a regional district may be acting like a municipality, providing municipal-type services to rural residents. In this case, the powers and authority could be similar to municipalities (although any expansion of powers or authority would likely require extra staffing and resources, resulting in higher costs for RDs). In other cases, however, the regional district is acting as a regional service provider, providing services to municipalities in the interest of efficiency and cost-effectiveness, and often at the specific request of participating municipalities. There is a risk that if powers and authority match too closely with municipal powers and authority, municipalities will offload more responsibility to RDs, who will thereby assume more risk. In either of these cases, undesirable consequences may arise from an expansion of RD powers, and these should be carefully considered. In summary, duplicating municipal powers / authority for RDs should be carefully considered on a topic-by-topic basis, in the context of an RD's various roles, so that an appropriate balance can be achieved. Regardless of carefully considering new powers / authority for RDs in the context of each of its various roles, it would be an improvement if the LGA

more clearly distinguished between municipal-type functions for electoral areas and regional service functions".

"It is also interesting from a municipal perspective, that rural areas have such population spreads...200 - 4000. The press of rural growth against our community is an issue, that is difficult to gain traction on. Figuring out how to better manage joint issue would be helpful".

Governance

One of the major areas of complaint: ascertaining who at the regional board votes on a matter, and whether their vote is calculated as a single or weighted vote. Municipal lawyers hear about this every week from every regional district (except Metro), and sometimes there is no clear answer in the legislation. In addition, perhaps due to various amendments being made over the years, the vote calculation rules are internally inconsistent and difficult to ascertain.

What we heard: "One of the major areas of complaint: ascertaining who at the regional board votes on a matter, and whether their vote is calculated as a single or weighted vote. - this is a source of consternation at our table although we have not had a divided decision this term that the weight would have impacted Currently, the legislation allows for a chair to remove an individual for "improper conduct". - not if its a member of council."

"Weighted voting in the LGA is convoluted and difficult to apply to all scenarios (even for a corporate officer who is also legal counsel)"

"It is easy to see this when you look at the weighted vote structure at the Alberni-Clayoquot Regional District (ACRD). It is not balanced. Municipalities and First Nations are treated "the same" under legislation. The weight of the vote in the ACRD is 2,000. This number has been the same since 1966. Using this weight, First Nations with a population of 10 people have the same weight as an electoral area with a population of 1,904. Yet a municipality such as Port Alberni, with a population of 18,259 has 2 directors with 10 voting strength. Clearly, the Voting Unit does not work well or make mathematical sense for electoral areas".

"I have seen considerable tension between Electoral Area needs and those of the Board. For instance, urban-dominated boards tend to not appreciate the limits on development that non-serviced areas face or the culture of those more rural and remote population. Balancing the individual needs of the EAs with the broader policy goals of the region is hard".

"(M)unicipality rep speaking against how an EA only tax that had been collected and not spent should be handled. no impact to munis but they carry both the majority of the members on the board as well as weighted vote".

"We struggle mightily with the "electoral/municipal divide" and whether imagined or real, the discrepancies in the LGA make decision-making a challenge. It is worth recognizing that many rural EA's have higher populations that the more dense areas (such as Thornhill) but due to the geographic separations make services challenging".

"Vote distribution across the area without consideration at the local areas around municipalities means that a sub-region can reject a proposal, and the rest of the region, unaffected by the decision, can still pass it. Weighted votes are a poor substitute for a more nuanced voting structure".

"*Problem:* 'Forced' political participation in the management and provision of services that do not have any direct, or indirect on the given 'Area' or municipality."

"It's the name. ELECTORAL AREA Director Has equally as much responsibility as a mayor but receives less respect".

Several boards have concerns about the inordinate number of directors on their board, frustrating consensus building and fulsome debate.

> ***What we heard:*** "I agree that the large size of RD Boards is can be an encumbrance to effective debate at times. Integrating First Nations representation will aggravate this and will need to be addressed in any changes".

Alternate System

The rural director alternate system can be anti-democratic. The alternate rural director takes the place of an elected director in the case of vacancy or absence, and this replacement of an elected director by an individual personally appointed by the director can subsist for years without elector approbation. Although some have said that alternates may be unnecessary in the age of electronic meetings, there are also many who rely on this for coverage in relation to illness, injury, or employment or family commitments. This is important when one considers there is only one director for some large electoral areas (such as Thornhill – about 4000 residents). It should be noted as well that under BC statutes, alternative directors are allowed on business corporations or societies.

> ***What we heard:*** "Our organization operated for three years with an Alternate Director taking the seat of the elected official. The regional district was questioned and challenged by the public for a by-election as they rightfully claimed that they did not vote in their representative and their attendance to meetings and decision-making powers was undemocratic".

> "The current system allowing electoral area directors to appoint their own alternates is deeply problematic and, in many respects, fundamentally undemocratic. These alternates are not elected by the public, yet they are permitted to vote and participate in board decisions—sometimes for extended periods—without any direct accountability to constituents. There also needs to be clearer provisions governing how municipalities appoint directors to regional district boards and for what duration. Currently, municipalities can appoint directors on an annual basis—even without a specific rationale—which creates an unnecessary administrative burden for regional districts. This frequent turnover disrupts continuity, creates confusion at the board level, and adds to staff workload related to onboarding, updating records, and ensuring compliance. A minimum appointment term or standardized guidelines for appointments and renewals would support greater consistency, stability, and governance efficiency across the province".

Borrowing

The municipal finance authority has the highest bond rating in Canada. This bond rating is higher than that of BC, Alberta, Quebec, or BC Hydro. Local governments borrowing through MFA enjoy remarkable long-term interest rates, compared to those of lending institutions. Accordingly, it would be unwise to alter this regime that was developed after many cities went bankrupt in Great Depression.

The MFA exceptional rating is the result of a joint and several system of statutory security built on the regional district structure. Section 24 of the MFA Act says a regional board must not adopt a loan authorization (LAB) or security issuing bylaw on its own or on a member's behalf unless the financing is undertaken by MFA. (Shorter-term capital borrowing can proceed without MFA per sections 181 and 182(1) CC). A municipality must not borrow money under LAB unless the financing is undertaken by the RD through the MFA, and the RD board consents to undertake the financing.

The advantage of long-term borrowing under an LAB: the liability incurred is debenture debt. Therefore, the RD security issuing bylaw provides regional joint and several security as protection for lenders from default, reducing risks of debentures for investors.

> ***What we heard:*** "The AAP process should be changed, there should be a sliding scale as the 10% is too small a threshold in small communities, any anti-govt nut can spend 1/2 a day to get the responses to kill necessary service. Something like pop 0-1000 requires 40%; 1000-5000 20%; 5000 up 15%".

Revenue

There are several revenue matters that are ripe for review:

- Municipalities can use fees to regulate behaviour, under section 194(1)(c) CC and the Supreme Court of Canada decision in relation to the carbon pricing reference (at which Victoria, Squamish, Richmond, Vancouver, Nelson, and Rossland intervened in favour of the carbon pricing model). Considering challenges in the coming decades, regional districts should have the same authority to impose fees. Also, uniquely, fees as a tax (collected in the same way as existing user fees) for services like sewer, water, sewage treatment could encourage things like water conservation.

- UBCM has been working with impacted interests on alternative and additional revenue sources for rural areas, based on precedents in other jurisdictions. Revenue sources in other jurisdictions include rural hotel room revenue tax (not only for resort areas), fuel tax, resort tax like Whistler, portions of income tax or sales tax, or business tax, all with board discretion to impose or not in relations to services where taxpayers buy-in, unless a non-service model is employed.

- The Province needs to deal with financial contributions from crown corporations in a balanced and equitable manner. Current grants in lieu of taxes do not satisfy the requirements for "reasonableness", fairness, or integrity.

- The Fair Share program in the Peace Country and the Columbia Basin Trust are precedents for revenue sharing to balance impacts of resource industries on communities. The regional districts in the rest of the province can provide structure for expanding these programs.

  What we heard: "Grant in lieu not keeping up. We have a community with many provincially and federally owned parcels grant in lieu does not cover what they should be paying in taxes."

  "No Downloading Without Funding: This principle is necessary but would benefit from an early proposal on potential new funding mechanisms, especially if empowerment and flexibility are increased".

Financial

Regional districts should have authority to impose and collect property tax in rural areas. Many regional districts have also asked for authority to enact bylaws that take advantage of the same modalities as municipal tax bylaws. Some have asked for the same tax exemption powers as municipalities.

> ***What we heard:*** Okanagan Similkameen has calculated that it pays substantially more for tax collection than it would if it operated its own tax collection department, and the difference could be allocated to tax savings in some cases or services in other cases.

"Many popular recreational destinations have a housing unaffordability crisis, and residents have repeatedly asked for measures such as an empty home tax".

"One of the biggest challenges is the "double dipping" that occurs by Municipal Directors. For example, Municipalities get their gas tax .... then, they get to vote on how to spend the funds the RD has directed to Electoral Areas by deeming the structure a financial issue. This is what I call double dipping and could represent an ethical issue of dual roles....allocator and beneficiary. This problem can also be seen in RBA, Northern Capital Infrastructure and Kemano Grant-in-Lieu monies from the province".

"My suggested remedy is to create legislation that will grant the electoral areas the authority to exercise control over their own budgets, both in the EA Administration Service and the EA Planning Service. None of the municipalities are participants in either of these two services. Surely the province did not envision giving one jurisdiction (Campbell River) absolute control over the other nine when they established this RD".

"I would recommend mandating the use of AAP under certain conditions—such as projects below a specific cost or impact threshold—and reserving assent voting for larger, higher-stakes decisions. This would clarify expectations, reinforce consistency across regions".

Approving Officers

Large areas of land outside municipal boundaries are developing rapidly. The recent enactment of Bill 44 has resulted in expectations of even more rapid development. Despite this and the regional district responsibility for the zoning and subdivision bylaws that the approving officer must comply with, it is the provincial transportation ministry staff who carry out the service and there are numerous complaints about delays due to short-staffing and lesser standard of due diligence when considering the official plan, policies of the municipal Council, and the public interest in addition to zoning and subdivision bylaws.

What we heard: "MOTT Approving Officers do not consult with the local community".

"Residents in my EA are consistently infuriated by the lack of transparency and accountability in the decisions of MoTT approving officers. There is no opportunity for meaningful public input, and no evidence that concerns raised by the public, EA directors, or APCs receive any consideration. Those concerns appear to fall into a black hole. Bad planning decisions on the part of MoTT (and other provincial agencies) add to the public perception that the regional district is incompetent and uncaring".

"Regarding fringe area development, MoTT does not do road network planning for rural areas; instead gives isolated approvals of individual subdivisions on a one-off basis. This creates all sorts of problems, including road networks that don't support transit or allow for emergency evacuation routes".

"The regional district continues to struggle with progress on advancing active transportation given jurisdictional, legislative and financial challenges. Staff propose that the location of the Provincial Approving Officer (PAO) within the Ministry of Transportation and Transit (MOTT) may not be ideal given that Ministry's narrow focus on maintain roadways for vehicular traffic in rural areas, and that there is often poor communication and coordination on development proposals between MOTT and other ministries such as Water, Land and Resource Stewardship. The Province has consistently opposed shifting PAO responsibilities to regional districts; however, a potential alternative is that PAOs could be housed within the Ministry of Municipal Affairs and Housing, serving a coordinating role for all ministries involved in rural land use decisions. Also, one PAO could be assigned to each regional district to support decision making on subdivision applications that best meets the unique needs of electoral areas".

"Unlike municipalities subdivision approving officers often have no ability to field review the land. They only perform desktop subdivision from 400km away despite possessing considerable discretion".

Bylaw Enforcement

Under section 274 CC a municipality may, by a proceeding brought in Supreme Court, enforce, or prevent or restrain the contravention of a bylaw or resolution of the council under the CC or any other Act, or a provision of the CC or LGA or a regulation under those Acts. Regional districts require the same power for bylaw enforcement.

Land use and development

Land use and development are not part of our review, but Province could consider legislation to address several specific issues raised consistently by regional districts in addition to approving officer roles:

- Crown corporations are not subject to regional district regulatory bylaws given section 14(2) *Interpretation Act*

- Fringe area development (in rural areas contiguous to municipalities) generally has not benefitted from effective joint planning processes in the context of the land ultimately becoming boundary extension areas for the municipalities. Planning in these areas is not effective joint planning, and subdivisions/servicing are administered by Highways staff acting as approving officers

- Regional districts attempting to protect aquifers or other natural resources have lost court cases repeatedly over the supremacy of mining permits that go beyond the provincial interest, so regional districts are looking for a degree of balance in the legislation. The removal of gravel, and the operation and remediation of gravel pits, generally escape

regional district soil removal and pit remediation bylaws and permits merely due to the legislation and regulations protecting "mining" permits.

What we heard: "Bill 16 provided expanded work and services authorities to local governments but regional districts, who lack authorities over public roadways, do not have the same authorities as municipalities. An example of how this could be useful in practice is the ability for municipalities to require additional land dedication at the time of subdivision for sustainable design features such as wider sidewalks, street trees and traffic calming".

Integrity and safety

Local governments in all the regions are under attack by groups of residents. The harassment in many cases is dangerous for electeds and staff and is resulting in council and board members resigning or deciding not to run again. Currently, the legislation allows for a chair to remove an individual for "improper conduct". Too often, the police do not or can not back this up by attending the public meeting and removing the individual. Threats against elected officials are routine, whereas they were rare ten years ago.

Regional district elected people need to be protected from harassment and fear of harm. Staff need a safe workplace. Currently, a solution is holding electronic meetings instead of in-person meetings.

Elected officials are also routinely defamed, but under the LGA a regional district is prohibited from indemnifying them for suing the perpetrators, even when the attack is within the scope of the director's regional board responsibilities and role.

