TO: Committee of the Whole

FROM: Elizabeth J. Hughes
Intergovernmental Relations Manager

FILE: 0230

MEETING: January 14, 2020

SUBJECT: Association of Vancouver Island and Coastal Communities Resolutions

RECOMMENDATIONS

1. That the Board approve resolutions to forward to the Association of Vancouver Island and Coastal Communities for consideration at its Annual General Meeting and Convention in April 2020.

2. That the Board issue a letter to the Association of Vancouver Island and Coastal Communities requesting assistance in advocating for the preparation of a Vancouver Island Transportation Master Plan with the Ministry of Transportation and Infrastructure, including striking a subcommittee to work with the Ministry.

SUMMARY

Following Board direction, several resolutions are presented for consideration for submission to the Association of Vancouver Island and Coastal Communities (AVICC) Annual General Meeting and Convention in April 2020. The deadline for submission of resolutions to AVICC is February 6, 2020.

BACKGROUND

The AVICC 2020 Annual General Meeting and Convention will be held April 17 to 19 in Nanaimo. The convention provides members with a forum to bring forward community issues and concerns through resolution and debate. AVICC encourages members to focus resolutions on new issues of provincial interest. Resolutions endorsed at AVICC are submitted to UBCM for consideration at its fall convention. Identified topics are presented below.

1. Expand Extended Producer Responsibility programs to include industrial, commercial and institutional packaging and printed paper

British Columbia is recognized as a leader in Extended Producer Responsibility (EPR) programs. In 2014, the addition of packaging and printed paper (PPP) to the Recycling Regulation resulted in better access to recycling services province-wide. Many rural communities now have access to recycling, which was not economically viable previously. EPR programs set the framework for stable, long term end markets for recyclable material.
Because PPP from the industrial, commercial and institutional (ICI) sector, including small businesses, schools, hospitals, municipal offices, care homes and tourism resorts, is not included in the provincial EPR program, regions have seen an increase in recyclable material in landfills. For example, a paper cup from a coffee shop can be recycled by a resident, but not by a school, public library, or senior’s home.

At the 2019 UBCM Convention, eighteen Regional Districts met with the Minister of Environment and Climate Change Strategy to petition for an amendment to the Recycling Regulation to include PPP from the ICI sector.

On December 18, 2019 Minister Heyman responded to the joint submission (Attachment 1), noting that the Province has recently undertaken research and focused engagement concerning additional products that might prove suitable for management under the Recycling Regulation, and that exploration of regulatory amendments involving ICI materials would be accompanied by further consultation.

Resolutions asking UBCM to lobby the provincial government to amend the Recycling Regulation to include the ICI sector in the requirement for EPR plans for PPP have been made before (2018: Kamloops, 2019: Thompson Nicola). A resolution at this time asking UBCM to thank the Minister for considering the 2019 joint submission and requesting the Province to commit to further consultation should be considered.

WHEREAS eighteen Regional Districts met with the Minister of Environment and Climate Change Strategy at the 2019 UBCM Convention to petition the Ministry to amend the Recycling Regulation to include packaging and printed paper from the ICI sector;

AND WHEREAS Minister Heyman issued a letter December 18, 2019 responding to the request and noting that the Province recently undertook research and focused engagement concerning additional products that might prove suitable to manage under the Recycling Regulation and that any work to explore regulatory amendments involving ICI materials would be accompanied by further consultation:

THEREFORE BE IT RESOLVED that the UBCM thank the Minister of Environment and Climate Change Strategy for considering the 2019 Regional Districts’ joint submission and requesting the Province to commit to further consultation on the issue of amending the Recycling Regulation to include packaging and printed paper from the ICI sector.

2. Amend Recycling Regulation to Include Mattresses and Bulky Furniture

The Canada-wide Action Plan for Extended Producer Responsibility (EPR) includes several product categories, including end-of-life mattresses and bulky furniture. The B.C. Ministry of Environment and Climate Change Strategy is considered a leader in the implementation of EPR programs for products and packaging and has signaled its intention to address the products identified in the Canada-Wide Action Plan.

Mattresses and bulky furniture are difficult to manage at transfer stations and disposal facilities. Their low density makes them undesirable landfill material, and the springs in mattresses impact transfer station and landfill equipment. There is a limited second-hand market for used mattresses. Inclusion of mattresses and bulky furniture in an EPR program would encourage manufacturers to produce products with materials that can be more easily recovered at the end
of the product’s lifespan and ensure costs associated with recycling are borne by manufacturers.

A resolution from Maple Ridge on this issue was endorsed by UBCM in 2014. The government response indicates the Province supports the request and references future consultations on upcoming EPR programs for mattresses. A resolution at this time would assist in keeping focus on the issue.

