

PROVINCIAL RESPONSE

TO THE RESOLUTIONS OF THE 2003 UNION OF BRITISH COLUMBIA MUNICIPALITIES CONVENTION

Government of British Columbia

Ministry of Community, Aboriginal and Women's Services
Local Government Policy and Research Branch
<http://www.marh.gov.bc.ca/LGPOLICY/UBCM/>

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RESOLUTIONS OF THE 2003 UBCM ANNUAL CONVENTION

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SR1 LIABILITY

WHEREAS the Attorney General released a discussion paper on civil liability to which UBCM approved a response at the 2002 Convention;

AND WHEREAS there has been no announcement of the action government intends to take based on the recommendations it received and the need for civil liability reforms remains:

THEREFORE BE IT RESOLVED that Union of BC Municipalities reaffirm the recommendations on civil liability endorsed at the 2002 Convention.

The 2002 UBCM recommendations on civil liability are:

- a) *That civil liability reforms should be guided by the fundamental principle that individuals and organizations should be responsible for the consequences of their actions, not for the actions of others; and their liability should be commensurate with their degree of responsibility.*
- b) *That the concept of joint and several liability for property damage and economic loss is inappropriate in a modern society and should be abolished.*
- c) *That joint and several liability be replaced by a system of pure several or proportionate liability (such as now exists in cases of contributory liability) under which defendants are responsible only to the degree to which they contributed to the loss.*
- d) *That UBCM support the BC Law Institute July 2002 report on "The Ultimate Limitation Period: Updating the Limitation Act". In particular:*
 - i) *that the 30 year ultimate limitation period of general application be reduced to 10 years;*
 - ii) *that the Limitation Act provide a special ultimate limitation period of 30 years applicable to cases of fraud, fraudulent breach of trust or willful concealment of facts material to the claim;*
 - iii) *that the provisions of the Limitation Act which provide a special ultimate limitation period of 6 years for medical practitioners, hospitals and hospital employees, be repealed; and*
 - iv) *that the Limitation Act be amended to provide that the commencement of the running of time under the ultimate limitation period is from the date an act or omission that constitutes a breach of duty occurs, where the plaintiff's action is based on breach of duty, whether that duty arises under a contract, statute or the general law.*
- e) *That local government not be responsible for intentional misconduct by employees that would not, under any circumstances, be condoned or accepted by local government as the employer.*
- f) *That the doctrine of non-delegable duty not be retained where there is no fault attributable to local government in the selection of independent contractors to deliver local government services.*
- g) *That the legislation to effect the above be introduced as soon as practicable, but no later than the spring 2003 legislative session.*

NO RESPONSE REQUIRED – UBCM IS WORKING DIRECTLY WITH THE RESPONSIBLE MINISTRY(S).

SR2 TOURISM AND AIR TRANSPORTATION

WHEREAS SARS, 9/11 and the fear of terrorism have had a serious impact on air travel resulting in a significant reduction in tourism revenue;

AND WHEREAS onerous and costly regulations, taxes and fees, airline restructuring, as well as lack of reinvestment into the air transportation system, make it difficult for BC communities to enhance local economies through tourism opportunities:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities call upon the federal and provincial governments to work together with communities to address the impediments to air travel and pursue policy changes that will improve and enhance airport operations and air travel opportunities in all regions of the province.

RESPONSE OF: MINISTRY OF SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Events like SARS, 9/11 and the Iraq War combined with BSE (Mad Cow Disease) and West Nile virus have added further complexities to the challenges already facing the Canadian airline industry. Over the past four years, the airline industry has undergone major restructuring, faced escalating surcharges and increased security measures, all of which have added to the decline of tourism in Canada and BC.

In May, 2003, BC then Tourism Minister, Rick Thorpe met with federal Transportation Minister David Collenette to make it clear that air transportation issues are not only of interest to Transport Ministers; transportation is a critical component of the tourism industry. The federal government must acknowledge the negative impact its transportation policies are having on the tourism industry and take steps to alleviate these impacts.

Through the Federal Provincial and Territorial Tourism Ministers Task Force, ministers continue to advocate the federal government to address the following key issues:

- permanent open market access for air companies to service Canada at the domestic, trans-border and international levels;
- potential discontinuance of air service to regional communities;
- lack of sufficient, publicly available data on air transport;
- mitigating the impacts of global airline industry restructuring on Canadian tourism including relaxing foreign ownership rules and "open skies".

...CONT

Response to SR2 CONTINUED.

While the reduction in the Air Travellers Security Charge (ATSC) has been helpful, this is only the first step. The ATSC constitutes one of the highest charges in the world, even at the reduced rate of \$14 per domestic round trip. Most groups welcomed the reduction and continue to argue that the Federal Government did not go far enough.

As well, the elimination of airport rents and the ATSC alone could also potentially provide over \$650 million in tax relief that would benefit the entire aviation and tourism industry, not just one specific carrier.

Tourism Ministers support the view that the worsening financial situation of Canada's aviation industry, compounded by restructuring suggests a newfound urgency on the part of the federal government to address key issues surrounding the airline industry that are continuing to negatively affect the tourism industry.

SR3 LIQUOR LICENSING POLICY

WHEREAS the provincial government is considering further changes in liquor policy that may have planning, zoning and regulatory implications for local government;

AND WHEREAS the provincial government is considering changes to its policy on the operation and management of liquor stores which may result in increased policing and social service costs to the community:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the Province consult with local government on its proposed changes to liquor regulations, sales and distribution and that all liquor stores be subject to local government bylaws (zoning, hours of operation, business licensing, etc.).

NO RESPONSE REQUIRED – UBCM IS WORKING DIRECTLY WITH THE RESPONSIBLE MINISTRY(S).

A1 SUSTAINABLE MUNICIPAL INFRASTRUCTURE PROGRAM

WHEREAS the February budget contribution to rebuilding our crumbling infrastructure fell well short of expectations and needs;

AND WHEREAS independent estimate puts the municipal infrastructure deficit in Canada at \$57 billion;

AND WHEREAS the budget commitment of \$250 million over the next two years will meet a fraction (less than 0.5 percent) of needs;

AND WHEREAS the Federation of Canadian Municipalities had recommended funding of \$800 million per year, rising to \$2 billion annually within five years:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities urge our Members of Parliament and MLAs to support the Federation of Canadian Municipalities' call for a long-term, financially sustainable infrastructure program;

AND BE IT FURTHER RESOLVED that this resolution be conveyed to FCM and the federal and provincial governments.

NO RESPONSE REQUIRED – UBCM / FEDERAL GOVERNMENT ISSUE

A2 LOCAL GOVERNMENT PURCHASE OF CROWN LAND

WHEREAS both titled and unsurveyed provincial Crown land exists within the boundaries of most local governments in British Columbia;

AND WHEREAS the public interest in these Crown lands can often be better served by the local government obtaining control of the Crown lands;

AND WHEREAS the Province has mandated that Land and Water BC Inc. dispose of Crown lands at market value:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request the Minister of Sustainable Resource Management to instruct Land and Water BC Inc. that where local governments require title to provincial Crown lands for public use, those lands be transferred to the requesting local government by way of Free Crown Grant.

RESPONSE OF: MINISTRY OF SUSTAINABLE RESOURCE MANAGEMENT

Government has historically provided Crown land at less than market value to local government and public service organizations, through either a Free Crown Grant (FCG) or Nominal Rent Tenure (NRT).

In 2000, government began to require any ministry proposing to provide a FCG or NRT to record an expense equal to the fair market value of the land. This change has improved transparency and accountability of sale or rental of Crown land.

Government is committed to continuing to provide FCGs where it is in the public interest to do so. All FCGs will require a sponsoring ministry and Cabinet will make the final decision.

MSRM is the lead agency for FCG policy.

It is expected that the new procedures will be in place by the Spring of 2004, and Land and Water British Columbia Inc. will be in a position to accept FCG applications and issue longer term NRTs shortly thereafter.

Until then, LWBC will not accept or process any FCG applications unless a sponsoring ministry or local government has funding to cover the fair market value of the land.

Local governments can still apply to purchase or rent Crown land based on fair market value.

**A3 MUNICIPAL BYLAWS FINES:
COLLECTION POWERS**

WHEREAS the current procedures available to local government for the collection of outstanding bylaw fines is cumbersome, costly and inefficient;

AND WHEREAS local governments will be embarking on a new system for enforcing their bylaws, especially parking bylaws, through the forthcoming Bylaw Forums legislation:

THEREFORE BE IT RESOLVED that the provincial government be requested to provide local government with imposed bylaw fines collection powers through the Insurance Corporation of BC (ICBC) for vehicle-related violations, and the ability to add unpaid fines to the property tax roll, where appropriate, for property-related violations.

RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

The government has no plans to use ICBC to collect municipal bylaw fines at this time.

RESPONSE OF: MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES

The Ministry of Community, Aboriginal and Women's Services indicates that it is willing to look at the issue of collections and whether there is a need for more, or more effective tools and what those tools might be.

A4 KEEP OF PRISONERS

WHEREAS municipal governments are responsible for the initial payment of expenses related to the keep of prisoners in municipal jails, including the initial costs for those prisoners that are legitimately the responsibility of the provincial government;

AND WHEREAS the provincial government has arbitrarily, and without consultation with local governments, drastically reduced its financial contribution to keep of prisoner expenses and thereby downloaded those costs directly onto local governments:

THEREFORE BE IT RESOLVED that the provincial government be required to reinstate immediately the necessary funding for keep of prisoners for those prisoners that are the legitimate responsibility of the provincial government, including full reimbursement for the entire time of their incarceration in municipal jails;

AND BE IT FURTHER RESOLVED that the provincial government engage in meaningful consultation with the Union of BC Municipalities prior to making any future changes to the keep of prisoners contribution.

RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

The province reimburses municipalities for keeping prisoners in municipal lock-ups.

The government is committed to ensuring services are delivered in the most efficient and cost-effective manner. Monitoring service contracts and rationalizing payments equitably across the province is an essential part of sound fiscal management practice.

Historically, arrangements varied widely from municipality to municipality. We have developed a standardized system that allows us to be both accountable for money expended, and hold the line on costs to the justice system.

Keep of Prisoners agreements ensure that municipalities are equitably compensated based on usage data for contributing to the keep of inmates who are the legal responsibility of the province.

The Ministry of Public Safety and Solicitor General and the Ministry of Attorney General are working to reduce the number of provincial prisoners in lock-ups through the use of video court appearances, revised prisoner transport schedules and increased hours of admission at regional correctional centres.

A5 SERVING OF CRIMINAL DOCUMENTS

WHEREAS the function of serving criminal documents (summonses, subpoenas, youth court forms) in British Columbia was performed by Royal Canadian Mounted Police or municipal police officers until December 2002, on behalf of the provincial government with a \$25 reimbursement per document delivered to municipalities for services rendered;

AND WHEREAS in order to save \$1.25 million, the provincial government has, effective December 2002, discontinued funding to municipalities for the delivery of court documents by local Royal Canadian Mounted Police or police for services rendered:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities urge the Ministry of Public Safety and Solicitor General to reinstate the \$25 per document to municipalities for delivery of court documents by police officers or, alternatively, that the provincial government be requested to hire, train and employ Peace Officers or Court Liaison Officers to carry out its court document delivery service at its own cost.

RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

As a result of a core review of services, the province is no longer paying municipalities to deliver court documents like summonses and subpoenas. BC was the only province in Canada that contributed financially to criminal court document delivery.

The province will save more than \$1-million per year by not underwriting municipal costs for serving court documents. These savings are being immediately applied to direct policing and community safety.

A6 WITHDRAWAL OF BILL 48

WHEREAS the provincial government has given First Reading to legislation (Bill 48) that would amend the *Local Government Act* and the *Farm Practices Protection (Right to Farm) Act* in a manner that could lead to a significant reduction in local government land use planning authority in farming areas and coastal waters;

AND WHEREAS the provincial government has a stated policy of strengthening local decision making and eliminating regulations imposed by the province;

AND WHEREAS communities expect local governments to be accountable for land use planning decisions that reflect local values:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the provincial government withdraw Bill 48 and implement measures to achieve provincial goals for agriculture and aquaculture through collaboration and consultation with local government.

NO RESPONSE REQUIRED – UBCM IS WORKING DIRECTLY WITH THE RESPONSIBLE MINISTRY(S)

A7 RIGHTS-OF-WAY AND REST AREA COMMERCIALIZATION

WHEREAS the Regional District of Nanaimo was advised by letter on February 21, 2003 that the Ministry of Transportation intends to advertise for proposals to commercialize various locations within the highway right-of-way and highway rest areas in March 2003;

AND WHEREAS this action is being taken without regard for local planning and zoning regulations and without any consultation with local governments or the public;

AND WHEREAS this action gives no recognition to the investments made by landowners or existing businesses in legitimately locating on approved commercial sites or to the investments made by municipalities and taxpayers in commercial infrastructure within planned urban and town centers;

AND WHEREAS the province, the Regional District of Nanaimo and its three member municipalities (Nanaimo, Parksville and Qualicum Beach) signed a Vancouver Island Highway Agreement in 1998 and agreed to various highway access and land use management objectives that would protect the highway and its aesthetic qualities:

THEREFORE BE IT RESOLVED that the Minister of Transportation be advised that the actions taken by the Ministry of Transportation to commercialize the highway corridor are in conflict with many shared local/provincial agreements, growth strategies and local official community plans and land use bylaws;

AND BE IT FURTHER RESOLVED that the Minister of Transportation be respectfully requested to suspend immediately the initiative to commercialize highway rights-of-way and rest stops and consult with local governments.

RESPONSE OF: MINISTRY OF TRANSPORTATION

The ministry surveyed rest area users in the summer and found strong support for the seasonal vending program. Enhancing services encourages motorists to take more rest breaks when they are travelling, which will help keep our highways safe.

The ministry continues to consult with local governments to ensure seasonal vending opportunities in rest areas complement existing businesses in nearby communities. In 2003, the ministry awarded seasonal vending contracts at nine rest areas in BC. Any revenue generated through this program will help maintain and protect rest areas at a time when funding is limited. The presence of vendors in rest areas also helps reduce vandalism.

A8 TRANSIT FUEL COST INCREASE

WHEREAS the provincial government has enacted an increase in the provincial fuel tax of 3.5 cents per litre, effective March 1, 2003;

AND WHEREAS this tax has caused huge increases to the cost of providing transit services:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities petition the provincial government to exempt transit services from the 3.5 cents per litre increase in provincial fuel tax.

RESPONSE OF: MINISTRY OF FINANCE

The fuel tax is a general source of provincial government revenue. Commercial truckers are also directly impacted by the 3.5 cent per litre tax increase and they are required to pay the tax.

The transit agencies will benefit from the highway projects that will be funded by the additional fuel tax revenue to the extent that new infrastructure improves road transportation between and within local communities. TransLink and BC Transit in the Capital Regional District currently receive funding from the fuel tax collected in those areas.

The additional revenue generated from the 3.5 cents per litre is required to fund major highway infrastructure projects over the next decade. If transit services were to be exempt from the tax, the lost revenue would have to be redirected from other sources of provincial revenue that is required to fund other important government programs.

A9 HIGHWAY MAINTENANCE AND LANDSCAPING

WHEREAS the BC Ministry of Transportation has decided, without consulting affected municipalities, to eliminate all aesthetic grass mowing and landscape maintenance on provincial highways medians, boulevards and intersections throughout British Columbia;

AND WHEREAS this decision will result in a serious aesthetic deterioration of highway rights-of-way in BC communities, creating a negative impression on tourists and investors:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities urge the provincial government to reconsider its decision to eliminate highway rights-of-way landscaping and to consult with communities to find ways of maintaining this landscaping and eliminating the fire risk.

RESPONSE OF: MINISTRY OF TRANSPORTATION

Safety is the ministry's top priority. Mowing will continue where overgrowth is a safety concern or where noxious weed control is needed.

Esthetic mowing was originally reduced to help the ministry meet its budget targets by saving an estimated \$1 million per year. In response to concerns raised by communities, the ministry will conduct esthetic mowing on a selected basis.

The ministry will work with municipalities to find a level of mowing that recognizes both municipal priorities and the provincial government's fiscal situation. The ministry will also continue to sponsor the Adopt-a-Highway program and use that program where possible to provide further care for provincial highways in municipalities.

A10 COMMUNITY HEALTH ADVISORY COUNCILS

WHEREAS authority for health care spending in British Columbia has been delegated to five regional authorities whose boards are not required by statute to consult with communities on health care issues;

AND WHEREAS, as a result of this regionalization initiative, residents of rural and remote communities no longer have any direct input into the delivery of local health services:

THEREFORE BE IT RESOLVED that the provincial government amend the *Health Authorities Act* to formally establish and recognize the role of community health advisory councils and require that regional health authorities consult with these organizations prior to establishing local service plans or making changes to local health care.

RESPONSE OF: MINISTRY OF HEALTH

The government and the health authorities are committed to working with local communities to develop positive, constructive solutions to health care issues. As part of this process, the health authorities hold regular open board meetings in various communities throughout the regions they serve.

In addition, the health authorities, local MLAs and the health minister regularly meet with stakeholders and community groups on specific local health issues and to hear and attempt to resolve local concerns. Where and when appropriate, health authorities may undertake community wide consultation on specific issues.

**A11 ELECTRONIC WASTE:
INDUSTRY PRODUCT STEWARDSHIP**

WHEREAS electronic products are a growing waste management problem in British Columbia because of their rapid obsolescence, with the number of discards expected to double in Canada between 1999 and 2005;

AND WHEREAS electronic products contain lead, cadmium, mercury, hexavalent chromium, polyvinyl chloride, brominated flame retardant and other materials that can pose hazards to human health and the environment when disposed of improperly;

AND WHEREAS an Industry Product Stewardship program would foster the development of sustainable electronic product recycling infrastructure here in Canada while at the same time encouraging producers to design for recycling:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities urge the provincial government to enact a regulation under the *Waste Management Act* requiring electronic product brand-owners to implement Industry Product Stewardship programs which will ensure the social and environmentally responsible handling of end-of-life electronic products.

RESPONSE OF: MINISTRY OF WATER, LAND AND AIR PROTECTION

In October, 2003, the Ministry of Water, Land and Air Protection announced that electronic and electrical waste (e-waste) would be included as the newest product under the ministry's proposed Producer Responsibility (PR) Regulation.

Ministry staff are working closely with Electronics Product Stewardship (EPS) Canada, the agency established by the producers of electrical and electronic goods to develop a national, industry-led stewardship program for e-waste.

The ministry's goal is that the new regulation will be enacted by the Spring of 2004 and that the e-waste stewardship program will be implemented by the Spring of 2005. Development of any e-waste standards plan will follow the adoption of the regulation and consultation with stakeholders.

A12 BEETLE INFESTATION AND FOREST HEALTH

WHEREAS the wealth generating capacity of British Columbia's forests is eroding as a direct result of the damage caused by the Mountain Pine Beetle and as a result of that diminished capacity there have been adverse effects on employment and provincial revenues;

AND WHEREAS, if left unchecked, the Mountain Pine Beetle will devastate northern British Columbia's forests and forest industry, thereby potentially compromising the viability of many resource-based, northern communities:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities exert whatever influence it might to encourage both the federal and provincial governments to ensure the availability of and application of both the sufficient and necessary resources to:

- Salvage the beetle infested wood before it deteriorates;
- Maximize immediate employment in the forest sector by salvaging beetle infested wood;
- Prevent the continuing spread of the beetle into productive forest and private lands, thereby further diminishing fibre values, by harvesting beetle infested wood on working forest lands and implementing a beetle management strategy in provincial parks;
- Ensure the processing of wood in mills located in the vicinity of where the wood is harvested, where milling capacity allows;
- Encourage industry, through the application of legitimate initiatives, such as hauling differentials, to process beetle infested wood both before deterioration of the fibre, and before healthy wood is harvested, thereby preventing further flooding of an already saturated lumber market;
- Continuously monitor the health BC forests for signs of further infestation;
- Implement a BC Interior Mountain Pine Beetle Reforestation Plan to help combat this natural disaster; and
- Ensure that beetle-infested timber is not permitted to be transported during beetle flight season; and that strict regulations for the harvesting, transportation, storage and processing of insect infested timber be established, monitored and enforced at all times;

AND BE IT FURTHER RESOLVED that any changes to the stumpage appraisal system fully consider the operating costs for each harvesting system and operating area.

