



REGIONAL DISTRICT OF BULKLEY-NECHAKO 2022 LOCAL GOVERNMENT ELECTIONS 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. RDBN Electoral Area Director Position Roles and Responsibilities
3. Electoral Area Services and Time Commitments
4. Candidate's Guide to Local Government Elections in B.C.
5. 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)
6. 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
7. Miscellaneous Information
 - RDBN Code of Conduct
 - Local Government Elections Bylaw No. 1981, 2022
 - RDBN Procedure Bylaw No. 1964, 2021
 - RDBN Directors' Remuneration Bylaw 1837, 2018 and RDBN Directors' Remuneration and Expenses Bylaw Amendment No. 1960, 2021
 - RDBN Five Year Financial Plan Bylaw No. 1971, 2022
 - Introduction to Regional Districts: Communities in Partnership
 - Local Government in BC: A Community Effort
 - Union of B.C. Municipalities – Fact Sheet #15: Regional Districts
 - Regional District Tool Kit Fact Sheets – Purposes of Regional Districts
 - *Local Elections Campaign Financing Act*

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

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**



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.

Address:	
Primary Phone:	Alternate Phone:
Email:	
Website:	Instagram:
Twitter:	Facebook:

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

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) 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) 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

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)
I hereby appoint as my Financial Agent for the:		
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)	

I hereby consent to act as the Financial Agent for the above-named Candidate for the:		
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
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	
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 Official Agent 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 Scrutineer 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

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 [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.

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

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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

Public Notice is given to the electors of the Regional District of Bulkley-Nechako that a general election will be held on Saturday, October 15, 2022 to elect (7) Directors for a 4-year term commencing November 2022 for the following Electoral Areas:

- One (1) Director to be elected for **Electoral Area A (Smithers/Telkwa Rural)**
- One (1) Director to be elected for **Electoral Area B (Burns Lake Rural)**
- One (1) Director to be elected for **Electoral Area C (Fort St. James Rural)**
- One (1) Director to be elected for **Electoral Area D (Fraser Lake Rural)**
- One (1) Director to be elected for **Electoral Area E (Francois/Ootsa Lake Rural)**
- One (1) Director to be elected for **Electoral Area F (Vanderhoof Rural)**
- One (1) Director to be elected for **Electoral Area G (Houston/Topley Rural)**

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

By hand, mail or other delivery service: Regional District of Bulkley-Nechako, P.O. Box 820, 37-3 rd 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
By fax to: 250-692-3305 By email to: cheryl.anderson@rdbn.bc.ca	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, 37-3rd 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, and may also be available for pick up at the following Municipal Offices during regular business hours beginning August 4, 2022.

- Town of Smithers, 1027 Aldous Street, Smithers, B.C., V0J 2N0
- Village of Telkwa, 1415 Hankin Ave., Telkwa, B.C., V0J 2X0
- District of Houston, 3367 – 12th Street, Houston, B.C., V0J 1Z0
- Village of Granisle, 1 Village Square McDonald Ave, Granisle, B.C., V0J 1W0
- Village of Fraser Lake, 210 Carrier Crescent, Fraser Lake, B.C., V0J 1S0
- District of Vanderhoof, 160 Connaught Street, Vanderhoof, B.C., V0J 3A0
- District of Fort St. James, 477 Stuart Drive West, Fort St. James, B.C., V0J 1P0

****Nomination Papers will not be accepted at the Municipal Offices****



REGIONAL DISTRICT OF BULKLEY-NECHAKO

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;
- 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.

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:

Electoral Area Director - **\$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
Website: www.elections.bc.ca



Regional District of Bulkley-Nechako

Board of Directors

Position Roles and Responsibilities

Director's Rights:

1. The right to participate in debate and to freely promote the interests of constituents.
2. The right to vote on matters affecting the corporation as a whole, and on matters for which the director's constituency provides a financial contribution.
3. The right to be treated fairly and respectfully by colleagues and staff.
4. The right to withhold consent or approval where such would conflict with the wishes of constituents.
5. The right to expect good value for funds expended in the delivery of services.

Board of Directors Responsibilities

The Regional Board consists of 15 members, 8 Municipal Directors (appointed by their council) and 7 Electoral Area Directors. Once elected or appointed, and having made the required Oath of Office, regional district directors may take up their duties. The director's primary responsibility is to represent the views of their constituency. Bearing in mind that there are many constituencies represented by Regional Board directors, consensus in decision-making is not always possible and corporate decisions must reflect the majority opinion of the Board. Where corporate decisions do not align with the interests of a specific local constituency the director representing that constituency is nevertheless obligated to respect the corporate decision-making process.

Typically there are 2 meeting dates scheduled per month in Burns Lake– one for Committees and one for Board meetings. **Directors are required to attend all meetings in person.** Some exceptions apply as per section 9.0 of the RDBN Procedure Bylaw (attached).

Additional obligations that directors assume upon taking office include honouring the non-disclosure of confidential business and abstaining from the governance process when there is a conflict of interest.