WHEREAS the inclusion of mattresses and bulky furniture in an Extended Producer Responsibility (EPR) program ensures the costs associated with recycling and disposal are borne by manufacturers;

AND WHEREAS an EPR program for mattresses would create jobs, divert materials that are difficult to manage at disposal facilities, save landfill space, reduce GHG emissions and save energy through recycling;

THEREFORE BE IT RESOLVED that the Ministry of Environment and Climate Change Strategy be urged to amend the Recycling Regulation to include mattresses and bulky furniture to shift the cost and responsibility of these materials from local governments to manufacturers.


The Ministry of Environment and Climate Change Strategy has been involved in developing a Canada-wide Strategy and Action Plan on Zero Waste Plastic and will continue to align with longer-term proposed federal initiatives to ban single-use plastics. In response to the Plastics Action Plan Policy Consultation Paper, which considered feedback regarding bans on single-use packaging and recycling more plastics, the RDN submitted feedback to the Ministry in September 2019 and signed a joint response letter to Honourable George Heyman from 29 local governments (Attachment 2).

A resolution asking the Province to ensure consistent regulations across Canada to reduce single-use products and increase producers’ responsibility for management of single-use products would be appropriate at this time because both the Ministry of Environment and Climate Change Strategy and the Canadian Council of Ministers of the Environment are currently reviewing actions towards the Canada-wide Zero Waste Strategy. Similar resolutions have been submitted by local governments in the past.

WHEREAS the Ministry of Environment and Climate Change Strategy’s Plastics Action Plan Policy Consultation Paper requested feedback regarding bans on single-use packaging, reducing and recycling more plastics, and higher returns of plastic bottles;

AND WHEREAS harmonization of the BC Plastics Action Plan and Canada-wide Strategy on Zero Plastic waste regulations regarding reduction of single-use plastics shifts the costs and responsibility of restricting single-use plastics from local governments to producers;

THEREFORE BE IT RESOLVED that the Ministry of Environment and Climate Change Strategy be urged to collaborate with the Canadian Council of Ministers of the Environment to ensure consistent regulations across Canada to reduce single-use products and increase producers’ responsibility for end-of-life management of single-use products.
4. Standards and Labelling of “Flushable” Wipes

The flushing of disposable wipes and other materials is an ongoing problem for the wastewater systems of the province and can lead to clogs, sewer backups and overflows, and damaged equipment. Some manufacturers of disposable wipes label their products as “flushable” or “safe for sewer and septic systems”. Local governments share a common challenge dealing with unflushable consumer products. In addition to the use of public awareness campaigns, there is the question of advertising and labelling for disposable products such as wipes, and the necessity of increasing regulatory oversight. The administration and enforcement of the Consumer Packaging and Labelling Act and Regulations, in relation to non-food products is the responsibility of the Competition Bureau. The following resolution aligns with the Liquid Waste Management Plan, Solid Waste Management Plan, and the Strategic Plan objective of environmental stewardship.

WHEREAS some items labelled as “flushable”, such as disposable wipes, cause significant problems in sewer systems, damaging infrastructure and risking environmental pollution;

AND WHEREAS public awareness and education campaigns sponsored by local governments can only partially mitigate the problem in the absence of consistent standards and proper labelling and advertising;

THEREFORE BE IT RESOLVED that UBCM work with FCM to advocate at the federal level for the development of clear standards for products labelled “flushable” and to increase regulatory oversight of labelling and advertising of such products.

5. Streamline Building Officials Certification Process

The system of certifying building officials under the authority of the Building Officials Association of British Columbia (BOABC) under an administrative agreement with the Province, is lengthy and inefficient, resulting in challenges for local governments in recruiting and retaining qualified building officials, and in undertaking their inspection obligations.

The BOABC is a corporation under the Building Officials Association Act, representing local government building officials and those involved in building design, construction, testing and research. The objects of the association are to assist in the development of building regulations, to promote the uniform interpretation and enforcement of building regulations, to promote greater understanding of building regulations, and to provide training and certification.

There are three levels of exams and experience-based certification for building officials. The difficulties being encountered relate mainly to Level 1. After applying for and passing a Level 1 exam, a person must proceed to work for two years with a local government before being able to apply for Level 1 certification. Once a person has completed two years with local government and applies for certification, it can take some time before an application for certification is assessed. This process affects regional districts’ ability to staff positions and undertake their inspection obligations.

There is currently a 65% fail rate on Part II of the Level 1 exam, the reasons for which should be reviewed. As well, one year with a local government would give ample experience in terms of learning policies and procedures.
The following resolution asks the Province to work with the BOABC to review impediments to the certification of qualified building officials with a view to making the process more efficient and responsive to the needs of local government.

