



## ADMINISTRATIVE REPORT

Report Date: June 30, 2009  
Contact: David McLellan  
Contact No.: 604.871.6939  
RTS No.: 8231  
VanRIMS No.: 08-2000-20  
Meeting Date: October 6, 2009

TO: Vancouver City Council  
FROM: General Manager, Community Services  
SUBJECT: Governance of and Service Provision to Portions of Metro Vancouver (GVRD) Electoral Area A

### *RECOMMENDATION*

- A. THAT Council advise the Musqueam First Nation, the University of British Columbia (UBC), Metro Vancouver (formerly known as the Greater Vancouver Regional District or GVRD) and the Province of British Columbia that, if requested, the City Manager is authorized to enter into discussion for provision of one or more additional services to all or a portion of their lands.
- B. THAT Council request UBC and the Province of British Columbia to advise their lessees of the above.
- C. THAT Council re-affirm that if UBC and the University Neighbourhoods Association request consideration of a boundary restructure, which would see all or a portion of the UBC lands being included within the City of Vancouver, the request would be considered based on a transparent, equitable process.

### *CITY MANAGER'S COMMENTS*

The City of Vancouver currently provides some services to the unincorporated lands on Point Grey to the mutual benefit of the City and residents of this area. The extension of other City services should be considered on a case by case basis, where it is feasible, effective and efficient to do so with the endorsement of those affected. This report's recommendations have my endorsement as the next logical step in the advancement of this process.

### ***COUNCIL POLICY***

On April 15, 2008, Council unanimously adopted a resolution that:

1. The City of Vancouver would welcome discussions regarding the joining of UBC to Vancouver; and
2. Staff are requested to report back on a consultant process to investigate the opportunities and the questions which need to be addressed should UBC wish to consider joining the City of Vancouver.

On September 16, 2003, Council resolved to address issues related to Electoral Area "A" and UBC within the mandates of established committees, e.g., Metro Vancouver (GVRD)/UBC Joint Committee and University development through appropriate regulatory process and for those other matters endorsed a City of Vancouver-University of British Columbia Charter.

The forgoing Charter was a recommendation arising out of governance discussions in 2001, where the Minister of Municipal Affairs, Metro Vancouver (GVRD), and UBC were advised that the City's "Principles for Amalgamation" (adopted in 1999) remain as the City's starting point for any future amalgamation discussions. At that time, Council also reaffirmed their January 31, 1995 City Policy of not pursuing amalgamation with Electoral Area "A". However, if the Province and/or area residents request amalgamation, the City will consider amalgamation provided the City is compensated for any costs incurred. At the conclusion of the discussions, Council invited UBC to work with the City to establish a Charter (Memorandum of Understanding) to address issues of mutual interest.

### ***PURPOSE***

The purpose of this report is to seek Council's approval to advise the Musqueam First Nation, UBC, Metro Vancouver and the Province of BC that if they so request, the City is prepared to discuss providing City services to all or a portion of their lands within Electoral Area "A", and that at this time, the City will not be considering a boundary extension to include UBC.

### ***BACKGROUND***

The unincorporated area west of the City of Vancouver at Point Grey is a portion of Electoral Area "A" ("this Area" as shown in Appendix B) of Metro Vancouver (GVRD) and can be identified more particularly in 4 Areas:

- Pacific Spirit Park/Wreck Beach
- University Endowment Lands - Residential and Commercial ("UEL")
- Musqueam First Nation Holdings
- University of British Columbia ("the UBC lands")
  - Academic/Research and Student Residences
  - Leased Residential
  - Leased Research
  - Other

In 1997, Metro Vancouver adopted an Official Community Plan ("OCP") to guide growth and service directions for the 3 of the Areas noted above, excluding the Musqueam First Nations Holdings. The intent of the OCP is to create a more complete community at the University, particularly through the provision of housing for those who work or attend the university, and

thereby moderate transportation impacts on adjacent communities. Metro Vancouver and UBC have worked together in developing neighborhood plans for a range of new housing development. Implementation is through the UBC Campus and Community Planning function. The University Endowment Lands, while part of Electoral Area A, are administered by the Province. The UEL OCP was approved by the Province in 2005. The population forecast for this part of Electoral Area A is a resident population of 8,500 for UBC (5,200 as of March 2009) and 3,800 for UEL (2,800 as of 2005) by 2011, for a total of over 12,000. As well, housing for nearly 10,000 students is currently available at UBC. Longer range plans contemplate the population of students and permanent residents to UBC lands and UEL increasing to well over 30,000.

