



LOCAL GOVERNMENT FACT SHEETS

A REFERENCE GUIDE TO LOCAL GOVERNMENT PLANNING AND OPERATIONS

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The complexity of local government can be confusing - one could write a book about it and still not cover all the aspects in detail. Instead of writing a "book" on local government, UBCM has prepared a series of overviews of selected topics. These are not intended to be an exhaustive review of the subject but are intended to give the local government decision-maker a general appreciation of the subject with hopefully the kinds of information that are needed to make informed decisions.

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Statutory Basis of Local Government

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01

Constitutional Basis Powers and responsibilities are divided between the federal and provincial governments by s. 91 and 92 of the *British North America Act*, which now forms part of the Canadian Constitution. The provinces were assigned the responsibility for “municipal institutions” or local governments in s. 92. The Province, in turn, assigns its powers to local government through provincial legislation.

Provincial Statutes The general rule is that local government does not have power to do anything except that which the legislation provides the authority to do. Letters Patent or Supplementary Letters Patent that create the local government may modify or limit those powers. Powers given by a statute may be limited by another provincial or federal statute. Where there is a conflict between a provincial statute and a local bylaw, the statute prevails. Local bylaws cannot regulate the use of provincial or federal lands (or Indian Reserves).

The following are statutes affecting local government and its operation:

Community Charter The *Community Charter* is the principal source of municipal corporate, service and regulatory powers (except for the City of Vancouver). Public accountability and procedural matters in the *Charter* generally pertain to both municipalities and regional districts.

Local Government Act This statute sets out the main powers of regional districts. It also contains election, land use, heritage conservation, greenhouse gas reduction targets, and some other provisions that apply to municipalities and regional districts.

Vancouver Charter This statute is the principal Act that sets out the powers of the City of Vancouver. Although the *Community Charter*, *Local Government Act* and the *Vancouver Charter* have become similar, there are some important differences.

Agricultural Land Commission Act This Act provides for the protection of agricultural land within the province through designation as Agricultural Land Reserve (ALR). It provides local governments and the Agricultural Land Commission (ALC) with tools to collaborate in protecting farmland and planning for agriculture. A local government must process all applications affecting agricultural lands and forward these applications to the ALC for their adjudication. A local government may be provided with delegated decision authority for land use and subdivision.

Arts Council Act	<p>This Act establishes the British Columbia Arts Council. The Council is established to:</p> <ul style="list-style-type: none"> • provide support for arts and culture in BC; • provide persons and organizations with the opportunity to participate in arts and culture in BC; and • provide an open, accountable and neutrally administered process for managing funds for BC arts and culture.
Assessment Act	This Act mandates the procedures by which the BC Assessment Authority produces the property assessments in the province.
Assessment Authority Act	This Act establishes the BC Assessment Authority.
BC Building Code	The BC Building Code sets out technical provisions for the design and construction of new buildings. It also applies to the alteration, change of use and demolition of existing buildings. The BC Building Code is a regulation of the <i>Local Government Act</i> and is based on the model National Building Code of Canada 2005 and the model National Plumbing Code of Canada. New green revisions to the BC Building Code came into effect on September 5, 2008.
Commercial Arbitration Act	This Act provides methods for settling disputes between parties, subject to agreements, when the parties cannot settle the disputes themselves.
Cremation, Internment and Funeral Services Act	In part, this Act sets out the legislation for the operation of local government and other cemeteries.
Criminal Records Review Act	This Act serves to help prevent the physical and sexual abuse of children by requiring criminal record checks of individuals to whom this Act applies, those who work with children.
Dike Maintenance Act	This Act provides a mechanism for the creation of an improvement district to maintain dikes and specifies the authority of the Inspector of Dikes.
Drinking Water Protection Act	Establishes the Provincial Health Officer as being responsible for drinking water protection in the province and provides a framework for the protection of drinking water throughout the province.
Emergency Program Act	This statute sets out the role of local government in emergency preparedness and response, and to provide for the necessary procedures to plan and respond to these emergencies and disasters.
Employment Standards Act	This Act sets out the minimum terms and conditions employers in BC can work under. This Act should be carefully watched by municipalities or regional districts without collective agreements.

Environmental Assessment Act	This Act requires that the environmental impacts of major projects be reviewed before they are undertaken. Threshold levels have been established for each sector. Local government activities that may come under review are: major landfill projects, sewage treatment facilities, drinking water projects, and major transportation projects.
Environmental Management Act	This Act provides for the establishment of codes of practice, standards and regulations for hazardous waste, sewage treatment, management of solid waste and clean air provisions in the province.
Expropriation Act	This Act provides a uniform code for expropriations throughout the province.
Farm Practices Protection Act (Right to Farm)	This Act ensures a farmer's right to farm using normal farming practices in the ALR and cannot be restricted by local bylaws. The Act also establishes a process for the hearing of complaints as well as establishing the Farm Practices Board.
Financial Disclosure Act	Requires a written disclosure of financial assets and liabilities to be filed by all elected local government officials and selected senior staff annually between January 1 and January 15.
Fire and Police Services Collective Bargaining Act	This Act provides that if an employer and fire or police union cannot conclude a collective agreement through collective bargaining, either party may apply to the Minister for a direction that the dispute be resolved by arbitration.
Fire Department Act	This Act sets out the hours of work of a fire department under the two-platoon system.
Fire Services Act	A municipal council may adopt a Fire Regulation Bylaw and deal with any matter within the scope of the <i>Fire Services Act</i> so long as it is in a manner that is not repugnant to that Act or the regulations to that Act. The Act also establishes the office and duties of the Provincial Fire Commissioner.
Fish Protection Act	This Act was established to ensure water for fish and to protect and restore fish habitat. Section 12 of the Act requires that riparian directives be developed to protect fish habitat and that these directives be established after consultation with local government. The Riparian Areas Regulation (RAR), enacted under Section 12 of the <i>Fish Protection Act</i> in July 2004, calls on local governments to protect riparian areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science based assessment conducted by a Qualified Environmental Professional.
Freedom of Information and Protection of Privacy Act	This statute makes government and public bodies accountable to the public through disclosures of information. It also protects the privacy of individuals who have personal information collected, used or held by government or any other public body.

Gaming Control Act	This Act provides a comprehensive framework for gaming in the province.
Home Owner Grant Act	This Act provides for a provincial homeowners grant, which applies to property taxes and may vary according to age and/or infirmity.
Homeowner Protection Act	The purposes of this Act are to strengthen consumer protection for buyers of new homes; to improve the quality of residential construction; and to support research and education respecting residential construction in BC.
Hospital District Act	This Act affects regional districts as it sets up the Regional Hospital Districts and outlines what may be included in their Letters Patent. (outside of Metro Vancouver).
Indian Self Government Enabling Act	This Act provides a framework for the implementation of First Nation taxation and the provision of services to leaseholders on reserves. The legislation outlines a general process whereby an Indian band can enter into property taxation and provides three options - concurrent taxation; independent band taxation; Indian District taxation.
Islands Trust Act	This Act establishes an Islands Trust Council to preserve and protect the unique environment of the Gulf Islands. The legislation allows local trust committees to be established with the power to determine the land use in the specific area.
Judicial Review Procedure Act	A local government may be taken to court by a person or corporation seeking relief from the court in relation to the local government's exercise of, refusal to exercise, or purported exercise of a statutory power.
Labour Relations Code	This code applies to local governments who have collective agreements with their employees.
Land Act	This Act provides for the regulation and disposition of all Crown lands, whether inside or outside of a municipality, and includes quarries and timber use. The Act also provides for Crown grant of lands.
Land Title Act	This Act provides for the registration of all land titles and allows for councils to appoint an Approving Officer to act within their boundaries.
Library Act	This Act sets the guidelines for the formation of Public Library Associations, Municipal Public Libraries, and Regional Library Districts.
Local Government Bylaw Notice Enforcement Act	This Act provides a framework under which one or more local governments may establish a bylaw notice dispute adjudication system to resolve disputes in relation to bylaw contraventions at the community level.
Local Government Grants Act	This Act provides for the method of providing grants to local governments by the provincial government each year.

Local Services Act	This Act allows those living in unincorporated areas of the province to create and obtain services within an area (e.g. fire protection, garbage collection, etc.). Regulations under this Act govern subdivisions where local bylaws are not in effect.
Manufactured Home Act and Manufactured Home Tax Act	Together, these Acts regulate the taxation, registration, and movement of moveable homes within the province and those homes coming into and leaving the province.
Mineral Tenure Act	This Act protects under surface mineral rights and it is imperative that all Approving Officers review this land status before approving any developments.
Motor Vehicle Act	This Act regulates the operation of motor vehicles in the province. Section 124 in general outlines the powers that a municipality has under the Act.
Motor Vehicle (all Terrain) Act	This Act generally regulates the operation of all terrain vehicles in the province. A municipality may pass bylaws (not inconsistent with this Act) regulating the operation of all terrain vehicles in the municipality.
Municipal Aid Act	Under this Act the Minister of Finance shall pay a grant to each municipality equal to the general municipal and regional district taxes on provincial land and improvements within the municipality.
Municipalities Enabling and Validating Act	This Act is used in unique circumstances to correct and make legal, actions of local governments. For example, part 8 of this Act outlines the provisions respecting the new northern municipality (now called Northern Rockies Regional Municipality) and the dissolution of the Northern Rockies Regional District.
Municipal Finance Authority Act	This Act provides the legislative authority for the operation of the Municipal Finance Authority of BC (see Fact Sheet #13).
Offence Act	A municipality may issue a summons by means of a ticket for certain bylaw offences subject to the rules and regulations under the <i>Offence Act</i> .
Ombudsperson Act	This Act establishes the Office of Ombudsperson and sets out its powers and jurisdiction (including those relating to local government).
Police Act	This Act makes municipalities over 5,000 population responsible for policing; it provides for municipal police boards, and generally prescribes guidelines on policing in BC.
Payment in Lieu of Taxes Act (Federal)	This Act replaces the <i>Municipal Grants Act</i> and provides for the administration of grant payments from the federal government to municipalities in lieu of property taxes for federal buildings within a municipality's boundaries.

Public Health Act	Subject to this Act, a municipality may regulate by bylaw the sanitary and safety conditions within the municipality. This Act also allows local governments to act on health hazards by reporting the hazard to the medical health officer, or taking action if it has been delegated authority under the Act, or taking action if it has authority under another Act such as the <i>Community Charter</i> or the <i>Local Government Act</i> .
Public Sector Pension Plans Act	This Act establishes the agency that provides pension plan administration services to the pension boards; establishes the agency which may provide investment management services to the pension boards; provides pension plan governance and risk and reward sharing alternatives for the management of the pension plans and pension funds; and provides benefits to eligible plan members under the pension plans.
Resort Associations Act	This Act allows for the creation of Resort Promotion Areas. These Resort Promotion Areas are established to promote, facilitate and encourage the development, maintenance and operation of a Resort Promotion Area.
Resort Municipality of Whistler Act	This Act provides for the establishment of the Resort Municipality of Whistler and confers specific powers in addition to those available to the municipality under the <i>Local Government Act</i> and the <i>Community Charter</i> .
Safety Standards Act	This Act regulates the installation and maintenance of various systems and equipment such as boilers, electrical, gas, elevating devices, and refrigeration plants. Administration of parts of the Act such as gas and/or electrical inspections may be delegated to local government. The bulk of the administration is done by the BC Safety Authority. The Act also affects all local governments that would operate affected facilities such as such skating and curling rink refrigeration plants.
School Act	Under this Act the municipality acts as the collector for school taxes collected within its boundaries. The Act also provides for the conduct of school trustee elections by municipalities.
Sechelt Indian Government District Enabling Act	This Act allows the Sechelt Indian Band to obtain local government powers and benefits from the provincial government.
South Coast Transportation Authority Act	This Act establishes the South Coast British Columbia Transportation Authority (Translink) and delineates its powers.
Strata Property Act	This Act sets the standards for development and operation of strata properties and strata councils.
Taxation (Rural Area) Act	This Act provides for the taxation of property outside of municipalities by the Surveyor of Taxes.

Transport-Action Act	Under certain sections of this Act, the provincial minister may designate arterial highways within municipalities. Amendments to land use bylaws within a radius of 800 meters of a controlled access highway may require the Ministry of Transportation's approval.
Treaty Commission Act	This Act establishes the BC Treaty Commission (BCTC). The purpose of the BCTC is to facilitate the negotiation of treaties among one or more First Nations, Canada and BC. As part of its duties, BCTC allocates funds that have been provided by Canada and BC, to enable First Nations to participate in negotiations on a more even footing with the governments of Canada and BC. The Commission also prepares and maintains a public record of the status of the negotiations. If Canada, BC and the First Nations who are taking part in negotiations all agree, BCTC will assist them in obtaining dispute resolution services.
Water Act	This Act can put restrictions on the construction or operation of a Municipal Water Utility.
Water Protection Act	This Act fosters the sustainable use of BC's water resources in continuation of the objectives of conservation and protection of the environment.
Workers Compensation Act	This Act regulates on the job safety and the implementation of safety programs. Failure to comply with the regulations can lead to severe fines and ongoing payroll costs.

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Elected Officials

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Powers	The power of a single council or board member depends on his/her ability to persuade the other members to their point of view. A single member does not have the power to bind the municipality or regional board in any way (with the exception of the powers of the mayor) or direct either its employees or its affairs. The elected official's power is collective, not individual.
Term of Office Four Years	<p>Term of office of mayor and councillor is four years and begins the first meeting following the election, ending the first meeting following the general election four years later [<i>Community Charter</i> (CC) s. 119(1)]. In practice, for the purpose of continuity mayor and councillors remain in office until their successors have been sworn in (there must be enough successor councillors to achieve quorum). Any person elected or appointed between general elections to fill a vacancy on council holds office only for the remainder of the term.</p> <p>The term for electoral area directors begins on the first Monday in December following the election, or when they make the oath of office, whichever is later. Their term ends four years hence on the first Monday in December or when their successor makes the oath of office, whichever is later [<i>Local Government Act</i> (LGA) s. 785].</p>
Oath Required	A person who has been elected shall, before taking office, complete an "Oath or solemn affirmation of office" [CC s. 120 and LGA s. 210].
Conflict of Interest/ Disqualification	Refer to Fact Sheet #14.
No Privilege of Immunity	In the Parliament of Canada or in a Provincial Legislature there is a "privilege of immunity" which protects the elected person from libel or slander suits. This does not extend into the council chamber or the regional district boardroom. Any remarks made at a council or regional board meeting could subject the speaker to a libel or slander suit. There is no privilege of immunity.
Campaign Expenses	A candidate for office must record and report campaign contributions and expenses. See the <i>Local Elections Campaign Financing Act</i> s. 13-30 and s. 46-57 for specific details.
Financial Disclosure	The <i>Financial Disclosure Act</i> requires all local government officials to file a written financial disclosure annually between the 1 st and 15 th of January [<i>Financial Disclosure Act</i> s. 4].

Remuneration

At least once a year, councils and boards must prepare a report listing for each member all remuneration, expense payments and benefits received, and any contracts with the member [CC s. 168 and LGA s. 814].

A regional board may, by bylaw, provide for payment of:

- remuneration and expenses to directors (including chair, vice-chair, and alternate directors);
- remuneration to directors and committee members attending a “regularly constituted committee meeting”; and
- the expenses of the board or committee.

It has been accepted law that the local authority cannot pay, and the elected official is not entitled to receive compensation, for public service unless such payment is clearly permitted by statute and properly authorized by bylaw.

If, therefore, a member of a council or board approved the payment of any remuneration not authorized by Act or bylaw, the member would become personally liable to the local government for all sums so paid.

Indemnification

A council or board may indemnify elected officials in the event a suit is brought against them as a result of their involvement in a decision or action of the municipality or regional district [LGA s. 287 and 847].

Illegal Expenditures

When voting on a bylaw or resolution, elected officials may be held personally responsible for the amount involved in using or investing local government funds contrary to the *Community Charter* or *Local Government Act*, and an elected official may be disqualified from holding office for doing so [CC s. 191].

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Council

Council is the governing body of the municipal corporation and the custodian of its powers, both legislative and administrative. It is a continuing body, though its membership may change by election or appointment. Council develops policies, adopts bylaws or resolutions based on these policies, and then ensures that they are executed by the administration. Under the *Community Charter* (CC), a municipality may provide any service that council considers necessary or desirable [CC s. 6-8 & 114].

The *Community Charter* provides that council can only exercise the powers of the municipal corporation in the proper form, either by bylaw or resolution passed at a regular or special meeting when a quorum is present [CC s. 122-123 & 129].

It is important to recognize that the members of council cannot make a valid and binding decision separately, even though there is unanimous agreement. They must give a collective judgement as a group and not as individuals.

Composition of Councils

The council is composed of a mayor and councillors that are directly elected by the electors. Unless otherwise provided, the council size for municipalities must be as follows [CC s. 118]:

	Mayor	Councillors	Full Council	Quorum
City/District > 50,000 pop.	1	8	9	5
City/District ≤ 50,000 pop.	1	6	7	4
Town/Village	1	4	5	3

Council may, by bylaw, establish the number of members of council as a mayor and 4, 6, 8 or 10 councillors [CC s. 118]. If the number would be less than that set out above, the bylaw must be approved by the electors.

Unless otherwise provided, decisions are made by a majority of the council members present at a council meeting [CC s. 123].

Duties of the Mayor The mayor is the head and CEO of the municipality, and presiding officer at council meetings when in attendance [CC s. 116].

The mayor:

- is a member of, and votes with, council [CC s. 116(2), 123];
- has specific duties under the *Community Charter* [CC s. 116(2)];
- can return matters for “reconsideration” by council [CC s. 131];
- must suspend municipal officers or employees if he or she considers this necessary [CC s. 151]; and
- establishes standing committees [CC s. 141].

Acting Mayor Council must, in accordance with its procedure bylaw, designate a councillor to act in place of the mayor when the mayor is absent or unable to act, or when the office of mayor is vacant. When acting in place of the mayor, this councillor has all the same powers and duties as the mayor [CC s. 130(1)].

In the event that both the mayor and designated replacement are absent from a council meeting, the remaining members shall choose a member to preside over the meeting from among those present [CC s. 130(2)].

Meetings Council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business [CC s. 124].

For the calling of various council meetings see CC s. 125-128.

Public Access For general rules governing meetings and public access to municipal records see CC s. 89-97.

Annual Reporting For rules addressing local government annual reporting requirements see CC s. 98-99.

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Meetings

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04

Council or Board Meeting

The elected municipal council or regional district board acts as the governing body of the local government, exercising and performing the powers, duties and functions of the local government [*Community Charter* (CC) s. 114(3) and *Local Government Act* (LGA) s. 174]. The council or board conducts all of its business at a properly constituted meeting, and must deal with all matters on the meeting agenda. This means that each matter must be concluded (carried or defeated), tabled, referred or deleted.

A council or board exercises its authority by authorizing a bylaw or adopting a resolution at a council or board meeting [CC s. 122]. Informal caucus or committee decisions have no force until dealt with by council or the board.

Chair or Presiding Member

The mayor presides at council meetings [CC s. 116(2)(c)]. Council must also designate a councillor to act in place of the mayor when the mayor is absent, unable to act, or when the office of mayor is vacant. If neither the mayor nor the designated councillor is present, then the members present must choose a member to preside [CC s. 130].

At the first meeting held after December 1 each year, regional district boards must elect a chair and a vice chair. The chair presides at board meetings, with the vice chair acting in place of the chair when the chair is not present or is unable to act. If neither the chair nor vice chair is present, then the directors present may elect an acting chair for that meeting [LGA s. 792].

The mayor, chair or presiding member preserves order and decides points of order at meetings [CC s. 132]. If a member appeals a decision on a point of order, the presiding member shall immediately ask the question: "Shall the chair be sustained?" and the question must be decided without debate. The chair is governed by the vote of the majority, exclusive of the chair. In the event the votes are equal, the question shall pass in the affirmative [CC s. 132(3)].

Decisions

Items on the agenda are discussed and decisions made on them. The decision must be made either by a resolution or bylaw.

A **resolution** is a formal expression of opinion or a decision by council on a specific matter.

A **bylaw** is a document that formalizes a regulation made by council.

Most local government powers can be exercised by resolution. However, if an Act states that a power must be exercised by bylaw, then that power cannot be exercised by resolution [CC s. 122(2) and LGA s.794].

Voting

Most business can be passed by a simple majority of those present if there is a quorum [CC s. 123(1) and LGA s. 791(1)].

Abstention

A member who fails to vote will be counted as voting in the affirmative [CC s. 123(4) and LGA s. 791(10)]. A member may abstain only if his or her participation in the vote is restricted due to conflict of interest [CC s. 101].

Tie Vote

On a question requiring a simple majority, a tie vote means that the motion fails [CC s. 123(5) and LGA s. 791(8)]. The only exception is a Challenge of the Chair, in which a tie vote means that the motion passes. [CC s. 132(3)(b)].

Two-Thirds Majority Vote

Certain bylaws or resolutions may require a specific majority to pass. Usually the corporate officer will advise council if a specific majority is required. When a specific portion of affirmative votes is needed, the portion is based on council size, not on members present [CC s. 123(6)].

Examples of bylaws or resolutions requiring a two-thirds majority to pass include:

- providing assistance to business (other than tax exemptions) for the conservation of heritage properties [CC s. 25(3)];
- dedication of park land or heritage properties [CC s. 30(2)];
- termination of officers for no cause [CC s. 152(2)];
- resolution to make application to disqualify a council member [CC s. 111(2)(a)]; and
- providing tax exemptions to heritage, riparian, and partnering properties [CC s. 225(7)(c)].

Quorum

A quorum is the number of members, including the mayor, required to be present in order for council to transact business. The *Community Charter* specifies the quorum as the majority of the number of members of the council [CC s. 129].

Full Council (including Mayor)

11
9
7
5

Quorum

6
5
4
3

Members ineligible to vote on a particular matter are not counted as part of the quorum for that vote.

If a quorum is present at the start of a meeting, but then some members leave and the quorum is lost, no further business may be conducted.

Procedures for Conduct of Business

Community Charter s. 124 and *Local Government Act* s. 794(1) require that a council/board must, by bylaw, establish procedures to be followed for the conduct of its business. Among other things, the procedure bylaw should include the format of meeting agendas, minutes, public notices and procedures to designate an acting mayor.

Minutes

The procedures must provide for the taking of minutes of all meetings of council/board and committees [CC s. 124]. All minutes shall be available to the public, except minutes of a meeting or part of a meeting that is closed to the public [CC s. 97 and LGA s. 794(5)].

Procedures for Bylaws and Resolutions

Council/board must, by bylaw, establish the procedures to be followed in the passing of resolutions and adoption of bylaws [CC s. 124, 135 and LGA s. 794].

It is common practice to set out the meeting and bylaw procedures in a single procedure bylaw.

Statutory Procedures

Procedures set out in the *Community Charter* or *Local Government Act* must be followed and cannot be varied.

Types of Meeting

Regular meetings are held at specified regular intervals as set by the council/board in a procedure bylaw and as provided in the *Community Charter* or *Local Government Act* [CC s. 125(3) and LGA s. 794(1)].

Special meetings are held at times other than statutory regular or adjourned meetings, and must be called according to specific requirements [CC s. 126 and LGA s. 793]:

- The mayor may call a special council meeting, or two or more council members may, in writing, request the mayor to call a special meeting.
- Two or more council members may call a special meeting if:
 - - within 24 hours after receiving a request, the mayor has made no arrangements for a special meeting to be held within the next seven days, or
 - - both the mayor and the mayor's designate are absent or unable to act.
- The board chair or any two directors may request the corporate officer to call a special board meeting.

Notice of Meeting

The schedule of regular council/board meetings, including date, time and place, must be available to the public. The public must receive annual notice of the availability of this schedule [CC s. 127(1) and LGA s. 794(1)].

Notice of a special council meeting, including date, time, place and purpose, must be given at least 24 hours prior to the meeting by:

- (a) posting a copy of the notice at the regular council meeting place;
- (b) posting a copy of the notice at the public notice posting places; and
- (c) leaving one copy for each council member at the place to which the member has directed notices be sent [CC s. 127].

Each copy of a special council meeting notice must be signed by the mayor or corporate officer or, if two or more council members call a special meeting, by those council members [CC s. 127(3)].

Notice of a special board meeting, including date, time, place and purpose, must be mailed at least five days prior to the meeting to each director [LGA 793(3)].

In the case of emergency, and with the consent of the chair and two directors, notice of a special board meeting may be given less than five days before the meeting, and need not be in writing [LGA s. 793(5)].

Notice of a special meeting may be waived by unanimous vote of all council/board members [CC s. 127(4) and LGA s. 793(4)].

Electronic Meetings

If authorized by procedure bylaw and certain requirements are met, a councillor who is unable to attend a council or council committee meeting may participate in the meeting by means of electronic or other communication facilities. A special council meeting may also be conducted in this way [CC s. 128].

Councillors who are participating in a meeting by means of electronic or other communication facilities are deemed to be present at the meeting.

The facilities must at minimum enable the meeting's participants to hear each other, and the public to hear the meeting.

For a special meeting utilizing electronic or other communication facilities, the notice must indicate the way in which the meeting is to be conducted and the place where the public may attend in order to hear and/or watch the meeting.

Open Meetings

All meetings of the council/board must be open to the public [CC s. 89(1)] except where meetings are permitted to be closed to the public.

The mayor/chair may expel and exclude from a meeting any person considered to be guilty of improper conduct [CC s. 133].

Closed Meetings

Part 4, Division 3 of the *Community Charter* contains the rules for holding closed meetings of council; select, standing and other council committee meetings; as well as other municipal bodies (board of variance, local court of revision, advisory committees, and bodies that exercise the powers of the municipality or council).

Before a meeting or part of a meeting is closed to the public, the council must state, by resolution, the fact that the meeting will be closed and the basis on which the meeting is to be closed [CC s. 92].

Matters that **require** a meeting or part of a meeting to be closed to the public are as follows [CC s. 90(2)]:

- (a) a request under the *Freedom of Information and Protection of Privacy Act*, if council is designated as head of the local public body for the purposes of that Act in relation to the matter;
- (b) information about negotiations involving the local government and a provincial or federal government (or both); or between the provincial or federal government (or both) and a third party;
- (c) an investigation under the *Ombudsperson Act*, of which the municipality has been notified;
- (d) a matter that, under another enactment, is such that the public **must** be excluded from the meeting; and
- (e) review of a proposed final performance audit report for the purpose of providing comments to the auditor general on the proposed report under the *Auditor General for Local Government Act* [s. 23(2)].

Matters for which a meeting **may** be closed to the public include [CC s. 90(1)]:

- (a) personal information about an officer, employee, agent, or appointee of the municipality, or an individual being considered for a position;
- (b) personal information about an individual being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (c) labour relations or other employee relations;
- (d) the security of the property of the municipality;
- (e) acquisition, disposition or expropriation of land or improvements, if disclosure might harm the interests of the municipality;

- (f) law enforcement, if disclosure might harm the conduct of an investigation under or enforcement of an enactment;
- (g) litigation or potential litigation affecting the municipality;
- (h) an administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by council or its delegate;
- (i) receipt of advice subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
- (k) preliminary negotiations about proposed provision of a municipal service, that if held publicly might harm the municipality's interests;
- (l) discussions with municipal officers and employees for the purposes of preparing an annual report;
- (m) a matter that, under another enactment, is such that the public **may** be excluded from the meeting;
- (n) the consideration of whether a council meeting should be closed; and
- (o) the consideration of whether authority under section 91 *[other persons attending closed meetings]* should be exercised in relation to a council meeting.

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Examples Of Motions

Source: Maritime Municipal Training and Development Board

Motion	Usual Purpose
Set Date & Time of Next Meeting -requires a mover and a seconder -requires, for adoption, a majority vote -only the date or time may be debated	•ensure that those who must leave know the time and place of the next meeting
Set the Time to Adjourn -requires a mover and a seconder -requires a majority vote -only the time of adjournment may be debated	•limit meeting length
Adjourn -requires a mover and a seconder -requires a majority vote -only the time of adjournment may be debated	•terminate the meeting
Recess -requires a mover and a seconder -requires a majority vote -not debated	•provide a cooling-off period

Motion	Usual Purpose
Limit Debate or Extend The Limit of Debate -requires a mover and a seconder -requires a majority vote -not debated	•limit discussion time
Postpone to a Definite Date & Time -requires a mover and a seconder -requires a majority vote -only the date or time may be debated	•make way for more urgent business •provide a cooling-off period •postpone indefinitely •determine support
Commit or Refer (e.g. to a standing/special committee) -requires a mover and a seconder -requires a majority vote -only the advisability or propriety of referral may be debated	•obtain additional information or enable further discussion
Amend -requires a mover and a seconder -requires a majority vote -may be debated	•add, delete or substitute words in the main motion

Raise a Question of Privilege -requires a mover only, who may interrupt another speaker -requires no vote, decided by chair -not debated	<ul style="list-style-type: none"> •ventilation •disorder in gallery •any rights of members
Raise a Point of Order -requires a mover only, who may interrupt another speaker -requires no vote, decided by chair -not debated	<ul style="list-style-type: none"> •to call attention •failure to observe rules
Lay on the Table or Remove from the Table -requires a mover and a seconder -requires a majority vote -not debated	<ul style="list-style-type: none"> •consider immediately •defer
Put the Previous Question -requires a mover and a seconder -requires a two-thirds vote -not debated	<ul style="list-style-type: none"> •limit amendment and force a direct vote on the main motion

The Main Motion -requires a mover and a seconder -requires a majority vote -may be debated	<ul style="list-style-type: none"> •the proposal before the meeting
Reconsider -requires a mover and a seconder -requires a two-thirds vote -only the advisability or propriety of reconsideration may be debated	<ul style="list-style-type: none"> •provide for another vote on a motion
Rescind -is a main motion -requires a mover and a seconder -requires a majority vote, if introduced with advance notice; otherwise, a two-thirds vote -may be debated	<ul style="list-style-type: none"> •annul a motion that has been passed

Committees

SERIES NO.
05

Types of Committees

There are several methods of handling matters that are brought before council for consideration.

