

Ministry of Community, Sport and Cultural Development  
**BRIEFING NOTE FOR MINISTER**

Ref #: 153640

**FOR INFORMATION**

**Date:** July 15, 2013

**Title:** City of Vancouver legislative requests

**Issue:** Confirm approach for responding to City of Vancouver legislative requests

**Background:**

The City of Vancouver is governed by its own Act - the *Vancouver Charter* (1953). The *Community Charter*, which governs all other BC municipalities, does not apply to Vancouver, except in very limited circumstances. While the *Vancouver Charter* has been amended frequently to modernize specific aspects of the Act, Vancouver's regulatory authorities are generally more limited than those of *Community Charter* municipalities. As such, Vancouver often requests amendments to address specific issues and to modernize the *Vancouver Charter*.

In Spring 2012, the Mayor's Office, City of Vancouver made requests to government to amend the *Vancouver Charter*.

s13

legislative

s13

s13

Cabinet

considered the requests in July 2012 and five initiatives proceeded in the Spring 2013 session. See **Appendix A** for current status

s13, s16, s12

s13, s16, s12

The Ministry has delivered many recent amendments to the *Vancouver Charter* requested by Vancouver:

- **2013** – emailing property tax notices; regulation of licensed restaurants; parking fees; land assessment averaging for taxation purposes
- **2010** - streamlining public notice posting requirements; clarifying powers to regulate solid waste services and disposal
- **2009** - extensive amendments to increase City's regulatory powers in relation to street traffic, noise, sign and public activities in preparation for the 2010 Olympics; special legislation to allow City to make financing arrangements needed to complete the Olympic Village in time for the 2010 Games (including convening a special emergency session of the Legislature in January 2009).

- **2007** - significant amendments including modernization of ticketing powers, measures for improved bylaw enforcement, enabling establishment of a City energy utility system and streamlined rules for hearing certain applications

In addition to City specific requests, the Province has also made extensive amendments to make rules/powers in the *Charter* parallel to those of other local governments (e.g., elections rules; financial planning; service/regulatory powers). Typically, Ministry legislative staff manages Vancouver legislative requests by working at a staff level with the City's Legal Services Department.

#### **Mandate Considerations:**

Vancouver's legislative requests are not specifically related to the Minister's mandate commitments, except for local elections campaign finance reform.

#### **First Nations Considerations: N/A**

#### **Discussion:**

Similar to other CSCD legislative proposals, Vancouver's legislative requests must be considered with all other Ministry priorities and align with government objectives. Government's legislative prioritization typically means not every City of Vancouver request can be addressed in any given year. It is anticipated government's upcoming Spring 2014 legislative agenda will be focussed on critical priorities and mandate commitments.

Some of Vancouver's remaining requests are under development or review by the ministry/government,

s12, s13

s12, s13

s13

s13

- **Vancouver requests - in progress/under review by the Province**

Some amendments requested by Vancouver align with current government priorities and are in progress -

s12, s13

s12, s13

- **Items for potential future consideration**

s13

s12, s13, s14

s12, s13, s14

- **Items not recommended at this time; not ready to proceed**

Some City proposals involve major policy/legislative changes and there is a need for cross-government consensus and complex external consultations s12

s12

s13

### **Recommendation and Next Steps:**

It is recommended the Ministry focus on delivering its mandate commitments and 2014 legislative priorities that are currently under development. Ministry staff s13

s13 and continue working with the City and other ministries at a staff-to-staff level on some of the City's proposals to understand their status and scope of proposed changes.

Future direction will be sought on specific Vancouver requests as they are developed and further consideration given to what items may be ready to recommended to government in a future legislative session s13

s13

s13 The timing of any amendments will ultimately depend on government's legislative agenda and its strategic priorities.

Contact: Meagan Gergley  
Telephone: 250-387-4052

q:\briefingnotes\2013 briefing notes\153640 vancouverlegrequests.docx \ Cliff # 153640  
Last update: 18/07/2013 - megergle

### Appendix A

#### STATUS REPORT - City of Vancouver, *Vancouver Charter* Legislative Requests

Shaded Green = Requests completed

Shaded Grey = High Priority for the City of Vancouver (as identified by City Staff)