Over the years, there have been several initiatives related to the study of governance and servicing options for this portion of Electoral Area "A". In 2003, City Council agreed to continue to address issues within the mandates of established Committees and City processes, and for those outside of these parameters endorsed a City of Vancouver-UBC Charter. The UBC Board of Governors in October, 2003 approved the proposed "Charter for the Relationship between The City of Vancouver and The University of British Columbia". (Appendix A contains a copy of the Charter.)

Within this Area some services are provided directly by the land owners, e.g., UBC utilities, and others are contracted, e.g., the Province - RCMP to provide policing services and the City of Vancouver is to provide Fire Suppression and Rescue for UBC. There is also an agreement with the City and Vancouver Police Department (VPD) to provide policing services for the Musqueam territory (in practice, the VPD also provides "back-up" on request by the UBC RCMP) and Library Board has agreements for library services with UBC for faculty and staff housing, and with the University Neighbourhoods Association for their members. Others occur directly through use, e.g., parks and recreation services based on the user fees (if any) established by the hosting agency and reciprocal memberships i.e. VanDusen Botanical/UBC Gardens.

Several factors contribute to make discussion on revisiting the provision of services and governance structure for the UBC lands timely:

- Growing non-academic residential and working population, which have different expectations than their academic neighbours
- Acknowledging that UBC and Metro Vancouver are not well equipped to deliver local government services
- Providing an opportunity for a representative government in a more traditional form for this emerging urban environment
- Establishing Metro Vancouver's mandate for new parameters for governance in Electoral Areas
- Showing an interest in receiving services not currently available e.g., animal and noise control.

## *DISCUSSION*

A consultant framework and timetable were developed to facilitate the discussion and decision on whether there should be a boundary restructure to the City of Vancouver to incorporate all or a portion of UBC, and if so, what the initial considerations should be.

The initial components of the work program include:

- Defining the participants, current service levels (and providers), needs, expectations and options for outcomes
- Inventorying the infrastructure of the supporting current services, condition, lifecycle, future demands and capacity
- Examining the gaps (if any) and practical solutions
- Identifying regulatory regimes and the effect of applying differing standards and processes, and proposed solutions
- Determining the financial liabilities
- Developing financial analysis, outlining impacts, and funding/service alternatives
- Agreeing on the legislative framework.

All of this would be combined in an impact analysis report, which would include recommended time frames and a communications plan that will lead to the development of a draft agreement in principle for review by stakeholders. (The legislative framework would normally require, in addition to consideration by the UBC Board of Governors and the City Council, a vote by the electorate.)

Initial stakeholders were identified. Internally, various City departments were contacted to confirm:

- existing service arrangements,
- the opportunities and challenges that a restructure would present
- alternate options.

Preliminary findings did not raise any substantive new issues from past examinations. Although with the increased urbanization of the peninsula, and the fact that it borders exclusively on the City, there are greater areas of mutual interest and benefits, which could be seen if City services were extended, e.g., policing, administration of elections. The direct feasibility costs of a boundary restructure from the City's perspective are primarily associated with examining infrastructure (utilities and roads), financial liabilities, and establishing service expectations.

Preliminary discussions were held with staff leads from four of the external stakeholders: UBC, Metro Vancouver (GVRD), Musqueam First Nation and the BC Ministry of Community Development in order to assess the level of interest in a restructure; services that could be provided and processes that would be required to further this initiative.

### UBC

There is support for considering a restructure, although they are also comfortable continuing with the current governance structure especially as it relates to the processes for new development. They are aware that the residential lessees are interested in additional "city" services and are open to that discussion about how that is provided following consultation with the Associations representing the non-academic residents. (Infrastructure information on utilities and internal-external interconnections has been requested.)

To quote from UBC stakeholders consulted:

“The UBC Board has not passed any resolution on a change in governance, as it does not consider the current model to be dysfunctional and has not been presented with an obviously superior alternative.

However, at the request of former Mayor and Councillors, appointed to the Metro Vancouver (GVRD)/UBC Liaison Committee, the UBC Board Chair and President agreed to consider the implications of a possible merger with Vancouver, as may be presented by consultants hired by Vancouver.

More generally, the UBC Board remains open minded on, variously, continuing to work with Metro Vancouver to refine the current governance model, merging with Vancouver, seeking municipal incorporation or other alternatives.

In any governance considerations, the UBC Board will be mindful of the community interests of its non academic residents, and the imperative of retaining control over its academic planning and land use.”

