

Subject: [Fwd: GVRD ACCOUNTABILITY: USING THE TRANSLINK EXAMPLE]

Date: Tue, 23 Mar 2004 17:20:16 -0800

From: Brian Platts <bplatts@shaw.ca>

To: Corrie Kost <kost@triumf.ca>

Subject: GVRD ACCOUNTABILITY: USING THE TRANSLINK EXAMPLE

Date: Wed, 24 Mar 2004 01:09:37 +0000 (GMT)

From: Elizabeth James <cagebc@yahoo.com>

To: Mayor Barrett and Council <lbarrett@bimbc.ca>, Mayor Doug Miller and Council <office@village.lions-bay.bc.ca>, Mayor Ron Wood and Council <council@district.west-van.bc.ca>, Mayor Barbara Sharp and Council <council@cnv.org>, Mayor Don Bell and Council <council@dnv.org>, "Mr. James Ridge, CAO" <james_ridge@dnv.org>

CC: fonvca@fonvca.org

23 March 2004

MEDIA RELEASE

The following paper was read, in draft, to Council of the District of North Vancouver at its meeting on Monday, 22 March 2004. It was prepared in anticipation of a portion of the presentation made to Council by Mr. Johnny Carline, CAO, Greater Vancouver Regional District. It is in the context of *ACCOUNTABILITY*.

In brief, it makes the case that, if one agrees with the premise that members of municipal councils sitting on regional boards are "elected and accountable" under the Local Government Act/Community Charter, then residents of GVRD are entitled under the Act to a referendum on the RAV project and, separately, on TransLink's 3-year Plan/10-year Outlook.

The rationale for that entitlement lies in the wording of the Act, clauses of which stipulate that a counter-petition or referendum opportunity must be given residents in cases where members of council and/or regional boards intend to commit them to liabilities which extend beyond an effective five-year term and/or beyond the reasonable life expectancy of activities or services.

Further, Section 338 (1-4) of the Act, *Liabilities for use of money contrary to Act*, provides for redress to taxpayers in the event local elected officials contravene the Act - by *not* offering citizens a vote.

There is always the possibility, of course, that Bill 75, or some other piece of legislation will be used to override the Local Government Act. If that were to happen, however, GVRD residents are likely to make their views known in no uncertain terms.

CONTACT: Liz James

Coalition for Accountability in Government Enterprises

Box 16090, 3017 Mountain Highway,

NORTH VANCOUVER, B.C. V7J 2P2

[604] 988-2066

DISTRICT OF NORTH VANCOUVER POLICY DISCUSSION MATTER

GREATER VANCOUVER REGIONAL DISTRICT 2004 STRATEGIC PRIORITIES and ACCOUNTABILITY

22 March 2004

Good Evening Mayor Bell, Members of Council, Mr. Carline:

The opportunity to address the topic of GVRD accountability this evening is appreciated - even though the discussion is many, many years overdue. For the most part, I will be using taxpayers' experience with TransLink as a basis for my presentation. None of my comments should be construed as being "personal" in nature. Rather, they are an expression of my contempt for a system which allows

particular events to occur in particular ways.

It is a system which gives the *appearance* that it operates under the constraints of the Local Government Act/Community Charter, but taxpayers have no way of enforcing the protections offered by the Act unless they have deep pockets. By contrast, politicians have access to unlimited tax dollars to fund legal advice to forestall accountability to citizens. The BC Liberal government cut the budget for the Office of the Provincial Ombudsman to such a degree that, in February 2003, Mr. Kushner announced he would no longer be able to assist those who believed they had been abused by a local government.

It is a system which has allowed an abuse of regional taxpayers to an extent which, in many countries, would result in a tax revolt. This evening, my remarks are confined to TransLink but I contend that use of the word 'accountability' in the context of either GVRD or TransLink is anachronistic.

When taxpayers accuse those bodies of being "unelected and unaccountable," local politicians respond, "But we are elected - once every 3 years; our GVRD appointments are just an extension of our council committee work." I regard that as nonsense. The positions attained by those who were elected in November of 2002 did not/do not stand or fall relative to candidates' positions on GVRD or TransLink issues. Candidates were elected on the basis of how voters thought they might do on their local council; voters did not go beyond that.