1. The mayor may establish a **standing committee** for any matter the mayor considers would be better regulated and managed by means of such a committee [CC s. 141]. A standing committee considers matters that are referred to it, and reports to council with or without a recommendation.
2. Council may establish a **select committee** to consider or inquire into any matter, and report their findings and opinions to council [CC s. 142].
3. Council may sit as a **committee of the whole** and formally report to council its findings and recommendations.

The provisions of the *Community Charter* concerning open meetings apply to meetings of the committee of the whole, select committees and standing committees [CC s. 93].

Appointment

The mayor appoints standing committees [CC s. 141], with at least half the members of each standing committee required to be council members.

Council appoints select committees [CC s. 142], and at least one member of each select committee must be a member of council.

Delegation to Committees

Council may delegate certain of its powers, duties, and functions to council committees by bylaw [CC s. 154(1)].

Approval of Committee Decisions

The proceedings of all committees are subject to the approval of the council, except where council delegates authority to a committee to exercise any of the powers of council, subject to restrictions or conditions that may be specified by the bylaw.

Committee Procedures

Council must, by bylaw, establish the general procedures to be followed by council committees in conducting their business [CC s. 124(1)].

The procedure bylaw must set out the means of providing notice of committee meetings [CC s. 124(2)].

At times, in order to address urgent or emergent matters, council may decide to call a special meeting and waive the notice requirement by

unanimous consent. In such cases, there is a danger that the public might not be aware of the special meeting. To minimize criticism of council's activities, consider posting notice of a special meeting even when the notice requirement is waived.

Minutes of all committee meetings must be kept and must be signed by the chair and open for public inspection [CC s. 124(2)(c)].

Committee of the Whole

Council, by moving to committee of the whole, indicates intent to discuss a subject in a less formal manner than would be necessary during a council meeting. Any item of business may be discussed by the committee of the whole.

While many councils hold regular meetings of committee of the whole, a council may often move to committee of the whole during the course of a regular or special meeting of council.

Procedurally, on a motion of council to resolve itself into committee of the whole, the mayor or designate would step down and another member of council would be named chair of the committee. After the discussion on the item had concluded, the committee would "rise and report" back to council. The finding of the committee would be reported back to council formally, by way of recommendation.

Council could act on the recommendation or just record the report of the committee of the whole.

The formal minutes of a council meeting would record:

- (a) resolution to go into committee of the whole;
- (b) report or recommendation from the committee (making reference to the subject matter discussed); and
- (c) action taken by council, if any.

The committee of the whole itself cannot enact bylaws, only council members meeting as "council" in an open meeting can do so.

"Committee of the whole" should not be used when a meeting is intended to be closed to the public. Meetings closed to the public are proper meetings of council where members of the public and/or staff are excluded, held to deal with subjects that meet specific criteria set out in the *Community Charter* [s. 90]. (See Fact Sheet #4 – Meetings)

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Definition	A bylaw is a document that formalizes a regulation made by a local government council or board.
Required	Bylaws are required by the <i>Community Charter</i> (CC) for a great number of purposes. If the <i>Community Charter</i> specifies that a thing must be done “by bylaw”, it may only be done by bylaw. If the <i>Community Charter</i> does not specify how a power is to be exercised, council or board may use a bylaw or a resolution.
Anatomy of a Bylaw	<p>A bylaw consists of the following parts:</p> <ul style="list-style-type: none">Bylaw numberName of the local governmentTitle or brief precis of the purpose [“A bylaw to ... ”]Recital clauses quoting authority [“Whereas ...”]Enactment clause [Now, therefore ...]Definitions (if necessary)Operative clauses/body of the bylawPenalties (if any)Transitional clauses (if necessary)Repeal clauses (if necessary)Effective dateDate of first, second, third readings and final adoptionSignature of mayor and officer responsible for corporate administrationSeal of the municipality (no longer required)Schedules (if necessary)Severance clause
Adoption Procedures	<p>Council must set out, by bylaw, the procedure to be followed in the passing of bylaws [CC s. 124 & 135-140].</p> <p>A bylaw must have three readings and final adoption. The normal procedure on passing a bylaw is to introduce the bylaw and hold first, second, and third readings, all by resolution, at one meeting of council.</p>

The various “readings” are taken to mean:

- First Reading: Tabling
- Second: Discussion
- Third Reading:
- Final Adoption: Assent

Council cannot vote on the reading or adoption of a bylaw during a meeting that is closed to the public [CC s. 89(2)].

Assent or Approvals If a bylaw requires:

- voting by the electors or an alternative approval opportunity;
- the approval of the Lieutenant Governor in Council (Provincial Cabinet);
- the approval of the Minister; or
- the approval of the Inspector of Municipalities;

such approval must be obtained after third reading and before final adoption [CC s. 135(4)].

For land use bylaws that require a public hearing, the public hearing must be held after first reading and before third reading [*Local Government Act* (LGA) s. 890].

Final Adoption: One Clear Day

There must be at least one day between third reading and final adoption of a bylaw [CC s. 135(3)]. If council has an urgent need to pass a bylaw they can hold three readings on a Monday, for example, and adopt the bylaw on the Wednesday. However, council cannot adopt the bylaw sooner than the Wednesday, as there must be one clear day between third reading and final adoption. There is no maximum limit on the time between third reading and final adoption.

The bylaw, when adopted, is signed at that meeting by the mayor or presiding member and by the officer responsible for corporate administration [CC s. 135(6)]. The officer may then affix the municipal seal to the bylaw, although this is not required.

Effective Date

Any bylaw adopted by council becomes effective on the date it is adopted, unless the bylaw specifies a subsequent effective date. For example, council may wish to increase the water rates for next year, and to give the administration time to get everything in order, they may adopt the bylaw in November but make it effective January 1 of the following year [CC s. 136].

Amending or Repealing

The same power that applies to passage of bylaws and resolutions also applies to amending, repealing, consolidating, rescinding or revoking such bylaws or resolutions. Amendments can only be made by an amending bylaw, or in the case of a resolution, by an amending resolution, adopted by the council [CC s. 137].

Municipal Code	Section 138 of the <i>Community Charter</i> authorizes council to combine and revise bylaw provisions respecting any or all matters within municipal jurisdiction into a comprehensive general bylaw known as a Municipal Code.
Consolidation and Revision	Sections 139-140 of the <i>Community Charter</i> provide for the comprehensive consolidation and revision of municipal bylaws. These consolidations or revisions must be adopted by bylaw.
Enforcement	The <i>Police Act</i> [s. 36] makes provisions for appointing bylaw enforcement officers. Enforcement officers such as building inspectors, health officers, and animal control officers are charged with the day-to-day administration of the bylaws that are under their jurisdiction. However, these enforcement officers are not authorized to waive or lessen bylaw requirements to accommodate special circumstances.
Severability	While a bylaw must be adopted as a whole, provision can be made for different sections of the bylaw to come into effect at different times.
Quashing	<p>An action may be taken in court to quash (set aside) a bylaw or resolution, in whole or in part, for illegality [LGA s. 262-265].</p> <p>Notice of an application to set aside a bylaw must be served to the local government within one month of the bylaw's adoption and at least ten days before the hearing, with the following exceptions [LGA s. 262]:</p> <ul style="list-style-type: none"> • if the bylaw required elector assent, but council adopted it without consent, notice may be served any time after the bylaw was adopted, but must be at least ten days before the hearing; or • if the application pertains to a security issuing bylaw of a regional district, notice must be served within ten days of bylaw adoption and at least five days before the hearing. <p>An application for a declaratory order relating to a bylaw, if brought on grounds of irregularity in method of enactment, or form, must be made within one month of adoption. Except in the case of a challenge based on adoption without assent, a declaratory order may be made only within two months of adoption of the bylaw [LGA s. 264].</p>
Grounds for Quashing	<p>Some of the grounds for quashing or declaring bylaws invalid are:</p> <p><i>Ultra Vires</i></p> <p>The <i>Community Charter</i> s. 114 gives council the necessary power to do anything incidental or conducive to exercising or performing its powers, duties and functions. The power must still be authorized, expressly or by necessary implication, by statute. For example, the power to issue stop work orders is not expressly stated in section 53 of the <i>Community Charter</i> (general authority in relation to buildings and other structures), but is considered incidental to exercising section 53 regulatory powers.</p>

Bad Faith

Bad faith can involve dishonesty, unfair discrimination, malice, and corruption; or sinister, spiteful or otherwise improper motives, such as targeting individuals or an unpopular group with a benefit or restriction rather than acting in the general interest of all residents. More subtle examples of bad faith would be attempting to circumvent a restriction on power or to do something indirectly that is not authorized directly; or otherwise acting beyond the powers or purposes set out in legislation. Failure to observe the rules of procedural fairness may also give rise to allegations of bad faith.

It is up to the person alleging bad faith to prove it. This task is easier where procedural fairness rules are violated and the common law rights of individuals are at stake.

Discretion

Discretionary powers must always be exercised within the law. This includes bylaws as well as all applicable statutes, regulations and common law doctrines. Bylaws should avoid uncertainty and any potential for arbitrary decision-making. For example, they should not state that something is “subject to the approval of council” or prohibited “except with approval or a permit from council”. A person who is subject to a bylaw should be able to understand from reading it what he or she needs to do to avoid breaching it or to obtain a permission or benefit from it. Council cannot reserve, to itself, the right to make additional decisions on matters that are enacted, or should have been enacted, in the bylaw.

Discrimination

Any power to discriminate must be expressly stated in authorizing legislation because the courts will not “read it in” as implicit. Authority to discriminate does not include violation of the *B.C. Human Rights Code*, which has priority over other enactments, or the *Canadian Charter of Rights & Freedoms*, which applies to local governments. Discrimination against unpopular groups or individuals or for an improper purpose will be seen as bad faith or an improper exercise of discretion. Examples of lawful discrimination include municipal fees (requires justification) [CC s. 194], service bylaws [CC s. 8(3)(a)] and zoning [LGA s. 903].

Improper Delegation

Council cannot, in a bylaw, delegate council's authority to any other person if council is required to enact the legislation by bylaw. In other words, a council could not enact a subdivision bylaw that “all highways in a subdivision will be constructed to a standard specified by the municipal engineer” because council would be delegating to the engineer the right to set the standard to which highways within a subdivision must be constructed. The power to act by bylaw cannot be delegated to staff.

The *Community Charter*, s. 154, places general limitations on delegation of authority. Restrictions apply in other provisions throughout the Act. Authority may also appear in another Act, such as the *Motor Vehicle Act*, [s. 124(4)], whereby an officer or employee may make orders regarding certain matters [see also CC s. 36].

Uncertainty

The wording of the bylaw is important. If the language is too vague, so that the average well-intentioned citizen would not be able to discern whether he or she was conforming to the bylaw, then the bylaw will be struck down, being too uncertain to be enforceable.

For example, a bylaw that referred to buildings “near a watercourse” was held uncertain because it required the discretion of the administrator of the bylaw to determine the meaning of “near”. A bylaw that measured a setback “from the road” was uncertain because there were a number of roads in the area and a specific road was not specified.

Updated December 2014

Financial Planning and Accounting

SERIES NO.
07

Financial Plan (Budget)

Municipalities and regional districts must annually adopt, by bylaw, a five-year financial plan which includes capital and operating items.

For municipalities, the financial plan must be adopted before the annual property tax bylaw is adopted (adoption of the property tax bylaw by May 15 is required) [CC s. 165; CC s. 197]. For regional districts, the financial plan must be adopted by March 31 [LGA s. 815]. In both cases, the financial plan may be amended by bylaw at any time.

Before adopting a financial plan, the council or board must have undertaken a process of public consultation regarding the proposed plan [CC s. 166; LGA s. 816].

For each of the five years in the financial plan, the plan must show:

- the proposed expenditures, including separate amounts for each of: interest and principal on debt, amounts required for capital purposes, the amount required for a deficiency, and the amount required for other purposes; and
- the proposed funding sources, including separate amounts for each of: revenue from property value taxes, parcel taxes, fees, and other sources, and proceeds from borrowing (other than revenue anticipation borrowing); and
- the proposed transfers between funds, including separate amounts for each reserve fund and accumulated surplus.

Regional district financial plans are based on individual services (i.e., the proposed expenditures, funding sources, and transfers noted above must be shown separately for each service).

Municipal financial plans must also describe the objectives and policies of the municipality for the planning period in relation to: the proportion of total revenue that is proposed to come from each funding source (e.g., property value taxes, parcel taxes, etc); the distribution of property value taxes among the property classes that will be subject to the tax; and the use of permissive tax exemptions.

No Deficit

Proposed expenditures and transfers to other funds for a year cannot exceed the total of the proposed funding sources and transfers from other funds. In other words, the financial plan cannot show a deficit in any year.

If it turns out that actual expenditures and transfers to other funds exceed the actual revenues and transfers from other funds (in other words, if there is a deficit), the deficiency must be included in the next year's financial plan as an expenditure.

Emergencies

Councils and boards may establish procedures to authorize and report on emergency expenditures. Once these procedures are in place, the municipality or regional district may make an emergency expenditure not contemplated in its financial plan. If emergency expenditures are required, the financial plan must be amended as soon as practicable after the expenditure has been made [CC s. 173; LGA s. 817].

Limits on Expenditures

The financial plan is the primary authority for the municipality or regional district to spend. The local government must not make an expenditure other than one authorized for that year in its financial plan or an emergency, as noted above [CC s. 173; LGA s. 817].

Disqualification and Liability

Council or board members who vote for bylaws or resolutions that authorize the expenditure, investment or other use of money contrary to the provisions of the CC or LGA may be exposed to personal liability and to disqualification from office [CC s. 191; LGA s. 814].

Financial Statements and Audit

The financial officer must prepare financial statements, which must be presented to the council or board for acceptance [CC s. 167; LGA s. 814]. The council or board must appoint an auditor [CC s.169; LGA s.814], who must report on the financial statements [CC s. 171; LGA s. 814].

Financial statements must be prepared in accordance with generally accepted accounting principles for local governments. These principles are established by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada.

Separate Funds and Consolidation

“Funds” are a way of segregating financial and accounting transactions. Separate funds tend to be used in order to keep track of how money from certain sources is used or to provide information about the cost of a particular service or activity and how those costs are recovered. A separate fund does not necessarily mean that money relating to the fund must be held in a separate bank account, although in some cases segregation in banking is either required or desired in order to simplify calculations such as interest earned on the funds.

Reserve Funds [CC s. 188; LGA s. 814], may be set up, by bylaw, to hold money for certain future purposes. The bylaw establishing the reserve fund will set out the purpose, which may be either operating or capital. Establishment of reserve funds is generally a local choice, although there are some circumstances where a separate reserve fund is required (for example, money received from the imposition of development cost charges or from certain property dispositions).

Trust Funds are set up for the purpose of accounting for money and/or property received and held by the local government as trustee, custodian or agent. A trust fund is usually in existence over a long period of time. Separate accounts should be maintained for the transactions in each trust fund.

Reserve Accounts Certain contractual arrangements may require that separate funds be established. For example, a grant program may require a separate accounting for grant funds. In addition, some local governments may choose to provide an internal accounting framework which further segregates portions of accumulated surplus into separate funds according to local requirements and preferences (for example, many local governments provide for separate operating and capital funds or will have separate funds for certain services, such as water or sewer).

The accounting treatment providing segregation into such funds is for internal management purposes, and the financial and accounting reports produced may look very different from the audited financial statements. This is because the audited financial statements are presented on a consolidated basis, as required by the Public Sector Accounting Board (PSAB). Consolidation is essentially a method of adding together the various funds and reporting on them on an aggregated basis. The PSAB requirement provides for consolidation of most accounting transactions, although there are some exceptions to this general rule.

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Local Government Revenues and Expenses

SERIES NO.
08

Revenue Sources

Local governments obtain their revenues from these principal sources:

- Taxes on real property (land and improvements), including property value taxes and parcel taxes, as well as grants in lieu of taxes (neither the federal or provincial governments pay property taxes directly, but each pays grants in lieu of taxes on some of their properties) [see Fact Sheet #10 and #11 for further information on property assessment and taxation];
- Fees and charges for services, including such things as fees for use of local government facilities, fees for services such as water or sewer, and fees in relation to various regulatory activities, such as inspection and permitting;
- Development services are charges to support the cost of infrastructure needed to service future development and include development cost charges, latecomer agreements, development works agreements, and parkland acquisition charges; and
- Transfers or grants from other governments, which include both conditional and unconditional grants. Conditional transfers are payments to local governments that are restricted in some way, generally with respect to the use of the funding (e.g., funding must be used towards a specific project or program). Unconditional transfers do not have such restrictions, and local governments may choose where the funding will be used. The largest unconditional grant programs are the Small Community Grants, Traffic Fine Revenue Sharing, and the Peace River MOU.

Expenses

Local governments may provide a range of services (e.g. policing, fire protection, parks, recreation, garbage collection, water supply, treatment and distribution, sewage collection and treatment, local roads) and are permitted to regulate in a number of areas (e.g. buildings, land use, business). Undertaking most of these services and regulatory activities is at the discretion of individual local governments, but if a local government chooses to provide the service or regulation, it will incur expenses in relation to the activity.

In general, the authority to incur an expense is derived from an approved financial plan [see Fact Sheet #7], however, there are also a number of legislative restrictions on certain types of expenses.

Revenue and Expenses by Type

The following tables show the aggregated total revenues and expenses for all municipalities and regional districts for 2013. While these provide an overall breakdown of revenue and expenses for that year for all local governments, readers should note that the proportions of revenues and expenses in each of these categories may vary considerably between individual local governments.

Each local government will have a different mix of services that it chooses to offer and will make different policy choices about how to recover the costs of those services, which will result in considerable variation between local governments.

Revenue (2013)	Municipal	Percent	Regional Districts	Percent
Property Taxation and GIL	4,032,016,518	48%	474,677,086	31%
Sale of Services	2,622,097,233	31%	809,695,083	53%
Developer Contributions	744,424,465	9%	21,904,023	1%
Transfer	596,201,385	7%	132,921,570	9%
Other Revenue	432,115,718	5%	101,839,072	7%
Total Revenue	8,426,855,319	100%	1,541,036,834	100%

Expenses (2013)	Municipal	Percent	Regional District	Percent
General Government	778,891,699	11%	123,398,541	10%
Protective Services	1,715,226,669	25%	78,961,343	6%
Solid Waste Mgmt and Recycling	272,124,455	4%	203,983,604	17%
Transportation and Transit	690,688,370	10%	34,322,936	3%
Parks, Recreation and Culture	1,175,554,820	17%	180,424,099	15%
Water Services	488,415,972	7%	168,721,400	14%
Sewer Services	407,313,710	6%	143,600,338	12%
Other Services	401,255,012	6%	141,935,060	12%
Amortization & Other Adjustments	1,053,410,926	15%	142,533,057	12%
Total	6,982,881,633	100%	1,217,880,378	100%

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Police

Under the *Police Act*, a municipality must assume responsibility for its police services when, as a result of the Canadian census, its population reaches 5,000 people. These municipalities may form their own municipal force, contract with an existing independent police department, or contract with the provincial government for Royal Canadian Mounted Police (RCMP) municipal police services.

In 2012, there were seventy-four (74) municipalities in BC responsible for providing police services within their municipal boundaries. Twelve (12) of the municipalities were policed by an independent police force and sixty-two (62) municipalities were policed by the RCMP. The remainder of the province is policed by the RCMP through the provincial police force.

RCMP Policing

There are three types of RCMP policing agreements in British Columbia:

1. In 1992, the provincial government signed a 20-year Provincial Police Services Agreement (PPSA) with the federal government to contract the RCMP as BC's Provincial Police Force. A new 20-year agreement was signed by both governments and came into effect on April 1, 2012.
2. In addition to the Provincial Police Services Agreement, the provincial and federal governments signed a twenty (20) year master agreement, the Municipal Police Service Agreement (MPSA), which enables the provincial government to sub-contract the RCMP Provincial force to municipalities. The MPSA describes the terms and conditions for the provision of RCMP municipal police services.
3. To contract municipal services, each municipality must sign a Municipal Police Unit Agreement (MPUA) with the provincial agreement. The terms of these latter two agreements are almost identical.

Under the terms of the PPSA and the *Police Act*, rural and unincorporated areas of BC are policed by the RCMP provincial force, with the provincial government paying 70% of the cost-base described in the Agreement; the federal government paying the remaining 30% of the cost-base.

The terms of the MPSA and the MPUA require that municipalities between 5,000 and 14,999 population pay 70% of the RCMP cost-base and the federal government pays 30% of the cost-base; municipalities with 15,000 population and over pay 90% of the cost-base and the federal government pays 10% of the cost-base. Municipalities are responsible for 100% of certain costs, such as accommodation (i.e., the detachment) and support staff.

Municipalities	Number	Police	Population
Own Force	12	2,413	1,321,075
Over 15,000 RCMP	31	3,043	2,319,435
5,000-14,999 RCMP	31	420	289,439
Total Municipalities	74	5,876	3,929,949
Provincial RCMP	-	2,602	689,468
Federal RCMP	-	1,028	
First Nations	-	116	3,156
Total - All BC	-	9,622	4,622,573

RCMP Federal Force

The Royal Canadian Mounted Police (RCMP) is Canada's national police force. Established under the *RCMP Act*, the RCMP serves as the federal police service as well as provincial and municipal police services. The RCMP falls within the portfolio of the Minister of Public Safety Canada and operates under the direction of the RCMP Commissioner. As the federal police force, the RCMP enforces federal statutes across the province and is responsible for border integrity, national security, drugs and organized crime, financial crime and international policing.

RCMP Provincial Force

The RCMP provincial force can be broken into two main categories: detachment policing and the provincial police infrastructure. Detachment policing provides local police services to municipalities under 5,000 population and unincorporated areas throughout the province by means of uniformed patrols, response-to-call duties, investigative services, community-based policing, traffic enforcement, and administrative support to provincial detachments. A total of 769 provincial force members provide these services.

In addition to detachment policing, the provincial force maintains the provincial police infrastructure which has the capacity and expertise to resolve high risk incidents; target organized crime, gang violence, and serial crimes; respond to existing and emerging crime trends; as well as provide security and policing services for large scale, community events and emergencies. The provincial police infrastructure also includes capital-intensive items such as boats and planes, and provincial Operational Communications Centres which provide dispatch services to all provincial and municipal police units outside

of the Lower Mainland. Under the umbrella of the provincial force, the provincial police infrastructure provides services to the entire province, including municipalities with independent police forces. A further 1,833 provincial force members provide these services.

Municipal Policing

Independent Municipal Police Departments

Twelve (12) municipalities in BC are policed by eleven (11) independent municipal police departments. The independent municipal police departments are: Vancouver, Victoria (which polices the municipalities of Victoria and Esquimalt), Saanich, Central Saanich, Oak Bay, Delta, Abbotsford, New Westminster, West Vancouver, Nelson, and Port Moody.

These police departments are referred to as “independent” because they are governed by the municipality's police board. The role of the police board is to provide general direction to the department, in accordance with relevant legislation and in response to community needs. Each police board is chaired by the municipality's mayor, and consists of one person appointed by the municipal council and up to five people appointed by the provincial government. Board members are civilians. Independent municipal police departments are responsible for 100% of their policing costs.

First Nation Policing

There is a framework agreement between the federal government and the BC provincial government for RCMP-FNCPS in British Columbia. The First Nations Community Policing Services (FNCPS) agreement provides dedicated police services to 118 First Nations communities in BC through 53 Community Tripartite Agreements (CTAs). The funding for First Nations policing is cost shared – 48% by the province and 52% by the federal government.

There is one First Nations Administered Police Service (FNAPS) in British Columbia- Stl'atl'imx Tribal Police with 8 police officers. This police service is modeled on the structure of an independent municipal police department, with governance provided by a police board whose members are selected from the communities served.

Small Municipalities and Rural Area Costs

The Province provides police services in the 87 municipalities, of less than 5,000 population, and in the rural areas. Both small municipalities and rural areas pay a police tax levy which contribute to the costs of the police services provided, but are not intended to cover the full costs of the service.

The unincorporated areas of the province also receive a tax credit from the provincial rural tax of \$0.10 per \$1000 (all assessment classes) to offset the rural police tax – this is intended to recognize the fact that the rural property tax collected from residents, also contributes to the cost of policing rural areas and is intended to reduce the amount of money recovered.

In addition, both rural areas and small municipalities receive an offset for traffic fine revenue which is subtracted from the police tax allocated to the area – traffic fine revenues are allocated on the basis of policing costs in each electoral area and small municipality.

The tax revenue collected assists the government in providing police services to these areas, although the tax revenue raised for the services provided falls considerably short of their actual costs.

Further Information

RCMP Contract

For details on the RCMP contract, signed in 2012, see: www.pssg.gov.bc.ca

For details on the Local Government Contract Management Committee see: ubcm.ca – under Resolutions and Policy – Policy Areas – RCMP Contract.

Policy Papers - Police Financing

Police Services in British Columbia: Affordability And Accountability – October 1, 2009

Police Financing in British Columbia . . . a new approach – Response to Regional Consultations (September 2003 – Ministry of Public Safety and Solicitor General).

Restructuring Police Financing in Municipalities Under 5,000 Population and Unincorporated Areas (September 2002 – Ministry of Public Safety and Solicitor General).

Dollars & Sense of Policing BC Communities: Discussion Paper (September 1999 – UBCM).

Financing Local Police Services in British Columbia: Discussion Paper 1994 - Joint Committee on Policing Costs (UBCM, Ministry of Attorney General, Ministry of Municipal Affairs and Ministry of Finance).

Updated December 2014

The System

Property taxation depends upon two different but interrelated mechanisms:

1. Establishment of property values for land and improvements, which is the exclusive responsibility of the BC Assessment Authority (BC Assessment) -- see Fact Sheet #20; and
2. Establishment of a tax rate which, when multiplied by the property value, will raise the appropriate amount of property taxes -- see Fact Sheet #11.

Assessments

Since 1974, BC Assessment has been responsible for preparing assessments for property taxation purposes. The *Assessment Act* describes the methods to be used in valuing and classifying property, the rules for providing assessment notices and assessment rolls to property-owners and taxing bodies and a framework for review and appeal of the valuation, classification and exemption of property.

Valuation

BC Assessment must establish the assessed value for all land and improvements in the province. The *Assessment Act* and its regulations set out the valuation methodology. Assessors must take a number of factors into consideration in establishing the assessed value of a property (e.g., use, selling price of comparable land and improvements, revenue or rental value). In addition, the method of valuation may be different for different types or classes of property. For example, while property in Class 6 (Business and Other) is valued at market value, improvements in Class 4 (Major Industry) are valued on a cost less depreciation basis.

Classification

BC Assessment classifies properties into one or more of the nine property classes set out in *Assessment Act* regulations. The following table sets out the classes and the total 2011 assessed value (actual value before exemptions) for each of the classes, in BILLIONS:

Class 1. Residential	\$800.91
Class 2. Utility	22.75
Class 3. Supportive Housing*	
Class 4. Major Industry	6.48
Class 5. Light Industry	12.73
Class 6. Business and Other	167.12
Class 7. Managed Forest	1.00
Class 8. Recreation/Non profit	30.87
Class 9. Farm	1.27

*New class introduced in 2008. Properties in the Supportive Housing class are regulated at \$1 for land and \$1 for improvements.

Note: The numbers above are from 2008. Please see the BC Assessment website for the most up to date numbers (2015 data was not available at the time of this publication).

As a general rule, the tax rate for all properties within a property class must be the same but tax rates for properties in different classes may be different. Taxing jurisdictions customarily set different tax rates for each of the property classes – see Fact Sheet #11 for more information about setting tax rates for each assessment class.

