

Tsawwassen Treaty Negotiation
Intergovernmental Relations Technical Working Group
Workshop #2 - Governance in the Region
June 23, 2004
(Greater Vancouver Regional District Offices)
Final

Attendees:

Tsawwassen First Nation, Tanya Corbet, Dan Millette
GVRD: Johnny Carline, Marino Piombini
Corporation of Delta: Mayor Lois Jackson, George Harvie, John Dumont
LMTAC: Ralph Drew, Kirstie Pirie, Regan Schlecker
BC: Ellen Frisch
Canada: Margo Novak
Consultant: Tom Reid, Sussex Consultants
Chair, John Waddell, QC

Observers:

Martha Anslow, Ministry of Community, Aboriginal and Women's Services
Councillor Candace Gordon, Maple Ridge
Joan Green, Corporation of Delta
Debbie Miller, Chief Negotiator, Katzie First Nation
Mary Tate, Delta Treaty Advisory Task Force

9:20 Start

Tom Reid provided a PowerPoint presentation on Local Government and the GVRD, which covered the GVRD structure, roles, functions and finances and ended with a case study of Bowen Island. The highlights were:

- GVRD is a regional government based on a confederation of members with regional functions including; liquid and solid waste management, air quality, regional parks, water, housing, strategic planning and general government services.
- In some unique circumstances GVRD also provides local services to Electoral Area A, UEL/UBC and administers a local service area agreement between Belcarra and Anmore for fire services (Sasamat fire department).
- GVRD membership and service are not uniform. Not all GVRD members receive regional services and have opted out of water or sewer services (White Rock and Bowen Island respectively). Also, the Livable Region Strategic Plan does not apply on Bowen Island.
- Each board draws its Directors from the member governments, whose votes are weighted based on population.
- Member municipalities range in population from Belcarra the smallest to Vancouver the largest by a factor of more than 700. Utilizing the minimum one vote per member government concept, small local governments have relatively

stronger voting strength by population than larger governments. However, larger governments have the greater number of votes based on population.

- Member local governments select their GVRD Directors. Area A residents vote directly for their Area A Director. There are also a number of standing committees that are comprised of no less than 50% GVRD directors.
- Financing: GVRD is ‘fund based’. Fees, rents and levies are collected for use by specific funds (i.e. water, sewer, housing).
- GVRD operational costs are apportioned to the member governments annually based on the assessed tax base. Member governments in turn pass on the regional costs through the property tax. The tax base is weighted toward the commercial base in that commercial properties bear a greater proportion of the tax burden than residential. The GVRD ratio for industry, established by the Province is 3.4 times the rate for the residential owner. Municipal governments may establish their own tax rates for different classes of property. Therefore municipal governments with similar population statistics may have significantly varying tax bases based on the amount of industrial development within their borders.

Industrial development = ↑ higher tax assessment = ↑ proportion of GVRD costs.

- Bowen Island incorporation (1999): The significant issues driving incorporation were:
 - coordination of zoning and greater local control over zoning and bylaw decisions and infrastructure management (i.e. water and sewer).
 - Financial flexibility. Not ‘fund bound’ as a Regional District is (i.e. sewer). GVRD had built and managed a sewer treatment plant on Bowen Island. BI determined it was more cost-effective to take over the ownership and management of the sewage system, rather than join the GVS&DD and contribute toward the GVS&DD administrative overhead costs.
 - BI gained obligations, but also gained different funding opportunities through provincial government, not available directly to a Regional District.

10:00 Discussion

Highlights

GVRD Finances:

- In response to a question about whether GVRD has determined if the ‘apportionment’ mechanism for recovering expenses from local governments actually covers the true costs, GVRD noted that a general review has been done and the larger municipalities tend to over-finance and the smaller municipalities tend to under-finance. It was noted that regional ‘benefits’ are not always distributed evenly in that 50% of GVRD’s budget goes to the management of the regional parks system and some municipalities like the City of Vancouver do not have a regional park within their boundary. Therefore the cost recovery system is really about region-wide services that may not always be distributed equally.

- Water is not provided as a ‘core’ service, but through the GV Water District as it is a fee for service. The greater region subsidizes infrastructure projects throughout the region. Over time this will benefit all communities as infrastructure is upgraded. Delta noted that it has another water supply it manages; that only a portion of Delta’s water is obtained from the GVRD. It was further noted that the annual budget for Delta’s water utility was in excess of \$10 million dollars annually for capital and operating expenses.

