

TO: CITY MANAGER

DATE: June 27, 1997

FROM: CITY SOLICITOR

SUBJECT: BILL 46-LOCAL GOVERNMENT STATUTES AMENDMENT ACT  
(NO.2) 1997

PURPOSE: TO RESPOND TO COUNCIL'S REQUEST FOR A REPORT ON BILL 46

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RECOMMENDATION:

1. That this report be received by Council for information purposes.

**REPORT**

Bill 46 - Local Government Statutes Amendment Act (No.2) 1997 has received first reading in the Provincial Legislature.

Many of the changes to the Municipal Act that Bill 46 would effect are intended to simplify the exercise of certain powers that now require electoral assent or approval by the Provincial Government.

One of the major initiatives is the change to a "counter petition" process in place of the current electoral assent requirement for certain types of municipal actions.

Instead of having to obtain electoral assent, the City would instead publish notice of the proposed bylaw or action, the area to which it applies (if not the whole municipality), the deadline by which a counter petition must be submitted together with an estimate of the number of signatures required to support the counter petition.

To be effective, a counter petition would have to be signed by at least 5% of the electors of the area to which the counter petition applied and submitted by the deadline established by Council.

If a valid counter petition was submitted, Council could not proceed with the bylaw or other action without the assent of the electors as is currently required by the legislation.

The counter petition process would apply to the following actions:

- withdrawal of land from forest reserve (s.312)
- tax exemptions for heritage properties (s.342)
- tax exemptions for eligible riparian properties (s.343.1)
- the leasing of land by a municipality as the lessee for a term of over 30 years
- a loan authorization bylaw for capital expenditures for drainage, sewerage or water works a utility or a project wholly or partly financed by the Federal Government (s.458 (2)(b))
- a borrowing bylaw for works or services for a downtown revitalization project

In addition, the requirement for the approval of the Minister of Municipal Affairs would be replaced by the Counter petition process in certain other instances:

- a bylaw removing a reservation of municipal land for a public purpose (s.307)
- exchange or sale of land dedicated as park by subdivision plan.

Certain other municipal actions requiring provincial consent would also be simplified. The approval of the Inspector of Municipalities would no longer be required for:

- a bylaw to use borrowed money for a purpose other than that for which it was originally borrowed (s.477)
- the investment of sinking fund money in GVRD securities (s.484)
- expenditure of excess money raised to pay interest on debentures (s.502)
- a bylaw providing for the application of parking meter revenues to the provision of off-street parking facilities (s.647)

The approval of the Minister of Municipal Affairs would no longer be required for:

- housing contracts with the Federal Government (s.217)
- an agreement with another municipality to jointly exercise a power (s.218)
- a bylaw providing for a grant to another Municipality (s.232)
- conveyance of land to a School Board (s.322)
- variation of a capital expenditure program originally approved by the Minister (s.329)
- rescission or amendment of an agreement as to the assessed value of golf course or cemetery land (s.348)
- establishment of a gas, electrical or water utility (s.594)
- establishment of a transportation or telephone system (s.595)
- a bylaw establishing conditions for the provision of a municipal utility (s.603)
- the disposition of a municipal water, gas, electrical, transportation, telephone or television system or utility (s.605)
- adoption of franchise agreements for public transportation or for the public supply of gas, electricity, water or telephone (s.607)
- a bylaw providing that any works that may be undertaken as a local improvement must be undertaken as a local improvement (s.622)

In the following instances, Ministerial approval would be replaced by the consent of the local government affected:

- extension of drainage or sewerage system into adjacent municipality (s.574)
- establishment of incinerator or garbage dump outside of municipal boundaries (s.577)
- establishment of a pound outside of municipality boundaries (s.707)


The requirements of a 2/3 Council majority requirement would be replaced with a simple majority requirement in the following instances:

- a joint exercise of a power with another municipality (s.218)
- conveyance of land to a School Board (s.322)
- a bylaw to provide for the application of parking meter revenues to the provision of off-street parking facilities (s.647)

Besides the foregoing changes, Bill 46 would also:

- create a new class of municipality known as an "island municipality" within the Islands Trust Area
- provide that a bylaw designating a business improvement area would cease after the earlier of the date set in the bylaw and 20 years, rather than the current 5 years (s.233)
- provide for the enactment of a comprehensive general bylaw known as a "municipal code" covering some or all of the matters under the Act
- allow for official consolidation of an original bylaw with all of its amending bylaws

- give specific authority to require a damage deposit as a condition of the issuance of a building permit
- allow for a “development works agreement” between a municipality and a developer whereby the developer would construct public works that benefit neighbouring landowners, and the cost of the excess works would be charged against the neighbouring properties.



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City Solicitor

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