

**2022 LOCAL GOVERNMENT  
NOMINATION PACKAGE  
FORT FRASER LOCAL COMMUNITY  
COMMISSION**



**SATURDAY, OCTOBER 15, 2022**





**REGIONAL DISTRICT OF BULKLEY-NECHAKO  
2022 LOCAL GOVERNMENT ELECTIONS  
FORT FRASER LOCAL COMMUNITY COMMISSION  
NOMINATION PACKAGE**

**Forms to be Completed**

1. Candidate Information Release Authorization
2. C1- Candidate Cover Sheet and Checklist Form
3. C2 – Nomination Documents
4. C3 – Other Information Provided by Candidate
5. C4 – Appointment of Candidate Financial Agent (if Candidate is not acting as own Financial Agent)
6. C5 - Appointment of Official Agent (if applicable)
7. C6 - Appointment of Scrutineer (if applicable)

NOTE: Each candidate may appoint 1 scrutineer for each ballot box in use.  
Extra appointment forms are available on request.

8. Elector Organization Endorsement Package (if applicable)
9. Financial Disclosure Forms
  - also included is a copy of the “Financial Disclosure Act” and Fact Sheet for your reference.

**Information Package**

1. Notice of Nomination
2. Candidate's Guide to Local Government Elections in B.C.
3. What Every Candidate Needs to Know (additional material: Thinking about Running for Local Office, Forging the Path to Responsible Conduct in Your Local Government, General Local Elections 101, Voter's Guide, Voter's Guide for Electors Living on Reserve)
4. Excerpts from the Local Government Act:
  - Elector Qualifications – Sections 65-67
  - Qualifications for Office – Sections 81-83
  - Nomination Deposits – Section 88
  - Candidates and Representatives – Sections 101-103
  - Election Offences – Sections 161-166
5. Miscellaneous Information
  - Fort Fraser Local Community Commission Bylaws
  - Local Government Elections Bylaw No. 1981. 2021

IF YOU REQUIRE ASSISTANCE OR WOULD LIKE MORE INFORMATION ON THE NOMINATION PROCESS, THE ELECTION PROCESS, OR THE REGIONAL DISTRICT OF BULKLEY-NECHAKO OPERATIONS IN GENERAL, PLEASE CALL THE FOLLOWING PERSONS AT THE REGIONAL DISTRICT OF BULKLEY-NECHAKO OFFICE AT (250) 692-3195 OR 1-800-320-3339.

**Cheryl Anderson, Chief Election Officer  
Wendy Wainwright, Deputy Chief Election Officer**

**\*\*NOMINATION PERIOD IS FROM 9:00 AM ON TUESDAY, AUGUST 30, 2022 TO 4:00 P.M. ON  
FRIDAY, SEPTEMBER 9, 2022\***







## REGIONAL DISTRICT OF BULKLEY-NECHAKO

### CANDIDATE INFORMATION RELEASE AUTHORIZATION

Your nomination documents are available to the public to view as soon as they are submitted. Consent provided with this form allows your municipality to provide additional information, as appearing below, to the public and / or media. **All fields are optional.**

The information you choose to share will be posted on websites operated by CivicInfo BC. This is the primary source through which the media (television, newspapers, radio, and online sources), the public, provincial ministries, researchers, and others are able to obtain province-wide local election information.

I, \_\_\_\_\_  
(please print name of person nominated)

having submitted nomination documents for election to the office of \_\_\_\_\_, hereby give my consent to share the following information. This information may be shared by email, posting on a website, phone, or by any other means of electronic communication.

<b>Address:</b>	
<b>Primary Phone:</b>	<b>Alternate Phone:</b>
<b>Email:</b>	
<b>Website:</b>	<b>Instagram:</b>
<b>Twitter:</b>	<b>Facebook:</b>

#### Gender (Self-identified):

☐ Female      ☐ Male      ☐ Non-binary      ☐ Other / Undisclosed

#### Previous Elected Experience (Check one):

- ☐ Incumbent. Served as the Electoral Area Director between 2018 and 2022.
- ☐ Served as the Electoral Area Director in this area prior to 2018, but not during the past term.
- ☐ No experience as the Electoral Area Director for this area, but has been elected to office elsewhere (local, provincial, or federal).
- ☐ None.

\_\_\_\_\_  
(Signature of Candidate)



## CANDIDATE NOMINATION PACKAGE

Use the Candidate Cover Sheet and Checklist Form C1 to ensure that the Candidate Nomination Package is complete and meets the legislative requirements of the *Local Government Act*, *Local Elections Campaign Financing Act*, *Financial Disclosure Act* and/or *Vancouver Charter*.

The Candidate Cover Sheet and Checklist Form C1 serve as a guide to the forms that must be submitted by a Candidate, their Official Agent and/or their Financial Agent to the Chief Election Officer as part of the nomination process.

Ensure that, for each item checked off on the Checklist Form C1 (Section B), the relevant form is completed and attached.

*The Candidate Cover Sheet and Checklist Form C1 are for the Chief Election Officer's reference only and do not constitute part of the Candidate Nomination Package.*

Completing only the Candidate Cover Sheet and Checklist Form C1 **does not** constitute completion of the Candidate Nomination Package, nor does it satisfy the legislative requirements set out in the *Local Government Act*, *Local Elections Campaign Financing Act*, *Financial Disclosure Act* and/or *Vancouver Charter*.

### COMPLETION INSTRUCTIONS:

1. Record the Candidate's full name.
2. Record the office for which the Candidate is seeking election.
3. Use section B of the Candidate Cover Sheet and Checklist Form C1 to identify which forms have been completed and are included in the Candidate Nomination Package.
4. Return the completed package to the Chief Election Officer.

As per *Local Elections Campaign Financing Act* requirements, the following forms will be forwarded to Elections BC by the Chief Election Officer:

- C2 – Nomination Documents (only page 3);
- C3 – Other Information Provided by Candidate; and,
- C4 – Appointment of Candidate Financial Agent.

**After election results have been declared, please send any changes to documents previously provided to Elections BC to:**

**Elections BC**  
PO Box 9275 Stn Prov Govt  
Victoria BC V8W 9J6  
Toll-free fax: 1-866-466-0665  
Email: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca)

**C1 – Candidate Cover Sheet and Checklist Form**

PLEASE PRINT IN BLOCK LETTERS

**SECTION A**

CANDIDATE'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
NAME OF OFFICE FOR WHICH CANDIDATE IS SEEKING ELECTION (E.G., MAYOR, COUNCILLOR, ELECTORAL AREA DIRECTOR)		

**SECTION B**

This nomination package includes the following completed forms, appointments, consents and declarations:

- ☐ **C2 – Nomination Documents**
- ☐ **C3 – Other Information Provided by Candidate**
- ☐ **C4 – Appointment of Candidate Financial Agent** (if Candidate is not acting as own Financial Agent)
- ☐ **C5 – Appointment of Candidate Official Agent** (if applicable)
- ☐ **C6 – Appointment of Candidate Scrutineer** (if applicable)
- ☐ **Statement of Disclosure: *Financial Disclosure Act*** (required under the *Financial Disclosure Act*)

**Disclaimer:** All attempts have been made to ensure the accuracy of the forms contained in the Candidate Nomination Package; however, the forms are not a substitute for provincial legislation and/or regulations.

Please refer directly to the latest consolidation of provincial statutes at BC Laws ([www.bclaws.ca](http://www.bclaws.ca)) for applicable election-related provisions and requirements

## C2 – Nomination Documents

PLEASE PRINT IN BLOCK LETTERS

JURISDICTION (NAME OF MUNICIPALITY OR REGIONAL DISTRICT)		ELECTION AREA (NAME OF MUNICIPALITY OR REGIONAL DISTRICT ELECTORAL AREA)
We, the following electors of the above-named jurisdiction, hereby nominate:		
NOMINEE'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
USUAL NAME OF PERSON NOMINATED IF DIFFERENT FROM ABOVE AND PREFERRED BY THE PERSON NOMINATED TO APPEAR ON THE BALLOT		
RESIDENTIAL ADDRESS (STREET ADDRESS)	CITY/TOWN	POSTAL CODE
MAILING ADDRESS IF DIFFERENT FROM RESIDENTIAL ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
As a Candidate for the office of:		
POSITION (E.G., MAYOR, COUNCILLOR, ELECTORAL AREA DIRECTOR)	JURISDICTION (NAME OF MUNICIPALITY OR REGIONAL DISTRICT)	

Each of us **affirms** that to the best of our knowledge, the above-named person nominated for office:

1. Is or will be on general voting day for the election, 18 years of age or older.
2. Is a Canadian citizen.
3. Has been a resident of British Columbia, as determined in accordance with section 67 of the *Local Government Act*, for the past six months immediately preceding today's date.
4. Is not disqualified under the *Local Government Act* or any other enactment from voting in an election in British Columbia or from being nominated for, being elected to or holding the office or be otherwise disqualified by law.

**A Nominator MUST be Qualified Under the *Local Government Act* or *Vancouver Charter* to Nominate a Nominee for Office**

NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)	NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)
RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) <b>IF NOMINATING AS A RESIDENT ELECTOR</b>	RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) <b>IF NOMINATING AS A RESIDENT ELECTOR</b>
PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) <b>IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR</b>	PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) <b>IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR</b>
NOMINATOR'S SIGNATURE	NOMINATOR'S SIGNATURE

***Please see over for additional space when more than two nominators (e.g., 10) are required. For local governments that require 25 nominators attach an additional sheet(s) as necessary.***

I consent to the above nomination for office:	
NOMINEE'S SIGNATURE	DATE: (YYYY/MM/DD)

# CANDIDATE NOMINATION PACKAGE

NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)	NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)
RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR	RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR
PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR	PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR
NOMINATOR'S SIGNATURE	NOMINATOR'S SIGNATURE

NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)	NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)
RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR	RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR
PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR	PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR
NOMINATOR'S SIGNATURE	NOMINATOR'S SIGNATURE

NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)	NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)
RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR	RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR
PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR	PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR
NOMINATOR'S SIGNATURE	NOMINATOR'S SIGNATURE

NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)	NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)
RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR	RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR
PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR	PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR
NOMINATOR'S SIGNATURE	NOMINATOR'S SIGNATURE

NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)	NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)
RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR	RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR
PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR	PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR
NOMINATOR'S SIGNATURE	NOMINATOR'S SIGNATURE

## C2 – Nomination Documents

PLEASE PRINT IN BLOCK LETTERS

I do solemnly declare as follows:

1. I am qualified under section 81 of the *Local Government Act* to be nominated, elected and to hold the office of  

POSITION (E.G., MAYOR, COUNCILLOR, ELECTORAL AREA DIRECTOR)
2. I am or will be on general voting day for the election, 18 years of age or older.
3. I am a Canadian citizen.
4. I have been a resident of British Columbia, as determined in accordance with section 67 of the *Local Government Act*, for the past six months immediately preceding today's date.
5. I am not disqualified by the *Local Government Act* or any other enactment from voting in an election in British Columbia or from being nominated for, being elected to or holding the office, or be otherwise disqualified by law.
6. To the best of my knowledge, the information provided in these nomination documents is true.
7. I fully intend to accept the office if elected.
8. I am aware of and understand the requirements and restrictions of the *Local Elections Campaign Financing Act* and I intend to fully comply with those requirements and restrictions.

NOMINEE'S SIGNATURE

**DECLARED BEFORE ME:** CHIEF ELECTION OFFICER OR COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA

AT: (LOCATION)

DATE: (YYYY/MM/DD)

☐

I am acting as my own Financial Agent

NOMINEE'S SIGNATURE

☐

I have appointed as my Financial Agent

FINANCIAL AGENT'S NAME (IF APPLICABLE)

## C3 – Other Information Provided by Candidate

PLEASE PRINT IN BLOCK LETTERS

**Office for which individual is a nominee:**

POSITION (E.G., MAYOR, COUNCILLOR, ELECTORAL AREA DIRECTOR)	JURISDICTION (NAME OF MUNICIPALITY OR REGIONAL DISTRICT)	ELECTION AREA (NAME OF MUNICIPALITY OR REGIONAL DISTRICT ELECTORAL AREA)
NOMINEE'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
USUAL NAME OF PERSON NOMINATED IF DIFFERENT FROM ABOVE AND PREFERRED BY THE PERSON NOMINATED TO APPEAR ON THE BALLOT		
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER) AS PROVIDED IN THE NOMINATION DOCUMENTS	CITY/TOWN	POSTAL CODE
ADDRESS FOR SERVICE (STREET ADDRESS OR EMAIL ADDRESS)	CITY/TOWN	POSTAL CODE
TELEPHONE NUMBER	EMAIL ADDRESS (IF AVAILABLE)	

**Additional Addresses for Service Information**
**OPTIONAL**

MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER) IF EMAIL WAS PROVIDED AS ADDRESS FOR SERVICE	CITY/TOWN	POSTAL CODE
FAX NUMBER	EMAIL ADDRESS IF MAILING ADDRESS WAS PROVIDED AS ADDRESS FOR SERVICE	

NAME OF ELECTOR ORGANIZATION ENDORSING THE CANDIDATE (IF APPLICABLE)

☐

I am acting as my own Financial Agent

☐

I am not acting as my own Financial Agent

Please ensure that name and mailing address information is the same as that entered on FORM C2 – NOMINATION DOCUMENTS



## C4 – Appointment of Candidate Financial Agent

PLEASE PRINT IN BLOCK LETTERS

CANDIDATE'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
POSITION (E.G., MAYOR, COUNCILLOR, ELECTORAL AREA DIRECTOR)	JURISDICTION (NAME OF MUNICIPALITY OR REGIONAL DISTRICT)	ELECTION AREA (NAME OF MUNICIPALITY OR REGIONAL DISTRICT ELECTORAL AREA)
<b>I hereby appoint as my Financial Agent for the:</b>		
GENERAL VOTING DATE: (YYYY/MM/DD)	<input type="checkbox"/> General Local Election	<input type="checkbox"/> By-election
FINANCIAL AGENT'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
TELEPHONE NUMBER	EMAIL ADDRESS (IF AVAILABLE)	
EFFECTIVE DATE OF APPOINTMENT: (YYYY/MM/DD)		
CANDIDATE'S SIGNATURE	DATE: (YYYY/MM/DD)	

<b>I hereby consent to act as the Financial Agent for the above-named Candidate for the:</b>		
GENERAL VOTING DATE: (YYYY/MM/DD)	<input type="checkbox"/> General Local Election	<input type="checkbox"/> By-election
FINANCIAL AGENT ADDRESS FOR SERVICE (STREET ADDRESS OR EMAIL ADDRESS)	CITY/TOWN	POSTAL CODE
<b>Additional Addresses for Service Information</b> <span style="float: right;"><b>OPTIONAL</b></span>		
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER) IF EMAIL WAS PROVIDED AS ADDRESS FOR SERVICE	CITY/TOWN	POSTAL CODE
FAX NUMBER	EMAIL ADDRESS IF MAILING ADDRESS WAS PROVIDED AS ADDRESS FOR SERVICE	
FINANCIAL AGENT'S SIGNATURE	DATE: (YYYY/MM/DD)	

**C5 – Appointment of Candidate Official Agent**

PLEASE PRINT IN BLOCK LETTERS

CANDIDATE'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
POSITION (E.G., MAYOR, COUNCILLOR, ELECTORAL AREA DIRECTOR)	JURISDICTION (NAME OF MUNICIPALITY OR REGIONAL DISTRICT)	ELECTION AREA (NAME OF MUNICIPALITY, REGIONAL DISTRICT ELECTORAL AREA)
I hereby appoint as my <b>Official Agent</b> for the:		
GENERAL VOTING DATE: (YYYY/MM/DD)	<input type="checkbox"/> General Local Election	<input type="checkbox"/> By-election
OFFICIAL AGENT'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
<input type="checkbox"/> I hereby delegate to the above-named official agent the authority to appoint scrutineers.		
CANDIDATE'S SIGNATURE	DATE: (YYYY/MM/DD)	

**C6 – Appointment of Candidate Scrutineer**

PLEASE PRINT IN BLOCK LETTERS

CANDIDATE'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
POSITION (E.G., MAYOR, COUNCILLOR, ELECTORAL AREA DIRECTOR)	JURISDICTION (NAME OF MUNICIPALITY OR REGIONAL DISTRICT)	ELECTION AREA (NAME OF MUNICIPALITY OR REGIONAL DISTRICT ELECTORAL AREA)
I hereby appoint as my <b>Scrutineer</b> for the:		
GENERAL VOTING DATE: (YYYY/MM/DD)	<input type="checkbox"/> General Local Election	<input type="checkbox"/> By-election
SCRUTINEER'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
CANDIDATE'S SIGNATURE	DATE: (YYYY/MM/DD)	





- a nominee for election to provincial or local government office\*, as a school trustee or as a director of a francophone education authority
- an elected local government official
- an elected school trustee, or a director of a francophone education authority
- an employee designated by a local government, a francophone education authority or the board of a school district
- a public employee designated by the Lieutenant Governor in Council

- holds a share in a corporation or an interest in land for your benefit, or is liable under the *Income Tax Act* (Canada) to pay income tax on income received on the share or land interest
- has an agreement entitling him or her to acquire an interest in land for your benefit

[illegible]

## Liabilities – s. 3 (e)

List all creditors to whom you owe a debt. Do not include residential property debt (mortgage, lease or agreement for sale), money borrowed for household or personal living expenses, or any assets you hold in trust for another person:

<i>creditor's name(s)</i>	<i>creditor's address(es)</i>

## Income – s. 3 (b-d)

List each of the businesses and organizations from which you receive financial remuneration for your services and identify your capacity as owner, part-owner, employee, trustee, partner or other (e.g. director of a company or society).

- Provincial nominees and designated employees must list all sources of income in the province.
- Local government officials, school board officials, francophone education authority directors and designated employees must list only income sources within the regional district that includes the municipality, local trust area or school district for which the official is elected or nominated, or where the employee holds the designated position.

<i>your capacity</i>	<i>name(s) of business(es)/organization(s)</i>

## Real Property – s. 3 (f)

List the legal description and address of all land in which you, or a trustee acting on your behalf, own an interest or have an agreement which entitles you to obtain an interest. Do not include your personal residence.

- Provincial nominees and designated employees must list all applicable land holdings in the province.
- Local government officials, school board officials, francophone education authority directors and designated employees must list only applicable land holdings within the regional district that includes the municipality, local trust area or school district for which the official is elected or nominated, or where the employee holds the designated position.

<i>legal description(s)</i>	<i>address(es)</i>

## Corporate Assets – s. 5

Do you individually, or together with your spouse, child, brother, sister, mother or father, own shares in a corporation which total more than 30% of votes for electing directors? (Include shares held by a trustee on your behalf, but not shares you hold by way of security.)

☐ no ☐ yes

***If yes, please list the following information below & continue on a separate sheet as necessary:***

- the name of each corporation and all of its subsidiaries
- in general terms, the type of business the corporation and its subsidiaries normally conduct
- a description and address of land in which the corporation, its subsidiaries or a trustee acting for the corporation, own an interest, or have an agreement entitling any of them to acquire an interest
- a list of creditors of the corporation, including its subsidiaries. You need not include debts of less than \$5,000 payable in 90 days
- a list of any other corporations in which the corporation, including its subsidiaries or trustees acting for them, holds one or more shares.

\_\_\_\_\_  
*signature of person making disclosure*

\_\_\_\_\_  
*date*

### Where to send this completed disclosure form:

#### Local government officials:

***... to your local chief election officer***

- with your nomination papers, and

***... to the officer responsible for corporate administration***

- between the 1st and 15th of January of each year you hold office, and
- by the 15th of the month after you leave office

#### School board trustees/ Francophone Education Authority directors:

***... to the secretary treasurer or chief executive officer of the authority***

- with your nomination papers, and
- between the 1st and 15th of January of each year you hold office, and
- by the 15th of the month after you leave office

#### Nominees for provincial office:

- with your nomination papers. If elected you will be advised of further disclosure requirements under the *Members' Conflict of Interest Act*

#### Designated Employees:

***... to the appropriate disclosure clerk (local government officer responsible for corporate administration, secretary treasurer, or Clerk of the Legislative Assembly)***

- by the 15th of the month you become a designated employee, and
- between the 1st and 15th of January of each year you are employed, and
- by the 15th of the month after you leave your position





## FINANCIAL DISCLOSURE ACT

The information in this fact sheet applies to you if you have accepted a nomination for election as a Member of the Legislative Assembly (MLA) in British Columbia.

### ABOUT THE ACT

The *Financial Disclosure Act* requires that the following people make disclosures of assets, debts and sources of income:

- A nominee for election to provincial or local government\* office, as a school trustee, or as a director of a francophone education authority.
- An elected local government official.
- An elected school trustee, or director of a francophone education authority.
- An employee designated by a local government, francophone education authority or board of a school district.
- A public employee designated by the Lieutenant Governor in Council.

\*(“local government” includes municipalities, regional districts, and the Islands Trust.)

The intent of the Act is to identify what areas of influence and possible financial benefit an elected official, nominee or designated employee might have by virtue of their office, and to ensure the public has reasonable access to the information.

### WHAT YOU MUST DISCLOSE

It is not necessary to disclose the value of your holdings or the amount of debt owed, but you must disclose:

- The name of each corporation in which you hold one or more shares, including shares held by a trustee on your behalf.
- The name of each creditor to whom you owe a debt, with the following exceptions: residential property debt (mortgage, lease or agreement for sale); money borrowed for household or personal living expenses; or any assets you hold in trust for another person.
- The name of each business or organization located or carrying on business in British Columbia from which you receive financial remuneration. You must also identify your capacity as owner, part-owner, employee, trustee, partner or other (e.g. director of company or society).
- The legal description(s) and address(es) of all land located in British Columbia in which you, or a trustee acting on your behalf, own an interest or have an agreement, which entitles you to obtain an interest. Your personal residence does not need to be disclosed.
- The following information with regard to corporations where you individually, or together with your spouse, child, brother, sister, mother or father, own shares which total more than 30% of votes for electing directors:
  - The name of each corporation and its subsidiaries.
  - The type of business the corporation and its subsidiaries normally conduct.
  - A description and address of land in which the corporation, its subsidiaries or a trustee acting for the corporation, own an interest or have an agreement entitling any of them to acquire an interest.
  - A list of creditors of the corporation, including its subsidiaries (you need not include debts of less than \$5,000 payable in 90 days).
  - list of any other corporations in which the corporation, including its subsidiaries or trustees acting for them, holds one or more shares.

You must include shares held by a trustee on your behalf, but not shares you hold by way of security.

## FILING DISCLOSURE DOCUMENTS

You must use a "Statement of Disclosure" form to make your disclosures under the Act. You can obtain the form from the B.C. Government Web site at: [www.gov.bc.ca](http://www.gov.bc.ca) [type 'Statement of Disclosure Form' in search bar].

You must submit your completed disclosure form with your nomination papers to the Chief Electoral Officer or your District Electoral Officer. If you are elected, you will have further disclosure obligations under the Members' Conflict of Interest Act.

## FREQUENTLY ASKED QUESTIONS

### Q. Do I need to list mutual fund investments?

**A.** The Financial Disclosure Act was written many years ago and does not specifically address mutual fund investments. If you own mutual funds which do not contain corporate shares or interests in land located in British Columbia, you are not required to disclose your investment. If you own mutual funds which do contain corporate shares or interests in land located in British Columbia, your investment should be disclosed either as trusts (if applicable) or to comply with the spirit of the legislation.

### Q. Do I need to list investments held in my RRSPs?

**A.** It depends on the type of investments you hold in your RRSPs. If you hold corporate shares or interests in land located in British Columbia in an RRSP, those investments must be disclosed to the same extent as if you held those investments outside an RRSP. However, if you hold in an RRSP investments which would not be disclosable if you held them directly (e.g. term deposits or GICs), they do not become disclosable because they are held in an RRSP.

### Q. Do I need to list credit card debt for other than ordinary household or personal living expenses?

**A.** Yes, credit card companies for which you owe a debt for other than ordinary household or personal living expenses must be disclosed.

### Q. Do I need to provide information about land holdings outside the province?

**A.** No, unless the land holdings are owned by a corporation in which you individually (including through a trustee), or with family members, own shares (other than by way of security) carrying more than 30% of votes for electing directors.

### Q. What happens if I forget to include something on my form?

**A.** As a nominee for election to provincial office you are required by law to submit a complete disclosure form with your nomination papers. If you have forgotten to include something on your form, you should submit a supplement to your filed disclosure form or complete a new disclosure form and submit to the Chief Electoral Officer as soon as possible.

### Q. Who will have access to the information on my disclosure form?

**A.** Your statement of disclosure form will be available for public inspection during normal business hours.

### Q. How long is the information kept on file?

**A.** Elections BC keeps a copy of the information for one year. Following the close of nominations, the original form is sent to the Clerk of the Legislative Assembly (the disclosure clerk for provincial nominees) and it is kept indefinitely.

## FURTHER INFORMATION?

You should approach your solicitor or your political party's legal counsel if you require additional information on the Financial Disclosure Act and the disclosure form. The Chief Electoral Officer does not administer the Financial Disclosure Act. Neither the Chief Electoral Officer nor the Clerk of the Legislative Assembly (or their staff) are able to provide any assistance or advice regarding completion of the disclosure form.

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### DISCLAIMER

*The purpose of this fact sheet is to help nominees for election to provincial office understand the general requirements of the Financial Disclosure Act. However, nominees should refer to the Act itself for specific interpretations. (The Election Act and Members' Conflict of Interest Act are also recommended as sources of information.)*

This Act is current to July 13, 2022

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

## **FINANCIAL DISCLOSURE ACT**

### **[RSBC 1996] CHAPTER 139**

#### ***Contents***

- 1 Definitions
- 2 Requirement to make written disclosure
- 3 Contents and filing of written disclosures: Provincial
- 4 Contents and filing of written disclosures: municipal
- 5 Other rules about written disclosures
- 6 Access to written disclosures
- 7 Other disclosure laws
- 8 Proceedings not invalidated
- 9 Offence and penalty
- 10 Procedural matters
- 11 Liability to payment from profit after failure to disclose
- 12 Power to make regulations

#### **Definitions**

**1** In this Act:

**"business"** includes a profession, calling, trade, manufacture, undertaking of any kind and an adventure or concern in the nature of trade, but does not include an office or employment;

**"debt"** does not include

- (a) a mortgage, lease or agreement for sale on land ordinarily occupied by the debtor for, or as incidental to, residential purposes,
- (b) current and ordinary household and personal living expenses, and
- (c) money or other property entrusted to or received by a nominee, municipal official, public employee or municipal employee in trust for another person;

**"disclosure clerk"** means

- (a) for a written disclosure filed by a nominee, the Clerk of the Legislative Assembly,
- (b) for a written disclosure filed by a municipal official or municipal employee,

- (i) in the case of an official or employee in relation to a municipality or regional district, the local government corporate officer,
  - (i.1) in the case of an official or employee in relation to the Islands Trust, the secretary of the Islands Trust appointed under section 17 of the *Islands Trust Act*,
  - (ii) in the case of an official or employee in relation to the board of a school district, the secretary treasurer of the school district, and
  - (iii) in the case of an official or employee in relation to a francophone education authority, the chief executive officer of the authority, and
- (c) for a written disclosure filed by a public employee, the Provincial Secretary;

**"employment"** means the position of an individual in the service of some other person;

**"francophone education authority"** has the same meaning as in the *School Act*;

**"interest"** means an interest specified, or required to be specified, in a written disclosure regardless of the date when it is required under section 3 to be filed;

**"land"** does not include, except in the definition "debt", land ordinarily occupied by an owner for, or as incidental to, residential purposes;

**"local trust committee"** has the same meaning as in the *Islands Trust Act*;

**"municipal employee"** means a person who

- (a) is employed or appointed by the council of a municipality, by the board of a regional district, by the trust council, by a francophone education authority or by the board of a school district, and
- (b) is designated by the council, board, trust council or francophone education authority, as the case may be, to be a municipal employee;

**"municipal official"** means a person who

- (a) is a member of the council of a municipality, the board of a regional district or a local trust committee, or
- (b) is a member of a board of school trustees constituted under the *School Act*, or is a member of the board of regional trustees of a francophone education authority,

and includes, except in sections 2 (1), (3) and (5) and 11, a person for whom nomination papers for election to office as a municipal official have been filed;

**"nominee"** means a person referred to in section 2 (1);

**"office"** means the position of a person, other than a corporation, entitling the person to a fixed or ascertainable stipend or remuneration;

**"public employee"** means a person, other than a municipal employee or a judge, who is designated by the Lieutenant Governor in Council and who is

- (a) employed by the government, or any of its boards, agencies or commissions, under the *Public Service Act* or by an order of the Lieutenant Governor in Council,
- (b) employed by or appointed to a board, agency or commission if the employment or appointment requires an order or approval of the Lieutenant Governor in Council, or
- (c) a member of a board, agency or commission established under an Act or by order of the Lieutenant Governor in Council;

**"trust council"** has the same meaning as in the *Islands Trust Act*;

**"written disclosure"** means a written disclosure required to be made and filed under this Act.

### **Requirement to make written disclosure**

- 2 (1) A person who accepts a nomination for election to office as a Provincial or municipal official must make a written disclosure and file it with the person's nomination papers.
- (2) Promptly after receiving a written disclosure under subsection (1), the person receiving it must send it to the appropriate disclosure clerk.
- (3) A person who is a municipal official, public employee or municipal employee must make and file a written disclosure between January 1 and 15 in each year in which the person is an official or employee.
- (4) A person who becomes a public employee or a municipal employee must make and file a written disclosure not later than the 15th day of the month following the month in which the person becomes a public employee or a municipal employee.
- (5) A person who ceases to be a municipal official, public employee or municipal employee, for any reason other than the person's death, must make and file a written disclosure not later than the 15th day of the month following the month in which the person ceases to be an official or employee.
- (6) A person is not required to file more than one written disclosure during any one month.

### **Contents and filing of written disclosures: Provincial**

- 3 A written disclosure made by a nominee or public employee must be filed in the prescribed form with the appropriate disclosure clerk and must specify all of the following:
- (a) the name of each corporation in which the person or a trustee for the person holds one or more shares;
  - (b) the name of each business situated or carrying on business in British Columbia and financially remunerating the nominee or public employee as an owner, part owner, trustee or partner;

- (c) the name of each business located or carrying on business in British Columbia and financially remunerating the nominee or public employee for services performed by the person as an employee;
- (d) the name of each organization located in British Columbia and financially remunerating the nominee or public employee for an office held by the person that is not disclosed under paragraph (b) or (c);
- (e) the name of the creditor for each debt of the nominee or public employee;
- (f) a description and location of land located in British Columbia in which the nominee or public employee, or a trustee for that person, owns an interest or has an agreement entitling him or her to acquire an interest.

### **Contents and filing of written disclosures: municipal**

- 4** A written disclosure by a municipal official or municipal employee must
- (a) be filed in the prescribed form with the appropriate disclosure clerk, and
  - (b) specify the matters listed in section 3, limited for section 3 (b), (c), (d) and (f) to the regional district that includes the municipality, local trust area, school district or francophone school district for which the official is elected or nominated, or the employee is employed or appointed.

### **Other rules about written disclosures**

- 5** (1) If shares of a corporation carrying more than 30% of the votes for the election of directors are held, other than by way of security only,
- (a) by a nominee, municipal official, public employee or municipal employee, or by a trustee for him or her, or
  - (b) jointly by a nominee, municipal official, public employee or municipal employee, or by a trustee for him or her, and one or more of his or her spouse, child, sibling or parent,

the written disclosure must include a statement, in prescribed form, setting out the

- (c) name of each of the corporation's subsidiaries, within the meaning of section 2 (2) of the *Business Corporations Act*,
- (d) type of business ordinarily carried on by the corporation or by the subsidiary,
- (e) description and location of land of which the corporation, a trustee for it, or the subsidiary, owns an interest or has an agreement entitling it to acquire an interest,
- (f) name of the creditor for each debt of the corporation or subsidiary, except a debt of less than \$5 000 payable in full in less than 90 days, and
- (g) name of each corporation in which the corporation, a trustee for it, or the subsidiary, holds one or more shares.

- (2) For the purposes of sections 3 and 4 and this section, a person is deemed to be a trustee for a nominee, municipal official, public employee or municipal employee if the person
- (a) holds a share in a corporation or an interest in land either for the benefit of the nominee, municipal official, public employee or municipal employee, or in circumstances where the nominee, municipal official, public employee or municipal employee is liable to pay, under the *Income Tax Act* (Canada), income tax on income received by him or her on the share or land interest, or
  - (b) has entered into an agreement entitling him or her to acquire an interest in land for the benefit of the nominee, municipal official, public employee or municipal employee.
- (3) A nominee, municipal official, public employee or municipal employee may make and file a supplementary written disclosure.

### **Access to written disclosures**

- 6 (1) The disclosure clerk with whom a written disclosure is filed under section 3 or 4 must produce for inspection, on request during normal business hours, the written disclosure filed by a nominee or municipal official.
- (2) Subject to subsections (3) and (4) and sections 9, 10 and 11, a person does not have access to a written disclosure filed by a public employee or municipal employee.
- (3) On receiving a written disclosure by a public employee, the Provincial Secretary must send a copy of it to the member of the Executive Council who, in the Provincial Secretary's opinion, is responsible to the Executive Council for the administration of the Act for which the public employee is employed or appointed.
- (4) On receiving a written disclosure by a municipal employee, the disclosure clerk must send a copy of it to the members of the council, board or trust council responsible for the employment or appointment of the municipal employee.

### **Other disclosure laws**

- 7 This Act is supplementary to and does not affect a duty or obligation to disclose an interest under any other law.

### **Proceedings not invalidated**

- 8 The failure of a municipal official, public employee or municipal employee to comply with this Act does not, of itself, invalidate a matter, proceeding, vote or contract.

### **Offence and penalty**

- 9 (1) A person who, as a municipal official, public employee or municipal employee, fails to make or file a written disclosure under this Act, commits an offence.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine of not more than \$10 000.

**Procedural matters**

- 10** (1) It is a defence to a charge under section 9 to show that the municipal official, public employee or municipal employee complied with section 3 or 4 to the best of his or her knowledge or belief.
- (2) If a public employee or municipal employee is prosecuted under section 9, the Provincial Secretary or appropriate disclosure clerk, at the request of the court, must send to the court the written disclosure of the employee.
- (3) If, in a prosecution under section 9, it is alleged that a person was a trustee for a municipal official, public employee or municipal employee, the onus is on the municipal official, public employee or municipal employee to show that the person was not a trustee on his or her behalf.
- (4) If a public employee or municipal employee is prosecuted under section 9, the court may make public all or part of the public employee's or municipal employee's written disclosure.

**Liability to payment from profit after failure to disclose**

- 11** (1) If the Supreme Court, on an application made with the consent of the Attorney General, finds that
- (a) a municipal official, public employee or municipal employee knowingly and wilfully contravened this Act by not disclosing an interest, and
  - (b) the official or employee made a financial gain resulting from his or her involvement in a matter, proceeding, vote or contract in respect of the interest,
- the court may order the municipal official, public employee or municipal employee to pay to the employee's employer, or to the local government to which the official is elected, as the case may be, the amount determined by the court to be the amount of the financial gain.
- (2) If an application under subsection (1) is made in respect of a public employee, the Provincial Secretary, at the request of the court, must send to a court the written disclosure of the public employee involved.
- (3) If an application under subsection (1) is made in respect of a municipal employee, the disclosure clerk, at the request of the court, must send to the court the written disclosure of the municipal employee.
- (4) If the proceedings under this section are against a public employee or municipal employee, the court may make public all or part of the employee's written disclosure.

**Power to make regulations**

- 12** The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.





## REGIONAL DISTRICT OF BULKLEY-NECHAKO

### 2022 GENERAL LOCAL ELECTIONS

#### NOTICE OF NOMINATION

#### FORT FRASER LOCAL COMMUNITY COMMISSION

Public Notice is given to the electors of the Fort Fraser Local Community that a general election will be held on Saturday, October 15, 2022 to elect (4) Commissioners for a 4-year term commencing November 2022.

Nominations for qualified candidates will be received by the Chief Election Officer or a designated person, as follows:

<b>By hand, mail or other delivery service:</b> Regional District of Bulkley-Nechako, P.O. Box 820, 37-3 <sup>rd</sup> Avenue, Burns Lake, B.C., V0J 1E0	From 9:00 am on Tuesday, August 30, 2022 To 4:00 pm Friday, September 9, 2022 Excluding statutory holidays and weekends
<b>By fax to:</b> 250-692-3305  <b>By email to:</b> <a href="mailto:cheryl.anderson@rdbn.bc.ca">cheryl.anderson@rdbn.bc.ca</a>	From 9:00 am on Tuesday, August 30, 2022 To 4:00 pm Friday, September 9, 2022  Originals of faxed or emailed nomination documents must be received by the Chief Election Officer by 4:30 pm on Friday, September 16, 2022

Nomination documents are available at the Regional District Office, 37-3<sup>rd</sup> Avenue, Burns Lake, B.C. from 8:30 am to 4:30 pm Monday to Friday, excluding statutory holidays and weekends or the RDBN website at [www.rdbn.bc.ca](http://www.rdbn.bc.ca), and may also be available for pick up at the Fort Fraser Post Office, 521 Highway 16 West, Fort Fraser, B.C.

#### QUALIFICATIONS FOR OFFICE

A person is qualified to be nominated, elected, and to hold office as a member of local government if they meet the following criteria:

- Canadian citizen;
- 18 years of age or older on general voting day October 15, 2022;
- resident of British Columbia for at least 6 months immediately before the day nomination papers are filed;
- resident of the local community for at least 30 days immediately preceding voting day; and
- not disqualified under the *Local Government Act* or any other enactment from voting in an election in British Columbia or being nominated for, being elected to or holding the office, or be otherwise disqualified by law.



## REGIONAL DISTRICT OF BULKLEY-NECHAKO

### CAMPAIGN PERIOD EXPENSE LIMITS

In accordance with the *Local Elections Campaign Financing Act*, for the 2022 general local election, the following expense limit for candidates during the campaign period apply:

Commissioner - **\$5,398.92**

### THIRD PARTY ADVERTISING LIMITS

In accordance with the *Local Elections Campaign Financing Act*, for the 2022 general local elections, the third party advertising limits apply - **\$809.84**

For further information on the **nomination process**, please contact:

Cheryl Anderson, Chief Election Officer

Wendy Wainwright, Deputy Chief Election Officer

Phone: 1-800-320-3339 or 250-692-3195

For further information on **campaign period expense limits and third party advertising limits**, please contact Elections BC:

Toll-free phone: 1-800-661-8683

Email: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca)

Website: [www.elections.bc.ca](http://www.elections.bc.ca)



# CANDIDATE'S GUIDE

TO LOCAL ELECTIONS IN B.C.

2022



Library and Archives Canada Cataloguing in Publication Data

Main entry under title:

Candidate's Guide to Local Elections in B.C.

Available also on the internet.

Running title: Local elections candidate's guide.

Previously published: Ministry of Municipal Affairs, 2022

ISBN 0-7726-5431-X

1. Local elections - British Columbia. 2. Election law - British Columbia. 3. Campaign funds - Law and legislation - British Columbia. 4. Political campaigns - Law and legislation - British Columbia. I. British Columbia. Ministry of Municipal Affairs. II. Title: Local election candidate's guide

KEB478.5.E43C36 2005

324.711'07

C2005-960198-1

KF4483.E4C36 2005

# Table of Contents

<b>Key Contacts</b>	<b>iii</b>	<b>Ongoing Financial Disclosure</b>	<b>10</b>
Ministry of Municipal Affairs	iii	Privacy	10
Elections BC	iii	The Ethics of Elected Office	10
Ministry of Education and Child Care	iii	Responsible Conduct	10
Service BC Contact Centre (Enquiry BC)	iv	Characteristics of an Effective Locally Elected Official	11
Municipal and Regional District Information	iv	Codes of Conduct	12
<b>Other Resources</b>	<b>v</b>	Confidentiality	14
BC Laws	v	<b>Elected Officials and Local Government Staff</b>	<b>14</b>
Elections Legislation	v	<b>Qualifications</b>	<b>15</b>
Educational Materials	v	<b>Who May Run For Office</b>	<b>15</b>
Disclaimer	vi	Local Government Employees	15
<b>New Elections Legislation – Shared Roles and Responsibilities</b>	<b>1</b>	Local Government Volunteers	15
<b>Local Elections Generally</b>	<b>4</b>	B.C. Public Service Employees	16
Voting Opportunities	4	Federal Employees	16
General Voting Day	4	<b>Who May Not Run For Office</b>	<b>17</b>
Advance Voting	4	<b>Nominations</b>	<b>18</b>
Special Voting	5	Nomination Period and Declaration of Candidates	18
Mail Ballot Voting	5	Who May Nominate	18
<b>Key Participants</b>	<b>5</b>	Endorsement by an Elector Organization	19
Electors	5	Nomination Packages	19
Candidates	6	Nomination Deposits	21
Financial Agents	6	Challenge of Nomination	21
Official Agents	6	Withdrawing a Nomination	22
Scrutineers	6	<b>Election Campaigns</b>	<b>23</b>
Volunteers	6	What are Election Campaigns?	23
Third Party Sponsors	7	Candidate Election Campaigns	23
Elector Organizations	7	Elector Organization Election Campaigns	24
<b>Key Election Administrators</b>	<b>7</b>	Third Party Sponsor Advertising	25
Election Officials	7	<b>Key Election Campaign Activities</b>	<b>25</b>
Elections BC	8	Canvassing	26
<b>About Being an Elected Official</b>	<b>9</b>	Telephone Banks	26
Term of Office	9	In-person Events	26
Time Commitment	9	Advertising	26
Absences from Meetings	9	Signs	26
Remuneration	9	Sponsorship Information	27
Obligation to Vote	10		

# Table of Contents

<b>Local Election Offences and Penalties</b>	<b>28</b>
Local Election Offences	28
Vote-buying	28
Intimidation	28
Other Election Offences	28
Reporting and Enforcement of Local Election Offences	29
Local Election Penalties	29
Local Election Officials' Authority	29
<b>Candidate Representatives</b>	<b>31</b>
Financial Agent	31
Official Agent	32
Scrutineers	32
<b>Voting Opportunities</b>	<b>33</b>
Voting Times	33
Counting Ballots	33
Conduct at Voting Places	33
Candidate Conduct	34
Scrutineer Conduct	34
<b>After General Voting Day</b>	<b>35</b>
Announcing Results	35
Judicial Recount	35
Breaking Ties	36
Invalid Election	36
Oath of Office	36
Taking Office	37
<b>Campaign Financing</b>	<b>38</b>
Campaign Period Expense Limits	38
Campaign Contribution Limits	38
Elections BC Officials' Authority	38
<b>Glossary</b>	<b>40</b>
<b>Appendix A: Local Election Partner Roles and Responsibilities</b>	<b>49</b>
<b>Appendix B: 2022 General Local Elections Key Dates</b>	<b>51</b>
<b>Appendix C: Elections BC and Local Chief Election Officer Questions and Answers</b>	<b>54</b>

# Key Contacts

## Ministry of Municipal Affairs

Contact the Ministry of Municipal Affairs (Ministry) for answers to questions about the material contained in this guide. Ministry staff can also provide additional information about local elections administration in British Columbia.

### **Ministry of Municipal Affairs**

Governance and Structure Branch

PO Box 9839 Stn. Prov. Govt.

Victoria, BC V8W 9T1

Phone: 250 387-4020

Email: [LGgovernance@gov.bc.ca](mailto:LGgovernance@gov.bc.ca)

Website: [www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)

## Elections BC

Contact Elections BC for answers to questions about elector organization registration, election advertising, third party sponsors or campaign financing (including campaign contribution and expense limits).

### **Elections BC**

Phone: 250 387-5305

Toll-free: 1 800 661 8683 / TTY 1 888 456-5448

Fax: 250 387-3578

Toll-free Fax: 1 866 466-0665

Email: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca)

Website: <https://elections.bc.ca>

## Ministry of Education and Child Care

Contact the Ministry of Education and Child Care for answers to questions about school trustee elections and the *School Act*.

### **Ministry of Education and Child Care**

Education Policy Branch

Phone: 250 387-8037

Email: [EDUC.Governance.Legislation@gov.bc.ca](mailto:EDUC.Governance.Legislation@gov.bc.ca)

Website: <https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/school-trustee-election-procedures>

## Service BC Contact Centre (Enquiry BC)

Contact the Service BC Contact Centre (Enquiry BC) for answers to questions about Provincial Government programs and services.

### Service BC Contact Centre (Enquiry BC)

In Victoria call: 250 387-6121

In Vancouver call: 604 660-2421

Elsewhere in B.C. call: 1 800 663-7867

Outside B.C.: 604 660-2421

Email: [EnquiryBC@gov.bc.ca](mailto:EnquiryBC@gov.bc.ca)

Website: <https://www2.gov.bc.ca/gov/content/home/get-help-with-government-services>

## Municipal and Regional District Information

Contact CivicInfoBC for local elections statistics, election results and local government mailing addresses, telephone numbers, email addresses and websites.

### CivicInfoBC

Phone: 250 383-4898

Email: [info@civicinfo.bc.ca](mailto:info@civicinfo.bc.ca)

Website: [www.civicinfo.bc.ca/directories](http://www.civicinfo.bc.ca/directories)



# Other Resources

## BC Laws

BC Laws provides free public online access to the current laws of British Columbia. This unofficial current consolidation of B.C. Statutes and Regulations is updated continually as new and amended laws come into force.

Electronic versions of the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* are available online at: [www.bclaws.ca](http://www.bclaws.ca)

NOTE: The Province of British Columbia does not warrant the accuracy or the completeness of the electronic version of the B.C. Statutes and Regulations available online at BC Laws.

## Elections Legislation

Printed versions of local elections legislation including the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* are available at public libraries in communities throughout British Columbia. Printed versions of the Acts are also available from Crown Publications, Queen's Printer for British Columbia at:

### **Crown Publications: Queen's Printer for British Columbia**

563 Superior Street

Victoria, BC V8V 0C5

Phone: 250 387-6409

Toll Free: 1 800 663-6105

Fax: 250 387-1120

E-mail address: [crownpub@gov.bc.ca](mailto:crownpub@gov.bc.ca)

Website: [www.crownpub.bc.ca/](http://www.crownpub.bc.ca/)

## Educational Materials

The Ministry of Municipal Affairs, Elections BC, the Union of B.C. Municipalities, the Ministry of Education and Child Care, and the BC School Trustees Association collaborated to produce educational materials and guides for the 2022 general local elections.

The Ministry of Municipal Affairs' educational materials are available online at: [www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)

- Candidate's Guide to Local Elections in B.C.
- Elector Organization Guide to Local Elections in B.C. (Booklet)
- General Local Elections 101 (Brochure)
- Scrutineer's Guide to General Local Elections (Booklet)
- Supporting a Candidate for Local Elections in B.C. (Brochure)
- Thinking About Running for Local Office? (Brochure)
- Voter's Guide for Electors Living on Reserve (Brochure)
- Voter's Guide to Local Elections in B.C. (Brochure available in: Chinese-Simplified; Chinese-Traditional; English; Farsi; French; Korean; and, Punjabi)
- What Every Candidate Needs to Know (Brochure)

Candidates in elections conducted by the City of Vancouver must refer to the *Vancouver Charter* and its regulations for specific provisions regarding the City of Vancouver general local election.

Educational materials developed by Elections BC are available online at: <https://elections.bc.ca/local-elections/forms-and-guides/local-guides/>

- Elector Organization Annual Financial Report Completion Guide
- Guide for Local Elections Third Party Sponsors in B.C.
- Guide for Local Non-election Assent Voting Advertising Sponsors in B.C.
- Guide to Elector Organization Registration
- Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents
- Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents

### Fact Sheets

- Administrative monetary penalties
- Candidate quick reference sheet
- Elector organization quick reference sheet
- Election advertising
- Endorsed candidates and elector organizations
- Fundraising functions
- Shared election expenses
- Third party sponsor quick reference sheet

Educational materials developed by the Ministry of Education and Child Care are available online at: <https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/school-trustee-election-procedures>

- School Trustee Election Procedures in British Columbia

Educational materials developed by the BC School Trustees Association are available online at: <https://bcsta.org/resources-and-services/trustee-elections/>

- BCSTA Guide to School Trustee Candidates

### Disclaimer

The information contained in the *Candidate's Guide to Local Elections in B.C.* (guide) is provided as general reference and while all attempts have been made to ensure the accuracy of the material – the guide is not a substitute for provincial legislation.

Please refer directly to the latest consolidation of provincial statutes at BC Laws ([www.bclaws.ca](http://www.bclaws.ca)) for specific election-related provisions and requirements within the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act*.

**NOTE:** The *Candidate's Guide to Local Elections in B.C.* was prepared to help candidates understand the electoral process and legislation regarding local elections in British Columbia. Each candidate must refer to the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act*, and the *Offence Act* for specific provisions related to local elections.