City of Vancouver PROPOSAL	STATUS	COMMENTS
<b>Emailing property tax notices</b>	<i>Legislation passed in 2013</i>	Legislation enables electronic delivery of property tax notices for all municipalities, including the City of Vancouver
<b>Licensed restaurant hours of operation</b>	<i>Legislation passed in 2013</i>	Amendments allow Vancouver to regulate hours of operation for restaurants with liquor licences. Changes aligned Vancouver's business licensing and regulatory authorities with other municipalities under the <i>Community Charter</i> .
<b>Land assessment averaging</b>	<i>Legislation passed in 2013</i>	Amendments provided authority for up to 5 year (currently 3) land assessment averaging for calculating property taxes.
<b>Parking services/fees</b>	<i>Legislation passed in 2013</i>	Updated the City's powers to charge for parking by modern means (e.g., phone, credit card etc).
<b>Tax sales - Manifest error</b>	<i>Legislation passed in 2013</i>	Amendments clarified the amount of money to be returned to unsuccessful bidder in relation to a tax sale overturned by Council due to manifest error (i.e., a legal or procedural error).

s12, s13, s14

City of Vancouver PROPOSAL	STATUS	COMMENTS
-------------------------------	--------	----------

s12, s13, s14

City of Vancouver PROPOSAL	STATUS	COMMENTS
		<p>s12, s13, s14</p>

Ministry of Community, Sport and Cultural Development

**BRIEFING NOTE**

Ref #: 153887

**FOR DECISION**

**Date:** August 13, 2013

**Title:** Provincial Capital Commission (the Commission) - BC Day celebrations in the Capital 2014

**Issue:** Proposed relocation of the Commission's produced and funded BC Day celebrations in the Capital from the grounds at St. Ann's Academy to the lawns at the BC Legislature commencing 2014.

**Background:**

The British Columbia Day Act [1996] created a statutory holiday on the first Monday in August to recognize the province's pioneers. Under the Commission's mandate it has embraced BC Day as part of its core outreach program content, with a current focus to celebrate BC Day in the Capital.

In 2008, the Commission produced *Festival 150* on the Legislature lawns. This free, family-oriented event, celebrating the 150<sup>th</sup> anniversary of BC as a crown colony of Canada, attracted attendance of 40,000.

Since then, the Commission's annual budget has funded modest, family-oriented, BC Day celebrations on the grounds of St. Ann's Academy, attracting yearly attendance of up to 10,000. For 2013, *Celebrate BC Day* will be held at St. Ann's on August 5th. The event will celebrate and instill pride in our province by featuring BC talent on a music stage, a chef's stage, a photography exhibit, a film showcase and other BC-themed activities. The Commission is providing \$80,000 in core funding, supplemented by \$50,000 in private sector cash and in kind sponsorship. Cash sponsors include Coast Capital Savings and FortisBC, with in-kind sponsorship from local media.

Relocating the 2014 event to the Legislature lawns is currently under consideration. Initial consultations have included staff of the City of Victoria, Victoria Symphony, the Parliamentary Education Office of the Legislative Assembly, and Government House, as well as private event planners.

**First Nations Considerations:**

As was demonstrated in 2008, a main stage at the Legislature provides an excellent opportunity for First Nations to showcase and celebrate culture and heritage. Program content for 2014 would include consultation and engagement with local First Nations.

**Discussion:**

The Commission is proposing to raise the profile of BC Day celebrations in the Capital as a strategic priority within its core mandate. The Legislature is the most appropriate and symbolic venue, with a proven track record of hosting safe, family oriented events dating back to the Commonwealth Games in 1994. This venue provides an opportunity to enhance the celebration of culture, heritage and accomplishments of extraordinary British Columbians in the Capital, building towards an expanded annual event for 2017.

s13

**Options:**

s13

**Recommendation:** s13

Honourable Coralee Oakes, Minister

Date:

Approved / Not Approved

Contact: Rick Crosby  
Telephone: 250-953-8851



Ministry of Community, Sport and Cultural Development  
**BRIEFING NOTE FOR MINISTER**

Ref #: 153904

**FOR INFORMATION**

**Date:** August 23, 2013

**Title:** City of White Rock and the Semiahmoo First Nation upgrading water systems

**Issues:**

1. The City of White Rock (City) is exploring the idea of purchasing the EPCOR-owned White Rock water system. They have approached MLA Hogg and Minister Cadieux with the hope of finding some provincial funding for capital improvements. Minister Cadieux has requested additional information.
2. The Semiahmoo First Nation still has many residents on a 'boil water' advisory

s13

**Background:**

The Semiahmoo Indian Reserve (Semiahmoo) is located in Metro Vancouver adjacent to the eastern boundary of the City. There are approximately 75 homes and 108 residents on the Reserve. MARR currently is not negotiating a treaty or other significant agreement with the Semiahmoo First Nation.

Since 2007, residents of the Reserve have been under a boil water advisory due to the poor condition of their water systems. Residents of the Reserve source their water from the City of White Rock and from private wells located on Reserve lands. Residents rely on individual septic tanks and pit toilets to manage their sewage and frequent backflows allow contaminants to enter the drinking water system.

