



Item
Meeting2013 Mar 18

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2013 March 12
FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 2125 20
Reference: UBCM Resolutions
SUBJECT: 2013 LMLGA AND UBCM RESOLUTIONS

PURPOSE: To present resolutions for submission to the 2013 Lower Mainland Local Government Association (LMLGA) Annual General Meeting and Union of BC Municipalities (UBCM) Convention, and to provide an update on recent UBCM resolutions previously submitted by Council.

RECOMMENDATIONS:

1. **THAT** Council endorse the resolutions outlined in Section 2.0 of this report for submission to the 2013 LMLGA Annual General Meeting and UBCM Convention.
2. **THAT** staff be authorized to forward a copy of this report, accompanied by supporting background reports and information, to the LMLGA and to the UBCM, both located at Suite 60, 10551 Shellbridge Way, Richmond, BC V6X 2W9.
3. **THAT** copies of this report be forwarded for information to:
 - *MLA Richard Lee*, at 1833 Willingdon Avenue, Burnaby, BC V5C 5T1;
 - *MLA Raj Chouhan*, at 5234 Rumble Street, Burnaby, BC V5J 2B6;
 - *MLA Kathy Corrigan*, at 150 – 5172 Kingsway, Burnaby, BC V5H 2E8; and
 - *MLA Harry Bloy*, at 220 – 3355 North Road, Burnaby, BC V3J 7T9.

REPORT

1.0 INTRODUCTION

Each year, resolutions are considered for submission to the Lower Mainland Local Government Association (LMLGA) Annual General Meeting (AGM). The adopted resolutions from the LMLGA are then forwarded to the Union of B.C. Municipalities (UBCM) Convention. These resolutions are a means to request amendments to the Community Charter, Local Government Act and other provincial or federal legislation and policies to address issues of significance to local government.

This report presents two new resolutions for Council’s consideration as submissions to the 2013 LMLGA Annual General Meeting (AGM) and UBCM Convention. A third resolution, adopted by Council at its meeting of 2013 February 18, has already been submitted, and is presented in this report for consolidation purposes. The deadline for submissions to the LMLGA AGM, which will take place from 2013 May 8 – 10 in Harrison Hot Springs, BC, is 2013 March 22. The UBCM

To: City Manager
From: Director Planning and Building
Re: 2013 LMLGA and UBCM Resolutions
2013 March 12.....Page 2

Convention will take place from 2013 September 16 – 20 in Victoria, BC. The deadline for any resolution submissions made directly to the UBCM is 2013 June 30.

For the convenience of Council, this report also details the Provincial response to resolutions previously approved by Council and submitted to the LMLGA AGM and the UBCM Convention in 2011 and 2012.

2.0 2013 LMLGA AND UBCM RESOLUTIONS

This section provides an overview and background information on two resolutions that have been developed for Council's consideration and possible submission to the 2013 LMLGA AGM and the UBCM convention, as well as a third resolution already forwarded to the UBCM and the FCM. All resolutions are presented in the context of their significance to all local governments in British Columbia, including Burnaby.

2.1 Resolution: Reduce Liability for Local Government in Conducting Building Inspections

On 2012 April 16, the Provincial Justice Minister and Attorney General introduced new legislation (Bill 34) updating the *Limitation Act*. The process for updating the legislation was begun in 2007 and a 'White Paper' on the topic entitled *Finding the Balance* was available for consultation in Fall 2010. The UBCM submitted a response to the Province in partnership with the Municipal Insurance Association of BC. Burnaby also submitted a response to the 'White Paper'.

Bill 34 received Royal Assent on 2012 May 14 and will come into effect 2013 June 1. The updated *Limitation Act*, arising from the 'White Paper' proposals, contains the following key reforms relevant to local governments:

- decreasing the ultimate limitation period for filing a claim to 15 years from 30 years. In other words, the updated Act sets a 15 year maximum time limit to file a claim, from the date of the occurrence or omission giving rise to the claim. This is in place even if it is determined that a plaintiff has the right to bring a legal claim after the 15 year period has passed, as there is no provision for extension;
- introduction of a single, two-year basic limitation period, starting from when a plaintiff realizes that they have the right to bring a legal claim, for most civil legal actions¹ within the 15 year ultimate limitation period. In the previous Act civil claims had variable limitation periods based on the type of legal action. In other words, the updated Act provides a standard for how long a person has to launch a civil lawsuit – within the 15 year 'outside limit' – if no other statute, pertaining to the issue(s) in question, contains a specific time period. The two-year basic limitation period will start once it is determined that a plaintiff has the right to bring a legal claim; and
- changing the initiation of the ultimate limitation period from an 'accrual' model to a model that 'starts the clock running' on the 15 year ultimate limitation period from the occurrence or omission that gives rise to a potential claim - for example, an act of negligence. This is a

¹Exceptions are the enforcement of monetary judgements, which will have a 10-year limitation period, and any statutes that set their own limitation periods: <http://www.ag.gov.bc.ca/legislation/limitation-act/2012.htm>

To: City Manager
From: Director Planning and Building
Re: 2013 LMLGA and UBCM Resolutions
2013 March 12.....Page 3

change from the previous *Limitation Act*, which ‘started the clock’ on the ultimate limitation period once all elements of an occurrence had taken place. For example, there could be no action on an occurrence of negligence until damages resulting from that occurrence had taken place.

