



RESPECTFUL LEADERSHIP
LGLA 2016 Leadership Forum
February 3-5, 2016

Respect for the Office Session
Elected/Elected/Staff Relations

RELEVANT LEGISLATION

A. COMMUNITY CHARTER S. 114 - COUNCIL AS A GOVERNING BODY*

- (1) The members of a municipal council are the mayor and the councillors.
- (2) Despite a change in its membership, the council of a municipality is a continuing body and may complete any proceedings started but not completed before the change.
- (3) The powers, duties and functions of a municipality are to be exercised and performed by its council, except as otherwise provided under this or another Act, and a council, in exercising or performing its powers, duties and functions, is acting as the governing body of the municipality.
- (4) A council has all necessary power to do anything incidental or conducive to the exercise or performance of any power, duty or function conferred on a council or municipality by this or any other enactment.

**Similar wording for Regional District Boards - See [Local Government Act s. 194](#)*

B. COMMUNITY CHARTER S. 7 - PURPOSE OF COUNCIL*

The purposes of a municipality include:

- (a) providing for good government of its community,
- (b) providing for services, laws and other matters for community benefit,
- (c) providing for stewardship of the public assets of its community, and
- (d) fostering the economic, social and environmental well-being of its community.

**Similar wording for Regional District Boards - See [Local Government Act s. 185](#)*

C. COMMUNITY CHARTER S. 115 - ROLE OF COUNCIL MEMBERS (INCLUDING THE MAYOR)

Every council member has the following responsibilities:

- (a) to consider the well-being and interests of the municipality and its community;
- (b) to contribute to the development and evaluation of the policies and programs of the municipality respecting its services and other activities;
- (c) to participate in council meetings, committee meetings and meetings of other bodies to which the member is appointed;
- (d) to carry out other duties assigned by the council;
- (e) to carry out other duties assigned under this or any other Act

D. COMMUNITY CHARTER S. 116 etc. - RESPONSIBILITIES OF THE MAYOR

- (1) The mayor is the head and chief executive officer of the municipality.
- (2) In addition to the mayor's responsibilities as a member of council, the mayor has the following responsibilities:
 - (a) to provide leadership to the council, including by recommending bylaws, resolutions and other measures that, in the mayor's opinion, may assist the peace, order and good government of the municipality;
 - (b) to communicate information to the council;
 - (c) to preside at council meetings when in attendance;
 - (d) to provide, on behalf of the council, general direction to municipal officers respecting implementation of municipal policies, programs and other directions of the council;
 - (e) to establish standing committees in accordance with section 141;
 - (f) to suspend municipal officers and employees in accordance with section 151;
 - (g) to reflect the will of council and to carry out other duties on behalf of the council;
 - (h) to carry out other duties assigned under this or any other Act.

S. 126:

- (1) The mayor may call a special council meeting in his or her discretion.

S. 131

- (1) Without limiting the authority of a council to reconsider a matter, the mayor may require the council to reconsider and vote again on a matter that was the subject of a vote.
- (2) As restrictions on the authority under subsection (1),
 - (a) the mayor may only initiate a reconsideration under this section
 - (i) at the same council meeting as the vote took place, or
 - (ii) within the 30 days following that meeting, and
 - (b) a matter may not be reconsidered under this section if
 - (i) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the council, or
 - (ii) there has already been a reconsideration under this section in relation to the matter.
- (3) On a reconsideration under this section, the council
 - (a) must deal with the matter as soon as convenient, and
 - (b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
- (4) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.

S. 132:

- (1) The mayor or the member presiding at a council meeting must preserve order and decide points of order that may arise, subject to an appeal under this section.
- (2) On an appeal by a council member from a decision of the presiding member under subsection (1), the question as to whether the chair is to be sustained must be immediately put by the presiding member and decided without debate.
- (3) As exceptions to section 123 [*general voting rules*],
 - (a) the mayor or other presiding member may not vote on a motion under subsection (2),
 - (b) the motion passes in the affirmative if the votes are equal, and
 - (c) the mayor or other presiding member must be governed by the result.
- (4) If the mayor or presiding member refuses to put the question under subsection (2),
 - (a) the council must immediately appoint another member to preside temporarily,
 - (b) that other member must proceed in accordance with subsection (2), and
 - (c) a motion passed under this subsection is as binding as if passed under subsection (2).

S. 133:

(1) If the person presiding at a council meeting considers that another person at the meeting is acting improperly, the person presiding may order that the person is expelled from the meeting.

(2) If a person who is expelled does not leave the meeting, a peace officer may enforce the order under subsection (1) as if it were a court order.

E. LOCAL GOVERNMENT ACT S. 216 AND S. 239 , etc. - RESPONSIBILITIES OF REGIONAL DISTRICT CHAIR

S. 216:

(1) The chair is the head and chief executive officer of the regional district.

(2) In addition to the chair's powers and duties as a board member, the chair has the following duties:

- (a) to see that the law is carried out for the improvement and good government of the regional district;
- (b) to communicate information to the board;
- (c) to preside at board meetings when in attendance;
- (d) to recommend bylaws, resolutions and measures that, in the chair's opinion, may assist the peace, order and good government of the regional district in relation to the powers conferred on the board by an enactment;
- (e) to direct the management of regional district business and affairs;
- (f) to direct the conduct of officers and employees in accordance with sections 239 [*chair to direct and inspect officers and employees*] and 240 [*suspension of officers and employees*].

