

Flatman, John CSCD:EX

From: Garriock, Tamara CSCD:EX
Sent: Wednesday, February 1, 2017 11:19 AM
To: Starkl-Moser, Miriam CSCD:EX
Subject: FW: For Action: UBCM Resolutions, Post-Convention
Attachments: B94 - Post.docx; B93 - Post.docx; B92 - Post.docx; B91 - Post.docx; B89 - Post.docx; B88 - Post.docx

From: Rotgans, Trudy CSCD:EX
Sent: Friday, November 6, 2015 10:02 AM
To: McGeachy, Denise CSCD:EX
Cc: Grant, Erin CSCD:EX; Garriock, Tamara CSCD:EX
Subject: FW: For Action: UBCM Resolutions, Post-Convention

Hi Denise, Are there any historical responses to these topics? Thanks.

Campaign Contribution Legislation
Recall of Local Government Elected Officials
Withdrawal, Death or Incapacity of an Election Candidate
Candidates for Local Government Elections to Run in On Jurisdiction Only
Setting of Local Government Fees
Change the Requirements for Public Notification

Best regards,

Trudy

From: McGeachy, Denise CSCD:EX
Sent: Thursday, October 22, 2015 2:46 PM
To: Starkl-Moser, Miriam CSCD:EX
Cc: Daniels, Carrie CSCD:EX; Rotgans, Trudy CSCD:EX
Subject: For Action: UBCM Resolutions, Post-Convention

Hi Miriam, Carrie and Trudy,

Please find attached additional UBCM resolutions for the Policy & Legislation branch. These resolutions were endorsed by the UBCM members at their annual convention and are additional to those resolutions responded to prior to convention in September.

Please have responses to these resolutions by **November 16, 2015**. Please send all responses to me electronically. If these resolutions have been assigned to your Ministry in error, please have your program staff contact me to advise which Ministry should be responsible for the response.

Please let me know if you have any questions.

Denise McGeachy, MLIS

Librarian/Information & Research Analyst

Integrated Legislation Branch

Integrated Policy, Legislation and Operations Division

Ministry of Community, Sport and Cultural Development

6th Floor, 800 Johnson Street

Victoria, BC V9W 9T2

(250) 387-4073 (desk)

(778)679-2428 (cell)

Whereas the *Local Government Act* and the *Community Charter* require that all public notices be published in a newspaper;

And whereas printed newspapers are no longer the only or most effective means of giving public notice:

Therefore be it resolved that UBCM request the provincial government amend the *Local Government Act* and the *Community Charter* to allow statutorily required public notices to be published using a variety of media channels, including but not limited to: newspapers, social media, web sites and online advertising, as long as reasonably equivalent or better reach than that of solely using printed newspapers can be demonstrated.

Resolutions Committee recommendation: Not Endorse

*Convention decision: **Endorsed***

Not included in pre-Convention conveyance.

Whereas local governments are faced with difficulties regulating and deterring excessive nuisance complaints which results in a drain on local government staff and RCMP resources;

And whereas Section 194 of the *Community Charter* challenges local governments' ability to effectively discourage prolific offenders by restricting fees:

Therefore be it resolved that the provincial government be requested to amend the *Community Charter* to allow local governments the power and flexibility to successfully establish and collect fees and penalties.

Resolutions Committee recommendation: No Recommendation

*Convention decision: **Endorsed***

Not included in pre-Convention conveyance.

Whereas the simultaneous running for local government office by a candidate in multiple jurisdictions makes a mockery of the election process;

And whereas there is currently no mechanism in local government elections-related legislation to prohibit the simultaneous running for local government office by a candidate in multiple jurisdictions:

Therefore be it resolved that the Province of British Columbia be requested to amend Part 3 of the *Local Government Act* to add a prohibition on the simultaneous running for local government office by a candidate in multiple jurisdictions.

Resolutions Committee recommendation: No Recommendation

*Convention decision: **Endorsed***

Not included in pre-Convention conveyance.