Burnaby, along with the UBCM and other local governments in the province, has been steadily advocating since the mid-1980’s for an updated *Limitation Act*. Specifically Burnaby has submitted three resolutions to the UBCM (2007-B2, 2008-B2, and 2009-B56) on the topic, all of which were subsequently endorsed. While these resolutions, along with those submitted by other local governments, requested a 10-year ultimate limitation period, the UBCM has stated that it is supportive of the changes contained in the updated Act as a ‘significant improvement’ from the previous standard.

However, as the UBCM noted in its publication *In The House*, dated 2012 April 16, these changes do not address the issue of joint and several liability, which is another long-standing issue of concern to local governments in B.C., including Burnaby. Under the current system of joint and several liability, if two or more defendant parties are found liable for damages, the winning plaintiff may collect the entire financial judgment from any one of the parties, or from the parties in combination, until the payment is complete. In other words, if one of the defendants is unable to pay an equal share of the judgment, the other defendant becomes liable for the remaining share.

Within the resolutions noted above, Burnaby has repeatedly advocated that the Province consider updates to the *Negligence Act* to move from a system of several and joint liability to a system of proportional liability, under which defendants would be responsible for any financial judgments only to the degree to which they contributed to any damages.

A Provincial response to the 2009-B56 resolution stated that while specific and targeted measures for limiting local government liability had been considered and incorporated into legislation, such a blanket measure as moving to proportional liability would be difficult to consider as it would affect other types of liability experienced by the general public, rather than just local governments.

In a related matter, local governments are currently protected through the Local Government Act [Chapter 323, Section 290] from liability exposure related to the approval of plans submitted with a building permit application, if the plans in question have been submitted by a professional engineer or architect registered in British Columbia, and if the approval states in writing that this certification was relied upon.

However, local governments, including Burnaby, continue to experience a disproportionate exposure to claims, particularly when conducting building inspections even when such field reviews are conducted by third party registered professionals. As independent third party oversight of construction and building code matters is critical to the continued health and safety of the public, Burnaby continues to conduct these inspections despite the exposure to risk and possible underwriting of claims against others.

In light of the recent update to the *Limitation Act*, the above Provincial response regarding the *Negligence Act*, and continuing staff concerns as to the amount of liability exposure experienced

To: City Manager
From: Director Planning and Building
Re: 2013 LMLGA and UBCM Resolutions
2013 March 12.....Page 4

by Burnaby and other local governments in B.C., the following resolution has been prepared for Council's consideration. It has been reviewed for submission with the concurrence of the Chief Building Inspector and the City Solicitor:

RESOLUTION: REDUCED LIABILITY FOR LOCAL GOVERNMENT IN CONDUCTING BUILDING INSPECTIONS

WHEREAS the Province of British Columbia has recently updated the *Limitation Act* to be generally consistent with limitation-period related requests made by both the UBCM and the Municipal Insurance Association of BC (MIABC), which is a significant improvement to the previous legislation;

AND WHEREAS the Local Government Act [Chapter 323, Section 290] provides for specific liability exceptions to local governments in certain circumstances, and in particular for the approval of building plans submitted by a professional engineer or architect:

THEREFORE BE IT RESOLVED that the Province of British Columbia consider changes to appropriate legislation to further protect local governments from liability exposure in conducting building inspections when field reviews are carried out by professional engineers or architects registered in British Columbia.

2.2 Resolution: Ensure Sustainability of Canada's Existing Social Housing Stock

In the Metro Vancouver region, social housing units make up 16%, or approximately 50,000 units, of the total rental housing stock. This figure includes non-profit housing, co-operative housing, independent seniors housing, group homes, transition homes, and other housing with supports. Approximately 36,400 of these units (with approximately 4,984 located in Burnaby) are managed under operating agreements with the Provincial and Federal governments.

The operating agreements are contracts which outline the subsidies that will be provided by both senior levels of government, and the obligations of the housing provider for obtaining the subsidy. The subsidies support housing providers to offer units on a 'rent geared to income', or RGI, basis where the household pays no more than 30% (or some other percentage specified by the housing operator) of its income on housing costs. Every operating agreement is offered for a specified number of years (often for 30 or 35 years) and is linked to the mortgages which funded the construction or acquisition of the land and buildings. The current agreements nation-wide represent an investment of approximately \$1.7 billion annually by the Federal government in support of housing for those in need.

