

# **AKBLG**

## **2018 Resolutions**

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## RESOLUTIONS FOR LOCAL ACTION

None.

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**RESOLUTIONS FOR CONSIDERATION FOR UBCM**

**1. AKBLG – Scheduling of Legislative Assembly.**

**WHEREAS** we see significant value for building awareness and collaborative potential between local government and provincial government that is facilitated by the potential presence of Members of the Legislative Assembly of BC being able to attend annual gatherings of the various Local Government Associations' membership,

**BE IT RESOLVED** that the Province of BC be requested to consider setting their schedule for sessions of the Legislative Assembly to allow for MLAs to attend LGA AGMs.

**AKBLG Comments:**

This resolution will be withdrawn at the convention, and AKBLG will be added as a co-sponsor of the similar resolution regarding scheduling of regional Local Government Association meetings and the Legislative Assembly that is sponsored by RDCK.

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**2. Castlegar – Community Charter Definition of Parcel 18-11 Interior Lot Lines**

**WHEREAS** there are a number of properties in the City of Castlegar that contain more than one parcel and will attract more than one parcel tax when one is imposed using section 200 and 201 of the Community Charter;

**AND WHEREAS** the provisions of the *Community Charter* with respect to the definition of a parcel and the creation of a parcel tax assessment roll are inconsistent with the *Assessment Act* and are unfair to property owners while limiting municipalities from equitably distributing a parcel tax burden;

**THEREFORE BE IT RESOLVED** that the Province of British Columbia considers revising the *Community Charter* to include the provision that is included in the *Assessment Act* in chapter 20, part 1, section 5:

*Splitting and Grouping of Parcels*

*If a building or other improvement extends over more than one parcel of land,*

*those parcels, if contiguous, may be treated by the assessor as one parcel and assessed accordingly;*

*UBCM comments:*

*The UBCM members considered the same resolution 2017-B81, and it was not endorsed.*

*In 2017, the Resolutions Committee noted that the membership had not considered this request previously.*

**AKBLG Comments:**

Recommend endorsement.

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**3. Elkford – Venting Index in BC**

**WHEREAS** British Columbia communities have been experiencing the burning of brush piles that create smoke that lingers low to the surface;

**AND WHEREAS** the burning of brush piles is sometimes authorized based on the venting index established in distant centres;

**AND WHEREAS** the establishing of the venting index does not always represent the venting conditions in the area around the affected communities thus affecting the health and safety of the residents;

**THEREFORE BE IT RESOLVED** that UBCM be requested to lobby the Province of BC, Ministry of Environment and Climate Change Strategy to develop more venting indexes that would be representative of the venting conditions in all areas of British Columbia.

*UBCM comments:*

*The UBCM membership has not previously considered a resolution requesting that the Province develop additional venting indexes in BC.*

*However, the membership endorsed a related resolution, 2016-B24, which asked the Province to introduce new regulations to further limit or ban the burning of wood debris piles on private and crown lands within community air-sheds, in an effort to improve seasonal air quality.*

*In response to resolution 2016-B24, the Province noted that the Open Burning Smoke Control Regulation governs the burning of vegetative material, and that it is currently under review. A policy proposal was posted for public review in April 2016, and would create three smoke sensitivity zones in the Province.*

**AKBLG Comments:**  
Recommend endorsement.

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4. **Grand Forks – Request for Increased Court Access**

**WHEREAS** the Provincial Government is committed to improving access to justice and the courts, and appoints and pays judges for the courts;

**AND WHEREAS** rural communities typically make do with a part-time circuit judge once a month, while hundreds of millions of dollars has been allocated to improving court access in urban centers;

**THEREFORE BE IT RESOLVED** the Provincial Government mandate increased access to the courts in rural BC by providing a bi-monthly circuit court judge so that routine court matters may be dealt with in a more expedient manner.