WHEREAS the Building Officials Association of British Columbia, under an administrative agreement with the Province, is responsible for education and examinations for persons applying for membership, and certification of members as registered building officials;

AND WHEREAS the current lengthy process for certifying a Level One Building Official affects local governments’ ability to hire and retain qualified staff and provide building inspection services in a timely manner;

THEREFORE BE IT RESOLVED that the Province and BOABC be urged to streamline the examination and certification process by reducing the two year local government experience requirement to one year and reviewing reasons for the high failure rate in the Level 1 examination.

6. Voting Rights for Alternate Directors

While the Local Government Act provides for the same rights and responsibilities to an alternate as an elected Electoral Area Director, UBCM bylaws require that a voting delegate be an elected official. In 2019 the RDN submitted a resolution to AVICC for consideration at the 2019 Convention. It was subsequently submitted to UBCM, but was not considered at the time due to time constraints. It was therefore sent to the UBCM Executive for consideration. In December 2019 UBCM advised by letter that the Executive Committee had followed the recommendation of “Not Endorse” made by the Resolutions Committee (Attachment 3).

The Board has the option of re-submitting the resolution for consideration at the 2020 AVICC conference. The Resolutions Committee comments will indicate it was previously not endorsed by UBCM.

WHEREAS the Local Government Act provides that an Electoral Area Director must appoint an Alternate Electoral Area Director who may take the place of, vote and generally act in all matters for the absent Electoral Area Director;

AND WHEREAS the bylaws of UBCM disqualify Alternate Electoral Area Directors from participating in debate and voting at the Annual and Special Conventions;

AND WHEREAS this provision of the UBCM bylaws:

• prevents an Electoral Area from having a voice at UBCM Conventions when the Electoral Area Director is absent; and
• could be improved by permitting an Alternate Electoral Area Director to participate in debate and vote at the Annual and Special Conventions of the UBCM:

THEREFORE BE IT RESOLVED that UBCM change its bylaws to enable an Alternate Electoral Area Director, in the absence of the Electoral Area Director, to participate in debate and vote at Annual and Special Conventions of the UBCM.
7. Direct Election of Municipal Councillors to Regional Boards

Under the Local Government Act (Act) Directors from member municipalities are appointed to the Board by their respective municipal councils. Electoral Area Directors are elected directly to the Board. As elections are one of the most direct ways for the public to participate in and influence the nature of their community, appointing municipal Directors raises questions about transparency, accountability and public understanding of the role of the Regional District.

The Regional District structure is unique to British Columbia, making comparison with other jurisdictions imperfect. In upper-tier regional municipality councils in Ontario, some representatives are directly elected and some are appointed as regional councillors as a result of having been elected to a lower-tier municipal council. In 2016 the Ontario government amended the Municipal Act to require that all heads of regional councils be directly elected. In 2019 the Ontario government reversed the previous government's position and eliminated regional chair elections in several regional municipalities, and the governance structure of Ontario’s 8 regional municipalities is currently under review.

While the Local Government Act stipulates municipal Directors of a Regional District are to be appointed by their municipal councils, it is silent on how to accomplish this objective. The municipalities of Saanich and Victoria use a system in which candidates running for municipal election indicate on campaign materials that they are also seeking a seat on the Capital Regional District (CRD) Board, and this is reflected on the ballot. For example, in the 2018 municipal election for the City of Victoria, the ballot contained a section to elect 8 councillors and a separate section to indicate 3 Council candidate nominees to the CRD. While not technically constituting direct election to the Board, information from the ballots is used when determining Board appointments. If direct election of municipal directors is desired, the following resolution could be submitted:

WHEREAS the Local Government Act provides for direct election of Electoral Area Directors to a Regional District Board but stipulates that municipal Directors be appointed to a Regional District Board by their municipal councils;

AND WHEREAS elections are one of the most direct and transparent ways for the public to participate in and influence the governance of their community and understand the role of local government:

THEREFORE BE IT RESOLVED that UBCM urge the Ministry of Municipal Affairs and Housing to amend the Local Government Act to allow for direct election of municipal councillors to Regional District Boards.

Legislative amendment would entail a lengthy process. Another means of achieving more direct public participation in the election of municipal Directors to the Regional District Board under existing legislation would be to employ the approach of Victoria and Saanich in the next general election. This would require the Municipalities in the RDN to amend their ballots. A sample of the ballot used by Victoria is provided for reference (Attachment 4).
8. Costs of Keeping Prisoners

Police lock-ups in British Columbia house both municipal and provincial prisoners. Provincial prisoners are paid for under the Keep of Prisoners Program, a provincial government program that provides local governments with funding to look after prisoners in municipal jails who are charged with provincial offences. This funding falls short of covering the actual costs of keeping a prisoner in a municipal jail (wage costs, meal costs, cleaning and maintenance etc.).

