

Evolution of Regional Governance in British Columbia

With Special Focus on the Metro Vancouver Area

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Executive Summary

While the regional district concept of governance in British Columbia was formally introduced by legislation in 1965, it had the benefit of precursors such as the improvement district and community planning area frameworks initiated in 1920's and 1940's, respectively. A deeper examination of references provides evidence of inter-municipal agreements dating back to the early 1900's where adjacent communities pooled resources to secure basic municipal utilities. Interestingly, those basic utilities such as water supply, wastewater collection, transit services provided today by the government sector, were started by private enterprises that have long been forgotten.

The motivation for inter-municipal collaboration started with the geographic location of communities in relation to the source of the resource such as water. A single utility system servicing a multiple number of communities permitted pooling of funds to establish, operate, and deliver quality services that could not be afforded or made possible by a single municipality alone. All participating communities in the utility service would benefit from efficiencies yielded by the economy of scale.

While the "urban" areas formed alliances to build public utilities, the rural areas were largely unincorporated and in the absence of a local government, the province acted as the municipal government. The burden of providing local government services by the province motivated their work to find alternate government structures to which it could delegate its local responsibility. Improvement districts and community planning areas were precursors to the regional district model and had mixed successes. The desire by the province was to formulate a model that would provide communities in a broader region, general government authority.

Recognizing that a "bottom-up" rather than a "top-down" approach to introducing an alternate forms of governance, the Honourable Minister Dan Campbell and Deputy Minister Everett Brown led a consultative process and developed regional district legislation in 1965. A key principle inherent in the legislation is for the provincial government to delegate significant authority to regional districts that brings decision-making closer to the issues. The regional district framework is just that – a framework on which communities can build the type of regional district they want by choosing the functions to include.

However, as much as regional districts have enjoyed successful implementation, there have been issues relating to the balance of power between the provincial government and regional government, particularly on the transportation issue in the Metro Vancouver area. Linked with this will be ensuring strong accountability in the face of decision-making boards comprised of non-elected officials. For Metro Vancouver, future issues will become more complex, will be broader in scope, will involve a greater number of stakeholders.

The regional district framework recognizes that singular municipalities can not address the service needs of the broader community. Regional district governments formed within the local government structure have bridged the gap between municipalities and the broader community, without creating another

level of government. Regional districts are by design, collaborative structures where the scope of their mandates are largely determined by the membership it serves and a regional district's fundamental process is to facilitate participative decision-making for the betterment of the broader community.

A key question for Metro Vancouver is, whether its issues are too big to handle within the regional district framework or could the same model be evolved to accommodate its needs? While the identification and evaluation of alternative regional governance structures will be the topic of subsequent studies, this paper should provide a solid foundation of B.C.'s regional governance history for future work.

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Introduction

In 2009, two events pertaining to regional districts in British Columbia were co-hosted by the University of Victoria's School of Public Administration, Local Government Management Association of British Columbia, and the Ministry of Community Development. The first event was a celebration of some 40 years of existence for most regional districts in British Columbia. Past and present officials involved in the conceptualization, formation, operation of regional districts presented, engaged in discussion to share experiences and provide comparison to alternate regional governance structures that exist elsewhere or have been tried historically. One recognition from the first event was that regional districts were not envisioned and created overnight, rather there were precursor regional governance structures which should not be forgotten. Another recognition was that regional districts covering urban areas had different priority issues than regional districts covering rural areas. On this basis, a second event was held by the same co-hosts, this time focussed on Metro Vancouver, the adopted name for the collective legal entities of the Greater Vancouver Regional District (GVRD), Greater Vancouver Water District, and the Greater Vancouver Sewerage and Drainage District. Discussion at the second event revolved around current and emerging issues for local governments and governance in the Lower Mainland, what has been working, what has not been working, and ultimately what needs to be changed. The following work stems from developing historical materials for the two events.

This report provides the history over a long timeframe of British Columbia inter-municipal initiatives dating back to the early 1900s where the primary objective was building basic civil utilities, through the 1950s where precursors to regional district structures were the norm, the inception of regional districts in the mid 1960s, followed by reviews, reforms, as well as some of the challenges encountered. The main purpose of this work is collect past information, rediscover forgotten facts pertaining to regional governance in British Columbia and document its history to help ensure it is not lost.

This paper also gives some attention to issues specific to the Metro Vancouver area, then examines some of the strengths and weaknesses of the existing inter-municipal framework. The objectives of this project include:

- To review and document the historical evolution and creation of the regional district governance structure that is largely unique to the province of British Columbia.
- To focus on the GVRD situation where its longer history of legislative instruments have often hampered its progressiveness and political conflicts have resulted in a structure that is potentially less sovereign than in other regional districts.
- To examine the strengths and weaknesses of how the existing structure performs for today's community environment and more global approach and issues.

The structure of this paper is as follows: the history of regional districts and its precursors, from the first regional collaborations based on utility systems that geographically crossed municipal boundaries, to the formation of improvement districts, then community planning areas, some instructional pre-regional

district legislation work, the development of regional district legislation, and its subsequent reviews and reforms. Recent regional district issues are also briefly examined as well as the author's views of the regional district structure's strengths and weaknesses. Future work can then be carried out to examine conceptual options for improvement.

Background

Legislation to create the Regional District system of governance was formally promulgated in 1965, creating a framework for the collaborative delivery of inter-municipal government services in the province of British Columbia. By 1968, there were twenty-nine Regional Districts spanning practically all of British Columbia and with some consolidation, twenty-seven Regional Districts exist today, (British Columbia Ministry of Community Development, 2008) providing evidence that the Regional District governance model is largely a success (Union of BC Municipalities; BC Ministry of Community Services, 2005). Regional Districts are living examples of how groups of local governments can work together to serve the broader needs of its communities.

However, formal inter-municipal collaborations did exist several decades before the inception of Regional District legislation, and several are now considered archaic and are hindering affected regional districts in moving into emerging areas of concern. The issues are most evident for the regional government of Metro Vancouver where pre-existing legislation was not repealed when the Greater Vancouver Regional District (GVRD) was formed. A number of single-purpose acts such as those for drinking water and sewage collection continued to operate alongside the newly created regional district entity. While a single corporation operated to deliver the services outlined in the three acts, the continuation of these separate legal entities set up a framework that is not conducive to the pursuit of new mandates and directions, or to maximize efficiency in service delivery.

Early 1900's inter-municipal collaboration was mainly motivated by the need to establish basic municipal services such as drinking water, sewage treatment, and transit for growing communities in an efficient manner. This paved the way to establishing single-purpose vehicles in the form of improvement districts that were effective in accomplishing its narrow scope. The number of improvement districts in B.C. continued to increase over the years, and it was becoming more evident that greater coordination of these single-purpose structures was needed (Union of BC Municipalities, 1953).

While some alternate regional governance structures were examined (Russo, 2009), ultimately the Regional District concept was legislated in 1965, led by the Hon. Dan Campbell, the Minister of Municipal Affairs at the time. Just under thirty regional districts were created covering practically all areas in B.C. The scope of services carried by each regional district was determined by its own constituent members, enabling the creation of regional governments uniquely formulated to address what were deemed the top issues for each area.

Since their inception, regional districts across the province have been called upon to continually increase their scope of services and have been able to do so on a voluntary basis; that is, with the consent of the

regional district's voting members. More recently the request has been to act on much broader issues such as climate change, natural resource management, and other non-traditional areas such as cultural development. These new directions demand regional districts to take on more scope, without any increase in resources to do so. This call for action has probably hampered efforts more for the regional government of Metro Vancouver due to its convoluted web of service delivery acts that must be navigated. These historical acts have served well the communities well over the decades, but can hinder Metro Vancouver from moving into and acting quickly in the broader issue areas. In his 2006 report to the Metro Vancouver Board, the Chief Administrative Officer explained that the provincial acts under which the corporation operates are inflexible and limits its functions and powers (Carline, March 16, 2006). This is in contrast to the more recent trends in changes to provincial legislation that give greater and broader powers to local governments as evidenced in the Municipal Act, Local Government Act, and the Community Charter.

Methodology

Research for this work involved chronicling the evolution of inter-municipal structures through i) literature review of provincial legislation and published works in library collections, ii) locating archived and unpublished reports held by Ministry of Community Development, Metro Vancouver, TransLink, and the Union of British Columbia Municipalities, as well, iii) personal discussion with knowledgeable individuals, particularly with the Ministry of Community Development. Source materials included reproductions of documents dating to the early 1900s, archived photos from the late 1800s, original documents and reproductions from the 1950s, then a good number of published later works. The challenge was not only locating key historical references, but also the bringing together of piecemealed data and perspectives from various sources into a single report. Obtaining historical perspectives required extra effort as it required reviewing numerous transcripts of speeches made by various officials.

The identification of strengths and weaknesses was largely a qualitative exercise made possible by the literature research, background with the two aforementioned regional district events in 2009, and the author's position as a senior engineer with the Greater Vancouver Regional District. This work does not identify nor evaluate options for improving the regional district model, although the hope is this report can provide the foundation for conceptualizing and undertaking subsequent work. The ultimate long term goal would be to improve regional governance structures to enhance the effectiveness of regional districts, possibly starting with Metro Vancouver.

Building Public Utilities

The regional district governance structure was established by B.C. legislation in 1965. However, inter-municipal collaborative structures such as Improvement Districts, Community Planning Areas, as well as single purpose utility acts pre-date the Regional District Act some 30 years or more. In fact, formal inter-municipal collaboration in B.C. date back to the early 1900's where adjacent municipalities found a number of motivating factors for inter-municipal collaboration. Some of the drivers for collaboration included the following:

- the community's geographic location in relation to the source of the resource
- desire to pool resources to enhance affordability
- to yield economies of scale.

Some early examples of formal inter-municipal collaboration are:

- 1914: Vancouver and Districts Joint Sewerage and Drainage Act established a board to oversee the implementation of sewerage works for communities in the Burrard Peninsula. In 1956, this evolved into the Greater Vancouver Sewerage and Drainage District Act.
- 1920`s: Improvement Districts were established initially in the Okanagan to deal with the distribution of irrigation water, followed by fire protection, dikes, drainage, ambulance service, hospital funding.
- 1924: Greater Vancouver Water District Act enabled the commissioning of infrastructure to supply drinking water to member communities surrounding the Burrard Inlet.

The building of some of B.C.'s first utilities for water, transit, and sewage collection are profiled below.

Water

In 1886 its year of incorporation, a great fire swept through the City of Vancouver, consuming over one thousand wooden buildings (Davis C. , 1997). A week after the fire, City Council placed an order for a horse-drawn fire engine to support the axes and buckets which were the only tools that the fire fighters had at the time. In the same year, one company started work on building what would become the City's first potable water line.

In 1889, the Vancouver Waterworks Company turned on its tap to the growing community of Vancouver, having just installed a water line sourced to the north of Burrard Inlet at the Capilano River. By 1891, the City of Vancouver had purchased the Vancouver Waterworks Company, gaining complete control of water sourced from the Capilano River (Greater Vancouver Regional District, June 1997), (Greater Vancouver Regional District, January 1994).

Continued population growth and development within the City of Vancouver as well as the neighbouring municipalities placed greater demand for water services. While the City of Vancouver enjoyed the security of a reliable water source, the neighbouring communities of Point Grey and South Vancouver were less fortunate. Responding to requests to address this problem, the Provincial Government appointed Dr. Ernest A. Cleveland (then the Provincial Water Comptroller), to determine a more equitable means of water supply in the fledgling communities in the Greater Vancouver area. Upon completion of his study, Cleveland recommended that inter-municipal arrangements for the provision of water be done by an autonomous joint board and in 1925, the Greater Vancouver Water District (GVWD) was enacted by provincial legislation. The three original members of the GVWD were the municipalities of Vancouver, Point Grey and South Vancouver (Greater Vancouver Regional District, Dec. 1997) and Cleveland became GVWD's first commissioner. The GVWD Act enabled expansion of its municipal membership if mutually agreed by its Board. Cleveland's goal of protecting the broader

interests in providing high quality drinking water to communities served by the GVWD remains the same today.