The majority of these long-term operating agreements are now beginning to reach their expected date of expiry and will continue to do so over the next ten to twenty years, with just under half of the agreements in Metro Vancouver expiring by 2020. While not explicitly stated in the terms of the agreements - at the time many of the projects were constructed and financed it was viewed that once the mortgage was paid off there would be no ongoing need for continued government support. This assumed that at the end of the agreement tenant rents would be sufficient to cover ongoing maintenance and operating costs. However, research by the Canadian Housing and

Renewal Association (CHRA) indicates that many housing providers house tenants with very low incomes and do not generate sufficient income to pay for these ongoing expenses². As such, the expiration of operating agreements will have significant impacts on many housing providers and resident tenants. Foreseen impacts include higher average rents, a reduced number of deeply subsidized units, and/or a net loss of more affordable units.

According to research recently undertaken by Metro Vancouver at least 40%, or approximately 14,600 units (with approximately 1,900 located in Burnaby), of this regional stock is vulnerable to becoming unaffordable to the target population(s) due to operating agreement expiration. This estimation includes approximately 1,700 units across the region targeted to persons who are homeless. Levels of risk vary according to the ratio of RGI tenants, as well as the size and capacity of the housing provider to absorb resulting financial changes.

Similar impacts are also projected to be experienced in other centres across Canada. In response, CHRA and the Cooperative Housing Federation of Canada (CHF) have been pressing the Federal government to respond to the issues surrounding expiring operating agreements. In its 2008 report, entitled *Sustaining the Momentum: Recommendations for a National Action Plan on Housing and Homelessness*, the Federation of Canadian Municipalities (FCM) also prompted the Federal government to, among other strategies, commit to maintaining current funding levels and to reinvest any savings from the expiry of operating agreements back into housing and strategies to preserve the existing stock of social housing. More locally, BC Housing and the BC Non-Profit Housing Association are also working together on an associated risk analysis to inform a strategy that will respond to the expiry of these operating agreements.

The approaching expiration of these operating agreements affects local governments across Canada and British Columbia, including Burnaby. Given the depth and severity of these impacts, the following resolution has been prepared for Council's consideration. The resolution is consistent with Action #14 in the *Burnaby Social Sustainability Strategy (2011)*, which articulates a continuing role for the City in advocating to the federal and provincial governments for a renewed investment in policies and programs that reflect a full continuum of housing provision:

RESOLUTION: ENSURE SUSTAINABILITY OF CANADA'S EXISTING SOCIAL HOUSING STOCK

WHEREAS the anticipated upcoming expiration of subsidy or rent supplement operating agreements with the Provincial and Federal governments will have a significant impact on the availability of affordable and subsidized rental housing, including some housing units targeted towards persons who are homeless;

AND WHEREAS the lack of affordable housing and the incidence of homelessness is a growing and complex problem affecting all British Columbian and Canadian communities;

² *Courage Under Fire: Addressing the Challenges and Opportunities of a Post-Operating Agreement World in Social Housing*, 2011, pgs. 3-5.

THEREFORE BE IT RESOLVED that the Union of BC Municipalities call on the Federal Government, through the Federation of Canadian Municipalities and other avenues as appropriate, to assess, examine, and renew the subsidy, rent supplements, or other supports for operating agreements set to expire.

AND THEREFORE BE IT FURTHER RESOLVED that the Union of BC Municipalities call on the Federal Government, through the Federation of Canadian Municipalities and other avenues as appropriate, to collaborate with provincial, territorial and municipal governments, and non-profit housing providers and other housing stakeholders to ensure the viability and sustainability of all social housing stock through a National Action Plan on housing for Canada.

2.3 Resolution: Impose Moratorium on Hydraulic Fracturing

At its meeting of 2013 February 18, Council adopted a report from the Environment Committee proposing a resolution to the LMLGA on hydraulic fracturing. The report proposed a resolution requesting a moratorium on hydraulic fracturing until senior governments give full consideration to the potential human and environmental impacts of hydraulic fracturing, and undertake a comprehensive public consultation process. In addition to the resolution's submission to the LMLGA, Council requested that it also be forwarded to the UBCM and the Federation of Canadian Municipalities (FCM).

As indicated in the previous report considered by the Environment Committee and Council on this matter, hydraulic fracturing, also known as 'fracking', involves the injection of water, sand and chemicals at high pressure into a well to crack rock formation to release natural gas and other petroleum deposits. The natural gas can then be extended to the surface under controlled conditions through the wellhead to be collected for processing and distribution. The process has been known for approximately 60 years, but has expanded in the past decade to include unconventional recovery techniques such as horizontal drilling. Horizontal drilling has made previously difficult-to-reach gas deposits accessible.

The concerns related to hydraulic fracturing are similar to concerns echoed for other resource extraction techniques, including high water usage, disposal of wastewater, potential for surface and ground water contamination, and potential for air pollution. A main difference between hydraulic fracturing and other resource extraction technologies is the immaturity of the scientific research on its impact on the receiving environment.

