
Summary of Local Government Legislation

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USING THIS SUMMARY

This is a summary of legislation passed during the 2008 Spring and Fall sittings, as well as the January 2009 special sitting, of the Legislative Assembly of British Columbia that may be of direct interest to local governments. This Summary is presented in 3 parts.

It should be noted that after the Spring sitting, the Ministry of Community Services changed to the Ministry of Community Development, but retained responsibility for local government matters.

Part A covers 4 bills that amend local government legislation for which the now Ministry of Community Development is responsible. Three of these bills were sponsored by the Minister of Community Services, and the other bill was sponsored by another Minister.

Part B covers 10 bills that do not significantly affect Ministry of Community Development's legislation, but contain amendments that directly affect local governments. In some cases, a bill in this Part may also consequentially amend local government legislation.

In the description of a bill in **Parts A** and **B**, a reference to "section #" is a reference to the section of the bill (also referred to as an Act) which is making the amendments. A reference to "s. #" or "ss. #", on the other hand, is a reference to a section or sections of an existing statute or Act that is being amended. To illustrate, **section 9** of Bill 7, *Local Government Statutes Amendment Act, 2008*, amends **s. 83** of the existing *Local Government Act*.

The information in **Parts A** and **B** as to the "in force" dates of the bills reflects the status of those bills as of January 31, 2009.

Part C provides an index to Ministry of Community Development's local government legislation according to the Act and section amended by 2008 legislation.

This Summary provides a brief description of bills passed in 2008 that directly affect local governments. For a complete listing and the full text of all bills introduced or passed in that session, go to the Legislative Assembly of British Columbia web site at: <http://www.leg.bc.ca/legislation/index.htm>.

The information in this Summary is provided as a guide for convenience only; while best efforts have been used in its preparation, it should not be relied on for accuracy.

CONTENTS

PART A – Amendments to Local Government Legislation.....	1
Bill 7 Local Government Statutes Amendment Act, 2008.....	1
Bill 27 Local Government (Green Communities) Statutes Amendment Act, 2008	7
Bill 43 Miscellaneous Statutes Amendment Act (No.2), 2008	11
Bill 47 Vancouver Charter Amendment Act, 2009	18
PART B – Other Legislation Affecting Local Governments.....	19
Bill 2 Budget Measures Implementation Act, 2008	19
Bill 8 Forests and Range Statutes Amendment Act, 2008.....	20
Bill 10 Housing Statutes Amendment Act, 2008	21
Bill 11 Small Business and Revenue Statutes Amendment Act, 2008	22
Bill 12 Musqueam Reconciliation, Settlements and Benefits Agreement Implementation Act	23
Bill 13 Labour and Citizens’ Services Statutes Amendment Act, 2008.....	23
Bill 23 Public Health Act	24
Bill 31 Greenhouse Gas Reduction (Emissions Standards) Statutes Amendment Act, 2008.....	26
Bill 33 Miscellaneous Statutes Amendment Act, 2008	27
Bill 45 Economic Incentive and Stabilization Statutes Amendment Act, 2008.	28
PART C – Index of Amendments to Local Government Legislation.....	30

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION****PART A – Amendments to Local Government Legislation****Bill 7 Local Government Statutes Amendment Act, 2008**

Sponsored by the Minister of Community Services and Minister Responsible for Seniors' and Women's Issues

The Local Government Statutes Amendment Act, 2008 has two parts. The first part makes amendments to the Local Government Act, Vancouver Charter, and School Act. The objective of these changes is to streamline administrative aspects of the local elections process and generally improve the transparency of local elections campaign financing. The legislation makes parallel amendments to the Local Government Act (Sections 1 to 34) and the Vancouver Charter (Sections 38 to 72).

The second part makes amendments to the Community Charter, Greater Vancouver Water District Act, Local Government Act, Local Government Statutes Amendment Act (2008), School Act, and Union of British Columbia Municipalities Act. The objective of these changes is to streamline provincial approvals and administrative processes for local governments, and to make some housekeeping corrections.

Part 1

Expanded election campaign financing rules

Sections 9 and 10 amend s. 83 and s. 84 of the *Local Government Act*. The amendments broaden the scope of the campaign finance rules beyond candidates and elector organizations to include individuals and groups that manage or finance election campaigns, whether in whole or in part, by adding a definition of “campaign organizer” and modifying the definitions of “campaign account”, “money”, “campaign contribution” and “election expense” to accommodate the application of campaign finance rules to campaign organizers.

A campaign organizer can be an organization or an individual that undertakes or intends to undertake, an election campaign for one or more candidates and/or of one or more elector organizations, and accepts, or intends to accept, campaign contributions in relation to the campaign from any other individual or any organization.

A functional definition of election campaign is provided to increase transparency and accountability in the collection and use of campaign contributions. The expanded definition includes descriptions of activities related to securing the support of a campaign organizer and activities to promote or oppose a campaign organizer, its programs, or courses of action advocated by it.

Sections 19 to 21 and 23 amend s. 90.1, s. 90.2, s. 91(1) and (5)(a), and s.92.2(1) to include campaign organizers in the campaign financing rules of the Act.

Financial Agents

Sections 1 and 11 change the definition of financial agent and extend the requirement to have a financial agent to campaign organizers in the *Local Government Act*.

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Campaign contributions and accounts	<p>Section 13 clarifies the rules governing campaign accounts and extends them to campaign organizers. Section 13 repeals and replaces s. 85.1 of the <i>Local Government Act</i>. The new provision requires that a campaign account be opened before incurring an election expense that is expected to be paid from money available to the election campaign or as soon as possible after the financial agent receives a campaign contribution. A campaign account must be in the name of the election campaign of the candidate, elector organization or campaign organizer, as applicable, and must be used exclusively for the purposes of that election campaign.</p> <p>Sections 14, 15, 16 and 17 amend s. 86(1), s. 87, s. 88(1) and (5) and s. 89(1), (2) (d), (4) and (5) to include campaign organizers in the rules regarding campaign contributions and election expenses of the Act.</p>
Duty to file disclosure statements	<p>Section 18 makes a number of changes to s. 90 of the <i>Local Government Act</i>. It extends the duty to file disclosure statements to the financial agent of a “campaign organizer,” and expands the information that must be included in the campaign financing disclosure forms to identify:</p> <ul style="list-style-type: none"> • the savings institutions where campaign accounts are kept; • support given by or received from an elector organization or campaign organizer. <p>Finally, it clarifies that support by an elector organization must be indicated even if that support is subsequently withdrawn.</p>
Public access to campaign finance disclosure documents	<p>Section 25 modifies s. 93 of the <i>Local Government Act</i> to allow additional public access to campaign finance disclosure documents by allowing local governments to make these documents available via the Internet or other electronic means. The amendment also eliminates the requirement to sign a declaration before viewing the disclosure statements.</p>
Election offence penalties for failing to disclose campaign financing statements	<p>Sections 22 and 24 amend s. 92.1 and s. 92.5 of the <i>Local Government Act</i> by expanding the penalties for failing to file a campaign finance disclosure statement. The penalties include prohibiting the offending elector organization or campaign organizer from accepting future campaign contributions or incurring election expenses until after the next local election.</p>
Election offences	<p>Section 32 amends s. 153 of the <i>Local Government Act</i>. The section makes it an offence to fail to appoint a financial agent and to file a supplementary disclosure statement. Secondly, the amendment clarifies that access, inspection, and use of specified election materials are restricted to the purposes given in the Act and makes it an offence to use the material for non-specified purposes. Finally, the amendment modifies the Act to include campaign organizers in the prohibition against campaigning within 100 metres of a voting place.</p> <p>Section 37 amends s. 48(1) of the <i>School Act</i> to apply the amendments made under the <i>Local Government Act</i> and <i>Vancouver Charter</i> to trustee elections under the <i>School Act</i>.</p>

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Registration of non-resident property electors

Sections 2 and 3 amend s. 57.1(1)(c) and s. 58 of the *Local Government Act* to simplify the non-resident property elector registration process. Previously s. 58 required a non-resident property elector to get a certificate. The new provisions remove the need to get a certificate and indicate the criteria that non-resident property electors must meet to register to vote immediately before voting. An application for registration as a non-resident property elector must be accompanied by:

- proof of the applicant's identity and place of residence
- if there is more than one individual who is the registered owner of the real property, the written consent from the other registered owners of the real property.

Sections 35 and 36 make parallel amendments to the *School Act*. Section 35 amends s. 43(3)(b) of the *School Act* to provide the criteria that allow non-resident property electors to register at the time of voting without an eligibility certificate. Section 36 removes s. 44 that set out the process for obtaining a non-resident property elector certificate.

Advance and mail ballot voting opportunities

A number of amendments have been made to simplify the advance voting process in the *Local Government Act*. Sections 26 and 27 remove restrictions on who can vote at an advance voting opportunity and a reference to non-resident property elector certificates in s. 97 and s. 98(2). Section 28 amends s. 100 to expand the eligibility to vote by mail to individuals that expect to be absent from their municipality or regional district during general voting day and advance voting opportunities. Section 29 removes s. 115(2)(a) that required individuals to sign a written declaration respecting their entitlement to vote when seeking to vote at an advance voting opportunity.

Election-day advertising prohibitions

Sections 31 and 33 amend s. 152.1 and s. 154 of the *Local Government Act* to expand the election-day advertising prohibitions to unincorporated organizations. Section 31 also amends the provisions to include campaign organizers in the election advertising rules.

Copies of the list of electors

Section 4 adds a provision to s. 62 of the *Local Government Act*. The provision limits who is eligible to obtain a copy of the list of registered electors. Only candidates who have been nominated in the election are eligible.

Requirements for running for office

Section 5 and 6 amends s. 71 and s. 72(2)(b) of the *Local Government Act*. The provisions alter the requirements for running for local elected office by:

- providing local government the power to increase the minimum number of qualified nominators a candidate must have from 2 to 10 or to 25 if the population is greater than 5000
- clarifying that a nomination is valid provided that it is made by the minimum number of qualified nominators and
- by requiring potential candidates to provide a solemn declaration regarding the intention to take office.

