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# LOCAL GOVERNMENT 2010: KEY ISSUES AND BEST PRACTICES

Chaired by  
**Donald Lidstone, Q.C.**  
Lidstone & Company

April 29<sup>th</sup> & 30<sup>th</sup>, 2010 • UBC Robson Square • Vancouver, BC

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## THE FACULTY

**Adrienne Atherton**, Senior Staff Lawyer, Municipal Insurance Association of BC (MIABC), Vancouver, BC. Ms. Atherton has practised insurance defence litigation since 1995, and municipal defence for over 10 years, including extensive experience with complex litigation. She has worked as in-house litigation counsel for MIABC since 2006. Ms. Atherton has presented and written about a variety of civil litigation and local government matters.



**Daniel R. Bennett**, Partner, Bull, Housser and Tupper LLP. Mr. Bennett conducts a commercial litigation practice with extensive experience in corporate, real estate, natural resource and local government matters. He was an adjunct professor at the University of British Columbia law school teaching legal writing and civil procedure from 1989 until 2005 and is a member of the Court Rules Revision Committee. Mr. Bennett has lectured extensively on a variety of topics and is a former chair of the Civil Litigation section of the British Columbia Branch of the Canadian Bar Association. He also co-authored the book *Procedural Strategies for Litigators in British Columbia and Alberta* and is a member of both the Canadian and American Bar Associations.

**Rob Carnegie**, Director of Corporate Services, City of Chilliwack, Chilliwack, BC. Mr. Carnegie manages the Upper Fraser Valley Bylaw Adjudication System which provides adjudication services to the City of Chilliwack, District of Hope, District of Kent, the Village of Harrison Hot Springs, and the Fraser Valley Regional District. During his 30 year career, Mr. Carnegie has worked in a variety of functions at a number of local governments; including information systems, human resources, labour relations, property management, information privacy, records management and corporate administration. He holds a degree in Information Systems and is a Certified Municipal Clerk.

**Sandra Carter**, Partner, Valkyrie Law Group LLP, North Vancouver, BC. Ms. Carter is an experienced municipal solicitor and frequent speaker on both municipal and First Nations law issues. She articulated and practised for 15 years with a major Vancouver law firm, providing advice to local governments on issues across the spectrum of municipal law. She has advised on many new local government initiatives, including economic development incentives, tax revitalization programs, the creation and operation of municipal business corporations, post-treaty relationships and agreements with First Nations, and other innovative uses of local government authority. Ms. Carter has authored numerous articles and papers, and has frequently been invited to address UBCM, LGMA, LGLA, Capilano University, LMTAC, FVTAC, BOABC, and other organizations on relevant topics.



**Keith R. Gibson**, Risk Manager, Municipal Insurance Association of British Columbia, Vancouver, BC. Mr. Gibson has a Canadian Risk Management Diploma from the Risk and Insurance Management Society. He has held risk management positions in both the public and private sector. He is Board Director for the Transportation Property & Casualty Captive Insurance Company, a wholly owned subsidiary of Translink. He is one of the founding Governors of the Canadian Institute of Risk Management, past president of the BC Chapter of the Risk and Insurance Management Society and has twice chaired the National Canadian Risk Management conference. He was awarded the Don Stuart Award from the Canadian Risk Management Council in recognition of his outstanding continuing achievements and superior contributions in his field. He is a frequent speaker and educator to MIA members, industry associations and local government associations. An Instructor at Simon Fraser University since 1991, Mr. Gibson teaches the three courses leading to a "CRM" designation and has taught Property Underwriting. He has authored risk management articles for national and international magazines.



**Liz Holitzki**, Manager of Permits, Inspections and Bylaws, District of West Vancouver, West Vancouver, BC. Ms. Holitzki started her career with the City of Surrey in the Business Licence and Bylaw Enforcement Department, holding the position of Supervisor, Licensing Division where she was responsible for licensing and bylaw enforcement for the City and drafting and amending the business licence and other regulatory bylaws. She has over 30 years experience in local government, primarily on a management level with respect to business licensing and bylaw enforcement. She worked in the City of Port Moody as the Manager of Building and Bylaw Enforcement and in the District of North Saanich as the Director of Development Services. She is an active member of the Licence Inspector and Bylaw Officer Association of BC where she held positions on the executive for many years including four terms as President and is a current member of their Education Committee. Ms. Holitzki also works as a consultant with local governments requiring assistance with bylaw enforcement and licensing matters.