Terms in **boldface** font are further explained in the Glossary.

# New Elections Legislation – Shared Roles and Responsibilities

The *Local Elections Campaign Financing Act* – enacted in 2014 – was created to enhance campaign financing rules and ensure greater accountability and transparency in local elections.

The *Local Elections Campaign Financing Act* separates the rules that regulate election advertising, campaign contribution and election expense limits and campaign financing disclosure from the more procedural rules that apply generally to local elections.

In 2021, the *Local Elections Campaign Financing Act* was amended to:

- establish a pre-campaign period that lengthens the time election advertising is regulated from 29 to 89 days. During the pre-campaign period election advertising, such as billboards or commercials, must include sponsorship information;
- require elector organizations to register with Elections BC before accepting a campaign contribution, incurring an election expense or endorsing a candidate; and,
- provide Elections BC with additional investigative and enforcement tools to ensure compliance with the campaign financing and advertising rules in the *Local Elections Campaign Financing Act*. Elections BC can issue monetary penalties for a wide range of contraventions, including exceeding campaign contribution limits or expense limits.

**Elections BC** is the non-partisan and independent Office of the Legislature responsible for the administration of the provincial electoral process in B.C. and campaign financing and advertising rules for local elections and non-election assent voting events under the *Local Elections Campaign Financing Act*.

**Chief Election Officers** appointed by local governments continue to be responsible for local government elections administration, including receiving nomination documents, declaring **candidates**, administering voting opportunities, counting ballots and declaring election results.

Chief Election Officers also work with Elections BC to monitor compliance with election advertising rules and may assist Elections BC to address incidents of non-compliance. In this way, the practical, on the ground presence and knowledge of Chief Election Officers has been combined with the expertise of Elections BC to create an effective approach to administering the local elections campaign financing and election advertising rules.

*See Appendix A for more information about local election partner roles and responsibilities.*

Candidates must be familiar with the *Local Elections Campaign Financing Act* and its requirements. The *Local Elections Campaign Financing Act* is available online at BC Laws ([www.bclaws.ca](http://www.bclaws.ca)).

Refer to Elections BC's [\*Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents\*](#), the [\*Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents\*](#), the [\*Guide for Local Elections Third Party Sponsors in B.C.\*](#) and the [\*Guide to Elector Organization Registration\*](#) for detailed information and instructions about registration, the campaign financing disclosure process and requirements and rules related to third party sponsors.

# Introduction

**Local elections** are the foundation of democratic local governments in British Columbia (B.C.).

Locally elected officials are charged with making decisions that affect the daily lives of citizens, families, and the business community – **municipal councils, regional district boards, boards of education, Islands Trust, local community commissions, specified parks boards** and other local bodies influence jobs, create safe communities for British Columbians and shape the long-term vision for their community.

The local elections process enables residents and property owners to determine the body of individuals who will make decisions and govern on their behalf following **general voting day**.

Local governments (**municipalities** and **regional districts**) have roles that include:

- acting as a political forum through which citizens, families and business owners within the local community express their collective vision; and,
- providing services and programs to the community.

General local elections for **mayors, councillors, electoral area directors, school trustees, Islands Trust local trustees, local community commissioners** and **specified parks board commissioners** in B.C. are held every four years.

Local governments hold **by-elections** to fill council and regional district board vacancies that occur between **general local elections**.

The *Candidate's Guide to Local Elections in B.C.* (guide) provides those considering running for elected office, **candidates**, election officials, **financial agents** and the general public with comprehensive, detailed information about the local elections process.

The guide provides: general information about local elections in B.C.; the key participants in local elections (e.g., electors, candidates, candidate representatives, **third party sponsors** and **elector organizations**); the key administrators in local elections (e.g., local government election officials and **Elections BC**); elected officials' responsibilities; and, who is qualified to run for office.

The major elements of the local elections process – the call for nominations; **election campaigns**; candidate representatives; what happens on general voting day; and, how successful candidates take office are also described in the guide.

The guide focuses primarily on candidates for **municipal councils** and **regional district boards**; however, the information in the guide may also be applicable to candidates for the **Islands Trust Council, local community commissions** and **specified parks boards**.

Elections BC has published the [Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents](#), the [Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents](#), the [Guide for Local Elections Third Party Sponsors in B.C.](#) and the [Guide to Elector Organization Registration](#) that describe the campaign financing and election advertising rules and disclosure requirements.

General local elections will be held on **Saturday, October 15, 2022**.

The [School Trustee Election Procedures in British Columbia, for School Trustees](#) has been published by the Ministry of Education and Child Care and is available online.

# Local Elections Generally

*Local Government Act* – sections 59, 65, 66, 92 and 104–110  
*Local Elections Campaign Financing Act* – sections 17, 31–41 and 73–79

An election bylaw enables a municipal council or regional district board to make decisions about election administration, such as whether: voting machines will be used; mail ballot voting will be available; additional advance voting opportunities will be offered; voter registration will be conducted in advance or on voting day only; and/or, nomination deposits will be required.

General voting day for the 2022 general local elections is **October 15**.

The required advance voting opportunity for the 2022 general local election is **October 5**.

Each local government (**municipality** and **regional district**) is responsible for running its own **local election**. Local governments may also run school trustee elections on behalf of **boards of education**.

Municipal councils and regional district boards appoint a **Chief Election Officer** to run the local election in accordance with the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act*, the *Offence Act* and the local government's **election bylaw**.

The elections legislation contains provisions that must be consistently applied to all local elections; however, the legislation is also flexible enough that local governments are able to make choices about how to conduct elections in a manner that suits local circumstances (e.g., using the Provincial Voters List, and/or drawing by lot to break a tie between two or more candidates).

## Voting Opportunities

**General voting day** is usually the most publicized or widely known voting opportunity **resident electors** and **non-resident property electors** have to cast their ballot in local elections.

An **advance voting opportunity** must also be available whereby eligible **electors** may cast their ballot in local elections. Two other types of voting opportunities may also be available to eligible electors: special voting; and, mail ballot voting.

Local governments have the authority to increase **elector** access to the voting process by offering mail ballot voting (to all electors) and holding additional voting opportunities for their citizens. Providing for mail ballot voting and increasing the number of voting opportunities may positively impact voter turnout and increase overall access to the electoral process.

### General Voting Day

General voting day is the primary opportunity for **candidates** seeking office as a **mayor, councillor, electoral area director, Islands Trust local trustee, local community commissioner** or **specified parks board commissioner** to be elected to office by eligible electors. Voting places are open from 8:00 a.m. to 8:00 p.m. local time on general voting day.

### Advance Voting

An **advance voting opportunity** must be held 10 days prior to general voting day. This required advance voting day allows eligible electors who may not otherwise be able to vote on general voting day to cast their ballot. Local governments with populations greater than 5,000 are required to hold at least two advance voting opportunities.

Local governments may set out in their election bylaws whether additional advance voting opportunities will be offered, or in communities of less than 5,000, whether the required additional advance voting opportunity will be waived.

*See Appendix B for other key dates in the 2022 general local elections.*

## Special Voting

Special voting opportunities may be held in any location – inside or outside the local government boundary – to provide eligible electors who may not otherwise be able to attend a voting place an opportunity to cast their ballots during local elections.

Special voting opportunities are generally held in hospitals, long-term care facilities or other locations where electors' mobility may be impaired. Only designated **electors** are eligible to vote at special voting opportunities – for example, a local government may decide only patients and staff would be entitled to vote during a special voting opportunity held at a hospital.

## Mail Ballot Voting

Mail ballot voting provides *all* electors who are unable to attend a special, advance or general voting opportunity the ability to vote in local elections. Local governments must have provided for mail ballot voting in their election bylaw.

## Key Participants

**Electors**, candidates, financial agents, official agents, scrutineers, **volunteers**, **third party sponsors** and **elector organizations** are the key participants in the local elections process.

### Electors

The right to vote in local elections is conferred on **resident electors** and **non-resident property electors**.

Resident electors are those people that may be eligible to vote in local elections based on where they reside. Non-resident property electors are those people that reside in one **jurisdiction** and own property in a different jurisdiction where they can also vote if they are eligible.

A resident elector must:

- be 18 years of age or older when registering to vote or will be 18 years of age on general voting day;
- be a Canadian citizen;
- have been a resident of British Columbia for at least six months immediately before registering to vote;
- be a resident of the **jurisdiction** when registering to vote; and,
- not be disqualified under the *Local Government Act* or any other enactment from voting in a local election or be otherwise disqualified by law.

A non-resident property elector must:

- be 18 years of age or older when registering to vote or will be 18 years of age on general voting day;
- be a Canadian citizen;
- have been a resident of British Columbia for at least six months immediately before registering to vote;
- have owned real property in the **jurisdiction** for at least 30 days before registering to vote; and,
- not be disqualified under the *Local Government Act* or any other enactment from voting in a local election or be otherwise disqualified by law.

Electors may not cast their ballot on the Internet or by telephone.

New or amended election bylaws must be adopted by **July 4, 2022** in order to be in effect for the 2022 general local elections.

Refer to the [\*Local Government Act, s.67\*](#) for the rules for determining B.C. residency.

An elector must have been a B.C. resident prior to **April 14, 2022** in order to register to vote on general voting day.

Further information about scrutineers is available in the [\*Scrutineers Guide to Local Elections in B.C.\*](#)

## Candidates

A candidate is an individual seeking election as a **mayor, councillor, electoral area director, Islands Trust local trustee, local community commissioner** or **specified parks board commissioner** within a **municipality, regional district electoral area**, Trust area, community commission area or specified parks board jurisdiction.

A candidate must have been nominated by eligible electors and have been declared a candidate by the **Chief Election Officer** in order to run for elected office.

## Financial Agents

A financial agent is a representative that candidates are legally required to have during an election campaign. The financial agent is legally responsible for ensuring that the financial aspects of the candidate's election campaign comply with the *Local Elections Campaign Financing Act*.

Financial agents have a number of obligations under the *Local Elections Campaign Financing Act*, including opening and depositing contributions to, and paying election-related expenses from, a candidate's campaign account; maintaining records for campaign contributions, election expenses and all other campaign transactions; and filing the candidate's required disclosure statement with Elections BC within 90 days following general voting day.

*A candidate is their own financial agent unless they appoint another individual to the position. The appointment of a financial agent by a candidate must be made in writing and the person must consent to the appointment.*

## Official Agents

Candidates may appoint an official agent to represent them during the election process. The official agent may act as a campaign manager or spokesperson or be the point of contact for the people helping on a candidate's election campaign.

## Scrutineers

Scrutineers represent candidates at advance, special and general voting opportunities and observe voting procedures and scrutinize the ballot-counting process after the close of voting on general voting day. Scrutineers are also known as "candidate representatives" in provincial legislation.

## Volunteers

**Volunteers** are individuals who provide services, such as preparing and distributing flyers, canvassing, phoning eligible voters, handling logistics and taking on other election campaign-related activities. Candidates and elector organizations may enlist volunteer services.

A volunteer must not receive any payment or remuneration for their services.

Contact Elections BC by phone at: 250 387-5305 or elsewhere in B.C. call: 1 800 661-8683 (Toll-free) or by email at: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca) for answers to questions about being a volunteer for an election campaign.



## Third Party Sponsors

A third party sponsor is an individual or organization that sponsors election advertising independently from candidates and elector organizations.

Third party advertising includes advertising for or against a candidate and/or an elector organization. In the **campaign period**, it also includes advertising on an issue with which a candidate or elector organization is associated.

Third party sponsors must be independent from candidates and/or elector organizations and must not coordinate, or sponsor advertising together with, or on behalf of a candidate and/or elector organization. Third party sponsors must register with Elections BC before conducting advertising during the **pre-campaign** and campaign periods.

Refer to Elections BC's [Guide for Local Elections Third Party Sponsors in B.C.](#) for more information about third party sponsors.

## Elector Organizations

Elector organizations are organizations that endorse or intend to endorse a candidate(s) in local elections. Elector organizations may be referred to as "civic political parties."

Fundamentally, elector organizations endorse candidates. Elector organizations may have their name, abbreviation or acronym shown on the ballot beside their endorsed candidate(s) name and generally promote their endorsed candidate(s) or the organization's viewpoints during an election campaign.

Elector organizations must register with Elections BC and comply with the contribution and expense limits as well as the campaign financing disclosure requirements under the *Local Elections Campaign Financing Act*. Elector organizations must also file annual financial reports about their financial activities outside of election years with Elections BC.

Refer to the [Elector Organization Guide to Local Elections in B.C.](#) for more information about elector organizations.

## Key Election Administrators

Local governments and **Elections BC** administer local elections in B.C.

### Election Officials

**Municipal councils** and **regional district boards** appoint a **Chief Election Officer** to administer local elections. The Chief Election Officer may be a senior local government employee (e.g., **Corporate Officer**) or a private contractor hired to conduct the election on the local government's behalf.

Generally, Chief Election Officers are responsible for overseeing all local election administration activities, including: receiving nomination documents; declaring candidates; administering voting opportunities; counting ballots; and, declaring election results. The Chief Election Officer is also responsible for training the Deputy Chief Election Officer, Presiding Election Officials and any additional election officials required to conduct local elections.

The Chief Election Officer must conduct the election in accordance with the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act*, the *Offence Act* and the local government's **election bylaw**.

The *Local Elections Campaign Financing Act* refers to local Chief Election Officers as "local election officers." Local Chief Election Officers and local election officers perform the same role and function during local elections.

## Elections BC

Elections BC is the non-partisan and independent Office of the Legislature responsible for the administration of the provincial electoral process in B.C. and the campaign financing and advertising rules for local elections and non-election assent voting events under the *Local Elections Campaign Financing Act*.

Elections BC administers, investigates and enforces the campaign financing disclosure requirements including expense limits, campaign contribution limits and election advertising rules under the *Local Elections Campaign Financing Act*. Elections BC also has the authority to conduct investigations of any matter that might contravene the *Local Elections Campaign Financing Act* and levy administrative monetary penalties for non-compliance with the *Local Elections Campaign Financing Act*.

Refer to Elections BC's [\*Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents\*](#), the [\*Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents\*](#), the [\*Guide for Local Elections Third Party Sponsors in B.C.\*](#) and the [\*Guide to Elector Organization Registration\*](#) for more information about campaign financing and third party advertising rules.

## B.C. CHIEF ELECTORAL OFFICER

The B.C. Chief Electoral Officer's role is different from the Chief Election Officer's role. The *B.C. Chief Electoral Officer* is an independent officer of the Legislature who oversees the provincial electoral process in B.C. The *Local Elections Campaign Financing Act* gives the B.C. Chief Electoral Officer the additional role of overseeing campaign financing and election advertising in local elections and ensuring compliance with the *Local Elections Campaign Financing Act*.

# About Being an Elected Official

*Local Government Act – sections 198-199, 204 and 207*  
*Community Charter – sections 81, 119, 123 and 125*  
*Vancouver Charter – sections 9, 139 and 145.1*

There are responsibilities and restrictions prospective **candidates** may wish to consider before they decide to run for elected office – these include the term of office, time commitment, remuneration, voting, financial disclosure, privacy, ethics, responsible conduct and the respective roles of elected officials and local government staff.

## Term of Office

Candidates elected in **general local elections** serve a four-year term. This term begins at the first **municipal council** or **regional district board** meeting following general local elections. The term ends immediately before the first council or regional district board meeting following the general local elections four years later.

## Time Commitment

Holding local office can represent a significant time commitment. Councils usually hold one meeting every week or two and regional district boards generally hold one meeting each month. Elected officials are expected to be prepared for meetings so that they can participate in an informed way and contribute to collective decision-making.

**Councillors** and regional district board members may also sit on special committees, boards or commissions that may require additional meetings and time commitment, along with attending public hearings and community engagement activities.

Council may also appoint members to the regional district board based upon whom it believes best represents the municipality's regional interests. Candidates elected as **electoral area directors** and municipal council members who are appointed as **municipal directors** serve together on the regional district board. Councillors and electoral area directors may also serve on committees or commissions that require an additional time commitment to the regional district board.

A mayor or councillor may be appointed to the regional district board.

## Absences from Meetings

An elected official absent from meetings for 60 consecutive days or four consecutive regularly scheduled council or board meetings (whichever is longer) may be disqualified from office. This does not apply when the elected official has been absent because of illness or injury, when the municipal council or regional district board has given the individual permission to be absent or because the elected official is on a mandatory leave of absence.

## Remuneration

Elected officials generally receive honouraria or other financial compensation while in elected office. Remuneration varies from community to community – in some communities, elected officials may be compensated for part-time hours and find they sometimes work full-time hours. Local governments have the legislative authority and are responsible for setting the remuneration for elected officials.

Prospective candidates may wish to contact the local government to determine the remuneration elected officials receive in a given community.

The *Financial Disclosure Act* is administered by the Ministry of Attorney General. Refer to [Municipal officials – financial disclosure](#) for more information about ongoing financial disclosure.

## Obligation to Vote

Every elected official present at a municipal council and regional district board meeting must vote “for” or “against” a motion. The official meeting record will show that those councillors or board members that did not expressly vote “yes” or “no” voted in favour of the motion. The only exception would be when an elected official has declared a conflict of interest related to the matter being voted upon – the elected official would then be prohibited from voting and must leave the meeting until after the vote had been taken.

## Ongoing Financial Disclosure

Elected officials are required under the *Financial Disclosure Act* to file a **financial disclosure statement** at the time they submit nomination documents, each year while holding office and shortly after leaving office.

The *Financial Disclosure Act* disclosure statement details an elected official's corporate and personal holdings and must be available for public inspection.

Prospective candidates are required to file a financial disclosure statement at the time they submit nomination documents. The financial disclosure statement must be filed with the local government **Corporate Officer**. Failure to file a financial disclosure statement carries a penalty of up to \$10,000.

The *Financial Disclosure Act* disclosure statement is not the same as the candidate campaign financing disclosure statement required under the *Local Elections Campaign Financing Act* that each candidate must file after general local elections.

## Privacy

Elected officials perform many of their duties in the public eye. Social media has increased the amount of exposure and feedback elected officials receive. As such, aspects of an elected official's life may become a matter of public interest and may result in a loss of privacy.

## The Ethics of Elected Office

Elected officials are entrusted with significant decision-making authority. Mayors, councillors and regional district board members have a great deal of influence over, and responsibility for, the services and programs that citizens receive.

Elected officials must conduct themselves in an open, transparent and accountable manner and avoid situations that may bring their integrity or the integrity of the municipal council or the regional district board into question.

## Responsible Conduct

Responsible conduct is how locally elected officials conduct themselves in their relationships with elected colleagues, local government staff and the public – and is directly connected to how a community is governed. An elected official's relationships with their colleagues, local government staff and the public play a significant role in helping carry out their responsibilities.

Elected officials who demonstrate *integrity, accountability, respect, leadership and collaboration* with other elected officials and local government staff are essential to the effectiveness and success of a local government.

- *Integrity* means being honest and demonstrating strong ethical principles:
  - Upholding the public interest, serving citizens diligently to make decisions in the best interests of the community, and behaving in a manner that promotes public confidence in local government.
- *Accountability* means an obligation and willingness to accept responsibility or to account for one's actions.
  - Being transparent in how an elected official individually, and a council/board collectively, conducts business and carries out their duties; listening to and considering the opinions and needs of the community in all decision-making; and, allowing for discourse and feedback.
- *Respect* means having due regard for others' perspectives, wishes, and rights; displaying deference to the offices of local government, and the role of local government in community decision-making.
  - Treating every person, including other members of the council/board, staff and the public, with dignity, understanding and respect, and valuing the role of diverse perspectives and debate in decision-making.
- *Leadership and Collaboration* means an ability to lead, listen to and positively influence others; coming together to pursue a common goal through collective efforts.
  - Calmly facing challenges and providing considered direction on the issues of the day, while empowering colleagues and staff to do the same; creating space for open expression by others; taking responsibility for one's own actions and reactions; and, accepting the decisions of the majority.

Further information about [responsible conduct](#) and expectations for B.C.'s locally elected officials is available online.

Many local governments across B.C. utilize various tools to support responsible conduct including code of conduct bylaws, procedure bylaws and WorkSafeBC harassment and anti-bullying policies.

### Characteristics of an Effective Locally Elected Official

The most effective locally elected officials:

- **DILIGENT** – are prepared for meetings, ask questions and participate respectfully in discussions to contribute to a positive environment so that effective decisions can be made;
- **RESPONSIBLE** – understand the role of a locally elected official, and municipal council (council) and regional district board protocols and the legislative requirements that apply to locally elected officials, councils and regional district boards, and the local government system as a whole;
- **PROACTIVE** – address community and council and regional district board issues proactively by working to find collective solutions and being able to make informed decisions;
- **COMMITTED** – have the time, energy and motivation required to be effective and responsive to the community's needs;
- **PATIENT/TOLERANT** – have patience and tolerance for others' points of view, and for the council or regional district board's processes and procedures;
- **INFLUENTIAL** – build relationships; provide facts; explain points of view; listen to concerns and provide real examples of the impact of not taking action; and,

<p>A council or regional district board must decide whether to establish a code of conduct or, if one already exists, whether to update it within six months of the first regular council or board meeting following general local elections.</p>	<ul style="list-style-type: none"> <li>• <b>SELF-AWARE</b> – assess their strengths and weaknesses; know their biases and the types of behaviours and comments that can cause upset; are aware of their impact on others.</li> </ul> <p><b>Codes of Conduct</b></p> <p>Many local governments have created codes of conduct to assist elected officials to conduct themselves in an appropriate manner. A code of conduct is a set of rules outlining how elected officials must behave when carrying out their elected duties. Codes of conduct provide guidance in addition to the obligations elected officials have under legislation, bylaws, policies and other legal rules.</p> <p>Codes of conduct can also promote a positive, ethics-focused organizational culture and create a shared understanding about the roles and responsibilities of locally elected officials and local government staff, and what they can and cannot do.</p> <p>The guide <a href="#"><i>Forging the Path to Responsible Conduct in Your Local Government</i></a> provides further information about responsible conduct and codes of conduct.</p> <p>There are new code of conduct requirements for local governments following the 2022 general local elections. Within six months of its first regular meeting following the general local elections, local governments will have to consider whether to establish a code of conduct or, if one already exists, whether to update it.</p> <p>If a local government decides not to establish or review a code of conduct, it will have to make available, upon request, a statement respecting the reasons for its decision.</p>
<p><b>CONFLICT OF INTEREST</b></p> <p><i>Local Government Act</i> section 205</p> <p><i>Community Charter</i>, sections 100-109</p> <p><i>Vancouver Charter</i>, sections 145.2-145.92</p>	<p><b>Conflict of Interest and Other Ethical Standards</b></p> <p><b>Disclosure of Conflict</b></p> <p>The <i>Community Charter</i> conflict of interest rules set out that locally elected officials who have a financial (pecuniary) interest in a matter that will be discussed or voted upon at a municipal council or regional district board meeting must declare that interest in the matter. Following their declaration, they may not participate in discussions, vote or exercise influence on that matter.</p> <p>Elected officials must not vote on, or participate in discussions about, any matters where they have a direct or indirect financial interest that is not shared with the broader community.</p> <p>Municipal councils or regional district board members who believe they have a financial interest in a matter under discussion, must:</p> <ul style="list-style-type: none"> <li>• declare their interest in the matter;</li> <li>• withdraw from the meeting;</li> <li>• not participate in the discussion or vote; and,</li> <li>• not attempt to influence, in any way, the voting of other elected officials on the matter.</li> </ul> <p>An elected official who has a direct or indirect financial interest in a matter and has participated in discussions or attempted to influence the vote or votes on the matter, may be disqualified from office.</p> <p>Given that conflict of interest is complex and dependent on the particular facts in a given circumstance, conflict of interest can only be decided by the courts; ultimately the courts have the expertise to apply the law to the facts of a specific situation.</p> <p>If an elected official was unsure about whether they were in a conflict of interest, it would be best for that elected official to seek independent legal advice.</p>

## SCENARIO – CONTRACTUAL CONFLICT?

Aaron Michaels owns Arrow Landscaping, a local gardening and landscaping company – he is also a municipal councillor.

Arrow Landscaping holds a contract with a nearby municipality and does not currently have a contract with the municipality where Aaron is a councillor – although the company did submit a bid the last time there was a request for tenders.

The current municipal landscaping contract is about to expire, and council is considering whether to extend the current contract or put the contract out to tender.

Councillor Michaels has a *direct and/or indirect financial interest* in this matter and is likely to be in a conflict of interest if Councillor Michaels participated in any discussions or votes related to the landscaping contract.

Councillor Michaels would have a *direct financial interest* if Arrow Landscaping submitted a bid for the municipal landscaping contract. If only a small number of landscaping companies operate in the region, Councillor Michaels also has an *indirect financial interest* in decisions that affect the companies that compete with Arrow Landscaping for business – even if Arrow Landscaping did not submit a bid to provide services to the municipality.

Councillor Michaels must inform council about his connection to the contract and excuse himself from further debate and discussion by leaving the room until the council moves on to another topic, to avoid any perception of influencing or affecting council's decision.

### **Inside Influence**

An elected official who has a monetary interest in a matter must not use their office to attempt to influence a decision, recommendation, or action to be made or taken on a matter at a council or committee meeting, or by officers and employees of the local government. For example, a councillor would likely be in contravention of the inside influence restriction if they lobbied the municipal approving officer regarding an application to subdivide land owned by that councillor.

### **Outside Influence**

An elected official who has a monetary interest in a matter must not use their office to attempt to influence a decision, recommendation, or other action to be made or taken on a matter by any other person or body. For example, a councillor would likely be in contravention of the outside influence restriction if they lobbied a provincial regulator on behalf of a business partner using the municipality's letterhead in correspondence with the provincial regulator.

### **Accepting Gifts**

Elected officials must not accept a fee, gift or other personal benefit that is directly connected to the performance of their duties as a municipal council or regional district board member. Elected officials may, however, accept gifts or other personal benefits received as a matter of social obligations or protocol related to their position (such as a gift from a visiting delegation from another government) and compensation authorized by law.

An elected official who received such a gift must file a disclosure statement with the local government **Corporate Officer**. The statement must include: the nature of the gift; its source; when it was received; and, the circumstances under which it was given and received. The statement must be filed as soon as possible after the gift was received.



### ***Disclosure of Contracts***

Elected officials must publicly disclose any contract in which they have a monetary interest. This requirement applies to contracts between the local government and elected official, as well as to contracts between the local government and persons or companies with whom the elected official is connected. For example, this would include contracts with a company in which the elected official is a director, officer, significant shareholder or senior employee.

### ***Use of Insider Information***

An elected official must not use information that is not otherwise available to the general public for gaining or furthering a monetary interest. The *Community Charter* does not specify a time limit for this restriction. As such, the restriction applies indefinitely – or until the information is made available by the municipal council or regional district board to the general public.

### ***Voting for an Illegal Expenditure***

Elected officials must not vote for a bylaw or resolution authorizing the expenditure, investment, or other use of money contrary to the *Community Charter*, *Local Government Act*, or the *Vancouver Charter*.

### ***Consequences***

Elected officials who contravene any of the conflict of interest provisions may be disqualified from holding office and may be required to pay the local government for any financial gain as a result of the contravention.

### ***Confidentiality***

Past and present elected officials are required to keep confidential information private until such time as that information is made publicly available by the municipal council or regional district board.

Information contained in records that have not been released to the public, and information discussed in closed meetings must be kept confidential until that information is released in an open meeting. A local government may recover any damages that result from an elected official, or former elected official, who intentionally disclosed confidential information.

## **Elected Officials and Local Government Staff**

Elected officials perform a role that is distinct from the role of the Chief Administrative Officer, or **Corporate Officer**, and other local government staff. Elected officials are decision-makers and set strategic policies and priorities for the municipality or regional district – they do not implement policies and decisions or otherwise administer the local government.

Local government staff (e.g., Chief Administrative Officer and Corporate Officer) are responsible for implementing municipal council or regional district board decisions and providing advice to elected officials. The Chief Administrative Officer or Corporate Officer is the primary point of contact between elected officials and local government staff (e.g., land use planners, bylaw enforcement officers, public works staff) employed by the municipality or regional district.

Elected officials do not have regular contact with local government staff, nor do elected officials perform, or supervise, the roles or duties assigned to local government staff. An elected official *must not* interfere with, hinder, or obstruct the work of local government officers or employees.

Elected officials are not authorized to fulfill local government staff roles or duties.



## Who May Run For Office

A person who has not been disqualified from seeking or holding elected office may become a **candidate** in local elections.

A candidate for **mayor**, **councillor**, or **electoral area director** must:

- be 18 years of age or older on **general voting day**;
- be a Canadian citizen;
- have been a resident of British Columbia for at least six months immediately before filing nomination documents; and,
- not be disqualified under the *Local Government Act* or any other enactment from voting in an election in British Columbia or from being nominated for, being elected to or the holding office, or be otherwise disqualified by law.

Prospective candidates for local office must be nominated by at least two eligible electors from the jurisdiction where the person is seeking election. Local governments may require 10 or 25 nominators for each prospective candidate.

## Local Government Employees

Local government staff (e.g., officers and employees), who wish to run for office in the local government where they work must take a leave of absence in order to run and they must resign if elected.

The requirement for a salaried employee to take a leave of absence and resign if successfully elected may apply in the following circumstances, a:

- municipal employee running for elected office in the municipality in which they are employed;
- municipal employee seeking to be elected as an electoral area director for the regional district of which their municipal employer is a member;
- regional district employee seeking to be elected as a member of the board of the regional district in which they are employed; and,
- regional district employee seeking to be elected as the mayor or councillor of a municipality that is a member of the regional district.

An employee who was not successful in their bid for local elected office would then return to the job from which they took the required leave of absence.

## Local Government Volunteers

Generally, volunteers who do not receive monetary compensation for services provided to a local government are not “employees” for election purposes and would not be required to take a leave of absence or resign if elected.

A person may still be considered a volunteer if they are compensated for the requirements set out in the [Volunteer Eligibility for Office Regulation](#).

Prospective candidates must have been a B.C. resident prior to **March 8, 2022** to be eligible to run in the 2022 general local elections.

Local government employees must take a leave of absence to run for elected office and must resign from their position if elected.

Further information about local government employees, local government volunteers, B.C. Public Service employees and Federal Government employees eligibility to run for office is [available online](#).

The requirement that a volunteer who received monetary compensation from the local government may need to take a leave of absence and resign if successfully elected will likely apply in the following circumstances:

- a paid municipal volunteer must take a leave of absence (and resign when elected) in order to run for and hold office in the municipality where they are volunteering;
- a paid municipal volunteer must take a leave of absence (and resign when elected) in order to run for and hold office in the regional district where the municipality is a member;
- a paid regional district volunteer must take a leave of absence (and resign when elected) in order to run for and hold office in a member municipality; and,
- a paid regional district volunteer must take a leave of absence (and resign if elected) in order to run for and hold office in an electoral area within the Regional District in which they serve.

### **B.C. Public Service Employees**

B.C. Public Service employees may seek nomination as a candidate in local elections. The duties of elected office must not affect the employee's normal working hours and there must not be a conflict of interest between the employee's duties as an elected official and their duties as a B.C. Public Service employee.

### **Federal Employees**

Federal public service employees may seek nomination as a candidate in local elections after they obtain permission from the Public Service Commission of Canada (PSC).

Federal employees must not be declared a candidate or undertake any candidacy-related activities unless they have first obtained permission from the PSC. The PSC may grant permission, with or without conditions, when it is satisfied that seeking nomination as, or being, a candidate will not impair or be perceived as impairing an employee's ability to perform their job-related duties in a politically impartial manner.

Visit: <https://www.canada.ca/en/public-service-commission.html> under the "Political Activities" section, or contact the PSC at 1 866 707-7152 (Toll-free), or by e-mail at [cfp.activitespolitiques-politicalactivities.psc@canada.ca](mailto:cfp.activitespolitiques-politicalactivities.psc@canada.ca) for further information.

Members of the Legislative Assembly of B.C. (MLAs) may seek nomination as a candidate in local elections. MLAs may hold office both provincially and locally, as long as the person can fulfill the duties of both offices.

## Who May Not Run For Office

A person is not eligible to run as a candidate for any local government office if they:

- have been convicted of an indictable offence and are disqualified from the date of the conviction until the date on which they are sentenced;
- have been convicted of and sentenced for an indictable offence and are in custody;
- have been found guilty of an election offence, such as intimidation or vote-buying or other election offence, and are prohibited from holding office;
- are judges of the Provincial Court, Supreme Court or Court of Appeal;
- are involuntarily confined to a psychiatric facility or other institution;
- have been disqualified for specified reasons such as, failing to:
  - file a campaign financing disclosure statement in a previous election;
  - make an oath of office; or,
  - attend local government meetings in the manner and frequency required by the *Community Charter*; or,
- have been disqualified under the *Local Government Act* or any other enactment from voting in an election in British Columbia or from being nominated for, elected to or holding office under the *Local Government Act* or be otherwise disqualified by law.

The nomination period for the 2022 general local elections begins at 9:00 a.m. local time on **August 30** and ends at 4:00 p.m. local time on **September 9**.

The declaration of candidates for the 2022 general local elections takes place at 4:00 p.m. local time on **September 9**.

The nomination period for the 2022 general local elections may be extended until 4:00 p.m. local time on **September 12**.

## Nomination Period and Declaration of Candidates

The nomination period is the only time during which the **Chief Election Officer** is permitted to accept nomination documents and deposits (where applicable) from nominees for office. The nomination period begins at 9:00 a.m. local time on the 46th day before general voting day and ends at 4:00 p.m. local time on the 36th day before general voting day.

The Chief Election Officer is required to publish notice about the nomination period that includes: the offices for which candidates are to be elected; the dates, times and places at which nominations will be received; and, how interested persons can obtain information about the requirements and procedures for making a nomination.

It is the nominee's responsibility to ensure all the required information in the nomination documents are submitted to the Chief Election Officer (or designate) by the deadline and that the information is accurate and complete. A nominee officially becomes a **candidate** when they have submitted all the required information in the nomination documents and have been subsequently declared a candidate by the Chief Election Officer.

The Chief Election Officer officially declares the nominees who have met the candidacy requirements and have become candidates for the local government election after the end of the nomination period.

The Chief Election Officer may extend the nomination period until 4:00 p.m. local time on the third day after the end of the nomination period when there are fewer candidates than positions to be elected. Any subsequent nominees would be declared candidates at that time.

*See Appendix B: 2022 General Local Elections Key Dates for other key election dates.*

## Who May Nominate

Prospective candidates for local office must be nominated by at least two eligible electors from the local government where the person is seeking election. Local governments have the ability to require, by bylaw, two, 10, or, in **jurisdictions** with populations greater than 5,000, 25 nominators for each prospective candidate.

A nominator must be eligible to vote in the jurisdiction as a **resident elector** or as a **non-resident property elector**. To nominate a candidate for local office, the nominator must:

- be 18 years of age or older when they register to vote or will be 18 years of age or older on general voting day;
- be a Canadian citizen;
- have been a resident of B.C. for at least six months before registering to vote;
- be a resident in the municipality or electoral area for which the nomination is being made, or in the case of a non-property resident property elector, own real property in the municipality or electoral area, for 30 days immediately before the day of registration; and,

- not be disqualified under the *Local Government Act* or any other enactment from voting in an election or be otherwise disqualified by law.

Prospective candidates may wish to consider having more nominators than are required by the local government in case one or more nominators is determined to be ineligible.

## Endorsement by an Elector Organization

A registered **elector organization** can endorse a candidate on the ballot by submitting all the required information in the **endorsement** documents to the Chief Election Officer and Elections BC during the nomination period.

Only elector organizations registered with Elections BC can file endorsement documents, receive campaign contributions and incur election expenses.

The elector organization must have a membership of at least 50 eligible electors (either resident electors or non-resident property electors) at the time it submits registration information to Elections BC.

An elector organization cannot endorse more candidates in an election than there are offices to be filled, and a candidate can only be endorsed by one elector organization. Candidates endorsed by elector organizations must indicate their consent to the endorsement by providing their signature as part of the endorsement documents submitted to the Chief Election Officer and Elections BC by the elector organization.

Refer to the [Elector Organization Guide to Local Elections in B.C.](#) and the [Guide to Elector Organization Registration](#) for more information about elector organization endorsements.

## Nomination Documents

Nomination documents are generally available from local government offices during regular business hours two to four weeks before the nomination period begins and remain available until the nomination period ends.

Nomination documents must be submitted in writing to the Chief Election Officer – or a person designated by the Chief Election Officer and must include the following:

- the person's full name (first, middle, last);
- the person's usual name, if it is different from their full name and they would rather have that name appear on the ballot – e.g., Catherine instead of Cathy;
- the office for which the person is nominated (e.g., mayor, councillor, or electoral area director);
- the person's residential address;
- the person's mailing address, if different from their residential address;
- the names and residential addresses of nominators, and, if one or more of the nominators is a non-resident property elector, the address of the property owned by the nominator(s) in the jurisdiction; and,
- a statement signed by each nominator that, to the best of their knowledge, the person is qualified to hold local government office in British Columbia.

Contact the Chief Election Officer to determine the number of nominators required by the local government. Local government contact information is available from [CivichInfoBC](#).

Deadline for elector organizations to register with Elections BC is **August 2, 2022**.

Do not put additional information on nomination documents (e.g., personal information not required by legislation).

Nominees must be aware of, understand and intend to comply with the *Local Elections Campaign Financing Act*.

Original copies of documents submitted by fax or email must be submitted to the Chief Election Officer by 4:00 p.m. local time on **September 16** for the 2022 general local elections.

The nomination documents must also include supporting information that demonstrates the person's consent and preparedness to run in general local elections, including:

- the person's written consent to the nomination;
- the person's financial disclosure statement, as required by section 2(1) of the *Financial Disclosure Act*;
- a signed declaration that either the person is acting as their own financial agent, or identifying the individual they have appointed as their financial agent;
- the person's **solemn declaration** that:
  - they are qualified to be nominated for office;
  - the information provided in the nomination documents is true;
  - they fully intend to accept the office if elected; and,
  - they are aware of the *Local Elections Campaign Financing Act*, understand the requirements and restrictions under the *Local Elections Campaign Financing Act* and intend to comply with the *Local Elections Campaign Financing Act*.

Nomination documents can be submitted to the Chief Election Officer, or other person designated for that purpose, in person, by mail, fax or email. The Chief Election Officer must receive original copies of any documents submitted by fax or email by 4:00 p.m. local time on the 29th day before general voting day. The nomination is not valid if the original nomination documents are not received by the deadline.

Any changes to the nomination document information that take place after the election results have been declared must be sent directly to Elections BC.

*Standardized nomination forms are available from local governments across B.C.*

## SOLEMN DECLARATIONS

Candidates must make a number of "solemn declarations." **Solemn declarations** require the person making the declaration to attest to the truthfulness of a given statement – such as that a candidate is aware of certain legislative requirements or intends to take office if elected.

Solemn declarations are legal statements and the person making the declaration is responsible for ensuring that they are making true and accurate solemn declarations. A person who made a false or misleading solemn declaration has committed an election offence and is subject to penalties including fines of up to \$5,000 and/or imprisonment for up to one year.

Prospective candidates can make the required solemn declarations with a Commissioner for Taking Affidavits for B.C. (e.g., lawyer, notary public) or make a declaration before the Chief Election Officer when the prospective candidate submits their nomination documents to the Chief Election Officer or other person designated for that purpose.

## Nomination Deposits

Local governments may require prospective candidates to pay a refundable nomination deposit of up to \$100 when they submit their nomination documents – the deposits are fully refunded when candidates file their campaign financing disclosure statement with Elections BC within 90 days following local elections.

The nomination deposit is refunded by the local government when a nominee withdraws their candidacy before the nomination period ends. The refund is returned after the nomination period closes.

*Contact the Chief Election Officer to determine if a nomination deposit is required by the local government.*

## Challenge of Nomination

Nomination documents are available for public inspection in local government offices during regular office hours from the time they have been submitted until 30 days after the election results have been declared. Local governments may, by bylaw, choose to make the documents available during all or part of the time period. They may also choose to make the documents available to the public via other means, including on the Internet.

A person who inspects or accesses nomination documents must only use the information they contain for purposes related to:

- local election activities;
- the conflict of interest provisions in the *Community Charter*, *Vancouver Charter*, and/or *School Act*;
- the disqualification provisions in the *Local Government Act*, *Local Elections Campaign Financing Act*, *Community Charter* and/or *Vancouver Charter*; and/or,
- provisions in the *Freedom of Information and Protection of Privacy Act*.

An eligible **elector**, another nominee for office or the Chief Election Officer can challenge a prospective candidate's nomination when they believe the nomination documents are incorrect or the person is not otherwise eligible to be nominated for office. Nomination challenges must be made through an application to the Provincial Court.

The Provincial Court accepts challenges to nominations from the time the nomination documents were submitted to the Chief Election Officer (or their designate) until 4:00 p.m. local time on the fourth day after the nomination period ends. The application must briefly set out the facts upon which the challenge is based and be supported by an affidavit signed by the challenger. The Provincial Court is required to hear the challenge and make a ruling within 72 hours of the challenge period ending.

A prospective candidate whose nomination has been challenged is entitled to immediate notification of the challenge. They must receive a copy of the challenge of nomination application and the date and time of the Provincial Court hearing within 24 hours of the application being submitted to the Provincial Court. The prospective candidate is also entitled to an opportunity to prove their eligibility to be nominated for elected office. The Provincial Court decision on the challenge of nomination is final and may not be appealed.

Nomination documents for the 2022 general local elections are available for public inspection until **November 18** if the official election results were declared on **October 19**.

Challenges to nominations for the 2022 general local elections can be submitted until 4:00 p.m. local time on **September 13**. The Provincial Court is required to hear the challenge and make a ruling by 4:00 p.m. local time on **September 16**.

<p>Nominees for the 2022 general local elections may withdraw their candidacy until 4:00 p.m. local time on <b>September 16</b>.</p>	<h2>Withdrawing a Nomination</h2> <p>Prospective candidates may reconsider and withdraw their candidacy during the nomination period and for seven days following the close of nominations. The prospective candidate must provide written notice of their withdrawal to the Chief Election Officer, and the Chief Election Officer must then remove the prospective candidate's name from the ballot.</p> <p>A prospective candidate may still withdraw their candidacy after the deadline by giving written notice to the Chief Election Officer. The Minister responsible for local government must approve the withdrawal before the Chief Election Officer can remove the prospective candidate's name from the ballot. The Minister is not obligated to approve the prospective candidate's withdrawal.</p>
<p>Prospective candidates are not required to file candidate disclosure documents for the 2022 general local elections if they withdraw before 4:00 p.m. local time on <b>September 16</b>.</p>	<p>Any candidates who have withdrawn from <b>general local elections</b> after candidates have been declared by the Chief Election Officer are required to file a campaign financing disclosure statement with Elections BC – even if they received no campaign contributions and incurred no election expenses.</p> <p>Candidates who fail to file a campaign financing disclosure statement, or do not obtain a Supreme Court order for relief from the obligation to file, forfeit their nomination deposit to the local government, are automatically disqualified from being nominated for, elected to or holding office anywhere in B.C. until after the next general local elections and potentially face additional penalties. A candidate declared elected also loses their seat and the seat then becomes vacant.</p> <p>Campaign financing disclosure statements are not required when a prospective candidate withdraws before the declaration of candidates. Any nomination deposit paid by the prospective candidate is returned after the nomination period ends.</p>
	<p>Refer to Elections BC's <a href="#">Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents</a> for more information about campaign financing disclosure.</p>



## What are Election Campaigns?

An **election campaign** is a connected series of actions (e.g., advertising, canvassing, meetings and speeches) for the purpose of electing a **candidate** or a group of candidates to a **municipal council** or **regional district board**.

Typically, an election campaign involves candidates and/or elector organizations communicating with the electorate, through:

- public appearances and speeches;
- advertisements on television, radio, the Internet and social media (e.g., Facebook, Twitter, YouTube), in newspapers and in magazines;
- brochures, signs, posters and billboards;
- mail inserts and newsletters; and,
- bumper stickers, buttons and displays and/or exhibitions.

An election campaign may be undertaken by a candidate or an elector organization during local elections. In some cases, candidates and elector organizations may work together on an election campaign where the elector organization has endorsed the candidate; in other cases, a group of candidates who are not endorsed by an elector organization may choose to work together to share costs.

## ELECTION PERIOD, PRE-CAMPAIGN PERIOD AND CAMPAIGN PERIOD

The **election period** for general local elections begins at the start of the calendar year (January 1) in which the general local elections will be held and ends at the start of the campaign period (28 days before general voting day).

The **pre-campaign period** for general local elections begins on the 89th day before general voting and ends at the start of the campaign period (28 days before general voting day).

The **campaign period** for general local elections begins on the 28th day before general voting day and ends on the close of general voting day.

There are a number of election financing rules, including recording and disclosure requirements that apply to candidates, elector organizations and third party sponsors during the election, pre-campaign and campaign periods.

The election period for the 2022 general local elections begins on **January 1** and ends at midnight on **September 16**.

The pre-campaign period for the 2022 general local elections begins on **July 18** and ends at midnight on **September 16**.

The campaign period for the 2022 general local elections begins on **September 17** and ends on **October 15**.

## Candidate Election Campaigns

Candidates generally direct their own election campaigns during local elections. Candidates may retain an election campaign manager and campaign **volunteers** to prepare and distribute flyers, call eligible voters, handle logistics and take on other election campaign-related activities. Candidates have considerable flexibility in organizing their election campaigns, provided they avoid committing election and/or campaign financing offences.

Refer to Elections BC's [Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents](#) for more information about the election period, campaign period requirements, offences and penalties that apply to candidates.

## Elector Organization Election Campaigns

Fundamentally, elector organizations endorse candidates. Elector organizations may have their name, abbreviation or acronym shown on the ballot beside their endorsed candidate(s) name and generally promote their endorsed candidate(s) or the organization's viewpoints during an election campaign.

Candidates and elector organizations may form mutually beneficial partnerships in order to realize a similar intended outcome – the election of the candidates endorsed by the elector organization.

Election campaigns for elector organizations are generally a connected series of actions designed to elect a candidate or a group of candidates to a municipal council, regional district board, Islands Trust local trust committee, specified parks board or board of education. Typically, an election campaign involves elector organizations and/or candidates communicating with the electorate through:

- public appearances and speeches;
- advertisements on television, radio, the Internet, in newspapers and magazines;
- social media (e.g., Facebook, Twitter, YouTube);
- brochures, signs, posters, billboards;
- mail inserts and newsletters; and,
- bumper stickers, buttons and displays and/or exhibitions.

Elector organizations and candidates each direct their own separate election campaign; however, an endorsed candidate may decide not to run their own election campaign and instead rely solely on the elector organization to run campaign activities on the candidate's behalf.

Alternatively, a candidate and an elector organization may agree to run complementary campaigns in which both the candidate and the elector organization undertake election campaign activities designed to elect that candidate within a specific jurisdiction.

Refer to the [Elector Organization Guide to Local Elections in B.C.](#) for further information about elector organizations.

Campaign financing and election advertising rules apply to elector organization election campaigns. Every elector organization must appoint a **financial agent** to ensure the financial aspects of the election campaign are run in accordance with the *Local Elections Campaign Financing Act*.

All candidates endorsed by an elector organization must have a written campaign financing arrangement with the elector organization.

Refer to Elections BC's [Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents](#) for more information about the campaign financing rules, offences and penalties that apply to elector organizations.

### Elector Organizations Must be Registered

Only elector organizations registered with Elections BC can file endorsement documents, receive campaign contributions and incur election expenses. For more information visit [Elections BC online](#).

## Third Party Sponsor Advertising

A **third party sponsor** is an individual or organization that conducts election advertising independently from a candidate or elector organization campaign. Third party sponsors must be independent from candidates and/or elector organizations and must not coordinate, or sponsor advertising together with, or on behalf of a candidate and/or elector organization.

Third party sponsors are required to register with Elections BC before undertaking election advertising during the **pre-campaign** and **campaign periods**.

Refer to Elections BC's [Guide for Local Elections Third Party Sponsors in B.C.](#) for more information about the campaign financing rules, offences and penalties that apply to third party sponsors.

## Key Election Campaign Activities

Key campaign activities may include a planned set of actions, events or initiatives (e.g., canvassing, telephone banks, events and advertising) designed to promote a candidate or a group of candidates and communicate their election platform to the electorate during an election campaign.

Campaign activities usually trigger campaign financing rules and candidates must ensure they are aware of and follow the rules. A candidate that has failed to follow campaign financing requirements may have committed an offence and may be subject to penalties.

Contact Elections BC by phone at: 250 387-5305 or elsewhere in B.C. call: 1 800 661-8683 (Toll-free) or by email at: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca) for detailed information about campaign financing rules.