Under the *Vancouver Charter*, the council may only increase the number of qualified nominators to 25.

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Election
campaign
information
requirements

Section 12 adds s. 85.01 to the *Local Government Act* which sets out requirements regarding the types of information that must be given to the chief election officer by candidates, elector organizations, and campaign organizers. The new provision requires a candidate to deliver the following information

- the name of the financial agent of the candidate and an address and telephone number at which the financial agent can be contacted;
- any other information required by a regulation set by Cabinet

Section 34 adds a provision to s. 156(2) which provides regulation making authority to Cabinet regarding information to be provided to the chief election officer (s. 85.01).

Nomination
Documents

Section 7 replaces s. 73(6), (7), (8) of the *Local Government Act*. The new provisions clarify the time periods for making nomination documents available to the public, give local governments the ability to make bylaws to provide additional public access to nomination documents, and eliminate the requirement to sign a declaration before viewing the documents. Section 30 changes s. 150 of the Act. It removes a reference to nomination documents in relation to amendments to s. 73. It also limits the copying of specified election materials including:

- the voting books used for the election;
- any copies of the list of registered electors used for the purposes of voting proceedings;
- any records required under this Part to be made during voting proceedings;
- any solemn declarations taken and any signed written statements or declarations required in relation to voting proceedings

Transitional
provisions

Section 96 establishes rules respecting implementation of the local election amendments. Generally all of the new amendments, additions, and revisions apply to the 2008 general election and all elections after the 2008 general election. There are exceptions:

- The new s. 93 of the *Local Government Act* and the new s. 65 of the *Vancouver Charter* apply to disclosures in relation to elections held before the time of the 2008 general local elections except that, in making the disclosure statements and supplementary reports available for public inspection under the applicable provision, the local government must not make the names of the persons or organizations who made campaign contributions available by the Internet or other electronic means unless the contributor consents.
- Campaign contributions received and election expenses used before the election amendments are deemed to have come into force, are subject to the rules established under Division 8 [*Campaign Financing*] of Part 3 of the *Local Government Act* and Division 8 [*Campaign Financing*] of Part I of the *Vancouver Charter*. These obligations are met if the person or organization under the obligation uses their best efforts to satisfy the obligation.
- The obligations under the amended ss. 85, 85.01, 85.1 and 86 of the *Local Government Act*, and the parallel amendments to ss. 57, 57.01, 57.1 and 78 of the *Vancouver Charter*, are satisfied if the person or unincorporated organization to which they apply complied with the applicable obligation as soon as practicable after March 4, 2008.

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION****Part 2**

Improvement district reserve funds	<p>Sections 76 and 78 amend s. 746(1) and s. 751 of the <i>Local Government Act</i>. The amendments provide clear authority for improvement districts to establish reserve funds for capital purposes and make the power to establish reserve funds exercisable only by bylaw. These amendments increase the transparency of how improvement districts manage their funds by requiring that improvement districts:</p> <ul style="list-style-type: none"> • establish reserve funds for the purpose of renewal of works; • raise funds for the renewal of works; • hold such funds in an applicable reserve fund; • only use money in such funds for the purpose for which the funds were established.
Exemptions from provincial registration requirements for improvement district bylaws.	<p>Section 77 replaces and adds provisions to s. 747 of the Act. It enables the Minister to make regulations that exempt some improvement district bylaws from provincial registration requirements, subject to terms and conditions specified by the Minister or the Inspector of Municipalities.</p>
Submission of annual requisition for electoral areas	<p>Sections 81 and 82 modify s. 806 and s. 806.1 to require regional districts to submit the annual requisition of funds for electoral areas to the Surveyor of Taxes rather than the Inspector of Municipalities and to require regional districts to provide certification of the requisitions, with specific requirements for that certification to be described in more detail by regulation. Section 82 clarifies that it is the Surveyor of Taxes that collects the revenues to meet regional requisitions, not the Ministry of Finance.</p>
Electoral area petition for borrowing	<p>Section 83 amends s. 823.1(3)(d) of the <i>Local Government Act</i> and section 84 adds s. 823.11 to the <i>Local Government Act</i>. Section 83 adds a second method for an electoral area director to give consent to a regional district loan authorization bylaw on behalf of property owners in an electoral participating area (a rural service area in a regional district) if the property owners have petitioned for that borrowing. Section 84 enables property owners in an electoral participating area to petition their regional district to borrow in relation to a service received from the regional district. The criteria regarding the submission of a petition are included. A petition must:</p> <ul style="list-style-type: none"> • identify the service in relation to which the borrowing is proposed; • identify the relevant electoral participating area; • describe the purpose of the proposed borrowing; • state the estimated total amount of the proposed borrowing; • state the maximum term for which the debentures for the proposed borrowing may be issued; • contain other information that the board may require.
Voting when a public hearing is delegated	<p>Section 85 replaces s. 894(2) of the <i>Local Government Act</i>. The change ensures that a member of a municipal council is able to vote on the adoption of a bylaw where a public hearing has been delegated as long as the member is provided a report on the public hearing by the delegate.</p>

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Authority of a chair of a public hearing	Section 87 adds a reference to s. 890(3.1) of the <i>Local Government Act</i> that provides the chair of a public hearing for heritage designation bylaws the same authority as a chair of a public hearing for land use bylaws to make procedural rules for the conduct of public hearings.
Rules amending or repealing an existing bylaw	Section 73 modifies s. 137(1)(a) and (b) of the <i>Community Charter</i> to provide a rule stating that the requirements which apply to adopting a new bylaw in relation to a matter also apply to amending or repealing an existing bylaw in relation to that matter.
Payments in lieu of taxes for the Greater Vancouver Water District	Section 74 amends s. 81 of the <i>Greater Vancouver Water District Act</i> to allow the district to make payments in lieu of taxes to member municipalities without requiring Cabinet approval.
<i>Union of British Columbia Municipalities Act</i>	Section 94 amends s. 3(g) of the <i>Union of British Columbia Municipalities Act</i> to clarify that one of the objects of the Union of British Columbia Municipalities is holding meetings in relation to its other purposes. Section 95 repeals s. 7(2)(c) to (e), and s. 7(4)(g) to (i) of the <i>Union of British Columbia Municipalities Act</i> to remove references to provisions of the former <i>Companies Act</i> and the former <i>Company Act</i> that are no longer in force.
Revitalization tax exemptions for the City of Vancouver	Section 93 amends s. 131(9) of the <i>School Act</i> to ensure that revitalization tax exemptions provided by the City of Vancouver are limited to the municipal portion of property taxes only and do not apply to provincial property taxes. The amendment aligns the City of Vancouver's revitalization tax exemption powers with those of all other municipalities.
Elk Valley tax sharing agreement	Section 90 repeals s. 250 of the <i>Municipalities Enabling and Validating Act</i> and section 91 repeals s. 11 of the <i>Municipalities Enabling and Validating Act (No. 2)</i> which are replaced by s. 22 of the <i>Municipalities Enabling and Validating Act (No. 3)</i> . Section 92 adds s. 22 to the <i>Municipalities Enabling and Validating Act (No. 3)</i> . The new provisions authorize a tax sharing agreement between the District of Elkford, the City of Fernie, the District of Sparwood and the Regional District of East Kootenay regarding the sharing of tax revenue from Class 4 properties (coal mines, coal processing works and coal related infrastructure).

http://www.leg.bc.ca/38th4th/3rd_read/gov07-3.htm

SBC 2008 c. 5
(sections 1-72, and 96 effective date of First Reading (March 4, 2008);
section 74 effective January 1, 2007;
section 86 effective July 1, 2007;
sections 73, 75, 80, 83-85, 87-89, 91, 92 & 94-95 effective March 31, 2008;
sections 76-79, 81, 82 in force by Regulation;
section 90 effective June 6, 2008 by [B.C. Reg. 142/2008];
section 93 effective May 31, 2007)

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION****Bill 27****Local Government (Green Communities) Statutes Amendment Act, 2008**

Sponsored by the Minister of Community Services and Minister Responsible for Seniors' and Women's Issues

The Local Government (Green Communities) Statutes Amendment Act, 2008 amends the Local Government Act, Community Charter, Vancouver Charter, the Greater Vancouver Sewerage and Drainage District Act and the Greater Vancouver Water District Act. The amendments provide authorities and requirements for local governments to take steps to reduce greenhouse gas emissions, conserve energy and make communities more socially and environmentally sustainable.

Regional Growth Strategies

Sections 14 and 20 add to s. 850 and s. 877 of the *Local Government Act* to require regional growth strategies and official community plans to include targets, policies and actions for the reduction of greenhouse gas emissions. Section 11 defines "greenhouse gas" as any or all of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and any other substance prescribed by Cabinet. Sections 37 and 38 make parallel amendments to s. 559 and s. 562.01 of the *Vancouver Charter*.

Section 39 provides local governments time to bring their planning documents into compliance with the obligations to include greenhouse gas targets and reduction strategies. Local governments have until May 31, 2010 for an official community plan or official development plan and May 31, 2011 for a regional growth strategy.

Streamlining of Regional Growth Strategy approval process.

Sections 16 and 17 amend s. 855 and s. 857(3) of the *Local Government Act* to remove the requirement to hold a separate public hearing for the adoption of a regional growth strategy but require that the need for such a hearing be considered during development of the regional growth strategy consultation plan. Section 19 amends s. 866(7) to authorize a local government to request a Minister-appointed facilitator to assist in resolving issues raised during the development of a regional context statement where there may be anticipated objections.

Section 40 provides a transition for consultation plans. If the consultation plan has been adopted before the amendments to s. 855 and s. 857(3) come into force, the regional district board may proceed under the previous enactment and the previous enactment continues to apply for that purpose until the consultation plan is amended.

