**It’s Not That This Dog Won’t Bark:**

**It’s That It’s Barking Up The Wrong Tree -**

**Local Government Legislative Reform in British Columbia:**

**The Gordon Campbell Decade, 2001-2011**

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 In an early – first term - review of the Gordon Campbell legacy on local governing legislative reform in British Columbia, Smith and Stewart concluded that the best descriptor was “one oar in the water’[[1]](#footnote-1) – a lot of activity that can produce very little by way of actual result with any impact on local democracy and governing. And it is fair to say that Gordon Campbell and his governments of 2001-5, 2005-9 and 2009-11 did undertake a good deal of legislative activity related to local governing: a new Community Charter, a major restructuring of the Vancouver city-region transportation authority, a Significant Projects Streamlining Act, completion of a 3rd rapid transit line (Vancouver-Richmond-Airport (RAV) and work to move a fourth - Evergreen – line, and a local government elections task force amongst others.

 So where are we in a new BC governing era, after this Campbell decade (and Christy Clark Interlude)? In strangely similar local governing legislative topography it would seem. That says something about lessons from the Campbell decade in BC regarding municipal reform. This review offers reflections on the Gordon Campbell ‘municipal’ legacy – a decade of legislative activity, but one where major reform of BC’s local and regional governing and democracy is still largely pending.

 When compared with immediately previous NDP administrations of the 1990’s, Gordon Campbell’s Liberal administrations were essentially consistent with a provincial average annually of around 20% of provincial legislative actions affecting local governing, either centrally or more peripherally.

Table I: Acts Pertaining to Municipal Government, BC, 1991–2013

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Years** | Administration | **Total Acts** | **Primary Topic Municipal Reform** | **%** | **Municipal Reform of Some Relevance** | **%** |
| 1991–95 | Harcourt | 281 | 21 | 7.58% | 36 | 12.8% |
| 1996–01 | G.Clark/Miller/Dosanjh | 243 | 11 | 4.5% | 33 | 13.6% |
| 2001–05 | Campbell | 209 | 7 | 3.35% | 31 | 14.8% |
| 2005-09 | Campbell | 161 | 10 | 6.2% | 45 | 27.9% |
| 2009-11 | Campbell / 0.5 | 47 |  |  |  |  |
| 2011-13 | C. Clark / 0.5 | 45+ |  |  |  |  |
| 2009-13 | Campbell - Clark combined | +12-3+ 13-1 |  |  |  |  |
| 1991–2011 |  Total  | 733 | 48 | 5% | 145 | 14% |
|  |  |  |  |  |  |  |

# I: Gordon Campbell’s First Term:

# NED, the Community Charter and Other Legislative Reforms, 2001–2005

In the BC Liberal Party’s **‘NEW ERA DOCUMENT’** election platform of 2001, one of the commitments during the ‘first 90 days’ was action on the creation of new municipal legislation—a Community Charter. However, at the end of 90 days, instead of new legislation, British Columbians got process. To manage the several local reactions to initial legislative ideas, Campbell appointed an 11-member Community Charter Council made up of current and past municipal/regional officials and provincial appointees. Four members were selected by the Union of British Columbia Municipalities (UBCM), four members-at-large were selected by the provincial cabinet on the recommendation of the UBCM, and the provincial government appointed three members to represent provincial interests; This ‘council’ reported to a new Minister of State for the Community Charter, former Whistler, BC Mayor Ted Nebbling. The Community Charter Minister of State’s task was to consult and develop draft legislation; in October 2001 the Charter Council published *The Community Charter: A Discussion Paper*. Much preliminary work had already been done while the Liberals waited their turn to govern in BC during the 1990’s. Initially, public input to the Council was limited to a small number of municipal officials and representatives from the Union of BC Municipalities, but after considerable criticism, the process was broadened to include input from elected officials from various parts of the province (Vance, 2002). In May 2002, the Ministry of Community, Aboriginal and Women’s Services (MCAWS—which had ‘replaced’ Municipal Affairs) released *The Community Charter: A New Legislative Framework for Local Government*. According to Minister Nebbling, the new legislation would:

replace a provincial tradition of rigid rules and paternalism with flexibility and co-operation, . . . will encourage municipalities to be more self-reliant . . . [and] presents simple, concise legislation that balances broad municipal abilities with public accountability and protection of province-wide interests in key areas like the economy, environment and public health. *(Ministry of Community, Aboriginal and Women’s Services, 2002: 3).*

Structurally and functionally, little changed under the Community Charter, but the legislation did bring about a number of financial and jurisdictional reforms—all aimed at freeing up the hands of local government – a process begun with the NDP in its new *Local Government Act* of the late 1990’s.

BC’s Community Charter iterated a number of these sentiments:

1. *‘Natural person’ powers*. Under legislation prior to the Community Charter BC municipalities were corporate entities, meaning that their powers were subject to some limitations on the making of agreements and providing assistance. ‘Natural person’ powers do away with itemized corporate powers and increase the corporate capacity of the municipality in relation to already delegated powers.
2. *Service powers*.Under the Charter,Municipal councils may now provide any service they consider necessary and bylaws are no longer required to establish or abolish services.
3. *Agreements*. In terms of public-private partnerships, municipalities gain a simplified authority to grant an exclusive or limited franchise for transportation, water, or energy systems, and the requirement of provincial approval for agreements between a municipality and a public authority in another province is eliminated.
4. *Additional revenue sources*. The Community Charter ‘puts forward for discussion’, but does not yet commit the province to, a number of potential municipal revenue sources outside of property taxes, including: fuel tax, resort tax, local entertainment tax, parking stall tax, hotel room revenue tax, and road tolls. [In the case of Greater Vancouver’s transportation authority, some of these tax powers had already been transferred – though provincial oversight continued.)

In addition, the *Community Charter* went to some lengths to clarify local-provincial relations by recognizing municipalities as ‘an order to government’ and promising:

* *Consultation*. The provincial government agrees to consult with the UBCM before changing local government enactments or reducing revenue transfers.
* *No forced amalgamations*. Amalgamations between two or more municipalities will not occur unless electors within the affected communities approve the merger.
* *Reduction of provincial approvals*. Under the *Community Charter* the number of routine provincial government approvals will be reduced. As well, the *Community Charter* allows the province to reduce approvals further over time through regulations.

These commitments indicated that the Liberals wished to increase administrative flexibility and, as much as possible, free local authorities from time-consuming provincial interference—a move underscored by the shift from corporate to ‘natural person’ powers, reduced provincial oversight, and promises of consultation and increased revenue-generating capacity. Thus, this initial Liberal round of municipal legislative reform in British Columbia can be seen as an attempt to increase efficiency through decentralization based on limited financial and jurisdictional tinkering and no major structural or functional reforms. However, BC local governments appeared wise to be wary of such promises. After all, since the 2001 provincial general election local BC school boards were dealt with in ways entirely opposite to the sentiments expressed in the *Community Charter*. Not long after being elected, the Liberals imposed a three-year teachers’ pay settlement, then announced that school boards would be responsible for the pay increases for years two and three without any additional compensation despite their earlier promise not to cut education funding. As a result of this de facto cut most school boards had to lay off teachers and close schools. Even when some of the funding was restored, local school boards were left significantly disadvantaged and having to deal with the political fallout from local cuts. Similarly, restructured health boards (now just six for BC) found that many decisions on costs and closures were left to them, after health budgets were limited, despite the provincial government’s promise that there would be ‘no cuts to health-care funding’. Again, the ‘dirty work’ of provincial cutbacks fell on the ‘local’ authorities.