**P. D. (Don) MacDonald**, Partner, Borden Ladner Gervais LLP, Vancouver, BC. Mr. MacDonald has over 25 years experience in commercial litigation with an emphasis on real estate disputes, municipal law issues and expropriations. His professional experience includes working as both advisor and counsel, on municipal matters. He is currently providing expropriation advice to numerous commercial and residential property owners. He has appeared as counsel on civil trials, appeals, inquests, human rights hearings, expropriation proceedings and real property assessment appeals and has experience in various courts. He is Vice President of the Expropriation Association of BC, a member of the Municipal Law Subsection of the Canadian Bar Association, and Regional Chair of the Municipal Law Group at the Vancouver office of Borden Ladner Gervais LLP.

**Craig MacFarlane**, BA (Hons.) and LL.B, City Solicitor of Surrey, Surrey, BC. Mr. MacFarlane has previously served as York Regional Solicitor and with the City of Toronto's Legal Department. He is the author of *Land Use Planning, Practice Procedure and Policy*, Thompson Professional Publishing, 1992 and serves on the Canadian Bar Association Advisory Committee to the Judicial Council of British Columbia and the Canadian Bar Association Government Relations Committee.



**Francesca Marzari**, Associate, Young Anderson, Vancouver, BC. Ms. Marzari's main area of practice is in litigation, enforcing and defending municipal bylaws, and damages claims. She has worked at every level of the BC Courts, addressing municipal issues ranging from tree cutting and preservation, to defamation actions, soil bylaws, and building and development permits. She regularly advises with respect to liability issues and represents municipal issues and concerns to other levels of government. She has been involved with West Coast LEAF, as a Board member and Chair of the Legal Committee. Ms. Marzari also teaches the liability law portion of the Municipal Law course at UBC Law School, and has been an instructor of the MATI program and at Capilano College.



**Guy McDannold**, Partner, Staples McDannold Stewart, Victoria, BC. Mr. McDannold has over 28 years of broad and varied experience in the trial courts, BC Court of Appeal, and the Supreme Court of Canada, as well as before administrative tribunals. His cases include municipal and planning litigation, health and licensing hearings, labour law and wrongful dismissal, property tax assessment appeals, construction, and insurance litigation. In appearing as counsel for local government clients, Mr. McDannold has acquired an extensive in-depth experience in the very broad spectrum of litigation that affects local governments. He is regarded as a "trial lawyer for local government" as well as an appellate attorney, and has successfully argued a number of landmark cases for local governments in BC.



**Chris Murdy**, Partner, Murdy & McAllister, Vancouver, BC. Mr. Murdy has practised law exclusively on behalf of local government since 1984. He is a lifelong resident of BC and attended the University of British Columbia. After articling and being called to the Bar in British Columbia in 1983, he attended the University of Oxford where he received a Graduate Degree in Law. He has a mixed practice of solicitor's and barrister's work, advising on all areas of municipal law and in particular has provided advice and acted as counsel in matters involving conflict of interest, public-private partnerships, complex developments, bylaw challenges and subdivision appeals. He has appeared in all levels of court in Canada, including the Supreme Court of Canada on behalf of local government clients. Mr. Murdy is also active in the Canadian Bar Association and is a frequent speaker on municipal and real estate law issues.



**Lisa Parkes**, City Solicitor, City of Coquitlam, Coquitlam, BC. Ms. Parkes graduated from UBC Law School in 1995 and was called to the bar in 1996. After practising for five years as a litigator, she joined the City of Coquitlam as its Assistant City Solicitor, and has been the City Solicitor there since 2006. Ms. Parkes is the current Vice-President of the Lower Mainland chapter of the Local Government Management Association and has spoken on municipal law issues.



**Brian Taylor**, Partner, Bull, Housser & Tupper LLP, Vancouver, BC. Mr. Taylor's practice focuses on providing counsel and solicitor's services to local governments and regulatory bodies, the real estate profession and other self-regulating organizations. His work has included advising local governments on a wide variety of matters including subdivision and development issues, public/private partnerships, amenity zoning and conflicts of interest. He represents a broad range of the firm's local government clients including the City of North Vancouver, the Township of Langley and the District of Sechelt. He is an experienced lecturer on administrative and local government law.