*UBCM comments:*

*The UBCM membership has not previously considered a resolution requesting bi-monthly visits to unstaffed circuit court sites by provincial court judges.*

*The membership endorsed 2011-B9, requesting the Province increase judicial resources. In response, the Ministry of Attorney General noted its recent human resource additions as well as its goal to provide a high level of judicial resources within budget constraints.*

**AKBLG Comments:**  
Recommend endorsement.

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5. **Grand Forks** – Amend Criminal Justice Branch Charge Assessment Guidelines

**WHEREAS** the criminal justice system is a foundation of Canadian society that plays an important part in maintaining a just, peaceful and safe society;

**AND WHEREAS** in BC, police do not have authority to lay charges as in other provinces, and unlike other provinces, the BC Crown Counsel requires a “**substantial likelihood of conviction**” criteria for laying charges;

**THEREFORE BE IT RESOLVED** the Provincial Government drop the burden of proof criteria for Crown Counsel in the laying of criminal charges from a “**substantial likelihood of conviction**,” to a “**reasonable likelihood of conviction**.”

*UBCM comments:*

*The UBCM membership has not previously considered a resolution requesting the provincial government amend the burden of proof criteria for Crown Counsel to lay criminal charges.*

**AKBLG Comments:**

Recommend endorsement.

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6. **Grand Forks** – Request for Additional Crown Counsel Lawyers

**WHEREAS** property crime rates have increased throughout the province, and the more borderline criminal cases are not going to trial because crown counsel resources are stretched too thin;

**AND WHEREAS** it is the Crown Counsel who lays charges and prosecutes in criminal matters;

**THEREFORE BE IT RESOLVED** the Provincial Government increase the number of Crown Counsel lawyers to adequate levels to keep better pace with the growing criminal caseload.

*UBCM comments:*

*The UBCM membership has not previously considered a resolution requesting the provincial government increase the number of Crown Counsel lawyers.*

However, the membership endorsed 2011-B9, requesting the Province increase judicial resources. In response, the Ministry of Attorney General noted its recent human resource additions as well as its goal to provide a high level of judicial resources within budget constraints.

The UBCM membership notes that while property crime rates increased 0.9% between 2015 and 2016 (according to the most recent BC provincial crime statistics report), the property crime clearance rate also improved by 1.4%.

The membership requests that the sponsor clarifies the number of Crown Counsel lawyers which would equate to “adequate levels,” as well as how “keeping pace with the growing criminal caseload” would be measured?

**AKBLG Comments:**

Recommend endorsement pending amendment to clarify “adequate levels”.

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**7. Nelson – Fossil Fuel Companies**

**WHEREAS** products produced by fossil fuel companies have been significant contributors to GHG emission with their resulting impact on climate change;

**AND WHEREAS** local governments have and will continue to incur infrastructure costs to address the effects of climate change in their communities;

**THEREFORE BE IT RESOLVED** that UBCM urge the Province of British Columbia to impose a tax that applies to fossil fuel companies and that the taxation collected be used to support British Columbia communities in funding infrastructure costs resulting from the effects of climate change.

*UBCM comments:*

*The UBCM membership has not previously considered a resolution that asks the Province to impose a tax on fossil fuel companies that would be used to support communities in funding infrastructure costs resulting from the effects of climate change.*

*However, the membership endorsed a related resolution, 2012-B20, which request that UBCM advocate for a share of resource revenues being returned to communities in recognition of the*

services and infrastructure that is provided by local governments.

UBCM members have previously sought opportunities for new revenue sources, most recently through the 2013 Strong Fiscal Futures Policy Paper, in which one element addresses the need to expand other revenue tools available to local governments and sharing in the benefits of economic growth.

**AKBLG Comments:**

Recommend endorsement.

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**8. Nelson – Cannabis Tax Revenue Sharing**

Whereas the Government of Canada will legalize the use of recreational cannabis in July 2018;

**AND WHEREAS** legalization of recreational cannabis will result in new costs to local governments for enforcement, licensing requirements, inspections, education and awareness;

**THEREFORE BE IT RESOLVED** that UBCM lobby the Province of British Columbia to provide fifty (50) percent of the provincial share of the cannabis tax sharing formula to British Columbia local governments.