RESPONSE OF: MINISTRY OF FORESTS

The battle against the mountain pine beetle is an impossible fight to win. We are doing everything possible to mitigate the economic and environmental impacts being felt around Interior BC

...CONT

Response to A12 CONTINUED.

Our strategic response to the beetle situation is committed to ensuring the sustainability of forests, the livelihoods of workers and communities, and the well-being of the economy. Government's objectives are to:

- Minimize further damage,
- Retain environmental values,
- Recover value from damaged wood where feasible,
- Encourage new businesses, and
- Support communities and First Nations.

Additional resources are being allocated for developing beetle-timber opportunities, with a focus on increasing volume directed at green-attack stands of beetle wood in the leading edge of the infestation. We remain committed to making beetle-damaged timber available for harvesting so that the value can be extracted from the wood before it becomes worthless. Further opportunities will be provided for the traditional lumber, pulp and paper, and log home industries to use beetle timber as much as possible. Also, we are constantly looking to develop new products and find new markets for beetle-affected timber.

The mountain pine beetle epidemic is a deadly serious forest health issue. The spread of the beetles has been exponential, and will affect 30 forest-dependent communities and the livelihoods of 25,000 BC families. Severe, prolonged cold weather is still the best agent for slowing the spread of the pine beetle. Although there has been some extremely low temperatures around BC this winter, it's likely to be a case of too little, too late.

A13 MANDATORY HELMETS FOR SMALL-WHEEL VEHICLES

WHEREAS the safety and well-being of individuals participating in skateboarding and in-line skating activities are at risk for serious injuries and potential liability exists for municipalities from injuries sustained within pathways, dedicated park areas and roadways;

AND WHEREAS the *Motor Vehicle Act* includes a provision for mandatory helmet use on public roadways when operating a bicycle:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities support an amendment to the *Motor Vehicle Act* to require mandatory helmet use when operating a skateboard, scooter, in-line skates, roller skates or any other small-wheeled device.

RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

There are no plans to pursue changes to the *Motor Vehicle Act* that would make helmet use mandatory for small-wheeled vehicles.

Municipalities have the authority to regulate these groups on their roadways. The Ministry would support municipalities in developing effective bylaws and believe that operating conditions of small-wheeled vehicles is best handled at the local level.

A14 BOUNDARY EXTENSIONS

WHEREAS municipal boundary extensions into Electoral Areas can be done by Ministerial decree without assent of electors within the affected Electoral Areas and without the consent of the Directors of the affected Electoral Areas:

THEREFORE BE IT RESOLVED that the provincial government be asked to ensure the principle of “no forced boundary extensions” in the revision of the *Community Charter* as it relates to Regional Districts;

AND BE IT FURTHER RESOLVED that Electoral Areas be included in discussions on changes of boundaries on an equal basis with municipalities.

The Ministry has been involved in a number of recent boundary extension applications, including a controversial extension at Sandwick (Courtenay) and an emerging issue over Campbell River’s plans to amalgamate Quinsam Coal Corporation’s mine site into its boundaries.

RESPONSE OF: MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN’S SERVICES

The ministry’s responsibility is to respond to the needs of local government. Ministry staff are working with at least a dozen local governments around the province, which are considering a boundary extension to address local issues.

Generally, a boundary extension proposal should have the support of a majority of owners/residents living within the area. However, this is not the only consideration for approving boundary extensions.

The regional district has a pivotal role to play in review of boundary extensions. Proposals submitted to the ministry are reviewed based on established technical and administrative criteria.

The framework for municipal boundary extensions is based on four principles. Municipal governments initiate a proposal; provide residents with the opportunity to express their opinion on a proposal; and work with other jurisdictions to address issues and manage the process. If the local government decides to pursue an extension it is submitted for Cabinet consideration.

The criteria also include technical requirements, such as the area under consideration should not divide legal parcels, generally be contiguous to existing boundaries and consider the efficiency of which jurisdiction should maintain local roads. Municipal Boundary Extension Criteria are available on the ministry local government department’s website: www.mcaws.gov.bc.ca/lqd.

B2 FUNDING OF RESTORATIVE JUSTICE PROGRAMS

WHEREAS the Restorative Justice Programs focus on repairing the harm caused by the crime, including involvement of the victim of the crime;

AND WHEREAS Restorative Justice Programs were an initiative of the provincial government which has resulted in financial savings to the provincial government; funds which should be provided by the appropriate Ministry for the program;

AND WHEREAS the Province applies a 15 percent victim surcharge levy to fines imposed and the funding of the Restorative Justice Programs would fit within the goals of the *Victims of Crime Act*.

THEREFORE BE IT RESOLVED that the Union of BC Municipalities urge the Ministry of Public Safety and Solicitor General to use funds in the Victim Surcharge Special Account to participate in the ongoing funding of Restorative Justice Programs.

RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

The victim surcharge revenue funds services, programs, and initiatives that assist crime victims across the province.

We have taken a conservative approach to spending from the Special Victims Surcharge Account to ensure we have adequate funding in place to meet existing commitments to programs, and services for victims.

Start-up funds for restorative justice initiatives are funded through other programs.

B3 PROCEEDS FROM FORFEITED PROPERTY

WHEREAS the federal and provincial governments will share the proceeds of disposition of forfeited property pursuant to relevant sections of the *Criminal Code* and *Controlled Drugs and Substances Act*, where a law enforcement agency has participated in an investigation;

AND WHEREAS the current legislation excludes local governments from sharing in the proceeds of disposition of forfeited property;

AND WHEREAS law enforcement agencies that participate in these investigations in British Columbia are largely funded by local government through either a contract with the Province for RCMP services or through a municipal contract for policing services;

AND WHEREAS local governments cannot influence the way RCMP or other municipal police forces conduct criminal investigations but may be able to reduce the level of crime in their community by increasing the level of proactive law enforcement;

AND WHEREAS there is a direct correlation between the amount of proceeds of disposition forfeited in a local community and the cost of fighting crime in that community:

THEREFORE BE IT RESOLVED that the current legislation be amended to include the direct transfer of the proceeds of disposition of forfeited property by the federal government directly to the local government where the original investigation was conducted.

RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

Proceeds of crime funds are limited. With federal prosecutions, the federal government provides the province with a share of the proceeds of crime using the sharing formula in place. The province manages funds in the Forfeited Crime Proceeds Fund (FCPF) in accordance to the *Special Accounts Appropriation and Control Act*. The funds are used to assist law enforcement and the administration of criminal justice in the province.

Criteria stipulating how funds in the FCPF can be disbursed are outlined in a protocol agreement between the Ministry of Attorney General and the Ministry of Finance and Corporate Relations. One of the criteria stipulates that “monies must not be directly returned to agencies responsible for specific investigations or prosecutions.”

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Response to B3 CONTINUED.

This criterion is also intended to avoid any perception of conflict of interest with regards to the potential of concentrating efforts on cases that may generate crime proceeds as revenue. In addition, the funds are intended to be available to support initiatives benefiting as many British Columbians as possible.

B4 RURAL POLICING COSTS

WHEREAS the funding formula for the provision of police services by communities in British Columbia is based on an escalating scale according to population;

AND WHEREAS this formula results in dramatic differences in the price paid by residents of rural areas and municipalities under 5,000 to that paid by all other residents of the province:

THEREFORE BE IT RESOLVED that the Minister of Public Safety and Solicitor General be asked to develop a funding formula for provision of police services that resolves the current inequities, ensures that all communities in British Columbia share in the cost, and adequately recognizes rural property tax contributions.

RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

The government is committed to enhancing public safety throughout British Columbia, and to ensuring fair and equitable treatment for all residents. The province has consulted with communities and police to develop a balanced police funding formula, one that supports community policing and public safety objectives.

Right now, rural areas and communities with less than 5,000 residents are not paying their fair share of policing costs. In fact, while larger communities pay 70 – 90 per cent of local policing costs, many smaller ones get policing services for free.

Under the new funding model, government will recover 35 per cent of the total spent on policing in rural areas beginning in 2007. The proposed formula takes into account ability to pay; areas with a weaker assessment base will pay a smaller portion of local police costs.

Not only is this a fairer way to treat BC's taxpayers, it will also save the province millions of dollars each year, helping to ensure the long term sustainability of policing across the province.

B5 MAIL-IN VOTING FOR GENERAL ELECTION

WHEREAS the provincial and municipal governments have worked hard to increase the number of voters participating in municipal elections;

AND WHEREAS the voter turnout for General Local Elections has remained consistently low due to the requirement for electors to be physically present at a voting place on general voting day or at an advance voting opportunity;

AND WHEREAS other provinces and jurisdictions have successfully enacted alternative voting methods such as mail-in voting as a way to increase voter turnout;

AND WHEREAS the *Local Government Act* of British Columbia only permits very limited use of alternative voting methods such as mail-in voting:

THEREFORE BE IT RESOLVED that the province amend the *Local Government Act* to broaden the use of mail-in voting for Local General Elections.

RESPONSE OF MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES:

The ministry supports initiatives that increase public participation in the general local elections.

A questionnaire was sent to local government election officers last year about their experiences with the 2002 general local election. The purpose was to determine where practitioners were experiencing difficulties, whether improvements in the legislation are needed, or whether additional informational material is needed. One of the questions asked was whether the respondents supported mandatory mail ballot voting. Twenty local governments supported mail ballot voting and fifty-three did not support it.

The questionnaire results are not necessarily a rejection of mandatory mail ballot voting. However, there were sufficient concerns expressed about the additional administrative burden that would be imposed on smaller local governments that further consultation on the issue will be needed.

The ministry will undertake further consultation with local governments on this matter and any others that might increase public participation in general local elections.

B6 BACK ROADS OF BC PROMOTION

WHEREAS a number of communities in British Columbia are located just off the major highway networks traversing our province;

AND WHEREAS the back roads of British Columbia offer some of the most beautiful and scenic driving, and highlight the true splendour of this province:

THEREFORE BE IT RESOLVED that the Ministry responsible for tourism and the Ministry of Transportation be requested to initiate a "Back Roads of British Columbia" (Scenic Routes) program.

RESPONSE OF: MINISTRY OF TRANSPORTATION

The Ministry of Small Business and Economic Development is the lead government ministry for this type of initiative. The Ministry of Transportation's priority is to focus its available funding directly into improving and maintaining the provincial highway system.

RESPONSE OF: MINISTRY OF SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Rural back roads and smaller communities provide both residents and visitors alike with a range of cultural opportunities and diverse experiences. Numerous opportunities "off the beaten track" exist for travellers to visit historic sites and heritage attractions, arts events and cultural festivals, First Nations cultural attractions, wineries, beaches, museums, art galleries and artist studios. Yet this travel market has been relatively untapped.

In a joint Cabinet meeting with the Alberta government in fall, 2003, a memorandum of understanding was signed committing both governments to the marketing and development of circle tours between the two provinces. Three circle tours highlighting the Peace River Country, Thompson Country and Southern Rockies are being promoted through media familiarization tours, pre-written stories, joint press releases and trade events. Among the travel products to be promoted by the partners include three additional key areas in Alberta and BC throughout the Rockies to the west coast – *The Best of the West*, *Glaciers to the Pacific* and *Rockies Circle West*. Included in these efforts will be the introduction of an Olympic travel corridor between Calgary and Whistler.

The percentage of back roads estimated to be in good condition has dropped to 34 per cent from 66 per cent 10 years ago. The government's objective is to ensure 43 per cent are in good condition three years from now. Highway

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Response to B6 CONTINUED.

improvements, combined with strategic marketing and promotion of cultural tourism opportunities will enhance tourism and travel in a number of rural areas throughout the Province.

Residents and visitors specifically looking for rural and cultural tourism experiences can find out more at any of the Visitor Information Centres in BC, by accessing the Tourism BC website, or in books such as Exploring the Backroads of British Columbia published by geoPATH.

B7 TRANSPORTATION INFRASTRUCTURE

WHEREAS transportation to and from the rural areas located in British Columbia is poor;

AND WHEREAS BC Rail has deemed it necessary to eliminate the passenger rail service connecting rural areas to the larger urban centers of the province;

AND WHEREAS the rural area road infrastructure is deteriorating at an alarming rate due to the increased heavy truck traffic resulting from the Mountain Pine Beetle epidemic and the inability of BC Rail to compete in the freight transport market;

AND WHEREAS the rural area residents provide monies to the federal and provincial governments through general and municipal taxation:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities urge the federal and provincial governments to provide additional funding for safe, reliable, equitable and affordable transportation to the rural area residents of British Columbia.

RESPONSE OF: MINISTRY OF TRANSPORTATION

In November 2003, the government released a document entitled Opening Up BC – a Transportation Plan for British Columbia. This plan commits the government to a three-year, \$1.1 billion province-wide program of transportation investment and revitalization, including \$828 million for Heartlands roads.

In addition, the BC Rail investment partnership with CN will generate an immediate billion dollars of investment for the people of British Columbia. The partnership will help revitalize rail services into a major new engine of economic growth. Of the proceeds \$200 million will be used to finance projects that are planned and outlined in Opening Up BC – a transportation plan for British Columbia.

BC Rail and CN are issuing a request for proposals for new passenger-tourist services from Prince Rupert to Prince George that will link east to Jasper and south to Vancouver through Whistler and Squamish, creating new tourism opportunities for the Northwest. The new passenger-tourist trains services have the potential to create hundreds of jobs in the tourism and hospitality sector.

The province has been aggressively pursuing cost-shared funding from the federal government for transportation priorities. The province has been working to retrieve more federal gas tax dollars to improve BC's highway system.

B8 OPERATIONAL STANDARDS OF DEVOLVED HIGHWAYS

THEREFORE BE IT RESOLVED that no devolution of provincial highways should occur without first being refurbished to municipal operational standards.

RESPONSE OF: MINISTRY OF TRANSPORTATION

The ministry has continued with an arterial roads policy that was set up in 1998 in consultation with the Union of BC Municipalities and municipal representatives. The ministry has worked to ensure that any arterial roads that have been transferred have met provincial maintenance standards prior to their transfer.

**B9 DEVOLUTION OF PROVINCIAL HIGHWAYS
TO MUNICIPALITIES**

WHEREAS the provincial government has unilaterally decided to devolve and download to the Town of View Royal a portion of provincial Highway No. 14 known locally as the "Colwood strip";

AND WHEREAS such devolution has very significant cost and administrative implications for communities which are being forced by the province to take responsibility for provincial highways;

AND WHEREAS such downloading is not consistent with the spirit of mutual respect between provincial and local governments espoused by the new *Community Charter* legislation (Bill 14):

THEREFORE BE IT RESOLVED that the Union of BC Municipalities strongly urge the provincial government to fully disclose all details of the costs, maintenance, obligations and public liability to each local government being devolved responsibilities for provincial highways, and further that such disclosure occur prior to final devolution.

RESPONSE OF: MINISTRY OF TRANSPORTATION

The ministry has followed a policy that was set up in 1998 in consultation with the Union of BC Municipalities and municipal representatives. At that time, the government developed very fair and clear criteria that would form the basis for all future decisions on designating arterial highways.

The ministry works to ensure that roads meet provincial maintenance standards prior to their transfer.

**B11 TRANS-CANADA HIGHWAY, CACHE CREEK
TO ALBERTA BORDER**

WHEREAS the Trans-Canada Highway between Cache Creek and the Alberta border is a critical economic transportation link between BC communities and a vast majority of North American commerce;

AND WHEREAS the current inadequacies of the Trans-Canada Highway result in not only economic loss and an inordinate, unacceptable level of injury and loss of life, but also lost opportunity to the detriment of these communities:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities lobby the federal and provincial governments to provide the funds necessary to upgrade the Trans-Canada Highway from 12 miles south of Lytton and the Alberta border to a modern standard capable of providing safe, reliable transit for the transportation industry, tourists and the travelling public.

RESPONSE OF: MINISTRY OF TRANSPORTATION

Improving the Trans-Canada Highway to the Alberta border is an ongoing safety priority. The ministry is addressing the sections of the highway with the most critical safety needs.

The province has committed to cost-sharing with the federal government the \$740 million it will take to four-lane the Kicking Horse Canyon section, which has the highest accident rate on the Trans-Canada Highway and is the section most in need of improvement. The provincial and federal governments have already announced \$205.8 million in joint funding for four projects in the Three Valley Gap and Kicking Horse Canyon. These are the Woods Overhead section 20 km west of Revelstoke, the Victoria Road intersection in Revelstoke (completed last summer), and the Yoho and Park Bridge sections.

The two governments have also invested \$12.96 million to four lane a four-kilometre stretch of the highway between Sorrento and Salmon Arm. The project is scheduled for completion this summer.

B14 TAX ON LIFE-SAVING EQUIPMENT

WHEREAS life-saving and fire equipment is essential in ensuring the safety of all citizens within the province of British Columbia;

AND WHEREAS the citizens of this province provide monies to the federal and provincial governments through general and municipal taxation:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities petition the federal and provincial governments to exempt municipalities from the Provincial Sales Taxes and Federal Goods and Services Tax on the purchase of fire trucks and other life-saving equipment.

RESPONSE OF: MINISTRY OF FINANCE

Schools, universities, hospitals and municipal governments pay the provincial sales tax (PST) on taxable purchases including, in the case of municipal governments, fire trucks and other taxable emergency equipment. Similarly, all not-for-profit organizations and registered charities in British Columbia pay the PST on their taxable purchases.

The provision of a municipal PST exemption for fire trucks and other life saving equipment would set a significant and potentially costly precedent which could make it difficult for the provincial government to continue to meet its commitments to protect health care, education and other important public services while achieving and maintaining a balanced budget.

B16 ADMINISTRATION OF COLLECTION SERVICES

WHEREAS municipalities annually collect amounts on behalf of the Provincial School Tax, Regional Districts, Regional Hospital Districts, BC Assessment Authority and Municipal Finance Authority;

AND WHEREAS the provincial government pays local governments \$2,000 plus 0.1 percent of the total tax levy to administer these collections, which does not reflect the actual costs of providing these services:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities lobby the provincial government to provide fairer compensation for the services provided by municipalities for collection of amounts for these other authorities.

RESPONSE OF: MINISTRY OF PROVINCIAL REVENUE

This system has been in place for over ten years. The fee is intended to reimburse local governments for the reporting and remitting requirements of the provincial school tax. Costs to the municipalities are relatively small and stable. Furthermore, the municipalities have no responsibility for uncollectible accounts. The Province bears all the risk. The system is a model of electronic commerce, with 95% of funds transferred electronically in 2003.

We have an on-going close working relationship with local governments and are not aware of any significant problems with the current way of doing things. However, government is open to the possibility of reviewing this issue during the upcoming taxation year.

B17 BC RAIL CROSSING MAINTENANCE AND LEASE FEES

WHEREAS BC Rail communities are required to pay BC Rail for rail crossing maintenance and leased fees for rights of way and easements that have increased arbitrarily and unilaterally by up to 18,000 percent (\$5 - \$900) since 1997, causing hardship to local government;

AND WHEREAS the BC Rail grant in lieu has remained unchanged:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities lobby the provincial government to have rail crossing maintenance costs and lease payments rolled back to the 1997 level immediately;

AND BE IT FURTHER RESOLVED that BC Rail be required to establish its lease rates in a fair and equitable manner through negotiation with local governments.

RESPONSE OF: MINISTRY OF TRANSPORTATION

The certificates issued by the Province granting approval for railway/roadway crossings identify the party responsible for crossing construction and maintenance costs.

BC Rail is regulated by the British Columbia Railway Safety Code, Part 3, which was approved by government in 1996 and specifies numerous standards for construction and maintenance of railway/roadway crossings. The new Safety Code resulted in the requirement for many existing crossings to be upgraded in order to meet the regulatory standards. Since that time, BC Rail has spent approximately \$4 million, funded solely by the railway, on those crossings for which it is the responsible party in order to bring them into compliance.

For those railway/roadway crossings where the certificate applicant is a party other than BC Rail, the railway must undertake the work and bill the party for costs incurred to maintain the crossing in compliance with current regulatory standards. Administration fees consistent with industry standards are also applied.

BC Rail charges the designated responsible parties for the costs incurred in construction, maintenance and administration as provided by statute. As regulatory standards change, BC Rail must pass along the costs directly resulting from the requirement to upgrade and maintain crossings in compliance with standards. Upon completion of the CN Rail partnership transaction, it is expected that road crossing standards will be regulated under federal legislation.