Transit

On May 23, 1887, the first passenger train making the transcontinental trip from Montreal arrived at the Canadian Pacific Railway (CPR) station in Vancouver (Ewert, 1986). The CPR line appeared to bring with it, enthusiasm to build in B.C., the same system of streetcars on rails that were installed in Detroit for the first time in North America a year earlier. Not to be out-done by Vancouver, an enterprising company expedited its construction of a five mile rail line in Victoria, beating Vancouver by four months to get a streetcar system up and running in February, 1890. In both Victoria and in Vancouver, the streetcar systems were proclaimed successes attributed to the smoothness of ride, the exceptional speed of six miles per hour, the street car's ability to stop quickly and a fare of five cents.

However, after the novelty of the new system wore off, people chose to walk the short distances covered by the streetcars, ridership dropped and the streetcar companies were not turning profit. The thinking then focused on linking the urban areas with rail lines to cover greater service areas. Over the course of the next several years, the Victoria system was expanded to Esquimalt and Nanaimo, while the Vancouver system to New Westminster and Coquitlam. By 1891, the Vancouver-New Westminster line was 14.25 miles in length, the longest interurban line in Canada at the time. The real world implication was that fares for the longer trip was between \$0.50 and a whopping \$1.00, considered too rich in the face of a looming worldwide depression ahead. The fares would need to cover the cost of operating the system which was powered at that time by cordwood, then coal-fired steam generators that provided the electricity for the streetcar system.

Unfortunately, the cost of expansion had taken its toll on the financial stability of the streetcar operators in the Vancouver area who on more than a couple occasions, were actively seeking to sell themselves to the City. However, Vancouverites continued to narrowly vote against the purchase of the streetcar system, perhaps due to feeling already burdened by the recently purchased waterworks system. Over the next several years, a calamity of events fell upon the streetcar operators: a streetcar ran off its rails in New Westminster, a bolt of lightning burned down the Vancouver-Westminster line's powerhouse, and in 1896, the Victoria-Esquimalt system suffered the catastrophic failure of the Port Ellice Bridge with 55 of 142 streetcar passengers perishing in the incident. Inevitably, creditors called their loans and the companies went into receivership.

On April 3, 1897, the British Columbia Electric Railway Company was incorporated under the laws of England and its directors would eventually purchase the remaining streetcar assets of the Victoria and Vancouver systems. A Danish born businessman, Johannes Buntzen was appointed general manager of the Vancouver office. Buntzen's attention to financial detail and keen business sense finally brought stability and growth to the Vancouver and Victoria transit systems. Some of his ideas included: the fabrication of streetcars locally rather than purchasing them internationally; the replacement of coal-fired boilers with hydroelectric power from Buntzen Lake in 1903; the active marketing of electricity and negotiating rights-of-way with municipalities to build the power infrastructure. BC Electric saw

extraordinary growth in its streetcar and hydroelectricity businesses right through the Second World War.

Post World War II was the beginning of the baby boom where Vancouver and its surrounding areas experienced rapid development as the demand for housing rose dramatically. The population shift to the suburbs meant a greater focus on building streets and roads, leaving BC Electric's limited coverage of now slow moving streetcars as a less desirable means of transportation. The BC Public Utilities Commission engaged BC Electric in negotiating the company's eventual replacement of its streetcar system with transit buses, some powered by diesel, others by electricity in the urban centres. Part of this transition involved BC Electric providing to affected municipalities, payment for the use of municipal roads by their bus fleet. A number of rail lines and street cars were retired in the 1950's with BC Electric's last street cars removed from service in April 1955.

When the leader of the Social Credit party, W.A.C. Bennett took provincial office in 1961, he brought in the Power Development Act and over the next two years, steps were taken to make BC Electric a crown corporation. Interestingly, a private company and public agency were merged together: BC Electric and the BC Power Commission were amalgamated in 1962 to create the BC Hydro and Power Authority. In its last full year of existence, BC Electric's gross revenue was \$103 million with \$64 million attributed to electricity sales, \$19 million to natural gas sales, \$14 million to passenger transportation and just \$5 million to rail freight (Ewert, 1986).

Sewage Collection

The rapid growth in population and development in the early 1900's were leading to serious sewage disposal problems for the municipalities of Vancouver, South Vancouver, Burnaby and Point Grey (Lea, 1913). In 1911, the four municipalities formed the Burrard Peninsula Joint Sewerage Committee and engaged the services of R. S. Lea, a renowned municipal engineer from Montreal to provide a management plan for the discharge of sewage into English Bay, Burrard Inlet, and the Fraser River. Finalized in February 1913, "the Lea Report" was one of the first sewerage infrastructure plans drafted for communities in B.C. Recognizing the need to appoint a governing body to administer the plan, the Vancouver and Districts Joint Sewerage and Drainage Board was created by Provincial Act on March 4, 1914. Thus, the first B.C. inter-municipal special purpose agency was born (Ray, Dec. 1960). The new Board had the overall responsibility of implementing recommendations in the Lea Report, including the construction, financing, and maintenance of sewerage infrastructure for communities of the Burrard Peninsula.

While the focus of the Lea Report was building a network of collection sewers, in his transmittal letter, Lea noted:

"The participating Municipalities are to be congratulated upon being, I believe, the first to voluntarily attempt united action in an undertaking of such magnitude in advance of pressing necessity." (Lea, 1913).

Lea's statement is significant given he had examined and compared other examples of collaborative structures from around the world such as:

- the Melbourne and Metropolitan Board of Works (a 22 municipality effort constituted in December 1890)
- the Birmingham Tame and Rea Main Drainage Board (formed in 1877 to control an area of over 90 square miles)
- The Board of Metropolitan Sewerage Commissioners of Boston (established in 1889).

While the Lea Report provided plans for basic sewer infrastructure that carried the needs of Vancouver and surrounding communities from the mid 1910's to the late 1940's, increases in population and urban development over that period resulted in higher degree of disagreeable conditions at beaches downstream of sewage discharge points. Recognizing the need for better management of regional liquid wastes, in 1950, the Vancouver and Districts Joint Sewerage and Drainage Board commissioned an update of the Lea master sewerage area plan, this time enlisting an Engineering Board led by chairman A.M. Rawn, who was at the time the chief engineer and general manager of the County Sanitation Districts of Los Angeles. Having developed technical concepts of wastewater management to marine environments, Rawn applied this knowledge to create a new master sewerage plan in 1953 for the Vancouver area, deemed the Rawn Report (Rawn, Oliver, & Gilman, Sep. 1953).

Within the report, Rawn acknowledged the cooperation of several municipal government administrations, spanning from West Vancouver to Port Coquitlam to Richmond and municipalities in-between, as well as the provincial government for their representation of unincorporated areas such as the University Endowment Lands.

For cost efficiency, the infrastructure required for the provision of sewage collection and treatment to each municipality in the Greater Vancouver area followed geographic and topographic features, not legal municipal boundaries. Further, the sewerage works were to provide collective benefit of better water quality in the recreational waterways to be enjoyed by all citizens of the broader regional area. This gave rise to the strong desire to have a single agency responsible for the construction and operation of sewerage infrastructure serving the collective need of participating communities.

On this basis, Rawn recommended a new sewerage and drainage board to include new territory to the South of Burrard Peninsula and manage all liquid wastes generated by its communities. In 1956, the B.C. government passed the Greater Vancouver Sewerage and Drainage District (GVS&DD) Act, effectively delegating powers to a governing board one of whose first assignments would be to carry out recommendations of the Rawn Report.

The Burrard Peninsula Joint Sewerage Committee formed in 1911, the Vancouver and District Sewerage and Drainage Board, the first inter-municipal agency enacted in 1914, and the Greater Vancouver Water District formed in 1924 provide early examples of inter-municipal collaboration to fulfill utility service requirements of settlements in B.C. The legislation enabling the incorporation of these functional districts provided for its administration via governing boards whose memberships included

representation from: those elected by unincorporated areas, and officials from municipal councils, appointed by the council.

It should be recognized that a key driver for early regional collaboration was economic efficiency to locate infrastructure to complement the geography and the natural location of resources. For the drinking water system this meant the three point source reservoirs of the Capilano, Seymour, and Coquitlam watersheds. For the sewage collection system this meant outfall pipes to Burrard Inlet and the Fraser River. Given that the water and sewer systems had different start and end points, there did not appear to be significant motivation to bring these utilities together under a single administration in the early years. The stronger driver was with communities located well away from natural resources where they had little choice but to join forces with neighbouring communities to meet their basic utility needs.

Improvement Districts

Apart from very specific legislation such as the GVWD and GVS&DD Acts, the provincial government used another legislative framework called improvement districts. The concept of improvement districts date back to the 1920's, where large irrigation systems in unincorporated areas of the Okanagan Valley were under private management, but were on the verge of bankruptcy. Because this would cascade to the failure of farms being serviced by the irrigation systems, the concept of incorporating improvement districts was established. Improvement districts had the power to tax land owners for their service and had access to provincial financing, effectively securing reliable services over the long run. When more private operators of irrigation and domestic water systems became unable to continue operations or the serviced residents petitioned for public control, the provincial government created more improvement districts to which it transferred ownership of the private systems.

Over time, improvement districts were given greater responsibilities and by 1945, improvement districts were beginning to provide fire protection (for areas outside of municipal boundaries). Other services included: diking, drainage, street lighting, garbage collection, ambulance service and funding for rural hospitals. Improvement districts were managed by elected trustees who often volunteered their time (British Columbia Ministry of Community Services, 2006). Improvement districts pre-date the inception of regional districts and were the primary vehicle for public service delivery in unincorporated areas. However, while improvement districts provided a means to build regional infrastructure, all decisions affecting local issues in unincorporated areas required the authorization of the Ministry of Municipal Affairs in Victoria. This made decision-making a cumbersome and time-consuming process for affected citizens.

Governance structures other than improvement districts were examined starting in the mid 1940's (Russo, 2009), which then spawned regional district legislation in 1965.* The creation of regional districts started the slow dissolution of select improvement districts as their responsibilities were transferred to the newly created regional governments. Improvement districts received another round

* These alternate structures and the regional district framework will be covered in more detail in later sections.

of dissolution upon the 1967 promulgation of the Hospitals Districts Act that saw the transfer of responsibility for capital financing of hospitals to the appropriate regional district. As functions of improvement districts were transferred to the newly formed regional governments, this marked the contraction of improvement districts as the dominant model for the delivery of local services to unincorporated areas.

Interestingly, the GVWD and the GVS&DD of the Metro Vancouver area were effectively operating as improvement districts, but were not dissolved upon the creation of the Greater Vancouver Regional District. It is not known why the GVWD and GVS&DD were permitted to carry on as legal entities. Review of Hansard documents indicate Bill 102 that sought bringing the functions of the GVS&DD and GVWD in the GVRD passed with essentially no debate against (BC Legislative Assembly, 29th Parliament, 1971). One can only surmise that their structures were viewed to be functioning fairly well and should continue with their functions assumed by the GVRD and directed by the GVRD Board.

Towards the late 1960's, ministerial oversight of improvement districts also changed. By way of moving provisions pertaining to fire protection and street lighting from the Water Act to the Municipal Act, oversight of improvement districts was divided between the Ministry of Environment and the Ministry of Municipal Affairs. By 1979, amendments to the Water Act completely moved improvement district functions to the Municipal Act and the Ministry of Municipal Affairs then received all improvement district oversight responsibilities (British Columbia Ministry of Community Services, 2006). The transition of oversight of improvement districts by the Ministry of Environment to the Ministry of Municipal Affairs recognized that improvement district functions pertain more to the provision of local government services rather than environmental protection.

Since its inception of providing irrigation water in the Okanagan region, the improvement district model has been used as a vehicle to deliver to rural communities, a wide range of other services such as: acting as the local government for unincorporated areas, drinking water services, fire protection, land use planning, and providing related regulation enforcement. Given the specificity of each improvement district, the ever increasing number of improvement districts became a significant management issue for the provincial government. This gave more motivation to the formulation of alternative regional governance models.