For the sake of argument, though, let us concede the point. This means that, while sitting as a GVRD Director, or a member of the TransLink Board, council members must, at all times, abide by the Terms and Conditions of the Local Government Act. By their Oath of Office that is what they swore to do. So how does that square with performance?

Local residents should view what occurs in this Region in the context of what is, at last, unraveling at the federal level. I am here to say with absolute confidence that there is a pattern of irregularities at TransLink, a pattern of borderline competence that, sooner or later, will see the light of day. If anyone doubts this, consider the following with respect to TransLink:

1. **Legal:** Sections 334.1.1 (b) and 334.1.2(a) of the Local Government Act [the Act], prohibits a council from committing to a financial agreement that exceeds the reasonable life expectancy of the activity, or that exceeds a term of five years without giving residents a counter-petition or referendum opportunity. Furthermore, Section 334.1.2 (b) of the Act specifically precludes a council from skirting that clause by means of writing what is, effectively, a 30/40-year agreement in such a way as to *pretend* it is only a 5-year agreement because, like a mortgage, the municipality can "exercise rights of renewal or extension."

Sections 820 to 826 of the Act have the effect of carrying the above municipal obligations through to a regional district, virtually word for word. In addition, the clauses explain the relationship of a municipality to the region, *vis a vis* the obligation of a municipality to 'pay upon demand' for ! services provided by the region.

So how come GVRD/TransLink approved RAV without offering regional taxpayers, at the very least, an opportunity for counter-petition? [In this regard, it should be noted that a counter-petition is akin to a negative billing practice. In effect, what it says is that, "unless you tell us you don't want the service we intend to bill you [\$20/per \$100,000 assessed value] on your property taxes for RAV. Such billing practices have been outlawed in the context of private business - for example, in the matter of Rogers Cable invoices. In most cases, residents should insist on the other alternative - a referendum based upon full disclosure of the facts.]

How is it that, since the first SkyTrain line was built for 1986, taxpayers are still servicing the debt - and will be until at least 2016? Why have we been committed to a 30+ year agreement on the Millennium Line? Judging by the fact that purchase of new SkyTrain cars is included in TransLink's 3-year plan/10-year outlook, the RAV agreement not only contravenes the act because it goes beyond 5 years without permission, but also outlives the "reasonable life expectancy" requirement. Or are those cars actually for the RAV line but the cost not included in the official \$1.7 billion capital figure?

2. **Legal:** The Act also stipulates that taxpayers may not be committed over a certain dollar amount without a referendum/counter-petition. So, if members of councils are elected and accountable, how is it that we were not allowed a vote on either RAV or the 3/10-year plans?
3. **Legal:** The Act is specific with respect to full disclosure of reports and material information at public hearings. A vote which follows the closure of a public hearing is null and void in the event that known and material information was not disclosed at the meeting.

Notwithstanding, we have discovered over past months that the Chair of GVRD Finance Committee was not allowed to have a complete copy of a Price Waterhouse report before he was required to vote on ratifying TransLink's decision to go ahead with the RAV project. Again, on February 27th at the 11th hour, the same gentleman discovered TransLink to be withholding important financial information from GVRD directors. So not only is the public not given the information, it was not even provided to our elected representatives.

4. **Conflict of interest:** Here, we have an instance of a TransLink executive who owns property in critical locations along Cambie Street, yet TransLink asks us to accept that it has a legal opinion to the effect that no conflict exists. Perception is everything.

5. **Process:** In a letter published on Page A-17 of the 22 March edition of the Province, RAV Project Director, Jane Bird, denies that "a deal with private corporations has already been negotiated." So what is her explanation for the fact that TransLink Chair, Surrey Mayor McCallum regularly uses the word "SkyTrain," synonymously with RAV, and has done for the better part of two years.

And on and on it goes.

Under these circumstances, there is no way that taxpayers should regard GVRD or TransLink as "accountable."

Moreover, either the system will be changed and changed fast or, as is happening at the federal level, the whole structure will begin to unravel. Either GVRD and TransLink comes clean with taxpayers, or I'm here to tell you that, like Auditor-General Sheila Fraser, I will do my best to make sure it unravels.

Liz James

[604] 988-2066

cagebc@yahoo.com

[Yahoo! Messenger](#) - Communicate instantly..."Ping" your friends today! [Download Messenger Now](#)