In terms of accountability, the Liberals argued that they were shifting responsibility for monitoring local councils from provincial ministries to local communities: ‘The Charter is founded on a principle that municipalities are accountable to the public, not the province. Therefore, the . . . Charter does not call for reporting to the province but rather to citizens’ (Minister of Community, Aboriginal and Women’s Services, 2002: 14). The Liberals appeared to recognize that municipal policy decisions should/would more likely reflect the will of the local community only if local accountability were improved. However, by adding only an ‘annual reporting’ requirement and very minor changes on conflict of interest to the legislation, the Liberals ran the risk of further freeing the hands of under-accountable local governmental bodies.

When asked about the possibility of including substantive accountability (e.g., electoral) reforms in what was initially termed the Phase I version of the *Community Charter*, officials at MCAWS, the Ministry of State for the Community Charter, and the Community Charter Council conceded that such democratic reforms were problematic and ‘would have to wait at least until 2004–2005 - *a timetable sufficient to prevent discussion of such democratic reforms through the next plus one municipal electoral cycle*’ (Ministry of State for the Community Charter, 2002; emphasis added). In reality, as subsequent BC provincial government thinking attested, no such reforms on accountability were anticipated before the May 17, 2005 Provincial General Election.[[2]](#footnote-2)

After much delay to its *Community Charter* legislative reform package, the intention of the BC Liberal government had been to meet once more with the UBCM at its annual conference in Whistler, BC, in September 2002. The government then planned to introduce its *Community Charter* bill to the BC legislature for autumn 2002 approval. However, the more UBCM members considered the draft charter, the more concerns they expressed. For example, they found that while the *Community Charter* promised no provincial ‘downloading’ to municipalities without consultation and equivalent fiscal compensation, no such consideration was to be made when the province simply ‘off-loaded’ a responsibility or service. ‘Off-loading’, they discovered was when the senior provincial authority simply abandoned a service – often leaving local citizens pressuring local municipalities to restore these, but without provincial dollars That meant that municipalities often had to buy their community hospitals (as Kimberley, BC, did after provincial cuts forced its closure) or hold a referendum (as Delta did in the November 2002 municipal election to get voter approval for a local tax increase to fund its hospital emergency ward on a 24-hour basis as opposed to the ward operating only during the day and early evening – due to provincial (i.e., provincially-appointed regional health board) cuts.

The concerns raised by local governments meant another delay until spring 2003 as the new timetable for Charter legislative reform. That decision, and the time and energy devoted to the related ‘transitionals’ and ‘consequentials’ Act (Bill 76)[[3]](#footnote-3), pushed back any planned Phase II Community Charter regional district reforms until after the already announced May, 2005 Provincial General Election.(Paget, 2004). It also meant that serious local accountability reforms (Phase III) were not anticipated in any second mandate (2005–9) for the BC Liberals (Walisser, 2004). Only so much legislative time could be devoted to such local reform matters. The key legacy test for the Campbell Liberals was whether accountability was a sufficient priority to not only be on the Government’s 2001–5 agenda, but carried through to a second term. With Phase II and Phase III reforms of the *Community Charter* falling off the provincial government’s to-do list, it was likely to be a long incubation before real regional district and local governmental accountability reforms returned to active policy consideration in British Columbia.

That may have fit with Premier Campbell’s commitment to undertake a review of *provincial* electoral matters (Campbell, 2001)6—a process centred on a Citizens’ Assembly and proposals to referendum on electoral reform. Those recommendations, even if successful, would not have brought province-wide electoral reform prior to the2009 General Election. Despite 57%+ support, it failed to meet ‘super-majority’ requirements.

As with previous NDP governments throughout the 1990s, the Liberals were certainly aware that if they were bringing local efficiency through decentralization they also needed to empower local citizens with the appropriate tools to help them hold local officials responsible for their actions. Although *Community Charter* provisions for annual reports and revised conflict of interest legislation were a start, these efficiency measures could be effective only if barriers to electoral participation were lowered, local elector organizations were helped to mature, local elections finance was dramatically reformed and council seats were distributed more fairly. These reform considerations were only evident in the City of Vancouver – through its (Berger) Electoral Reform Commissionwith a November, 2005 referendum during the city election.[[4]](#footnote-4)

BC’s biggest local democratic problem has been that the larger the municipality, the lower the voter turnout

Figure 2.1 Voter Turnout in British Columbia Municipal Elections, 1986–96



Thus the local government reform picture at the end of the first Campbell mandate had gone from promising to uncertain. The *Community Charter* (Bill 14), in place since 1 January 2004, set out its purpose in language recognizable to at least some advocates of modest home rule. It also included language that constitutional scholars would recognize as maintaining the provincial jurisdictional oversight envisioned in Section 92[8] of the Constitution Act, 1867. This is clearest in the **purposes** of the new Community Charter:

3. The purposes of this Act are to provide municipalities and their councils with

(a) a legal framework for the powers, duties and functions that are necessary to fulfill

their purposes,

(b) the authority and discretion to address existing and future community needs, and

(c) the flexibility to determine the public interest of their communities and to respond to the different needs and changing circumstances of their communities.7

The **principles** of the Act sound close to the views of advocates of local autonomy. They reflected a stated desire to clarify both municipal and provincial components of the provincial-municipal relationship in British Columbia and, potentially, to add to local autonomy:

Principles, Purposes and Interpretation Principles of municipal governance

1 (1) Municipalities and their councils are recognized as an order of government within their jurisdiction that

(a) is democratically elected, autonomous, responsible and accountable,

(b) is established and continued by the will of the residents of their communities, and

(c) provides for the municipal purposes of their communities.

 (2) In relation to subsection (1), the Provincial government recognizes that municipalities require

(a) adequate powers and discretion to address existing and future community needs,

(b) authority to determine the public interest of their communities, within a legislative framework that supports balance and certainty in relation to the differing interests of their communities,

(c) the ability to draw on financial and other resources that are adequate to support community needs,

(d) authority to determine the levels of municipal expenditures and taxation that are appropriate for their purposes, and

(e) authority to provide effective management and delivery of services in a manner that is responsive to community needs.

#### Principles of municipal-provincial relations

2 (1) The citizens of British Columbia are best served when, in their relationship, municipalities and the Provincial government

(a) acknowledge and respect the jurisdiction of each,

(b) work towards harmonization of Provincial and municipal enactments, policies and programs, and

(c) foster cooperative approaches to matters of mutual interest.