### METRO VANCOUVER

Staff confirmed that Metro Vancouver’s Board policy was to seek to transfer its local government responsibilities in Electoral Area “A” to other local government authorities. Regardless of a boundary restructure, it was acknowledged this would not change responsibility of Metro Vancouver functions such as Pacific Spirit Regional Park, e.g. maintenance and operations. Apart from hearing anecdotally support for a change in the governance structure, they were not aware of any formal survey of the residents on preferences.

### Ministry of Community Development (MCD)

From a legislative perspective the MCD advised that a boundary restructure would normally expect to involve contiguous land and a vote by the electorate who would now be included in the municipality. However, the process for, and issues related to, restructure would be very complex. In this case, in addition to that vote, consideration by the UBC Board of Governors and the City of Vancouver Council, the Provincial Legislature would also be part of the process.

With respect to the Province’s direct involvement with the University Endowment Lands (UEL) they did not see this as an area being part of the current discussions, although the option of contracting City services to support the UEL could be considered.

### Musqueam First Nation

Discussion focussed on potential areas of the restructure within Electoral Area “A”, not including the Musqueam territory. It was noted there is the opportunity to further extend City contracted services for the existing and newly acquired land and that would be

considered as part of a development review they are currently undertaking. When advised that boundary restructures had traditionally been with respect to contiguous lands, which might include consideration of all or a portion of Pacific Spirit Park, Musqueam provided a background on their interests in this land and the current court proceedings.

Based on stakeholder discussions, regardless of whether there is a boundary restructure, there are several opportunities where the City could offer services to all or portions of Electoral Area "A", e.g.:

- Bylaw Enforcement - animal control and noise abatement
- Policing - to recognize the seamless boundaries of crime and adjacency to the City
- Administration of Elections - to be complementary to the School Board election

### *FINANCIAL IMPLICATIONS*

With respect to the boundary restructure it is estimated that the initial cost of the examination, as outlined above and in order to establish the information base, could range between \$500,000 and \$850,000, depending on the infrastructure data available, level of financial analysis required and the extent of services to be provided. Provincial funding may be available to assist with these costs, as well as contributions from UBC could be sought.

### *SOCIAL IMPLICATIONS*

Those living or working in Vancouver or that portion of Electoral Area A more commonly referred to as UBC and UEL may already consider themselves part of the same community. The latter accept there are different support structures in place. Anecdotally, with urbanization increasing at UBC, the internal relationship between academic and non-academic is presenting more challenges, which can be dealt with proactively or reactively depending on the will of the parties.

### *CONCLUSION*

There is an opportunity for the City of Vancouver to consider a boundary extension to incorporate portions of Electoral Area "A". Based on Council policy and the initial discussions with stakeholders, proceeding with this initiative and a consultant feasibility study should be deferred until there is a stronger interest shown by UBC, Residents Association and UEL.

However, if requested, the City could offer to provide one or more services to this area. This approach would have the advantage of reaffirming the City's willingness to cooperate with our neighbours while at the same time acknowledging their separate jurisdiction. If, through time, this leads to a formal request for a boundary extension, all parties would have had the further opportunity of working together.

\* \* \* \* \*

*CHARTER*

*For the Relationship between  
The City of Vancouver  
and  
The University of British Columbia*

*Adopted September 16, 2003 by Vancouver City Council  
Adopted October 2, 2003 by the UBC Board of Governors*

Whereas the University of British Columbia (UBC) is the Province's oldest institution of higher education, a major employer, a substantial, economic presence, a centre of excellence in learning, innovation, and research; and

Whereas the University is in the process of creating a University Town and is a destination for education, culture, and recreation for many Vancouver residents; and

Whereas the City of Vancouver (City) is recognised as one of the most livable cities in the world committed to sustainability and fiscal responsibility that enhances the economic development, social, cultural, and recreational attributes of the City and region; and

Whereas the main UBC campus and the emerging University Town are located on the western border of the City and UBC is engaged in strengthening its city presence beyond its long established campuses thereby augmenting its contributions to the intellectual, social, cultural, and economic development of Vancouver; and

Whereas the City provides many municipal services and access essential to the effective operation of UBC and its university community and is home to many members of the university;

Therefore the City and UBC acknowledge the need for an effective, mutually beneficial, working relationship between themselves and commit to this Charter to guide that relationship and enhance the links between them.