The 1989 amendments to the Municipal Act afforded regional districts greater autonomy which furthered the transfer of responsibilities from improvement districts to regional districts. In the same year, the Ministry of Municipal Affairs commissioned a study to examine the role of improvement districts in relation to regional districts. The resulting report (British Columbia Ministry of Municipal Affairs, 1989) which was not released to the public domain recommended that regional districts be supported as the dominant form of local government for rural areas and that a number of improvement district functions should be transferred to regional districts. The Ministry's improvement district governance policy (British Columbia Ministry of Community Services, 2006) includes rationale for increasing emphasis on regional districts rather than improvement districts and is summarized as follows:

- **Integrated decision-making** – because regional districts are the local governments for unincorporated areas, they are better positioned to consider a broader number of issues when making decisions affecting the region's land use plans, service delivery, regulation and other governance concerns. This will help to ensure integrated decision-making to minimize counter-productive efforts and ultimately enhance regional communities.
- **Economies of scale** – regional districts have been going concerns since the mid 1960's and by the late 1980's have well-established offices, administrative staff, technical expertise and other resources from which to draw. This points to regional districts holding greater economies of scale to respond to increasing community demands than improvement districts.
- **Tax collection efficiency** – regional districts can issue a single annual tax notice for all services provided, while improvement districts, each with its own narrowly defined scope of service, might result in the homeowner receiving a notice for each of several services received. Further, regional districts generally send tax requisitions to its municipal membership and do not directly tax the hundreds or thousands of homeowners directly.
- **Better access to financial instruments** – given the broader spectrum of responsibilities, regional districts are generally larger organizations than improvement districts and have stronger credit ratings. This affords regional districts better financing rates than improvement districts. Further, regional districts have access to funds through the Municipal Finance Authority; insurance through the Municipal Insurance Association; and grants for studies as well as capital works. Improvement districts historically did not have access to these instruments.

The number of improvement districts operating in B.C. peaked in the mid 1980's at 327. Since the 1989 report, the provincial government has discouraged the creation or expansion of improvement districts. The approach has been to facilitate the voluntary transfer of improvement district responsibilities to regional districts (British Columbia Ministry of Community, Aboriginal and Women's Services, 2004). Still, improvement districts continue to provide services to a diversity of small and large communities. In 2006, there were 240 improvement districts with the majority operating in three areas of the province: the Kootenays, the Okanagan Valley, and Vancouver Island. The existing improvement districts mostly provide drinking water or irrigation services (British Columbia Ministry of Community Services, 2006).

Community Planning Areas

In the 1940's, with a growing economy and increasing population base, the provincial government faced a number of development issues, particularly in rural areas where incorporated municipal governments did not exist. Communities in unincorporated areas brought issues such as industrial development, resource extraction, health care, and education to the various provincial ministries. To help manage these largely rural issues, the provincial government legislated the Town Planning Act in 1947, then the Local Services Act in 1957 (Collier, 1972). These statutes enabled the formation of community planning

areas that defined spatial boundaries of concern. While community planning areas allowed inclusion of both unincorporated and incorporated communities, the focus of responsibility was on rural areas.

Community planning areas lacked enforcement powers, administrative offices and staff, resulting in high dependency on provincial government resources. Provincial civil servants were essentially the executive team to these community planning areas, offering advice and implementation guidance. The number of community planning areas increased significantly since their inception, and by the 1960's the provincial government became concerned with the parallel increase in supporting resources committed to community planning areas. Residents of community planning areas also expressed growing concern with a less responsive provincial government that ultimately held decision-making authority on community plans. Conflicts escalated when provincial officials attempted to enforce zoning bylaws of the community plans. Incidents of strong opposition by local residents occurred, who accused the provincial government of being high-handed. As local residents began voicing their issues, the provincial government became concerned with its detrimental impact, politically (Collier, 1972). The community planning area in the Okanagan Valley was particularly unsuccessful as the local communities expressed their desire to manage and direct their own plans through a regional coordination governing body.

Regional Planning in the Lower Mainland

Not all regional planning efforts failed. Two examples in the metropolitan areas around Vancouver as well as around Victoria successfully employed the community planning area model to bring together incorporated and unincorporated areas to set-out a regional land use plan. The Metro Vancouver situation is examined below.

On May 26, 1948, the Agassiz dike along the Fraser River was breached, causing the cascade failure to retain flood waters from nearly 50 square kilometres of the Lower Fraser Valley (CBC British Columbia Report, 2007). A state of emergency was declared by the Premier after the flood put 16,000 people out of their homes. While the prior flood of 1894 had higher peak water levels, there were far greater developed areas affected by the 1948 flood which set in motion two critical initiatives:

- The building of dikes to a consistent set of specifications across all affected communities from Hope to Richmond.
- The justification for the creation of a unified planning entity.

The catastrophic failure motivated legislative amendments to the Town Planning Act that same year, allowing the establishment of regional planning areas and regional planning boards. Thus, on June 21, 1949, the Lower Mainland Regional Planning Board (LMRPB) was created and its first meeting held September 15. Of the twenty-six municipalities invited, fifteen responded from municipalities stretching from Hope to the Strait of Georgia. The first board was chaired by D.J. McGugan of New Westminster and chief engineer of the Fraser Valley Diking Board. Peter Oberlander, a professor from UBC's School of Community and Regional Planning and consultant to the board stressed the importance of characterizing the current state of region. With a budget of \$20,000 contributed from various players including the Central Mortgage and Housing Corporation, City of Vancouver, Provincial Government, as well as some voluntary funds from participating municipalities, the regional planning work began.

Jim Wilson, a Scottish engineer and regional planner was one of the LMRPB's first hires. Jim saw the mandate of the LMRPB to be the management of regional growth, having forecast a population of 1.5 million living in the region by the year 2002. Besides population forecasting, the LMRPB also took-on the following functions:

- Floodplain mapping to help identify vulnerabilities of communities
- Co-ordinating a unified house numbering system in the Fraser Valley
- Undertaking rural and industrial land use studies
- Providing contract planning to the local municipalities
- Eventually undertaking holistic planning for the entire Lower Fraser Valley.

In 1964, the LMRPB produced one of the first regional plans in Canada titled, "Chance and Challenge." This was followed by the 1966 Official Regional Plan for the Lower Fraser Basin. One of the recommendations in the Regional Plan called for the Federal Government to examine the need for integrated harbour authorities and to initiate development of the Roberts Bank Coal Port. The recommendation was subject to taking as little of the surrounding agricultural and recreational land as possible for a rail line out to the Port.

However, in 1969 W.A.C. Bennett became Premier and his government insisted on the straightest and least expensive route, as well as the expropriation of some 8,000 hectares of farmland for future port developments. With a vision of preserving the Green Zone, the LMRPB strongly opposed the removal of farmland. To deal with the opposition, the Bennett Government dissolved the LMRPB, saying that the Planning Board's function would be better served under the responsibilities of the newly created Regional Districts which were at the time: the Greater Vancouver Regional District, Central Fraser Valley Regional District, Dewdney-Alouette Regional District, and the Fraser-Cheam Regional District.

Surviving the dismantling of the LMRPB was its vision of what would eventually be known as the Green Zone concept of the 1996 Livable Region Strategic Plan. Years afterwards, Peter Oberlander describes how the LMRPB with the completion of the 1966 Regional Plan accomplished three main things:

- 1) It produced a working strategic plan for the entire region
- 2) It got the municipalities talking to each other about land use planning
- 3) It brought the geographic and environmental aspects of the region into the consciousness of municipal leaders.

Some key observations can be made when considering the failed attempt at community planning areas in the Okanagan Valley compared to the success in Lower Fraser Valley area. First, that participation and collaboration on fundamental functions of local government is possible as evidenced by the Lower Fraser Valley example. Second, that significant local control of those regional functions is a strong factor to its success. For the metropolitan areas of Vancouver and Victoria comprised of communities incorporated as municipalities, participants in metropolitan planning initiatives came to the table already having local land use planning powers. The focus of organizing collectively was to help ensure a municipality's community plan did not conflict with those of an adjacent municipality. For the

Vancouver and Victoria cases (and for Nanaimo) (Province of British Columbia, 1998) the regional plans were created from the bottom-up by planners with the true spirit of collaboration. On the other hand, for the rural planning efforts, the issues appear to have been more about the top-down imposition of power from the provincial level to the local level.

In any event, the community planning area experience provided good insight upon which new concepts could be built on its successes and lessons learned by its failures.

Alternate Regional Governance Structures

The number of municipal issues demanding the attention of the provincial government were particularly high in the years after World War II and it was becoming apparent (Russo, 2009) that there was a need to examine alternatives to the existing models of improvement districts, community planning areas, and other special purpose boards within the context of incorporated and unincorporated communities. In 1946, the Province of British Columbia commissioned the services of H. Carl Goldenberg, a barrister from Montreal, to conduct a public inquiry into the performance of municipal functions within B.C. and the relations between local government and the Province. The Goldenberg Commission held meetings that year and heard from representatives of some 72 B.C. municipalities (Goldenberg, 1947).

Much of Goldenberg's recommendations supported the continued use of existing legislative frameworks, pointing to the positive example of inter-municipal cooperation in the form of the Greater Vancouver Water District, the Vancouver and Districts Joint Sewerage and Drainage Board, and the Metropolitan Health Committee for the Vancouver area. For incorporated rural areas, Goldenberg saw that local governments could make better use of provisions in existing legislation such as the Municipal Act as well as the Local Improvement Act. For unincorporated areas, Goldenberg recommended that the Province exercise its full authority under the Town Planning Act and that minor amendments be made to the Municipalities Incorporation Act. Goldenberg also made a number of recommendations related to municipal finances involving education, public health, social welfare, streets and roads. He also recommended giving municipalities the authority to levy taxes on businesses operating within their jurisdiction. In the end, however, the Goldenberg Commission did not result in structural change to local or regional governance.

Provincial government interest in local issues grew with the appointment of Honourable Wesley D. Black as the Minister of Municipal Affairs. In his address to the 1953 annual convention of the Union of British Columbia Municipalities, Black affirmed his approach to working with local government to solve local problems:

“Not only have I personally tried to see every delegation, but my staff are undertaking for the first time, as far as I know, the task of visiting every municipality this year. . . Local problems can often be cleared away in a much more intelligent manner as a result of such a visit. . . I know that municipal government will only achieve its best if we jointly attack each problem in a spirit of cooperation and mutual understanding. I have reason to believe that you, the municipalities, and we, the Government, will do just that.” (Union of BC Municipalities, 1953).

Black also announced three initiatives for his Ministry as follows:

- 1) The Municipal Act would be reorganized, rewritten, and modernized.
- 2) Municipal problems would be researched and results of which would be shared with municipalities.
- 3) Greater guidance on land use planning would be offered.

In 1955, Black delivered on his first commitment with amendments to the Municipal Act. In his subsequent address to the annual convention of the Union of British Columbia Municipalities (UBCM) Black suggested the creation of metropolitan governments mainly for the areas surrounding Vancouver and Victoria (Union of BC Municipalities, 1955). The metropolitan government's council would have a separately elected chairman, plus representatives of included villages, towns, cities, local districts and municipalities. Black provided an update of his Ministry's work to date in 1956 (Union of BC Municipalities, October 3rd, 4th and 5th, 1956).

To the 1957 UBCM annual convention, Black spoke to the introduction of the Local Services Act which helped define the relationship between unincorporated areas and the Provincial Government: "Under the provisions of the new Act the Lieutenant-Governor-in-Council can designate any area of the Province not incorporated as a municipality, as a 'local area' and I as Minister, then become in effect the Council for such area, and may impose certain categories of regulations similar to those you are empowered to apply in municipalities . . . The ultimate objective, however, in all cases, is local self-government, and the provisions of the Local Services Act are only intended to be used as an interim measure." (Union of BC Municipalities, 1957). Black's last address to the annual convention of the UBCM was in 1958 and perhaps he did not fully achieve what he had hoped, but his ideas did help to form the basis of subsequent investigations of alternate local government structures.

The first and only investigation of regional governance done by a joint committee established by the Minister of Municipal Affairs was initiated in 1957 (Russo, 2009). The Minister directed eleven Lower Mainland municipalities to study and report on the feasibility and practicality of establishing a single metropolitan board with responsibility over inter-municipal functions. The Minister appointed Hugo Ray (Queen's Council at the time) as chair of what was known as the Metropolitan Joint Committee (Ray, Dec. 1960). Ray, along with Deputy Minister of Municipal Affairs, Everett Brown, led the Metropolitan Joint Committee to consider the possible governance structure to deal with a number of local issues including: water supply, sewers and sewage treatment, public health (including air pollution), hospitals, land use planning, and provision of parks. Over three years, the Joint Committee formulated recommendations for the creation of another government tier – a metro government with its own elected officials plus the power of assessment and taxation. However, there were strong objections by representatives from New Westminster and Port Coquitlam to creating another government tier in the form of a metro government. Given the strong opposition to the Ray proposal, the Minister of Municipal Affairs did not act on its recommendations and shelved the report (Russo, 2009).