What we heard: "The challenges described in the Integrity and safety section apply equally to municipal elected officials. Reforms to the legislation in this area should capture members of municipal councils as well as regional district board members".

Provincial Policy

What we heard: "Concern that the proposed changes will put rural municipalities and RD's in direct competition in areas such as development, taxation and services, as opposed to the current model which is complementary. Muni's operate as high density residential business/service centres and RD's rural ag lands. The proposed changes could result in one local gov cannibalizing the other".

"Be careful what you wish for. Province could use some of this for more downloading."

"While the Principles sound good - I am skeptical that a fragmentation (different RD's undertaking different spheres) of the powers adopted by RD's won't lead to a inevitable requirement by the Province to use to powers available and that there will not be downloading".

"Land use should be part of any review in the context of Bill 44. To date, it is reported that little if any affordability has been brought to the table despite shifting the responsibility for major land use decisions from local governments to the Province. The execution of this legislation and subsequent demands on local government planning services, have not been entirely reasonable. Nor has the push for density from the Province involved any additional funding".

"Land use and development were not included as part of the legislative review, and we question why this was not a part of the review and for high growth rural areas adjacent to municipalities believe that particularly for issues pertaining to potential boundary adjustments that appropriate tools need to be available to support productive dialogue and planning. Staff note significant challenges with communications and response times with provincial ministries involved with subdivision and development processes".

"As a Trustee I am very disappointed that Land Use and Development are not part of the Review".

"(L)ook at forced amalgamations/incorporations of the most populous/dense electoral areas of the province. Limit electoral areas to the most remote areas and like there is only one electoral area covering a vast area in Metro Vancouver, limit electoral area representation to only 1-2 areas per regional district".

"The (Islands) Trust needs municipal powers across the whole of the area and significantly more funding given it is a Trust for the whole of BC".

"I would argue that the Islands Trust, given its own unique enabling legislation and complex jurisdictional situations, should be given its own regional district to match the Trust Area to allow emergent and adaptive changes named for all RDs but guided by the principles of the Islands Trust Act".

"(C)onsideration of the fairness of paying for policing costs with regional districts and municipal".

"To avoid decades-long gaps in updating key governance tools, the Province could commit to a formal legislative review cycle—for example, a 10-year review of the Local Government Act and related regulations".

"The Province should establish a regular legislative review cycle for the Local Government Act. A formal 10-year review process, led in consultation with UBCM and regional districts, would ensure the legislation evolves alongside demographic, environmental, and governance realities in British Columbia".

"In the current community-to-community forum arrangements, having private meetings with First Nations is difficult. First of all, the Community Charter does not include First

Nations in sections 90 or 91. Therefore, it is difficult to go in-camera for their protection. We have experienced social media torment when the public has been given access to community-to-community forum discussions. The First Nation would like to hold private meetings to mitigate this. However, members of the public, and some elected officials, argue that it cannot be legally done…Legislation needs to be created that enables and protects all parties involved in holding 'private' or closed meetings with First Nations. Otherwise, any advancements being made with First Nations relationships are always going to be challenged".

DRAFT RECOMMENDATIONS FOR DISCUSSION

The Province may consider the following:

1. First Nations, to the extent it meets their interests as expressed by First Nations, must be included in regional governance. Although there is currently a mechanism for treaty settlement nations to be included in regional governance, there are roughly 203 other nations and their members that do not have the right to be included. This would help address indigenous discrimination. One of the specific actions in the BC DRIPA action plan is to support inclusive regional governance by advancing indigenous participation on regional district boards. The Province should make this a high priority until it is done but not alter the course of First Nation-regional district and other tables that are already working to build consensus on structure and function.

    What we heard: "It is impossible to have representative government at an RD without the full voting participation of First Nations. The experiences at the SCRD and ACRD demonstrate that regional governance improves with full FN participation. Further, examples such as the Central Coast RD demonstrates that the ABSENCE of statutory exemption from conflict of interest such as that provided to municipal participants in a service, makes regional service contracts a poor substitute for RD participation and, in fact, creates an adversarial relationship rather than advancing reconciliation".

    "The regional district structure does not work well for electoral areas or non-treaty first nations. The structure seems to work overly well for municipalities and treaty first nations. Each area, no matter if they're municipality, treaty first nations, electoral area, or non-treaty first nations, need to have similar base structures. Maybe non-treaty nations and electoral areas should be able to incorporate in a less onerous manner?"

"Non-treaty First Nations are similar to electoral areas in the sense that neither is incorporated, yet electoral areas have a vote at the regional district table and non-treaty nations do not have a vote. That seems discriminatory in itself. It feels wrong that we are doing business in 2 non-treaty First Nations territories yet there are 4 other treaty First Nations at the table".

"It is impractical to expect FNs that have traditional territories in multiple RDs to send representatives to all of them. For example, the Howe Sound area in Squamish territory will need to be in the same regional district, likely bringing Bowen, Gambier, Keats Islands and the Gibsons area into the SLRD".

"I'm concerned about FN 'representation without taxation', as it gives authority w/o financial skin in the game. Also FVRD has 30 FNs - does that mean 30 add'l board members?"

"While giving First Nations an equal seat at the table may be an important and worthwhile step towards reconciliation, I think we need to be mindful in our language and planning that it is likely not an acceptable end state. (More specifically, an end state might look more like one with First Nations governance and economic approaches, and where settler land occupation has been addressed)".

"First Nations- this is difficult with some First Nations in modern treaty negotiations and others not. Some want to be consulted on certain topics and others do not. I am not in favour of a sweeping all inclusive notion that First Nations must be considered to be at the table with regional governments".

"Taking from Article 9 of UNDRIP, "Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right". This begs the question of whether a local government has an obligation to, wherever they can, prevent discrimination or acts of violence against First Nations".

"First Nations should join if they are willing to pay in to general admin and services. They should not be allowed to join if not willing to pay in like other participants".

2. The legislation should place municipalities and regional districts on the same level plane in relation to status and recognition, since the current statute recognizes municipalities as an order of government within their jurisdiction in accordance with principles based on the municipal charter of rights adopted by the Union of British Columbia Municipalities, yet it recognizes regional districts with a lesser status. One option is to apply section 1 CC to regional districts. Another option is to include regional districts in Section 1 CC.

   What we heard: **"**need same status and recognition often Province meets with municipality with no inclusion of regional to discuss an issue impacting all residents. no rural voice".

   "While RDs and munis are the same level of government that are facing the same challenges, they do not have equal powers. This holds the entire province back from addressing our wicked problems that ignore municipal boundaries. We lose the opportunity to address some of these problems at a regional or subregional basis. Proposed solution to #2 would be a vast improvement".

   "I and all my council vehemently agree with #2 and most of the recommendations in this document that try to bring up electoral areas to the authority and status of municipalities while property owners there pay significantly less in taxes and are highly subsidized by the provincial government and municipalities."

   "I support these proposed changes most particularly: granting RD the same rights and relations as the municipalities, natural person right extension, streamlining the service development process, clarifying voting rights".

   "This is the time for local governments to look inward and prepare to renew from within. Almost all recommendations are to make life easier for the local government, and there is no apparent interest expressed in learning of the stakeholders issues and concerns".

   "In relation to its role as the local government for Electoral Area A, Metro Vancouver supports placing municipalities and regional districts on the same level plane in relation to status and recognition".

   "RD's should be given same recognition as municipalities".

   "Treating regional districts as their own local government at the level of municipalities introduces massive confusion and overlap and inefficiency into British Columbia governance. Not to mention that even with the more modest responsibilities they have currently, regional districts from small to large in BC right now are a mess. The Province should be looking at giving them less

authority and status, not more. Many of these recommendations are downright frightening".

3. The principles of municipal-provincial relations for municipalities are based on the UBCM bill of rights for municipalities, while the regional district principles for relations with the Province are restricted to five elements that are less respectful of regional district jurisdiction and interests. One option is to apply section 1 CC to regional districts. Another option is to include regional districts in Section 1 CC.

4. The provincial – municipal relations provisions in Part 9, Division 1 CC should be clarified to apply to regional districts in relation to required consultation, consultation agreements, enforcement of parties' obligations, and the restrictions on unilateral changes such ads forced amalgamations. One option is to apply Part 9, Division 1 CC to regional districts. Another option is to include regional districts in Part 9, Division 1 CC.

5. Similarly, Part 9, Division 3 CC, entitled "Dispute Resolution", should be clarified to apply to regional districts in relation to disputes between regional districts and other local governments or the provincial government or a provincial government corporation. The dispute assistance, voluntary binding arbitration, mandatory binding arbitration, final proposal arbitration, full arbitration, and other provisions could provide practical solutions for regional districts encountering disputes. One option is to apply Part 9, Division 3 CC to regional districts. Another option is to include regional districts in Part 9, Division 3 CC.

6. Regional districts should have "natural person powers" (legal capacity, rights, powers, and privileges of a natural person of full capacity).

   What we heard: "In relation to its role as the local government for Electoral Area A, Metro Vancouver supports regional districts having "natural person powers". "Natural person powers should apply also to RDs. In matters such as emergency response/recovery, the actions expected by the Province and BC's population generally could be more readily achieved instead of having to explain the bureaucratic impediments that prevented those actions".

7. Regional boards should have the broad, overarching regulatory authority of a municipality under section 8 CC in the rural areas to regulate, prohibit, or impose requirements in relation to regulatory matters, subject to provisions analogous to sections 9 and 10 and Part 3 CC.

What we heard: "It appears the recommendations are only meant to broaden the board's jurisdiction in rural areas and not to encroach on current municipal spheres, which seems logical".

"In agreeing with this recommendation, it is curious that small municipalities such as Zeballos or Sayward have greater regulatory powers than much larger organizations such as the Capital RD or RD Nanaimo".

"The Province should modernize the bylaw adoption and approval process for regional districts to mirror the municipal model. Routine bylaws—such as service establishment, regulatory, and fee-setting bylaws—should be adoptable by the regional board without ministerial or inspector approval, unless borrowing or extraordinary provincial interest is involved. The current requirements create excessive administrative burden and delay service delivery".

"In relation to its role as the local government for Electoral Area A, Metro Vancouver supports expanding the regulatory authorities currently provided to municipalities in the Community Charter to regional district boards".

"In agreeing with recommendation 8, I highlight a regular interface RDs have in rural areas with First Nations governments relates to the disturbance of land. While the Heritage Conservation Act provides protection, the branch of government enforcing that act is wildly under resourced. Powers for RDs such as those afforded under CC 8(3)(m) could assist with the concerns of First Nations and help build/strengthen government to government relationships".

8. Without limiting the recommendation in paragraph 7, regional districts should have the authority such as that under section 8 of the *Community Charter* to impose requirements in relation to their areas of regulatory authority, except in relation to firearms and business.

9. Regional boards in a regulatory bylaw should be able to provide for a system of licenses, permits, or approvals and take advantage of the list of regulatory standards and controls countenanced under section 15 CC.

What we heard: "agree with this recommendation that would advance the ability to achieve objectives on a regional/sub-regional basis".

10. The regional district authority to enter on property should be modernized to be the same as for municipalities in section 16 CC.

11. To be proactive and take leadership in the context of potential catastrophes, the Province and regional districts need to consider options for application of a regional district building regulation bylaw without prior establishment of a building bylaw regulatory service.

12. To address climate change, adaptation, and resilience, regional districts need the same building regulation authority as municipalities, and not the limited list essentially from the1979 *Municipal Act*, to deal with building construction in rural areas where the regional districts have elected to provide for building inspections and regulation.

    What we heard: "In relation to its role as the local government for Electoral Area A, Metro Vancouver supports revisions to the building regulation authority and the addition of section 10 of the Community Charter (or similar) regarding bylaw consistency".

13. Regional district legislation should be augmented by a provision like section 10 CC to provide that a municipal bylaw is not inconsistent with another enactment if a person who complies with the bylaw does not by this contravene the other enactment.

14. The process for establishing rural area services, paying for them, and getting taxpayer buy-in for the services, could be streamlined to be like the municipal local area service regimes, taking advantage of all the experience and case law related to such schemes. This would also eliminate much of the delay and regional district administrative capacity issues about which regional districts have complained.

    What we heard: "Electoral Area Services – process in onerous. Amending service establishing bylaws requires assent. Limited to increasing requisition by 25% every 5 years. Some essential/mandatory services such as refuse disposal need mor flexibility".

    "In agreeing with these recommendations, it is curious as to why very small municipalities such as Zeballos or Sayward have greater autonomy to adopt bylaws and provide services than much larger organizations such as the

Capital RD or RD Nanaimo. Further, there are service provision questions that, under the current legislation, are murky. The provincial representatives naturally need to be risk-averse and not approve such services. Instead, RDs should be able to adopt service provision bylaws in the same manner as municipalities without the need for provincial approval. If there is concern, the courts can sort these out as they do for municipalities".

"The regional district system is antiquated and needs to be eliminated as much as possible, with collaborative service delivery among municipalities set up in an entirely new way. This entire "reform" movement is a symptom of a greater problem that band-aids not only won't fix but will worsen the problem by extending the life of a highly problematic, dysfunctional and damaging system".

"(Recommend) A change in legislation that allows a rural area or municipality to remove itself from a service with appropriate notice only, still respecting LGA 361 (1)c. Appropriate notice could be anywhere from 1yr - 3yrs, allowing for the remaining members to determine how/if they would like to proceed with the service".

"In relation to its role as the local government for Electoral Area A, Metro Vancouver supports streamlining the process for establishing rural area services".

"My suggested remedy is to create legislation that will allow, at the Electoral Areas' discretion, the potential creation of the office of an Electoral Area Administrator who would have governing authority over EA budgets and EA services exclusively".

"My suggested remedy is to create legislation that would give the Electoral Areas the sole authority to control their own Grant in Aid budgets and expenditures".