1. The City and UBC each acknowledge their legal independence and their responsibility to act in a manner consistent with enabling legislation and obligations.
2. The City acknowledges UBC's Mission as articulated in its strategic plan (called 'Trek 2000') to be an outstanding Canadian university and to create a university community that supports students, faculty, staff and alumni in achieving its mission.

3. UBC acknowledges Vancouver's Mission to create a great city of communities that cares about its citizens, its environment, and its capacity to offer opportunities to live, work, and prosper.
4. UBC and the City commit to continuing effective communication on matters of interest to both parties including, but not limited to, notice to each other and consultation on physical developments and strategic policies and programs which may affect the other.
5. The President of UBC and the City Manager of Vancouver, or their nominees, will arrange annual joint meetings of their executive and/or senior managers, and additionally when appropriate, to review the relevant plans of the two institutions to determine matters of mutual benefit, issues that merit closer examination, and appropriate processes to address matters of mutual interest.
6. Following such annual meetings, the governing bodies of the two institutions the UBC Board of Governors and Vancouver City Council --will receive reports from their officials and give directions, as each deems appropriate, on actions to support the common interests of the two parties.
7. Where opportunities may exist for either the City or UBC to provide services (e.g. police, planning, engineering,) to the other, the President of UBC and the City Manager of Vancouver will develop a draft agreement including, if appropriate, fee for service arrangements for consideration and approval by the UBC Board of Governors and Vancouver City Council.
8. Having regard to their respective mandates, the City and UBC agree to work together, through processes established through the proceedings described in Section 5, in the following areas of mutual interest, and, insofar as their separate interests and obligations may permit, participate in the development of mutually agreed plans to further those objectives and resolve issues in a manner that:
  - a. Encourages collaboration and communication between the City and UBC on initiatives to foster intellectual, social, cultural, health, and economic development in the Vancouver region through research and technology transfers.
  - b. Strengthens UBC's presence in such key locations as the Downtown, and those districts of the City that attract advanced technology, innovation, and health research centres that further health, well being, and a knowledge-based economy.



- c. Seeks opportunities to make efficient use of public funds through partnerships on joint projects and shared provision of sustainable services and physical infrastructure.
  - d. Provides communication and transportation connections for efficient and environmentally sustainable access between UBC and the City having regard to the UBC Transportation Plan and the City of Vancouver Transportation Plan.
  - e. Ensures public consultation on significant decisions relating to UBC and adjacent City lands and encourages UBC-Vancouver links through advisory councils, outreach programs, and "town and gown" activities.
  - f. Where appropriate, ensures consultation for effective UBC/Vancouver responses to Regional, Provincial and Federal legislation, regulations, communications, and policy directives that impact upon or may shape the relationships between UBC and Vancouver. Examples include environmental management issues, sewage and storm water treatment, water standards, transit services, emergency preparedness, and initiatives concerning Pacific Spirit Park.
  - g. Measures the effectiveness and efficiency of collaborative programs to guide policy development.
9. In the event of a disagreement with respect to issues between UBC and the City, the City and UBC agree to rely on the following dispute resolution procedures.
- a. Issues concerning development on the main UBC campus under the Official Community Plan for Part of Electoral Area "A" will be addressed through the Joint Committee of the Greater Vancouver Regional District (GVRD) and UBC as set out in the GVRD-UBC MOU dated December 18, 2002, as amended.
  - b. Issues concerning applications for development, permits, or licences by UBC within the City of Vancouver will be addressed through City regulatory processes.
  - c. Other issues will be resolved:
    - In the first instance through a joint review by the President of UBC and the City Manager of Vancouver or their nominees;
    - If the review by the President and City Manager is unsuccessful in resolving the dispute, a joint review by a committee consisting of the Mayor, two members of City Council, and the City Manager, and the Chair of the Board of Governors, two members of the Board, and the

UBC President; and

- If this is unsuccessful, mediation/arbitration by an independent board with one member appointed by each of the City and UBC, and a third member, who shall be the Chair, appointed by the two members. Costs will be shared equally by the parties.
- d. The City and UBC agree to be bound by the conclusions of the arbitration. Where either the City or UBC cannot be legally bound by the rulings of a third party, neither shall be bound, but both undertake to give the recommendations from the process due consideration.
10. On matters requiring formal agreement between the two parties, the City and UBC agree to pursue simplified legal agreements relying on the dispute resolution procedures set out above.
11. On all matters of mutual interest, the City and UBC agree to take actions that develop, enhance, and mutually support the links that tie them to each other and the region.