A resolution to AVICC would assist in bringing this matter to the attention of the Province. Similar resolutions have been submitted in the past, including in 2011 (Fort St. John) and 2013 (West Kelowna). The provincial government response to the 2013 resolution noted that approximately 15 per cent of admissions to police lock-ups are provincial prisoners. It also noted the Keep of Prisoners Program reimburses municipalities equitably for housing provincial prisoners and ensures the immediate needs of prisoners are met.

WHEREAS Corrections BC has a fixed quarterly budget to reimburse RCMP detachments for all provincial prisoners kept in local government owned RCMP buildings;

AND WHEREAS this funding allocation per prisoner fluctuates in accordance with the number of prisoners kept each quarter, but does not reflect the true operating cost to the local government for keeping these prisoners;

THEREFORE BE IT RESOLVED that the Province of BC fully fund the costs to keep prisoners in locally owned RCMP buildings.

9. Provincial Support for Victims’ Services

For many years, the provision of Victim Services Programs has been only partially funded by the Province. The Programs assist victims of crime to obtain the services they need to address the consequences of the criminal activity and provides victims with the necessary support to participate in the criminal justice system. As such, the program decreases costs for social service agencies, health care systems and the administration of justice that would otherwise be borne by the Province. In addition, the work of Victim Services staff and volunteers assists by permitting frontline police officers to address fundamental policing responsibilities at crime scenes. Referrals to Victim Services Programs are typically made by police officers but individuals can also self-refer through a provincial help line.

The Victim Services Program has traditionally been delivered by municipally-funded staff seconded to the RCMP or working for another policing agency. To minimize costs, the program is heavily supplemented by volunteers who respond to the calls for assistance on a 24/7 basis. As with any volunteer program of this nature, recruiting, training and motivating people to respond to challenging situations on a regular basis must be managed.

Resolutions seeking additional funding for Victims Services Programs have been submitted several times over the years, including in 2016, 2017 (by the RDN) and 2019. The provincial government’s response is that it provides over $70 million in funding and a wide array of Victim Services programing, that it recognizes challenges in meeting service demands, and that it is exploring options for strategic investments that will address service demands.
WHEREAS Victim Services Programs provide support and assistance to victims of crime:

AND WHEREAS the Ministry of Public Safety has the ultimate responsibility for the Victim Services Programs and yet does not fully fund these programs:

THEREFORE BE IT RESOLVED that the Province of British Columbia fully fund all Victim Services Programs.

10. Vancouver Island Transportation Master Plan

A resolution asking for UBCM to advocate on behalf of the development of a Vancouver Island Transportation Master Plan was submitted to AVICC and UBCM by the RDN in 2019. The resolution was endorsed by AVICC but was not admitted for debate at the 2019 UBCM conference as it was considered too regional in focus. UBCM referred the resolution back to AVICC in November 2019 (Attachment 5), indicating that AVICC can advocate directly with the Province on such regional matters.

AVICC has advised the best means to achieve this outcome is to send a letter to AVICC asking for support, rather than submitting another resolution. The AVICC Executive Committee will meet in January and March to consider resolutions that have been referred back due to their regional focus.

It is recommended that the Board issue a letter to AVICC requesting assistance in advocating for the preparation of a Vancouver Island Transportation Master Plan with the Ministry of Transportation and Infrastructure, including striking a subcommittee to work with the Ministry.

ALTERNATIVES

1. That the Board approve resolutions to forward to the Association of Vancouver Island and Coastal Communities for consideration at its Annual General Meeting and Convention in April 2020.

2. That the Board issue a letter to the Association of Vancouver Island and Coastal Communities requesting assistance in advocating for the preparation of a Vancouver Island Transportation Master Plan with the Ministry of Transportation and Infrastructure, including striking a subcommittee to work with the Ministry.

3. That alternate direction be provided.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with the recommendations.
STRATEGIC PLAN IMPLICATIONS

People and Partnerships - Improve the governance and awareness of RDN activities for citizens throughout the Region.

Environmental Stewardship - Protect and enhance the natural environment, including land, water, and air quality for future generations.

Climate Change - Be leaders in climate change adaptation and mitigation, and become net zero by 2032.

Transportation and Transit - Develop a Regional Transportation Plan, considering all modes of travel.

Elizabeth J. Hughes
ehughes@rdn.bc.ca
December 19, 2019

Reviewed by:
- P. Carlyle, Chief Administrative Officer

Attachments:
1. Letter from Minister George Heyman Dec 2019
3. Letter from UBCM President on Voting Rights for EA Directors Dec 2019
4. Sample Victoria General Local Election Ballot
5. Letter from UBCM President Vancouver Island Transportation Master Plan Nov 2019