### Advertising Rules

New rules for third party sponsors are in effect for the 2022 general local elections. There are limits placed on sponsorship contributions made by eligible individuals to third party sponsors. For more information about [third party advertising rules](#) visit Elections BC online.

## LIST OF REGISTERED ELECTORS (VOTER'S LIST)

Each candidate is entitled to one free copy of a list of registered electors (voter's list) if one is used by the local government to register electors and conduct the local election. Additional copies may be available to candidates at a cost determined by the local government. A list of registered electors is not available if the local government only permits registration on voting day (same day registration).

The list of registered electors must only be used by candidates for election campaign-related purposes – such as door-knocking, canvassing voters, flyer distribution, and/or calling eligible voters to remind them to “get out and vote.”

A candidate must agree, in writing, that the information provided on the list of registered electors will only be used for election purposes before receiving a copy of the list. Contact the local government for more information about how to obtain a copy of the list of registered electors.

A candidate using the voter's list must treat the personal information it contains carefully. The list must be returned to the local government or otherwise destroyed following the local elections.

**The list of registered electors cannot be made available to the elector organization that is endorsing a candidate.**

It is an election offence to transmit election advertising on general voting day.

## Canvassing

Candidates and campaign **volunteers** may canvass door-to-door throughout the community in order to raise awareness about the candidate or elector organization and their election platform, identify which issues are important to electors and determine elector support for a given candidate.

Candidates and their canvassers must have reasonable access to distribute candidate information at cooperative, strata and rental properties from 9:00 a.m. to 9:00 p.m. local time during the **campaign period**.

Government-issued photo ID and proof of candidacy, or written authorization to canvass on behalf of a candidate, must be made available upon request when a candidate and/or their canvassers are canvassing in a cooperative, strata or rental property.

## Telephone Banks

Candidates may establish telephone banks as one aspect of their election campaign. Campaign volunteers may use the telephone bank to contact eligible **electors** to raise awareness about the candidate or elector organization, determine the level of support for their candidate and identify which issues are important to electors.

In-person telephone banks (as opposed to auto-dialing robocalls) may also be used by candidates or their representatives during advance and general voting opportunities to contact and remind eligible electors to “get out and vote.”

## In-person Events

Candidates may hold “meet and greet” events (e.g., luncheons or fundraising dinners) where the electorate can listen to their platform or position on specific issues and ask questions.

Local governments, community groups and local media often provide opportunities for candidates to communicate their platform or position on specific issues to the electorate at “all-candidate” forums. Local governments are not obligated to organize, supervise or inform candidates of these events.

## Advertising

Advertising is a key component in most local election campaigns. Subject to the campaign financing and election advertising rules in the *Local Elections Campaign Financing Act*, candidates, registered elector organizations and registered **third party sponsors** may use print, radio, television, the Internet and/or social media (e.g., Facebook, Twitter, YouTube) advertising to promote or oppose candidates, elector organizations or points of view during an election campaign.

Election advertising and campaigning of any sort is prohibited within 100 metres of a voting place during voting proceedings. This includes displaying signs, posters, flyers, bumper stickers on vehicles parked outside the voting place, badges worn by supporters, canvassing or soliciting votes, or otherwise trying to influence electors to vote for a particular candidate.

Refer to Elections BC’s [Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents](#) for more information about election advertising.

## Signs

Signs play a significant role in election advertising. Candidates may have supporters display signs on their behalf in windows, on lawns, or post signs in other public places throughout the **jurisdiction**.

Local governments have the authority to regulate the size, placement, maintenance and removal of signs and other forms of public advertising – the rules may be quite different between local governments.

The Ministry of Transportation and Infrastructure regulates sign placement along Provincial highways, medians, bridges and along major roadways. Contact the local government or local [Ministry of Transportation and Infrastructure office](#) before placing election campaign signs on medians, bridges or along major roads.

### **Sponsorship Information**

There are rules with respect to sponsorship information on election advertising during the pre-campaign and campaign period. Please refer to Elections BC's [Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents](#) for more information about sponsorship information.

# Local Election Offences and Penalties

Local Government Act – sections 161-166

Candidates and campaign workers convicted of vote-buying, intimidation, campaigning near a voting place during voting proceedings, providing or distributing false information, or conducting other activities contrary to the *Local Government Act* or *Vancouver Charter* may be subject to penalties.

## Local Election Offences

### Vote-buying

It is an election offence to offer incentives to an elector to vote or not to vote, or to vote for a particular candidate. Inducements can include offers of money, gifts, refreshments, entertainment, employment or any other benefit. It is also an offence for an elector to accept inducements to vote.

Vote-buying includes buying coffee for patrons or volunteering to drive an elector to a voting place in exchange for their vote. These activities are permitted as long as there is no obligation on the elector, whether overt or implied, to vote for a certain candidate(s).

### Intimidation

It is an election offence to intimidate an elector, by action or threat, to compel the elector to vote, or to refrain from voting. It is also an election offence to punish an elector for voting or refraining from voting generally, or for voting for a particular candidate(s).

## Other Election Offences

Other election offences under the *Local Government Act* include, and are not limited to:

- falsely withdrawing a candidate from an election, distributing a false statement that a candidate has withdrawn or falsely withdrawing an elector organization's candidate endorsement, consenting to nomination when ineligible to do so;
- participating in fraudulently voting (including voting more than once in an election or obtaining a ballot in the name of another person);
- interfering with the secrecy of the ballot, tampering with ballots or ballot boxes, or printing, reproducing, giving out or destroying ballots without authorization;
- campaigning and engaging in other activities that show support for one candidate over another, or for an elector organization, within 100 metres of a voting place during voting proceedings; and,
- providing false or misleading information when required, inspecting or accessing election materials or using the information for purposes not authorized under the *Local Government Act*; and, hindering or obstructing an election official in the performance of their duties.

Election offences are generally dealt with by the Supreme Court of B.C. Generally, local election offences are prosecuted if Crown counsel chooses to proceed with laying charges after the police have undertaken an investigation and made a recommendation to Crown counsel.

## Reporting and Enforcement of Local Election Offences

The Chief Election Officer has the authority to enforce local election rules, such as the challenge of a candidate's nomination or elector eligibility and to maintain order at voting places. Local election officials also have the authority to challenge an elector's ability to vote on the basis that they are not entitled to vote or that they accepted an inducement to vote.

If a person believes someone has committed an election offence, contact the police. The police are responsible for conducting an investigation and recommending to Crown counsel whether charges could be laid. Crown counsel makes the determination as to whether to proceed with a prosecution. Election offences are prosecuted through the courts.

The *Local Government Act* and *Vancouver Charter* provide that a person is not guilty of an election offence if they exercised due diligence to prevent the commission of the offence.

## Local Election Penalties

Vote-buying, accepting an inducement to vote or intimidating an elector to vote for a particular candidate may result in penalties including fines of up to \$10,000, imprisonment for up to two years and/or disqualification from holding elected office in a local government, board of education (including on the francophone education authority) or the Islands Trust for up to seven years.

Individuals and/or elector organization representatives (e.g., the financial agent) may be subject to penalties that include fines of up to \$5,000 and/or imprisonment for up to one year if they are convicted of:

- a nomination-related offence, such as falsely withdrawing a candidate or an elector organization endorsement;
- a voting-related offence, such as voting when not entitled to do so;
- a ballot and/or ballot box offence, including interfering with ballots or ballot boxes;
- voting proceedings offences such as canvassing or soliciting votes or posting, displaying or distributing election advertising within 100 metres of a voting place where voting proceedings are being conducted; or;
- conducting any other activity contrary to the *Local Government Act* and/or the *Local Elections Campaign Financing Act*.

## Local Election Officials' Authority

The Chief Election Officer and Presiding Election Officials must maintain the integrity and secrecy of the voting process.

The Chief Election Officer and Presiding Election Officials may restrict or regulate the number of people admitted to a voting place and remove or cover election advertising within 100 metres of a voting place during voting proceedings.

Elections BC can delegate authority to Chief Election Officers during the **campaign period** to enter onto property and remove, cover or destroy election advertising that contravenes the *Local Elections Campaign Financing Act*.

The Chief Election Officer and Presiding Election Officials may require a person to show identification when they believe the person is at a voting place when not permitted to be present, disturbing the peace and order of voting, interfering with voting proceedings or contravening elections legislation. They may also order anyone engaged in these activities, including **scrutineers**, to leave a voting place and remove, or have a peace officer remove, the person.

Election officials also have the authority to challenge an elector's ability to vote on the basis that they are not entitled to vote or that they accepted an inducement to vote.

In extreme cases the Chief Election Officer or Presiding Election Official may adjourn voting proceedings when they believe people's health or safety at the voting place or the integrity of the vote is at risk.

*See Appendix A for information about local elections partner roles and responsibilities.*

*See Appendix C for questions and answers about the Chief Election Officer's role and responsibilities.*



# Candidate Representatives

Local Government Act – sections 102 and 103  
Vancouver Charter – sections 53 and 54  
Local Elections Campaign Financing Act – section 17

A **candidate** may appoint an individual or individuals to assist running an **election campaign** and to otherwise represent the candidate when the candidate is unable to appear in person. Each candidate may choose to appoint an official agent and/or **scrutineers**. Every candidate must have a **financial agent** – they are their own financial agent unless they appoint another individual to the position.

Each candidate representative who attends a voting place must have made a solemn declaration to preserve the secrecy of the ballot and not interfere with an elector marking a ballot. Official agents and scrutineers may attend a voting place once they have made their solemn declaration – financial agents must have permission from the Presiding Election Official to be present at a voting place.

## Financial Agent

A financial agent is a representative that candidates and elector organizations are legally required to have during an election campaign. Financial agents are responsible for administering campaign finances in accordance with the *Local Elections Campaign Financing Act*. This includes:

- opening and depositing contributions to, and paying election-related expenses from, a candidate's campaign account;
- maintaining records for campaign contributions, election expenses and all other campaign transactions; and,
- filing the candidate's required disclosure statement with Elections BC within 90 days following general voting day.

A candidate is their own financial agent unless they appoint another individual to the position. A candidate who chooses to appoint another person to act as their financial agent must make that appointment in writing. The appointment must include the:

- person's full name;
- effective date of the appointment;
- mailing address, **address for service**, telephone number and email address (if available) for the person appointed; and,
- person's signed consent to act as the financial agent.

The appointment must be signed by the candidate and submitted to the Chief Election Officer before the nomination period ends. The financial agent appointment information is then forwarded by the Chief Election Officer to Elections BC as soon as practicable after the appointment has been made.

Contact the local government for information about how candidate representatives make their solemn declaration.

A candidate is their own financial agent unless they appoint another individual to be their financial agent.

Candidate representatives must carry copies of their appointment documents whenever they represent the candidate at an election proceeding.

A person may act as a financial agent for more than one election campaign. A person may act as the financial agent for an elector organization and all candidates that it has endorsed. However, each candidate election campaign may have only one financial agent at a time.

Refer to Elections BC's [Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents](#) and for information about the financial agent's role and responsibilities.

## Official Agent

Candidates may appoint an official agent to represent them during the election process. The official agent can act as the campaign manager or spokesperson or be the point of contact for the people helping on the candidate's election campaign. Official agents can appoint scrutineers to represent the candidate during voting proceedings.

A candidate must appoint their official agent in writing and deliver the appointment (including the name and address of the person) to the Chief Election Officer as soon as practicable after the appointment has been made.

## Scrutineers

**Scrutineers** represent candidates at voting opportunities by observing voting procedures and scrutinizing the ballot-counting process at the close of voting on general voting day. A candidate and/or their official agent may appoint scrutineers.

Each candidate is permitted under the *Local Government Act* or *Vancouver Charter* to appoint one scrutineer for each ballot box used at a voting place. A local government may pass a bylaw to permit each candidate to have more than one scrutineer present for each ballot box used at a voting place and establish specific restrictions and conditions in the bylaw as deemed necessary.

The scrutineer appointment must be made in writing and must include the person's full name and mailing address. The appointment must be signed by the candidate and submitted to the Chief Election Officer as soon as practicable after the appointment has been made.

Refer to the [Scrutineer's Guide to Local Elections in B.C.](#) for further information about scrutineers.

## Voting Times

Voting places must be open from 8:00 a.m. to 8:00 p.m. local time on **general voting day**, the required **advance voting opportunity** and another advance voting opportunity (date can be determined by the local government) for local governments with populations greater than 5,000.

Local governments may set specific hours for any special voting opportunities or additional advance voting opportunities held during local elections.

All voting places must close by 8:00 p.m. local time on general voting day.

Voting places must be open from 8:00 a.m. to 8:00 p.m. local time on general voting day and the required advance voting opportunity.

## Counting Ballots

Ballot counting begins after voting places close at 8:00 p.m. local time.

**Candidates** are entitled to be present during the ballot count and may assign one representative to each location where ballot counting takes place. Candidates or candidate representatives (e.g., scrutineer or official agent) must raise their objection to a ballot's acceptance or rejection with the Presiding Election Official supervising the ballot counting process.

Objections to the acceptance or rejection of a ballot must be raised while the ballot is being considered during the count. Objections to accept or reject a ballot and the Presiding Election Official's decision relative to the ballot in question are recorded and submitted with the ballot account for the voting place to the **Chief Election Officer**.

The Presiding Election Official's decision to reject or accept a ballot can only be overturned by the Chief Election Officer – or by the Provincial Court following a judicial recount.

Ballot accounts, that outline individual voting place results and reconcile the number of ballots distributed with the number of ballots cast in the local government election, are prepared at each voting place. Ballots are then packaged and returned to the Chief Election Officer at the local government office, where the official election results are then determined.

Each candidate is notified by the Chief Election Officer as to the time and location for the final ballot count and when the official election results will be declared. The official election results may not necessarily be announced on general voting day.

Ballot counting for the 2022 general local elections begins after 8:00 p.m. local time on **October 15**.

## Conduct at Voting Places

The Chief Election Officer has the authority to establish the process and standards of conduct that voters, candidates and candidate representatives (e.g., scrutineers) must abide by at voting places during advance, special and general voting day opportunities.

## Candidate Conduct

Candidates must not be present at a voting place during an advance or special voting opportunity or on general voting day except to cast their ballot. Candidates must not campaign within 100 metres of a voting place on general voting day – it is an election offence to do so. Candidates may wish to cast their ballot at an advance voting opportunity to avoid this situation.

Candidates are permitted to be present while ballots are being counted following the close of general voting. Candidates or candidate representatives (e.g., scrutineer or official agent) must not touch the ballots or ballot boxes or otherwise interfere with election officials during the counting process – except to object to a ballot's acceptance or rejection by an election official.

No one is permitted to enter or leave a voting place while the ballot count is in progress.

## Scrutineer Conduct

Candidates (and/or their official agent) may appoint scrutineers to observe the voting and ballot counting process at voting places during advance, special and general voting opportunities.

Scrutineers must follow the legislation, the local government's election bylaw and the direction of the Chief Election Officer and Presiding Election Official at the voting place and during voting proceedings and the ballot counting process.

Scrutineers are not permitted to wear anything (e.g., shirt, cap, badge, button, pen or pin) that shows support for a particular candidate. Scrutineers must not interfere with the voting place routines and/or the election officials' duties. Scrutineers are not permitted to handle election documents.

Local governments, by bylaw, and Chief Election Officers have the authority to establish specific rules governing scrutineer conduct and responsibilities. Local governments may also permit more than one scrutineer for each candidate to be present per ballot box at a voting place during voting proceedings.

Scrutineers and election officials generally only communicate during times when no voters are present at the voting place – unless the scrutineer has challenged a voter's eligibility to receive a ballot. A scrutineer may challenge a voter's right to receive a ballot based on their belief that the elector is not entitled to vote or has accepted an inducement to vote. Challenges to a voter's eligibility to receive a ballot must be raised before the ballot is issued to the elector.

Scrutineers may also challenge a ballot's acceptance or rejection during the ballot counting process. The objection must be made to the Presiding Election Official supervising the ballot counting process. Objections to a ballot's acceptance or rejection must be raised while the ballot is being considered during the count.

Objections to the Presiding Election Official's decision relative to the ballot in question are recorded and submitted with the ballot account for that voting place to the Chief Election Officer.

Refer to the [\*Scrutineer's Guide to Local Elections in B.C.\*](#) for further information about scrutineer roles, responsibilities and conduct.

# After General Voting Day

*Local Government Act* – sections 144–157 and 202  
*Community Charter* – sections 120 and 124  
*Vancouver Charter* – sections 140 and 143

The *Local Government Act*, *Community Charter* and *Vancouver Charter* provide for several legislated procedures (e.g., breaking tie votes, taking the oath of office) that may or must be completed following **general voting day**.

## Announcing Results

The official election results may not immediately be announced after the close of voting on general voting day – the **Chief Election Officer** may announce preliminary results after concluding the ballot count on general voting day and announce the official results at a later date.

The official election results must be declared within four days after the close of voting on general voting day. The Chief Election Officer must state the number of ballots cast in favour of each **candidate** for each position. Those candidates with the most votes would then be declared elected.

## Judicial Recount

A judicial recount must be conducted if two or more candidates have the same number of votes following the determination of official election results.

An eligible elector, candidate, candidate representative (e.g., scrutineer or official agent), or the Chief Election Officer may apply to the Provincial Court for a judicial recount. An application for a judicial recount can only proceed on the basis that the:

- ballots were incorrectly accepted or rejected;
- ballot account does not accurately record the number of valid votes for a candidate;
- final determination of results did not correctly calculate the total number of valid votes for a candidate; or,
- same number of votes was received by two or more candidates.

The period to apply for a judicial recount begins as soon as the official election results have been declared and ends nine days after the close of general voting.

The applicant must notify candidates and the Chief Election Officer about the judicial recount application. The applicant, the Chief Election Officer, candidates and their official agents and legal counsel are entitled to be present during a judicial recount. The Provincial Court has the authority to determine any other people permitted to attend the recount.

Judicial recounts are based on the ballots and ballot boxes used in the local elections. The Provincial Court declares the election results at the completion of the ballot recount.

A tie between two or more candidates must be broken in accordance with the *Local Government Act* or *Vancouver Charter* and the local government **election bylaw**. The judicial recount must be completed within 13 days after the close of general voting.

Official election results for the 2022 general local elections must be declared by 4:00 p.m. local time on **October 19**.

The period to apply for a judicial recount for the 2022 general local elections ends on **October 24**.

A judicial recount for the 2022 general local elections must be completed by **October 28**.

## Breaking Ties

There are two methods for breaking ties in a local election when two or more candidates have an equal number of votes – drawing by lot (a random draw) or by runoff election.

A local government must have passed an **election bylaw** that specifies that drawing by lot will be used as the method for breaking a tie. Otherwise, a runoff election must be held to break the tie.

A local government election bylaw that states ties will be broken by lot means that the names of the *ted candidates* are written on pieces of paper, placed into a container, and one name is drawn by a Provincial Court-appointed person. The Provincial Court then declares the candidate whose name was drawn to be elected to office.

A runoff election means that *all unsuccessful candidates* from the original election may run in a second election.

The Chief **Election Officer** is required to notify candidates that a runoff election has been called to break the tie. Candidates then have three days to notify the Chief Election Officer if they do not intend to run in the runoff election.

The Chief Election Officer must set a date for the runoff election for a Saturday no later than 50 days after the judicial recount was completed. Generally, runoff elections are conducted under the same rules as the original local election.

## Invalid Election

A candidate, the Chief Election Officer or at least four eligible electors of the jurisdiction, may petition the Supreme Court to invalidate a local election.

A petition to invalidate a local government election may only be made on the basis that:

- an elected candidate was not qualified to hold office;
- the election was not conducted in accordance with elections legislation; or,
- a candidate committed an election offence such as vote-buying or intimidation during the local election.

A petition to invalidate a local election must be made within 30 days after the official election results were declared. The Supreme Court must set a date for the petition to be heard between 10 and 21 days after the petition was filed. The petitioner(s) must serve the local government with notice of the petition to declare the election invalid.

## Oath of Office

Every **municipal councillor** must make an oath of office or solemn affirmation before they can assume their position on **municipal council**. Every **electoral area director** must also make an oath of office or solemn affirmation before they can assume their position on the **regional district board**.

The default oath of office requires elected officials to affirm:

- I am qualified to hold the office of .....[office]..... for the .....[jurisdiction]..... to which I have been [elected] [appointed];

A petition to invalidate a 2022 general local election must be made by **November 18** if the official election results were declared on **October 19**.

Candidates elected in the 2022 general local elections must make an oath or solemn affirmation by **December 3, 2022** if the official election results were declared on **October 19**.

- I have complied with the provisions of the .....[applicable Act]..... in relation to my election to this office; [omit this point for persons who have been appointed];
- I will abide by all rules related to conflicts of interest under the .....[applicable Act].....;
- I will carry out my duties with integrity;
- I will be accountable for the decisions that I make, and the actions that I take, in the course of my duties;
- I will be respectful of others;
- I will demonstrate leadership and collaboration; and
- I will perform the duties of my office in accordance with the law.

Municipal councillors appointed to the regional district board must make a second oath of office or solemn affirmation in addition to the oath of office or solemn affirmation they made before they assumed their position on the municipal council.

Candidates elected in general local elections must make their oath of office or solemn affirmation within 45 days after the official election results were declared. Acclaimed candidates must make an oath of office or solemn affirmation within 50 days of the date set for general voting – had voting been required.

The oath of office or solemn affirmation may be made before a judge, justice of the peace, Commissioner for Taking Affidavits for B.C. or the local government **Corporate Officer**. Candidates who fail to make an oath or affirmation of office are disqualified from holding office until after the next general local elections.

## Taking Office

A candidate may take the oath of office or make a solemn affirmation as soon as they are declared elected by the Chief Election Officer; however, elected candidates do not take office immediately.

Municipal council members formally take office at the first regularly scheduled council meeting following general local elections.

The term of office for a municipal council member appointed to a regional district board begins when the person has made an oath of office or solemn affirmation as a regional district director.

The term of office for regional district **electoral area directors** begins at the first regularly scheduled board meeting in the calendar month after the month in which general local elections were held.

Candidates acclaimed in the 2022 general local elections must make an oath of office or solemn affirmation by **December 4**.

The inaugural meeting after the 2022 general local elections must be held by **November 10**.

The term of office for regional district electoral area directors elected in the 2022 general local elections begins on the first Monday after **November 1** following the general local elections – or when the director has made their oath of office or solemn affirmation – whichever is later.

The campaign period for the 2022 general local elections begins on **September 17** and ends on **October 15**.

Campaign financing rules under the *Local Elections Campaign Financing Act* were established to create accountability and transparency around campaign financing.

## Campaign Period Expense Limits

In 2016, the *Local Elections Campaign Financing Act* was amended to establish expense limits that would apply to the **campaign period** expenses of candidates and **elector organizations**. The amendments also established spending limits for **third party sponsors**.

Expense limits are determined using a consistent formula for all candidates and are generally based on the population of the election area where the elections are being held.

## Campaign Contribution Limits

In 2017, the *Local Elections Campaign Financing Act* and the *Local Elections Campaign Financing Regulation* were amended to set campaign contribution limits for the election campaigns of candidates and elector organizations and to ban campaign contributions from organizations, including corporations and unions and contributions from outside of British Columbia in local elections.

Campaign contribution rules apply for the 2022 general local election. Further [information about campaign contributions](#) is available from Elections BC.

Refer to Elections BC's [Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents](#) and [Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents](#) for detailed information regarding campaign financing rules.

## Elections BC Officials' Authority

Elections BC administers, investigates and enforces campaign financing, **third party sponsor** and election advertising provisions under the *Local Elections Campaign Financing Act*.

Elections BC is responsible for reviewing candidate, elector organization and third party sponsor campaign financing disclosure statements to ensure compliance with the *Local Elections Campaign Financing Act*. Elections BC also publishes campaign contribution data and the campaign financing disclosure statements and the lists of disqualified candidates and third party sponsors [online](#).

Elections BC has the authority to conduct audits and investigations related to non-compliance with campaign financing, election advertising and third party sponsor provisions – it can also delegate certain powers (e.g., removing non-compliant advertising) to other individuals, such as Chief Election Officers to act on its behalf. Elections BC works with Chief Election Officers to determine the most effective approach to dealing with non-compliant election advertising.



Elections BC also has the authority to impose administrative monetary penalties on candidates, elector organizations (and their authorized principal officials) and third party sponsors for failing to comply with the *Local Elections Campaign Financing Act*.

*See Appendix A for information about local election partner roles and responsibilities.*

*See Appendix C for questions and answers about Elections BC's role and responsibilities.*

# Glossary

Sections 107-108 of the  
*Local Government Act*

Sections 69-70 of the  
*Vancouver Charter*

Sections 169-171 of the  
*Local Government Act*

Sections 129-131 of the  
*Vancouver Charter*

Section 1 of the *School Act*

Section 30(2) of the  
*School Act*

## ***address for service***

A mailing address or email address provided by an individual or organization at which notices and other communications are accepted as served on or otherwise delivered to the individual or organization.

## ***advance voting opportunity***

A voting day, prior to general voting day, for electors who choose to vote on that day for any reason. Typically, electors who vote at that time do so because they:

- expect to be absent on general voting day from the jurisdiction for which the election is to be held;
- will be unable to vote on general voting day for reasons of conscience;
- will not be able to attend a voting place on general voting day for reasons beyond the elector's control;
- have a physical disability or are mobility impaired which would make it difficult to reach or navigate within a busy voting place on general voting day;
- are candidates or candidate representatives; or,
- are election officials.

## ***assent voting***

Voting on a bylaw or other matter for which a local government is required to obtain elector assent under Part 4 of the *Local Government Act* or Part 2 of the *Vancouver Charter*. Elector assent is obtained when a majority of the votes counted are in favour of the bylaw or question. Assent voting events were formerly referred to as a "referendum."

## ***B.C. Chief Electoral Officer (Elections BC)***

The B.C. Chief Electoral Officer is an independent officer of the Legislature who oversees the provincial electoral process in B.C. The *Local Elections Campaign Financing Act* provides the B.C. Chief Electoral Officer the additional role of overseeing campaign financing and election advertising in local elections and assent voting and ensuring compliance with the *Local Elections Campaign Financing Act*.

## ***board***

See entry for "regional district board."

## ***board of education***

A school district's governing body as constituted under the *School Act*. A board of education is comprised of three, five, seven or nine trustees, or as otherwise determined by the Minister of Education and Child Care.

### **by-election**

An election held between general local elections to fill a vacancy that occurred due to the death, disqualification or resignation of a municipal council or regional district board member, school trustee, specified parks board commissioner or Islands Trust local trustee.

Municipal councils are not required to hold a by-election when the vacancy occurs in the same calendar year as a general local election. Regional district boards and the Islands Trust Council are not required to hold a by-election to fill a vacancy that occurs after July 1 in the same calendar year as general local elections.

### **campaign account**

An account opened at a financial institution by a financial agent to be used exclusively for a candidate or elector organization's election campaign purposes. The account must be opened in the candidate or elector organization's name and be separate and distinct from any personal or business accounts.

### **campaign contribution limits**

The applicable limit for a campaign contribution provided to a candidate or elector organization as established under the *Local Elections Campaign Financing Act*.

### **campaign period**

During the campaign period, election advertising, such as billboards or commercials must include sponsorship information. The campaign period starts on the 28th day before general voting day and ends when voting closes at 8:00 p.m. local time on general voting day.

### **candidate**

A candidate is a person seeking election as a mayor, councillor, electoral area director, school trustee, Islands Trust local trustee, local community commissioner or specified parks board commissioner within a municipality, regional district electoral area, board of education, Trust area, community commission area or specified parks board jurisdiction.

That person must be nominated by eligible electors and declared a candidate by the Chief Election Officer.

### **chief election officer**

Municipal councils and regional district boards appoint a Chief Election Officer to administer local elections. The Chief Election Officer must conduct the election in accordance with the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter* (in the City of Vancouver), the *Community Charter*, the *School Act*, the *Offence Act* and the relevant local government election bylaw.

Section 54 of the  
*Local Government Act*

Section 10 of the  
*Vancouver Charter*

Sections 18 and 20 of the  
*Local Elections Campaign  
Financing Act*

Section 30.01 of the  
*Local Elections Campaign  
Financing Act*

Section 10(2) of the  
*Local Elections Campaign  
Financing Act*

Section 47 of the *Local  
Government Act*

Section 7 of the  
*Vancouver Charter*

Sections 58 and 59 of the  
*Local Government Act*

Section 14-15 of the  
*Vancouver Charter*

Section 148 of the  
*Community Charter*

Section 236 of the  
*Local Government Act*

Section 115 of the  
*Community Charter*

Section 56 of the  
*Local Government Act*

Sections 12 of the  
*Vancouver Charter*

### **corporate officer**

An individual appointed by a municipal council or regional district board who is responsible for:

- ensuring accurate meeting minutes are prepared;
- ensuring access is provided to records of council or board committees;
- certifying copies of bylaws;
- administering oaths and taking affirmations, affidavits and declarations;
- accepting notices and documents that are required or permitted to be given to, served on, filed with or otherwise provided to the council or board; and,
- keeping the corporate seal and affixing it to required documents.

### **council**

See entry for “municipal council.”

### **councillor**

A member of a municipal council who is not the mayor. Every council member has the following responsibilities under the *Community Charter*, to:

- consider the well-being and interests of the municipality and its community;
- contribute to the development and evaluation of the policies and programs of the municipality respecting its services and other activities;
- participate in council meetings, committee meetings and meetings of other bodies which the member is appointed;
- carry out other duties assigned by the council; and,
- carry out other duties assigned under the *Community Charter* or any other Act.

### **election bylaw**

A bylaw that enables a municipal council or regional district board to make decisions about election administration, including whether:

- voting machines will be used, and if so, the procedures that will govern their use;
- mail ballot voting will be used, and if so, what procedures will govern its use;
- additional advance voting opportunities will be offered, or, in communities of less than 5,000, whether the required additional advance voting opportunity will be waived;
- voter registration will be conducted both on voting day and in advance or on voting day only; and/or,
- nomination deposits (not to exceed \$100) will be required.

An election bylaw must be adopted at least 56 days before the first day of the nomination period in a general local election or 42 days before the first day of the nomination period in a by-election.

### ***election campaign***

An election campaign is a connected series of actions (e.g., advertising, meetings and speeches) for the purpose of electing a candidate or a group of candidates to a municipal council or regional district board.

Typically, an election campaign involves candidates and/or elector organizations communicating with the electorate, through:

- public appearances and speeches;
- advertisements on television, radio, the Internet and social media (e.g., Facebook, Twitter, YouTube);
- in newspapers and magazines;
- brochures, signs, posters and billboards;
- mail inserts and newsletters; and,
- bumper stickers, buttons and displays and/or exhibitions.

### ***election period***

The election period for general local elections begins at the start of the calendar year (January 1) in which the election is held and ends at the beginning of the campaign period for general local elections.

### ***Elections BC***

The non-partisan and independent Office of the Legislature responsible for the administration and enforcement of the provincial electoral process in B.C. and the campaign financing and advertising rules for local elections and non-election assent voting events under the *Local Elections Campaign Financing Act*.

### ***elector***

An individual who is a resident elector or non-resident property elector and who is qualified to vote in municipal, regional district, board of education, Islands Trust, community commission or specified parks board elections.

### ***elector organization***

An elector organization is an organization that endorses or intends to endorse a candidate(s) in local elections and that file endorsement documents with the Chief Election Officer and Elections BC. Elector organizations may be referred to as "civic political parties."

Elector organizations are required to register with Elections BC to endorse a candidate in an election, receive a campaign contribution or incur an election expense. Only those elector organizations registered with Elections BC can endorse candidates, receive campaign contributions and incur election expenses.

### ***electoral area director***

A regional district board member who has been elected to that position by electoral area electors.

Section 10(1) of the  
*Local Elections Campaign  
Financing Act*

Sections 64-66 of the  
*Local Government Act*

Sections 22-24 of the  
*Vancouver Charter*

Section 92 of the  
*Local Government Act*

Section 45.3 of the  
*Vancouver Charter*

Section 30.06 of the  
*Local Elections Campaign  
Financing Act*

Sections 19-23 and 25 of the  
*Local Elections Campaign  
Financing Act*

Section 199(2) of the  
*Local Government Act*

Section 92 of the  
*Local Government Act*

Section 30.06 of the  
*Local Elections Campaign  
Financing Act*

Section 45.3 of the  
*Vancouver Charter*

Section 63.05 of the  
*Local Elections Campaign  
Financing Act*

Sections 17 and 19 of the  
*Local Elections Campaign  
Financing Act*

Section 2(1) of the *Financial  
Disclosure Act*

Section 52(2) and 54(5) of  
the *Local Government Act*

Section 9(2) and 10(5) of the  
*Vancouver Charter*

### **endorsement**

The process by which an elector organization can formalize its relationship with one or more candidates running in local elections. Endorsement documents must be submitted to the Chief Election Officer and Elections BC.

An endorsement allows the elector organization's name, abbreviation or acronym to appear on the ballot beside the candidate's name. An elector organization may endorse more than one candidate – a candidate may only be endorsed by one elector organization at a given time.

### **expense limits**

The maximum value of campaign period expenses that a candidate may use in a campaign period as established under the *Local Elections Campaign Financing Act*.

### **financial agent**

A financial agent is a representative that candidates and elector organizations are legally required to have during an election campaign. A candidate is their own financial agent unless they appoint another individual to that position.

The financial agent is responsible for administering campaign finances in accordance with the *Local Elections Campaign Financing Act*. This includes opening and depositing contributions to, and paying election-related expenses from, a candidate's campaign account; maintaining records for campaign contributions, election expenses and all other campaign transactions, and filing the candidate's required disclosure statement with Elections BC within 90 days following general voting day.

### **financial disclosure statement**

A corporate and personal holdings statement made public by all nominated, elected and appointed public officials required under the *Financial Disclosure Act*.

The financial disclosure statement is intended to help public officials avoid conflict of interest situations by identifying their financial interests. Financial disclosure statements must be filed with the designated local government officer at the time of nomination, annually while holding elected office, and shortly after leaving elected office.

### **general local elections**

A collective reference to the elections conducted throughout the province every four years for the:

- mayor and councillors of a municipality;
- electoral area directors of each regional district;
- school trustees of each board of education;
- commissioners of each specified parks board;
- commissioners of each local community commission that uses a four-year term; and,
- local trustees of each area in the Islands Trust.

### **general voting day**

The final voting day in general local elections or a by-election. General voting day is held on the third Saturday in October for general local elections, and a Saturday chosen by the Chief Election Officer for a by-election.

### ***Islands Trust***

A federation of local island governments with a mandate to make land use decisions that preserve and protect the Islands Trust area.

Section 5 of the  
*Islands Trust Act*

### ***Islands Trust Council***

The Islands Trust governing body composed of two elected trustees (local trustees) from each local Trust area and two appointed trustees from each municipal council in the Trust area (municipal trustees).

Section 6 of the  
*Islands Trust Act*

### ***Islands Trust local trustee***

An individual elected to serve on a Local Trust Committee for each local Trust area within the Islands Trust. Two candidates are elected from each local Trust area. The local trustees are also members of the Islands Trust Council.

### ***jurisdiction***

The applicable municipality, regional district, board of education or Trust council in which general local elections, by-elections or assent voting is being held.

Section 1(2) of the  
*Local Elections Campaign  
Financing Act*

### ***local community commission***

A body established by regional district bylaw in an electoral area to provide advice in relation to, or management of, one or more regional district services provided within the "local community." Between four and six elected commissioners and the electoral area director generally comprise a local community commission.

Section 243 of the *Local  
Government Act*

Commissioners may be elected for a four-year term during general local elections or for a one-year term, as specified in the regional district establishing bylaw.

### ***local community commissioner***

See entry for "local community commission."

### ***local elections***

A collective term referring to general local elections or by-elections that may be conducted by municipalities, regional districts, boards of education, specified parks boards, local community commissions, or the Islands Trust.

### ***mayor***

An individual elected to head the municipal council and be the municipal chief executive officer. The mayor has responsibilities under the *Community Charter* (Charter) in addition to their councillor responsibilities, including to:

- provide leadership to the council, including recommending bylaws, resolutions and other measures that, in the mayor's opinion, may assist the peace, order and good government of the municipality;
- communicate information to the council;
- preside at council meetings when in attendance;
- provide, on behalf of the council, general direction to municipal officers respecting implementation of municipal policies, programs and other directions of the council;
- establish standing committees in accordance with section 141 of the Charter;

Section 116 of the  
*Community Charter*

Sections 114-121 of the  
*Community Charter*

- suspend municipal officers and employees in accordance with section 151 of the Charter;
- reflect the will of council and to carry out other duties on behalf of the council; and,
- carry out other duties assigned by or under the Charter or any other Act.

### ***municipal council***

The governing body of a municipality composed of a mayor and several councillors. A municipal council may consist of between five and 11 members – the number of councillors depends on the population of the municipality. All municipal council members are elected during general local elections unless elected in a by-election held to fill a council vacancy between general local elections.

The municipal council is a decision-making body and is responsible for setting the strategic policies and priorities for the local government – municipal councils do not implement policies and decisions.

Section 198(2) of the  
*Local Government Act*

### ***municipal director***

A council member appointed to the regional district board from a municipality within the regional district jurisdiction. A municipal director may be a mayor or councillor. The municipal director serves on the regional district board until the municipal council appoints a replacement or until they cease to be a council member.

Sections 3-40 of the  
*Local Government Act*

### ***municipality***

A local government area represented by a mayor and councillors elected to serve on a municipal council. A municipality provides services within a defined geographic area.

Section 66 of the  
*Local Government Act*

Section 24 of the  
*Vancouver Charter*

### ***non-resident property elector***

An individual that does not live in a jurisdiction and who is entitled to vote in local elections by virtue of owning property in that jurisdiction. A non-resident property elector must:

- be 18 years of age or older when registering to vote or will be 18 years of age or older on general voting day;
- be a Canadian citizen;
- have been a resident of British Columbia for at least six months immediately before registering to vote;
- have owned real property in the jurisdiction for at least 30 days before registering to vote; and,
- not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election or be otherwise disqualified by law.

Section 10(1.1) of the  
*Local Elections Campaign  
Financing Act*

### ***pre-campaign period***

During the pre-campaign period, election advertising, such as billboards or commercials, must include sponsorship information. The pre-campaign period starts on the 89th day before general voting day and ends on the 29th day before general voting day.



### ***referenda***

See entry for “assent voting.”

### ***regional district***

A local government area represented by elected and appointed representatives serving on a regional district board. A regional district provides services within a defined geographic area which may consist of municipalities and/or unincorporated electoral areas.

### ***regional district board***

The regional district governing body composed of electoral area elected representatives and appointed representatives from the municipal councils within the regional district jurisdiction.

### ***resident elector***

An individual qualified to vote in an election by virtue of living in the jurisdiction.

On the day of registration, a resident elector must:

- be 18 years of age or older when registering to vote or will be 18 years of age or older on general voting day;
- be a Canadian citizen;
- have been a resident of British Columbia for at least six months immediately before registering to vote;
- be a resident of the municipality or electoral area on the day of registration; and,
- not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election or be otherwise disqualified by law.

### ***school board***

See entry for “board of education.”

### ***school trustee***

A member of the board of education for a school district.

### ***scrutineer***

An individual appointed in writing by a candidate (and/or their official agent) who may observe voter registration, voting procedures at voting places during advance, special and general voting opportunities and the ballot-counting process.

### ***specified parks board***

A board of commissioners having responsibility for the governance of a public park system and its attendant services, such as recreational operations. Commissioners of specified parks boards are elected to a four-year term during general local elections.

### ***specified parks board commissioners***

See entry for “specified parks board.”

Sections 193-194 of the  
*Local Government Act*

Sections 194-205 of the  
*Local Government Act*

Sections 65 and 67 of the  
*Local Government Act*

Section 23 of the  
*Vancouver Charter*

Section 1 of the *School Act*

Section 102(1)(b) of the  
*Local Government Act*

Section 53(1)(b) of the  
*Vancouver Charter*

Sections 485-497A of the  
*Vancouver Charter*

Sections 3, 7 and 14 of the  
*Cultus Lake Park Act*

Section 97 of the  
*Local Elections Campaign  
Financing Act*

Section 11 of the  
*Local Elections Campaign  
Financing Act*

Section 9 of the  
*Local Elections Campaign  
Financing Act*

### ***solemn declaration***

A written oath or solemn affirmation of a signed statement witnessed by the Chief Election Officer or their delegate, or a Commissioner for Taking Affidavits for B.C. (e.g., lawyer or notary public).

### ***third party advertising***

Third party advertising includes advertising for or against a candidate and/or an elector organization. In the campaign period, it also includes advertising on an issue with which a candidate or elector organization is associated – such as funding for a local recreation centre or preserving parkland.

### ***third party sponsor***

A third party sponsor is an individual or organization that sponsors election advertising independently from candidates and elector organizations. Third party sponsors must register with Elections BC before conducting advertising during the pre-campaign and campaign periods.

Third party sponsors must be independent from candidates and/or elector organizations and must not coordinate, or sponsor advertising together with, or on behalf of a candidate and/or elector organization.

### ***volunteer***

An individual who provides services, such as canvassing, preparing and distributing flyers, calling eligible voters, handling logistics and taking on other election campaign-related activities. A volunteer must not receive any remuneration or material benefit for their services.

*A self-employed individual who provides services they normally sell or charge for is not a volunteer. Likewise, an individual whose employer continues to pay them while they are working on a campaign is not a volunteer.*

# Appendix A: Local Election Partner Roles and Responsibilities

LOCAL ELECTION PARTNER ROLES AND RESPONSIBILITIES	
WHO	ROLES / RESPONSIBILITIES
<b>BC School Trustees Association</b>	Produce and distribute elections educational material about school trustee elections and boards of education roles and responsibilities
<b>Chief Election Officers</b>	Provide nomination and endorsement documents, and receive nomination, endorsement and candidate and elector organization representative documents
	Collect nomination deposits (if applicable)
	Oversee all local elections administration activities (e.g., declare candidates, set up voting opportunities, count votes and declare the election results)
<b>Elections BC</b>	Provide local elections campaign financing and election advertising-related educational guides, online resources and presentations to local government staff, candidates, elector organizations, third party sponsors and the general public
	Provide information and support by telephone and email to candidates, elector organizations, third party sponsors, local government staff, other local elections participants and the general public about the campaign financing (including election expense limits and campaign contribution limits) and election advertising process
	Receive elector organization endorsement documents
	Receive nomination and candidate representative documents from local election officials
	Receive updates to information in nomination and candidate representative documents
	Register elector organizations and third party sponsors
	Investigate non-compliant local elections advertising
	Enforce local elections campaign financing and election advertising rules, including election expense limits, campaign contribution limits and third party advertising rules
	Review and publish disclosure statements, annual financial reports and supplementary reports
	Collect \$500 late filing fee
	Investigate local elections campaign financing irregularities
	Maintain disqualification lists
	Report on the administration of compliance with the <i>Local Elections Campaign Financing Act</i>

# Appendix A: Local Election Partner Roles and Responsibilities

LOCAL ELECTION PARTNER ROLES AND RESPONSIBILITIES	
WHO	ROLES / RESPONSIBILITIES
<b>Local Government Management Association</b>	Provide election education manuals and workshops to local government election officials
	Provide information and support by telephone and email to local government election officials about local elections administration
<b>Ministry of Attorney General</b>	Is responsible for the <i>Financial Disclosure Act</i> and provides guidance related to the disclosure of assets, debts and sources of income by candidates and an elected officials (who must file a disclosure statement annually)
<b>Ministry of Education and Child Care</b>	Prepare school trustee election procedures guide for boards of education, school district administrators, and election officials
	Provide information about provisions in the <i>School Act</i> regarding general school elections
<b>Ministry of Municipal Affairs</b>	Provide election education guides, webinars, videos and presentations to candidates, local government staff, elector organizations, other election participants and the general public
	Provide information and support by telephone or email to candidates, local government staff, other election participants and the general public about local elections administration
<b>Union of B.C. Municipalities</b>	Develop election educational material for locally elected officials

# Appendix B: 2022 General Local Elections Key Dates

2022 GENERAL LOCAL ELECTIONS KEY DATES		
ACTION OR DEADLINE	DATE	ACT/S.#
<b>Start of Election Period</b>	<b>January 1, 2022</b>	LECFA: s.10(1)(a)(i)
Candidate B.C. Residency Deadline	March 8, 2022	LGA: s.81(1)(c)
Elector Residency Deadline	April 14, 2022	LGA: s.65(1)(c) & s.66(1)(d)
Election Bylaw Adoption Deadline	July 4, 2022	LGA: s.56
Start of Pre-Campaign Period	July 18, 2022	LECFA: s. 10
Start of Period for Notice of End of Advance Elector Registration	July 24, 2022*	LGA: s.71(5)
Start of Period for Notice of Nominations	July 31, 2022*	LGA: s.85(1)
Start of Period for Notice of List of Registered Electors	July 31, 2022*	LGA: s.77(6)
Election Bylaw Adoption Deadline – Board of Education	August 2, 2022	SA: s.45(6)
End of Period for Notice of Close of Advance Elector Registration	August 16, 2022	LGA: s.71(5)
End of Period for Notice of Nominations	August 23, 2022	LGA: s.85(1)
End of Period for Notice of List of Registered Electors	August 23, 2022	LGA: s.85(1) & s.77(6)
End of Advance Elector Registration	August 23, 2022	LGA: s.71(4)
Adoption of Provincial Voters List	August 24, 2022	LGA: s.76
<b>Start of Nomination Period</b>	<b>August 30, 2022</b>	LGA: s.84(1)
Start of Challenge to Nomination and Endorsement Period	August 30, 2022	LGA: s.91 & s.96
Start of Inspection of List of Registered Electors Period	August 30, 2022	LGA: s.77(3)
Start of Objections to Elector Registration Period	August 30, 2022	LGA: s.79(2)
Start of Period for Notice of Required Advance Voting	September 5, 2022*	LGA: s.107(5)
<b>End of Nomination Period</b>	<b>September 9, 2022</b>	LGA: s.84(1) & s.89(5)
Declaration of Candidates	September 9, 2022	LGA: s.97(1) & s.97(2)
End of Period of Objections to Elector Registrations	September 9, 2022	LGA: s.79(2)
End of Extended Nomination Period	September 12, 2022	LGA: s.97(2)
End of Challenge to Nomination and Endorsement Period	September 13, 2022	LGA: s.91 & s.96

## Appendix B: 2022 General Local Elections Key Dates

2022 GENERAL LOCAL ELECTIONS KEY DATES		
ACTION OR DEADLINE	DATE	ACT/S.#
Elector Local Property Ownership Deadline	September 14, 2022	LGA: s.65(1)(d) & s.66(1)(e)
Start of Period for Notice of Election	September 15, 2022	LGA: s.99(1)
Nomination Documents Originals to Chief Election Officer Deadline	September 16, 2022	LGA: .89(5)
<b>Candidate Nomination Withdrawal Deadline</b>	<b>September 16, 2022</b>	LGA: s.101(1)
Elector Organization Endorsement Withdrawal Deadline	September 16, 2022	LGA s. 95
<b>End of Pre-Campaign Period</b>	<b>September 16, 2022</b>	LECFA: s.10
<b>End of Election Period (12:00 Midnight)</b>	<b>September 16, 2022</b>	LECFA: s.10(1)
<b>Start of Campaign Period (12:01 am)</b>	<b>September 17, 2022</b>	LECFA: s.10(2)
Declaration of Election by Voting or Acclamation	September 19, 2022	LGA: s.98(2) & s.98(3)
End of Period for Notice of Required Advance Voting	September 28, 2022	LGA: s.107(5)
<b>Required Advance Voting Opportunity</b>	<b>October 5, 2022</b>	LGA: s.107(1)
End of Period for Notice of Election	October 8, 2022	LGA: s.99(1)
<b>General Voting Day</b>	<b>October 15, 2022</b>	LGA: s.52
Mail Ballot Voting Deadline	October 15, 2022	LGA: s.110(9)
Announcement of Preliminary Election Results	October 15, 2022	LGA: s.144(1)
End of Period for Inspection of List of Electors	October 15, 2022	LGA: s.77(3)
<b>End of Campaign Period</b>	<b>October 15, 2022</b>	LECFA: s.10(2)
Start of Advance Registration for Next Election	October 17, 2022	LGA: s.71(4)
Last Day for Declaration of Official Election Results by Voting	October 19, 2022	LGA: s.146(1)
Last Day for Declaration of Official Election Results by Acclamation	October 19, 2022	LGA: s.158(1)
Start of Period to Apply for Judicial Recount	October 19, 2022	LGA: s.148(3)
Start of Public Inspection of Voting Day Materials	October 19, 2022	LGA: s.160(3)
End of Period to Apply for Judicial Recount	October 24, 2022	LGA: s.148(3)
Start of Period to Make Oath of Office	October 25, 2022	LGA: s.147(1)
Deadline for Completion of Judicial Recount	October 28, 2022	LGA: s.149(1)

# Appendix B: 2022 General Local Elections Key Dates

2022 GENERAL LOCAL ELECTIONS KEY DATES		
ACTION OR DEADLINE	DATE	ACT/S.#
First Day to Hold Runoff Election	October 29, 2022	LGA s.151 & s.152
Start of Period to Hold First Council Meeting	November 1, 2022	CC: s.124(2)(g)
End of Period to Hold First Council Meeting	November 10, 2022	CC: s.124(2)(g)
End of Period for Public Inspection of Nomination Documents	November 18, 2022	LGA: s.89(7)
End of Public Inspection of Voting Day Materials	November 18, 2022	LGA: s.160(3)
End of Period for Application to the Supreme Court to Invalidate Election	November 18, 2022	LGA: s.153(3)
Last Day for Chief Election Officer to Submit Election Report	November 18, 2022	LGA: s.158(1)
End of Period to Make Oath of Office (by Voting)	December 3, 2022	LGA: s.202(1)(a) & s.202(1)(b); CC: s.120(1)(a) & s.120(1)(b)
End of Period to Make Oath of Office (by Acclamation)	December 4, 2022*	LGA: s.202(1)(a) CC: s.120(1)(a) SA: s.50(1)(a)
Start of Period to Destroy Election Material	December 15, 2022	LGA: s.160(8)
End of Period for Runoff Election	December 18, 2022	LGA: s.152
End of Period to File Campaign Financing Disclosure Statement with Elections BC	January 13, 2023	LECFA: s.47(1), s.56 & s.90
Start of Period for Late Filing of Campaign Financing Disclosure Statement with Elections BC	January 14, 2023	LECFA: s.47(2) & s.56
End of Period for Late Filing of Campaign Financing Disclosure Statement with Elections BC	February 13, 2023	LECFA: s.47(2) & s.56

\*This date may be subject to change under the *Interpretation Act*.