Exemptions

Property may be exempted in whole or in part from taxation. Exemption provisions are complex; some of the highlights are:

- A number of mandatory exemptions are provided in Division 6 of Part 7 of the *Community Charter* [s. 220-223]. For example, properties owned by the municipality, buildings used for public worship and property of a public library.
- Properties owned by the Federal and Provincial governments and agencies are also exempt from taxation, although in many cases the government or agency will pay a grant in lieu of taxes.
- Some property owned by a utility company is exempt from general taxation but subject to a 1% utility revenue tax in lieu [LGA s. 353].
- Various other provincial statutes provide exemptions for certain properties, including: \$10,000 for each property in the business class, certain properties are eligible for exemption under the *Tourist Accommodation Relief Act*.
- In addition to these mandatory exemptions, municipalities have the opportunity to exempt certain properties from taxation. These types of exemptions are considered permissive, in that granting of the exemption is at the discretion of individual municipal councils. Authority for permissive exemptions, and the requirements relating to the exemptions, are set out in Division 7 of Part 7 of the *Community Charter* [s. 224-227]. Properties eligible for exemption are generally limited to those owned by not for profit organizations, although exemptions may be provided in very limited circumstances to properties owned by a business (e.g., property owned by a partner providing a municipal service, property within a revitalization area).

Assessment Rolls

Assessment rolls are produced annually by BC Assessment. The assessor must, before October 31, supply to each municipality a preview roll and estimate of the total assessed value of each property class within the municipality. However, the Assessed Values Estimates Extension Regulation extends that date to January 5. On or before December 31, the assessor must complete a new assessment roll containing a list of each property within a municipality or rural area and mail a notice to each person named on the roll.

Review and Appeal

The *Assessment Act* provides for a Property Assessment Review Panel (PARP) and a Property Assessment Appeal Board (PAAB). Further avenues of appeal may also be available through the Courts. Notice of a complaint against an assessment (or, in the case of a municipality, against the roll or any individual entry on the roll), must be given by January 31 of the year following the year in which the assessment roll is completed. PARPs must complete their review by March 15, after

which the assessor must make the applicable changes to the assessment roll. The assessment roll reflecting the PARP changes becomes the basis for taxation for the year. Further changes to the roll for that year (e.g., changes resulting from a PAAB decision) may occur after taxes have been imposed, in which case the tax liability for those affected by the change will require adjustment.

Updated December 2014

Property Tax System

Real property (i.e., land and improvements) is subject to taxation from municipalities (within their boundaries) and the Province (in rural unincorporated areas). These two taxing jurisdictions levy and collect property taxes for themselves and for other public authorities (e.g., schools, regional districts, regional hospital districts, BC Transit, Translink, BC Assessment Authority and Municipal Finance Authority). Property taxes levied are a product of the assessed value of the property and a tax rate to be applied to that assessed value. Assessed values are determined by the BC Assessment Authority (see Fact Sheet #10). Tax rates to be applied to these assessed values are set in accordance with a “variable tax rate” system. This fact sheet will focus on taxes levied by municipalities.

Variable Tax Rate System

The system, introduced in 1983, provides for properties to be classified into one of nine property classes and for councils to set a tax rate, for the levy of taxes for municipal purposes, on each property classes. A tax rate is defined as an appropriate number of dollars and cents for each \$1,000 of assessed value. The tax rate may vary between property classes but must be the same for all properties within a class.

By considering a unique tax rate for each property class, council can locally determine the appropriate share of taxes to be borne by each of the property classes (i.e., council decides not only the amount of tax to be raised in total but also the amounts that will be raised from each class of property).

Financial Plan

The total amount of taxes to be raised for municipal purposes in a particular year will be determined by council and set out in its financial plan (aka the budget, see Fact Sheet #7). The financial plan must be adopted annually prior to adoption of the municipality’s annual tax rate bylaw. The financial plan must set out the projected revenue (including total property tax revenue) and expenditures for the upcoming year, plus objectives and policies of the municipality in relation to: the proportion of total revenue that is proposed to come from each funding source (e.g., property value taxes, parcel taxes, etc); the distribution of property value taxes among the property classes that will be subject to the tax; and the use of permissive tax exemptions.

Tax Rate Bylaw

Once the financial plan is adopted, council must determine how much of the projected taxation revenue will be provided by each of the nine property classes and then set these tax rates by bylaw. Under existing legislation, councils must finalize their tax rate bylaw by May 15th each year, after which officials undertake the preparation of property tax notices, distribute them to property owners and begin the process of collections.

In setting tax rates, council must decide what tax burden should be placed on each class (e.g. Residential, Businesses, and Light & Major Industry as defined by the legislation).

For example, if council wishes to raise \$200,000 of property tax revenue from the Residential Class (Class 1), and the total value of residential properties is \$10,000,000, then the tax rate would be set at \$20 per \$1,000 of assessed value (i.e., $(200,000 \times 1,000) / 10,000,000$).

The decision rests solely with the council, although its administrative staff will advise council of the total tax revenue that would result from any combination of tax rates that council might wish to consider. In setting tax rates, the council must consider the tax distribution objectives and policies it has set in its financial plan.

Note: Municipalities also levy and collect taxes for other public authorities (e.g. regional district and regional hospital district). The tax rates and/or ratios (relationship between tax rates for different property classes) for these other public authorities are usually set in legislation.

Tax Rates

Tax rates are expressed in dollars per thousand of taxable property value. The tax levy on any property is the result of applying the tax rate to the taxable assessment. For example, if the tax rate set was \$20 per \$1,000 of assessed value, then an owner of a house and lot assessed at \$100,000 would pay \$2,000 in property taxes ($= \$20/1000 \times \$100,000$).

Limits on Tax Rates

Municipalities have considerable legislative discretion to set a separate tax rate for each of the nine property classes; these rates reflect amounts need by council to recover projected taxation revenue from the financial plan.

However, the Provincial Government retains the over-riding authority to apply their own limits on such matters as maximum tax rates and ratios (i.e. the relationship between the tax rate for one property class and other property classes). This authority is rarely exercised, but was used in 1997 to set limits on the Class 2 (Utilities) tax rates and again in 2004 to set limits on municipal tax rates for certain port properties.

Additional Tax Options

Due to rapid fluctuations in real estate prices (specifically in metropolitan land values) in the 1980s and 90s, municipalities were given the power to provide either an “averaged” or “phased” land value for municipal taxation purposes. Averaging and phasing may only be used with respect to land values for certain property classes. Improvement values are not subject to phasing or averaging.

Averaging

Uses the average of the assessed values of land in the current year and the two preceding years and the assessed value of improvements in the current year.

Phasing

Uses the assessed value of land in the current year minus not more than 66% and not less than 50% of the amount by which the increase in the assessed value of the land in the current year exceeds the average percentage increase in the value in the current year of all land within the municipality included in the same property class and the assessed value of improvements in the current year.

Both averaging and phasing are subject to a number of regulatory requirements (e.g., municipality must give notice of its intention to use one of the options; municipality must establish procedures for property owners to make complaints), CC s.198 and the Assessment Phasing and Averaging Regulation should be reviewed prior to use.

Municipality as Tax Collector

For administrative ease, all taxes imposed (e.g. municipal, school, regional district, etc) on a particular property are collected by one entity. For properties within rural areas, the provincial government, through the Surveyor of Taxes, collects taxes on behalf of all public authorities. For properties within municipal boundaries, the municipality takes on this collection role.

The amount of taxes collected by municipalities on behalf of other taxing jurisdictions can be significant. In some cases, almost half of the overall tax bill for a property within a municipality can be for non-municipal use. Amounts imposed by the municipality are generally due to the taxing jurisdiction shortly after the tax due date even if the municipality has not collected the tax from the taxpayer. There are some exceptions to this general rule, most notably with respect to school taxes levied on behalf of the Province. For school taxes, a municipality may choose to defer payment for school taxes uncollected at year end.

Home Owner Grants

A homeowner grant program introduced in 1957 offers grants to owner-occupiers of residential properties to offset part of their school property tax burden. In practice, the grants are paid by the province directly to the tax collector on behalf of the property owners and are applied to school taxes first, then to municipal or other taxes. In 2014, they included a “basic grant” of up to \$570 and an “additional grant” of up to \$275, for a total grant of \$845 to a qualifying homeowner who is (or is the spouse of) a senior, a veteran, or a disabled person, provided that the next tax payment could not be reduced below \$100. These grants are phased out for high-valued homes, beginning at assessed values of \$1,150,000 and the basic grant is eliminated for homes assessed at \$1,264,000 or more. For homeowners outside of the Capital Regional District, the Greater Vancouver Regional District and the Fraser Valley Regional District. An additional benefit of \$200 became available in 2011, providing the homeowner meets the eligibility requirements for the basic or additional homeowner grant.

Tax Payment Calendar

The *Community Charter* provides a general tax collection scheme under which taxes are due on July 2 and the Province sets penalties and interest rates for unpaid taxes (CC s.234). Councils may also choose to offer an alternative tax collection scheme, under which it establishes one or more dates on which taxes become due and may establish discounts, penalties and interest in relation to taxes (CC s.235). If a municipality has an alternative tax collection scheme in effect, owners have the ability to choose to pay in accordance with the alternative scheme or the general scheme (CC s.236).

Under either scheme, certain statutory provisions apply to taxes that remain unpaid at the end of the year in which they were imposed, as follows:

- On Dec. 31 Year 1: The unpaid taxes and penalty become taxes in arrear and bear interest at rates prescribed by the provincial government.
- On Dec. 31 Year 2: Taxes in arrear become delinquent taxes and continue to bear interest at rates prescribed by the province.
- On the last Monday in September, Year 3: Properties with delinquent taxes are subject to tax sale. The upset price is all taxes and interest outstanding plus 5% of these amounts plus fees prescribed under the "Land Titles Act". Any tax sale surplus money is payable to the owner if the property is not redeemed. The municipality may bid on the property at tax sale. If the property is not sold at tax sale the municipality is declared the owner.
- September, Year 4: In the year following the tax sale the property may be redeemed up to one year from the day the tax sale began if the owner repays the upset price, costs, any current taxes paid by the purchaser plus interest at the prescribed rate.

Caution

There are many subtleties to the taxation process and the above is just an overview - the *Community Charter* and the *Local Government Act* should be thoroughly consulted.

Updated December 2014

Capital Expenditures, Borrowing and Contracts

SERIES NO.
12

Methods of Capital Financing

1. Annual Revenue
2. Reserve Funds
3. Leasing
4. Partnering Agreements
5. Borrowing

Financial Plan

A municipality must annually adopt, by bylaw, a five-year financial plan. Among other things, the plan must show proposed expenditures, including capital expenditures, and the proposed funding sources for those expenditures (see Fact Sheet #7 for details of the Financial Plan).

The financial plan should show the impact on future budgets of proposed liabilities or commitments (which may arise from capital spending or from leases or other commitments for equipment or facilities). It should also show how the local government intends to finance the future impacts.

Liability Servicing Limits

A municipality cannot incur a capital liability if it would cause the total annual debt servicing cost to exceed the liability service limit prescribed by regulation [CC s. 174 & BC Reg. 254/2004]. The regulation sets the liability service limit at 25% of municipal revenues. The revenues used in the calculation relate to those that are primarily within the municipality's control, such as taxes and fees, unconditional grants and payments in place of taxes. Adjustments in the calculation are made for revenue from taxation of Class 4 properties (major industry) in some cases where a municipality is heavily dependent on this source of revenue.

The limitation applies to the cost to service all borrowing, leases, loan guarantees and general capital commitments that are of a capital nature. "Servicing" in this context means principal and interest on debt, lease payments or other commitments to repay the liability and related financing charges. Contractual payments under a partnering agreement would also be captured by the limitation if the payments relate to items of a capital nature.

A municipality may exceed this limit with the prior approval of the Inspector of Municipalities. Given the significance of the limit to the Municipal Finance Authority (MFA) and its credit rating, the Inspector has agreed to consult with the MFA prior to approving the excess.

Capital Financing from Annual Revenue

Capital expenditures may be financed out of current revenue, provided that the expenditure is included in the financial plan. Any revenue source, so long as it is not otherwise restricted, may be used to finance capital items.

Capital Financing from Reserve Funds

Reserve funds may be established by Council as a way of setting aside funding for certain specified purposes. While the purpose can be either operating or capital, reserve funds are often used to accumulate funding for future capital purposes [CC s. 188-189].

Development Cost Charge (DCC) Reserve Funds are a specific type of reserve fund that must be established if a local government imposes DCCs. The *Local Government Act* sets out the framework for imposing DCCs for the purpose of providing funds to assist the local government to pay the capital costs of sewer, water, drainage, roads and parks that are incurred as a result of development. [LGA Division 10, Part 26].

Capital Financing Through Agreements (Leases, Partnering Agreements)

Capital assets (such as buildings and equipment) may be financed under an agreement, in which case a liability is incurred under the agreement. The *Community Charter* allows a liability under an agreement, provided that the liability is not a debenture debt and the period of the liability is not longer than the reasonable life expectancy of the service under the agreement [CC s. 175].

Liabilities under agreement are subject to the liability servicing limits noted above, and may be subject to elector approval requirements. If the liability under the agreement is of a capital nature and the agreement is more than 5 years, or would be more than 5 years if a right of renewal or extension were exercised, then elector approval will be required. There are some exceptions to this general rule for certain types of liabilities and for municipalities with total liability servicing costs below a prescribed threshold [CC s. 175; Municipal Liabilities and Regional District Liabilities Regulations].

One common form of capital financing under agreement is a lease agreement. Leasing may be undertaken through either the Municipal Finance Authority or a commercial leasing entity.

Another form of agreement that may provide for capital assets is a partnering agreement. A partnering agreement is any agreement between a local government and a person or public authority under which the person or public authority agrees to provide a service on behalf of the local government. In some cases, a partnering agreement will include the provision of capital assets, which are financed by one of the parties under the agreement.

Capital Financing Through Borrowing

Capital projects may be financed by short-term capital borrowing or borrowing through a loan authorization bylaw (long-term borrowing). Choices between these two forms of borrowing will generally be based on the length of term of the debt, since short-term borrowing is limited to 5 years and long-term borrowing may be undertaken for up to 30 years.

Short-Term Capital Borrowing

A municipality may borrow for 5 years or less for any purpose of a capital nature. The maximum that may be borrowed under these provisions is \$50 per capita. The servicing costs (principal and interest payments) of short-term capital borrowing are included in the liability servicing limits noted above. The borrowing must be undertaken by bylaw approved by the Inspector of Municipalities [CC s. 178]. There is no requirement for elector approval to the bylaw.

Long-Term Borrowing (Loan Authorization Bylaw)

Long-term debt may be used to finance capital expenditures or provide funding for a limited number of other uses (e.g., to lend to, or guarantee a loan of, a partner; to comply with a court order or judgment). All long-term borrowing must be undertaken through adoption of a loan authorization bylaw approved by the Inspector of Municipalities. The maximum term of the debt is the lesser of 30 years or the reasonable life expectancy of the capital asset or the term of any related agreement [CC s. 179].

Many loan authorization bylaws require elector approval. There are exceptions to this general rule for certain types of liabilities and for municipalities with total liability servicing costs below a prescribed threshold [CC s. 175; Municipal Liabilities and Regional District Liabilities Regulations].

Long-term borrowing for all municipalities (except Vancouver) must be undertaken through the regional district, which in turn borrows from the Municipal Finance Authority (see Fact Sheet #13).

Revenue Anticipation Borrowing

The *Community Charter* allows borrowing needed to meet current expenditures. In this case, the borrowing relates to operating needs of the municipality (i.e., this is not a method to finance long-term needs or capital items). Revenue anticipation borrowing, while not included in the liability servicing limitation noted above, is limited in a different way. The municipality must not borrow more than the amount of unpaid taxes imposed during the current year and the money remaining due from other governments. If the borrowing takes place before the adoption of the property tax bylaw, the amount that can be borrowed is limited to 75% of the preceding year's tax levy. If there is revenue anticipation borrowing outstanding, revenue from property taxes must be used first to repay that borrowing [CC s. 177].

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The Municipal Finance Authority

SERIES NO.
13

Contributed by the Municipal Finance Authority of British Columbia

Capital Financing

Responsibility

The Municipal Finance Authority of British Columbia (MFA) was established in 1970 by the *Municipal Finance Authority Act*, currently cited as Chapter 325, RSBC 1996.

Regional districts and municipalities in British Columbia finance all long-term capital requirements through the MFA except those met by senior levels of government.

In 1996, borrowing authority was expanded (Greater Vancouver Water and Sewer Districts) and again in 1999 (Regional Hospital Districts). The water and sewer utilities previously borrowed through the Greater Vancouver Regional District, which in turn borrowed from the MFA.

The City of Vancouver is the only municipality in the province which retains the right to issue its own securities to finance their own capital projects.

Representation

The Province of British Columbia is divided into 28 regional districts, each of which is governed by a Regional Board consisting of representatives of its member municipalities and unincorporated areas.

The Members of the MFA are appointed by the regional boards, with the number of members to which a regional district is entitled is based upon its population. These 39 Members then, through an election, choose a Chair and Vice Chair for the MFA's Trustees.

The executive and administrative powers of the MFA are exercised and performed by a Board of Trustees consisting of the Chair of the MFA and nine other members, elected annually. The Capital Regional District is guaranteed one trustee and the Greater Vancouver Regional District is guaranteed four trustees.

Funding

When municipalities, through their regional district, and the regional districts on their own, require financing for their capital projects, they present their approved requests to the MFA. The Regional Hospital Districts requests are sent directly to the MFA.

Taking into account market and economic conditions, the MFA may authorize the issue and sale of securities in an amount sufficient to meet the requests. The proceeds of the security issuance are then loaned to the regional districts and their member municipalities.

The MFA has the power to provide for the creation, management and application of sinking funds or other means of securing the repayment of securities issued by the MFA, including the redemption by call of securities issued subject to redemption in advance of maturity.

A separate account is maintained for each debt issue. Debt repayment monies collected from MFA's clients that cannot be immediately applied toward paying the debt or discharging the obligation may be invested within the guidelines outlined in the *Municipal Finance Authority Act*. These guidelines do not allow the purchase of equities.

Protection for Investors

The MFA has established a Debt Reserve Fund into which each regional district and regional hospital district, sharing in the proceeds of a securities issue having a term to maturity of five years or over, must contribute an amount equal to one-half the average annual installment of principal and interest for repayment of the issue. This amount is payable to the MFA at the time of issue, either in full or equal to 1% of the amount borrowed, with the balance secured by a non-interest bearing demand note of the regional district and regional hospital district issued to the MFA. Monies paid into the Debt Reserve Fund, and net income earned thereon, are obligations of the MFA to each regional district and regional hospital district and must be refunded to them when the final installments of their loans have been repaid. However, where a member has discharged its obligation to a regional district with respect to a securities issue, the MFA may, during the term of the issue, repay to the regional district for the credit of the member, a portion of the money which is an obligation to the regional district and the money so paid shall be applied to reduce that obligation.

If, at any time, the MFA lacks sufficient funds to meet principal, interest or sinking fund payments due on its obligations to the bondholders, it must utilize the Debt Reserve Fund, all or any part of which is available to satisfy the MFA's obligations, regardless of the sources of the monies in the fund. In the event that payments are made from the Debt Reserve Fund, the MFA will recover such payments from the member involved in order to restore the Debt Reserve Fund. If the Trustees are of the opinion that payments made from the Debt Reserve Fund will not be recovered within a reasonable period, they may levy upon all taxable land and improvements in the Province a tax sufficient to restore the fund to its required amount. It is mandatory for the Trustees to levy such a tax when the balance in the Debt Reserve Fund is less than fifty percent of the required amount. The Trustees' power to impose taxes does not require the permission or approval of any other governmental authority.

To date, there has never been a default, and the Debt Reserve Fund has never been utilized. The provincial government has undertaken to ensure that the Debt Reserve Fund will be maintained in accordance with the *Municipal Finance Authority Act* and the Inspector of Municipalities may inspect the fund from time to time and issue a certificate that it has been maintained at the proper level.

Monies in the Debt Reserve Fund may be invested within the guidelines outlined in the *Municipal Finance Authority Act*. Such investments must mature or be callable within five years and at least 25% of the fund must be callable within 90 days. Equity investments are not permitted.

Additional Protection for Investors

Regional districts and their member municipalities financing through the MFA must obtain the same provincial approvals as would be required if they were issuing their own securities. In this way, all the safeguards imposed by the provincial legislature on the incurring of indebtedness by regional districts and municipal governments are retained. Such safeguards include the requirement that the Inspector of Municipalities approve the debt.

Limitations on the borrowing power of a regional district for each function may be specified in its letters patent. The total indebtedness (annual payments for leases or other long-term liabilities and annual principal and interest on debt) which a municipality may contract is limited to 25% of its consolidated, re-occurring own source revenues as described in the *Community Charter* and its regulations. Municipalities whose economies are not well diversified may be subject to limitations below this 25% level. The Inspector of Municipalities must ensure that a proposed municipal borrowing will not cause the municipality to exceed its liability limit.

Borrowing Process

When municipalities incur a long term debt, they actually borrow from their regional districts, not the MFA. The regional districts borrow from the MFA on the municipalities' behalf. If a regional district does a long term borrowing for themselves, they do so directly from the MFA.

In the months prior to MFA's annual or semi-annual meetings, the MFA receives requests for financing from the regional districts and regional hospital districts. The MFA must receive a Certificate of Approval for each security issuing (S/I) bylaw one month prior to its meetings in order to consider them as a request and in the case of the hospital districts, a borrowing bylaw must be sent to the MFA.

It may be helpful to examine a hypothetical municipal capital project from its inception, through construction, financing and the default of payment by the municipalities, to illustrate the borrowing process.

The City of Kelowna will be the example. Kelowna is one of four municipalities within the boundaries of the Central Okanagan Regional District (CORD).

It will be assumed that the City Council has decided a new swimming pool is required and has included a sum of \$2 million for that purpose in its 5-year financial plan. Once a decision is taken to get underway, the following illustrates the process:

1. Council decides the total amount will have to be borrowed and introduces a \$2 million loan authorization bylaw.
2. Prior to adoption of the bylaw, Council obtains approval from the Inspector of Municipalities and, unless the liability is exempt from elector approval requirements, Council will also obtain the approval of the electors, through either an alternative approval process or a referendum.
3. After elector approval (if this was necessary), Council adopts the loan authorization bylaw and waits one month for the expiration of the quashing period (under *Local Government Act* section 262, electors or other persons interested in a bylaw may apply to court to set aside all or part of the bylaw; for loan authorization bylaws, the court application must be made within one month of adoption of the bylaw).
4. Having cleared quashing, a Certificate of Approval of the loan authorization bylaw is obtained from the Inspector of Municipalities and tenders for construction are called.
5. Upon acceptance of the tender, Council will pass a temporary borrowing bylaw, under *Community Charter* Section 181, authorizing loans from its bankers or from MFA to temporarily finance the construction.
6. Upon completion of construction, all costs including interest on the bank or MFA interim loan will be totalled and Council will pass a municipal security issuing resolution (MSIR). The MSIR acts as Council's request to borrow from CORD. The amount of the MSIR must not be greater than the amount of the loan authorization bylaw; we will assume in this example that the total costs of the project are \$1,900,000, and that the MSIR is for that amount.
7. After the MSIR is passed, the City of Kelowna forwards the borrowing request to CORD. The regional district will review the request for financing and may approve the loan. If the

loan is approved, the CORD will introduce a S/I bylaw for \$1.9 million. This bylaw authorizes CORD to borrow from the MFA and it does not require approval of the Inspector of Municipalities or approval of the electors, so long as it is just authorizing borrowing on behalf of member municipalities.

8. After adoption, the regional district must wait for 10 days to ensure the S/I bylaw is not challenged in court and will then forward it to the Inspector of Municipalities and request a Certificate of Approval.
9. Once a Certificate of Approval is granted, the bylaw is forwarded to the MFA where it is assembled with bylaws from the other 28 regional districts.
10. The assembled bylaws, which the MFA treats as requests pursuant to section 9 of the *MFA Act*, are then presented to the annual or semi-annual meeting of the members of the Authority.
11. We will assume that the bylaw for \$1.9 million was part of the total of \$100 million of requests approved by the members of the MFA.
12. At this point, it should be observed that two loans have been authorized – CORD has agreed to lend the City of Kelowna \$1.9 million, and the MFA has agreed to lend CORD \$1.9 million.
13. Following the MFA meeting, the MFA will address the problem of raising the requested \$100 million. We will assume an issue is floated in Canada and payment is scheduled to be made on May 31st. Prior to that date, the MFA calculates the total expenses of floating the issue (1% for the Debt Reserve Fund plus 0.60% for expenses) and approximately 4% of the sum requested in the form of a Demand Note for deposit to the Debt Reserve Fund. The Debt Reserve Fund and expenses amount (1.60%) are deducted from the amount requested and wire payments are sent to the regional districts involved. CORD would receive \$1,869,600 (or 98.40 cents on the dollar of request). CORD, in turn, will issue proceeds, of the same amount to the City of Kelowna.
14. As a part of the process, the MFA also sets re-lending rates on the loans to the participating members. These rates are incorporated into the loan agreements with the regional districts and sent along with the demand notes for signature by the appropriate signatories. In our Kelowna example, a similar agreement and demand note is sent by the MFA covering the loan between CORD and the City of Kelowna.
15. Upon receipt of the \$1,869,600, the City of Kelowna pays its bankers or MFA its short term borrowing balance outstanding and signs its agreement and demand note with CORD. CORD signs its agreement and demand note with the MFA and the transaction is complete.
16. Approximately six months later, the MFA will bill CORD for its first semi-annual payment of interest. CORD will bill the City of Kelowna for the same amount. This process will be repeated every six months throughout the life of the loan, with annual principal repayments occurring on each anniversary date of the issue.
17. We will assume that in 2008 the City of Kelowna, for some reason or other, is unable to meet a payment of principal and interest of \$175,750. We will assume also that not having received the City of Kelowna's payment, CORD does not remit to the MFA and a default occurs.

18. If the MFA does not receive the \$175,750 from CORD, it will draw the funds from the Debt Reserve Fund in order to service its external debt.
19. Recovery of the \$175,750 will first be attempted from CORD. Notwithstanding the fact that the City of Kelowna actually defaulted, CORD is technically responsible. When CORD signed an agreement with the MFA on behalf of the City of Kelowna, all member areas of the Regional District became jointly and severally liable for repayment. In other words, the Districts of Peachland, Lake Country, West Kelowna and the electoral areas will have to make up the shortage.
20. In the event that the remaining members of the regional district are also unable to meet the shortage, the Board of Trustees has the right to impose taxation on all land and improvements in the Province (including the City of Vancouver) to make up Kelowna's default of payment.
21. Even though the defaulted payment(s) have been paid through this additional taxation, the City of Kelowna is still liable for these payments. The use of this additional taxation is only meant to be a temporary remedy until the municipality is once again able to meet its obligations.
22. In conclusion, two underwritings of the risk have occurred in the Kelowna example and they will occur in every municipal financing undertaken by the MFA:
 - (a) Firstly, the members of the Central Okanagan Regional District agreed to underwrite City of Kelowna's debt when they adopted a security issuing bylaw for \$1,900,000; and
 - (b) Secondly, the members of the MFA agreed to underwrite a \$1,900,000 debt on behalf of the Central Okanagan Regional District when they included it in their \$100 million financing.

Pooled Investments

Organization

The *Municipal Finance Authority Act* was amended in 1988 to extend the objects of the Authority to provide short term investment opportunity for regional districts and municipalities in British Columbia by the establishment and operation of pooled investment funds.

In 1992, the Act was further amended to extend the investment opportunities program to other public institutions (as defined) in the Province of British Columbia.

Three funds have now been established, the first two funds commenced in 1989, and the third in 1994.

Participation

Participation in the funds by local governments and public institutions is voluntary.

Investment Activities

The investment activities of the funds are governed by the *Municipal Finance Authority Act* and a charter of investment policies, objectives and guidelines. Equity investments are not permitted.

Short Term Financing

Organization

In 1990, the *Municipal Finance Authority Act* was amended to add short term financing for regional districts and municipalities to the objects of the MFA.

In 1992, the Act was further amended to extend the Short Term Financing Program to other public institutions (as defined) in the Province of British Columbia.

Short Term Financing was established and commenced operations in December 1990.

Participation

Participation in the Short Term Financing Program by local governments and public institutions is voluntary.

Purposes for Which Short term Financing May Be Approved

The MFA may provide financing for one or more of the following purposes:

- (a) temporary financing of capital projects
- (b) short term capital borrowing up to five years
- (c) revenue anticipation borrowing
- (d) liabilities under agreement

Equipment Financing

Organization

In 1995, the MFA combined Short Term Financing with Pooled Leasing. In January 2015 the MFA will be adding an Equipment Financing Program. This program will replace the existing Leasing Program. The new program will offer similarities to the Leasing Program as well as some additional benefits. The MFA is authorized to finance short term debt for purposes of a capital nature including equipment financing.

All commonly leased assets, from office equipment to rolling stock, are eligible under the program.

Participation

Participation in the program by municipalities, regional districts and school districts is voluntary.