B18 DEVELOPMENT COST CHARGES FOR DUPLEXES

WHEREAS the *Local Government Act* gives municipalities the ability to levy Development Cost Charges on new developments that impact infrastructure;

AND WHEREAS developers of duplex units are exempt from payment of Development Cost Charges;

AND WHEREAS the cumulative effect of duplex unit development has an impact on municipal infrastructure:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities petition the Minister of Community, Aboriginal and Women's Services to pursue changes to the *Local Government Act* that would eliminate the exemption for residential structures of three or fewer units from paying Development Cost Charges.

RESPONSE OF: MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES

The Development Finance Review Committee, comprised of representatives from the provincial government, local government and the development industry, has thoroughly studied the proposal to eliminate the exemption for projects with fewer than 4 units. There is a substantial degree of consensus between the local governments and the development industry to authorize local governments (including the City of Vancouver) to waive the exemption from DCCs that exists for projects with fewer than 4 units.

The Ministry is proposing legislative amendments in 2004 to provide local governments with the authority to waive the exemption from DCCs that currently exists for projects with fewer than 4 units.

**B19 DEVELOPMENT COST CHARGES FOR
PARK DEVELOPMENT**

WHEREAS local government should be able to pay the capital costs for the development of parks required as a result of residential growth and development through the use of the Development Cost Charges (DCC) Reserve Fund;

AND WHEREAS section 935.3(b) of the *Local Government Act* provides only for payment of capital costs for:

- (i) acquiring park land or reclaiming land as park land, or
- (ii) providing fencing, landscaping, drainage and irrigation, trails, restrooms, changing rooms and playground and playing field equipment on park land, subject to the restriction that the capital cost must relate directly or indirectly to the development in respect of which the charge was collected:

THEREFORE BE IT RESOLVED that the provincial government be requested to expand Section 935.3(b)(ii) of the *Local Government Act* to include sports courts, tennis courts, lacrosse boxes, skate board facilities, field lighting and on-site parking facilities as allowable DCC park land improvement purposes.

**RESPONSE OF: MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S
SERVICES**

In 1995 a legislative change was made to give local governments increased flexibility to use development cost charge receipts for defined aspects of parkland development.

More extensive changes to development finance legislation will require further work with local governments and the development industry. Extending DCC's to these types of services increases the possibility of future increases to charge levels which may in turn increase housing prices and reduce housing affordability.

At this time there is no consensus among local governments and the development community on the advisability of extending DCC's to a wider range of services as part of parkland development. As a result no legislative changes in this regard are currently planned. Consultation with stakeholders through the Development Finance Review Committee will continue.

B20 FARM CLASSIFICATION Langley Township

THEREFORE BE IT RESOLVED that the Union of BC Municipalities re-confirm support for the 1995 UBCM resolution B36 on the *Assessment Act* – Farm Classification, which requested:

WHEREAS property taxation is stated to be based on market value assessments and the exempting or reducing a portion of a class puts a strain on the other classes and creates an unfair system of taxation;

AND WHEREAS the existing *Assessment Act* and regulations adopted thereto encourage minimal activities and integrated use as proof of a farming operation and, in some instances, without consideration of municipal land use bylaws:

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities petition the Province of British Columbia to make changes to the *Assessment Act* and regulations adopted thereto to amend the Farm Property class:

- to include a “home and home site” provision that would classify the home and land surrounding the home as Residential Class 1;
- to ensure that Farm Class would not be permitted on properties where the municipal zoning does not permit agricultural uses;
- to ensure that where a Farm Class is granted because of an “integrated use,” it be so only on the basis that the secondary parcel provides a “reasonable” contribution to the overall integrated operation; and
- that the list of qualifying uses for Farm Class be examined due to the generous property tax benefits that Farm Class provides;

AND BE IT FURTHER RESOLVED that the Union of BC Municipalities urge the Province to commit to making the requested changes to the *Assessment Act*.

RESPONSE OF: MINISTRY OF SUSTAINABLE RESOURCE MANAGEMENT

The primary concerns regarding current farm classification policies arise in municipalities that have undeveloped areas, and particularly with hobby farms. There appears to be a growing consensus among affected municipalities and bona fide farmers that many hobby farmers are taking advantage of the rules to get farm class (and therefore lower taxation.)

The Ministry of Sustainable Resource Management is reviewing farm classification, along with Finance, Provincial Revenue, CAWS, AFF and BC Assessment. The review will require broad consultation with UBCM, the BC Agriculture Council, the BC Taxpayers Federation and other stakeholders. Preliminary recommendations are not expected before the fall of 2004.

B21 GRAVEL EXTRACTION

WHEREAS sustainable gravel removal from BC rivers, including the Fraser River, is essential for flood protection and seepage mitigation:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request provincial and federal government support for sustainable gravel removal from BC rivers, necessary for flood protection and seepage mitigation.

RESPONSE OF: MINISTRY OF SUSTAINABLE RESOURCE MANAGEMENT

Department of Fisheries and Oceans (DFO) and Land and Water BC (LWBC) have agreed to a work plan which approves the removal of up to 460,000 cubic metres of gravel.

Gravel removal will be subject to DFO approval. DFO is generally supportive of this initiative as long as the gravel removal is for the three primary concerns: flood control, erosion control and navigation.

The amount of gravel that can be removed, over the next 5 years, will be identified in the 5 year gravel management plan.

B22 GROUNDWATER PROTECTION

WHEREAS the provincial government has developed an Action Plan for Safe Drinking Water in British Columbia that commits to the development of groundwater protection legislation;

AND WHEREAS groundwater protection legislation and regulation is a priority for all areas of British Columbia, and is of multi-jurisdictional interest and does not conform to political or local government boundaries:

THEREFORE BE IT RESOLVED that Union of BC Municipalities express to the Province its support for new groundwater protection legislation;

AND BE IT FURTHER RESOLVED that the provincial government must provide the resources and initiatives to implement its legislative responsibility and authority for the province's groundwater resource.

RESPONSE OF: MINISTRY OF WATER, LAND AND AIR PROTECTION

Protection of BC's water resources is a priority and government will enact groundwater protection regulations this year. The ministry will ensure regulation provisions are comprehensive and workable, with strong measures to protect groundwater. An expert advisory board is currently providing technical advice in this work and will be instrumental in helping government develop the new regulatory framework.

The ministry will continue to work with the other levels of government in order to ensure the delivery of safe drinking water in British Columbia.

B24 LAND AND RESOURCE MANAGEMENT PLANS

WHEREAS the Province of BC has completed Land and Resource Management Plans (LRMPs) for most regions of the province;

AND WHEREAS community conflicts over land use continue to escalate in the Sunshine Coast Regional District (SCRD) due to the absence of an LRMP – creating loss of employment, endangered species habitat and crown revenues, inflaming treaty negotiations and frustrating the community;

AND WHEREAS the Province of BC previously recognized the need for an LRMP in the SCRCD and has now abandoned its commitment to this process:

THEREFORE BE IT RESOLVED that the government of BC provide the requisite resources to complete Land and Resource Management Plans for the entire province.

RESPONSE OF: MINISTRY OF SUSTAINABLE RESOURCE MANAGEMENT

This government continues to complete the LRMP process to ensure certainty on the land base. New LRMPs will only be initiated where this certainty has not been established.

Opening a new LRMP process in the Sunshine Coast would not assist in establishing certainty in this region – numerous protected areas were established seven years ago as a result of public input, and making certainty of access to Crown lands tourism, mining, forestry and other economic opportunities clear.

B25 TENURE REFORM AND COMMUNITY WELL-BEING

WHEREAS the *Forest Act* does not specify that the forest tenure licensee must involve local communities in planning or contribute to the stability and sustainability of the local communities;

AND WHEREAS the *Forest Act* states that “the Minister must offer the holder of an existing licence a replacement for the licence”:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request the following changes to the *Forest Act*:

- Within the appropriate divisions, sections and subsections that deal with license replacement, change “the Minister must” to “the Minister may.”
- Add a stipulation regarding license formation or replacement, that the Minister must be satisfied that the licensee has contributed to the stability and sustainability of the local communities.
- Include a new Division to specifically deal with the Crown’s and licensee’s obligations to involve local communities in the formation, planning and replacement of all renewable licences.

RESPONSE OF: MINISTRY OF FORESTS

Through the Forestry Revitalization Plan, government is restructuring the forest sector to create a vibrant industry and healthy communities. As one element of the plan, we are supporting a new, market-based timber pricing system. To help address sustainability of local communities, we’re also reallocating 20% of the logging rights held by major licensees in long-term replaceable licenses to First Nations, communities, woodlots and smaller operators.

The amount of timber available for community forests and woodlots will nearly double. We’re also creating a new community salvage licence that will allow communities to diversify their forest economy.

As well, the new Minister of State for Forestry Operations will work with communities once the timber reallocation process is complete to facilitate their access to timber opportunities.

B26 IMPROVE ACCESS TO SALVAGEABLE TIMBER

WHEREAS hundreds of thousands of cubic meters of timber are wasted each year that could be utilized by local entrepreneurs to the benefit of the local communities and the provincial government;

AND WHEREAS only the lack of clear policies and commitment from the provincial government, coupled with the unwillingness of the large tenure holders to participate in facilitating effective and timely access to this resource, hinders its utilization and the attendant benefits:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities enter into discussions with the provincial government to formulate ways and means that will allow entrepreneurs effective access to blowdown and logging residues that the tenure holders have no plans to recover within two years of the completion of harvesting in an opening.

RESPONSE: OF MINISTRY OF FORESTS

The Ministry of Forests is in the midst of reviewing the program for small-scale salvage and is planning improvements for the model under which salvage opportunities will be delivered in the future.

The funding of \$6 million over three years announced in the 2004 budget will help Ministry of Forests staff offer a moderate, small-scale salvage program with a mix of salvage-based non-replaceable forest licences, community salvage licences and traditional over-the-counter applications.

An MLA review committee on small-scale salvage submitted a report to the Minister of Forests in December 2003. The Minister will evaluate the report's recommendations in the context of the Forestry Revitalization Plan, assess policy implications, and respond formally and fully later this spring.

B27 WHOLE LOG EXPORT

WHEREAS many northern communities' economies are based on the forest industry;

AND WHEREAS some communities perceive the export of raw logs from their areas to encourage "creaming" of their resources with respect to present and future jobs:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities lobby and work to ensure that resource manufacturing continues to be carried out in the communities closest to the resource.

RESPONSE OF: MINISTRY OF FORESTS

British Columbia has among the tightest restrictions on log exports within the country. Of the logs harvested in BC, 95% are processed here. In 2002, log exports from provincial Crown land were less than 2% of the provincial allowable annual cut, while log exports on private land regulated by the federal government were about 3%.

Log exports are symptomatic of a troubled forest economy, which we're endeavouring to turn-around with our Forestry Revitalization Plan. Under the plan, we're making timber more accessible to BC's value-added manufacturers, local entrepreneurs and First Nations. By doing this we'll generate more employment and long-term community stability.

By allowing limited log exports in down markets, we're actually creating and supporting employment in logging and milling. For example, in a mixed stand of cedar and hemlock, both tree types need to be harvested. However, if there is no domestic market for hemlock, then approving the export of these logs allows logging to proceed and makes the cedar available for domestic processors. For example, the Northwest Log Export OIC approved by Cabinet in 2002, which allows up to 35% log exports, creates logging jobs and ensures that 65% of logs harvested are available to timber processors in the Northwest. Export applications for surplus logs are advertised on a bi-weekly basis – to ensure that domestic buyers have the first right of refusal.

Whenever possible, our log export process ensures logs are used in BC. Log exports can be necessary when local buyers cannot be found allowing owners to sell surplus logs before they lose quality and value. However, we've heard concerns that government is not getting proper value for logs exported – so we may need to take another look at the existing system.

B28 FOREST RECREATION SITES AND TRAILS

WHEREAS the Ministry of Forests has indicated that it will no longer maintain Forest Recreation Sites and Trails and has requested proposals from individuals and groups to perform this maintenance;

AND WHEREAS these sites and trails are necessary for residents of the province and tourists visiting Beautiful BC and must be consistently well maintained:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the Premier and the Minister of Forests ensure that maintenance of Forest Recreation Sites and Trails remain an operation performed by the Ministry of Forests and that such maintenance not be transferred to other individuals or groups unless appropriate resources are provided.

RESPONSE: OF MINISTRY OF FORESTS

There are more than 1,100 forest recreation sites and hundreds of trails around the province. The ministry cannot afford to maintain these many recreation sites and trails without the help of management partners and user groups.

The operating budget for forest recreation sites and trails has been increased this year to about \$2 million. This increase will allow the ministry to better assist its management partners – local recreation clubs, forest companies, First Nations, private contractors and other groups – with site and trail maintenance responsibilities. The additional resources made available will help ensure that the large majority of BC's forest recreation sites and trails remain open and managed on a long-term sustainable basis, either under a partnership or user-maintained agreement.

Last year 450 recreation sites were managed under partnership agreements. The goal this year is to develop and strengthen these existing partnerships, while entering into new agreements that will increase the number of managed sites to 520.

The large majority of sites and trails not under management agreement will remain open and be user-maintained. The recreation funding increase ensures that these user-maintained sites will receive a basic level of service, and will have any potential public safety or environmental issue addressed before it becomes a risk.

B29 WOOD INDUSTRY COMPETITIVENESS

WHEREAS increased domestic use of wood and the development of the value-added sector are crucial to the future economies of our communities;

AND WHEREAS despite several "build with wood" resolutions spearheaded by local governments calling on the provincial government to optimize the use of wood in all publicly funded projects – steel and concrete continue to dominate many public sector projects to the exclusion of wood use;

AND WHEREAS a commitment to developing international profile projects like the Vancouver Trade and Convention Centre and 2010 Olympic Venues as wood and sustainable building showcases would be an investment in international marketing of BC and Canadian wood products:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities lobby the provincial government to:

- appoint a Provincial Director of Value Added Development who would spearhead the development of a long-term BC value added wood strategy; and
- establish a provincial policy to encourage all publicly funded and P3 building projects to showcase the use of wood and sustainable building practices.

RESPONSE OF: MINISTRY OF FORESTS

The government has acted to support the long-term development of the value-added sector through the Forestry Revitalization Plan. The Plan addresses the sector's long-standing concerns over access to timber by expanding the volume of timber available competitively at auction. It also eliminates rules that restricted the flow of timber between operators with forest tenure, allowing timber to flow to its highest and best use within BC

As well, government will continue to support development and marketing of new value-added programs through Forestry Innovation Investment. In 2002/03, \$8 million was allocated to product development in secondary manufacturing, and in 2003/04 a further \$7 million was allocated.

Government agencies are developing a green buildings policy that encourages the use of wood in construction of publicly funded buildings. In addition, the Premier has committed to the use of BC forest products in 2010 Olympic venues, to show off our engineering, wood products and expertise to the world.

B30 COMPENSATION FOR REMOVAL OF NATURAL RESOURCES

WHEREAS the Province of British Columbia has announced its commitment to a Heartlands strategy;

AND WHEREAS the provincial government presently collects a royalty or stumpage fee on natural resources extracted, but does not remit a portion to most of the municipalities or regional districts;

AND WHEREAS the provincial government should remit a portion of the royalties collected from resources back to the originating communities in compensation for the loss of natural resources:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities approach the provincial government to discuss opportunities for local government sharing of resource revenues.

RESPONSE OF: MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES

Resource revenue sharing is not a new idea: the Province operated its local government transfer program on the basis of resource and tax revenue sharing from 1978 to 1994. After fifteen years of funding municipal and regional district transfers through revenue sharing, it became clear that the revenue sharing system was neither affordable nor sustainable.

In 1994, after consultation with the Union of BC Municipalities, the government introduced the *Local Government Grants Act*, which provides unconditional general funding and conditional funding for planning, local government restructure, water sewer and roads infrastructure projects. The transfer programs established all share several principles: accountability, predictability, compatibility with multi-year commitments, responsiveness to local conditions, fairness among communities, program coordination between revenues and expenditures, local-provincial balance, and ease of administration.

As enshrined in the *Community Charter*, the Province will continue to consult with the Union of BC Municipalities before proposing changes to its local government transfer programs.

B31 BULK WATER EXPORT

WHEREAS water, a limited resource, is necessary to sustain human life and British Columbia's fish, forestry and agricultural resources rely on a good supply of water for survival and water is a public resource managed and monitored by tax dollars;

AND WHEREAS municipalities hold water licences for large extraction limits and businesses that sell water utilize municipal water systems for generated profit, and some of these businesses want to sell water internationally as bulk water export to meet the needs of other countries:

THEREFORE BE IT RESOLVED that provincial legislation be enacted that recognizes the precious value of British Columbia's water resource and prohibits British Columbia's bulk water from being sold internationally.

RESPONSE OF: MINISTRY OF WATER, LAND AND AIR PROTECTION

The *Water Protection Act* prohibits the bulk removal of water from BC. The government has never wavered from its New Era commitment to maintain the ban on bulk water export. British Columbians have clearly expressed support for continuing the ban and protection of the water resource.

B32 PROVINCIAL CONSERVATION OFFICERS

WHEREAS the fish and wildlife resources of North Central British Columbia provide a vital component of the economic and social fabric of the region by providing sustenance, recreation and aesthetic benefits to the residents, and by attracting significant tourism activities;

AND WHEREAS the provincial fish and wildlife populations and their habitats are coming under increasing pressures which threaten species abundance and survival;

AND WHEREAS the provincial government is making sweeping changes to wildlife management in a number of areas, including proposing fish and wildlife harvesting rights in Aboriginal treaties - changes which will require increased monitoring and enforcement efforts;

AND WHEREAS earlier provincial government cut backs have reduced the number of conservation officers in the field, while expecting them to adequately monitor and enforce activities throughout impossibly large tracts of land:

THEREFORE BE IT RESOLVED that the provincial government increase the number of conservation officers in the field so that adequate monitoring and enforcement of fish and wildlife harvesting activities can be provided.

RESPONSE OF: MINISTRY OF WATER, LAND AND AIR PROTECTION

The Conservation Officer Service (COS) is staffed by professional, well-trained Conservation Officers (CO's) in communities throughout the province. CO's continue to do their job: enforcing environmental and wildlife laws that protect human health and ensure conservation.

The COS is now doing things differently – more efficiently and more effectively. Through the implementation of a provincial COS call-centre, COs in every part of the province have been freed from the task of answering routine telephone calls and are able to maximize their time in the field protecting human health and the environment.

**B33 SUPPORT FOR PROVINCE-WIDE
AMBULANCE SERVICES**

WHEREAS the BC Ambulance Service provides all British Columbians with province-wide emergency medical care no matter where they live;

AND WHEREAS at a cost of \$41 per person, the BC Ambulance Service responds to more than 400,000 emergency calls per year and is among the most cost-effective services in North America;

AND WHEREAS the BC Ambulance Service is an essential medical service to all BC communities, answering an emergency call almost every two minutes;

AND WHEREAS any cuts to ambulance service funding and paramedics would mean delays when every second counts:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request the provincial government to maintain a province-wide integrated BC Ambulance Service that is adequately funded by the Province and that provides the best possible training for emergency paramedics.

RESPONSE OF: MINISTRY OF HEALTH

The government is committed to a strong, renewed, sustainable and provincially focused ambulance service, BCAS. Government intends to focus resources towards BCAS's core priorities of addressing and improving service quality and patient safety and providing emergency transportation services more directly aligned to pre-hospital care in communities. The government plans to ensure the future model of emergency response in the province is consistent, efficient and responsive to patient needs.

**B34 RAISING THE LEVEL OF TRAINING
FOR MUNICIPAL FIREFIGHTERS**

WHEREAS it is recognized that the provision of first aid to patients at the earliest opportunity is recognized and considered a benefit;

AND WHEREAS it is often possible for firefighter first responders to reach those in need sooner than ambulance paramedics;

AND WHEREAS the public is more concerned about receiving care than it is about who is administering care:

THEREFORE BE IT RESOLVED that the provincial government raise the level of paramedic training available to local government firefighters;

AND BE IT FURTHER RESOLVED that such care be based on the Union of BC Municipalities' membership endorsed principle of providing consistent and adequate levels of service province-wide and establish a compatible and recognized level of first aid for BC ambulance, fire department and industry sectors.

RESPONSE OF: MINISTRY OF HEALTH

The government is undertaking a detailed review of pre-hospital care as part of an overall review of ambulance and emergency services in British Columbia. In February 2004, government announced the expansion of the Emergency Health Services Commission, which guides the delivery of high quality, consistent pre-hospital emergency health care. The commission provides strategic direction and governance to the BC Ambulance Service.