(2) The relationship between municipalities and the Provincial government is based on the following principles:

(a) the Provincial government respects municipal authority and municipalities respect Provincial authority;

(b) the Provincial government must not assign responsibilities to municipalities unless there is provision for resources required to fulfill the responsibilities;

(c) consultation is needed on matters of mutual interest, including consultation by the Provincial government on

(i) proposed changes to local government legislation,

(ii) proposed changes to revenue transfers to municipalities, and

(iii) proposed changes to Provincial programs that will have a significant impact in relation to matters that are within municipal authority;

(d) the Provincial government respects the varying needs and conditions of different municipalities in different areas of British Columbia;

(e) consideration of municipal interests is needed when the Provincial government participates in interprovincial, national or international discussions on matters that affect municipalities;

(f) the authority of municipalities is balanced by the responsibility of the Provincial government to consider the interests of the citizens of British Columbia generally;

(g) the Provincial government and municipalities should attempt to resolve conflicts between them by consultation, negotiation, facilitation and other forms of dispute resolution.

 This legislative language hid as much as it illuminated, however. For example, despite talk of limiting interference by the senior provincial authority, should local governments under BC’s Community Charter decide to raise local taxes—such as for businesses—rather than opt for the newly preferred user fees and the like, the province reserved the right to impose limits on property tax rates, in direct contradiction of the *Community Charter*’s expressed intent to empower local autonomy. And under a redefined provincial-municipal relationship, the *Community Charter* reminds local governments that apart from acknowledging and respecting each other’s jurisdiction, the legislative intent is to ‘work towards harmonization of provincial and municipal enactments, policies and programs.’8 This may work in many instances, but not where a local government wishes to take a rather divergent policy tack. Here, the intergovernmental game becomes more perilous for local authorities. This was the case *before* Gordon Campbell; it remained the case during his 2.5 terms.

The dismissal of school boards and the ‘over a weekend’ elimination by Order-in-Council of the GVRD’s authority over the region’s watershed, when it tried to block provincial implementation of a natural gas pipeline through that watershed to Vancouver Island, serve as historical reminders of such senior provincial powers.9 The more recent provincial overturning of a local governmental (Delta) bylaw to limit negative air quality impacts of large greenhouses by requiring them to use natural gas or propane as opposed to wood waste,10 the use of similar provincial powers (right-to-farm legislation) to prevent local coastal municipalities from using their bylaw powers to limit possible negative environmental impacts from fish farms, and the provincial ‘return’ of fines to fish-farm operators continued to serve as reminders that constitutional authority did matter when significant policy differences arise between local and provincial players. The Summer, 2004ff provincial Ministry of Transportation decision to determine the route/cost/P3 provider of the West Vancouver segment of the Sea To Sky 2010 Olympic Highway upgrade – after listening to, then ignoring, local protests including legal action vs. the province by the municipality, re-iterated this point.

One of the best indicators of the first-term Campbell Liberals’ failure to move the local accountability markers was demonstrated in changes to the *Charter’s* counter—petition provisions: under the *Local Government Act*, there was a 5% threshold for local voters to force a referendum on bylaws. Under the Community Charter, local councils were less accountable, opposition now requiring 10% of the local electorate.

Robert Bish summarized this well:

In effect, a 5% of all voters is likely to mean 10% to 15% of actual voters, and a

10% … is likely to mean 20% to 30% of all voters in the last election. What the increased

requirement does is limit the likelihood of a successful petition to only those decisions

opposed by very well organized interest groups, not just a … group of citizens…. I

believe local governments would be more accountable if referenda were required for major capital projects…. In summary, upping the counter-petition requirements for decisions that should be considered in a referendum is a move away from, not toward, accountability to citizens. Anyone concerned with the visibility of local governments and low voter turnout at municipal elections should be strongly in favour of increasing the visibility and interest in local government created by referenda, not trying to suppress them.”[[5]](#footnote-5)

Beyond provisions on counter petitions, perhaps the most stunning legislative statement, eroding the *Community Charter* promise was BC’s Bill 75 - the *Significant Projects Streamlining Act*. Introduced and passed in just three weeks in November 2003, the Act allowed the provincial government to override any local governmental opposition on any project deemed of significant provincial interest. Then Minister of State for Deregulationand subsequently for Transportation Kevin Falcon noted that the intent of the Act was to ‘cut red tape’, ‘remove unnecessary and costly delays’, and ‘create new economic activities’. The Significant Projects initiative produced an official, highly critical UBCM response with over half of the UBCM member municipalities passing motions condemning Bill 75. According to a UBCM press release:

The UBCM Executive is shocked by the degree of intrusion of this legislation into local affairs. It allows *any* Minister . . . to replace any local government bylaw, plan, regulation, policy, etc. to facilitate the approval or development of a ‘provincially significant project’. Cabinet can make that determination without *any prior* notice to the local government or the community. The *Community Charter* . . . promised us recognition as an independent, accountable and responsible order of government. . . . The *Community Charter* touted public accountability and openness but Bill 75 replaces local, publicly developed plans (including those developed through public hearing processes) with fiats from the provincial Minister. We recognize there is a need to balance local and provincial interests. . . . This is just not the way to achieve it. The Executive is calling on the provincial government to remove local government from Bill 75. (UBCM, 2003)

Similar school board experience in several of Ontario’s largest cities in the late period of Harris/Eaves Tory rule mirrored such lessons. And in BC the year 2004 started as 2003 ended, with the province again showing a disregard for local decision-making. In a small but telling example of provincial interference in local affairs, local police forces found out on 30 December 2003 that all bars and restaurants in BC would be allowed to stay open the next day, New Year’s Eve, until 4 a.m. The provincial Liquor Control and Licensing Act had been amended in late 2002 allowing for this change but it was not implemented. Local police forces first learned of the change less than 48 hours before its impact, resulting in expensive overtime/shift changes, with all costs borne by the municipalities. The provincial legislation overrode municipal bylaws, and even when the changed hours were decided by the provincial agency no one informed municipal/policing officials until they found out the day before; the reason given by the province for this oversight: the legislation ‘did not require’ notification to local governments.

At the end of Gordon Campbell’s first term, the provincial-municipal relationship was still more top-down than locally-based. If proof was in the pudding, what was needed was going back to the basic democratic recipe ingredients on local empowerment and accountability and start again. The lead-up to the 2010 Winter Olympics and a criticism of the premier’s policy style – skipping from focus to focus – came to the fore as the second term started following a clear General Election victory in 2005, despite the policy promise of Campbell’s first term.

# II: Gordon Campbell’s Second Term:

# Forgotten Reform Agendas, New Projects and Agendas, 2005–2009

 As others have noted, Gordon Campbell’s second term agenda was focused on a new, different set of priorities. On matters local/municipal, the 2005 legislative list was mainly housekeeping. With both a Spring and Autumn sitting, and the General Election in between, local legislative change was limited to miscellaneous amendments and a provision requiring municipalities to collect a parking site tax for the Greater Vancouver Transportation Authority.[[6]](#footnote-6)

 By 2006, Vancouver’s successful bid for the 2010 Winter Olympics came to be the biggest driver of provincial policy initiatives. That timetable, and the requirements posed by the IOC, meant that when provincial interests came to clash with local-regional ones, the provincial government insisted – at times in legislated form – on prevailing. While not a terribly surprising outcome, in 2013, local, and especially regional, matters still resonated with some of these 2nd term Campbell legislative changes:

 The 2007 local governing legislative changes allowed for the creation of Resort Regions – and additional designation for the financing, development and governance of Resort Municipalities. (Bill 11). And a Miscellaneous Statutes Amendment Act (Bill 35) on some new taxation rules. Other minor amendments – eg on tobacco in public places, legislation to allow the province to collect up to 50% of local policing costs from small municipalities, and provincial ratification of the Tsawwassen First Nation treaty (Bill 40) – were also part of the 2007 legislative calendar.