## Definitions:

CC – means *Community Charter*

LGA – means *Local Government Act*

LECFA – means *Local Elections Campaign Financing Act*

SA – means *School Act*

# Appendix C: Elections BC and Chief Election Officer Questions and Answers

## ELECTIONS BC AND CHIEF ELECTION OFFICER QUESTIONS AND ANSWERS

QUESTION	ANSWER
Who do I get nomination documents from?	Chief Election Officer
Who do I give my completed nomination documents to?	Chief Election Officer
Who do I pay my nomination deposit to (if required)?	Chief Election Officer
Who do I make my solemn declaration to?	Chief Election Officer or Commissioner for Taking Affidavits (e.g., Lawyer, Notary)
Who declares candidates?	Chief Election Officer
Who oversees the administration of local elections (e.g., designing ballots, setting up voting opportunities, counting votes)?	Chief Election Officer
Who declares the election results?	Chief Election Officer
Who do I contact about election expense limits and campaign contribution limits?	Elections BC
Who do I contact for information about campaign financing?	Elections BC
Who do I contact for information about election advertising rules?	Elections BC
Who do elector organizations register with?	Elections BC
Who do I register with as a third party sponsor?	Elections BC
Who do I send nomination document updates to?	Elections BC
Who do I file campaign financing disclosure statements and supplementary reports with?	Elections BC
Who do I pay the \$500 late filing fee to?	Elections BC
Who maintains the disqualification lists?	Elections BC
Who do I submit prohibited contributions to?	Elections BC
Who addresses instances of non-compliant advertising?	Elections BC and/or Chief Election Officer







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**Thinking About  
Running for  
Local Office?**

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This brochure was created to help potential candidates with answers to questions they may have before making the final decision to run for local office.

The information in this brochure is intended to help you think about the role you will play and the impact you will have on your community as an elected official. This brochure provides general information about, the:

- principles of effective locally elected officials;
- characteristics of effective locally elected officials;
- responsible conduct of locally elected officials;
- roles and responsibilities of locally elected officials; and,
- decisions local governments (municipalities and regional districts) make.

## **QUESTIONS TO CONSIDER BEFORE RUNNING FOR OFFICE:**

- **Why do I want to be a locally elected official?**
- **How will I contribute to my community as a locally elected official?**
- **What are my objectives for holding office and do they reflect the needs of my community?**
- **How will I work with my colleagues even if we have different points of view?**



## **Why consider running for office?**

As a locally elected official, you will be entrusted with making decisions that directly affect the daily lives of residents, families, local business owners and many others in the community. It is important to think about how you can best serve your community if you are elected and the expectations of being a locally elected official.

An effective local government requires dedicated, ethical and informed leaders who are committed to their communities. Perhaps you want to become an elected official so you can:

- be actively involved in the local democratic process;
- contribute your experience and knowledge to your community;
- address various issues in your community; and/or,
- lead change in your community.

## **What are some of the principles locally elected officials need to uphold?**

Effective local government leaders generally conduct themselves according to principles such as:

**INTEGRITY** - being honest and demonstrating strong ethical principles;

**ACCOUNTABILITY** - an obligation and willingness to accept responsibility or to account for one's actions;

**RESPECT** - having due regard for others' perspectives, wishes, and rights; displaying respect for the office of local government, and the role of local government in community decision-making; and,

**LEADERSHIP AND COLLABORATION** - an ability to lead, listen to and positively influence others; coming together to pursue a common goal through collective efforts.

Refer to the *Foundational Principles of Responsible Conduct* brochure and the *Forging the Path to Responsible Conduct* guide for more information about the key values and principles that guide locally elected officials' conduct.

## What are some of the characteristics of an effective locally elected official?

The most effective locally elected officials are:

**DILIGENT** - are prepared for meetings, ask questions and participate respectfully in discussions to contribute to a positive environment so that effective decisions can be made;

**RESPONSIBLE** - understand the role of a locally elected official and municipal council (council) and regional district board protocols and the legislative requirements that apply to locally elected officials, councils and regional district boards, and the local government system as a whole;

**PROACTIVE** - address community and council and regional district board issues proactively by working to find collective solutions and being able to make informed decisions;

**COMMITTED** - have the time, energy and motivation required to be effective and responsive to the community's needs;

**PATIENT/TOLERANT** - have patience and tolerance for others' points of view, and for the council or regional district board's processes and procedures;

**INFLUENTIAL** - build relationships; provide facts; explain points of view; listen to concerns and provide real examples of the impact of not taking action; and,

**SELF-AWARE** - assess their strengths and weaknesses; know their biases and the types of behaviours and comments that can cause upset; are aware of their impact on others.

**How do you demonstrate these characteristics? Are they traits that come naturally to you or will you need to work to build and maintain them? What are your strengths and how will they help shape the way your local government moves forward if you are elected?**

## What is responsible conduct of locally elected officials?

Responsible conduct is how locally elected officials conduct themselves in their relationships with elected colleagues, local government staff and the public – and is directly connected to how a community is governed. An elected official's relationships with their colleagues, local government staff and the public plays a significant role in helping carry out their responsibilities.

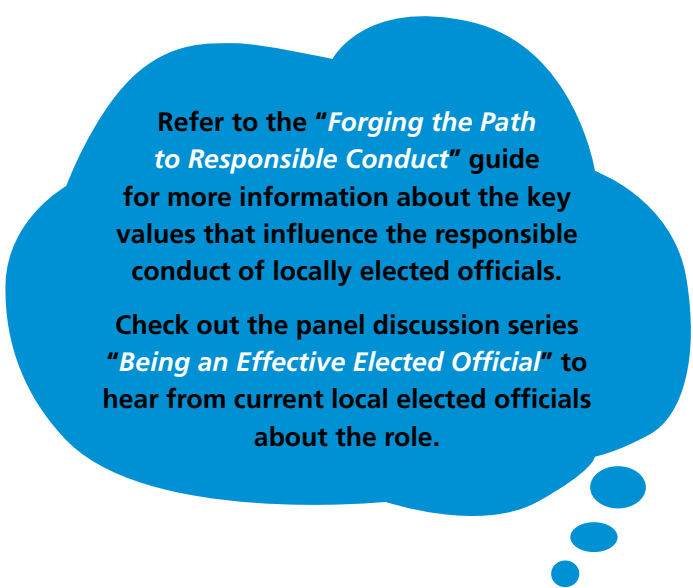
### FOR REFLECTION:

- What does responsible conduct mean to you?
- How do you express your disagreement with others?
- How do you work through disagreement with others?
- Are you able to disagree while still maintaining a professional attitude and an open mind?
- How will you demonstrate the personal characteristics necessary to be effective, even in challenging situations?

Responsible conduct is not optional – it is essential to good governance. Examples of good governance for you to consider include:

- providing for the stewardship of a community's public assets;
- providing services, laws and programs for the public's benefit; and,
- acting in a way that is accountable, transparent, ethical, respectful of the rules of law, collaborative, effective and efficient.

Many local governments across British Columbia utilize various tools to support responsible conduct including code of conduct bylaws, procedure bylaws and WorkSafeBC harassment and bullying policies.



**Refer to the “*Forging the Path to Responsible Conduct*” guide for more information about the key values that influence the responsible conduct of locally elected officials.**

**Check out the panel discussion series “*Being an Effective Elected Official*” to hear from current local elected officials about the role.**

## **What are the responsibilities of a locally elected official?**

Mayors, councillors and regional district board members are expected to contribute to the betterment of their local government, to provide leadership, and to serve and act on behalf of all citizens of the community.

An elected official must:

- consider the well-being and interests of the entire community;
- contribute to the development and evaluation of policies and programs with respect to local government services;
- participate in council/regional district board and committee meetings and contribute to decision-making;
- carry out other duties as assigned (such as heading committees); and,
- follow the rules set out by local government legislation (e.g., regularly attending meetings and declaring conflict of interest), bylaws (e.g., meeting procedures and code of conduct) and policies that govern how council and regional district board members exercise their authority.



## What is the role of a council/regional district board?

Councils and regional district boards act as a political forum through which citizens, families and business owners within the local community express their collective vision. Councils and regional district boards also provide services and programs to the community.

The role of a council/regional district board is to:

- set strategic direction;
- adopt the local government's financial plan;
- broadly allocate resources to services, capital projects, programs and other priorities;
- represent citizens;
- engage with the community; and,
- make policies and adopt bylaws.

**Refer to the *What is Local Government* video for detailed information about local government governing bodies and their representatives.**

## What is the role of the mayor/regional district board chair?

The mayor and regional district board chair have all the responsibilities of a municipal councillor or regional district board member plus several additional responsibilities. The mayor and regional district board chair:

- are the spokesperson, reflecting the collective decisions of the council/regional district board;
- lead deliberations and collective decision-making, and recommend bylaws and resolutions;
- chair meetings, maintain the order and conduct of debate, ensure meeting rules are followed, and encourage the expression of differing viewpoints;
- create standing committees, appoint people to these committees and decide the committees' mandates; and,

- communicate with local government staff, primarily the Chief Administrative Officer (CAO) and/or City Manager and, on behalf of the council or the regional district board, provide general direction to staff about how to implement policies, programs and other decisions.

## **What is the role of local government staff?**

A locally elected official's interactions with staff are important to achieving the council/regional district board's goals. Locally elected officials provide direction, while staff manage and implement the council/regional district board's decisions and direction. The roles and responsibilities of elected officials and local government staff are distinct and interdependent.

All local governments must have at least two officer positions: one responsible for the local government's corporate administration and the other responsible for its financial administration. Local governments may establish any officer position in addition to the required positions.

Local governments in British Columbia often establish a CAO/City Manager position – although this position is not required by legislation. The CAO/City Manager is typically the only member of staff directly hired by the council or regional district board. The CAO/City Manager is then responsible and accountable for hiring and supervising all other staff.

## **LOCAL GOVERNMENT STAFF:**

- **implement the direction, decisions and policies of the council/regional district board and manage the local government's resources;**
- **provide the council/regional district board with information and professional advice to ensure informed decision-making; and,**
- **communicate local government policy and decisions to the public and other orders of government.**

The relationship between the CAO/City Manager and the mayor/regional district board chair provides a critical link between the council/regional district board and staff.

## How do councils and regional district boards make decisions?

Council and regional district board decisions may be influenced or informed by:

- community needs;
- the local government's legal authority as outlined in legislation (e.g., *Community Charter* and *Local Government Act*);
- the local government's long-term plans and policies;
- the local government's finances and strategic direction;
- staff recommendations;
- conflict of interest and ethical conduct rules; and,
- the local government's code of conduct bylaw or respectful workplace policies.

**Within six months of a general local election, every municipal council and regional district board must consider whether to establish a new code of conduct bylaw or revise an existing one. If a local government decides not to do so, it will need to provide its reasons to the public. The council and regional district board will also have to reconsider their decision before January 1 of the year of the next general local elections.**

## Why is collaboration important in effective decision-making?

Being collaborative and working through conflict are critical components of being an effective elected official. Council and regional district board members' ability to work together and resolve conflict respectfully are keys to council and regional district board effectiveness and good governance. Collaboration is a key part of leadership – and is a foundational principle of responsible conduct.

Democracy is about having a diversity of views. You will be one voice at a table focused on making collective decisions. Often you may find early agreement at the table, and it is important to be prepared to manage situations that may not align with what you think is the correct course of action.

### QUESTIONS TO CONSIDER:

- How do you appropriately express your disagreement and work through it with others?
- Are you able to disagree while still maintaining a professional attitude and an open mind?
- How will you demonstrate the personal characteristics necessary to be effective, even in challenging situations?



## What are some of the demands locally elected officials face?

Being in elected office can be a very rewarding experience – making a difference in your community is both important and fulfilling. It can also be quite demanding.

Some of the demands of being in elected office include:

- a high volume of reading and learning in order to know your local government's policies, procedures and local government legislation;

- a substantial time commitment even when it may be considered only a “part-time” job;
- attending numerous meetings on a regular basis; and,
- public and potential media scrutiny.

## What are some of the ways potential candidates can prepare for elected office?

Some ways you can prepare include:

- reading your local government’s key planning documents, reports, procedure bylaw and code of conduct bylaw (if available);
- attending council or regional district board meetings to learn about priority issues and projects in your community and observe what being on a council/regional district board may be like;
- reviewing your local government’s website to understand its key priorities and initiatives;
- attending neighbourhood association meetings or getting to know key groups in your community, such as the Chamber of Commerce, service groups, social agencies or environmental stewardship groups, to better understand the diversity of interests in your area;
- reading the *Local Government Act*, *Community Charter* and the *Local Elections Campaign Financing Act* to gain an understanding of the legislative requirements that local governments must follow; and,
- researching the Internet for information about local governments and basic facts about the local government system in British Columbia.

**Refer to the “*You’ve decided to run for local office*” webpage for information potential candidates may have before making the decision to run for local office.**

## Further information:

Local government mailing addresses, telephone numbers, email addresses and websites are available online from CivicInfoBC at: [www.civicinfo.bc.ca/directories](http://www.civicinfo.bc.ca/directories)

- Ministry of Municipal Affairs  
**[www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)**
- Union of BC Municipalities -  
**[www.ubcm.ca](http://www.ubcm.ca)**
- Local Government Leadership Academy -  
**[www.lgla.ca](http://www.lgla.ca)**
- Local Government Management Association of BC -  
**[www.lgma.ca](http://www.lgma.ca)**



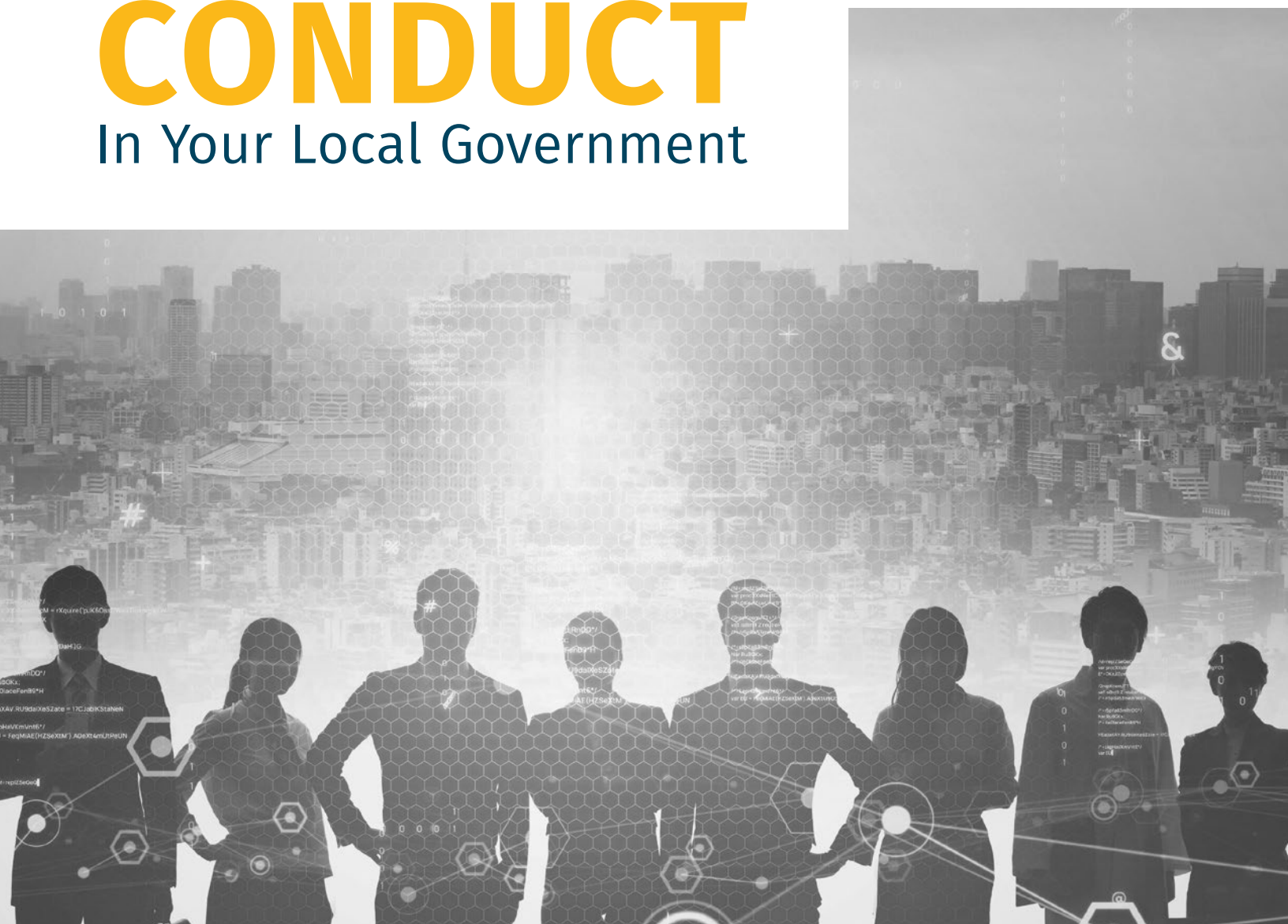
Refer to the "***What Every Candidate Needs to Know***" brochure for information about the legislated rules for general local elections in British Columbia.

Refer to the "***General Local Elections 101***" brochure for detailed information about general local elections in British Columbia.

## Disclaimer

In the event that there is inconsistency between this brochure and the *Local Government Act*, the *Local Elections Campaign Financing Act*, or any other Act, the legislation shall prevail.

# Forging the Path to **RESPONSIBLE CONDUCT** In Your Local Government



WORKING GROUP ON RESPONSIBLE CONDUCT

APRIL 2021



# THANK YOU TO ALL PROJECT PARTICIPANTS

The Working Group on Responsible Conduct is a joint initiative of the B.C. Ministry of Municipal Affairs, the Local Government Management Association of British Columbia, and the Union of British Columbia Municipalities.

We sincerely appreciate the valuable contributions of all those who assisted the Working Group on Responsible Conduct in developing this guide, *Forging the Path to Responsible Conduct in Your Local Government*.

The project greatly benefited from the support and involvement of these participants, including B.C. local government elected and staff officials, and the legal experts who advise them. These individuals, through their willingness to share their experiences, were absolutely central in showing us how leading local governments can manage conduct issues within the current B.C. context. They are truly forging the path to responsible conduct in their communities. It is our hope that in passing on the wisdom built through those experiences, the guide will provide others with practical ideas to allow them to do the same.





## INTRODUCTION

# About this Guide

How local government elected officials conduct themselves matters. Conduct is central to governance and when conduct issues emerge, especially if allowed to fester, good governance can be impaired and public trust eroded. Yet dealing with conduct issues can sometimes be overwhelming and governing in the face of them enormously challenging.

The guide presents practical ways to help prevent conduct issues and to deal with them if they do arise. The guide does not represent legal advice, nor is it a substitute for that advice.

## Guide Development

This guide was developed by the Working Group on Responsible Conduct (WGRC), a joint initiative by the Union of British Columbia Municipalities, the Local Government Management Association of British Columbia (LGMA), and the B.C. Ministry of Municipal Affairs. The staff-level Working Group undertakes collaborative research and policy work on the issue of responsible conduct of local government elected officials.

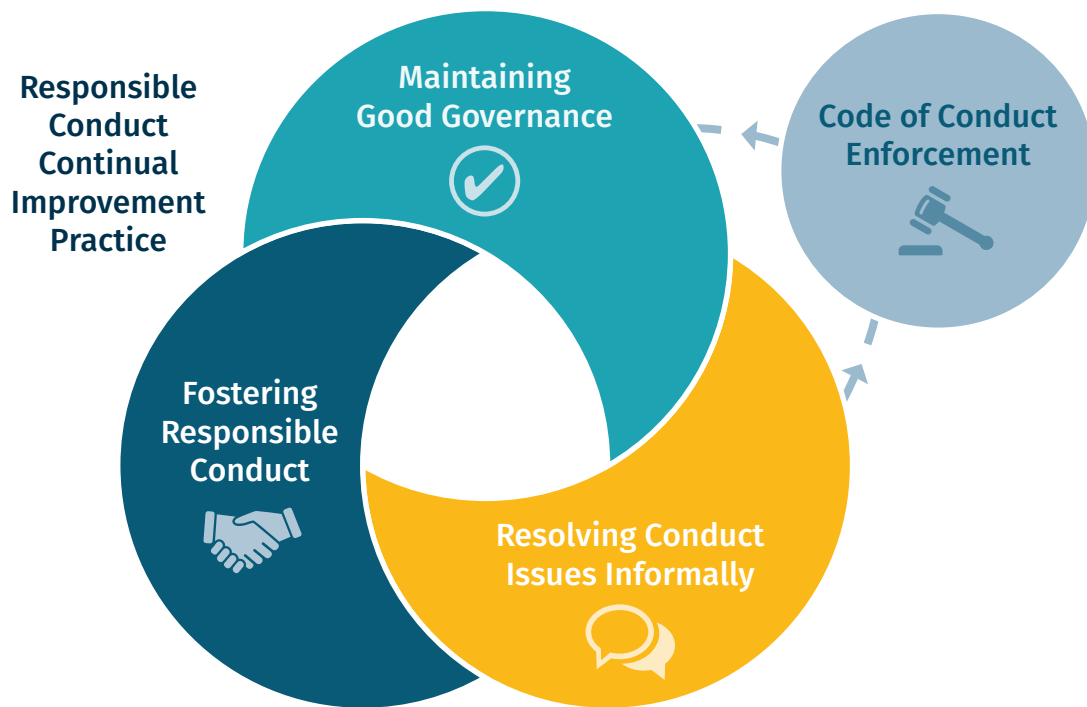
This guide builds on, and should be read in conjunction with, three previous WGRC publications: *Foundational Principles of Responsible Conduct for BC's Local Governments* along with *Getting Started on a Code of Conduct for Your Council/Board: Model Code of Conduct* and its *Companion Guide*.

The guide was informed by WGRC research, a review of a sample of B.C. local government codes of conduct that include enforcement provisions, and discussions with local government elected and staff officials and legal experts experienced in responsible conduct matters.

Our key take-away from those discussions was: **It's worth putting a lot of effort into prevention and informal resolution of conduct issues. There are enforcement processes if that doesn't work, but in practice, local governments are finding more success with informal methods.**

Watch for highlighted leading practice tips and quotes from trusted advisers that came to the WGRC during our research.

All resources noted in the chapters are linked in Chapter 6, Resources.



## Guide Organization

The guide is organized around two central concepts:

- A continuous improvement practice to foster responsible conduct, maintain good governance, and resolve conduct issues informally; and
- Where it is needed, code of conduct enforcement.

The three continuous improvement topics do not represent a linear process, with a local government moving sequentially through each; instead, they are intertwined with activities in each undertaken iteratively, shaping an organizational culture of trust and respect, where participants work effectively together and councils and boards govern well.

There is a well-established body of practice in these areas, and the guide draws on this to provide examples, leading practice tips and links to further information and resources.

With these measures in place, conduct issues can be avoided, or managed early on, reducing the need for enforcement of a code of conduct. However, even within this context, there may occasionally be a need for a local government to enforce its code of conduct.

Articulating an enforcement process within a code of conduct is a relatively new practice in B.C. The guide draws on examples from leading local governments that have included enforcement in their codes to highlight both current practice and things a local government may wish to consider as it begins to design its own enforcement process.

# Table of Contents

This is an interactive table of contents. Click on any titles to go directly to that section.

See Chapter 6, Resources for links to the publications and other resources referenced throughout this guide.

<b>CHAPTER 1</b>	<b>6</b>	<b>CHAPTER 4</b>	<b>23</b>
<b>Fostering Responsible Conduct</b>		<b>Essentials of Code of Conduct Enforcement</b>	
What Kind of Conduct is Problematic and Why?	6	When to Consider Enforcement	23
What is Responsible Conduct?	7	Overview of Other Enforcement Approaches	24
How Can We Build Responsible Conduct in Our Local Government?	8	Specific Statutory Processes	24
Adopt a Code of Conduct or Other Conduct Policy	8	Process to Decide on a Specific Alleged Conduct	25
Align Policies, Procedures and Practices	8	Contravention and Impose Related Sanctions	25
Elected Official Leadership, Knowledge-sharing, Skills Development and Support	9	Obtaining Legal, Law Enforcement and Other Advice About Enforcement Processes	26
Food for Thought	10	Code of Conduct Enforcement: Overarching Considerations	27
		Ensuring a Fair Process	27
		Ensuring the Investigator has Sufficient Independence, Expertise and Authority	28
		Balancing Transparency and Confidentiality	28
		Matters of Cost, Capacity, Efficiency and Effectiveness	28
		Code of Conduct Enforcement: Process Steps, Current Practice and Considerations	29
		Sanctions	38
		Current Practice for Sanctions	38
		Considerations When Imposing Sanctions	39
		How to Improve the Post-sanction Environment	40
		Food for Thought	41
<b>CHAPTER 2</b>	<b>11</b>	<b>CHAPTER 5</b>	<b>42</b>
<b>Maintaining Good Governance</b>		<b>Conclusion</b>	
Working Together Before, During, After – and Despite – Conduct issues	11	Forging the Path to Responsible Conduct	42
Whose Job is it Anyway?	11		
Enhance Collaboration: Embrace Diverse Ideas and Conflicting Views	12		
Contain Conduct Issues	14		
Council/Board Check-ins	14		
Food for Thought	16		
		<b>CHAPTER 6</b>	<b>43</b>
		<b>Resources</b>	
<b>CHAPTER 3</b>	<b>17</b>		
<b>Resolving Conduct Issues Informally</b>			
When and Why to Consider an Informal Approach	17		
How to Pursue an Informal Approach	18		
When You Demonstrated Poor Conduct	19		
When You Are on the Receiving End of Poor Conduct	20		
Involvement of Another Person in Individual Discussions	20		
Where an Individual's Conduct Impacts All Members	20		
Tips for These Discussions	21		
Where the Conduct Issues are Systemic or Widespread	21		
Professional Advice from Staff	22		
Food for Thought	22		

## CHAPTER 1

# Fostering Responsible Conduct

## What Kind of Conduct is Problematic and Why?

Some expectations of good conduct will be clear to most, often because these are set out in law: things like a person not voting on something if they have a financial interest in it, keeping confidential information confidential, not discriminating against a person,<sup>1</sup> and not making slanderous statements.

Other behaviours – like respecting others at meetings or not criticizing colleagues, staff or members of the public on social media – may be less obvious to some; perhaps council or board members don't even agree on what conduct they expect of each other in these areas. For example, some may think that there is nothing wrong with dismissing or belittling another in a debate because they have different backgrounds, experiences, or cultural values than you, or because their politics or points of view on a matter are different than yours.

Some may think that shouting at the chair is an acceptable tactic to get their point across, or that intimidating staff when they won't give you what you want is a way to get things done. However, all of these kinds of conduct can be destructive.

Even subtle actions can become pervasive, escalate over time, erode relationships and impair the ability of the local government to fulfill its most basic responsibilities to make collective decisions in the interests of the community. Electors have entrusted elected officials, acting collectively as the local government's governing body, to govern in the public interest; any conduct that gets in the way of that is a problem.



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<sup>1</sup> The B.C. Human Rights Code prohibits certain activities and conduct that discriminate against a person or group or class of persons because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or that group or class of persons. See Chapter 6, Resources for a link to the legislation.

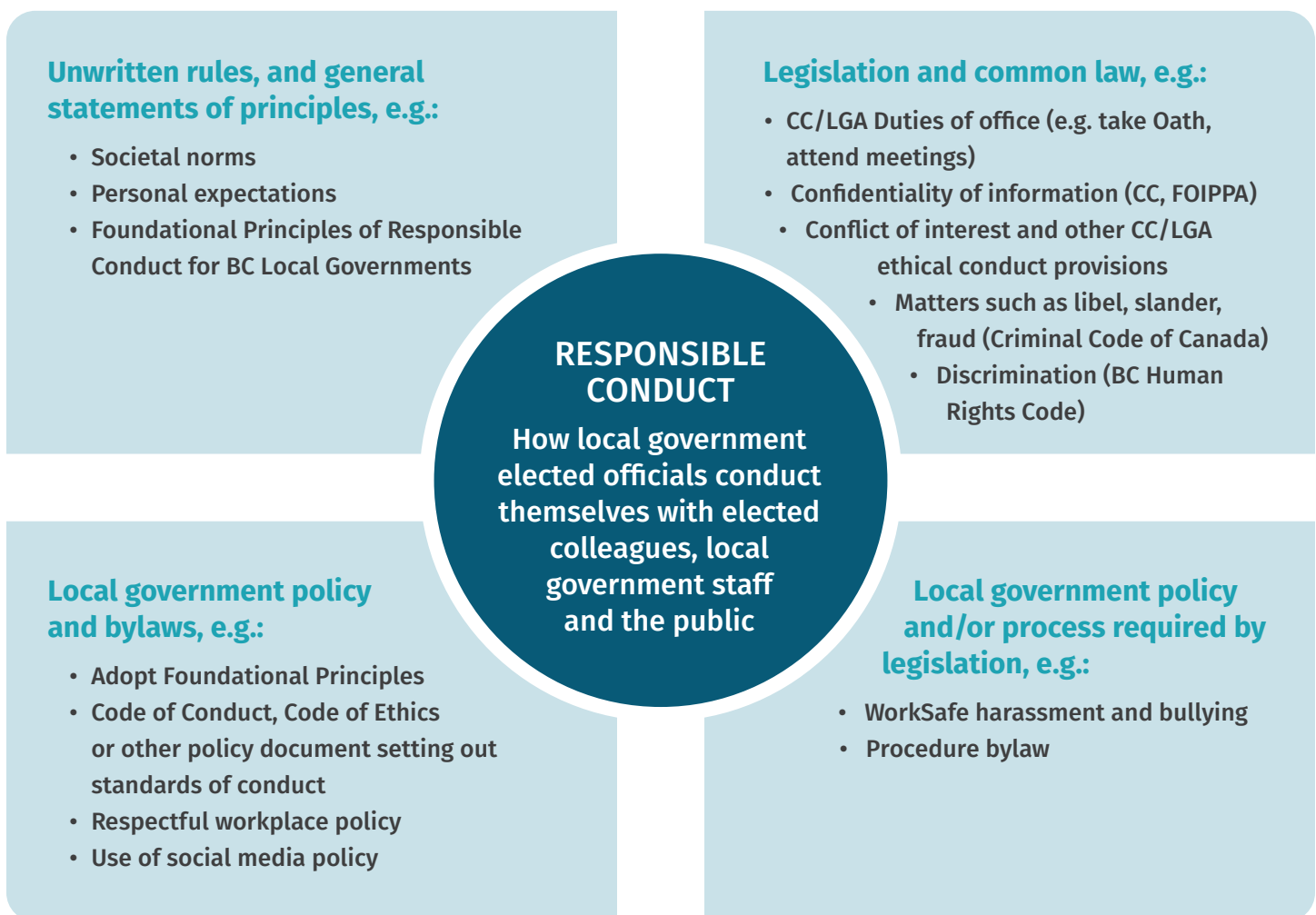
## What is Responsible Conduct?

In the context of this guide, responsible conduct refers to how local government elected officials conduct themselves with their elected colleagues, with staff and with the public. It is grounded in conducting oneself according to principles such as integrity, accountability, respect, and leadership and collaboration, in a way that furthers a local government's ability to provide good governance to its community.

As illustrated in the graphic, conduct expectations can take the form of unwritten norms, written principles, or local, provincial or federal policy or law.

Much of this guide is focused on local government policy and bylaws, such as a local government code of conduct because:

- Preventing conduct issues is difficult when relying on unwritten rules or general statements of principle developed by others and not endorsed by the local government; and
- Considerable guidance is provided elsewhere for conduct that is governed by federal or provincial law; this guide touches on that aspect but directs the reader to external resources for more information.



# How Can We Build Responsible Conduct in Our Local Government?

## Adopt a Code of Conduct or Other Conduct Policy

Avoiding conduct issues when rules are unwritten is hard because people don't know what is acceptable. Building a shared understanding of expected conduct and setting that out in a code of conduct will make expectations clearer and is a good way to prevent issues.

Codes of conduct provide conduct standards that supplement conduct already required legislatively (e.g., conflict of interest rules, confidentiality requirements, prohibitions on discrimination) or through policy (e.g., council/board-staff relations) to ensure that the full range of expected conduct is clear. Existing legislation and/or local government policies will need to be considered as a local government develops its code to ensure the code is not inconsistent with existing conduct requirements.

Many codes also include details about how alleged contraventions will be dealt with. This can be a preventative measure because it adds clarity about how an individual elected official will be held accountable for their conduct.

**Adoption of a code of conduct is strongly recommended – as is the inclusion of an enforcement process to address alleged contraventions, and a range of sanctions that may be imposed by the Council or Board if a contravention is determined. Ideally, initiate discussions towards adoption of the code before conduct issues emerge.**

If you already have a code, use Chapter 4, Essentials of Code of Conduct Enforcement, to support development of an enforcement process. If you haven't yet adopted a code, start with two previous WGRC publications (*Model Code of Conduct* and its *Companion Guide*). Both are linked in Chapter 6, Resources.

## Align Policies, Procedures and Practices

Procedure bylaws are an important tool in supporting conduct in meetings and Council and Board decision-making. *The Procedure Guide: For B.C.'s Local Governments* by the LGMA and B.C. Ministry of Municipal Affairs aims to help local governments proactively consider and change their procedure bylaw to help address challenging situations and to support responsible conduct.

Local governments have many other policy and procedural tools that can be used to support responsible conduct, including such things as (see links to samples in Chapter 6, Resources):

- Oath of office
- Social media policies
- Information-sharing practices
- Conduct expectations for members of the public
- Checklists and educational tools

### LEADING PRACTICE TIPS

It's easiest to have discussions about creating a code of conduct before conduct issues emerge. If your Council or Board is struggling to have those discussions, try starting incrementally and adopting the WGRC's Foundational Principles of Responsible Conduct as a statement of the Council/Board's commitment to those principles.

## LEADING PRACTICE TIPS

Try a visual or verbal reminder of expected conduct at meetings, like printing the WGRC's Foundational Principles of Responsible Conduct on a placemat for every Council or Board member's place at the table or stating the oath of office at the beginning of every meeting.

## Elected Official Leadership, Knowledge-sharing, Skills Development and Support

Leadership development can play a significant role in maintaining responsible conduct and good governance.

For example, respectful dialogue at a Council or Board meeting is more likely when all members understand that decisions are made collectively and not by the mayor/chair, electoral area director, or any other individual elected official. Additionally, trust and respect can be improved through understanding one's role and how it fits with the roles of others, building cultural humility,<sup>2</sup> communicating in a way that respects people's inherent dignity, and developing an appreciation of the value of different perspectives.

Building a clear understanding about conduct rules and expectations early in a term – including those that are legislated (e.g., conflict of interest) and those that are established through codes of conduct – can be a key factor in elected officials meeting those expectations. In addition, compliance can be improved and conduct issues avoided if a local government provides its elected officials with trusted advice in response to their concerns about how they can comply with conduct rules.

Similarly, skill development in areas like effective communication, chairing a meeting, dispute resolution, and strategic thinking can support both good governance and responsible conduct. Leadership and skill development should be a priority for Councils and Boards as well as for both newly elected and veteran elected officials across B.C.

For participants in the decision-making process, shared power and decision-making puts a premium on leadership skills that help one's fellow leaders find common ground.

*(From the Institute for Local Government webpage article Decision Making in the Collective Interest)*

<sup>2</sup> "Cultural humility is a process of self-reflection to understand personal and systemic biases and to develop and maintain respectful processes and relationships based on mutual trust. Cultural humility involves humbly acknowledging oneself as a learner when it comes to understanding another's experience." First Nations Health Authority. See Chapter 6, Resources for links and more information.



### LEADING PRACTICE TIPS

Participate in the Local Government Leadership Academy's Annual Forum, which enables elected officials to learn formally from speakers, and informally through networking with colleagues from around the province. Relationships forged here can have ongoing benefit, as elected officials find they are not alone, and gain confidence to share ideas and seek advice from others who understand the challenges they may be facing.

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Consider additional education, including:

- Scenario-based training where participants work through difficult situations or areas of conflict and practice skills to effectively deal with them;
  - Training to increase understanding of the history and experiences of people who make up the community and avoid stereotypes and discrimination;
  - Confidential coaching or mentoring for individual members of the Council or Board; or
  - Pre-election candidate orientation, so individuals considering running for office know what they're getting into.
- 

Consider developing a process to involve your Council or Board in determining their leadership and skills development priorities.

### FOOD FOR THOUGHT

- › How well are we prepared to deal with conduct issues if they begin to emerge?
- › Do we have a code of conduct? If not, why not?
- › Does our code include a process to address alleged contraventions? If not, why not?
- › What issues are emerging that aren't dealt with under our code? Do we have policies to deal with them (e.g., social media policy)? Can we strengthen compliance by referring to these policies in our code?
- › Have we allocated funding for elected officials' leadership development, skills building and support in our budget? Do elected officials know this is available? How do we know what support and skills building are important to members individually and collectively?
- › Where can our elected officials go if they have questions about their conduct or to get advice about how they can comply with conduct rules? Does that advice include both legislated rules like conflict of interest and duty to respect confidentiality, as well as our code of conduct?

**CLICK HERE** for links to resources referenced in this chapter.



## CHAPTER 2

# Maintaining Good Governance

## Working Together Before, During, After – and Despite – Conduct issues

A Council or Board is entrusted by electors to govern in the best interests of the community and it can only do this as a collective. Individual members cannot independently govern or make decisions affecting their community, but they can participate and contribute towards collective decision-making, and collaborative good governance responsibilities.

Given this, Boards and Councils need to find ways to work together; to effectively cooperate, collaborate, and make decisions, regardless of things like conduct issues, strained relationships or conflicting views.

“We need to stop pretending that good governance is an accident; if you’re not doing this proactively, you’ll be doing it reactively.”

*(A B.C. local government consultant, facilitator and lawyer)*

### Whose Job is it Anyway?

Everyone has a role to play in responsible conduct and good governance.

- **Every elected official** is accountable for their own conduct and must make sure they are always acting ethically and responsibly.
- **The mayor or chair** provides leadership and can lead by example, maintain order at meetings and propose policy changes, but they cannot, on their own, ensure the Council or Board operates as it should.
- **All Council or Board members** influence how the collective works, and in the interest of serving their community, all can take steps to work effectively together, including speaking up when problems arise.
- **Staff** provide professional advice to the Council or Board and carry out its decisions in an effective, efficient and non-partisan manner. The relationship between elected and staff officials is intertwined, so it is vital for both to understand and respect one another’s roles. Developing effective lines of communication, and trustful, respectful relationships between elected and staff officials supports good governance, even under challenging circumstances. The CAO is your one employee and your ally to help elected officials be successful.

“Local officials are grappling with difficult policy challenges... A goal is to create a culture of tolerance for differing points of view that credits everyone with having the best interests of the community in mind.”

*(From the Institute for Local Government document Tips for Promoting Civility in Public Meetings)*

### Enhance Collaboration: Embrace Diverse Ideas and Conflicting Views

Councils and Boards that welcome healthy debate, diverse ideas and conflicting views make better decisions. Different lived experiences and fresh perspectives can provide valuable insights, uncover opportunities and bring out solutions that hadn't previously been considered but are better for the community.

Productive conflict<sup>3</sup> – that is, conflict that leads to productive results, such as better decisions – can be a significant positive influence on good governance. Productive conflict is an open exchange of conflicting or differing ideas in which parties feel equally heard, respected and unafraid to voice dissenting opinions as they work toward a mutually comfortable solution.

On the other hand, unproductive conflict – characterized by frequent, unresolved arguments – can leave individuals feeling angry and frustrated, bringing about conduct issues and making good governance more difficult.

#### LEADING PRACTICE TIPS

Provide a way for elected officials to build informal relationships beyond the Council or Board table (it can be as easy as sharing a meal together).

The next time a contentious issue is under discussion, try a “no rebuttal round table session” where every member has an opportunity to state their position on the issue and explain its impact from their perspective, and no member can rebut someone else's statement (when it is their turn, they must speak only to their personal perspectives).

*(Details of this process, including its successes, are provided in the Enhancing Collaboration in British Columbia's Regional Districts report, found in Chapter 6, Resources.)*

<sup>3</sup> From *Unproductive Conflict vs. Productive Conflict*. See Chapter 6, Resources for link and details.

Individual strategies for productive conflict include:

- Separating the person from the issue;
- Moving the discussion from positions to interests; and
- Seeking win-win scenarios, where solutions can meet key mutual interests.

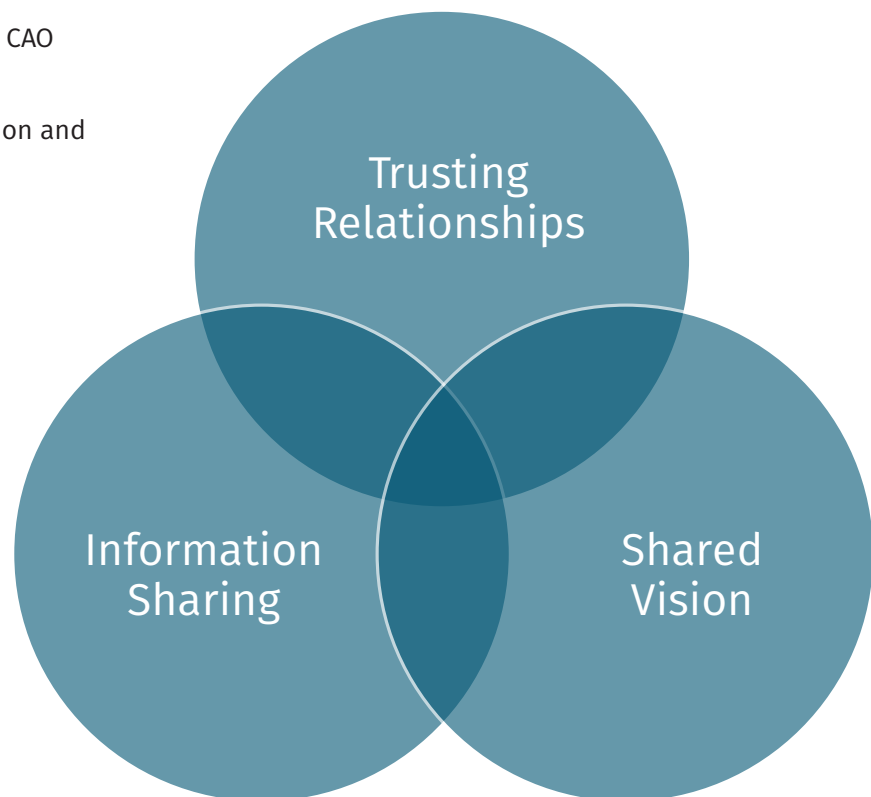
Developing these skills can be a catalyst to move from unproductive conflict, with parties entrenched in their positions, to a place where conflicting views become a pathway to better solutions.

Focusing on trusting relationships, strong information sharing practices and a shared vision can equip a local government to ensure conflict remains productive and improve collaboration. For example:<sup>4</sup>

- Organizing information seminars on complex issues;
- Maintaining a strong chair/mayor and CAO leadership team; and
- Preventing the spread of misinformation and establishing a common set of facts.

“Regional issues may be more obscure than in a municipality and it is important to give all directors, from municipalities and electoral areas, the support they need to appreciate their role in creating a regional vision.”

*(A B.C. regional district CAO)*



<sup>4</sup> Examples from *Enhancing Collaboration in British Columbia's Regional Districts*. See Chapter 6, Resources for link and details.

### Contain Conduct Issues: Use Policy/Procedural Tools to Manage Meetings and Conduct, and Support Good Governance

Simply having policy and procedural tools in place are not enough; they will only be effective in managing conduct if they are used.

If the procedure bylaw supports responsible conduct or a code of conduct is in place, the mayor or chair can remind an elected official of their obligation to comply in real time when a conduct incident occurs at a meeting. Alternately, Councillors or Directors can raise a point of order in relation to the conduct.

If policy levers are not sufficient to support responsible conduct and good governance, any Council or Board member can propose an agenda item for a future meeting to discuss adoption or amendment of the needed policy.

Some examples that illustrate the range of policy levers that could be engaged are shown in the 'Align Policies, Procedures and Practices' section in the previous chapter.

**"You might not be able to change behaviour, but you can change the local government's practices and system framework around it."**  
(A B.C. local government legal advisor)

#### LEADING PRACTICE TIPS

Using a procedure bylaw that specifically addresses conduct expectations, in combination with handbooks like *Robert's Rules of Order*, and *Local Government Act* and *Community Charter* provisions like the ability to expel someone acting improperly from a meeting, can be powerful tools to help contain conduct issues that arise during a meeting.

Developing a checklist for the Council or Board to evaluate its own effectiveness can be a good starting point for a check-in discussion. See Chapter 6, Resources for some sample checklists that can be customized.

### Council/Board Check-ins: Find Ways to Work More Effectively Together

A Council or Board discussion – or check-in – about how to work together more effectively can provide a useful forum to identify and address areas of concern, including conduct, conflict, or collective 'blind-spots' that get in the way of effective discussion and decision-making. This can help to build trusting relationships as well as identify policy or procedural changes to overcome systemic barriers, and/or learning topics that could support both the collective and its individual participants to become more effective.

When negative conflict or conduct issues are present, these check-ins can help to clear the air, de-escalate unproductive conflict, improve communication, and help the Council or Board refocus on improving working relationships and removing barriers to its effectiveness.

These discussions can be challenging to start if a Council or Board is facing significant stress. Consider initiating them early in the term when tensions aren't high, and continue them on a regular basis after that.

Alternatively, some of the discussion can be woven into other processes, such as those in the graphic. Successes from these early discussions will reinforce the benefit of open dialogue aimed at improving relationships, and may help to create a willingness to participate in future dedicated check-ins.

Success of a dedicated check-in may depend on ensuring elected officials feel comfortable exploring their perspectives on barriers to their collective success without fear of reprisal, so that they can consider new approaches when current patterns of engaging with each other are not working.

In addition to considering external professional facilitation, Councils and Boards may wish to consider undertaking these sessions in the absence of the public, which can help to facilitate the open, honest discussion that will be needed to explore these issues.<sup>5</sup>



<sup>5</sup> If you are discussing these matters in the absence of the public, make sure you don't also move towards making decisions, which you would need to do in an open meeting. See Chapter 6, Resources for useful resources from the Ministry of Municipal Affairs and the B.C. Ombudsperson.

### LEADING PRACTICE TIPS

If you're getting stuck finding ways to work better together, especially if interpersonal dynamics are regularly getting in the way of making decisions, an external professional might be able to help. The combination of professional expertise and independence from the organization provides an opportunity for these professionals to bring new perspectives to the table and suggest approaches that may not have been considered before.

