



Ministry of  
Municipal Affairs

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**PREPARED BY:**

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**APPROVED BY:**

Tara Faganello, Assistant Deputy Minister  
Local Government Division

Okenge Yuma Morisho, Deputy Minister

**DATE APPROVED:**

December 8, 2020

December 8, 2020

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## DECISION BRIEFING NOTE

**Date:** December 10, 2020

**Prepared For:** Honourable Josie Osborne, Minister of Municipal Affairs

**Topic:** Northern Healthy Communities Fund (NHCF)<sup>s.13</sup>

**Purpose:** s.13 of the \$25M HNCF program established to fund initiatives that support healthy, sustainable and resilient communities facing rapid and large-scale economic development associated with LNG development in Northern BC.

### RECOMMENDED OPTION:

s.13

### BACKGROUND:

On March 31, 2020, the Province, represented by the Minister of Municipal Affairs (ministry), entered into an agreement with the Northern Development Initiative Trust (NDIT) transferring \$25 million to NDIT to establish a funding program that will focus on communities adjacent to the LNG Canada and Coastal GasLink projects.

### DISCUSSION:

#### *Program Purpose, Funding and Eligible Communities*

The purpose of the Northern Healthy Communities Fund (NHCF) is to provide \$25 million in funding over six years for initiatives that support healthy, sustainable and resilient communities facing rapid and large-scale economic development and associated need for enhanced social service readiness.

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The fund, which will be administered by NDIT, will focus on communities adjacent to the LNG Canada and Coastal GasLink projects given the immediacy of the current economic development activities. This will include 22 local governments, 28 Indigenous Nations, and not-for-profit organizations operating in these communities, which will be eligible to apply for funding for both capital and capacity building projects across seven categories:

1. housing and wrap around services (e.g. services that are included as part of a housing project to support residents)
2. health support services, and addiction counselling
3. emergency services
4. victim services, violence against women prevention or support services, indigenous peoples support services for on and off-reserve members
5. childcare
6. small business recruitment, retention and resiliency
7. local and first nation government capacity and support





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Honourable Josie Osborne

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Date

**Attachments:**

1. Northern Healthy Communities Fund Overview

**PREPARED BY:**

Jennifer Hill, Director, Planning and Land Use Policy  
Planning and Land Use Management

**APPROVED BY:**

Okenge Yuma Morisho, Deputy Minister

**DATE APPROVED:**

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December 10, 2020



## Attachment 1: Northern Healthy Communities Fund Overview

### Fund Objective and Agreement

The Northern Healthy Communities Fund (NHCF) was established to fund initiatives that support healthy, sustainable and resilient communities facing rapid and large-scale economic development and associated need for enhanced social service readiness. The fund will focus on communities adjacent to the LNG Canada and Coastal GasLink projects given the immediacy of the current economic development activities.

On March 31, 2020, the Ministry of Municipal Affairs (ministry), on behalf of the Province, signed an agreement with the Northern Development Initiative Trust (NDIT) to make a one-time funding payment of \$25 million to NDIT to be administered by NDIT over the six-year term of the agreement.

### Eligible Applicants

The funding focuses on communities adjacent to the LNG Canada and Coastal GasLink projects. The eligible communities under the funding agreement include those that were identified as being within the LNG impact area under the Environmental Assessment process for LNG Canada and Coastal GasLink.

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Eligible applicants, including twenty-two local governments, twenty-eight Indigenous Nations, and not-for-profit organizations operating in these communities, are listed below.

Local Governments:	Indigenous Nations
1. City of Dawson Creek	1. Blueberry River First Nations
2. City of Fort St. John	2. Dark House (Unistot'en; house of the Wet'suwet'en)
3. City of Prince George	3. Doig River First Nation
4. City of Terrace	4. Gitga'at First Nation
5. District of Chetwynd	5. Gitxaala Nation
6. District of Fort St. James	6. Hagwilget Village Council
7. District of Houston	7. Haisla Nation
8. District of Hudson's Hope	8. Halfway River First Nation
9. District of Kitimat	9. Kitselas First Nation
10. District of Mackenzie	10. Kitsumkalum First Nation
11. District of Taylor	11. Lake Babine Nation (Woyeene area)
12. District of Tumbler Ridge	12. Lax Kw'alaams Band
13. District of Vanderhoof	13. Lheidli T'enneh First Nation
14. Peace River Regional District	14. McLeod Lake Indian Band
15. Regional District of Bulkley-Nechako	15. Metlakatla First Nation
16. Regional District of Fraser-Fort George	16. Nadleh Whut'en First Nation



Local Governments:	Indigenous Nations
17. Regional District of Kitimat-Stikine	17. Nak'azdli Whut'en Band
18. Town of Smithers	18. Nee-Tahi-Buhn Band
19. Village of Burns Lake	19. Office of the Wet'suwet'en Hereditary Chiefs
20. Village of Fraser Lake	20. Saik'uz First Nation
21. Village of Pouce Coupe	21. Sauteau First Nations
22. Village of Telkwa	22. Skin Tyee Nation
	23. Stellat'en First Nation
	24. Ts'il Kaz Koh First Nation (Burns Lake Band)
	25. West Moberly First Nations
	26. Wet'suwet'en First Nation
	27. Witset First Nation
	28. Yekooche First Nation

### Eligible Projects

Two streams of projects are eligible for funding – capital and capacity building projects –within the following categories:

- housing and wrap around services (e.g. services that are included as part of a housing project to support residents)
- health support services, and addiction counselling
- emergency services
- victim services, violence against women prevention or support services, indigenous peoples support services for on and off-reserve members
- childcare
- small business recruitment, retention and resiliency
- local and first nation government capacity and support

Capital project funds can be used to upgrade, improve or build facilities that assist those communities in delivering services in order to adjust to expected economic growth. The Capital Program could also be used to support funding requests for equipment purchases that meet the intent of the fund.

Capacity building project funds can be used for incremental staffing, education, outreach, public engagement, program development and delivery costs that assist those communities in delivering services in order to adjust to expected economic growth. Capacity building projects must be incremental to the applicant's core responsibilities, obligations, and day to day operations.

Projects and/or project activities that would displace government funding for core services or existing funding for projects are not eligible for funding under the NHCF.

### Capital Program Details

- Up to \$300,000 to a maximum of 80% of the eligible project budget
- Recipients must provide at least 20% of the eligible project budget from other contributions
- Applicants must report on a minimum of four key deliverables including three mandatory ones:
  - Support/services (number and qualitative description)
  - Communities the project will serve (number and qualitative description)
  - Projected direct job creation (during major project construction and permanent)



- A project is considered complete when recipients submit photos of the project and invoice all related expenses. Completed projects are evaluated and verified prior to disbursement of funds.
- Recipients must submit a final report and report on key deliverables one and two years after final disbursement of funds.

### **Capacity Building Program Details**

- Up to \$100,000 grant to a maximum of 90% of the eligible project budget
- Recipients must provide at least 10% of the eligible project budget from other contributions
- Applicants must report on a minimum of three key deliverables including two mandatory ones:
  - Additional people the project will support/serve (number and qualitative description)
  - Communities the project will serve with additional capacity (number and qualitative description)
- A project is considered complete when a written report on the project is completed, the position has ended (if applicable), and/or all related expenses have been invoiced.
- Recipients must submit a final report.

### **Governance**

An Advisory Committee governs the fund and is composed of two representatives from the ministry and three representatives from NDIT. Advisory Committee members are at the Executive Director or Director level. The funding agreement stipulates that the majority of members on the Advisory Committee be from NDIT. The committee ensures the goals of the Fund are met; establishes program design, eligibility criteria, spending priorities, intake timelines, and reporting standards; and reviews, with the help of subject matter experts as needed, qualified project applications.

**INFORMATION BRIEFING NOTE**

**Date:** December 11, 2020

**Prepared For:** Honourable Josie Osborne, Minister of Municipal Affairs

**Topic:** Closure of the Office of Auditor General for Local Government

**Purpose:** Update the Minister on plans for closure of the Office and an audit of the City of Victoria's Johnson Street Bridge Project

**BACKGROUND:**

The Auditor General for Local Government (AGLG) is an independent Office that was established by legislation to conduct performance audits of local governments to assist in their accountability to communities. In February 2020, the Minister of Municipal Affairs and Housing decided to close the AGLG office. Just prior to the closure announcement, the AGLG announced that it would undertake an audit of the City of Victoria, Johnson Street Bridge project.

Since February 2020, the AGLG has completed a capital project management performance audit for the District of Mackenzie, and two perspectives booklets on capital project management and drinking water management. It has also conducted planning and other related work for a capital project management performance audit of the City of Victoria's Johnson Street Bridge project (JSB).

The current A/Auditor General is Mike Furey, appointed September 17, 2020.

**Discussion****Office closure plans**

Plans for the AGLG closure are well advanced and March 2021 is the targeted shut down date for the physical office space. The wind down of AGLG operations will continue for a short period after this date. Staff have been provided working notice and some have already found employment elsewhere. There is a small staff contingent remaining mostly focussed on corporate management and office closure tasks. The AGLG is working closely with the Ministry on budget management issues, vacating office space, IT and records management, employment opportunities for the remaining AGLG staff and other related activities.

**City of Victoria Johnson Street Bridge Audit**

Original timelines for the completion of the City of Victoria audit have been negatively impacted by earlier than anticipated departures of key audit team members and the Covid-19 Pandemic. The timely production and review of thousands of documents, an inability to conduct in-person walkthroughs of City processes and systems, a reliance on external consultants, construction related litigation between the City and contractors and other factors have resulted in the potential for cost escalation and an inability to complete the audit prior to the AGLG closure.

Given these externalities, completion of the JSB audit will not occur by the scheduled office closure date nor are there sufficient funds within the current (FY20/21) AGLG budget to complete the City of Victoria audit.