 The major change – one still resonating after the May, 2013 General Election - was Campbell’s legislative reaction to Greater Vancouver/Metro Vancouver/Translink frustration of BC’s Olympic rapid transit/transportation plans. Bill 43 – the Greater Vancouver Transportation Authority Amendment Act – largely stripped the local-regional role in transportation planning, created an appointed Corporate Board structure and limited – though did not eliminate - local input into decision-making at Translink – now renamed the South Coast British Columbia Transportation Authority.[[7]](#footnote-7)

 The resulting disjuncture between who should pay and who’s tail wags this dog (is that another title??) in BC’s largest metropolitan region represented one of the major failures of the Campbell decade on municipal-regional matters.

BC’s Regional District system was created in the mid-1960’s.[[8]](#footnote-8) As a form of consensus-based regional decision-making, Regional Districts worked remarkably well. This was particularly the case in Greater Vancouver because finding regional solutions to major service delivery challenges such as water, sewage/drainage, flood control, etc., had been locally-inspired from before WWI. By 1948, a Lower Mainland Regional Planning Board was functioning, producing a regional plan in the early 1960’s. This relatively high degree of local consensus on regional issues generally found provincial ‘blessing’ where needed, in a form Tennant and Zirnhelt referred to as “gentle imposition”.[[9]](#footnote-9)

In the mid 1970’s, Greater Vancouver agreed to a *Livable Region Plan.* That was followed by some early 1980’s disagreements between the province and region over preservation of farmlands, the region wishing to retain such. Bill 9, in the Bill Bennett Restraint Program of 1983 saw the province strip ALL regional districts of regional planning responsibilities as a result.[[10]](#footnote-10)

The strength of the regional planning ethos was sufficient that it continued, certainly in metro Vancouver under guises like Development Services’, and the NDP restored regional planning in the 1990’s. Like the 1980’s, however, eventual provision of transportation planning to go with this land use planning by regional decision-makers near the end of the NDP decade before Campbell came to reflect different priorities. To be fair, each recent government, NDP or Liberal have made their own decisions – on rapid transit technology, on financing transportation improvements and most fundamentally on transportation governance.

Left to their own devises, regional authorities have proven entirely capable of achieving consensus re: planning. Gordon Campbell’s Olympic dreams presented a challenge to the promises of the *Community Charter*. The IOC and the Feds emphasized rapid transit connections (RAV Line) between Vancouver’s International airport (YVR) and downtown Vancouver. The region had already planned and promised that the NorthEast municipalities would get the next major investment in transit – the Evergreen Line. This was their ‘reward’ for taking growth from the 1996 *Livable Region Strategic Plan.* The Olympics brought federal funds for such infrastructure to match provincial contributions and a priority shift at the province to the RAV line over the already agreed Evergreen Line. Local mayors balked. Additional pressure was placed by the Minister of Transportation; again they balked. Evergreen was their promised regional priority – and there were misgivings about RAV’s P3 aspects..

The Campbell Government’s reaction was to set up a “study”, brand the locally-controlled Translink Board as dysfunctional and incapable of making a decision and introducing Bill 43 – creating a very different, less locally-controlled Translink governance structure – the South Coast British Columbia Transportation Authority. Day to day operations were under an appointed Corporate Board. A Mayors’ Council with limited powers kept some decisional authority and a Regional Transportation Commission had various responsibilities including setting fares.[[11]](#footnote-11)

If anything, over his remaining time in office, the Campbell-inspired regional transportation governance structure proved less functional than its loca--regional predecessor. As with other Campbell changes, efficiency was the predominant policy driver; but a lack of essential accountability proved the Lambert Commission’s central point: “in a democracy, you cannot have efficiency without accountability.”[[12]](#footnote-12) Immediately prior to the May 14, 2013 General Election, BC’s then Minister of Transportation called for an 18 month study on funding and other challenges including a forced referendum in Metro Vancouver during the November 2014 civic elections; the then Opposition Leader simply noted that what was needed was “more local democracy’. Gordon Campbell’s new Translink was not a complete failure but it left the region (and the province) with more unresolved issues than answers – something far removed from what the Premier indicated were his intentions.

 In 2008 and 2009, the local governing agenda in BC was also mostly housekeeping: an amendment to require financial agents for local elections “to improve the transparency of local elections finance”, to encourage local reductions in GHG’s, and miscellaneous amendments on housing, small business, public health and forest/range made up the 2008 legislative calendar; in 2009, the local governing agenda was even lighter: one bill – allowing additional anti-graffiti and regulation of IOC-related signage powers to Vancouver, Richmond and Whistler was the only “major” local government amendments to legislation. There were also 13 “minor amendments’ (2 before the May, 2009 election and the rest after) – on items like assistance to shelter, police discipline, wills/estates, public safety and worker’s compensation.

 Three things stand out in this second Campbell term: (a) the exception to minor tinkering was Olympic-related: provincial insistence on its routing for the West Vancouver end of the Olympic Sea To Sky highway. Despite strenuous, even judicial, objections by the municipality, the Minister of Transportation insisted the province’s more environmentally invasive, but cheaper, plan prevail. It did – at a cost of $1billion – plus an estimated $2.5billion in P3 maintenance costs over the 25 year life of the contract. (b) taking some of the local control over transportation governance out of the hands of ‘locals’ and replacing day-to-day decisions with a corporate board.

 So the second Gordon Campbell term ended with a different, narrower focus than indicated in his initial NED reform agenda and the Community Charter.

# III: Gordon Campbell’s Third (Half-) Term:

# Olympic Legacies and Talk of a Fourth Term, 2009–2011

Local democratic reform did return to the Campbell agenda, in his third term, albeit briefly. BC has the least regulated (‘wild west’) local election finance regulation in Canada. Anyone can contribute any amount and no voter would hear of such until 6 months after an election; and there is no local lobbying registration despite significant sums of money floating through BC’s local elections.[[13]](#footnote-13) In a minor genuflection at making local elections finance more transparent, in 2010, the Premier appointed a Task Force on Local Elections. Rather than an “all-party’ legislative committee, it was an odd reform duck – chaired by the Communities Minister, co-chaired by the head of the UBCM and with backbench government MLA’s and UBCM selected municipal councillors. Given the odd nature of its genetics, it was perhaps not surprising that it began by barking (I am pretty sure it was barking) up the wrong trees.[[14]](#footnote-14) Ultimately it produced no important local democracy reform.

 Other than that canine response, 2009-10 was All Olympics, All the Time. The legacy for Gordon Campbell’s 3rd term is a picture in every BC home of the Premier in red Olympic Mitts. The post Olympic letdown was called ‘fiscal accounting’ and the Premier and his Minister of Finance found themselves saying “okay’ to a fed offer for $1.5b in transitional funding for BC to abandon its Provincial Sales Tax and join the Harmonized Sales Tax (HST). Had THAT decision had a little more democratic background and civic engagement, Gordon Campbell might have got to serve a 4th term. Instead, the outcome was a late 2010 announcement he was ‘stepping down’,due to negative political reactions; he was replaced in March 2011 by former colleague Christy Clark. Her main local governing initiative was creation of an Auditor General for Local Government, not something sought by BC’s municipalities but lobbied for by its Chambers of Commerce.

