

Legislative Reform Initiative: Continuing the Discussion

2022 AVICC Annual Convention

April 1, 2022

9:00 -11:00

Agenda

- 9:00-9:10 Welcome and Introductions
- 9:10-9:30 Legislative Reform Initiative: Context and Background
- 9:30-10:25 Discussion: Ideas for Legislative Change
- 10:25-10:45 Discussion: Process to Achieve this Objective
- 10:45-10:55 Discussion: Next Steps to Continue Momentum
- 10:55-11:00 Conclusion/Wrap Up

Panel

- **Tyler Brown**, Chair, Regional District of Nanaimo; Member of Council, City of Nanaimo
- **John Jack**, Chair, Alberni-Clayoquot Regional District; Member of Council, Huu-ay-aht First Nation
- **Douglas Holmes**, Chief Administrative Officer, Regional District of Nanaimo
- **Don Lidstone**, Q.C., Managing Partner, Lidstone & Company

The Challenge

- Limits on legislative authority no longer supported by policy rationales
- Demographics/population growth/increased development/sparsely populated areas
- Business licensing, subdivisions, fireworks, parking, tree management
- Is such a distinction between authority of regional districts and municipalities still supportable?
- Revenue generation, models of taxation, funding for services – lack of flexibility in current paradigm

The Challenge (continued)

- Establishing services to optimize scale, cost distribution, fair participation
- Urban/rural friction
- Social, political, economic values have shifted significantly since legislation was drafted.

Purpose of Today's Workshop

- Continue the conversation
- Hear from local government partners about aspects of the legislation in need of reform
- Confirm support for this important initiative
- Focus forward momentum and collaboration

Summary of Issues

- *Community Charter* replaced *Municipal Act* in 2003; excellent example of municipal legislation in Canada
- *Local Government Act* created 1966, based on 1849 legislation. Not overhauled in early 2000s as planned.

Summary of Issues Continued

- Challenges with *LGA*:
 - a) convoluted language
 - b) anachronistic provisions
 - c) inflexible
 - d) restrictions on taxation/revenue generation
 - e) complexities in service establishment
 - f) lacks provisions to allow RDs to regulate, prohibit and impose requirements by bylaw without provincial approval
- Social/environmental values have changed since *LGA* was drafted, including:
 - a) First Nations inclusive governance/reconciliation
 - b) climate change
 - c) environmental stewardship

Some Themes from Session with Regional District Chairs and CAOs on June 25, 2021

- First Nations must be invited to be part of this modernizing exercise
- UBCM involvement in this initiative is of great value
- A new legislative scheme should contemplate seven generations into the future; establish a framework responsive to future societal changes

Themes from Discussion June 25, 2021, continued

- “Be careful what you wish for”: More authority requires more resources
- Ensure core task of modernizing RD legislation is not sidetracked by other issues
- RDs need more flexibility with revenue sources.
Municipalities have authority to use fees to shape behaviour.

Themes from Discussion June 25, 2021, continued

- Community amenity contributions should be addressed as part of this initiative
- Consultation with Boards, First Nations, stakeholders, developers, owners, citizens, and the Province is key
- MFA could be part of “blue ribbon panel” or a separate technical advisory group

Legislative Reform Ideas Roundtable Discussion

- What kind of legislative reform do you envision?
- How would things improve?

Outline of Process Proposed at June 25, 2021, Session

- 1) Establish a Committee of Board Chairs/CAOs to oversee legislation review process
- 2) Develop “blue ribbon panel”: 3 - 4 experts to identify problems, solutions, consequences. Provide an economic, social, environmental analysis for proposed solutions.
 - a) Panel comprised of elected officials, administrators, and a consultant
 - b) Panel reports to a “parliament” of elected officials/CAOs for guidance
 - c) Process subject to a non-disclosure agreement

Outline of Proposed Process Continued

- 3) Conduct thorough consultation with affected RDs and municipalities
- 4) Invite treaty and non-treaty First Nations as partners in the process
- 5) Based on outcomes from “blue ribbon panel,” Board Chairs produce detailed draft Regional District Charter with accompanying commentary of approximately 15 pages

Outline of Proposed Process Continued

- 6) Identify and consult stakeholder groups including elected officials, administration, LGMA, and MFA. Symposiums could also be conducted for stakeholders to submit ideas and establish a consensus.
- 7) Develop plan to identify milestones of the process to reform legislation.

Outline of Proposed Process Continued

- 8) Establish buy-in from the Premier and Minister of Municipal Affairs
- 9) Engage in the legislative drafting process. Provincial legislative counsel would ultimately present a draft bill to the Legislative Assembly.
- 10) Aim for spring of 2024

Continuing the Momentum

- Where do we go from here?
- Ideas for next steps