These new appointments will help to strengthen ambulance services and encourage more integration with the six health authorities. The expanded Emergency Health Services Commission includes representatives from the health authorities as well as individuals with medical and clinical expertise.

We appreciate that firefighters are an important partner in pre-hospital care. Advanced training is available for any individual who chooses to expand their knowledge and this includes firefighters.

B35 BROADBAND AND CELLULAR PHONE

WHEREAS broadband is becoming increasingly important for economic development;

AND WHEREAS many northern BC municipalities and regional districts do not have access to broadband and other telecommunication tools in order to compete in the global economy:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities be requested to lobby and work to ensure that every community in northern BC has access to the latest telecommunication technology such as broadband and cellular phone service, in order to develop economic growth opportunities.

RESPONSE OF: MINISTRY OF MANAGEMENT SERVICES

The government recognizes the critical importance of telecommunications to the rural regions of the province. As such, in February 2004, we announced a plan to provide affordable, high-speed Internet access to every community in BC by 2006. Over the next year alone, we will bring access to 72 communities.

Government understands that bridging the digital divide means more than simply running an “electronic highway” through town. Over the next three years we will partner with community organizations and the private sector to provide workshops, resources, and other forms of support aimed at ensuring communities understand how to connect their homes, business and organizations to this highway and, perhaps more importantly, how they can use broadband to improve their quality of life.

There is a wonderful example of the potential impact of broadband on rural quality of life in Hazelton. Every week, three deaf students from Hazelton are flown to Vancouver to attend school. The social and financial costs for the families involved are tremendous. The digital divide team is working with the Gitksan Government Commission, the Burnaby South Provincial School for the Deaf and telecommunications providers on ways to capitalize on a broadband connection to solve this problem. Broadband could be used to provide a videoconference link from Hazelton to Burnaby so these children can stay home and receive the same quality education they would get if they were in the classroom in Burnaby. To make this happen, government’s plan will bring affordable broadband connectivity to Hazelton this year.

As a result of our digital divide initiative, rural BC is entering a new era – one where the benefits of electronic health, electronic education, and electronic commerce will be available to all.

B36 SCHOOLS IN SMALL RURAL MUNICIPALITIES

WHEREAS schools in small rural municipalities, often underutilized due to the inflexibility of Provincial policies, are community assets serving essential education, cultural and social needs;

AND WHEREAS the consolidation of public services for narrowly defined economic reasons is placing the survival of small rural community schools at risk:

THEREFORE BE IT RESOLVED that the Ministry of Education and the BC School Trustees Association encourage school districts to enter into negotiations with the affected local governments to expand the role and use of rural schools to their full potential for the benefit of citizens and communities, thereby ensure the long-term viability of these essential assets.

RESPONSE OF: MINISTRY OF EDUCATION

Government amended the *School Act* in 2002 to give school boards the authority to make decisions based on local priorities, rather than having those decisions made by bureaucrats in Victoria.

School districts now have the authority to enter into joint-use agreements with municipalities, regional districts or the private sector on facilities for school board or community use – arrangements that will benefit students and the community.

B37 CONDOS DECLARED A DISASTER

WHEREAS the leaky building crisis is the largest and costliest construction debacle in Canadian history affecting tens of thousands of British Columbians living, working, learning or convalescing in defective buildings;

AND WHEREAS owners of leaky homes through no fault of their own, from all social and economic backgrounds, are facing bankruptcies, foreclosures or repair costs of up to \$260,000 per home;

AND WHEREAS schools, hospitals, businesses, provincial and federal funded housing have also required hundreds of millions of dollars in repairs;

AND WHEREAS the estimated \$1.5 billion to repair leaky homes alone divided by 4,087,199 British Columbians equals a cost of \$367.00 per BC citizen, far exceeding the financial criteria of \$1.00 plus expenditures per capita for federal assistance under the Disaster Financial Assistance Arrangement (DFAA);

AND WHEREAS the DFAA eligible costs include those related to restoring public works to their pre-disaster condition and to replacing or repairing basic, essential personal property of individuals, small businesses and farmsteads;

AND WHEREAS the Barrett Commission estimated that failure to provide immediate and meaningful assistance to affected homeowners alone could easily double direct cost estimates (\$3 billion plus):

THEREFORE BE IT RESOLVED that the Union of BC Municipalities appeal to the provincial government to resolve the leaky building crisis;

AND BE IT FURTHER RESOLVED that the provincial and federal governments make a declaration of disaster to enable financial assistance for those directly affected by the leaky building crisis.

Response of: Ministry of Community Aboriginal and Women's Services

Despite popular misconceptions, it is not within the province's power to trigger federal disaster financial assistance by simply declaring the leaky home situation eligible for provincial disaster relief. The federal government has made its position clear: they will not provide disaster financial assistance.

The Solicitor General has advised that the leaky home situation does not meet the criteria for disaster financial assistance. Disaster financial assistance was never designed to deal with problems like the leaky home situation or other issues that were not caused by natural disasters. Moreover, disaster financial assistance is available only for non-insurable damage.

**B38 DISSEMINATION OF INFORMATION
ON AVALANCHE RISK**

WHEREAS the tragic loss of life in recent avalanche incidents has raised the awareness of the potential dangers in backcountry British Columbia;

AND WHEREAS dependable information on avalanche risks and public training reduces the risk to backcountry users and can save lives:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities make representation to the federal and provincial governments to increase funding and resources for research, monitoring and assessment of the avalanche risk in backcountry areas and the dissemination of information related thereto.

**RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR
GENERAL**

Education and awareness will help prevent the tragic loss of life from avalanches, such as we experienced last winter. Following two avalanches that claimed 14 lives in within a two-week period in early 2003, the Ministry ordered a multi-agency review of public avalanche safety. As a result of that review, we committed \$125,000 annually for the next three years to pay for bulletins providing the latest snow stability and avalanche conditions for many mountain areas. Additionally, the Provincial Emergency Program (PEP) now has a dedicated education officer who will help develop programs to publicize avalanche awareness and safety.

PEP has submitted a proposal for funding to the National Search and Rescue Secretariat for a risk prevention program, called Adventure Smart, which includes winter safety and awareness initiatives. The goal for this new funding is better public safety through enhanced partnerships between government, the private sector, and avalanche groups.

Talks are ongoing between British Columbia, Alberta, and the Federal Government to set up an Avalanche Awareness Centre.

B39 DESIGNATED DRIVER PROGRAM

WHEREAS the issue of impaired driving continues to be a major social and financial issue in our communities:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request the appropriate Minister to amend the BC Liquor Distribution Branch application for Special Occasion Liquor Permits such that they require the applicant to display Designated Driver promotional materials in a visible location at the event for which the permit is used.

RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

The Ministry is reviewing the Special Occasion License program. The review includes identifying strategies that licensees can use to ensure safe and responsible liquor service at their events – including having information about local Designated Driver programs.

B40 IMPACTS OF PROVINCIAL CUTS ON MUNICIPALITIES

WHEREAS the current and proposed cuts by the Provincial Ministries and Boards of Attorney General; Children and Family Development; Community, Aboriginal and Women's Services; Education; Health Services; Human Resources; Public Safety and Solicitor General; Skills Development and Labour; Regional Health Authorities and Housing to social services are directly impacting citizens in British Columbia's municipalities;

AND WHEREAS these cuts are directly impacting those most vulnerable citizens in every community (e.g., women, seniors, people with disabilities, youth and aboriginal people) and the impacts of these cuts are leading to increased homelessness, poverty, health problems, crime and street disorder in municipalities;

AND WHEREAS service agencies are also experiencing cuts and are unable to respond to increased needs, increasing the problem for municipalities with no additional resources from the province:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities urges the provincial government to defer any future cuts to social services until there is a clear, public evaluation of the full cumulative impacts of the current cuts on citizens in British Columbia municipalities;

AND BE IT FURTHER RESOLVED that the Union of BC Municipalities calls on the provincial government to conduct a review in order to reverse those changes which may negatively affect women and girls, and to freeze action on any further programme, policy and funding changes which may negatively affect women and girls, until this review is completed;

AND BE IT FURTHER RESOLVED that the provincial ministries work with municipalities to address these impacts on citizens.

RESPONSE OF: MINISTRY OF HUMAN RESOURCES

The Ministry of Human Resources is committed to providing income assistance to British Columbians most in need while helping people who are able to work to find and keep jobs.

British Columbia's current income assistance caseload - 114,674 - shows that we are on track with our three-year service plan to provide an effective sustainable program where assistance is there for those most in need, while ensuring accountability to the taxpayer. The caseload has dropped by over 43,000 cases or 85,000 recipients since this government came into office in June 2001. This

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Response to B40 CONTINUED.

decline indicates that our \$300 million investment in employment programs is working, and people are seeking and securing employment.

The effectiveness of our programs can be seen in the nearly 30,000 former clients who have found work in communities across the province through Ministry job placement programs since this government came into office. Our exit surveys show that, on average, clients who leave income assistance for work make 2 to 3 times more than the income assistance rate. When people are working and bringing out their best through employment they are improving the quality of life of their families, improving their communities, and improving the economy of British Columbia.

The ministry recognizes that not all income assistance clients are able to work. Clients with disabilities receive disability assistance at the highest rate available from the ministry, and at the fourth-highest rate among Canadian provinces. We are ensuring that assistance is there for those most in need - the disability caseload has risen by more than 8,500 cases - almost 20 per cent - since this government took office.

RESPONSE OF: MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

The Ministry of Children and Family Development's budget decreased by approximately \$70 million between 2003/04 and 2004/05. This reduction was made possible by cost savings achieved through collective bargaining, reduced demand for services as a result of fewer children in care, fewer youth in custody and reductions in the number of Ministry FTEs - particularly at Headquarters.

The Ministry's highest priority continues to be the health, safety and well being of the individuals that the ministry provides quality services to. Budgets for preventive and early intervention services have been protected. These include investments in early childhood development, services to children with special needs, and funds directed to child and youth mental health.

B41 TREE PROTECTION BYLAWS FOR REGIONAL DISTRICTS

WHEREAS the *Local Government Act* affords municipalities the ability to protect significant trees through tree protection bylaws, but does not afford Regional Districts the same ability;

AND WHEREAS Regional Districts have trees of significance which warrant protection (such as the endangered Garry Oak groves on North-Central Vancouver Island);

AND WHEREAS tree cutting protection in regional areas may be considered necessary to prevent erosion of banks, mudslides and other land destruction or to protect endangered groves or culturally significant trees which might be otherwise destroyed:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities urge the provincial government to amend the *Local Government Act* to give Regional Districts the power to protect trees which have documented local, historical or ecological significance or which provide environmental protection against significant soil erosion and mudslides.

RESPONSE OF: MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES

The *Local Government Act* provides for a range of regulatory powers for regional districts. Regulation of tree cutting is not one of these powers. However, there is considerable scope for regional districts to use development permit powers to deal with environmental protection and hazard protection issues.

When regional district legislation is reviewed the issue of tree protection powers can be considered. Any review will need to balance the interests of citizens with the interests of the community.

B43 TRANSITION TO COMMUNITY CHARTER – BILL 67

WHEREAS the provincial government is anticipated to implement the *Community Charter* on January 1, 2004;

AND WHEREAS the *Community Charter* contains new provisions, including section 8, which will eliminate or restrict existing municipal powers:

THEREFORE BE IT RESOLVED that the provincial government be asked to amend *the Community Charter, or Bill 67 - Community Charter Transitional Provisions, Consequential and Other Amendments*, to confirm that existing bylaws will not be impacted.

Bill 14, the *Community Charter*, was given Royal Assent on May 29, 2003. The provisions of this legislation is expected to be brought into force by regulation on December 31, 2003. A companion Bill, the *Community Charter Transitional Provisions, Consequential Amendments Act, 2003 - Bill 67* was given first reading on May 27, 2003.

RESPONSE OF: MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES

Bill 14, the *Community Charter*, and its companion Bill 76, the *Community Charter Transitional Provisions, Consequential Amendments Act*, were brought into force on January 1, 2004.

Bill 76 is very explicit about the protection of existing bylaws. Provided that they were lawfully adopted, all existing bylaws will continue to have full force and effect until amended or repealed.

B47 AUXILIARY POLICE PROGRAM

WHEREAS prior to 1998, the Auxiliary Police Program was the most cost effective public safety initiative ever launched by a BC government;

AND WHEREAS the Auxiliary Police Program allowed municipalities to effectively double the ability of the police to respond to calls specifically on the busy Friday and Saturday nights;

AND WHEREAS the Auxiliary Police Program provides a regulated process for a municipality's citizens to actively contribute to the safety of their community by providing para-professional police services supplemental to and not in substitution of regular police services:

THEREFORE BE IT RESOLVED that the provincial government immediately restore the Auxiliary Police Program to the previous status of para-professional police officers and empower the auxiliary members to serve as armed volunteer auxiliary constables under direct supervision of regular members.

RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

We recognize the significant contribution of the volunteers who have given their time and energy to help make our communities safer.

In the near future the RCMP will be implementing a new armed reserve program. This will be in addition to the current unarmed A/R Constable Program. This new program will be a viable and cost-effective policing program designed to assist detachments with high demands or peak seasonal policing requirements. It is anticipated that most, if not all, of the cost will be supported by the existing budget.

To address the liability and training issues, the only candidates the RCMP will consider for the new program will be retired police officers who have left the force in good standing, or others that possess the same proven ability, skills and experience of a regular member.

The introduction of the RCMP Reserve Program will dramatically enhance community/police partnerships and strengthen public safety within BC communities. This approach offers the police the flexibility to meet the unique demands of each community by utilizing regular RCMP members, armed reservists and Auxiliary/Reserve volunteers.

**B48 HAZARDOUS MATERIALS
EMERGENCY RESPONSE**

WHEREAS hazardous materials are transported through communities in British Columbia by commercial and industrial vehicles on a daily basis;

AND WHEREAS local fire departments across the province, in particular on Vancouver Island, have little or no hazardous materials response training and equipment but are expected to respond to motor vehicle accidents and hazardous materials incidents in the community and on transportation corridors including those under the jurisdiction of the Province:

THEREFORE BE IT RESOLVED that:

1. The Province provide more frequent and more stringent commercial vehicle inspection and testing for commercial vehicles, and specifically those vehicles carrying hazardous material;
2. The Province require industry to fund and support regional HazMat Response Teams, to be located central to identified highway corridors, including Vancouver Island, on a 24/7/12 basis and also provide funding for fire department HazMat Awareness training;
3. The Province support regional governments in recovering costs associated with response to HazMat incidents that occur outside of municipal boundaries.

**RESPONSE OF: MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN
SERVICES**

The Ministry of Public Safety and Solicitor General advises that the transportation of dangerous goods is a federal regulation adopted by the Province as the *Transportation of Dangerous Good Act*. Any changes to that regulation would need to come from the Federal government.

In regard to part 2 of the resolution: the provision of Hazardous Materials response is a local government responsibility. The level and type of services provided is decided by local councils based on their willingness and ability to fund that service.

RESPONSE OF: MINISTRY OF WATER, LAND AND AIR PROTECTION

In regard to part 3 of the resolution: the Province supports regional governments in recovering costs associated with response to a HazMAT incident from the party responsible for the hazardous material when that party requests regional government assistance. This point addresses most incidents where the responsible party is providing the response. The legislation states that the

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Response to B48 CONTINUED.

responsible party is in charge of spill response. The ministry and regional government may expend resources for regulatory activities associated with the spill. Costs associated with these regulatory duties are not cost recoverable.

The Province also supports regional governments in recovering costs associated with response to a HazMat incident where the province has requested regional government assistance. This point addresses situations where the provincial government has assumed the responsibilities of the responsible party (e.g. abandoned drums, emergency declarations). The province may request assistance from regional government. The provincial government may adjudicate the bills submitted or join with regional governments and seek cost recovery from the responsible party.

**B49 REGIONAL DISTRICT REIMBURSEMENT FOR
RESPONSE TO MOTOR VEHICLE ACCIDENTS**

WHEREAS it is in the interest of public safety and reduction of the financial burden on local property owners that funding be made available for Volunteer Fire Departments to recover costs associated with motor vehicle accident fire suppression response outside their respective service areas after being requested to attend by BC Ambulance or the RCMP or Ministry of Transportation:

THEREFORE BE IT RESOLVED that the provincial government implement a method for cost recovery for Volunteer Fire Departments when responding to motor vehicle accidents outside their respective service areas for fire suppression for both non-life threatening and life threatening incidents.

**RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR
GENERAL**

The service these volunteers provide is valued and we appreciate that local governments have chosen to extend their emergency services beyond their boundaries.

The Ministry provides reimbursements to municipalities who provide road rescue services outside their jurisdiction where there is an imminent threat to life. The Ministry will continue to look at reimbursing communities responding to incidents outside their coverage areas on a case-by-case basis.

B54 LOCAL GOVERNMENT ACT – ELECTION OFFENCES

WHEREAS Part 3, Division 17 – Elections Offences – of the *Local Government Act*, section 151 [Vote buying] defines “inducement” as “money, gift, valuable consideration, refreshment, entertainment, office, placement, employment and any other benefit of any kind” and continues, in subsections (2) through (6), to set forth certain prohibitions with respect to the use and acceptance of said “inducements”;

AND WHEREAS candidates have been known to:

- hold a “get to know your candidate” open house meeting at which refreshments are served;
- offer to the electorate a ride to the voting place (often the offer is included in the advertisement to vote for the candidate); with the potential result that such actions could be deemed to be an inducement pursuant to the definition provided in section 151(1) of the *Local Government Act*, thereby making such actions a contravention of section 151. As such, any persons giving or accepting these “inducements” would be deemed to have committed an elections offence and be subject to the penalty provisions as set forth in section 154 [*Penalties*]:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities petition the Minister of Community, Aboriginal and Women’s Services to amend section 151(1) of the *Local Government Act* so as to more clearly and precisely define “inducement,” thereby providing clarity as to what actions may be deemed to be election offences and thereby subject to the penalty provisions as set forth in section 154 [*Penalties*].

RESPONSE OF MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN’S SERVICES:

Section 151 of the *Local Government Act* sets a relatively broad context for vote buying and it would be very difficult to list all of the circumstances where a person may be considered to have induced a person to vote. Generally the courts will look at any application under this section and apply the test of reasonableness. The ministry will continue to monitor court interpretations of Section 151 to determine if any legislative action is required.

In the absence of legislative change, we can work with local government parties to provide advice on good practices. The ministry publishes a Candidates Guide but currently it does not have specific guidelines on influencing votes. The ministry will work with its local government partner organizations to develop guidelines about the issue of influencing votes so that they can be included in future versions of the Candidates Guide.

B56 TAX RECEIPTS FOR LOCAL ELECTION CAMPAIGNS

THEREFORE BE IT RESOLVED that the Union of BC Municipalities lobby the provincial government to allow tax receipts for candidates who run in municipal elections, similar to that provided to candidates who run provincially or federally.

RESPONSE OF: MINISTRY OF FINANCE

The province is not considering a political contribution tax credit for donations made to candidates that run in municipal elections at this time.

Elections at the provincial or federal level are a contest between recognized political parties. Tax credits for political donations are considered an essential support to the party system that is, in turn, an essential element of parliamentary systems of government. Local governments, in contrast, are not set up on a parliamentary model and are non-partisan in character. Consequently, there is no corresponding rationale for tax credits for donations to individual candidates in local government elections.

B57 DISQUALIFICATION OF ELECTED OFFICIALS

WHEREAS a member of council convicted of an indictable offence, but not yet sentenced or convicted of an offence against the local government, is not disqualified from continuing to hold elected office under the provision of the *Local Government Act*;

AND WHEREAS a member of council convicted of an indictable offence or an offence against the local government loses the confidence and trust of the electors and the Council:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request amendments to *the Local Government Act* and the *Community Charter* to include the following disqualification provisions:

An elected official is immediately disqualified from continuing to hold office:

- On conviction of an indictable offence; or
- On conviction of a criminal offence against the local government to which he or she is elected to serve.

RESPONSE OF: MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES

The issue of who should be entitled to run for and to hold local government office was extensively reviewed in 1993 as part the *Local Elections Reform Act* process. At that time, it was determined that restrictions on who can run for office should be kept to a minimum as the legislation should respect electors' right to choose their elected representatives. With respect to indictable offenses, the legislation prevents those who have not completed the sentence for an indictable offence - unless the person is released on probation or parole and is not in custody - from running for or continuing to hold local government office.