***Comparative Conclusions:***

 ***The NDP Decade: 1991-2001 – The Gordon Campbell Liberal Decade, 2001-2011***

It is somewhat astounding to think that although a significant amount of legislation has been posed, formulated, consulted on, debated, passed, and implemented over the last two decades, BC local governments of today closely resemble those of the early 1990s. Of the 100-odd acts affecting local governments in major ways passed in each of the NDP and Campbell decades since 1991, few have impacted the structure or function of local government in British Columbia. Successive BC governments have seemed a little too satisfied with the basic components of the municipal system and content to make financial and jurisdictional alterations rather than engage in more fundamental structural, functional or democratic reforms.

Table 2.2 Overview of Significant Local Legislative Reform Efforts, 1991–2011

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Regime** | **Legislation** | **S** | **F** | **Fi** | **J** | **E** | **A** |
| Harcourt | Local Elections Reform Act, 1993 | N | N | N | N | N | Y |
| Growth Strategies Statutes Amendment Act, 1995  | N | N | N | N | Y | N |
|  |  |  |  |  |  |  |  |
| Clark | Local Government Statutes Amendment Act, 1998 | N | N | Y | Y | Y | N |
| Greater Vancouver Transportation Authority Act, 1998 | Y | Y | Y | Y | Y | N |
| Local Government Statutes Amendment Act, 1999  | N | N | Y | Y | Y | N |
|  |  |  |  |  |  |  |  |
| Campbell | Community Charter (2004) | N | N | Y | Y | Y | N |
| Significant Projects Streamlining Act, 2003 | N | N | N | Y | N | N |
|  | South Coast British Columbia Transportation Authority (2007) | Y | N | N | Y | Y | N |
| Key: S = Structural, F = Functional, Fi = Financial, J = Jurisdictional, E = Efficiency, A = Accountability, Y = Yes, N = No |

As shown in Table 2.2, the only major *structural* reform has come through the changes made to regional transit in Greater Vancouver in legislation that was of little general consequence to municipal authorities in the largest city-region and of no significance for those located in rest of the province. The Greater Vancouver Transportation Authority Act, 1998 – and the creation of the SCBCTA in 2007 - represented the only major *functional* change over the last twenty years. Whereas Harcourt’s reforms were administrative in nature, all significant changes since 1996 have affected the *financial* and *jurisdictional* capacities of municipal governments in BC. These changes include NDP and Liberal efforts to reduce oversight by the provincial government and NDP/Liberal promises to allow more taxation powers and to transform municipalities from corporations into ‘natural persons’. The last two columns in Table 2.2 illustrate how efficiency and accountability were affected by the listed acts. Looking at the various electoral terms, the Harcourt era (1991–6) can be seen as having introduced the most balanced municipal reforms, with the Clark/Miller/Dosanjh and Campbell governments focusing on efficiency and virtually ignoring accountability. Under Municipal Affairs Minister Darlene Marzari, the Harcourt New Democrats showed insight in partially devolving power to create a more co-operative municipal/provincial relationship and in achieving widespread agreement on the Growth Strategies Act. On the accountability side, allowing local parties to be identified on local election ballots and forcing candidates to disclose their funding sources helped speed the development of municipal political parties and increased election transparency in BC’s larger municipalities. As strong and active local political parties often represent one of the most significant challenges to long-entrenched urban regimes – and the imperatives of an “at-large” electoral system - Harcourt’s ‘minor’ administrative changes encouraging municipal political party formation represent the single largest accountability reform of the past twenty years in British Columbia.

While Clark, Miller, Dosanjh, and their respective ministers were aware that an efficiency/accountability balance needed to be struck, not only did they fail to implement accountability reforms but they also threatened the atmosphere of co-operation cultivated by Harcourt. Mike Farnworth’s reforms, embodied in Bill 31, the Local Government Act, began a process of empowering local governments. The task of strengthening the power of local citizens to control municipal officials was left to Jenny Kwan, Farnworth’s successor in the Municipal Affairs portfolio. However, her Cabinet colleagues were not up to the challenge and her Bill 88 changes were largely ineffective, as were those of her NDP successors. Community Charter reforms under Liberal Premier Gordon Campbell—a former Vancouver mayor and GVRD chair—suggest an overemphasis on efficiency versus accountability again. Despite strong language in the *Community Charter* about ‘a new deal for BC’s municipalities’, unless substantive electoral and non-electoral accountability reforms were included in subsequent legislation, all that could occur was a further empowering of under-accountable local governments in BC.

Among other things, this BC legislative experience supports several conclusions:

1. Local governmental issues command significant attention of provincial governments in British Columbia.
2. Legislative reform increasingly allows municipal governments more decisional capacity – though more limited (still) fiscal capacity.
3. Each reform plan has included *the promise* of concomitant democratic reforms (on the accountability side), but in almost every case such promise has remained unfulfilled.

The argument here is not against the empowerment of local governments—this notion has been part of the policy discourse since Lord Durham noted that the Rebellions of 1837–38 were partly caused by the fact that colonial powers had not taken advantage of local governmental development ‘as a training ground for democracy’ (Smith, 1998a; Craig, 1985). Decentralization has been on the agendas of the Canadian Federation of Mayors and Municipalities/Federation of Canadian Municipalities at least since the 1976 report, *Puppets on a Shoestring*,

Rather, the point is that if substantive decision-making capacity is to shift from provincial to local hands, then the local citizenry must be given the tools to control their officials. Otherwise, they may have less say than if power had remained centralized.

As it stands, British Columbia’s largest municipalities (and regions) have a serious accountability deficit. Although useful as part of an overall package, tinkering with conflict of interest laws, open meetings, and annual reports are simply not sufficient. Avoiding the central questions of electoral accountability and local democratic disengagement will not solve the problem. As noted above, and as Allan Lambert and fellow commissioners noted in the *Report* of the 1979 Royal Commission on Financial Management and Accountability, ‘you cannot have efficiency in democratic government without accountability.’ Floating around with one oar in the water (or leading a pack of barking dogs through the legislative woods) will not get BC to the accountability shore. Thus, adding accountability to local government reforms remained the primary incomplete task for the Campbell Liberal government - as it is for any future government in BC.

In terms of the Campbell legacy generally, there have been initiatives of note: from fixed election dates and legislative calenders to a citizens’ assembly and electoral reform referenda; on the Campbell legacy on local government democratic reform, early twenty-first-century evidence from British Columbia strongly suggests this lesson: “LESS is LESS!” – an agenda largely unfinished – so bark on!.

Provincial governments continue to try to steer *and* row. The turnout in larger municipalities for civic elections has been approximately 30 per cent, which is substantially less than for either provincial or federal elections. This is perhaps a no more telling conclusion of continued municipal disengagement of British Columbians despite more than two decades of continuous local legislative reform efforts. Only real democratic reforms will begin to alter this local democratic deficit. To date, no British Columbia government has seemed prepared to grasp that political reform nettle, Until one does, real local democracy will remain nothing more than an ideal.