The investigative work on alternate local governance structures from post World War II through to the 1960's did not lead to structural legislative change. However, it did help to refine existing acts and determine that the creation of another government tier was unacceptable. While the exhaustive

consultation, assessment and evaluation work did not achieve a revolutionary governance alternative, the process showed that the Provincial Government would be unwilling to order a structure in top-down fashion.

Regional District Legislation

In the early 1960's, the City of Prince George fully funded its own hospital which drew patients from well beyond city limits. With health care being a provincial mandate and many citizens complaining about its poor service, the need to re-organize the hospital function at the regional level was apparent (British Columbia Ministry of Community Services, 2006). Similar regional issues such as land use planning, drinking water services, solid waste, liquid waste, environmental management, and parks were being raised by local communities and overwhelming the various provincial ministries with work. It was becoming clear that a new governance model for addressing regional issues that extended beyond the confines of municipal boundaries was needed. Further, the unincorporated communities demanded the attention of the provincial government to provide what are local government responsibilities such as area planning, transportation, basic household services, as well as financing and capitalization of infrastructure. The provincial government was in effect, the local government for unincorporated communities. To handle this responsibility, the provincial government set up hundreds of improvement districts to address each regional need, function-by-function, throughout the province (British Columbia Department of Municipal Affairs, 1971). There was growing concern that even more improvement districts would be needed and given the specificity of their mandate, would proceed without the benefit of a coordinated regional plan that could prioritize community needs.

The Honourable Dan Campbell, Minister of Municipal Affairs at the time was motivated to find a better solution to administer regional issues. After examining governance models from other parts of the world, his team (once again, including Deputy Minister, Everett Brown) arrived at the regional district concept, a structure considered to be the first of its kind. In his explanation of the regional district concept (British Columbia Department of Municipal Affairs, 1969), Campbell says,

“Regional government does the same job as metro government, but the functions that it assumes, with the exception of hospitals, are not statutory functions. Metro government means a fourth level of government, a level between local government and provincial government. Regional district boards are made up of elected representatives appointed by the member municipalities, people already involved in the municipal picture, who know the problems and the issues.”

Regional district legislation was enacted in 1965 and local government officials began gathering to negotiate the incorporation of regional districts, to determine one by one, its powers and spatial boundaries via Letters Patent issued by Provincial Cabinet. Because the legislation provides for the voluntary selection of regional district mandates, the Letters Patent are different and unique for each regional district. This allows local government members to shape the functional areas of its own

regional district to best suit the priorities of its constituency. Thus, each regional district has evolved its functions differently, as determined by its own board, municipal membership, and its citizens.

In his April 23, 1968 letter to the Chairman of the Regional District of East Kootenay, Campbell identified the three categories of regional district functions as follows:

- 1) Functions that provide a regional benefit to its citizens, irrespective of where in the region they live. Examples include provision of hospitals, library service, recreation, environmental management, and planning.
- 2) Functions that have a more targeted audience within the region. Examples include those households needing drinking water supply, solid and liquid waste disposal, fire protection, ambulance services, other government services (planning, zoning, building inspection) for unincorporated areas.
- 3) Functions that are required by specific regional district members. This might include insurance and sale of debentures, engineering, provision of equipment for public works maintenance, accounting services and centralized purchasing.

Regional districts do not have separately elected officials,[†] so are not political amalgamations, and do not have the power to directly impose property taxes to secure revenue. However, regional districts can requisition their municipal memberships to fund mandates as determined by the regional district board. The allocation of cost of regional district functions to each municipal member is mutually agreed upon by its board and often linked to the population or households in the service area. Cost-sharing formulas are set-out in the Letters Patent.

The Letters Patent define specifics regarding the incorporation of each region district, covering:

- The regional district's title, spatial boundaries, constituent municipalities and electoral areas;
- How the regional district's board is established, the appointment of board members, as well as, how electoral area elections are held;
- Regional district's borrowing power;
- Any municipal transference of functions to the regional district; and
- The total number of voting units the regional district holds, where each municipality is allocated votes proportional to its population (Berris, 1982), (Bish, 1999).

It is also worth noting that the regional district legislation entitles participation by incorporated first nations bands and elected band members can qualify to be appointed to a regional district's board or committees and have the same capacities as local government members.

Given the high degree of flexibility afforded in regional district legislation, the focus is less about drawing legal jurisdictional boundaries, and more about establishing a system for coordinated decision-making for the betterment of the communities served by regional districts. Single-purpose utility-based

[†] Except for unincorporated areas, regional district board members are directly elected.

districts such as the Greater Vancouver Water District and Greater Vancouver Sewerage & Drainage District were made the responsibility of newly formed regional districts, although many survive as legal entities. By the end of 1968, practically the entire province was divided into 29 regional districts.

In 1970, the Municipal Finance Authority Act was promulgated which enabled municipalities and pre-existing improvement districts charged with the construction of specific service utilities, to pool their need to raise capital and demonstrate a larger asset base for improved credit ratings and lower borrowing costs. Thereafter, improvement districts eventually passed their responsibilities over to the appropriate regional districts (British Columbia Department of Municipal Affairs, 1971).

Review of Regional Districts

The original Letters Patent specified functions empowered to the regional district, which required amendment through a cumbersome process of provincial approval and issuance of supplementary letters patent. The supplementary letters delegated authority to regional districts but the process was involved and required a number of steps as follows (Harrison, 2006):

- a) Regional district members wishing to participate in the new function must provide consent to the regional board seeking additional authority.
- b) The regional district must request to the Lieutenant-Governor-In-Council, its desire to undertake the stated function(s), indicating the participating members and how the costs would be allocated.
- c) Before granting new authority, the Lieutenant-Governor-In-Council would seek recommendations of the Ministry of Municipal Affairs and if conferred upon the regional district, the supplementary letters patent would include the new objects, powers, duties, limitations, obligations, and conditions.

In 1989, the Municipal Act was reformed to give regional districts greater autonomy in determining its own scope of functions. The reform gave regional districts the authority to establish functional services through the passing of its own board bylaws, eliminating the need for provincial issuance of supplementary letters patent. However, it remains that each regional district has functions mandated by the province, as well as, functions that are voluntary.

Under the Letters Patent, regional districts have the following statutory functions:

- Regional planning [removed in 1983; reinstated in 1995][‡]
- Long term capital financing for member municipalities via Municipal Finance Authority 1970
- Solid and liquid waste management planning (as required by the Environmental Management Act)
- Local government administration for unincorporated areas within the region.

[‡] Regional planning is discussed in greater detail in a subsequent section.

One statutory function originally included in 1965 was the requirement for regional districts to provide partial capital financing for hospitals. At the time, hospital construction costs were allocated 60% paid by the provincial government and 40% paid by the regional district (British Columbia Department of Municipal Affairs, 1970).

While regional districts have few statutory functions, their effectiveness is enhanced largely due to functions that are voluntary. The regional district framework affords communities the choice of functions to include within their own regional district. Regional districts are essentially built from the ``bottom-up`` by the communities they serve (British Columbia Department of Municipal Affairs, 1970).

Each regional district function is defined under the Municipal Act as: general, local, or extended service. General functions apply to the entire regional district and the service is provided through property taxes and/or user charges. Local functions apply to specific areas within the region and are also financed by property taxes and/or user charges to those in the service area. Extended functions are regional district services for which property taxes may not be levied. While each regional district remains unique in the services it provides, in his 1999 inter-jurisdictional comparison, R.L. Bish provides the following examples of general, local, and extended services (Bish, 1999):

General Services

- Administration: general; electoral area; local community commissions
- Management of Development: official community planning; land use regulation; board of variance; heritage planning; bylaw enforcement; subdivision control
- Regional planning services: regional growth strategy; coordination, research, analysis
- Grants and assistance
- Social planning

Local Services

- Airports, ports, public transit, street lighting
- Garbage collection and disposal; recycling
- Water supply
- Fire protection
- Septage and sewage collection, treatment and disposal
- Sports complexes, theatres, arenas, museums, art galleries
- Local parks and recreation
- Cemetery operations

Extended Services

- Control of animals, pollution, pests, weeds
- Economic development; building inspection and numbering
- Regional parks
- 911 and emergency programs
- Regulation of fire and security alarms; nuisance; noise; unsightly premises; importation of soil.

On September 8, 1977, the Minister of Municipal Affairs and Housing appointed a committee to review how well the regional district government concept was operating. Specifically, the Regional District Review Committee was to examine:

- The jurisdictional role of regional districts, including the examination of present and future functions and responsibilities;
- The principal issues on the structural and administrative organization of regional districts including internal and external boundaries; regional district-provincial relationships, regional district-municipal relationships; regional district-citizen relationships; provincial financial support policy for regional districts;
- Other issues germane to the review of the regional district concept as the Committee deems appropriate (Province of British Columbia, Regional District Review Committee; Chairman, Rendina Hamilton, 1978).

The Review Committee held 41 public hearings at which it received 366 written and verbal submissions, and an additional 150 pieces of correspondence, including one from the GVRD (Greater Vancouver Regional District, 1978) apart from the public hearings were received. The Review Committee was enlightened by the diversity of issues received, making the differences amongst the 29 regional districts quite evident. In its October 31, 1978 report, the Review Committee provided a total of 52 recommendations, starting with the recommendation to retain the regional district governance model.

On the matter of jurisdictional role, functions and responsibilities, the Review Committee recommended legislation to more clearly define the division between regional districts, municipalities, and the provincial government. A key aspect would be to simplify the administration of adding new regional district functions by delegating the authorization of Letters Patent from cabinet to the Ministry of Municipal Affairs. Further, to enhance autonomy, the Review Committee recommended that regional districts be empowered to adopt land use bylaws, although subject to veto by the Ministry of Municipal Affairs. This would later become a significant point of contention between the regional district and its municipal members as it would result in the province removing regional planning powers from the regional districts in 1983.

Regarding regional district relationships, the Review Committee recommended the Minister of Municipal Affairs initiate a communications program to make all provincial ministries aware of the role of regional districts and the ministerial responsibilities towards them. A number of other recommendations were made to lessen the administrative burden, clarify roles, or rectify apparent imbalances in voting power.

While the 1978 regional district review provided some context of how well regional districts were operating and a couple RD-specific reviews were done in the mid 1980's (Campbell, Dan; Regional District Review Committee, 1983) (Campbell, Dan; Regional District Review Committee, 1984), it would not be until after a second full review in 1986 (British Columbia Ministry of Municipal Affairs and Transit,

1986) and further work with the Union of British Columbia Municipalities in 1989 that regional district legislation would be reformed.

UBCM: One Size Does Not Fit All

Given the significant involvement of the Union of British Columbia Municipalities (UBCM) in shaping regional district legislation, a short history of the Union is provided here for context.

On September 29, 1905, mayors, aldermen, reeves, and councillors from 22 municipalities gathered in New Westminster to form the UBCM. The purpose of the union would be to provide a unified voice for local governments under provincial legislation. Given the success UBCM has established over many years, it is not surprising that Dan Campbell, Minister of Municipal Affairs used UBCM through its conventions and its membership for the creation of regional districts between 1965 and 1968. At the 1967 UBCM convention, Campbell spoke of the key role UBCM played in negotiating what would eventually become the Letters Patent. Later, Campbell would turn to UBCM again to hammer out details to create the Municipal Finance Authority on April 22, 1970. The Municipal Finance Authority is charged with the responsibility of marketing debentures and loans on behalf of municipalities. Regional district representatives operate the Municipal Finance Authority, ensuring that borrowing and spending remains under the control of local government (Bancroft, Folz, Taylor, & Crawford, 2006).

The fledgling regional districts enjoyed the support of Dan Campbell's vision of greater local autonomy from the late 1960's through the 1970's. However, change at the Ministry of Municipal Affairs in 1983 with Bill Ritchie at the helm partially reversed the direction for regional districts. Ritchie was not agreeable to the overall concept of regional districts and was displeased with the Greater Vancouver Regional District's opposition to the provincial government's removal of the Spetifore Lands from the Agricultural Land Reserve in 1981 (Bancroft, Folz, Taylor, & Crawford, 2006). While the GVRD identified that urban development of the Spetifore Lands would be inconsistent with a compact metro town centre model, Ritchie removed the planning function from regional districts and cancelled all official regional plans with the passing of Bill 9 in 1983 and eliminated the provincial technical planning advisory committees that were operating at the time. This move was seen as a step back not only by the GVRD, but also by other regional districts representing smaller rural communities which were paying the price caused by large urban issues. The mantra at UBCM became: one-size-fits-all solutions – whether in legislation, regulations, policies or programs – do not work in British Columbia (Bancroft, Folz, Taylor, & Crawford, 2006).