"Now being in my 19th year of personally observing all these things, I believe that the best overall solution is to give the Electoral Areas a degree of legislated autonomy within the Regional District, and to function as a joint Board of municipal and Electoral Directors only on those matters where there is mutual agreement".

"The Province should address inconsistencies between service establishment and amendment thresholds. While service establishment often requires elector assent

or AAP, subsequent amendments may proceed with only a two-thirds vote of participants. This can unfairly bind unwilling areas into revised services. Significant service amendments should require the same level of local consent as the original establishment…The Province should reconcile the disparity between the requirements for establishing a service and those for amending an existing service. Establishing a new regional district service typically requires a robust process involving elector assent, alternate approval, or petition. However, once established, the same service can be amended with just two-thirds consent from participating areas—potentially overriding dissent from one or more unwilling participants".

"I don't believe the legislation adequately considers the need to review and change or disestablish services that no longer make sense due to changing circumstances. At present, services are "carved in stone" and the process for their review is so complex and demanding of staff time that archaic bylaws remain in place long past their usefulness. There also seems to be an assumption of continuous growth -- that we will always ADD more services, never downsize. We need to have the tools to streamline, simplify, and rationalize services, or to eliminate services that cannot be financially or logistically sustained".

15. The interface between the LGA and other provincial statutes needs to be reviewed and clarified for practical purposes – for example, the *Environmental Management Act* and statutes governing water.

16. There is virtually unanimous agreement that the cross reference provisions in the LGA (for example, referring to CC provisions) should be spelled out in new regional district legislation in lieu of the internal cross references or the regional district and municipal provisions that are identical should be in one statute.

    What we heard: "In relation to its role as the local government for Electoral Area A, Metro Vancouver supports reviewing the Local Government Act and other provincial statutes for practical purposes (draft recommendation 15) and spelling out applicable provisions instead of cross-referencing them".

17. Regional board vote calculation rules need to be rewritten so that any citizen or regional district employee can understand them and so they are not internally inconsistent and self-contradictory.

    What we heard: "The voting rules are complex, and can leave rural areas at a disadvantage from urban centres. Those residents (of the RD areas) should have

some voice and enforceable defense against the powers of neighbouring urban areas, and their potential majority of directors/votes at an RD table".

"The voting rules need to be rewritten. At our RD, we have had questions of voting that the Province was not able to interpret that have also stumped both our inhouse experts and our lawyers. We have also had illogical outcomes. For example, our municipalities have not negotiated a vote on rural planning so only our electoral area directors vote on matters relating to land use in the rural areas, except one whose EA planning is done by the Islands Trust. However, because the Agricultural Land Commission seeks comment from the RDN, the entire Board votes on comments to the ALC. That means 19 Directors from both municipalities and EAs vote on what is essentially a land use question when all other rural land use questions are only normally considered by 6 EA Directors".

"Strong support for recommendation no. 17 regarding voting calculation rules under the Local Government Act".

"Anything that makes the legislation more clear and easier to understand would be a major improvement. LG's are doing our best to be in compliance, but it gets very difficult to navigate".

"The vote calculation on RD boards should only be revised if it does not further disadvantage EAs. The existing system already results in abuses that are disproportionately felt by EAs and this should not be exacerbated".

18. The electoral area alternate scheme may require a review in the context of best practices, along with the scope of responsibility for individual electoral area directors in vast geographical areas.

What we heard: "RD Alternates should also be elected, not just chosen by the elected Area Director".

"The Province should reform the process for appointing alternate electoral area directors. Alternates are currently appointed by the elected director and may serve extensively without public accountability. This undermines democratic legitimacy. Consideration should be given to limiting the scope and duration of

alternate service, establishing eligibility criteria, or requiring public ratification in prolonged cases".

"The Province should establish clearer provisions for municipal appointments to regional district boards. Some municipalities appoint new directors annually without operational justification, causing administrative burden and disrupting board continuity. Minimum appointment terms (e.g., two years) would improve stability, reduce confusion, and ease staff workloads".

"For EA alternates, here is a simple suggestion: It could be required that the alternate is listed at election - a bit like the VP in the states…. This would provide for much greater legitimacy and for residents to have greater awareness of the person who would fill that role".

"I have no proof but I have heard that some electoral area directors, that right after being sworn in, assign their alternates to specific meeting assignments or appointments to non government organizations. This to me is a blatant abuse of the legislation".

"(A)bsolutely no need to change the EA alternate scheme. This is not something EA directors are calling for. Poll EA directors on this, the opinion of staff and municipal directors on EA alternates is irrelevant and should not be considered..... EA directors have not input on how councils choose reps".

19. The Province needs to consider legislation to provide for provincial inspections, investigations, and inquiries to respond to financial issues that come to light – this system works in Alberta, and in that Province inspections are requested by smaller communities themselves to help them address financial matters.

20. Most regional districts are not ready to appoint approving officers, but there are many who would like to do so to deal with growing areas and fringe-boundary areas. Accordingly, the time has arrived to establish boundaries for regional district appointed approving officers to deal with rural roads and allow regional districts to appoint approving officers instead of having provincial highway officials apply the regional district land use bylaws and public interest.

What we heard: "(T)he Province is a huge barrier to development because the subdivision process is too complex, takes too much time, and costs to much in rural/isolated communities. Let us do it, and give us the money to do it".

"We have excellent relationships with the people at MOTT. However, we have examples of the MOTT approving officer approving a subdivision while denying a particular feature of the development requirements. This left the developer choosing the 'senior government's' provisions in the subdivision that were counter to our rezoning requirements in that same development".

"To my knowledge, no regulation has been passed permitting an RD to appoint its own approving officer. Given it has been applied for (TNRD, for example), the current provisions are hollow".

"There should be reciprocal requirements for those RDs who continue to employ a MOTT subdivision approving officer. Specifically, a subdivision should not be able to be approved unless it is confirmed that RD requirements as part of the rezoning/servicing/etc. have/will be met".

21. Regional districts should have authority to impose and collect property tax in rural areas. Many regional districts have also asked for authority to enact bylaws that take advantage of the same modalities as municipal tax bylaws. Some have asked for the same tax exemption powers as municipalities.

> ***What we heard:*** "CR has declared they will reduce their own 2026 tax contributions to the RD Administration Service by $1.3 million and transfer that tax burden to the four electoral area's Administration Service. This is unjust. * My suggested remedy is to create legislation that will grant the electoral areas the authority to exercise control over their own budgets, both in the EA Administration Service and the EA Planning Service. None of the municipalities are participants in either of these two services. Surely the province did not envision giving one jurisdiction absolute control over the other nine when they established this RD".

22. There are several revenue matters that are ripe for review:

- Municipalities can use fees to regulate behaviour, under section 194(1)(c) CC and the Supreme Court of Canada decision in relation to the carbon pricing reference (at which Victoria, Squamish, Richmond, Vancouver, Nelson, and Rossland intervened in favour of the carbon pricing model). Considering challenges in the coming decades, regional districts should have the same authority to impose fees as municipalities.

- The Province needs to deal with financial contributions from crown corporations in a balanced and equitable manner. Current grants in lieu of taxes do not satisfy the requirements for "reasonableness", fairness, or integrity.

- The Fair Share program in the Peace Country is a precedent for revenue sharing to balance impacts of resource industries on communities. The regional districts in the rest of the province can provide structure for expanding these programs.

  What we heard: "Need the process for distributing provincial or federal grants to regional districts when the rural directors control the vote on disposition in the rural areas".

23. Under section 274 CC a municipality may, by a proceeding brought in Supreme Court, enforce, or prevent or restrain the contravention of a bylaw or resolution of the council under the CC or any other Act, or a provision of the CC or LGA or a regulation under those Acts. Regional districts require the same power for bylaw enforcement.

24. Regional districts should have the same remedial action authority in rural areas as municipalities.

    What we heard: "A RD RAR can only be applied to hazards and not nuisance unlike a municipality. A life safety structural hazard is a challenge to ascertain with no imposed Building Code. Munis can apply to nuisance., Why the 2x standard?".

25. No one wants to consider change to the joint and several scheme that is foundational for the bond rating of the Municipal Finance Authority. That entails budgeting, spending, borrowing, liabilities, and collections. That said, some regional district officials have suggested the Province would be well advised to consider some changes that are not integral to supporting the bond rating:

    - direct collection of property value taxes in rural areas and modernizing the process and timing for municipal requisitions and payments;

    - consideration of a review of the fairness of the disposition of the "school" portion of property taxes;

    - consideration of the fairness of paying for capital costs of health and hospital facilities;

    - the process for distributing grants to regional districts when either the rural or municipal directors control the vote on disposition in the rural nor municipal area;

    - establishment of revenue sharing schemes for all areas of the Province based on successes such as Fair Share in the Peace Country.

      What we heard: "Current cost-share arrangement for hospital infrastructure (40% RD share) is not fair to areas of the Province outside of the lower

mainland…Establishment of revenue sharing schemes for all areas of the Province is a fantastic idea!"

"The bullet regarding health facility funding (Hospital Districts) is particularly interesting. Metro, (GVRD), does not pay for hospital facilities as that region ostensibly accepted fully paying for transit. However, significant senior government funding for transit still goes to that region. The matter of tertiary hospitals bears particular discussion, since in most cases the benefit of the facilities goes well beyond the region participating in the funding".

26. Municipalities can use fees to influence behaviour, under section 194(1)(c) and the Supreme Court of Canada decision in relation to the carbon pricing reference. Considering emergency and disaster, climate change, economic and other challenges in the coming decades, regional districts have requested the same authority to impose fees.

27. Acknowledging the work of UBCM regarding revenue sources, some regional districts would like consideration of additional revenue streams for rural areas, based on precedents in other jurisdictions. This would include consideration of hotel room revenue tax, fuel tax, resort tax, portions of income tax or sales tax, business tax. Although regional districts on the surface seem to have discretion to impose a tax or not, any imposition in relation to establishing a service would require a buy-in from the ratepayers/electors.

What we heard: "In most regions, the financial pressure are well beyond what property tax can sustain. In addition to the suggestions for new revenue sources for local government in these two points, a portion of property purchase tax generated within the region would assist in the challenges that come with a rapidly growing area".

28. Financial contributions from Crown corporations are not calculated or paid in a balanced or equitable manner. Current grants in lieu of taxes do not satisfy the requirements for "reasonableness". Some regional districts would like to see consideration of this inequity.

What we heard: "This is particularly true where the benefit of a crown building situated in a community is minor".

29. Some have called for review of the AAP process: is the approbation by electors fair when the renters can out-vote the owners and businesses that pay the taxes? Also, is 10% reasonable in a community where the population is less than 500 or so? Also, are the thresholds for requisitions in section 345 outdated?

    What we heard: "In addition to the comments in this point, consideration should be given to the nature of the question being asked. Nanaimo city's recent example of not gaining assent for replacing its decrepit public works yard is a case in point. Local government should be able to borrow as a matter of course for essentials. It could be a prescribed list (e.g. water treatment plants, public works yards, city halls/RD admin buildings in situations of end-of-life/dangerous buildings) of borrowing without assent".

30. Land use and development are not part of our review, but Province could consider legislation to address several specific issues raised consistently by regional districts in addition to approving officer roles:

    - Crown corporations should be subject to regional district regulatory bylaws, despite section 14(2) *Interpretation Act;*

    - fringe area development (in rural areas contiguous to municipalities) could benefit from effective mandatory joint planning processes in the context of the land ultimately becoming boundary extension areas for the municipalities. As stated, subdivisions/servicing should not be administered by Highways staff acting as approving officers;

    - regional districts attempting to protect aquifers or other natural resources have lost court cases repeatedly over the supremacy of mining permits that go beyond the provincial interest, so regional districts are looking for a degree of balance in the legislation. The removal of gravel, and the operation and remediation of gravel pits, generally escape regional district soil removal and pit remediation bylaws and permits merely due to the legislation and regulations protecting "mining" permits.

    What we heard: "Metro Vancouver requests that the review of current legislation as it applies to regional districts also consider potential amendments to section 56 (requirement for geotechnical report) of the Community Charter to address instances where there is a provincial lease on Crown Land with no title and where

a local government building regulation bylaw applies. Metro Vancouver's experience has been that the province is unwilling to raise title when a cabin owner wishes to do work that triggers a building permit and where the building inspector considers there is risk of potential natural hazard. In such instances, even when the cabin owner presents an acceptable geotechnical report, Metro Vancouver has been unable to issue a permit because the province will not raise title to be able to register the report before the permit is issued (as required by the legislation), leaving the cabin owner in a catch-22 situation between local and provincial governments".

"My suggested solution is to create legislation that would ensure that the participants in the EA Planning Service must exclusively be Electoral Areas. Another area of conflict is that the municipalities are displeased that much of the time at the Board Table is dedicated to EA planning matters. I believe this could be resolved if the EAs were delegated authority to conclude these matters at committee meetings or else at a separate subset of the Board meeting".

"Local government legislative reform should examine the relative merit of maintaining these decision-making bodies, which may supersede the authority of Boards and Councils in certain land development "hardship" matters".

"The issue of rural development adjacent to municipality is one that is real in Smithers. The impact of rural development and residents is felt in town - both in good and straining ways. Parking, roads, trails, recreation amenities serve double duty. In some cases there is shared costing, though definitely not in terms of roads, parking, water, sewer, sidewalks an in our case airport".

"In regard to fringe area development, we support status quo".

31. Local governments in all the regions are under attack by groups of residents. The harassment in many cases is dangerous for elected officials and staff and is resulting in council and board members resigning or deciding not to run again. Currently, the legislation allows for a chair to remove an individual for "improper conduct". Too often, the police do not or can not back this up by attending the public meeting and removing the individual. Threats against elected officials are routine, whereas they were rare ten years ago.

    Regional district elected people need to be protected from harassment and fear of harm. Staff need a safe workplace. Currently, a solution is holding electronic meetings instead of in-person meetings.