### FOOD FOR THOUGHT

- › Is our Council or Board governing well? If we were to get a grade on that, what would it be? What's getting in the way? Do we regularly have discussions about this? Have we made provision for regular check-ins and getting some outside help if we need it?
- › What enhancements could be made to our policies or procedures to avoid conduct issues? Do we have specific issues that seem to be evolving that should be a priority (e.g., release of confidential information)? What can we put in place that would resolve these issues (e.g., does everyone understand their legal obligations, are there changes to our information-sharing practices that could help, and is this something the Council/Board should discuss in a check-in)?
- › What kinds of things are causing tension at the Council/Board table (e.g., whether something discussed in a closed meeting should have been in an open meeting; whether or not a member is in a conflict of interest in a particular matter; lack of respect because of such things as different political views, backgrounds, experience, age, gender identity or sexual orientation)? Would training and leadership development help? Is additional information needed, either generally or on a case-by-case basis? Are there tips or tools that could be developed to support members? Is this something the Council/Board should discuss in a check-in?
- › As an individual, self-awareness is key. Ask yourself: Am I part of the problem? Am I contributing to dysfunction or to good governance? Do I make assumptions about other Council or Board members without trying to understand their experiences or perspectives? What steps can I take to help the Board or Council work better together? What support do I need to do that? How can I help to ensure our conflict is productive?

“If local governments did less in closed meetings, there would be fewer conduct issues.”

*(A B.C. local government legal advisor)*

**CLICK HERE** for links to resources referenced in this chapter.

## CHAPTER 3

# Resolving Conduct Issues Informally

### When and Why to Consider an Informal Approach

Conduct issues can often be managed through prevention and good governance measures. Unfortunately, there are times where the issues are particularly significant or entrenched, and instead escalate or become more pervasive. In these cases, local governments may wish to consider taking additional steps to address the conduct issue.

Two approaches are available, and they are not mutually exclusive. Informal approaches are aimed at resolving conduct issues, through productive discussion toward mutually satisfactory solutions. Enforcement processes are aimed at determining whether there was a conduct contravention, and deciding on sanctions if a contravention is found.

Informal resolution can lead to better outcomes than enforcement processes because informal resolution tends to be:

- More effective in finding solutions that are satisfactory to all parties;
- Quicker, leaving less time for the problematic conduct to remain unchecked and less time for relationships to erode further;
- Less divisive since parties are brought together to work towards solutions that work for all, helping to rebuild trust and repair relationships (whereas in enforcement processes, parties oppose each other to prove or disprove a contravention); and
- Less legalistic, cumbersome and complex, which can also mean they are considerably less costly.

“I have yet to see an enforcement process where the elected official accepted the findings, so we need to make every effort to manage things before it gets to that.”

*(A B.C. CAO, mid-sized municipality)*

Given these advantages, many local governments are finding that in most circumstances it is well worth pursuing informal approaches to the fullest extent possible to see if they can resolve the conduct issues. In general, they are only considering enforcement processes if those informal resolution efforts are not successful.

However, despite its potential for positive outcomes, informal resolution is not appropriate for all circumstances.

Local governments will want to consider specific circumstances carefully before deciding on a course of action (and seek appropriate legal advice before proceeding). Consider the following examples.

### **When conduct issues impact employees:**

Local governments are responsible for the safety of their employees at work. If a complaint relates to matters covered by legislated provisions to address workplace bullying and harassment, the complaint must be dealt with in accordance with the *Workers Compensation Act* and Occupational Health and Safety policies established by WorkSafeBC.

There may also be other laws, local government policies, or employment arrangements that will govern how to respond when an employee indicates they have been subjected to unsafe working conditions or inappropriate behaviour.

### **When conduct represents actual or threatened significant or imminent harm to persons, property or the local government:**

In these situations, local governments will need to consider how best to preserve safety and security within their community. In addition to legal advice, local governments may need to consult with law enforcement.

**“It’s important to remember that trust is built around understanding and respect, not necessarily agreement.”**

*(From the Institute for Local Government document Attributes of Exceptional Councils)*

## **How to Pursue an Informal Approach**

Informal resolution focuses on involved parties working out their differences to come to a mutually acceptable resolution that restores responsible conduct. Fairness is key, and local governments will want to consider fairness elements appropriate to the circumstances, which may be different than what is appropriate for enforcement (e.g., there may not be a need to provide parties an opportunity to be represented in informal discussions). Fairness supports informal discussions since people will be more willing to work towards solutions if they are being treated fairly. In addition, it is important to ensure that informal resolution does not jeopardize subsequent enforcement processes should they be needed. Providing an appropriate standard of fairness in informal discussions will help to meet that objective.

### **LEADING PRACTICE TIPS**

Consider fairness training or coaching for all Council or Board members to raise awareness of the need for fair process in everything they do. This can lead to fewer conduct issues in the first place, and support informal resolution discussions if issues do arise, potentially avoiding the need for all parties to default to legal positions in the early stages of those discussions.



Who is involved in these conversations, and how the process unfolds, will depend on the situation and in part, who is willing and able to work through the issues.

The following are some common approaches; local governments should consider their own unique circumstances in deciding what methods to try.

### When You Demonstrated Poor Conduct

All elected officials are accountable for their conduct and the vast majority are responsible, but lapses do occur: someone snipes in the heat of the moment that their colleague is too young, or too old, or too new to this country to have views on a topic; someone hits send on a social media post when they're still angry; someone picks on a staff member because they don't like a report's recommendations; someone takes a colleague's comment out of context in a way it was never intended. Sometimes, that someone is you.

Many elected officials find themselves in these situations; what distinguishes them is how they deal with them. Owning your part in a misunderstanding or admitting you've made a mistake or acted inappropriately is not a sign of weakness; it is a sign of strength and it is a quality common to exceptional leaders. It's also a way to build trust and respect and to repair relationships – valuable activities in one's quest to serve the community and get things done.

When faced with these situations, consider sitting down with the individual impacted by your conduct. It's a good opportunity to clear the air, to make an apology if that's in order, and to get to know each other's perspectives and experiences. It also allows you both to work through the issue and decide what else is needed to avoid further incidents and to move on.

Depending on how wide the impact, consider whether to have this conversation with the full Council or Board, and/or whether a public apology is appropriate.

“In more than six years as the Ombudsman for British Columbia, I have witnessed, again and again, how one action can make a difference in a small but meaningful way. I have observed that a sincerely offered apology will often satisfy a person who has a complaint... An apology can restore self-respect and dignity. An apology acknowledges that a mistake has been made and that the offending party will not repeat the action in question. It can help re-establish trust and assurance that the offending action was not the person's fault.”

*(From the BC Ombudsperson special report The Power of an Apology: Removing the Legal Barriers)*

### LEADING PRACTICE TIPS

If you're immersed in a conduct issue, try finding a personal sounding board – a confidante with whom you can test how your behaviour stacks up and who can give ideas about how you can resolve the issue. An elected official from another local government can be particularly helpful because they can understand what you're going through and may even have faced something similar, but can offer an impartial perspective because they are not directly involved in your situation.

### When You Are on the Receiving End of Poor Conduct

An elected official impacted by the conduct of a colleague might consider meeting with them if they are willing. This can help to defuse the situation, understand other points of view, discover common ground and jointly problem solve ways to work better together. It is important to avoid accusations, so it may be prudent to prepare for the conversation by considering how best to share perspectives and find mutual interests, and by thinking about what might be needed to set things right.

### Involvement of Another Person in Individual Discussions

Sometimes the two elected officials aren't able to resolve the issues themselves and having a facilitator can help. Choosing the right person depends on the situation. Typical choices include:

- The mayor or chair or their deputy;
- An official who provides advice or support in relation to conduct; or
- An independent third party with experience in dispute resolution.

The choice will depend on the nature and significance of the conduct issue, who has the needed skills, and whether all parties see the facilitator as neutral.

Many local governments avoid involving the CAO or other staff in a Council or Board conflict in this way so that staff are not seen as "taking sides," which may cause considerable damage to elected official and staff relations.

If initial facilitated discussions aren't successful, the local government may wish to consider additional efforts to reach resolution, including negotiation and/or mediation.

### Where an Individual's Conduct Impacts All Members

Sometimes the conduct at issue is not directed towards an individual, but to all or part of the Council or Board. For this, the mayor or chair, or their deputy, could initiate a discussion with the elected official whose conduct is at issue. These discussions are similar to those noted above, and could be aimed at gaining a mutual understanding of the various perspectives, identifying solutions to avoid further incident, and perhaps exploring new ways to work more effectively together. Depending on the nature and significance of the conduct, consider a facilitator for these discussions (e.g., an independent third party).

## TIPS FOR THESE DISCUSSIONS

Regardless of who initiates or is involved in the conversation, there are a number of elements that can help make the discussions successful, such as:

- › Ensure all discussions treat people fairly; be respectful, honest and accountable; be clear about what brought you to the discussion and what you would like to achieve; and give people an opportunity to respond;
- › Have the conversation in private, and keep the discussion confidential;
- › Try to start from a place of neutrality, aiming to gain an understanding of individual perspectives, intentions and impacts, and reflect on and challenge your own inherent stereotypes, assumptions and perspectives;
- › Try not to judge; separate the problem from the person, actively listen, ask questions, seek clarification, and build on your understanding;
- › Remain open to views about what you or others could have done differently;
- › Seek common ground/mutual interests and use these as a basis for joint problem-solving to find solutions that everyone can accept; and
- › Recognize that resolution may take some time and potentially a series of discussions; don't try and do this all at once as people need time to think through issues and discover solutions, and they may need time to work through complex emotions that the discussions reveal.

“Individuals sometimes ignore rules, and toxic personalities sometimes create challenges... difficult personalities on the Council create a challenging and uncomfortable environment for the Council itself... In the end, the Council must manage its own behavior and seek compliance from its own members.”

*(From the Public Management article Preparing Councils for their Work by Julia Novak and John Nalbandian, August 2009, pg. 27)*

### Where the Conduct Issues are Systemic or Widespread

Some types of conduct lend themselves to discussions with the full Council or Board and informal resolution would begin there (e.g., certain elected officials are repeatedly interrupted, bullied or belittled by others; conduct is markedly different in closed meetings than in open ones; grandstanding becomes an issue when the public is particularly engaged and vocal at the Council or Board meeting).

In other cases, informal resolution that begins with individual discussions noted above reveals underlying causes that need to be discussed by the full Council or Board, and informal resolution would then move to these more broadly-based discussions.

This presents an opportunity for the Council or Board to engage in continuous improvement with broader discussions about how to work more effectively together.

This could involve processes discussed in Chapter 1, Fostering Responsible Conduct and Chapter 2, Maintaining Good Governance, and it is well-suited to discussion as part of a Council or Board's next check-in.

Full Council/Board discussion is appropriate whenever the conduct or its root causes indicate underlying systemic challenges, because those challenges need to be addressed in order to satisfactorily resolve the conduct issue and to avoid future incidents. Councils and Boards that find a way to identify systemic issues (e.g., preconceptions about things like gender identity, economic status, ability, race or age; lack of a common set of facts on matters discussed; gaps in a shared understanding of conduct expectations), speak about them openly and safely, and jointly develop solutions (e.g., leadership development, enhanced policy alignment) may find that conduct issues can be resolved, unproductive conflict and friction reduced, and more effective trusting working relationships established.

### Professional Advice from Staff

While ultimately it is up to elected officials to restore responsible conduct of their members, senior staff can provide key support to that process. For example, they are well-positioned to:

- Provide advice about approaches to resolve conduct issues, including resolution at an individual level and potential structural, system or policy realignment;
- Provide process and technical support to individual elected officials on informal resolution and/or enforcement processes;
- Provide advice on how to ensure informal resolution processes are fair to all participants and where expert fairness advice may be needed; and
- Provide advice about when to involve a facilitator in discussions and the skills that will be important to the success of that role, and/or what other external support or advice could be considered (e.g., legal advice; involvement of law enforcement).

## FOOD FOR THOUGHT

- › Is there anything in this situation that should prevent it from being considered for an informal resolution process?
- › Who is best positioned to initiate a conversation or to facilitate one if needed?
- › What support could the local government offer to elected officials who have conduct questions or concerns, or who want to better understand the process to try and deal with issues informally?
- › What is being done to support relationship-building? What can be done to ensure all voices are heard? If these were enhanced, might it be easier for elected officials to sort out conduct issues informally? Are there lessons to be learned from this process that could apply more generally to elected officials' relationships, and/or to changes needed in the local government's policies and procedures?
- › At an individual level: What triggers a change in my conduct? How can I manage that? What subconscious assumptions might be influencing my conduct? What support do I need to make a change or to sort out a conduct issue with my colleagues?

**CLICK HERE** for links to resources referenced in this chapter.

## CHAPTER 4

# Essentials of Code of Conduct Enforcement

### When to Consider Enforcement

In most cases local governments find it is worth exerting considerable effort towards informal resolution, and considering enforcement only if those efforts prove unsuccessful. Conduct is often about relationships, and with the collective governance model of local governments, good working relations are critical to good governance. Informal resolution can help to maintain relationships. Enforcement processes – being lengthy, protracted affairs that sometimes pit colleagues against each other – can serve to erode relationships as well as public trust in the process and the local government.

For this reason, local governments generally find informal resolution more effective, and are more satisfied with its outcomes (see Chapter 3, 'Resolving Conduct Issues Informally' for details). If informal resolution is not attainable, local governments may wish to consider enforcement.

A local government can hold its elected officials accountable for their conduct through an enforcement process articulated within its code of conduct, so long as that process is fair. This chapter focuses on characteristics of these code of conduct enforcement processes, and what to consider in their development, but first, it points to enforcement approaches outside of a code of conduct that may be applicable.





# Overview of Other Enforcement Approaches

## Specific Statutory Processes

Various federal or provincial laws provide specific accountability or enforcement processes for certain conduct matters, for example:

- **Incidents and complaints regarding bullying and harassment of an employee and/or other conduct that affects employees:** Local governments are responsible for the safety of their employees at work. If a complaint relates to matters covered by legislated provisions to address workplace bullying and harassment, the complaint **must** be dealt with in accordance with the *Workers Compensation Act* and Occupational Health and Safety policies established by WorkSafeBC. There may also be other laws, local government policies or employment arrangements that will govern how to respond when an employee indicates they have been subjected to unsafe working conditions or inappropriate behaviour.
- **Application to court for a declaration of disqualification and forfeiture of financial gain for contraventions of conflict of interest and other ethical conduct requirements:** The *Community Charter*, *Local Government Act* and related legislation provide rules for conflicts of interest, inside influence, outside influence, gifts, contracts and insider information. Contraventions result in disqualifications and may result in forfeiture of any financial gain that resulted. Electors or the local government may apply to the Supreme Court for a declaration of disqualification and for an order to forfeit financial gain.

- **Prosecution of an offence:** Some contraventions of legal requirements are offences which may, at the discretion of the provincial Crown Counsel, be prosecuted in court, and convictions may result in fines and/or imprisonment (e.g., unauthorized disclosure of personal information under the *Freedom of Information and Protection of Privacy Act*, and unauthorized disclosure of certain confidential information under the *Community Charter*, *Local Government Act* and related statutes).

### LEADING PRACTICE TIPS

This list is not exhaustive. There are numerous other federal or provincial laws that provide enforcement processes (e.g., Court-based prosecutions under the Criminal Code of Canada for contravention of laws related to libel or slander; Human Rights Tribunal determination of discrimination complaints under the BC Human Rights Code). Local governments will want to familiarize themselves with all applicable legislation before initiating a local government enforcement process.

## Local Government Process to Decide on a Specific Alleged Conduct Contravention and Impose Related Sanctions

The courts have found that a local government has an ability to control conduct of its members in some circumstances, and local governments have relied on this to impose sanctions for contraventions on a case-by-case basis.

These case-by-case processes are similar to enforcement processes articulated within a code of conduct: both can result in sanctions; both must be undertaken using a high standard of fairness; and both are complex from a legal perspective.

However, an important distinction between them relates to whether the process is established in advance (as it is for processes articulated within a code of conduct), or whether it is developed each time it is needed (as it is for case-by-case processes).

### LEADING PRACTICE TIPS

Before getting into a situation where misconduct of a Council or Board member becomes an issue, develop a code of conduct to set standards of conduct, and include within the code the process that will be used to deal with alleged contraventions.

An enforcement process articulated within a code of conduct has several advantages over a case-by-case enforcement process, as illustrated in the graphic, and is strongly recommended.

## ADVANTAGES OF CODE OF CONDUCT ENFORCEMENT

### ENHANCED CERTAINTY AND TRANSPARENCY IN THE PROCESS

- Everyone understands the process by which officials will be held accountable for their conduct
- Improved public confidence

### IMPROVED COMPLIANCE

- Those who are subject to a code may be more likely to comply if there are known consequences for contraventions

### ADMINISTRATIVE EFFICIENCIES

- Once the process is developed, using it for a subsequent contravention allegations will eliminate the need to “reinvent the wheel” each time an allegation is made

### ENHANCED FAIRNESS

- Consistent use of the same process helps to ensure everyone is treated fairly
- Can help to overcome perceptions of bias in decisions about the process itself

# Obtaining Legal, Law Enforcement and Other Advice About Enforcement Processes

Conduct enforcement is a complex and evolving area of law; while this guide is intended to help support local government decision-making in relation to conduct matters, it does not provide legal advice, and it is not a substitute for that advice.

Code of conduct enforcement does not replace other enforcement approaches that may be available or required, such as those described above. As a local government begins to explore what enforcement processes are available for a particular conduct contravention, it may want to consider discussing the matter with their legal advisors and, in some circumstances, with law enforcement or other agencies (e.g., WorkSafe BC for matters in which the conduct affects an employee; Office of the Human Rights Commissioner for matters that may be discriminatory).

Code of conduct enforcement is a complex process and its outcomes can be significant, so it is important for local governments to give considerable thought to how to ensure its process is sound. Articulating an enforcement process within a code of conduct is also a relatively new practice in B.C. and largely untested in the courts, which represents some legal uncertainties. These factors give rise to a critical need to seek legal advice on details of the process as it is being designed and when it is implemented.

This guide should not be used as a template for designing a code enforcement process, because some elements (e.g., what is an appropriate standard of fairness; what would comply with open and closed meeting rules; how to ensure that informal processes do not jeopardize a subsequent enforcement process; what complaints can be dismissed; what sanctions may be imposed) can vary considerably depending on specific circumstances. The considerations and current practice set out in the guide are intended to support a local government's initial thinking about these processes and as a starting point for it to have an informed discussion with its legal advisors about how to design an enforcement process that will meet its unique circumstances and needs.



## Code of Conduct Enforcement: Overarching Considerations

### Ensuring a Fair Process

Code of conduct enforcement processes have two stages: determining if there has been a contravention (e.g., taking complaints; conducting investigations; making determinations), and if so, making decisions on what, if any, sanctions to impose (e.g., recommendations from investigation and/or a Council/Board decision on sanctions). Fair process in both of these stages is critical.

A local government is obligated to ensure its decision processes are fair, particularly where the decision affects the interests of a specific individual.

Given the significance of these processes to elected officials, local governments need to consider how they can meet a high standard of fairness, including finding ways to ensure throughout the process that:

- The person affected by a decision is able to participate in the process before the decision is made (e.g., is notified of allegations, findings and recommendations and provided all documents and information that will be relied on by decision-makers, is provided with an opportunity to respond and sufficient time to prepare, and is given an opportunity to be represented by legal counsel at the appropriate stage);
- The decision-makers are open-minded (i.e., they have neither a conflict of interest nor a predetermined bias); and
- The decision is based on relevant evidence and, where applicable, the justification for the decision is given to the person(s) affected by it.

#### LEADING PRACTICE TIPS

Build timelines into the various steps of your enforcement process. This will enhance fairness, and can avoid eroding relationships further as the process drags on.

Build an informal resolution component into your code of conduct enforcement process.

Consider carefully managing the extent to which staff are involved in enforcement processes. Given the nature of these processes, critical staff-elected official working relationships can be significantly affected.

Consider specifically referring to legislated confidentiality requirements in your code of conduct, so members know how they will be held accountable for contraventions of those provisions.

### Ensuring the Investigator has Sufficient Independence, Expertise and Authority

It can be extremely challenging to ensure the person conducting an investigation is free from bias or the perception of bias when investigating a colleague (i.e., where a Council/Board or one of its committees is investigating the conduct of a Council/Board member) or when there is an employer/employee relationship (e.g., where a CAO is investigating the conduct of a Council or Board member).

In order to remove this perception of bias, improve fairness, and enhance public trust in the process, investigations are most often assigned to an independent third party.

### Balancing Transparency and Confidentiality

Local government legislation provides rules around what must be dealt with in open meetings, and what may or must be dealt with in closed meetings. The *Freedom of Information and Protection of Privacy Act* provide rights of access to certain records, as well as a requirement to protect personal information. A local government will need to ensure compliance with these laws as it develops and implements its enforcement processes.

Within these legislated parameters, there may be some discretion for local governments to make choices about whether to conduct some parts of the enforcement process in open or not. Where there is sufficient discretion, local governments may wish to consider where confidentiality is needed to support a fair process, where transparency is needed to enhance public confidence in the process, and how to balance these two objectives in each step of the process and overall.

For example, to protect the privacy of the individuals involved and ensure investigations are free from bias, most local governments maintain confidentiality throughout the complaint and investigation processes (e.g., notifying only those involved and requiring them to maintain confidentiality). Once the investigation is complete, and if it finds there was a contravention, the balance can sometimes shift towards transparency by providing for consideration of, and decisions on, investigators' reports and sanctions in an open Council or Board meeting. This is typically because the legislation requires this (i.e., the subject matter does not meet the criteria for discussion in a closed meeting) and/or the local government considers the public interest is best served by making these decisions transparently.

### Matters of Cost, Capacity, Efficiency and Effectiveness

Decisions around process will have an impact on financial and human resource capacity. For example, decisions about who can make a complaint (e.g., elected officials, staff or the public) can significantly affect the volume of complaints and investigations. This will affect resources that will need to be dedicated to the enforcement process, since investigations can be time consuming and require people with highly specialized skills.

These considerations can help to sharpen the focus on various design elements and implementation strategies, not just for enforcement but for all elements of building and restoring responsible conduct. In addition, they may encourage reconsideration of alternative measures (e.g., prevention activities or informal resolution of conduct issues) that may have been previously discarded because of their associated costs (yet may be much less costly – both financially and in relationship impacts – than code of conduct enforcement).



## Code of Conduct Enforcement: Process Steps, Current Practice and Considerations

The inclusion of details of how alleged contraventions will be addressed is a recent trend in B.C. local government codes of conduct. Where processes are articulated, they tend to consist of a number of distinct steps, within which there are both some common elements and some variation.

The following tables are snapshots of these provisions taken from a small sample of current B.C. codes. Readers are cautioned that this does not represent the full extent of existing practice, but rather an overview intended to be generally representative of the range of enforcement approaches articulated currently in B.C. codes of conduct.

As noted earlier, including enforcement provisions in codes of conduct is an emerging area still largely untested in the courts.

**The examples provided here are not provided as templates but rather as a starting point; each local government needs to consider its own circumstances and seek its own legal advice as it develops its processes and sanctions.**

It is critical that local governments exercise a high standard of fairness in these processes. Some jurisdictions choose to articulate this extensively in their code in order to provide clarity and certainty, while others do not articulate this in their code, but instead provide fair process as a matter of practice, allowing some flexibility to adapt to specific circumstances. Do not assume that codes that lack explicit fair process provisions mean that the jurisdiction is not practicing fair process. The choice is not whether or not to provide a fair process, but rather how and where to define it.

## INITIATION: What triggers the process?

How is the enforcement process initiated and who can make a complaint?	The process is typically initiated by a complaint, and complaints are allowed from any member of the Council or Board. In some cases, committee members and/or staff may also make a complaint, and in a few cases, complaints are accepted from “any person,” which would include all of the above as well as members of the public.
How is the complaint made, and what must it contain?	Typically, the complaint must be in writing, and most require these to be signed and dated by the complainant. There are varying degrees of specificity in the detail to be provided, with some codes saying nothing about this, and others requiring more specifics (e.g., detailed description of the conduct, witnesses and supporting documents).
To whom is the complaint made?	Most are delivered to the mayor/chair and/or a staff official (e.g. CAO), with provision that if the mayor/chair is involved, delivery is to the acting mayor/chair. In a few cases, delivery is to mayor and Council/chair and Board, and in some cases, complaints go to an investigator if one has been appointed.

### Considerations:

- › **Fair process/cost and capacity:** Fairness would dictate that at a minimum, anyone subject to a code of conduct should be allowed to make a complaint. From a public trust perspective, consideration could be given to allowing complaints from anyone impacted by the conduct (e.g., members of the public who are impacted by the erosion of good governance resulting from the conduct). The volume, and perhaps the complexity, of complaints tends to increase as the number of potential complainants increases, which will have cost and capacity impacts.
- › **Fair process:** Consider timelines for making a complaint. Existing practice examples: some codes don’t explicitly provide a deadline, while others tie a deadline to the breach (e.g., as soon as possible after, or within six months).
- › **Fair process:** Consider how much detail to require in a complaint. Part of a fair process is enabling the respondent to respond, which would be difficult without sufficient detail as to the allegation. To be clear about process, consider explicitly stating that the respondent is to be provided notice of the allegations and an opportunity to respond before a decision to proceed to an investigation is made, perhaps with some deadlines. Existing practice examples: some codes do not provide this explicitly, while others do and provide deadlines (e.g. must respond within 14 days of notification).
- › **Confidentiality/transparency:** Consider measures to ensure confidentiality until an investigation of the allegations is complete.

## INFORMAL RESOLUTION: What informal resolution processes are available?

**When does informal resolution occur and how is it triggered?**

Most codes explicitly provide for informal resolution. Some create an informal complaint process, and encourage complainants and respondents to try informal resolution before a formal complaint is made. Some other codes encourage an attempt at informal resolution after a formal complaint has been submitted and before the complaint review process; in these cases, the CAO and/or mayor/chair become involved in that informal resolution step.

**What is the informal resolution process?**

Some codes that provide for informal resolution are silent as to the process. However, most others call for the complainant to address the issue directly with the respondent to encourage compliance, and/or to request the assistance of the mayor/chair to attempt to resolve the issue. In one case, a senior staff official could be called on to assist the complainant in that process, and third-party mediation is an option if these steps aren't successful in reaching resolution.

**What are the timelines and fair process provisions?**

There is no deadline for informal resolution where it occurs prior to receiving a formal complaint, because the de facto deadline is when a formal complaint is made. Most codes that encourage informal resolution after a formal complaint is made set a 30-day deadline to attempt informal resolution prior to an investigator being appointed. Most do not have specific fair process or transparency/confidentiality provisions for this informal stage. However, in some cases, there are specific provisions for confidentiality, and where mediation is part of the process, legal or other representation for the complainant and respondent are offered for that part of the process.

### Considerations:

- › **Cost/capacity/efficiency/effectiveness:** Local governments may want to consider encouraging informal resolution because that can be less costly and lead to better outcomes than investigation and sanction processes (see Chapter 3, Resolving Conduct Issues Informally).
- › **Confidentiality/transparency:** Consider measures to keep informal resolution processes confidential.



## APPOINTMENT OF INVESTIGATOR: Who is appointed to investigate and how are appointments made?

Who is the investigator, who makes the appointment, and on what basis?	In the majority of cases, the investigator is an independent third party, typically appointed by either the mayor/chair, the person acting in their place, or jointly by the mayor/chair and CAO. Exceptions include when the code assigns investigator duties to a position (e.g., senior staff official), or when the investigator is defined as the Council/Board or an individual or body appointed by the Council/Board. In cases where a senior staff official is assigned in the code as investigator, the code also provides for that individual to appoint an independent third party to investigate instead of the senior staff official.
What duties does the investigator perform?	Typically, investigators undertake the complaint review process, investigation and reporting of findings. In at least one case, a senior staff official is responsible for the complaint review process, and the investigator is appointed only after the complaint review process is complete, if needed. In one case, the investigator is assigned a broader range of responsibilities. <sup>6</sup>
What are the timelines and fair process provisions?	Several jurisdictions require the investigator be appointed within 30 days of receipt of a formal complaint (unless the matter is resolved informally within that time frame). See “Who is the Investigator” above for fair process provisions.

### Considerations:

- › Fair process/investigator independence, expertise and authority:** Choosing an investigator who is free from bias is critical. This would indicate a need to appoint an independent third party, and/or ensure other mechanisms are in place to protect investigator independence. Assigning an investigation to a senior staff position, such as a CAO, is not recommended for most investigations as it would be very difficult to achieve the needed level of independence, and because the investigation could harm the staff-Council/Board relationship, compromising both the ability of the Council/Board to provide good governance and the CAO's ability to effectively perform their duties. Providing for input from the complainant and respondent on the choice of investigator can help ensure all parties agree the investigator is unbiased and qualified; this effect can be enhanced by provisions that refer to the need for investigators to have professional skills/expertise.
- › Confidentiality/transparency:** The choice of who appoints the investigator (e.g., Council/Board, mayor/chair and/or CAO) may impact when complaint information becomes public, since Council/Board decisions may need to be made in an open meeting.

<sup>6</sup> City of Surrey Bylaw 20018 creates an Ethics Commissioner position and assigns a number of roles to the position, including providing advice and delivering training. See link in Chapter 6, Resources.

## COMPLAINT-REVIEW PROCESS: How are complaints initially dealt with and by whom?

What is the complaint review process and who carries it out?	If informal resolution is not reached, complaints undergo an initial assessment and are either dismissed or proceed to investigation. Almost always, the investigator is responsible for the initial assessment, although in at least one code of conduct, this role is assigned to a senior staff official.
On what basis can a complaint be dismissed?	Reasons that a complaint may be dismissed are usually provided, but there is some variation on the grounds for dismissal. Many refer to complaints that are frivolous, vexatious and/or not made in good faith. Several also mention complaints that are unfounded, based on insufficient grounds, unlikely to succeed and/or beyond the jurisdiction of the code or other conduct policy.
What is the process if a complaint is dismissed?	Many do not provide a specific process. Where one is provided, there is a requirement to inform the complainant and, in at least one code of conduct, the Council or Board.
What are the timelines and fair process provisions?	Codes don't typically set timelines for this step. Some codes provide that the respondent must be notified and given an opportunity to provide an initial response prior to the complaint review process; of these, a few provide deadlines for the initial response (e.g., within 14 days of notification).

### Considerations:

- › **Cost, capacity, efficiency, effectiveness:** Local governments will want to consider some form of complaint-review process, to ensure that investigations aren't required when not warranted by the nature of the complaint.
- › **Fair process:** Both fair process and public trust can be enhanced by being clear about the types of complaints that can be dismissed, while providing some discretion for investigators to make decisions based on their professional judgement and specific circumstance. Local governments may also want to consider whether to provide some deterrents for vexatious complaints (see Other Enforcement-Related Provisions table).
- › **Confidentiality/transparency:** For complaints that are dismissed, local governments will want to consider how to treat the involved parties fairly when making decisions about whether or not to provide notification about the complaint and the reasons it has been dismissed, and the extent of that notification. For complaints that proceed to investigation, fair process would require notification to both the complainant and respondent, and opportunities for the respondent to respond during the investigation (see the Investigation table below).

## INVESTIGATION: How are complaints investigated?

<b>What is the purpose of the investigation and how is it conducted?</b>	<p>Investigations tend to be described quite generally (e.g., independent, impartial investigation of complaint; determine the facts, review relevant documents, conduct interviews), which provides considerable room for investigators to use their professional judgement to adapt the investigative process to meet the circumstances. Specific provisions relate to fair process, described below.</p>
<b>What are the timelines?</b>	<p>Some codes do not provide timelines. Where they are provided, timelines can refer to when the investigation begins (e.g., within 10 days, or as quickly as possible), when updates are provided (e.g., updates within 90 days after investigator's appointment) and/or when the investigation finishes (e.g., within 30 days, with extensions possible).</p>
<b>What are the fair process provisions?</b>	<p>Codes typically provide for confidential investigations and require participants to respect that confidentiality. All codes have investigation fair process provisions, that are either general (e.g., investigate in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice), or more specific (e.g., complainant and respondent are provided notice, and relevant documents, respondents must be given opportunity to respond, and participants may be represented (including legal counsel)).</p>

### Considerations:

➤ **Fair process:** Whether or not specific provisions are included in the code, participants must be afforded fair process. Local governments will need to consider how they will provide key fairness elements, like:

- How respondents will be able to effectively participate, including how and when they will be provided with relevant documents, how and when they can respond (ensuring they are given sufficient time to prepare that response); and when are respondents and potentially others given an opportunity to be represented and by whom; and
- How to ensure the decision is based on relevant information (e.g., considerations around things like documentation of evidence, findings and decisions).

In addition, local governments will want to consider how much of this to detail within their code. More detail helps to ensure processes are consistently applied and things don't get missed, but may make the process less flexible and more difficult to adapt to emerging circumstances.

➤ **Confidentiality/transparency:** Considerations typically relate to how to ensure allegations and evidence remain confidential during the investigation process.



## REPORTING FINDINGS: How are investigation findings and recommendations reported and to whom?

<b>What must be in the investigator's report?</b>	Reports must provide investigation findings. In some cases, there is a specific requirement to include findings as to whether there has been a contravention, and/or recommendations on resolution of the complaint.
<b>Can sanctions be recommended if there has been a contravention?</b>	There are two approaches: specific authority for the recommendations of sanctions from among a list of potential sanctions in the code; OR no specific mention of the ability to recommend sanctions, even though the code lists potential sanctions.
<b>Can additional recommendations be made in the report?</b>	A number of codes specifically allow any recommendation an investigator deems appropriate and also specifically provide for a recommendation that the complaint be dismissed.
<b>To whom is the report delivered?</b>	There are two general approaches, with some slight variation: to the Council/ Board, with some also provided to a staff official; OR to the mayor/chair (with provision for the acting mayor/chair if that person is involved) with most also being provided to a staff official.
<b>What are the timelines and fair process provisions?</b>	There are few timelines for reporting (see Investigation table above for details). In many cases, there are explicit provisions for reports to be provided to both the complainants and respondents. A few state that the report to the mayor/chair is confidential, and in one case, there is explicit provision that if there is insufficient evidence in an investigation, the investigator reports that finding but there is to be no permanent record of the complaint.

### Considerations:

- **Fair process:** Consider how and when the complainant and respondent are informed of the findings of the investigation. Consider whether different approaches are needed if no contravention has been found as opposed to if the findings indicate a contravention.
- **Confidentiality/transparency:** Consider whether the investigator's report is provided confidentially or not. The choice of who receives the investigator's report may impact the extent to which the report is confidential, since if the report is delivered to the Council/Board, this may be in an open meeting. Where reports are not confidential, consider whether some information must be severed to comply with legislated privacy rules. Consider whether different approaches are needed if no contravention has been found as opposed to if the findings indicate a contravention.

## FINAL RESOLUTION: What actions can be taken once findings have been reported and by whom?

<b>If the investigator's report goes to mayor/chair, does it also go to Council or Board?</b>	Some codes require the mayor/chair to provide the report, or a summary of it, to the Council/Board, others allow that person to decide whether it should go to the Council/Board, and the remainder do not give direction to the mayor/chair as to whether or not the report should be provided to the Council/Board.
<b>What happens if the investigation finds a contravention?</b>	Some codes state that the decision about whether there was a contravention rests with the Council/Board. Others are less explicit, stating only that the investigator's report must state whether there has been a contravention.
<b>If there was a contravention, who imposes sanctions and what are the parameters around that?</b>	<b>In no case can an investigator impose sanctions. That decision rests with the Council/Board.</b> Codes describe what sanctions may be imposed, and in many cases, a Council/Board can choose from among those provided. In some cases, the only sanctions that can be imposed are some or all of those recommended by the investigator. In at least one case, the Council/Board is directed to consider specified factors (e.g., nature or impact of the conduct).
<b>What are the timelines and fair process provisions?</b>	Some codes do not articulate fair process. Others do, including: notification to the respondent prior to Council/Board consideration, stating that the respondent is entitled to respond and given time to prepare response (e.g., two weeks), stating that the respondent is entitled to be represented, including by legal counsel (some have indemnification; see 'Other Enforcement-related Provisions' table below). Some codes provide for Council/Board consideration in open meetings, while others provide for closed meetings for this.

### Considerations:

- › Fair process:** Whether or not specific provisions are included in the code, participants must be afforded fair process. Local governments will need to consider how they will provide key fairness elements and how much to detail this within their code. **Refer to the fair process discussion in the 'Investigation' table above, which is relevant for this step also.** In addition, consider how to ensure an unbiased decision on sanctions. Some local governments find that limiting Council/Board discretion (e.g. may only impose sanctions recommended by investigator, or must consider specific factors) can help to reduce the potential for bias and/or ensure the decision is based on relevant information.
- › Confidentiality/transparency:** Consider relevant meeting rules and the nature of the matter. If these matters are dealt with in open meetings, consider whether some personal information should be severed; if dealt with in closed meetings, consider when and how the respondent is informed of decisions, and when and to what extent information is made available to the public (as a void of information can ultimately be filled by misinformation). Consider also whether different approaches are needed if no contravention has been found as opposed to if the findings indicate a contravention.

## OTHER ENFORCEMENT-RELATED PROVISIONS: A sample of other key enforcement provisions that may be included in a code.

<p><b>What enforcement provisions are there for different groups that are subject to a code?</b></p>	<p>Many codes apply only to members of the Council/Board; some also include committee members and/or staff. Where these other groups are included, codes tend to modify enforcement provisions (e.g., who deals with complaints and how this is done; what sanctions may be imposed) for each group.</p>
<p><b>Do codes provide for reimbursement of legal costs for a person involved in an enforcement process?</b></p>	<p>Some codes make provisions for reimbursement of a respondent's legal costs under certain circumstances, and with certain limits (e.g., if the person did not act in a dishonest, grossly negligent or malicious way; for the first occurrence, but not subsequently unless agreed in advance; upon request; only reasonable costs are reimbursed, sometimes with specified dollar limits).</p>
<p><b>What are the responsibilities of persons subject to the code?</b></p>	<p>Most codes require that members refrain from discussing allegations at open meetings until after investigations and Council/Board decisions on them.</p> <p>Some codes require that members endeavour to resolve disputes in good faith, cooperate with informal resolution and/or not obstruct the Council/Board in investigations.</p> <p>Some also require that members not act or threaten reprisal/retaliation against involved persons (i.e., complainant, respondent, witness, staff). In at least one case, for complaints that are vexatious, malicious or in bad faith, complainants are subject to disciplinary action, including sanctions in the code.</p>

### Considerations:

- **When code applies to committee members and/or staff:** All processes must be fair, and all will need to consider the confidentiality/transparency balance, but how these are applied is often different for each group. There may also be different legal or contractual requirements that would guide enforcement processes that must be considered (particularly with respect to staff).
- **Reimbursement:** Fairness can be enhanced by providing clear policy in the code, rather than dealing with reimbursement of legal costs on a case-by-case basis. In considering the potential to offer reimbursement of legal costs and limitations around that, local governments may wish to consider whether their indemnification policy could inadvertently act as a deterrent to trying to work things out informally.
- **Responsibilities:** Local governments may wish to consider whether the fairness and/or effectiveness of their enforcement processes could be enhanced by provisions such as these.

# Sanctions

As described in the 'Final Resolution' table above, if the findings of an investigation indicate that there has been a conduct contravention, a Council or Board may consider what, if any, sanctions to impose.

As with other elements of a code of conduct enforcement process, legal advice is recommended as sanctions are being designed and when they are imposed.

## Current Practice for Sanctions

Codes of conduct that provide details of an enforcement process also typically set out a range of sanctions that the Council or Board could impose for contraventions.

Sanctions are stated specifically, generally, or as a combination of these. For example, some codes say that the Council/Board "may impose sanctions" and follow this with a few examples, while others provide a specific list of sanctions, sometimes followed with a general provision for "any other sanction considered appropriate" by the investigator in some cases and the Council/Board in others.

Some codes also provide overarching statements that sanctions may only be imposed if they do not prevent the member from fulfilling their legislated duties of elected office.

### Specific sanctions included in a sampling of B.C. codes of conduct are:

- Request letter of apology
- Mandatory education, training, coaching or counselling
- Suspension/removal from some or all committees or other bodies
- Public censure
- Letter of reprimand or formal warning
- Publication of reprimand or request for apology and member's response
- Suspension or removal as deputy/acting mayor/chair
- Restrictions on representing the local government or attending events or conferences
- Limits on travel/expenses beyond those in corporate policies
- Limiting access to certain local government facilities
- Requirement to return local government property provided for convenience
- Restrictions on how documents are provided to the member
- Reduction in compensation (in accordance with remuneration bylaw)<sup>7</sup>
- Written pledge promising to comply

**Readers are cautioned that this listing merely presents a compilation of sanctions currently included within B.C. local government codes of conduct.** They should be considered in the context of evolving law and the legal uncertainty that is discussed above. Given this, legal advice is advised on sanctions as well as other elements of a code of conduct enforcement process.

<sup>7</sup> This sanction is provided for in the District of North Cowichan's code of conduct, and it is specifically linked to its Council remuneration bylaw. See Chapter 6, Resources for link.

## Considerations When Imposing Sanctions

- **Fair process:** Fairness can be enhanced and the potential for bias reduced by providing direction to the Council or Board about what it must consider in making sanction decisions, or limiting Council/Board discretion to only imposing some or all of the sanctions recommended by the third-party investigator.
- **Effectiveness:** While sanctions can be imposed as a way of distancing the Council or Board from the member's conduct (e.g., public rebuke) or to penalize the member for the contravention (e.g., reduction in remuneration, imposing limits on travel or suspension of committee appointments), local governments may also wish to consider how sanctions may be used to support a return to responsible conduct and to prevent conduct issues in the future. For example, providing coaching, skills building or training can help to avoid conduct issues that stem from a misunderstanding about roles and responsibilities, from cultural assumptions or from frustration with not being able to get one's point across at a meeting. Additionally, restricting how documents are provided to the member can help to prevent a recurrence of a contravention of a duty of confidentiality.
- **Legal risk:** Sanctions are not specifically mentioned in B.C. local government legislation but local governments have been found by the courts to have the ability to manage conduct; this may include the ability to sanction in cases of the misconduct of a Council or Board member. The edges of that authority – in terms of what specific sanctions may be imposed – aren't yet clear, but some key questions to think about in imposing sanctions are set out in this graphic. Ensuring that each question can be answered with a "yes" may mean that the legal risk related to the proposed sanction is lower.

**Could the sanction fall within the local government's legislated powers?**

*(e.g. CC/LGA fundamental and included powers; power to rescind appointments.)*



**If the sanction were imposed, would the elected official still be capable of fulfilling their duties of office?**

*(e.g., a suspension or disqualification from office would mean the elected official could not fulfill their duties of office; removal from rotation as acting mayor/chair or from a committee would not have that effect.)*



**Is the sanction consistent with other policies and procedures of the local government?**

*(e.g., do policies related to compensation allow for reduced remuneration if an elected official is found to have contravened the code of conduct?)*



**Were processes to determine the contravention and impose sanctions procedurally fair, with due regard to natural justice?**

*(e.g. notice, opportunity to be heard, open-minded decision-making, and consideration of relevant facts?)*

### How to Improve the Post-sanction Environment

Disqualification is not a sanction that can be imposed by a local government. Consequently, an elected official found to be in contravention of a code of conduct will continue to be a Council or Board member. By the time formal complaints are made, relationships among Council or Board members may be very strained, and the investigation and sanction process will likely further damage these relationships.

Finding effective ways to work together will become even more important, and local governments may wish to consider what specific support could be provided to the elected official found to be in contravention, and to the collective to facilitate them working effectively together again. In addition, consideration may be given to whether policy or procedure changes could support a return to responsible conduct. Local governments may also wish to consider whether to give the investigator an ability to make these types of restorative and support recommendations, which could help to move away from a singular focus on sanctions.





## FOOD FOR THOUGHT

- › Is informal resolution something that would be suitable for the conduct issue at hand? If so, have we attempted that? If not, why not?
- › What enforcement processes and sanctions does our code of conduct include? Are they sufficient?
- › Do we have a process in place to review our code of conduct and what it covers? What can we learn from what we have just gone through for any future situations?
- › Does our code refer to legislated conduct rules? If so, is it clear about which enforcement processes refer to what code provisions? (e.g., court-based processes for conflict of interest, WorkSafe BC processes for bullying and harassment involving an employee, code of conduct enforcement for all others).
- › Have we done everything we can to make sure investigations and decisions are free from bias and administratively fair, and that the entire enforcement process reduces the potential for the process to be used for purely political purposes?
- › Are we providing the same standard of fairness to everyone?

“Justice Crawford sounded one important note of caution on the right of an elected council to take action regarding a council member’s misconduct. The power to decide whether a council member’s conduct falls below the expected standard of conduct must be exercised with great care and discretion:

‘Far too easily, this could turn into an abuse of process for cheap political gain, and any council that sets out in this direction must be careful in what it is doing.’”

*(From the Young Anderson paper Controlling Councillor Conduct)*

**CLICK HERE** for links to resources referenced in this chapter.

## CHAPTER 5

# Conclusion

### Forging the Path to Responsible Conduct

Local governments are finding that putting sustained effort towards fostering responsible conduct and resolving conduct issues informally is an effective way to avoid lengthy, divisive enforcement processes, and is also necessary to sustain and maintain good governance.

Key success factors include:

- Initiating discussions towards adoption of a code of conduct before conduct issues emerge;
- Adopting a code of conduct, including details of the enforcement process to be used to address alleged contraventions of the code and the range of sanctions that may be imposed by the Council or Board if a contravention is determined;
- Building supporting structures, including policy alignment, and supporting elected official leadership and skills development;
- Finding ways to work effectively together and to build trustful, respectful working relationships, through such means as regular Council or Board check-ins; and
- Not allowing conduct issues to fester, but rather taking steps to resolve them informally early on and identify and address their underlying causes (e.g., preconceptions, mistrust, misinformation) in order to avoid future conduct issues.

“The time to adopt a code of conduct is not when you’re in the middle of a crisis – it’s when things are going well, and when it can be aspirational.”

(A B.C. regional district CAO)

When enforcement processes are needed, local governments are well served by having articulated their process within their code of conduct in advance. Key factors to consider include ensuring a high standard of fairness throughout the process (e.g., the person affected by the decision is able to participate in the process before the decision is made, the decision-maker is open-minded, and the decision is based on relevant information).

Subsequent to enforcement processes, local government have found a need to take a renewed interest in improving working relationships among the Council or Board that tend to have further eroded during the enforcement process. Efforts towards continuous improvement in fostering responsible conduct and maintaining good governance are helpful – in particular, rebuilding respectful and trustful relationships.



## CHAPTER 6

# Resources

Click the name of the resource in dark blue to link to the website.

*Please note: the following links were up-to-date at time of publication. If the links do not work, most of these resources can be found by conducting a web search using the name and organization listed below.*

## Chapter 1: Fostering Responsible Conduct

### Featured Resources

- Working Group on Responsible Conduct materials:
  - [Foundational Principles of Responsible Conduct for BC Local Governments](#) describes key principles to guide elected officials' conduct.
  - [Getting Started on a Model Code of Conduct for Your Council/Board: Model Code of Conduct](#) and its [Companion Guide](#) provide a model code that local governments can modify to meet their needs, and describes things to think about when developing a code; the Companion Guide provides links to numerous resources, including several B.C. local government codes of conduct.
  - The Ministry of Municipal Affairs and Local Government Management Association publication [Procedure Bylaw Guide: For B.C.'s Local Governments](#) explains legislative requirements, provides best practices, and sets out questions to consider in developing procedure bylaw amendments.
- Other local government resources:
  - Oath of office: [City of Kelowna](#)
  - Social media policies: [District of Saanich Code of Conduct, s.6](#)
  - Information-sharing practices: District of North Vancouver policy [Staff Handling of Individual Council Member Requests for Information](#) (see Corporate Administration tab)
  - Conduct expectations for the public: [District of North Cowichan Public Input and Meeting Conduct Policy](#) and [Respectful Places Bylaw](#)
  - Checklists and educational tools: [District of Sparwood Code of Conduct Quick Reference Guide to Accepting and Disclosing Gifts](#)

Click the name of the resource in dark blue to link to the website.

### Other Resources

- [B.C. Human Rights Code](#)
- [Local Government Leadership Academy website](#)
- [Local Government Management Association resources webpage](#)
- Institute for Local Government (California) publications:
  - [Developing a Local Agency Ethics Code: A Process-oriented Guide](#)
  - [Ethics Code Menu/Worksheet](#)
- Province of B.C. video [Roles and Responsibilities of a Locally Elected Official](#)
- Province of B.C. video [Characteristics of Effective Locally Elected Officials](#)

## Chapter 2: Maintaining Good Governance

### Featured Resources

- [Enhancing Collaboration in British Columbia's Regional Districts](#) (2014, by Jennie Aitken of the University of Victoria in collaboration with the Ministry of Community, Sport & Cultural Development, Union of B.C. Municipalities and LGMA) is a research study with findings that show what can support collaboration, and it provides a number of recommendations in relation to this; a [checklist](#) summarizes these recommendations.
- [Local Government External Resource Database](#) provides areas of speciality and contact information for professionals who work with local governments on governance and other critical issues.
- The Province of B.C.'s short videos [What Contributes to Effective Local Government Decision-making](#) and [Roles and Responsibilities of a Locally Elected Official](#) focus on key elements related to effective governance.
- [Sample customizable self-evaluation checklists for Councils and Boards](#).
- [B.C. Ombudsperson Complaint Handling Guide](#) and [First Nations Health Authority](#) provide information on treating people with dignity and respect and building cultural humility.