There are currently no federal guidelines for hydraulic fracturing. Across Canada, provinces have taken a wide variety of stances on the subject. British Columbia currently allows hydraulic fracturing, and regulates it under the Provincial *Oil and Gas Activities Act* which came into effect in 2010. In order to protect freshwater resources, the Act forbids fracturing operations at depths of less than 600 metres without a permit. To protect ground water quality, each permit holder must submit detailed records indicating the date the fracture was completed, the types and amounts of every ingredient injected into the well, and the supplier of each of the ingredients. British Columbia is the first province to require all operators to disclose the fluids used. The chemicals used in the fracturing process are regulated by the federal Chemicals Management Plan, which

To: City Manager
From: Director Planning and Building
Re: 2013 LMLGA and UBCM Resolutions
2013 March 12.....Page 7

assesses the toxicity of the substance before it can be manufactured in or imported to Canada. In addition, the Canadian Environmental Protection Act (CEPA) assesses chemical substances and the management of toxins.

Further work is needed to assess the risks associated with hydraulic fracturing and other shale gas development in Canada, including quantity of water used, surface and groundwater contamination, and emissions of greenhouse gases and air pollutants from shale gas facilities.

In light of this concern and the inconsistent approaches to hydraulic fracturing taken by Canadian provinces, the following resolution was prepared and submitted to the LMLGA, the UBCM and the FCM. In order to provide for the consolidation of Council's resolutions to the 2013 LMLGA AGM and UBCM Convention, the resolution is presented below:

RESOLUTION: IMPOSE MORATORIUM ON HYDRAULIC FRACTURING

WHEREAS hydraulic fracturing uses a large amount of water and chemicals;

AND WHEREAS more scientific study is needed on the impact of hydraulic fracturing on the receiving environment; and

AND WHEREAS more legal and regulation reporting support is required for hydraulic fracturing;

AND WHEREAS water, air and other resources are shared commons and, as such, require public consultation and a process that enables communities to be a part of the decision-making process;

AND WHEREAS there is no consistent policy and approach taken by provinces on hydraulic fracturing;

THEREFORE BE IT RESOLVED that the City requests a moratorium on hydraulic fracturing until senior governments give full consideration to the potential human and environmental impacts of hydraulic fracturing, and undertake a comprehensive public consultation process.

3.0 STATUS OF ACTIVE 2012 RESOLUTIONS

In 2012, Council advanced five resolutions to the UBCM Convention. The following section summarizes these resolutions and provides an update on their status.

3.1 Resolution: HST to GST/PST Transition Date

This resolution, calling for an earlier HST to GST/PST transition date, was originally endorsed by Council at its meeting of 2012 January 23. The resolution was based on concerns arising from the housing construction industry and the Real Estate Board of Vancouver regarding the timeline for and details of this transition, which is scheduled for 2013 April 1. Staff subsequently submitted the resolution to the LMLGA and the UBCM.

To: City Manager
From: Director Planning and Building
Re: 2013 LMLGA and UBCM Resolutions
2013 March 12.....Page 8

Staff were later apprised by the Real Estate Board of Greater Vancouver that the 2012 February 17 Provincial announcement regarding *HST-PST/GST Transition Rules for Housing* had adequately addressed the Board's concerns. The UBCM also advised staff that the resolution would not be considered for debate at the LMLGA and the UBCM, as the matter had been resolved to the satisfaction of the Real Estate Board of Greater Vancouver and the new home building industry. This information was forwarded to Council at its 2012 March 19 meeting. Council requested staff to amend the resolution, removing reference to the Real Estate Board of Vancouver, the cost of home ownership and the impact of the changeover on the start of new construction, and to re-submit the resolution to the LMLGA and the UBCM.

The amended resolution was subsequently endorsed at the LMLGA 2012 AGM and forwarded to the UBCM for consideration. However, it was not endorsed at the UBCM. According to information provided by the Province, the intended transition from the HST back to the GST/PST remains 2013 April 1.

3.2 Resolution: Federal Infrastructure Funding

The resolution, calling for no restrictions within federal infrastructure funding programs as to the type of funding model (P3 or other) utilized by recipients for project completion, stemmed from correspondence received by Council from the Canadian Union of Public Employees, British Columbia Division (CUPE BC) at its 2012 February 6 meeting.

This resolution was endorsed by the LMLGA and was also subsequently discussed and endorsed by the UBCM. It was similar to other resolutions put forward by the District of Port Edward, the City of Pitt Meadows, and the Town of Princeton, although Burnaby was identified as the ultimate sponsor of the resolution.

No response from the Federal Government has yet been received, although the UBCM has advised staff that one is anticipated in Spring or Summer 2013. Staff will continue to monitor the progress of Federal consideration on this issue, and will report back to Council on any arising results.

3.3 Resolution: Local Government Involvement in Provincial Review of Municipal Taxation

This resolution, calling for more significant opportunity to participate in the Provincial *Expert Panel Review of Business Taxation* and the *Local Government Revenue Sources Review*, was approved by Council at its 2012 March 19 meeting.