    The Province can consider legislation for civil and administrative processes to facilitate applications to court for a new tort of harassment and for orders in the nature of

injunctions. A civil form of peace bond could be explored. The *Trespass Act* could be expanded to address bylaw-prohibited or dangerous entry in regional district facilities.

Elected officials are also routinely defamed, but under the LGA a regional district is prohibited from indemnifying them for suing the perpetrators, even when the attack is within the scope of the director's regional board responsibilities and role. The Province could consider something like allowing boards to indemnify an elected official for costs of a defamation suit when the board has an opinion that the official has been defamed.

> ***What we heard:*** "We are seeing fewer people willing to run for office, often due to the complete lack of protection for elected officials who experience regular defamation and slander".
>
> "(Number 31) is critically important. I almost stepped down from my position, having to get the RCMP involved due to threats and social media defamation".
>
> "As noted in the second to last paragraph, LG staff & elected are being subjected to organized attacks/defamation with no ready tools/strategies for dealing with the perpetrators…Well intended legislation meant to protect the public is weaponized to attack those tasked with maintaining and protecting the public good with impunity. Tools, measures and strategies are needed".
>
> "Regional electoral area directors should be protected from harassment and should be able to be indemnified. Otherwise we will be seeing a constant stream of good people leaving politics".
>
> "Thanks to Minister Kahlon's announcement of 2025Jun10 in relation to taking action to address dysfunction and unsafe workplaces. We will all be watching what comes from that announcement in hopes that it meets the content of these points".

32. Fundamental to an analysis of regional districts, including the structure, funding processes, and voting rules, is whether regional districts continue to operate with service silos, how the interests of municipalities and rural areas can be balanced and protected in a fair way, and how to ensure that decision making is based on fair representation. It may not be necessary to alter these fundamentals if the processes and empowerment on the other fronts are modernized along the lines of the *Community Charter*.

What we heard: "Maybe non-treaty nations and electoral areas should be able to incorporate in a less onerous manner?"

"Currently, it is very easy for a municipality with the majority of votes to force the Electoral Areas to pay towards their own municipal priorities. This is done by declaring that whatever will benefit the city, is a regional benefit and to that effect create a Regional Service against the wishes of the EA constituents and without any EA consultation or any direct benefit. Although a regional AAP or referendum is required, the city's population so outnumbers all the other jurisdictions combined that approval is guaranteed. The EAs don't even have 10% of the total city's population. The Provincial Ombudsman has produced a excellent booklet named, 'Fairness by Design'. My suggested remedy is to create legislation to the effect that Electoral Areas cannot be forced into a new service against their will…My suggested remedy is to create legislation to give the Electoral Areas the legal option to retain the Community Works Funds if desired".

"And, we must get away from describing regional districts as federations. They are far from it. The definition of a federation says something along the lines that an entity belongs to a bigger collection of like institutions for greater strength and power but they can return to their originating place or home and carry out actions and activities for their own liking or participants. An example would be the International Ice Hockey Federation. The only RD members that can do this are municipalities. When an EA director goes home, they still need member voters to approve their works because of the voting system when but only one is eligible to vote, all vote, prevents autocracy".

DETAILED REVIEW OF CURRENT LEGISLATION

PART 5 – Regional Districts: Purposes, Principles and Interpretation

Purposes of regional districts

185. Under section 1 CC, municipalities are recognized as an order of government within their jurisdiction. Regional districts are recognized as an independent, responsible and accountable order of government within their jurisdiction. The distinction is set out in section 1(2) CC: municipalities are stated to need adequate powers and discretion to address community needs, have authority to determine public interest and balancing differing interests, can draw on

adequate financial resources, and have authority to deliver services. This section does not exist for regional districts, presumably because the LGA does not provide for the same levels of independence, powers, financial resources, or service delivery authority as municipalities.

> ***What we heard:*** "Municipalities can undertake any service that does not offend the concurrent jurisdictions etc. RDs still need to go to the Province for approval to undertake services. This provision/requirement should be eliminated in most cases".
>
> "RDs should have the powers of Municipalities".
>
> "Generally the province does not treats RDs the same as municipalities and does not administer grants equitably".
>
> "Principles for regional district-provincial relations – should be same principles as with municipalities. Challenging to interpret legislation, going back and forth between LGA and CC is difficult. Legislation should all be in one place, and references to other legislation/acts should be included if necessary".

Principles for regional district-provincial relations

186. The principles of municipal-provincial relations for municipalities are based on the UBCM charter, while the regional district principles for relations with the Province are restricted to five elements that are less respectful of regional district jurisdiction and interests.

The following elements of municipal-provincial cooperation are missing from the LGA in relation to regional district cooperation:

- Province respects municipal authority
- Province must not assign responsibilities to municipalities without resources
- Province must consider municipal interests when in discussions with other governments on municipal matters
- Province should resolve conflicts with municipalities by consultation.

In addition, there is an entire body of provisions of the CC regarding provincial-municipal relations that is missing for regional districts. Section 284 CC provides for a dispute resolution process if a dispute arises between a municipality and the Province or a provincial corporation (or between a municipality and another local government). Part 9, Division 3 CC, entitled "Dispute Resolution", could be clarified to apply to regional districts in relation to disputes

between regional districts and other local governments or the provincial government or a provincial government corporation. The dispute assistance, voluntary binding arbitration, mandatory binding arbitration, final proposal arbitration, full arbitration, and other provisions could provide practical solutions for regional districts encountering disputes. One option is to apply Part 9, Division 3 CC to regional districts. Another option is to include regional districts in Part 9, Division 3 CC.

Broad interpretation

187. Section 187 LGA is virtually the same as section 4 CC.

Section 19 CC, however, is missing from the LGA in relation to regional districts. It says that a bylaw is not inconsistent with another enactment if a person who complies with the bylaw does not by this contravene the other enactment.

Application of municipal provisions to regional districts

188. This is a major area of complaint. There are nearly 100 places in the LGA where the legislation cross-references provisions of the CC to interpret and apply the LGA provisions. This is a problem for citizens, elected officials and staff, and could be a problem when matters go to a court.

If one is reading the LGA, it is necessary to open the CC and understand and apply the connected cross-references – this is difficult when attempting to read the LGA online, especially on a pad or mobile.

It is also difficult to find a provision of the CC that people think may apply to a matter, unless one reads through all the provisions of the LGA that may be relevant. For example, and there are many examples, a corporate officer recently called and said all the staff and Chair tried to find the section that authorizes the chair to subpoena witnesses through a committee. Another example is where staff call and say that section 205(1((c) LGA refers to regulations in relation to Division 6 of Part 4, but they cannot find that Part in the LGA. Ultimately, answers can be found by staff or lawyers who have time, but the content and layout of the LGA are confounding for most users, especially when answers or questions need to be addressed in a meeting.

I asked for examples and received numerous references. This one is “popular”:

> (1) A board may, by bylaw, regulate in relation to business under
>
> (a) Divisions 1 *[Purposes and Fundamental Powers]* and 3 *[Ancillary Powers]* of Part 2 of the *Community Charter*, and

(b) Division 9 *[Business Regulation]* of Part 3 of the *Community Charter*.

(2) The making of a bylaw under subsection (1) is subject to

(a) the regulations made under subsection (3), and

(b) Division 5.1 *[Restrictions in Relation to the Passenger Transportation Act]* of Part 3 of the *Community Charter*.

There is virtually unanimous agreement that the cross referenced provisions should be spelled out in new regional district legislation in lieu of the internal cross references or the regional district and municipal provisions that are identical should be in one statute.

> ***What we heard:*** "I think somehow, it might be an improvement to combine the lga and comm. charter into one document. Having said that, if one still needs to cross reference, I would prefer 2 separate documents to be able to physically be able to do that".
>
> "No cross referencing".
>
> "Eliminate having to go back and forth between LGA and CC. Include references to other legislation that should be considered".

References to regional district officers

189. Section 189 is the same as section 4 of the Schedule to the CC. That said, it would be more useful if located in the "officers and employees" section of the LGA.

Continuation of regional districts

190. When the CC was enacted in 2003, there was a separate statute to address transitional matters. This is an option when considering regional district legislative reform in relation to matters under sections 190 through 192. The municipal transitional statute was the Community Charter Transitional Provisions, *Consequential Amendments and Other Amendments Act*, 2003.

Continuation of regional parks and trails

191. See section 190.

Continuation of regulatory authority restrictions in relation to previous bylaws

192. See section 190.

> ***What we heard:*** "It might be an improvement to combine the LGA and Comm. Charter into one document".

“Principles for regional district-provincial relations – should be same principles as with municipalities. Challenging to interpret legislation, going back and forth between LGA and CC is difficult. Legislation should all be in one place, and references to other legislation/acts should be included if necessary”.

“The 5 elements of municipal-provincial cooperation should apply equally and evenly to regional districts”.

“Would like to see Section 186 expanded to include the elements from Municipal-provincial cooperation, and Section 188 with Municipal provisions to RD's.”

“Principles for regional district-provincial relations - should be same principles as with municipalities. Legislation - challenging to interpret legislation, going back and forth between LGA and CC”.

“The principle of RD's to only tax for services which residents agree about is a valuable concept but remarkably cumbersome and leaves RD's without the ability to respond rapidly”.

“Eliminate requirement to reference 2 pieces of legislation”.

“As noted above - Province must not assign responsibilities to municipalities without resources. Downloading of items to Local Government level without resources is an ongoing point of contention”.

“Having two separate statutes is inefficient - can the province combine the relevant sections from the LGA and CC together - equalise the powers for both RDs and incorporated LGs. This would reduce confusion and overlap for electeds, citizens and staff and allow employees to move more easily within the sector, which is a positive thing in a very tough time to recruit senior managers and specialised staff”.
“The extension of Municipal rights to RD's will resolve many of these issues. Again, entrenching local governments in the constitution would resolve the remainder”.

“Downloading of services must include an increase in provincial funding to manage the increased workload and cost of service provision to a RD”.

"The downloading of responsibilities without the application of additional funding is unfair and overly onerous to the RD that must raise the funding to support new services, whether or not they were desired by the RD".

"Regional districts need to be redrawn around natural boundaries (watersheds) and First Nations traditional territories (which are usually aligned) rather than maintaining colonial boundaries".

PART 6 – Regional Districts: Governance and Procedures

Division 1 – Regional Districts and Their Boards

Regional district corporations

193. This section says each regional district is a corporation. A municipality is a corporation of the residents of its area. One may argue that the Legislature must have intended the regional district provision to have a different meaning, since an inference may be drawn that the express reference to residents in one is to exclude an aspect of that notion in the other, or to restrict or to "read down" the regional district corporate ambit.

Board as governing body

194. The provisions are essentially the same for municipalities and regional districts (incidental powers are in section 294 CC).

Area of jurisdiction

195. This section says a board may exercise or perform its powers, duties and functions only within the boundaries of the regional district unless authorized under this or another Act.

Section 14 (2.1) CC says a regional district and one or more municipalities may, by bylaw adopted by the board of the regional district and by bylaw adopted by the council of each *participating* municipality, establish an intermunicipal scheme in relation to the regulation of business. Despite the potential advantages of this, section 14 has been interpreted as restricting the powers to areas inside the regional district and to "municipal participants", which also connotes the need for a business regulation and licencing service. It is unclear whether this express restriction operates as a "specific limitation" for the purposes of section 332 which otherwise provides general authority for services outside the area.

Although section 195 LGA does not say so, sections 261 and 333 allow services in relation to treaty lands outside the area and operation of the service outside the area.

What is also unclear is the extent of regulatory and enforcement powers outside the regional district beyond section 332(4), which limits this to cases where the regional district has established works or facilities outside the regional district for the purposes of a regional district service. In comparison, section 13(3) CC says that if consent is given by the neighbour jurisdiction, all municipal powers, duties and functions in relation to the service may be exercised in the area.

Division 2 – Board Members

Composition and voting rights

196. Section 196 is subject to section 253 LGA (treaty First Nation directors), but the entire LGA is silent on First Nation and Indigenous individuals' participation and inclusion.

First Nations have had traditional governments for at least 10,000 years. Regional districts have existed since 1965. Despite this history, First Nation governments and members are not included in regional district governance (except in the limited circumstances where there is a treaty settlement area).

British Columbia has adopted the *Declaration on the Rights of Indigenous Peoples Act* ("DRIPA") to incorporate into BC law formally the indigenous rights instrument of the United Nations entitled the "United Nations Declaration on the Rights of Indigenous Peoples" ("UNDRIP"). DRIPA sets out a process to align British Columbia laws with UNDRIP, and the provincial action plan provides for ending indigenous specific discrimination and promoting economic well-being. One of the specific actions in the BC action plan is to support inclusive regional governance by advancing indigenous participation in regional district boards. This was supported by UBCM in its July 30th, 2021 submission. There are also several UBCM resolutions to support this.

First Nations must be included in regional governance. Although there is currently a mechanism for treaty settlement nations to be included in regional governance, there are roughly 190 other nations and their members that do not have the right to be included. This would help address indigenous discrimination. One of the specific actions in the BC DRIPA action plan is to support inclusive regional governance by advancing indigenous participation in regional district boards.

The number of votes to which a director is entitled is calculated under section 196. Regional districts have complained about four aspects of this.

First, for purposes of voting power on a board, a change in population of a municipality or electoral area as established by census takes effect in the year following the year in which the census was taken [section 196(3) LGA]. This has created unbalanced weighted vote calculations between censuses [note – NOT *censi*, per the *Oxford English Dictionary*]. The last census was in 2021. Therefore, the voting power numbers crystalized in 2022, although many people moved after 2021 due to the pandemic. The next census is May 2026, so the new voting powers will apply in January 2027, arguably a long time from May 2021 in a province that grew nearly 8% from the 2016 census to the 2021 census (and where, for example, Cumberland grew 18.5% and K'omoks First Nation grew 31.1%.

