



October 26, 2021

Ref: 268550

Mayors and Regional District Chairs of British Columbia

Dear Mayors and Chairs:

I am writing to you to provide you with an overview of the proposed legislative amendments in [Bill 26](#), the *Municipal Affairs Statutes Amendment Act (No. 2), 2021* that was introduced by Minister Josie Osborne in the B.C. Legislature today.

Bill 26 proposes amendments to various pieces of provincial legislation including the *Community Charter* and the *Local Government Act* among other acts. The amendments will address a variety of topics including:

- new tools to help local governments support housing supply by streamlining their development approval processes,
- modernized public notice requirements,
- the requirement for councils and boards to consider codes of conduct, and
- community specific amendments including allowing the dissolution of the Jumbo Glacier Mountain Resort Municipality.

Together, the amendments in this bill will have meaningful impact by providing authorities that support efficient and effective local government operations. These amendments address issues not contemplated by existing legislation, and they will enable local governments to respond to circumstances in their community and provide new tools to increase the efficiency and timelines of housing development.

The Province's news release and information bulletin for the legislation are available here:

<https://news.gov.bc.ca/25595>

<https://news.gov.bc.ca/25596>

Progress of Bill 26 in the B.C. Legislature can be tracked [here](#).

Here are further details regarding the items in Bill 26. I will send a circular with further technical details on the amendments to local government Chief Administrative Officers shortly.

### **Development Approvals Process Review**

To support the streamlining of local government development approvals process and increased housing supply, this bill proposes legislation to remove the default requirement for local governments to hold public hearings for zoning bylaws that are consistent with an official community plan and enable local governments to delegate minor development variance permits to local government staff.

The Province initiated the Development Approvals Process Review (DAPR) to improve the efficiency and effectiveness of development approvals as a way to support the affordability and timeliness of new housing supply getting to market. Stakeholders who participated in DAPR consultations identified process improvement in relation to public hearings and delegation of authority in certain matters from council to municipal staff as two initial areas of action that could have an impact on streamlining development approvals.

### **Modernizing Public Notice Requirements**

We have heard from local governments that the existing notice requirements under local government legislation do not fully meet community needs and the realities of modern electronic communication, particularly in smaller and rural communities.

Bill 26 addresses these concerns by modernizing the options for providing statutory notice to citizens, similar to other provinces. The bill creates a new “local choice” option for local governments to determine and specify, by bylaw, the means of public notice that will have the broadest reach in their communities. This change recognizes that local governments are in the best position to determine how to notify and engage community members and provide greater flexibility for them to reach a wider audience.

Where the existing rules are working well for communities, there will be no requirement to change, and they may continue to use the newspapers for notice. However, the new rules provide additional choices and modernized options for communities that determine they have need for additional or alternative approaches.

### **Code of Conduct**

The bill contains changes that aim to strengthen the responsible conduct of local elected officials. Codes of conduct set shared expectations for behaviour, and these amendments will add a new requirement for all municipal councils and regional district boards to publicly consider the development of a code of conduct for their council or board members.

Currently, there is no requirement for local governments to develop codes of conduct or engage in a conversation about having a code of conduct. The changes in this bill create a standardized process for elected officials to engage in regular and meaningful dialogue about how they will govern together while demonstrating their accountability to the public.

The proposed approach has been developed through a joint Ministry Working Group with UBCM and LGMA and responds to calls for more tools to strengthen local government responsible conduct and was

supported through an endorsed resolution of the membership of the Union of BC Municipalities at the September 2021 Convention.

These changes will not take effect until a regulation to bring them into force is passed – likely in Spring 2022. Additional guidance material will be provided to local governments when the changes are brought into force.

### **Dissolution of Jumbo Glacier Mountain Resort Municipality**

Amendments in this bill will enable the dissolution of the Jumbo Glacier Mountain Resort Municipality (Jumbo). Jumbo was incorporated as a mountain resort municipality in 2013, with no residents, to facilitate the development of a ski resort in the Jumbo Valley.

Specialized provisions are required for the dissolution of Jumbo as the existing authorities are not sufficient to dissolve a municipality without residents or to accommodate changes to revert this area to the Regional District of East Kootenay. The amendments will also repeal the authority to incorporate a mountain resort municipality without residents, like Jumbo, in the future.

The provisions in this bill to enable the dissolution of the municipality at Jumbo are also integral to the agreement between the province and the Ktunaxa Nation to create an Indigenous Protected and Conserved Area in the Jumbo Valley.

### **Islands Trust Act Amendments**

Bill 26 includes amendments to the *Islands Trust Act* that address specific requests made by the Islands Trust. The amendments will support effective governance by ensuring the Islands Trust is able to meet its specialized mandate to “preserve and protect” the Trust Area.

The Islands Trust has demonstrated leadership in reconciliation efforts in its dealings with First Nations’ interests in Islands Trust governance and activities. The proposed changes in this bill amend the *Islands Trust Act* to include a specific reference to First Nations in the Trust’s objective statement in the Act to recognize and enshrine its ongoing relationship and reconciliation efforts with First Nations.

Amendments will also enable the Islands Trust to provide financial support to third parties for activities that provide education about or preserve the environment and unique amenities of the Trust Area. This ability to support community efforts to educate about the Islands Trust environment and unique amenities complement the existing ability to support heritage and history projects that already exists in the Act.

And finally, the proposed amendments will streamline development approvals processes in the Islands Trust by enabling local trust committees to adopt and amend Development Approval Information bylaws. This change is consistent with other authorities of Local Trust Areas in the Trust and will create efficiencies in approval processes.

**Powell River Incorporation Act**

Bill 26 adds new targeted amendments to the unique statute incorporating the City of Powell River – the *Powell River Incorporation Act* (PRIA) - as requested by the City of Powell River. The PRIA contains extensive limitations on municipal regulation of the mill in Powell River and the “Mill Site” area of the City. These provisions protected the operations of the pulp mill at the time of incorporation but reduced activity of the mill and transfer of mill lots to the City have made these restrictions a constraint on economic development of those lots – now owned by the City.

The proposed amendments will support the City’s economic development objectives by removing city owned parcels from the “Mill Site” area to allow for further development of those parcels. This proposal is supported by the current mill owner, Paper Excellence and the Tla’amin First Nation.

I trust you find this information helpful, and I also appreciate you communicating back this information from the province to your councils and boards, to your local government staff and to your communities.

Kind regards,



Tara Faganello  
Assistant Deputy Minister

pc: Honourable Josie Osborne, Minister of Municipal Affairs  
Gary MacIsaac, Executive Director, UBCM  
Nancy Taylor, Executive Director, LGMA  
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