Whereas upon the withdrawal, death or incapacity of a duly nominated candidate in a local government election, the *Local Government Act* does not effectively enable the Chief Elections Officer to formally notify voters of withdrawal, death or incapacity of such candidate;

And whereas under the current provisions of the *Local Government Act*, such candidate in a local government election could conceivably receive a sufficient number of valid votes to be declared elected, thereby necessitating a by-election:

Therefore be it resolved that UBCM request the Province of BC to amend Section 80(1) of the *Local Government Act* to enable the Chief Elections Officer to post a prescribed notice inside each polling booth, or otherwise inform voters at a local government election of the withdrawal, death or incapacity of a candidate;

And be it further resolved that any votes cast for that candidate would not be counted.

Resolutions Committee recommendation: No Action Required

*Convention decision: **Endorsed***

Not included in pre-Convention conveyance.

Whereas the recently extended term of office for local government elected officials in BC negatively affects the ability of the local electorate to vote for change in their local government;

And whereas there is a potential for local government elected officials to pursue activities that are not supported by, and not in the best interests of their constituents, potentially causing financial, social or operational harm in their communities:

Therefore be it resolved that UBCM request that the Province of British Columbia amend BC's *Community Charter* to include a mechanism enabling voters to recall their local government elected officials, whereby the signatures of more than 50% of registered municipal or ward voters would be required, with the petition being initiated no less than 18 months after the date the local government elected official was sworn in to office, following the same recall timeline currently being used by Elections BC for the recall of Members of the Legislative Assembly.

Resolutions Committee recommendation: Not Endorse

*Convention decision: **Endorsed as Amended***

Not included in pre-Convention conveyance.

Whereas the newly elected NDP government in Alberta has introduced legislation to prohibit political campaign contributions from corporate and union sources:

Therefore be it resolved that the Government of BC prohibit political campaign contributions from corporate and union sources at the provincial and local government level in the province of BC;

And be it further resolved that limits be placed on the size of individual candidates' contributions and contributions to campaigns.

Resolutions Committee recommendation: No Recommendation

*Convention decision: **Endorsed***

Not included in pre-Convention conveyance.

Flatman, John CSCD:EX

From: Dann, Michelle CSCD:EX
Sent: Wednesday, February 1, 2017 10:43 AM
To: Dann, Michelle CSCD:EX
Subject: FW: UBCM responses

From: Grant, Erin CSCD:EX
Sent: Thursday, November 12, 2015 12:55 PM
To: Dann, Michelle CSCD:EX
Cc: Marson, Michael CSCD:EX; Garriock, Tamara CSCD:EX
Subject: RE: UBCM responses

Hi Michelle,

Many thanks for your responses. We do not usually respond to resolutions that have not been endorsed by UBCM, but I think because these ones were endorsed or endorsed as amended as a decision by the Convention, that is why we have been asked to provide a response.

I will have a better look at our response drafts along with your responses and let you know re: chatting about them further. Are you here tomorrow as well?

Thanks again,
Erin

From: Dann, Michelle CSCD:EX
Sent: Thursday, November 12, 2015 12:42 PM
To: Grant, Erin CSCD:EX
Cc: Marson, Michael CSCD:EX; Garriock, Tamara CSCD:EX
Subject: RE: UBCM responses

Hi Erin,

Michael forwarded your email to me... responses in red below please let me know if you would like to chat further on any of these, as a general comment --- just wondering if we usually respond to resolutions that have not been endorsed by UBCM?

1. B88 Change the Requirements for Public Notification, North Vancouver District – not endorsed rationale provided in committee comments

At present, the Committee understands that the Community Charter already contains provisions for a degree of flexibility regarding the statutory requirement to publish a notice. Section 94(7) of the Community Charter provides the option for a local government to broaden the types of media used to publish a notice - that is, a local government must still publish the notice in a newspaper, but may in addition publish the notice in another way (e.g. on the Internet).

167

As well, Section 94(4) of the Community Charter addresses situations where publishing a notice in a newspaper is not practicable, such as a small community without a local newspaper. Under Section 94(4) such a community could set alternative means to satisfy the statutory requirement to publish a notice - for example, door-to-door delivery of the notice.