The Acting/AGLG has found the risks associated with timely production and review of documents, staff departures and pending office closure, reliance on external resources, project related litigation, potential cost escalation for an already high cost audit, lead him to the conclusion that the AGLG is not in a position to complete the JSB audit. Funds have been expended on the audit; however, and the A/AGLG believes they are still early enough in the process that a decision to not proceed is financially sound.



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It is anticipated that the AGLG decision to not complete the City of Victoria audit will generate media attention in the Capital Region.

**GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:**

There are no GBA+ considerations or implications related to this information.

**FINANCIAL IMPLICATIONS:**

A March 2021 closure of the AGLG office will result in the transfer of approximately \$200,000 to the Ministry for fiscal year 2020/21.

**Attachments:**

None

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Okenge Yuma Morisho, Deputy Minister

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December 10, 2020

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#### **GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:**

The Ministry initiated DAPR as part of its commitment to empower local governments to eliminate barriers to housing development and accelerate the construction of homes people need. More specifically, DAPR identifies opportunities to increase the efficiency (including timeliness, predictability, certainty and consistency) and effectiveness (including fairness, balance, transparency, inclusivity, and outcomes that are in the public interest) of local government development approvals processes. **s.13**

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#### **FINANCIAL IMPLICATIONS:**

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Okenge Yuma Morisho, Deputy Minister

#### **DATE APPROVED:**

December 15, 2020

December 15, 2020



## DECISION BRIEFING NOTE

**Date:** December 15, 2020

**Prepared For:** Honourable Josie Osborne, Minister of Municipal Affairs

**Title:** Local Elected Officials Charged with Criminal Offences

**Issue:** Options for legislative amendments to address the issue of local elected officials charged with criminal offences while holding office

### RECOMMENDED OPTION:

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### BACKGROUND:

Concerns have been raised regarding the ability of local governments to address situations where local elected officials have been charged with criminal offences. These concerns arose in relation to two cases:

- In 2018, an Electoral Area Director on the Cariboo Regional District (CRD) board, was charged, tried, and acquitted of sexual interference with a person under the age of 16. He chose not to take a leave of absence and continued to serve as a member of the CRD board in the period after he was charged and during his trial.
- In 2019, the Mayor of Port Moody was charged with sexual assault. While the Mayor had commenced a leave of absence upon the laying of charges, he briefly returned to his duties before the resolution of his criminal case, against the wishes of council. The case was resolved in 2020 through “alternative measures” (i.e. the accused accepts responsibility for the offence but is not convicted).

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Currently, local governments may adopt a code of conduct (a tool that sets parameters for council behaviour) or establish a policy providing that a local



elected official will be expected to take a leave of absence when charged with a criminal offence. The legal enforceability of such codes and policies are unclear.

Local governments have expressed concerns with their authority to address situations where a local elected official has been charged and is awaiting trial. Two related resolutions were endorsed at the 2018 Union of BC Municipalities (UBCM) Convention. The first requested amendments to local government legislation providing for a mandatory leave of absence upon the laying of charges for “serious criminal offences”. The second requested amendments requiring an unpaid leave of absence upon conviction of a “serious criminal offence” until all appeals are exhausted, when the official would be disqualified (Appendix 2).

### DISCUSSION:

Recent cases involving local elected officials charged with criminal offences demonstrate that there is a need to explore appropriate, additional tools for local governments in circumstances that would not result in disqualification. s.13; s.14; s.16

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- **Local government support:** Local government support for these measures is indicated by 2018 endorsed UBCM resolutions requesting a mandatory leave of absence upon charge. Discussions between the former Minister of Municipal Affairs and Housing and s.13; s.16  
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**GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:**

- May support policies to address gendered violence.

**FINANCIAL IMPLICATIONS:**

- None

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**APPROVED** <sup>s.13</sup> / **NOT APPROVED**

\_\_\_\_\_  
Honourable Josie Osborne

\_\_\_\_\_  
Date

**Appendices:**

1. APPENDIX 1: s.12; s.13  
s.12; s.13
2. APPENDIX 2: 2018 UBCM Resolutions regarding Mandatory Leave of Absence
3. APPENDIX 3: Type of Offences under the *Criminal Code of Canada*

**PREPARED BY:**

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Okenge Yuma Morisho, Deputy Minister

**DATE APPROVED:**

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December 15, 2020





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**Context and Background**

***Incident involving a Local Elected Official*** – In 2017, a member of the City of Pitt Meadows council, was convicted of sexual assault and sentenced to nine months in prison. As there was a gap in time between the conviction and the beginning of his sentence, the councillor could have remained in office until he began serving his custodial sentence. The official voluntarily vacated his seat shortly after conviction.

***Current Legislation*** – Under the *Local Government Act* (LGA) and the *Vancouver Charter*, local elected officials are disqualified from being nominated for, elected to, or holding local elected official when the official is currently serving a custodial sentence for an indictable offence. There is no authority to remove a local elected official who is not currently serving a custodial sentence (e.g. when convicted but not currently in custody). This means that a local elected official can continue to hold office during the period between conviction and incarceration.

The current rules balance the principle that electors should be able to choose their elected representatives against the establishment of statutory protections designed to protect communities from “unsuitable” candidates. These rules are intended to enable individuals with *past* criminal convictions to take a full role in society. However, these provisions do not adequately address the situation of local elected officials who are convicted of criminal offences *while* holding local elected office.

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## APPENDIX 2: 2018 UBCM Resolutions regarding Mandatory Leave of Absence

### **B83                      Elected Official Disqualification                      Terrace**

Whereas there is no provision in BC legislation for disqualification from local government office, or mechanism for recall, in the event that an elected official is convicted of a serious criminal offense:

Therefore be it resolved that UBCM lobby the provincial government to implement legislation to require that an elected local government official be disqualified from office upon conviction of a serious criminal offense;

And be it further resolved that an elected local government official be required to take a paid leave of absence from office upon Crown approval of charges until the court process is complete.

### **B84                      Disqualification from Holding Elected Office                      Pitt Meadows**

Whereas council has no authority to seek the removal of a council member who has been criminally convicted during his/her current term;

And whereas the Honourable Selina Robinson, Minister of Municipal Affairs & Housing, has recommended that the City of Pitt Meadows advocate through LMLGA and UBCM for appropriate changes to the governing legislation for local government;

And whereas the Honourable Selina Robinson, Minister of Municipal Affairs & Housing, has advised that her Ministry is prepared to work with UBCM on the issue:

Therefore be it resolved that UBCM lobby the provincial government to make whatever legislative changes are needed to:

- Require that an elected local government official be put on unpaid leave immediately upon conviction, during his or her current term, of a serious criminal offence (to be defined by legislation) until the expiration of the time to file an appeal or determination of an appeal; and
- Require that an elected local government official be disqualified from holding office upon conviction, during his or her current term, of a serious criminal offence (to be defined by legislation) upon the expiration of the time to file an appeal or determination of an appeal.



### APPENDIX 3: Type of Offences under the *Criminal Code of Canada*

There are three different categorizations of offences under the federal *Criminal Code*:

1. **Summary conviction offences:** These are less serious offences that include offences such as causing a disturbance and trespassing at night. These offences are tried by a judge in Provincial Court and there is no right to a jury trial. Summary offences carry relatively lesser penalties: a maximum fine of \$5000 and/or a custodial sentence of up to two years less a day.
2. **Indictable offences:** These are the most serious offences and include aggravated sexual assault, murder and breaking and entering into a dwelling house. For most indictable offences, the accused may elect to be tried by a judge or jury. Maximum penalties for indictable offences vary but may include significant maximum custodial sentences (e.g. up to life in prison).
3. **Hybrid offences:** Certain criminal offences may be prosecuted as either a summary offence or an indictable offence. There is a wide range in perceived seriousness of these offences (e.g. assault, sexual assault, fraud, public mischief). These offences include a broad spectrum of behaviour and actions which vary greatly depending on the particular circumstances of the case.

The Crown may elect to proceed summarily or by indictment. This determination will be based on the seriousness of the offence, the evidence, and the probability of securing a conviction (i.e. generally, the most significant cases will proceed by indictment to reflect the severity of the offence). This choice of prosecution determines the maximum penalties; that is, if the Crown elects to proceed summarily, the maximum penalties for summary offences will apply.

In 2019, the Federal Government passed legislation increasing the number of hybrid offences by reclassifying many straight indictable and summary conviction offences as hybrid offences. Advice from BC's Prosecution Office indicates that, in practice, most hybrid offences proceed summarily.

With respect to the disqualification of local elected official, a local elected official convicted of a hybrid offence that proceeds summarily will not be disqualified, even if the official serves a custodial sentence.



## INFORMATION BRIEFING NOTE

**Date:** December 15, 2020

**Prepared For:** Honourable Josie Osborne, Minister of Municipal Affairs

**Topic:** Local Elections Related Proposed Legislative Amendments

**Purpose:** Overview of proposed amendments to Local Elections Campaign Financing Act (LECFA) and Elections Administration matters. Drafting and consultation are essentially complete and following Minister's confirmation, amendments can be finalized and be ready to proceed at next legislative opportunity.

### BACKGROUND:

#### Local Elections Campaign Financing Act (LECFA)

LECFA was enacted in 2014 to establish more comprehensive campaign financing laws for local elections participants. The amendments in 2014 created greater transparency by establishing disclosure requirements. Subsequent amendments to LECFA in 2016 and 2017 further enhanced the campaign financing laws by establishing expense limits for candidates and elector organizations and spending limits for third party advertising sponsors, a ban on out-of-province contributions and contributions made by organizations, and limits for campaign contributions provided to candidates and elector organizations.

