

## INTERGOVERNMENTAL INITIATIVES UPDATE

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### **RECOMMENDATION**

That the Board receive the staff report titled “Intergovernmental Initiatives Updates”, dated December 6, 2022, for information.

### **BACKGROUND**

This report provides a briefing to the Regional District of Nanaimo (RDN) Board on several intergovernmental initiatives to afford Directors an opportunity to review and consider these initiatives in advance of future meetings with MLAs and Ministers.

#### **1. Association of Vancouver Island and Coastal Communities Resolutions and Convention Workshops**

The Association of Vancouver Island and Coastal Communities (AVICC) represents local governments of Vancouver Island, Sunshine Coast, qathet/Powell River, the North Coast and the Central Coast. As one of several area associations operating under the umbrella of the Union of BC Municipalities (UBCM), AVICC aims to secure united action among members to promote greater autonomy within local government in co-operation with UBCM and other local government associations.

The AVICC Annual Convention provides a forum to bring forward community issues and ideas through resolutions and debate. AVICC encourages members to focus resolutions on new issues of provincial interest. The 2023 Annual AVICC Convention will be held in Nanaimo from April 14 to April 16, with the City of Nanaimo and the Regional District of Nanaimo hosting.

The deadline for submission of resolutions to AVICC is February 9, 2023 and the deadline for submitting ideas for convention workshops is December 9, 2022 (Attachment 1 and 2). Should Directors wish to propose one or more resolutions for the 2023 Convention, Board approval of resolutions is required by January 24, 2023.

In the past three years, the RDN has submitted 16 resolutions to AVICC/UBCM. Of those, 12 have been endorsed and referred to the appropriate government body. A table of 2020-2022 resolutions is provided as Attachment 3.

#### **2. Union of BC Municipalities**

The Union of BC Municipalities (UBCM) provides a cohesive voice for local government. The Annual Convention is the main forum for UBCM policy making, providing an opportunity for local governments from across the province to share experiences and take a united position.

Resolutions endorsed at the AVICC Convention are submitted automatically to UBCM for consideration. Resolutions endorsed at the UBCM convention are forwarded to the appropriate level of government for response. It is preferred that members submit resolutions to their area associations unless it is necessary to submit board-endorsed resolutions directly to UBCM.

The 2023 UBCM Annual Convention is scheduled to take place September 18th to 22nd in Vancouver. At the 2022 UBCM Annual Convention in Whistler, the RDN participated in four meetings with Ministers as outlined below.

- **Legislative Reform Initiative** (meeting with Minister Cullen, Municipal Affairs)

Representatives from the RDN and Alberni-Clayoquot Regional District (ACRD) met with Minister Cullen on September 13, 2022, to discuss the provincial commitment to working with local government in a collective endeavour to modernize the *Local Government Act*, an initiative that the RDN has been leading.

Concerns with this dated legislation include restrictions on taxation and revenue sources, complexities in service establishment, and the lack of provisions in comparison with Section 8 of the *Community Charter* which gives municipalities powers to regulate, prohibit, and impose requirements by bylaw without provincial approval or establishing bylaws. Regional districts are limited in their legislative authority in comparison with municipalities in several key areas such as business licensing authority, subdivision approval, regulation of fireworks discharge, parking enforcement, tree management, and taxation and funding models.

Further, social, political and economic environments that local governments operate within continue to evolve in areas such as climate change, environmental stewardship and a recognition of the importance of First Nations' participation in regional governance. These realities should be reflected in a modernized legislative framework.

A subsequent meeting with the Minister was requested and the RDN has committed to providing a list of specific areas that would benefit from a refreshed and modernized approach.

- **Transit Expansions** (meeting with Minister Fleming, Transportation and Infrastructure)

On September 15, 2022, the RDN met with Minister Fleming to discuss the provincial commitment to prioritize progressive transit expansions and to request that the Province make large transit expansions a priority for funding in partnership with the RDN.

The RDN supports increasing transit service within and around the region. Provincial funding through BC Transit is necessary to meet expansion goals set forth in the Transit Future Plan; without that investment transit system growth cannot be realized. The RDN Transit Redevelopment Strategy outlines a 5-year plan including 75,000 service hours to revitalize and expand transit within the region, a 56% increase to the current RDN transit service. Prioritizing progressive transit expansions improves access to quality, lower-carbon transportation services for all. The RDN asked the Province to recognize and reward regions that are making strides towards reducing GHGs and vehicle congestion. Minister Fleming was broadly supportive and indicated an interest in scheduling a tour of RDN transit.