Second, section 196 (regarding the calculation of the weighted vote) is not conclusive. It makes no mention of section 208(1) which says that the general or default rule is that each director has one vote, not the weighted vote that is established under section 196. Although this question arises regularly, I think that applying Driedger's "modern principle" of statutory interpretation that the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, and not be concerned about clause like "subject to section 196", one can construe section 208(1) LGA as being subject to the rest of Division 2, including sections 196(2) and 209 through 211.

Third, every regional district corporate officer, and others, have complained about the vagueness created by the voting rules, discussed in Part 6, Division 3 below.

The reference to the "census" arises routinely. According to the ministry web site dealing with population figures for voting strength, "the minister responsible for the CC is responsible for determining population figures for an area if those are not determined by census". That is, section 196 governs the application of the census for calculating voting power, but if a change is triggered outside of this (e.g., boundary extension), the minister can determine figures between censuses. The web site says: "…for example, if the boundary of a municipality is extended to take in a portion of an electoral area in the years between federal censuses". That being the case, many have asked why the minister cannot carry out this inter-census activity formally for all calculations instead of waiting 5.5 years. In the original 1965 legislation, section 770(4) of the Act provided that where the population of an area has not been established by census, its population is determined by certificate until determined by census. This has been replaced by section 1 CC of the Schedule to the *Community Charter* (which applies to regional districts under section 40 of the *Interpretation Act*), which says that "population" means "population determined by the minister" if not established by census.

Fourth, in practice the statutory distribution of votes is unbalanced or inordinate for some regional districts. For example, a 2019 report from Central Okanagan Regional District stated the following:

> The concern expressed by some Board members was the City of Kelowna has 7 of 13 representatives on the Board creating a situation where one jurisdiction in the RDCO carries the weighted and unweighted corporate vote on all matters, excluding services Kelowna does not participate in. This is less than optimal from a governance perspective and creates operational challenges for City of Kelowna Council members. Based on current growth projections for our region, this disparity will worsen in the years ahead.

A Comment on s. 3 Charter of Rights and Freedoms

By way of analogy, it may be useful to consider section 3 of the *Canadian Charter of Rights and Freedoms* which provides every citizen of Canada with the right to effective representation. Canadian courts have held that divergence from absolute parity of voting power is justified: (1) on the grounds of practical impossibility; and (2) where one or more factors indicate that divergence from parity results in more effective representation. Any divergence from voter parity must be justified by evidence on a constituency-by-constituency basis.

While effective representation begins from the principle of parity of voting power (i.e. one person one vote), the Supreme Court of Canada held in *Saskatchewan Reference* that voter parity is not the only factor to be considered in ensuring effective representation. Rather, in some instances factors such as geography, community history, community interests, and minority representation must be considered to ensure that governments effectively represent the society that elects them.

In many Canadian provinces, general rules for permitted population variance are set out by the provincial legislatures. For example, in Alberta and British Columbia (among others), legislation governing provincial electoral districts permits electoral districts to be up to 25% above or below the average population per district.

Although the Supreme Court of Canada has held that variance from voter parity is permitted where it leads to more effective representation, having regard to a variety of factors, those deviations must be justified and reasonable. In *Dixon v. British Columbia,* (1986) 7 C.C.L.R. (2d) p.174, McLachlin J. (as she then was) held that there was no explanation, geographical, or otherwise, for several significant divergences, and on that basis found the legislative scheme of electoral districts in British Columbia unconstitutional.

Based on this jurisprudence, it is clear that there must be very specific justification, on an area by area basis, for variance from parity. This is especially true where the variance exceeds 25%. However, due to the small amount of case law on section 3 of the *Charter*, it remains somewhat uncertain what exact evidence is required to demonstrate that factors other than population demonstrate that variance results in more democratic representation.

One issue that comes up: are municipal directors obligated to vote in accordance with the municipal interest, or can they vote their conscience? There is no express provision in the LGA on this, but a Council can replace a municipal director appointed to a board (subject to procedural fairness), and this has occurred where a director has voted against the will of the mayor or council.

Under section 115(a) CC, municipal councillors must "consider the well-being and interests of the municipality" and section 116(2)(g) CC requires mayors to "reflect the will of council". The oath in the Reg does not address this. These factors suggest that municipal directors are free to vote their conscience legally, but not always politically.

Municipal directors are also free from making conflict declarations where the conflict arises only because of wearing two hats, on the board and council. Accordingly, the statutory regime not only authorizes but mandates that regional district boards will partly consist of councillors from their member municipalities. Typically, the application of this exception is straightforward, and entitles the otherwise conflicted member to participate as if no conflict exists. The court considered the principle in *Save St. Ann's Academy Coalition v. Victoria (City)*.

> ***What we heard:*** "There should only be 1 (one) vote per Electoral Area and 1 (one) vote for each Municipality. (Regardless of population size)".
>
> "Decisions around First Nations participation on regional boards will also need to take into account the difference between municipal-type functions for electoral areas and regional service functions – what participation rights will First Nations have vis- à -vis municipalities in respect of the various functions and services of an RD – e.g. what about a service provided to a limited number of participants, not including the First Nation".
>
> "We have experienced challenges when the weighted votes are used to pass agreements or contracts. As Mayor and Council of a Municipality (5 persons) we only receive 1 (one) vote at the Regional District. This seems unfair that another community with more votes can oppose a bylaw that is only affecting our local Municipality".
>
> "An electoral area often pays more into services as some municipalities, but they only get one vote and the municipality can outvote them because they have more population ..not a fair system…recommend one vote for each person at the table".
>
> "Our Board would like to see 2-year terms for Board Chairs and Vice Chairs -Had issues with whether non-participants in a service can vote on an amendment to a motion (when voting is limited to participants) when not entitled to vote on the motion as amended".
>
> "As per an earlier comment, RD's seem to provide 2 roles ... muni-like governance of rural areas, and also that of a convening/collaboration body for a group of muni's and rural areas. Related to this, in my experience, there seems to be an expectation from both community and area directors that there will be a high degree of deference to area

directors on "area issues" where as municipal directors should constrain themselves more to "general governance" issues/budgets. Further to this, there seems to a reliance on and/or expectation of high operational contributions from area directors. This can in turn lead to area directors essentially operating as staff/director hybrids which brings a host of governance challenges. Another aspect of this is that it pushes Regional Districts towards a ward-system governance where each Director is fighting most for their area/muni. I prefer what I am more familiar with in a municipal context where it seems much clearer that you have equal responsibility to all residents".

"Voting and weighted votes causes regular confusion at our board, and we frequently turn to the corporate officer to settle questions of who is voting on what, and whether it's weighted. Fortunately we have a small board. The question of whether municipal directors should vote on municipal interest has risen a number of times at our board and is exacerbated by logistics. If a municipal director wants to receive direction from their council, they would have to take a matter back to their council meeting, and the resultant turnaround time could be up to a month. Our schedules don't make provision for that, and in many cases it would be unrealistic, leaving muni directors with only the option of consulting their colleagues via email or text, which is problematic. Communication between muni directors and their councils is also spotty. Some muni directors deliver a biweekly or monthly (or less frequent) verbal or written report on their RD activities to their council, but there's no real provision for feedback. Also, many regional issues either require background explanations that don't fit into a council meeting, or may call for some frank discussion that cannot take place in an open meeting. Dealing with our regional water supply is such a critical issue that we have held joint roundtables where we invite all the electeds participating in the service. However, that involves a great deal of extra staff support and time from everyone involved. The question of whether a mayor who is also an RD director must consider the interests of the region as a whole is currently causing friction at our RD. The RD oath of office clearly states the regional responsibility, but a mayor is taking the position that his primary responsibility is to his municipality, and that their interests are opposed to the RD's. When any director takes an aggressive and uncollaborative stance, it causes tension at the board table and impedes a good decision-making process, but when it's a mayor, this becomes extra difficult, especially if they go to the media".

Municipal directors: number of directors and assignment of votes

197. See comments for section 196.

Appointment and term of office for municipal directors

198. I am not aware of issues.

Election and term of office for electoral area directors

199. This is the first instance in the Act where the term "electoral area" and "electoral area directors" appears. The term first appeared in the 1965 legislation, along with "unorganized territory", and was originally coined by Dan Campbell, the then minister. There is no legal issue with this phraseology, but there are routine calls by Electoral Area Directors for a title change given the alleged awkwardness trying to explain the term to voters or constituents.

Given rampant conspiracy theories arising primarily during the pandemic, the directors and staff have also countenanced confusion from the public, with references to things like precursors to climate lockdowns, restrictions on travel, and a World Economic Forum (WEF) scheme. There is also confusion with electoral areas under the federal and provincial election legislation – the first page of "electoral area" on a Google search yields mostly references to federal and provincial election districts.

I make no recommendation but have heard the following ideas proffered by directors: Roberts Creek; Roberts Creek Area; Ward. For rural directors, I have heard: Director of Ward A or Roberts Creek Ward, Area A Director, Director of (insert actual geographic area name, such as Halfmoon Bay or Roberts Creek"), or "Mayor" (seriously). In this regard, it was pointed out to me that the constituency of a provincial MLA is not called Electoral Area X or Area 51 but has a geographical name such as "Vancouver – Mount Pleasant".

> ***What we heard:*** "The naming of "Director" for EAs is indeed awkward. In 2018 FCM itself printed all the badges for BC Directors as local government staff. If FCM is confused, imagine the public. In my role and practice indeed we are very much like Mayor and Council all in one - Municipal Directors rarely pay attention to any of our items in the rural areas, so we do feel that burden of full accountability and responsibility vis-a-vis our electorate. A different name would certainly help in an era where all local government staff are Directors of this and that. The name sets everything up for confusion and should be resolved. Sadly there are few appropriate alternatives. Ward would make us sound like prison guardians. Rural Leader might be the most appropriate and accurate. My two cents".

Alternate directors: municipalities

200. The alternate director concept is controversial. See section 201.

Alternate directors: electoral areas

201. This concept is controversial because of abuse and concerns about democratic representation. There are meetings where the elected director is in the meeting venue but where the alternate is at the table voting.

Some elected directors have opted to attend meetings only enough to keep from being disqualified, allowing the unelected alternates to debate and vote most of the time.

One suggestion is that alternates may not be required now given the ease with which elected directors can attend meetings remotely electronically, and from the concept of delegated authority to hold hearings.

> ***What we heard:*** "The only solution I can think of for Alt. Directors in relation to the concerns raised in the discussion paper are to limit the number of meetings an alternate can attend except in cases where leave has been granted by the Board (e.g. parental leave, leave for illness."
>
> "Lack of legal clarity as to whether an alternate director as an appointed and not elected can be in receipt of closed Board meeting documents, can serve in conflict on societies etc. An alternate Director put an application in for funding AND for a zoning bylaw amendment while able to read all documents from closed sessions. They benefitted from unelected insider information and could be a "decision maker" with no consequence".
>
> "Revise the alternate system and especially the conflict of interest portion relevant to alternates".
>
> "possibly each director could run with a running mate the alternate would then be elected".
>
> "The actions and opinions of Alternates at the board table - these can be in opposition to the sitting director that they are replacing, and their participation can be without any preparatory work on their part. I have seen alternate directors represent their industry or business and in doing so not reflect their role as to the best interest of the RD or the specific Area of Municipality that they represent".

"Eliminate alternate directors".

"Under the legislation, there is no clarity about the issue of quorum 'within the voting block' (weighted or otherwise)".

"My experience is that Alternative Directors are ineffective and either serve are simply voting as directed or are uninformed on the vote".

"Having alternates serve for long periods is both undemocratic and unfair to the alternate, who may be doing most of the work while the elected directors receives most of the remuneration".

"It is sometimes difficult for rural directors to find alternate directors to appoint".

Oath or affirmation of office for board members

202. There is a penalty for an elected director who fails to make the required oath [section 202(4)], but not for an alternate.

Section 202(7) refers to an oath of allegiance. An oath of allegiance is a pledge of loyalty to a country or monarch. In Canada, the oath of allegiance is to the King of Canada. This may not be reasonable when Indigenous directors or others join a board, and it is not included in the Community Charter for municipalities.

> ***What we heard:*** "Consideration of a different Oath of Office for First Nations representation on Regional District Boards".

Resignation from office

203. A resignation becomes effective when it is received by the corporate officer, even if a later date is set out in the resignation, whereas a municipal member resignation is effective from a date in the resignation or from the time it is delivered.

Director disqualification for failure to attend meetings

204. If a municipal council member is disqualified for not attending meetings, they are disqualified from holding office on a local government, on the council of the City of Vancouver or

on the Park Board, or as a trustee under the *Islands Trust Act*. This does not apply to disqualified regional directors.

Regional district directors: application of *Community Charter*

205. See the discussion above in section 188.

Division 3 – Voting and Voting Rights

206 – 214. One of the major areas of complaint: ascertaining who at the regional board votes on a matter, and whether their vote is calculated as a single or weighted vote. Municipal lawyers hear about this every week from every regional district (except Metro), and sometimes there is no clear answer in the legislation. In addition, perhaps due to various amendments being made over the years, the vote calculation rules are internally inconsistent and difficult to ascertain.

Fundamental to an analysis of these voting rules is whether regional districts continue to operate with service silos, how the interests of municipalities and rural areas can be balanced and protected in a fair way, and how to ensure that decision making is based on fair representation. It may not be necessary to alter these fundamentals if the processes and empowerment on the other fronts are modernized along the lines of the *Community Charter*. Also, it may be that Metro Vancouver Regional District does not fit any of the paradigms described in this document, given the special utility statutes, the relative absence of rural areas, the size of the current board, the magnitude of capital projects, the absence of a "Metro regional hospital district board", the focus of grants on transit, and the perceptions about citizen representation. That said, nearly everything in this document applies to Electoral Area A of Metro, and the Principles and Executive Summary herein apply to the regional district generally.