For further information on the Municipal Finance Authority of BC, please contact us at:

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Robin Stringer, Chief Administrative Officer
Graham Egan, Director of Finance
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Updated December 2014

Policy

In order to maintain strong public confidence in the government and of administration of local governments, persons in elected office must be, and appear to be, free of conflict and from personal interest and benefit when carrying out their duties and exercising their authority. The rules apply to members of council and of regional district boards.

Sources of Law

A. *Community Charter*, RSBC 2003, Chapter 26

(a) Disqualification for Conflict of Interest (Division 6)

Direct or Indirect Pecuniary Interest

A person is disqualified from continuing to hold office as a member of council or a regional board if he or she participates in the discussion of or votes on a question in respect of a matter in which the member has a direct or indirect pecuniary interest, unless the contravention was in good faith or through inadvertence. Good faith or inadvertence may not apply if the person deliberately chooses not to disclose a pecuniary interest or proceeds against legal advice that there is a pecuniary interest [s. 101-s. 108].

(i) Declaration of Interest

If a member has a direct or indirect pecuniary interest or another interest that constitutes a conflict of interest they must not participate in the discussion of a matter or vote on a question in respect of the matter. The member must declare this and state in general terms the reason for the declaration and must not discuss or vote on the matter, must immediately leave the meeting and must not attempt to influence the vote in any way whether before, during, or after the meeting where the interest is disclosed [s. 100(2)].

(ii) Exceptions

No conflict exists if:

- the pecuniary interest is in common with electors of the municipality (or regional district) generally or where a local service is involved in common with others liable for the local service tax;
- the matter relates to remuneration or expenses payable to elected officials;
- the pecuniary interest is of a nature prescribed by regulation; or

- the pecuniary interest is so remote or insignificant that it cannot be reasonably regarded as likely to influence the Council member [s. 104].

(b) Disqualification (Other than for Conflict of Interest)

Many circumstances, other than conflict of interest, may lead to disqualification. These include:

- an employee of a municipality (as defined in the Regulations) is disqualified from holding office [LGA s. 66(2)];
- failure to file a campaign contribution disclosure statement or filing a false or incomplete statement [*Local Elections Campaign Financing Act*];
- commission of election offences listed in sections 151 to 154 [LGA] (vote buying, intimidation, nomination offences, improper voting, ballot and ballot box improprieties, soliciting votes improperly, false declarations, improper use of voters' lists, etc.);
- failure to take the required oath of office [*Community Charter* s. 120(1.1)] or failure to attend four consecutive regularly scheduled council meetings, or being absent from council meetings for 60 consecutive days [*Community Charter* s. 125(5)];
- voting for a bylaw or resolution which authorizes the expenditure, investment or other use of money contrary to the *Community Charter* [*Community Charter* s. 191] or the *Local Government Act*; and
- violation of restrictions on use of inside or outside influence, restrictions on accepting and disclosure of gifts, disclosure of contracts [*Community Charter* s. 110(1)(c)].

(c) Removal from Office for Disqualification

- 10 or more electors or the municipality may bring an application to the Supreme Court for a declaration that a member is disqualified and the office is vacant; or
- council may, by resolution passed on a 2/3 vote of all council members, bring an application to the Supreme Court for a declaration that a member is disqualified and the office vacant.

In either case, the council member subject to disqualification must be served, and may appear and respond in the Supreme Court [s. 111].

B. Common Law

A member must be aware of the trust principles (developed through court decisions), which require a high standard of conduct. While an elected official is not a trustee in the strict sense of the word, an elected official may not use public funds for personal benefit, or authorize payment of funds to someone not entitled to receive them. Like a trustee, an elected official is not to profit from his or her position or to be a judge in his or her own cause.

In addition to common law trust principles based on the fiduciary duty of a member of council to the municipality, s. 109 of the *Community Charter* creates an entitlement for any elector, or for the council to apply to the Supreme Court to compel any council members to pay to the municipality an amount equal to all or part of that council members financial gain arising from the conflict of interest, inside or outside influence, gifts, failure to disclose gifts, or contracts, and from use of insider information.

An elected official must be aware of basic principles of administrative decision-making. A member must have an open mind to the extent he or she is amenable to persuasion before voting. Evidence of a closed mind could give rise to a court finding the member is biased such that the court may set aside the member's vote or, in some cases, the entire bylaw or resolution.

C. *Criminal Code*, RSC 1985, Chapter C-46

Extreme conduct such as breach of trust, fraud, using the office for personal gain or accepting bribes may lead to criminal conviction [s. 121: accepting a benefit; s. 122: Breach of Trust by Public Officer; s. 123: Municipal Corruption].

Typical Situations

Conflicts often occur between the member's public duty and his or her personal, business or property interests. The courts treat personal, business or property interests of a spouse, child, parent, partner, client (or in some cases, a corporation) of the member the same way they treat the interests of the member. If the member is in any way involved in a matter before council that actually advances (or appears to advance) any of these interests, a conflict of interest may arise. By keeping key common examples in mind, it should be easier for the member to recognize a conflict.

Business Interests

A member has a conflict of interest if he or she votes on a matter that helps or is reasonably capable of helping or hindering his or her own business, or hinders or is reasonably capable of helping or hindering the competition.

Property Interests

If a member votes on a land use bylaw that makes his or her own property subdividable, or more or less valuable in any way, a conflict arises unless one of the exceptions apply, likely an interest in common with electors generally.

Family Interests

If a member votes on a matter that is to the benefit or disadvantage of a spouse, child or parent, as in increasing salary or increasing or decreasing property values, a conflict arises.

Membership on Boards of Society Directors

Competing loyalties may arise when an elected official sits as a member of a board or directors of a non-profit society or organization, and where questions or money arise, the conflict may be characterized as a pecuniary one.

Other Conflicts

In addition to pecuniary conflict, elected local government officials may have conflicts of interest arising from matters related to family relationships, close friends or even competing loyalties. The latter may arise when elected officials are involved in non-profit societies or organizations in an executive capacity. In such cases, there is automatically in law a clash of legal duties. Such conflicts not involving any direct or indirect pecuniary interest, while not giving rise to disqualification from office, are nonetheless conflicts, and may lead to disqualification of the councillor's vote on matters, and possibly to the setting aside of the bylaw or resolution involved.

Consequences of a Conflict of Interest

1. A member may be held to account for any personal profit made as a result of any breach of trust in office.
2. A member may be disqualified and removed from office.
3. A member may be subject to *Criminal Code* proceedings (fraud, breach of trust, bribery, etc.).
4. A member's vote may be invalid on the matter (in some cases such a vote invalidates the bylaw or resolution).

Financial Disclosure Local Elections Campaign Financing Act

This newly enacted legislation requires disclosure of campaign contributions and expenditures on or before the 90 days of general voting day (February 13, 2015).

Consult the Local Elections Campaign Financing Act for actual requirements.

Financial Disclosure Act, RSBC 1996, Chapter 139

Requires a candidate for office to disclose fully any corporate, business, or property interest held, in addition to naming all creditors, at the time of being nominated. If elected, similar disclosures must be made once a year thereafter, on or before January 15th. (A similar but not as comprehensive disclosure is required for designated local government employees not later than the 15th day following the month they become a local government employee and on or before January 15th in each year of their employment with the local government.) Persons who cease to be elected officials or local government employees, for reasons other than death, must file a written disclosure not later than the 15th day of the month following the month in which the person ceases to be elected or an employee.

Failure to name such interests and profits is an offence liable on conviction to a fine of not more than \$10,000. The Court may also order the offender to repay to the local government the amount of the financial gain.

Consult the Financial Disclosure Act for actual requirements.

Conclusion

It is important to recognize the potential conflict **as it arises** so the member may seek advice on the appropriate course of action. If any conflict arises, it is not sufficient that the member take no part in the proceedings. He or she must declare his or her interest and exclude himself or herself from the place where the proceedings are being carried on during the applicable portion of the meeting. The open declaring of the interest, not attending the relevant portion of the council meeting, not participating in the discussion or vote, and not attempting to influence the vote in any way before or after the declaration are the statutory strictures designed to insulate the member from the statutory consequences of a conflict.

Updated December 2014

Regional Districts (also Islands Trust)

SERIES NO.
15

Background

Legislation enabling the creation of regional districts was introduced in 1965. There are currently regional districts, which cover the majority of the province, except for the Stikine region in the northwest. The legislative powers and requirements for regional districts are contained mainly in the *Local Government Act*.

Regional districts are made up of municipalities (referred to as member municipalities) and unincorporated areas (referred to as electoral areas). The only exception is the Central Coast Regional District, which consists entirely of electoral areas. The individual jurisdictions that comprise a regional district work together to enable the organization to fulfill its purposes as service providers, administrative agencies and federations.

Service Providers

First and foremost, regional districts are local government service providers. They exist to play three important service-related roles:

- Local. They are the local governments for their electoral areas, responsible for providing basic local services such as community planning, water supply, fire protection and nuisance regulation.
- Inter-jurisdictional. They are inter-jurisdictional service bodies that provide local government sub-regional services across jurisdictional boundaries to different combinations of municipalities and electoral areas.
- Regional. They are regional service bodies, responsible for providing important regional services to their entire regional communities.

Regional districts establish and provide their local, sub-regional and regional services in direct response to the expressed needs, desires and instructions of the municipalities and electoral areas that comprise the region. The regional district board of directors, on which all electoral areas and member municipalities are represented, serves as the political forum in which these needs, desires and instructions are expressed.

There are certain services that every regional district is required by provincial law to deliver — general government administration, electoral area planning and solid waste management planning are perhaps the most notable. The number of required services, however, is small, both in absolute terms and relative to the number of voluntary services most regional districts choose to provide, in keeping with the wishes of their members.

The range of voluntary services provided by different regional districts is vast. It includes water and sewer utilities, recreation programs and facilities, community and regional parks, libraries, regulatory services such as animal control and building inspection, emergency planning and fire protection, economic development and film industry promotion, regional growth management, airports and even television rebroadcasting. Some of these services are provided locally to individual jurisdictions, while others are provided to, and on behalf of, groups of municipalities and electoral areas that jointly choose to receive the services. Still others are provided regionally to every municipality and electoral area in the regional district. Any member jurisdiction or combination of jurisdictions can choose to provide services through their regional district.

Administrative Agencies

The provision of services to, and on behalf of, their members is, as noted, the primary purpose of regional districts. In addition to service provision, regional districts are called upon by the Province to manage certain administrative functions. Two key examples are the processing of local government debt, and the collection of capital funds for hospital projects.

Debt

In 1971, the provincial government created the Municipal Finance Authority (MFA) as the central borrowing agency for municipalities and regional districts. By law, all local governments, with the exception of the City of Vancouver, are required to borrow funds for capital projects through the MFA. Regional districts function as a critical part of the MFA system. All capital borrowing requests from member municipalities and from the regional district corporation itself must be coordinated and processed by the regional district before being forwarded to the MFA.

Hospital Funding

All, or portions of, regional districts are designated under provincial law as regional hospital districts (RHDs) for the purpose of raising capital funds for hospital facilities in their areas. RHDs provide the local share (about 40 percent) of funding for capital costs associated with the construction, acquisition and maintenance of hospital facilities and major equipment in their areas. These capital costs are shared with the health authorities according to criteria established by legislation. RHD boards are comprised of municipal and electoral area directors who are members of the corresponding regional district. There are currently 23 RHDs, some of which overlap regional district boundaries. Note that due to provisions in the South Coast British Columbia *Transportation Authority Act*, the Greater Vancouver Regional District no longer has a RHD (see also Fact Sheet #19).

Federations

Regional districts are federations of the various municipalities and electoral areas that exist within the regional district boundaries. With the exception of certain provincially-mandated duties, regional districts derive their authority to act from the municipalities and electoral areas that make up the region. These jurisdictions collectively decide what their regional districts should and should not do.

It is this reliance on their member jurisdictions for authority to act that makes regional districts distinct from regional governments in other provinces. Regional governments elsewhere are typically set up with exclusive legislated powers to provide specific services or take certain actions. In BC, the provincial government does mandate regional districts to undertake certain functions. On the whole, however, regional districts act only in response to the expressed needs and instructions of the individual jurisdictions – municipalities and electoral areas – that comprise them.

As noted, regional districts were first introduced in the mid-1960s. Numerous legislative changes that have occurred since that time have modified the way in which regional districts act, and the range of requirements placed on regional districts by the provincial government. The changes that have taken place, however, have not fundamentally altered the basic nature of regional districts. They continue to function as federations of member jurisdictions, in place to serve the needs and interests of their members.

Regional Board Votes

The board of directors in every regional district is a collective decision-making body that acts through resolutions and bylaws. Before a resolution can be made, or a bylaw adopted, voting must occur. In municipalities, voting is a relatively straightforward matter: every member of council votes on every issue, and every member receives one vote. In regional districts, voting is not always so simple.

The general rule for voting on regional board issues is “one director, one vote”. However, there are circumstances where a “weighted vote” is employed. The weighted vote allows directors to have up to 5 votes and it is based on the population of the municipality or electoral area and the voting unit established for the regional district.

An example of how this works is shown in the example below, where a regional district has a voting unit of 2000. Note that in this example, the number of directors that a municipality or electoral area is entitled to is determined by dividing the number of votes by five. Therefore, municipality “A” is entitled to two directors. The available votes must be divided as evenly as possible between the directors. In this case, each director for municipality “A” will have five votes for issues that require a weighted vote.

	Population	No. of Votes	No. of Directors
Municipality "A"	20,000	10	2
Municipality "B"	4,000	2	1
Municipality "C"	1,500	1	1
Electoral Area "D"	500	1	1
Electoral Area "E"	3,900	2	1

Examples of situations where the one director, one vote is used are:

- Bylaws establishing new services
- Regulatory bylaws in relation to a service
- Regional board meeting procedures bylaw
- Election of chair

Examples of situations where the weighted vote is used are:

- Five-year financial plans
- Borrowing
- Acquisition, expropriation and disposal of property
- Liabilities under agreements

Meetings

The timing of regular regional board meetings and procedures to be followed at meetings are established in a meeting procedure bylaw. Special meetings can be called by the chair or any two directors, by following the procedures in the legislation. All regional board meetings must be open to the public except for those specific situations outlined in the legislation where the public can be excluded.

Note that provisions relating to the conduct of local elected officials and some of the council procedure rules under the *Community Charter* apply also to regional districts. These provisions include open meeting rules, as well as ethical standards, disclosure of confidential information; disqualification of elected officials and elector approval processes, including the alternate approval process.

Five Year Financial Plan

Regional districts are required to adopt a five-year financial plan bylaw before March 31 in each year. A regional district is not authorized to make expenditures other than those included in the financial plan unless there is an emergency situation. Regional districts must not propose expenditures that exceed the proposed funding sources. Any actual deficit in a service must be included in the following year's financial plan as an expenditure for the service. The regional board must undertake a process of public consultation regarding a proposed financial plan before it is adopted.

Regional District Toolkit

The first edition of the Regional District Tool Kit was published in the fall of 2005.

It is a resource developed by UBCM in cooperation with the Ministry of Community, Sport and Cultural Development and the Local Government Management Association of BC to promote a better understanding of regional districts in British Columbia. It contains fact sheets, effective practices guides, discussion guides, a power point presentation and basic information booklet on regional districts. The Regional District Tool Kit is available from the UBCM office and can be accessed from the website.

<http://www.ubcm.ca/EN/main/services/publications.html>

Islands Trust

In recognition of the special planning needs of the Gulf Islands, the province created the Islands Trust in 1974. It is a federation of 13 islands with responsibility for land use planning in the Trust Area. The Islands Trust includes a conservation land trust called the Islands Trust Fund.

The Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island, including Howe Sound and islands as far north as Comox. The area is approximately 5200 square kilometers in size and includes 13 major islands and over 450 smaller islands.

The Islands Trust is unique in that it operates under a provincial mandate (from the *Islands Trust Act*) to preserve and protect the natural environment and unique amenities of the Trust Area not only for residents, but for all British Columbians.

Like other communities in British Columbia, each of the 13 island communities elect their local representatives every four years. There are two Local Trustees elected for each major island group. Together with an appointed chair, they form a Local Trust Committee, responsible for land use planning within their respective Local Trust Area. This includes the adoption and administration of Official Community Plans, and of zoning and subdivision regulations. Within a Local Trust Area, the Local Trust Committee has all the power and authority of a regional district board for land use planning purposes. Permits, bylaws and works of regional district boards within the Islands Trust Area must be consistent with Local Trust Committee bylaws.

Bowen Island Municipality is the only island municipality within the Islands Trust Area and is responsible for all municipal functions, including land use planning. The *Islands Trust Act* states that the council of a municipality in the trust area must have regard to the object of the trust in adopting a bylaw or issuing a permit or license. The electors of the Bowen Island Municipality select which councillors will represent the Island on the Trust Council as part of the general local government election.

The 24 Local Trustees and two Municipal Trustees (from Bowen Island) form the Islands Trust Council, which makes decisions about overall policy, staff resources and budget.

The Trust Fund Board is a separate body of the Islands Trust, comprised of three elected trustees and up to three ministerial appointees. As an agent of the Crown, it acquires and manages land for conservation, holds conservation covenants and accepts donations to preserve places of natural significance or cultural value in the Trust Area.

Updated December 2014

Improvement Districts

Improvement districts are incorporated public bodies designed to provide local services such as water and fire protection to residents within a specified boundary. They share some of the same characteristics as other forms of local government such as their method of incorporation, representation by locally elected officials and the powers to borrow, charge, and regulate the services they provide. However, they do not have the same powers as municipalities to deal with broad community issues such as land use planning, and they are not included within the definition of a municipality. Currently there are 214 improvement districts in the province.

Historical Development

Improvement districts were first established in 1920 as a method to provide public management for several large irrigation systems in the Okanagan Valley. These systems had been under private management but did not have access to low-cost borrowing or taxation powers.

For a number of years following their introduction, improvement districts continued to be incorporated to manage irrigation or domestic water systems and they were subject to the provisions of the *Water Act* and the *Water Utility Act*. Private water systems were also regulated by the same Acts and improvement districts became a convenient vehicle whereby private water systems could be transferred to public ownership when the utility owner became unwilling or unable to operate it.

Improvement districts were gradually given responsibility to administer other local services besides water. This occurred because municipalities were the only other vehicle for providing these services but they were not always a viable solution for small rural communities (regional districts were not created until the 1960's). Therefore, improvement districts became a convenient vehicle for providing other services besides water outside of municipal boundaries. In 1979, the legislation affecting improvement districts was removed from the *Water Act* and the *Water Utility Act* and transferred into what is now the *Local Government Act*.

Incorporation

Improvement districts are incorporated by the Provincial Cabinet through the enactment of a document known as Letters Patent. This is the same method used to incorporate municipalities and regional districts. Some of the provisions included in Letters Patent are the name of the improvement district, its boundary, a list of its services, and the number of its trustees. Currently, improvement districts are only being incorporated where there are exceptional circumstances. The last improvement district incorporation was in 1995.

Services	Of the 23 different services that are being provided by improvement districts, the most common one is water. About 81% of all improvement districts operate water systems with the next most common services being fire protection, street lighting, and drainage. About 55% of all improvement districts provide only one service. The most services being provided by a single improvement district is eight.
Corporate and Other Powers	In addition to the objects and powers conferred by their Letters Patent, an improvement district has all the powers of a corporation and is given wide financial, administrative, and regulatory powers under section 745 of the <i>Local Government Act</i> , as well as the power to make bylaws under section 746. Improvement districts also have authority to expropriate land or works [LGA s. 750].
Area	Improvement districts vary greatly in size. The smallest one consists of seven parcels of land, and the largest one has more than 6000 parcels of land. However, the majority (about 65%), serve less than 200 parcels of land.
Elected Representation	The affairs of each improvement district are directed by trustees who are elected for a three-year term by the eligible landowners within the improvement district. Typically the smaller improvement districts have three trustees but the larger ones have five or more. The election of trustees takes place at an annual general meeting whose date is set by the trustees. Voter eligibility requirements and voting procedures differ from those for local government in that voting eligibility requires you to be an owner of property, and voting is done at the Annual General Meeting. The terms of the trustees are staggered so that only one or two positions become vacant each year.
Annual General Meeting	The purpose of the annual general meeting is to provide a report on the condition of the services, a statement of the financial condition of the improvement district, to have the landowners determine the trustees' remuneration and to elect trustees. The time period for holding the meeting is established in each improvement district's Letters Patent and is generally between January 1 and May 1.
Assessment and Taxation	<p>Improvement districts can use taxes, tolls (user rates), and other charges to recover costs for the services they provide. Those that use taxation have the ability to base it on a number of different factors such as parcels, group of parcels, area, value of land or improvements or personal property, or any combination of them. Improvement districts must prepare, mail and collect their taxes, tolls, and other charges.</p> <p>However, if an improvement district provides fire protection or street lighting, they have the option of having the tax levied and collected by the province on their behalf. Of the 36 improvement districts in this situation, almost all of them use the province to levy and collect their taxes. For improvement districts that levy and collect their own taxes, the home owner grant does not apply and the due date does not have to be July 2nd. If improvement districts levy and collect their own taxes and a bill remains unpaid for more than 24 months, the improvement</p>

district can proceed to tax sale to recover the amount owing. If the property is sold at tax sale, the one-year period of redemption does not exist like it does for municipalities, and the tax sale is absolute.

Finance

With the passage of a bylaw that has been registered by the Inspector of Municipalities, an improvement district may borrow funds from a financial institution. Unlike local governments, improvement districts cannot borrow through the Municipal Finance Authority so they do not have the advantage of borrowing at interest rates lower than commercial rates.

Role of the Ministry

Improvement districts have some oversight by the Ministry of Community, Sport and Cultural Development. In particular, some bylaws passed by the trustees must be registered with the Inspector of Municipalities and the bylaws are not in effect until this approval is obtained. In addition, the audited financial statements and the minutes of the improvement district's annual general meeting are reviewed by, and filed with, the Ministry each year. The Ministry encourages the responsibility for improvement district services to be transferred to local governments where there is local support for it.

Updated December 2014

Public Hearings

SERIES NO.
17

Public Hearings Required

The *Local Government Act* requires councils and boards to conduct public hearings before adopting or amending Official Community Plans, zoning bylaws or rural land use bylaws [LGA s. 890]. Public hearings in many cases are considered a quasi-judicial function and so the elected members are required to act “as if” a judge. Councils and boards must hear all the information and then make a decision. Procedures governing these hearings are subject to:

- statutory requirements;
- rules of natural justice and procedural fairness when the statute is silent or incomplete; and
- other precedent-setting decisions of the courts.

Bylaws considered following public hearings have been successfully attacked in court because procedural requirements have not been followed strictly.

Statutory Requirements

The statutory requirements for public hearings are set out in the *Local Government Act* sections 890 to 894. As a general rule, if a local government embarks on a hearing process in relation to matters such as development permits or development variance permits, which do not statutorily require a hearing, the hearing procedures described in these guidelines should be followed.

Timing

Public hearings must be held after first reading and before third reading of the bylaw [LGA s. 890(2)]. Public hearings must be held again, with new notices, if the local government wishes to alter the bylaw so as to alter the permitted land use, increase the permitted density of use, or without the owner’s consent decrease the permitted density of use, or wishes to receive new information before adoption (with minor exceptions).

Waiving the Hearing

A local government may decide not to hold a hearing on a zoning bylaw that is consistent with an Official Community Plan [LGA s. 890(4)], provided two notices are published in a local newspaper; and if use or density of less than 10 owners is being altered a notice is delivered to the owners and tenants of property affected [LGA s. 892 (7)].

Although a public hearing is not required for a zoning bylaw which is consistent with an official community plan, some municipalities have chosen to hold hearings on all zoning bylaws to avoid any suggestion that council might be using the provision in s. 890 (4) to “sneak through” a zoning change that would face significant opposition at a public hearing if one was held. It should also be recognized that many current residents of an area may not have lived there when the Official

Community Plan was adopted, and may therefore not be aware of its provisions or have had an opportunity for input to the plan.

It should also be noted that one of the indicia of bad faith is rushing the bylaw and so waiving the hearing may (in the context of other indicia) give evidence of inordinate speed that may give rise to a claim for bad faith.

Delegation

A council may delegate the holding of a public hearing to one or more council members; and a regional board may delegate the holding of a public hearing to one or more directors and the persons to whom the hearing has been delegated must report back to the board before the bylaw is adopted [LGA s. 891; 890(7)] (also see Fact Sheet #15).

Notice Requirements

Two types of notice requirements are set out in the Act [LGA s. 892]. All public hearings must be advertised in a local newspaper in accordance with the Act's requirements. In addition, written notice must be sent to all property owners and tenants subject to the proposal and other owners within a distance local government has determined by bylaw if land use or density is being altered. The requirement for written notice does not apply if the bylaw affects 10 or more parcels owned by 10 or more persons. Local governments may enact their own requirements for posting of a site that is the subject of a bylaw amendment.

Disclosure

In addition to the proposed bylaw described in the formal notice, the local government must, prior to and at the hearing, make available to the public for inspection documents pertinent to matters contained in the bylaw, considered by the council or board in its determinations whether to adopt the bylaw, or which materially add to the public understanding of the issues considered by the council or board. There is no obligation to create information about the bylaw that would not otherwise exist.

The hearing must allow proponents of each side to have reasonable access to all relevant reports and materials provided by the parties over the course of consideration of the rezoning application including during the course of the hearing. If the local government has required an applicant to provide impact studies or similar material of a complex nature, the documents must be made available sufficiently in advance of the hearing to provide a reasonable opportunity for members of the public to review the material and prepare submissions on it (*Pitt Polder Preservation Society v. Pitt Meadows, 2000*).

The Hearing

A public hearing provides an opportunity for the public, including individuals who believe their interest in property may be affected by a proposed bylaw, to speak or submit written comments on the bylaw [LGA s. 890(3)]. More than one bylaw may be considered at a hearing [LGA s. 890(5)]. A summary of the representations made at public hearing must be certified as correct by the person preparing the report and, where the hearing was delegated, by the delegated council member or director, and must be maintained as a public record [LGA s. 890 (6) and (7)]. An inadequate report can jeopardize the adoption process: *Pacific Playgrounds Ltd. v. Comox-Strathcona Regional*

District (2005). A public hearing may be adjourned from time to time without publication of notice, provided an announcement is made at the adjournment of when and where the hearing is to be resumed [LGA s. 890 (8)].

Voting after a Hearing

Council or board members absent from a hearing can vote on the bylaw provided they receive an oral or written report [LGA s. 894 (2)]. After the public hearing, council or the board may, without holding another hearing on the bylaw, alter any matter before it finally adopts the bylaw [LGA s. 894 (1)] except it cannot alter the use; increase the density; or decrease the density (without the owner's consent) of any area originally specified in the bylaw.

Conflict of Interest and Bias

There are several situations involving conflict of interest and bias (see also Fact Sheet #14) but the most likely in public hearings are:

- Pecuniary: A financial interest in the outcome of the case. For example, an elected official owns property that would be affected by the zoning bylaw.
- Non-Pecuniary: There is a personal but non-financial interest in the outcome. For example a close friend or a family member may be affected by the outcome.
- Bias: Having a totally closed mind; not being amenable to any persuasion.

The Right to a Hearing

The *Local Government Act* requires that all persons who believe their interest in property is affected by the bylaw shall be given an opportunity to be heard. The rules of natural justice expand on the statute. Interested parties must not only be given the opportunity to be heard but also to present their case, subject to reasonable procedural rules such as the right of others attending the hearing to witness the presentation. They must also be able to comment on all material considered by the elected officials who are acting in the nature of judges. This means the council or board members must not communicate privately with any party in the hearing or consider material not available to the proponent or an interested party.

Before the Hearing

Clearly, in court if the judge was interviewed by the press before the case and stated that his or her mind was already made up, no plaintiff or defendant in the case would feel the hearing was fair.

A case where this point was tested was in *Save Richmond Farmland Society v. Richmond*, where a councillor was alleged to have a closed mind and claimed before the public hearing that "council had made up its mind". However, the court held that a politician does not have to enter the hearing with "an empty mind". Elected officials are entitled, if not expected, to hold strong views on the issues to be legislated. Clearly, local elected officials are entitled before the hearing to individually listen to their constituents and their concerns.

At the Hearing

At the hearing, the elected official's primary duty is to hear what all interested persons have to say about the bylaw (as defined in the *Act* as "all persons who believe that their interest in property is affected"). The hearing is not a forum in which elected officials should be debating among themselves or with the proponents or opponents; they should hear and (if necessary for clarification of a speaker's point) ask questions – council or board debate takes place after the hearing has closed. Elected officials should be reasonably attentive and considerate of the public; attention to non-relevant written material, mobile phones, personal digital assistants, pagers, and private discussions between officials, should be deferred until after the hearing or breaks called by the Chair.

When in doubt as to whether a person has sufficient interest to be heard, hear them – it saves problems later and elected officials can decide how much weight in its deliberations it will give to someone who lives outside the municipality or as between someone who lives beside the site affected by a minor rezoning and someone who lives 3 miles away.