### Other Resources

- Ministry of Municipal Affairs webpage [Local Government Open Meeting Rules](#)
- B.C. Ombudsperson special report [Open Meetings: Best Practices Guide for Local Governments](#)
- Candice Martin presentation on Prezi.com [Unproductive Conflict vs. Productive Conflict](#)
- Institute for Local Government (California) publications:
  - [Leadership & Governance: Tips for Success](#)
  - [Tips for Promoting Civility in Public Meetings](#)
  - [Understanding the Role of the Chair](#)
  - [Working Together to Achieve Ones' Goals](#)
  - [Dealing with Bumps in the Road](#)

Click the name of the resource in dark blue to link to the website.

## Chapter 3: Resolving Conduct Issues Informally

### Featured Resources

- B.C. Ombudsperson report [The Power of an Apology: Removing the Legal Barriers](#) and [Quick Tips on Apologies](#)
- *Public Management* article [Preparing Councils for their Work](#), Julia Novak and John Nalbandian (August 2009, pg. 27)
- [Local Government External Resource Database](#) provides areas of speciality and contact information for professionals who work with local governments on governance and other critical issues.
- Institute for Local Government (California) publication [Dealing with Bumps in the Road](#) provides strategies for dealing with elected official and staff relationship challenges, which may also be useful when taking informal steps to resolve conduct issues among elected officials informally.

### Resources

- [Getting to Yes: Negotiating an Agreement Without Giving In](#); Roger Fisher and William Ury, with Bruce Patton, Editor
- Institute for Local Government (California) publication: [Attributes of Exceptional Councils](#)

## Chapter 4: Essentials of Code of Conduct Enforcement

### Featured Resources

- [Getting Started on a Model Code of Conduct for Your Council/Board: Model Code of Conduct](#) and its [Companion Guide](#) – of particular interest to enforcement are links to several B.C. local government codes of conduct, many of which articulate enforcement provisions, located within the *Companion Guide*.
- [City of Surrey Bylaw 20018](#) creates an Ethics Commissioner position and assigns a number of roles to the position, including providing advice and delivering training.
- District of North Cowichan's code of conduct provides for a sanction to reduce remuneration, noted in its [Council remuneration bylaw](#).

### Other Resources

- B.C. Ombudsperson resources [Fairness in Practice Guide](#), along with [Fairness by Design](#) and [Quick Tips: Essentials of Procedural Fairness](#)
- Young Anderson report [Controlling Councillor Conduct](#) by Barry Williamson, 2013.
- B.C. Ministry of Municipal Affairs webpage [Ethical Standards for Locally Elected Officials](#)
- Union of British Columbia Municipalities fact sheet [Conflict of Interest](#)
- WorkSafe BC's [bullying and harassment resource toolkit](#) along with [A Handbook on Addressing Workplace Bullying and Harassment](#)
- [B.C.'s Office of the Human Rights Commissioner](#) and [B.C. Human Rights Tribunal](#) websites provide links to information and resources about the Human Rights Code, prohibited discrimination and how to file a complaint with the Human Rights Tribunal.

## WORKING GROUP ON RESPONSIBLE CONDUCT

The Working Group on Responsible Conduct is a joint initiative between the Union of BC Municipalities, the Local Government Management Association of British Columbia, and the B.C. Ministry of Municipal Affairs. The group was formed to undertake collaborative research and policy work around issues of responsible conduct of local government elected officials.





# General Local Elections 101





This brochure answers a few of the basic questions about local government elections in British Columbia. Local government is government at the community level – government that affects British Columbians, every day.

Locally elected officials are charged with making decisions that affect the daily lives of citizens, families, the business community and others.

Municipal councils, regional district boards, boards of education, specified parks boards, local community commissions and the Islands Trust local trust committees and other local bodies influence jobs, foster healthy, safe and sustainable communities for British Columbians and shape the long-term vision for their communities.

## GENERAL LOCAL ELECTIONS

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### What are general local elections?

Through general local elections, residents and non-resident property electors determine the individuals who will collectively make decisions and govern on their behalf following general voting day. Electors do this by voting – casting their ballots in favour of a candidate(s).

## What jurisdictions hold general local elections?

General local elections are held for: municipalities; regional districts; boards of education; specified parks boards; local community commissions; and, Islands Trust trust areas.

## How often are general local elections held?

General local elections for: mayors; councillors; electoral area directors; school trustees; specified parks board commissioners; local community commissioners; and, Islands Trust local trustees are held every **four years on the third Saturday of October.**

General local elections will be held on **Saturday, October 15, 2022.**

## How many people run for elected office in general local elections?

Approximately 3,300 candidates run for 1,650 positions in over 250 jurisdictions across British Columbia.

Because British Columbia is made up of small and large communities, the scale of individual general local elections varies. Some communities may only have a handful of candidates running for office and one or two voting places, while others may have many candidates running for office and multiple voting places.

## What should the public expect from people who run for elected office?

People who demonstrate *integrity, accountability, respect, leadership* and *collaboration* with other elected officials and local government staff are essential to the effectiveness and success of a local government.

Refer to the **Foundational Principles of Responsible Conduct** brochure and the **Forging the Path to Responsible Conduct** guide for information about the key values that guide locally elected officials' conduct.

## What is responsible conduct of locally elected officials?

Responsible conduct is how locally elected officials conduct themselves in their relationships with elected colleagues, local government staff and the public – and is directly connected to how a community is governed.

An elected official's relationships with their colleagues, local government staff and the public can play a significant role in helping councils and regional district boards carry out their collective responsibilities as decision-makers for their communities.

## How are general local elections administered?

General local elections are a shared responsibility between local governments (municipalities and regional districts) and Elections BC. Each local government is responsible for running its own general local election.

Local governments appoint Chief Election Officers to run the elections process. The Chief Election Officer may be a senior local government employee, such as a corporate officer, or a private contractor hired to conduct the election on the local government's behalf.

Chief Election Officers are responsible for overseeing all general local elections administration activities, including: receiving nomination documents; declaring candidates; administering voting opportunities;





counting ballots; and, declaring election results. Chief Election Officers also work with Elections BC to monitor compliance with election advertising regulations and may assist Elections BC to address incidents of election advertising non-compliance.

Elections BC is the non-partisan and independent Office of the Legislature responsible for the administration of the provincial electoral process in B.C. and the campaign financing and advertising rules for local elections and non-election assent voting events under the *Local Elections Campaign Financing Act*. These rules are administered and enforced by Elections BC.

### What legislation governs general local elections?

General local elections must be run in accordance with the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act*, and the local government's election bylaw, as applicable.

The elections legislation contains provisions that must be consistently applied to all general local elections; however, the legislation is also flexible enough that local governments are able to make choices about how to conduct

some aspects of elections in a way that suits local circumstances – such as offering mail ballot voting for all electors, determining the number of advance voting opportunities to be held or drawing lots to break a tied election.

The election bylaw enables a local government to make decisions about election administration, including whether: voting machines will be used; mail ballot voting will be allowed; additional advance voting opportunities will be offered; voter registration will be conducted both on voting day and in advance or on voting day only; and, nomination deposits will be required.



## Who are the key participants in general local elections?

Electors, candidates, financial agents, official agents, scrutineers, volunteers, elector organizations and third party sponsors are the key participants in general local elections.

### *Electors*

An elector is an individual who is a resident elector (e.g., lives in the municipality or regional district electoral area) or a non-resident property elector (registered owner of real property in a municipality or regional district electoral area) and who is qualified to vote in municipal, regional district, school district, specified parks board, local community commission or Islands Trust elections.

### *Candidates*

A candidate is an individual seeking election as a mayor, councillor, electoral area director, school trustee, specified parks board commissioner, local community commissioner or Islands Trust local trustee, within a municipality, regional district electoral area, school district, specified parks board jurisdiction, local community commission area or Islands Trust trust area. A candidate must be nominated by eligible electors and declared a candidate by the Chief Election Officer.

Candidate nominators must be qualified under the *Local Government Act* or *Vancouver Charter* to nominate a candidate for office.

## Financial Agents

A financial agent is a representative that candidates and elector organizations are legally required to have during an election campaign. **A candidate is their own financial agent unless they appoint another individual to the position.**

The financial agent is responsible for administering campaign finances in accordance with the *Local Elections Campaign Financing Act*. This includes opening and depositing contributions to, and paying election-related expenses from, a candidate's campaign account; maintaining records for campaign contributions, election expenses and all other campaign transactions, and filing the candidate's required disclosure statement with Elections BC within 90 days following general voting day.

## Official Agents

Candidates may appoint an official agent to represent them during the election process. The official agent may act as the campaign manager or spokesperson or be the point of contact for the people helping on the candidate's election campaign.

Candidates must appoint their official agent in writing and deliver the appointment (including the name and address of the person) to the Chief Election Officer as soon as practicable after the appointment has been made.

## Scrutineers

Candidates or their official agent may appoint scrutineers to observe voting procedures and the ballot-counting process.

Further information about scrutineers is available in the *Scrutineers Guide to General Local Elections*

Each candidate or their official agent may appoint one scrutineer for each ballot box used at a voting place during general local elections. In some cases, the local government's election bylaw may allow a candidate to have more than one scrutineer for each ballot box used at a voting place.



Candidates must appoint their scrutineers in writing and deliver the appointment (including the name and address of the person) to the Chief Election Officer as soon as practicable after the appointment has been made.

### *Volunteers*

Candidates and/or elector organizations may retain volunteers to take on election campaign-related activities (such as preparing and distributing flyers, canvassing, calling eligible voters and/or handling logistics).

Third party sponsors may also use volunteers to undertake their advertising activities independent of an election campaign.

A volunteer who works on an election campaign must not receive any payment or remuneration for their services.

### *Elector Organizations*

Elector organizations are organizations that endorse or intend to endorse a candidate(s) in general local elections and that file endorsement documents with the Chief Election Officer and Elections BC.

Election campaigns for elector organizations are generally a connected series of actions designed to elect a candidate or a group of candidates to a municipal council, regional district board, board of education, specified parks board, local community commission or Islands Trust trust area.

An elector organization may endorse candidates on the ballot by allowing its name, abbreviation or acronym to appear on the ballot beside its endorsed candidate(s) name and/or promote the candidate(s) and the organization’s viewpoints during an election campaign. Elector organizations may also be known as “civic political parties.”

New campaign financing rules came into effect on December 1, 2021. **Elector organizations are required to register with Elections BC** to endorse a candidate in an election, receive campaign contributions or incur election expenses.

To register an elector organization, see the registration forms for elector organizations, and read Elections BC’s *Guide to Elector Organization Registration*.

Elector organizations must also file annual financial reports with Elections BC detailing their finances, including campaign contributions received and all expenditures incurred.

*Third Party Sponsors*

Third party advertising includes advertising for or against a candidate and/or an elector organization. In the campaign period, it also includes advertising on an issue with which a candidate or elector organization is associated.

Third party sponsors must register with Elections BC before conducting advertising during the pre-campaign and campaign periods.

Third party sponsors must be independent from candidates and/or elector organizations and must not coordinate, or sponsor advertising together with or on behalf of a candidate and/or elector organization.

Refer to Elections BC’s *Guide for Local Elections Third Party Sponsors in B.C.* for detailed information regarding third party sponsors.

## What are some of the key dates in general local elections?

<b>2022 GENERAL LOCAL ELECTIONS KEY DATES</b>	
<b>ACTION OR DEADLINE</b>	<b>DATE</b>
Start of Election Period	January 1, 2022
Start of Pre-Campaign Period	July 18, 2022
Start of Nomination Period	August 30, 2022
End of Nomination Period	September 9, 2022
Declaration of Candidates	September 9, 2022
Candidate Nomination Withdrawal Deadline	September 16, 2022
End of Pre-Campaign Period	September 16, 2022
End of Election Period (12:00 Midnight)	September 16, 2022
Start of Campaign Period (12:01 a.m.)	September 17, 2022
Required Advance Voting Opportunity	October 5, 2022
General Voting Day	October 15, 2022
End of Campaign Period	October 15, 2022
Last Day for Declaration of Official Election Results by Voting	October 19, 2022
Start of Period to Make Oath of Office	October 25, 2022
End of Period to Make Oath of Office (by Voting)	December 3, 2022

## 2022 GENERAL LOCAL ELECTIONS KEY DATES

ACTION OR DEADLINE	DATE
End of Period to Make Oath of Office (by Acclamation)*	December 4, 2022
End of Period to File Campaign Financing Disclosure Statement with Elections BC	January 13, 2023
Start of Period for Late Filing of Campaign Financing Disclosure Statement with Elections BC	January 14, 2023
End of Period for Late Filing of Campaign Financing Disclosure Statement with Elections BC	February 13, 2023

\*This date may be subject to change under the *Interpretation Act*.

## FURTHER INFORMATION

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Local government mailing addresses, telephone numbers, email addresses and websites are available online from CivicInfoBC at:

[www.civicinfo.bc.ca/directories](http://www.civicinfo.bc.ca/directories)

For answers to legislative **questions about municipal and regional district elections** please contact:

**Ministry of Municipal Affairs**

Governance and Structure Branch

Phone: 250 387-4020

Email: [LGgovernance@gov.bc.ca](mailto:LGgovernance@gov.bc.ca)

Website: [www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)

For answers to **questions about elector organization registration, election advertising, third party sponsors or campaign financing disclosure**, please contact:

**Elections BC**

Phone: 250 387-5305

Toll-free: 1 800 661-8683 / TTY 1 888 456-5448

Fax: 250 387-3578

Toll-free Fax: 1 866 466-0665

Email: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca)

Website: <https://elections.bc.ca>

Full text of the *Local Government Act*, *Local Election Campaign Financing Act*, *Community Charter*, *Vancouver Charter*, *School Act*, and *Offence Act* can be found online at: [www.bclaws.ca](http://www.bclaws.ca)

## DISCLAIMER

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In the event that there is inconsistency between this brochure and the *Local Government Act*, the *Local Elections Campaign Financing Act*, or any other Act, the legislation shall prevail.





# VOTER'S GUIDE

TO LOCAL ELECTIONS IN B.C.

2022





## VOTER'S GUIDE

This guide answers a few of the basic questions about local government elections in British Columbia. Local government is government at the community level – government that affects British Columbians, every day.

### When are general local elections held?

General local elections are held every four years on the third Saturday of October. The next general voting day is **Saturday, October 15, 2022**. Voting places are open from 8:00 a.m. to 8:00 p.m. **local time** on general voting day.

Refer to the ***General Local Elections 101 brochure*** for detailed information about general local elections in British Columbia.

Local elections are held for the following **jurisdictions**:

- municipalities;
- regional districts;
- boards of education;
- specified parks boards;
- local community commissions; and,
- trust areas (Islands Trust).

# VOTING – GENERALLY

## Am I eligible to vote?

You are eligible to vote in local elections as a **resident elector** when you:

- are 18 years of age or older when you register to vote or will be 18 years of age or older on general voting day;
- are a Canadian citizen;
- have been a resident of British Columbia for at least six months immediately before you register to vote;
- are a resident of the municipality or electoral area on the day you register to vote; and,
- are not disqualified under the *Local Government Act*, any other enactment from voting in local elections or be otherwise disqualified by law.

Refer to the [\*Local Government Act, s.67\*](#) for the rules that determine B.C. residency.

You are eligible to vote as a **non-resident property elector** when you:

- are 18 years of age or older when you register to vote or will be 18 years of age or older on general voting day;
- are a Canadian citizen;
- have been a resident of British Columbia for at least six months immediately before you register to vote;
- are the registered owner of real property in the jurisdiction where you intend to vote for at least 30 days immediately before you register to vote; and,
- are not disqualified under the *Local Government Act*, any other enactment from voting in local elections or be otherwise disqualified by law.

**I live in one jurisdiction and attend school in a different one – can I vote in both places?**

**No.** You can only vote in one jurisdiction when you live away from your usual place of residence to attend an educational institution. You may choose to vote either where you attend school or your usual place of residence.

**I live in one jurisdiction and work for extended periods of time in a different one – can I vote in both places?**

**No.** You can only vote in one jurisdiction when you live away from your usual place of residence and work for extended periods of time in another jurisdiction. You must vote in the jurisdiction where you maintain your usual place of residence.

**I live on Reserve – can I vote?**

**Yes.** Eligible Indigenous and non-Indigenous electors, living on Reserve are entitled to vote in general local elections. Where you vote is based on whether where you live is included within a municipal or electoral area boundary. Contact the appropriate municipality or regional district to determine where you can vote.

Refer to the ***Voter's Guide for Electors Living on Reserve brochure*** for detailed information about where Indigenous and non-Indigenous electors vote. The brochure is available at main Band offices, and from local governments throughout British Columbia.

## Who cannot vote in local elections?

You cannot vote in local elections (as either a **resident elector** or a **non-resident property elector**) when you:

- have been convicted and sentenced for an indictable offence and are in custody; or,
- have been found guilty of an election offence, such as intimidation or vote-buying; or,
- do not otherwise meet voter eligibility requirements.

## FOR PROPERTY OWNERS

### I live in one jurisdiction and I own property in another – can I vote in both jurisdictions?

**Yes.** You may vote in the jurisdiction where you live when you qualify as a **resident elector**. You are also eligible to vote as a **non-resident property elector** in another jurisdiction when you have owned the property in the other jurisdiction for at least 30 days immediately before registering to vote.

### I own property in British Columbia and I live in a different province or country – can I vote?

**No.** You must be a resident of British Columbia for at least six months and have owned property in the jurisdiction where you intend to vote for at least 30 days immediately before you register to vote.

### I own more than one property in the same jurisdiction – can I vote more than once?

**No.** You may vote only once as a **non-resident property elector** when you own two or more properties within one jurisdiction. You may vote in multiple jurisdictions when you have owned property within each jurisdiction for at least 30 days immediately before registering to vote.

**I own a property in a jurisdiction with someone else, and neither of us lives on the property – can both of us vote?**

**No.** Only one non-resident property elector may vote per property. When you own a property with another person(s), the majority of owners must designate – in writing – that one owner is authorized to vote as the **non-resident property elector** for that property. No one is eligible to vote in relation to property owned through or in conjunction with a corporation.

**I own a property in a jurisdiction with someone else and that person is living in the house – can both of us vote?**

**Yes.** The person living in the house may vote as a **resident elector** because they live within the jurisdiction. You are also eligible to vote as a **non-resident property elector** when you have owned the property for least 30 days immediately before registering to vote. The other owner must designate – in writing – you as the **non-resident property elector** for that property. You must both meet the eligibility requirements set out for **resident electors** or **non-resident property electors**.

**I own a company – do I get an extra vote in a local election?**

**No.** There is no corporate or business vote in local elections. Voting rights are granted to citizens based on residency or property ownership. You cannot vote on behalf of a corporation, or as a **non-resident property elector** based on a property owned wholly or in part by a corporation.

# ON VOTING DAY

## Do I need identification in order to vote?

Identification is not required when a jurisdiction uses a list of registered electors (voters list) and your name is on the list. You will be required to provide identification if your name is not on the list of registered electors, or when the jurisdiction does not maintain a voters list and uses same-day voter registration.

You **must** provide two separate pieces of identification (the BC Services Card when combined with a Driver's Licence is considered **one** piece of identification) that proves who you are and where you live – or make a solemn declaration about where you live – when identification is required by a jurisdiction and you are eligible to vote as a **resident elector**. One piece of identification must include your signature.

You **must** provide two separate pieces of identification (the BC Services Card when combined with a Driver's Licence is considered **one** piece of identification) that prove who you are and where you live as well as the address or legal description and the title (or other proof of ownership) of the property you own when identification is required by a jurisdiction and you are eligible to vote as a **non-resident property elector**. Only one owner can vote – and they must have the written consent of the majority of the other owners – when you own a property with one or more people.

Contact the appropriate jurisdiction for information about whether or not identification is required and what type of identification (e.g., Driver's Licence, social insurance card, BCID card, citizenship card, ICBC Owner's Certificate of Insurance and Vehicle Licence) will be accepted.

## How do I register to vote?

You are already registered to vote in local elections when a jurisdiction uses the list of registered electors (voters list) for voter registration, and your name appears on the list. You will not be required to show identification in order to receive a ballot when your name appears on the list of registered electors.

Jurisdictions that use a list of registered electors may offer advance voter registration. You may also register at a voting place at the time of voting (known as *same day voter registration*). You must provide two separate pieces of identification (the BC Services Card when combined with a Driver's Licence is considered **one** piece of identification) that proves your identity and where you live – one piece of identification must include your signature.

Contact the appropriate jurisdiction for more information about voter registration procedures.

## How do non-resident property owners register to vote?

You may register to vote with the jurisdiction where you own property when advance registration is offered. You may also register at the time of voting.

You must provide two separate pieces of identification (the BC Services Card when combined with a Driver's Licence is considered **one** piece of identification) that proves who you are and where you live – one piece of identification must include your signature. You must also provide the address or legal description and the title (or other proof of ownership) for the property you own.

You must also demonstrate that you have the written consent of the majority of all owners to vote as the **non-resident property elector** when you own a property with another person(s).



Contact the appropriate jurisdiction where you own property for more information about voter registration procedures.

### Can I vote before general voting day?

**Yes.** At least one advance voting opportunity must be held in every jurisdiction 10 days before general voting day. Many jurisdictions hold more than one advance voting opportunity. The required advance voting opportunity for the upcoming general local elections is **Wednesday, October 5, 2022.**

Jurisdictions may also hold special voting opportunities for eligible electors who may not otherwise be able to attend an advance voting opportunity or cast a ballot on general voting day. Special voting opportunities are most often held in hospitals, long-term care facilities, or other places where an elector's mobility may be impaired. Only designated electors are eligible to vote at special voting opportunities.

Contact the appropriate jurisdiction to find out how you can vote before general voting day.

You may also vote by mail ballot if your local government permits mail ballot voting in its election bylaw. Contact the local government Chief Election Officer to find out if you can vote by mail ballot.

### How can I vote if I am absent from my community on advance and general voting day?

You are eligible to vote by mail ballot if your local government has authorized mail ballot voting in its election bylaw. Contact your local government or Chief Election Officer for information about mail ballot voting in the jurisdiction where you intend to vote.

### What if I need assistance to vote?

All jurisdictions are required to make voting places as accessible as reasonably possible. You may:

- ask an election official to bring you a ballot if you

are able travel to a voting place and find it difficult to get into the building or room where voting is taking place (this is called “curb-side” voting);

- ask an election official, friend or relative to accompany you to the ballot box and help you if you are unable to mark your own ballot; or,
- bring someone to assist you if you need a translator. The translator must be capable of making a solemn declaration that they can and will make the translation to the best of their ability.

### Can I vote on the Internet or by phone?

**No.** You may not cast your ballot over the Internet or by phone.

## ELECTION OFFENCES

### What can I do if I believe someone has committed an election offence?

Contact your local police department if you believe someone has committed an election offence (such as vote-buying, intimidation or campaigning near a voting place during voting proceedings). The police are responsible for investigating and recommending to Crown Counsel that charges be laid. Election offences are prosecuted through the judicial system.

Notify Elections BC if you believe someone has committed an advertising-related election offence – such as publishing advertisements without sponsorship information – or a campaign financing and/or election advertising offence. Elections BC is responsible for administering and enforcing local election advertising and campaign financing rules under the *Local Elections Campaign Financing Act*.

**Chief Election Officers do not have the authority to investigate election offences or impose penalties.**

# FURTHER INFORMATION

## How can I get more information about voting in local elections in British Columbia?

Contact the appropriate jurisdiction for answers to questions about voter eligibility, where and when to vote and general questions about the election process.

Local government mailing addresses, telephone numbers, email addresses and websites are available online from CivicInfoBC at:

[www.civicinfo.bc.ca/directories](http://www.civicinfo.bc.ca/directories)

For answers to legislative **questions about municipal and regional district elections** please contact:

### **Ministry of Municipal Affairs**

Governance and Structure Branch

Phone: 250 387-4020

Email: [LGgovernance@gov.bc.ca](mailto:LGgovernance@gov.bc.ca)

Website: [www.gov.bc.ca/localections](http://www.gov.bc.ca/localections)

For answers to **questions about election advertising, third party sponsors and campaign financing disclosure** please contact:

### **Elections BC**

Phone: 250 387-5305

Toll-free: 1 800 661-8683 / TTY 1 888 456-5448

Fax: 250 387-3578

Toll-free Fax: 1 866 466-0665

Email: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca)

Website: <https://elections.bc.ca>



For answers to **questions about school trustee elections**, please contact:

**Ministry of Education and Child Care**

Education Policy Branch

Phone: 250 387-8037

Email: [EDUC.Governance.Legislation@gov.bc.ca](mailto:EDUC.Governance.Legislation@gov.bc.ca)

Website: <https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/school-trustee-election-procedures>

Full text of the *Local Government Act*, *Local Elections Campaign Financing Act*, *Community Charter*, *Vancouver Charter*, *School Act*, and *Offence Act* can be found online at [www.bclaws.ca](http://www.bclaws.ca)

**Disclaimer**

In the event that there is inconsistency between this brochure and the *Local Government Act*, the *Local Elections Campaign Financing Act*, or any other Act, the legislation shall prevail.



# VOTER'S GUIDE FOR ELECTORS LIVING ON

## RESERVE

2022



# VOTER'S GUIDE FOR ELECTORS LIVING ON RESERVE

This guide answers a few of the basic questions about local government elections in British Columbia for Indigenous and non-Indigenous electors living on Reserve. Local government is government at the community level – government that affects British Columbians, every day.

## When are general local elections held?

General local elections are held every four years on the third Saturday of October. The next general voting day is **Saturday, October 15, 2022**. Voting places are open from 8:00 a.m. to 8:00 p.m. **local time** on general voting day.

Refer to the ***General Local Elections 101 brochure*** for detailed information about general local elections in British Columbia.

Local elections are held for the following **jurisdictions**:

- municipalities;
- regional districts;
- boards of education;
- specified parks boards;
- local community commissions; and,
- trust areas (Islands Trust).

Contact the applicable municipality and/or regional district for further information. Local government contact information can be found at:

[www.civicinfo.bc.ca/directories](http://www.civicinfo.bc.ca/directories)

# VOTING – GENERALLY

## I live on Reserve – can I vote?

**Yes.** Eligible Indigenous and non-Indigenous electors living on Reserve are entitled to vote in local government elections. Where you vote will depend on whether the lands you live upon are included within a municipal or electoral area boundary. Contact the appropriate municipality or regional district to determine where you can vote.

## Am I eligible to vote?

You are eligible to vote in local government elections as an Indigenous or non-Indigenous person living on Reserve when you:

- are 18 years of age or older when you register to vote, or will be 18 years of age or older on general voting day;
- are a Canadian citizen;
- have been a resident of British Columbia for at least six months immediately before you register to vote;
- are a resident of the Reserve on the day you register to vote; and,
- are not disqualified under the *Local Government Act*, any other enactment from voting in local elections or be otherwise disqualified by law.

Refer to the [\*Local Government Act, s.67\*](#) for the rules that determine B.C. residency.

You are eligible to vote as a **non-resident property elector** when you:

- are 18 years of age or older when you register to vote or will be 18 years of age or older on general voting day;
- are a Canadian citizen;
- have been a resident of British Columbia for at least six months immediately before you register to vote;

- are the registered owner of real property in the jurisdiction where you intend to vote for at least 30 days immediately before you register to vote; and,
- are not disqualified under the *Local Government Act*, any other enactment from voting in local elections or be otherwise disqualified by law.

### **I live on a Reserve that overlaps with a municipality. Do I vote for municipal council?**

**Yes.** If the Reserve is geographically located within a municipality and included within its Letters Patent, you are eligible to vote for mayor and council of that municipality.

### **What Are Letters Patent?**

Letters Patent are a legal document created by the provincial government that set out the boundaries, name, and other specific matters of a municipality, regional district or an improvement district. Letters Patent are issued when a local government is created (incorporated) or when something included in Letters Patent is amended, such as the boundary.

If the Reserve is geographically located within a municipality and the Letters Patent excludes the Reserve from being within the municipal boundary, you are eligible to vote for the director of the regional district in which the Reserve is geographically located.

### **I live on a Reserve that extends across a municipal and regional district boundary. Which do I vote in?**

If the Reserve is partly located within a municipality and included within its Letters Patent, and you reside in that portion of the Reserve, you are eligible to vote for mayor and council of the municipality. If you live in the portion of the Reserve that extends into the regional district, you are eligible to vote for the electoral area director of that regional district.



If the Reserve is partly located within a municipality and the Letters Patent excludes it from being within the municipal boundary, eligible Indigenous or non-Indigenous electors for the entire Reserve vote for the electoral area director of the regional district in which the Reserve is geographically located.

### **Regional District Illustrative Maps**

Regional districts illustrative maps showing population centres and spatial relationships between regional district members are available [online](#).

### **I live on a Reserve that extends across two electoral areas of a regional district. Which do I vote for?**

If you live in the part of the Reserve that is located within one of the two electoral areas, you are eligible to vote for a director for the electoral area in which you reside. The electoral area boundaries can be confirmed with the regional district.

### **I live on Reserve and attend school in a different jurisdiction – can I vote in both places?**

**No.** When you live away from your usual place of residence (on Reserve) to attend an educational institution you may choose to vote either where you attend school or your usual place of residence.

### **I live in on Reserve and work for extended periods of time in a different jurisdiction – can I vote in both places?**

**No.** You can only vote in one jurisdiction when you live away from your usual place of residence (on Reserve) and work for extended periods of time elsewhere. You may only vote where you maintain your usual place of residence.

## Who cannot vote in local government elections?

You cannot vote in local government elections when you:

- have been convicted and sentenced for an indictable offence and are in custody;
- have been found guilty of an election offence, such as intimidation or vote-buying; or,
- do not meet voter eligibility requirements.

## FOR OWNERS OF PROPERTY OFF-RESERVE

### I live on Reserve and I own property in another jurisdiction – can I vote in both?

**Yes.** You may vote in the municipality or regional district that the Reserve overlaps with. You are also eligible to vote as a **non-resident property elector** in a jurisdiction when you have owned property in that other jurisdiction for at least 30 days immediately before registering to vote.

### I own property in British Columbia and I live in a different province or country – can I vote?

**No.** You must be a resident of British Columbia for at least six months and have owned property in the jurisdiction where you intend to vote for at least 30 days immediately before you register to vote.

### I own more than one property in the same jurisdiction – can I vote more than once?

**No.** You may vote only once as a **non-resident property elector** when you own two or more properties within one jurisdiction. You may vote in multiple jurisdictions when you have owned property within each jurisdiction for at least 30 days immediately before registering to vote.

**I own a property in a jurisdiction with someone else, and neither of us lives on the property – can both of us vote?**

**No.** Only one non-resident property elector may vote per property. When you own a property with another person(s), the majority of owners must designate – in writing – that one owner is authorized to vote as the **non-resident property elector** for that property. No one is eligible to vote in relation to property owned through or in conjunction with a corporation.

**I own a property in a jurisdiction with someone else and that person is living in the house – can both of us vote?**

**Yes.** The person living in the house may vote as a **resident elector** because they live within the jurisdiction. You are also eligible to vote as a **non-resident property elector** when you have owned the property for least 30 days immediately before registering to vote. The other owner must designate you – in writing – as the **non-resident property elector** for that property. You must both meet the eligibility requirements set out for **resident electors** or **non-resident property electors**.

**I own a company – do I get an extra vote in a local election?**

**No.** There is no corporate or business vote in local elections. Voting rights are granted to citizens based on residency or property ownership. You cannot vote on behalf of a corporation, or as a **non-resident property elector** based on a property owned wholly or in part by a corporation.

# ON VOTING DAY

## Do I need identification in order to vote?

Identification is not required when a jurisdiction uses a list of registered electors (voters list) and your name is on the list. You will be required to provide identification if your name is not on the list of registered electors, or when the jurisdiction does not maintain a voters list and uses same-day voter registration.

You **must** provide two separate pieces of identification (the BC Services Card when combined with a Driver's Licence is considered **one** piece of identification) that proves who you are and where you live – or make a solemn declaration about where you live – when identification is required by a jurisdiction. One piece of identification must include your signature.

You **must** provide two separate pieces of identification (the BC Services Card when combined with a Driver's Licence is considered **one** piece of identification) that prove who you are and where you live as well as the address or legal description and the title (or other proof of ownership) of the property you own when identification is required by a jurisdiction and you are eligible to vote as a **non-resident property elector**. Only one owner can vote – and they must have the written consent of the majority of the other owners – when you own a property with one or more people.

Contact the appropriate jurisdiction for information about whether or not identification is required and what type of identification (e.g., Driver's Licence, social insurance card, BCID card, citizenship card, ICBC Owner's Certificate of Insurance and Vehicle Licence) will be accepted.

## How do I register to vote?

You are already registered to vote in local elections when a jurisdiction uses the list of registered electors (voters list) for voter registration, and your name appears on the list. You will not be required to show identification in order to receive a ballot when your name appears on the list of registered electors.

Jurisdictions that use a list of registered electors may offer advance voter registration. You may also register at a voting place at the time of voting (known as *same day voter registration*). You must provide two separate pieces of identification (the BC Services Card when combined with a Driver's Licence is considered **one** piece of identification) that proves your identity and where you live – one piece of identification must include your signature.

Contact the appropriate jurisdiction for more information about voter registration procedures.

### How do non-resident property owners register to vote?

You may register to vote with the jurisdiction where you own property when advance registration is offered. You may also register at the time of voting.

You must provide two separate pieces of identification (the BC Services Card when combined with a Driver's Licence is considered **one** piece of identification) that proves who you are and where you live – one piece of identification must include your signature. You must also provide the address or legal description and the title (or other proof of ownership) for the property you own.

You must also demonstrate that you have the written consent of the majority of all owners to vote as the **non-resident property elector** when you own a property with another person(s).

Contact the appropriate jurisdiction where you own property for more information about voter registration procedures.

### Can I vote before general voting day?

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You may also vote by mail ballot if the local government permits mail ballot voting in their election bylaw.

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### **How can I vote if I am absent from my residence on advance and general voting day?**

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### **What if I need assistance to vote?**

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Fax: 250 387-3578

Toll-free Fax: 1 866 466-0665

Email: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca)

Website: <https://elections.bc.ca>

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Phone: 250 387-8037

Email: [EDUC.Governance.Legislation@gov.bc.ca](mailto:EDUC.Governance.Legislation@gov.bc.ca)

Website: <https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/school-trustee-election-procedures>

Full text of the *Local Government Act*, *Local Elections Campaign Financing Act*, *Community Charter*, *Vancouver Charter*, *School Act*, and *Offence Act* can be found online at [www.bclaws.ca](http://www.bclaws.ca)

## **Disclaimer**

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**Resident electors**

**65** (1) In order to be registered as a resident elector of a municipality or electoral area, a person must meet all the following requirements on the day of registration:

- (a) the person must be
  - (i) an individual who is 18 years of age or older on the day of registration, or
  - (ii) if an election is in progress for the municipality or electoral area, an individual who will be 18 years of age or older on general voting day for the election;
- (b) the person must be a Canadian citizen;
- (c) the person must have been a resident of British Columbia, as determined in accordance with section 67 [*rules for determining residence*], for at least 6 months immediately before the day of registration;
- (d) the person must be a resident of the municipality or electoral area, as determined in accordance with section 67;
- (e) the person must not be disqualified under this or any other enactment from voting in an election or be otherwise disqualified by law.

(2) [Repealed 2021-5-71.]

**Non-resident property electors**

**66** (1) In order to be registered as a non-resident property elector of a municipality or electoral area, a person must meet all the following requirements on the day of registration:

- (a) the person must not be entitled to register as a resident elector of the municipality or electoral area;
- (b) the person must be
  - (i) an individual who is 18 years of age or older on the day of registration, or
  - (ii) if an election is in progress for the municipality or electoral area, an individual who will be 18 years of age or older on general voting day for the election;
- (c) the person must be a Canadian citizen;
- (d) the person must have been a resident of British Columbia, as determined in accordance with section 67, for at least 6 months immediately before the day of registration;
- (e) the person must have been a registered owner of real property in the municipality or electoral area for at least 30 days immediately before the day of registration;
- (f) the only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust;
- (g) the person must not be disqualified under this Act or any other enactment from voting in an election or be otherwise disqualified by law.

(2) A person may register as a non-resident property elector only in relation to one parcel of real property in a municipality or electoral area.

- (3) If the boundaries of a municipality or electoral area are extended or if a new municipality is incorporated, a person is deemed to have satisfied the requirement of subsection (1) (e) if, for at least 30 days before the person applies for registration as a non-resident property elector, the person has been a registered owner of property within the area that is included in the municipality or electoral area or that becomes the new municipality.
- (4) For the purposes of this section, the registered owner of real property means whichever of the following is applicable:
- (a) the owner of a registered estate in fee simple of the property, unless another person holds an interest in the property referred to in paragraph (b), (c) or (d);
  - (b) the holder of the last registered agreement for sale, unless another person holds an interest in the property referred to in paragraph (c) or (d);
  - (c) the tenant for life under a registered life interest in the property, unless another person holds an interest in the property referred to in paragraph (d);
  - (d) the holder of a registered lease of the property for a term of at least 99 years.
- (5) If there is more than one individual who is the registered owner of real property, either as joint tenants or tenants in common, only one of those individuals may register as a non-resident property elector under this section in relation to the real property.
- (6) If the land title registration of the real property in relation to which a person is registering under this section indicates that there is more than one individual who is the registered owner of the real property, the person registering must do so with the written consent of the number of those individuals who, together with the person registering, are a majority of those individuals.
- (7) A registered owner who has consented to the registration of another registered owner of the property may withdraw the consent by delivering a written withdrawal to the municipality or regional district.
- (8) Once a withdrawal of consent has been delivered in accordance with subsection (7), the person registered as the non-resident property elector in relation to the property ceases to be entitled to be registered and vote as such if the number of individuals referred to in subsection (6) falls below a majority of the registered owners, with this effective
- (a) for the next election, in the case of a withdrawal delivered at least 52 days before general voting day for the election, and
  - (b) following the next election, in the case of a withdrawal delivered less than 52 days before general voting day for the election.

### **Rules for determining residence**

**67** (1) The following rules apply to determine the area in which a person is a resident:

- (a) a person is a resident of the area where the person lives and to which, whenever absent, the person intends to return;
- (b) a person may be the resident of only one area at a time for the purposes of this Part;
- (c) a person does not change the area in which the person is a resident until the person has a new area in which the person is a resident;

(d) a person does not cease being a resident of an area by leaving the area for temporary purposes only.

(2) As an exception to subsection (1), if

(a) a person establishes for the purposes of attending an educational institution a new area in which the person is a resident, and

(b) the new area is away from the usual area in which the person is a resident,

the person may choose for the purposes of this Part either the usual area or the new area as the area in which the person is a resident.

## Division 5 — Qualifications for Office

### Who may hold office on a local government

**81** (1) A person is qualified to be nominated for office, and to be elected to and hold office, on a local government if at the relevant time the person meets all the following requirements:

- (a) the person must be an individual who is, or who will be on general voting day for the election, 18 years of age or older;
- (b) the person must be a Canadian citizen;
- (c) the person must have been a resident of British Columbia, as determined in accordance with section 67, for at least 6 months immediately before the relevant time;
- (d) the person must not be disqualified under this Act or any other enactment from voting in an election in British Columbia or from being nominated for, being elected to or holding the office, or be otherwise disqualified by law.

(2) Without limiting subsection (1) (d), the following persons are disqualified from being nominated for, being elected to or holding office on a local government:

- (a) a person who is a judge of the Court of Appeal, Supreme Court or Provincial Court;
- (b) a person who is disqualified under section 82 as an employee of a local government, except as authorized under that section;
- (b.1) a person who is disqualified from holding office under section 82.1;
- (c) a person who is disqualified under any of the following provisions of this Act, including as the provisions apply under section 6 (6) [*application to trustees*] of the *Islands Trust Act*:
  - (i) section 202 (4) [*failure to make oath or affirmation of office*];
  - (ii) section 204 (1) [*unexcused absence from board meetings*];
- (d) a person who is disqualified under any of the following provisions of the *Community Charter*:
  - (i) Division 6 [*Conflict of Interest*] of Part 4 [*Public Participation and Council Accountability*], including as it applies under section 205 (1) [*application to regional district directors*] of this Act and under section 6 (7) [*application to trustees*] of the *Islands Trust Act*;
  - (ii) section 120 (1.1) [*failure to make oath of office*];
  - (iii) section 125 (5) [*unexcused absence from council meetings*];
  - (iv) section 191 (3) [*unauthorized expenditures*];
- (e) a person who is disqualified under any of the provisions referred to in paragraph (c) or (d) as the provision applies under another enactment;
- (f) a person who is disqualified from holding office on the council of the City of Vancouver under any of the provisions of the *Vancouver Charter* referred to in section 38 (2) (c) or (d) [*disqualifications from holding office*] of that Act;
- (g) a person who is disqualified from holding office under

- (i) Division 18 [*Election Offences*] of this Part as it applies to elections or voting under this Act or any other Act, or
- (ii) Division (17) of Part I of the *Vancouver Charter* as it applies to elections or voting under that Act or any other Act;
- (h) a person who is disqualified under the *Local Elections Campaign Financing Act* from holding office on a local authority;
- (i) a person who is disqualified under any other enactment.

### Disqualification of local government employees

**82** (1) For the purposes of this section, "**employee**" means

- (a) an employee or salaried officer of a municipality or regional district, or
- (b) a person who is within a class of persons deemed by regulation under section 168 [*election regulations*] to be employees of a specified municipality or regional district,

but does not include a person who is within a class of persons excepted by regulation under section 168.

- (2) Unless the requirements of this section are met, an employee of a municipality is disqualified from being nominated for, being elected to or holding office
  - (a) as a member of the council of the municipality, or
  - (b) as a member of the board of the regional district in which the municipality is located.
- (3) Unless the requirements of this section are met, an employee of a regional district is disqualified from being nominated for, being elected to or holding office
  - (a) as a member of the board of the regional district, or
  - (b) as a member of the council of a municipality, including the City of Vancouver, that is within the regional district.
- (4) Before being nominated for an office to which subsection (2) or (3) applies, the employee must give notice in writing to his or her employer of the employee's intention to consent to nomination.
- (5) Once notice is given under subsection (4), the employee is entitled to and must take a leave of absence from the employee's position with the employer for a period that, at a minimum,
  - (a) begins on the first day of the nomination period or the date on which the notice is given, whichever is later, and
  - (b) ends, as applicable,
    - (i) if the person is not nominated before the end of the nomination period, on the day after the end of that period,
    - (ii) if the person withdraws as a candidate in the election, on the day after the withdrawal,
    - (iii) if the person is declared elected, on the day the person resigns in accordance with subsection (8) or on the last day for taking office before the person is disqualified for a failure to take the oath of office within the time specified by an enactment that applies to the person,

- (iv) if the person is not declared elected and an application for judicial recount is not made, on the last day on which an application for a judicial recount may be made, or
  - (v) if the person is not declared elected and an application for judicial recount is made, on the date when the results of the election are determined by or following the judicial recount.
- (6) If agreed by the employer, as a matter of employment contract or otherwise, the leave of absence under this section may be for a period longer than the minimum required by subsection (5).
- (7) Sections 54 [*duties of employer in relation to leave*] and 56 [*employment deemed continuous while on leave*] of the *Employment Standards Act* apply to a leave of absence under this section.
- (8) Before making the oath of office, an employee on a leave of absence under this section who has been elected must resign from the person's position with the employer.
- (9) At the option of the employee, a resignation under subsection (8) may be conditional on the person's election not being declared invalid on an application under section 153 [*application to court respecting validity of election*].

### **Disqualification — indictable offence**

- 82.1** (1) A person who is convicted of an indictable offence is disqualified from being nominated for, being elected to or holding office on a local government from the date of the conviction until the date on which the person is sentenced.
- (2) If a person elected or appointed to office on a local government is convicted of an indictable offence, the person's office becomes vacant on the date of the conviction.
- (3) For certainty, a person whose office becomes vacant under subsection (2) and whose conviction is overturned on appeal is not entitled, if the term of office for which the person was elected has not ended, to take office for the unexpired part of the term.

### **Only one elected office at a time in the same local government**

- 83** (1) At any one time a person may not hold more than one elected office in the same local government.
- (2) At any one time a person may not be nominated for more than one elected office in the same local government.
- (3) A current member of a local government may not be nominated for an election under section 54 [*by-elections*] for another office in the same local government unless the person resigns from office within 14 days after the day on which the chief election officer is appointed.

**Nomination deposits**

- 88** (1) The local government may, by bylaw, require that a nomination for mayor, councillor or electoral area director be accompanied by a nomination deposit.
- (2) The amount of a required nomination deposit may be different for the different offices referred to in subsection (1), but must not be greater than \$100.
- (3) A nomination deposit must be held by the chief election officer to be dealt with as follows:
- (a) if the person nominated is not declared to be a candidate under section 97 [*declaration of candidates*], the deposit is to be returned to the person or to the financial agent for the person;
  - (b) in the case of a person declared to be a candidate, if the candidate disclosure statement required under the *Local Elections Campaign Financing Act* for the person is filed in accordance with section 47 (1) [*time limit for filing on time*] of that Act, the deposit is to be returned to the person or the financial agent for the person;
  - (c) in the case of a person declared to be a candidate, the deposit is to be returned to the person or the financial agent for the person if the required candidate disclosure statement is not filed as referred to in paragraph (b), but
    - (i) an application for relief in relation to the disclosure statement is made under Division 2 [*Court Orders for Relief in Relation to Disclosure Requirements*] of Part 6 of the *Local Elections Campaign Financing Act*,
    - (ii) the court provides relief in relation to forfeiture of the deposit, and
    - (iii) if applicable, there is compliance with the court order;
  - (d) in other cases, the deposit is forfeited and is to be paid to the local government.

## **Division 9 — Candidates and Representatives**

### **Withdrawal, death or incapacity of candidate**

- 101** (1) At any time up until 4 p.m. on the twenty-ninth day before general voting day, a person who has been nominated may withdraw from being a candidate in the election by delivering a signed withdrawal to the chief election officer, which must be accepted if the chief election officer is satisfied as to its authenticity.
- (2) After the time referred to in subsection (1), a candidate may withdraw only by delivering to the chief election officer a signed request to withdraw and receiving the approval of the minister.
- (3) For the purposes of subsection (2), the chief election officer must notify the minister of a request to withdraw as soon as practicable after receiving it.
- (4) The chief election officer must notify the minister if, between the declaration of an election by voting under section 98 (2) and general voting day for the election,
- (a) a candidate dies, or
  - (b) in the opinion of the chief election officer, a candidate is incapacitated to an extent that will prevent the candidate from holding office.
- (5) On approving a withdrawal under subsection (2) or being notified under subsection (4), the minister may order
- (a) that the election is to proceed, subject to any conditions specified by the minister, or
  - (b) that the original election is to be cancelled and that a new election is to be held in accordance with the directions of the minister.

### **Appointment of candidate representatives**

- 102** (1) A candidate may appoint
- (a) one individual to act as official agent of the candidate, to represent the candidate from the time of appointment until the final determination of the election or the validity of the election, as applicable, and
  - (b) scrutineers, to represent the candidate by observing the conduct of voting and counting proceedings for the election.
- (2) An appointment as a candidate representative must
- (a) be made in writing and signed by the person making the appointment,
  - (b) include the name and address of the person appointed, and
  - (c) be delivered to the chief election officer or a person designated by the chief election officer for this purpose as soon as practicable after the appointment is made.
- (3) An appointment as a candidate representative may be rescinded only in the same manner as the appointment was made.
- (4) An appointment of an official agent may include a delegation of the authority to appoint scrutineers.



- (5) If notice is to be served or otherwise given under this Part to a candidate, it is sufficient if the notice is given to the official agent of the candidate.

**Presence of candidate representatives at election proceedings**

- 103** (1) A candidate representative present at a place where election proceedings are being conducted must
- (a) carry a copy of the person's appointment under section 102,
  - (b) before beginning duties at the place, show the copy of the appointment to the presiding election official or an election official specified by the presiding election official, and
  - (c) show the copy of the appointment to an election official when requested to do so by the official.
- (2) The presiding election official may designate one or more locations at a place where election proceedings are being conducted as locations from which candidate representatives may observe the proceedings and, if this is done, the candidate representatives must remain in those locations.
- (3) The absence of a candidate representative from a place where election proceedings are being conducted does not invalidate anything done in relation to an election.