The director's responsibilities to the corporation are balanced by fundamental responsibilities of the corporation to the directors. These include the need to ensure that directors have equal access to the governance (decision-making) process and to information and other resources necessary to fulfill their obligations.

Chair Role Description

At the first meeting of the regional district Board in November every year, the chair and vice-chair of the regional district board are elected by a majority vote of all directors from among those directors.

The board chair is the head and chief executive officer of the regional district. The Responsibilities of the Chair outlined in the *Local Government Act* Section 216 are as follows:

Responsibilities of chair

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

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

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

Other duties of the Chair:

1. Chair Board meetings, including overseeing their conduct, maintaining order, and knowing the rules of governing meetings.
2. Establish standing committees and appoint people to those committees.

The Chair's responsibilities as outlined herein are in addition to those prescribed as a Director of the Regional District.

Vice-Chair Role Description

The Vice-Chair assists the Chair in the performance of the Chair's duties and responsibilities.

The Vice-Chair has the following primary responsibilities:

1. To assist the Chair in the fulfillment of the Chair's responsibilities.
2. To assume the duties and responsibilities of the Chair during the Chair's illness, absence or disability.

The Vice-Chair's responsibilities as outlined herein are in addition to those prescribed as a Director of the Regional District.

Committee Chair Role Description

The Chair of a Select or Standing Committee of the Regional Board is the spokesperson for that Committee and responsible for the efficient operation of that Committee.

The Committee Chair's primary responsibilities are:

1. To preserve order at meetings of the Committee, and to ensure that issues are decided with the benefit of fair debate and in accordance with procedural and other rules.
2. To return any matter to the Committee which, in the Committee Chair's opinion, requires further debate or deliberation by the Committee before being acted upon.
3. To report to the Regional Board on the progress of Committee deliberations, conclusions reached by the Committee on matters under its jurisdiction, and recommended actions for Board consideration.
4. To attend meetings/conferences/forums relevant to the role of Committee Chair.

Where applicable, the Committee Chair's responsibilities as outlined herein are in addition to those prescribed as a Director of the Regional District.

Electoral Area Director Responsibilities

The Director is an elected official whose fundamental role is to represent the interests of their constituents and to ensure those interests are considered as part of the decision-making process of the Regional District.

1. Participate as an electoral area director of the regional district board.
2. Provide regional governance and services for an electoral area.
3. Balance electoral matters with regional district-wide interests.
4. Participate in and/or chair a variety of committees relating to electoral area services matters (see appendices).
5. Balance the increased level of self-reliance provided by the *Local Government Act* to electoral areas with cooperation between municipalities and electoral areas.
6. Participate in strategic and policy development for electoral area programs and services.
7. Participate in ensuring local government for rural areas such as community planning, land use regulation, building regulation and inspection, bylaw enforcement, street lighting, and house numbering.
8. Participate in providing the opportunity for citizens to influence business of the electoral service areas on an on-going basis by:
 - Attending community events/forums to represent the electoral area;
 - Attending community association meetings.

Electoral Area Director Professional Development

1. Attend relevant forums/conferences to ensure a good understanding of legislative changes and impact on regional, sub-regional and electoral area services and to stay current with innovation, trends for local government services such as:
 - Mandatory Union of BC Municipalities (UBCM) Newly Elected Officials Training (also for returning Electoral Area Directors) (2 days).
 - Regional District Electoral Area Directors Forum (1 ½ days).
 - North Central Local Government Association Convention (3 days).
 - Union of BC Municipalities Conference (4-5 days).
 - Federation of Canadian Municipalities Conference (4 days).
 - RDBN Business Forum (2 days).



Regional District of Bulkley-Nechako Electoral Area A (Smithers/Telkwa Rural) Services and Time Commitments

Population: 5,587 (2021 Census)

Services

Lake Kathlyn Aquatic Weed Control
Glacier Gulch Water Diversion
Smithers Rural Fire Protection
Telkwa Rural Fire Protection
Round Lake Rural Fire Protection
Smithers Victim Services
Smithers Para Transit
Smithers Rural Recreation and Culture
Smithers Houston Television Rebroadcasting
Bulkley Valley Pool and Recreation Centre
Laidlaw Street Lighting
Area A Parks and Trail
Area A Economic Development

Potential (Other) Time Commitments

- Northwest Regional Hospital District Meetings (quarterly – Terrace)
- Meetings with the Town of Smithers Mayor, Council, and Chief Administrative Officer (CAO)
- Meetings with the Village of Telkwa Mayor, Council, and Chief Administrative Officer (CAO)
- First Nations meetings and engagement
- Local societies and non-profit group meetings and ongoing engagement ie. Cycle 16, Hudson Bay Mountain, Recreation Service Development, Lake Kathlyn Protection Society, Victim Services, TV Rebroadcasting Society, Arts Council, Museum, Library, Smithers Chamber of Commerce, BV agriculture groups
- Meetings with lake protection societies and community halls (Lake Kathlyn, Seymour Lake, Round Lake, Paul Lychak, Glenwood)
- Smithers and Area Transit - quarterly meetings
- Bulkley Valley Regional Pool Funding partners - quarterly meetings
- Regular meetings with non profit groups about Gas Tax and/or Grant in Aid applications (a couple per week average)