The *Community Charter* has further augmented this disqualification with further protections for once a person has assumed elected office – the expanded conflict of interest provisions in Division 6, Part 4 (*Public Participation and Council Accountability*). These provisions provide new standards to ensure that members are acting in the public interest and not to further their own private interests. With respect to the recent events in Merritt that led to this resolution, the application of *Community Charter* s. 108 (*restrictions on use of insider information*) may have been appropriate.

B59 INTEGRATED TRANSPORTATION STRATEGY

WHEREAS policy changes being pursued by the provincial government in regard to transportation indicate that the Province is proceeding without an integrated transportation management plan;

AND WHEREAS an integrated transportation management plan would provide the Province with a strategic view of the transportation infrastructure systems allowing for full analysis of the benefits and weaknesses of transportation policy options;

AND WHEREAS the concept of an integrated transportation management plan was endorsed during a meeting of mayors and councillors of Northern communities and other interested stakeholders held in September 2002 in Prince George, at which the interests of those stakeholders were expressed in the document "Northern Priorities: Recommendations from the 2002 Transportation Symposium," a copy of which was forwarded to the provincial government:

THEREFORE BE IT RESOLVED that the provincial government begin work on an integrated transportation management plan that would take into account the particular needs of all parts of the province including the North, examining the interrelatedness of the various modes of transportation and their economic impact on the province as a whole;

AND BE IT FURTHER RESOLVED that the provincial government consult with the Union of BC Municipalities before any further major changes to transportation infrastructure are made.

RESPONSE OF: MINISTRY OF TRANSPORTATION

In November 2003, the government released a document entitled Opening Up BC – a Transportation Plan for British Columbia. This plan sets out a province-wide program of transportation investment and revitalization.

The plan describes how government is investing \$1.1 billion over three years to ensure that:

- roads in the interior are improved,
 - the highway system provides increased capacity to meet growing demands,
 - trade gateways provide greater access for getting goods to market; and
 - ports and airports serve as the economic and social engine the province requires.
-

B60 FAIR DISTRIBUTION OF PROVINCIAL FUEL TAX

WHEREAS the provincial government increased the provincial gas tax by 3.5 cents per litre, effective March 1, 2003;

AND WHEREAS BC's economic cornerstone resource extraction industries, such as mining and forestry, will be negatively impacted by higher costs for transporting raw resources to processing facilities and for transport of finished products to markets;

AND WHEREAS public transit is virtually non-existent in many northern communities - resulting in a disproportionate increase in the cost of commuting where personal vehicles are necessary for commuting to work and travelling to goods and services centers:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that funds collected from this tax increase be fairly assessed and distributed throughout all communities to improve all aspects of transportation infrastructure.

RESPONSE OF: MINISTRY OF FINANCE

The Government is already investing motor fuel tax revenue in major transportation projects across the province. The province typically spends over \$200 Million more on transportation than it receives in provincial motor fuel taxes.

Under the *Motor Fuel Tax Act*, 6.75 cents per litre of the provincial motor fuel tax is dedicated to the BC Transportation Financing Authority (BCTFA). This includes the revenue collected from the additional 3.5 cents per litre recently imposed.

The revenue dedicated to BCTFA funds important transportation projects according to the priorities set out in the provincial transportation plan. The transportation plan was announced in the 2003 budget.

B62 BC RAIL SERVICE

WHEREAS it is well documented that the economic well being of the Province of British Columbia is based on an efficient, affordable transportation system;

AND WHEREAS the movement of people and goods by rail rather than road is safer and more sustainable:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities recommend that whether service is provided by BC Rail, a Provincial Crown Corporation, or a private enterprise, the existing north– south service and the integrity of the rail line be assured by the operator or operators of the system;

AND BE IT FURTHER RESOLVED that the Union of BC Municipalities recommend that the provincial government formulate a long-term rail transportation strategy that includes the reintroduction of passenger service.

AND BE IT FURTHER RESOLVED that the provincial government be advised that the Union of BC Municipalities sets a high priority on the protection of jobs; minimizing any potential negative impacts on communities; and the necessity for having broad consultation – which includes, but is not limited to, customers, employees and communities – prior to any contractual commitment being made.

RESPONSE OF: MINISTRY OF TRANSPORTATION

The BC Rail investment partnership with CN will generate an immediate \$1 billion of investment for British Columbia. Under the new partnership, CN will have the rights to operate the BC Rail network. The British Columbia Railway Company, a provincial Crown corporation, will own the right-of-way, the rail bed and the tracks.

CN 's investment will retire BC Rail's \$500-million debt and protect taxpayers from financial losses that have cost \$860 million in the last 15 years. This investment will revitalize rail services for communities and their customers and will deliver new infrastructure and new jobs. In addition, BC Rail and CN are issuing a request for proposals for new passenger-tourist services from Prince Rupert to Prince George that will link east to Jasper and south to Vancouver through Whistler and Squamish, creating new tourism opportunities for the Northwest. The new passenger-tourist trains services have the potential to create hundreds of jobs in the tourism and hospitality sector.

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Response to B62 CONTINUED.

BC Rail had already reduced 650 positions over the previous two years due to ongoing financial challenges, and up to 300 additional positions would have been terminated without a partnership. The BC Rail investment partnership with CN Rail will result in just 180 involuntary departures provincewide over three years, which will be more than offset by significant new job benefits for the North.

**B64 REGULATION FOR THE “SEGWAY
HUMAN TRANSPORTER”**

WHEREAS use of the automobile has widespread impacts in terms of health, global warming, and community development;

AND WHEREAS there is a need to encourage sustainable transportation modes and develop compact communities;

AND WHEREAS the “Segway Human Transporter” is a new transportation device that is clean, quiet and extends the range of pedestrians in the community;

AND WHEREAS the *Motor Vehicle Act* of British Columbia has no provisions to recognize or regulate the Segway:

THEREFORE BE IT RESOLVED that the Province of British Columbia be requested to review the operation of the Segway Human Transporter device and include provisions in the *Motor Vehicle Act* to permit and regulate its safe use under appropriate conditions.

**RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR
GENERAL**

The ministry is working with ICBC with respect to the request in the resolution and will report back when a review is complete.

B65 SUSTAINABLE TRANSIT FUNDING AND GOVERNANCE MODELS

WHEREAS the provincial Board of BC Transit has released a Discussion Paper and Consultation Guide entitled “Funding and Service Strategy Review - Phase 2”; Sustainable Transit Funding and Governance Models”;

AND WHEREAS provincial funding for public transit in British Columbia has been capped since 2001, resulting in unacceptable service cuts and no growth in service hours:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities direct that:

- public consultation take place with all municipal and regional governments in BC over the funding and governance of public transit, prior to any decisions being made by the Board of BC Transit to government;
- the provincial government maintain the current funding envelope provided to public transit as set out in the Transit Regulations until such time as a new governance model is negotiated;
- the provincial government redirect one cent of the current collected gas tax in the province (excluding Greater Vancouver) towards a “Public Transit Stabilization Fund” to address the funding shortfalls caused by two years of frozen budgets and escalating costs, and to grow the system as part of an integrated transportation system.

RESPONSE OF: MINISTRY OF TRANSPORTATION

Preliminary consultation with municipal governments has taken place regarding transit funding and governance and information has been forwarded to the Ministry of Transportation for review.

The provincial government invests more than \$44 million in public transit across the province and has managed to protect that funding level for the past few years despite the significant financial challenges we face as a province. In addition, BC Transit and local governments are exploring ways to partner with community organizations and major employers to fund transit service expansion.

The province currently has no plans to redirect the current gas tax.

B66 REGIONAL DISTRICT TAX COLLECTION

WHEREAS regional districts have the authority to determine taxation based on property value assessment;

AND WHEREAS the provincial government collects the requisitioned taxation on behalf of regional districts and charges rural property tax payers an additional 5.25 percent fee;

AND WHEREAS municipalities have the authority to collect taxation from their taxpayers at no additional fee:

THEREFORE BE IT RESOLVED that regional districts be given the authority to collect taxation from their taxpayers, at significant savings to said taxpayers.

RESPONSE OF: MINISTRY OF PROVINCIAL REVENUE

The Province reviewed the 5.25% fee and confirmed that it will apply to the 2004 tax year. UBCM was advised of this decision.

Government's present system of collecting property taxes on behalf of the 27 regional districts is extremely efficient and cost effective for everyone involved. The system provides regional districts with revenue certainty and taxpayers with consistency throughout the rural areas of the province.

We already have the necessary technological links to BC Assessment, as well as the appropriate billing and collection procedures in place to ensure the process runs smoothly.

Unlike municipalities, regional districts cover large rural and sometimes remote areas and property owners are often seasonal or foreign owners so billing and collection is much more difficult and complicated. Furthermore, the regional districts receive all the funds they invoice. The province assumes all the responsibility for collecting from the taxpayers and bears all the risk of uncollectible accounts.

Ministry of Provincial Revenue officials will be meeting with Cariboo Regional District to explain what services they get for the fee and what is involved in the collection of the rural property taxes.

B67 PROVINCIAL GAS TAX

WHEREAS the provincial government implemented, on March 1, 2003, a 3.5 cent per litre gas tax with the expressed purpose of funding highways and transportation projects and these highways and transportation projects are a significant component of the Province's "Heartland Strategy";

AND WHEREAS the senior levels of government have imposed gasoline taxes for the purpose of road and transportation projects in the past 50 years and have, over time, credited these revenues into "General Revenues" with other sources of revenue and spent these funds in other areas not directly related to their intended purpose:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the provincial government immediately establish a segregated Gasoline Revenues Fund in which all proceeds of the new gas tax levy be credited, allowing for greater public accountability of the funds, enhancing public trust in governmental operations and practices and protecting integrity of the "Heartland Strategy".

RESPONSE OF: MINISTRY OF FINANCE

The Government has already done this. Under Section 13 of the Motor Fuel Tax Act, 6.75 cents per litre, which includes the 3.5 cent per litre increase, of the fuel tax collected in BC is dedicated to the BC Transportation Financing Authority. The Authority is responsible for spending the fuel tax revenue on the development of major highway infrastructure projects. As such, this revenue can not be used for other government purposes. The province typically spends over \$200 million more on transportation than it receives in provincial motor fuel taxes.

B68 CLASS 6 PROPERTIES

WHEREAS section 808 of the *Local Government Act* provides regional districts with the authority to adopt a bylaw to vary the class multiples for Class 2, 4 and 5 properties:

THEREFORE BE IT RESOLVED that the Ministry of Community, Aboriginal and Women's Services be requested to amend section 808 of the *Local Government Act* to include Class 6 properties.

RESPONSE OF: MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES

The Ministry responded to the original 1996 UBCM resolution C2 by applying variable property tax rates among specified tax classes as was enjoyed by municipalities. Section 808 of the *Local Government Act*, provides for this regional district "variable tax rate system". At that time the variations were established for classes 2, 4 and 5.

Distribution of the local government tax burden fairly across different property classes, while taking into consideration local economic conditions and priorities, continues to be a complex issue for regional districts. However, the shifting back to other classes (primarily residential), in an effort to alleviate economic problems is also a matter of consideration.

The Province is considering establishing a multi-party committee which will consider questions of local non-residential property taxation. This issue is best dealt with as part of this larger discussion.

B69 COMMUNITY BOND INTEREST TAX EXEMPTION

WHEREAS community bonds issued by the Village of Warfield in partnership with the Municipal Finance Authority have proven to be an effective way to further reduce the cost of municipal borrowing;

AND WHEREAS by way of an additional benefit, community bonds enable councils to offer small investors in their municipality an attractive investment opportunity:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities and the Federation of Canadian Municipalities request that the provincial and federal governments exempt community bond interest earnings from income taxes.

RESPONSE OF: MINISTRY OF FINANCE

The province cannot exempt community bond interest earnings from income taxes because this is an area of federal jurisdiction. Under the Canada-British Columbia tax collection agreement the federal government has control over income subject to tax. The benefits of this agreement for taxpayers is reduced administration costs and the fact that taxpayers need only file one tax return each year.

**B70 TAX RATES FOR OTHER AUTHORITIES
(PORTS)**

WHEREAS ports businesses in the Province of British Columbia have been strongly lobbying local governments and the provincial government to reduce property taxes for the ports industry; and some local governments have responded to the pleas of the ports businesses and reduced local government property taxes for the ports businesses;

AND WHEREAS the provincial government has given indications to the local governments that it is listening to the ports businesses and has suggested some form of action by local government;

AND WHEREAS the taxes imposed by the provincial government for school purposes and the Greater Vancouver Transportation Authority (GVTA) for transportation services on ports businesses and all other major industrial properties have risen dramatically in 2003:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities communicate with the provincial government and the Greater Vancouver Transportation Authority outlining their concern about the dramatic school and transportation tax increases imposed on major industrial taxpayers, stressing that those tax increases are inordinate and work at cross purposes with the reductions for major industrial businesses made by some local governments in the past years.

RESPONSE OF: MINISTRY OF FINANCE

The Minister of Finance reviews provincial school property tax rates as part of each provincial budget cycle. Overall changes in average valuations are considered as part of this process. Because the provincial tax rate for each property class applies province-wide, it is difficult to use rate-setting policy to mitigate relative changes in values within a property class, or to target provincial tax rate policy to a single municipality. The provincial non-residential school tax rates have been stable or declining over the past decade, province-wide.

B71 FOREST FARMING ON AGRICULTURAL LAND RESERVE

WHEREAS valuable forested land contained within the Agricultural Land Reserve (ALR) is often cleared of trees in order to establish traditionally recognized agricultural crops such as hay and grasses;

AND WHEREAS sustainable farming of forests would be the highest and best economic use of certain portions of land within the ALR;

AND WHEREAS the preservation of agricultural land remains a high priority for the vast majority of British Columbians;

AND WHEREAS this approach would contribute to the long-term preservation of these lands:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the provincial government recognize forest farming as a viable and realistic agricultural enterprise for taxation purposes on all ALR lands;

AND BE IT FURTHER RESOLVED that forest farming on ALR lands be granted the same taxation status consideration as other agricultural initiatives, provided that there is a minimum parcel size (it is suggested a minimum 10 hectares in forest) and that there is a Forest Management Plan in place (developed by a qualified professional and no older than five years).

RESPONSE OF: MINISTRY OF SUSTAINABLE RESOURCE MANAGEMENT

Large areas of forested land overlap with the ALR. The principle of “highest and best use” does not apply to this type of crop in the context of agricultural land.

Managed forest lands may be classified as Class 7 Managed Forest Land – tax rates for this class approximate farm class tax rates, although farm class includes a 50% reduction in School Tax.

ALR land that is not being actively farmed typically does not qualify for farm classification status. However, current assessment policies provide for consideration of the growing of Christmas trees and short rotation (10 year) tree species (poplars) as a recognized agricultural crop for classification purposes. No changes are being considered to generally include trees other than Christmas trees and short rotation species in the application of farm class.

B72 HOTEL TAX

THEREFORE BE IT RESOLVED that the Union of BC Municipalities urge the provincial government to implement a province-wide local government hotel room tax that has the following features:

- local governments will have the opportunity to opt out from charging the tax in their jurisdictions;
- revenues from the tax will be returned to the local governments where the tax was collected;
- the two percent limit on the local tax rate be retained but modified to include a provision that would allow a local government to request a higher rate from the province;
- local governments be given full discretion over use of the funds raised through the local tax, which could include the funding of new tourism and economic development initiatives.

RESPONSE OF: MINISTRY OF FINANCE

The intent of the additional hotel room tax is to help support the local tourism sector for those municipalities that implemented it.

There is a clear policy for approving the additional hotel room tax revenue. Many municipalities have taken advantage of this opportunity to raise additional revenue to boost tourism.

The BC/Yukon Hotel's Association and the BC Lodging and Campground Association that represent the short-term rental accommodation sector are strongly opposed to spending the hotel room tax on anything that does not benefit the local accommodation sector.

In addition, the proposal raises a question of fairness. Municipalities without a rental accommodation sector would not benefit from this revenue source. For these reasons, the provincial government is not considering changes to the additional hotel room tax at this time.

B73 CROWN LAND AVAILABILITY AND COST

WHEREAS the existing policy of the Ministry of Water, Land and Air is to make Crown land suitable for industrial development available to municipalities at fair market value;

AND WHEREAS the market value of this land is set by using recent selling prices of nearby similar properties and in many cases this value is achieved directly from the initiatives and investment made by the municipality with substantial benefit to the Crown:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities enters into negotiations with the Ministry of Water, Land and Air with the objective of changing this policy so that the Ministry must consider the following:

1. the degree of investment the municipality has made and its contribution to the recent selling prices. This investment would then be deducted from the average market value selling price to set the selling price to the municipality;
2. the benefits to the Province if the land is made available at minimal or no cost to the municipality vs. no development of the land.

RESPONSE OF: MINISTRY OF SUSTAINABLE RESOURCE MANAGEMENT

The Province markets lands at fair market value, in the same way that most local governments do.

Government will continue to work with local governments to assess optimum uses of Crown lands and ensure that industrial development opportunities are available to those best equipped to develop them.

B75 SOURCES OF REVENUE GENERATION

WHEREAS the provincial government has created, consulted and announced its intention to provide new legislative powers to local governments in the *Community Charter Act*;

AND WHEREAS said legislation is intended to allow local governments additional considerations to obtain funding, through revenue generation by use of various taxation schemes;

AND WHEREAS funding sources are a continuing concern for many local governments which are trying to support their communities in a sustainable manner;

AND WHEREAS the provincial government has recently, through an imposed 3.5 cent per litre fuel tax increase, lessened such a revenue consideration, as the *Community Charter Act* was to provide:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the provincial government stop imposing any further revenue schemes which could become the domain of local governments.

AND BE IT FURTHER RESOLVED that the provincial government deliver on its commitment to provide new revenue sources to local government, as raised during the *Community Charter* development process.

RESPONSE OF: MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES

Legislation in recent years has made existing local government revenue tools including taxes, charges and fees more flexible. The provincial government continues to review revenue sources for municipalities. Plus, the government remains committed to sharing Traffic Fine Revenue with municipalities.

The federal government has recently provided a GST rebate to municipalities and has indicated its intention to enter into discussions with both provincial and local governments on sharing of gas tax revenues. The provincial government welcomes this federal initiative.

Of particular interest to northern British Columbia is the creation of the Northern Development Initiative and its associated legacy fund of \$135 million as a result of the BC Rail Investment Partnership. This fund will assist in a wide range of development initiatives for Northern communities.

**B76 REMUNERATION FOR
COMMUNITY BOARDS**

WHEREAS the provincial government has utilized community boards such as those implemented for Land Use Planning Tables for the North Coast, Queen Charlotte Islands and Central Coast;

AND WHEREAS the provincial government has no proposed method to compensate interest groups or local government representatives for lost wages during table or working group meetings;

AND WHEREAS many local government representatives are either self-employed or do not receive any compensation from their employers to participate:

THEREFORE BE IT RESOLVED that the provincial government implement and fund a policy that will allow for individuals and local government representatives to receive remuneration for lost wages or hardship to attend table and working group meetings.

RESPONSE OF: MINISTRY OF SUSTAINABLE RESOURCE MANAGEMENT

Participant assistance funding under the land use planning program continues to be guided by government's assistance policy. Participant assistance funding (financial assistance for expenses incurred through travel, accommodation and meals) is only a portion of the total costs associated with incorporating public participation into government decision making processes. Government does not currently provide reimbursement of lost wages for members of any of the six ongoing LRMP tables or other ongoing boards and committees.

Within the current fiscal situation faced by the province, the provision of funds for public participation will be limited to out-of-pocket expenses incurred by stakeholder representatives. Government will continue to provide participant assistance funding in a manner that is fair between planning tables currently engaged.

B80 CPR WEED CONTROL

WHEREAS local governments place a high priority on the protection of human health and the natural environment and are therefore concerned with the continued use of herbicides by CP Rail as a primary method of weed control along rail lines, particularly given the potential effects of pesticide runoff on water quality and environmentally sensitive habitats;

AND WHEREAS the Ministry of Water, Land and Air Protection (MWLAP) recently received an amendment for CP Rail's Pesticide Use Permit for the use of herbicides to control weeds along their tracks from Lytton to Vancouver which includes reduced notification requirements, reduced setbacks that do not meet the guidelines for the protection of the environment in the MWLAP Handbook for Pesticide Applicators and Environment Canada's Standard Conditions Relation to Pesticide Use Permits in Canada;

AND WHEREAS even though the current CP Rail's Pesticide Use Permit conditions require signage and buffer zones, these conditions do not adequately protect the environment;

AND WHEREAS in its own literature the Ministry of Water, Land and Air Protection advises private citizens to avoid using herbicides due to their detrimental effects on the environment:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the Ministry of Water, Land and Air Protection refuse to permit the use of herbicides as a weed control method along highways and rail lines in any affected area of a watershed;

AND BE IT FURTHER RESOLVED that other agencies responsible for highway and rail line maintenance be requested to develop an Integrated Pest Management (IPM) strategy that includes alternative methods of weed control.