2. B89 Setting of Local Government Fees, Williams Lake – you would need to check with finance
3. B91 Candidates for Local Government Elections to Run in One Jurisdiction Only, View Royal
Something (IPLO) would be better placed to answer we - have no messaging or policy work on this that I can find – Michael may recall correspondence on this?
4. B92 Withdrawal, Death or Incapacity of an Election Candidate, Quesnel –no action required as per committee comments

The Resolutions Committee advises that the UBCM membership has not previously considered a resolution requesting that the Province amend the Local Government Act (LGA) to enable the Chief Elections Officer to post a prescribed notice or otherwise inform voters during a local government election of the withdrawal, death or incapacity of a candidate; nor have members considered a request to exempt votes cast for such a candidate from being counted.

The Committee understands that under LGA Section 80(5), in instances of candidate withdrawal

(LGA Section 80 (2)), death or incapacity (LGA Section 80(4)) the minister has discretion to:

- ☐ specify conditions under which an election may proceed; or
- ☐ order the local government to cancel an election and arrange to hold a new election.

These legislative provisions, as well as the provisions of LGA Section 155 (Ministerial orders in special circumstances), seem to indicate that the minister may already be authorized to grant flexibility to a local government in the conduct of an election when a candidate has withdrawn, is incapacitated or deceased.

1. B93 Recall of Local Government Elected Officials not endorsed --- from an issues note:

The Government of British Columbia is not considering legislation to establish recall for elected local governments, including municipalities, regional district electoral areas, boards of education and special purpose local governments.

Our Government consults regularly with the Union of British Columbia Municipalities on a wide range of subjects of interest to local governments and British Columbians.

In consultation with UBCM, local government stakeholders and the public, our Government passed legislation in 2014 year to modernize local government elections. The changes helped ensure the accountability of elected officials by reforming local election campaign finance.

We supported local governments taking more responsibility for the ethical conduct of elected representatives. For example, legislative changes earlier this year enabled the City of Vancouver and regional districts to adopt customized oaths of office for elected officials, highlighting the importance of accountability.

2. B94 Campaign Contribution Legislation –

IPLO would be better placed to respond.

From: Marson, Michael CSCD:EX

Sent: Tuesday, November 10, 2015 11:52 AM

To: Dann, Michelle CSCD:EX

Subject: FW: UBCM responses

Hi...

s.22 and have a meeting this afternoon – given their timing does it make sense to pass this request along to David? Or?

I can help get whomever on the right track...lmk

Tnx

Michael

Michael Marson | Manager, Advisory Services

Advisory Services Branch | Ministry of Community, Sport and Cultural Development

Direct: 250.356.0230 | Fax: 250.387.7972 | Email: Michael.Marson@gov.bc.ca

From: Grant, Erin CSCD:EX

Sent: Tuesday, November 10, 2015 11:48 AM

To: Marson, Michael CSCD:EX

Cc: Garriock, Tamara CSCD:EX

Subject: RE: UBCM responses

Thanks so much Michael,

We are hoping to have a draft for each of them by the end of Thursday but I will be doing some editing on Friday so that would be okay too. If this is a bit too quick for you, our deadline is Monday so if we were to receive something by Monday morning that would be tight but ok.

Many thanks,

Erin

From: Marson, Michael CSCD:EX

Sent: Tuesday, November 10, 2015 10:28 AM

To: Grant, Erin CSCD:EX

Cc: Garriock, Tamara CSCD:EX

Subject: RE: UBCM responses

Good morning Erin...

Happy to help.

Let me review the resolutions and get back to you.

What's the timing for this?