*UBCM comments:*

*The UBCM membership has endorsed several resolutions related to the equitable distribution of cannabis taxation revenue, including resolutions 2017-LR1 and 2016-A3.*

*In response to resolution 2017-SR1, the Province cited the current work of the Joint Provincial-Local Government Committee on Cannabis Regulation (JCCR), and committed to working with local governments to address issues such as revenue sharing, and costs experienced by local governments as a result of cannabis legalization. The JCCR provides a forum for local governments to share their experiences and knowledge, and discuss issues of interest or concern with the Cannabis Legalization and Regulation Secretariat. Since October 2017, local governments and the Province have worked collaboratively to develop a BC framework for non-medical cannabis legalization, and in the process gain understanding of local government responsibilities and costs associated with legalization. Once a thorough understanding of these costs and responsibilities has been achieved, UBCM will engage the provincial government regarding cannabis excise tax revenue sharing. The UBCM Executive has endorsed a principled approach that focuses on the following:*

1) Cannabis legalization should not result in additional local government funding by property taxpayers.

2) Local governments should be reimbursed for costs associated with the implementation of legalized cannabis.

3) Local governments should be reimbursed for any additional policing costs resulting from cannabis legalization.

4) Remaining excise tax revenue (after taking out expenses incurred as part of principles 1-3 and the federal share) should be shared between the Province of British Columbia and local governments.

*In response to resolution 2016-A3, the provincial government noted that the issue of cannabis taxation would be addressed after the regulatory framework was completed; and that any transfer of taxation revenue to local governments must first consider the Province's need to fund the regulatory framework and essential services impacted by cannabis.*

*It is currently unclear if non-medical cannabis will be legalized by July 2018 or at a later date in 2017, given the need to approve federal legislation (Bills C-45 & C-46) and provide a transition period (estimated at 8-12 weeks) to allow stakeholders to prepare for legalization.*

**AKBLG Comments:**

Recommend endorsement and suggest an amendment to acknowledge and/or support the four principles of the current UBCM approach.

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**9. Nelson – Rural Needs Act**

**WHEREAS** provincial policy development tends to be focused on research obtained from the larger urban areas;

**AND WHEREAS** there can be a lack of consideration for the impact to the province's rural communities when adopting legislative changes and policy;

**THEREFORE BE IT RESOLVED** that UBCM petition the provincial government to adopt an act or policy that places a statutory duty on public authorities to have due regard to rural needs in the development of policy and legislation.

*UBCM comments:*

*The UBCM membership has not specifically asked the Province to adopt an act or policy that places a statutory duty on public authorities to have due regard to rural needs in the development of policy and legislation.*

*Under the Community Charter, the Province has legislative obligations to consult with UBCM on matters that will have an impact on local governments. Through the consultation process UBCM is able to provide input to the Province on any policy or legislative matter taking into consideration the potential impact of any proposed changes on both its rural and urban members, recognizing that there is great diversity amongst our membership.*

*UBCM members have endorsed resolutions in support of the Rural BC Project and funding programs and initiatives to advance the economic development opportunities within rural communities. (2016-B36, 2013-B39, 2002-B20, 2011-B29, 2011-B30, 2009-B30, 2004 Resource Revenue Sharing Policy Paper, 2004-B21; 2003-B30, 1999-B70). With the endorsement of 2013-B39, members also supported the establishment of a rural advocacy element that referenced establishing a Minister of Rural BC. While the Committee acknowledged the desire on the part of the sponsor of 2013-B39 to have an advocate for rural issues, the Committee also noted that there is a benefit to maintaining the present system whereby the present Minister responsible acts as one voice for local government. The government of the day responded to 2013-B39 by stating that presently there are a number of ministers and a dedicated parliamentary secretary focused specifically on rural issues, so did not consider a separate minister as necessary.*

*It is not clear if there is a need to adopt a specific act or could the concerns of the sponsor be addressed through better education and awareness amongst other public agencies about local government, its role and areas of jurisdiction. If enacted, how would such an obligation be implemented on public authorities? By what method would public authorities prove that they have taken 'rural needs' into consideration? Instead of statutorily requiring that public authorities have due regard to rural needs, it would be advantageous to see consultation processes developed with affected communities in advance of policy and legislation to ensure that rural needs have been considered as part of the process. The other question is do local governments want to have another piece of legislation that applies to them just to deal with this specific issue?*

**AKBLG Comments:**

Recommend endorsement.