RESPONSE OF: MINISTRY OF WATER, LAND AND AIR PROTECTION

In May 2003, the government introduced the *Integrated Pesticide Management Act*, Bill 53. It overhauls the current *Pesticide Control Act* which regulates the amount and method of using pesticides in British Columbia.

As a result, the ministry now legally requires the use of Integrated Pest Management (IPM). IPM emphasizes alternatives to pesticides and, where no alternative exists, it calls for the pesticide with the least impact on the environment to be used. This proactive, integrated approach to pest management is expected to decrease reliance on pesticides and eventually reduce the use of such substances.

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Response to B80 CONTINUED.

In addition, government has imposed significantly higher fines for improper use. Fines have gone up from \$2000 to \$800,000, ensuring compliance and enforcement efforts are supported by tough penalties.

B81 INVASIVE PLANT STRATEGY

WHEREAS invasive plants affect all British Columbians;

AND WHEREAS the Fraser Basin Council has been successful in initiating development of a province-wide Strategy Development Group and a Writing Group whose responsibility it is to formulate a BC Invasive Plant Strategy:

THEREFORE BE IT RESOLVED that the provincial government be petitioned to provide the Strategy Development Group with the resources necessary to ensure that a BC Invasive Plant Strategy is completed and implemented in 2004.

RESPONSE OF: MINISTRY OF WATER, LAND AND AIR PROTECTION

The Ministry has provided \$10,000 in funding to the Fraser Basin Council to support the development of the Invasive Plant Strategy.

The Fraser Basin Council has established a multi-agency committee to develop an invasive plant strategy for British Columbia. The Ministry is participating in that process, which will provide a forum for addressing the invasive plant issues identified by local government.

B82 FLOOD MANAGEMENT PROGRAM

WHEREAS the provincial government is proposing a new service model in dealing with Flood Hazard Management;

AND WHEREAS the Ministry of Water, Land and Air Protection has proposed to eliminate the Flood Hazard Management Program, effectively downloading the responsibility of flood management onto local government:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities insist that provincial government continue to take the lead role in Flood Hazard Management to ensure legislation, regulation, and standards are in place to deal with emergencies relating to flooding and flood management in British Columbia.

AND BE IT FURTHER RESOLVED that the Union of BC Municipalities request continued flood protection funding support from the province through the Flood Protection Assistance Funding (FPAF) program, in the annual amount of \$4.0 million.

RESPONSE OF: MINISTRY OF WATER, LAND AND AIR PROTECTION

The flood hazard program was altered to give local governments more control over local land-use decisions and the provincial dike system. The *Flood Hazard Statutes Amendment Act* puts in place more efficient, cost-effective and locally responsive means for ensuring flood protection. Communities now have the flexibility to approve projects according to local circumstances and in their own best interests. Developments are no longer subject to unreasonable costs.

Through the Fraser Basin Council local governments received over \$1 million worth of tools to help them make decisions that are in their best interests. This money pays for flood plain maps, GPS location of dikes, guidebooks, training and research.

The Ministry of Water, Land and Air Protection will retain technical expertise and the provincial government will continue to take the lead role in ensuring that legislation and standards are in place to deal with emergencies related to flooding and flood hazard management in British Columbia.

B83 EFFECT OF CLIMATE CHANGE ON RURAL COMMUNITIES

WHEREAS climate change patterns in northern British Columbia are already directly affecting economic activity in the northern rural, primarily resource-based communities;

AND WHEREAS rural communities have limited resources and will need assistance with long term planning for changing weather phenomena:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities lobby both the provincial and federal governments to ensure the following actions are taken:

- Continued and increased publicly funded research conducted locally and regionally;
- Continued and enhanced funding of climate data-collection stations and sites to ensure the gathering of accurate data to be used in both research and public policy decision making;
- Building flexibility into land use plans to ensure that future climate change is considered, with community stakeholders involved in this process;
- Development of provincial and federal parks management plans to deal with drought, insect control, disease and other natural disasters;
- The on-going review of policy regarding resource extraction to ensure consistency with the realities on the land;
- The establishment of transitional funding and adjusting programs to ensure that the economic base and quality of life is maintained as climate change affects economic activities and the way of life in rural communities.

RESPONSE OF: MINISTRY OF WATER, LAND AND AIR PROTECTION

The ministry is developing a provincial climate change plan that recognizes the potential impacts of climate change on local communities, the need to adapt to these impacts, and the role of the provincial and federal governments in supporting adaptation.

The government is dedicated to addressing the challenge of climate change and committed to doing it in partnership with the federal government and the other provinces. The ministry encourages UBCM members to work with the provincial and federal governments to develop effective responses to climate change.

B87 DISPOSAL OF HAZARDOUS MATERIALS: ALKALINE BATTERIES

WHEREAS the collection and processing of Household Hazardous Waste (HHW) is a provincial responsibility and the Ministry of Water, Land and Air Protection has established industry stewardship responsibility for roughly 90 percent of the household hazardous waste stream by volume and the Province recognizes that there are large quantities of alkaline batteries in the waste stream and has identified them as a future candidate for an Extended Producer Responsibility (EPR) Program:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request the Ministry of Water, Land and Air Protection to expand the Extended Producer Responsibility (EPR) Program to include alkaline batteries.

RESPONSE OF: MINISTRY OF WATER, LAND AND AIR PROTECTION

The ministry recognizes the environmental and economic issues associated with the ongoing disposal of end-of-life batteries in municipal landfills.

The ministry has identified industry product stewardship as a key approach for managing end-of-life consumer products. The ministry's 2001 Industry Product Stewardship Business Plan laid out policy principles and a strategy for moving ahead with this approach. The January, 2002 report, "Assessing When to Implement Extended Producer Responsibility", by Marbek Resource Consultants (available on the Ministry website), provides guidance on screening potential products and on program design. The process defined in the Marbek report will be used by the ministry to assess proposals for including new product categories (such as alkaline batteries) under industry product stewardship regulations. The ministry is developing a single Extended Producer Responsibility Regulation that can be expanded to include new product categories as required.

The ministry is currently focussing its resources on the development of a single Extended Producer Responsibility Regulation and bringing electrical and electronic waste under that regulation. The ministry will be assessing alkaline batteries as a future candidate product with respect to its suitability for industry product stewardship. However, if the producers of alkaline batteries were to put forth a stewardship proposal consistent with the principles outlined in the ministry business plan the ministry would consider bringing alkaline batteries under a regulated program.

B88 LOCAL CONSULTATION ON AQUACULTURE

WHEREAS the proposed changes for aquaculture in provincial government legislation will have an impact on all coastal Regional Districts and municipalities;

AND WHEREAS the Ministry of Agriculture, Food and Fisheries has indicated that consultation on this topic will take place only through discussions with the Union of BC Municipalities:

THEREFORE BE IT RESOLVED that the provincial government's mandate of job creation and revitalizing the economy consider all sectors of the economy that rely on coastal resources as well as implications for protection of the natural environment and the need to avoid conflicts with neighbouring uses such as residential settlement on the waterfront and other land uses that are currently recognized by local government Official Community Plans.

NO RESPONSE REQUIRED – UBCM IS WORKING DIRECTLY WITH THE RESPONSIBLE MINISTRY(S).

**B89 DEVELOPMENT PERMIT AREAS:
ENFORCEMENT**

WHEREAS the *Local Government Act* provides for designation of selected areas as Development Permit Areas, where permits must be obtained prior to clearing and developing property;

AND WHEREAS local government is not provided with legislation that allows it to enforce infractions such as clearing land in a development permit area where it is not permitted to do so:

THEREFORE BE IT RESOLVED that legislative changes be made to the *Local Government Act* to provide local governments the ability to levy fines and/or other enforcement tools, for use when development permit requirements associated with environmental protection have been violated.

**RESPONSE OF: MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S
SERVICES**

Local governments have a range of legal tools with which to enforce their bylaws, any of which might be used against an individual who clears or develops property in a development permit area without first obtaining a permit.

The Ministry of Attorney General has developed a local government bylaw notice enforcement system that will permit the levying of monetary penalties for simple bylaw contraventions and an administrative, rather than judicial, forum for handling disputed allegations. This system, authorized under the *Local Government Bylaw Notice Enforcement Act*, is currently being tested in selected locations, but is expected to be available to other municipalities by 2005.

Municipalities have the authority, under the *Community Charter*, to seek injunctions against actions that contravene their bylaws, issue municipal tickets that carry a penalty of up to \$500, or seek penalties of up to \$10,000 and six months imprisonment in a prosecution under the *Offence Act*.

Regional districts have the authority, under the *Local Government Act*, to seek injunctions against actions that contravene their bylaws, issue municipal tickets that carry a penalty of up to \$500, or seek penalties of up to \$2,000 and six months imprisonment in a prosecution under the *Offence Act*.

B90 SUBDIVISION PLAN – UTILITY RIGHTS OF WAY

WHEREAS Terasen, formerly BC Gas, has adopted a policy requiring the creation of fee simple lots in those locations where proposed subdivision roads cross existing high pressure transmission pipeline statutory rights-of-way;

AND WHEREAS the policy adopted by Terasen prevents subdivision developers from dedicating subdivision roads in accordance with conditions of subdivision approval;

AND WHEREAS complying with the policy adopted by Terasen would compromise municipal control over roads and raise issues of increased municipal liability and administrative concerns:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the provincial government provide a solution, by legislation or otherwise, ensuring that Terasen and other utilities do not delay the registration of subdivision plans on the basis that portions of statutory rights-of-way in their favour are extinguished by dedicated roads.

RESPONSE OF: MINISTRY OF TRANSPORTATION

This is an issue for both municipal approving officers and those from the Ministry of Transportation, which is responsible for rural areas.

The Ministry of Transportation is currently engaged in discussions with industry to seek a solution to this issue.

**B92 SCHOOL SITE DESIGNATION AND
CAPITAL FUNDING**

WHEREAS Section 877(1)(f) of the *Local Government Act* requires that an Official Community Plan must include statements and map designations for the area covered by the plan respecting the approximate location and type of present and proposed public facilities, including schools and Section 882 of the *Local Government Act* no longer contains any consistency requirement between the municipality's financial plan or capital expenditure program and the Official Community Plan;

AND WHEREAS under Section 144 of the *School Act* no spending can be authorized by a School Board without authorization in writing by the Minister of Education and such authorization is identified annually thus creating a time lag between the time of designation and funding which can result in the setting aside of the OCP designation:

THEREFORE BE IT RESOLVED that the Minister of Education be requested to review the methodology of funding school sites to ensure that long term planning of school sites can be realized through capital funding.

RESPONSE OF: MINISTRY OF EDUCATION

School districts are required to identify their site acquisition needs over a 10-year horizon as part of establishing school site acquisition charges with their respective municipalities. The Ministry of Education has now adopted a three-year rolling capital plan to assist long-term planning. This helps improve long-term planning and certainty for students, and the community.

B93 FOREST POLICY REFORM IN COMMUNITIES' INTEREST

WHEREAS UBCM's 2000-LR6 endorsed resolution on the Adjacency Principle states that communities must have a direct role in the control and use of the resources which surround them and upon which their livelihood depends;

AND WHEREAS the BC Coalition for Sustainable Forest Solutions has drafted alternative legislation, the "Forest Solutions for Sustainable Communities Act," that is fully based on the principles of these previous resolutions;

AND WHEREAS the provincial government's recently proposed forest policy reforms do not appear to take account of these previous resolutions:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities endorse forest policy reform that puts communities and forests first, and is based on principles set out in resolution 2000-LR6, Adjacency Principle, which requested that the provincial government "introduce, pass and proclaim legislation that will entrench the principle of adjacency and afford resource-based communities a direct role in the control and use of the resources which surround them and upon which their livelihood depends."

RESPONSE OF: MINISTRY OF FORESTS

Before introducing the Forestry Revitalization Plan, the Minister of Forests toured the province and met with communities, First Nations, industry and labour. All agreed that the status quo was not working. Moreover, it was clear that policies like appurtenancy and cut control have not kept mills open and workers employed.

Through the Forestry Revitalization Plan, government is restructuring the forest sector to create a vibrant industry and healthy communities. As one element of the plan, we are supporting a new, market-based timber pricing system. To help address sustainability, we're also reallocating 20% of the logging rights held by major licensees in long-term replaceable licenses to First Nations, communities, woodlots and smaller operators.

The amount of timber available for community forests and woodlots will nearly double. We're also creating a new community salvage licence that will allow communities to diversify their forest economy.

We expect to be able to advertise the first community forest from re-allocated timber later this fall. As well, the new Minister of State for Forestry Operations will work with communities and hear their concerns.

B94 FOREST SERVICE RECREATION SITES

WHEREAS outdoor recreation contributed more than \$5 billion to the provincial economy last year, this being more than half of the entire revenue generated by the entire tourism industry;

AND WHEREAS the citizens of British Columbia and tourists from other countries expect Forest Service sites and trails to be available for their use and will use the sites in any case;

AND WHEREAS the collection of fees for Forest Service recreation sites was well established and supported by users and provided significant revenue to maintain and protect the sites:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the provincial government immediately reinstate a fee collection service for Forest Service recreation sites in order that sites and trails be maintained and kept open to the public.

RESPONSE: OF MINISTRY OF FORESTS

The Ministry of Forests camping pass program was discontinued because it was overly costly to administer, and expended too much staff time to monitor and enforce. Fees collected through the program were insufficient to cover maintenance costs.

More than 1,100 forest recreation sites and hundreds of trails around the province will remain open to the public and maintained through management agreements the ministry is reaching with partners such as local recreation groups, forest companies, First Nations and regional districts; or through user-maintained arrangements.

The operating budget for forest recreation sites and trails has been increased this year to about \$2 million. This increase will allow the ministry to better assist its management partners – local recreation clubs, forest companies, First Nations, private contractors and other groups – with site and trail maintenance responsibilities.

Last year 450 recreation sites were managed under partnership agreements. The goal this year is to develop and strengthen these existing partnerships, while entering into new agreements that will increase the number of managed sites to 520.

The large majority of sites and trails not under management agreement will remain open as user maintained. The recreation funding increase ensures that

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Response to B94 CONTINUED.

these user maintained sites will receive a basic level of service, and will have any potential public safety or environmental issue addressed before it becomes a risk.

The additional resources made available this year will help ensure that the large majority of BC's forest recreation sites and trails will remain open and managed on a long-term sustainable basis, either under a partnership or user maintained agreement.

B95 MEASURABLE CRITERIA FOR EVALUATION OF INDEPENDENT POWER PROJECTS

WHEREAS there is considerable public concern over the potential impact of independent power production projects and the means by which community social, land use and environmental values are respected (e.g., consistency with local land use plans such as OCPs and LRMPs and minimum stream flow standards);

AND WHEREAS there is no clear consensus or agreement as to what constitutes an acceptable “green” electrical generation project or how to evaluate such projects with respect to environmental and social values:

THEREFORE BE IT RESOLVED that the provincial government be requested to:

1. Develop, in consultation with local government, industry, the public and regulatory stakeholders, clear and measurable criteria by which to evaluate independent power production projects against community social, land use and environmental values and an agreed upon “green energy” standard for both the generation and power line components of the projects;
2. Establish standards for transmission line development that:
 - Require optimization of existing power lines infrastructure and shared use of lines as a condition of right-of-way agreements and provide regulatory authority (through the BCUC or LWBC) to require shared use as a condition of licensing,
 - Recognize and protect scenic value zones in areas of high tourism activity,
 - Require that, where there are no alternatives (e.g., use of existing structures or placing lines underground), new power lines in areas of high scenic value and high tourism activity be engineered and aligned so as to minimize their visual impact;
 - Establish an independent monitoring function to ensure accountability and enforcement of conditions and standards applied to independent power production projects;
3. Establish an independent monitoring function to ensure accountability and enforcement of conditions and standards applied to independent power production projects.

RESPONSE OF: MINISTRY OF ENERGY AND MINES

The province believes that adequate evaluation criteria are in place with current IPP permitting processes. In reviewing applications for new power developments, review agencies such as LWBC and the EAO ensure all relevant stakeholder interests are canvassed. In addition to ensuring projects meet the legislated requirements of permitting agencies, LWBC and the EAO diligently strive to ensure IPP developments also meet the legitimate expectations of local communities.

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Response to B95 CONTINUED.

New IPP projects attract investment and development, and benefit regions. The provincial Energy Plan supports the development of IPPs to help meet electricity load growth in British Columbia. A pro-active dialogue is encouraged by IPPs with local communities and government on the benefits of their projects.

The Province is currently developing a guideline to assist energy utilities and IPP proponents in determining whether projects will be considered “BC Clean Electricity” as discussed in the Energy Plan. The more specific development of generic “green” project criteria is dependent on what environmental and social attributes of a project are being measured and to what end they are meant to serve (e.g., green power certification, green credits trading regime).

B96 BC UTILITY COMMISSION: OVERSIGHT OF INDEPENDENT POWER PROJECTS

WHEREAS the public has a reasonable expectation that appropriate safeguards and oversight will be in place to properly monitor and manage independent power production projects to ensure that public concerns such as public safety, land use and siting, aesthetic impacts, health implications of electro-magnetic fields and impacts on property values are addressed;

AND WHEREAS independent power production projects were, by Ministerial Order, exempted from the provisions of the *Utilities Commission Act* thus eliminating the BC Utilities Commission oversight that could have addressed some of the public's concerns:

THEREFORE BE IT RESOLVED that the provincial government be requested to restore the BC Utility Commission's regulatory authority over powerline interconnection associated with independent power production projects under of Part 3 of the *Utilities Commission Act* with respect to:

- Safety, convenience, and service to the public (Section 23(1)(g)),
- Shared use of facilities (Section 27),
- Requirement for Certificates of Public Convenience (Section 45);

AND BE IT FURTHER RESOLVED that the threshold for BCUC oversight of power line development be lowered to 25kV power lines when those lines are being constructed by other than a public utility for distribution purposes.

RESPONSE OF: MINISTRY OF ENERGY AND MINES

The province does not support the resolution. IPPs are routinely exempted from the requirements of the UCA. Regulation of Independent Power Projects (IPPs) under the Utilities Commission Act (UCA) is not necessary as BC Hydro itself is regulated to ensure the energy supply contracts it enters into with IPPs are prudent. The BCUC's primary role relating to IPPs is to oversee the process of new resource acquisition by the distribution business of BC Hydro to ensure that least cost options are chosen.

The province recognizes that IPP development must be undertaken in a manner that is respectful of local interests and community values. Issues related to those values can be handled through the permitting process in place with the Environmental Assessment Office and Land and Water BC Inc (LWBC) and through more dialogue between IPPs, local communities, local governments and BC Hydro.

B97 WEIGHTED VOTES

WHEREAS the current method for calculating the weighted vote may not accurately reflect actual population ratios amongst jurisdictions within a regional district;

AND WHEREAS the *Local Government Act* does not provide wide discretion as to the calculation of the weighted vote:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the *Community Charter* provisions for regional districts include greater flexibility for the calculation of the weighted vote.

RESPONSE OF: MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES

The letters patent for a regional district establish the number of electoral areas, the voting unit and, if requested, the divisor for calculating the number of directors for each jurisdiction. It is possible to adjust these variables to more accurately reflect population through cabinet amendments to letters patent.

In addition, amendments to the regional district provisions of the *Local Government Act* in 2000 provided additional flexibility for regional boards to vary the weighted votes on the operational and administration of a service at both the board and on committees or commissions which have been delegated responsibility for operating or administering a service.

It is not clear that the current legislation is lacking in flexibility . However, this is a topic that could be reviewed in a future review of the regional district legislative framework.

B99 HEALTH CARE FUNDING

WHEREAS the federal and provincial governments have recently announced the “Health Care Renewal Accord 2003” which established \$34.8 billion (over five years) for:

- the relief of immediate pressures on the health care system,
- a new “Health Reform Fund” for primary care, home care and catastrophic drug costs, and
- the purchase of diagnostic and medical equipment, and investment in information technology;

AND WHEREAS the communities in the rural northern regions of British Columbia do not have the same access to medical specialists, treatments, or diagnostic tools as those who reside in the Lower Mainland, and have suffered greatly due to government cutbacks:

THEREFORE BE IT RESOLVED that the benefits to be derived by British Columbia from the “Health Care Renewal Accord 2003” be largely targeted to the rural communities of British Columbia;

AND BE IT FURTHER RESOLVED that those benefits be specifically targeted to the communities that face imposing travel distances in order to access specialized medical care.