The two reviews referenced above are related to Bill 20 (*Auditor General for Local Government Act*), which was introduced in the Legislature on 2011 November 24 and came into force 2012 April 25. This Bill established an Office of the Auditor General for Local Government, which will conduct a limited number of 'value for money' performance audits each year to evaluate existing local government service models and to share best practices. The Auditor General has the sole discretion to select which performance audits will be conducted. On 2012 November 7 the Province appointed Ms. Basia Ruta as the Municipal Auditor General. Ms. Ruta began a 5-year term in January 2013.

To: City Manager
From: Director Planning and Building
Re: 2013 LMLGA and UBCM Resolutions
2013 March 12.....Page 9

The *Expert Panel on Business Taxation* was formed through the Ministry of Finance, and under the *Canada Starts Here: BC Jobs Plan*. The seven-member Panel was named by the Province on 2012 January 10 and included representatives from the Vancouver Board of Trade, the Canadian Federation of Independent Business, Goldcorp Inc., Ernst and Young LLP, and the University of British Columbia, as well as Mr. Dale Wall, adjunct member and former Provincial Minister of Community and Rural Development. The Panel was tasked with generating ideas and providing recommendations for a business taxation system that balances the principles of competitiveness, fairness and simplicity. As part of its review, the Panel considered submissions from 43 organizations, including the UBCM. In addition, on 2012 June 19, members of the UBCM Executive appeared before the Expert Panel to present on behalf of local governments.

The final report of the *Panel Review*, submitted to the Province on 2012 August 31, outlines 38 recommendations on business tax competitiveness and administrative improvements to streamline the PST³. The review also included a component which examined local government property taxation of business and its impact on competitiveness and investment. As a result of this examination, the review made seven recommendations⁴ to the Province in this area. These recommendations focus on setting benchmarks for measuring municipal business taxation, and synchronizing municipal and Provincial efforts at building the economy. Finance Minister Michael de Jong has directed the Provincial *Select Standing Committee on Finance and Government Services*⁵ to include the Panel's report in its annual budget consultation.

In addition, one recommendation (#28) stated that, "the BC Government and the UBCM should negotiate an agreement that creates an effective framework for ongoing dialogue and joint action on containing municipal costs". Related to this, in August 2012, the Ministry of Community, Sport and Cultural Development released the results of its internal *Local Government Revenue Sources Review*. The Review resulted in eight detailed papers on topics including 'An Analysis of Property Taxation' and 'Financial Best Practices Inventory'. The papers raise a variety of points for further reflection and research but do not make any specific recommendations. However, the response to this resolution from the Ministry of Community, Sport and Cultural Development states that, within the framework for consultation, it will discuss possible outcomes and objectives that may follow from the research with the UBCM.

The UBCM, in November 2012, convened a *Select Committee on Local Government Finance* to undertake inter-jurisdictional research, comparative and economic analysis, and consultations with local governments. Membership on this Committee includes elected officials from a range of B.C. local governments. Mr. Dale Wall, who recently served on the *Expert Panel Review of Business Taxation*, has also been contracted to support the committee's research.

³ For a full version of the review, see: www.fin.gov.bc.ca/experts_panel_tax.htm.

⁴ Recommendations 24 – 30.

⁵ The *Select Standing Committee on Finance and Government Services* was, in 2011, empowered by the Legislative Assembly to examine, inquire into and make recommendations with respect to the annual budget consultation paper prepared by the Minister of Finance, including opportunities for public consultation. The Budget 2013 consultation process occurred in Fall 2012 and included 22 public hearings as well as opportunities to submit a written or video file, and to complete an online survey.

Staff are of the opinion that the forming of the UBCM Select Committee is an important step in building a framework for consideration of these issues from a local government perspective. Staff will continue to monitor any additional steps or associated changes.

3.4 Resolution: Public Procurement Under the Comprehensive and Economic Trade Agreement

This resolution calls for the Federal government to enact strong domestic policy to preserve the right of sub-national governments and boards to utilize public procurement and investment as a social tool to support the local economy and help achieve local sustainability goals. The context for this resolution is the continuing rounds of negotiations, between the Government of Canada and the European Union, related to the Canada-E.U. Comprehensive Economic and Trade Agreement (CETA)⁶. This resolution was not presented at the LMLGA but was discussed and endorsed at the UBCM.

In the past, Burnaby has sponsored two other resolutions relating to CETA – resolutions 2010-C24 (Comprehensive Economic and Trade Agreement) and 2011-B143 (Blue Community). The former was similar to another resolution put forward by the District of Logan Lake (2010-B108), which was identified as the ultimate sponsor of the resolution. The latter was similar in content to a resolution sponsored by the District of Kent (2011-B112), which was also endorsed at that year’s UBCM. As well, discussed below in Section 3.5, in 2011 Burnaby sponsored an additional resolution (B48) relating to the regulation of public water services in relation to CETA.