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Ability to make minor amendments to a regional growth strategy

Section 18 adds s. 857.1 to the *Local Government Act*. The amendment modifies the Act to enable a regional district to make minor amendments to a regional growth strategy without requiring a full referral and acceptance process. The new provision makes a number of changes:

- authorizes regional district boards to make minor amendments to a regional growth strategy using either a customized minor amendment process or a statutory default minor amendment process.
- establishes that when using a customized minor amendment process, the regional district is to:
 - include criteria for how “minor” is defined,
 - establish how the Board will notify and hear from affected local governments, and
 - establish procedures for adoption.
- establishes elements of the statutory default minor amendment process including:
 - notice by the board that the proposed amendment process will be considered minor
 - required opportunity to make representations to the board
 - that first reading of a minor amendment bylaw must receive an unanimous affirmative vote to proceed as a minor matter
- establishes what a minor amendment process cannot be used for:
 - the initial establishment of a minor amendment process,
 - an amendment to a requirement established by the Minister or Cabinet,
 - an amendment proposed as a result of a dispute resolution process,
 - an amendment prescribed by regulation.

Section 13 amends s. 848 of the Act to update the definition of “affected local government” and applies the definition to the approach to making minor amendments to a regional growth strategy. Section 15 adds s. 853(1)(c) to the Act to provide an exemption for minor amendments made under s. 857.1 from the requirements for adoption of a regional growth strategy.

Authority to generate and sell power to third parties

Section 10 adds s. 9.1 to the *Greater Vancouver Water District Act* to enable the Greater Vancouver Water District to generate and sell power that is related to its water supply activities. Section 7 makes a consequential amendment to its s. 5(1)(c) power to manage works in relation to its new object. Section 9 adds s. 9(2) to the *Greater Vancouver Water District Act* to establish that a water licence acquired by the Greater Vancouver Water District is subject to cancellation.

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Off-street parking Sections 1 and 22 allow local governments to vary or provide exemptions for their off-street parking requirements. Section 22 amends s. 906 of the *Local Government Act*. The amendment:

- enables local government to exempt or reduce the amount of off-street parking required based on activities or circumstances related to the transportation needs associated with the land or building.
- removes the requirement for a local government to own a parking facility within a set distance from the land/building as a condition of accepting “cash in-lieu” of off-street parking.
- allows local government to deposit the “cash in-lieu” of off-street parking into a reserve fund for the purposes of providing transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.
- requires local government to produce a public report on their off-street parking and alternative transportation reserve funds.

Section 1 modifies s. 188(2)(d) of the *Community Charter* to allow local governments to use funds from the off-street parking reserve fund for transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.

Section 41 allows a local government, including the City of Vancouver, that had established a reserve fund prior to the amendments made to s. 906 to transfer all or part of the amount in the reserve fund to a reserve fund established under the amendments made by sections 1 and 22. Section 42 clarifies that the new reporting requirements under s. 906 are not required for the year 2007.

New development permit areas

Sections 21, 23 and 24 modify the *Local Government Act* to provide local governments with new authority to establish development permit areas. Section 23 adds new provisions to s. 919.1 to expand local government authority to designate a development permit area for the purpose of establishing objectives promoting:

- energy conservation,
- water conservation and
- reduction of greenhouse gas emissions.

Section 21 replaces s. 905.1(8) and includes the new categories of development permit areas in the exception that provides that certain development permit designations are subject to a phased development agreement unless the inspector of municipalities approves the development permit.

Section 24 adds a subsection to s. 920. The new subsection allows local governments to establish requirements for development permits for the lands designated under the new objectives. The requirements may be made in respect of:

- landscaping,
- siting of buildings and other structures,
- form and exterior design of buildings and other structures,
- specific features in the development, and
- machinery, equipment and systems external to buildings and other structures

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Development cost charge exemption – small unit housing

Sections 25 and 26 amend the *Local Government Act* to provide an exemption from development cost charges. Section 25 amends s. 933 to establish that development cost charges are not applicable to small-unit housing (self-contained residential dwelling units that are 29 square metres or less). Section 26 amends s. 933 to allow local governments to extend the exemption from development cost charges for small residential units to units that are larger than 29 square metres (subject to Ministerial regulation). Section 30 amends s. 937.3 of the *Local Government Act* to exempt small-unit housing from school site acquisition charges.

Section 3 and 4 amends s. 58.2 of the *Greater Vancouver Sewerage and Drainage District Act* to provide parallel amendments.

Developments eligible for reduced or waived development cost charges

Section 27 amends s. 933.1 of the *Local Government Act* to enable local governments to provide incentives for eligible developments. The amendment defines “eligible development” and establishes that local governments have the authority to waive or reduce development cost charges for such developments, subject to a number of limitations. An eligible development is:

- not-for-profit rental housing, including supportive living housing;
- for-profit affordable rental housing;
- subdivision of small lots designed to result in low greenhouse gas emissions;
- or
- development designed to result in a low environmental impact.

The Minister is given the ability to establish or restrict criteria for what constitutes an “eligible development.”

Section 32 adds s. 937.3(3.3) to the *Local Government Act* to require the waiver or reduction of school site acquisition charges to the same extent that a development cost charge is waived or reduced under s. 933.1 of the *Local Government Act*.

Sections 2 and 4 amend ss. 58.1 and 58.2(3.1) of the *Greater Vancouver Sewerage and Drainage District Act* to provide parallel amendments.

Development cost charge requirements

Section 28 modifies s. 934(4) of the *Local Government Act* to require local governments to consider if development cost charges will discourage development with a low environmental impact and how low environmental impact development may affect the capital costs of infrastructure. Section 29 adds s. 937.01 to the Act to require local governments to prepare, consider and make available for public inspection an annual development cost charges report.

Sections 5 and 6 amend s. 58.4 and 58.6(5) of the *Greater Vancouver Sewerage and Drainage District Act* to provide parallel amendments, with the report being one that may be required by the inspector of municipalities.

Section 43 is a transitional provision that exempts a bylaw which has received first reading before this section comes into force, from the required considerations.

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION***Vancouver Charter*

Sections 33, 34, 35, 36, and 38 amend the *Vancouver Charter* to reflect changes made to the *Local Government Act* regarding off-street parking, development cost charges exemptions for small unit housing, the ability to extend development cost levies to units outside the definition of small residential unit, and the requirement to include targets for reducing green house gas emissions and proposed policies and actions for achieving those targets. (ss. 906, s. 933, and s. 877 of the *Local Government Act*)

http://www.leg.bc.ca/38th4th/3rd_read/gov27-3.htm

SBC 2008 c. 23

(Sections 3, 25, 31 & 35 effective October 1, 2008;
sections 1, 2, 4-24, 26-30, 32-34 & 36-43 effective May 29, 2008)

Bill 43**Miscellaneous Statutes Amendment Act (No.2), 2008**

Sponsored by the Attorney General and Minister Responsible for Multiculturalism

The Miscellaneous Statutes Amendment Act (No.2), 2008 makes amendments to the Local Government Act, Community Charter, Municipalities Enabling and Validating Act (No. 3), the Vancouver Charter and the Municipal Finance Authority Act, including new governing structures (Comox Valley and Northern Rockies), and amending provincial implementation powers over local government restructuring.

Authorities for
local government
restructures

Sections 34 to 69 amend the *Local Government Act*. The amendments facilitate local government restructuring and ensure that the province, local governments and their citizens have a clear legislative framework for the content of letters patent and orders. Many of these amendments clarify the language of the legislation. For example, references to “supplementary letters patent” are eliminated. Other amendments are substantive changes. These substantive changes modernize and clarify the legal authorities available to the province for the implementation of local government restructures, such as boundary extensions and the incorporation of new municipalities. Sections 48 to 52 and 55 make minor housekeeping amendments to the *Local Government Act* to provide consistent wording or to make consequential amendments to the Act.

Definitions

Sections 34 and 53 move the definitions of chief election officer, election official, and general voting day to s. 5 from s. 33 of the *Local Government Act* to ensure that the definitions generally apply to the entire Act, and apply in relation to local government restructures. Section 54 amends s. 41(6) of the *Local Government Act* to clarify that a deputy chief election officer appointed under letters patent may perform the duties and exercise the powers of an election official who is absent or unable to act.

Rules regarding
land and the
dissolution of
local
governments

Section 35 adds s. 6.9 to the *Local Government Act*. The addition clarifies the rules regarding the transfer of land when a local government is dissolved. It states that land in British Columbia does not escheat (return) to the provincial government on dissolution of a local government.

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Authorities regarding the election of council when creating a new municipality

Section 39 reorganizes and modifies ss. 12.1 to 12.4 of the *Local Government Act*. Procedures regarding the following may be included in the letters patent incorporating a municipality:

- the first election for a municipality, including applying to that election the election bylaw of another local government;
- the first council of a municipality, including appointment of an interim council, and the appointment or election of councillors on a neighbourhood constituency basis;
- the first regular council meeting, including requiring the council to adopt a procedure bylaw or financial plan at the first regular council meeting and exceptions to some *Community Charter* provisions regarding such bylaws and plans.

Section 3 amends s. 119 of the *Community Charter* to clarify the end of the term of office for an appointed council member as a consequential amendment to the addition of s.12.3. The end of the term occurs immediately before the first council meeting date (held in the first 10 days of December) that follows the next general local election.

Authorities regarding the interim corporate officer and the election of additional councillors

Section 41 adds ss. 13.1 and 13.2 to the *Local Government Act*. The new sections provide explicit authority, for letters patent to:

- provide for the appointment, term of office, powers and duties of an interim corporate officer in a new municipality.
- provide for the election or appointment of additional councillors if the area of a municipality is extended.
- provide for these additional councillors to be elected or appointed on a neighbourhood constituency basis.