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10. Nelson – Crown Lands for Cannabis Production

**WHEREAS** there is increasing concern that prime agricultural land will be used for cannabis production and have a negative impact on food security;

**AND WHEREAS** cannabis has been grown on non-agricultural lands for decades including crown lands;

**THEREFORE BE IT RESOLVED** that UBCM petition the provincial government to develop an overall strategy that will support local cannabis producers and minimize the impact on prime agricultural lands. This could include leasing of Crown lands that would accommodate cannabis production.

*UBCM comments:*

*The UBCM membership has not previously considered a resolution requesting the provincial government develop a strategy to support local cannabis producers and minimize impacts on prime agricultural lands.*

*UBCM membership endorsed resolution 2014-B113, requesting that the production of cannabis be removed from the list of agricultural uses which qualify for farm classification for assessment and property tax purposes; and, that communities be allowed to regulate the production of medical cannabis on ALR land. In response, the provincial government noted that it had amended the Classification of Land as a Farm Regulation to “expressly exclude the production of marihuana for medicinal purposes as a qualifying agricultural use.”*

*UBCM would note that the Joint Provincial-Local Government Committee on Cannabis Regulation (JCCR) has been tasked with managing the legalization of cannabis by identifying, analyzing and discussing issues of concern to local governments. The issue of non-medical cannabis being grown on ALR land is one of the issues currently being discussed by the JCCR.*

**AKBLG Comments:**

Recommend endorsement.

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11. RDCK – Compensation for Damages Resulting from Voltage Variations

**WHEREAS** there has been an increase in power surges and voltage variations that have caused damage to expensive electrical components such as heat pumps in spite of the installation of surge protectors;

**AND WHEREAS** power companies’ terms and conditions of service state that the organization is not responsible for any loss, injury, damage or expense that is a result of interrupted service or voltage variations;

**THEREFORE BE IT RESOLVED** that the UBCM request the Minister of Energy and Mines, and the BC Utilities Commission work with the Power Companies under their jurisdiction to establish a process whereby they can provide compensation for any loss, injury, damage or expense that is a result of voltage variations.

*UBCM comments:*

*The UBCM Executive considered, but did not endorse resolution 2009-B171 which requested that the BCUC or an independent review panel be empowered to investigate, arbitrate and award financial compensation to consumers suffering loss, injury, damage or expense as a result of incidents of power disruption and restoration.*

*The resolution was not considered by UBCM members at the 2009 Convention and was automatically referred to the Executive for consideration. The Resolutions Committee had provided no recommendation in the absence of any previous policy on this matter.*

**AKBLG Comments:**

Recommend endorsement.

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12. RDCK (and AKBLG) – MLA Attendance at Area Association Conventions

**WHEREAS** direct interaction and discussions between locally elected representatives and Members of the Legislative Assembly (MLA’s) are key to understanding our respective goals and priorities;

**AND WHEREAS** the annual UBCM convention offers limited time for local elected representatives to engage directly with their MLA’s;

**THEREFORE BE IT RESOLVED** that the Provincial Government and each local government association across British Columbia make a coordinated effort to synchronize the Local Government Association (LGA) spring conventions and the legislative schedule to allow MLA’s to attend the LGA conventions.

*UBCM comments:*

*The UBCM membership has not previously considered the matter of synchronizing area association spring conventions with the provincial legislative calendar. The Committee notes that each area association has the ability to set its own convention dates, but these convention dates are booked at least a year in advance of the event. However, the Legislative Calendar is not usually made public until early in the new year, so coordinating dates can be challenging in the absence of knowing when the House is in session.*

*A challenge that occasionally arises is the scheduling of two area association conventions during the same week, which limits the ability of Ministers and party leaders to attend both events. In the past, these scheduling challenges have been addressed through Area Association Presidents and Executive Directors.*

*We would also note that with a minority government it is currently challenging for MLAs to get leave of their House duties to attend outside meetings.*

**AKBLG Comments:**

Recommend endorsement.

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**WHEREAS** the intentional feeding of wildlife is often detrimental to wildlife by causing them to concentrate and habituate to living in unnatural conditions within a community, damaging property, and becoming a nuisance and public safety issue;

**AND WHEREAS** section 33.1 of the *Wildlife Act* prohibits the intentional feeding of dangerous wildlife, but does not apply to other wildlife, meaning that the feeding of wildlife in general is not regulated, and conservation or other officers have no authority to control, enforce, or educate the public about problems caused by the intentional feeding of wildlife;

**THEREFORE BE IT RESOLVED** that the Provincial Government amend the *Wildlife Act* to prohibit the intentional feeding of problem wildlife.