The 2018 general local elections were the first elections in which the full suite of campaign financing rules applied under LECFA (local general elections occur every four years). Ministry of Municipal Affairs staff monitored the 2018 general local elections to observe issues or concerns with the application of the campaign financing laws in local elections. Ministry staff also took into consideration the experiences of the BC Chief Electoral Officer in administering the campaign financing framework, as reported in Elections BC's report on the 2018 general local elections.

A number of concerns were identified by Ministry staff through the monitoring of the elections. These concerns included:

- A lack of transparency specifically in relation to election advertising that occurs outside the campaign period;
- Insufficient transparency relating to the financial activities of elector organizations in non-election years; and
- Gaps in the types of activities captured as advertising by third party advertising (TPA) sponsors.

The BC Chief Electoral Officer made 10 recommendations for legislative amendments to LECFA in their report on the 2018 general local elections. Some of these recommendations overlapped with concerns identified by Ministry staff while others related to the administration of the campaign financing rules. Ultimately, six of the 10 recommendations will be addressed by the amendments and one will be partially implemented.

#### Elections administration

Rules governing how local elections are administered by local governments are primarily set out in the *Local Government Act* (LGA) and *Vancouver Charter* with parallel rules for the election of school board trustees provided under the *School Act*. Throughout the 2018 general local elections, Ministry staff monitored issues respecting local elections administration raised by local government administrators, members of the public and in the media. To address concerns raised, amendments to the elections administration framework under the LGA, *School Act* and *Vancouver Charter* are also being proposed.



Further to the information provided in the 30-day transition note on 'ready to go legislation', this note provides a summary of the key proposed amendments, implementation considerations, and next steps related to proposed amendments for local elections.

## DISCUSSION:

### Scope of proposed amendments (see Appendix 1 for more details)

The proposed amendments to LECFA will:

- Establish a registration system for elector organizations (civic political parties).
- Establish a "pre-campaign period" for election advertising and clarify the types of activities captured as election advertising.
- Establish limits on contributions to third party advertising sponsors.
- Create additional administrative monetary penalties for contraventions of LECFA.
- Establish new investigative tools for the BC Chief Electoral Officer.
- Other minor amendments.

The proposed amendments to the elections administration framework under the LGA, *School Act* and *Vancouver Charter* will:

- Ensure candidates have access to strata and other residential properties to canvass voters and distribute candidate information.
- Remove the requirement that individuals must have lived in or owned property in their community for at least 30 days in order to vote.
- Ensure consistency among the choices that a Court has when declaring an election invalid to improve efficiency for local governments and ensure that a by-election is held in a timely manner.

### Timing/implementation considerations

The proposed amendments to LECFA and the elections administration framework will not apply to any elections prior to the 2022 general local election. This will provide ample opportunity for local elections participants to become familiar with the rules and will ensure that the changes do not apply to any by-elections that take place before 2022. The amendments to establish the sponsorship contribution limits will be retroactive to introduction of the amendments in the legislature to limit the ability of third party advertising sponsors to amass significant contributions prior to the change in rules.

The registration framework for elector organizations will come into effect by regulation once the BC Chief Electoral Officer is able to operationalize the administration of the framework.

### Consultations

No concerns were identified during the Ministry's consultations with the Ministry of Education, B.C. School Trustees Association, Ministry of Attorney General, Elections BC, Sechelt Indian Government District, Union of BC Municipalities, the Judiciary.

Consultations are outstanding with the Office of the Information and Privacy Commissioner and the City of Vancouver. No concerns are anticipated from these interests.

Plans are also underway to provide all Treaty First Nations notification regarding the proposed amendment to ensure candidates have access to strata properties.



### Next Steps

Following Minister's confirmation, staff will continue work with Legislative Counsel to finalize the proposed amendments and corresponding legislative package/supporting materials for LRC approval.

At the same time, work is getting underway to develop the various regulations that will be subsequently needed, in anticipation of these amendments going forward.

### **GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:**

The creation of a pre-campaign period may provide benefits to candidates who identify as women. Women are underrepresented in elected local government positions in Canada. Studies in the US and Canada have shown that female politicians are more likely to be the target of negative advertisements during campaigns. Recent media coverage has highlighted that female politicians at both the federal, provincial and local level have come forward to describe being the target of harassment during campaigning. While this amendment alone cannot stop negative advertising, a robust elections advertising framework ensures that individuals who sponsor elections advertising must be accountable to the messages they transmit as election advertising in the pre-campaign period will now be required to include the contact information of the individual sponsoring the advertising. This may help to mitigate the severity and tone of elections advertising.

Placing sponsorship contribution limits for contributions to TPA sponsors would help to ensure an equal playing field for those hoping to fund TPA in their community. It prevents a single voice with greater access to financial resources from being able to dictate the direction of TPA in their community through large donations. This may provide opportunities for individuals from more diverse experiences and backgrounds that may be financially disadvantaged to equally participate in local elections discussions through providing funding to TPA.

### **FINANCIAL IMPLICATIONS:**

- No direct fiscal impacts to the Ministry are anticipated. A Fee/Fine Issue Paper is drafted for Treasury Board approval.
- Elections BC will however require additional funding to administer the new administrative monetary penalties. If the proposed amendments are approved, Elections BC will request funding from the Select Standing Committee on Finance and Government Services as per the usual process.

### **Attachments:**

#### 1. Detailed scope of proposed amendments

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##### **APPROVED BY:**

Tara Faganello, Assistant Deputy Minister  
Local Government Division

Okenge Yuma Morisho, Deputy Minister

##### **DATE APPROVED:**

December 15, 2020

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## Appendix 1: Detailed scope of proposed amendments

### Local Elections Campaign Financing Act (LECFA)

- Establish a registration system for elector organizations (civic political parties):
  - Elector organizations will be required to register with Elections BC prior to accepting a campaign contribution, incurring an election expense, entering into a campaign financing arrangement and in order to have their name next to that of an endorsed candidate on a ballot; and
  - The registration requirements will be similar to those for provincial political parties under the *Election Act*. Requirements will include naming conventions and annual financial reports.
- Establish a “pre-campaign period” for election advertising and clarify the types of activities captured as election advertising:
  - Election advertising rules that currently apply during the campaign period, such as including the contact information of the advertising sponsor, will now apply for the 60 days leading up to the campaign period; and
  - Canvassing conducted on a commercial basis will now be captured as a type of election advertising.
- Establish limits on contributions to third party advertising sponsors:
  - Proposed rules would establish sponsorship contribution limits that would be consistent with the current limit established for campaign contributions (e.g. \$1,200); and
  - Contributions could only be made by “eligible individuals”, effectively prohibited contributions from any organizations (business, unions, etc.).
- Create additional administrative monetary penalties for contraventions of the Act:
  - Proposed amendments would establish administrative monetary penalties for a number of additional rules under LECFA that are generally consistent with those in the *Election Act*; and
  - The penalty amounts would be tied to the contravention where it makes sense to do so (e.g. penalty for accepting a contribution that exceeds the limit would be up to double the amount of the contribution) or would be tied to monetary penalty amounts established under LECFA for committing an offence.
- Establish new investigative tools for the BC Chief Electoral Officer:
  - Allows the BC Chief Electoral Officer to seek records from parties, other than local elections participants (i.e. candidates, EOs and TPA sponsors) through the court to administer compliance with the rules; and
  - Allows the BC Chief Electoral Officer to request records from companies that transmit advertising (e.g. Facebook) to ensure compliance with election advertising sponsorship rules under LECFA.
- Other minor amendments:
  - Expanding the BC Chief Electoral Officer’s authority to make minor corrections to disclosure statements and supplementary reports to include minor corrections in annual financial reports; and
  - Extending the late filing timelines for supplementary reports and annual financial reports in addition to disclosure statements.



### Elections administration

- Ensure candidates have access to strata and other residential properties (e.g. housing cooperatives and rental properties) for the purpose of campaigning and distributing candidate information, subject to certain conditions (e.g. candidates and their representatives must carry identification; specified hours of access are set).
  - This change would bring the local elections framework in-line with recent amendments made to the *Election Act* for provincial elections as well as the federal framework.
  - Indigenous Legal Relations (ILR) determined notification was required to all Treaty First Nations regarding this proposed amendment.
- Remove the requirement that individuals must have lived in or owned property in their community for at least 30-days in order to vote.
  - The proposed amendment would remove the 30-day residency requirement for resident electors to ensure individuals who move to a different jurisdiction during the 30-days prior to election day are not disenfranchised.
- Ensure consistency among the choices that a court has when declaring an election invalid to improve efficiency for local governments and ensure that a by-election is held in a timely manner.
  - This change will ensure that a by-election is triggered automatically when a court declares all positions invalid (i.e. a Minister's Order will no longer be required to authorize a by-election).





## INFORMATION BRIEFING NOTE

**Date:** December 15, 2020

**Prepared For:** Honourable Josie Osborne, Minister of Municipal Affairs

**Topic:** Legislative Amendments to Dissolve Jumbo Glacier Mountain Resort Municipality (Jumbo)

**Purpose:** Overview of proposed amendments to dissolve Jumbo. Drafting and consultation are essentially complete and following Minister's confirmation, amendments can be finalized and be ready to proceed at next legislative opportunity.

### BACKGROUND:

Jumbo Glacier Mountain Resort Municipality (Jumbo) is a municipality with no residents located in the Regional District of East Kootenay (RDEK). Jumbo was incorporated in 2013 to provide a framework for the governance of the development of a proposed year-round alpine ski resort in the Jumbo Glacier Valley that was first proposed in the early 1990s.