Authority to establish a limit on municipal property tax rates

Section 42 amends s. 14 of the *Local Government Act*. The addition establishes powers and limitations regarding municipal property tax rates that may be included in letters patent incorporating a municipality or extending its area. These powers and limitations include the ability to:

- designate an area to which a tax rate limit applies;
- require the municipality to share revenue with another municipality or with a regional district;
- establish the nature of the tax rate limitation, like the relative tax rate between property classes or setting a maximum tax rate that may be charged;
- establish that a tax rate limit for residential and business property classes may not be longer than 20 years.

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Transfer of assets, obligations, authorities, and bylaws through letters patent to a restructured or newly created local government

A number of provisions amend the *Local Government Act* to clarify the authority of Cabinet to use letters patent to transfer core features of a local government such as the assets, obligations, authorities, and bylaws to another local government that has been created or otherwise restructured (the new local government). Cabinet may:

- transfer to and vest in a new local government any of the rights, property, assets and obligations of another local government;
- continue in force any bylaws or resolutions of a dissolved local government as bylaws or resolutions of a new local government;
- require the local government to amend or repeal these bylaws or resolutions by a specified date;
- deem references to the dissolved local government in legal instruments such as contracts and licences to be references to the new local government.

These authorities may be exercised in relation to a variety of restructures:

- development district or a water users' community to an improvement district (section 56 amends s. 731(3))
- water users' community to a mountain resort improvement district (section 57 amends s. 732(4))
- extension of regional district boundaries or alteration of electoral areas (section 63 adds s. 777.1)
- an improvement district to a municipality, regional district or another improvement district (section 59 adds s. 735.1)
- amalgamation of two or more regional districts (section 64 amends s. 780)
- a local trust committee or trust council to a new island municipality (section 40 amends s. 13)
- improvement district services or community planning area service to a regional district (section 65 amends s. 781)
- a regional district to a municipality (section 66 amends s. 782)
- a dissolved municipality to a new municipality (section 39 adds s. 12.5)

In addition to these core powers, the amendments address some unique matters in such transfers through letters patent:

Section 47 replaces s. 24(2) of the *Local Government Act* to clarify that an establishing bylaw adopted by a regional district does not automatically continue in force in a newly incorporated or extended municipality.

Section 66 amends s. 782 of the *Local Government Act* to clarify the transition from a regional district jurisdiction to municipal jurisdiction where the regional district continues to provide a service on behalf of the new municipality, on the basis of an agreement between the two local governments.

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Authority to set requirements regarding revenue sharing	<p>Section 43 adds s. 14.1 to the <i>Local Government Act</i>. The addition provides the authority in letters patent creating a new municipality or extending the boundaries of a municipality to require the municipality to:</p> <ul style="list-style-type: none"> • share revenue from a designated revenue source with another municipality or with a regional district; • establish ratios or formulas for calculating the amount of revenue to be shared or designate the amount of revenue to be shared; • specify the period for which the revenue is to be shared.
Authority regarding local service areas	<p>Section 43 adds s. 14.2 to the <i>Local Government Act</i>. The addition enables letters patent creating a new municipality or extending the boundaries of a municipality to:</p> <ul style="list-style-type: none"> • provide for the establishment of a local area service; • require council to establish reserve funds for the service. <p>If letters patent include such provisions, the municipality must adopt a bylaw to establish the local area service.</p>
Authority to require an advisory body	<p>Section 43 adds s. 14.3 to the <i>Local Government Act</i>. The addition enables letters patent creating a new municipality or extending the boundaries of a municipality to</p> <ul style="list-style-type: none"> • require that a council provide for an advisory body; • specify the role of the advisory body; • require the council to consult with the advisory body on specified matters; • provide for the composition of and the manner of appointing members to the advisory body; • specify a date before which the council may not dissolve the advisory body.
Improvement districts	<p>Section 59 modifies s. 735 of the <i>Local Government Act</i>. The addition provides clear authority for Cabinet to dissolve an improvement district by revoking its letters patent.</p> <p>Section 58 amends s. 734 of the <i>Local Government Act</i> to allow Cabinet to make regulations that authorize the Minister, in specific circumstances, to amend letters patent of improvement districts. It also applies s. 31 (rights and liabilities not affected by revocation and reissue of letters patent) and s. 32 (existing licenses preserved) which ensure that a change in improvement district structure (such as the reduction of its area) does not affect the rights and obligations of the improvement district. Section 44 makes a consequential amendment to s. 15(1) to allow the Minister to amend letters patent of improvement districts.</p>
Reclassification of a municipality	<p>Section 45 amends s. 18 of the <i>Local Government Act</i> to allow Cabinet, at the request of a municipality, to reclassify a municipality by amendment to letters patent rather than by reincorporating the municipality.</p>
Approval of a boundary extension	<p>Section 46 replaces s. 20(3) to (5) of the <i>Local Government Act</i> to clarify the process that is undertaken when a boundary extension is proposed. The amendment replaces a specific notice publication requirement and a requirement for electors assent with a requirement that council obtain approval of the electors of the municipality by means of assent or the alternative approval process. The process is made consistent with the “approval of electors” process under the <i>Community Charter</i>.</p>

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Boundary changes to a regional district

Section 63 adds s. 777.1 to the *Local Government Act*. The provision enables Cabinet, on the recommendation of the Minister, to change the boundaries of a regional district to include areas not in a regional district (e.g. Stikine area). Two requirements must be met by the Minister before making the recommendation:

- consult with the Minister who administers the *Hospital District Act*; and
- notify the regional district that will be affected by the proposed recommendation

Regional growth management

Sections 68 and 69 amend the *Local Government Act* to ensure the continuity of a regionally-agreed to growth management vision for all areas covered by the strategy, regardless of changes in governance structure. Section 68 amends s. 857 to make a regional district's regional growth strategy binding on a new municipality incorporated within the regional district if the regional growth strategy applies to an area of the new municipality. If that provision applies, section 69 amends s. 866 to require the new municipality to prepare a regional context statement and to set the time period for the new municipality to submit the regional context statement to the regional district board.

Additional powers of Cabinet related to the restructure or creation of a local government

A number of provisions amend the *Local Government Act* to provide Cabinet the authority through letters patent to:

- impose requirements on the local government;
- restrict the powers of the local government;
- make provisions it considers appropriate for the purpose of preventing minimizing or otherwise addressing any transitional difficulties;
- provide an exception to or a modification of a requirement or condition established by an enactment related to the restructure or creation of a local government.

These powers can be exercised in relation to:

- the incorporation of a municipality or the extension or reduction of the area of a municipality (section 43 adds s. 14.4)
- the incorporation of an improvement district, the extension or reduction of the area of an improvement district or the addition, modification or repeal of an object of an improvement district (section 59 adds s. 735.2)
- the incorporation of a regional district, the establishment or elimination of an electoral area, the redefinition of the boundaries of an electoral area or the alteration of the boundaries of a regional district (section 67 adds s. 782.1)

These powers are limited so that Cabinet may not use them to:

- override an absolute prohibition contained in an enactment;
- eliminate a requirement for obtaining the assent of the electors, unless that requirement is modified by replacing it with a requirement for obtaining the approval of the electors by an alternative approval process.

Transitional provision

Section 144 provides that any letters patent issued before the amendments in the Act come into force are valid to the extent they would have been valid if issued after the amendments come into force.

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Enabling creation of a Northern Rockies Municipality

Section 92 adds provisions to the *Municipalities Enabling and Validating Act (No. 3)* that give Cabinet the ability to incorporate a new municipality on the scale of the Regional District of the Northern Rockies by dissolving the Town of Fort Nelson and the Regional District. The new northern municipality would be authorized to assume certain regional district functions and obligations. Any regulations or plans adopted by bylaw would transfer to the new northern municipality.

Section 91 repeals s. 10 and 11 that provided authority for the unique governance arrangements of the Northern Rockies Regional District, the Town of Fort Nelson and the Northern Rockies Regional Hospital District in place before the contemplated creation of the northern municipality in section 92.

Additionally, sections 88, 89 and 90 amend the *Municipal Finance Authority Act* to clarify how a new northern municipality would function within the framework of the Municipal Finance Authority. Section 88 amends s. 1 to add the definition of “northern municipality” and modify the definition of “regional district” to include the northern municipality. Section 89 adds s. 1.1 to the Act to clarify how references in the Act are to be read in relation to the northern municipality. Section 90 amends s. 2 to ensure that the Northern Rockies Regional District’s representatives on the board of the Municipal Finance Authority would continue as members until new members are appointed by the council of the northern municipality.

Continuation of services in the Comox Valley Regional District

Section 92 adds ss. 23 and 24 to the *Municipalities Enabling and Validating Act (No. 3)*. Section 23 clarifies that the letters patent incorporating the Comox Valley Regional District are confirmed and validated. It also establishes that all resolutions, actions, and bylaws of the Comox Valley Regional District are valid from the time they were adopted or taken.

S. 24 establishes the responsibilities and obligations of the local governments in the Comox Valley area regarding cost development charge bylaws. These responsibilities and obligations include:

- a requirement that a proposed bylaw be referred to affected local governments (a municipality in the development cost charge region, or the Comox Valley Regional District) at least 60 days before it is given first reading;
- a requirement to submit the necessary materials to the affected local governments;
- a requirement for the affected local governments to consider the materials sent by the proposing local government; and
- a requirement for the proposing local government to submit the comments of the affected local governments to the Inspector of Municipalities when submitting the proposed bylaw.

The inspector may:

- refuse the bylaw if it is determined that the proposing municipality has not adequately considered the positions of the affected local governments;
- require a local government to review a bylaw by a specified date and, if the bylaw is not reviewed and giving first reading by the specified date, the local government must inform the inspector of the reasons why.