The meeting must be run in an evenhanded and fair way – for example in *Ross v. Oak Bay* (1965) the Mayor asked the people not to speak unless they had something new to say that hadn't been said by previous speakers. This intimidated some members of the public and they didn't speak. The bylaw was struck down. Rhetorical or confrontational questions from members of council should also be avoided, as they can intimidate others who might wish to avoid the same treatment.

But if the hearing is rowdy and emotional, the Chairperson has considerable leeway to keep order, make reasonable rules governing the hearing and put speakers, interrupters and hecklers in their seats, again to ensure that others are not intimidated from participating [LGA s. 890(3.1)]. Speakers' lists and speaking time limits are commonly used in British Columbia, and have not been successfully challenged.

If the hearing has to be adjourned, it is sufficient to choose a time, place and date at the hearing before adjournment and announce it to those present; otherwise advertisement and written notice must be sent out again [LGA s. 890].

After the Hearing

After the hearing, the council/board, the council or board members, or committees may not hear from or receive correspondence from interested parties relating to the rezoning proposal. They can hear from their own staff, lawyers and consultants (*Hubbard v. West Vancouver*, 2005) but if they receive a delegation or correspondence they will be, in effect, reopening the hearing and will run the risk of having the bylaw quashed. Although a council or board is often tempted to pursue an outstanding or new issue after the hearing, the local government generally should not entertain new information or hear a party affected unless at a new hearing. The exceptions to this general rule should be considered carefully in the context of the circumstances of each case.

The Public Hearing
in the Official
Community Plan
Adoption Process

Municipalities

Each reading of an OCP bylaw must receive affirmative vote of majority of all members.

CONSIDERATION OF
CONSULTATION PROCESS

- Council (or its authorized delegate) must consider what consultation opportunities (in addition to the hearing) are appropriate in relation to the bylaw, and in particular whether certain named parties ought to be consulted and if so, how early and how often [s. 879 LGA].

IMPLEMENTATION OF SELECTED
CONSULTATION PROCESS

CONSULTATION WITH SCHOOL
BOARD [S. 880 LGA]

FIRST READING (AND/OR SECOND)

“Examine” OCP in conjunction with financial plan; any waste management plan; refer regional context statement for Board; refer to Land Commission if ALR.

NOTICE OF PUBLIC HEARING

- 2 newspaper notices, the last appearing a minimum 3 days and a maximum of 10 days before the hearing.
- If use, density or less than 10 parcels owned by 10 persons are affected, written notice to be delivered 10 days before the hearing to affected properties.

Regional Districts

Each reading of an OCP bylaw must receive affirmative vote of majority of all members entitled to vote.

CONSIDERATION OF
CONSULTATION PROCESS

- Same

IMPLEMENTATION OF SELECTED
CONSULTATION PROCESS

CONSULTATION WITH SCHOOL
BOARD [S. 880 LGA]

FIRST READING (AND/OR SECOND)

Same

NOTICE OF PUBLIC HEARING

Same

Advise the Minister of the results of above.

HOLD HEARING

(report to full council after if members absent) or if delegated

(SECOND AND/OR) THIRD READING
(OR DEFEAT)

FINAL ADOPTION

HOLD HEARING

(report to full board after if members absent) or if delegated

(SECOND AND/OR) THIRD READING
(OR DEFEAT)

To Minister for approval unless exemption under B.C. Reg 279/2008 applies (30 parcel rule).

FINAL ADOPTION

Caution

The subject of public hearings is a complex one subject to ever-evolving case law and the elected official with a particular concern is advised to consult a solicitor for specific advice.

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Statutory Officers	The <i>Community Charter</i> and other Acts require council to appoint a number of officials. The duties of these officials are set out in the various Acts but their duties need not be limited only to these responsibilities. In most cases the official, while an employee of the municipality, is responsible under the Act to carry out the specified duties and council cannot direct them otherwise. In smaller municipalities one person may serve in several positions.
Local Government Officers	Under the <i>Community Charter</i> [s. 146 & 148-149] and the <i>Local Government Act</i> [s. 196 and 198-199] respectively, council and regional boards have general authority to establish officer positions with whatever titles considered appropriate, and to assign powers, duties and functions to those positions. Officer positions must be established by bylaw, while the powers, duties and functions may be assigned to those positions by bylaw or by resolution, once the positions are established. Special rules apply to the termination of officers [CC s. 152 and LGA s. 202].
Chief Administrative Officer	Local government may create the officer position of chief administrative officer , which includes overall management of the administrative operation of the municipality or regional district [s. 147 CC and s. 197 LGA].
Corporate Administrator	Sections 148-149 of the CC and sections 198-199 of the LGA <u>require</u> that one officer position be assigned corporate administration responsibility and that one officer position be assigned financial administration responsibility. Corporate administration responsibilities include powers, duties and functions similar to those currently assigned to clerks (e.g. ensuring meeting minutes are prepared; keeping bylaws; certifying documents; taking oaths). Financial administration responsibilities include powers, duties and functions similar to those of treasurers (e.g. receiving and expending monies; ensuring accurate records of municipality/regional district financial affairs).
Financial Administrator	
	A small local government may create one officer position that is assigned both financial and corporate responsibility, rather than two separate positions which then may be filled by the same person.
Collector	Collects taxes and conducts all the requirements of this function [CC s. 5].
Auditor	Must not be an employee of the local government. Shall be a member, or a partnership whose partners are members, in good standing of a Provincial or Territorial Institute/Order of Chartered Accountants within Canada, or the Certified General Accountants'

Association of BC, or a person certified by the board established under section 221 of the *Business Corporations Act* [CC s. 169].

Audits all accounts and transactions of the local government and any administrative body handling municipal funds.

Gives a report on the annual financial statements to the council or board with a copy, if requested to the Inspector of Municipalities [CC s. 171].

Chief Executive Officer

The mayor or board chair is the chief executive officer (as the case may be) [CC s. 116(1)].

Election Officers

A chief election officer and deputy chief election officer are required to be appointed by council for the purpose of conducting an election [LGA s. 41].

Local Assistant to the Fire Commissioner

All municipalities must appoint an official to be responsible for inspections - generally the fire chief but in smaller jurisdictions it may be the clerk, etc. [appointed under s. 6 of the *Fire Services Act*].

Approving Officer

Council must appoint an officer to approve subdivisions. Council sets the regulations for subdivisions but cannot direct the approving officer to approve or not approve a plan - the approving officer is responsible to the Province to carry out the duties as set out in the Acts [appointed under s. 77 of the *Land Title Act*].

In unincorporated areas, an official of the Ministry of Transportation is appointed by the Provincial Cabinet as the approving officer. Regional districts or the Islands Trust may take this function over if they wish [s.78 *Land Title Act*].

Freedom of Information: Head of Local Public Body

A municipality, by bylaw or resolution, must designate a person or group of persons as head of the local public body for the purposes of this Act [s. 77 *Freedom of Information and Protection of Privacy Act*].

Chair

A regional district board chair is elected at the first meeting after December 1 in each year, is the chief executive officer, and has the same powers and duties in relation to the regional district as a mayor has in relation to a municipality [LGA s. 792].

Updated December 2014

Local Boards and Commissions

SERIES NO.
19

Local Authorities

Other local authorities in BC include school districts, improvement districts, water communities, regional hospital districts, library boards and various other commissions and boards.

School Districts

The province is divided into 60 school districts. Each school district consists of a board of education, which is comprised of school trustees who are elected during the same election as municipal councillors and mayors, and regional district electoral area directors. The activities of these districts are subject to the *School Act*.

A school district or board is responsible for the improvement of student achievement in the school district. Subject to provisions of the *School Act*, regulations and to any orders of the Minister, a board must make available an educational program to all persons of school age who enroll in a school in the district. A board may, subject to the orders of the Minister, open, close or reopen a school permanently or for a specified period of time. A board is responsible for the management of the schools in its school district and for the custody, maintenance and safekeeping of all property owned or leased by the board.

Improvement Districts

Improvement districts are local authorities responsible for providing local services for the benefit of the residents in a community. They vary considerably in size from small subdivisions to larger communities and are usually located in rural areas of the province where there is no alternative form of local governance available, suitable, or desirable for the community. They are similar in structure to a municipality but are more informal and only provide direct local services such as water and fire protection rather than general governance or land use planning. Typically an improvement district provides one or two services, which are financed by taxation or user fees.

Every improvement district is governed by a board of elected trustees (elected by area property owners), one of whom acts as chair. The powers exercised by the trustees (to enact and enforce its regulations and charges, to assess and collect taxes, to acquire, hold and dispose of lands, to borrow money and to expropriate land) flow from the improvement district's bylaws, the *Local Government Act* and other applicable statutes.

Over the years, many improvement districts have either incorporated as municipalities or have transferred the services they provide to municipalities or regional districts.

For more information on improvement districts see Fact Sheet #16.

Water Users' Communities

A water users' community is a public corporate body incorporated under Section 51 of the *Water Act*, which is administered by the Ministry of Environment. Six or more different licensees may form a water users' community, each of whom hold their own licence(s) and who would benefit from the joint use of a system to store and/or deliver water to their respective places of use.

A water user community may: (1) acquire, hold and control property and water licences; (2) acquire, construct, hold, maintain, improve, replace and operate works; and (3) levy assessments on its members and enforce payment of those assessments by suit in a court of competent jurisdiction. A manager or committee of management conducts the business of a water users' community, as set out in resolutions passed at general meetings.

The interest of each member of the community is directly proportionate to the maximum quantity of water that the member is entitled to divert and use under licence. All matters to be determined at a general meeting are subject to a vote and are decided by a simple majority based on the interests of those members in attendance.

A water users' community will require sums of money, on occasion, in order to install, maintain, operate, repair or replace the works or to pay debts. To collect the funds required, the manager may prepare an assessment roll showing his/her estimate of the monies needed and the amount payable by each member. The assessments must be proportionate to the member's interest in the community.

The Ministry of Health requires that any Water Users' Community supplying drinking water must meet the requirements of the *Drinking Water Protection Act* and *Drinking Water Protection Regulation* that came into force May 16, 2003, replacing the *Safe Drinking Water Regulation* of the *Health Act*.

Library Boards

Municipalities, regional library districts and public library associations may provide library services. Seventy-one (71) locally appointed library boards, accountable under the *Library Act*, manage and direct the public libraries of BC. Six library federations coordinate regionally focused library services. The Ministry of Education is responsible for administering the *Library Act*.

A municipal library board is appointed by council and is composed of one member of council, and residents or electors who are not members of council, municipal employees or employees of the library board.

A regional library district board consists of a representative of each municipality and regional district that is party to the agreement to establish the regional library district. A municipal council must appoint one of its members to be a member of the regional library district board, and another member to act as an alternate. The regional district must appoint a director from the participating electoral areas to be a member of the library board, as well as one director to function as an alternate.

A public library association (PLA) is a form of library permitted to continue under section 31 of the *Library Act* – as of August 26, 1994, no new PLAs can be established. Residents in the locale for which the association was formed and residents in an area in which library service is provided are eligible to become association members. Association members elect the PLA board from among themselves. A local government that provides funding to the PLA may appoint a person to the PLA board. A public library association may request that the municipality or regional district in which it is located assume responsibility for providing library services in the community.

An integrated public library system is an organization of regional districts or a regional district that provides and maintains a library system. There are only two such entities in existence: the Cariboo and the Thompson-Nicola Regional District Library Systems. No new integrated public library systems may be established under the *Library Act*.

Library trustees ensure that the library provides relevant, comprehensive, and efficient service to the community it serves. The board represents the community and sets strategic directions and policies on its behalf, employs a director to implement its plans and priorities, and monitors and evaluates that implementation. The board works closely with its one employee, the director, who is responsible for the day-to-day operation of the library. The director is the interface between the library board and staff, serving as secretary to the board and director of staff. Library trustees may serve a maximum of eight consecutive years.

Local governments fund the majority of public libraries' annual operating budgets. The provincial government provides upwards of 10%.

Commissions & Committees

Regional District Committees and Commissions

A regional district board may decide to establish a committee or commission to provide advice or undertake some work on behalf of the board. Committees or commissions are generally used when the board does not have the capacity to undertake an initiative directly, in those cases where subject matter experts are required or where specific community involvement is warranted.

The regional district board can delegate some of its authority to the committee or commission. However, it cannot delegate authority to make a bylaw or any power or duty exercisable only by bylaw.

Municipal Committees and Commissions

A mayor must establish standing committees for matters the mayor considers would be better dealt with by committee. At least half of the members appointed by the mayor must be council members. A council may establish and appoint a select committee to consider or inquire into any matter and to report its findings and opinion to the council. At least one member of a select committee must be a council member. In addition, a council may establish and appoint commissions to operate services, manage property or operate the enforcement of local government regulations [*Community Charter* s. 141-143].

A council may delegate some of its powers, duties and functions, to a committee or commission. However, there are certain functions that cannot be delegated such as the authority to make a bylaw, any power or duty exercisable only by bylaw, or any power or duty to terminate the appointment of an officer [*Community Charter* s. 154].

Advisory Planning Commission

Some local governments feel that their land use planning decisions could benefit from receiving recommendations from an independent body composed of local residents. This can be accomplished by establishing an advisory planning commission. An advisory planning commission may advise council on all matters respecting land use, community planning or proposed bylaws and permits that are referred to it by the council. A regional district can create advisory planning commission for one or more electoral areas or portions of an electoral area.

At least two-thirds of the members of an advisory planning commission must be residents of the municipality or the electoral area. There is no length of term stipulated for members but the bylaw establishing the advisory planning commission often defines the term as well as the composition and method of appointment [*Local Government Act* s. 898].

Board of Variance

A municipal council or regional district board must establish by bylaw a board of variance if a zoning bylaw has been adopted. The role of the board of variance is limited to those functions and responsibilities set out in s. 900-901 of the *Local Government Act*. A person may apply to the board of variance for a minor variance if they feel compliance with the bylaw would cause them a hardship. For example, if a big rock in their yard made it a hardship to site the house in conformity with the normal setbacks- a person could apply for a minor variance.

The Council or board appoints members to the board of variance as per the *Local Government Act* s. 899. The local government is bound by the decisions of the board of variance, subject to court review. Council or the board cannot direct the board in its decision making process.

Local Court of Revision

A parcel tax roll review panel is appointed by council under s. 204 of the *Community Charter* and deals with appeals on local assessment rolls such as parcel or frontage tax rolls.

There are also property assessment review panels and a property assessment appeal board appointed by the Province under the *Assessment Act* to hear appeals on the property assessment roll produced under that Act.

Police Boards

Each municipality that has its own police force must have a police board. There are 11 municipal police departments in BC serving the following communities: Abbotsford, Central Saanich, Delta, Nelson, New Westminster, Oak Bay, Port Moody, Saanich, Vancouver, Victoria and West Vancouver. The RCMP serves all other BC municipalities (see Fact Sheet #9 for information on policing). There is also one First Nations Administered Police Service (FNAPS), the Stl'atl'imx Tribal Police.

Subject to the Minister's approval, the *Police Act* requires each municipal police department to have a board consisting of:

- The mayor who acts as board chair;
- One person appointed by the council; and
- Up to 7 people appointed by the Lieutenant Governor in Council.

The Ministry of Public Safety and Solicitor General is responsible for administering the *Police Act*.

Each police board is mandated to establish and operate a police department in their municipality responsible for enforcing bylaws and criminal and provincial laws, maintaining order and preventing crime. A police board sets the priorities, goals and objectives of its police department and develops the annual police department budget subject to approval by the municipal council. The police board is responsible for service and policy complaints related to its police department. It also receives complaints against the Chief and Deputy Chief Constables.

Health Authorities

Health care services in BC are managed and delivered by: six health authorities – a provincial health services authority and five geographic (regional) health authorities.

The five regional health authorities are:

- Northern Health Authority
- Interior Health Authority
- Island Health Authority
- Vancouver Coastal Health Authority
- Fraser Health Authority

The board of directors for each health authority is appointed by the Minister of Health. Under the *Health Authorities Act*, regional health authorities are responsible for:

- Developing and implementing a regional health plan;
- Developing policies, setting priorities, preparing and submitting budgets to the Minister and allocating resources for the delivery of health services, in the region, under the regional health plan;
- Administering and allocating grants made by the government for the provision of health services in the region;
- Delivering regional services through its employees or entering into agreements with the government or, other public or private bodies for the delivery of those services;
- Developing and implementing regional standards; and
- Monitoring, evaluating and complying with Provincial and regional standards.

The Provincial Health Services Authority (PHSA) is responsible for:

- Working with the five health authorities to plan and coordinate the delivery of provincial programs and highly specialized services, such as transplants and cardiac care;
- Managing the organizations that provide health services on a province-wide basis (e.g., BC Cancer Agency, BC Children's Hospital, BC's Women's Hospital and Health Centre, BC Emergency Health Services).

Regional Hospital Districts

Regional hospital districts (RHDs) operate under the authority of the *Hospital District Act*. RHD boards are comprised of municipal and electoral area directors who are members of the corresponding regional district. There are currently 23 RHDs, some of which overlap regional district boundaries.

A RHD's main function is to provide the local share (about 40%) of funding for capital costs associated with the construction, acquisition and maintenance of hospital facilities and major equipment in their areas. RHDs, through their regional districts, requisition property taxes to fund the local capital contribution. These capital costs are then shared with the Health Authorities.

Note that due to provisions in the *South Coast British Columbia Transportation Authority Act*, there is no RHD in the Greater Vancouver Regional District.

For information on regional districts see Fact Sheet #15.

Updated December 2014

Provincial Ministries and Agencies

SERIES NO.
20

Contact with Ministries

The local governments of BC will be in contact with provincial ministries and agencies concerning:

1. Approval and review of local actions by provincial agencies;
2. Joint services or regulatory activities; and
3. Provincial assistance programs.

Some of the ministries and agencies that local government elected officials will come in contact with are listed below.

BC Assessment Authority

The BC Assessment Authority establishes and maintains property assessments throughout the Province in accordance with the *Assessment Act*. The *Assessment Authority Act* sets out the structure of the Authority, the functions of the Board of Directors, the Assessment Commissioner and the staff of the Authority. It also empowers the Authority to levy an annual tax rate on all parcels of taxable property in the Province, which together with various revenue generating services, provides and helps to maintain its annual operating fund.

Ministry of Aboriginal Relations and Reconciliation

The Ministry of Aboriginal Relations and Reconciliation is responsible for leading efforts towards reconciliation with Aboriginal peoples in British Columbia. The Ministry leads relationship-building with First Nations, Metis, and Aboriginal people, is responsible for negotiation and implementation of treaty and non-treaty agreements, and works across government and with other partners and stakeholders to better address the socio-economic gaps that separate Aboriginal peoples and other British Columbians.

Major agencies, boards and commissions reporting through the Ministry include the BC Treaty Commission, First Peoples' Advisory Committee, First Peoples' Heritage, Language and Culture Council, Native Economic Development Advisory Board, Minister's Advisory Council on Aboriginal Women and the New Relationship Trust Board.

Ministry of Advanced Education

The Ministry of Advanced Education is responsible for ensuring accessible, affordable, high quality post-secondary education and training opportunities. The Ministry administers student financial aid programs to assist eligible students with the costs of their post-secondary education through loans, grants, bursaries, and scholarships. The Ministry is also responsible for the Private Career Training Institutions Agency, which regulates private career training institutions in BC.

Ministry of Agriculture

The mandate of the Ministry of Agriculture is to help the agriculture, aquaculture, food and bioproduct sectors to grow and achieve economic, social and environmental sustainability, supporting the delivery of safe, healthy and high quality food and bioproducts.

The Ministry funds the Agricultural Land Commission, which is a tribunal that oversees the Agricultural Land Reserve, a provincial land use zone that recognizes agriculture as a priority use. The Ministry is also responsible for the operation of the BC Farm Industry Review Board, which is an independent administrative tribunal with responsibilities for the general supervision of commodity boards and commissions in addition to administering the *Farm Practices Protection (Right to Farm) Act*.

Ministry of Children and Family Development

The Ministry of Children and Family Development promotes and develops the capacity of families and communities to care for and protect vulnerable children and youth, and support healthy child and family development in BC.

Responsibilities include: family development and support services; early childhood development; services for children and youth with special needs and their families; child care; child protection; residential, foster care, and alternative care options; adoption for children and youth permanently in care; community child and youth mental health; programs for at-risk or sexually exploited youth; youth engagement; aboriginal youth services; and community youth justice services.

In addition, the Ministry is responsible for a number of provincial services, such as youth custody, youth forensic psychiatric services, services for deaf and hard of hearing children and youth, and the Maples Adolescent Treatment Centre. The BC College of Social Workers and Provincial Child Care Council report through the Minister.

Ministry of Community, Sport and Cultural Development

The Ministry of Community, Sport and Cultural Development provides local governments with a legislative framework; provides funding, advice and other supports to foster effective local government services, infrastructure and governance structures, and to facilitate community economic growth; supports the provincial sport system; supports artists and cultural organizations; supports growth in the creative industries including film, television, and interactive media; and distributes gaming grants to non-profit community organizations.

The Ministry oversees: the Royal BC Museum, BC Assessment, the BC Arts Council, the BC Games Society, the Board of Examiners, the Islands Trust Fund Board, the Property Assessment Appeal Board, the Provincial Capital Commission, and the University Endowment Lands.

Ministry of Education

The Ministry of Education provides leadership and funding to the K-12 education system and early learning programs. The Ministry is also involved in life-long literacy initiatives such as neighbourhood learning centres, public libraries and programs to support vulnerable students. The Ministry also supports adults in completing secondary school or upgrading their skills.

Major boards and councils that the Ministry oversees include: the Education Advisory Council, BC Teachers' Council, Open School BC and the Disciplinary and Professional Conduct Board.

Ministry of Energy and Mines (Responsible for Core Review)

This Ministry is responsible for the exploration and development of the energy and mining sectors, electrical power generation and transmission, and new energy technologies.

The Ministry is also responsible for managing the use of government resources through core review of all ministries and their agencies, boards, commissions, Crown agencies, and SUCH (schools, universities, colleges, health authorities) sector organizations.

Major agencies, boards and commissions that report through the Minister include: BC Hydro, Columbia Power Corporation and the Columbia Basin Trust.

Ministry of Environment

The Ministry is responsible for the maintenance and enhancement of the quality of the environment. The Minister is responsible for climate change, clean and safe water, land and air, healthy and diverse native species and ecosystems, waste management, and outdoor recreational opportunities. The Ministry also manages the Province's parks and protected areas, while also promoting and supporting environmental stewardship.

The Environmental Assessment Office reviews environmental assessments of major projects, and reports through the Minister. The Environmental Appeal Board is an independent agency which hears appeals regarding environmental decisions made by the government.

Ministry of Finance

The Ministry of Finance is responsible for establishing, implementing and reviewing government's economic, fiscal, financial management and taxation policies.

The Ministry also delivers tax administration and revenue and treasury management; provides strategic financial, information management and human resource services and advice; regulates the financial services and real estate sectors; regulates provincial gaming; and administers a governance framework for Crown agencies.

Ministry of Forests,
Lands and Natural
Resource
Operations

The Ministry of Forests, Lands and Natural Resource Operations, delivers integrated land and resource management services for BC. It is the main agency responsible for establishing policy and conditions for access to and use of the province's forest, land and natural resources.

The Ministry oversees the Natural Resource Sector Management Board and the Environment and Land Use Committee. The Ministry also manages a number of programs and initiatives related to forestry; land use; fish, wildlife and habitat management; recreation; and archaeology and heritage conservation, among others.

Ministry of Health

The Ministry of Health is responsible for providing quality, appropriate, cost effective and timely health services in BC. The Ministry provides leadership, direction, planning and support to service delivery partners and sets province-wide goals, standards and expectations for health service delivery by regional health authorities.

The Ministry also manages the Medical Services Plan, the BC Ambulance Service, PharmaCare, the BC Vital Statistics Agency, and HealthLink BC.

Ministry of
International Trade
(Responsible for
Asia Pacific
Strategy and
Multiculturalism)

The Ministry is responsible for international and internal trade policy, investment, export market development, and Asia Pacific relationships. The Ministry also conducts domestic and international trade negotiations and finalizes agreements. British Columbia is an active partner in numerous trade-related agreements including the New West Partnership Trade Agreement, the Trans-Pacific Partnership and the Canada-European Union free trade agreements. The Ministry oversees the AdvantageBC International Business Centre, which promotes international business in British Columbia.

The Multicultural Advisory Council is a legislated body, reporting through the Minister, which analyzes and develops opportunities that contribute to the EmbraceBC program, while also providing advice to the Minister regarding multiculturalism and anti-racism.

Ministry of Jobs,
Tourism and Skills
Training
(Responsible for
Labour)

The Ministry is responsible for leveraging emerging economic opportunities, such as creating jobs for families, and prosperity and sustainability for communities. The Ministry provides integrated trade and investment programs and services; provides funding for research, innovation and technology; supports small business; works with communities and regions to facilitate economic development; and advances tourism and offers immigration, settlement and labour market programs.

The Ministry also houses Small Business BC, WorkBC, Creative BC and the RuralBC Secretariat, which ensures that communities have the tools to achieve their vision for the future.

Ministry of Justice

The Attorney General (also the Minister of Justice) is the chief law officer of the Crown and has a legal duty to see that public affairs are administered in accordance with the law.

The Ministry is responsible for public safety, the independent prosecution of criminal matters and providing legal services to government. The Ministry also provides and funds justice services that allow disputes to be settled out of court; manages the provincial funding of legal aid; and provides court services, such as registry services and security, to BC courts.

Several agencies, boards and commissions fall under the Ministry of Justice, including the BC Utilities Commission, BC Human Rights Tribunal, BC Review Board, Environmental Appeal Board, Forest Appeals Commission, Oil and Gas Appeal Tribunal and Legal Services Society.

Ministry of Natural Gas Development (Responsible for Housing)

The Ministry is responsible for the development of oil and gas resources, and in particular liquefied natural gas, in the Province. The Ministry provides services including the management of Crown petroleum and natural resource rights, royalty programs, and infrastructure development. The Ministry is also active in developing new export market opportunities for BC's oil and gas resources.

The Ministry is also responsible for housing and the provincial housing and homeless policy, residential tenancy information and dispute resolution, strata property regulation, building and technical safety policy and standards development and housing services through the BC Housing Management Commission.

Major agencies, boards and commissions that report through the Minister include: BC Housing Management Commission, Provincial Rental Housing Corporation, British Columbia Safety Authority, and the Oil and Gas Commission.

Ministry of Social Development and Social Innovation

The Ministry of Social Development and Social Innovation provides support and assistance to people with disabilities and offers unemployed and underemployed British Columbians access to programs and services.

Responsibilities include: provision of income and disability assistance, coordination of mental health and addiction services, employment services through the Employment Program of BC, and support for community living services through Community Living BC.

Social innovation and entrepreneurship are promoted through initiatives such as the BC Partners for Social Impact, multi-sector partnerships, and a social innovation website (Hubcap) which provides tools, resources and education regarding social innovation projects.

Ministry of
Technology,
Innovation and
Citizens' Services

The Ministry oversees how citizens interact and receive services from the Province, and works to integrate new technologies into government operations. The Ministry is also responsible for providing new innovations and technologies for businesses, and managing service delivery to government and public sector organizations.

Open data and information is managed through services and programs that the Ministry oversees, including BC Stats, the central statistical agency of the Province and part of Service BC. The Office of the Chief Information Officer is responsible for the creation and management of information management and information technology strategies, policies and standards, and providing information technology infrastructure services.

The Ministry collaborates with the Province's research universities, industry partners, innovation partners and other levels of government in the field of innovation, as well as overseeing the Premier's Technology Council and BC Innovation Council.

Ministry of
Transportation &
Infrastructure

The Ministry of Transportation and Infrastructure is responsible for planning transportation networks, providing transportation services and infrastructure, developing and implementing transportation policies, commercial vehicle safety, and administering transportation-related acts and regulations. The Ministry also administers federal-provincial funding programs to build sustainable communities.

The Ministry operates in cooperation with the BC Transportation Financing Authority (BCTFA), which is a Crown corporation that supports the financing of the capital program. Other major agencies, boards and commissions that the Ministry oversees include: BC Rail, BC Transit, BC Pavilion Corporation and the Insurance Corporation of BC.

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Local Government Facts and Figures

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Local Government Numbers and Population

	Number	%	Population ⁺
Cities	49	26	3,071,130
District Municipalities	51	27	860,901
Towns	14	7	88,401
Villages	42	22	45,419
Island Municipality	1	0.5	3,475
Regional Municipality	1	0.5	5,456
Resort Municipalities ***	3	1.5	10,601
Indian Government District	1	0.5	866
<i>Sub-Total</i>	<i>162</i>	<i>85</i>	<i>4,085,623</i>
RD Unincorporated Areas	29	15	**496,355
Total *	191	100%	4,581,978

Adapted from:

BC Stats Population Estimates 2013 for Municipalities, Regional Districts and Development Regions:

<http://www.bcstats.gov.bc.ca/StatisticsBySubject/Demography/PopulationEstimates.aspx>

* Islands Trust included as a regional district.