Cheers

Michael

Michael Marson | Manager, Advisory Services

From: Grant, Erin CSCD:EX

Sent: Tuesday, November 10, 2015 8:59 AM

To: Marson, Michael CSCD:EX

Cc: Garriock, Tamara CSCD:EX

Subject: UBCM responses

Good morning Michael,

We are working on some UBCM Responses and I just wanted to connect with you regarding some of the communication that advisory services has responded to on the following topics:

1. B88 Change the Requirements for Public Notification, North Vancouver District
2. B89 Setting of Local Government Fees, Williams Lake
3. B91 Candidates for Local Government Elections to Run in One Jurisdiction Only, View Royal
4. B92 Withdrawal, Death or Incapacity of an Election Candidate, Quesnel
5. B93 Recall of Local Government Elected Officials
6. B94 Campaign Contribution Legislation

I am wondering if you have any correspondence or notes on any of these topics and if so, could you share it with us so that we can maintain consistency in our responses and ensure that we are capturing the official government response. I am just looking for one or two bullets each. I understand that you may not have dealt with all of these issues, but any thing you can provide will be very helpful.

Many thanks,

Erin

Erin C M Grant, PhD.

Policy Analyst

Integrated Policy, Legislation and Operations Division

Ministry of Community, Sport and Cultural Development

800 Johnson Street - 6th Floor

Phone (250) 952-6511

Mobile (250) 686-0848

Flatman, John CSCD:EX

From: Garriock, Tamara CSCD:EX
Sent: Wednesday, February 1, 2017 11:17 AM
To: Starkl-Moser, Miriam CSCD:EX
Subject: FW: UBCM resolutions
Attachments: RSP_UBCM Responses_2015_11_12_EG.docx

From: Rotgans, Trudy CSCD:EX
Sent: Tuesday, November 17, 2015 3:58 PM
To: McGeachy, Denise CSCD:EX
Cc: Grant, Erin CSCD:EX; Garriock, Tamara CSCD:EX
Subject: FW: UBCM resolutions

Hi Denise, I've made a few minor changes. These are approved. Thanks.

Best regards,

Trudy Rotgans | A/Senior Director, Integrated Policy Branch

Ministry of Community, Sport and Cultural Development
6th Floor, 800 Johnson Street Victoria, BC V8W 9T2
Phone: 250-356-7875 Mobile: 250-888-0591
Email: trudy.rotgans@gov.bc.ca

From: Grant, Erin CSCD:EX
Sent: Monday, November 16, 2015 3:39 PM
To: Rotgans, Trudy CSCD:EX; McGeachy, Denise CSCD:EX
Cc: Garriock, Tamara CSCD:EX
Subject: UBCM resolutions

Hi Trudy,

The following are the completed Responses for UBCM completed by Tamara and myself:

[G:\Legislation & Policy - New File Structure\POLICY - LOCAL GOVERNMENT\UBCM Resolution Response\2015\RSP UBCM Responses 2015 11 12 EG.docx](#)

Please let me know if there are any changes that you would like made.

Best wishes,
Erin

Erin C M Grant, PhD.
Policy Analyst
Integrated Policy, Legislation and Operations Division

Ministry of Community, Sport and Cultural Development
800 Johnson Street - 6th Floor
Phone (250) 952-6511
Mobile (250) 686-0848

Whereas the *Local Government Act* and the *Community Charter* require that all public notices be published in a newspaper;

And whereas printed newspapers are no longer the only or most effective means of giving public notice:

Therefore be it resolved that UBCM request the provincial government amend the *Local Government Act* and the *Community Charter* to allow statutorily required public notices to be published using a variety of media channels, including but not limited to: newspapers, social media, web sites and online advertising, as long as reasonably equivalent or better reach than that of solely using printed newspapers can be demonstrated.

RESPONSE: Ministry of Community, Sport and Cultural Development

The ministry thanks the North Vancouver District for voicing a concern for the requirement for public notification.

The *Community Charter* contains provisions for a degree of flexibility regarding the statutory requirement to publish a notice. Section 94(7) provides the option for a local government to broaden the types of media used to publish a notice – that is, a local government must still publish the notice in a newspaper, but may in addition, publish the notice in another way (e.g. on the internet).

Section 94(4) of the *Community Charter* also addresses situations where publishing a notice in a newspaper is not practical. For example, in a small community without a local paper, a community could set alternative means to satisfy the statutory requirement to publish a notice.

Legislative amendments on the publication of public notices are not being considered at this time.