According to information from Foreign Affairs and International Trade Canada, Canada and the European Union (EU) are now in the ninth round of negotiations related to CETA. The negotiating text is reported to be well-advanced with many chapters closed. In correspondence dated 2012 February 14 to the Federation of Canadian Municipalities (FCM)⁷, the Honourable Ed Fast, Minister of Foreign Affairs and International Trade, stated that, among other points, CETA would not preclude local governments from implementing sustainability criteria in procurements as long as it was ‘applied in a non-discriminatory manner’. As well, the communication states that local governments can continue to give preference to the local in non-contractual agreements (e.g., grants or fiscal initiatives) and procurement not subject to CETA (e.g., below threshold, excluded goods and services).

Staff, while supportive of efforts taken by the UBCM and the FCM, are of the opinion that the full implications of CETA for local governments have yet to be fully addressed by either the Federal or Provincial Governments. Staff will continue to monitor progress on this matter through the UBCM and FCM.

⁶ The purpose of the CETA negotiations, as outlined by *Foreign Affairs and International Trade Canada*, is to increase economic cooperation and reduce protectionism in trade between Canada and the European Union (EU): www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/eu-ue/can-eu.aspx.

⁷ For full text of the correspondence please visit: <http://www.fcm.ca/home/issues/more-issues/international-trade.htm>

3.5 Resolution: Regulation of Public Water Services

This resolution requests that water services, including the provision of drinking water and wastewater management, be excluded from the scope of Canada's international trade agreements and remain as a public service. The resolution stemmed from a UBCM *Member Release*, dated 2012 February 22 and received by the Executive Committee of Council, which summarizes the 2012 February 14 correspondence from the Honourable Ed Fast to the FCM referenced above. Arising from its discussion, the Committee requested staff to prepare an additional resolution relative to CETA, with specific focus on the regulation of public water services.

As outlined above, Minister Fast has stated that CETA would not limit the ability of local governments to implement sustainability criteria – including those related to water provision – if ‘applied in a non-discriminatory manner’. Additional correspondence from the FCM outlined that the Minister has repeatedly stated that the distribution of water services, if currently offered publically, would not be forced to privatize or otherwise deregulate. However, other bodies, including the Council for Canadians⁸, maintain⁹ concerns regarding the possible inclusion of water services under the umbrella of CETA-affected goods and services.

As with the resolution discussed in Section 3.4, staff are of the opinion that these communications do not fully clarify or address the potential seriousness or scale of impact that CETA could have on local governments. Staff, together with the UBCM and other community organizations, will continue to monitor progress on this important trade agreement.

4.0 STATUS OF ACTIVE 2011 UBCM RESOLUTIONS

In 2011, Council advanced seven resolutions to the UBCM Convention. The following section summarizes these resolutions and provides an update on their status.

4.1 Resolution: Community Based Seniors Care

This resolution, calling for an enhanced Provincial system of community-based seniors care, was a response to a delegation received by the Social Issues Committee on 2011 May 26 from the Canadian Centre for Policy Alternatives.

The delegation outlined the importance of community based seniors care as an important avenue for keeping seniors healthy and active in their own homes and communities, and for controlling cost pressures on the health care system. This resolution was similar to ones brought forward by the City of Victoria, the City of Nanaimo and the District of Maple Ridge, although Burnaby was identified as the ultimate sponsor of the endorsed resolution.

⁸The Council of Canadians, founded in 1985, is Canada's largest citizens' organization, which works to protect Canadian independence by promoting progressive policies on fair trade, clean water, energy security, public health care, and other social and economic issues: www.canadians.org.

⁹For more information visit: <http://canadians.org/trade/issues/EU/index.html>

To: City Manager
From: Director Planning and Building
Re: 2013 LMLGA and UBCM Resolutions
2013 March 12.....Page 12

A response to the resolution from the Ministry of Health to the UBCM outlined that the Ministry's strategic direction includes implementation of the Integrated Primary and Community Care (IPCC) model, which will work towards building attachment to an integrated community-based health care team through a family physician.

In 2012 February, the BC Ombudsperson Office released its findings from a three-year investigation into seniors care in British Columbia. The report contains 143 findings and made 176 recommendations, some of which address community-based seniors care. Information provided by the Ombudsperson Office states that, while regional health authorities have responded to some of the recommendations in the report, the majority are still being reviewed by the Ministry of Health. However, on 2013 February 20, the Province announced that it was introducing legislation for a Seniors Advocate, to enable the creation of a seniors' advocate. If enacted, this legislation would make B.C. the first jurisdiction in Canada to create such a position.

In addition, the Honourable Margaret MacDiarmid, Minister of Health, recently announced on 2013 March 1, that health authorities will receive up to \$50 million annually over the next three years for targeted primary and community care programs, including programs for community-based seniors care. One example is the *Home is Best* program, which targets seniors waiting for a residential care bed, or residential care eligibility assessment, enabling them to live safely at home for longer.

Staff will continue to apprise Council of any significant related developments.