In November 2019, the federal government announced it would provide funding to the Ktunaxa Nation Council to help develop the Jumbo Glacier Valley area into an Indigenous Protected and Conserved Area. This announcement followed years of legal challenges faced by Glacier Resorts Ltd., including an unsuccessful attempt to retain their environmental assessment certificate. Consequently, the Province, with the consent of Glacier Resorts Ltd., dismantled the Master Development Agreement that would have supported the development of a ski resort project at Jumbo.

Given the termination of the ski resort project, and the intended development of the Jumbo Glacier Valley into an Indigenous Protected and Conserved Area, there is no longer a need for Jumbo. However, Jumbo cannot be dissolved under the current dissolution provisions in the *Local Government Act*, as the dissolution of a municipality requires the consent of the majority of the electors in the municipality.

With no residents, special legislation is required to provide the necessary authorities to dissolve Jumbo and address matters such as the transfer of assets and liabilities to the Province or to the RDEK.

Further to the information provided in the 30-day transition note on 'ready to go legislation', this note provides a summary of the key proposed amendments, timing considerations, and next steps related to the proposed amendments to dissolve Jumbo.

### DISCUSSION:

In order to dissolve Jumbo, both legislative authority by way of legislative amendments (requiring approval from the Legislature), and a subsequent Order in Council (requiring approval of Cabinet) to implement the dissolution are needed.

Drafting and consultations are essentially complete for legislative amendments to the *Municipalities Enabling and Validating Act (No.4)* and Minister's confirmation is required to finalize drafting of these amendments and proceed to Legislative Review Committee (LRC) for approval. If approved at LRC, amendments could be included in a Ministry miscellaneous bill and be ready to proceed at the next sitting of the Legislature.

#### Scope of proposed legislative amendments

As currently drafted, proposed legislative amendments to the *Municipalities Enabling and Validating Act (No. 4)* or MEVA will:

- Provide the authority to dissolve Jumbo by way of revocation of its letters patent;



- Transfer the responsibility for the governance of the area that was formerly Jumbo back to the jurisdiction of the RDEK; and
- Transfer the assets and liabilities of Jumbo to either the Province or the RDEK, as appropriate.

The MEVA amendments are set to come into force on date of Royal Assent and will provide the authority to implement the dissolution by way of letters patent. Letters patent are used to incorporate local governments, including municipalities and regional districts. Authorizing the Lieutenant Governor in Council to dissolve Jumbo by letters patent will provide a smooth transition between the dissolution of Jumbo and the transfer of assets, liabilities and services to the RDEK.

Following the enactment of the proposed MEVA amendments, an OIC will need to be prepared for Cabinet approval to bring into effect the letters patent that will dissolve Jumbo and address all the transitional and administrative matters.

### Consultations

In developing the MEVA amendments, Ministry staff consulted with internal stakeholders including the Mountain Resorts Branch of the Ministry of Forests, Lands Natural Resources and Rural Development and the Ministry of Indigenous Relations and Reconciliation in spring 2020. Both Ministries are supportive of the amendments.

Ministry staff also consulted with external stakeholders including Jumbo, the RDEK and BC Assessment in spring 2020 and all were supportive. The Union of British Columbia Municipalities was consulted in fall 2020 and was also supportive of the amendments.

Letters were sent out to the following local First Nations on July 15th: Neskonlith Indian Band; Adams Lake Indian Band; Little Shuswap Lake Indian Band; Shuswap Indian Band; and the Ktunaxa Nation. Receipt of the letters were confirmed, or letters were re-sent, on July 31st. No concerns were received from these First Nations as of November 1st, 2020.

### Timing/implementation considerations

The next opportunity to proceed with these legislative amendments will likely not be until 2021. If Jumbo is not dissolved in 2020, the municipality will be required to meet certain reporting requirements such as completing an annual municipal report as well as an annual financial report for 2021 as per the *Community Charter*. Additionally, there is a possibility that the current mayor and council may resign prior to the dissolution of Jumbo. If this occurs, the Minister will likely be required to appoint a new mayor and council to help oversee the dissolution of the municipality.

### Next Steps:

Following Minister's confirmation, staff will continue work with Legislative Counsel to finalize the proposed amendments and corresponding legislative package/supporting materials for LRC approval.

s.12; s.13

### **GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:**

No GBA+ impacts were identified as these amendments pertain to dissolving a municipality with no residents.



Ministry of  
Municipal Affairs

**FINANCIAL IMPLICATIONS:**

- None

**PREPARED BY:**

Patrick Glanc, Senior Policy Analyst  
Local Government Policy, Research and Legislation

**APPROVED BY:**

Tara Faganello, Assistant Deputy Minister  
Local Government Division

Okenge Yuma Morisho, Deputy Minister

**DATE APPROVED:**

December 15, 2020

December 15, 2020



## INFORMATION BRIEFING NOTE

**Date:** December 15, 2020

**Prepared For:** Honourable Josie Osborne, Minister of Municipal Affairs

**Topic:** Amendments to Modernize Local Government Public Notice Framework

**Purpose:** Drafting and consultations are essentially complete on proposed amendments to modernize the local government public notice framework. This note provides an overview of the key changes and anticipated next steps, including on outstanding matter of outreach to the newspaper industry.

### BACKGROUND:

#### *Current Public Notice Framework & Challenges*

Local governments are required to provide advance public notice for a wide range of local government business (elections, public hearings, annual reports, etc.). The *Community Charter* sets out the general public notice requirements that apply to each specific notice requirement, and under these requirements, public notice must be published in a newspaper, once each week for 2 consecutive weeks. If newspaper publication is not practicable, the notice may be published by “alternative means,” that is “reasonably equivalent” to newspaper publication.

Local governments have expressed - through UBCM resolutions and in other contexts - that the current public notice requirements are impractical and challenging to meet, especially in communities where newspapers have shut down or reduced their publication schedules. Ministry staff have also heard that the current “alternative means” requirements are difficult to understand. In 2020, local governments also expressed concerns that newspaper publication requirements hinder effective communication with residents during emergency situations, such as during the pandemic.

### DISCUSSION:

#### *New, Proposed “Local Choice” Framework*

Amendments are proposed that would allow local governments to select the means of publishing notice that work best in their communities. This “local choice” framework will allow local governments to choose to enact a bylaw that specifies two different means of publishing notice that the council/board determines is most appropriate given their community context (such as publication on a local government website, an online newspaper, on television, on social media, etc.). To protect the public interest and ensure a robust and accessible public notice framework, the proposed amendments will require councils and boards to consider prescribed “public notice principles” before adopting a public notice bylaw. See Appendix 1 for a summary of the proposed amendments.

#### *Status of Project: Timing and Consultation*

Drafting and consultations are essentially complete on the proposed amendments and will be finalized if project is to proceed.

Local government stakeholders have been consulted on the proposed amendments and no concerns have been raised. Initial consultation with knowledgeable local government staff took place during the policy development phase in Summer 2019. Consultations with the Union of British Columbia Municipalities (UBCM), the Local Government Management Association, as well as staff from City of Vancouver and the Islands Trust also indicate support for the changes and no concerns have been raised.



If passed, the changes will be brought into force by regulation so that local governments have time to understand the changes and prepare for the new framework. If the proposed amendments are enacted during a Spring 2021 session, they could be brought into force in early summer 2021.

#### *Newspaper Industry Outreach – Outstanding*

In recent years, several other provinces have undertaken similar initiatives to modernize local government public notice legislation by removing newspaper publication requirements and providing more flexible publication options. In response to those changes, newspaper industry representatives have raised concerns. Specifically, industry representatives have expressed concern that modernization will exacerbate the industry's financial challenges, particularly for rural community newspapers that rely more heavily on local government advertising revenues. Broader policy concerns have also been raised with some industry representatives arguing that newspapers remain a key information resource, which can reach a broader demographic range of the community than online public notice mediums.

In BC, weekly community newspapers are represented by the British Columbia and Yukon Community Newspaper Association (BCYNA). Members of BCYNA, as well as the province's daily newspapers, are members of the Canada-wide umbrella association, News Media Canada (NMC). While BCYNA's position is unknown, NMC is a long-standing proponent of retaining newspaper publication requirements and provides access to public notice advocacy materials on its website.

The Ministry has not yet undertaken outreach with these associations on the proposed changes. Although they are likely to raise similar concerns as those heard in other provinces during their modernization efforts, it is important to note that the Ministry is responding to long-standing requests from local governments/UBCM to modernize BC's public notice requirements. The proposed changes essentially allow local governments to determine what best meets their community's public notice needs. Appendix 2 provides "key messages" that could be used for outreach to the newspaper industry via a Minister's notification letter to industry representatives.

#### *Next Steps*

If the proposed amendments are to proceed, staff will continue work on the following:

- *Newspaper Industry Outreach* – consistent with key messages outlined in Appendix 2, develop a Minister's outreach letter to BCYNA and NMC. Given legislative confidentiality, it is recommended that the timing of the letter coincide with introduction of proposed amendments in the Legislature, when the amendments are made public (TBC with Minister).
- *Finalize Drafting / LRC Materials* - following Minister's confirmation, staff will continue work with Legislative Counsel to finalize the proposed amendments and corresponding legislative package/supporting materials for Legislative Review Committee (LRC) approval.
- *Implementation Regulations* – Staff are undertaking preliminary work on necessary implementation regulations, including Ministerial regulations to prescribe public notice principles, and an LGIC regulation to bring the proposed amendments into force. These would be ready by early Summer 2021.
- *Implementation: Education, Guidance and Support* - Work is underway on a "high-level" summary document as well as key messages intended for publication when the proposed amendments are introduced in the legislature. Further fulsome guidance will follow once to coincide with implementation.