** Population is for unincorporated areas of regional districts, as well as the Stikine Region and unincorporated areas of the Northern Rockies Regional Municipality.

*** Includes the Mountain Resort Municipalities of Jumbo Glacier and Sun Peaks, as well as the Resort Municipality of Whistler.

Classes of Municipalities

Villages:	population less than 2,500
Towns:	population between 2,501 and 5,000
Cities:	population over 5,000
Districts:	large geographic areas (over 800 hectares) with low population density (fewer than five persons a hectare) [s. 17 LGA]

Please note that the above criteria are not applied strictly and there are:

- Cities with populations of 4,000 and even less than 1,000;
- Towns with populations of just over 10,000; and
- District municipalities with higher population densities.

Employment

Total employment in the local government sector in BC is estimated to be approximately 61,647* (Statistics Canada for 2011).

*Employment data is not in full-time equivalents and does not distinguish between full-time and part-time employees.

Source: Public Sector Employment, Wages and Salaries by Province and Territory (British Columbia, Yukon) Summary Table 2011 from Statistics Canada. <http://www40.statcan.ca/l01/cst01/govt62f-eng.htm>

Elected Officials

Mayors	160
Councillors	**872
<i>Subtotal - Municipal Officials</i>	<i>*1,032</i>
Electoral Area Directors	156
Islands Trust Trustees	26
Total	*1,214

Source: CivicInfo BC 2014 Local Government & School District Elections. <http://www.election2014.civicinfo.bc.ca/2014/index2.asp>

* Does not include the appointed Mayor and Council of the Jumbo Glacier Mountain Resort Municipality.

** Includes the Sechelt Indian Government District's 5 member Advisory Council.

Regional Boards Composition

Regional District Boards (including Islands Trust)	28
Municipal Directors from 161 municipalities*	239
Electoral Area Directors	156
Islands Trust Trustees	26
Total number of Directors	421

Some municipalities have more than one director because of their population (see Fact Sheet #15). Also note that the Sechelt Indian Government District does appoint one voting Director to the Sunshine Coast Regional District.

Council Sizes

Size of Council (Mayor and Councillors)	Number of Municipalities*
3 *	1
4 **	1
5 ***	60
7	87
9	12
11	1
	162

Based on CivicInfo BC 2014 Local Government & School District Elections.

* Includes the appointed Mayor and two member Council of the Jumbo Glacier Mountain Resort Municipality.

** Includes the Mayor and three member Council of the Sun Peaks Mountain Resort Municipality.

*** The Sechelt Indian Government District, which has a 5 member Advisory Council, is included in this category.

Community Size and Representation

Municipal Population	Number of Municipalities	Number of Elected Officials
less than 1,000	29	146
1,000 – 1,999	21	109
2,000 – 4,999	35	221
5,000 – 9,999	20	134
10,000 – 24,999	27	187
25,000 – 49,999	10	70
50,000 – 99,999	10	78
100,000 – 199,999	6	52
over 199,999	4	38
TOTAL	162	1035

Based on BC Stats Population Estimates 2013 for Municipalities, Regional Districts and Development Regions:

<http://www.bcstats.gov.bc.ca/StatisticsBySubject/Demography/PopulationEstimates.aspx>

Includes the Sechelt Indian Government District (5 member Advisory Council) and Sun Peaks Mountain Resort Municipality, as well as the Jumbo Glacier Mountain Resort Municipality (in the “less than 1000” category).

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Apportionment	Means the allocation of the annual net cost of a service among the participating member municipalities in a regional district. Such allocation is necessary for determining the contribution that each member municipality must raise in order to support the service. Defined areas within an electoral area may also be participants. Unless otherwise specified in the Letters Patent or establishing bylaw, LGA s. 804 provides for the default method of allocation to be on the basis of the converted value of land and improvements in the service area. Another possible method of apportioning the cost incurred by the regional district for a service includes allocating the cost on the basis of population of each participating member. The allocation formula must be agreed upon by the participating members before the regional board establishes the service.
Board of Examiners	Appointed under LGA s. 204 and responsible for certification of standards of proficiency in local government administration, service delivery, statutory administration (corporate and financial administration), and executive management. Comprised of 3 members appointed by the Lieutenant Governor in Council on the recommendation of the minister, for a term of 3 years or until their successors are appointed.
District Municipalities	An incorporated area that is greater than 800 hectares and has an average population density of less than 5 persons per hectare. Have the same powers as cities but are given authority to undertake drainage projects [LGA s. 315.2]. Includes a township.
“E” Division	The RCMP Division for British Columbia.
Electoral Area	An area within an unincorporated or rural area of a regional district, as specified by the letters patent for the regional district.
Electoral Participating Area	An area within a service area that is all or part of an electoral area.
Elector	Means a resident elector or non-resident property elector of a municipality or regional district electoral area.
Extra-Territorial Participating Area	The Lieutenant Governor in Council may authorize a regional district to include an area outside the regional district as a participating area for a service [LGA s. 796.1].
Fiscal Year	The Province's fiscal year is April 1 to March 31 – commonly expressed as, for example “2013/14 fiscal year”. The municipal or regional district fiscal year is the calendar year.

General Local Elections	Refers to local government elections held every four years (i.e. 2014, 2018, 2022, etc.) [LGA s. 36.1].
Inspector of Municipalities or Inspector	Appointed by Cabinet, the Inspector may make inquiries concerning the conduct of local government [LGA s. 1019]. The Inspector also approves a number of financial bylaws such as loans authorization or security issuing bylaws (See Fact Sheet #13).
Lieutenant Governor in Council (LG in C)	The provincial cabinet.
Member Municipality	Means a municipality or an electoral area that is included in the Letters Patent incorporating a regional district. (An electoral area is therefore considered a member municipality under the <i>Local Government Act</i> .)
Ministerial Order	A determination or regulation of a minister. It is distinguished from a regulation in that it does not require Cabinet approval.
Municipal Participating Area	An area within a service area that is all or part of a municipality.
Non-Conforming Use	<p>Where land, a building or a structure is lawfully used at the time a bylaw is adopted that would make the use unlawful, that use may be continued as a "non-conforming" use. Where the use is discontinued for a period of six months, any subsequent use must comply with the new bylaw unless the discontinuance is part of normal seasonal or agricultural practices [LGA s. 911].</p> <p>Special rules govern:</p> <ul style="list-style-type: none"> • non-conforming building under construction; • alteration or additions to non-conforming uses; • extension or repair of non-conforming uses.
Order in Council	Term used to describe Cabinet orders or regulations.
Participating Area	A municipal participating area, a treaty First Nation participating area, or an electoral participating area which participates in the use and funding of a service of a regional district.
Regional Board	Means the governing and executive body of the regional district. (See LGA s. 791 as to which members of the board may vote on the establishment of a service).
Regional Municipality	Applies to the only regional municipality in BC: Northern Rockies Regional Municipality. This municipality is classified as a District and has certain powers of a regional district for the purpose of some statutes.

Regional District	A geographic area of the province incorporated under Part 24 of the <i>Local Government Act</i> to carry out such services as are provided for by statute or granted from time to time, and consisting of municipalities and electoral areas (see Fact Sheet #15).
Regulations	Acts commonly provide that Cabinet may make regulations. These have the effect of law and generally contain the details with regard to implementing the intent of the statute.
Self-Liquidating Utility	A utility which has a rate structure sufficiently high to meet all of its financial obligations independent of any contribution from the general fund of the municipality. Self-liquidating utilities include supplying gas, electricity or water, transporting persons or property, telephone service, and providing sewage facilities.
Service Area	An area in a regional district within which a service is provided. It may comprise one or more participating areas.
Specified Area	Municipalities may undertake a work or service in a limited area, the boundaries of which are defined by bylaw. The costs may be borne by property owners within the specific area, or by the users of the work or service [Community Charter s. 210, 211, 214, 216].
Statute	An Act of the provincial or federal government.
Surveyor of Taxes	The Provincial property tax collector for rural (unincorporated) areas, appointed under the Taxation (Rural Area) Act.
Treasury Board	A Cabinet committee with responsibilities including budgetary review.
Unincorporated Areas	Synonymous with the electoral areas of regional districts; the areas within regional districts that are not included in any municipality.

Some Common Abbreviations

ALR	Agricultural Land Reserve
APC	Advisory Planning Commission
BCAA	BC Assessment Authority
CC	Community Charter
CHC	Community Health Council
DCC	Development Cost Charge
GFOA	Government Finance Officers Association of BC
HOG	Home Owner Grant
LGA	Local Government Act
LGMA	Local Government Management Association
MEVA	Municipalities Enabling and Validating Act
MFA	Municipal Finance Authority
MIA	Municipal Insurance Association
OCP	Official Community Plan
OIC	Order in Council
OSP	Official Settlement Plan

RHB	Regional Health Board
RHD	Regional Hospital District
SLP	Supplementary Letters Patent
UBCM	Union of British Columbia Municipalities
UREP	Provincial land reserved for the "Use, Recreation and Enjoyment of the Public"

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Local Government Calendar

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Refer to the *Community Charter*, *Local Government Act* or other Acts shown on all matters.
See www.civicinfo.bc.ca for up-to-date calendar information.

January 1, 2015	Taxes imposed under Improvement District Bylaw are deemed to be levied and owing on and from January 1st unless otherwise provided.	[757(4) LGA]
January 1, 2015	Interest rates for refunds of tax overpayments and for refund of municipal tax sale money are set January 1, April 1, July 1 and October 1; and on taxes in arrear or delinquent, January 1, May 1, and September 1. Circulars provided by Ministry of Community, Sport and Cultural Development.	[239 CC; 411(3), 423(2)(a) LGA; 245 CC; 246 CC; MTR; IRR]
January 1, 2015	Start of license year where municipality issues licenses for commercial vehicles.	[664 LGA]
January 1, 2015	In the year a tax rate bylaw or parcel tax bylaw is adopted, this is the date on which property taxes and parcel taxes are deemed to be imposed, unless otherwise specified in the bylaw.	[197(7), 200(5) CC]
January 2, 2015	Local governments must forward a statement of taxes in arrear to the Surveyor of Taxes or applicable municipal collector promptly after December 31.	[258(3) CC; 363.2 LGA]
January 5, 2015	Last day candidate elected by acclamation must make oath of office.	[210(1)(a) LGA; 120(1)(a) CC]
January 5, 2015	If official results declared November 19th, 2014 last day candidate elected by voting must make oath of office (within 45 days of declaration).	[210(1)(b) LGA; 120(1)(b) CC]
January 8, 2015	Subject to options provided, a municipality must pay to the Minister of Finance the balance of all taxes collected under the School Act, whether or not they have been collected. In addition to the outstanding balance, the municipality must also forward a year-end reconciliation. If payments are being made under s.124(3) SA, also include a detailed listing of unpaid school taxes, including penalties owing to the province, a monthly report of school taxes collected, and a quarterly report of accumulated interest owing to the province at the end of each calendar year.	[124 SA; 5 STRR]

January 8, 2015	A municipality collecting police taxes must pay to the finance minister all outstanding police taxes, whether or not they have been collected, on the 5 th business day after the calendar year end. In addition to the outstanding balance, the municipality must also forward a year-end reconciliation. If payments are being made under s.66.51(3) PA, also include a detailed listing of unpaid police taxes, including penalties owing to the province, a monthly report of police taxes collected, and a quarterly report of accumulated interest owing to the province at the end of each calendar year.	[66.51(1), 66.51(3) PA; 5 PTR]
January 15, 2015	For municipal officials and employees, written disclosures must be filed in the prescribed form (a) not later than the 15th day of the month following the commencement or termination of employment, and (b) annually between January 1 and 15 for each year in which the person is an official or employee. Disclosure includes ownership of shares of a business, land ownership and debts.	[2, 3 & 4 FDA]
January 15, 2015	Where a municipality is collecting taxes for a regional transit commission, it shall on or before the 15th day of each calendar month, pay to British Columbia Transit all of those taxes collected during the preceding calendar month.	[17 BCTR]
January 15, 2015	Subject to a court order, if official election results declared on November 19th, first possible day to destroy election materials as listed in Local Government Act.	[150(6) LGA]
January 30, 2015	Regional Districts establishing a variable tax rate system must submit a Variable Tax Rate Bylaw to the Inspector by January 31 of the year in which it is to apply.	[808(5) LGA]
January 30, 2015	Assessment appeal deadline. Last date by which a complainant may file a notice of complaint with the assessor regarding a completed assessment roll.	[33 AA]
January 30, 2015	Arrange date to deliver books to auditor for start of annual audit.	
January 30, 2015	An amount received by the municipality, or by the Surveyor of Taxes for an electoral area, by way of a grant in place of taxes for regional district purposes within the regional district under the Payments in Lieu of Taxes Act (Canada) in the immediately preceding year must be paid to the regional district board <u>on or before</u> February 1 in each year.	[807(1) LGA]

January 30, 2015	On or before February 1 in each year, municipalities must make payments to other authorities of their proportion of grants or payments in lieu of taxes (e.g. School, Regional District, Hospital District, BC Transit, BC Assessment, police taxes and any BC Transportation Authority taxes).	[118 SA; 807 LGA; 25(8) HDA; 16(3) BCTA; 20(4) AAA; 66.61 PA; 26(4) SCBCTAA]
January 30, 2015	Monthly reports to: Canada Customs and Revenue Agency for GST/HST; Statistics Canada for building permits; Health Authority for water quality testing.	
February 1, 2015	2015 UBCM/CivicInfo BC/LGMA local government surveys open for input during the month of February.	
February 13, 2015	Where a municipality is collecting taxes for a regional transit commission, it shall <u>on or before</u> the 15th day of each calendar month, pay to British Columbia Transit all of those taxes collected during the preceding calendar month.	[17 BCTR]
February 13, 2015	Subject to Elections BC extension order or court order for relief, deadline to file campaign financing disclosure statements.	[47(1), 56 & 90 LECFA]
February 18, 2015	Based on notification from Elections BC, prepare report to Council or Board listing names of candidates and elector organizations who have not filed disclosure statements.	[61 LECFA]
February 27, 2015	Collector must deliver to the Minister of Provincial Revenue <u>before</u> February 28 of each year a final certified statement of all grants approved under Section 10 of the Home Owner Grant Act for the previous tax year.	[12 HOGA]
February 27, 2015	If a parcel tax is to be imposed for collection in an electoral area, the authenticated parcel tax roll must be forwarded to the Surveyor of Taxes <u>before</u> February 28 in each year.	[806.1(2) LGA]
February 27, 2015	Regional Districts are required to send parcel tax rolls to the Surveyor of Taxes <u>before</u> February 28 in each year.	[806.1 LGA]
February 27, 2015	Deadline for paying previous year's remittances to government, if homeowner grant deductions from taxes under the <i>School Act</i> are to be made. Payment to be made <u>before</u> February 28.	[5 STRR]
February 27, 2015	<u>No later than</u> the last day of February in each year, the Regional Board of each Regional District must appoint from among its directors the required number of persons as members of the Municipal Finance Authority for that year or until a successor is appointed.	[2(9) MFAA]

February 27, 2015	On or before March 1 in each year, the library board must prepare and submit to the municipal council its annual budget for providing library service in the municipality.	[10(1) LA]
February 27, 2015	Before March 1 of the year for which the budget is approved, the library board must provide a copy of the budget to each of the municipalities and regional districts represented on the library board.	[25(1) LA]
February 27, 2015	A municipal police board must submit any changes to the provisional police budget to the municipal council <u>on or before</u> March 1 of the year to which the provisional budget relates.	[27 PA]
February 28, 2015	Deadline for completing 2015 UBCM/CivicInfo BC/LGMA local government surveys.	
February 28, 2015	Monthly reports to: Canada Customs and Revenue Agency for GST/HST; Statistics Canada for building permits; Health Authority for water quality testing.	
March 1, 2015	The taxes payable to an improvement district bear interest at the rate prescribed from March 1 next following the date on which the taxes are levied, until paid or recovered.	[760(1) LGA]
March 2, 2015	Regional Districts undertake public consultation process prior to adopting Financial Plan Bylaw by March 31.	[816 LGA]
March 2, 2015	Each municipality and regional district represented on a library board must pay its share of budget in equal installments <u>on</u> March 1, June 1, September 1 and December 1 of each year.	[25(5) LA]
March 16, 2015	Last possible date to publish the second of the two required notice publications for Assessment Averaging and Phasing Bylaw (if Bylaw is adopted on last possible day of March 30).	[94, 198 CC; AAPR]
March 13, 2015	Where a municipality is collecting taxes for a regional transit commission, it shall <u>on or before</u> the 15th day of each calendar month, pay to British Columbia Transit all of those taxes collected during the preceding calendar month.	[17 BCTR]
March 13, 2015	Forward remittance and remittance report to UBCM for Commercial Vehicle Licenses, if done by municipality.	[671 LGA]
March 16, 2015	Subject to court order for relief, LATE filing deadline for campaign financing disclosure statements (\$500 late filing penalty due to Elections BC).	[47(2) & 56 LECFA]

March 18, 2015	Based on notification from Elections BC, prepare report to Council or Board listing individuals or organizations who have not filed late disclosure statements.	[61 LECFA]
March 30, 2015	Last possible date to adopt Assessment Averaging and Phasing Bylaw. Bylaw must be adopted <u>before</u> March 31 in the year in which it is to take effect.	[198 CC; 5 AAPR]
March 31, 2015	Regional Districts must adopt Financial Plan Bylaw <u>by</u> March 31 of each year. A copy of the Bylaw is forwarded to the municipalities and the Inspector.	[815, 816(2) LGA]
March 31, 2015	Last possible date for the Municipal Finance Authority to hold its first meeting of the year. A Chair must be selected at this first meeting.	[4(1) MFAA]
March 31, 2015	Last day for the collector to notify the Minister responsible for the administration of the Land Act that taxes are delinquent on land the Province has agreed to sell under an agreement to purchase.	[255 CC]
March 31, 2015	<u>On or before</u> March 31 in each year, local governments must remit to the Agricultural Land Commission a portion of application fees received under the Agricultural Land Commission Act.	[35(1)(b) ALCA; 33(3) ALRR]
March 31, 2015	Under the Municipal Wastewater Regulation, a local government discharger who covered by an accepted assurance plan must submit an annual report to a Director of Waste Management <u>on or before</u> March 31.	[7 EMA; 65(1) MWR]
March 31, 2015	Fire Commissioner must submit to the Minister " <u>by April 1 in each year</u> ", a detailed report of the commissioner's administration made up to the preceding December 31".	[42 FSA]
March 31, 2015	Last business day for a regional district board, if it is also a regional hospital district board, to adopt, by bylaw, the annual budget of the regional hospital district board. Submit a copy of bylaw and certified budget to the minister.	[23(5) HDA]
March 31, 2015	Last date by which a municipality may, without the approval of the Lieutenant Governor in Council, pass a bylaw to impose a tax that would cover a portion of the annual cost of operating a public passenger system.	[14(1) BCTA]
March 31, 2015	Monthly reports to: Canada Customs and Revenue Agency for GST/HST; Statistics Canada for building permits; Health Authority for water quality testing.	

April 1, 2015	Statement of Financial Information (SOFI) must be made available within 3 months after the end of the fiscal year end under the Financial Information Act.	[2(2) FIA]
April 1, 2015	Interest rates for refunds of tax overpayments and for refund of municipal tax sale money are set January 1, April 1, July 1 and October 1; and on taxes in arrear or delinquent, January 1, May 1, and September 1. Circulars provided by Ministry of Community, Sport and Cultural Development.	[239 CC; 411(3), 423(2)(a) LGA; 245 CC; 246 CC; MTR; IRR]
April 10, 2015	Regional Districts must send the Municipal requisitions <u>on or before</u> April 10.	[805(1) LGA]
April 10, 2015	<u>On or before</u> April 10 in each year, the designated regional district officer must deliver to the surveyor of taxes a requisition of funds in respect of each service that states the amount required during the year from each electoral participating area, and the officer's certification.	[806(1) LGA]
April 10, 2015	Last day for revenue minister to authorize the amount (if any) of an administration fee that may be retained by a municipality from police taxes collected by the municipality. Check whether an amount is authorized.	[66.9 PA]
April 15, 2015	Where a municipality is collecting taxes for a regional transit commission, it shall <u>on or before</u> the 15th day of each calendar month, pay to British Columbia Transit all of those taxes collected during the preceding calendar month.	[17 BCTR]
April 15, 2015	Last day for the Assessment Authority to forward to the tax collector of every municipality a copy of the bylaw of the Authority imposing the taxes under the Act.	[20(1) AAA]
April 20, 2015	On or before April 20, Regional Hospital Districts must (1) send to each municipality the amount required in their requisition; and (2) transmit to the minister responsible for the FAA a requisition stating the amount required of improvement districts and rural areas in the district. Submit copies of the requisition to the improvement districts and rural areas.	[25(1) & 25(3) HDA]
April 30, 2015	For wastewater discharges to ground and water for which the contributory population is 10 000 persons or more, a local government discharger, on receiving notice from a director, must prepare and submit a report as specified in the Regulation, before May 1 of each year.	[EMA; 66(2) and (3) MWR]

April 30, 2015	Last date by which a municipal council must publish in a newspaper a notice about the Unclaimed Tax Sale Surplus.	[254 CC; 416 LGA]
April 30, 2015	On or before April 30, Regional Hospital Districts must notify the minister in writing of the total of the amounts being requisitioned and the uniform rates to be levied throughout the district.	[25(4) HDA]
April 30, 2015	Monthly reports to: Canada Customs and Revenue Agency for GST/HST; Statistics Canada for building permits; Health Authority for water quality testing.	
May 1, 2015	Interest rates for refunds of tax overpayments and for refund of municipal tax sale money are set January 1, April 1, July 1 and October 1; and on taxes in arrear or delinquent on January 1, May 1, and September 1. Circulars provided by Ministry of Community, Sport and Cultural Development.	[239 CC; 411(3), 423(2)(a) LGA; 245 CC; 246 CC; MTR; IRR]
May 1, 2015	On or before May 1 in each year, the regional transit commission must send to the collector in each municipality a notice setting out the boundaries of the regional transit service area, the amount to be raised by taxation, and the rates prescribed by the commission.	[15(2)-(5) BCTA]
May 1, 2015	On or before May 1 in each year, the South Coast British Columbia Transportation Authority must send to the collector in each municipality a notice setting out the tax rates that are applicable to the taxes assessed by the authority	[25(5) & 133(1) SCBCTAA]
May 8, 2015	Last day for the revenue minister to send to each municipality a notice setting out net taxable value of land and improvements in the municipality, amount of police taxes and school taxes apportioned to the municipality and rates determined for the municipality. Check for notices, which should be sent “on or before May 10 of each year.”	[66.4 PA]; [119 SA]
May 14, 2015	Financial Plan Bylaw must be adopted <u>before</u> May 15 in each year, <u>prior to</u> adoption of Tax Rate Bylaw.	[165(1) CC]
May 14, 2015	Tax Rate Bylaw must be adopted <u>before</u> May 15 in each year, following adoption of Financial Plan Bylaw.	[197(1) CC]
May 14, 2015	Municipalities and Regional Districts must send audited financial statements to Inspector <u>by</u> May 15 in each year, as well as LGDE and LGDE Tax forms.	[167(4) CC; 814(3) LGA]

May 14, 2015	Board of trustees of an improvement district must submit to the Inspector an audited financial statement for the previous year <u>by</u> May 15 in each year.	[741.1 LGA]
May 15, 2015	Where a municipality is collecting taxes for a regional transit commission, it shall on or before the 15th day of each calendar month, pay to British Columbia Transit all of those taxes collected during the preceding calendar month.	[17 BCTR]
May 16, 2015	Forward copies of Financial Plan Bylaw and Tax Rate Bylaw to Ministry of Community, Sport and Cultural Development.	
May 29, 2015	Last possible day for municipal collector to give written notice for delinquent taxes on certain Crown lands (held under lease or license). Collector must give notice within 5 months from the date when taxes became delinquent, advising lease or licence will be cancelled if delinquent taxes plus interest and subsequent taxes are not paid within 6 months from the date when the taxes became delinquent.	[257 CC]
May 29, 2015	Monthly reports to: Canada Customs and Revenue Agency for GST/HST; Statistics Canada for building permits; Health Authority for water quality testing.	
June 1, 2015	Each municipality and regional district represented on a library board must pay its share of budget in equal installments <u>on</u> March 1, June 1, September 1 and December 1 of each year.	25(5) LA]
June 15, 2015	Where a municipality is collecting taxes for a regional transit commission, it shall <u>on or before</u> the 15th day of each calendar month, pay to British Columbia Transit all of those taxes collected during the preceding calendar month.	[17 BCTR]
June 29, 2015	Council must prepare an Annual Municipal Report, and make it available for public inspection, <u>before</u> June 30 in each year.	[97, 98 CC]
June 29, 2015	As reporting Council remuneration, expenses and contracts must be done at least once a year, it is convenient to prepare and present this information at the same meeting as the Annual Municipal Report.	[168 CC; 814(3) LGA]

June 29, 2015	<u>Before</u> June 30 in each year, a local government must prepare and consider a report respecting the previous year in relation to the reserve funds required for off-street parking and loading space requirements. Report to be available to the public until June 30 of the following year.	[906(9) LGA]
June 29, 2015	<u>Before</u> June 30 in each year, a local government must prepare and consider a report with respect to the annual development cost charges for the previous year. Report to be available to the public until June 30 of the following year.	[937.01(1) LGA]
June 29, 2015	<u>By</u> June 30 in each year, regional districts must hold a board meeting or other public meeting to present audited financial statements and member remuneration reports. The reports must be available for inspection until June 30 of the following year.	[814.1 LGA]
June 30, 2015	Last possible date for payment of delinquent taxes on certain Crown lands (held under lease or license). If payment not made by this date, the collector must forward a list of defaulting lessees, licensees, permittees or locators to the minister responsible for the administration of the <i>Land Act</i> .	[257 CC]
June 30, 2015	UBCM resolutions deadline.	
June 30, 2015	<u>On or before</u> June 30 in each year, local governments must remit to the Agricultural Land Commission a portion of application fees received under the Agricultural Land Commission Act.	[35(1)(b) ALCA; 33(3) ALRR]
June 30, 2015	Monthly reports to: Canada Customs and Revenue Agency for GST/HST; Statistics Canada for building permits; Health Authority for water quality testing.	
July 1, 2015	Interest rates for refunds of tax overpayments and for refund of municipal tax sale money are set January 1, April 1, July 1 and October 1; and on taxes in arrear or delinquent, January 1, May 1, and September 1. Circulars provided by Ministry of Community, Sport and Cultural Development.	[239 CC; 411(3), 423(2)(a) LGA; 245 CC; 246 CC; MTR; IRR]
July 2, 2015	Statement of Financial Information (SOFI) must be made available within 6 months after the end of each fiscal year of the municipality under the Financial Information Act. Submit a copy to the Ministry of Community, Sport and Cultural Development.	[2(3) FIA]
July 2, 2015	Property taxes due on July 2 or first business day in July, unless municipality has a later due date.	[234(1) CC; 2 MHTA; 28 MHA]

July 3, 2015	First date upon which the collector of taxes in a municipality may register a financing statement in the personal property registry, with respect to taxes for a manufactured home imposed under the Local Government Act that have become due.	[28(1) MHA]
July 3, 2015	Apply penalty to unpaid taxes on next day after due date.	[234(2) CC and 3 MTR]
July 9, 2015	<u>On or before</u> the 5th business day after the municipal tax due date, pay to the Minister of Finance 75% of the net municipal billing for school tax, or less as set out in the School Tax Remitting.	[3 STRR]
July 9, 2015	Last day for a municipality collecting police taxes for a taxation year to pay to the minister an initial installment of 75% of the municipal billings. Payment is due <u>on or before</u> the 5 th business day after the municipal taxation due date.	[3 PTR]
July 15, 2015	Forward remittance (and remittance report) to UBCM for Commercial Vehicle Licenses, if done by municipality.	[671 LGA]
July 15, 2015	Where a municipality is collecting taxes for a regional transit commission, it shall <u>on or before</u> the 15th day of each calendar month, pay to British Columbia Transit all of those taxes collected during the preceding calendar month.	[17 BCTR]
July 14, 2015	First possible date for Council or other public meeting to consider the Annual Municipal Report (if the Report was first made available for public inspection on June 29). The meeting must occur <u>at least</u> 14 days after the date on which the Annual Municipal Report was first made available.	[99 CC]
July 23, 2015	<u>On or before</u> the 15th business day after the municipal taxation due date, pay the balance of taxes collected for school purposes together with the report and certified statement as specified in the regulation.	[3 STRR]
July 23, 2015	A municipality collecting police taxes for a taxation year must pay the <u>balance of taxes</u> collected up to and including the municipal tax date, <u>on or before</u> the 15 th business day after the municipal taxation due date.	[3 PTR]
July 23, 2015	Refer to the School Tax Remitting Regulation for the monthly due dates for the balance of tax remittances.	[4 STRR]