**John Tuck**, Legal Services Branch, BC Ministry of Attorney General, Victoria, BC. Mr. Tuck specializes in the area of information and privacy. He completed his post secondary education at Queen's University and the University of Victoria. Mr. Tuck was called to the bar in British Columbia in 1995 and has been dealing with the *British Columbia Freedom of Information and Protection of Privacy Act* since that time. He provides legal advice to Provincial Ministries and represents those Ministries in hearings before the British Columbia Information and Privacy Commissioner.

**Brent Watson**, Emergency Program Coordinator, City of Vernon, Vernon, BC. Mr. Watson holds a PhD from the University of Victoria (History), and has held teaching appointments at the University of Calgary, UBC and the Canadian Forces Command and Staff College, Toronto. He has worked as a senior policy advisor at National Defence Headquarters, Ottawa. Throughout his professional career, Mr. Watson has served as a paid-on-call firefighter, first with Ottawa Fire Rescue, and more recently as Chief of Silver Star Fire Department. In 2009, he and the Emergency Program, which provides full-spectrum Emergency Management services to six neighboring municipalities, received the Justice Institute Foundation Heroes and Rescue Award, and were recognized on the floor of the BC Legislature, for their evacuee reception operation during the Terrace Mountain fire. The eight-day operation assisted over 1500 people and involved coordination of over a dozen different agencies and local authorities.

# LOCAL GOVERNMENT 2010: KEY ISSUES AND BEST PRACTICES

## THE AGENDA — APRIL 29<sup>TH</sup>, 2010

### 9:00 Welcome and Introduction to Day One

**Donald Lidstone, Q.C.**  
Lidstone & Company

### 9:10 Case Law & Legislative Update

**Brian Taylor**                      **Craig MacFarlane**  
Bull, Housser & Tupper LLP      City of Surrey

- Survey of recent local government case law
- Survey of recent legislation and regulations

### 9:55 Questions and Discussion

### 10:05 Defending Municipalities: Lessons Learned & Best Practices

**Guy McDannold**                      **Francesca Marzari**  
Staples McDannold Stewart      Young Anderson

- Overview of key considerations
- Lessons learned
- Best practices
- Limitation periods: New developments
- Trends: Tort claims, nuisance, procurement
- Avoiding and reducing litigation claims

### 10:55 Questions and Discussion

### 11:05 Refreshment Adjournment

### 11:20 What is New in Land Use Planning?

**Donald Lidstone, Q.C.**  
Lidstone & Company

- Pre-zoning for eco-density and amenities
- Ad hoc zoning for leverage
- Newest climate change tools
- Green development is economic development

### 12:10 Questions and Discussion

### 12:20 Networking Luncheon

### 1:30 Owner and Occupier Liability

**Daniel R. Bennett**  
Bull, Housser and Tupper LLP

- *Occupiers Liability Act* and local government responsibility
- Responsibility to inspect, maintain, repair trails, look outs, rights of way, etc. for hazards
- Parks, arenas, community centers and other civic property
- Sidewalks and highways
- Nuisance claims
- Loss claims by local governments
- Best practices in addressing claims
- Dealing with aging infrastructure – practical suggestions

### 2:20 Questions and Discussion

### 2:30 Insurance Update: What Local Governments Need to Know in 2010

**Adrienne Atherton**  
Municipal Insurance Association of BC

- Key issues in municipal insurance
- Update on the *Health Care Costs Recovery Act*
- Latest developments on enforceability of insurance coverage as additional named insured
- Update on MIABC coverage and programs

### 3:05 Questions and Discussion

### 3:15 Refreshment Adjournment

### 3:35 Risk Management

**Brent Watson**  
City of Vernon

**Keith R. Gibson**  
Municipal Insurance Association  
of British Columbia

- Establishing an inter-municipal emergency program
- Limiting liability during emergency program operations: The 2009 North Okanagan Experience
- Emergency planning
- Minimizing and transferring risk
- Setting up and evaluating your risk management scheme
- Limiting liability from unexpected risks:
  - Severe changes in weather, fire interface hazards, H1N1, etc.