Examples of confusion:

- Can a non-participant move or second a motion regarding a service if it impacts them even if they are not a participant?
- Do all directors vote on an OCP amendment, even if it is not their area?
- Can municipal directors vote on Board consent to the municipality providing a service to a rural area?
- Is the mayor's responsibility to reflect the will of the municipal council is a consideration that the mayor should consider when making decisions at a regional board table?
- Can municipal directors vote on Bylaw Enforcement service matters in rural areas?
- Who votes to appoint board of variance or APC members?

- What is process for disputing interpretation of voting rules by chair and corporate officer and do we need validating legislation when they are wrong?

Division 4 – Board Chair and Committees

Chair and vice chair of board

215. No comment.

Responsibilities of chair

216. This section says the chair is the chief executive officer of the regional district. The same applies to Mayors in the CC. One of the recommendations for reducing harassment and bullying of staff by Mayors, in the workplace health and safety context, is to clarify the statutory role of the chief executive officer versus that of the chief administrative officer. The CEO designation gives mayors a sense that they can carry out CAO duties and, in any event, overrule the CAO on management matters. Although this is prohibited in Alberta and other provinces, the practice exists in BC and the friction has caused resignations and terminations of CAOs. This should be reviewed in the broader context.

> ***What we heard:*** "LGA 216 (and the similar provisions of the CC) describe the duties of the Chair to include duties commonly included in those of the CAO/City Manager. This overlap should be eliminated".
>
> "The Roadmap notes that the statutory CEO designation for Mayors is confusing vis-à-vis CAO duties. Considering the 'strong Mayor' developments in Ontario, making this clarification will be important".
>
> "Neither Mayors nor Board Chairs should have a CEO title. Boards/Councillors should exclusively fill a governance (not operational) role. I think greater clarity on the roles / representation / responsibilities of directors would be very helpful. (And I would argue for a more municipal-like model where being a director is a governance-only role, and it is clear that regardless of how one is put on the Board, they have an equal responsibility to all residents). I think both administration of rural areas and having a shared governance table for multiple communities are valuable, but I wonder if there'd be benefit in considering separate governance structures/membership/meeting types for each of these two tasks? I also think

greater director and public clarity on expected representation should be clarified. In my ideal, the legislation would state very clearly that how folks are put on a District Board is distinct from who they are to represent. Therefore when Directors elected/appointed by Area B, C, D and Muni X are opining and voting on an issue in Area A, what they supposed to be adding is oversight, thought, and scrutiny, for the benefit of all regional district residents equally".

Chair may require board reconsideration of a matter

217. This should say "Without limiting the authority of a board to reconsider a matter"…to clarify that a board can return a matter for reconsideration whether the chair acts.

Appointment of select and standing committees

218. A mayor's standing committee requires at least half of the members to be council members, while a chair's standing committee requires only one director to be a member. This may be a reasonable function of geography.

Section 144 CC says the authority to appoint includes the authority to rescind an appointment. This does not appear to be available to regional boards or chairs, and section 27(4) *Interpretation Act* does not cover this.

Division 5 – Board Proceedings

Regular and special board meetings

219-220. The regular and special meeting and notice provisions in the LGA are more concise than in the CC, while covering the same ground, and unlike the CC allow two directors to call a special meeting without waiting for the chair to fail to call a meeting.

Electronic meetings and participation by members

221 - 222. Regulations establish these rules. No comment.

Minutes of board meetings and committee meetings

223. The CC provides that the taking and certification of minutes must be set out in a mandatory procedure bylaw. For regional districts, these rules are set out in section 223 of the

Act instead of authorizing the board to set this out in its procedure bylaw. This is another example of municipalities having more autonomy.

Meetings and hearings outside regional district

224. This is effectively the same as section 134.1 CC.

Procedure bylaws

225. Section 124 CC says a council may in a procedure bylaw establish the procedure for designating a person under section 130 *[designation of member to act in place of the mayor],* to ensure the procedure is fair. This may be advisable in a board procedure bylaw regarding election of a chair and vice chair.

Board proceedings: application of *Community Charter*

226. See comment in section 188.

> ***What we heard:*** "Practices around who can attend closed meetings and where the information can be shared vary widely between RDs because the rules are not clear. At present my RD does not permit alternate directors to attend most closed meetings. But if the matter under discussion is significant, the alternate should be kept informed in case they are called to act at short notice. There is a related problem with muni directors. When the RD receives a matter in camera, it is in camera from the rest of council, and the muni director is not supposed to disclose. But the matter may be crucial to the muni, and it may be the clear duty of the muni director to share the information and get direction from council. The relationship between the Chair and the CAO concerns me, in part because the role of CAO is not well defined. The Carver (one employee) Model is the practice in local government, but is not legislated. And the role of the Vice Chair is nil, except for acting when the chair is unavailable. But if the Vice Chair must act in the Chair role, should they not be included in all significant meetings with the CAO so that they are fully informed and prepared? There's no consideration for this. Nor is there any provision for the Chair to report back to their board on their relationship with the CAO. The way the cosy Chair/CAO relationship works, it is entirely possible for a chair and CAO who are buddies to run an entire regional district with very little reference to the board, and very little communication to anyone. It's unethical, but it's fairly common, especially given that there is no process or best practice for the hiring of a CAO. It is possible for a board chair to hire a CAO without consulting the rest of the board, especially if

the other directors are not alert. The chair's role is critical to a well functioning board, but it is also wide open to abuse (or neglect). And on that topic, there should be a clear process for the chair to be removed and replaced AT ANY TIME by a 2/3 vote of the board".

Division 5.1 – Proceedings of Other Bodies

Electronic meetings of other bodies

226.1 – 226.2 It is not clear if this form of meeting requires an LGA amendment to include this in a procedure bylaw and/or a regulation, given that there is authority for regulations for board/committee electronic meetings but not for "other bodies".

Division 6 – Bylaw Procedures

Bylaw procedures: application of *Community Charter*

227. CC bylaw procedures apply.

Bylaw adoption at same meeting as third reading

228. No one disagrees with this.

Division 7 – Delegation of Board Authority

Delegation of board authority

229. Under this section, a board may not delegate a power or duty to appoint or suspend a regional district officer, but under section 154(3) CC a council may delegate a power or duty to appoint or suspend an officer to its chief administrative officer. For regional districts, this varies from the "one employee" model in effect for local governments in most of Canada.

Bylaw required for delegation

230. No comment.

Delegation of hearings

231-232. No comment.

Division 8 – Officers and Employees

Officers and employees for regional district

233. Section 233(3) says board may, by an affirmative vote of at least 2/3 of the votes cast, provide for the inclusion of its regional district in an employers' organization under the *Labour Relations Code*. This is continued from older legislation [section 188(3)(a) *Municipal Act*, SBC 1957, c. 42]. A municipality may do this under its natural person powers, which regional districts do not have.

Officer positions

234 - 237 Same as CC.

Oath of office for officers

238. This applies to regional district officers. The LGA and the oath regulation provide for this. Municipal officers under the CC are not subject to an oath.

Chair to direct and inspect officers and employees

239. This is an archaic provision, derived from section 179(d) of the *Municipal Act*, SBC 1957, c. 42.

> ***What we heard:*** "LGA 239 is problematic and should be eliminated. It creates role confusion and invites constructive dismissal of the CAO if the Chair were to exercise these duties that almost certainly exist as a fundament term and condition of employment in the CAO's employment agreement. Further to conversations about elected official conduct, LGA sections 234-235 should automatically make the CAO/City Manager an officer under the act (allowing for hearing, 2/3 majority vote, etc.)".
>
> "Section 239 is ridiculous and should be eliminated. It creates role confusion and invites constructive dismissal of the CAO if the Chair were to exercise these duties

that almost certainly exist as a fundament term and condition of employment in the CAO's employment agreement".

Suspension of officers and employees

240 – 242. Same as CC.

Division 9 – Local Community Commissions

Establishment of local community commissions

243 - 245. The advantages of the LCC: some community autonomy and empowerment for areas that are nearly ready for incorporation; advice for the rural director and board for a remote area in a large electoral area district (although the director is one of the commissioners); local input on budgeting and services; governance participation by electors who have a high interest in the services and costs in the area; and local knowledge for better governance. The disadvantages: sometimes the LCC becomes the official opposition and consistently attacks the board and director, LCC members and supporters can be frustrated by the limited powers and resources of the regional district and do not always get what they recommend, the LCC is subject to board policies and bylaws on things like procurement or service standards, and the board not the LCC must pass with any bylaws or budget.

That said, although regional district employees provide the staffing support, the board can delegate executive and administrative tasks for the LCC, such as expenditures under an approved budget.

Examples of LCCs over the years: Bear Lake, Regional District of Fraser-Fort George; Charlie Lake, Peace River Regional District; Coal Harbour, Regional District of Mount Waddington; Fort Fraser, Regional District of Bulkley-Nechako; Olalla, Regional District of Okanagan-Similkameen.

Given the actual and perceived governance role of LCCs, and potential for delegated administrative powers, assent makes sense. None of the affected regional districts, however, can explain why they may need provincial approval. This approval may be a throwback to the time the LCCs were created by 1977 legislation, when the Province approved nearly every regional board bylaw.

> ***What we heard:*** "It is sometimes difficult for rural directors to find alternate directors to appoint. We have a local community commission and it is not

effective. We ensure meetings are held to satisfy the establishing bylaw. We have amended the bylaw from time to time and it requires approval from the province. At one time, the amendment was denied as it was not long after the most previous amendment. Any significant changes would require an assent process which is not affordable to the community. All of the budgetary decisions must be approved the RD Board. The Commission seems like a technicality at the expense of the community. Also holding an election for this body every 4 years significantly impacts the budget".

"Dissolve Community Commissions".

Division 10 — Other Matters

Giving notice to regional districts

246. This is the same as for municipalities in section 159 CC. Although many people, including lawyers, erroneously serve or deliver notices on the Chair, the CAO, or the director, the regional districts typically accept the document. Municipal lawyers, however, like this section because it gives the local government a potential statutory defence if the server is up against tight time limits.

The reason people erroneously serve pleadings on the wrong parties is partly due to the bylaw challenge and lawsuit provisions in sections 623 and 735-6 LGA do not mention the corporate officer or section 246 LGA.

Notice by regional district: obligation satisfied if reasonable effort made

247. Same as section 160 CC (and section 466(8) LGA).

Regional district records: application of *Community Charter*

248. This cross-references sections 162 and 163 CC.

The CC contains a useful provision (section 161) that is use routinely, and importantly, that is missing from the LGA: court allowing substituted service. This became more useful during and after the 2020-22 pandemic when individuals or companies moved or became insolvent.

Regulations to provide exemptions from Provincial approval requirements

249. This section could be more useful if used more often. Currently, there is a regional district establishing bylaw regulation that provides exemptions from approvals that would otherwise apply to establishing bylaw boundaries or requisition limits.

A review of all the provincial approval requirements raises questions about whether provincial staff approval of so many regional district decisions is warranted at this time, given that the statutory requirements for approvals for village bylaws was repealed long ago. An example is a service bylaw, where a village can establish a local area service but next door in the rural area the regional district can be required to get provincial approval even if there is no borrowing. No one, on the other hand, disputes the need for provincial approval of loan bylaws.

PART 7 – Regional Districts: Treaty First Nation Membership and Services

Treaty first nation membership in regional district

250 - 262. I am not privy to any complaints or concerns about this Part.

As stated in paragraph 1 in the Executive Summary and paragraph 1 in the Draft Recommendations for Discussion, First Nations other than Treaty First Nations will need to participate in regional district governance. The Province should make this a high priority until it is done, but not alter the course of First Nation-regional district tables that are already working to build consensus on structure and function.

> ***What we heard:*** "There are more First Nations governments in BC than there are local governments. Additionally, each FN will have a different level of interest (sometimes none!) in full participation in regional governance. Accordingly, creating full LGA provisions in the body of the act to apply to all RDs and FNs seems like an impossible target. I propose that an updated version of Part 7 of the LGA has a provision for this part to apply to a "Participating Nation" in the same way as a Treaty nation whose modern day treaty provides for RD participation. The provision would apply by Regulation that is specific to a particular FN and RD relationship. That Regulation would also specify the particulars of the relationship, participation, voting, cost apportionment, etc.".

PART 8 – Regional Districts: General Powers and Responsibilities

Division 1 – General Powers

Corporate powers

263. Municipalities in virtually every province have "natural person powers" (legal capacity, rights, powers, and privileges of a natural person of full Capacity) to make agreements, acquire or dispose of property, delegate authority, participate in commercial/industrial undertakings, higher/fire and other things that a natural person can do. Regional districts, on the other hand, are limited to express corporate powers of a board listed in section 263 LGA. Section 263(1)(a) through (d) and (f) would not be necessary if natural person powers were included.

Section 263 LGA derives essentially from section 786 of the 1979 revised statutes. The current authority to make agreements is restricted to agreements regarding services or property management. It is an interpretive problem to have section 263(1)(b)(i) refer to activities, works, or services, while section 263(1)(a)(i) only extends to services, despite the more general definition applied in the CC schedule under section 40 of the *Interpretation Act*.

Section 263(1) (e) and (g), regarding delegation and commissions, are the same as the related CC provisions.

Minister approval required for certain out-of-Province or out-of-country agreements

264. No one to my knowledge can remember why this section was added. It does not apply to municipalities.

Inspector approval required for incorporation or acquisition of corporations

265. This is the same as section 185 CC.

Division 2 – Public Access to Records

Public access to regional district records

266 - 267. This is the same as section 95 CC. However, section 95 CC also says the disclosure does not apply to records that must not be disclosed under FOIPP, while section 266 is silent on this and section 267 limits this prohibition to records that are agreements in relation to matters requiring approval of the electors.