July 23, 2015	Refer to the Police Tax Regulation for the remittance due dates for the months of July, August, September, October, and November.	[4 PTR]
July 31, 2015	Unclaimed tax sale surplus must be transferred to BC Unclaimed Property Society.	[254 CC; 416(6) LGA]
July 31, 2015	The proceeds of taxes levied and collected must be paid to the Assessment Authority by the municipality <u>before</u> August 1 in the year the tax was levied.	[20(3) AAA]
July 31, 2015	Last business day for local governments to pay to the Municipal Finance Authority the proceeds of rates levied to finance the debt reserve fund and the operating fund. Proceeds to be paid by August 1st in the year in which the rates were levied.	[19(4) MFAA]
July 31, 2015	In each year in which the South Coast BC Transportation Authority assesses taxes, affected municipalities must pay to the authority, <u>by</u> August 1 of the year for which the taxes are assessed, all of the assessed taxes that have been collected by July 15 of that year.	[26(2) SCBCTAA]
July 31, 2015	Regional District municipal requisitions must be paid <u>on or before</u> August 1 as well as all other requisition amounts.	[805(2) LGA]
July 31, 2015	The amounts requisitioned by a Regional Hospital District from (1) municipalities must be paid to the board <u>on or before</u> August 1 in the current year; and (2) improvement districts and rural areas must be paid from the consolidated revenue fund to the board <u>on or before</u> <u>August 1</u> in the current year.	[25(2) & 25(6) HDA]
July 31, 2015	Monthly reports to: Canada Customs and Revenue Agency for GST/HST; Statistics Canada for building permits; Health Authority for water quality testing.	
August 1, 2015	If a municipality fails to pay the proceeds of taxes levied and collected to the Assessment Authority on or before July 31, it is liable to pay the Assessment Authority, beginning on August 1 in the year the taxes were levied, interest on the amount not paid.	[20(6) AAA]
August 10, 2015	Refer to the Police Tax Regulation for the remittance due dates for the months of July, August, September, October, and November.	[PTR]

August 10, 2015	Refer to the School Tax Remitting Regulation for the monthly due dates for the balance of tax remittances, for the months of July, August, September, October, and November.	[4 STRR]
August 14, 2015	Where a municipality is collecting taxes for a regional transit commission, it shall <u>on or before</u> the 15th day of each calendar month, pay to British Columbia Transit all of those taxes collected during the preceding calendar month.	[17 BCTR]
August 28, 2015	Plan to advertise tax sale at least 3 days before but not more than 10 days before Monday September 28, 2015.	[405 LGA]
August 28, 2015	Last day that a municipality may opt out of sharing costs for Part 26 (Planning & Land Use Management), by giving notice to regional district board. Notice must be given <u>before</u> August 31. On or before the deadline, local governments should confirm receipt of any notice or document by the appropriate recipient.	[804.1(3) LGA]
August 31, 2015	Monthly reports to: Canada Customs and Revenue Agency for GST/HST; Statistics Canada for building permits; Health Authority for water quality testing.	
September 1, 2015	Interest rates for refunds of tax overpayments and for refund of municipal tax sale money are set January 1, April 1, July 1 and October 1; and on taxes in arrear or delinquent, January 1, May 1, and September 1. Circulars provided by Ministry of Community, Sport and Cultural Development.	[239 CC; 411(3), 423(2)(a) LGA; 245 CC; 246 CC; MTR; IRR]
September 1, 2015	Any school referendum taxes that have been levied by a school board are deemed to have been requisitioned on and from January 1 of the calendar year for which the requisition is made, Affected local governments must make payment <u>on or before</u> September 1 of that year.	[137 SA]
September 1, 2015	Interest on overpayment of taxes is payable from September 1 of the year taxes due or the 61st day after payment is made, if payment is made after July 2, whichever is later.	[239 CC; 1 MTR]
September 2, 2015	Each municipality and regional district represented on a library board must pay its share of budget in equal installments <u>on</u> March 1, June 1, September 1 and December 1 of each year.	[25(5) LA]
September 8, 2015	Refer to the Police Tax Regulation for the remittance due dates for the months of July, August, September, October, and November.	[PTR]

September 8, 2015	Refer to the School Tax Remitting Regulation for the monthly due dates for the balance of tax remittances, for the months of July, August, September, October, and November.	[4 STRR]
September 15, 2015	Where a municipality is collecting taxes for a regional transit commission, it shall <u>on or before</u> the 15th day of each calendar month, pay to British Columbia Transit all of those taxes collected during the preceding calendar month.	[17 BCTR]
September 18, 2015	Earliest date of last notice published on tax sale (at least 3 days and not more than 10 days before tax sale date.)	[405 LGA]
September 24, 2015	Last date for giving last notice of tax sale (at least 3 days prior to September 28).	[405 LGA]
September 28, 2015	Tax sale must be held at 10:00 am on last Monday in September.	[403(1)&(2) LGA]
September 29, 2015	Last date upon which the owner of a property may redeem the property sold by 2014 tax sale: the time limit for making a redemption is one year from the day the tax sale began, or a further time allowed by bylaw.	[417 LGA]
September 30, 2015	Earliest date upon which the collector of taxes for a municipality must forward a notice to the registrar of land titles that a parcel of land sold for taxes was not redeemed at the end of its redemption period, assuming that the parcel of land was sold on the first day of the tax sale in 2014 (September 29, 2014). Upon forwarding the notice, the municipality must also immediately notify the administrator under the Property Transfer Tax Act.	[420(1), 420(4) LGA]
September 30, 2015	<u>On or before</u> September 30 in each year, local governments must remit to the Agricultural Land Commission a portion of application fees received under the Agricultural Land Commission Act.	[35(1)(b) ALCA; 33(3) ALRR]
September 30, 2015	If an improvement district providing fire protection, street lighting, or other services includes a municipality, the amount raised within the municipality for ID purposes must be paid <u>on or before</u> September 30 by the municipality to the improvement district, which must without delay pay the amount to the Minister of Finance.	[756(6) LGA]
September 30, 2015	Monthly reports to: Canada Customs and Revenue Agency for GST/HST; Statistics Canada for building permits; Health Authority for water quality testing.	

October 1, 2015	Interest rates for refunds of tax overpayments and for refund of municipal tax sale money are set January 1, April 1, July 1 and October 1; and on taxes in arrear or delinquent, January 1, May 1, and September 1. Circulars provided by Ministry of Community, Sport and Cultural Development.	[239 CC; 411(3), 423(2)(a) LGA; 245 CC; 246 CC; MTR; IRR]
October 1, 2015	Last date to take votes to obtain elector assent for a bylaw authorizing a municipality or regional district to withdraw from a regional library district.	[29(2) LA]
October 1, 2015	Last date upon which a public library association may request for a municipality to assume responsibility for providing library service in the municipality.	[42(1) LA]
October 1, 2015	If a local government establishes a weed control committee under the Weed Control Act, the committee must submit an annual report to the Minister and to the council or board <u>no later than</u> October 1st in each year.	[9 WCA]
October 15, 2015	Refer to the Police Tax Regulation for the remittance due dates for the months of July, August, September, October, and November.	[PTR]
October 15, 2015	Refer to the School Tax Remitting Regulation for the monthly due dates for the balance of tax remittances, for the months of July, August, September, October, and November.	[4 STRR]
October 15, 2015	Where a municipality is collecting taxes for a regional transit commission, it shall <u>on or before</u> the 15th day of each calendar month, pay to British Columbia Transit all of those taxes collected during the preceding calendar month.	[17 BCTR]
October 24, 2015	First day when fireworks may be sold, given, fired, or set off if a local government has, by bylaw, declared that the Fireworks Act applies.	[3 FWA]
October 30, 2015	Last date for the assessment commissioner to supply to each municipality and taxing treaty first nation estimates of assessed values. Must be done <u>before</u> October 31 in each year.	[2 AA]
October 30, 2015	Deadline for issuance and cancellation of revitalization certificates, if you are doing a revitalization tax program. Certificates to be sent to the Assessment Authority as soon as possible after issuance.	[226(12) CC]

October 30, 2015	Permissive tax exemption bylaws to be adopted and in force <u>on or before</u> October 31 in each year.	[224, 225 CC; 809, 810, 811, 812 LGA]
October 30, 2015	Revenue returns for utility companies must be filed with the collector <u>by</u> October 31 in each year.	[192(e) CC; 353(4)(a) LGA]
October 30, 2015	Last day of the calendar year before a taxation year for a regional district to request reapportioning of police taxes among the contributing areas of the regional district. To be requested <u>on or before</u> October 31 in each year.	[66.3(6) PA]
October 31, 2015	Monthly reports to: Canada Customs and Revenue Agency for GST/HST; Statistics Canada for building permits; Health Authority for water quality testing.	
November 2, 2015	(Internal recommendation) Advertise for library board appointments (which are to be made at the first regular meeting of council in December).	[5(3) LA]
November 1, 2015	Last day when fireworks may be sold, given, fired, or set off if a local government has, by bylaw, declared that the Fireworks Act applies.	[3 FWA]
November 6, 2015	Refer to the Police Tax Regulation for the remittance due dates for the months of July, August, September, October, and November.	[PTR]
November 6, 2015	Refer to the School Tax Remitting Regulation for the monthly due dates for the balance of tax remittances, for the months of July, August, September, October, and November.	[4 STRR]
November 13, 2015	Forward remittance and remittance report to UBCM for Commercial Vehicle Licenses, if done by municipality.	[671 LGA]
November 13, 2015	Where a municipality is collecting taxes for a regional transit commission, it shall <u>on or before</u> the 15th day of each calendar month, pay to British Columbia Transit all of those taxes collected during the preceding calendar month.	[17 BCTR]
November 30, 2015	Notify registered owners and charge holders of property sold at tax sale in September. Service must be confirmed <u>on or before</u> December 31, 2015.	[254 CC; 414 LGA]
November 30, 2015	Under the Police Act, <u>on or before</u> November 30 in each year a municipal police board must prepare and submit to council for its approval a provisional budget.	[27 PA]

November 30, 2015	If an improvement district providing fire protection, street lighting, or other services is located wholly or partly in a rural area, trustees of the improvement district may provide to the assessor <u>on or before</u> November 30, a statement of amounts required to provide the services.	[756(3) LGA]
November 30, 2015	Monthly reports to: Canada Customs and Revenue Agency for GST/HST; Statistics Canada for building permits; Health Authority for water quality testing.	
December 1, 2015	If the municipality may need a revenue anticipation bylaw, this should be done before year end to ensure any overdrafts in the New Year would be covered.	[177 CC]
December 1, 2015	Advertise schedule of Council meetings before end of year.	
December 1, 2015	Regional District boards must elect a Chair and Vice Chair at the first meeting after December 1st.	[792(1) LGA]
December 1, 2015	Each municipality and regional district represented on a library board must pay its share of budget in equal installments <u>on</u> March 1, June 1, September 1 and December 1 of each year.	25(5) LA]
December 7, 2015	Refer to the Police Tax Regulation for the remittance due dates for the months of July, August, September, October, and November.	[PTR]
December 7, 2015	Refer to the School Tax Remitting Regulation for the monthly due dates for the balance of tax remittances, for the months of July, August, September, October, and November.	[4 STRR]
December 15, 2015	Where a municipality is collecting taxes for a regional transit commission, it shall <u>on or before</u> the 15th day of each calendar month, pay to British Columbia Transit all of those taxes collected during the preceding calendar month.	[17 BCTR]
December 28, 2015	Service of notice to registered owners and charge holders of property sold at tax sale in September must be confirmed on or before this date. (The final day for notice is no later than three months after the sale of the property at the tax sale.)	[254 CC; 414 LGA]
December 31, 2015	Fees and charges imposed by regional districts for works and services provided to land or improvements, and fees for fire and security alarms, are due and payable <u>on or before</u> December 31.	[363.2 LGA]

December 31, 2015	Last day to provide notice of intent to the Inspector and the Assessment Commissioner for an assessment averaging or phasing bylaw. Notice is to be provided <u>before</u> January 1 of the year the bylaw is to take effect.	[198 CC; 5 AAPR]
December 31, 2015	Last business day in December is the last day for receipt of applications for Home Owner Grant. Extension application available - HOG available for up to 1 year after December 31. Applications for low-income and veteran supplements must also be made on or before December 31 of the subsequent tax year.	[8 HOGA, 12 HOGRI]
December 31, 2015	In each year in which a regional transit commission prescribes taxes, the municipality or the Surveyor of Taxes must pay to the authority (a) installments and (b) <u>by</u> December 31 of the year that the taxes were prescribed, all of the taxes prescribed, whether or not the municipality has collected them.	[16(1)-(3), BCTA]
December 31, 2015	Last date upon which the owner of an eligible property may file an application for land tax deferment with the collector of taxes for the municipality.	[12 LTDA]
December 31, 2015	<u>On or before</u> December 31 in each year, local governments must remit to the Agricultural Land Commission a portion of application fees received under the Agricultural Land Commission Act.	[35(1)(b) ALCA; 33(3) ALRR]
December 31, 2015	<u>On or before</u> December 31 in each year, local governments that operate facilities or provide services under the Cremation, Internment and Funeral Services Act must deposit to care funds any monies collected for those funds.	[29 CIFSA, 22(4) CIFSR]
December 31, 2015	Collector notes land and improvements that now have taxes in arrear/delinquent, and other fees and amounts not paid <u>on or before</u> December 31 are deemed to be taxes in arrears.	[245, 246, 258 CC]
December 31, 2015	If the fees and charges imposed by regional districts for works and services provided to land or improvements, and fees for fire and security alarms, are unpaid on December 31, 2015, they are deemed to be taxes in arrears on December 31.	[363.2 LGA]

- December 31, 2015** In each year in which the South Coast BC Transportation Authority assesses taxes, affected municipalities must pay to the authority by December 31 of the year for which the taxes are assessed, the balance of the assessed taxes not paid to the Authority by August 1, whether or not all of the assessed taxes have been collected. [26(2) SCBCTAA]
- December 31, 2015** Monthly reports to: Canada Customs and Revenue Agency for GST/HST; Statistics Canada for building permits; Health Authority for water quality testing.

Disclaimer

This Calendar is not a substitute for legal, accounting or other professional advice. Local government practitioners are encouraged to consult the appropriate enactment and to contact the Ministry of Community, Sport and Cultural Development, their accounting advisors and their municipal solicitors for assistance with specific questions or concerns.

Legislative Process

SERIES NO.
24

Policy/Legislative

Local governments in British Columbia are created under a provincial statute -- the *Local Government Act* (or in the case of Vancouver, the *Vancouver Charter*).

Amendments and Local Governments

Key powers and duties that a local government must exercise or may assume are set out in the *Local Government Act* and the *Community Charter*. The *Community Charter* provides British Columbia's municipalities with the authority to legislate in a number of areas of primarily local interest, while the *Local Government Act* provides this authority for regional districts. Under the *Community Charter*, municipalities are given broad enabling powers, including broadly stated spheres of regulatory jurisdiction.

Many other Acts also set out local government powers and duties in various specific subject areas (e.g. *Motor Vehicle Act*; *Public Health Act*; *Environmental Management Act*).

Changes to legislation may be initiated in a number of ways including by the Provincial Government itself or through a request of local government.

Resolutions prepared by local government and endorsed at the annual UBCM Convention on proposed legislative change is one method that can be used to request a change in legislation or policy.

UBCM will become involved where a legislative amendment or change in policy is identified as needed by local governments throughout the Province.

Development of Policy and Legislation

The process of developing new legislation in British Columbia is flexible and designed to accommodate changing circumstances. Legislation is generally developed by the Ministry that has been assigned responsibility for the policy or legislative area. How any proposed changes are dealt with will be in large measure determined by the Minister and Deputy Minister responsible.

In some cases, consultation with UBCM will be required. The *Community Charter* requires the Minister responsible for a matter to consult with UBCM before taking specified actions, including amending the *Community Charter*, *Local Government Act*, *Local Elections Campaign Financing Act* or *Local Government Grants Act*.

In other cases, consultation with a local government or with UBCM may occur under the consultation principle. In either case, the nature of or process for that consultation will vary depending on things like the subject matter, time frame, provincial interests and impact on local governments.

Major changes in policy typically require Cabinet approval or approval by a specific government Cabinet committee. Once the full implications of the policy have been reviewed, Cabinet will make the decision as to what action, if any, is to be taken on the issue. Depending on the complexity of the issue it may require one or more of the following actions:

- Administrative change in policy by a Ministry;
- Passage of an Order-in-Council (OIC) by Cabinet (for example, OICs are used to enact regulations);
- Passage of legislation or legislative amendments by the Provincial Legislature.

In general, legislative changes are made in the following manner.

1. Premier issues the call for legislation
2. Cabinet Planning Session – a high level review of ministry service plans and legislative plans
3. Ministries submit requests for legislation (proposals) and Cabinet approves the legislative agenda
4. Government Committees review requests for legislation (from a policy perspective)
5. Legislative Review Committee reviews draft legislation.
6. Final draft legislation is prepared in Bill form ready for introduction
7. Bills are introduced in the Legislature

Approval of Legislation by the Legislature

Before a Bill containing new legislation or amendments can become law it must go through the following stages:

First Reading: The Bill is introduced and is placed on the Order Paper to be debated in the Legislature.

Second Reading: The general principles of the Bill are debated in the House. The discussion in the Legislature must deal only with the subject matter outlined in the Bill and focus only on the general intent of the legislation.

Committee Stage: A clause by clause examination and debate of the Bill is undertaken.

It is at this stage that the Government will introduce any amendments it is prepared to make to the Bill.

“Committee Stage” is a more informal process where questions can be asked of the Minister responsible for the Bill and amendments may be proposed to the Bill.

Third Reading: Final debate of the Bill including any changes that have been made to it. This is the last point at which the Bill can be discussed by the Legislature before it is passed.

Final Approval of Legislation

Legislation which is passed by the Legislature does not become law until it receives the Royal Assent of the Lieutenant-Governor.

The Government has three options as to when a Bill will officially become law in the province. It will state in the legislation whether the Bill will become law on the:

1. Date of Royal Assent;
2. Specified date outlined in the legislation (this date may be retroactive or in the future);
3. Date of coming into force (by an Order-in-Council passed by Cabinet – approval of legislation in this manner may be done section by section).

Legislation which is still on the Order paper once the current session of the Legislature is adjourned may be considered at the next session of the Legislature when it resumes. However, once the legislative session is prorogued – officially ended – those bills not yet passed must begin the whole process again.

Official Publications of the Legislature

Orders of the Day Lists the business to be conducted in the House on that day. The Order paper will list any motions, written questions, or proposed amendments to Bills which have been placed on notice in the legislature.

Votes and Proceedings Lists the stage that each Bill is at in the Legislature and any votes that were taken.

Hansard Records the debate that took place in the Legislature on a daily basis.

Bill 1st Reading	Bill as introduced in the Legislature on first reading.
Committee/Report Stage	Bill has amendments and additions underlined and deletions crossed out as changed from 1st reading Bill.
Bill 3rd Reading	Bill as debated and passed by the Legislature upon third reading.
Act	Legislation which has received Royal Assent and has officially become a law of the Province.
Consolidated Statutes	Compilation of most of the legislation which is law in the Province.
Consolidated B.C. Regulations	Compilation of most of the regulations issued in the Province.
B.C. Gazette	Publication of Orders-in-Council and regulations passed by Cabinet.
Registry of Orders-in-Council	The Ministry of Attorney General maintains a registry of all Orders-in-Council passed by Cabinet.
Electronic Statutes and Documents	<p>The Office of the Clerk, with the assistance of the Queen's Printer operates a Web Site for official publications: www.leg.bc.ca</p> <p>Bills, Orders of the Day, Votes and Proceedings and Hansard are available on a daily basis over the internet when the Legislature is sitting.</p>

Updated December 2014

Planning and Land Use Regulation

SERIES NO.
25

Legislative Framework

Parts 25, 26 and 27 of the *Local Government Act* (LGA) contain most of the legislative provisions for local governments that relate directly to planning and land use management. Part 26 is the core section, which provides the framework and tools for the local government planning system. Heritage conservation provisions are in Part 27 and Part 25 contains the enabling legislation for Regional Growth Strategies.

The *Community Charter* provides municipalities with most of their powers to regulate buildings and other structures, as well as other powers related to planning, such as tree protection authority and concurrent authority for protection of the natural environment. Municipalities cannot use the fundamental powers provided by the *Community Charter* to do anything specifically authorized under LGA Part 26 [CC s. 8(7)(c)].

Summary of Permits

Part 26 of the *Local Government Act* also provides local governments with a range of permitting powers in relation to:

Division Topic		LGA Section
9	Development permits	920
9	Development Variance Permits**	922
9	Temporary Commercial & Industrial Use	921
9	Tree Cutting	923/CC 8(3)(c), 50-52
Part 27	Heritage Alteration	972

***Issuance of these permits may not be delegated to staff.*

Summary of Bylaw Powers

Part 26 of the *Local Government Act* allows local governments to adopt a wide range of planning and land use bylaws within their boundaries:

Division Topic		LGA Section (CC=Community Charter)
2	Official Community Plans	875-884
4	Public Hearings	890-894
5	Development Approval Procedures*	895
5	Advisory Planning Commission	898
6	Board of Variance*	899-902
7	Zoning and Other Development Regulation	903-914
7	Phased Development Agreements	905.1-905.6
7	Parking	906/CC 188(2), 189, 65
7	Drainage	907
7	Signs	908/CC 8(4)
7	Screening and landscaping	909
7	Floodplains	910
8	Farming	915-919
9	Development permit areas	919.1
9	Development approval information	920.01-920.1
10	Development Costs Recovery	932-937.1/CC 188(2)
11	Subdivision and dedications	938-946/CC 188(2)

* *If a community has adopted an Official Community Plan or zoning bylaw, it must adopt these bylaws.*

Regional Growth Strategy

Part 25

Regional districts have authority to prepare a regional plan or Regional Growth Strategy (RGS) for the purpose of guiding both municipal and regional district decisions on growth, change and development. The Province can require a regional district to prepare a RGS if a region is experiencing rapid growth. The RGS normally covers the whole regional district, however the Minister can authorize preparation of an RGS at a sub-regional or multi-regional level.

An RGS covers a period of 20 years or more and is intended to focus on key issues that are best managed at a regional scale. Section 850 outlines five essential elements: housing; transportation; regional district services; parks and natural areas; and economic development. The RGS must also include: social, economic and environmental objectives; population and employment projections; targets for GHG emissions in the regional district; and a list of actions required to meet the projected needs for the population. The board has the flexibility to include additional matters.

Official Community Plan

Consultation with affected parties is required in accordance with section 855. Before the RGS can be adopted it must be referred to affected local governments (member municipalities and adjacent regional districts) for acceptance. Minister's approval is not required, however in the event that there is a conflict in acceptance of the plan the Minister can instruct the parties on the method used to reach agreement.

Once an RGS is adopted, each municipality has 2 years to add a "regional context statement" (RCS) to its official community plan [LGA s. 866]. The RCS sets out the relationship between the RGS and the OCP, and shows how they will become consistent over time. The municipal council refers the RCS to the regional board for acceptance, and the same processes for resolving differences apply as they do for the RGS.

Regional Growth Strategies are implemented in a variety of ways. "Implementation agreements" [LGA s.868] are partnerships between the regional district and other levels of government and other organizations which specify how certain aspects of the RGS will be carried out. For example, the agreement may relate to the construction and funding of new or upgraded highways, sewers, hospitals or regional parks.

A municipality or regional district may adopt, by bylaw, one or more Official Community Plans (OCP). The local government can decide the area the plan applies to and the number of plans it wants.

While OCPs do not require the Council or Board to proceed with any project contained in the plan, all bylaws or works undertaken by local government must be consistent with the plan. The plan is a statement of policy and does not directly regulate the use of private property; this is the role of regulatory bylaws such as the zoning bylaw (see below).

An OCP is a statement of objectives and policies to guide planning and land use decisions within the area covered by the plan. The legislation provides a list of purposes and goals that OCPs (and regional growth strategies) should work towards (s. 875 and s. 849). OCPs must contain the content listed in section 877 (s. 850 for Regional Growth Strategies) which includes approximate location, amount and type of land uses. OCPs *may* contain any of those matters listed in section 878 including policies relating to social needs, enhancement of farming and the natural environment. Section 866 provides a requirement for a regional context statement in OCPs where a Regional Growth Strategy is in place.

In addition to topics identified in the Act, the Minister can require or authorize that policies be developed on other matters.

A local government can include statements in an OCP on matters over which it does not have jurisdiction. Such statements are referred to as "advocacy policies". Advocacy policies may only state the local

government's broad objective for areas within provincial jurisdiction [LGA s. 878(2)] and their context should clearly indicate that such statements differ in kind from within-jurisdiction policy statements in the plan.

Local governments can enact zoning bylaws without having an OCP in place, however an OCP is required if a local government wants to use development permits. Development permits are discussed below. They are: arguably, the second most important tool available to local government for regulating development (after zoning). The special conditions or objectives that the development permit area is intended to address, must be described in the OCP.

Section 879 requires local governments to provide one or more opportunities for consultation with persons, organizations and authorities that it considers will be affected when adopting, amending or repealing an OCP. This is in addition to the public hearing requirements. Also, at the time of preparing or amending the plan (and not less than once a year) the local government must consult with school boards regarding the planning of school facilities.

To adopt or amend an OCP, a local government must follow the procedures outlined in section 882 of the Act. For regional districts, there is no longer a requirement for Ministerial approval of Regional District OCP, zoning, subdivision servicing, and temporary use bylaws (http://www.cscd.gov.bc.ca/lgd/intergov_relations/planning_bulletins/bulletinBill17.htm). Ministerial approval is still required for the Resort Municipality of Whistler, the Resort Municipality of Sun Peaks, and Islands Trust. The LGA does provide discretionary authority for the Minister to require approval of regional district bylaws (LGA s. 874.1). An OCP that applies to land in the Agricultural Land Reserve must be referred to the provincial Agricultural Land Commission.

Zoning Bylaw

The principal land use regulatory bylaw, the zoning bylaw divides the area it covers into zones (and can also divide the area above sites into "vertical zones"). For each zone, local government can regulate:

- the use of land, building and structures (including prohibiting uses);
- the density of use, buildings and structures;
- the siting, size and dimension of buildings and structures; and
- the area, shape and dimensions of parcels created by subdivision (including strata title "bare land" subdivisions) [LGA s. 903].

The regulations may be different for different zones, uses within a zone, standards of works and services provided, (e.g. different parcel sizes when on sewer or on a septic tank) or siting circumstance, (e.g. different setbacks for residences along a watercourse). Like uses must be treated similarly within a zone, (e.g. the rules for single family dwellings in the same zone and in similar circumstances must be applied uniformly).

The zoning bylaw can include incentives for the provision of amenities or affordable housing by establishing higher levels of density if the conditions are met [LGA s.904]. This is sometimes called “bonus zoning” or “density bonusing”. The bylaw can only use density as an inducement; it cannot provide for additional uses if the conditions are met.

Rezoning can be initiated by a property owner or by the local government. Rezoning of individual properties, including creating a new zoning category for an individual property, is permitted. If a local government has zoning it must also have a procedures bylaw that establishes the process for owners to apply for rezoning [LGA s. 895] and it must establish a board of variance to whom property owners who face particular hardship can apply for minor relaxations of full compliance with the regulations [LGA s. 899]. A fee to cover the cost of processing the applications may be charged [LGA s. 931]. The council or board must consider any rezoning applications that they receive, but they are not obliged to introduce a bylaw before turning down an application.

The process of responding to an application for a rezoning frequently involves negotiation regarding the nature of the development that the owner intends to build. If the council or board believes that it is in a strong bargaining position it might anticipate that the owner will be willing to voluntarily offer to include design features or contribute amenities to the community that are not legally required if that might help ensure a “yes” vote on the rezoning application. Great care must be taken in the wording of these discussions with developers. There is no provision in the legislation for “selling zoning”, and common law tradition forbids the practice. If the provision of voluntary amenities is a consideration in rezoning separate legal contractual arrangements may be required to ensure that they are provided.

A rezoning that narrows the uses that are permitted on a property, changes the permitted use to less valuable ones, or which reduces the permitted density of development, is often called a “down-zoning”. Since down-zoning can result in lower property values or loss of development opportunity, from the owner’s perspective this may seem like an unfair infringement on property rights. However, in our Common law tradition, “property rights” are subject to whatever laws are duly enacted, and down-zoning is permitted without the owners’ consent. S. 914 of the LGA provides that no compensation is payable to the owner for any resulting reduction in the value of the land (provided that the zoning does not restrict the use of the land only to public uses).

Developers of multi-phase projects that may take years before final completion may desire assurance that the zoning will not change in the meantime, especially if they obtained their zoning in consideration of amenities that they have offered the community. Sections 905.1-905.5 of the LGA enable phased development agreements which can provide such assurance for up to ten years, or 20 years with the approval of the Inspector of Municipalities.