### 4:35 Questions and Discussion

### 4:50 Chair's Closing Comments

### 5:00 Conference Concludes for Day One

# LOCAL GOVERNMENT 2010: KEY ISSUES AND BEST PRACTICES

## THE AGENDA — APRIL 30<sup>TH</sup>, 2010

### 9:00 Welcome and Introduction to Day Two

Donald Lidstone, Q.C.  
Lidstone & Company

### 9:10 Procedural Fairness

P.D. (Don) MacDonald  
Borden Ladner Gervais LLP

- Understanding procedural fairness: Process and content
- Legitimate expectations
- Zoning, development approvals
- Termination or discipline of officers
- Refusal, revocation, suspension of licenses
- Enforcement orders

### 9:50 Questions and Discussion

### 10:00 Protection of Privacy: What Local Governments Need to Understand

John Tuck  
BC Ministry of Attorney General

- Privacy rules update: What does this mean for you?
- Surveillance cameras
- Transmitting personal, private or third party information to police or social service agencies
- Tort of breach of privacy
- Elected official duty of confidentiality

### 10:45 Questions and Discussion

### 10:55 Refreshment Adjournment

### 11:10 The Powers and Risks of Local Government Officers and Employees

Chris Murdy  
Murdy & McAllister

- Powers
  - Statutory officers
  - Delegation
- Personal liability
  - Gross negligence, corruption, bad faith
- Indemnification
- Termination of employees/officers

### 11:50 Questions and Discussion

### 12:00 Networking Luncheon

### 1:20 Closed Meetings: What are the Rules?

Lisa Parkes  
City of Coquitlam

- Open and closed meeting rules
- Retreats/shirtsleeve sessions
- The London case

### 2:00 Questions and Discussion

### 2:10 Bylaw Enforcement

Rob Carnegie                      Liz Holitzki  
City of Chilliwack                  District of West Vancouver

- Bylaw adjudication forum update
- Prosecution: When should you use it?
- Injunction: War stories and more
- Local government bylaws: Enforcement on reserve lands
- Best practices

### 3:00 Questions and Discussion

### 3:10 Refreshment Adjournment

### 3:25 Local Governments & First Nations

Sandra Carter  
Valkyrie Law Group LLP

- Meeting the duty to consult?
- Liability risks municipalities face from Aboriginal claims
- Financial implications of reserve servicing

### 4:15 Questions and Discussion

### 4:25 Chair's Closing Comments

### 4:30 Conference Concludes

### UPCOMING CONFERENCE

*Doing Business With Contaminated Land: Answers Protection and Clarity*, April 28<sup>th</sup>, 2010 in Vancouver, BC. For more information, visit our website at [www.pbli.com/834](http://www.pbli.com/834) or email [registrations@pbli.com](mailto:registrations@pbli.com) to request a brochure.

## CHAIR



**Donald Lidstone, Q.C.**, Lidstone & Company, Vancouver BC. Mr. Lidstone has practised generally in the area of municipal law since 1980. His municipal law focus is in the areas of constitutional, administrative, and environmental law, particularly in respect of governance, land use/sustainable development, regulatory approvals, and legislative drafting. He is co-founder of the Sierra Legal Defence Fund/Ecojustice and Smart Growth BC. Invited to speak regularly at conferences, symposia and universities, he has chaired the Sustainable Region Initiative (Governance and Finance), Liquid Waste Expert Review Panel, Fire Services Review Panel, Whistler Waste Blue Ribbon Panel, and the Municipal Law Section of the British Columbia Branch of the Canadian Bar Association. Mr. Lidstone has published numerous papers and manuals and consulted on the development of the *British Columbia Community Charter* and other municipal statutes. He was designated Queen's Counsel in 2008.

## LOCAL GOVERNMENT 2010: KEY ISSUES & BEST PRACTICES

**In 2010, budgetary issues remain paramount for local governments. There is little room for oversight or error, let alone resultant litigation costs. Municipalities and their advisors need to be on top of potential liability issues and how to best address them - correctly, efficiently and economically.**

With an understanding that information is dilute without experience, we have brought together experts and industry leaders to share their experience and insight. What are the best practices? What can you learn from the mistakes and successes of your colleagues? How can you be better prepared?