- **First Nations Inclusive Governance** (meeting with Minister Cullen, Municipal Affairs)

The RDN supported a request by the Alberni-Clayoquot Regional District (ACRD) to meet with Minister Cullen about First Nations inclusive governance. The meeting took place with representatives from the ACRD, the Central Coast Regional District (CCRD), the RDN, Toquaht First Nation and the District of Ucluelet on September 12, 2022.

The purpose of the meeting was to discuss the provincial commitment to support inclusive regional governance by advancing Indigenous participation in regional district boards. The ACRD and CCRD wish to explore options for pilot projects specifically based on the unique experiences of those regions and request the Ministry fund an independent third-party facilitator to guide a process for creating models that reflect the needs and intentions of Nations seeking participation in regional governance. A collaborative and inclusive process with all those affected will build the foundation of creating a new system of relationships at the regional district table. The suggested approach is to create models that can be tested before rolling out a larger solution to the province.

It was agreed that more time is required for a detailed discussion of the proposed options. A further meeting has been requested with Ministers Cullen and Rankin to consider how progress might best be achieved.

- ***Hospital Capital Projects*** (Minister Dix, Health)

The RDN requested a meeting with Minister Dix, Ministry of Health, to discuss the Nanaimo Regional Hospital Districts' priority capital projects. This meeting request was declined by the Minister due to scheduling limitations and the volume of requests received.

### **3. Area F Governance and Services Study**

The RDN is currently conducting a Governance and Services Study in Electoral Area F in partnership with the Ministry of Municipal Affairs (Ministry).

Electoral Area F has demonstrated a long-standing interest in exploring the idea of incorporation. A community committee was formed and a feasibility study completed in the mid-1990s. The issue of exploring alternative governance models has been revisited several times over the years as a result of the area's distinctive community identity and vision of self-governance.

In October 2020 the RDN requested approval and funding from the Ministry for a phase one Governance and Services Study for Area F. On January 13, 2022, after meeting with the Area F Director, RDN Board Chair and staff to discuss this request and the Ministry's approach to such studies, Minister Osborne approved the study as the first phase in a potentially longer process, with a grant of \$60,000 to support it.

The study began in the spring of 2022. Its purpose is to gather and analyze facts about the current state of governance and service delivery in Area F, obtain feedback from the community, identify opportunities for improvement, and provide a final report with recommendations.

In accordance with the Ministry's approach to governance and services studies across BC, the study is being led by a study consultant and a study committee of Area F residents. The study committee is an advisory committee of the RDN Board. The Electoral Area F Director plays a key role in the study process, and as an *ex officio* non-voting member of the study committee, the Director is an important link between the study committee and the Board, ensuring the study process is carried out in an inclusive and transparent manner.

The interim study report was completed June 2022. The public engagement phase is currently underway, taking place between November 2022 and February 2023. This phase includes community meetings, a survey, online tools and other opportunities for Area F residents, First Nations, and community stakeholders to learn more and to share their views and suggestions.

Following the Ministry-approved study schedule, the study will culminate in a final report, anticipated in May 2023, providing a synopsis of findings and a summary of outcomes from the public engagement process. The report will offer recommendations on next steps, such as whether concerns can be addressed through existing

mechanisms or whether further study is required. The consultant and committee chair will present the final report to the RDN Board in May 2023. The final report will also be provided to the Ministry.

The RDN Board has the discretion to determine whether to act on any or all recommendations and may contact the Ministry to consider possible next steps in the decision to fund or address alternatives.

A governance and services study is not an incorporation study. However, if the study shows that all or part of Area F wants to look at boundary review or incorporation as possible options, and if that is recommended in the final report, a boundary review and/or an incorporation study could be a next step in a multi-phased process.

#### Area G Governance and Services Study

In June 2021, the RDN Board directed staff to engage with the Ministry to explore the possibility of a restructure study for Electoral Area G resulting from community concerns across a variety of areas, including changing demographics, population growth, confusing boundaries, uneven service mix, and dissatisfaction with service delivery mechanisms, among other challenges and concerns.