*UBCM comments:*

*The UBCM membership has not previously considered a resolution requesting an amendment to the Wildlife Act to prohibit the intentional feeding of problem wildlife.*

**AKBLG Comments:**  
Recommend endorsement.

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'LATE RESOLUTIONS' CARRIED OVER FROM 2017:

None.

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## RESOLUTIONS RECEIVED AFTER 2018 DEADLINE (LATE OR SPECIAL RESOLUTIONS):

### 14. RDEK – Speculation Tax and Local Government Consultation

**WHEREAS** the Provincial Government has introduced a Speculation Tax with the intent to deter investors removing homes from the long-term housing stock;

**AND WHEREAS** in many areas of the Province, non-resident property owners invest in our communities financially, are active community members, some coming for generations, and many eventually become full-time residents;

**THEREFORE BE IT RESOLVED** that UBCM urge the Province to consult with communities prior to implementing a Speculation Tax, taking into account local circumstances, and to allow local governments to opt in or out of the Tax.

*UBCM comments:*

*The UBCM membership has not previously considered a resolution on the real estate speculation tax.*

*Membership has endorsed resolution 2017-A2 which broadly supports the introduction of measures to discourage speculation, rapid-resale of properties, commodity investment and other market distortions that contribute towards housing price escalation. Further, a foundational tenet of general policy adopted by UBCM members is local choice.*

*Available information suggests that the focus of the speculation tax will effectively be vacant properties because primary residences and long term rentals will be excluded. The ability of local governments to opt in or out of the speculation tax is therefore also broadly consistent with endorsed resolution 2017-B91, which supports local government authority for the taxation of vacant and derelict residential properties.*

*UBCM will actively monitor this issue as additional details become available, in consideration of current policies and recommendations in our recently released housing strategy, “A Home for Everyone: A Housing Strategy for British Columbians”.*

*See also resolution 16 from Invermere on Speculation Tax*

#### **AKBLG Comments:**

*AKBLG recommends this (and the other two related resolutions received after the deadline) pertaining to the BC Speculation Tax be considered by the membership as Special Resolutions given the timeliness of the tax and amendments to the tax.*

*If entertained by the membership, AKBLG recommends endorsement of this resolution.*

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15. **Invermere – Speculation Tax**

**WHEREAS** the Province has indicated a plan to implement a new land tax on vacant and recreational properties in the Lower Mainland and Kelowna areas;

**AND WHEREAS** the Province has indicated that it will not initially apply to the Kootenays and other portions of the Province;

**BE IT RESOLVED** the speculation tax not be expanded to other areas of the province without meaningful consultation and the opportunity for local governments to choose to opt in or out of the program;

Be it further resolved the Province consider refining the speculator tax so that it does not penalize Canadian's with a recreational property, no matter what Province they reside in or file income taxes in.

*UBCM comments:*

*The UBCM membership has not previously considered a resolution regarding a real estate speculation tax.*

*UBCM notes that members endorsed a related resolution, 2017-A2, which prioritized the use of residential property for housing, while broadly supporting the introduction of measures to discourage speculation, rapid resale of properties, commodity investment, and other market distortions that drive the escalation of housing prices. Underlying the intent of the resolution is respect for local choice, a foundational tenet of general policy long held by UBCM members.*

*Based on the above policy positions of the UBCM membership, UBCM would support the request made in the first enactment clause, for provincial consultation with local governments, paired with the opportunity for local governments to opt into or out of a real estate speculation tax.*

*Few details of the proposed real estate speculation tax have been finalized by the provincial government. However, UBCM understands that the speculation tax is designed, consistent with the UBCM policy position expressed in resolution 2017-A2, to encourage the use of residential property for housing. To prioritize the use of residential property for housing, the speculation tax*

would exempt properties that are principal residences, as well as properties in use as long-term rental housing stock.