A Regional District Rebuilds Its Planning Mandate

While regional districts were stripped of their regional planning function in 1983, the GVRD managed to retain some low key planning assignments through voluntary contracts with its municipal members to deliver technical advice on select development services (Harcourt & Cameron, 2007). Things would begin change in 1988, when the GVRD Board selected a new Regional Manager in the form of Mike O'Connor who was previously responsible for successfully completing the 1986 construction of the Expo

Line. O'Connor knew that rapid population growth and development in the region without an overall regional plan could result in the same urban sprawl development that has plagued many other North American metropolitan centres. To help prevent the erosion to the region's quality of life, O'Connor began rebuilding regional planning capacity at the GVRD by establishing a new planning department. This move was initially scrutinized by the GVRD Board, but O'Connor actively promoted the biggest critic of the new planning department, Gordon Campbell as chair of the Development Services Committee.

With a planning department in place, the GVRD embarked on what was called the Choosing Our Future process of opinion surveys and public meetings to receive input on people's values on urban design, transportation, and the environment. Choosing Our Future identified a key item: while people of the region valued a strong economy, it should not be at the expense of the area's livability. The consultation process took just over six months, ending with the adoption of the final report by the GVRD Board in July 1990. This subsequently led to the next step of developing, Creating Our Future, a regional vision for Greater Vancouver. Campbell's drive and ambition eventually got him to the position of the GVRD chair and it was this same enthusiasm that had him on road trips to see municipal councils of the region to sell the Creating Our Future vision. No GVRD chair had previously displayed that enormous level of effort to connect with municipal members to have discussion about the issues as Campbell did (Harcourt & Cameron, 2007).

The conversations with the councils underlined the GVRD's fundamental nature as a municipal federation, one system of local government, not two as in other inter-municipal governance models. Campbell treated all members of council as respected constituents – as equals, rather than merely municipal representatives. This concept of meeting of equals led to the inception of regularly scheduled meetings of all municipally-elected politicians of the region in what is now called the Council of Councils. The fundamental premise of Council of Councils is that there is no senior or junior levels of government between the GVRD and its member municipalities.

The adoption of Creating Our Future as a vision for the region by not just the GVRD Board, but by all member municipal councils is considered a testament of Campbell's intellect, his political leadership skills and to his ability to partner. The endorsement of a new vision for the region provided a key element for the GVRD – goal posts for which to target the development of future strategy, tactics and actions (Harcourt & Cameron, 2007).

As significant as Creating Our Future might have been, many of the municipal planners in the region were less than excited, pointing out that it was merely a vision and not a plan. A regional plan was desired, but getting that function back to regional districts would be a challenge, given that the Minister of Municipal Affairs had just outlined provisions in the Municipal Act for regional districts to only provide advisory services on land development matters. Without a legislative mandate for regional planning, the fear was that any regional planning work could not proceed and associated GVRD activities would diminish to insignificance.

Despite the having no mandate to do so, Gordon Campbell as chair of the GVRD, directed the Planning Manager to engage the municipal planners and proceed with the preparation of a regional plan through

consensus with municipal planners. Amazingly, the planners quickly agreed on the preservation of Green Zones which was consistent with LMRPB's vision of cities within a sea of green, a legacy for future generations to enjoy. In terms of growth management, the municipalities were initially protective of their autonomy on development, but ultimately recognized that the interests of the region and their municipality could be aligned (Harcourt & Cameron, 2007).

Born from the Creating Our Future process, the Livable Region Strategic Plan was recognized by the Minister of Municipal Affairs as a regional growth strategy on February 10, 1996 (Greater Vancouver Regional District, 1996).

Legislative Reform

In 1986, a newly elected B.C. premier, Bill Vander Zalm, formerly the Mayor of Surrey took active interest in local government. He appointed a fellow former Surrey councillor, Rita Johnston, to replace Bill Ritchie as the Minister of Municipal Affairs, signalling the start of improved municipal-provincial relations. In 1987, Vander Zalm and Johnston initiated a joint Provincial-Municipal Committee on Decentralization to focus on providing local governments greater autonomy. The goal of this work included the first major legislative reform of the regional district sections of the Municipal Act. The approach for writing new legislation was said to be truly innovative at the time, involving collaborative work of a vast number of UBCM members, elected officials, and staff from the Ministry of Municipal Affairs.

The overarching goal of the Vander Zalm and Johnstone-led consultation process to reform regional district legislation was realized in 1989. A key driver for reform was to refine the process in which regional districts acquire and exercise their powers to take full responsibility for the new function. This involved the elimination of the requirement for numerous cabinet approvals and effectively gave regional districts autonomy that is in line with that of other local governments.

A number of principles were established while drafting the new legislation including: greater autonomy through increased statutory empowerment, greater flexibility particularly concerning financial operations, enhanced fiscal responsibility, stronger rural representation on non-financial matters, greater accountability, and more clarity in the written legislation (British Columbia Ministry of Municipal Affairs, 1987).

A number of these principles have carried-over to current operating principles of regional districts:

1. Federal/confederal: A regional district is federal to unincorporated areas and confederal to municipalities, respecting each member's local autonomy. Regional districts are not another level of government.
2. Voluntary: regional districts provide only those services agreed upon by its members. Still, continual monitoring of "free-riding" required.

3. Consensual: getting things done through partnerships and agreements rather than exercising statutory power. Local Government Act outlines procedures to seek consent.
4. Flexible: each regional district tends to provide a different suite of services, given the inherent flexibility provided by regional district legislation. The membership largely determines the scope of services to be provided by the regional district.
5. Fiscal equivalence: a key legislative requirement for regional districts is to match costs with benefits for services provided.
6. Soft boundaries: the delivery of regional district service may extend beyond its legal boundaries and can be determined instead by the natural boundaries for that service (British Columbia Ministry of Community Services, 2006).

The regional district legislation review committee recognized the diversity of needs of the various regions in B.C. and given one size cannot fit all, the 1989 legislation afforded each regional district in the province, the flexibility to determine its own priorities and meet its own needs, its own way.

Linking Growth Management and Transportation Planning

A key element missing from the 1989 reform was any reinstatement of official planning powers to the regional districts. This would become one focus of work by the provincial, regional, and local governments through the early 1990's.

In a 1993 study commissioned by B.C. Transit, the need for three rapid transit additions to the SkyTrain were identified: i) Broadway-Lougheed Line, ii) Coquitlam-New Westminster Line and iii) Richmond Line. Heated discussions amongst GVRD politicians ensued over which line would be the next to be constructed with the main issues being:

- 1) Which line would promote most, the Compact Metropolitan Area scenario;
- 2) Which line would have the highest near-term ridership;
- 3) Which line would provide the most benefit for a given municipality; and
- 4) The cost of construction.

B.C. Transit and the Ministry of Transportation were in favour of constructing both the Broadway-Lougheed and Coquitlam-New Westminster Lines, but the GVRD's Strategic Planning Committee opposed the idea (Greater Vancouver Regional District, 1996). The key issue being that the differing municipalities were strongly divided on how well these new SkyTrain lines would serve their communities and the development of the region as a whole. Wanting a more unified win-win solution, Premier Mike Harcourt deferred the transit decision and asked Darlene Marzari, the Minister of Municipal Affairs to look into the issue.

Marzari saw benefit to linking land use and transportation planning and took interest in the GVRD's draft Livable Region Strategic Plan (Puil, Cameron, & Rock, 1999) which can be condensed to the following:

- Protect the Green Zone;
- Build complete communities;
- Achieve a compact metropolitan region; and
- Increase transportation choice.

The Minister's strong support for the draft Livable Region Strategic Plan led to her commissioning work on new growth management legislation that would eventually restore regional planning mandates to the GVRD. The Growth Strategies Act is based on the principle of consensus building without hierarchy and Marzari is credited for developing strong ties with local government to realize promulgation of the Act in June 1995.

The 1995 Growth Strategies Act provided a framework for interactive planning – that is, a model founded on collaboration and cooperation rather than the hierarchy planning model used in the 1970's and early 1980's. The model relies on the regional district and its members work together as equal partners in the preparation of a unified regional growth strategy (British Columbia Ministry of Community Services, 2006). The driving principle was that the regional district, not the province, must initiate the growth strategy vision for its affected communities (Bancroft, Folz, Taylor, & Crawford, 2006).

So important was the approach of collaborative work, that Marzari originally had principles written within the Growth Strategies Statutes Amendment Act[§] as follows (British Columbia Ministry of Municipal Affairs, 1995):

No new institutions – rather than create a special purpose vehicle or a new level of government, existing local and regional government structures, systems, networks, and staff should be strengthened.

Voluntary participation . . . most of the time – this recognizes that planning works best with voluntary buy-in, with the understanding that Provincial Cabinet has the clout to require regional strategies when local governments are unable to work cooperatively.

Compatibility . . . a bias towards agreement – this identifies the need for official community plans and the regional growth strategy to be consistent and that the regional plan does not hold greater weight than other plans.

Dispute resolution . . . as a last resort – this encourages parties to negotiate resolution of differences, but lays out a process for dispute if needed.

Broad-based consultation . . . early and often – to hear from those most affected by regional and community plans on an ongoing basis. This involves municipalities, community groups, and other interested parties.

[§] Concerns of the Growth Strategies Statutes Amendment Act are now part of the Local Government Act.

Regional diversity / regional flexibility – any rules of the growth legislation must recognize that each region is different geographically with its own unique economy, objectives, and set of issues. Accommodating diversity will be a key principle.

Provincial direction and support – expectations of the provincial government must be clear, free of hidden agendas.

Early provincial involvement – inclusion of provincial ministries at the start and throughout a regionally-led planning process should result in more effective regional growth strategies.

Provincial commitment – regional growth strategies provide a link to provincial actions and investment decisions that are consistent with intentions of local government.

There are three key instruments under the regional growth legislation that were prepared as separate documents, but collectively form the entire strategic picture.

1. **Regional growth strategy** provides the vision for the region that commits affected local governments to actions to meet its objectives. The regional growth strategy is initiated and adopted by the host regional district and its acceptance is sought from the membership.
2. **Regional context statement** provides a link between the regional growth strategy and each member government's official community plan. Regional context statements are drafted by member governments and their acceptance is sought from the regional district.
3. **Implementation agreements** are made between the regional district and other governments, that detail how aspects of the regional growth strategy will be executed. Agreements can cover arrangements such as the provision of funding, construction, and maintenance of new infrastructure, as well as specific uses of designated lands.

Now empowered by legislation, the GVRD pressed to achieve full support for the Livable Region Strategic Plan with its membership. The City of Richmond held-out the longest, desiring recognition of a regional town centre in its community, despite it being prone to higher risk from severe flooding and earthquakes. Ultimately, an acceptable solution was negotiated and the Livable Region Strategic Plan was formally recognized under the Growth Strategies Act in February 1996.

Local Government Act

The 1997 budget year was a trying year for municipalities as the provincial government made sweeping financial changes which included transfer payment cuts in the order of \$100 million plus downloading of responsibilities such as maintenance of arterial highways. Feeling betrayed, the outrage of municipalities eventually led to the province initiating a process of municipal act reform. This was considered a highly consultative process with direct involvement of municipal representatives in

working groups and conferences, examining policy alternatives. This process yielded three consecutive years of new legislation salient to municipalities (Province of British Columbia, 1996), culminating in the evolution of the Municipal Act into the Local Government Act in 2000. The Local Government Act included reform of regional district legislation for the second time since inception in 1965.

Part of the reformed Local Government Act gave the regional district the autonomy to undertake its own service review as determined in Part 24, and also provided for members the ability to withdraw from regional services. The Ministry of Community Services in their 2007 regional service review document, guides that service reviews are best initiated when there is a change in the vision for the regional district by its members or when the service no longer fits the stated vision (British Columbia Ministry of Community Services, 2007).