Ministry of  
Municipal Affairs

**Attachments:**

1. Summary of Proposed Changes
2. Potential Newspaper Industry Key Messages

**PREPARED BY:**

Stephen Russo, Policy Analyst  
Policy, Research and Legislation Branch

**APPROVED BY:**

Tara Faganello, Assistant Deputy Minister  
Local Government Division

Okenge Yuma Morisho, Deputy Minister

**DATE APPROVED:**

December 15, 2020

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December 15, 2020

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## Appendix 1: Summary of Proposed Amendments

### Current Public Notice Framework

- Local government legislation, such as the *Local Government Act* and the *Community Charter* requires municipal councils and regional district boards to give advance public notice for a range of local matters of public interest (e.g. public meetings, elections, public hearings).
- Section 94 of the *Community Charter* specifies general public notice requirements that must be met for each specific notice requirement: notice must be provided by publishing the notice in a newspaper once each week for 2 consecutive weeks in the geographic area to which the notice relates.
- If newspaper publication is “not practical,” notice may be provided by “alternative means” if the means of giving notice is “reasonably equivalent” to newspaper publication.

### Proposed Amendments

- The proposed amendments respond to concerns raised by local governments that the current public notice framework is inflexible and unsuitable in communities with limited or no access to community newspapers.
- The proposed amendments establish a “local choice” framework for public notice. Under the new framework, local governments will have the following options for publishing public notices:
  - Adopt a new “public notice bylaw” that specifies at least two means of publishing notice (e.g. on a local government website, on a trusted community website, an online newspaper, on social media), OR
  - Continue to provide notice using the current, “default” requirements, that is by publishing notice in a newspaper once each week for two consecutive weeks.
- Before adopting a public notice bylaw, local government boards and councils must consider whether their preferred means of giving notice are consistent with prescribed “public notice principles”. The principles will be prescribed by Ministerial regulation and refined/defined after further policy work and consultation. They are anticipated to include concepts related to:
  - *Accessibility* – the means of publishing notice should be widely accessible to the community and allow a majority of community members to access the notice with ease
  - *Timeliness* – the means of publishing notice should be capable of providing notice to the community in a timely manner.
  - *Trustworthiness* – the means of publishing notice should be capable of presenting information in an unbiased and non-partisan manner.
- Proposed amendments include ministerial regulation making authorities to protect the public’s interest in effective public notice, including by allowing the Minister to define “means” of publishing notice or by prescribing a list of permitted means of publishing notice.
- Proposed amendments to the *Vancouver Charter* and *University Endowment Land Act* will provide similar “local choice” options to local government bodies under those acts. A regulation under the *Islands Trust Act* will also provide the *Islands Trust* with parallel access to the new framework.



## Appendix 2: Potential Newspaper Industry Key Messages

Outreach by way of a Minister's letter to the British Columbia and Yukon Newspaper Association and News Media Canada may assist in moderating the newspaper industry anticipated concerns. If this outreach is appropriate, key messages could include the following:

- The proposed amendments respond directly to concerns expressed by local governments and calls for a flexible, local-choice public notice framework. Many UBCM resolutions have requested more modernized public notice rules and specifically identified the challenge of meeting public notice requirements in communities that are not served by a local community newspaper, or where newspaper publication has been reduced.
- Given the size, scale and scope of BC's local governments, elected councils and boards are in the best position to determine what best suits their community's public notice needs based on their individual circumstances.
- Government recognizes that enhanced local choice in making decisions about public notice formats must balance local governments' need for flexible and practical public notice rules with the public's interest in an effective notice framework. A sound framework should promote transparent local government operations while providing opportunities for community-members to hold their elected representatives accountable.
- The new public notice framework includes several elements that are intended to "safeguard" the public's interest in effective public notice:
  - Councils and boards must consider whether their bylaw is consistent with legislated "principles" of public notice before enacting a bylaw;
  - The proposed amendments include regulation-making authorities that, if needed, would allow the Minister to address uncertainty by specifying a list of permitted formats for public notice to be used, and/or by further defining what these formats can and cannot include; and
  - (forthcoming) advisory materials encourage local governments to give careful consideration to the community's ability to access preferred means, and to consult with interested stakeholders such as their community newspaper, prior to enacting a public notice bylaw.
- The proposed amendments will not require local governments to adopt a public notice bylaw. In communities that are well-served by local newspapers, local governments will continue to have the option to publish notice using the "default" requirements, that is by publishing notice in 2 consecutive newspapers. Local governments that adopt a public notice bylaw will have full discretion to select newspaper publication as one of the two required means of publishing notice.



## BRIEFING NOTE FOR INFORMATION

**Date:** December 16, 2020  
**Prepared For:** Honourable Josie Osborne, Minister of Municipal Affairs  
**Topic:** Local Government Development Approvals Program  
**Purpose:** Update on \$15M funding program to support local government development approval process reviews and streamlining.

### BACKGROUND:

The Ministry of Municipal Affairs (MUNI) initiated the Development Approvals Process Review (DAPR) to address challenges and identify opportunities for improvement in local government development approvals processes.s.13

s.13

In September 2020, as part of the Provincial Economic Restart Plan, \$15M was allocated to a Development Services stream under the Municipal Restart Program to support a local government grant program for streamlining development approvals. The Union of British Columbia Municipalities (UBCM) has agreed to administer and deliver this program on behalf of the Province. Ministry staff are working closely with UBCM on the design of the Local Government Development Approval Program (LGDAP) with a goal of launching in early 2021.

### DISCUSSION:

#### *Program Purpose and Structure*

The LGDAP will support local governments to undertake internal reviews of development approval processes and procedures, adopt established best practices and test innovative approaches to increasing their efficiency and effectiveness. Project applications are expected to consider opportunities from pre-application through to approvals, including, for example:

- Bylaw updates and training support to increase delegation of decision-making on land use permits from councils/boards to staff
- Guidance for developers on preparing complete and correct development applications
- Internal digital application management systems
- Comprehensive process reviews to identify efficiencies and alignment in cross-departmental communications and application requirements
- Development of Model Development Approvals Procedures Bylaw, including adoption supports for councils/boards

All local governments in British Columbia (B.C.) and the Islands Trust will be eligible for funding. Funding maximums may be scaled based on population and population growth rates, as a proxy for development demand, as well as scope of project. Local governments will be encouraged to submit proposals that foster regional collaboration or demonstrate collaboration with external stakeholders, such as the Urban

Development Institute (UDI), home builders' associations, and / or the non-profit development sector.  
s.13

As part of the program application, local governments will be required to submit information about the proposed scope of the project, anticipated outcomes, planned deliverables, and plan for measuring success.

### ***Program Partners & Engagement***

Ministry staff are working with UBCM to determine program parameters and are engaging with select local governments on potential streamlining initiatives to ensure robust program design. The development of program guidance and application materials will be undertaken collaboratively with UBCM, and ministry staff will participate in application adjudication.

s.13

### ***Program Delivery and Administration***

UBCM has a record of successfully delivering a range of funding programs to local governments, including many on behalf of or in partnership with the Province. Current examples in which the Province is a partner or has an interest include the Housing Needs Reports Funding Program, the Gas Tax Agreement, the Community Emergency Preparedness Fund, and the Asset Management Planning Program. Ministry staff are currently negotiating the terms of the Contribution Agreement, including a reasonable administrative percentage and communication protocols. All program announcements by UBCM will be undertaken in collaboration with GCPE.

### ***Program Timeline and Next Steps***

Ministry staff are working with UBCM to determine possible program timelines. Once the contribution agreement is signed, a "soft launch" announcement of the upcoming program can be made. Contingent on further discussions with UBCM, the program would be launched in early calendar 2021 with successful local governments announced in Spring 2021. Depending on the number of successful applications and grants provided, future intakes could be considered.

### **GBA+ IMPLICATIONS**

All local governments in B.C. will be eligible to apply for a grant under the LGDAP. s.13  
s.13

There are no other GBA+ considerations and impacts.

### **FINANCIAL IMPLICATIONS:**

The \$15M for the Development Service stream of the *Restart Funding for Local Governments* funding was  
s.12; s.13

s.12; s.17

**PREPARED BY:**

Molly Johnson, Manager  
Planning and Land Use Management Branch

**APPROVED BY:**

Tara Faganello, ADM  
Local Government Division

Okenge Yuma Morisho, Deputy Minister

**DATE APPROVED:**

December 9, 2020

December 16, 2020



## INFORMATION BRIEFING NOTE

**Date:** December 16, 2020

**Prepared For:** Honourable Josie Osborne, Minister of Municipal Affairs

**Topic:** Strengthening Communities' Services funding program

**Purpose:** To provide an update on the design of the Strengthening Communities' Services funding program and the proposed agreement with UBCM for program delivery.

### BACKGROUND:

On August 10, 2020, Premier Horgan addressed a "Safe Restart Letter" to Prime Minister Trudeau which served as the basis of a COVID-19 restart funding agreement. The local government component of this funding was \$540 million equally shared between the Federal Government and the Province.

Treasury Board (TB) directed the ministry to apportion this funding between three funding streams: Development Services (\$15M), Strengthening Communities' Services (\$100M), and Local Government (\$425M). Two of these streams, Development Services and Strengthening Communities' Services, will be application-based grant programs for local governments delivered by UBCM through Shared Cost Agreements. Funding will be transferred to UBCM on a date specified in each stream's shared cost agreement, prior to March 30, 2021.

The Strengthening Communities' Services stream (\$100 million) will support local governments to respond to increased health and safety risks for unsheltered populations due to the COVID-19 pandemic, and growing community concerns around public safety and <sup>s.13</sup> stemming from encampment activity.

Originally, the Office of Housing and Construction Standards was responsible for developing the grant program under the Strengthening Communities' Services stream. With the ministerial re-organization that followed the provincial election, responsibility shifted to the Planning and Land Use Management Branch (PLUM), which remains in the Ministry of Municipal Affairs (the ministry).