4.2 Resolution: Provincial Funding for Enhanced Seniors' Programs

This resolution stemmed from the same delegation received by the Social Issues Committee on 2011 May 26, from the Canadian Centre for Policy Alternatives. This particular resolution focused on the need for enhanced funding of seniors outreach and health prevention programs, such as those at seniors' centres and community centres, in order to support the connection of seniors to their community and to lessen instances of social isolation.

This resolution was also similar to ones brought forward by the City of Nanaimo and the District of Maple Ridge, although in this instance the City of Victoria was identified of the ultimate sponsor of the endorsed resolution.

A response to the resolution from the Ministry of Health to the UBCM outlined that the Ministry's current strategic direction focuses on providing as many preventative programs and services as possible to British Columbians within a home or community-based setting. As noted above, the 2012 February BC Ombudsperson report on the Office's investigation into Provincial standards of seniors care makes a number of recommendations relating to community-based seniors programs. As well, legislation has been introduced for a Provincial Seniors Advocate. The advocate role is proposed to monitor seniors' services, promote awareness, work collaboratively with seniors, service providers and others to identify solutions to systemic issues, and make recommendations to government to improve the welfare of seniors.

Staff will continue to apprise Council of any significant related developments.

4.3 Resolution: Introduction of Uniform Provincial Smoking Standards

This resolution, calling for further uniform non-smoking standards province-wide, arose from an Environment Committee consideration of smoking bylaws from fifteen other local governments in the province. The resolution was prompted by correspondence received seeking possible changes to the existing regulations regarding smoking in public areas, specifically outside malls, and by subsequent recommendations from the Fraser Health Authority that bylaw amendments be considered.

In a Provincial response to this resolution, the Ministry of Health stated that it was pleased to have strong support from local government on tobacco control initiatives and that it would give the UBCM's request to have the buffer zone around doorways, windows and air intakes increased from 3 meters to 7.5 meters serious consideration. No additional specific response from the Province has been received by staff or by the UBCM. However, the UBCM has advised that a response is anticipated in 2013 Spring or Summer. In the interim, tobacco cessation continues to be among the topics considered and discussed by the UBCM Healthy Communities Committee.

Staff will continue to monitor this issue, and will keep Council informed of any progress.

4.4 Resolution: Importance of Mechanical Insulation

This resolution stemmed from a delegation Council received on 2011 May 30 from the International Association of Heat and Frost Insulators and Allied Workers Union Local 118 (IAHFIAW Local 118) on the importance of mechanical insulation¹⁰ to the energy efficiency of buildings, and possible changes to the BC Building Code. This resolution, on the need for additional requirements and detail in the BC Building Code regarding mechanical insulation, was endorsed at the UBCM Convention.

A response from the Ministry of Energy and Mines and the Minister Responsible for Housing stated that the Province is considering increasing energy efficiency requirements for all new buildings and substantial building renovations, which may also include requirements for mechanical insulation. In 2012 Fall, the Provincial Office of Housing and Construction Standards launched a public feedback process¹¹ on proposed amendments relating to improved energy and water efficiency of buildings. Proposed changes largely reference the updated National Energy Code of Canada for Buildings¹², which was released in 2011 November, and includes provision relating to pipe insulation.

The Code, which was developed by the National Research Council of Canada, must be adopted by provincial or territorial governments to come into force in their jurisdictions. The B.C. Provincial feedback process regarding these proposed changes closed on 2012 December 15 and results are still being considered.

¹⁰ Mechanical Insulation involves the fabrication, manufacture and application of insulation to plumbing, heating, cooling and refrigeration systems, piping equipment, and pressure vessels to reduce the passage of heat, cold, sound, smoke or fire (etc.).

¹¹ For more information, visit: <http://www.housing.gov.bc.ca/building/green/energy/index.htm>.

¹² For more information, visit: <http://www.nationalcodes.nrc.gc.ca/eng/necb/index.shtml>.

Staff will monitor BC Building Code amendments or updates for associated changes, and keep Council informed of any progress.

4.5 Resolution: Blue Community

This resolution arose from a delegation that Council received on 2011 March 21 from the Council for Canadians and the Canadian Union of Public Employees (CUPE) British Columbia Division, regarding the benefits of public ownership and management of water utilities, and the importance of public financing for urgently needed municipal and First Nations water system upgrades.

Related to the Canada-European Union Comprehensive Economic and Trade Agreement (CETA) negotiations, CUPE and the Council of Canadians undertook a campaign to educate and caution government decision makers, trade negotiators, the media and the public on the potential impacts of CETA to the public ownership of water systems and water management in Canada. The content of the resolution also referenced the increasing need for federal investment in the renewal and replacement of aging local government infrastructure, including that related to drinking water and wastewater, in a manner that ensures continued public ownership. After endorsement at the UBCM Convention, the resolution was conveyed to the Federal Government and the Federation of Canadian Municipalities (FCM).