There are three options for undertaking a review process as follows:

- Informal review – used when there are no statutory deadlines, there is a desire to involve stakeholder participation, and there are no expectations of dealing with member or service withdrawals.
- Bylaw-based review – used when there are no statutory deadlines, there is a desire to involve stakeholder participation, but there could be dealings of member or service withdrawals, and a higher degree of formality is desired.
- Statutory review – used when there are statutory default deadlines and there are expectations of dealing with member or service withdrawals. This review involves the appointment of a facilitator by the Ministry of Community Services.

Irrespective of which review process is used, the intent is that the review be a joint undertaking of the regional district and each member affected, involving the establishment of a review steering committee.

From Transit to Transportation Authority

On December 6, 1996, George Puil became chair of the GVRD Board and acquiring control of transportation was his top agenda (Harcourt & Cameron, 2007). As the Livable Region Strategic Plan had made clear, managing growth in the region required a strong link between land use and transportation planning. With the Growth Strategies Act in place, the GVRD now had significant influence over land use planning, but was merely an informed stakeholder when it came to setting plans for regional transportation.

To have an effective region-wide transportation system, Puil was convinced that governance of rapid transit could not be separated from the rest of the transit network, or the whole transportation system for that matter. While the GVRD attempted to negotiate the construction of the next rapid transit line after the Expo Line, the Provincial government unilaterally proceeded with what is now known as the

Millennium Line, rather than the locally preferred “T Line” that would connect New Westminister and Coquitlam.

Interestingly, during his tenure as BC Premier, Glen Clark and his government downloaded to local governments, the responsibility of secondary highways which were considered to be arterial roads in many parts of the Lower Mainland. This move provided the GVRD with the justification to open negotiations for restructuring the regional transit and road systems. On April 7, 1997, Joy McPhail, minister responsible for transit and George Puil signed a protocol agreement to negotiate the restructuring of the regional transit system.

Key interests to the GVRD were to gain local control of transit, ease the downloading of the management of secondary highways, bring about transportation demand management, and stabilize the financing of capital works and operations. On the other hand, the Province wanted to maintain the model of provincial control through an existing crown corporation like BC Transit, perhaps with its board supplemented with regional representation. The Province considered the GVRD Board too unwieldy to provide the governance structure for a regional transit authority. Thus, any proposal that brought transportation decision-making under the GVRD Board was a non-starter for the Provincial Government and would also have limited support from the municipal governments. Ultimately, the solution would be the creation of a new transit authority and its responsibilities would include:

- Functions of BC Transit within the service area
- Ability to designate a “Major Road Network”
- Provide funding for the network
- Enable transportation demand management through selection of mode and time of travel.

The creation of a new transit entity still divided the regional land use planning function done by the GVRD, and the regional transportation planning which would be done by the new authority; both entities with their own separate decision-making board. While the promise was for the new transportation authority to deliver its services in a manner consistent with the region’s strategic plan, the potential for misalignment of transportation and land use existed with the new structure.

In other aspects, the new transit authority was afforded more freedom in its manner of service delivery. It could provide services a number of ways: i) directly, ii) through subsidiaries, iii) through contracts with local government, iv) through contracts with private parties.

As far as funding goes, the Province desired support from property taxes like that of all other metropolitan areas in Canada; whereas the GVRD wanted binding Provincial contributions as well as payment by transit users. Ultimately, a portion of the funding did come from property taxes; those being collected at the time for GVRD’s small Hospital Planning function was transferred to support the new Transit Authority (Stump, May 27, 1998). Other funding sources would come from: i) the regional surtax on gasoline sales, ii) annual levies through vehicle registrations, iii) tolls on facilities, iv) taxes on parking spaces. In regards to the \$1.5 billion in outstanding debt mostly due to the construction of SkyTrain’s Expo Line, \$1 billion was left with the Province and \$500 million attributed to the new Authority (Wales, 2008).

The terms of the deal (Lingwood, Cameron, & Shaffer, 1997) were largely set by October 1997 and over the next several months, the proposed creation of the Greater Vancouver Transportation Authority (GVTA) underwent consultation with the affected municipal councils (Greater Vancouver Regional District, 1997). The municipal councils, having been subjected to provincial downloading of responsibilities, were suspicious from the start. Credibility was improved when the Provincial Government promised funding for the management of secondary roads. At its Feb. 27, 1998 meeting, the GVRD Board voted 70% in favour of creating the GVTA. This was later enacted by the Province in July the same year. The creation of the GVTA put the broader mandate of roads, transit and transportation demand management under a single entity, with the requirement to align transportation and land use plans of the region.

Recent Issues

The regional district model of inter-municipal governance is generally regarded as a success by local governments as well as the senior government. The regional district legislation has seen a number of reviews over its forty years since inception, with periodic refreshing of relevant acts to keep pace with new demands being placed on inter-municipal matters. One could characterize the changes made to regional government legislation as refinements on the original framework pioneered by Hon. Dan Campbell and Everett Brown. The changes pertain largely to giving regional districts the ability to better self-manage their functional responsibilities in the absence of too much provincial intervention, while improving efficiency in service delivery.

However, there are several recent issues that might point to the need to reconsider the current approach. The identified issue areas are:

- Provincial-regional power struggle;
- Accountability for decisions affecting regional areas;
- Climate change and other environmental concerns; and
- Archaic legislation of the GVRD.

Regional—Provincial Power Issues

Since the inception of regional districts in 1965, there have been ongoing questions raised regarding the effectiveness of its governance model to manage regional concerns. For example, the changes made in the governance of the regional transportation function within the greater Vancouver area have signalled provincial impatience and even disregard for a governance model premised in local assent for planning and service decisions. This has been an ongoing debate in the legislative assembly for some time. Hansard documents dating back to 1998 (BC Legislative Assembly, 36th Parliament, July 29, 1998) identify the arguments for legislative changes to transfer the planning and managing of the regional transportation function in the greater Vancouver area from BC Transit and the Provincial government to the GVTA. The key driver for this change was to deal with the changing transportation needs of a rapidly

growing region that is concerned with not only provision of transportation services, but also air quality and general livability within the region. The Hon. J. MacPhail is quoted saying, ". . . the provincial government and the GVRD have been working cooperatively to reform transportation funding and governance in the region. The product of that cooperative approach is this act, the Greater Vancouver Transportation Authority Act." The Hon. J. MacPhail further explained that the GVTA Act was founded on principles developed hand-in-hand with the GVRD and its member municipalities and are as follows:

- local control over transit and transportation;
- integrated decision-making for transit and roads;
- adequate and appropriate funding;
- protection of the rights of the existing employees; and
- consultation with the public, municipalities and organizations affected by transportation decisions.

The GVTA Act set out a governance model that had a controlling board consisting of twelve municipal representatives and three provincial representatives. The municipal representatives were appointed by the GVRD, while the three provincial directors would be appointed by the provincial government. Minutes of regular meetings of the GVTA Board show that the three provincial seats were never filled by the Lieutenant Governor in Council. Also, the GVTA Act requires that the regional transportation system support the GVRD's Regional Growth Strategy, which means integration with land use planning, air quality objectives, and economic development within the region. Interestingly, the provincial government retained the lion's share of the outstanding debt related to infrastructure that was transferred to the GVTA.

In the ensuing debate, there was a call for the removal of provincial representation on the GVTA Board. This argument was made to ensure that the GVTA would make decisions without the imposition of provincial objectives. The fear was that unilateral decisions by the province would continue, such as that experienced with expansion priorities for the SkyTrain system. The continuing lack of rapid transit service to the tri-cities of Port Moody, Coquitlam, and Port Coquitlam were identified as key examples of unilateral provincial government decision-making.

On July 30, 1998, the Legislative Assembly passed the Greater Vancouver Transportation Authority Act which also repealed the Hospital District Finance Act and sections of the British Columbia Transit Act. The regional responsibilities for hospital financing was passed back to the provincial government. Effective March 31, 1999, all assets, liabilities and equity of the BC Rapid Transit Company Ltd was transferred to the GVTA which was given responsibility over local transportation in the Greater Vancouver area (British Columbia Ministry of Finance, June 24, 1999).

The early years of the GVTA appeared uneventful as the new corporation began operating as a distinct entity, separate from the GVRD, but still connected through overlapping membership of the Boards of the two organizations.

Issues of provincial versus local control of the GVTA came to a head in 2004 when priorities for rapid transit needed to be settled. Since the mid-1990's BC Transit continued to favour construction of a Richmond-Airport-Vancouver (RAV) light rapid transit line, while the GVTA/GVRD favoured construction

of the "Evergreen" rapid transit line to the tri-cities area, in addition to the RAV Line (Greater Vancouver Transportation Authority, June 30, 2004). Without the financial capacity to undertake simultaneous expansion of both lines, the provincial government ultimately committed funds only to the RAV Line which then led to the federal government following suit (Greater Vancouver Regional District, December 14, 2001).

Given the apparent inconsistencies in funding decisions of the provincial government and the GVTA Board, the Minister of Transportation appointed a three-person panel to review the GVTA. In their 2007 report, the TransLink Review Panel wrote (Grinnell, Doyle, & Duzita, January 26, 2007):

"We believe that transportation infrastructure and services lag far behind the growing needs for efficient movement of people and goods throughout the Lower Mainland. In addition, decision-making at the TransLink Board has proven to be difficult, slow and marked by the division of local political interests rather than regional consensus building."

The TransLink Review Panel made a number of recommendations, including:

- the expansion of the service region from Pemberton to Hope;
- renaming the Greater Vancouver Transportation Act to reflect the larger service area; and
- a new governance structure that includes nonelected officials on the TransLink Board, formation of a Council of Mayors comprised of mayors in the service region and an independent TransLink Commissioner appointed by the Council of Mayors.

On November 29, 2007, the Greater Vancouver Transportation Authority Amendment Act (British Columbia Ministry of Transportation, November 29, 2007) was passed, carrying with it, the recommended change to TransLink's governance structure. The Council of Mayors appoints directors to the TransLink Board, as well as the TransLink Commissioner and Deputy Commissioners. The Council of Mayors also receives long term transportation strategies and approves supplemental transportation and financial plans. The TransLink Board appoints and evaluates the Chief Executive Officer, establishes articles of TransLink, supervises the management of affairs of TransLink, and prepares long term transportation strategies and financial plans, publishes an annual report, holds an annual public general meeting, and approves project and program public consultation plans. The Commissioner advises on strategies and financial plans, approves customer survey and complaint processes, regulates sale of major assets, publishes an annual report for submission to the Council of Mayors.

The Accountability Issue

A key concern regarding TransLink's new governance structure was raised by Harry Bains, MLA in his legislative assembly debate during the second reading of the Greater Vancouver Transportation Amendment Act, 2007 (BC Legislative Assembly, 38th Parliament, 2007). Bains identified that while the Council of Mayors has the power to appoint non-political directors to the TransLink Board, the heart of TransLink decision-making would be with the Board. The role of Council of Mayors would be relegated to providing some oversight. Bains stated,

“There are hardly any community representatives on that selection board. So when you dig deep and really look at how this board will be run and how the decisions will be made, they will be made by appointed people, not elected people.

Coming with that — as undemocratic as that is going to be — is that there's no accountability. Who are they accountable to?”

Right now the board consists of representatives from communities all around the lower mainland. They are accountable to their people. They have to go back and explain the positions that they take on this board and how that decision benefits that particular community. These nine directors have accountability to no one, not to Surrey and not to the minister's community — only to the minister it seems, the way it is put here.”

Bains contrasts the prelegislation model of the TransLink Board consisting of elected officials of member municipalities and being accountable to citizens of their respective communities. Under the new governance model, the TransLink Board would no longer have that accountability link to people in the TransLink service area. Bains finishes by saying,

“ . . . That's where I think we are really, as elected officials, held accountable by our constituents for our positions that we take either here or outside. We need to go and face them during election times. We need to go and face them when we are in our communities, but these nine directors don't have to go anywhere to face no one and be accountable to no one. That is a real tragedy in my view. I don't think we should go there.”

It's clear from further reading of the Hansard documents that those who opposed the new TransLink governance structure were most concerned about not only the public's ability to participate in decisions surrounding public transit in the lower mainland, but also removing controlling powers from elected representatives of the community. The new structure affords power to nonelected “experts” who are not obligated to report back to a constituency.

For the affected regional governments, the passing of the Greater Vancouver Transportation Authority Amendment Act marked the end of any significant power they had on public transit decisions affecting their communities.