Whereas the simultaneous running for local government office by a candidate in multiple jurisdictions makes a mockery of the election process;

And whereas there is currently no mechanism in local government elections-related legislation to prohibit the simultaneous running for local government office by a candidate in multiple jurisdictions:

Therefore be it resolved that the Province of British Columbia be requested to amend Part 3 of the *Local Government Act* to add a prohibition on the simultaneous running for local government office by a candidate in multiple jurisdictions.

RESPONSE: Ministry of Community, Sport and Cultural Development

The ministry recognizes there is a concern for candidates running for office in multiple jurisdictions.

In B.C. there have never been restrictions that would limit people from running or holding office in more than one jurisdiction. In fact, in smaller jurisdictions it is not uncommon for a councilor to also be a school board trustee as these are considered separate 'governments'.

To date, the issue is an anomaly: only one candidate ran in 13 jurisdictions in the 2014 general local election.

The ministry will continue to monitor the issues regarding candidates running in multiple jurisdictions.

Whereas the recently extended term of office for local government elected officials in BC negatively affects the ability of the local electorate to vote for change in their local government;

And whereas there is a potential for local government elected officials to pursue activities that are not supported by, and not in the best interests of their constituents, potentially causing financial, social or operational harm in their communities:

Therefore be it resolved that UBCM request that the Province of British Columbia amend BC's *Community Charter* to include a mechanism enabling voters to recall their local government elected officials, whereby the signatures of more than 50% of registered municipal or ward voters would be required, with the petition being initiated no less than 18 months after the date the local government elected official was sworn in to office, following the same recall timeline currently being used by Elections BC for the recall of Members of the Legislative Assembly.

RESPONSE: Ministry of Community, Sport and Cultural Development

The Province recognizes that democratic and accountable local governments depend on elected officials, such as mayors and councillors, who have the legal authority and responsibility to make decisions on behalf of their communities.

Local government elections provide the fundamental democratic framework around which elected officials are ultimately held accountable for their decisions and actions.

The Province supports local governments taking more responsibility for the ethical conduct for representatives. The Community Charter already contains provisions including disqualification for ethical conduct and conflict of interest issues, among others. For example, if a municipal council member is disqualified from holding local elected office, but continues to act in office, the municipality, by a 2/3 vote of council, or 10 or more electors of a municipality, may apply to the Supreme Court to have that person declared disqualified. Reasons for disqualification include conflict of interest, failure to take the oath of office, unexcused absence from council meetings, and unauthorized expenditures. As well, other tools, like oaths of office can be used.

Recall legislation for local governments is not being considered at this time.

Whereas local governments are faced with difficulties regulating and deterring excessive nuisance complaints which results in a drain on local government staff and RCMP resources;

And whereas Section 194 of the *Community Charter* challenges local governments' ability to effectively discourage prolific offenders by restricting fees:

Therefore be it resolved that the provincial government be requested to amend the *Community Charter* to allow local governments the power and flexibility to successfully establish and collect fees and penalties.

RESPONSE: Ministry of Community, Sport and Cultural Development

The *Community Charter* is a flexible piece of legislation that municipalities can use to establish and collect fees as they deem necessary.

Section 194 of the *Community Charter* grants council, by bylaw, the ability to impose a fee payable for the service of a municipality and the use of municipal property, as well as the authority to regulate, prohibit or impose requirements. Municipalities currently have the ability to base the fee on any factor specified in the bylaw and establish different rates or levels of fees in relation to different factors.

With regards to penalties, the *Community Charter* also grants municipality's legislative power to make bylaws that enforce the bylaws of a municipality, and may do so through the use of fines and other penalties. Additionally, a municipal bylaw may establish a penalty of up to \$10,000 that a person convicted of an offence must pay to the municipality. A number of municipalities across B.C. have created bylaws that include a fee or penalty that both single and repeat nuisance offenders must pay.

Whereas upon the withdrawal, death or incapacity of a duly nominated candidate in a local government election, the *Local Government Act* does not effectively enable the Chief Elections Officer to formally notify voters of withdrawal, death or incapacity of such candidate;
And whereas under the current provisions of the *Local Government Act*, such candidate in a local government election could conceivably receive a sufficient number of valid votes to be declared elected, thereby necessitating a by-election:

Therefore be it resolved that UBCM request the Province of BC to amend Section 80(1) of the *Local Government Act* to enable the Chief Elections Officer to post a prescribed notice inside each polling booth, or otherwise inform voters at a local government election of the withdrawal, death or incapacity of a candidate;

And be it further resolved that any votes cast for that candidate would not be counted.