The second enactment clause of the 2018 resolution proposes that the speculation tax should exempt Canadian-owned recreational properties located in BC. To be clear, these are residential properties that are not being used for housing. Exempting such properties from a speculation tax would work against the policy position adopted by UBCM members in resolution 2017-A2, and would in practice discourage the use of residential property for housing. Because it directly opposes existing UBCM policy, UBCM would not be able to support the second enactment clause.

Due to the contravention of existing UBCM policy, were this resolution as written to proceed to the UBCM resolutions process, the UBCM Resolutions Committee would then recommend that this 2018 resolution not be endorsed.

UBCM will continue to monitor this issue as additional details become available, in consideration of current policies as well as the recommendations from UBCM's recently released housing strategy, "A Home for Everyone: A Housing Strategy for British Columbians."

See also resolution 15 from RDEK on Speculation Tax & Local Government Consultation

**AKBLG Comments:**

AKBLG recommends this (and the other two related resolutions received after the deadline) pertaining to the BC Speculation Tax be considered by the membership as Special Resolutions given the timeliness of the tax and amendments to the tax.

If entertained by the membership, AKBLG recommends endorsement of this resolution pending a suggested amendment to remove the first "therefore be it resolved" clause. Given that, Canal Flats would be listed as a co-sponsor. The proposed resolution would read:

~~Be it resolved the speculation tax not be expanded to other areas of the province without meaningful consultation and the opportunity for local governments to choose to opt in or out of the program;~~

Be it ~~further~~ resolved the Province consider refining the speculator tax so that it does not penalize Canadian's with a recreational property, no matter what Province they reside in or file income taxes in.

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16. Canal Flats – Speculation Tax and Local Government Consultation

**WHEREAS** the Provincial Government has introduced a Speculation Tax on vacant and recreational properties in parts of British Columbia with the intent to deter investors removing homes from the long-term housing stock;

**AND WHEREAS** in many areas of the province communities rely economically on non-resident property owners who invest in our communities, are active community members, with many eventually becoming full-time residents;

**THEREFORE BE IT RESOLVED** that the Union of British Columbia Municipalities urge the Province to permanently exempt communities in the Kootenays from the Speculation Tax;

**FURTHER BE IT RESOLVED** that the Province consider refining the Speculation Tax so that it does not penalize Canadians with a recreational property, no matter what Province they reside in or file income taxes in.

**UBCM Comments:** *this resolution was not received in time for UBCM comments.*

**AKBLG Comments:**

AKBLG recommends this (and the other two related resolutions received after the deadline) pertaining to the BC Speculation Tax be considered by the membership as Special Resolutions given the timeliness of the tax and amendments to the tax.

If entertained by the membership, AKBLG recommends endorsement of this resolution pending a suggested amendment to remove the second “therefore be it resolved” clause (pending entertainment of the similar resolution from Invermere). Given that change, the proposed resolution would read:

*THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities urge the Province to permanently exempt communities in the Kootenays from the Speculation Tax;*

~~*FURTHER BE IT RESOLVED that the Province consider refining the Speculation Tax so that it does not penalize Canadians with a recreational property, no matter what Province they reside in or file income taxes in.*~~

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**WHEREAS**, the provincial government is undertaking a review of BC’s natural resource sector professional reliance model to be complete by Spring 2018

**AND WHEREAS**, the use of professional reliance within BC’s resource sector is a long-standing practice

**AND WHEREAS**, over the past decade the use of professional reliance has increased in response to government’s regulatory reform initiatives

**AND WHEREAS**, since 2013 the Environmental Appeal Board, Forest Practices Board, Office of the Auditor General and Office of the Ombudsperson have highlighted the need for adequate oversight of qualified professionals in providing independent, objective advice to government regulators

**AND WHEREAS**, there is increasing public concern related to specific instances of decision-making based on professional reliance

**THEREFORE BE IT RESOLVED** that the Government of British Columbia ensure that government oversight of professional associations and professional associations that oversee qualified professionals employ best practices to protect the public interest in the management of public land by the natural resource sector.

**AKBLG Comments:**

AKBLG recommends this resolution be considered by the membership as a Special Resolution, given the timely nature of the provincial review of the professional reliance system in British Columbia.

If entertained by the membership, AKBLG recommends endorsement of this resolution.

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