Aboriginal Affairs and Northern Development Canada (AAND) is responsible for the construction of water supply and waste treatment facilities on Indian Reserve lands and Health Canada plays a role in some cases as well.

The City of White Rock is seeking funding from the Province for a proper water supply and sanitary sewer system for the Reserve and to help the Semiahmoo First Nation achieve greater economic independence. The City is also seeking financial support to enable the construction of an Aboriginal Centre for Arts and Culture.

The drinking water system servicing the City is currently owned and operated by EPCOR (Edmonton Power Corporation), a private utility corporation solely owned by the

City of Edmonton. White Rock is currently exploring the idea of purchasing the water system from EPCOR and has approached government with the hope of finding some provincial funding for capital improvements.

**Mandate Considerations:**

Supports local government and community critical core infrastructure needs.

**First Nations Considerations:** The Semiahmoo First Nation is central to the issue.

**Discussion:**

s13

Addressing the Semiahmoo's boil water advisory, and/or any of their infrastructure issues, is beyond the Ministry's jurisdiction. However, program staff support the idea of increasing the number of connects to the City's drinking water system to help reduce the public health threats. There are many service agreements in place between First Nations and local governments in the province that could be used as a model for this situation.

The City's costs of purchasing the private system from EPCOR could have been considered an eligible cost under some past infrastructure programs. Eligibility would have to be confirmed once a new program is launched. Additional upgrades to the system, if owned by the City, would also be eligible for funding.

Capital work on reserve land would not be eligible for funding. Currently only First Nations recognized as local governments under the *Local Government Act* are considered eligible applicants under infrastructure programs run by the Ministry – this means that only the Sechelt Indian Government District is eligible for funding.

First Nations on Reserve land have several different funding options available to them for core infrastructure projects, including but not limited to:

1. The First Nations Financial Authority (FNFA) from the federal *First Nations Fiscal Management Act* provides for pooled borrowing for First Nations. This approach is very similar to the Municipal Finance Authority (MFA) of BC. First Nation membership in the MFA is currently not being considered largely because the financial and governance controls that the Province exerts over local governments do not apply to a First Nations.

2. The new Building Canada Fund allocates \$155 million of federal funding to the First Nations Infrastructure Fund managed by AANDC. Additionally the AANDC managed First Nations Water and Wastewater Action Plan may be a source of capital and planning funding for this project.

Contact: Liam Edwards, Director, Infrastructure and Engineering  
Local Government Infrastructure and Finance Branch  
Telephone: 250-356-0218

q:\briefingnotes\2013 briefing notes\153904 white rock and semiahmoo first nation.docx \ Cliff #153904  
Last update:26/08/2013 - le

Pages 12 through 14 redacted for the following reasons:

-----

s13

Ministry of Community, Sport and Cultural Development  
**BRIEFING NOTE FOR MINISTER**

Ref #: 154019

**FOR INFORMATION**

**Date:** 30 August, 2013

**Title:** University Endowment Lands (UEL)

**Issue:** To provide additional background and context on the UEL to inform the Minister regarding roles/responsibilities and some key issues in the UEL.

**Background:**

*History*

The UEL consist of approximately 1,200 hectares (3,000 acres) of mostly-forested land nestled between the City of Vancouver and the University of British Columbia (UBC), on the western tip of British Columbia's Lower Mainland (Point Grey Peninsula).

These lands are the physical legacy of the University Endowment Land Act of 1907, which established a lands trust to raise capital for the formation and initial operation of the University of British Columbia. The first residential lots were sold by public auction in 1925. Since then, approximately 280 hectares (692 acres) have been subdivided. In 1989, the significant balance of undeveloped land was given by the Province to the Greater Vancouver Regional District (GVRD) for park use, creating Pacific Spirit Regional Park.

The name University Endowment Lands is now something of a misnomer, as the UEL operates under governance arrangements that are entirely distinct from those of UBC, and the UEL does not include the university lands that UBC is currently developing for residential and commercial uses.

*Legislative framework*

The *University Endowment Land Act* (the Act) sets out the legislative basis for governance in the UEL. Responsibility for the Act is split across two Ministries:

- The Minister of Forests, Lands and Natural Resource Operations is the minister responsible for Lands issues in the UEL, specifically surveying land and establishing lots and sale of UEL land.
- The Minister of Community, Sport and Cultural Development is the minister responsible for:
  - Provision of municipal utilities (road pavements, storm and sanitary sewer, water systems etc).
  - Maintaining and operating works and services considered necessary or conducive to the use and occupation of the land, and charging fees for this.