# Appendix I: Legislation of Relevance to Municipal Government,

# 1991-2011

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| --- |
| **Harcourt (NDP) [Nov.5, 1991 – Feb.22, 1996]** |
| **Year** | **Bill** | **Legislation** |
| 1992 | 20 | Ministry of Municipal Affairs, Recreation and Housing Statutes Amendment Act, 1992\* |
| 1992 | 25 | Property Purchase Tax Amendment Act, 1992\* |
| 1992 | 28 | Municipal Finance Authority Amendment Act, 1992\* |
| 1992 | 45 | Statute Revision Miscellaneous Amendment Act, 1992 |
| 1992 | 48 | Municipal Affairs, Recreation and Housing Statutes Amendment Act (No. 2), 1992\* |
| 1992 | 66 | Assessment and Property Tax Reform Act, 1992\* |
| 1992 | 77 | Municipal Amendment Act (No. 2), 1992\* |
| 1992 | 81 | Miscellaneous Statutes Amendment Act, 1992 |
| 1992 | 84 | Labour Relations Code |
| 1993 | 12 | Municipalities Enabling and Validating (No. 2) Amendment Act, 1993\* |
| 1993 | 19 | School Amendment Act, 1993\* |
| 1993 | 26 | Waste Management Amendment Act, 1993\* |
| 1993 | 35 | Local Elections Reform Act, 1993\* |
| 1993 | 38 | Emergency Program Act |
| 1993 | 42 | Cabinet Appeals Abolition Act |
| 1993 | 43 | Municipalities Enabling and Validating (No. 2) Amendment Act (No.2), 1993\* |
| 1993 | 57 | Municipal Affairs Recreation and Housing Statutes Amendment Act, 1993\* |
| 1993 | 58 | Municipal Affairs Recreation and Housing Statutes Amendment Act (2), 1993\* |
| 1993 | 73 | Land Title Amendment Act, 1993\* |
| 1994 | 12 | Library Act\* |
| 1994 | 20 | Local Government Grants Act\* |
| 1994 | 21 | Heritage Conservation Statutes Amendment Act, 1994 |
| 1994 | 25 | Municipal Affairs Statutes Amendment Act, 1994\* |
| 1994 | 30 | Agricultural Land Commission Amendment Act, 1994 |
| 1994 | 31 | Municipal Amendment Act, 1994\* |
| 1994 | 37 | Skills Development and Fair Wage Act |
| 1994 | 49 | Attorney General Statutes Amendment Act, 1994 |
| 1994 | 56 | Forest Land Reserve Act |
| 1995 | 10 | Mountain Resort Association Act |
| 1995 | 11 | Growth Strategies Statutes Amendment Act, 1995\* |
| 1995 | 22 | Farm Practices (Right to Farm) Act |
| 1995 | 24 | Miscellaneous Statutes Amendment Act (No. 2), 1995 |
| 1995 | 29 | Employment Standards Act |
| 1995 | 31 | Municipal Affairs Statutes Amendment Act, 1995\* |
| 1995 | 43 | School Sites Acquisition Statutes Amendment Act, 1995\* |
| 1995 | 55 | Miscellaneous Statutes Amendment Act (No.3), 1995 |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Clark**  |

|  |  |  |
| --- | --- | --- |
|  |  |  **Miller / Dosanjh (NDP)****[Feb.22, 1996-Aug.25,1999] / [Aug.25,1999-Feb.24, 2000] / [Feb.24,2000-June 5, 2001]** |