RESPONSE OF: MINISTRY OF HEALTH

The federal funding, announced in February 2003, has been specially designated by the federal government for primary care, home care and catastrophic drug coverage. In addition, BC has allocated \$45 million for health authorities to use for primary health-care renewal projects – and the health authorities have developed plans to ensure these resources are allocated according to community need – including the unique needs of rural communities.

Travel assistance is available through the Travel Assistance Program, administered by the Ministry of Health Services. Through public sector corporate partnership, travel discounts are offered with a variety of transportation partners (rail, air, ferry, bus) for people living in rural or remote communities who need to travel to see acute care specialists in larger centres. The program is available for referred, non-emergency medical services.

In addition, the Ministry of Health Services in conjunction with the BCMA administers the Northern and Isolation Travel Assistance Outreach Program (NITAOP), which provides funding for physician specialists to travel to remote communities to see patients.

The government has also made a commitment to provide a \$5 million rural travel assistance program.

B101 LOCAL CONSULTATION ON HEALTH CARE

WHEREAS the federal government significantly reduced transfer payments to the province for health care and social programs in the early 1990s;

AND WHEREAS many provincial governments have initiated their own restrictions to the health system, resulting in the de-listing of outpatient services, hospital closures, layoffs and tighter eligibility requirements for services such as home care and Pharmacare;

AND WHEREAS municipalities, being the level of government closest to the people, have been hearing strong concerns from local residents about cuts to the health system and have faced increasing pressure to fill the resulting gaps through such means as funding of non-profit health service providers and purchase of hospitals threatened with closure:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities urges the provincial government and its respective Health Authorities to adopt a policy of meaningful consultation with local governments on proposed changes to the health system, ensuring that the full impacts on local residents and local governments are carefully considered before changes are introduced.

RESPONSE OF: MINISTRY OF HEALTH

The government and the health authorities are committed to working with local communities to develop positive, constructive solutions to health care issues. As part of this, the health authorities hold open board meetings in various communities throughout the regions they serve.

In addition, the health authorities, local MLAs and the health minister regularly meet with stakeholders and community groups on specific local health issues and to hear and attempt to resolve local concerns. When and where appropriate, health authorities may undertake community wide consultation on specific issues.

B104 HEALTH CARE PARTNERSHIP

WHEREAS a program could be implemented similar to the health care partnership which the Corporation of Delta has recently proposed to the Fraser Health Authority to help smaller and rural communities throughout British Columbia retain and enhance a broader range of health professionals and specialist physicians in their communities:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request the Province to establish a province-wide task force to examine this issue, consult with municipalities and report on their findings.

RESPONSE OF: MINISTRY OF HEALTH

The government is aware of the challenge of recruiting and retaining medical professionals – particularly in smaller communities. This problem is not unique to BC – it is part of a Canada-wide shortage of medical professionals, and we operate in a competitive environment. That is why the government in Feb. 2003 brought in the Rural Subsidiary Agreement, which ensures patients in rural communities have better access to medical services by helping to entice physicians and specialists to set up practice in these areas. The program helps physicians with financial benefits, travel assistance, training allowances and other incentives. Other programs, such as the Interprofessional Rural Program will help renew health care in rural areas by encouraging a wide cross-section of health care providers to gain an understanding of the benefits of practicing in smaller communities.

B107 HANDS-FREE CELLULAR EQUIPMENT

WHEREAS research into the use of hand-held cellular telephones has indicated that accident risk increases when drivers use the telephone while operating motor vehicles and statistics and reports in both Canada and the United States are conclusive in confirming that the danger of accidents and the rate of accidents increase where hand held cellular telephones are used while driving;

AND WHEREAS recent Canadian polls indicate strong support for mandatory controls on hand held cellular phone use by drivers and hand held cellular use is already banned in over 40 countries, some U.S. states including New York and recently in Newfoundland:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities endorse drivers' use of hands free cellular telephone equipment while operating a motor vehicle;

AND BE IT FURTHER RESOLVED that the Province of British Columbia be requested to amend the *Motor Vehicle Act* to ban the use of hand held cellular phones;

AND BE IT FURTHER RESOLVED that local governments take the lead in this initiative by setting an example of safety by requiring municipal vehicles to be installed with hands free equipment.

RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

Cellular phones are one of many potential distractions that drivers need to be aware of. The Ministry along with ICBC has recommended against the use of cellular phones when driving. While the issue of whether to ban the use of hand-held cellular phones has support, studies have shown that using cellular phones with hands-free equipment also increases the driving risk. The Ministry is monitoring the impact of cell-phone bans in other jurisdictions before deciding on any legislation to ban cell phones for drivers in British Columbia.

Motorists are expected to drive with due-care and attention to the road. If a motorist is driving without due care and attention – whether they are driving with a hand-held or hands-free cellular phone – they can be fined.

B109 CLOSURE OF SCHOOLS AND USE OF SCHOOL PROPERTY

WHEREAS with the provincial government's revisions to the funding formulas for School Districts, many School Boards are having to close schools to meet budgetary demands;

AND WHEREAS the closure of schools without regard to the future use of the property results in the vacant building becoming a target of vandalism, not being maintained by the School District depreciating the value of the property, and becoming an eyesore and public nuisance:

THEREFORE BE IT RESOLVED that the Ministry of Education be requested to review legislation, policies and funding formulas that pertain to the closure of schools and the future profit and non-profit use of school property and the demolition of fully depreciated school facilities;

AND BE IT FURTHER RESOLVED that the Ministry of Education be requested to require School Districts to develop a post-closure plan for schools being closed, with community input and approval of the Ministry.

RESPONSE OF: MINISTRY OF EDUCATION

School districts requested, and were given, the flexibility and authority to make decisions based on local priorities. The districts are accountable for the capital funds that are approved and spent in their districts, which also means they are responsible for the wise use or disposition of closed facilities.

School districts consult with communities on school closures and are accountable for the future use of facilities paid for with taxpayers' dollars. It is not in the best interest of school boards to allow facilities or assets that have been permanently or temporarily closed to become run down.

B110 RELOCATION OF CANADA GEESE

WHEREAS the mass relocation of such species as Canada Geese from place to place has been carried out to solve problems in populated areas;

AND WHEREAS the receiving rural area may then be faced with the same problems with similar detrimental impacts:

THEREFORE BE IT RESOLVED that relevant provincial authorities not carry out or approve such relocations without first consulting the receiving areas for advice so as to lessen future impacts on their environment.

RESPONSE OF: MINISTRY OF WATER, LAND AND AIR PROTECTION

The Federal Government is the management authority responsible for migratory birds, including Canada Geese. The Provincial Government requires federal approval before the birds can be relocated. However, prior to any translocation of wildlife our ministry's policy requires input from all stakeholders, including receiving areas, interested public groups, concerned individuals and First Nations.

B113 ENFORCEMENT OF GUN REGISTRATION LAW

WHEREAS gun registration will cost more than \$1 billion in the first five years and will not contribute to the reduction of crime nor benefit the public by making criminals out of hunters, farmers, ranchers and other legitimate gun owners;

AND WHEREAS the provincial government is introducing severe cost cutting measures in an attempt to balance the budget;

AND WHEREAS spending provincial money on enforcement of Federal Gun Registry legislation will greatly reduce money available for critical programs such as health and education and the federal government must be accountable for its legislation:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities respectfully request the provincial government to refuse to expend any provincial money for enforcement purposes, including prosecutions and conservation officer investigations, connected to federal gun registration legislation.

RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

The federal *Firearms Act* is not only misguided but unmanageable. The Government of BC has made it very clear that we do not support this legislation. BC has urged the federal government to scrap mandatory gun registration and put those resources into front-line law enforcement.

The province withdrew from its role in administering the firearms program because the federal government would not adequately fund public safety needs, and because the program does not work.

Firearm owners in BC are still required to abide by the federal *Firearm Act*. In May 2003, the Assistant Deputy Attorney General for the Criminal Justice Branch sent out a directive to all prosecutors in the province indicating that all first offences relating to non-registration of firearms would not be prosecuted by the province, but that the federal Department of Justice would undertake this responsibility.

As second offences of not registering firearms must be prosecuted under the Criminal Code, provincial prosecutors will assume responsibility in these cases. Crown counsel will take into consideration whether the offence is of a regulatory or more truly criminal nature. Undocumented possession of restricted or prohibited firearms is generally considered to be a serious criminal matter.

**B114 DIVERSIONARY PROGRAMS FOR
FIRST-TIME OFFENDERS**

WHEREAS the *Youth Criminal Justice Act* (Bill C-7) requires the use of alternative sentencing measures for first time non-violent offenders;

AND WHEREAS the provincial government is expected to provide these diversionary programs for young offenders to encourage healing and reconciliation as opposed to punishment, and to prevent youth from re-offending:

THEREFORE BE IT RESOLVED that the federal government provide funding to the provincial government for diversionary programs for first-time non-violent offenders.

RESPONSE OF: MINISTRY OF ATTORNEY GENERAL

The ministry recognizes that funding opportunities for community justice programs are limited, and supports the need for federal funding.

Federal funding for implementation has only been provided to the provinces and territories, but no substantial operational funds have been provided to date. We have urged the federal government to fund the operational aspects of the Youth Criminal Justice Act but have had little success to date.

Currently the federal government provides less than \$200,000 annually for training and other YCJA-related needs.

B115 KOOTENAY LAKE FERRY TOLLS

WHEREAS the Kootenay Lake ferry serves as a principal, year-round transportation link for residents of the rural unincorporated communities of Kootenay Bay, Riondel, Crawford Bay, Gray Creek and Boswell, with their main trading and medical centres being the cities of Nelson, Castlegar and Trail;

AND WHEREAS a toll on users of Kootenay Lake ferry will:

1. be an economic hardship for seniors and people on fixed income who reside in the above named rural, unincorporated communities;
2. adversely impact the economic well-being of area business due to reduction in tourism travel;
3. add a burden of cost to those businesses doing trade between the east and west side of Kootenay Lake;
4. place an additional burden on residents required to access essential medical services not available in their communities:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities urge the provincial government to:

1. not implement tolls on users of the Kootenay Lake ferry;
2. explore alternative sources of cost recovery.

RESPONSE OF: MINISTRY OF TRANSPORTATION

Premier Campbell announced in his televised address in February 2003 that the government will not place tolls on inland ferries.

B119 IMPROVE THE SMALL BUSINESS FOREST ENTERPRISE PROGRAM

WHEREAS the Ministry of Forest's Small Business Forest Enterprise Program is an important contributor to the stability of the Union of BC Municipalities' constituent communities;

AND WHEREAS there are opportunities to improve the Small Business Forest Enterprise Program's contribution to our province and local communities by running the program like a business instead of like the existing bureaucracy:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the Ministry of Forests make the appropriate changes to the statutes and regulations dealing with the Small Business Forest Enterprise Program to include the following considerations:

- Allow the district managers to manage the Small Business Forest Enterprise Program accounts annual surpluses for the purpose of operating the Small Business Forest Enterprise Program;
- Require the Small Business Forest Enterprise Program to be operated as a "for profit business."

RESPONSE: OF MINISTRY OF FORESTS

The Small Business Forest Enterprise Program is no longer in existence. It has been transformed into BC Timber Sales as part of the provincial government's New Era commitment to improve the effectiveness of the small business program and to put it on a more commercial footing.

BC Timber Sales, which became fully operational in April 2003, was developed as an organization with an emphasis on business performance and wealth creation. BC Timber Sales has three main goals:

- To provide a credible reference point for costs and pricing of timber harvested from public land in BC
- To generate the best possible revenue return to the Province from publicly owned timber.
- To provide opportunities for customers to purchase timber in an open and competitive market.

A focus on achieving more value for money on the expenditure side of the operation, combined with attention to increasing financial return on the revenue side, gives BC Timber Sales more of a commercial orientation than the Small Business Forest Enterprise Program.

B122 STUMPAGE BINGO

WHEREAS the quarterly stumpage adjustment system results in a concentration of winter log hauling and a reduction of hauling days per year from 190 to 110;

AND WHEREAS this concentration of hauling days has been proven to increase the risk of motor vehicle accidents involving both truckers and the travelling public;

AND WHEREAS the concentration of hauling days causes economic hardship to communities as local log haulers no longer have access to year-round employment; and outside haulers brought in during "low-stumpage" periods take dollars out of our communities:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities lobby the Minister of Forests to end the quarterly stumpage adjustment system that results in a concentration of log hauling activities in certain periods of the hauling season when stumpage rates have been reduced.

RESPONSE OF: MINISTRY OF FORESTS

Government will introduce a new, market-based timber pricing system in the Interior later in 2004.

This will create a more transparent, market-responsive system; however, it might not necessarily prevent firms from adjusting their business plans in response to changing stumpage rates. In a market system, where stumpage fluctuates, we expect firms will react to higher prices by reducing logging activity and vice-versa. Adjusting production to costs is inherent in any business.

In regard to the safety of those using logging roads, it is government's expectation that every employer fully meet its obligations to ensure the health and safety of its workers. Any worker who feels his or her safety is being compromised or that he or she is being asked to act in a hazardous manner should call the Workers Compensation Board, and can do so anonymously.

B123 POWER SALES

WHEREAS Alcan Inc. received, by contract with the provincial government, use of the headwaters of the Nechako River, a public resource in northwest BC, specifically to manufacture aluminum;

AND WHEREAS since early in 2001, Alcan has reduced aluminum production at its Kitimat facility in order to sell electricity to BC Hydro for export to the United States, even though manufacturing aluminum remains a profitable enterprise under the terms of the contract;

AND WHEREAS as a result of this breach, jobs have been lost in Kitimat, property values have collapsed, social infrastructure has been compromised and the economic well being of the community and northern British Columbia has been damaged:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities petition the provincial government to insist that non-utility industries provided with water resources for the purpose of industrial power production use the electricity resource for industrial activity, and not for power sales.

RESPONSE OF: MINISTRY OF SMALL BUSINESS AND ECONOMIC DEVELOPMENT

The Ministry has received the Union of BC Municipalities' resolution on power sales by non-utility industries, specifically Alcan Inc. As this matter is currently before the courts, it would not be appropriate for us to comment on the substance of the resolution.

**B126 COLUMBIA RIVER DOWNSTREAM
BENEFITS**

WHEREAS the province of British Columbia has control over a substantial amount of electricity as part of the Columbia River Downstream Benefits and has chosen to sell that electricity to United States markets;

AND WHEREAS the Columbia River Downstream Benefits are being used to bolster the United States economy rather than the British Columbia economy:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities strongly urge the provincial government to invest the electricity from the Columbia River Downstream Benefits in the British Columbia economy by making that electricity available to British Columbia consumers.

RESPONSE OF: MINISTRY OF ENERGY AND MINES

The DSB Entitlement is delivered to the British Columbia – United States border. The province has assigned the management of DSB Entitlement sales to Powerex, and receives the market value of this resource. The DSB Entitlement is marketed in peak hours and in no way constitutes a subsidy for US industry. The revenues from the DSB Entitlement help support health care, education and other priorities in British Columbia.

BC Hydro can purchase the DSB Entitlement to meet domestic supply as required, and would pay the province the same as what the province receives if that power is sold in the market. Given the high value of the DSB Entitlement, it may not be the most cost-effective long-term supply for BC Hydro.

In the event of any generation or transmission difficulties in the province, BC Hydro's ability to deliver reliable electricity supply to customers can be supported through our transmission links with the United States. BC Hydro's confidence in its planning for reliable supply for its consumers is enhanced by the requirement that the United States deliver the DSB Entitlement to the British Columbia - United States border, and that this power is available to BC Hydro.

**B127 MAINLAND TO VANCOUVER ISLAND
CABLE CROSSING**

WHEREAS a long term, reliable supply of electricity to Vancouver Island is in jeopardy because of aging infrastructure and increasing demand;

AND WHEREAS the quickest, most economical and least environmentally damaging option of providing a reliable supply of electricity to Vancouver Island is using a new cable crossing:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities strongly urge the provincial government to increase the electricity supply to Vancouver Island by installing a new cable crossing from the mainland to Vancouver Island.

RESPONSE OF: MINISTRY OF ENERGY AND MINES

Under the Energy Plan, the Utilities Commission Act was amended to strengthen the structure of the BC Utilities Commission (BCUC) and its mandate in regulating BC Hydro and other distributors.

Also, under the Energy Plan, the province confirmed that BC Hydro's proposed Vancouver Island Generation Project be reviewed by the BCUC to determine if it is the most cost-effective means to reliably meet electricity demand on Vancouver Island.

The BCUC reviewed BC Hydro's proposals for meeting Island power needs during the summer of 2003. During this review, it became evident that in addition to transmission line alternatives, there were also other potentially less costly on-Island generating options.

The BCUC encouraged BC Hydro to proceed with an expedited Call for Tenders (CFT) for on-Island capacity. However, if the CFT does not result in a timely and cost-effective generating solution on Vancouver Island, a new transmission line from the mainland remains an option.

The immediate goal is to find the best way to address the expected capacity shortfall on Vancouver Island in the winter of 2007/08.

B129 COALBED METHANE

WHEREAS the Province of British Columbia is promoting the exploration and development of coalbed methane and has implemented a number of legislative and monetary incentives and has sold more than \$50 million in drilling rights for coalbed methane projects;

AND WHEREAS coalbed methane development has high risks, especially regarding impacts on groundwater and the quality of disposed water from its processes;

AND WHEREAS local communities, including their local governments, First Nations and potentially affected landowners have not been adequately informed or consulted about the effects of coalbed methane production;

AND WHEREAS the provincial government has not completed baseline studies in the watersheds nor has it put in place adequate policies, procedures, regulations and enforcement tools to protect communities from potential harm:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the provincial government issue no further drilling licences, tenures, or other permits for coalbed methane exploration and development until local communities, their local government and First Nations are consulted and their concerns are fully considered and until adequate policies, regulations and guidelines are enacted to ensure the safe development of coalbed methane in the Province of British Columbia.

RESPONSE OF: MINISTRY OF ENERGY AND MINES

The government has strong and adequate policies, regulations and guidelines for the safe and responsible development of coalbed gas. British Columbia has over 50 years of experience in regulating and managing natural gas, with a strong record of safety, environmental stewardship and community involvement.

Coalbed gas has some new aspects and issues, and government has made some adaptations to current practices, but will safely and responsibly manage development under the existing regulatory and policy framework.

The Ministry of Energy and Mines recognizes that communities have concerns about potential coalbed gas development. It has made active efforts over the past three years to communicate with communities to help them understand the technology of coalbed gas development and the government processes involved in leasing gas rights and developing the coalbed gas resource. In 2002, the

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Response to B129 CONTINUED.

Ministry held 12 community meetings, and in 2003 it held 18 community meetings in communities potentially affected by development. The Ministry has also produced numerous community updates, fact sheets and brochures, as well as web site information.

It is not necessary to halt drilling licenses, tenures or other permits for coalbed methane exploration and development, but it is important for government and communities to continue to work together to understand and manage coalbed gas development.

B130 COMBATING FETAL ALCOHOL SPECTRUM DISORDER

WHEREAS the incidence of fetal alcohol spectrum disorder is extremely high across British Columbia, and reliably estimated to be as high as 30% in northern British Columbia, resulting in enormous life-long personal loss as well as financial loss to society in the order of \$1.4 million for each affected person;

AND WHEREAS it is apparent that the education of all drinkers to the dangers of consuming alcohol in any amount during pregnancy is an essential element in efforts to reduce the incidence of fetal alcohol spectrum disorder with its attendant social, personal and financial losses:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request the provincial government to introduce legislation to effect the following conditions or circumstances:

1. That every liquor outlet in British Columbia, including restaurants, bars, pubs, cold beer and wine stores, liquor stores and any other outlet including special occasion events where alcohol is served, be required to permanently and prominently display, in the area of sale, information on fetal alcohol spectrum disorder, its causes and consequences, and that this information be provided by agencies committed to preventing fetal alcohol spectrum disorder; and
2. That the cost of said information campaign be borne entirely by the provincial government and funded from the proceeds of liquor sales.