In August and September 2021, the Ministry and RDN reviewed possible options and phased approaches. Options were presented to the Board in September 2021. The Board determined that a Governance and Service Study should be requested for Electoral Area G.

In November 2021, a fully developed case was submitted to the Ministry, outlining the concerns of the community and formally seeking approval and funding to undertake a first phase Governance and Services Study. This study would seek to identify and understand the issues and interests within the community and would deliver a well-articulated base case scenario for citizens and identify community views in terms of possible structural change.

The RDN recognizes the multi-phased approach outlined by the Ministry for such reviews. The Electoral Area G Governance and Services Study would be a first step, followed by a boundary analysis if recommended in the final report and if deemed appropriate by the RDN Board and the Ministry.

On January 13 Minister Osborne met with the Electoral Area G Director, the Chair of the RDN Board and RDN staff to discuss this request and the Ministry's approach to such studies. The Minister followed up with a letter noting that a Governance and Services Study for Electoral Area G would need to occur following completion of the Governance and Services Study for Electoral Area F. Should a study for Electoral Area F indicate the need for additional studies such as a boundary analysis or incorporation study, the RDN would need to determine whether to prioritize those studies or to move ahead with a study for Electoral Area G. The Minister noted there may be benefits to co-ordinating a study approach for both electoral areas to understand the needs in both communities before making restructure decisions.

#### Legislative Reform Initiative

As detailed above, regional districts are limited in their legislative authority in comparison with municipalities. The social, political and economic environments that local governments operate within continue to evolve and these changing realities should be reflected in updated legislation. Further, inclusive governance, a goal identified in the Province's Action Plan under the *Declaration of the Rights of Indigenous Peoples Act*, is an important aspect of legislative reform and will inform any re-envisioning of the *Local Government Act*.

The legislative reform initiative, while of interest to regional districts, may also be of interest to municipal officials as many aspects of municipal operations are contained in the *Local Government Act*. For example, the planning

framework, shared by regional districts and municipalities, is within the *Local Government Act* and needs updating.

In June 2021, the RDN, with Don Lidstone, Q.C., hosted a virtual half-day session with regional district chairs and CAOs across BC to explore the possibility of mobilizing a collaborative effort to modernize the legislation. Participants expressed an interest in proceeding with the initiative, pending approval of their boards.

In August 2021 RDN Chair Brown wrote to regional district chairs advising that on July 13, 2021, the RDN Board had unanimously passed a resolution to continue with efforts to modernize the Regional District provisions of the Local Government Act and offered a draft resolution for their own boards to consider.

On April 1, 2022, the Chairs of the Regional District of Nanaimo and Alberni-Clayoquot Regional District, together with Don Lidstone, hosted a workshop on this topic at the AVICC Convention which was well attended by local government elected officials and generated robust discussion. The slide presentation used at that session is attached to this report for reference (Attachment 4).

An RDN resolution, endorsed at the September 2022 UBCM Convention, proposes that UBCM be urged to work with the Ministry of Municipal Affairs and regional districts to further a legislative reform initiative for the purpose of comprehensively reviewing and modernizing the Local Government Act.

In September 2022, the RDN and ACRD met with Minister Cullen at the UBCM Convention to discuss this initiative. A subsequent meeting with the Minister is anticipated.

## **FINANCIAL IMPLICATIONS**

This report is provided to brief the Board on several matters of provincial connection and to assist in preparing Directors for future meetings with provincial representatives, which staff will be arranging for the earliest times of mutual convenience. General financial implications relate to time and costs associated with researching, preparing and presenting materials and garnering support for these initiatives, including developing materials, supporting and attending meetings.

More specific financial implications resulting from the province addressing UBCM resolutions, as well as implications arising from any of the other intergovernmental projects outlined in this report would be presented to the Board in future reports.

## **STRATEGIC PLAN ALIGNMENT**

People and Partnerships - Seek opportunities to partner with the provincial and federal governments, other government agencies, and community stakeholder groups in order to advance strategic plan goals and objectives.

## **REVIEWED BY**

- D. Holmes, Chief Administrative Officer

## **ATTACHMENTS**

1. 2023 AVICC Resolutions Notice
2. AVICC Session Submission Form
3. Chart of AVICC and UBCM Resolutions 2020-2022

#### 4. AVICC Legislative Reform Slide Presentation