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Voting in absence from a public hearing	Sections 138, 139, and 140 amend s. 562(4), s. 566, and s. 594(2) of the <i>Vancouver Charter</i> to make amendments parallel to <i>Local Government Act</i> s. 984(2) to ensure that a member of council is able to vote on the adoption of a bylaw even if the member was not present at the public hearing, as long as the member is provided a report on the public hearing by a city official.
Powers of treaty first nations regarding taxation and supplementary assessments	Sections 136 and 137 amend ss. 3 and 4.1 of the <i>Treaty First Nation Taxation Act</i> . These sections authorize taxing treaty first nations, when imposing taxes for the purposes of specific requisitions, to take into account supplementary assessment rolls and subdivisions of land occurring after the assessments for a taxation year have been completed but on or before May 31 of the taxation year. These sections also require taxing treaty first nations to adjust taxes in response to the supplementary assessments.
Administration of treaty first nations land under the Land Title Act	<p>Section 12 amends s. 113 of the <i>Final Agreement Consequential Amendments Act, 2007</i>. The amendments enact Schedule 1 of the <i>Land Title Act</i>. A number of provisions (ss. 25.1, 32, and 33) are added to the schedule regarding the administration of treaty lands. They:</p> <ul style="list-style-type: none"> • require the registrar of land titles to cancel a notation on a title respecting limitations under a treaty first nation law on the transfer of the parcel of land if the law is repealed or ceases to apply to the land; • remove the requirements for approving officer approval of subdivision and references plans needed for the purpose of transferring treaty lands to a treaty first nation on the effective date of the final agreement and subdivision and reference plans needed for the purpose of transferring land, not intended to become treaty lands, to a treaty first nation on the effective date of the final agreement; • impose an obligation on a treaty first nation to give notice to the applicable land title office of a law requiring a certificate of transfer from the treaty first nation for the transfer of its treaty lands to any person other than the treaty first nation and to give notice of the repeal or amendment of such a law.
Mayor's council on regional transportation	Section 17 adds s.164.1 to 164.5 to the <i>South Coast British Columbia Transportation Authority Act</i> to provide treaty first nation membership in the mayors' council on regional transportation (a collection of south coast mayors that appoints Translink directors and approves plans prepared by Translink).
Review by Minister of the home owner grant or low-income supplement	Section 18 amends s.17 of the <i>Home Owner Grant Act</i> to allow the Minister responsible for the home owner grant to review a person's entitlement to the home owner grant or low-income grant supplement and to clarify the requirements for requesting the review.

http://www.leg.bc.ca/38th4th/3rd_read/gov43-3.htm

SBC 2008 c. 42

(Sections 3, 12, 17, 18, 35-70, 92(b), 93, 136, 137, 139, 140, 141 effective May 29, 2008; Section 89, 90, 91, and 92(a) & (c) effective February 6, 2009 by B.C. Reg. 14/2009)

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION****Bill 47****Vancouver Charter Amendment Act, 2009**

Sponsored by the Minister of Community Development

The Vancouver Charter Amendment Act, 2009 makes amendments to the Vancouver Charter. These amendments allow the City of Vancouver to undertake borrowing and other financing arrangements in relation to the Southeast False Creek development project without requiring elector assent.

Borrowing for
Southeast False
Creek
development
project

Section 1 adds s. 190.1 to the *Vancouver Charter* to allow the City of Vancouver to borrow funds, provide financial assistance (including lending money), grant and take security by way of mortgage and take assignment of a loan as a lender for the purposes of the Southeast False Creek development (Olympic Village) project.

Section 2 amends s. 242(2) to allow any borrowing undertaken for the Southeast False Creek development to be done without the assent of the electorate.

http://www.leg.bc.ca/38th4th/3rd_read/gov47-3.htm

SBC 2009 c. 1

(In force by Royal Assent effective January 18, 2009)

PART B**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION****PART B – Other Legislation Affecting Local Governments****Bill 2****Budget Measures Implementation Act, 2008***Sponsored by the Minister of Finance*

This Act makes a number of amendments to several taxation and revenue statutes. They clarify definitions, set tax rates, and provide exemptions for transportation projects. The changes of interest to local governments amend the Home Owner Grant Act, the Hotel Room Tax Act, the Ports Property Tax Act, the South Coast British Columbia Transportation Authority Act and, the Taxation (Rural Area) Act.

Criteria for an owner to be eligible for the Home Owner Grant

Section 20 amends s.1 of the *Home Owner Grant Act* (HOGA) by giving a more refined definition of who is to be considered a spouse and a definition of “permanent resident” when determining eligibility for the Home Owner Grant (HOG).

Section 21 to 28 of the HOGA amend multiple ss. [2(1)(a),(b); 2(6) (a), (b), (c); 3(2)(a),(b); 3(6); 4(2)(a),(b); 4(6); 5(2) (a),(b); 5(6)] to add requirements for receiving a HOG. An individual must be a Canadian citizen or permanent resident, ordinarily reside in BC and occupy the eligible residence as their principal residence.

Section 29 adds ss. 5.1 to 5.4 to the HOGA to provide a number of criteria to determine if an individual is entitled to the HOG if absent from the principal residence for an extended period of time. Provisions to require repayment of an amount received by an individual if the principal residence occupancy requirement is not met are also included. Finally, the amendment imposes an obligation on a claimant of the HOG to provide evidence that the claimant has met the eligibility requirements.

Section 30 adds limitations on spousal eligibility for the HOG.

Payments of annual grant in lieu of school taxes by BC Rail

Section 3 amends s. 6 of the *British Columbia Railway Act* to allow BC Rail, with the approval of Cabinet, to pay to the Surveyor of Taxes an annual grant rather than school taxes in relation to property of the company or a subsidiary.

Accommodation and Tourism British Columbia tax rates

Sections 31 and 32 amend ss. 2(1) and (3), and 3.1 of the *Hotel Room Tax Act* to change the accommodation tax rate from 6.35% to 5% and the Tourism British Columbia tax rate from 1.65% to 3%.

Tax rates regarding port property

Sections 83 to 87 amend the *Ports Property Tax Act* to extend tax rate caps on port property and to establish the amount of tax to be paid to specified municipalities. Section 83 amends s. 3(2) to extend the property tax cap on specified port property from 2008 to 2018. Section 84 amends s. 4(2) to extend the lower cap on municipal tax rates for new investment on port property beyond 2009 to 2019. Section 86 adds s. 5.1 to provide a formula that indicates how much the Minister must pay the municipalities specified in s. 5.1 each taxation year from 2009 to 2018. Section 85 amends s. 5(1) as a consequential amendment to the addition of s. 5.1. Section 87 adds s. 5.2 stating that the property tax cap does not apply to property that is subject to a revitalization tax exemption under the *Community Charter* or *Vancouver Charter*.

PART B**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Exemptions for transportation - South Coast BC Transportation Authority Act

Section 111 modifies s. 34(3) of the *South Coast British Columbia Transportation Authority Act* to clarify that the Cabinet may provide exemptions from property taxation for land and improvements (or portion of land or improvements) for the construction, acquisition or operation of the following types of transportation projects:

- the Rapid Transit Project,
- another rail transportation system,
- a designated project,
- a busway, or
- a major crossing,

The amendment also gives Cabinet the power to place terms and conditions on the exemptions.

Tax exemptions for recreational camps

Section 115 amends s. 15 of the *Taxation (Rural Area) Act* to provide an exemption from taxation of land or improvements that are occupied or owned by a registered charity and primarily used as a defined recreational camp. Section 123 provides that the exemption applies to the 2009 and 2010 tax years, providing the land or improvements were exempt in 2008 and continue meet the legislative requirements.

http://www.leg.bc.ca/38th4th/3rd_read/gov02-3.htm

SBC 2008 c. 10
(Sections 20-30, 36, 52, 55, 58 & 60 effective January 1, 2008;
sections 31 effective April 1, 2008;
sections 83-87, 115 effective May 1, 2008;
sections 111 effective February 20, 2008)

Bill 8**Forests and Range Statutes Amendment Act, 2008**

Sponsored by the Minister of Forests and Range and Minister Responsible for Housing

This Act makes amendments to a number of acts administered by the Ministry of Forest and Range. The amendment that is of interest to local government is an amendment to the Wildfire Act.

Rules regarding open fires

Sections 33 and 35 amend s. 4 and s. 69(2) of the *Wildfire Act* to clarify rules regarding open fires. The amendment clarifies that the rules regarding the lighting, fuelling or use of open fires apply to a prescribed municipality, a regional district, an improvement district, a water improvement district, or a prescribed organization unless there is a bylaw that is similar to criteria provided by Cabinet. Municipalities that are not prescribed are not subject to the rules regarding open fires. The amendment also clarifies that the rules regarding open fires apply to private managed forest unless prescribed circumstances are met.

http://www.leg.bc.ca/38th4th/3rd_read/gov08-3.htm

SBC 2008 c. 4
(Sections 33, 35 in force by Regulation)

PART B**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION****Bill 10 Housing Statutes Amendment Act, 2008**

Sponsored by the Minister of Forests and Range and Minister Responsible for Housing

This Act provides local governments with the authority to make bylaws related to conserving energy and water, reducing greenhouse gas emissions, and improving access to buildings for people with disabilities.

Purposes of
Municipal
building bylaws

Section 2 replaces s. 53 of the *Community Charter*. The change expands the ability of municipal councils to regulate buildings and other structures for the purposes of:

- the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
- the conservation of energy or water; and
- the reduction of greenhouse gas emissions.

Section 6 amends s. 694 of the *Local Government Act* to make a parallel amendment for regional district boards. Section 8 adds s. 306(a) to the *Vancouver Charter* to make parallel amendments for Vancouver city council.

Section 3 amends s. 55 of the *Community Charter* to expand the types of professionals a municipal council may require to certify that the plans for building permits submitted with the permit application comply with the applicable enactments.

These professionals include:

- an architect certified under the *Architects Act* as a specialist in an area of architecture;
- a professional engineer certified under the *Engineers and Geoscientists Act* as a specialist in an area of professional engineering; and
- a professional geoscientist certified under the *Engineers and Geoscientists Act* as a specialist in an area of professional geosciences.

Building Code
exemptions for
local
governments.