RESPONSE OF: MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

The Province is committed to working closely with key partners in FASD prevention including communities to improve health and reduce the harm associated with substance misuse. In September 2003, the government released the first comprehensive Fetal Alcohol Spectrum Disorder Strategic Plan of its kind in Canada. The Plan was developed in partnership with key stakeholders including community leaders. It identifies current research, describes provincial, federal and professional resources available in BC and sets a framework for community ownership of the development of a community based solution to address FASD prevention.

The ministry has funding community-based initiatives through Building Blocks and Aboriginal Early Childhood Development that includes a focus on FASD prevention and support in specific communities where positive outcomes have been realized for individuals, families and communities.

B132 HOME SUPPORT FUNDING

WHEREAS the province of British Columbia will receive funds from the federal government under the First Ministers Accord on Health Care Renewal for the delivery of home care services from 2002-2006;

AND WHEREAS this funding was designated under the Health Accord to be directed only to palliative, mental health and post-acute care home care, which made no provision for home support for the frail elderly, the chronically ill or people with disabilities;

AND WHEREAS home support, a part of the home care program maintains safe, healthy living environments for frail seniors, the chronically ill, and people with disabilities; allowing them to live with dignity in their own homes;

AND WHEREAS a decade of cutbacks has caused shortages of long term care and continuing care beds in communities throughout the entire province;

AND WHEREAS high demand and service cuts have obliged citizens in need of care to move from their own homes, and unnecessarily increased demands on institutional and acute care services;

AND WHEREAS people with disabilities and elder citizens of our society are entitled to be treated with respect and dignity:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities strongly encourage the Health Authorities and the provincial government to enhance the Home Care program, and particularly home support, for frail elderly, chronically ill and people with disabilities in order to prevent the clients of this service from requiring more expensive and dislocating institutional care;

AND BE IT FURTHER RESOLVED that the Union of BC Municipalities strongly encourage the Health Authorities and the provincial government to reinstate the home support services and to budget sufficient funds to keep them in place.

RESPONSE OF: MINISTRY OF HEALTH

Health authorities are working to ensure uniform home care and home support services are available across the province. Health authorities are committed to ensuring home support resources are dedicated to services for people who need them the most. They are focusing home support resources on direct health needs to better serve clients who have higher care needs.

BC Housing and health authorities are developing assisted living and independent housing options for seniors and people with disabilities who can

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Response to B132 CONTINUED.

direct their own care. These new, publicly-funded housing for health options will allow enable them to live independently, while receiving personal assistance with day to day tasks like grooming and taking medications.

These approaches will assist seniors and people with disabilities to live with dignity and independence in their own home or in the community.

B133 WCB PRESUMPTION FOR CERTAIN CANCERS

WHEREAS fire fighting is recognized as a hazardous occupation to the health for fire fighters;

AND WHEREAS recent medical and scientific studies show a strong association between working conditions experienced by fire fighters over time and the occurrence of certain diseases;

AND WHEREAS other provincial jurisdictions have adopted Workers' Compensation legislation and regulations or are in the process of adopting legislation and regulations acknowledging the relationship between fire fighting and certain cancers:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities lobby the government of British Columbia to have cancer presumption recognized by the Workers' Compensation Board for the fire service of British Columbia.

RESPONSE OF: THE MINISTRY OF SKILLS DEVELOPMENT AND LABOUR

Schedule B of the *Workers Compensation Act* lists occupational diseases that are presumed to be due to the nature of a worker's employment in a specific industry or process, unless the contrary is proven. There are a number of types of cancer listed in Schedule B.

None of the cancers set out in schedule B are listed as being associated with firefighting. Currently, a firefighter's claim that he or she has developed a cancer due to exposures at work is adjudicated by the WCB on the same basis as a claim for cancer from any other worker. In some instances, where the worker was employed in a given process or industry immediately before the date of disablement, he or she may benefit from a presumption that a specific type of cancer is work related, unless the contrary is proven. For instance, where a worker who has had prolonged exposure to benzene develops leukemia, it is presumed that his or her condition is work-related. Otherwise, a firefighter's claim is adjudicated on a case-by-case basis. Four other provinces have enacted legislation providing firefighters with the benefit of a presumption for certain cancers.

The Minister of Skills Development and Labour has asked the WCB to consider enacting a similar presumption. The WCB has commissioned an independent report from Cancer Care Ontario. The employer and worker stakeholder focus groups have each nominated a peer reviewer, who will prepare a joint review of the report. If the available science does show that changes need to be made to schedule B around firefighters, those changes will be made. The matter is expected to go before the WCB Board of Directors sometime in mid-2004.

**B134 BC MEDICAL PLAN COVERAGE FOR
ECTODERMAL DYSPLASIA**

WHEREAS the genetic disorder known as Ectodermal Dysplasia is a congenital anomaly not currently covered by the BC Medical Plan and lack of coverage for this disorder can lead to other costs to the medical system for related ailments;

AND WHEREAS precedent has been set by mandatory coverage in several US states and partial or full coverage in Alberta and Ontario:

THEREFORE BE IT RESOLVED that the provincial government be requested to include coverage for the genetic disorder Ectodermal Dysplasia under the Medical Services Plan.

RESPONSE OF: MINISTRY OF HEALTH

The province is aware that ectodermal dysplasia is a rare and difficult condition. The Medical Services Plan (MSP) is considering a number of options regarding the care of children with this disorder and expects to make a decision in the near future.

B135 SCHOOL DISTRICT FUNDING

WHEREAS School Boards are not permitted to run deficit budgets to operate schools;

AND WHEREAS the Province has negatively impacted school budgets by imposing a contract on School Districts and teachers while failing to provide all of the funds to pay for it:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request the Province to examine the budgetary implications of the imposed contract, and to provide School Boards with the necessary funds to pay for these educational funding shortfalls.

RESPONSE OF: MINISTRY OF EDUCATION

Government provided one-time funding to cover 50 per cent of the teachers' salary increase for the three-year term of the contract.

Government has maintained education funding and is increasing the education budget by more than \$313 million, to nearly \$5.2 billion by 2006/07, even while the number of students in the system continues to decline.

In the last two years, the ministry distributed an additional \$92.8 million in savings from within the ministry budget to the districts in addition to their operating grants. Government is increasing per-student funding while most districts continue to report declining numbers of students entering the education system.

Government provided school districts with the autonomy and the flexibility to decide how to spend the education dollars provided for each student – for the benefit of that student. Districts are accountable for providing a balanced budget and for ensuring education dollars are spent on improving student achievement – our number one priority.

B136 GRANTS TO COMMUNITY SERVICE PROVIDERS

WHEREAS various ministries of the provincial government are generating Requests for Proposals (RFPs) to out-source many social service activities;

AND WHEREAS the RFPs generated by the various ministries frequently do not reflect the social services needs that are identified by local community service organizations and providers and, consequently, the program benefits intended by the Ministries are lost to those communities:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities urge the provincial government to make a portion of its social service funding resources available as grants for projects initiated by local community-based organizations.

RESPONSE OF: MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

In partnership with MCFD the Human Early Learning Partnership (HELP) is assisting government and communities by using leading edge research to help decision makers and planners, both within and outside the community, to develop effective, community-based early childhood development programs and services for families and children. Through the use of community mapping techniques, and the implementation of the Early Learning Instrument (EDI) a number of communities and school districts have been able to gain a greater understanding of differences in children's school readiness and identifying patterns of vulnerability. Based on this information communities can plan to improve outcomes for children and their families and the quality of their own communities.

In addition MCFD has embarked on a number of innovative partnerships such as Children First, Success By Six, which are using EDI and community mapping data to help ensure ECD services are integrated at the community level and address building capacity. The ministry has a series of innovative partnerships with business, foundations and communities that provide grants to support children under the age of six and their families. The Success By Six Partnership, developed with United Way of Lower Mainland and Credit Unions of BC, works closely with community partners to ensure that funds are available to support families and children under six. The Vancouver Foundation, through the Early Childhood Development (ECD) Legacy Fund, also provides grants to support community based ECD projects.

**B140 TRAVEL ASSISTANCE PROGRAM
FOR PHYSIOTHERAPY SERVICE**

WHEREAS the Travel Assistance Program (TAP) is designed to allow residents in rural and remote areas to access specialty health care facilities located in urban areas for health issues other than physiotherapy care;

AND WHEREAS rural or remote areas face limited access to physiotherapists who provide a primary component in the healing process:

THEREFORE BE IT RESOLVED that TAP funding be extended to include travel costs for rural or remote residents requiring access to physiotherapy services.

RESPONSE OF: MINISTRY OF HEALTH

Physiotherapy is considered a supplementary benefit under MSP - a non emergency specialty service. The Travel Assistance Program is available for travel involving medically necessary services. At present, there are no plans for the current Travel Assistance Program to be extended to physiotherapy, as the focus on of the program is to provide travel assistance program for patients requiring medically necessary services.

LR1 COLLEGE OF EMERGENCY MEDICAL ASSISTANTS: FEES

WHEREAS the Emergency Medical Assistant Licensing Board (EMALB) is to be replaced by the College of Emergency Medical Assistants of BC, functioning under the *Health Professions Act*,

AND WHEREAS the powers and duties of the College appear to be identical to the EMALB, excepting that the College will require a criminal record check (\$20) and an annual fee (\$85) to license EMA First Responders;

AND WHEREAS all local governments that participate in the First Responder program will be required to pay this fee for all EMA First Responders in their employ in order to comply with provincial regulations;

AND WHEREAS the provision of emergency medical services in BC is a provincial responsibility of the Emergency Health Services Commission and British Columbia Ambulance Service;

AND WHEREAS in contravention of the *Community Charter*, no method of compensating local governments for this new provincially-imposed fee has been advanced:

THEREFORE BE IT RESOLVED that the Province provide a mechanism for local governments to recover costs incurred in the fulfillment of this provincial responsibility.

RESPONSE OF: MINISTRY OF HEALTH

The Ministry of Health Services will seek input from the Emergency Health Services Commission on the establishment of the College of Emergency Medical Assistants of BC. Generally, the payment of fees for training and certifying first responders is the responsibility of the employee. Employers choose to pay these fees as part of the collective agreement with first responders, however, if they elect to do so, this is a voluntary option assumed by employers.

The Emergency Health Services Commission guides the delivery of high quality, consistent pre-hospital emergency health care throughout British Columbia. Its membership was expanded in February 2004 to further strengthen ambulance services and encourage more integration with the six health authorities. The ministry expects the addition of these new members will assist the commission in developing a better continuum of pre-hospital care for British Columbians.

LR2 EMERGENCY VEHICLE DRIVER TRAINING FEES

WHEREAS under the Emergency Vehicle Driving Regulation, the Director of Police Services in the Ministry of the Attorney General has the power to set training standards for Emergency Vehicle Drivers;

AND WHEREAS the Justice Institute of BC has been recognized by the Director of Police Services as the sole legitimate provider of this training, at a one-time cost of \$125 per Emergency Vehicle Driver;

AND WHEREAS local governments will be required to pay this fee for all Emergency Vehicle Drivers in their employ in order to comply with provincial regulations;

AND WHEREAS in contravention of the *Community Charter* no method of compensating local governments for this new provincially-imposed fee has been advanced:

THEREFORE BE IT RESOLVED that the provincial government provide a mechanism for local governments to recover costs incurred in the fulfillment of this provincial responsibility.

RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

The Ministry is working with stakeholders – ambulance, fire, and provincial emergency services – to identify course delivery, accreditation and data base management options for the accepted Emergency Vehicle Driving course.

The consultation process is ongoing and no decision has been made as to how the training will be delivered, accredited or where the database information will be housed.

The Ministry will work with each agency to find a solution that is acceptable to all affected agencies for course delivery, accreditation, and database management while taking into consideration cost issues and the public safety requirement for this training.

**LR3 PST EXEMPTION FOR ELECTRICITY
GENERATION MACHINERY
AND EQUIPMENT**

WHEREAS existing sales tax legislation specifically excludes local government from a PST exemption on machinery used to generate electricity, and as such is inequitable in its treatment of this sector in comparison to the exemption currently available to the private sector:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities urges the provincial government to amend the *Social Services Tax Act* to remove the specific exclusion related to local government for machinery and equipment (M&E) PST exemptions.

RESPONSE OF: MINISTRY OF FINANCE

Local governments were excluded from the exemption for production machinery and equipment to focus the exemption on the private sector, in keeping with the government's commitment to enhance the competitiveness of the provincial tax system to encourage investment and job creation, and to control costs. It is also consistent with the Ontario exemption.

Local and regional governments have a competitive advantage compared to private sector firms because they do not generally pay income, property or federal capital taxes. The provincial government must be sensitive to tax-based competitive equity issues between the public and private sectors, particularly when they are in potential competition to provide goods or services such as electricity.

Local governments may choose to structure these projects with private sector partners to obtain the benefit of the exemption, although this may require foregoing other local government tax advantages.

LR9 BLANKET SPEED ZONES

WHEREAS the speed limit in municipalities in British Columbia is 50 km/hr unless otherwise posted, with no differentiation made between major municipal roads, arterial roads and local residential streets;

AND WHEREAS issues relating to vehicular speeding, pedestrian safety and traffic calming have become matters of significant and growing concern in many communities throughout the province, with municipal councils being requested to take substantive and potentially costly action to reduce speed limits on individual residential streets, institute lower 'blanket' speed limits across residential neighbourhoods and/or throughout the municipality, and generally implement other pedestrian safety, speed control, public awareness and enforcement initiatives as deemed necessary to address the problems:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities reiterate its previous request to the Minister of Transportation that the necessary amendments be made to the *Motor Vehicle Act* to allow municipalities to implement blanket speed zones in residential areas, and on other municipal roadways as deemed appropriate.

RESPONSE OF: MINISTRY OF TRANSPORTATION

The transportation ministry previously investigated a UBCM request for blanket speed zones and determined they were not feasible for legal, technical and safety reasons.

**LR10 BOVINE SPONGIFORM ENCEPHALOPATHY
(BSE OR MAD COW DISEASE)**

WHEREAS the Canadian cattle industry has been devastated by a single case of bovine spongiform encephalopathy (BSE), due to the closure of export borders to market cattle over 30 months of age, despite the lack of scientific evidence to support continued closures;

AND WHEREAS Canada is obligated under WTO to accept a tariff rate quota (TRQ) of 76,409 metric tonnes of non-NAFTA beef to be imported duty free plus has the provision to allow further supplemental TRQ import certificates at the discretion of the Minister of International Trade;

AND WHEREAS accepting import beef rather than ensuring the utilization of Canadian cattle over 30 months of age causes hardship for Canadian cattle suppliers and the potential loss of an estimated 600,000 head of cattle:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities immediately lobby the province of BC to join with other western provinces to have the Government of Canada place a temporary halt to all imports of WTO beef until border closures are lifted.

**NO RESPONSE REQUIRED – UBCM IS WORKING DIRECTLY WITH THE
RESPONSIBLE MINISTRY(S)**

LR17 WOMEN'S RESOURCE CENTRES

WHEREAS Women's Resource Centres throughout the Province are an integral part of all communities, but particularly the smaller communities in BC;

AND WHEREAS the provincial government has advised these centres that their core funding will be cut by 100% effective March 31, 2004, at a time when other forms of government assistance are being eliminated to many of our citizens who are already below the poverty line as far as annual income, the majority of which are single women with children;

AND WHEREAS the local governments where these women reside must come forward to help their disadvantaged residents:

THEREFORE BE IT RESOLVED that the provincial government be requested to immediately reverse its decision to cut core funding to all women's centres in British Columbia.

RESPONSE OF: MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES

Provincial funding for women's centres will no longer continue as of April 1, 2004. Government is focusing provincial dollars on maintaining direct, essential service for women escaping violence.

Women's centres were told in early 2002 that funding would end in 2004, giving them time to develop alternative plans for funding and service delivery. Each women's centre received \$3,000 in April 2002 to help them explore ways to become financially self-sustaining.

Government continues to provide more than \$32 million annually for initiatives to stop violence against women, focusing on transition house programs, including safe homes and second stage housing, and on counselling for women experiencing abuse and counselling for children who witness abuse.

LR22 PRIVATIZATION OF BC HYDRO**Burnaby**

WHEREAS the existing and prospective moves to privatize and break up BC Hydro expose all citizens and all municipalities in British Columbia to dramatically increased electricity costs and job loss;

AND WHEREAS the August 2003 blackout in Eastern Canada demonstrated the risk of close integration with an unstable patchwork of private US utilities;

AND WHEREAS the creation of Transmission Corporation (a new company created under the *Company Act* which began operations August 1, 2003 and splits one third of BC Hydro off into a separate company) in order to be integrated into RTO West (a consortium of private US utilities) threatens both the sovereignty and stability of British Columbia's electricity system:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities:

- 1) Call upon the provincial government to abandon its plan to join the US-based private utility consortium known as RTO West in light of the threat that such an action would pose to the stability and sovereignty of the province's electricity system;
- 2) Call upon the provincial government to cease all efforts to break up what has, until recently, been an efficient, integrated public utility and return the transmission function of BC Hydro as a line of business within the integrated utility rather than proceeding as a new company (BC Transmission Corporation) created under the *Company Act* in May of 2003.

RESPONSE OF: MINISTRY OF ENERGY AND MINES

The first cornerstone of the government's Energy Plan is to maintain low electricity rates and maintain public ownership of BC Hydro's core assets.

The British Columbia Transmission Corporation (BCTC) is a government-owned corporation that independently operates, manages and plans BC Hydro's transmission system. It was not created simply in order to join a regional transmission organization (RTO). It was created to ensure:

- an independent and open-access transmission system, which is key to enhancing regional electricity trade and reliably meeting the needs of British Columbians, and
- transmission receives the attention it needs to guarantee reliable service and provide adequate infrastructure to serve domestic and export needs.

RTOs are expected to facilitate trade by creating an efficient and effective transmission network. BCTC participates in discussions on how RTO West might be structured to help ensure issues important to British Columbia are addressed.

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Response to LR22 CONTINUED.

If RTO West materializes, the provincial government will determine whether its Crown should participate, and BCUC would continue to have regulatory authority and responsibility to approve the terms, conditions and rates for the provincial transmission system. Any new transmission investments in British Columbia would still need to obtain the normal provincial and/or federal approvals.

The parties involved in RTO development recognize RTO structures must respect sovereignty if they are to secure the participation of other nations in developing a trans-boundary transmission system that operates efficiently and effectively.

VICTIMS SERVICES PROGRAMS

WHEREAS Victims Services Programs provide an important service in rural communities by providing emotional support and practical assistance to people who are victims of crime, their family members, witnesses and those who suffer other traumas;

AND WHEREAS funding for these programs has been reduced, thereby resulting in severe cuts to the number of programs, such as the 24/7 Crisis Intervention Centre and the Crown Victim Service, but the need for these services has not declined:

THEREFORE BE IT RESOLVED that the provincial government re-institute equity in funding for Victims Services, and make a commitment to the maintenance of that funding.

RESPONSE OF: MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

Since 2001/02 the Ministry has brought in several changes to improve the delivery of Victim's Services. These changes have allowed money to go directly to victims, rather than being spent on unnecessary administration.

We restructured police and community-based victim's programs and established 24 new programs and a 24-hour phone line where victims, province-wide, can get help at any time.

In total, there are 153 local victim service programs across the province. These programs also provide support to victims in the criminal justice system. Crown counsel have been encouraged to refer victims to these local programs because there are now hundreds of both workers and volunteers who are trained in the justice process so they are better able to support victims involved in court proceedings.

“BUY CANADIAN” BEEF PURCHASING POLICY

WHEREAS the United States border remains closed to Canadian live cattle exports following the discovery of a single case of Bovine Spongiform Encephalopathy (BSE) on an Albertan farm;

AND WHEREAS increasing domestic consumption of Canadian beef is a simple, market neutral means to support British Columbia’s beef cattle producers:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities seek provincial government endorsement of a “Buy Canadian” only purchasing policy for beef used within BC government institutions and agencies including prisons, hospitals, and the BC Ferry Corporation.

RESPONSE OF: MINISTRY OF AGRICULTURE, FOOD AND FISHERIES

We continue to urge provincial institutions and agencies including prisons, hospitals and the BC Ferry Corporation to use Canadian beef whenever possible, but we stop short of specifying that institutions must use Canadian beef.

Many more institutions and private food service outlets are now using only Canadian beef, partly because of a choice to support the Canadian industry, and also because, for many cuts, it is now a low cost option.

Insisting that government institutions use only Canadian beef may invite trade retaliation.

Turning our back on the current “least cost” purchasing principle may have long term financial implications to the public.