## Division 18 — Election Offences

### Vote buying

- 161** (1) In this section, "**inducement**" includes money, gift, valuable consideration, refreshment, entertainment, office, placement, employment and any other benefit of any kind.
- (2) A person must not pay, give, lend or procure inducement for any of the following purposes:
- (a) to induce a person to vote or refrain from voting;
  - (b) to induce a person to vote or refrain from voting for or against a particular candidate;
  - (c) to reward a person for having voted or refrained from voting as described in paragraph (a) or (b);
  - (d) to procure or induce a person to attempt to procure the election of a particular candidate, the defeat of a particular candidate or a particular result in an election;
  - (e) to procure or induce a person to attempt to procure the vote of an elector or the failure of an elector to vote.
- (3) A person must not accept inducement
- (a) to vote or refrain from voting,
  - (b) to vote or refrain from voting for or against a particular candidate, or
  - (c) as a reward for having voted or refrained from voting as described in paragraph (a) or (b).
- (4) A person must not advance, pay or otherwise provide inducement, or cause inducement to be provided, knowing or with the intent that it is to be used for any of the acts prohibited by this section.
- (5) A person must not offer, agree or promise to do anything otherwise prohibited by this section.
- (6) A person prohibited from doing something by this section must not do the prohibited act directly, indirectly or by another person on behalf of the first person.

### Intimidation

- 162** (1) In this section, "**intimidate**" means to do or threaten to do any of the following:
- (a) use force, violence or restraint against a person;
  - (b) inflict injury, harm, damage or loss on a person or property;
  - (c) otherwise intimidate a person.
- (2) A person must not intimidate another person for any of the following purposes:
- (a) to persuade or compel a person to vote or refrain from voting;
  - (b) to persuade or compel a person to vote or refrain from voting for or against a particular candidate;
  - (c) to punish a person for having voted or refrained from voting as described in paragraph (a) or (b).
- (3) A person must not, by abduction, duress or fraudulent means, do any of the following:
- (a) impede, prevent or otherwise interfere with a person's right to vote;
  - (b) compel, persuade or otherwise cause a person to vote or refrain from voting;

- (c) compel, persuade or otherwise cause a person to vote or refrain from voting for a particular candidate.
- (4) A person prohibited from doing something by this section must not do the prohibited act directly, indirectly or by another person on behalf of the first person.

### Other election offences

**163** (1) In relation to nominations, a person must not do any of the following:

- (a) contravene section 87 (4) [*unqualified candidate consenting to nomination*];
- (b) before or after an election, purport to withdraw a candidate from an election without authority to do so or publish or cause to be published a false statement that a candidate has withdrawn;
- (c) before or after an election, purport to withdraw the endorsement of a candidate by an elector organization except as provided in section 95 (b) [*withdrawal of endorsement on ballot*].

(2) In relation to voting, a person must not do any of the following:

- (a) vote at an election when not entitled to do so;
- (b) contravene section 124 (1) [*each elector may vote only once*] regarding voting more than once in an election;
- (c) obtain a ballot in the name of another person, whether the name is of a living or dead person or of a fictitious person;
- (d) contravene section 123 (2) [*requirement to preserve secrecy of the ballot*] regarding the secrecy of the ballot.

(3) In relation to ballots and ballot boxes, a person must not do any of the following:

- (a) without authority supply a ballot to another person;
- (b) without authority print or reproduce a ballot or a paper that is capable of being used as a ballot;
- (c) without authority take a ballot out of a place where voting proceedings are being conducted;
- (d) put in a ballot box, or cause to be put in a ballot box, a paper other than a ballot that the person is authorized to deposit there;
- (e) interfere with voting under section 112 [*use of voting machines*] contrary to the applicable bylaw and regulations;
- (f) without authority destroy, take, open or otherwise interfere with a ballot box or ballots.

(4) In relation to voting proceedings, a person must not do any of the following at or within 100 metres of a building, structure or other place where voting proceedings are being conducted at the time:

- (a) canvass or solicit votes or otherwise attempt to influence how an elector votes;
- (b) display, distribute, post or openly leave a representation of a ballot marked for a particular result in the voting;
- (c) post, display or distribute
  - (i) election advertising, or

- (ii) any material that identifies a candidate or elector organization, unless this is done with the authorization of the chief election officer;
  - (d) carry, wear or supply a flag, badge or other thing indicating that the person using it is a supporter of a particular candidate, elector organization or result in the voting.
- (5) In relation to any matter or proceeding to which this Part applies, a person must not do any of the following:
- (a) provide false or misleading information when required or authorized under this Part to provide information;
  - (b) make a false or misleading statement or declaration when required under this Part to make a statement or declaration;
  - (c) inspect or access under this Part
    - (i) a list of registered electors,
    - (ii) nomination documents,
    - (iii) disclosure statements or supplementary reports, or
    - (iv) other election materials referred to in section 143 [*delivery of election materials to chief election officer*],
 or use the information from any of them, except for purposes authorized under this Act;
  - (d) be present at a place where voting or counting proceedings are being conducted, unless authorized under this Part to be present;
  - (e) interfere with, hinder or obstruct an election official or other person in the exercise or performance of his or her powers, duties or functions under this Part or the *Local Elections Campaign Financing Act*.
- (6) A person who is an election official must not contravene this Part with the intention of affecting the result or validity of an election.

#### **Prosecution of organizations and their directors and agents**

- 164** (1) An act or thing done or omitted by an officer, director, employee or agent of an organization within the scope of the individual's authority to act on behalf of the organization is deemed to be an act or thing done or omitted by the organization.
- (2) If an organization commits an offence under this Part, an officer, director, employee or agent of the organization who authorizes, permits or acquiesces in the offence commits the same offence, whether or not the organization is convicted of the offence.
- (3) A prosecution for an offence under this Part may be brought against an unincorporated organization in the name of the organization and, for these purposes, an unincorporated organization is deemed to be a person.

#### **Time limit for starting prosecution**

- 165** The time limit for laying an information to commence a prosecution respecting an offence under this Part is one year after the date on which the act or omission that is alleged to constitute the offence occurred.

#### **Penalties**

**166** (1) A person who contravenes section 161 [*vote buying*] or 162 [*intimidation*] is guilty of an offence and is liable to one or more of the following penalties:

- (a) a fine of not more than \$10 000;
- (b) imprisonment for a term not longer than 2 years;
- (c) disqualification from holding office in accordance with subsection (2) of this section for a period of not longer than 7 years.

(2) Disqualification under subsection (1) (c) is disqualification from holding office as follows:

- (a) on a local government;
- (b) on the council of the City of Vancouver or on the Park Board established under section 485 of the *Vancouver Charter*;
- (c) as a trustee under the *Islands Trust Act*;
- (d) as a trustee on a board of education, or as a regional trustee on a francophone education authority, under the *School Act*.

(3) A person or unincorporated organization who contravenes section 163 [*other election offences*] is guilty of an offence and is liable to one or both of the following penalties:

- (a) a fine of not more than \$5 000;
- (b) imprisonment for a term not longer than one year.

(4) Any penalty under this Division is in addition to and not in place of any other penalty provided in this Part.

(5) A person or unincorporated organization is not guilty of an offence under this Part if the person or organization exercised due diligence to prevent the commission of the offence.

REGIONAL DISTRICT OF BULKLEY-NECHAKO

BY-LAW NO. 642

A By-law to establish a Local Community of Fort Fraser

WHEREAS:

- A. By By-law No. 223, the Regional District Board established both the Fort Fraser Local Community and the Fort Fraser Community Commission;
- B. The Regional District Board wishes to amend By-law No. 223 in order to increase the number of elected Commissioners, the quorum of the Commission and amend the provisions for election and form of office of Commissioners; and
- C. The Regional Board wishes to consolidate the foregoing amendments and By-law No. 223 into one by-law.

NOW, THEREFORE, pursuant to Section 817 of the Municipal Act, the Regional Board of the Regional District of Bulkley-Nechako in open meeting assembled HEREBY ENACTS AS FOLLOWS:

- 1. The Fort Fraser Local Community (the "Local Community") consisting of the geographical area shown outlined in red on the map attached to this by-law as Schedule "A", established by By-law No. 223 is hereby continued.
- 2. The Fort Fraser Local Community Commission (the "Commission") established by By-law No. 223 is hereby continued in the manner prescribed by this by-law.
- 3. The Commission shall consist of:
  - (a) four elected Commissioners, and
  - (b) the Regional Board Director for Electoral Area "D".
- 4. Commissioners must be qualified to hold the office of Regional Board Director, and shall reside in the Local Community.
- 5. The elections for Commissioners shall be held every three (3) years at the same time as the general local elections referred to in Section 85 (1) of the Municipal Act.
- 6. The term of office of the Commissioners shall be three (3) years or until their successors are elected under Section 5 of this by-law.

7. A quorum of the Commission shall be three (3) Commissioners.
8. The Commission shall hold an annual general meeting no later than the second Monday of January.
9. The Commissioners, at their annual general meeting, shall elect a Chairperson and a Vice-Chairperson.
10. The time and place of the Commissioners' meeting shall be decided by resolution of the Commission.
11. A Commissioner shall serve without remuneration, but shall be entitled to reimbursements as provided for in Section 780 (3) of the Municipal Act.
12. The Regional District board hereby delegates to and charges the Commission with the powers and the duty to administer on a day to day basis, a water system, sewer system and street lighting system (the "Services") at the expense of the ratepayers in the Local Community, including, without limiting the generality of the foregoing, the powers and duties to
  - (a) supervise, or otherwise provide for the maintenance and operation of the Services;
  - (b) recommend to the Regional Board the letting of such contracts as may be necessary for operation, maintenance and improvements of the Services;
  - (c) authorize the expenditure of such funds as may be provided in the annual budget of the Regional District in respect of the Services, or as may be lawfully expended for capital purposes, subject to the provisions of (b);
  - (d) recommend to the Regional board the provision of funds for capital purposes, or the undertaking of capital projects, or the contracting of debt for the Services; and
  - (e) provide to the Regional Board, not later than the 30th day of October in each year, an estimate of the funds required to meet the expenses of the Commission and an estimate of the cost of the Services for the ensuing year, and an estimate of the capital expenditures required for the Services for at least the ensuing five (5) years.

13. The Secretary and Treasurer of the Regional District or his designate shall be the Secretary and Treasurer of the Local Community.
14. The Commission shall, to the extend applicable, be governed by the Procedural By-law of the Regional District.
15. Regional District of Bulkley-Nechako "Fort Fraser Local Community Establishment By-law No. 223, 1979" is hereby repealed.
16. This By-law may be cited for all purposes as the "Regional District of Bulkley-Nechako Fort Fraser Local Community Establishment By-law No. 642, 1990".

READ A FIRST TIME this 16th day of August, 1990

READ A SECOND TIME this 16th day of August, 1990

READ A THIRD TIME this 16th day of August, 1990

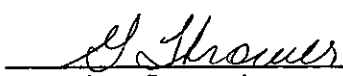
ASSENT OF THE ELECTORS WAIVED BY THE MINISTER OF MUNICIPAL AFFAIRS,  
RECREATION AND CULTURE this 9th day of October, 1990

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 6th day of  
September, 1990


RECONSIDERED AND FINALLY ADOPTED this 18th day of October, 1990

FILED WITH THE INSPECTOR OF MUNICIPALITIES this 6th day of  
September, 1990

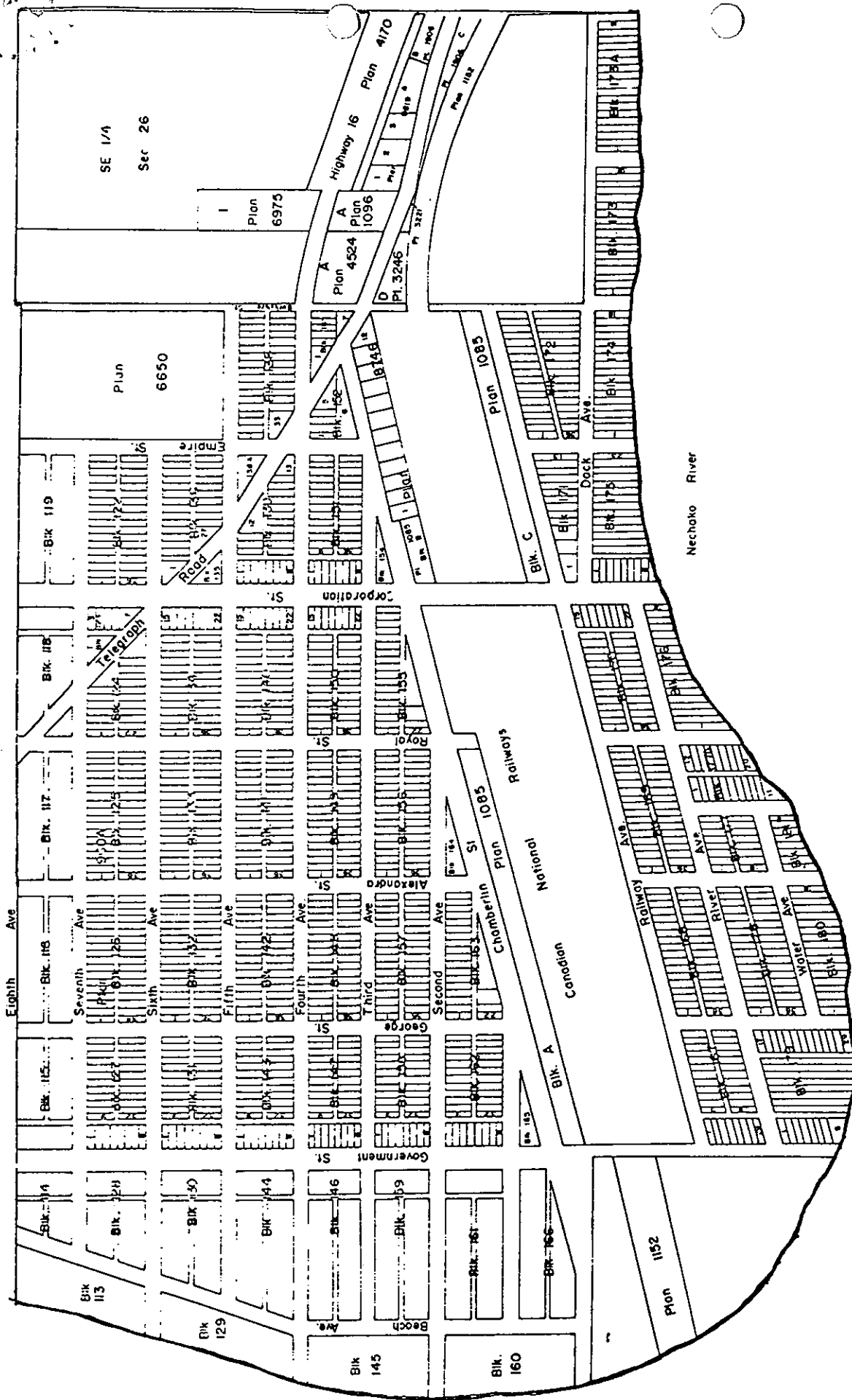
  
Chairperson

  
Deputy Secretary

I hereby certify that this is a true and correct copy of the  
"Regional District of Bulkley-Nechako Fort Fraser Local Community  
Establishment By-law No. 642, 1990" as adopted by the Regional  
Board on the 18th day of October, 1990

  
Deputy Secretary





Fort Fraser  
Scale 1:5,000

## REGIONAL DISTRICT OF BULKLEY-NECHAKO

### BYLAW NO. 1595, 2011

#### **A bylaw to amend “Regional District of Bulkley-Nechako Fort Fraser Local Community Establishment Bylaw No. 642, 1990”**

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**WHEREAS** the Regional District has enacted the “Regional District of Bulkley-Nechako Fort Fraser Local Community Establishment Bylaw No. 642, 1990” and established both the Fort Fraser Local Community and the Fort Fraser Community Commission within a portion of Electoral Area “D”;

**AND WHEREAS** the Regional District wishes to amend the bylaw to increase the remuneration paid to the elected commissioners;

**AND WHEREAS** the Regional District wishes to amend the powers and duties of the Commission;

**AND WHEREAS** the Minister of Community, Sport and Cultural Development has waived the requirement for assent of electors under Section 838 (3) of the *Local Government Act*;

**NOW THEREFORE** the Board of Directors of the Regional District of Bulkley-Nechako, in open meeting assembled, enacts as follows:

1. Section 11 is hereby repealed and replaced by the following:

“Elected Commissioners shall be paid ONE HUNDRED DOLLARS (\$100) for attendance at each Commission meeting as well as reimbursement for any reasonable expenses.”

2. Section 12 is hereby repealed and replaced by the following:

12. The Board hereby delegates to the Commission the administrative powers of the Board with respect to the provision of water, sewer, and street lighting services for the local community of Fort Fraser. Without limiting the generality of the foregoing, the powers and duties delegated are:

- a) For the street lighting service, the Commission shall request new lights and report to the Regional District of Bulkley-Nechako when repair or maintenance is required for existing lights;

- b) For the water and sewer services, the Commission shall recommend levels of user charges to be established by bylaw of the Regional District of Bulkley-Nechako and extent of requisition to be collected by way of frontage taxes or parcel taxes;
  - c) The Commission shall recommend to the Regional District of Bulkley-Nechako the provision of funds for capital purposes, or the undertaking of capital projects, or the contracting of debt for the said services;
  - d) The Commission shall provide to the Regional District, not later than the 31<sup>st</sup> day of December in each year, an estimate of the revenues and expenditures necessary to provide the said services for the ensuing year, including the expenses of the Commission and an estimate of the capital expenditures required for the services for at least the ensuing five (5) years; and
  - e) The Commission shall provide such other recommendations and advice to the Regional District of Bulkley-Nechako as the Commission deems desirable regarding the provision of services or matters affecting the local community generally.
  - f) The operational, maintenance, and regulatory functions of the water and sewer service shall be performed by staff of the Regional District of Bulkley-Nechako in conformance with Regional District of Bulkley-Nechako policy/government regulation.
  - g) Despite the provisions of sections above, the Regional District of Bulkley-Nechako retains the right of approval of operational rules, procedures and policies, and the levels of fees and other charges to be established by bylaw of the Regional District of Bulkley-Nechako or taxes collected by requisition.
3. This bylaw may be cited for all purposes as "Fort Fraser Local Community Establishment Amendment Bylaw No. 1595, 2011."

Certified a true and correct copy of "Fort Fraser Local Community Establishment Amendment Bylaw No. 1595, 2011.

Gail Chapman  
Corporate Administrator

READ A FIRST TIME this 24<sup>th</sup> day of February, 2011.

READ A SECOND TIME this 24<sup>th</sup> day of February, 2011.

READ A THIRD TIME this 24<sup>th</sup> day of February, 2011.

ASSENT of the electors waived by the Minister of Community, Sport and Cultural Development this 25<sup>th</sup> day of October, 2011.

APPROVED by the Inspector of Municipalities this 18<sup>th</sup> day of November, 2011.

ADOPTED this 15<sup>th</sup> day of December, 2011.

\_\_\_\_\_  
CHAIRPERSON

Gail Chapman  
CORPORATE ADMINISTRATOR



# ***Statutory Approval***

***Under the provisions of section*** \_\_\_\_\_ **802**

***of the*** \_\_\_\_\_ ***Local Government Act***

***I hereby approve Bylaw No.*** \_\_\_\_\_ **1595**

***of the*** \_\_\_\_\_ ***Bulkley-Nechako Regional District*** ,

***a copy of which is attached hereto.***

***Dated this*** \_\_\_\_\_ ***18<sup>th</sup>*** ***day***

***of*** \_\_\_\_\_ ***November*** , ***2011***

**Deputy Inspector of Municipalities**

**REGIONAL DISTRICT OF BULKLEY-NECHAKO**

**BYLAW NO. 1842**

---

**A bylaw to amend the "Regional District of Bulkley-Nechako Fort Fraser Local Community Establishment Bylaw"**

---

**WHEREAS** the Regional District of Bulkley-Nechako has enacted the "Regional District of Bulkley-Nechako Fort Fraser Local Community Establishment Bylaw 642, 1990" that since has been subsequently amended;

**AND WHEREAS** the Regional District wishes to amend the existing establishment bylaw;

**AND WHEREAS** the Regional District may amend a Local Service Establishment Bylaw under Section 349 of the *Local Government Act*;

**AND WHEREAS** the Minister of Municipal Affairs and Housing has consented under Section 244 (2) of the *Local Government Act* to waive the requirement for assent of the electors ;

**NOW THEREFORE**, the Board of Directors of the Regional District of Bulkley-Nechako, in open meeting assembled enacts as follows:

- 1. Sections 5 to 13 of Bylaw 642, 1990 "Regional District of Bulkley-Nechako Fort Fraser Local Community Establishment Bylaw" as amended by "Fort Fraser Local Community Establishment Amendment Bylaw 1595, 2011 are hereby repealed and replaced with the following:**
  - 5 The elections for Commissioners shall be held every four (4) years at the same time as the general local elections, referred to in Section 52 (a) of the Local Government Act.
  - 6 The Term of office of the Commissioners shall be four (4) years or until their successors are elected under Section 5 of this by-law.
  - 7 A quorum of the Commission shall be three (3) Commissioners. Elected Commissioners seats may become vacant through death, incapacity or resignation. The Regional District Chief Election Officer must hold a by-election for commissioners to fill the vacant seats if there are fewer than three remaining commissioners.
  - 8 The Commission shall hold an annual general meeting no later than the second Monday of January.
  - 9 At the annual general meeting, the commissioners must elect a chair and a vice chair. The Electoral Area Director may be elected.
  - 10 The time, place and date of the Commissioners' meetings shall be determined by the chair. The Commission shall meet no less than six times per year.
  - 11 Each Commission member shall be paid a monthly stipend equal to the half-day approved meeting rate as described on bylaw 1837 "A Bylaw for Directors'

Remuneration". Commissioners shall be reimbursed for any reasonable travel expenses as described in bylaw 1837 "A Bylaw for Directors' Remuneration" as if the Commissioner were an Electoral Area Director.

- 12 The Board hereby delegates to the Commission the administrative powers of the Board with respect to the duties listed below in this section for the local community of Fort Fraser. The powers and duties delegated are:
    - a. For the street lighting service, the Commission shall request new lights and report to the Regional District of Bulkley-Nechako when repair or maintenance is required for existing lights;
    - b. For the water and sewer services, the Commission shall recommend levels of user charges to be established by bylaw of the Regional District of Bulkley-Nechako and extent of requisition to be collected by way of frontage taxes or parcel taxes;
    - c. The Commission shall recommend to the Regional District the undertaking of capital projects;
    - d. The Commission shall provide to the Regional District a recommendation on all capital and operating budget matters no later than January 31<sup>st</sup> each year; and
    - e. The Commission shall provide such other recommendations and advice to the Regional District of Bulkley-Nechako as the Commission deems desirable regarding the provision of services or matters affecting the local community generally.
    - f. The operational, maintenance, and regulatory functions of the water and sewer service shall be performed by staff of the Regional District of Bulkley-Nechako in conformance with Regional District of Bulkley-Nechako policy/government regulation.
    - g. Despite the provisions of sections above, the Regional District of Bulkley-Nechako retains the right of approval of operational rules, procedures and policies, and the levels of fees and other charges to be established by bylaw of the Regional District of Bulkley-Nechako or taxes collected by requisition.
  - 13 The Corporate Officer and Chief Financial Officer of the Regional District or his/her designate shall be the Corporate Officer and Chief Financial Officer of the Local Community.
- 
2. This bylaw may be cited for all purposes as "Fort Fraser Local Community Establishment Amendment Bylaw No. 1842, 2018."

READ A FIRST TIME this 18<sup>th</sup> day of October, 2018

READ A SECOND TIME this 18<sup>th</sup> day of October, 2018

READ A THIRD TIME this 18<sup>th</sup> day of October, 2018

ASSENT OF THE ELECTORS WAIVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

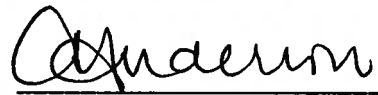
this 20 day of December, 2018

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 29 day of January, 2019

ADOPTED this 21 day of February, 2019



Chairperson



Corporate Administrator

I hereby certify that the foregoing is a true and correct copy of Bylaw No. 1842, as adopted.



Corporate Administrator





# **REGIONAL DISTRICT OF BULKLEY-NECHAKO**

## **BYLAW No. 1575, 2011**

### **A BYLAW TO REGULATE AND MANAGE THE FORT FRASER WATER SERVICE**

---

**WHEREAS** the Regional District of Bulkley-Nechako has established by Bylaw No. 1243 the Fort Fraser Water Service within a portion of Electoral Area "D";

**AND WHEREAS** the Regional District of Bulkley-Nechako owns and operates a community water system for the Fort Fraser Local Community in Electoral Area 'D' (Fraser Lake Rural);

**NOW THEREFORE** the Board of Directors of the Regional District of Bulkley-Nechako, in open meeting assembled, enacts as follows:



## **TABLE OF CONTENTS**

1.	DEFINITIONS .....	3
2.	ADMINISTRATION .....	4
3.	OWNERSHIP OF WATER SYSTEM .....	4
4.	CONDITIONS OF SERVICE .....	5
5.	PROHIBITIONS .....	6
6.	WATER CONNECTION .....	8
7.	GENERAL CONNECTION AND USE REQUIREMENTS .....	9
8.	RESPONSIBILITIES OF THE OWNER .....	10
9.	DISCONNECTION/TURN-OFF AND TURN-ON .....	10
10.	BILLING, PAYMENTS & RATES .....	11
11.	ARREARS .....	12
12.	PUBLIC HEALTH .....	12
13.	OFFENCES .....	12
14.	ACCESS TO INFORMATION .....	12
15.	SEVERABILITY .....	13
16.	REPEAL .....	13
17.	CITATION .....	13
	SCHEDULE "A" – WATER USER AND CONNECTION FEES .....	14
	SCHEDULE "B" – APPLICATION FOR WATER CONNECTION .....	15
	SCHEDULE "C" – APPLICATION FOR DISCONNECTION OF WATER SERVICES .....	16
	SCHEDULE "D" – APPLICATION FOR TURN-OFF/ TURN-ON OF WATER SERVICES .....	17
	SCHEDULE "E" – SPECIFICATION OF MATERIALS .....	18



## 1. DEFINITIONS

1.1. For the purpose of this bylaw, the following terms shall have the meanings indicated:

**"Authorized Person"** means the Chief Administrative Officer, Director of Environmental Services, Field Operations Supervisor, Building Inspector or other such person delegated by the CAO of the Regional District of Bulkley-Nechako.

**"Board of Directors"** means the Board of Directors of the Regional District of Bulkley-Nechako.

**"Building"** means any structure used or intended for supporting or sheltering any use or occupancy.

**"Chairperson"** means the Chairperson of the Board of Directors.

**"Commission"** means the Fort Fraser Local Community Commission established by the Regional District of Bulkley-Nechako.

**"Disconnection"** means the complete removal of a water connection.

**"Dwelling Unit"** means one or more rooms used or intended for the domestic use of one or more individuals living as a single housekeeping unit.

**"Fort Fraser Water Service Area"** means the area established to which water services are provided.

**"Highway"** means a street, road, land, bridge, viaduct, and any other way open to the use of the public, but does not include a private right-of-way on private property.

**"Livestock"** means cows, sheep, horses, pigs, buffalos, llamas, poultry, or other similar animals.

**"Owner"** in respect of real property means the registered owner and includes the owner's agent, a tenant for life under a registered life estate, the registered holder of the last registered agreement for sale, and the holder or occupier of Crown land or municipal land (other than the Crown or a municipality).

**"Person"** means an individual, association, partnership, corporation, municipality, or an agent or employee of such a person.

**"Premises"** means any residence, building or structure connected to the water system.

**"Private Water Connection"** means that part of any pipe or system of pipes lying within the limits of the private lands and leading to a Water Connection.



**“Property”** means any and all parcels of land contained within the boundaries of the Fort Fraser Water Service Area.

**“Regional District”** means the Regional District of Bulkley-Nechako.

**“Service”** means water service.

**“Swimming Pool”** means an artificially created body of water having a depth of half (0.5) metres or more, used for recreational or physiotherapy purposes, but excludes bathtubs.

**“Turn-Off”** means the closing of the valve in the standpipe located at or near where the water line crosses the property line.

**“Turn-On”** means the opening of the valve in the standpipe located at or near where the water line crosses the property line.

**“Water Connection”** means a connection to a main supply line and extending to the property line of the Owner for the purpose of conveying water to the said Owner, and may include a water meter, and may include a shut-off valve and shall be the property of the Regional District.

**“Water System”** means the Fort Fraser Local Community water wells, pump house, water tower, distribution system and associated appurtenances.

- 1.2. All words in this bylaw referring to any person, consumer, or applicant shall be taken to be of such number and gender as the context and the facts may require and shall also include a partnership, association, company, society, or corporation.

## **2. ADMINISTRATION**

- 2.1. The Chief Administrative Officer, Director of Environmental Services, Field Operations Supervisor, Building Inspector or other such person delegated by the CAO of the Regional District shall administer and ascertain whether this bylaw is being observed.
- 2.2. Every person to whom water Service is supplied under this bylaw shall at all reasonable times allow any Authorized Person to enter into and upon the premises in respect of which such water service is supplied for the purpose of inspecting the water pipes, fixtures, and fittings used in connection with such water Service.

## **3. OWNERSHIP OF WATER SYSTEM**

- 3.1. All water pipes, connections, appurtenances, or facilities required for water supply to the Owner's property line which are constructed, whether at the Owner's expense or the



Regional District's expense, in present or future public highways or within Regional District right-of-way property shall be the property of the Regional District.

- 3.2. Nothing contained in this bylaw shall be construed to impose any liability on the Regional District or the Commission to give a continuous supply of water to any person or premises and the Regional District and the Commission hereby reserve the right at any time to shut off the water to any premises without giving notice to any person from whose premises the water may be shut off.
- 3.3. Every person to whom water is supplied under this bylaw shall at all reasonable times allow any authorized person to enter into and upon the premises in respect of which such water is supplied for the purpose of inspecting the water pipes, fixtures, and fittings used in connection with such water supply.

#### **4. CONDITIONS OF SERVICE**

- 4.1. The Regional District shall have the right to limit the number of connections to the water system.
- 4.2. The Regional District shall have the authority to inspect all properties and works with respect to the water system.
- 4.3. The Regional District may, without notice, disconnect the water system to any premises for the following reasons, and neither the Regional District nor the Commission shall be liable for damages by reason of discontinuing water service for such reason:
  - 4.3.1. Non-payment of fees;
  - 4.3.2. Failure to repair or replace defective pipes, fittings, valves, tanks, or appliances which are leaking or are otherwise not in a good state of repair and which are or may become a cause of waste water;
  - 4.3.3. In an emergency where the failure to disconnect the water system would be likely to cause or continue damage to property;
  - 4.3.4. Unnecessary or wasteful use of water, or violation of any regulations concerning watering or sprinkling; and
  - 4.3.5. Should there be an identified or suspected discharge of prohibited waste to the Regional District sewer system.
- 4.4. The Regional District may, in the interest of efficient operation of the water system and equitable distribution of water and whenever in its discretion the public interest so requires, suspend or limit the consumption of water from the water system, or may regulate the hours of use, or may further prescribe the manner in which such water may be used.
- 4.5. When any fees or charges for water services are overdue for a period of six months, such water services may, without notice, be turned off to the Premises in respect to which such rates or charges are overdue, or when service is discontinued under Section



4.3 above, such service shall not be turned on again to the said Premises until the following amounts have been paid to the Regional District:

4.5.1. The fees and charges overdue;

4.5.2. The Turn-Off and Turn-On fees prescribed by Schedule 'A' of this bylaw; and

4.5.3. Any additional cost incurred by the Regional District in order to prevent improper use of water.

- 4.6. Where, in the opinion of the Regional District, the quantity of water being used or the rate which it is being used from time to time, through any Service is in excess of that contracted for or otherwise considered adequate, the Regional District may take such measures as are considered necessary to limit the supply to the said Service. These measures may include regulating the rate and time at which water may be used, installation of a water meter and establishing special charges for water used in excess of a stipulated quantity or rate. The cost of any measures deemed necessary by the Regional District under this section shall be paid by the Owner or Owners concerned.
- 4.7. The Regional District does not guarantee a specific pressure or a continuous supply of water quality to meet the requirements of individual users. The Regional District reserves the right to interrupt water service at any time for the purpose of making repairs or alterations to the water distribution system. If service is expected to be interrupted for more than six consecutive hours, due notice shall be given to the water users affected.

## **5. PROHIBITIONS**

- 5.1. No person shall obstruct or prevent the Regional District from carrying out any or all of the provisions of this bylaw, nor shall any person refuse to grant the Regional District permission to inspect any water works at any reasonable time.
- 5.2. No person other than those persons authorized by the Regional District shall tap into nor make connection to the Water System.
- 5.3. No person or persons shall interfere in any way with any Water System appurtenances without first obtaining authority from the Regional District.
- 5.4. No pump, booster, or other device shall be employed by any consumer or Owner without permission in writing from the Regional District for the purpose of or having the effect of increasing water pressure in Service lines to a higher pressure than the normal water pressure in the said Service lines, and the Regional District may, without notice, discontinue Service to any Owner employing such pump, booster, or other device.
- 5.5. No Owner, occupier, tenant, or person shall sell or dispose of any water, or permit same to be carried away, or use water or allow it to be used on a lot other than that lot for which the Water Connection has been provided.



- 5.6. No work of any kind connected with the Water System, either for the laying of new or repair of old service pipes, shall be done on or under any street or lane within the Service area by any other person or persons except as shall be authorized by the Regional District.
- 5.7. No person to whose Premises water is supplied shall make, or permit to be made, any additional connection to his Service of either temporary or permanent nature, for the purpose of supplying water to another building on his property without permission of the Regional District.
- 5.8. No person shall interconnect any portion of works on private property which are supplied by the Regional District with an external source of water, such as a well, except with written permission of the Regional District. Wherever works on private property are connected to a body of contaminated water, such as a swimming pool, a hot tub or a livestock watering trough, in such a way that, if a reverse flow were to be induced, a health hazard could result, the Owner of the private property shall install and maintain a back-flow preventer on every such potentially dangerous cross-connection to the approval of the Regional District.
- 5.9. An approved Swimming Pool shall be equipped with a recirculation and filtration system as set out in Part V of the swimming pool, spray pool, and wading pool regulations under the *Health Act*.
- 5.10. No change or addition to the number or type of fixtures on a Premises, for the purpose of expanding a commercial or industrial enterprise, shall be made until notice thereof has been given in writing to the Regional District and written permission therefore obtained. Any extra charge or higher fee payable due to the change or addition shall be paid before the change or addition is commenced.
- 5.11. No device designed to introduce a substance into the water in the connection between the building and the water supply main shall be installed without written permission of the Regional District.
- 5.12. No person shall use water from the water system for watering livestock in excess of 5 animals from any parcel of land on which there is a connection to the water system.
- 5.13. No person shall use water from the water system for the filling of swimming pools or reservoirs or for any purpose other than that required for normal domestic use, except as otherwise permitted by this bylaw or by written permission of the Regional District, which shall state the purpose, time of use, and quantity of water to be used and additional charges, if any, and any special works required to be altered or installed.
- 5.14. Notwithstanding the lack of or limited form of sprinkling regulations, no person shall, without permission of the Regional District:
- 5.14.1. Use water for sprinkling in excess of reasonable requirements as determined by the Regional District.



- 5.15. No person shall install, place, or maintain in any Premises any water connection, fixture or fitting not in accordance with the requirements of this bylaw or the *British Columbia Building Code*.

## **6. WATER CONNECTION**

- 6.1. Prior to connecting to the Water System, approval in writing must be obtained from the Regional District.
- 6.2. Prior to connecting to the Water System, every building must be connected to a public sanitary sewer or a private sewage disposal system approved by Northern Health.
- 6.3. All applications for Water Connection shall be made in writing to the Regional District on an "Application for Water Connection" in the form attached hereto as Schedule "B" to this bylaw, by the Owner of the property to which the application refers, or by the Owner's duly authorized agent.
- 6.4. All applications for Water Connection shall state the following:
- 6.4.1. The use of the building for which the water is to be connected;
  - 6.4.2. The legal description and location (including street address) of the property or building to which the installation is to be made; and
  - 6.4.3. The name and contact information of the certified contractor hired to complete the Private Water Connection work.
- 6.5. When required by the Regional District, the applicant shall furnish a site plan and specifications which shall show:
- 6.5.1. The purpose of the water service, the size of pipes, and the number of water supply outlets related or connected thereto; and
  - 6.5.2. A description of the material which the applicant proposes to use.
- 6.6. Each new application for Water Connection shall give a full and true statement on the form provided by the Regional District of the size and description of the Premises, the number of dwelling units therein and all other information that may be necessary to determine the annual fee to be charged against the applicant for the said Premises. If the statement given is not accurate, any additional charge required to be made by reason that the statement is inaccurate shall be payable forthwith.
- 6.7. When a new Water Connection is required, the connection fee prescribed by Schedule 'A' of this bylaw shall be paid by the applicant at the time application for connection is made.





- 6.8. Each new Water Connection shall be provided, at the expense of the Owner, with a shut-off valve of a pattern to be approved and location determined by the Regional District, for use in case of leaky or defective pipes or fixtures, or in case the Premises are vacated.
- 6.9. If required by the Regional District, a water meter shall be installed at the Owner's expense.
- 6.10. The Regional District reserves the right to refuse any application for water connection because of water supply and distribution reasons or because of unpaid fees or costs due.
- 6.11. The Regional District reserves the right to refuse to make any Water System extensions and/or install water service pipe to any Owner's property line under frost conditions in the winter months.
- 6.12. No application shall be considered approved until it has been signed by the Regional District.

## **7. GENERAL CONNECTION AND USE REQUIREMENTS**

- 7.1. Every plumbing system shall conform to the *British Columbia Building Code*.
- 7.2. Notwithstanding the provisions of Section 7.1, plumbing systems that pre-exist this bylaw and which do not conform to the appropriate Provincial regulations shall be required to conform should the plumbing system be renovated or replaced or should the system fail to withstand the normal water pressure of the Water System.
- 7.3. Each Service shall be provided with a pressure reducing valve, at the Owner's expense, if deemed necessary by the Regional District, and neither the Regional District nor the Commission shall be responsible for damages caused for non-compliance with this section.
- 7.4. A check valve or back flow preventer, or both, may be required to be installed, at the Owner's expense, if deemed necessary by the Regional District, and neither the Regional District nor the Commission shall be responsible for damages caused for non-compliance with this section.
- 7.5. All Service pipes, including that portion of the Service pipe between the Owner's property line and the Premises, shall be installed in accordance with Schedule 'E' of this bylaw.
- 7.6. No Service pipes or fittings shall be covered until they have been inspected and approved by the Regional District. The Regional District reserves the unfettered right to not turn on the water thereto without such inspection and approval.
- 7.7. All persons using water shall protect their Service pipes, shut-off valves, and other fixtures from frost and other damage at their own risk and expense.
- 7.8. The occupant of any Premises shall notify the Regional District immediately upon becoming aware of any leaky pipes on the Premises. Upon notification by the Regional District, the



occupant must complete the necessary repairs or alterations to leaky or imperfect pipes within five working days. If the necessary repairs or alterations are not completed within five working days, and the conditions of the pipes or fixtures, in the opinion of the Regional District, could cause serious waste of water or damage to property, the Regional District may, without further notice, turn off the water supply to the Premises. The water to the premises shall not be turned on until such repairs or alterations have been made to the pipes or fixtures at the occupant or Owner's expense and to the satisfaction of the Regional District and the charge for turning the water off and on shall have been paid. No person whose water is turned off pursuant to this section shall have any claim against the Regional District or the Commission by reason of such discontinuance of supply.

## **8. RESPONSIBILITIES OF THE OWNER**

- 8.1. Every Owner shall ensure that all Service pipes and plumbing systems from the outlet side of the water system's curb stop or standard water distribution system service valve at the property line to the plumbing fixture comply with this bylaw and the *British Columbia Building Code*.
- 8.2. The Owner shall be responsible for the safekeeping, maintenance, repair, and replacement of all Service pipes and plumbing systems from the outlet side of the water system's curb stop (or standard water distribution system service valve at the property line) to the plumbing fixture. The Owner shall protect the Service pipes and plumbing fixtures from frost or other damage, and shall promptly repair frozen, leaky, or imperfect pipes or fixtures.
- 8.3. Every Owner shall be responsible for the cost of repair of any damage to the Water System that occurs as a result of work performed by the Owner or under his direction.
- 8.4. In the event that damage which is the Owner's responsibility is not resolved by the Owner within 30 days, or the damage requires the involvement of the Regional District staff to resolve, the costs so incurred by the Regional District shall be paid by the Owner.
- 8.5. When required by the Regional District, the Owner shall uncover and replace, at his expense, any Service lines that have been covered prior to inspection by the Regional District.
- 8.6. The Owner shall ensure that all Service line or plumbing installations are confined within the boundaries of his property and do not affect adjacent properties.

## **9. DISCONNECTION/TURN-OFF AND TURN-ON**

- 9.1. All applications for Disconnection of any water Service shall be made in writing to the Regional District on an "Application for Water Disconnection" in the form attached hereto as



Schedule "C" to this bylaw, by the Owner of the property to which the application refers, or by the Owner's duly authorized agent.

- 9.2. All applications for Turn-Off/Turn-On any water Service shall be made in writing to the Regional District on an "Application for Turn-Off / Turn-On of a Water Service" in the form attached hereto as Schedule "D" to this bylaw, by the Owner of the property to which the application refers, or by the Owner's duly authorized agent.
- 9.3. When a water Disconnection or water Turn-On/Turn-Off is requested, the applicable fee prescribed by Schedule 'A' of this bylaw shall be paid by the applicant at the time the application is made.
- 9.4. The Regional District reserves the right, at its sole discretion, to refuse any application for water Disconnection or water Turn-Off / Turn-On because of unpaid fees or costs due.
- 9.5. The Regional District reserves the right, at its sole discretion, to refuse to conduct any water Disconnection or water Turn-Off / Turn-On work under extreme weather conditions.
- 9.6. No application shall be considered approved until it has been signed by the Regional District.

## **10. BILLING, PAYMENTS & RATES**

- 10.1. Every person being the Owner of lands and premises to which water Service is provided shall pay to the Regional District the rates established for the Service in accordance with Schedule 'A' as attached hereto, and in the manner herein provided.
- 10.2. All accounts shall be rendered to the Owner of the lands and premises to which water service is supplied, and every leaseholder shall be jointly liable with the Owner for same.
- 10.3. The rate shall be due and payable annually on the due date as established by the Regional District.
- 10.4. In the case of any Water Connection or water Turn-On being made during any year, the user fee charge imposed shall begin with the month during which the final inspection of the water connection was made or the date the Turn-On work was completed. If made on or before the 15<sup>th</sup> of the month, the full month shall be charged, and the charge shall be pro-rated for the number of months used.
- 10.5. In the case of a water Disconnection or Turn-Off being made during any year, the charge imposed shall end with the month during which the final inspection of the water disconnection was made or the date the Turn-Off work was completed. If made on or before the 15<sup>th</sup> of the month, the full month shall be charged, and the charge shall be



pro-rated for the number of months used. Any excess payments shall be refunded by the Regional District.

## **11. ARREARS**

- 11.1. All user charges applicable to a water Service area in which real property is situated shall be paid by the property Owner, and any balance or charge that is due and payable on or before the 31<sup>st</sup> day of December that remains unpaid on the 31<sup>st</sup> day of December shall be deemed to be taxes in arrears in respect of the property and be entered on the Tax Roll by the Provincial Collector as taxes in arrears.

## **12. PUBLIC HEALTH**

- 12.1. The Health Inspector of the governing Health Authority shall be the authority to be consulted in all matters pertaining to public health resulting from the operation of the water system.

## **13. OFFENCES**

- 13.1. Any person or corporation who violates any provision of this bylaw commits an offence and is punishable in accordance with the *Offence Act*.

## **14. ACCESS TO INFORMATION**

- 14.1. All information submitted to and collected by the Regional District that is contained in the plan summaries, reports, surveys, monitoring and inspection and sampling activities will, except as otherwise provided in this section, be available for disclosure to the public in accordance with the *Freedom of Information and Protection of Privacy Act* of BC.
- 14.2. In the event that any person submitting information to the Regional District, as required under this article, where such information is confidential or proprietary or otherwise, may be exempt from disclosure under the *Freedom of Information and Protection of Privacy Act* of BC, the person submitting the information shall so identify that information upon its submission to the Regional District and where such information is confidential or proprietary or otherwise, may be exempt from disclosure.



## 15. SEVERABILITY

15.1. If any section, subsection, paragraph, subparagraph, or clause of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

## 16. REPEAL

16.1. The Regional District of Bulkley-Nechako Bylaw No. 828, 1994, cited as "Fort Fraser Water Specified Area Rates Bylaw No. 828, 1994" and amendments thereto are hereby repealed.

## 17. CITATION

17.1. This bylaw may be cited as "Regional District of Bulkley-Nechako Fort Fraser Water Service Regulatory Bylaw No. 1575, 2011."

READ a FIRST time this 24 day of February, 2011.

READ a SECOND time this 24 day of February, 2011.

READ a THIRD time this 24 day of February, 2011.

I hereby certify that the foregoing is a true and correct copy of Bylaw No. 1575 at third reading cited as "Regional District of Bulkley-Nechako Fort Fraser Water Service Regulatory Bylaw No. 1575, 2011."

Gail Chapman  
Corporate Administrator

ADOPTED this 24 day of February, 2011.

[Signature]  
Chairperson

Gail Chapman  
Corporate Administrator



## **SCHEDULE "A" – WATER USER AND CONNECTION FEES**

### **Fort Fraser Water System**

#### **A. USER FEES**

<b>Category of Consumer</b>	<b>Annual User Fee</b>	
	<b><i>Beginning January 1, 2011</i></b>	<b><i>Beginning January 1, 2012</i></b>
1. Residential Dwelling	\$185.40	\$247.20
2. Café or Restaurant	\$310.50	\$414.00
3. Laundromat (per Washer)	\$77.40	\$103.20
4. Motel or Hotel (per Unit)	\$77.40	\$103.20
5. School (per Classroom)	\$247.50	\$330.00
6. Service Station	\$310.50	\$414.00
7. Churches & Community Halls	\$123.30	\$164.40
8. Commercial Users	\$310.50	\$414.00
9. Truck Shop, Car or Truck Wash	\$621.00	\$828.00

#### **B. CONNECTION / DISCONNECTION / TURN-ON / TURN-OFF FEES**

<b>Category</b>	<b>Charge</b>
New Connection	Actual Cost plus \$100 Connection Fee
Permanent Disconnection	Actual Cost
Turn-On / Turn-Off	\$25.00

The costs shall be estimated and paid to the Regional District by the applicant before the work is initiated, provided however, should such estimate cost be insufficient to cover the cost, the deficiency shall be charged against the persons for whom such installation was made, and provided further that any excess payment shall be returned to the persons for the installation.