- Providing an annual tax requisition to the surveyor of taxes.
- Enacting, amending and repealing Bylaws for the UEL, including in respect of development and use of land; building standards and inspection; providing for the control, prevention or prohibition of pollution, pests, noise, unsightly premises etc; animal control; imposing fees, charges and fines; on-street parking.

For the most part, the scope of bylaw-making authority reflects local government authority under the *Community Charter* and *Local Government Act* – however there are also differences (e.g. specific authority to regulate building aesthetics).

Under the Act, the Minister appoints a person (Manager) to administer the UEL, and authorises them to make administrative decisions (including deciding on applications under the Act). Additionally, the Minister may delegate in writing to any person any of the powers and functions set out in the Act, except the power to enact bylaws.

Due to the broad responsibilities of the Minister, and the impracticalities and risks of having a Provincial Minister heavily involved in the affairs of a small (4,000 people) local jurisdiction, the UEL Manager takes on as broad a set of responsibilities as the Act allows, including: providing municipal utilities; undertaking local works and services; undertaking annual budgeting process; and leading development and land use planning processes. The letter of delegation that sets out general authorities delegated to the UEL Manager is at appendix 1. A small administrative and operational staff are in place to deliver these functions.

As rezoning (change of land use designation) decisions ultimately require changes to the UEL's Bylaw, these decisions rest with the Minister. However, managing the process related to such decisions rests with the Manager, augmented by specific delegations of authority (e.g. to hold the public meeting for a rezoning application).

The Manager operates within the framework of the UEL's omnibus *Land Use, Building and Community Administration Bylaw* (the Bylaw). Decisions taken by the Manager may be appealed to the Minister. In practice such appeals are infrequent and when they occur, are heard by the Deputy Minister through a specific delegation to the Deputy under the Act.

In the course of her duties, the UEL Manager is informed by the advice of the UEL's Community Advisory Council (CAC) and Advisory Design Panel (ADP). Both panels were established as advisory bodies to the Manager as a result of the UEL's 2005 Official Community Plan, and both panels are still in the process of establishing ways of operating. For example, the CAC recently took occupancy of a community space, from which they will operate and hold meetings in future. In addition to informal dialogue -- particularly with Ron Pears, CAC President -- the Manager attends monthly CAC meetings, ADP meetings as scheduled, and community meetings as appropriate.

The CAC is constituted as a society. Members are elected in society elections held on a three year cycle in parallel with municipal elections. The CAC's advisory role to the Manager is wide-ranging and relates to: quality of life issues; land use planning; the UEL budget and tax impact; amendments to bylaws; and community services.

The ADP's function is to provide more technical/professional advice, recommendations and comments to the Manager on: land use planning issues; development permit applications; issues relating to the administration of and amendments to the Bylaw; and any other matters referred by the Manager. The panel is led by professional members (architects, engineers and landscape architects), alongside elected resident representatives.

**Mandate Considerations:** N/A

**First Nations Considerations:**

The UEL is part of the traditional territory of the Musqueam First Nation (MFN). The courts have established the responsibility of the Crown to consult with First Nations before taking actions that might affect aboriginal rights and title. Musqueam Reserve #2 is adjacent to the UEL jurisdiction, to the south.

In 1984 the MFN made a Comprehensive Land Claim, which included the University Endowment Lands. The claim was not accepted for negotiation, due to the extent of third party interests. Treaty negotiations with the MFN broke down in the late 1990s.

The 2008 *Musqueam Reconciliation, Settlement and Benefits Agreement* with the Provincial Government sought to further the social and economic development of the MFN in the context of court rulings against the Province in respect of consultation with the MFN. The Agreement provided for four parcels of land and a cash payment of \$20.3 million. The transferred lands included three parcels within the UEL: Block F, which was zoned for low rise multi-family development before transfer; the University Golf Club; and Block K, adjacent to Musqueam Reserve #2. The Musqueam have been undertaking public consultation on proposals for development of Block F, which would include rezoning to allow taller forms of building and some commercial uses.

In addition to Block F, the Musqueam have a broad interest in decisions like land use and governance which may impact aboriginal rights and title.

**Discussion:**

*A changing community*

The UEL developed as a relatively remote garden community, with many residents associated with UBC as faculty. In addition to the large lots and gracious homes developed in the three single family neighbourhoods, a village area developed, which for many years was the main commercial hub servicing UBC. The neighbourhood also saw the development of multi-family housing, much of which housed students. A shared association with UBC afforded a degree of unity to the single and multi-family neighbourhoods.

