

The Community Charter

The material below is provided by Corrie Kost and was use to make presentations on

- ✓ May 13/2003 to Blueridge Community Ass.
- ✓ May 15/2003 to FONVCA

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History

- ◆ 1991 UBCM wants Municipal Act “modernized”
- ◆ 1995 “Charter” introduced as private bill
- ◆ 1996-1999 Local Government Act evolves
- ◆ 2001 Community Charter Council Act
- ◆ 2002-2003 Community Charter – Phase 1 to come into effect December 31/2003

Requirements of a “Charter”

- ◆ Citizens draft as their governing legislation
- ◆ Ratification by referendum
- ◆ Amendments ratified via referenda

None of the above was done or are proposed.

This is not a “charter” – its just another “Act” of the Province.

Unchanged Sections of LGA

- ◆ Elections (3 &4)
- ◆ Regional Growth Strategies (25)
- ◆ Planning and Land Use Management (26)
- ◆ Heritage Conservation (27)
- ◆ Inspector of Municipalities (29)

Community Charter

Simpler – eg.

A council may by bylaw, regulate, prohibit, and impose requirements in relation to..animals. (#8(3k)) instead of 6 pages in the LGA ---

Part 22: Division 1 – Regulation of Animals

703. Keeping of animals

704. Regulation of animal nuisances

705. Dog licences

706. Compensation for injuries to livestock

707. Animal pounds

707.1 Dangerous dogs ← **BUT THEN DECIDED TO DETAIL**

in CC under Animal Control (#47-49) detailing “Animal Seizures” and “Dangerous Dogs”

Community Charter

- ◆ Makes life easier for local government officials

Should that be the goal? How about →

- ◆ Balancing corporate and public interests?

Maybe the Charter will be simpler/shorter than current LGA but will our bylaws be reduced and simpler? Will we have a lesser or greater say about local governance? Will our liveability improve? You decide.

Community Charter

Promised New Revenue Sources - NOT

- Traffic fines (originally promised 75%)
- Crown Corporations revenue
- Road tolls
- Hotel room, resort, and entertainment taxes
- Fuel tax
- Parking Stall tax

Businesses lobbied to disallow them.

Community Charter

- ◆ Shift in policy – from dialogue between municipalities and the province to municipality and its citizens.
- ◆ Shift in trust – provincial oversight to citizens oversight.
- ◆ Have our citizens been provided accountability tools?
In my opinion – they have not.

Community Charter

Additional Powers:

- ◆ Franchise rights – transportation, energy systems, sewage, water – 21 years with “approval of electors” (was “assent” in LGA)
- ◆ “Natural Person” powers
- ◆ Easier to borrow money (go into debt)
- ◆ Greater control of roads/highways
 - Access to waterfront not to be diminished (section 41)
 - Highway capacities to be retained (Greater Vancouver Transportation Act)

Reduced Powers

- ◆ Section 281(2) of LGA stronger than section 274(2) of CC in that civil actions by municipalities no longer includes “damage or interference with ...property” (only highways)

Province can still set tax rates

Section 199 The Lieutenant Governor in Council may make regulations respecting tax rates that may be established by an annual property tax bylaw, including regulations doing one or more of the following:

- (a) prescribing limits on tax rates;
- (b) prescribing relationships between tax rates;
- (c) prescribing formulas for calculating the limits or relationships referred to in paragraph (a) or (b);
- (d) allowing the inspector under prescribed circumstances to vary, by order, a limit, relationship or formula prescribed under this section.