### DISCUSSION:

The goal of the Strengthening Communities' Services program is to support and incentivize local governments to take action in the areas where they have responsibility understanding that this will compliment parallel provincial efforts. Intended outcomes of this program, through augmented local government services, programs and costs are:

- increased health and safety of homeless populations,
- reduced community concerns about <sup>s.13</sup> and safety related to homelessness,
- improved coordination among local governments and health/social services providers, and
- increased capacity of local governments to work with homeless persons and Indigenous leadership towards culturally safe and trauma-informed responses.

### Shared Cost Agreement with UBCM

Under the proposed Shared Cost Agreement (see Attachment 1), the Province will transfer the \$100 million Strengthening Communities' Services funding to UBCM before March 30, 2021. UBCM will disburse the funds to eligible applicants through one or more grant intakes.



UBCM will be compensated for administering this program on the basis of actual costs for the resources required, with the funds coming from the \$100 million funding stream plus any interest earned on the funds before it is disbursed. An administrative budget will be provided by UBCM as part of the final round of negotiations on the Shared Cost Agreement.

Ministry staff are targeting the end of December for executing the final Shared Cost Agreement, subject to consensus on program parameters.

### **Program Design Report to Treasury Board**

s.12; s.13

To inform program design, ministry staff have already and will continue to seek input from partners with subject-matter expertise, including staff from Ministry of Social Development and Poverty Reduction, Ministry of Health, Office of the Provincial Health Officer, Ministry of Public Safety and Solicitor General, B.C. Housing and the Homelessness Services Association of B.C. PLUM staff are also exploring avenues for engaging with one or more organizations experienced in providing support and services to homeless Indigenous populations.

s.12; s.13

s.12; s.13 Ministry staff are collaborating with UBCM on the creation of these deliverables; due to short timelines, this process is happening concurrently with preparing the Shared Cost Agreement and the TB report back.

The initial call for proposals for the Strengthening Communities' Services stream is anticipated to open in February 2021, with applications due mid-April. Evaluation of grants will take 60-90 days and funding will flow to selected recipients between June-July 2021. This proposed timeline is consistent with other evaluation timelines for programs that UBCM administers; however,

s.13

### **GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:**

Some segments of the British Columbia population are more likely to experience homelessness, and more vulnerable to the health and safety risks associated with living unsheltered:

- Indigenous Peoples are 10 times more likely to access homeless emergency shelters than non-Indigenous people, representing approximately 30 percent of all shelter users in 2014, while only representing approximately 5 percent of the Canadian population. (Final Report of the Advisory Committee on Homelessness on the Homelessness Partnering Strategy, Employment and Social Development Canada, 2017)
- The 2020 Homeless Count for Metro Vancouver indicated that Indigenous people represent one-third (33 percent) of people experiencing homelessness in the region, compared to the proportion of people who identify as Indigenous in the general population (2.5 percent according to the 2016 census).



- The National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry Into MMIWG, 2019) identified housing insecurity and poverty as disproportionately and severely impacting Indigenous women, girls, and gender-diverse peoples.
- LGBTQ2S youth are overrepresented in the homeless youth population, but underrepresented in shelters, as they have difficulty finding shelters where they feel safe and respected. (Fostering an Inclusive Shelter Environment for LGBTQ2S Youth, Alex Abramovich and A Way Home)
- Women, girls, and gender diverse people are disproportionately impacted by a loss of income during COVID-19, putting women-led households at great risk of losing their housing. For women already experiencing homelessness during the pandemic, violence, including sexual violence in encampments is a significant challenge. (The State of Women's Housing Need & Homelessness in Canada: A Literature Review, 2020, Canadian Observatory on Homelessness).
- Working age (25-54 years) men consistently make up the biggest groups of people experiencing homelessness at 65 percent and 68 percent respectively (2018 Report on Homeless Counts in BC).

#### *Next steps*

The Strengthening Communities' Services Funding will address the health and safety of homeless populations, while increasing the capacity of local authorities to respond to needs of vulnerable persons in a trauma-informed and culturally safe way through training opportunities, peer-based support services, and liaisons with Indigenous community leaders.

To address the disproportionate impacts of homelessness among Indigenous persons and in Indigenous communities, this program will look for evidence that funding recipients are collaborating with adjacent First Nations and urban Indigenous organizations in the delivery of activities. s.13; s.16

s.13; s.16

s.13

#### **FINANCIAL IMPLICATIONS:**

- The \$100 million funding stream consists of \$50 million in federal funding and \$50 million in provincial funding, approved by s.12; s.17

#### **Attachments:**

1. Appendix 1: Draft Shared Cost Agreement (includes Schedules A and B)

#### **PREPARED BY:**

James Proctor, Senior Policy Analyst  
Planning and Land Use Management

#### **APPROVED BY:**

Tara Faganello, Assistant Deputy Minister  
Local Government Division

Okenge Yuma Morisho, Deputy Minister

#### **DATE APPROVED:**

December 15, 2020

December 16, 2020

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### Schedule A: PROGRAM DESCRIPTION AND DATES

- A.1 The **Commencement** Date is **date of signing**.
- A.2 The **Completion** Date is no later than **August 31, 2023**.
- A.3 Program Title:
- Strengthening Communities' Services Grant Program**
- A.4 The Strengthening Communities' Services Grant Program will:
- Be developed in collaboration with the Province;
  - Include an application-based program designed to support eligible recipients in delivering services to homeless and vulnerable populations and addressing community concerns about s.13 and safety during the COVID-19 pandemic and recovery periods.
- A.5 Activities eligible for funding will include programs or services to:
- Increase the health and safety of homeless populations;
  - Address community concerns about the impacts of homelessness, including s.13 and community safety;
  - Improve cross-sector coordination and collaborative responses to homelessness;
  - Increase capacity of eligible recipients to deliver programs or services that are trauma-informed and culturally safe, through training, community liaison activity, and peer-based
  - Other services responding to homelessness.
- A.6 Applications for funding will be evaluated on criteria informed by the perspectives of housing and homelessness services providers, public health officials, Indigenous community leadership, local governments, and people with lived experience of unsheltered homelessness.
- A.7 Priority for funding will be given to applications that demonstrate evidence of acute homelessness need and community concerns about s.13 and safety related to homelessness.



**Schedule B: PAYMENT AND REPORTING REQUIREMENTS****B.1 Provincial Financial Contribution:**

The Recipient having met the Eligibility Criteria and agreeing to the Stipulations in this Agreement, the Province will make a financial contribution toward the Eligible Program Costs of the Recipient equal to **ONE HUNDRED MILLION DOLLARS AND ZERO CENTS (\$100,000,000.00)** CDN being the maximum amount of contribution funding approved by the Province.

**B.2 Timing of Payment to the Recipient:**

The Province will make one payment for its portion of the Eligible Program Costs that will become due and payable within thirty (30) days of the signing of this Shared Cost Arrangement.

**B.3. Final Report:**

The Recipient agrees to provide to the Province through Program Staff a Final Program Status Report, in a form established by the Province on or before **August 31, 2023**.

**B.4 Other Information:**

The Recipient will provide the Province through Program Staff, upon request, all such other information concerning the progress of the Program to completion as may be required by the Province.

**B.5 Administrative Costs:**

The Recipient will provide the Province with a schedule of Administrative Costs which may be included in Eligible Program Costs.

## INFORMATION BRIEFING NOTE

**Date:** December 21, 2020  
**Prepared For:** Minister Josie Osborne, Minister of Municipal Affairs  
**Topic:** Development Approvals Process Review – Priorities and Initiatives  
**Purpose:** Summary of previously approved DAPR policy/program approach and its alignment with government commitments.

### BACKGROUND:

In February 2018 the BC Government released Homes for BC: A 30-Point Plan for Housing Affordability in BC, where it committed to deliver 114,000 units of housing over 10 years, including over 80,000 units of non-subsidized housing. A key initiative included in the plan, improving the efficiency and effectiveness of development approvals, supports the timeliness of new housing supply getting to market.

The process for approving development has a major impact on how quickly housing projects and other developments are built. While local government development approvals play an important role in ensuring community interests are met and developments are healthy and safe, for years stakeholders have raised significant concerns that they can also result in complex, lengthy and expensive processes with significant uncertainties for developers. In many jurisdictions in British Columbia, the development approvals process has increased in complexity and length without necessarily delivering better outcomes in terms of a greater and timelier supply of housing, or fairness and certainty for the public and the development industry alike.

As part of the Development Approvals Process Review (DAPR), between December 2018 and May 2019 the Ministry undertook province-wide consultations with a broad range of stakeholders to identify challenges in local government development approvals processes and opportunities to address them. The results of the consultation, which include a comprehensive list of informed ideas for improving the system, were made public in a final report released in September 2019<sup>1</sup>.

s.13

### DISCUSSION:

s.13

is provided below.

Where applicable, initiatives are referred back to government's 2020 election commitments. Where appropriate, suggestions are made for refining previously approved commitments to further support government's commitments.