Other public access requirements: application of *Community Charter*

268. This is a cross reference to section 97 CC.

Division 3 – Approval of the Electors

Processes for obtaining approval of the electors

269. This is the same as section 84 CC.

Approval of the electors: applicable rules

270. This is effectively the same as section 84 -85 CC, except it also incorporates by reference the authority for AAP forms prescribed under the CC.

Division 4 – Providing Assistance

Definition of "assistance"

271. This is the same as the definition in the CC Schedule and section 25(1) CC.

Publication of intention to provide certain kinds of assistance

272. This is the same as section 24 CC.

General prohibition against assistance to business

273. This is the same as section 25(1) CC, except it refers to industrial, commercial, or business undertakings while the CC refers to "business" a s defined in the CC Schedule which arguably includes all the above.

Exception for assistance under partnering agreements

274. This is the same as section 21 CC, except section 274 is subject to section 277 LGA instead of simply referring to exemptions from taxes or fees.

Exception for assistance in relation to utilities, mountain resorts or high-speed internet services

275. This provides unique authority for assistance in relation to several specified regional district services, such as electric power utilities.

Exception for heritage conservation purposes

276. This is the same as section 25(2) and (3) CC.

Limitation on assistance by means of tax exemption

277. This is essentially the same as section 21(b) and 25(1)(b) CC.

> ***What we heard:*** "The general prohibition against assistance to a business has been a sticking point repeatedly in my rural area. For example, local farms need help to remain viable and contribute to local food security, but almost every measure suggested to support them fails because they are defined as businesses. My RD has an agriculture amenity fund that's been sitting unused for over a decade because we can't find a way to spend it. Another example is transportation. Solutions to rural and regional transportation challenges need to involve government, non profits and businesses, none of which can address the gaps on their own. (See ICET's Island Coastal Inter-Community Transportation Study, 2023.) Most businesses in rural communities are tiny and some fill needs that would be met by nonprofit or government agencies in larger communities. Also, in large communities a particular group such as farmers can form a nonprofit organization to act on their behalf, but the capacity to do so is lacking in small communities. I note that the authority to enter on property is especially relevant in rural areas where buildings and activities cannot be seen from the road, limiting our ability to enforce local bylaws. Neighbours are often reluctant to file bylaw complaints when they know that the source of the complaint is obvious (e.g. they are the only ones who can see the violation) and they are afraid of retaliation".

Division 5 – General Property Powers

Reservation and dedication of land for public purpose: application of *Community Charter*

278. This is a cross reference to section 30 CC.

Control of Crown land parks dedicated by subdivision

279. Under section 29 CC, park land created by a plan is vested in a municipality. Under section 279(1) LGA, park land created by a plan to vest in the Crown, results in "possession and control" of the Crown land, something that municipalities had under the *Municipal Act* before the CC. Both municipalities and regional districts own park land dedicated by subdivision under section 519(1)(a) or 567 LGA, but the regional district takes a payment in lieu under section 510(1)(b) only if it operates a community park service.

> ***What we heard:*** "MOTT approves a subdivision containing a park, now presumably the RD owns the park. But the RD might not have a service area for community parks. Or doesn't want to increase budget to an SA for operating the new park. Basic problem is that the RD is not the approving officer for the subdivision. There's also a difference in legal opinion here - I've been told by staff that such a park is not owned by the RD until it decides to start operating it as a park. Otherwise it remains vacant land owned by the province (MOTT)".

Disposition of regional parks and trails

280. This section makes sense for regional parks and trails and is analogous to the municipal park disposition provisions.

Exchange of park land: application of *Community Charter*

281. Section 27 CC applies. It may be timely to consider transition from the historical treatment of rural land dedicated for park with title vested in the Crown, for purposes of section 279, 281(1)(a), and 281(3) LGA.

Power to accept property on trust

282. This section would not be necessary if the regional district has natural person powers plus a reference to section 183 CC and section 87 of the *Trustee Act*.

Plans respecting use of local government right of way

283. This section would not be necessary if the regional district has natural person powers.

Authority to enter on or into property: application of *Community Charter*

284. Considering the authority to enter on property, the cross reference in section 284 LGA appears to contain an error, by omitting sub-section 16(6) yet going on to limit the ambit of that sub-section even though it has been omitted.

The authority to discontinue providing a utility or service to a property does not apply to regional districts.

Division 6 – Disposing of Land and Improvements

Disposition of land and improvements

285. Municipalities may dispose of land by way of natural person powers. Other than in the notice (section 26 CC) and the need for fair market value from a business if no partnering agreement (section 25(1)), the municipality may maximize the return by selling through a public competitive process or to a targeted transferee. Regional districts, on the other hand, are restricted to sell to a more limited list of transferees.

Notice of proposed disposition

286. This is the same as municipal notice under section 26 CC, except it does not refer to the potential for a targeted transferee. This section 286 incorporates by reference section 94 CC.

Use of money from sale of land or improvements

287. This is covered essentially by sections 188 and 189 CC.

Disposal of water systems, sewer systems and utilities

288. This is essentially the same as section 28 CC. That said, section 288(3) is helpful for users of the LGA.

Division 7 – Expropriation and Compensation

Expropriation power

289. This is the same as section 31 CC. That said, the additional provision in section 289(4) is helpful for users of the LGA.

Authority in relation to services

290. This is the same as section 32 CC, except the municipal entry can also be to construct works on a private property.

Entry on land to mitigate damage

291. This is the same as section 32(3) CC.

Compensation for expropriation and other actions

292. This is the same as section 33 CC.

Division 8 – Other Powers

Board may seek regional district opinion

293. This is the same as section 83 CC, except that a regional board may only seek an opinion if it is of electors of the entire regional district, not of an electoral area or other portion of the entire area.

> ***What we heard:*** "LGA 293 we are about to get the opinion of residents of a sub-area (part of an EA). This section seems to make that illegal (293(2). We need to only contact those who are part of the service, and this section seems to tell us that we can't do that. The limit should be eliminated, as public engagement is simply a modern part of governance".

Incidental powers

294. These powers are used, for example, to act in relation to non-compliance with bylaws or contracts. I think these powers are encompassed generally in natural person powers that municipalities have, but it may be noted that municipalities also have this under section 114(4) CC.

Emergency powers

295. This is the same as section 20 CC, except that a regional board must get at least a 2/3 majority while a council needs a simple majority. The regional districts do have the urgent voting regulation.

> ***What we heard:*** "Emergency powers – should be a simple majority rather than 2/3 to align with the Community Charter".

Additional powers and exceptions provided by regulation

296. This section has been useful over the years without triggering the *Municipalities Enabling and Validating Acts*. For example, the section has been used to provide for imposing a water or sewer fee between a municipality and the regional district, a water joint venture agreement, and *Aeronautics Act* agreements.

It is arguable that these could be covered by natural person powers in relation to agreements.

Municipalities have this "additional powers" provision under section 281 CC and also have natural person powers.

PART 9 – Regional Districts: Specific Service Powers

297-331. A regional board may regulate people or things in accordance with a limited number of specific service powers under part nine LGA. Given the broad, overarching authority of a municipality under section 8 CC, the regulatory authority of a regional board in relation to building regulation, fire/health, drainage/sewage, waste, animals, nuisances, businesses, or other things, is restricted. Objectively, regional districts have reported that their regulatory powers are inadequate to address climate change, wildfires, flooding, heat domes, or other matters that municipalities address routinely.

There are many examples, but one is the authority to regulate tree removal on land while the municipality on a contiguous parcel has extensive authority to regulate, prohibit, or impose requirements. Oddly, regional districts had the same tree protection powers as municipalities in 1965 [then section 766AAA (5) *Municipal Act*]. Regional districts cannot regulate in relation to public places (skateboarding, etc.]. Arguably, they could establish a service to carry this out with approval of or petition from the electors.

The regulatory powers of municipalities under section 8(CC) are based on the generic broad authority model adopted by most of the provinces and territories since the mid-1990s and upheld by the Supreme Court of Canada in 2004 in *United Tax Fellowship v. Calgary,* yet the regulatory powers of regional districts continue to be based on the approach taken in the 1849 *Baldwin Act* of Upper Canada which required specific detailed statutory provisions for each regulatory bylaw. Also, the counties governing the rural areas of other provinces such as Alberta have the same regulatory authority as the municipalities.

A regional district must have participating area approval of a service before regulations can be established and enforced for that particular service, but municipalities in BC (or municipalities or counties in the prairie provinces) do not need this.

Places in British Columbia such as the heavily developed and populated but unincorporated community of Thornhill will be looking for reasonable regulation of human activities to deal with protection of the natural environment and the other things at least to the extent that these things are addressed by contiguous municipalities. The absence of the authority to provide for such regulation in populated, developing, and other areas of British Columbia has resulted in irrevocable health, sanitary, planning, environmental, and servicing problems. There are dozens of examples, but these include places like Thornhill, Charlie Lake, French Creek, and Christina Lake, and like View Royal and Colwood prior to incorporation.

Municipal councils in a regulatory bylaw may provide for a system of licenses, permits, or approvals and take advantage of the list of regulatory standards and controls countenanced under section 15 cc, whereas a regional board can only do those things in a bylaw that relates to a specified regional district service such as waste management.

Considering the authority to enter on property, the cross reference in section 284 LGA appears to contain an error, by omitting sub-section 16(6) yet going on to limit the ambit of that sub-section even though it has been omitted. The authority to discontinue providing a utility or service to a property does not apply to regional districts.

Municipalities have the authority under section 8(3) of the *Community Charter t*o impose requirements in relation to their areas of regulatory authority, except in relation to firearms or business. This was heralded as a major advancement for municipalities. It is missing from the regional district regulatory authority, except for several limited purposes such as drainage and sewerage. Importantly, if a regional district provides a service, it cannot impose requirements in relation to the service, except in the limited instances where this is allowed (such as drainage and sewers).

As a result of the wildfires in Fort McMurray and Lytton, lawyers typically recommend adoption of preventive measures by the local governments. An example is a "fire smart" building bylaw. However, in most of the areas of the regional districts that have wildfire interface concerns, building regulation bylaws are limited to areas where the regional board has established a service in relation to "building inspection". Generally, these areas are limited, and no regulation or inspection takes place even though the British Columbia building code applies throughout British Columbia as if it is a municipal bylaw under section 4(a) of the *Building Act*.

A related concern is the restrictive content of regional district building regulation bylaws in rural areas. The authority for building regulation in section 298 LGA is word for word the same as in the 1960 *Municipal Act* (RSBC 1960, c. 255). For regional district areas that have a building service, these 1960 powers can be exercised in accordance with section 297, but in my view these powers are inadequate to fulfill application of 2024 Building Code provisions. Also,

although the 2024 Code applies as if a bylaw outside the building service areas, there are no building bylaws or permits to enforce the Code.

Municipalities have useful interpretive tools in respect to the bylaws. For example, section 10 CC provides that municipal bylaw is not inconsistent with another enactment if a person who complies with the bylaw does not buy this contravene the other enactment. The regional district provisions are silent in this regard.

Questions that require discussion:

1. The need for a service or regulatory service to be established, versus the board regulating by bylaw in rural areas without a service (like villages),
2. The need for the Province to limit specific regulatory authority to the items listed in Part 9 LGA, versus expanding regulatory authority to that of, say, the villages within the regional district, by providing for powers to regulate, prohibit, or impose requirements under the municipalities' section 8(3) and 9 CC,
3. If the Province grants regional districts the regulatory authority in section 8(3) CC, the suite of ancillary powers and restrictions would likely be required, being sections 10 – 20 CC and Part 3 CC.

In addition, there is disagreement in the field as to what a "regulatory service" is versus a specified regulatory service. The latter is defined as exercise of fire, special health, drainage, waste, signs, irrigation, extra-territorial services, and non-"regulatory services", so that likely refers to enactment of bylaws in those areas. That means that the regulatory authority in those specific areas can be augmented by the variation/terms/conditions powers in section 335 LGA, but it also means that regulatory service bylaws cannot be so augmented and require a service establishment bylaw (no matter how simple). "Regulatory service" is defined as regulatory authority conferred on a regional district other than a specified regulatory authority. Therefore, the advantages listed in section 335 do not apply to the regulatory service bylaws.

> ***What we heard:*** "Regarding the limitations in LGA Part 9, the Province has previously indicated its concerns with RD powers such as tree removal in rural areas, citing the Provincial interest in the forest sector. As this power exists in large district municipalities, perhaps it makes sense to make these powers available to RDs but only within the Urban Containment Boundaries of an RGS".
>
> "Provide the ability to supplement the B.C. Building Code with FireSmart construction requests".

“The LGA and CC cross-reference for Dangerous Dogs is confusing (e.g. “council”). Cross-referencing is cumbersome with textual and interpretive errors. Are Dangerous Dogs regulatory or an expressly provided service? Some RDs feel compelled to enact a regulatory service, other not. Costs can be extraordinary as for warrants to enter and seize and orders to destroy…Why animal control is different in the LGA and CC is confusing and at times, incomprehensible. Also, BC really needs a strict liability for dog ownership in statute”.

“Firesmart and the building code are complex issues in among the mandate of the Trust. It would be good to work more closely with the Province to understand a more localized "Trust" type set of practices that fit in with forest management, biodiversity preservation, and development pressures”.

“Currently the oversight and support of Fire Brigades in rural areas a big challenge with the Province and Regional govt. passing back and forth in an attempt to avoid liability. Fire is risky! And it is a risk we shouldn't shirk”.
“RD's should generally have at least the same regulatory authority as municipalities, and should't be left vulnerable to environmental and other damage. To the degree that RD's operate as a convening/cooperative body for multiple local governments/rural areas, RD's should arguable have greater powers than the local governments within”.