Section 5 amends s. 692 of the *Local Government Act* to:

- authorize the Minister to create regulations that provide exemptions for municipalities and regional districts from building code regulations that apply to all municipalities and regional districts.
- clarify that the Minister is allowed to make regulations regarding the standards for the alteration or repair of buildings.
- authorize a designated official to make directives respecting the building code and other regulations.

http://www.leg.bc.ca/38th4th/3rd_read/gov10-3.htm

SBC 2008 c. 8
(Sections 2, 3, 5, 6, and 8 effective March 31, 2008)

PART B**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION****Bill 11 Small Business and Revenue Statutes Amendment Act, 2008**

Sponsored by the Minister of Small Business and Revenue and Minister Responsible for Deregulation

The Act makes amendments to a number of acts administered by the Ministry of Small Business and Revenue. The amendment that is of interest to local government is an amendment to the Assessment Act.

Supportive
housing
properties

Section 2 amends s. 19 of the *Assessment Act*. It adds definitions of “accommodation unit”, “eligible supportive housing property”, “leasehold accommodation property”, and “leasehold unit”. It also establishes the property class of supportive housing. The provision allows Cabinet to:

- designate eligible supportive housing property as included in the supportive housing property class for a taxation year rather than defining the types or uses of land or improvements to be included in that property class.
- make regulations regarding accommodation units, leasehold accommodation properties, and leasehold units.

Section 4 adds s. 20.4 to the Act. The new provision establishes the valuation rules for the newly created class of supportive housing. The actual value is determined by deducting an amount established by regulation from the actual value otherwise determined by BC Assessment and provides for the apportionment of actual value between land and improvements for the purposes of the assessment roll.

http://www.leg.bc.ca/38th4th/3rd_read/gov11-3.htm

SBC 2008 c. 11

(Section 2(a) insofar as it adds the definition of “accommodation unit,” effective October 27, 2008 by BC Reg. 297/2008;
Sections 2(a), insofar as it adds the definition of “eligible supportive housing property,” 2 (d), 4 effective June 27, 2008 by B.C. Reg. 208/2008)

PART B**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION****Bill 12 Musqueam Reconciliation, Settlements and Benefits Agreement Implementation Act***Sponsored by Minister of Aboriginal Relations and Reconciliation*

The Act is a settlement and land agreement between the Province and the Musqueam First Nation. Of interest to local governments are provisions regarding to the transfer of land in the settlement agreement.

Lands transferred to the Musqueam First Nation Sections 2 and 3 transfer lands to the Musqueam First Nation. Section 7 sets out the payment in compensation to the University of British Columbia for the lands transfer from its possession and clarifies that all claims by the University have been settled. It also clarifies that no compensation is payable to the Greater Vancouver Regional District as a result of the land transfer.

Section 8 establishes that legal proceedings for damages or compensation cannot be commenced against the Province, the Musqueam First Nation or a designated company involved in the transfer of the land.

http://www.leg.bc.ca/38th4th/3rd_read/gov12-3.htm

SBC 2008 c. 6
(Act effective March 31, 2008)

Bill 13 Labour and Citizens' Services Statutes Amendment Act, 2008*Sponsored by Minister of Labour and Citizens' Services*

The Act makes amendments to a number of acts administered by the Ministry of Labour and Citizens' Services. Of interest to local governments are amendments to the Freedom of Information and Protection of Privacy Act to clarify the responsibilities of public bodies when handling freedom of information requests.

Freedom of Information responsibilities Section 8 amends s. 11 of the *Freedom of Information and Protection of Privacy Act*. The provision clarifies that the 20 day transfer period for a freedom of information request applies only when the head of the public body is satisfied that it meets the requirements that the requestor provides sufficient detail to enable an experienced employee of the public body, with a reasonable effort, to identify the records sought. It also limits the obligations on the head of the public body to respond to the inquiry.

Section 11 adds s. 30.5 to the Act. It requires an employee, officer or director of a public body (e.g. local government), or an employee or associate of a service provider, who knows that there has been an unauthorized disclosure of personal information held by the public body to notify the head of the public body.

Section 16 adds s. 54.1 to the Act. It permits the commissioner to confirm that a public body has failed to sever records as required by the Act, and to require the public body to sever the records in accordance with the directions and within the period set by order of the commissioner.

http://www.leg.bc.ca/38th4th/3rd_read/gov13-3.htm

SBC 2008 c. 12
(Sections 8, 11, 16 effective May 1, 2008)

PART B**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION****Bill 23****Public Health Act***Sponsored by Minister of Health*

The Public Health Act replaces the Health Act to update the powers of the Minister of Health Services to monitor, promote, prevent, and protect the population from hazards to health. The Public Health Act establishes powers, duties, and functions for local governments, and other related parties.

Public Health
Plans

Section 3 of the Act enables the Health Minister to require public bodies, including local governments, to produce a public health plan.

Section 4 requires a public body that makes a health plan to submit it to the Minister, make revisions provided by the Minister and, publish the plan.

Section 5 allows Cabinet to make regulations that:

- require persons making decisions under a specified enactment to consider the public health plan in making those decisions;
- restrict or put conditions on the issuance or amendment of authorizations under a specified enactment;
- restrict or put conditions on the exercise of a power or the performance of a duty under a specified enactment.

Section 6 allows Cabinet to make regulations that:

- require a local government to consider the public health plan during strategic or operational planning processes;
- require that local government strategic or operational planning processes be consistent with the public health plan;
- provide that local government strategic or operational plans, bylaws or other planning documents, or classes of these, do not have legal effect to the extent of any inconsistency with the public health plan.

Licences and
permits

Section 19 of the Act enables a health officer to refer applications for licences and permits to engage in a regulated activity for review and comment by a local government employee that has special expertise for review and comment.

Advising and
reporting on local
public health
issues

Section 73 placed requirements on a medical health officer related to local government and health issues. In relation to local government, a medical health officer must:

- advise on public health issues, including health promotion and health protection;
- advise on bylaws, policies and practices respecting those issues;
- advise on any matter arising from the exercise of the medical health officer's powers or performance of his or her duties under this or any other enactment; and
- consult with local government before making a report on health issues

PART B**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Regulations respecting local governments

Section 120 provides Cabinet with the power to make regulations with respect to local government for the purposes of:

- promoting or protecting the health of people;
- addressing a condition, thing, or activity that could adversely affect a health promotion or initiative; and
- enforcing a memorandum of understanding.

With this authority Cabinet can make regulations that:

- require or authorize local government to take actions for the purposes of monitoring and responding to health hazards;
- require local government to deliver a public health function
- authorize the Minister to order a local government to modify or rescind a bylaw, or an operational or strategic plan or planning process;
- establish processes to resolve disputes between local governments and health authorities in relation to matters under this Act.

If a regulation affects a specific local government, the Health Minister must consult with the local government. If a regulation affects local governments generally, the Health Minister must consult with the Union of British Columbia Municipalities.

Section 63 allows the Health Minister to establish directives and standards regarding the exercise of powers and the performance of duties by local governments regarding regulations made under section 120 (regulations)

Role of local government

Section 83 of the Act establishes the role of local governments under the Act. The section contains a set of requirements local governments must follow. Some of the more prominent provisions are:

- if the local government becomes aware of a health hazard or health impediment within its jurisdiction, the local government must take an action required by the appropriate regulation made by Cabinet;
- if no regulation applies the local government must either (i) report the health hazard or health impediment to a health officer, or (ii) take an action the local government has authority to take under this or another enactment to respond to the health hazard or health impediment;
- a local government must designate one of its members, or an officer or employee of the local government, as the local government liaison for the purposes of this section, and send notice of the designation to the regional health board having authority over the geographic area in which the local government is located.

Local government cooperation

Section 84 enables local governments to work together on anything that is required of a local government under the *Public Health Act*.

PART B**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Consequential
amendments

Section 151 amends s. 523(1) and 694(1) of the *Local Government Act* to reference the new *Public Health Act* rather than the Health Act.

Section 158 amends s. 325 and s.326 of the Vancouver Charter to clarify Vancouver City council's authority to:

- establish a Health Department,
- appoint a Medical Health Officer, and
- designate duties and powers of the Medical Health Officer for the purposes of this Act

http://www.leg.bc.ca/38th4th/3rd_read/gov23-3.htm

SBC 2008 c. 28
(Act in force by regulation)

Bill 31**Greenhouse Gas Reduction (Emissions Standards) Statutes Amendment Act, 2008**

Sponsored by the Minister of Environment and Minister Responsible for Water Stewardship and Sustainable Communities

The Act makes amendments to a number of acts to establish requirements for reducing greenhouse gas emissions. The amendments of interest to local government amend the Environmental Management Act to authorize the imposition of requirements on waste management facilities regarding greenhouse gasses.

New
requirements for
waste
management
facilities

Section 2 adds Part 6.1 to the *Environmental Management Act*. Division 2 of that part requires the owner or operator of a waste management facility of a class (prescribed by Cabinet) to manage, reduce or recover the energy potential of greenhouse gases (specified by Cabinet) produced from waste handled at the waste management facility.

http://www.leg.bc.ca/38th4th/3rd_read/gov31-3.htm

SBC 2008 c. 20
(Section 2 in force by regulation)

PART B**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION****Bill 33****Miscellaneous Statutes Amendment Act, 2008**

Sponsored by the Attorney General and Minister Responsible for Multiculturalism

The Miscellaneous Statutes Amendment Act makes amendments to various statutes. The amendments of interest to local government amend the Local Government Bylaw Notice Enforcement Act to outline a clear process for Canadian Charter of Rights and Freedoms matters to be referred to the Provincial Court; and the Motor Vehicle Act to provide additional authorities for traffic management.