See also LGA section 359.2

Approval of the electors (#84)

- A. By assent – ie. referendum
- B. By Counter Petition Opportunity (negative option democracy)
 - ◆ 10% of eligible voters in “area” ← dilution
 - ◆ 30 days
 - ◆ One form per signature ← intimidation
 - ◆ No lies allowed (ok for politicians during elections)
 - ◆ If successful – referendum held or bylaw is withdraw

Counter Petitions (Negative Option Democracy)

- ◆ 10% means about 30% of **all those who voted** in last election (~ enough votes for a seat on council!)
- ◆ Requirements in US is typically 5% **of those who voted** in last election
- ◆ Reduces opportunity of a referenda on significant issues impacting many future councils and lowers citizens' interest in local government

Accountability - Part 1

In the main accountability much reduced – sections 84-88

- ↓ More “approvals” via counter-petition instead of by assent (referendum)
- ↓ Counter-petition (negative option democracy) 5% → 10% (~5000 signatures) – UBCM survey justified 5% retention
- ↓ Undedication of parks no longer needs “assent” (section 30)
- ↓ Court appeals to disqualify: 4 → 10 signatures
- ↑ If disqualified municipality MUST pay elector’s costs (section 113)

Accountability - Part 2

- ↓ Section 160 LGA requires each matter to be voted on separately. Section 87 CC can combine them to single yes/no – allowing less voter flexibility on assent issues.
- Although Vancouver Board of Trade recommended 30 days between annual report (no later than June 30) and annual public meeting the CC provides only 14 days.

Accountability - Part 3

- ↓ More reasons to justify closed meetings – such as “consider objectives measures and progress reports of preparing an annual report”
- ↑ A record of value of any tax exemptions granted by council.
- ↑ Required statement of objectives/measures to determine progress for current and next year

Accountability - Part 4

- ↓ Much easier to go into debt. (#173-179)
 - ↓ Loans up to 30 years
 - ↓ No need to get voter assent (CPO maybe)
(Excuses: Referendum Costs, Essential Services – both false)
- With Province in dire financial straights “revenue” neutrality is highly problematic → downloading
- ↓ Tax sale lands proceeds can be used for operating expenditures (#188-189) (HF?)
- ↓ Allows for “concept” of PPP proposal to be adopted within 5 years of “approval of the electors” (#175(5-6)) – generality ambiguity

Misc. Tidbits

- ↑ No forced amalgamation (#279) – requires 50% approval of each party – consistent with recognizing municipalities as an “order of government”
- ↑ Can by bylaw seize unlicensed or at large (on public or other’s private property) animals.
- ↓ While Province is moving to fixed election dates, Municipalities can choose their own dates (within 3 year max.) – allowing increased political manipulation.

How Did This Happen?

- ↓ Liberals elected with little opposition
- ↓ “Whistler” mentality (Nebbeling)
- ↓ Largely creation of elected officials and past UBCM presidents
- ↓ Requests from law firms – improves their situation
- ↓ Consultation did not involve grass-roots (“as they cause problems for politicians”)
- ↓ Province held referendum involving a new order of governance for <5% of BC population but not for the CC which will govern 95% of us!

Absolute Essentials

- ◆ Need to get real “checks and balances” between empowerment and accountability.
- ◆ **Require “Ombudsman” and “Inspector of Municipalities” with teeth and proper funding.**
- ◆ BC needs (as have most provinces) an appeal process whereby citizens can appeal local government decisions on substantive and/or procedural grounds.
- ◆ Having courts as only recourse – a huge financial burden on individual residents – is not acceptable.
- ◆ **Must maintain current 5% for Counter Petition Opportunities (Negative Option Democracy)**
- ◆ **Undedication of parks should be by referendum only**

Recommendations

- ◆ Need more grassroots involvement
- ◆ Write/Email/Phone local MLAs / Council Members
- ◆ Insist on public forums/meetings on Charter
- ◆ Discuss with your neighbours
- ◆ For reading material references see

<http://www.fonvca.org/Issues/Community-Charter/>

Summary

- ↓ Much easier to go into debt – downloading!
- ↓ Tax sale proceeds can be used for operating.
- ↓ Negative option democracy (counter-petition process) has serious flaw/implications
 - ↓ polling “area” inappropriate (dilution)
 - ↓ 10% of all voters far too high
 - ↓ Loss of our dedicated parks.

**There is still time to change the legislation
but YOU must act now!**