Other Land Use Regulatory Bylaws

Local government can, as part of a comprehensive land use bylaw or in separate bylaws, adopt regulations and requirements related to development, including:

Parking: to require that specified amounts of off-street parking, loading and handicapped parking is provided. Local government can allow the spaces to be provided on another site or can, if the owner wishes, accept cash in lieu of off-street parking which must be paid into a fund that will be used to pay for local government parking facilities or transportation infrastructure that encourages non-automotive transportation.

Drainage: to require that the runoff from a paved and/or roof areas be dealt with in accordance with the requirements of the bylaw. The bylaw can also limit area of the site that is impervious to water penetration into the soil.

Signs: to regulate the number, size, type, form appearance, and location of signs. Signs can be prohibited unless the sign identifies or relates to the use of a property on which it is located. Note that the *Community Charter* also provides municipalities with general authority to regulate and impose requirements in relation to signs and other advertising. Extra care must be taken when designing sign bylaw provisions to avoid unnecessarily infringing on persons' constitutionally-protected rights to freedom of speech.

Screening and landscaping: to regulate or require that screening or landscaping be included to mask or separate specified types of land uses, protect the natural environment, or prevent hazardous conditions.

Often, these other related regulations are combined with zoning in the same bylaw, in which case it is often called a Land Use Bylaw.

Development Permits

A local government's OCP can designate development permit areas for one of the following purposes: protection of natural environment; hazard areas; protection of farming; commercial area revitalization; form and character of intensive residential, commercial, industrial development; form and character objectives for development in resort regions; promotion of energy or water conservation; and reduction in greenhouse gas emissions [LGA s. 919.1]. A similar tool is available for heritage area conservation and revitalization [LGA s. 971].

Development permits are, arguably, the second most important tool for land use regulation (after zoning). Besides enabling regulation of the design of a project, and imposing conditions respecting the sequence and timing of construction, a development permit can vary or supplement a regulatory bylaw (except that it cannot vary use or density)[LGA s. 920].

Variances

Sometimes the regulations that are written apply to all general circumstances are not appropriate for a specific situation. While one way to address this would be to rezone the affected property, the legislation provides three more expeditious ways for making site-specific exceptions to the strict application of land use regulations.

The first of these has already been mentioned: a development permit can provide flexibility, provided that it is related to the purpose of the development permit area.

Alternatively, on application of an owner, a local government may, by resolution, issue a development variance permit that relaxes the provisions of a regulatory bylaw (e.g. zoning, subdivision servicing, parking, etc.). A development variance permit may not vary use, density, flood plain specifications, or a phased development agreement [LGA s. 922]. Notice must be given to the owners and tenants of nearby properties. Although no public hearing is required, councils and boards usually provide an opportunity for affected parties to express their views on the variance.

As a third alternative, if site circumstances create a hardship for the owner to comply with the bylaw, the owner can apply to the Board of Variance (BoV) for a variance. All local governments that have zoning must establish a BoV. The types of variances that a BoV can approve are nearly identical to those that the council or board can approve, but as appointed volunteers, BoV members may be more prone to make their decisions based upon the merits of the proposal rather than its popularity with the neighbours.

These two latter approaches to variance are separate from each other. An owner who has been turned down by one body can go to the other for an approval.

Development Cost Charge Bylaw

Development Cost Charges (DCCs) are fees that municipalities and regional districts choose to collect from new developments to help pay for the costs of specific off-site services that are needed to accommodate growth. The fees that are charged must relate to the average actual costs the local government expects to incur in developing the off-site services.

Local governments are limited in the types of services they may fund using DCC revenues. Specifically, DCCs may be used to help offset costs associated with the provision, construction, alteration or expansion of: waterworks, sewer trunks, treatment plans and related infrastructure, drainage works and major roads.

DCCs may also be collected to assist in the acquisition and development of parkland but may not be used to pay for other types of services. DCCs may be imposed on most, but not all, development in a community (e.g., not places of public worship). Monies raised must be placed in reserves and can only be used for the purposes for which they were collected.

The Inspector of Municipalities (Ministry of Community, Sport and Cultural Development) must approve DCC bylaws and local government must be able to provide information to the public on how the cost charges were determined.

Subdivision Standards and Dedications

Section 946 of the LGA includes special provisions to allow subdivision of rural lots smaller than their zoning would normally permit to build a residence for a relative. The same section includes an ability for local government to establish separate minimum lot sizes for such lots that can have the effect of moderating the provision.

A subdivision servicing bylaw sets out the standards for the infrastructure that the developer builds that will later be maintained by the public. This includes roads, sidewalks, boulevards, boulevard crossings, transit bays, street lighting and underground wiring, water systems, fire hydrants, sewage collection and disposal systems, and drainage collection and disposal systems. Connection to community water, sewer or drainage systems can be required. It may also require services to be provided adjacent to the subdivision or development that is directly attributable to that subdivision or development.

Unless the local government provides otherwise, subdividers are required to dedicate lands for parkland, highways and school sites or provide cash-in-lieu as a contribution to the local government's park acquisition fund. This requirement does not apply if the subdivision would create fewer than three additional lots. By default, the legislation requires that 5 percent of the land being subdivided is to be dedicated for parks. Local governments can decide to accept a lesser amount of land, may specify what types of land they want included in the parkland dedication, or may limit the subdivider's options regarding provision of cash-in-lieu instead of land. They do this through a parkland acquisition policy in their community plan. In the case of regional districts, they must have the parks function and provide parks services in order to receive cash-in-lieu.

Under section 937.4 and 937.6, a local government and school board may enter into an agreement respecting payments or the provision of land for school sites. The charges can apply to development at the time of subdivision or when building permits are issued. School site acquisition charges are set by school boards in accordance with a formula specified in section 937.5.

Building Regulation

The Provincial Building Code (based on the National Building Code) governs standards for the construction and demolition of buildings and applies across BC within all local government jurisdictions [LGA s. 692-693]. The Provincial Building Code applies to all construction whether or not the local government has building inspection or requires a building permit.

Community Charter & Local Government Act

The *Community Charter* provides municipalities with general authority to regulate, prohibit or impose requirements related to buildings and other structures [s. 8(3)(l), 9(1)(d) and 53-58]. Note that this is a "concurrent authority" and bylaws must be satisfactory to the minister responsible for the building code. Regional District regulatory authority in relation to buildings is provided by the *Local Government Act* [s. 693.1-694.1]. Some *Community Charter* provisions also apply to regional districts [LGA s. 695].

Updated December 2014

Roles in Planning and Development Processes

Planning and development processes involve a great many individuals and groups in the community. The *Local Government Act* (LGA) recognizes special roles for many of these individuals and groups including:

- Local government - the Municipal Council or Regional District Board;
- Advisory Planning Commissions;
- Boards of Variance;
- Approving Officer;
- Building Inspector;
- Minister of Community, Sport and Cultural Development;
- Inspector of Municipalities; and
- Other Ministries (e.g. Agriculture, Environment, Transportation and Infrastructure).

Ultimately, however, the local elected representatives on the council or board are responsible for defining the development objectives of the community, and based upon a realistic strategy to achieve them, for developing appropriate policies and bylaws.

Local Government Powers

Parts 25, 26 and 27 of the *Local Government Act* provide both Municipal Councils and Regional Districts with a wide range of tools to manage land use. These include the power to adopt Official Community Plans (and for regional districts, a Regional Growth Strategy); adopt different kinds of regulatory bylaws; issue development permits; development variance permits and temporary use permits; decide whether other types of permits will be required; establish an Advisory Planning Commission; and determine Development Cost Charges and application fees. (Note that the *Community Charter* provides municipalities with additional powers related to land use such as the ability to regulate buildings and other structures and powers related to environmental protection).

The major distinctions between Council and Board powers in these areas relates to greater involvement in the adoption procedures by the Minister of Community, Sport and Cultural Development who had an approval role for certain regional district bylaws. The Ministry's approval role was recently changed with Bill 17 adopted in 2014, which no longer requires for Ministerial approval of Regional District OCP, zoning, subdivision servicing, and temporary use bylaws (http://www.cscd.gov.bc.ca/lgd/intergov_relations/planning_bulletins/bulletinBill17.htm).

Land Use Processes and Procedures

Ministerial approval is still required for the Resort Municipality of Whistler, the Resort Municipality of Sun Peaks, and Islands Trust. The LGA does provide discretionary authority for the Minister to require approval of regional district bylaws (LGA s. 874.1).

The *Local Government Act* sets out requirements that municipalities and regional districts must follow in relation to the exercise of land use powers:

- adoption or amendment of a regional growth strategy [s. 857 & 869]
- adoption or amendment of an Official Community Plan [s. 882]
- public hearing procedures [s. 890-894]

In terms of procedures, the *Act* also requires:

- a development approval procedures bylaw to be adopted;
- a list of all bylaws and permits to be maintained for the public;
- public notice(s) of temporary commercial & industrial use permits; and
- filing or removing of a notice of certain permits on title in the Land Titles Office as part of the permit process.

A local government may, in addition to the procedures bylaw, prepare a an application information package or procedures manual for applicants describing the steps for amendment or approval of permits and bylaws, the requirements to be met at each step, the relevant application forms indicating what information is required, and applicable fees. Such a manual is for information only and does not supersede a procedures bylaw.

Public Process Requirements

There is a requirement in the LGA that local governments must, during the development, repeal or amendment of an OCP, provide one or more opportunities for consultation with persons, organizations or authorities the local government considers would be affected. Section 879(2) provides a list of parties a local government must consider consulting. These include: the adjacent regional district and municipality; First Nations; school boards; greater boards, and improvement district boards; and provincial and federal government departments and their agencies.

The LGA requires public hearings for the types of bylaws that have the greatest potential to affect how people can use their property. A public hearing, together with the related public notice and information requirements, and the stipulation that deliberations must take place in an open session, are among the most important protections for people's rights that are associated with land use and other regulatory powers. In addition to the provisions contained in the legislation, the courts have inferred many restrictions and requirements related to these protections.

In addition to consulting during the development of an OCP bylaw, Councils and Boards are required by the legislation to conduct public hearings prior to third reading of OCP bylaws, zoning bylaws and heritage designation bylaws, as well as heritage revitalization agreement bylaws which would change the use or density of use of property. Local governments are also required to consider all applications for OCP and zoning bylaw amendments.

It is the responsibility of the chair of a public hearing to establish procedural rules for the conduct of the hearing, but these rules must meet certain court-established expectations of fair process.

The role of the public hearing is to provide an opportunity for the public to convey its views to the elected representatives. It is a venue for hearing, not debating. Care must be taken that the rules of procedure are fair to all and are applied even-handedly.

Any information that the council or board will be using for its decision-making must be made available for the public to review before the public hearing. Any person who believes that their interests would be affected by the bylaw being considered has a right to be heard at the public hearing. These individuals do not need to be a resident within the jurisdiction or own nearby property.

The full board or council need not attend every public hearing. Holding the hearing can be delegated to one of the board or council members, who is responsible for providing a written summary for his or her colleagues.

Advisory Planning Commission

A council may establish an Advisory Planning Commission (APC) to advise it on all matters referred to it by Council respecting land use, community planning or proposed bylaws and permits. A regional board may establish one or more APCs in its electoral areas for these same purposes [s. 898].

Elected officials and staff can attend APC meetings but they cannot be voting members. Some of the other features of an APC are:

- the APC procedures, composition and the types of matters it will consider can be set by the Council or Board in an APC bylaw.
- at least 2/3 of the members must be residents of the area;
- APC members do not receive remuneration but can be reimbursed for their expenses;
- APC meetings must be held in public, only going *in-camera* under the same circumstances that the council or board can meet in private;

- minutes must be kept and be made available to the public on request;
- applicants for bylaw amendments or permits are entitled to be heard (others can be heard if the APC bylaw provides);

Board of Variance

Any local government that has zoning must establish a Board of Variance (BoV). A regional district may appoint separate boards for different areas. The BoV may have 3 or 5 members depending on the community's population. Members are appointed by the local government.

The members of the BoV appoint their own chair. Procedures, other than those established in the legislation, must be specified in the bylaw that creates the board. BoV members cannot receive compensation, but appropriate expenses of each member must be paid from the annual budget of the local government.

A Board of Variance can determine if compliance with certain provisions of the zoning bylaw would cause undue hardship due to individual site circumstances, and if so, it may grant a minor variance from full compliance with the bylaw. Such a variance cannot vary the permitted uses and density established by zoning, substantially affect adjacent landowners, adversely affect the natural environment, or result in inappropriate development of the site or defeat the intent of the bylaws. conflict with covenants, land use contracts, or floodplain or heritage protection provisions. A decision of the BoV in granting a minor variance is final and cannot be appealed to the courts except on matters of legal interpretation.

Owners and occupiers of land which is the subject of an application before the board or which is adjacent to the subject land, must be informed that a variance has been requested and notified of the time and place where the application will be heard but the legislation does not require the BoV to hold a public hearing on the matter. Each board is responsible for maintaining a record of its decisions and for ensuring that it is available to the public.

A BoV may also determine if a building inspector's decision regarding the proportion of a building that has been damaged or destroyed is in error. This can be important if a "legal non-conforming" building that cannot be replaced under the current zoning is partially damaged. If an applicant or the local government feels the board has erred in its decision respecting the building inspector's determination of building damage, they can appeal the decision to the courts.

Approving Officer

The role of the Subdivision Approving Officer is primarily defined in the *Land Title Act*. The Approving Officer is appointed by Council in a municipality, and is an official of the Ministry of Transportation and Infrastructure in electoral areas outside of municipal boundaries.

While the Approving Officer may be a municipal employee, when acting in the capacity of Approving Officer he or she is responsible to the Province to carry out the statutory duties. An Approving Officer cannot receive policy direction from the council or board except through official channels such as bylaws (including the Official Community Plan), and even through those channels, cannot accept any instructions that conflict with the statutory responsibilities.

In considering approval of a subdivision, the Approving Officer must ensure: conformity with provincial legislation and local government bylaws; provision of infrastructure in accordance with the standards set by the local government's servicing standards bylaw; and require highway dedication and parkland acquisition. The Officer's decision is governed by the bylaws in place at the time of subdivision application and not amendments that local government may make in the interim.

Minister of Community, Sport and Cultural Development

The Minister's powers include the ability to:

- establish regulations regarding application and inspection fees, regulate installment payments of development cost charges
- require a Regional Growth Strategy

Previously, Ministerial approval was required for Regional District OCPs, zoning, subdivision servicing, and temporary use bylaws. However, this was changed in 2014 with Bill 17 (http://www.cscd.gov.bc.ca/lgd/intergov_relations/planning_bulletins/bulletinBill17.htm). Ministerial approval is still required for the Resort Municipality of Whistler, the Resort Municipality of Sun Peaks, and Islands Trust. The LGA does provide discretionary authority for the Minister to require approval of regional district bylaws (LGA s. 874.1).

The Minister has a broad power under s. 874 of the LGA to intervene in any municipal and regional district land use matters if the minister considers a local bylaw to conflict with significant provincial interests.

Inspector of Municipalities

With respect to land use matters, the Inspector must approve all Development Cost Charge (DCC) bylaws [LGA s. 937] and phased development agreements for a term longer than ten years [LGA s. 905.2]. The Inspector may also revoke approvals, and inquire into the status of development cost charge reserve funds and order monies transferred out of such reserves to other capital funds.

Other Ministries

The process of developing or amending an OCP will likely involve a number of provincial ministries and/or federal departments including:

Federal Government

Department of Fisheries and Oceans	fisheries
Transport Canada	airports, ports

Provincial Government

Environment	sensitive areas & provincial parks
Forests, Lands and Natural Resource Operations	Crown & privately managed forest land
Agriculture	Crown land, aquaculture
Transportation & Infrastructure	provincial highways

Others, such as the provincial Agricultural Land Commission, B.C. Hydro and Ministry of Energy and Mines, may also be involved. Certain ministries are directly involved in local land use matters through provisions of the *Local Government Act*:

Environment:	floodplains and floodplain specifications [s. 910]
Agriculture:	intensive agriculture regulations [s.916]

Transportation and Infrastructure: approval of permits for commercial and industrial buildings exceeding 4,500 m² [s.924] and zoning near highway intersections [Transportation Act, s. 52]

Voting on Plans and Bylaws

All local government bylaws require passage by a simple majority of those present (or, in the case of regional boards, those entitled to vote under section 783). Two exceptions are:

- OCPs require an affirmative vote of a majority of all Council members (or Board members eligible to vote) to pass [LGA s. 882]; and
- members absent from a public hearing can vote only if they have received an oral or written report of the hearing [LGA s. 894].

As an exception to the general rule that municipal bylaws can only be adopted one full day after third reading [CC s. 135], an OCP or zoning bylaw can receive final adoption at the *same meeting* it receives third reading [LGA s. 890(9)].

Participation in Regional District Planning

All electoral areas must participate in the planning function of a regional district. All municipalities must participate unless they have given notice that they do not wish to participate or they have established an agreement with the regional board to participate on a limited basis. Only those members participating and sharing the cost of the planning function can vote and the vote is on the basis of one person - one vote [LGA s. 791].

Updated December 2014

Licensing Authority The *Community Charter* provides BC's municipalities with the authority to regulate, prohibit, and impose requirements in relation to a number of broadly stated spheres of jurisdiction. The fundamental regulatory authority of councils is found in section 8 of the *Community Charter*. Areas in which regulatory authority may be exercised include business, public health, protection of the natural environment, animals, buildings and structures. Some spheres, like business, are not subject to all the abilities (to regulate, prohibit or impose) of council. Business may only be regulated, while prohibition is not allowed. Based on having the authority to regulate these spheres, council may, through the authority set out in section 15 of the *Community Charter*, provide for a system of licenses.

Licensing Powers Under s.15 of the *Community Charter*, council may, by bylaw:

- prohibit any activity or thing until a licence, permit or approval has been granted;
- provide for the effective periods of licences, permits and approvals;
- provide for the terms and conditions of, or that must be met for obtaining, continuing to hold or renewing a licence;
- provide for the granting and refusal of licences, permits and approvals; and
- provide for the suspension or cancellation of licences, permits and approvals.

License fees may be charged under section 194 of the *Community Charter*.

Subject to any applicable delegation restrictions contained in the *Community Charter*, and subject to the special rules applicable to business licenses (discussed below), a municipal council may delegate its authority to grant, refuse, suspend or cancel a licence to a council member, a council committee, an officer or employee, or to another body established by council [*Community Charter*, s.154].

System of Licensing Council may use the general variation authority in section 12 of the *Community Charter* to:

- make different provisions for different areas, times, conditions or circumstances as described by the bylaw;
- establish different classes of persons, places, activities, property or things; and
- make different provisions, including exceptions, for different classes.

Fees

The authority to impose fees for licensing are set out in the *Community Charter* CC s. 194 where a council may, by bylaw, impose a fee payable in respect of all or part of the service or regulatory scheme of the municipality. CC s. 12 and 194 include the authority to base the fee or charge on any factor specified in the bylaw including establishing rates or levels of fees in relationship to different factors; establishing different classes of persons, property, businesses and activities and different fees or charges for different classes; establishing terms and conditions for payment, including discounts, interests and penalties. Municipalities can recover fees due in any court of competent jurisdiction [CC s.231].

A municipality must make available to the public, on request, a report respecting how a fee or charge imposed under this section was determined [CC s. 194(4)].

Penalties

For a regulated activity that requires a licence in order to operate legally, it is an offence under the *Offence Act* for a person to carry on the activity without a valid licence (CC s. 260). Penalties may apply.

Where compliance with a bylaw is a condition of a licence or permit, a local government may suspend the licence or permit until the person, or persons, comply. Ultimately, a local government may seek prosecution under the *Offence Act*, apply to the Supreme Court for an injunction or court order to enforce, prevent or restrain the contravention of a local government bylaw, or pursue other means of enforcement such as ticketing.

Business Licences – Refusal, Suspension or Cancellation

The general authority for a municipality to regulate and therefore licence a business is derived from Sections 8(6) and 15 of the *Community Charter*. However, Part 3-Division 9 of the *Community Charter* outlines some specific requirements which council must meet when dealing with business. While a council may refuse a business license application in any specific case, it must not do so unreasonably [CC s.60 (1)(a)]. If a council refuses a business license application it must, if requested by the applicant, give written reasons for the refusal [CC s. 60(1)(b)].

A business licence may be suspended or cancelled for failure to comply with the bylaw or any specified terms and conditions of the licence [CC s. 15(1)]. In addition, a business license may be suspended or cancelled for reasonable cause under CC s.60(2) but not before the licence holder is given notice of the proposed action and an opportunity to be heard [CC s. 60(3)].

If a designated municipal officer or employee exercises authority to grant, refuse, suspend or cancel a business licence, the applicant or licence holder who is subject to the decision is entitled to have the council reconsider the matter [CC s. 60(5)].

Note that the definition of “business” in the *Community Charter* specifically excludes activities carried on by the Provincial government, by corporations owned by the Provincial government, by agencies of the provincial government or by the South Coast British Columbia Transportation Authority or any of its subsidiaries. Consequently, municipalities are not authorized to require such entities to obtain business licenses.

Animal Licences

The general authority for a municipality to license animals is derived from CC s. 8(3)(k). Part 3, Division 6 of the *Community Charter* outlines some specific actions that a council may take in relation to animal control such as the seizure of animals and the treatment of dangerous dogs. A council, with the authority of CC s.8 and Part 3, Division 6 may for example, by bylaw regulate the keeping of dogs by requiring persons who own, possess or harbor a dog to hold an annual licence for the dog.

The bylaw may require a separate dog licence for each dog, and may vary the amount of the fee according to the sex, age, size or breed of the dog [CC s. 47 and CC s. 12]. A council has the authority to seize animals in certain situations (for example, where animals are unlicensed or unlawfully at large) [CC s. 48].

Commercial Vehicle Licences

See Fact Sheet #28.

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Commercial Vehicle Licensing

SERIES NO.
28

General Licensing Authority

Under the *Community Charter*, councils are given a broad power, subject to limitations, to license. However, the specific regulation of carriers and licensing of commercial vehicles is found in the *Local Government Act*, Part 20 (see Fact Sheet #27 for information on general licensing provisions).

Origin and Usage

The decades old Commercial Vehicle Licensing Program was established by provincial statute (currently the *Local Government Act*) to provide a source of revenue to participating municipalities to offset expenses related to the use of local government roads and highways as a result of commercial vehicle traffic. Expenses would include the cost of maintenance of municipal roadways, road signage, snow removal, parking control, etc.

Program Participation [s. 664–672 LGA]

Municipalities (but not regional districts) may participate in the Commercial Vehicle Licensing Program. To become a participating municipality within the program, a municipality must adopt a bylaw [LGA s. 666].

There were 100 municipalities participating in this program in 2014.

Program Application

In December 1987, UBCM assumed the administration of the Commercial Vehicle Licensing Program from the provincial government. Participating municipalities receive decals from UBCM for the upcoming licence year. The decals are then issued, by municipalities, to owners of commercial vehicles defined as such and licensed under the *Commercial Transport Act* (CTA) and used on a highway within a municipality. They may also be issued to a vehicle not so licensed but which is used for the collection or delivery of merchandise or another commodity in the ordinary course of a business. LGA s. 667 sets out which vehicles are exempt under this program.

Owners may purchase decals from any participating municipality beginning November 1 for the upcoming year.

The single decal is recognized province-wide and replaced the requirement for individual plates from each community, for those vehicles engaged in inter-municipal business.

Fees

The licence year is defined as the calendar year [LGA s. 664]. Annual licence fees are set out in the *Local Government Act* regulations; in 2014 under BC Reg. 405/93 fees were as follows:

Vehicle licence fees for each licence year, for a vehicle of gross vehicle weight:	
- not exceeding 2,800 kg	\$25.00
- over 2,800 kg but not over 11,800 kg	30.00
- over 11,800 kg but not over 20,000 kg	35.00
- over 20,000 kg	40.00
- licensed under CTA agreement	30.00
Vehicle licence transfer fee	6.25

The municipality retains administration fees of \$6.25 and any transfer fees. The balance of the fee is remitted to UBCM and deposited into a Commercial Vehicle Licence trust account. The proceeds are then distributed to the participating members on a per capita basis at the end of the licensing year (\$0.93 million for the 2013 licensing year).

Enforcement and Penalties

Failure by an owner or operator of a commercial vehicle to hold and display a licence decal is punishable upon conviction by a fine of up to \$50. A person who displays a decal, but is not authorized to do so, is liable upon conviction to a fine of up to \$200.

Updated December 2014

Bylaw Enforcement - Adjudication System

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Legislation

In October 2003, the Province enacted the *Local Government Bylaw Notice Enforcement Act* (BNEA) to provide an alternative approach for processing and resolving minor bylaw infractions, ranging from parking tickets to dog licensing to minor zoning infractions.

Under the *Act*, local governments may establish a local government bylaw dispute adjudication system to replace the provincial court as the venue for resolving disputes of minor municipal bylaw breaches.

The *Act*, and the authority it provides to an adjudication system, applies to both municipalities and regional districts. In order to proceed under the legislation, a local government must make a request to the Ministry of Justice to have a regulation enacted applying to the local government [BNEA s. 2(1)].

A pilot project of the adjudication model was undertaken in 2004 in three north shore municipalities (City of North Vancouver, District of North Vancouver, and District of West Vancouver). These municipalities maintained independent ticketing processes to enforce their individual regulatory bylaws, but shared administrative processes around the adjudication of disputes. In September 2005, the Province announced that the new adjudication model would be available to other local governments in the province.

Adjudication Model

The goal of the adjudication model is to create a simple, fair, and cost-effective system for dealing with minor bylaw infractions. To meet this goal, the adjudication model:

- eliminates the requirement for personal service;
- establishes a dedicated forum for resolving local bylaw enforcement disputes;
- uses a dispute resolution-based approach to obtaining independently adjudicated decisions;
- avoids the unnecessary attendance of witnesses;
- avoids the need to hire legal counsel; and
- promotes the timely resolution of bylaw enforcement disputes – hearings may be held in person, by phone or in writing.

Establishment of Bylaw Adjudication System

To establish a bylaw adjudication system, a local government must pass a bylaw that:

- designates which bylaw contraventions may be dealt with;
- establishes the amount of the penalty – maximum penalty under the system is \$500.00;
- establishes the period for paying or disputing a bylaw notice and whether or not early payment discounts and/or late payment surcharges will apply; and
- establishes a bylaw notice dispute adjudication system to resolve disputes in relation to bylaw notices [BNEA s. 2(2)].

The bylaw does not need to be approved by the Ministry of Justice; however, a local government must ensure that the Order-In-Council, required for the legislation to apply to it, has been approved by Cabinet before finalizing the process [BNEA s. 2(1)].

Implementation

A local government will need to establish a process for dealing with citizens who wish to dispute bylaw notices that they receive. The *Act* provides that a local government may:

- establish a position of screening officer to hear citizen complaints. While not a requirement, it is a highly recommended procedure; and
- determine the authority of the screening officer, whether or not the screening officer can enter into compliance agreements and the policy under which the screening officer may cancel a bylaw notice where this is deemed reasonable [BNEA s. 2(3)].

A local government will need to create a dispute adjudication registry and identify a location where the disputes can be heard. In developing a registry and selecting a site for the hearings, a local government must ensure that the hearing material and decisions reached are accessible to the public [BNEA s. 19].

The *Act* provides that a local government may, if it chooses, join with other local governments through an agreement to jointly administer and cost-share the operation of a bylaw adjudication system [BNEA s. 2(4) & (5)].

Bylaw Adjudicators

The legislation provides that once one or more local governments have established a bylaw notice dispute adjudication system, that the deputy attorney general appoint one or more adjudicators to determine the disputes. The Ministry of Justice has established a roster of adjudicators for a number of areas around the province [BNEA s.15].

The adjudicator must provide the person disputing the bylaw notice an opportunity to be heard:

- in person or by an agent;
- in writing, including by fax or e-mail; or
- by video/audio conference or telephone [BNEA s. 18].

In hearing the evidence, the adjudicator's authority is limited to determining whether or not the contravention occurred as alleged; and is not in a position to change or alter the penalty.

The adjudicator in this process is not able to decide matters related to any of the following:

- the *Canadian Charter of Rights and Freedoms*;
- a matter for which notice under Section 8 of the *Constitutional Questions Act* is required;
- determination of aboriginal or treaty rights or claims; or
- a challenge to the validity of the bylaw that is alleged to have been contravened [BNEA s. 16].

Financial Cost

A local government that establishes a bylaw notice dispute adjudication system is responsible for:

- administrative work and costs of managing and operating the dispute adjudication system; and
- remuneration and expenses of the adjudicators [BNEA s. 23].

A local government may charge a fee of up to \$25 per person who is unsuccessful in a dispute adjudication, for the purposes of recovering the costs of the system [BNEA s.23].

A local government may charge a penalty of up to \$500 for the contravention of a bylaw under the bylaw adjudication system [BNEA s. 6].

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