## SCHEDULE "B" – APPLICATION FOR WATER CONNECTION

### Fort Fraser Water System

I, \_\_\_\_\_, hereby apply for water connection to the premises  
(Applicants Name)  
situated at \_\_\_\_\_ on  
(Street Address)

\_\_\_\_\_  
(Legal Description)

Size of Service: \_\_\_\_\_ mm

Type and Use of Building: \_\_\_\_\_

Name and Contact Information of Certified Contractor to Complete Private Water Connection work:

\_\_\_\_\_

I agree to observe and comply with all the terms and conditions of Regional District of Bulkley-Nechako Fort Fraser Water System Regulatory Bylaw No. 1575, 2011 and any amendments thereto, as well as to pay any fees or rates which may be imposed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Owner)

Mailing Address of Owner:

\_\_\_\_\_

Telephone Number of Owner: \_\_\_\_\_

#### **FOR REGIONAL DISTRICT USE ONLY**

Connection Fee Paid: \$ \_\_\_\_\_

Application Number: \_\_\_\_\_

Application Approved (circle one): Yes / No

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_



## SCHEDULE "C" – APPLICATION FOR DISCONNECTION OF WATER SERVICES

### Fort Fraser Water System

I, \_\_\_\_\_, hereby apply for water disconnection to the premises  
(Applicants Name)  
situated at \_\_\_\_\_ on  
(Street Address)

\_\_\_\_\_  
(Legal Description)

I agree to observe and comply with all the terms and conditions of Regional District of Bulkley-Nechako Fort Fraser Water System Regulatory Bylaw No. 1575, 2011 and any amendments thereto, as well as to pay any fees or rates which may be imposed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature of Owner)

Mailing Address of Owner:

Telephone Number of Owner: \_\_\_\_\_

#### **FOR REGIONAL DISTRICT USE ONLY**

Disconnection Fee Paid: \$ \_\_\_\_\_

Application Number: \_\_\_\_\_

Application Approved (circle one): Yes / No

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_





## SCHEDULE "D" – APPLICATION FOR TURN-OFF/ TURN-ON OF WATER SERVICES

### Fort Fraser Water System

I, \_\_\_\_\_, hereby apply for water Turn-Off / Turn-On to the premises  
(Applicants Name)  
situated at \_\_\_\_\_ on  
(Street Address)

\_\_\_\_\_  
(Legal Description)

I agree to observe and comply with all the terms and conditions of Regional District of Bulkley-Nechako Fort Fraser Water System Regulatory Bylaw No. 1575, 2011 and any amendments thereto, as well as to pay any fees or rates which may be imposed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Owner)

Mailing Address of Owner:

\_\_\_\_\_  
Telephone Number of Owner: \_\_\_\_\_

#### **FOR REGIONAL DISTRICT USE ONLY**

Turn-Off/Turn-On Fee Paid: \$ \_\_\_\_\_

Application Number: \_\_\_\_\_

Application Approved (circle one): Yes / No

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_



## **SCHEDULE "E" – SPECIFICATION OF MATERIALS**

### **Water Service Piping Shall:**

- Either be copper tubing, conforming to ASTM B88, Type K annealed and with a pressure rating of 150 psi (1035 kPa), or Polyethylene Tubing, conforming to CAN/CSA B137.1, Series 160, or equivalent;
- Have a minimum diameter of  $\frac{3}{4}$ " (19 mm);
- All underground pipes on any premises shall be placed below the frost line, and in all cases, not less than 6 feet (1.8 m) below the surface of the ground or if placed under a driveway, sidewalk or other area that will be cleared of snow, not less than 9 feet (2.7 m) below the surface of the ground. It is mandatory that the property owner adequately protect pipes from freezing;
- Be joined, bedded, and backfilled in accordance with the manufacturers specifications, with at least a minimum of 6 inches of sand used as bedding material;
- Be installed greater than 10 feet (3 m) away from any sewer lines.

**REGIONAL DISTRICT OF BULKLEY-NECHAKO**

**BYLAW NO. 1858**

**A bylaw to amend "Regional District of Bulkley-Nechako Fort Fraser Water Service Regulatory Bylaw No. 1575, 2011"**

---

**WHEREAS** the Regional District of Bulkley-Nechako has enacted "Regional District of Bulkley-Nechako Fort Fraser Water Service Regulatory Bylaw No. 1575, 2011";

**AND WHEREAS** the Regional Board of the Regional District of Bulkley-Nechako wishes to amend the user fees;

**NOW THEREFORE** the Regional Board of the Regional District of Bulkley-Nechako, in open meeting assembled, enacts as follows:

1. Schedule "A" of "Regional District of Bulkley-Nechako Fort Fraser Water Service Regulatory Bylaw No. 1575, 2011" is hereby repealed and replaced with Schedule "A" attached to this bylaw.
2. This bylaw may be cited for all purposes as "Regional District of Bulkley-Nechako Water Service Regulatory Amendment Bylaw No. 1858, 2019."

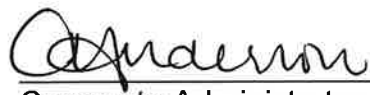
READ A FIRST TIME this 21 day of February, 2019

READ A SECOND TIME this 21 day of February, 2019

READ A THIRD TIME this 21 day of February, 2019

ADOPTED this 21 day of February, 2019

  
Chairperson

  
Corporate Administrator

Certified a true and correct copy of Bylaw No. 1858 as adopted.

  
Corporate Administrator

**SCHEDULE "A" – WATER USER AND CONNECTION FEES**  
**Fort Fraser Water System**

**A. USER FEES**

<u>Category of Consumer</u>	<u>Annual User Fee Beginning on January 1</u>		
	<u>2016</u>	<u>2019</u>	<u>2020+</u>
1. Residential Dwelling	\$ 257.18	\$262.32	**
2. Café or Restaurant	\$ 430.73	\$439.34	**
3. Laundromat (per washer)	\$ 107.37	\$109.52	**
4. Motel or Hotel (per unit)	\$ 107.37	\$109.52	**
5. School (per Classroom)	\$ 343.33	\$350.20	**
6. Service Station	\$ 430.73	\$439.34	**
7. Churches & Community Halls	\$ 171.04	\$174.46	**
8. Commercial Users	\$ 430.73	\$439.34	**
9. Truck Shop, Car or Truck Wash	\$ 861.45	\$878.68	**

\*\* The 2020 rate (and the rate beginning on January 1<sup>st</sup> for each subsequent year) shall be the rate of the previous year multiplied by the Statistics Canada Consumer Price Index for British Columbia (not seasonably adjusted) from end of December to the end of December for all items and services.

## **B. CONNECTION/DISCONNECTION FEES**

### CATEGORY

New Connection

Permanent Disconnection Fee

### CHARGE

Actual Cost plus \$100.00 connection Fee

Actual Cost

Turn-On / Turn-Off

Requests associated with repair:

- |   |          |
|---|----------|
| 1) Emergency – outside normal operators work schedule | \$ 15.00 |
| 2) Requests – scheduled with operators work schedule  | \$ 5.00  |
| 3) Other requests not associated with repair works    | \$ 25.00 |

Repair works may include; repair or replace defective pipes, fittings, valves, tanks or appliances.

The costs shall be estimated and paid to the Regional District by the applicant before the work is initiated, provided however, should such estimate cost be insufficient to cover the cost, the deficiency shall be charged against the persons for whom such installation was made, and provided further that any excess payment shall be returned to the persons for the installation.

**REGIONAL DISTRICT OF BULKLEY-NECHAKO**

**BYLAW No. 1576, 2011**

**A BYLAW TO REGULATE AND MANAGE THE FORT FRASER SEWER SYSTEM**

---

**WHEREAS** the Regional District of Bulkley-Nechako was granted the function of Division XV – Specified Area – by Supplementary Letters Patent dated May 1, 1980 which established a specified area to be known as the Fort Fraser Sewer Specified Area being the former Fort Fraser Water-works District;

**AND WHEREAS** the Regional District of Bulkley-Nechako owns and operates a community sewer system for the Fort Fraser Local Community in Electoral Area “D” (Fraser Lake Rural)

**NOW THEREFORE** the Board of Directors of the Regional District of Bulkley-Nechako, in open meeting assembled, enacts as follows:



## **TABLE OF CONTENTS**

1.	DEFINITIONS.....	3
2.	ADMINISTRATION.....	7
3.	AUTHORITY OF AUTHORIZED PERSON .....	7
4.	OWNERSHIP OF SEWER SYSTEM.....	8
5.	SANITARY SEWER REQUIREMENTS.....	8
6.	PROHIBITION OF DILUTION .....	8
7.	SEWER CONNECTION .....	8
8.	GENERAL CONNECTION AND USE REQUIREMENTS .....	10
9.	ADDITIONAL CONNECTION REQUIREMENTS .....	10
9.1.	Food-Related Oil and Grease Interceptors .....	10
9.2.	Vehicle Service Oil and Grease Interceptors.....	11
9.3.	Sediment Interceptors .....	12
9.4.	Back-flow Prevention .....	12
10.	SEWER DISCONNECTION .....	12
11.	BILLING, PAYMENT AND RATES .....	13
12.	ARREARS.....	14
13.	HAULED WASTEWATER.....	14
14.	SPILLS.....	15
15.	SAMPLING AND ANALYTICAL REQUIREMENTS.....	16
16.	PUBLIC HEALTH.....	16
17.	OFFENCES.....	16
18.	ACCESS TO INFORMATION .....	16
19.	SEVERABILITY .....	17
20.	REPEAL.....	17
21.	CITATION .....	17
	SCHEDULE "A" – SEWER USER AND CONNECTION FEES.....	18
	SCHEDULE "B" – PROHIBITED WASTES .....	19
	SCHEDULE "C" – APPLICATION FOR SEWER CONNECTION.....	21
	SCHEDULE "D" – APPLICATION FOR SEWER DISCONNECTION .....	22
	SCHEDULE "E" – APPLICATION FOR WASTE DISCHARGE PERMIT.....	23
	SCHEDULE "F" – SPECIFICATION OF MATERIALS.....	24



## 1. DEFINITIONS

1.1. For the purpose of this bylaw, the following terms shall have the meanings indicated:

**“Accredited Laboratory”** means any laboratory accredited by an authorized accreditation body in accordance with a standard based on *“CAN-P-1585: Requirements for the Accreditation of Environmental Testing Laboratories”* established by the Standards Council of Canada, as amended, or *“ISO/IEC/EN 17025: General Requirements for Competence of Calibration and Testing Laboratories”* established by the International Organization for Standardization, as amended.

**“Authorized Person”** means the Chief Administrative Officer, Director of Environmental Services, Field Operations Supervisor, Building Inspector or other such person delegated by the CAO of the Regional District of Bulkley-Nechako.

**“Biomedical Waste”** means biomedical waste as defined in the *Environmental Management Act*, SBC 2003, c.53, B.C. Reg. 63/88.

**“Blowdown Water”** means recirculating water that is discharged from a cooling or heating water system for the purpose of controlling the level of water in the system or for the purpose of discharging from the system materials contained in the system, the further build-up of which would or might impair the operation of the system.

**“Board of Directors”** means the Board of Directors of the Regional District of Bulkley-Nechako.

**“Clear-Water Waste”** – means and includes cooling water and other water that has not come into contact with wastewater contaminant sources.

**“Combustible Liquid”** means a liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius.

**“Commission”** means the Fort Fraser Local Community Commission established by the Regional District of Bulkley-Nechako.

**“Connection”** or **“Drain”** means that part or those parts of any pipe or system of pipes leading directly to a wastewater works.

**“Cooling Water”** means water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with any raw material, intermediate product, waste product or finished product, but does not include blowdown water.

**“Domestic Wastewater”** means wastewater produced on a residential premises or sanitary waste and wastewater from showers and restroom washbasins produced on commercial or institutional property.





**“Fuel”** means alcohol, gasoline, naphtha, diesel oil, or any other ignitable substance intended for use as a fuel.

**“Grab Sample”** means a volume of wastewater, uncontaminated water, or effluent which is collected over a period not exceeding 15 minutes.

**“Ground Water”** means water beneath the earth’s surface accumulating as a result of seepage.

**“Hauled Wastewater”** means waste removed from a wastewater system, including a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, or a wastewater (sewage) holding tank.

**“Hazardous Waste”** means hazardous waste as defined in the *Environmental Management Act*, SBC 2003, c.53, B.C. Reg. 63/88.

**“Ignitable”** means ignitable as defined in the *Environmental Management Act*, SBC 2003, c.53, B.C. Reg. 63/88.

**“Industrial”** means of or pertaining to manufacturing, commerce, trade, or business as distinguished from domestic, residential, commercial or institutional.

**“Industrial Wastewater”** means any wastewater from an industry, excluding hauled wastewater.

**“Industry”** means any owner or operator of industrial premises.

**“Institution”** means a facility, usually owned by a government, operated for public purposes, such as schools, universities, medical facilities (hospitals, nursing stations, nursing homes), museums, prisons, government offices, and military bases. Some of these facilities produce non-residential discharges to sewers from, for example, laboratories, chemical use, and industrial processes.

**“Matter”** means any solid, liquid, or gas.

**“Multiple Regional District Sewer Connection”** means a Regional District sewer connection providing service to two or more premises.

**“Non-Domestic Wastewater”** means all wastewater except domestic wastewater, sanitary wastewater, storm water, uncontaminated water, and septic tank waste;

**“Owner”** in respect of real property means the registered owner and includes the owner’s agent, a tenant for life under a registered life estate, the registered holder of the last registered agreement for sale, and the holder or occupier of Crown land or municipal land (other than the Crown or a municipality).



**“Pathological Waste”** means human body parts; blood and other body fluids.

**“Polychlorinated Biphenyls (PCBs)”** means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them.

**“Person”** means an individual, association, partnership, corporation, municipality, or an agent or employee of such a person.

**“Pest Control Product”** means a pest control product as defined in the *Environmental Management Act*, SBC 2003, c.53, B.C. Reg. 63/88.

**“Premises”** means any residence, building, or structure connected to the sewer system.

**“Property”** means any and all parcels of land contained within the boundaries of the Fort Fraser Local Sewer Service Area.

**“Private Sewer Connection”** means that part of any drain or system of drains lying within the limits of the private lands and leading to a Regional District sewer connection.

**“Prohibited Waste”** means prohibited waste as defined in Schedule “B” of this bylaw.

**“Radioactive Waste”** means substances defined in the federal *Nuclear Safety and Control Act* and the regulations passed thereunder, as amended from time to time.

**“Reactive”** means reactive as defined in the *Environmental Management Act*, SBC 2003, c.53, B.C. Reg. 63/88.

**“Regional District”** means the Regional District of Bulkley-Nechako.

**“Regional District Sewer Connection”** means that part of any drain leading from the private sewer connection and connected to the Regional District sewer and located within the limits of the public road allowance, or other public lands or public land interests held for sewerage purposes.

**“Sanitary Sewer”** means a sewer for the collection and transmission of residential, commercial or institutional wastewater or any combination thereof.

**“Sanitary Wastewater”** means wastewater that contains human feces, urine, blood, or body fluids originating from sanitary conveniences or other sources.

**“Septic Tank Waste”** means any waste extracted from a septic tank, sewage holding tank, or other containment for human excretion and wastes.

**“Sewer”** means a pipe, conduit, or drain for the collection and transmission of wastewater.



**“Sewer System”** means the Fort Fraser Local Community wastewater collection and treatment system.

**“Spill”** means a direct or indirect discharge into the wastewater works which is abnormal in quantity or quality in light of all the circumstances of the discharge.

**“Standard Methods”** means a procedure or method set out in *Standard Methods for the Examination of Water and Wastewater* published jointly by the American Public Health Association, American Water Works Association, and the Water Environment Federation, latest edition or approved in writing by an Authorized Person.

**“Storm Water”** means the water running off the surface of a drainage area during and immediately after a period of rain or snow melt.

**“Subsurface Drainage Pipe”** means a pipe that is installed underground to intercept and convey subsurface water, and includes foundation drain pipes.

**“Subsurface Water”** means groundwater including foundation drain water.

**“Toxic Substance”** means any substance defined as toxic under the *Canadian Environmental Protection Act*, 1999, c. 33, as amended from time to time.

**“Waste Disposal Site Leachate”** means the liquid containing dissolved or suspended contaminants which emanates from waste (solid waste or garbage) and is produced by water percolating through waste or by liquid in waste.

**“Wastewater”** means the composite of water and water-carried wastes from residential, commercial, or institutional premises.

**“Wastewater Sludge”** means the solid material recovered from the wastewater treatment process.

**“Wastewater Treatment Facility”** means any structure or thing used for the physical, chemical, biological, or radiological treatment of wastewater, and includes sludge treatment, wastewater sludge storage, and disposal facilities.

**“Wastewater Works”** means any works for the collection, transmission, treatment, and disposal of wastewater including a sanitary sewer or any part of such works, but does not include plumbing or other works to which the applicable Building Code applies.

- 1.2. All words in this bylaw referring to any person, consumer, or applicant shall be taken to be of such number and gender as the context and the facts may require and shall also include a partnership, association, company, society, or corporation.



## **2. ADMINISTRATION**

- 2.1. The Chief Administrative Officer, Director of Environmental Services, Field Operations Supervisor, Building Inspector or other such person delegated by the CAO of the Regional District shall administer and ascertain whether this bylaw is being observed.
- 2.2. Every person to whom sewer service is supplied under this bylaw shall at all reasonable times allow any Authorized Person to enter into and upon the Premises in respect of which such sewer service is supplied for the purpose of inspecting the sewer pipes, fixtures, and fittings used in connection with such sewer service.

## **3. AUTHORITY OF AUTHORIZED PERSON**

- 3.1. An Authorized Person has the authority to carry out any investigation reasonably required to ensure compliance with this bylaw, including but not limited to:
  - 3.1.1. Take samples of Wastewater flowing within a private sewer connection;
  - 3.1.2. Collect and analyze samples of hauled Wastewater coming to a discharge location;
  - 3.1.3. Investigate the Premises where a release of prohibited waste or of water containing prohibited waste has been made or is suspected of having been made, and to sample any or all matter that in his/her opinion could have been part of the release.
- 3.2. An Authorized Person may issue a discharge abatement order to:
  - 3.2.1. Require a person to alter the quantity, composition, duration, and timing of the discharge or cease discharge of Hauled Wastewater to a Wastewater Treatment Facility; and
  - 3.2.2. Include any terms or conditions that could be included in a waste discharge permit; and
  - 3.2.3. Shut down all non-compliant releases; and
  - 3.2.4. An Authorized Person may amend or cancel a discharge abatement order.
- 3.3. No person shall hinder or prevent an Authorized Person from carrying out any of his/her powers or duties.



#### **4. OWNERSHIP OF SEWER SYSTEM**

- 4.1. All sewer pipes, connections, appurtenances, or facilities required for sewer service to the Owner's property line which are constructed, whether at the Owner's expense or the Regional District expense, in present or future public highways, or within Regional District right-of-way property shall be the property of the Regional District.
- 4.2. Nothing contained in this bylaw shall be construed to impose any liability on the Regional District or the Commission to provide continuous sewer service to any person or Premises, and the Regional District and the Commission hereby reserve the right at any time to disconnect the sewer service from any Premises without giving notice to any person from whose Premises the service may be disconnected.

#### **5. SANITARY SEWER REQUIREMENTS**

- 5.1. No person shall release, or permit the release of, any matter into the sanitary sewer system except:
  - 5.1.1. Domestic Wastewater that complies with the requirements of this bylaw;
  - 5.1.2. Hauled Wastewater, including septage, that complies with the requirements of this bylaw;
- 5.2. No person shall release, or permit the release of, any prohibited waste listed in Schedule "B" of this bylaw.
- 5.3. No person shall in any way connect to the sanitary sewer system, drain or permit to be drained into the sanitary sewer system, any clear-water waste, roof drains, rainwater run-off, storm water, surface water or groundwater.

#### **6. PROHIBITION OF DILUTION**

- 6.1. No person shall discharge directly or indirectly, or permit the discharge or deposit of Wastewater into a sanitary sewer where water has been added to the discharge for the purposes of dilution to achieve compliance with Schedule "B" of this bylaw.

#### **7. SEWER CONNECTION**

- 7.1. Prior to connecting to the sewer system, approval in writing must be obtained from the Regional District.



- 7.2. All applications for sewer connection shall be made in writing to the Regional District on an "Application for Sewer Connection" in the form attached hereto as Schedule "C" to this bylaw, by the Owner of the property to which the application refers, or by the Owner's duly authorized agent.
- 7.3. All applications for sewer connection shall state the following:
  - 7.3.1. The use of the building for which the sewer service is to be connected;
  - 7.3.2. The legal description and location (including street address) of the property or building to which the installation is to be made; and
  - 7.3.3. The name and contact information of the certified contractor hired to complete the Private Sewer Connection work.
- 7.4. When required by the Regional District, the applicant shall furnish a site plan and specifications which show:
  - 7.4.1. The purpose of the sewer service, the size of pipes, and the number of Wastewater outlets related or connected thereto; and
  - 7.4.2. A description of the material which the applicant proposes to use.
- 7.5. Each new application for service shall give a full and true statement on the form provided by the Regional District of the size and description of the Premises, the number of dwelling units therein, and all other information that may be necessary to determine the annual fee to be charged against the applicant for the said Premises. If the statement given is not accurate, any additional charge required to be made by reason that the statement is inaccurate shall be payable forthwith.
- 7.6. When a new service connection is required, the connection fee prescribed by Schedule "A" of this bylaw shall be paid by the applicant at the time application for connection is made.
- 7.7. The Regional District reserves the right, at its sole discretion, to refuse any application for sewer connection because of sewer treatment capacity reasons or because of unpaid fees or costs due.
- 7.8. No application shall be considered approved until it has been signed by the Regional District.
- 7.9. The Regional District reserves the right, at its sole discretion, to refuse to make any sewer collection system extensions and/or install sewer service pipe to any Owner's property line under extreme weather conditions.



## **8. GENERAL CONNECTION AND USE REQUIREMENTS**

- 8.1. Every plumbing system shall conform to the *British Columbia Building Code*.
- 8.2. Notwithstanding the provisions of Section 8.1, plumbing systems that pre-exist this bylaw and which do not conform to the appropriate Provincial regulations shall be required to conform should the plumbing system be renovated or replaced.
- 8.3. No service pipes or fittings shall be covered until they have been inspected and approved by the Regional District.
- 8.4. All persons using the sewer service shall protect their service pipes and other fixtures from frost and other damage at their own risk and expense.
- 8.5. All service pipes, including that portion of the service pipe between the Owner's property line and the Premises shall be installed in accordance with Schedule "F" of this bylaw.
- 8.6. The occupant of any Premises shall notify the Regional District immediately upon becoming aware of any leaky pipes on the Premises. Upon notification by the Regional District, the occupant must complete the necessary repairs or alterations to leaky or imperfect pipes within five working days.

## **9. ADDITIONAL CONNECTION REQUIREMENTS**

### **9.1. Food-Related Oil and Grease Interceptors**

- 9.1.1. The Owner or operator of a restaurant or other commercial, or institutional Premises where food is cooked, processed or prepared, at the request of the Regional District, shall install, operate, and properly maintain an oil and grease interceptor in any piping system at its Premises that connects directly or indirectly to a sewer. The oil and grease interceptors shall be installed in compliance with the most current requirements of the applicable Building Code. The installation of the oil and grease interceptor shall meet the requirements of the Canadian Standards Association national standard CAN/CSA B-481.
- 9.1.2. Emulsifiers shall not be discharged to the sewer system into interceptors. No person shall use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through an oil and grease interceptor.
- 9.1.3. All interceptors shall be maintained according to the manufacturer's recommendations. The testing, maintenance and performance of the interceptor shall meet the requirements of CAN/CSA B-481.



9.1.4. The Owner or operator of the restaurant or other commercial or institutional Premises where food is cooked, processed or prepared, at the request of the Regional District, shall keep the document of proof for interceptor cleanout and oil and grease disposal for review if requested by an Authorized Person.

9.1.5. In the case of failure to adequately maintain the oil and grease interceptor to the satisfaction of an Authorized Person, an Authorized Person may require an alarmed monitoring device to be installed, at the expense of the Owner.

## **9.2. Vehicle Service Oil and Grease Interceptors**

9.2.1. The Owner or operator of a motor vehicle service station, repair shop or garage or of a commercial or institutional Premises or any other establishment where motor vehicles are repaired, lubricated or maintained, at the request of the Regional District, shall install, operate, and properly maintain an oil and grease interceptor in any piping system at its Premises that connects directly or indirectly to a sewer. The oil and grease interceptors shall be installed in compliance with the most current requirements of the applicable Building Code and be maintained as recommended by the Canadian Petroleum Products Institute (CPPI).

9.2.2. All oil and grease interceptors and separators shall be maintained *in good working order* and according to the manufacturer's recommendations and shall be tested regularly to ensure performance is maintained to the manufacturer's specifications for performance.

9.2.3. Emulsifiers shall not be discharged to the sewer system into interceptors. No person shall use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through an oil and grease interceptor.

9.2.4. A maintenance schedule and record of maintenance shall be made available to an Authorized Person, upon request, for each oil and grease interceptor installed.

9.2.5. The Owner or operator of a motor vehicle service station, repair shop or garage or a commercial or institutional Premises or any other establishment where motor vehicles are repaired, lubricated or maintained, shall keep the document of proof for interceptor cleanout and oil and grease disposal for review if requested by an Authorized Person.

9.2.6. In the case of failure to adequately maintain the oil and grease interceptor to the satisfaction of an Authorized Person, an Authorized Person may require an alarmed monitoring device to be installed, at the expense of the Owner.





### 9.3. Sediment Interceptors

- 9.3.1. Every Owner or operator of a Premises from which sediment may directly or indirectly enter a sewer, including but not limited to Premises using a ramp drain or area drain and car and vehicle wash establishments, at the request of the Regional District, shall take all necessary measures to ensure that such sediment is prevented from entering the drain or sewer.
- 9.3.2. All sediment interceptors shall be maintained in good working order and according to manufacturer's recommendations and shall be tested regularly to ensure performance is maintained to the manufacturer's specifications for performance.
- 9.3.3. A maintenance schedule and record of maintenance shall be submitted to an Authorized Person, upon request, for each sediment interceptor installed.

### 9.4. Back-flow Prevention

- 9.4.1. When required by the Regional District, and when connected to the municipal water supply, a building's main sanitary sewer service line must be equipped with a back-water valve located inside the building foundation at a point downstream of all building laterals and at a location approved by the building official. The back-water valve must be of the full-port (normally open) type and be in accordance with the *British Columbia Building Code*.

## 10. SEWER DISCONNECTION

### 10.1. Where Wastewater which:

- a) Is hazardous or creates an immediate danger to any person;
- b) Endangers or interferes with the operation of the Wastewater collection system; or
- c) Causes or is capable of causing an adverse effect;

is discharged to the Wastewater collection system, an Authorized Person may, in addition to any other remedy available, disconnect, plug or seal off the sewer line discharging the unacceptable Wastewater into the Wastewater collection system or take such other action as is necessary to prevent such Wastewater from entering the Wastewater collection system.

- 10.2. The Wastewater may be prevented from being discharged into the Wastewater collection system until evidence satisfactory to the Regional District has been produced to assure that no further discharge of hazardous Wastewater will be made to the Wastewater collection system.

- 10.3. Where the Regional District takes action pursuant to subsection 10.1, an Authorized Person may by notice in writing advise the Owner or occupier of the Premises from which the Wastewater was being discharged, of the cost of taking such action and the Owner or



occupier, as the case may be, shall forthwith reimburse the Regional District for all such costs which were incurred.

10.4. Upon approval in writing from the Regional District, a sewer connection may be permanently disconnected.

10.5. All applications for sewer disconnection shall be made in writing to the Regional District on an "Application for Sewer Disconnection" in the form attached hereto as Schedule "D" to this bylaw, by the Owner of the property to which the application refers, or by the Owner's duly authorized agent.

10.6. All applications for sewer disconnection shall state the following:

10.6.1. The use of the building for which the sewer service is to be disconnected; and

10.6.2. The legal description and location (including street address) of the property or building to which the disconnection is to be made.

10.7. When a service disconnection is required, the disconnection fee prescribed by Schedule "A" of this bylaw shall be paid by the applicant at the time application for disconnection is made.

10.8. The Regional District reserves the right, at its sole discretion, to refuse any application for sewer disconnection because of unpaid fees or costs due.

10.9. No application shall be considered approved until it has been signed by the Regional District.

10.10. The Regional District reserves the right, at its sole discretion, to refuse to conduct any sewer disconnection work under extreme weather conditions.

## **11. BILLING, PAYMENT AND RATES**

11.1. Every person being the Owner of lands and Premises to which sewer service is provided shall pay to the Regional District the rates established for the service in accordance with Schedule "A" as attached hereto, and in the manner herein provided.

11.2. All accounts shall be rendered to the Owner of the lands and Premises to which sewer service is supplied, and every leaseholder shall be jointly liable with the Owner for same.

11.3. The rate shall be due and payable annually on the due date as established by the Financial Administrator of the Regional District.

11.4. If an Owner of lands and Premises to which sewer service is provided wishes to apply for a change in classification, application may be made in format prescribed by the Regional



District. The Regional District shall at its sole discretion determine the classification and subsequently the user fee annual rate applicable to the property to which sewer service is provided.

- 11.5. In the case of any connection being made during any year, the charge imposed shall begin with the month during which the final inspection of the water connection was made. If made on or before the 15th of the month, the full month shall be charged, and the charge shall be pro-rated for the number of months used.
- 11.6. In the case of a permanent disconnection being made during any year, the charge imposed shall end with the month during which the final inspection of the sewer disconnection was made. If made on or before the 15th of the month, the full month shall be charged, and the charge shall be pro-rated for the number of months used. Any excess payments shall be refunded by the Regional District.

## **12. ARREARS**

- 12.1. All user charges, connection or disconnection fees applicable to a sewer service area in which real property is situated shall be paid by the property Owner, and any balance or charge that is due and payable on or before the 31<sup>st</sup> day of December that remains unpaid on the 31<sup>st</sup> day of December shall be deemed to be taxes in arrears in respect of the property and be entered on the Tax Roll by the Provincial Collector as taxes in arrears.

## **13. HAULED WASTEWATER**

- 13.1. No person shall discharge hauled Wastewater to the Wastewater Treatment Facility unless the discharger meets all conditions for discharge that are or may be set from time to time with respect to the haulage of Wastewater by the Regional District.
- 13.2. No person shall discharge or permit the discharge of hauled Wastewater at a location other than a hauled Wastewater location approved by the Regional District.
- 13.3. If required by the Regional District, Hauled Wastewater dischargers shall not discharge to the Wastewater Treatment Facility, until the discharger has obtained a "Waste Discharge Permit", which can be applied for using Appendix "E" of this bylaw.
- 13.4. An Authorized Person may issue, and amend, a Waste Discharge Permit to allow the discharge of Hauled Wastewater into a Wastewater Treatment Facility upon such terms and conditions as an Authorized Person considers appropriate and, without limiting the generality of the foregoing, may in the Waste Discharge Permit:
- 13.4.1. Place limits and restrictions on the quantity, composition, frequency, and nature of the waste permitted to be discharged;



- 13.4.2. Provide that the Waste Discharge Permit will expire on a specified date, or upon the occurrence of a specified event.

## 14. SPILLS

- 14.1. In the event of a spill to a Wastewater works, the person responsible or the person having the charge, management, and control of the spill shall immediately notify the Regional District and provide any information with regard to the spill that is requested.
- 14.2. The person responsible for the spill and the person having the charge, management, and control of the spill shall also notify other government agencies, including federal and provincial as required and appropriate for the material and circumstances of the spill.
- 14.3. The person shall provide a detailed report on the spill to the Regional District, within five days after the spill, containing the following information to the best of his or her knowledge:
- (1) Location where spill occurred;
  - (2) Name and telephone number of the person who reported the spill and the location and time where they can be contacted;
  - (3) Date and time of spill;
  - (4) Material spilled;
  - (5) Characteristics of material spilled;
  - (6) Volume of material spilled;
  - (7) Work completed and any work still in progress in the mitigation of the spill;
  - (8) Duration of spill event;
  - (9) Preventive actions being taken to ensure a similar spill does not occur again;
  - (10) Name of all other government agencies notified regarding the spill.
- 14.4. The person responsible for the spill and the person having the charge, management, and control of the spill shall do everything reasonably possible to contain the spill, protect the health and safety of citizens, minimize damage to property, protect the environment, clean up the spill and contaminated residue, and restore the affected area to its condition prior to the spill.
- 14.5. The Regional District may invoice the person responsible for the spill to recover the costs of time, materials and services arising as a result of the spill. The person responsible for the spill shall pay the costs invoiced.



## **15. SAMPLING AND ANALYTICAL REQUIREMENTS**

15.1. Where sampling is required for the purposes of determining the concentration of constituents in the Wastewater, the sample may:

- 15.1.1. Be collected manually or by using an automatic sampling device; and
- 15.1.2. Contain additives for its preservation.
- 15.1.3. Any single grab sample may be used to determine compliance with Schedule "B" of this bylaw.

15.2. All tests, measurements, analyses and examinations of Wastewater, its characteristics or contents pursuant to this Bylaw shall be carried out in accordance with "Standard Methods" and be performed by a laboratory accredited for analysis of the particular substance(s) using a method which is within the laboratory's scope of accreditation or to the satisfaction of an Authorized Person.

## **16. PUBLIC HEALTH**

16.1. The Health Inspector of the governing Health Authority shall be the authority to be consulted in all matters pertaining to public health resulting from the operation of the sewer system.

## **17. OFFENCES**

17.1. Any person or corporation who violates any provision of this bylaw commits an offence and is punishable in accordance with the *Offence Act*.

## **18. ACCESS TO INFORMATION**

18.1. All information submitted to and collected by the Regional District that is contained in the plan summaries, reports, surveys, monitoring and inspection and sampling activities will, except as otherwise provided in this section, be available for disclosure to the public in accordance with the *Freedom of Information and Protection of Privacy Act* of BC.

18.2. In the event that any person submitting information to the Regional District, as required under this article, where such information is confidential or proprietary or otherwise, may be exempt from disclosure under the *Freedom of Information and Protection of Privacy Act* of BC, the person submitting the information shall so identify that information upon its submission to the Regional District and where such information is confidential or proprietary or otherwise, may be exempt from disclosure.



## 19. SEVERABILITY

19.1. If any section, subsection, paragraph, subparagraph, or clause of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

## 20. REPEAL

20.1. The Regional District of Bulkley-Nechako Bylaw No. 949, 1996, cited as "Fort Fraser Sewer Specified Area Rates Bylaw No. 949, 1996" and amendments thereto are hereby repealed.

## 21. CITATION

21.1. This bylaw may be cited as the "Regional District of Bulkley-Nechako - Fort Fraser Sewer Service Regulatory Bylaw No. 1576, 2011."

READ a FIRST time this 24 day of February, 2011.

READ a SECOND time this 24 day of February, 2011.

READ a THIRD time this 24 day of February, 2011.

I hereby certify that the foregoing is a true and correct copy of Bylaw No. 1576 cited as "Regional District of Bulkley-Nechako – Fort Fraser Sewer Service Regulatory Bylaw No. 1576, 2011."

Gail Chapman

Corporate Administrator

ADOPTED this 24 day of February, 2011.

W. Hamill

Chairperson

Gail Chapman

Corporate Administrator



## **SCHEDULE "A" – SEWER USER AND CONNECTION FEES**

### **Fort Fraser Sewer System**

#### **A. USER FEES**

<b>Category of Consumer</b>	<b>Annual User Fee</b>	
	<b><i>Beginning January 1, 2011</i></b>	<b><i>Beginning January 1, 2012</i></b>
1. Residential Dwelling	\$75.00	\$100.00
2. Café or Restaurant	\$150.00	\$200.00
3. Laundromat (per Washer)	\$37.50	\$50.00
4. Motel or Hotel (per Unit)	\$55.50	\$74.00
5. School (per Classroom)	\$294.00	\$392.00
6. Service Station	\$150.00	\$200.00
7. Churches & Community Halls	\$55.50	\$74.00
8. Commercial Users	\$150.00	\$200.00
9. Truck Shop, Car or Truck Wash	\$300.00	\$400.00

#### **B. CONNECTION / DISCONNECTION FEES**

<b>Category</b>	<b>Charge</b>
New Connection	Actual Cost plus \$100.00 Connection Fee
Permanent Disconnection	Actual Cost

The costs shall be estimated and paid to the Regional District by the applicant before the work is initiated, provided however, should such estimate cost be insufficient to cover the cost, the deficiency shall be charged against the persons for whom such installation was made, and provided further that any excess payment shall be returned to the persons for the installation.



## **SCHEDULE "B" – PROHIBITED WASTES**

No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of Wastewater into a sanitary sewer or private sewer connection to any sanitary sewer in circumstances where:

1. To do so may cause or result in:

- a) A health or safety hazard to a person authorized by the Regional District to inspect, operate, maintain, repair, or otherwise work on a Wastewater Works;
- b) An offence under the British Columbia *Environmental Management Act*, as amended from time to time, or any regulation made thereunder from time to time;
- c) Wastewater Sludge from the Wastewater Treatment Facility works to which either Wastewater discharges, directly or indirectly, to fail to meet the objectives and criteria as listed in the British Columbia *Environmental Management Act*, as amended from time to time;
- d) Interference with the operation or maintenance of a Wastewater Works, or which may impair or interfere with any Wastewater treatment process;
- e) A hazard to any person, animal, property or vegetation;
- f) An offensive odour to emanate from Wastewater Works, and without limiting the generality of the foregoing, Wastewater containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines, or ammonia in such quantity as may cause an offensive odour;
- g) Damage to Wastewater Works;
- h) An obstruction or restriction to the flow in Wastewater Works.

2. The Wastewater has one or more of the following characteristics:

- a) A pH less than 6.0 or greater than 11.5;
- b) Two or more separate liquid layers; or
- c) A temperature greater than 60 degrees Celsius

3. The Wastewater contains:

- a) Biomedical Waste, including any of the following categories: human anatomical waste, animal waste, untreated microbiological waste, waste sharps, and untreated human blood and body fluids known to contain viruses and agents listed in "Risk Group 4" as defined in "Laboratory Biosafety Guidelines" published by Health Canada, dated 2004, as amended;





- b) Blowdown Water;
- c) Combustible Liquid;
- d) Dyes or colouring materials which may or could pass through a Wastewater Works and discolour the Wastewater works effluent, except where authorized by the Regional District;
- e) Fuel;
- f) Hazardous Waste;
- g) Hauled Wastewater, except where authorized by the Regional District;
- h) Ignitable waste;
- i) Industrial Waste;
- j) Industrial Wastewater;
- k) Pathological Waste;
- l) Pest Control Product;
- m) Polychlorinated Biphenyls (PCBs);
- n) Radioactive Waste;
- o) Reactive waste;
- p) Specified risk material for bovine spongiform encephalopathy as defined in the Federal Fertilizers Regulations (C.R.C., c. 666), as amended from time to time, including material from the skull, brain, trigeminal ganglia, eyes, tonsils, spinal cord and dorsal root ganglia of cattle aged 30 months or older, or material from the distal ileum of cattle of all ages;
- q) Solid or viscous substances in quantities or of such size to be capable of causing obstruction to the flow in a sewer, including but not limited to ashes, bones, cinders, sand, mud, soil, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, animal parts or tissues, and paunch manure;
- r) Toxic substance;
- s) Waste Disposal Site Leachate.



## SCHEDULE "C" – APPLICATION FOR SEWER CONNECTION

### Fort Fraser Sewer System

I, \_\_\_\_\_, hereby apply for Sewer connection to the premises  
(Applicants Name)  
situated at \_\_\_\_\_ on  
(Street Address)

\_\_\_\_\_  
(Legal Description)

Size of Service: \_\_\_\_\_ mm

Type and Use of Building: \_\_\_\_\_

Name and Contact Information of Certified Contractor to Complete Private Water Connection work:

\_\_\_\_\_

I agree to observe and comply with all the terms and conditions of Regional District of Bulkley-Nechako – Fort Fraser Sewer System Regulatory Bylaw No. 1576, 2011 and any amendments thereto, as well as to pay any fees or rates which may be imposed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Owner)

Mailing Address of Owner:

\_\_\_\_\_

Telephone Number of Owner: \_\_\_\_\_

#### **FOR REGIONAL DISTRICT USE ONLY**

Connection Fee Paid: \$ \_\_\_\_\_

Application Number: \_\_\_\_\_

Application Approved (circle one): Yes / No

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_



## **SCHEDULE "D" – APPLICATION FOR SEWER DISCONNECTION**

### **Fort Fraser Sewer System**

I, \_\_\_\_\_, hereby apply for a Sewer disconnection to the premises  
(Applicants Name)  
situated at \_\_\_\_\_ on  
(Street Address)

\_\_\_\_\_  
(Legal Description)

I agree to observe and comply with all the terms and conditions of Regional District of Bulkley-Nechako – Fort Fraser Sewer System Regulatory Bylaw No. 1576, 2011 and any amendments thereto, as well as to pay any fees or rates which may be imposed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Owner)

Mailing Address of Owner:

\_\_\_\_\_  
Telephone Number of Owner: \_\_\_\_\_

### **FOR REGIONAL DISTRICT USE ONLY**

Disconnection Fee Paid: \$ \_\_\_\_\_

Application Number: \_\_\_\_\_

Application Approved (circle one): Yes / No

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_



## SCHEDULE "E" – APPLICATION FOR WASTE DISCHARGE PERMIT

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email and/or Fax: \_\_\_\_\_

Type and source of waste to be disposed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Capacity of Hauling Truck: \_\_\_\_\_

Number of times per week you wish to dispose of waste: \_\_\_\_\_

### **FOR REGIONAL DISTRICT USE ONLY**

Application Number: \_\_\_\_\_

Application Approved (circle one): Yes / No

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_



## **SCHEDULE "F" – SPECIFICATION OF MATERIALS**

Sewer Service Piping Shall:

- Be PVC, SRD 35, conforming to CAN/CSA B182.1, or equivalent;
- Buried sewer pipe shall be joined using rubber gasket joints (the use of glued joints for buried pipe is not permitted);
- Have a minimum diameter of 4" (100mm);
- It is mandatory that the property owner adequately protect pipes from freezing;
- Be at a minimum gradient (slope) of 2% (1/4 inch per foot) and a maximum gradient of 15% (1 and 3/4 inch per foot);
- Be installed and backfilled in accordance to manufacturer's specifications, with at least a minimum of 6 inches of sand used as bedding material;
- Be installed greater than 10 feet (3 m) away from any water lines.

REGIONAL DISTRICT OF BULKLEY-NECHAKO

BYLAW NO. 1859

**A bylaw to amend "Regional District of Bulkley-Nechako - Fort Fraser  
Sewer Service Regulatory Bylaw No. 1576, 2011"**

---

**WHEREAS** the Regional District of Bulkley-Nechako has enacted "Regional District of Bulkley-Nechako-Fort Fraser Sewer Service Regulatory Bylaw No. 1576, 2011";

**AND WHEREAS** the Regional Board of the Regional District of Bulkley-Nechako wishes to amend the user fees;

**NOW THEREFORE** the Regional Board of the Regional District of Bulkley-Nechako, in open meeting assembled, enacts as follows:

1. Schedule "A" of "Regional District of Bulkley-Nechako-Fort Fraser Sewer Service Regulatory Bylaw No. 1576, 2011" is hereby repealed and replaced with Schedule "A" attached to this bylaw.
2. This bylaw may be cited for all purposes as "Regional District of Bulkley-Nechako Sewer Service Regulatory Amendment Bylaw No. 1859, 2019."

READ A FIRST TIME this 21 day of February, 2019

READ A SECOND TIME this 21 day of February, 2019

READ A THIRD TIME this 21 day of February, 2019

ADOPTED this 21 day of February, 2019

  
Chairperson

  
Corporate Administrator

Certified a true and correct copy of Bylaw No. 1859 as adopted.

  
Corporate Administrator

## **SCHEDULE "A" – SEWER USER AND CONNECTION FEES**

### **Fort Fraser Sewer System**

#### **A. USER FEES**

<b>Category of Consumer</b>	<b>Annual User Fee Beginning</b>		
	<b>January 1 2016</b>	<b>2019</b>	<b>2020</b>
1. Residential Dwelling	\$142.80	\$145.66	**
2. Café or Restaurant	\$285.60	\$291.31	**
3. Laundromat (per Washer)	\$71.40	\$ 72.83	**
4. Motel or Hotel (per Unit)	\$106.08	\$108.20	**
5. School (per Classroom)	\$559.98	\$571.18	**
6. Service Station	\$285.60	\$291.31	**
7. Churches & Community Halls	\$106.08	\$108.20	**
8. Commercial Users	\$285.60	\$291.31	**
9. Truck Shop, Car or Truck Wash	\$571.20	\$582.62	**

\*\* The 2020 rate (and the rate beginning on January 1st for each subsequent year) shall be the rate of the previous year multiplied by the Statistics Canada Consumer Price Index for British Columbia (not seasonably adjusted) from end of December to the end of December for all items and services.

#### **B. CONNECTION / DISCONNECTION FEES**

<b>Category</b>	<b>Charge</b>
New Connection	Actual Cost plus \$100.00 Connection
Permanent Disconnection	Actual Cost

The costs shall be estimated and paid to the Regional District by the applicant before the work is initiated, provided however, should such estimate cost be insufficient to cover the cost, the deficiency shall be charged against the persons for whom such installation was made, and provided further that any excess payment shall be returned to the persons for the installation.

## REGIONAL DISTRICT OF BULKLEY-NECHAKO

### BYLAW NO. 1981

#### **A bylaw to provide for the determination of various procedures for the conduct of local government elections and other voting**

---

**WHEREAS** the Regional District of Bulkley-Nechako may, pursuant to Part 3 of the *Local Government Act*, determine that certain procedures shall be followed with respect to the conduct of general local elections and other voting opportunities;

**AND WHEREAS** the Regional Board wishes to establish various procedures and requirements under that authority;

**NOW THEREFORE** the Regional Board of the Regional District of Bulkley-Nechako in an open meeting of the Regional Board enacts as follows:

#### **1. DEFINITIONS**

In this bylaw:

"Elector" means a resident elector or non-resident property elector of the jurisdiction as defined under the *Local Government Act*;

"Election" means an election for the number of persons required to fill a local government office;

"General Local Election" means the elections held for the electoral area directors of the Regional District;

"General Voting Day" means,

(a) the third Saturday in October every four years following the November 15, 2014 election;

(b) for other elections, the date set under Sections 54, 55 or 152 of the *Local Government Act*, and



"Local Government" means:

- (a) in relation to a municipality, the Council, and
- (b) in relation to a Regional District, the Board;

"Jurisdiction" means in relation to an election, the municipality or election area for which it is held.

"Assent Voting" means voting on a matter referred to in Section 170 of the *Local Government Act* and includes voting on a referendum under Section 336 of that Act

## 2. ACCESS TO NOMINATION DOCUMENTS

As authorized under Section 89(7) of the *Local Government Act*, public Access to nomination documents will be provided by posting such documents on the Regional District of Bulkley-Nechako website within 3 business days of receiving such documents until 30 days after declaration of the official election results by the Chief Election Officer under Section 146 of the *Local Government Act*.

## 3. ELECTOR REGISTRATION

- (a) The "*Local Government Act*" authorizes under Section 69, that registration of electors be limited to the time of voting.
- (b) The "*Local Government Act*" authorizes under Section 70, that at each election or other voting, electors who wish to vote at such election or other voting are required to register at the time of voting.
- (c) Registration as an elector under clause 2(a) of this Bylaw is effective only for the election or other voting for which the voting is being conducted at that time.
- (d) The "*Local Government Act*" has authorized under Section 72 that a person may register as a resident immediately before voting by producing to the election officials at least 2 documents that provide evidence of the applicant's identity and make solemn declaration.

4. ADDITIONAL GENERAL VOTING OPPORTUNITIES

The Regional Board authorizes the Chief Election Officer to establish, as the Chief Election Officer deems necessary, additional general voting opportunities for general voting day for each election or other voting and to designate the voting places and voting hours, within the limits set out in Section 106 of the *Local Government Act*, for such voting opportunities.

5. REQUIRED ADVANCE VOTING OPPORTUNITIES

As required under Section 107 of the *Local Government Act*, advance voting opportunities will be held on the 10<sup>th</sup> day before general voting day between the hours of 8:00 a.m. and 8:00 p.m.

6. ADDITIONAL ADVANCE VOTING OPPORTUNITIES

As authorized under Section 108 of the *Local Government Act* and in addition to the advance voting opportunities of Section 5 of this bylaw, the Regional Board authorizes the Chief Election Officer to establish, as the Chief Election Officer deems necessary, additional advance voting opportunities for each election or other voting, to be held in advance of general voting day, to establish the dates and to designate the voting places and the voting hours for these voting opportunities.

7. ORDER OF NAMES ON BALLOT

The order of names of candidates on the ballot will be alphabetically in accordance with Section 116 of the *Local Government Act*.

8. NUMBER OF SCRUTINEERS AT VOTING PLACES

- (a) As authorized under Section 120(3) of the *Local Government Act* the number of scrutineers for each candidate that may attend at an election is one (1) scrutineer for each ballot box in use;
- (b) The number of scrutineers who may attend at an other voting opportunity is one (1) scrutineer for the question and one (1) against the question.
- (c) The following restrictions and conditions apply to scrutineers permitted under this bylaw to be present at a voting place:
  - i) Scrutineers shall remain in an area as indicated by the Chief Election Officer so as to not interfere with the election process. Scrutineers will be located in an area

where observance of the election procedures and ballot boxes can be readily observed.

- ii) Scrutineers shall preserve the secrecy of the ballot in accordance with Section 123 of the *Local Government Act*.

9. RESOLUTION OF TIE VOTES AFTER JUDICIAL REVIEW

In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with Section 151 of the *Local Government Act*.

10. REPEAL

"Local Government Elections Procedure Bylaw No. 1697, 2014" is hereby repealed.

11. This bylaw may be cited as "Election Procedure Bylaw No. 1981, 2022.

READ A FIRST TIME this 30 day of June , 2022

READ A SECOND TIME this 30 day of June , 2022

READ A THIRD TIME this 30 day of June , 2022

Certified a true and correct copy of Bylaw No. 1981.



Corporate Administrator

ADOPTED this 30 day of June , 2022



Chairperson



Corporate Administrator