



To: General Purposes Committee
From: George Duncan
Chief Administrative Officer
Re: **Community Charter Process**

Date: November 23, 2001
File: 0035-02

Staff Recommendation

That a letter from the Mayor, on behalf of Richmond Council, be forwarded to the Minister of State for Community Charter, the Community Charter Council, and the executive of the Union of British Columbia Municipalities (UBCM), recommending adoption of an inclusive process which will facilitate meaningful input by the UBCM membership into the Community Charter development process, and future legislative change which will impact on local government.

A handwritten signature in black ink, appearing to read "George Duncan".

George Duncan
Chief Administrative Officer

Staff Report

Origin

The Provincial Government has limited access to the proposed Community Charter to a small select group including Ministry staff, UBCM, MFA, and the Community Charter Council. All of those who have had access to the Charter have been required to swear to an oath of secrecy.

Further to this limited exposure of the Charter, consultation between the Province and municipalities on the Community Charter has occurred primarily through the UBCM. To date, the consultation process has entailed:

- release of various discussion papers;
- establishment of a Community Charter Council, with municipal representatives named primarily through the UBCM;
- limited access for municipal Councils to the Community Charter document;
- offering a workshop/brainstorming session format as the primary vehicle for municipal Councils to provide input to the Charter Council;
- an initial prohibition on municipal staff involvement in the Community Charter consultation process;
- the establishment by the Minister of a Technical Advisory Committee to the Community Charter Council (two staff positions – one from each of the urban and rural areas of the Province); and,
- a request by the Minister for the participation of staff on working groups “established to advise of specific technical tasks associated with the development of the legislation”.

The following report makes comment on the process from the municipal government perspective, and offers suggestions on actions which are being requested of all municipal Councils throughout the Province.

Analysis

Following are some of the issues with the Community Charter Council process which need to be addressed:

Community Charter Council - Representation

Although the Community Charter Council was appointed through the UBCM, there is disproportionate representation from the municipal Councils in the Lower Mainland, given the breakdown of the Province’s population centres.

Only one representative, Mayor Helen Sparkes of New Westminster, sits on the Community Charter Council. Accordingly, it is recommended that municipal Councils provide feedback to

the Minister, Charter Council, and UBCM executive, on both the process and proposed content of the Charter, as added support to the efforts of the representative from the Lower Mainland.

Limited Access to the Community Charter Document

The Province plans to present a White Paper on the Community Charter, as opposed to introducing the new bill (legislation), as is typically the case. Although this approach is viewed as a positive step, municipal Councils cannot be faulted for being skeptical about a process which seeks their input through an intermediary (the Charter Council) on the content of a document to which they are not permitted access.

Format – Workshop/Brainstorming Session

The Community Charter Council Workshop held in Coquitlam for Lower Mainland municipalities provided municipal Council members an opportunity to comment on a number of carefully selected topic areas which are anticipated to be covered in the new Charter. The process/format, however, offered minimal opportunity to municipal Council members for advanced preparation, nor did it provide any follow-up documentation on the specific input they provided. As a result, other than the brief oral reports provided by each group during the workshop, members of Council have very little knowledge of how, or if, their feedback will be utilized.

Public Consultation

To date, there has not been any indication that the process will allow for public consultation conducted by either the Community Charter Council or individual municipal Councils. This appears to be an oversight considering the extent to which it is anticipated the new Charter will broaden the powers of local governments, and the potential impact of this change on citizens, and in particular, the business community.

Staff Participation

Although initially, the Charter Council process did not allow for staff participation, the establishment of the Technical Advisory Committee presents a nominal opportunity for municipal staff to provide technical support directly to the Charter Council. Overall, the process, however, has handcuffed staff by requiring an oath of secrecy from those few who are aware of the contents of the Charter document. As a result, municipal staff are somewhat ill-prepared to provide adequate support and/or advise to their municipal councils on this very crucial legislation.

In summary, the primary concerns and recommended actions regarding the Community Charter issues, are as follows:

1. Lack of a Clear Municipal Position

Although there has been consultation through the Community Charter Council workshops, neither the Community Charter Council nor the UCBM have developed specific positions on any of the content of the numerous discussion papers that have been circulated to date.

Municipal Councils, therefore, should ensure that their positions on the various aspects of the proposed Charter are put forward to the Charter Council and Minister.

2. Effectiveness of the Process

In order for the process to be effective, it must be inclusive of local governments, and ensure that municipal Councils are well-informed and have sufficient opportunity to collect and voice their positions.

3. Recommended Process

Establish a means by which local governments, through the UBCM and with the assistance of the Local Government Management Association (LGMA) of BC, can formulate clearly defined positions with respect to the development of the new Community Charter and other future legislative changes. In order to achieve this objective, the following actions are recommended:

- (a) The UBCM should take a proactive role to ensure their Charter Council representatives have clearly defined positions on the issues under consideration in the Community Charter. These positions must represent the needs and concerns of the membership, and the UBCM Charter Council representatives must advance these positions at the Charter Council table;
- (b) Facilitate a pro-active role by the LGMA by utilizing the expertise and experience of local government staff throughout the Province to assist the UBCM in coordinating a membership driven response to legislative change proposed by the Provincial Government;
- (c) Establish a joint committee or task force consisting of UBCM staff and LGMA representatives whose mandate is to formulate clearly defined positions based on input from UBCM membership for consideration by the Board and discussion at the Charter Council table;
- (d) Ministry of CAWS staff continue to play a key role in explaining Charter issues and providing background information, working with the joint committee/task force to ensure information provided to UBCM membership is clear, accurate and supports the creation of positions which will form the basis of discussions at the Charter Council table;
- (e) Upon release of the draft Community Charter, the Province and UBCM cooperate in the distribution of the document and arrange new opportunities for discussion and formulation of positions with respect to the issues.

4. Shared Objectives

Local government should be recognized as a partner in the development of the Community Charter. Therefore, it is our goal to assist in the establishment of a process that will:

- result in a Community Charter that meets the needs of all Local Governments across British Columbia;
- ensure Local Governments participate in and develop a sense of ownership of the end result;
- recognize Local Government as a partner in the development of the Community Charter and future legislative changes affecting local governments.

As a result, municipal staff plan to request that their Councils write to the Minister, UBCM, and the Community Charter Council, to request changes to the process as outlined above (3.), which will accommodate meaningful feedback and provide the opportunity to forward municipal positions on both the process and content of the discussion papers.

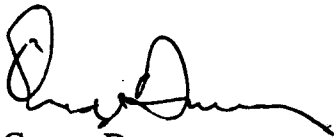
Financial Impact

not applicable

Conclusion

Due to the scope and magnitude of change proposed in the Community Charter, it is imperative that the process be inclusive of local government Councils.

It is also recognized that the full available resource of municipal staff expertise and experience should be dedicated to supporting municipal Councils as they assert themselves into the process of redefining the roles, responsibilities, and tools of local government.



George Duncan
Chief Administrative Officer

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