But the UEL has and is now changing to a major urban area. This is reflected in various issues:

- rapid development at UBC, with a ripple effect to the UEL;
  - an upsurge of property prices in the UEL (average single family home has an assessment value of \$5.2 million);
  - significant emergent interest in rezoning and redevelopment of property within the UEL
  - downtown Vancouver's social issues spreading west;
  -
- s13
- increasing resident expectations for a wider range of services (from pest control to community outreach), which cannot be provided by a small UEL Administration;
  - more calls for Bylaw enforcement as "neighbourhood expectations" cease to be an effective informal tool;
  - emerging proposals for unprecedented development of the Block F lands, with the potential to almost double current UEL population.

s13



s13

Contact: s22  
Telephone: 604 561 6757 ext. 28

## Appendix: UEL Manager, General Letter of Delegation



Ref: 148152

OCT 17 2011

s22

Manager  
University Endowment Lands  
Ministry of Community, Sport and Cultural Development  
5495 Chancellor Boulevard  
Vancouver, BC V6T 1E2

Dear s22

This letter of authorization and delegation conveys to you, as Manager of the University Endowment Lands, specific powers and functions as well as a general power to operate and administer the University Endowment Lands.

Pursuant to section 15 (1) of the *University Endowment Land Act* (Act), I hereby appoint you as Manager to administer the day-to-day operations of the University Endowment Lands. I also authorize you to prepare special assessment rolls under section 7 of the Act, give approvals under section 11 of the Act, and to issue variance permits under section 13 of the Act.

Pursuant to section 15.1 of the Act, I hereby delegate to you the authority to administer bylaws; any of the powers of the Minister of Community, Sport and Cultural Development (Minister) under section 2 of the Act; the responsibility to provide to the Surveyor of Taxes the statements required under section 4 of the Act; and finally, the authority of the Minister in relation to the provisions listed in section 14 of the Act. This delegation is effective October 3, 2011.

The above powers and functions are delegated to you on the understanding that you report to the Senior Executive Director, Local Government Programs, on the overall management of the University Endowment Lands and that you meet with the Ministry of Community, Sport and Cultural Development's (Ministry) Senior Financial Officer on key budgetary issues as they arise.

.../2

Ministry of Community, Sport  
and Cultural Development

Office of the Minister

Mailing Address:  
PO Box 9056 Stn Prov Govt  
Victoria BC V8W 9E2

Phone: 250 387-2283  
Fax: 250 387-4312

Location:  
Room 323  
Parliament Buildings  
Victoria BC V8V 1X4

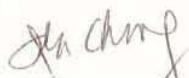
[www.gov.bc.ca/cscd](http://www.gov.bc.ca/cscd)

s22

Page 2

In conclusion, I am pleased that you have accepted this important position in the Ministry, and I look forward to working with you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ida Chong', written in a cursive style.

Ida Chong, FCGA  
Minister

Ministry of Community, Sport and Cultural Development  
**BRIEFING NOTE FOR MINISTER**

Ref #: 154149

**FOR DECISION**

**Date:** September 24, 2013

**Title:** Term of office for local governments

**Issue:** On September 19, 2013, Union of BC Municipalities (UBCM) members passed a resolution in support of extending the term of office for local elected officials to four years (from the current three years). UBCM's policy position is now consistent with a Local Government Elections Task Force (Task Force) recommendation in relation to moving to a four-year term. Direction is needed as to whether to reflect UBCM's new policy position to change the term of office for elected officials from three to four years.

**Background:** In May 2010, the Task Force published its report and made 31 recommendations for local elections legislation. One of the Task Force's recommendations was to extend the term of office for local elected officials to four years. At the time of the Task Force recommendation, UBCM's policy position was in favour of moving to a four-year term of office. However, shortly after the Task Force's report was published, UBCM's policy position changed (via UBCM resolution in 2010). In October 2010, a decision was made by Government to respect UBCM's policy position on the term of office and decided not to implement the change to a four-year term.

**Mandate Considerations:** Implementing local government elections legislation in time for the 2014 local general elections.

**First Nations Considerations:** N/A

**Discussion:** The Ministry of Community, Sport, and Cultural Development (MCSCD) staff is currently

Page 23 redacted for the following reason:

-----

s12

**Options:**

s12, s13, s14

**Recommendation:** s12, s13, s14

Honourable Coralee Oakes, Minister

Date:

Approved / Not Approved

Contact: Meagan Gergley  
Telephone: 250 387-4052

q:\briefingnotes\2013 briefing notes\154149 terms of office.docx \ Cliff #  
Last update:26/09/2013 - BRADCOX