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<sup>1</sup> Development Approvals Process Review: Final Report from a Province-wide Stakeholder Consultation

1. Funding Program for Streamlining Processes

In response to government's priority to streamline local government development approvals, work is underway to develop a program to fund projects that streamline local government development approvals processes and support timely movement of developments to market. Staff are working with UBCM to finalize a contribution agreement on program parameters and administration, as well as the program guide. This program will be funded through the recently announced \$15 million that has been allocated to the Development Services stream of the broader Municipal Restart Program.

s.13

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#### **GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:**

The Ministry initiated DAPR as part of its commitment to empower local governments to eliminate barriers to housing development and accelerate the construction of homes people need. More specifically, DAPR identifies opportunities to increase the efficiency (including timeliness, predictability, certainty and consistency) and effectiveness (including fairness, balance, transparency, inclusivity, and outcomes that are in the public interest) of local government development approvals processes.

s.13

#### **FINANCIAL IMPLICATIONS:**

s.13; s.17



Ministry of  
Municipal Affairs

CLIFF # 257942  
(X-REF. #257941 and 257945)

**PREPARED BY:**

Lee Nicol, Director  
Planning and Land Use Management Branch

**APPROVED BY:**

Silas Brownsey, Associate Deputy Minister  
Strategic Planning and Land Use Division

Okenge Yuma Morisho, Deputy Minister

**DATE APPROVED:**

November 17, 2020

December 8, 2020



## DECISION BRIEFING NOTE

**Date:** December 23, 2020

**Prepared For:** Honourable Josie Osborne, Minister of Municipal Affairs

**Topic:** BC Provincial Nominee Program (PNP) Policy In-Person Learning Requirements

**Purpose:** To obtain a decision on whether to temporarily modify the in-person learning requirement for BC PNP international student streams in response to COVID-19.

### RECOMMENDED OPTION:

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### BACKGROUND:

The BC PNP offers a pathway to permanent residence for international students who have completed an eligible program of study from a recognized BC or Canadian post-secondary institution (PSI). The International Graduate (IG) category is for international students who have completed a Canadian certificate, diploma or degree and have a job offer in a skilled occupation. The International Post-Graduate (IPG) category does not require a job offer and is for international students with a master's or doctoral degree in the natural, applied or health sciences from a BC university. Both the IG and IPG require that at least half of the education program's course credits are earned through in-person classroom learning.

Due to the COVID-19 pandemic, in the 2020/21 academic year most BC PSIs are offering classes primarily through online learning with only limited on-campus instruction where physical presence is essential. This move to online learning in programs formerly delivered in-person could impact international students' eligibility for the BC PNP. International students and PSIs have requested clarification and flexibility regarding BC PNP's in-person learning requirement. A decision is needed on whether to temporarily modify the requirement.

### DISCUSSION:

The IG and IPG categories are designed to retain international post-secondary students with Canadian experience. This reflects the BC PNP's goal of nominating individuals with the intent and ability to establish themselves in the province. Recent BC and Canadian research studies have found that obtaining a Canadian educational credential prior to achieving permanent residency does not result in better income or employment outcomes, but that language ability and Canadian work experience are the key factors for immigrants' success. Therefore, immigrants who obtain a Canadian educational credential entirely online from abroad are likely to have weaker employment outcomes compared to those who live and work<sup>1</sup> in Canada while doing their studies (regardless of whether the studies are in-person or online).

If no changes are made to the in-person learning requirement, there will be ongoing impacts on international students, PSIs, and the BC PNP. International students who started their study program prior to the pandemic with the intent to immigrate through the IG or IPG may no longer have an immigration pathway available once they complete their studies, and will have to return to their home country after investing significant money and time into their education in Canada. International students who recently started or are about to start a study program may re-evaluate their plans and decide not to pursue their studies in Canada. This significantly impacts PSI tuition revenue and is a missed opportunity for BC to

<sup>1</sup> Study permit holders can work up to 20 hours per week without a work permit.



attract high-talent future immigrants. Because of the potential impact on tuition revenue, PSIs have indicated to the BC Government (Municipal Affairs and the Ministry of Advanced, Education, Skills and Training) that for programs with a high percentage of international students they are feeling pressured to keep offering in-person learning even though online learning would be feasible and safer. In 2019, international students spent over \$6.6B in BC on tuition, accommodation and other expenses, supporting an estimated 53,400 jobs within the province.

If no changes are made the current policy, then over the next couple of years, there will be fewer international students eligible to apply for the BC PNP. This could result in a lower percentage of IG and IPG nominations, which currently represent a third of nominations under the PNP's Skills Immigration stream (Appendix 1). A lower percentage of IG and IPG nominations is not necessarily problematic because it can result in more opportunity for non-international student applicants in the program. Due to this substitution effect there are no anticipated impacts on the total number of annual nominations the BC PNP will make and no negative program revenue implications. However, it would be important to monitor how the shift impacts the type of occupations that are nominated and the overall quality of applicants to the program.

Modifying the in-person learning requirement to an "in-Canada" learning requirement would be consistent with temporary federal policy changes for the Post-Graduation Work Permit (PGWP) Program. The PGWP Program allows students who have graduated from eligible Canadian institutions to obtain an open work permit. Prior to the pandemic, the PGWP Program had a 50% in-person learning requirement. Now, international students who have completed a short program of study (8-12 months) online from abroad or a long program of study online from within Canada will remain eligible for a PGWP (Appendix 2).

Starting in September 2020, the federal government has provided an exemption to the pandemic border restrictions so that study permit holders can travel to Canada if their PSI has an approved safety plan (all public PSIs in BC are approved). As such, it is possible for international students to travel to Canada, although travel logistics may still be difficult. Announcing a modification to the PNP's in-person learning requirement will be received positively by many international students, but some may complain that they still will not be eligible because this change was not announced sooner and therefore, they chose not to travel to BC in the fall. An earlier announcement was not possible due to a range of factors external to the program.

#### **GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:**

IG applicants have the smallest gender wage gap among PNP categories (males make \$1.66/hr more than females, compared to up to \$9.53 more for other skilled worker streams). If the volume of IG participants decreases, this could exacerbate the overall wage gap between genders in the PNP.

#### **FINANCIAL IMPLICATIONS:**

- Not applicable

#### **OPTIONS:**

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Honourable Josie Osborne

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Date





### Appendix 1: Data on International Graduate and International Post-Graduate Streams

Total BC PNP Nominations				
Skills Immigration (SI)	2016	2017	2018	2019
Skilled Worker	2,169	2,496	3,698	3,703
Entry Level and Semi-Skilled	756	600	633	667
International Graduate	2,274	2,372	1,572	1,384
International Post-Graduate	722	463	536	749
<b>SI Total</b>	<b>5,921</b>	<b>5,931</b>	<b>6,439</b>	<b>6,503</b>
<b>Total Number IG +IPG</b>	<b>2,996</b>	<b>2,835</b>	<b>2,108</b>	<b>2,133</b>
<b>Percentage IG + IPG of Total</b>	<b>51%</b>	<b>48%</b>	<b>33%</b>	<b>33%</b>

Program Details	BC PNP International Graduate (IG)	BC PNP International Post-Graduate (IPG)	Federal Post-Graduate Work Permit Program (PGWPP)	Federal changes to the PGWP Program in response to COVID-19
Immigration pathway	Permanent	Permanent	Temporary  Length of the work permit is based on the length of the study program; min of 8 mo., max 3 yrs. The work permit cannot be renewed or extended.	Temporary  [Not yet publicly announced] The federal government is planning a temporary policy change to allow one-time work permit renewals. The renewal will give PGWP holders more time to accumulate one year of skilled work experience in Canada, which is a requirement of the federal Canadian Experience Class permanent immigration stream.
Education model	Distance learning not eligible; >50% of courses must be in-person	Distance learning not eligible; >50% of courses must be in-person	Distance learning not eligible; >50% of courses must be in-person	<p>Students already in Canada in 2020 will not lose eligibility if more than 50% of their program moved online, or if they paused their studies due to COVID-19.</p> <p>Students who started their program after April 2020 may now study online from abroad until April 30, 2021, with no time deducted from the length of a future post-graduation work permit, provided 50% of their program of study is eventually completed in Canada.*</p> <p>Students enrolled in a program 8 -12 months in length, with a start date from May to Sept. 2020, can complete their entire program online from abroad.</p>

Post-Secondary Institution (PSI)	Degree, diploma or certificate from an eligible Canadian PSI in last 3 years	Master's or doctorate degree from an eligible BC PSI	Degree, diploma or certificate from an eligible Canadian PSI	N/A
Fields of Study	Open	Agricultural, biological, computer and information sciences; engineering; health professions; mathematics; natural resource conservation; physical sciences.	Academic, vocational or professional training program	N/A
Length of full-time study	≥ 8 months	≥ Length of master's program	≥ 8 months	N/A
Job offer requirement	Accepted a full-time, high-skilled indeterminate job offer from a BC employer in NOC 0, A or B; wage must be at market rate	No job offer required; but ability and intent to live and work in BC must be evidenced (i.e. job offer or job search plan, secured accommodation etc.)	No job offer required	N/A

\*To be eligible for these measures, students must have submitted a study permit application before starting a program of study in the spring, summer, or fall 2020 semester, or the January 2021 semester.



## DECISION BRIEFING NOTE

**Date:** February 16, 2021

**Prepared For:** Okenge Yuma Morisho, Deputy Minister

**Topic:** BC Provincial Nominee Program Policy – Suspended Occupations

**Purpose:** To obtain a decision on whether to remove the pandemic-related suspension of certain occupations in the BC PNP.

### RECOMMENDED OPTION:

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### BACKGROUND:

The BC Provincial Nominee Program (BC PNP) supports economic development by helping employers in the province meet workforce needs. In spring 2020, the COVID-19 pandemic severely impacted the employment of British Columbians, particularly in the tourism, hospitality, retail and personal services sectors. In response to these pandemic impacts and to protect job opportunities for British Columbians, in mid-March the BC PNP stopped inviting applications from candidates whose job offer is in one of 31 occupations across these hard-hit sectors (Appendix A).

Suspending occupations from the BC PNP is not a normal mechanism of program operations. The suspensions were implemented as a temporary measure in response to the unprecedented economic shock caused by the necessary public health measures to control the pandemic. Subsequent labour market data from March and April 2020 validated that this approach was justified. Between February and April 2020, employment in BC dropped by 490,000 and reached the lowest point in 14 years. Unemployment rose from 5.0 per cent to 13.4 per cent between February and May.