Procedural rules of bylaw adjudication

Sections 30, 31 and 32 amend ss. 4, 16 and 27 of the *Local Government Bylaw Notice Enforcement Act* to provide procedures for the referral of a bylaw dispute to a judge of the Provincial Court. If an adjudicator believes a bylaw notice dispute is a non-adjudicable matter, the matter is to be transferred in accordance with the regulations established under the *Local Government Bylaw Notice Enforcement Act*. Examples of non-adjudicable matters are issues involving the *Canadian Charter of Rights and Freedoms*, and the determination of Aboriginal rights.

Section 41 amends s.13 of the *Offence Act* as a consequential amendment to the amendments made to s. 16 and s. 27 of the *Local Government Bylaw Notice Enforcement Act* to allow matters that cannot be decided by an adjudicator under the *Local Government Bylaw Notice Enforcement Act*, to be heard by a provincial court judge.

New municipal authority over non arterial highways

Section 35 adds s. 124.2 to the *Motor Vehicle Act* to provide councils with additional powers, similar to the Minister (Transportation), to regulate highways and their use by persons, organizations, vehicles or cycles or classes thereof. The amendment provides authority to designate highways and lanes for specialized traffic management purposes, to regulate traffic using these roads and delegate authority to staff to vary conditions governing the use of these roads. However, any resolution or bylaw must be approved in writing by the Minister if the highway or designated use highway is within 800 metres of an arterial or provincial public highway. Further, subsection (3) prevents municipalities from creating bylaws under this section that would take, authorize or permit any action that would reduce the capacity of all or any part of an arterial highway or a provincial public highway to move people or freight, without the written approval of the Minister.

http://www.leg.bc.ca/38th4th/3rd_read/gov23-3.htm

SBC 2008 c. 30
(Sections 30, 31, 32, 35 and 41 in force by regulation,)

PART B**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION****Bill 45 Economic Incentive and Stabilization Statutes Amendment Act, 2008**

Sponsored by the Ministry of Finance and Minister responsible for the Olympics

The Act makes amendments to a number of acts (e.g. Land Tax Deferment Act and School Act) and provides some new legislation regarding property assessment.

New property tax deferment program Section 5 amends s. 5 of the *Land Tax Deferment Act* to create a new program which will allow homeowners that are facing financial hardship and have met certain residency requirements (e.g. resident of British Columbia, and Canadian citizen or permanent resident) to defer their 2009 and 2010 property taxes. The property of the homeowner must be used for residential purposes. Sections 6 and 7 amend s. 8 and s. 9 to allow the Minister (Finance) to set the interest rate on the deferred property taxes with the limitation that the rate must not exceed the prime lending rate of the principal banker to the government. Section 8 amends s.18 to allow Cabinet to make regulations regarding the new program.

Industrial property tax credits Section 11 amends s. 131.2 of the *School Act* to establish a provincial industrial property tax credit for owners of class 4 or 5 properties (major and light industry). The tax credit entitles an owner of class 4 or 5 property to a credit equal to 50% of the school taxes levied in the taxation year.

Sections 9 and 10 amend the *School Act* to establish requirements regarding the new tax credits. The notice sent by the Minister to the collector of the municipality regarding the tax credits must:

- include the total amount of the provincial industrial property tax credits to which owners in a municipality are entitled;
- include the net amount of the school taxes to be raised in the municipality;
- set out the amount of the provincial industrial property tax credit and the net amount of school taxes payable after the deduction of the provincial industrial property tax credit.

Assessment process change Part 3 of the *Economic Incentive and Stabilization Statutes Amendment Act, 2008* modifies the way property assessment is carried out under the *Assessment Act* for the 2009 taxation year. Sections 24 and 25 establish that in 2009 property assessments are based on the actual value of the property on July 1, 2007 or July 1, 2008, whichever is lower. Sections 26 to 30 apply this valuation basis to certain types of properties. Section 26 establishes that depreciation should be calculated by subtracting one year from the chronological age or, if parts of an improvement have different chronological ages, the effective age. Sections 27 to 30 establish that, in the 2009 taxation year, the actual value of designated ski hill property, designated port land, managed forest land, and items found on the property such as power poles and pipe lines is the actual value of that property as determined under the *Assessment Act* for the 2008 taxation year.

Section 36 amends the *Schedule to the Port Land Valuation Regulation, B.C. Reg. 220/2007* to prescribe the actual value of the designated port land for the 2009 taxation year.

PART B**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Powers of Cabinet related to the assessment freeze

Section 31 of the *Economic Incentive and Stabilization Statutes Amendment Act, 2008* allows Cabinet to make regulations regarding the changed assessment process for 2009 and section 32 allows Cabinet, by order, to determine the actual value of a property for the 2009 taxation year. Cabinet may only determine the actual value if:

- Cabinet considers that unfairness to an owner of a property has occurred or is likely to occur in respect of the actual value of the property entered in an assessment roll for the 2009 taxation year;
- Cabinet considers it to be in the public interest;

In either case, Cabinet must first have received the recommendation of the Minister responsible for the *Assessment Act*.

Repeal of the assessment freeze legislation

Section 38 repeals the assessment freeze legislation in the *Economic Incentive and Stabilization Statutes Amendment Act, 2008* as of January 1, 2010.

http://www.leg.bc.ca/38th4th/3rd_read/gov45-3.htm

SBC 2008 c. 44
(sections 5-8 and 23-36 effective November 27, 2008;
section 38 effective January 1, 2010)

PART C	INDEX OF AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION
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PART C – Index of Amendments to Local Government Legislation

<u>Affected Act</u>	<u>Section</u>		<u>Amending Bill</u>
Community Charter	53	[building bylaws; disability access, energy/water conservation, greenhouse gas reduction]	10 (s. 2)
	55	[expands definition; "qualified professional"]	10 (s. 3)
	119	[term of office; council member; consequential]	43 (s. 3)
	137	[adds requirements for amending or repealing an existing bylaw]	7 (s. 73)
	188	[municipal off-street parking reserve fund money for alternative transportation infrastructure purposes]	27 (s. 1)
	297	[end of term; council member]	43 (s. 3)
	297	[language update; consequential]	43 (s. 4)
Greater Vancouver Sewerage and Drainage Act	58.1	[adds definition; "eligible development"]	27 (s. 2)
	58.2	[small-unit housing; development cost charge exemption]	27 (s. 3)
	58.2	[authority to waive or reduce development cost charges]	27 (s. 4)
	58.4	[requirement; consider the impact of development cost charges]	27 (s. 5)
	58.6	[requirement; prepare reports in relation to development cost charges]	27 (s. 6)
Greater Vancouver Water District Act	5	[language update; consequential]	27 (s. 7)
	8	[language update]	27 (s. 8)
	9	[water licences for power production; cancellation]	27 (s. 9)

PART C **AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

	9.1	[energy objects; authority to generate and sell power to third parties]	27	(s. 10)
	81	[Cabinet approval; repealed]	7	(s. 74)
Local Government Act	5	[moves definitions; chief election officer, election official, and general voting day]	43	(s. 34)
	5	[definition; greenhouse gas]	27	(s. 11)
	5	[reference update; consequential]	7	(s. 75)
	6.9	[land status; dissolution of a local government]	43	(s. 35)
	7	[language update; consequential]	43	(s. 36)
	10	[repeal; consequential]	43	(s. 141)
	11	[repeal; consequential]	43	(s. 37)
	12	[language update]	43	(s. 38)
	12.1	[letters patent; name, boundaries, area and class]	43	(s. 39)
	12.2	[letters patent; first election]	43	(s. 39)
	12.3	[letters patent; first councillors]	43	(s. 39)
	12.4	[letters patent; first regular council meeting]	43	(s. 39)
	12.5	[letters patent; asset transfer and bylaw continuation]	43	(s. 39)
	13	[authorizes transition to a island municipality]	43	(s. 40)
	13.1	[interim corporate officer responsibilities]	43	(s. 41)
	13.2	[election of additional councillors]	43	(s. 41)
	14	[letters patent; limiting property tax rates;]	43	(s. 42)
	14.1	[letters patent; required revenue sharing]	43	(s. 43)
	14.2	[letter patent; local area service]	43	(s. 43)
	14.3	[letters patent; advisory body]	43	(s. 43)
	14.4	[letters patent; additional powers]	43	(s. 43)
	15	[improvement district letters patent; consequential]	43	(s. 44)
	18	[letters patent; reclassification of a municipality]	43	(s. 45)
	20	[a boundary extension; elector approval]	43	(s. 46)

PART C **AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

24	[continuation of bylaws]	43	(s. 47)
26	[repeal; consequential]	43	(s. 141)
27	[repeal; consequential]	43	(s. 141)
28	[reference update; consequential]	43	(s. 48)
29	[language update]	43	(s. 49)
30	[repeal; consequential]	43	(s. 50)
31	[reference update]	43	(s. 51)
32	[language update]	43	(s. 52)
33	[amends definition; financial agent; consequential]	7	(s. 1)
33	[repeals definitions; consequential]	43	(s. 53)
41	[authority; deputy chief election officer]	43	(s. 54)
57.1	[removes registration requirement; certificate of eligibility]	7	(s. 2)
58	[repealed; process for obtaining a non-resident property elector certificate]	7	(s. 3)
62	[restricts entitlement to copies of the list of registered electors]	7	(s. 4)
71	[nomination of candidates; number of nominators]	7	(s. 5)
72	[candidate requirement; solemn declaration]	7	(s. 6)
73	[public access; nomination documents]	7	(s. 7)
77	[reference update; consequential]	7	(s. 8)
83	[adds definitions; "campaign account" and "campaign organizer"]	7	(s. 9)
84	[reference update; consequential]	7	(s. 10)
85	[reference update; consequential]	7	(s. 11)
85.01	[information requirements; candidates and campaigns]	7	(s. 12)
85.1	[clarifies campaign account rules]	7	(s. 13)
86	[reference update; consequential]	7	(s. 14)
87	[reference update; consequential]	7	(s. 15)