10:20 to 10:30 Break

GVRD Governance & Intergovernmental relations:

- GVRD noted that the issues are complex, but the decision making mechanisms are straight forward and work well. Certain regional functions are indivisible such as air quality and parks.
- Delta noted that the efficiency of GVRD board governance should be considered given the existing complexities and relative voting weight toward the smaller municipalities if the number of Directors were to increase up to 10. It was acknowledged that the present voting arrangement is an arithmetic equation that could be adjusted in the future.
- Delta noted that efficiency of GVRD board governance should be considered given the existing complexities and relative voting weight toward the smaller municipalities if the number of Directors were to increase up to 10.
- GVRD representation is an arithmetic equation that could likely be adjusted.
- LMTAC highlighted that a key reason to incorporate is to provide or have greater control over service provision to local residents. Some communities do not need to receive certain services from GVRD; i.e. White Rock has its own water source and does not participate in GVWD, and BI operates own sewage treatment plant and not a member of GVS&DD.
- In response to why BI would choose to deliver its own services, GVRD noted that GVRD is not set up to deliver local services. By providing local services, GVRD must pass along a portion of their administrative overhead costs. BI believed it would benefit by delivering services itself and foregoing the costs of GVS&DD’s complex administrative regime. BI already had a local sewer committee and believed that operating the plant independently was more economical.
- GVRD provides corporate structure for intergovernmental agreements, as is the case of the Sasamat Fire Department (an example of a local service provided by GVRD). The 2 member municipalities agree to have GVRD provide the fire protection service and pay the apportioned costs levied by GVRD. Another example of five municipalities coming together for mosquito control purposes was provided.
- GVRD was queried about its obligations to deliver services to member municipalities that are not part of the Livable Region Strategic Plan, and

noted in response that there are issues with servicing an entity that is not bound by the LRSP.

- Delta emphasized the information in the Delta Engineering Department Report (May 5, 2004) distributed at the last meeting. In particular, Delta's infrastructure is guided by the OCP and that limited growth is projected for South Delta and Delta's sewer system is basically at capacity and cannot accommodate additional growth.
- Efficiency of GVRD board governance should be considered given the existing complexities and relative voting weight toward the smaller municipalities if the number of Directors were to increase up to 10. It was noted that representation is an arithmetic equation that could likely be adjusted.

Regional Sewer Services/Issues:

- GVRD noted that permission must be given by the GVS&DD to connect into the GVS&DD sewer system. The GVRD is bound by the LRSP and has the authority to approve sewer connections right down to the individual hook-up.
- Delta provided a historical overview of sewer development in South Delta in the 1970s and confirmed that Delta is unique in that they own and manage those sewer trunks independently of the GVS&DD. Pre-LRSP, Delta sought to extend the sewer trunk line. GVRD did not concur so Delta built the infrastructure independently. To 'twin' the existing sewer trunk lines in South Delta would cost approximately \$20-\$25 million
- Examples of other independent sewer initiatives include:
 - Bowen Island: which took over the sewage treatment service from GVS&DD
 - Langley: Had their own sewage system which became regional.
- TFN is not presently within the GVS&DD. If post-treaty they are within electoral Area A, does that mean they automatically become members of the GVS&DD? GVRD noted that membership in GVS&DD requires a resolution of the Board.
- Katzie First Nation noted that they made application to join GVS&DD in order to connect to the sewage treatment plant in Langley Township and were declined. GVRD noted that GVRD provides services through member municipalities and recommended that Katzie approach Langley Township directly.
- Delta noted that it has had its own applications to extend the GVS&DD boundary declined and had to build its own sewage treatment center for 750 employees at its works yard. Also that Tsawwassen Lands do not abut GVRD sewage lines, therefore for sewage services, Tsawwassen Government would have to acquire this service through the Corporation of Delta.
- It was noted that the post-treaty status of the Tsawwassen Government is unclear (e.g. if Tsawwassen will be part of Electoral Area A or whether it can become a member municipality).