 |  |  **Clark / Miller / Dosanjh (NDP)****[Feb.22, 1996-Aug.25,1999] / [Aug.25,1999-Feb.24, 2000] / [Feb.24,2000-June 5, 2001]** |
| **Year** | **Bill** | **Legislation** |
| 1996 | 2 | Budget Measures Implementation Act, 1996 |
| 1996 | 8 | Municipal Affairs and Housing Statutes Amendment Act, 1996\* |
| 1996 | 14 | BC Benefits (Income Assistance) Act |
| 1997 | 2 | Budget Measures Implementation Act, 1997 |
| 1997 | 11 | Agriculture, Fisheries and Food Statutes Amendment Act, 1997 |
| 1997 | 16 | Police Amendment Act, 1997 |
| 1997 | 17 | Capital Region Water Supply and Sooke Hills Protection Act |
| 1997 | 22 | Miscellaneous Statutes Amendment Act, 1997 |
| 1997 | 26 | Local Government Statutes Amendment Act, 1997\* |
| 1997 | 30 | Technical University of British Columbia Act |
| 1997 | 35 | Municipalities Enabling and Validating (No.2) Amendment Act, 1997\* |
| 1997 | 45 | School Amendment Act, 1997 |
| 1997 | 46 | Local Government Statutes Amendment Act (No. 2), 1997\* |
| 1998 | 10 | Miscellaneous Statutes Amendment Act, 1998 |
| 1998 | 21 | Assessment Amendment Act, 1998 |
| 1998 | 31 | Local Government Statutes Amendment Act, 1998\* |
| 1998 | 35 | Education Statutes Amendment Act, 1998\* |
| 1998 | 36 | Greater Vancouver Transportation Authority Act\* |
| 1998 | 47 | Strata Property Act\* |
| 1998 | 50 | Miscellaneous Statutes Amendment Act (No. 3), 1998 |
| 1999 | 51 | Nisga’a Final Agreement Act |
| 1999 | 53 | Pension Benefits Standards Amendment Act, 1999 |
| 1999 | 62 | Miscellaneous Statutes Amendment Act, 1999 |
| 1999 | 65 | Labour Statutes Amendment Act, 1999 |
| 1999 | 66 | Attorney General Statutes Amendment Act, 1999 |
| 1999 | 74 | Miscellaneous Statutes Amendment Act (No. 2), 1999 |
| 1999 | 79 | Land Reserve Commission Act |
| 1999 | 88 | Local Government Statutes Amendment Act, 1999\* |
| 1999 | 91 | Unclaimed Property Act\* |
| 2000 | 12 | Regulatory Streamlining Miscellaneous Statutes Amendment Act, 2000 |
| 2000 | 14 | Local Government Statutes Amendment Act, 2000\* |
| 2000 | 24 | Miscellaneous Statutes Amendment Act (No.2), 2000 |
| 2001 | 20 | Drinking Water Protection Act |
|  |  | **Campbell (Liberal) [ Sept.15, 2001 - March 14, 2011]** |
| **Year** | **Bill** | **Legislation** |
| 2001 | 25 | Municipalities Enabling and Validating Act (No. 3)\* |
| 2002 | 8 | Deregulation Statutes Amendment Act, 2002 |
| 2002 | 11 | Miscellaneous Statutes Amendment Act, 2002 |
| 2002 | 21 | Agricultural Land Commission Act |
| 2002 | 30 | Trustee Investment Statutes Amendment Act, 2002 |
| 2002 | 32 | Waste Management Amendment Act, 2002\* |
| 2002 | 36 | Energy and Mines Statutes Amendment Act, 2002 |
| 2002 | 37 | Food Safety Act |
| 2002 | 38 | Environmental Assessment Act |
| 2002 | 50 | Advanced Education Statutes Amendment Act, 2002\* |
| 2002 | 54 | Miscellaneous Statutes Amendment Act (No. 2), 2002 |
| 2002 | 62 | Miscellaneous Statutes Amendment Act (No. 3), 2002 |
| 2002 | 70 | Residential Tenancy Act |
| 2002 | 73 | Community Care and Assisted Living Act |
| 2003 | 6 | Budget Measures Implementation Act, 2003 |
| 2003 | 14 | Community Charter\* |
| 2003 | 15 | Unclaimed Property Amendment Act, 2003 |
| 2003 | 18 | Coastal Ferry Act |
| 2003 | 22 | Community, Aboriginal and Women’s Services Statutes Amendment Act, 2003 |
| 2003 | 48 | Employment Standards Amendment Act, 2002 |
| 2003 | 55 | Water, Land and Air Protection Statutes Amendment Act, 2003 |
| 2003 | 56 | Flood Hazard Statutes Amendment Act, 2003 |
| 2003 | 57 | Environmental Management Act |
| 2003 | 59 | Financial Administration Amendment Act, 2003 |
| 2003 | 60 | Business Corporations Amendment Act, 2003 |
| 2003 | 65 | Local Government Bylaw Notice Enforcement Act\* |
| 2003 | 68 | Administrative Tribunals Appointment and Administration Act |
| 2003 | 73 | Community Care and Assisted Living Act |
| 2003 | 75 | Significant Projects Streamlining Act\* |
| 2003 | 76 | Community Charter Transitional Provisions, Consequential Amendments & Other Amendments Act, 2003\* |
| 2003 | 88 | Private Managed Forest Land Act |
| 2003 | 97 | Municipalities Enabling and Validating (No.3) Amendment Act |
| 2004 | 3 | Cremation, Internment and Funeral Services Act |
| 2004 | 8 | Ports Property Tax Act |
| 2004 | 12 | Education Statutes Amendment Act |
| 2004 | 16 | Water, Land and Air Protection Statutes Amendment Act |
| 2004 | 17 | Land Survey Statutes Amendment Act |
| 2004 | 19 | Education Services Collective Agreement Amendment Act |
| 2004 | 27 | Agricultural Land Commission Amendment Act |
| 2004 | 31 | Nanaimo and South West Water Supply Act |
| 2004 | 36 | Community, Aboriginal and Women’s Services Statutes Amendment Act |
| 2004 | 41 | Real Estate Development Marketing Act |
| 2004 | 45 | Community Living Authority Act |
| 2004 | 47 | Transportation Act |
| 2004 | 55 | Teaching Profession Act |
| 2004 | 59 | Northern Development Initiative Trust Act |
| 2004 | 67 | Expropriation Amendment Act |
| 2004 | 68 | Land Title and Survey Authority Act |
| 2004 | 70 | Property Transfer Tax Amendment Act  |
| 2004 | 71 | Safe Streets Act |
| 2004 | 72 | Trespass Amendment Act |
| 2004 | 75 | Transportation Services Amendment Act |
| 2005 | 5 | Civil Forfeiture Act |
| 2005 | 9 | Greater Vancouver Transportation Authority Amendment Act |
| 2006 | 4 | Agriculture and Land Statutes Amendment Act  |
| 2006 | 10 | Community Services Statutes Amendment Act |
| 2006 | 11 | New Relationship Trust Act |
| 2006 | 24 | Resort Timber Administration Act |
| 2006 | 27 | Tenancy Statutes Amendment Act |
| 2007 | 8 | Coroners’ Act |
| 2007 | 10 | Tobacco Sales (Banning Tobacco and Smoking in Public Places and Schools) Amendment Act |
| 2007 | 11 | Community Services Statutes Amendment Act  |
| 2007 | 23 | Education Statutes Amendment Act |
| 2007 | 34 | Homeowner Protection Amendment Act |
| 2007 | 40 | Tsawwassen First Nation Final Agreement Act |
| 2007 | 43 | Greater Vancouver Transportation Amendment Act |
| 2007 | 44 | Greenhouse Gas Reduction Targets Act |
| 2008 | 7 | Local Government Statutes Amendment Act |
| 2008 | 10 | Housing Statutes Amendment Act |
| 2008 | 12 | Musqueam Reconciliation. Settlement and Benefits Agreement Implementation Act |
| 2008 | 14 | Transportation Investment (Port Mann Twinning) Amendment Act  |
| 2009 | 47 | Vancouver Charter Amendment Act |
| 2009 | 6 | Police (Police Complaints Commissioner) Amendment Act |
| 2009 | 12 | Strata Property Amendment Act  |
| 2009 | 4 | Wills, Estates and Succession Act |
| 2009 | 7 | Police (Misconduct, Complaints, Investigations, Discipline and Proceedings) Amendment Act  |
| 2009 | 14 | Housing and Social Development Statutes Amendment Act |
| 2009 | 16 | Body Armour Control Act |
| 2009 | 18 | Assistance to Shelter Act |
| 2009 | 21 | Ambulance Services Collective Agreement Act  |
| 2010 | 12 | Gunshot and Stab Wounds Disclosure Act |
| 2010 | 17 | Clean Energy Act |
| 2010 | 18 | Haida Gwai Reconciliation Act |
|  |  |  |
|  |  |  **Clark** (**Liberal) - [March 14, 2011 – ff]** |
| **Year** | **Bill** |  **Legislation** |
| 2011 | 4 | Harmonized Sales Tax (HST) Initiative Vote and Referendum Act |
| 2-011 | 5 | New West Partnership Trade Agreement Implementation Act |
| 2011 | 6 | Civil Forfeiture Amendment Act |  | **Campbell (Liberal)** |
| 2011 | 11 | Yale First Nation Final Agreement Act |
| 2011 | 14 | Coastal Ferries Amendment Act |
| 2011 | `15 | Municipalities Enabling and Validating Act |
| 2011 | 8 | Community, Sport and Cultural Development Statute Amendments Act |
| 2011 | 11 | Greater Vancouver Transit Enhancement Act |
| 2011 | 12 | Teachers’ Act |
| 2011 | 13 | Metal Dealers and Recyclers Act |
| 2012 | 20 | Auditor General for Local Government Act |
| 2012 | 31 | Motion Picture Amendment Act, 2012) |
|  |  |  |
|  |  |  |

\*Municipal government primary topic of legislation.

# Notes

# 1. The BC Community Charter legislation was given royal assent on 29 May 2003. It came into effect Jan.1, 2004.

2. The GVTA is made up of locally elected mayors and councillors; like the GVRD, they then are selected to serve on the GVTA board. On this GVRD model, see Smith and Oberlander (1998).

3. The other three board seats are held by provincial MLAs, appointed by the government; at the end of the NDP era these MLAs were not attending meetings and there remains an intention to eliminate this provincial membership component. That continued under the fisrt term Campbell Liberals.

4. See Greater Vancouver Transportation Authority, *2005–2007 Three Year Plan + Ten Year Outlook: Strategic Transportation Plan Amendment* (Burnaby, BC: Translink, Feb. 2004).

5. MCAWS officials and BC politicians have concluded that after several years of ‘reforms’, no new initiatives are planned prior to the 2005 BC general election. (BC government interviews, Feb.–Mar. AND AUGUST, 2004.)