PART C | **AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

88	[reference update; consequential]	7	(s. 16)
89	[reference update; consequential]	7	(s. 17)
90	[information requirements; campaign disclosure statements]	7	(s. 18)
90.1	[reference update; consequential]	7	(s. 19)
90.2	[reference update; consequential]	7	(s. 20)
91	[reference update; consequential]	7	(s. 21)
92.1	[additional penalty; defaulting campaign organizers]	7	(s. 22)
92.2	[reference update; consequential]	7	(s. 23)
92.5	[additional penalty; defaulting campaign organizers]	7	(s. 24)
93	[additional public access; election financial disclosure documents]	7	(s. 25)
97	[removes restrictions; advanced voting]	7	(s. 26)
98	[reference update; consequential]	7	(s. 27)
100	[extends mail voting provisions]	7	(s. 28)
115	[repealed written declaration requirement; advanced voting]	7	(s. 29)
150	[reference update; limits copying election materials]	7	(s. 30)
152.1	[extends election advertising rules; campaign organizers]	7	(s. 31)
153	[adds an offence; financial agent requirement]	7	(s. 32)
154	[reference update; consequential]	7	(s. 33)
156	[regulation-making authority; providing information to the chief election officer]	7	(s. 34)
287	[language update; consequential]	43	(s. 55)
523	[language update]	23	(s. 151)
692	[adds exemptions from the business code; local governments]	10	(s. 5)
694	[adds regional district authority; building health and safety bylaws]	10	(s. 6)

PART C **AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

694	[language update]	23	(s. 151)
731	[transition from development district to improvement district]	43	(s. 56)
732	[transition from a development district to a mountain resort improvement district]	43	(s. 57)
734	[amending improvement districts' letters patent; Minister]	43	(s. 58)
735	[dissolution and additional powers; improvement district]	43	(s. 59)
735.1	[dissolution and additional powers; improvement district]	43	(s. 59)
735.2	[dissolution and additional powers; improvement district]	43	(s. 59)
746	[power to establish reserve funds; improvement districts]	7	(s. 76)
747	[improvement district by laws; Minister powers]	7	(s. 77)
748	[language update]	43	(s. 60)
751	[reserve funds for renewal of works; improvement districts]	7	(s. 78)
758	[language update]	7	(s. 79)
776	[language update]	43	(s. 61)
777	[language update; consequential]	43	(s. 62)
777.1	[extending the area of a regional district]	43	(s. 63)
780	[revocation of letters patent; language update]	43	(s. 64)
781	[continuation of a service; regional districts]	43	(s. 65)
782	[transfer of a service; regional district to a municipality]	43	(s. 66)
782.1	[adds and limits Cabinet powers; regional districts]	43	(s. 67)
797.4	[language update; formatting error]	7	(s. 80)
806	[regional district requirements; submission and certification of requisitions]	7	(s. 81)
806.1	[reference update; consequential]	7	(s. 82)

PART C | **AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

813	[repeal; consequential]	43	(s. 141)
823.1	[reference update; consequential]	7	(s. 83)
823.11	[property owner request process; regional district borrowing]	7	(s. 84)
848	[definition update; “affected local government”]	27	(s. 13)
850	[regional growth strategy; greenhouse gas emissions]	27	(s. 14)
853	[reference update; consequential]	27	(s. 15)
855	[public hearings; regional growth strategy]	27	(s. 16)
857	[reference update; consequential]	27	(s. 17)
857	[regional growth strategy; applies to new municipalities]	43	(s. 68)
857.1	[minor amendments; regional growth strategy]	27	(s. 18)
866	[regional context statement made binding on a new municipality]	43	(s. 69)
866	[facilitator; regional context statement]	27	(s. 19)
877	[official community plans; greenhouse gas targets]	27	(s. 20)
894	[allows voting; delegated public hearing]	7	(s. 85)
905.1	[new categories; development permit areas]	27	(s. 21)
906	[municipalities; off street parking requirements]	27	(s. 22)
919.1	[development permit areas; purposes]	27	(s. 23)
920	[requirements; development permits]	27	(s. 24)
933	[development cost charges not applicable; small unit housing]	27	(s. 25)
933	[extending exemption; development cost charges]	27	(s. 26)
933.1	[reduced/waived development cost charges]	27	(s. 27)
934	[development cost charge; requirement]	27	(s. 28)
937.01	[public availability; annual development cost charges report]	27	(s. 29)
937.2	[definition amended; “eligible development”]	27	(s. 30)

PART C **AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

	937.3	[school site acquisition charges exemption; small unit housing]	27	(s. 31)
	937.3	[waiver/reduction; school site acquisition charge]	27	(s. 32)
	937.4	[reference update]	7	(s. 86)
	968	[reference update; procedural rules for public hearings]	7	(s. 87)
Municipalities Enabling and Validating Act	250	[Elk Valley tax sharing agreement]	7	(s. 90)
Municipalities Enabling and Validating Act (No.2)	11	[repeals provision; Westar Mining Ltd.]	7	(s. 91)
Municipalities Enabling and Validating Act (No.3)	10	[repeal; consequential]	43	(s. 91)
	11	[repeal; consequential]	43	(s. 91)
	22	[authorizes agreements regarding class 4 properties]	7	(s. 92)
	23	[letters patent of Comox Valley Regional District]	43	(s. 92)
	24	[obligations; cost development charge bylaws]	43	(s. 92)
	25	[adds definition; "northern municipality"]	43	(s. 92)
	26	[dissolution; Northern Rockies Regional District]	43	(s. 92)
	27	[boundary alteration; northern municipality]	43	(s. 92)
	28	[security/loan; bylaws]	43	(s. 92)
	29	[Local Government Act application]	43	(s. 92)
	30	[creation of Northern Rockies municipality]	43	(s. 92)
Municipal Finance Authority Act	1	[adds definition; "northern municipality" amends definition; "regional district"]	43	(s. 88)
	1.1	[applies the Act to the northern municipality]	43	(s. 89)
	2	[Northern Rockies representatives to continue until successors appointed; Municipal Finance Authority]	43	(s. 90)

PART C **AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Ports Property Act	3	[extension; port property tax rate cap; 2018]	2	(s. 83)
	4	[extension; cap on tax rates for new investment in port property]	2	(s. 84)
	5	[reference update; consequential]	2	(s. 85)
	5.1	[compensation amounts for local governments]	2	(s. 86)
	5.2	[property tax rate cap; not applicable to revitalization tax exemption property]	2	(s. 87)
Vancouver Charter	7	[reference; consequential]	7	(s. 38)
	30.1	[removes registration requirement; certificate of eligibility]	7	(s. 39)
	31	[repeals process; obtaining a non-resident property elector certificate]	7	(s. 40)
	35	[restricts entitlement; list of registered electors copies]	7	(s. 41)
	43	[nomination of candidates; number of nominators]	7	(s. 42)
	44	[candidate requirement; solemn declaration]	7	(s. 43)
	45	[expands public access to nomination documents]	7	(s. 44)
	49	[reference update; consequential]	7	(s. 45)
	55	[adds definitions; "campaign account" and "campaign organizer"]	7	(s. 46)
	56	[reference update; consequential]	7	(s. 47)
	57	[reference update; consequential]	7	(s. 48)
	57.01	[information requirements; candidates and campaigns]	7	(s. 49)
	57.1	[clarifies campaign account rules]	7	(s. 50)
	58	[reference update; consequential]	7	(s. 51)
	59	[reference update; consequential]	7	(s. 52)
	60	[reference update; consequential]	7	(s. 53)
	61	[reference update; consequential]	7	(s. 54)
	62	[information requirements; campaign disclosure statements]	7	(s. 55)

PART C **AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

62.1	[reference update; consequential]	7	(s. 56)
62.2	[reference update; consequential]	7	(s. 57)
63	[reference update; consequential]	7	(s. 58)
64.1	[additional penalty; defaulting campaign organizers]	7	(s. 59)
64.2	[reference update; consequential]	7	(s. 60)
64.4	[additional penalty; defaulting campaign organizers]	7	(s. 61)
65	[additional public access; election financial disclosure documents]	7	(s. 62)
69	[removes restrictions on who can vote in advanced voting]	7	(s. 63)
70	[removes a reference to restrictions on who can vote at an advance voting opportunity]	7	(s. 64)
72	[extends mail voting provisions]	7	(s. 65)
87	[eliminates written declaration requirement; advanced voting]	7	(s. 66)
122	[reference update; limits copying election materials]	7	(s. 67)
124.1	[extends election advertising rules; campaign organizers]	7	(s. 68)
125	[adds an offence; financial agent requirement]	7	(s. 69)
126	[reference update; consequential]	7	(s. 70)
128	[regulation-making authority; providing information to the chief election officer]	7	(s. 71)
136	[reference update; consequential]	7	(s. 72)
188	[off street parking funds; transportation infrastructure]	27	(s. 1)
190.1	[permits borrowing for Southeast False Creek development: City of Vancouver]	47	(s. 1)
242	[removes requirement; elector assent; Southeast False Creek Development]	47	(s. 2)
304	[adds definition; "greenhouse gas"]	10	(s. 7)
306	[amends by-law making power; off-street parking and loading]	27	(s. 33)

PART C | **AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

306	[adds council authority; building health and safety bylaws]	10	(s. 8)
307	[numbering update; consequential]	27	(s. 34)
308	[numbering update; consequential]	27	(s. 34)
325	[allows council; establish a Health Department and appoint/direct a Medical Health Officer]	23	(s. 158)
326	[allows council; establish a Health Department and appoint/direct a Medical Health Officer]	23	(s. 158)
523D	[small-unit housing exempt; development cost charges]	27	(s. 35)
523D	[authorities to waive or reduce development cost charges]	27	(s. 36)
559	[language update; consequential]	27	(s. 37)
562	[enables voting without attending public meetings; official development plan by-laws]	43	(s. 138)
562.01	[official development plan requirement; emission reduction targets]	27	(s. 38)
566	[enables voting without attending public meetings; zoning by-laws]	43	(s. 139)
594	[enables voting without attending public meetings; heritage designation by-laws]	43	(s. 140)

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