- Discussion ensued regarding legislative amendments and it was noted that BC's settlement legislation could amend existing legislation to provide for servicing scenarios. Delta noted that notwithstanding a legislated service agreement on sewers, Delta does not have sewage capacity.
- GVRD noted the importance of GVS&DD authority for source control for sewers; conduct inspections, monitor or close down a facility.
- **How servicing capacity limits are addressed?** GVRD noted that its 1st priority is to maintain the existing system. 2nd priority is upgrading the system to keep it functioning...collecting additional information to determine when, for example, an entirely new water reservoir is required. The GVRD policy is to manage the demand. Municipalities agree to these parameters when acquiring the service (i.e. sprinkling regulations)
- **To what degree to do local government bylaws regarding sewer and storm water pollution need to be harmonized with GVRD?** GVRD noted storm water collection system is separate from the sanitary sewer system, except where some older pipes exist and the two remain together. The GVRD has a Liquid Waste Management Plan which establishes broad parameters for liquid waste disposal. GVRD is bound by federal and provincial laws and regulations. There are regional bylaws pertaining to sewer use to ensure certain pollutants don't enter. Storm sewers that do not go into the community sewer are local governments' responsibility.
- **Point Roberts:** The water servicing arrangement was discussed. Delta explained that in the 1970's a number of high profile Delta residents owned cabins in Point Roberts. A negotiated agreement with GVRD was struck that provides Point Roberts with a quantity of water for a fixed amount of money. Point Roberts obtains its water through the Corporation of Delta as this is the policy of GVRD. One downside of this arrangement is that there is no mechanism to bind Point Roberts to GVRD water use bylaws, such as summer watering restrictions.
- **What are the provisions in GVRD legislation or policy that allow GVRD to sell water or provide local services directly to non-member groups (i.e. UEL)? Is there a general policy on rates to non-members?** Service provision directly to UEL is part of the GVRD legislation. There is no specific policy on the rates. GVRD can not sell water to a non-member.
- **Given a post-treaty scenario with Tsawwassen being outside the boundaries of the Corporation of Delta and within Area A, or some form of incorporated government, what are Tsawwassen's options for acquiring services from GVRD?** GVRD noted it is not sure on the next steps given all the 'unknowns'. An example was provided of how GVRD had asked Coquitlam and Port Coquitlam to come to formal agreement on sewer extension for Coquitlam that stood to temporarily disrupt roads and access in Port Coquitlam. GVRD will not impose an arrangement on one municipality to benefit another and tasked them with completing a formal arrangement on road re-construction and clean up following the laying of the sewer line.

- **Tsawwassen asked for copies of deals or arrangements for sewer and water services to the BC Ferries and VPA and queried how the VPA expansion has affected Delta's servicing planning.** Delta noted that the VPA terminal has its own sewage treatment plant and the expansion is not expected to significantly increase the number of employees. Delta's priority issue with VPA expansion is the traffic. BC Ferries has assured Delta that the volume of ferry traffic and rider-ship will not significantly increase so there are no foreseen water/sewage service capacity issues for the ferry terminal.
- **What services does Delta presently provide to Tsawwassen First Nation?** Delta noted that it provides water, firefighting, recreation and first responder service free of charge to Tsawwassen First Nation members. Tsawwassen queried the summary and noted that its policing arrangement is with RCMP of Surrey. Delta Police provide first responder service to Tsawwassen reserve if response is needed immediately and if requested from the RCMP. Delta explained its financial offer related to provision of emergency services to Tsawwassen, which was based on a % of assessed value for other ratepayers in Delta, translated to \$ based on a % of assessed value for Tsawwassen. The health and safety of the residents is the primary concern.
- Delta noted that the next level of issues to be addressed is the development proposals of Tsawwassen First Nation. This is a practical matter of what services are necessary based on the development plans of TFN. Tsawwassen observed that there are a number of unique or 'oddball' arrangements within the GVRD. One size does not fit all. In order to move along in defining what the Tsawwassen government relationship may be with GVRD, it would be helpful to explore the exceptions within the current model. Delta reiterated that GVRD is a federation of municipalities and queried the use of expanding the number of exceptions. Delta also maintains that if a precedent is set for one First Nation vis a vis representation (1 government = 1 vote), this would need to be addressed for the nine other First Nations in the GVRD. Enlarging the Board would lead to absolute regional breakdown. If GVRD Board Members were to realize the voting power of the smaller municipalities the big cities wouldn't like this arrangement.

To Do:

- GVRD to provide a copy of GVWD's agreement with Point Roberts.
- GVRD to compile a list of unique or "oddball" arrangements within GVRD, building on the chart above.
- Tsawwassen to research availability of cost information on the existing sewage treatment plant and the contract with Canada.

GVRD – Unique Arrangements

UEL	Water - purchases directly from GVRD at premium Policing – Richmond RCMP
UBC	Water - purchase water from UEL
Belcarra/Anmore	Sasamat Fire Department
Bowen Island	Not part of GVS&DD. LRSP does not apply.
White Rock	Not part of GVWD
Area A	Fire Service – pay for it separately Water – directly from GVRD at a premium
Barnston Island	Water: Not part of GVWD, purchases from Surrey
	Mosquito Control: 5 municipalities have joined to receive mosquito control services f
Abbotsford	Parks Only