Attend this conference to develop the best tools to manage risks and limit your exposure to litigation. Discuss challenges facing other local governments and their advisors, get current on case law and industry trends, and prepare yourself to manage risks and limit involvement in litigation throughout 2010 and beyond.

### WHAT YOU WILL LEARN:

- Important changes to legislation and regulations impacting local governments
- New case law - what you need to know
- How to deal with growing concerns and developments in owner & occupier's liability
- Key issues in municipal insurance
- Lessons learned and best practices in defending municipalities from industry experts
- Developments in risk management
- Key aspects of procedural fairness of concern to municipalities
- Issues to consider related to protection of privacy
- Key issues impacting local government officers and officials
- Important issues related to open and closed meetings
- Best practices and lessons learned in bylaw enforcement
- Recent development in land use planning – important considerations and developments
- Developments in local government and First Nation relations

### WHO SHOULD ATTEND:

- Local government officials, officers, councillors and planners
- Municipal directors
- Municipal insurance professionals: Claims managers and directors, adjusters, underwriters and examiners
- Municipal legal counsel
- Lawyers concentrating on municipal, insurance and civil law
- Risk managers
- Anyone wanting to brush up on municipal law and current issues facing municipalities and their advisors

# INFORMATION

## Four Ways to Register:

1. Telephone us: 604-730-2500 or toll free 877-730-2555
2. Fax us: 604-730-5085 or toll free 866-730-5085
3. Mail your registration form with payment
4. Register at [www.pbli.com/836](http://www.pbli.com/836)

**Registration:** The registration fee covers your attendance at the conference, written materials, a light breakfast, a networking lunch and refreshments throughout the day.

- Early Bird:** Register and provide full payment on or before March 15<sup>th</sup>, 2010 at a discounted registration of \$995.00 plus GST of \$49.75 totalling **\$1,044.75**.
- General:** Register after March 1<sup>st</sup> 2010 at a general registration fee of \$1095.00 plus GST of \$54.75 totalling **\$1149.75**.
- One Day:** Register for one day only for \$725.00 plus GST of \$36.25 totalling **\$761.25**.

**Payment:** You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the conference.

**When and Where:** Check-in begins at 8:30 a.m. The conference starts at 9:00 a.m. UBC Robson Square is located at the basement level of 800 Robson Street in Vancouver, BC.

**Course Accreditation:** Attendance at this course can be listed for up to **12 hours** of continuing professional development with the Law Societies of BC and Upper Canada. A Certificate of Attendance will be issued at the conference. Please visit [www.pbli.com/edu](http://www.pbli.com/edu) for more information.

**Materials:** The faculty will prepare papers and/or other materials explaining many of the points raised during this conference. Please contact us at [registrations@pbli.com](mailto:registrations@pbli.com) if you are unable to attend the conference and wish to purchase a set of materials.

**Your Privacy:** We will keep all information that you provide to us in strict confidence other than to prepare a delegate list containing your name, title, firm and city for our faculty and the conference delegates. We do not share our mailing lists with any non-affiliated organization.

**Cancellations:** Full refunds will be given for cancellations if notice is received in writing five full business days prior to the conference (April 22<sup>nd</sup>, 2010). Unfortunately after that time we are unable to refund registration fees, however substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty content or venue of this event.

## Registration Form Pacific Business & Law Institute

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Vancouver, BC Canada V6J 4M6  
Telephone 604-730-2500, Fax 604-730-5085  
E-mail [registrations@pbli.com](mailto:registrations@pbli.com)

- Early Bird:** \$995.00 plus GST of \$49.75 totalling \$1,044.75
- General:** \$1095.00 plus GST of \$54.75 totalling \$1149.75
- One Day:** \$725.00 plus GST of \$36.25 totalling \$761.25

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How did you hear about this conference:

- Brochure    Email    Colleague    PBLI Website    Other \_\_\_\_\_

## LOCAL GOVERNMENT 2010: KEY ISSUES AND BEST PRACTICES

April 29<sup>th</sup> & 30<sup>th</sup>, 2010  
UBC Robson Square, Vancouver, BC

Register today at [www.pbli.com/836](http://www.pbli.com/836)