The Sustainability Issue

Global climate change has been on the agenda for many environmental groups for some time (Eco-Research Chair of Environmental Law & Policy, 1998) and is only recently been embraced by governments in B.C. As of Sep. 18, 2008, 133 local governments in B.C. have acknowledged their role in addressing the issue by signing the BC Climate Action Charter, committing their operations to achieving carbon neutrality by 2012 (British Columbia Ministry of Community and Rural Development, 2009). The Charter is an agreement between local governments, the Union of British Columbia Municipalities, and

the provincial government, promoting strategies and actions to reduce greenhouse gas emissions, conserve energy, and improve air and water quality.

Recognizing the significant role of local government in sustainable development, new provincial legislation in the form of Bill 27 was proposed in 2008 (Province of British Columbia, 2008). Bill 27 – Local Government (Green Communities) Statutes Amendment Act is designed to assist local governments in taking the lead in planning and building compact green communities. The Bill includes policies to reduce a region’s environmental footprint. Key elements of Bill 27 include:

- Reduced development cost charges (DCCs) for green developments and affordable or assisted living housing ;
- Refinement on the use of collected DCCs;
- Enables certain regional districts to produce and supply energy (to capitalize on potential available with existing infrastructure);
- Refines the process and procedures to amend regional growth strategies; and
- Requires the inclusion of GHG emission reduction targets in official community plans.

Bill 27 encourages a community’s reduction of greenhouse gases through public commitment of targets as well as measurement and reporting of greenhouse gas emissions. The Bill also reallocates charges in a way that promotes developers designing and building more sustainable communities. The proposed legislation helps to connect on-the-ground actions by local government and the provincial government in bringing about lasting improvements to environmental management for its citizens.

Other issues related to climate change that involve regional districts include:

- Representation of local governments by regional districts on the development of Canada-wide standards for municipal wastewater effluents, an initiative of the Canadian Council of Ministers of the Environment, under the Canadian Environmental Protection Act (Vance & Wright, 2005).
- Developing a framework for product stewardship programs under the Recycling Regulation (Pond, Gaetz, Martin, Capri, & Hunt, Sep. 5, 2007)
- Participation in regulatory, legislative and policy reviews on:
 - Environmental Management Act
 - Contaminated Sites Regulation
 - West Nile Virus Control
 - Riparian Areas Regulation
 - Sewerage System Regulation
 - Subdivision Regulation.

The above are examples of concerns that stem from issues of scale that go well beyond the existing confines of regional district boundaries. Coordination of efforts at the inter-regional district level and even greater spatial boundaries are required if the most effective actions on issues such as climate change are to be undertaken in a prioritized manner.

Archaic Legislation of the GVRD

Given that the GVRD operates its water and waste utilities under the decades old GVS&DD and GVWD Acts, it is bound by the functions and delegated powers in those legislative instruments. When engineering reports showed it would be technically and economically feasible to harness the potential energy of water released over the spillways at the Capilano and Seymour Dams, the GVRD found that it would not be able to legally sell any of the excess green power produced. The GVRD was not delegated such powers under the GVWD Act. In 2005, the GVRD requested that its GVWD Act be amended to allow the generation and selling of excess power to third parties such as BC Hydro (Hunt, 2005).

In her response, the Minister of Community Services indicated the provincial government is supportive of innovation in local government service provision and was particularly keen in local governments' interest in green initiatives (Chong, 2006). She described the GVWD Act as: "... the basic structure and powers of the Act are essentially the same as originally enacted. The objects under the Act are currently limited to acquiring and supplying water, and acquiring water rights. The original intent of the Act is very specific and limited, and the legislation is very prescriptive in nature." The Minister goes on to describe how the Greater Nanaimo Water District Act was repealed in 2004, with all the assets, liabilities, and operations transferred to the City of Nanaimo. This and other options for the GVRD could be examined. Ultimately, given the complexity and length of time it would take to repeal the GVWD Act, the quicker-fix solution of amending the Act was completed (Province of British Columbia, 2008). The GVWD Act now provides for the GVRD to generate and sell power derived from its water utility to third parties.

However, only the GVWD Act has been amended to enable the selling of power. The GVS&DD Act currently does not allow for the GVRD to generate and sell power derived from its sewerage and drainage utility. While it is technically feasible to generate biomethane from the wastewater treatment process, this green form of energy may not be sold to third parties as there is no provision under the GVS&DD Act. Both the GVS&DD and GVWD continue as legal entities and as such, new functions determined desirable by the Metro Vancouver Board but not covered under the existing language of the legislation requires provincial approval of amendments to relevant acts. Other regional districts unencumbered by such archaic legislation have the ability to expand their scope of functions without seeking provincial approval. Continual amendments to acts do not provide a complete solution as there is likely to be the desire by the Metro Vancouver Board to include additional scope in the future.

Strengths and Weaknesses of the Existing Regional Governance Framework

In 1997, when a small delegation of GVRD officials travelled to Toronto, Montreal, Boston, and San Diego searching for the holy grail of regional transportation governance, they returned not finding it. Instead, TransLink, a new kind of authority that included not just public transit, but also major roads, bridges, alternate modes of moving people, vehicle emissions testing, as well as transportation demand management was created like no other in North America. B.C.'s spirit of innovation in regional governance is particularly rich, with relatively unique structure of the Regional District Framework firmly in place.

Given its uniqueness, the examination of the strengths and weaknesses of the existing regional governance framework in B.C. is effectively done through examples of things that have been attempted and either worked well or did not. With the backdrop of the evolution of inter-municipal collaboration since the early settlement years to the present, an assessment of the strengths and weaknesses of the current system will be presented.

Strengths

- B.C. has had a long tradition of developing collaborative governance structures, initially driven by utility needs. This bottom-up approach to securing basic needs for the community, such as drinking water, sewage collection and transportation has led to mostly success in making such governance structures work. The principles of the same collaborative approach is detailed in the Growth Strategies Legislation such as: no new institutions, voluntary participation, a bias towards agreement, dispute resolution as a last resort, broad-based consultation, regional diversity and flexibility, no hidden provincial agendas, early provincial involvement and commitment. While the collaborative approach has hit a number of bumps along the way, the trend over time after legislative reviews has been for more collaboration rather than less. Perhaps this helps explain why the Vancouver area remains unamalgamated compared to other metropolitan areas in North America.
- The regional district legislation provides only the governance framework, with local officials largely determining for themselves what functions get housed into the shell. Each of the current regional districts is free to include functions that are a priority in their region. The issues of the rural areas will be different for the urban areas and the regional district framework allows each regional district to be constructed uniquely. One size does not fit all under B.C.'s regional district governance model and only those concerns that benefit from integrated decision-making are considered.
- The B.C. government has had a more hands-off approach to local government than other provinces. As an example, in Ontario there exists the Ontario Municipal Board that reviews and can override local government bylaws when no such agency exists in B.C. The environment in

B.C. has a long-held tradition of mutual respect of jurisdictional boundaries of various levels of government and a more collaborative approach to governance. The existence of the Union of B.C. Municipalities (UBCM) as well as the Council of Councils in the Metro Vancouver area which are enthusiastically attended by all invited levels of government attests the overwhelming desire for participant co-operation. It is evident that the provincial government uses forums like UBCM to sound-out ideas as it did when creating the regional district concept. This enthusiasm between the provincial and local governments has likely led to a good mutual understanding of one another's issues and motivations.

- As well, legislative instruments such as the Vancouver Charter and the Community Charter have delegated broad powers to the City of Vancouver and other B.C. municipalities, with some exceptions in the case of Metro Vancouver. The recent political climate has been such that the Provincial ministries are open to affording local governments greater powers and the tools to make their own decisions.
- While the regional district legislation can be credited for the efficient use of natural and public works resources, the Municipal Finance Authority should be recognized for streamlining and pooling local government credit for better access to financial instruments to fund capital projects.
- Compared to the frequent bankruptcies, ownership changes, unreliable and accident-prone transit services of the early years, the current system is fairly stable, operating reasonably well. The same can be said for inter-municipal collaborative work on flood protection, waterworks, provision of sewage and garbage collection.
- TransLink is the first of its kind to envelop transit, major roads and bridges, transportation demand management, vehicle air emissions testing, and other modes of transport such as cycling and walking. This more holistic approach to planning and managing a region's network for moving people and goods should yield better decision-making as it considers a broader range of factors. Similar arguments are made for the encompassing nature of the functions of regional districts.

Weaknesses

- Regional districts and major functions such as transportation are enacted by provincial legislation and thus subject to unilateral provincial decisions. The provincial government's purchase of B.C. Electric in the late 1950's, the creation of B.C. Hydro, B.C. Transit, the removal of regional planning powers, the downloading of roads and highways to municipalities, then the subsequent control of TransLink, underline the impositions of the provincial government. Such top-down approaches have caused negative feedback from local government and are not consistent with the collaborative approach. Provincial impositions in the future are likely inevitable, catalyzed by motivations of those in power at the provincial level.

- Regional districts have no other choice than to use collaborative approaches to perform. Regional districts are not a fourth level of government, but rather a partnership of its member municipalities. Because of this, regional districts cannot mandate decisions or unilaterally download responsibilities. Regional districts effectively fall under the same Local Government Act as municipalities and by necessity, rely on co-operation and negotiation to achieve consensus and conformity in carrying out their executive functions. Collective decision-making by its member municipalities determine the scope of services and functions for each regional district. Regional districts exist to serve the inter-municipal needs of its membership and decisions that favour some municipalities over another where there are claimed winners and losers can be challenging under this collaborative regime.
- Funding for transportation initiatives still requires provincial contributions. In the year 2000, TransLink released its first strategic plan that would take TransLink's annual costs from \$500 million in 1999 to over \$810 million in 2005. A new source of revenue to fund the plan included the implementation of an annual \$75 per vehicle levy which would generate about \$95 million. Communities south of the Fraser River initially opposed the vehicle levy, but through the course of negotiation, a modified vehicle levy was developed and narrowly approved by the TransLink Board in November 2000. At the time, matters pertaining to TransLink taxation required approval by the GVRD Board, which they received in the following month. However, despite the decisions of the TransLink and GVRD Boards, the minister responsible for TransLink at the time, announced that the provincial government led by Ujjal Dosanjh would not support the signing of an order-in-council enabling the collection of a vehicle levy. Had there been provincial representation on the TransLink Board as it was originally designed, the surprise ending could have been avoided. With the rug pulled out from under its financial support, TransLink had no choice but to scale back its improvement plans for the bus network, SkyTrain, and major roads. This fiasco made the TransLink Board appear incompetent and ineffective in executing on decisions it makes.
- Regional district board members are appointed by its member municipalities that are given a set number of seats, normally apportioned based on its population. The appointees are mayors and councillors who were elected into office by their constituency. While the appointed board member is presumably accountable to his council, there is no direct line to the tax-paying public.
- For the GVRD, the existence of the archaic Greater Vancouver Sewerage and Drainage District Act and the Greater Vancouver Water District Act often holds it back from increasing its business efficiency. With its substantial public works infrastructure and the worldwide call for energy and materials conservation, the Acts place road blocks for the utility to undertake innovative projects like the City of Vancouver's South False Creek sewer heat recovery installation. The key issue being that the GVRD does not have the authority to own and operate infrastructure for the express purpose of generating energy.
- Regional land use planning is done apart from transportation planning, with two separate entities and boards making decisions. Ken Cameron, former manager of GVRD's Policy and

Planning Department says this needs to be fixed to establish the Vancouver area as a sustainable region (Harcourt & Cameron, 2007): “Our consensus approach to regional governance has run out of gas. Without a concerted effort to restore the ability of local and provincial governments to plan and act together with the involvement of the private sector and citizens, we will slide into the path of the poorly planned, auto-dependent, non-inclusive communities that we see elsewhere in North America. As important as the achievements of the past sixty years are, they are mainly about physical things: farmland, floodplain, neighbourhoods, transportation systems, land use. The future of the region is more than this. We must be able to chart a course that will take us towards sustainability . . .”

Conclusions

In British Columbia, there exists a long history of inter-municipal collaboration formalized through the creation of legal entities to undertake municipal utility services which is undeniably a bottom-up process. This long history of collaboration is deeply rooted in how new challenges are approached in doing things the “B.C. way.” Perhaps the real reason stems from the early settlers in Vancouver recognizing the water resources that nature had blessed the area and that it should not be monopolized by one person, one company, or one municipality alone. The mantra could have been that water, as fundamental as food, ought to be shared by all citizens of the region.