S. 239:

(1) The chair must inspect and direct the conduct of officers and employees of the regional district.

(2) So far as the chair's power extends, the chair must see that negligence, carelessness and violation of duty by an officer or employee is prosecuted and punished.

S. 217:

(1) The chair of a regional district has the same authority as a mayor under section 131 [*mayor may require council reconsideration of a matter*] of the [Community Charter](#).

(2) In exercising the power under subsection (1), the chair may return the matter for reconsideration at the meeting of the board following the original vote, whether or not this is within the 30 day period referred to in section 131 (2) of the [Community Charter](#).

S. 218:

(2) The chair may establish standing committees for matters the chair considers would be better dealt with by committee and may appoint persons to those committees.

F. COMMUNITY CHARTER S 146; LOCAL GOVERNMENT ACT S. 234 - MANDATORY ADMINISTRATIVE OFFICER POSITIONS¹

A Council or Board MUST establish the following officer positions:

Corporate Administration
Financial Administration

¹ Other mandatory roles that must be assigned include: Chief and Deputy Election Officers, Auditor and Collector of Taxes. Duties may be assigned to one position; titles may differ, at the discretion of the Council or Board.

G. [COMMUNITY CHARTER S. 147](#); [LOCAL GOVERNMENT ACT S. 235](#) -DISCRETIONARY ADMINISTRATIVE OFFICER POSITION

A Council or Board MAY establish a Chief Administrative Officer position.

H. [COMMUNITY CHARTER S. 147](#); [LOCAL GOVERNMENT ACT S. 235](#) - MANDATED DUTIES OF A CHIEF ADMINISTRATIVE OFFICER

Where a Council or Board has established a Chief Administrative Officer, that position has the following powers, duties and functions:

Municipal CAO:

- (a) overall management of the operations of the municipality;
- (b) ensuring that the policies, programs and other directions of the council are implemented;
- (c) advising and informing the council on the operation and affairs of the municipality.

Regional District CAO:

- (a) overall management of the administrative operations of the regional district;
- (b) ensuring that the policies and directions of the board are implemented;
- (c) advising and informing the board on the operation and affairs of the regional district.

I. [COMMUNITY CHARTER S. 148](#); [LOCAL GOVERNMENT ACT S. 236](#) - MANDATED DUTIES OF THE CORPORATE OFFICER

The position assigned responsibility for corporate administration has the following powers, duties and functions:²

- (a) ensuring that accurate minutes of the meetings of the council and council committees are prepared and that the minutes, bylaws and other records of the business of the council and council committees are maintained and kept safe;
- (b) ensuring that access is provided to records of the council and council committees, as required by law or authorized by the council;
- (c) administering oaths and taking affirmations, affidavits and declarations required to be taken under this Act or any other Act relating to municipalities;
- (d) certifying copies of bylaws and other documents, as required or requested;
- (e) accepting, on behalf of the council or municipality, notices and documents that are required or permitted to be given to, served on, filed with or otherwise provided to the council or municipality;
- (f) keeping the corporate seal, if any, and having it affixed to documents as required.

J. [COMMUNITY CHARTER S. 149](#); [LOCAL GOVERNMENT ACT S. 237](#) - MANDATED DUTIES OF THE FINANCIAL OFFICER

The position assigned responsibility for financial administration has the following powers, duties and functions.³

- (a) receiving all money paid to the municipality;

² This wording is from the Community Charter. The Local Government Act wording differs slightly.

³ This wording is from the Community Charter. The Local Government Act wording differs slightly.

- (b) ensuring the keeping of all funds and securities of the municipality;
- (c) investing municipal funds, until required, in authorized investments;
- (d) expending municipal money in the manner authorized by the council;
- (e) ensuring that accurate records and full accounts of the financial affairs of the municipality are prepared, maintained and kept safe;
- (f) exercising control and supervision over all other financial affairs of the municipality.

K. [COMMUNITY CHARTER S. 154](#); [LOCAL GOVERNMENT ACT S. 229](#) - DELEGATION OF DUTIES, POWERS AND FUNCTIONS⁴

A council may, by bylaw, delegate its powers, duties and functions, including those specifically established by an enactment, to the extent provided, to

- (b) an officer or employee of the municipality,

A council may only delegate a power or duty to appoint or suspend an officer to its chief administrative officer.

L. [COMMUNITY CHARTER S. 153](#); [LOCAL GOVERNMENT ACT S. 242](#) - PROHIBITION AGAINST INTERFERENCE WITH OFFICERS AND EMPLOYEES

A person must not interfere with, hinder or obstruct a municipal officer or employee in the exercise or performance of his or her powers, duties or functions.

M. [COMMUNITY CHARTER 102](#) - RESTRICTION ON INSIDE INFLUENCE

(1) A council (or board) member must not use his or her office to attempt to influence in any way a decision, recommendation or other action to be made or taken...

- (b) by an officer or an employee of the municipality, or
- (c) by a delegate under section 154 [*delegation of council authority*], if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

(2) A person who contravenes this section is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

N. [COMMUNITY CHARTER S. 124](#); [LOCAL GOVERNMENT ACT S. 225](#) - MEETING PROCEDURE BYLAWS

Councils and boards must adopt a bylaw that establishes their meeting procedures.

A meeting procedure bylaw must not be amended unless proper notice is given, as specified in the legislation.

⁴ This wording is from the *Community Charter*. The *Local Government Act* wording differs slightly.