“Although in theory I think RD's should have at least as much regulatory authority as muni's in practice, financial limitations make this very challenging. It's not just an issue of enabling legislation. There may be cases where better/stronger provincial regulation/enforcement is actually the best option. An example of this is enforcement of noise or parking complaints related to events on ALR land. Even where RD's have some legislative authority to manage some of these concerns, the practicality of enforcement in a massive RD is very challenging”.

“The inability to regulate tree removal is one of the most frequent complaints of residents in my EA, especially given our increasingly severe problems with stormwater, and the cumulative impacts of land use decisions that result in continued degradation of our salmon streams. Stormwater is another area of chronic conflict. MoTT requires the

owner of a large subdivision to provide a stormwater management plan. However, once that subdivision is approved, there is no means to enforce the plan. It can simply be discarded, and downslope properties who are flooded have no recourse except to try and sue the developer. Most residents are reluctant (or lack the means) to resort to legal action, and proving damage from flooding is particularly difficult. The only means the RD has to deal with stormwater would be to create a service, but that would have almost limitless scope to embroil us in costly interventions, not to mention that it should be a provincial responsibility".

"If it has to do with a service that costs, then AAP is fine, but if it is an establishment of a regulatory service, then it should just be majority board approves (No AAP option)".

"While it would shorten the timeline, removing the need for provincial approval would not reduce the costs associated with the process of assent voting. We have a refuse disposal bylaw that sets the maximum requisition for garbage disposal where all municipalities and Electoral Areas are participants. It can only be increased by 25% every 5 years. This is an essential service. Amendments without elector assent should be permitted as necessary".

PART 10 – Regional Districts: Service Structure and Establishing Bylaws

Division 1 – General Service Powers

General authority for services

332. This is the same as section 8(2) CC, except for the special regional district limitations governing "services". Service meant a "function" of the regional district until the 1980s, but is currently defined as:

> (a)an activity, work or facility undertaken or provided by or on behalf of the regional district and the exercise of specified regulatory authority in relation to such an activity, work or facility, and
>
> (b)a regulatory service…

Consent required for services outside regional district

333. This is the same as section 13(CC), except it also requites approval of the Lieutenant Governor in Council, who may impose restrictions and conditions.

Services to public authorities

334. This would be covered by natural person powers if exercised by a municipality.

Authorities in relation to services other than regulatory services

335. The regulatory authority in the specific areas of "specified regulatory services" can be augmented by the variation/terms/conditions powers in section 335 LGA, but it also means that regulatory service bylaws cannot be so augmented. "Regulatory service" is defined as regulatory authority conferred on a regional district other than a specified regulatory authority. Therefore, the advantages listed in section 335 do not apply to the regulatory service bylaws.

Division 2 – Referendums and Petitions for Services

Referendums regarding services

336-337. There is a fundamental threshold question: should regional districts provide any service, like municipalities, with a combination of general taxation and user fees, or should services be tailored for and paid for by the users in the specific service area? I did not encounter anyone who took the view that the regional district, as a provider of regional services, local services (with municipalities participating), and inter-jurisdictional services, should become like a municipality and tax everyone for services provided only to a subset – the prevailing view is that the user-pay model is fair and reasonable. At the same time, there is strong support for streamlining and modernizing the assent, consent, and approval processes. One option that has broad support is that of providing services by way of a system like the municipal local area services. There would be buy-in under assent, AAP, or petition, but no provincial approval requirement unless there is also a loan bylaw.

At the same time, there is a call for review of the AAP process: is the approbation by electors fair when the renters can out-vote the owners and businesses that pay the taxes? Also, is 10% reasonable in a community where the population is less than 500 or so? Also, are the thresholds for requisitions in section 345 outdated?

> ***What we heard:*** "Approval of the Electors – This process warrants review, as it can be onerous and costly, particularly when a referendum is required. In some cases, the expense of conducting assent voting exceeds the amount of money being requested, making the process financially inefficient. Additionally, some residents perceive the Alternative Approval Process (AAP) as undemocratic, raising concerns about its validity. To enhance flexibility and reduce unnecessary costs, Directors should have the option to either consent on behalf of electors or proceed with an assent process, depending on the

nature and scale of the proposal. Amendments to service establishing bylaws particularly that the maximum requisition can only be increased by 25% every 5 years without assent of the electors".

"It appears the board has the ability to impose an SA on an unwilling participant, even though the participant can later withdraw w/o board consent. The default is five years before a service review - this is all very odd. Why allow a board to force a participant into a SA only to have the participant withdraw at the earliest opportunity, albeit five years later?"

"like to see more clarity around incorporating withdrawal provisions into an establishing bylaw. In a case where we had done this, as allowed for in the LGA, a participant exercised the option and we were informed by the ministry it required participant consent regardless of the withdrawal provision. Which begs the question of what is the point of including a withdrawal provision in the bylaw in the first place? I think the ministry was wrong in that case but we had no recourse other than to debate it with their legal counsel".

Division 3 – Establishing Bylaws for Services

Establishing bylaws required for most services

338. The list of services that require establishing bylaws has grown over the years. Many items listed in section 338 make practical sense, but consultation on this would be fruitful. Maybe the list of exceptions is what needs to be reviewed.

Required content for establishing bylaws

339. The content is the same as fort local area services, except for the idea of costs to be recovered by general property tax. What is interesting currently is the review of the list of exempted matters in section 339(2).

Special options for establishing bylaws

340. This list is reasonable and gives the regional board options. Particularly useful are the option for including an alternative review process, establishing terms for withdrawal, and creating an acceptable voting method.

Special rules in relation to continuation of older services

341. Necessary for continuation of "older services".

> ***What we heard:*** "Allow RD's to increase maximum requisition as required for services such as solid/liquid waste management".

Division 4 – Approval of Establishing Bylaws

Approval of establishing bylaws

342-348. Some have questioned the need for provincial approval in the absence of a loan bylaw, or for participating area approval if the taxpayers in the area have approved the bylaw by assent, AAP, or petition. Costs escalate, directors on the board change, and other concerns arise while the regional district staff are following through on all the approval steps.

Division 5 – Changes to Establishing Bylaws

Amendment or repeal of establishing bylaws

349-352. Again, the local area service approach could address this process.

Division 6 – Dispute Resolution in Relation to Services

Definitions in relation to this Division

353-372. If these provisions are built into establishing bylaws, with full support of the participants, then this Division 6 of Part 10 of the LGA may be unnecessary.

> ***What we heard on Part 10:*** "It needs to be easier to create a service that is vital to meeting emergent needs, such as watershed governance, or perhaps housing. It would even be okay if the Province were to have a regulatory means to identify these needs simply, such as an order-in-council, rather than to rewrite legislation every time. Conversely, municipalities need more authority to pursue solid waste services on their own, or in collaboration with each other without cumbersome and expensive and slow regional districts. If a municipality wants to opt out of a regional landfill expansion to pursue some other option such as working with another RD on a more environmentally and fiscally sustainable option, we should be more free to, rather than be locked into the requirement from the 1960s for regional districts to be responsible for solid waste.

Likewise, the new legislation for emergency management is requiring municipalities to work with our First Nations over regional districts, which creates an inefficient overlap that is particularly alarming when it comes to the need to respond to emergencies. We don't need undemocratic electoral area alternates holding up out emergency responsiveness via regional districts, which just happened at the Sunshine Coast Regional District this past week (an EA alternate was threatening to hold up a contract award just because he didn't like the wording of the motion--hence why regional districts need less authority not more)".

"The complexity of the financial documents - service areas, fees for service, and so on are many layered and once sifted into a budget document for consideration it is unwieldly and possibly beyond amendment by the board of directors. Certainly, its content is beyond the scope of understanding of most of the politicians at the table. As a result, meaningful change or financial oversight may not be functionally possible".

"As i spoke to earlier, I do feel that the current elector-assent tax service area goes too far in terms of user-pay. Regional Districts are large enough that some nuance in taxation is justifiable. However, I see wealth-sharing as a critical and beneficial value in taxation and a proliferation of specific tax services determined by elector-assent makes it too easy for the privileged few to avoid sharing with those that need help the most. I'm not clear on where to draw the line in terms of what granularity of individual tax services is acceptable, but I do think we've gone too far. (And have an unwieldy and hard-to-understand regional taxation/budget system as another consequence)".

"One problem with the user pay model arises when a service is established. If a local service that's physically isolated from the region is included in the regional service, then all regional taxpayers end up supporting a service that benefits only a small number of property owners. Example: Eastbourne water service on Keats Island is part of the SCRD's regional water service although it can never be physically connected. In my view it should have been set up as its own service to forestall longstanding complaints from Keats taxpayers that they have been overtaxed for the actual level of service they receive, or complaints from regional taxpayers when millions need to be spend to upgrade a well serving fewer than 200 summer cabins. The SCRD also has 10 street lighting services, ranging from $280 to $2796 in annual taxation. They probably cost more to administer than we collect. It would make sense to roll them all into Regional Street Lighting, but the effort involved is prohibitive (especially given that there's no accurate inventory of the lights, and the interface with Hydro is murky). How do we fix service establishment mistakes now? There seems to be no way to go back and revisit shortsighted past decisions, or services that are no longer viable. Another example of a problem is Lund Waterworks Improvement District in qathet. Residents need about $15 million in repairs for a water system serving 145 connections. With the ID in receivership, repairs can't be made, but residents will not vote in favour of service establishment because they fear that utility fees and special levies will be costly. "

PART 11 – Regional Districts: Financial Management

Division 1 – Financial Planning and Accountability

373-412. The Municipal Finance Authority of British Columbia (MFA) has the highest bond rating in Canada. This bond rating is higher than that of the Province or BC Hydro. It is also higher than those of Quebec, Saskatchewan, or Alberta. Local governments borrowing through MFA enjoy remarkable long-term interest rates. There is universal support for the proposition that it would be unwise to alter the "*joint and several"* regional district debt protection regime that was developed after many cities went bankrupt in Great Depression.

Section 24 of the MFA Act says a regional board must not adopt a loan authorization bylaw (LAB) or security issuing bylaw on its own or on a member's behalf unless financing is undertaken by the MFA. Shorter-term capital borrowing can proceed without MFA per sections 181 and 182(1) of the *Community Charter*. A municipality must not borrow money under a LAB unless the financing undertaken by the regional district through the MFA, and the board consents to undertake the financing.

The advantage of long-term borrowing under a LAB: liability incurred is debenture debt. Therefore, the regional district security issuing bylaw provides regional joint and several security as protection from default, reducing risks of debentures. This is reinforced by section 412 LGA.

Given the bond rating and the absence of major complaints about Part 11, in this document I will only comment on a few minor issues that may be worthwhile to review.

The areas that are ripe for review:

1. Municipalities can use fees to regulate behaviour, under section 194(1)(c) CC and the Supreme Court of Canada decision in relation to the carbon pricing reference (at which Victoria, Squamish, Richmond, Vancouver, Nelson, and Rossland intervened in favour of the carbon pricing model). Considering challenges in the coming decades, regional districts should have the same authority to impose fees. Also, uniquely, fees as a tax (collected in the same way as existing user fees) for services like sewer, water, sewage treatment could encourage things like water conservation.

2. UBCM has been working with impacted interests on alternative and additional revenue sources for rural areas, based on precedents in other jurisdictions. Revenue sources in other jurisdictions include rural hotel room revenue tax (not only for resort areas), fuel tax, resort tax like Whistler, portions of income tax or sales tax, or business tax, all with board discretion to impose or not in relations to services where taxpayers buy-in, unless a non-service model is employed.

3. The Province needs to deal with financial contributions from crown corporations in a balanced and equitable manner. Current grants in lieu of taxes do not satisfy the requirements for “reasonableness”, fairness, or integrity.

4. The Fair Share program in the Peace Country and the Columbia Basin Trust are precedents for revenue sharing to balance impacts of resource industries on communities. The regional districts in the rest of the province can provide structure for expanding these programs.

Many regional districts would like to have authority to impose and collect property tax in rural areas. For example, Okanagan Similkameen has calculated that it pays far more for tax collection than it would if it operated its own tax collection department, and the difference could be allocated to tax savings in some cases or services in other cases. Many regional districts have also asked for authority to enact bylaws that take advantage of the same modalities as municipal tax bylaws. Some have asked for the same tax exemption powers as municipalities.

PART 12 – Regional Districts: *Bylaw Enforcement and Challenge of Bylaws*

413-425. The provisions are virtually the same as for municipalities under the *Community Charter.*

However, under section 274 CC a municipality may, by a proceeding brought in Supreme Court, enforce, or prevent or restrain the contravention of a bylaw or resolution of the council under the CC or any other Act, or a provision of the CC or LGA or a regulation under those Acts. This does not require the municipality to establish a case on balance of convenience or irreparable harm – the municipality need only prove that a bylaw provision was breached. This would be a valuable enforcement tool for regional districts.

> ***What we heard:*** "RD's (and Munis) should have the same bylaw enforcement limits as provincial agencies such as ALC, MOE. Illegal fill is a MAJOR concern - where the ALC can fine 100k, an RD can fine 3k. ALC is ineffective with its penalties, RD hurts to think about it. For illegal fill, give ALC and RDs (and munis) the same ability as conservation officers. A CO can seize equipment involved in illegal hunting or fishing, no court process needed. Do the same for illegal dumping, even just threatening to seize an excavator would solve the illegal dumping pretty quickly".
>
> "Section 274 CC would be valuable for the regional districts".
>
> "Lack of adequate bylaw enforcement is a chronic source of complaint, exacerbated not only by weak enforcement provisions, but also the confusing mess of overlapping jurisdictions. The province has a very limited number of enforcement staff in rural and remote areas, so is unable to respond to complaints, especially those falling under the Conservation Officer Service and the ALC. Since our bylaw officers are very limited, there is the appearance that rural areas are the Wild West where offences can be committed with impunity. This also impacts the RCMP, who end up being called into situations that either lie outside their core mandate, or conflicts that have escalated to violence".