6. A Citizens’ Assembly worked on the province-wide electoral reform issue until reporting in December 2004, for May 2005 BC general election consideration in a referendum (see [www.citizensassembly.bc.ca](http://www.citizensassembly.bc.ca) ).

7. Bill 14, Community Charter Act, Third Reading, 4th Session, 37th Parliament, proclaimed 29 May 2003. IN EFFECT FROM JANUARY 1, 2004.Victoria: Queen’s Printer.

8. Bill 14, the Community Charter, ‘Principles of the Provincial-Municipal Relationship’, Part 1, Sec. 2.

9. On this example, see Smith and Oberlander (1998).

10. See Derrick Penner, ‘Tomato King cheers right to burn wood: Court overturns bylaw that restricted growers fuel—Delta bylaw “set undue restrictions”’, *Vancouver Sun*, 19 Apr. 2003, C1–2. In this case the Municipality of Delta had passed a bylaw to provide some local controls of large (e.g., in this case 18–acre) greenhouse operations, in particular their use of less-clean fuel sources for heating. The BC government intervened when a grower challenged the bylaw, citing right-to-farm legislation over the right of a municipality to legislate on local businesses. The province also argued that the local bylaw contradicted the provincial Waste Management Act, which exempts agricultural operations. Urban-rural issues of this sort are not new to Delta, a Vancouver suburb. In the late 1980s and 1990s, Delta held the longest land-use dispute hearing in Canadian history over efforts to develop farmland for urban use. The debates over the so-called Spetifore lands near the Tsawwassen ferry terminal to Vancouver Island initially led to the Bill Bennett Social Credit government abolishing regional planning in 1983 when the GVRD initially prevented development plans by a Delta Social Credit supporter. The Minister of Agriculture/Fisheries has since precluded use of local bylaws to prevent/regulate coastal fish farms in BC as well.

11. On such fish farms issues, see, for example, Charlie Anderson, ‘Auditor-General to look into return of (fish-)farm fines after a complaint by the Sierra Legal Defence Fund’, *The Province*, 15 Feb. 2004, A6. This pressure continued throughout 2004-5 On the West Van dispute with the province on the Sea To Sky highway see, for eg, “decision on overland route for sea to Sky slammed” , district of west Vancouver news release, July 17, 2004. In this the municipality stated that it was “extremely disappointed with the province’s decision” SEE “MAYOR’S STATEMENT TO COUNCIL, DISTRICT OF WEST VANCOUVER, JULY 20, 2004.

12. See, for example, ‘Bill 75, the Significant Projects Streamlining Act, introduced November 3, 2003’, at: <www.gov.bc.ca and www.dogwoodinitiative.org/SignificantProjectsStreamliningAct.htm>. The Act was given royal assent on 2 December 2003: <www.civicnet.bc.ca>.

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1. See P.J. Smith and K. Stewart, ““Local Government Reform in British Columbia: One Oar in the Water, 1991-2005”, (with Kennedy Stewart), chapter in Garcea, J. & Lesage Jr., E. (eds.) *Municipal Reforms in Canada: Dimensions, Dynamics, Determinants***,** Toronto: Oxford University Press, 2005, pp.. [↑](#footnote-ref-1)
2. One of the democratic reforms undertaken during the first Campbell term was setting fixed election dates for provincial General Elections, four years after the previous one. [↑](#footnote-ref-2)
3. Bill 76: The *Community Charter Transitional Provisions, Consequential Amendments and Other Amendments Act, 2003*[HTTP://MCAWS.GOV.BC.CA/CHARTER LEGISLATION/CONSEQUENTIALS. HTM](http://MCAWS.GOV.BC.CA/CHARTER%20LEGISLATION/CONSEQUENTIALS.%20HTM)**. ,** AccessedAugust 6, 2004. [↑](#footnote-ref-3)
4. See [www.city.vancouver.bc.ca/erc](http://www.city.vancouver.bc.ca/erc) **.**for*A CITY OF NEIGHBOURHOODS: REPORT OF THE 2004 VANCOUVER ELECTORAL REFORM COMMISSION,* Thomas Berger, Commissioner, (City of Vancouver, June 2004, and personal correspondence with author,July 2004.) [↑](#footnote-ref-4)
5. Robert Bish, *The Draft Community Charter: Comments*, Paper Prepared for The Workshop on the Community Charter sponsored by the Local Government Institute and the School of Public Administration, University of Victoria, June 14, 2002. [↑](#footnote-ref-5)
6. See *Summary of Local Government Legislation, 2005,* (Victoria: Ministry of Community Services, 2005). [↑](#footnote-ref-6)
7. See P.J. Smith, *British Columbia Changes Metro Vancouver’s Transportation Governance: A Re-Examination of Peter Self’s Dilemma Thesis: Efficiency vs. Accountability?”* in *Local Matters*, vol.2, April 2008, (Auckland, NZ: Institute of Public Policy,: Local Government Centre), pp.2-5. [↑](#footnote-ref-7)
8. See P.J. Smith and H.Peter Oberlander,,"Governing Metropolitan Vancouver: Regional Intergovernmental Relations In British Columbia", in Donald N. Rothblatt and Andrew Sancton, eds., *METROPOLITAN GOVERNANCE: AMERICAN/ CANADIAN INTERGOVERNMENTAL PERSPECTIVES*, (Berkeley, California: Institute of Governmental Studies Press, University of California, 1993), pp.329 - 373.And P.J. Smith, “Even Greater Vancouver: Metropolitan Morphing in Canada’s Third Largest City Region”,\* in *Who Will Govern Metropolitan Regions in the 21st Century?,* Don Phares, Editor, [Armonk, NY: M.E. Sharpe, 2009], Ch.13. [↑](#footnote-ref-8)
9. Paul Tennant and David Zirnhelt, "Metropolitan Government in Vancouver: The Politics of 'Gentle Imposition' ", *CANADIAN PUBLIC ADMINISTRATION*, vol.16, Spring, 1973, pp.124-38. [↑](#footnote-ref-9)
10. For more on this era see Warren Magnusson et. al., eds., *THE NEW REALITY; The Politics of Restraint in BC*, (Vancouver: New Star, 1984). [↑](#footnote-ref-10)
11. See Bill 43, Greater Vancouver Transportation Authority Amendment Act, 2007, (Victoria, Ministry of Community Services, 2007). [↑](#footnote-ref-11)
12. See The (Lambert) Royal Commission on Financial Management and Accountability, *Report,* (Ottawa: Government of Canada, 1979) – on “Closing the Accountability Gap.” [↑](#footnote-ref-12)
13. See P. Smith, “BC Needs a Municipal Registrar of Lobbyists” in *Influencing BC,* vol.2, #2, May 2012, pp.7-8. [↑](#footnote-ref-13)
14. On this, see, for example, Kennedy Stewart and Patrick Smith, “Improving Local Democracy in British Columbia”, Invited Brief for the Local Government Elections Task Force, BC Ministry of Community and Rural Development / Union of BC Municipalities @ Union of British Columbia Municipalities Offices, Richmond, BC, February 5, 2010; and P. Smith, “An Airplane With One Wing: The BC Local Elections Task Force Report – Fixing “the Fix”, Brief for Ministry, February, 2011. [↑](#footnote-ref-14)