Top-down approaches where the provincial government directs or imposes requirements to local governments have resulted in strong opposition by councils and are often deemed failures. The strength of the collective municipal voice across the entire province of B.C. is highly organized through the Union of British Columbia Municipalities, whose origins go back to 1905. The early formation of UBCM likely helped to reduce the number of top-down approaches by the provincial government and provided good feedback on regional governance models in that they should not be one size fits all.

The regional district model introduced in 1965 succeeds because the legislation mostly provides a framework for each regional district and minimizes mandated functions that it must perform. The local government, as members of the regional district defines the functions it undertakes. Given this flexibility, every regional district has the opportunity to uniquely determine its functions as it suits the requirements of the area.

Since 1965, the regional district governance model has survived a number of legislative reviews, and each time changes have been made mostly in the direction of giving regional districts greater powers, streamlining the decision process, and enhancing flexibility for opting in or out of certain functions.

The strength of early inter-municipal collaborative work in the form of the Greater Vancouver Water District and the Greater Vancouver Sewerage and Drainage District leaves a legacy of archaic legislation that often struggles to work coincidentally with desired new directions. Unlike the provincially set community planning areas, many improvement district structures survived the creation of regional districts in the mid 1960’s and coexist within its boundaries. Adding new scope to regional districts

unencumbered by aging acts is as simple as Board approval; while the GVRD often requires provincial legislative approval to amend its GVWD or GVS&DD Act.

The early collaborative work was founded on utilitarian community need. Utility needs tend to be straight-forward given that the primary motivator is service delivery efficiency. The recent issues are more complex, philosophical, and spatially far-reaching. The design of utilities is largely an exercise in physical feasibility and economics, where the overwhelming objective is to provide the best service at the lowest cost. This is easy compared to decisions that have apparent winners and losers as in transit decisions, or where the overall effectiveness on global issues such as climate change is unclear.

The key question to be seen is if future issues are more complex than those of the past, can the existing regional district model adapt to address those needs? The existence of regional districts for more than 40 years is a testament to their success. At the same time, the recent issues identified pertain mostly to the metro areas and less so in the more rural districts. This could point to the need for an adjustment to the regional district model that formally recognizes the differences between the urban and rural areas and addresses them through different governance structures. These differences and options to accommodate them are the topic of future work.

References

- Bancroft, W., Folz, H., Taylor, R., & Crawford, M. (2006). *Union of British Columbia Municipalities: The First Century*.
- BC Legislative Assembly, 29th Parliament. (1971, March 30). Official Report of Debates of the Legislative Assembly (Hansard). Victoria, B.C.
- BC Legislative Assembly, 36th Parliament. (July 29, 1998). *1998 Legislative Session: 3rd Session, Official Report of DEBATES OF THE LEGISLATIVE ASSEMBLY*. Victoria, B.C. .
- BC Legislative Assembly, 38th Parliament. (2007, November 19). 2007 Legislative Session: Third Session, 38th Parliament, Official Report of DEBATES OF THE LEGISLATIVE ASSEMBLY. *Vol. 24, No. 9* . Victoria, B.C.
- Berris, C. R. (1982). *Coastal Planning and Management: A Framework for the Sunshine Coast Regional District: Summary*. Toronto.
- Bish, R. L. (1999). *Regional District Review, 1999: Issues and Inter-jurisdictional Comparisons*. Victoria: University of Victoria, School of Public Administration, Local Government Institute.
- British Columbia Department of Municipal Affairs. (1970). *A Guide to Municipal and Regional District Administrative Procedures*. Victoria, B.C.
- British Columbia Department of Municipal Affairs. (1970). *A guide to municipal and regional district financial management*. Victoria, B.C.
- British Columbia Department of Municipal Affairs. (1971). *Regional Districts in British Columbia*. Victoria, B.C.
- British Columbia Department of Municipal Affairs. (1969). *The Regional District Concept*.
- British Columbia Ministry of Community and Rural Development. (2009). *Climate Action Charter*. Retrieved October 2009, from Ministry of Community and Rural Development: http://www.cd.gov.bc.ca/ministry/whatsnew/climate_action_charter.htm
- British Columbia Ministry of Community Development. (2008). *Statistics Relating to Regional and Municipal Governments in BC 2008: Summary of Regional Districts*. Victoria, B.C.
- British Columbia Ministry of Community Services. (2006). *A Primer on Regional Districts in British Columbia*. Victoria, B.C.

- British Columbia Ministry of Community Services. (2006). *Improvement District Governance: Policy Statement*. Victoria, B.C.: Crown Printers.
- British Columbia Ministry of Community Services. (2006). *Regional Growth Strategies: An Explanatory Guide*. Victoria: British Columbia Ministry of Community Services.
- British Columbia Ministry of Community Services. (2007). *Regional Service Reviews: An Introduction*. Victoria, B.C.
- British Columbia Ministry of Community, Aboriginal and Women's Services. (2004). *Improvement District Conversion Guide*. Victoria, B.C.
- British Columbia Ministry of Finance. (June 24, 1999). *Public Accounts of British Columbia 1998/99: British Columbia Transit*. Victoria, B.C.
- British Columbia Ministry of Municipal Affairs and Transit. (1986). *25 Common Questions on Proposed Regional District Legislation*. Victoria, B.C.: Queen's Printer.
- British Columbia Ministry of Municipal Affairs. (1995). Growth Strategies Statues Amendment Act. Victoria.
- British Columbia Ministry of Municipal Affairs. (1987). *Proposed Regional District Legislation: A discussion paper*. Victoria, B.C.
- British Columbia Ministry of Municipal Affairs. (1989). *Rural Service Delivery and Governance in BC*. Victoria: unpublished work.
- British Columbia Ministry of Transportation. (November 29, 2007). *Greater Vancouver Transportation Authority Amendment Act*. Victoria, B.C.
- Campbell, Dan; Regional District Review Committee. (1983). *Capital Regional District Review*. Victoria, B.C.: British Columbia Ministry of Municipal Affairs.
- Campbell, Dan; Regional District Review Committee. (1984). *Greater Vancouver Regional District Review*. Victoria, B.C.: British Columbia Ministry of Municipal Affairs.
- Carline, J. (March 16, 2006). *Possible Changes to GVRD Legislation*. Burnaby.
- CBC British Columbia Report. (2007). *Historic Floods - 1894 & 1948*. Retrieved February 20, 2010, from <http://www.cbc.ca/bc/features/floodwatch/historic-floods.html>
- Chong, I. (2006, February 20). (letter to Lois Jackson, Chair of GVRD Board). B.C.
- Collier, R. W. (1972). The Evolution of Regional Districts. *15* (Autumn; pp. 29-39.).
- Davis, C. (1997). *The Greater Vancouver Book: An Urban Encyclopaedia*. Linkman Press.
- Davis, C. (1997). *The Greater Vancouver Book: An Urban Encyclopedia*. Vancouver: Linkman Press.

Eco-Research Chair of Environmental Law & Policy. (1998). *A Capital Idea : Alternative Approaches to Growth Management for the Capital Regional District*. Victoria, B.C.: South Island Sustainable Communities Network.

Ewert, H. (1986). *The Story of the B.C. Electric Railway Company*. Whitecap Books.

Goldenberg, H. C. (1947). *Provincial-Municipal Relations in British Columbia*. Victoria, B.C.: King's Printer.

Greater Vancouver Regional District. (December 14, 2001). *Advancing federal government objectives in urban regions: a position paper prepared by the Greater Vancouver Regional District*. Burnaby, B.C.

Greater Vancouver Regional District. (June 1997). *Comprehensive Regional Water Supply Study - Task Memo 2: General Description of District and Facilities*. Burnaby, B.C.

Greater Vancouver Regional District. (January 1994). *Greater Vancouver's Water System*. Burnaby, B.C.

Greater Vancouver Regional District. (1996). *GVRD Strategic Planning Committee - Transportation Governance Summary Report*. Staff Report, Burnaby.

Greater Vancouver Regional District. (1996). *Livable Region Strategic Plan*. Burnaby.

Greater Vancouver Regional District. (1978). *Submission of the Greater Vancouver Regional District to the Regional District Review Committee*. Burnaby, B.C.

Greater Vancouver Regional District. (1997). *Transportation Governance and Funding Workshop*. Staff Report, Burnaby BC.

Greater Vancouver Regional District. (Dec. 1997). *Water: A Community Resource*.

Greater Vancouver Transportation Authority. (June 30, 2004). *Minutes of the regular meeting of the Greater Vancouver Transportation Authority (GVTA) Board of Directors*. Burnaby, B.C.

Grinnell, M., Doyle, D., & Duzita, W. (January 26, 2007). *TransLink Governance Review: An Independent Review of the Greater Vancouver Transportation Authority*. Burnaby, B.C.: (TransLink Governance Review Panel).

Harcourt, M., & Cameron, K. (2007). *City Making in Paradise - Nine Decisions That Saved Vancouver*. Vancouver: Douglas & McIntyre Ltd.

Harrison, A. T. (2006). *Regional District of Central Okanagan: A look into the past*. B.C.

Hunt, M. (2005, December 2). Re: Request for Changes in GVRD Statutes. (*letter to Minister of Community Services*) . B.C.

Lea, R. S. (1913). *The Lea Report*.

Lingwood, B., Cameron, P., & Shaffer, M. (1997). *Recommended Agreement on Transportation Governance and Funding for Greater Vancouver*. Negotiator's Report, Burnaby.

Metro Vancouver, L. D. (2009). personal communication. (P. Kadota, Interviewer)

Pond, H., Gaetz, S., Martin, R., Capri, K., & Hunt, M. (Sep. 5, 2007). 2007 Environmental Action Plan. *Policy Paper #1*.

Province of British Columbia. (2008). Bill 27 - Local Government (Green Communities) Statutes Amendment Act, 2008. Victoria, B.C.: Crown Printers.

Province of British Columbia. (2008, May). Greater Vancouver Water District Act (2008). B.C.

Province of British Columbia. (1996). Local Government Act [RSBC 1996] Chapter 323, (1996). Victoria, B.C.

Province of British Columbia. (1998). *Master implementation agreement between the Province of British Columbia and the Regional District of Nanaimo regarding the growth management plan for the RDN*. Nanaimo, B.C.

Province of British Columbia, Regional District Review Committee; Chairman, Rendina Hamilton. (1978). *Report of the Committee*. Vancouver, B.C.: Ministry of Municipal Affairs and Housing.

Puil, G., Cameron, K., & Rock, C. (1999). The Greater Vancouver Transportation Authority (TransLink) - An innovation in transportation governance and funding. *Sixth International Conference on Competition and Ownership in Land Passenger Transport*. Cape Town, South Africa.

Rawn, A. M., Oliver, J., & Gilman, H. C. (Sep. 1953). *Sewerage and Drainage of the Greater Vancouver Area British Columbia*.

Ray, H. (Dec. 1960). *Final Report of the Metropolitan Joint Committee to the Minister of Municipal Affairs*. British Columbia: Metropolitan Joint Committee.

Russo, S. (2009). Regional Governance Initiatives. *Unpublished manuscript* .

Stump, G. (May 27, 1998). *GVRHD transition options: Service and asset transfer*. Burnaby, B.C.: Greater Vancouver Regional District.

Union of BC Municipalities. (1953). Minutes of the 50th Annual Convention of the Union of British Columbia Municipalities Union of BC Municipalities. October 28th, 29th and 30th.

Union of BC Municipalities. (1955). Minutes of the 52nd Annual Convention of the Union of British Columbia Municipalities. October 5th, 6th and 7th.

Union of BC Municipalities. (October 3rd, 4th and 5th, 1956). Minutes of the 53rd Annual Convention of the Union of British Columbia Municipalities.

Union of BC Municipalities. (1957). Minutes of the 54th Annual Convention of the Union of British Columbia Municipalities. September 25th, 26th and 27th.

Union of BC Municipalities; BC Ministry of Community Services. (2005). *Introduction to Regional Districts: Communities in Partnership*.

Vance, K., & Wright, J. (2005, January 26). *Member Notice, Union of British Columbia Municipalities*. Retrieved November 2009, from UBCM Resources and Links / Documents / Policy Topics / Environment: http://www.ubcm.ca/library/default.aspx?folder=Publications~UBCM_News

Wales, T. (2008). *The Road Less Travelled - TransLink's Improbable Journey from 1999 to 2008*. TransLink.