RESPONSE: Ministry of Community, Sport and Cultural Development

The Province of British Columbia understands and appreciates the concerns that local governments have raised about local elections.

The Province remains committed to ensuring that local government elections are conducted in a timely and fair process. In doing so the chief elections officer for each electoral area is granted powers under the *Local Government Act* such as ensuring voting places are supplied with enough ballots, that people do not vote more than once, and he or she is granted responsibility for any additional actions that are necessary for conducting an election in accordance with the *Local Elections Campaign Financing Act* and any bylaws and regulations under the *Local Government Act*.

The Province is aware of the concerns related to the withdrawal, death or incapacity of an election candidate; however these circumstances are a rare occurrence in local elections. In the case of withdrawal, death or incapacity of an election candidate the chief elections officer is responsible for notifying the minister.

Due to the limited occurrence of such incidences the government is not considering any further action on this item at this time.

Whereas the newly elected NDP government in Alberta has introduced legislation to prohibit political campaign contributions from corporate and union sources:

Therefore be it resolved that the Government of BC prohibit political campaign contributions from corporate and union sources at the provincial and local government level in the province of BC;

And be it further resolved that limits be placed on the size of individual candidates' contributions and contributions to campaigns.

RESPONSE: Ministry of Community, Sport and Cultural Development

In 2014 the Province enacted the *Local Elections Campaign Financing Act* (LECFA). This legislation is still relatively new and therefore is continually being monitored for any areas of improvement. LECFA was introduced to increase local elections campaign financing and election advertising accountability, transparency, compliance and enforcement. LECFA will limit the amount that candidates in local elections can spend during their campaign period. The limitations on campaign spending will bring the amount that each candidate can spend on their campaign in line with what all other candidates running in the same jurisdiction can spend.

The issue of campaign contribution limits has been brought to the attention of the Province in the past and was reviewed by the Local Government Elections Task Force in 2010. The Task Force did not recommend establishing general limits on contribution amounts or sources. The Task Force claims that political contributions are a way for people to participate in the democratic process; further, they allow participation by those who may not be eligible to vote but are affected by local government decisions.

The candidate is ultimately responsible and accountable to the public for the donations they accept and who those donations are from. Additionally, campaign finance disclosure requirements ensure that the public knows who made donations to candidates and the size of the donation.

The Province is continuing to make amendments and improvements to LECFA in anticipation of the next local election in 2018. The Province is not considering the addition of campaign contribution limits at this time.

Flatman, John CSCD:EX

From: Garriock, Tamara CSCD:EX
Sent: Wednesday, February 1, 2017 11:18 AM
To: Starkl-Moser, Miriam CSCD:EX
Subject: FW: UBCM Resolutions

From: Grant, Erin CSCD:EX
Sent: Thursday, November 12, 2015 3:06 PM
To: Garriock, Tamara CSCD:EX
Subject: RE: UBCM Resolutions

Hi Tamara,

Just had a look, the content looks good, but I wondered if you could have a look at the formatting of my draft responses and edit yours in the same way – i.e. so that the original Resolution is quoted above the response and please note the change in fonts.

Many thanks,
Erin

G:\Legislation & Policy - New File Structure\POLICY - LOCAL GOVERNMENT\UBCM Resolution
Response\2015\RSP UBCM Responses 2015 11 12 EG.docx

From: Garriock, Tamara CSCD:EX
Sent: Thursday, November 12, 2015 9:06 AM
To: Grant, Erin CSCD:EX
Subject: UBCM Resolutions

Hi Erin,

Here is my first crack at responses to the three UBCM resolutions I did. I think they might need a bit of reworking / editing, but hopefully all of the information is there. Let me know if you want to meet at some point today to go over them s.22

Thanks!
Tamara