The suspension was extended in July 2020 until the end of 2020. A decision is now required on whether to lift, amend or retain the suspensions.

### DISCUSSION:

The decision whether to lift, amend or retain the suspensions should balance several factors, including the effects of recent federal immigration decisions, BC labour market conditions, program integrity, and stakeholder impact.

On February 13, 2021, Immigration, Refugees and Citizenship Canada (IRCC) issued an exceptionally large number of Invitations to Apply (ITAs) to Express Entry candidates in the Canadian Experience Class (CEC). The CEC is a category in the federal immigration system that focuses on immigrants with Canadian work experience and strong language skills. Normally, federal ITAs capture around 5,000 people nationally and require candidates to have a minimum of between 430-475 points (the point system ranks candidates based on a range of human capital factors). Certain categories of BC PNP candidates apply for permanent residency via the CEC; a nomination gives 600 additional points, guaranteeing an invitation from IRCC.

The ITAs on February 13 were issued to every CEC candidate – over 27,000 people – with scores as low as 75. Over 6,300 of these individuals are in (or destined to) BC. IRCC pursued this course of action to try to reach the ambitious immigration levels target of 401,000 permanent residents in 2021. Additional IRCC



actions are anticipated in the coming weeks and months to create new pathways for temporary residents in Canada to receive permanent residency.

IRCC's decision to invite all CEC candidates has a significant impact on the BC PNP. As high as 2,600 of those who received a federal ITA are at some stage of the PNP process including 1,700 registrants (about 40% of the inventory) and 900 applicants, up to 600 of whom could request and receive a refund of \$1,150 as their application has not yet been assigned for review. Many of the people who are in 11 of the 31 occupations that BC has suspended will have received a federal ITA as well, precluding the need for a BC nomination.

Provincial-level data indicate that the labour market has recovered well. Following early signs of recovery in May, employment continued to recover for eight consecutive months, nearly reaching pre-pandemic levels by December 2020 (Appendix B). Additionally, an occupation-specific labour market analysis of the suspended occupations, conducted by the Ministry of Advanced Education, Skills and Training using a range of metrics, indicated that most of the suspended occupations have recovered relatively well in recent months. Considering this labour market analysis, removing the suspensions could be justified regardless of IRCC actions. Further, keeping the suspensions in place may adversely affect economic recovery of businesses reliant on immigrant workers, particularly in regional economies where the supply of labour is limited. Maintaining the suspensions would prevent some businesses from retaining their current temporary foreign workers and the resulting labour shortages could impede businesses' ability to meet customer demand as the economy continues to recover.

Two occupations, *Retail and Wholesale Trade Managers* and *Restaurant and Food Service Managers* are oversubscribed in the BC PNP registration pool, making up almost half of the 31 suspended occupations. Program integrity concerns seem to be driving this high number.s.13

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The overall trend and high

volume of these registrants poses the risk of displacing invitations.s.13

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While the CEC ITA reduced the

BC PNP registrations under these 2 occupations by more than 50% from 1,098 to 458; the volume left will still push out other occupations. Therefore, it may be worthwhile to maintain the suspension of these two occupations or draw them separately at a higher points threshold to manage volume,s.13

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Ministry staff are pursuing a more permanent solution for addressing integrity concerns in these occupations, but this will take several months to implement.

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## GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

The gender balance of applicants in the suspended occupations (51% female, 49% male) is substantially more representative of BC's population than the non-suspended occupations (32% female, 68% male). As such, suspension of the 31 occupations has disproportionately affected females. Lifting the suspension will help to mitigate this disproportionate impact, although overall the PNP is anticipated to be nominating more males than females.



### **FINANCIAL IMPLICATIONS:**

The PNP is a cost-recovery program funded through applications fees. In order to achieve cost-recovery, the program needs to make a certain number of nomination decisions each year. Some applicants who withdraw from the program will be eligible for a refund of their application fees if the assessment has not begun. The current inventory of applicants eligible for a refund could generate between \$100,000 and \$600,000 in financial impact to the ministry. The ability for the program to rebuild this inventory will depend on the extent to which there is enough applicant demand for the program after IRCC implements their planned policies. Maintaining the suspensions will exacerbate this financial impact.

### **OPTIONS:**

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## APPROVED (Option #1) / NOT APPROVED

A handwritten signature in blue ink, appearing to read "Okenge Yuma Morisho".

Okenge Yuma Morisho

February 16, 2021

Date

### Attachments:

1. Appendix A: List of occupations temporarily suspended from BC PNP with recommendations for action
2. Appendix B: Employment in BC, February – December 2020

#### PREPARED BY:

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#### APPROVED BY:

David Curtis, A/ADM  
Immigration Services and Strategic Planning

#### DATE APPROVED:

Feb. 15 2021



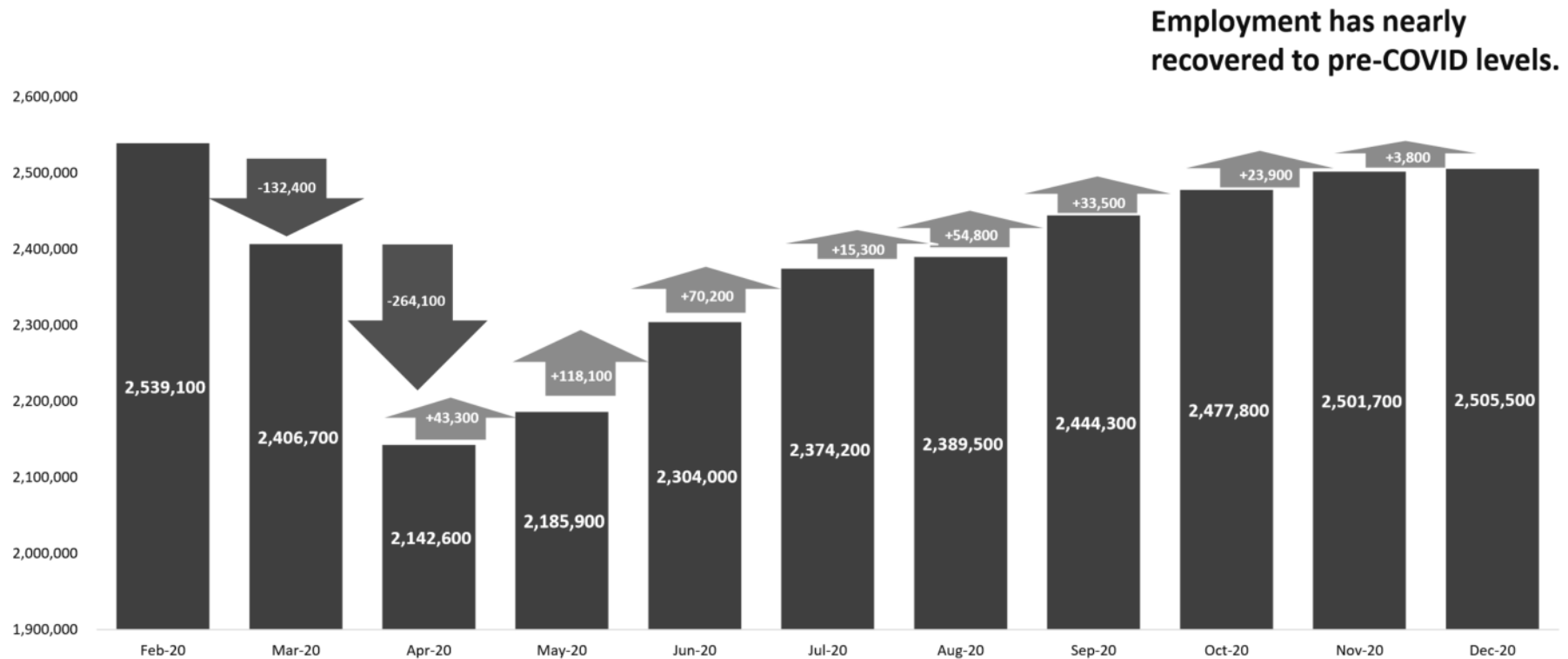
## Appendix A: List of occupations temporarily suspended from BC PNP

Occupation Code	Description	Labour Market Index Score 1 = strong recovery 4 = weak recovery
6522	Pursers and flight attendants	3.57
6532	Outdoor sport and recreational guides	3.50
6621	Service station attendants	3.43
6511	Maitres d'hôtel and hosts/hostesses	3.29
6512	Bartenders	3.14
6421	Retail salespersons	3.14
6525	Hotel front desk clerks	3.00
6521	Travel counsellors	3.00
6611	Cashiers	2.86
3236	Massage therapists	2.80
6562	Estheticians, electrologists and related occupations	2.71
6513	Food and beverage servers	2.71
6524	Ground and water transport ticket agents, cargo service representatives and related clerks	2.60
6564	Other personal service occupations	2.60
6322	Cooks	2.57
6711	Food counter attendants, kitchen helpers and related support occupations	2.57
6533	Casino operations	2.50
6531	Tour and travel guides	2.50
6321	Chefs	2.43
6211	Retail sales supervisors	2.43
6523	Airline ticket and service agents	2.33
6721	Support occupations in accommodation, travel and facilities set-up services	2.25
6341	Hairstylists and barbers	2.20
6313	Accommodation, travel, tourism and related services supervisors	2.14
6722	Operators and attendants in amusement, recreation and sport	2.14
0621*	Retail and wholesale trade managers	2.14
0632	Accommodation service managers	1.86
6311	Food service supervisors	1.80
6731	Light duty cleaners	1.71
0631*	Restaurant and food service managers	1.60

\*oversubscribed occupations within BC PNP registry



## Appendix B: Employment in BC, February to December 2020



Source: COVID-19 Labour Market Impacts, released January 13<sup>th</sup> 2020, by Ministry of Advanced Education and Skills Training