A response received from the FCM states that a related resolution (ENV10.1.03) was adopted by the FCM Board in 2010 March. The response also outlined that FCM recognizes and acknowledges the public ownership and maintenance of water systems as an important issue and included it in the FCM's 2012 pre-budget submission to the Federal Government. No direct response has yet been received from the Federal Government. The FCM also recently launched 'Target 2014' in anticipation of the expiration of the Building Canada Fund in 2014 March. 'Target 2014', a national awareness campaign regarding the importance of renewed and sustained funding for the replacement or repair of aging municipal infrastructure, aims to encourage Federal government re-negotiation of a similar program.

Staff, while supportive of the actions being taken by the FCM, are of the opinion that the full implications for local governments regarding both CETA and the approaching renegotiation of the Building Canada Fund have yet to be fully addressed by the Federal Government. Staff will continue to monitor future progress on this matter through the UBCM and FCM.

4.6 Resolution: Renewed Support for British Columbia's Heritage Program

This resolution stemmed from correspondence received by the City's Heritage Commission from the President of Heritage BC outlining the precarious state of Provincial support and funding for community heritage programs, and seeking the support of local governments in the organization's advocacy to the Provincial Government.

At the Heritage BC Annual Conference on 2011 September 30, the Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource Operations responsible for heritage conservation, announced that \$35,000 would be made available to Heritage BC to develop a renewed strategic

To: City Manager
From: Director Planning and Building
Re: 2013 LMLGA and UBCM Resolutions
2013 March 12Page 15

plan. On 2013 February 15, Minister Thomson released *Our Heritage – Historic Places: A Heritage Strategy for British Columbia*. At the same time, he announced \$500,000 in new funding for Heritage BC.

As stated in correspondence to Council from Heritage BC, received on 2013 February 20, these developments “have put heritage conservation in British Columbia on a new course, with a revitalized sense of confidence”. The correspondence also extended thanks to Council, and other bodies across British Columbia, for their ongoing support of heritage work in the province.

Staff are of the opinion that the developments which have occurred since the submission of the resolution have resolved the particular issues in question. However, staff will continue to monitor any heritage related developments through the UBCM and keep Council apprised of any further changes.

4.7 Resolution: Oil Pipelines and Tanker Traffic in BC

This resolution emerged from concerns regarding Kinder Morgan plans to expand its oil pipeline system and significantly increase its shipping capacity out of Burrard Inlet. This resolution was endorsed by Council at its meeting on 2011 August 29 and subsequently forwarded to the UBCM.

On 2012 May 23, Kinder Morgan announced its intention to proceed with the expansion of the existing Trans Mountain pipeline system following the receipt of strong interest from its commercial customers (shippers) during an ‘Open Season’, which took place in late 2011 and early 2012. At its meeting of 2012 May 23 Council, following discussion arising from a substantive staff report on the matter, formally expressed opposition to the pipeline expansion through Burnaby. Council also directed correspondence outlining this opposition to Premier Christy Clark, the Federal and Provincial Ministers of the Environment, and the National Energy Board (NEB).

Kinder Morgan has begun a consultation process on the possible expansion, with two recent public meetings held in Burnaby on 2012 November 24 and 26, and with additional sessions planned for the future. The company is conducting preliminary route mapping and, according to information available on the Kinder Morgan website, is planning to file the necessary application with the NEB in late 2013. Should the application be successful, Kinder Morgan estimates that construction could begin in 2016, with the pipeline ready for use in 2017. The company also recently announced, on 2013 January 10, that the scope of the proposed expansion would increase to 890,000 barrels per day from a previously planned 750,000, based on expanded long-term interest and commitments from their commercial customers.

Staff are continuing to monitor Kinder Morgan’s process and will be preparing a report to Council providing a detailed update on the NEB application consideration process and any related, additional public consultation opportunities.

To: City Manager
From: Director Planning and Building
Re: 2013 LMLGA and UBCM Resolutions
2013 March 12 Page 16

5.0 SUMMARY AND CONCLUSION

This report proposes two new resolutions for submission to the 2013 LMLGA Annual General Meeting and UBCM Convention, and includes a third, already submitted, resolution for consolidation purposes. It also provides an update on resolutions submitted in 2011 and 2012 to the LMLGA and the UBCM.

It is recommended that Council endorse two new resolutions, as outlined in Section 2.0, for submission to the 2013 LMLGA Annual General Meeting and UBCM Convention.

It is also recommended that staff be authorized to forward a copy of this report, accompanied by supporting background reports and information, to the LMLGA, and to the UBCM.

Any additional resolutions which may come forward subsequent to this report, and prior to the 2013 June 28 UBCM deadline, may be submitted directly to the UBCM for possible consideration at the 2013 UBCM Convention.


Lou Pelletier, Director
PLANNING AND BUILDING

RM:sa

- | | | |
|-----|--|--------------------------|
| cc: | Deputy City Managers | Fire Chief |
| | Acting Director Engineering | Chief Building Inspector |
| | Director Finance | Chief Librarian |
| | Director Parks, Recreation and Cultural Services | City Solicitor |
| | OIC – RCMP | Acting City Clerk |