- Land development applications - Monthly Area A APC (Advisory Planning Commission) meeting, regular meetings with applicants and site visits (several per month average)
- Chair Public Hearings (average 6 -8 per year)
- Emergency Management engagement/consultation meetings with RDBN staff – rural water storage, fire protection, Neighbourhood Emergency Planning project Meetings with RDBN staff
- Phone calls with constituents



Regional District of Bulkley-Nechako Electoral Area B (Burns Lake Rural) Services and Time Commitments

Population: 1,706 (2021 Census)

Services

Area B/E Parks and Trails
Area B Economic Development
Burns Lake and Area Victim Services
Lakes District Airport
Burns Lake and Area Television Rebroadcasting
Topley Rural Fire Protection
Burns Lake Arena
Lakes District Arts and Culture
Burns Lake Rural Fire Protection
Gerow Street Lighting
Decker Lake Street Lighting
Topley Cemetery Grant

Potential (Other) Time Commitments

- Stuart-Nechako Regional Hospital District Meetings
- Meetings with the Village of Burns Lake Mayor, Council, and Chief Administrative Officer (CAO)
- First Nations meetings and engagement
- Local societies and non-profit group meetings and ongoing engagement
- Regular meetings with non profit groups about Gas Tax and/or Grant in Aid applications (a couple per week average)
- Land development applications - Area B APC (Advisory Planning Commission) meetings, meetings with applicants and site visits
- Miscellaneous travel ie. driving to look at unsightly premises
- Chair Public Hearings
- Meetings with RDBN staff
- Phone calls with constituents



Regional District of Bulkley-Nechako Electoral Area C (Fort St. James Rural) Services and Time Commitments

Population: 1,266 (2021 Census)

Services

Fort St. James Rural Fire Protection
Luck Bay Fire Protection
Fort St. James Seniors Helping Seniors
Colony Point Street Lighting
Fort St. James Arena Grant
Fort St. James Rebroadcasting
Fort St. James Library
Area C Parks and Trails
Area C Economic Development

Potential (Other) Time Commitments

- Stuart-Nechako Regional Hospital District Meetings
- Meetings with the District of Fort St. James Mayor, Council, and Chief Administrative Officer (CAO)
- First Nations meetings and engagement
- Stuart Lake Hospital – meetings on the construction project
- Meetings for the new Seniors complex
- Monthly Fort St James Primary Health Care Society meetings
- Local societies and non-profit group meetings – Search and Rescue, Murray Ridge Ski Hill, Stuart Lake Golf Club, TV Rebroadcasting Society
- Regular meetings with non-profit groups for Covid Relief Funds, Federal Gas Tax, and Grant in Aid
- Meeting with YRB (road maintenance contractor) and RCMP
- Meetings with MP Taylor Bachrach
- Attending and supporting various school events
- Land development applications – Monthly Area C APC (Advisory Planning Commission Meetings), regular meetings with applicants and site visits for land development applications and unsightly premises
- Lots of time spent talking to people in the grocery stores, coffee shop, post office and street corners listening to there concerns.
- Meetings with RDBN Staff
- Phone calls with constituents



Regional District of Bulkley-Nechako Electoral Area D (Fraser Lake Rural) Services and Time Commitments

Population: 1,607 (2021 Census)

Services

Fort Fraser Sewer
Fort Fraser Water
Fort Fraser Local Community Commission
Fort Fraser Fire Department
Fort Fraser Community Hall
Fort Fraser Street Lighting
Fort Fraser Cemetery
Fraser Lake and Area TV Rebroadcasting (Fraser Lake)
Fraser Lake Library
Endako Street Lighting
Area D Economic Development

Potential (Other) Time Commitments

- Fort Fraser Local Community Commission Meetings (minimum 6 per year)
- Stuart-Nechako Regional Hospital District Meetings
- Meetings with the Village of Fraser Lake Mayor and Council
- First Nations meetings and engagement
- 2 meetings per year with YRB (road maintenance contractor)
- RCMP engagement
- Fort Fraser Volunteer Fire Department monthly meetings
- Local societies and non-profit group meetings
- Public address for Indigenous Days, Canada Day and Remembrance Day
- 2 or 3 school events per year (District Scholarship Panel and Career Days)
- Miscellaneous travel ie. driving to look at land development application locations and unsightly premises
- Meetings with RDBN staff
- Phone calls with constituents



Regional District of Bulkley-Nechako Electoral Area E (Francois/Ootsa Lake Rural) Services and Time Commitments

Population: 1,512 (2021 Census)

Services

Area B/E Parks and Trails
Burns Lake and Area Victim Services
Lakes District Airport
Burns Lake and Area Television Rebroadcasting
Southside Rural Fire Protection
Burns Lake Arena
Lakes District Arts and Culture
Area E Economic Development

Potential (Other) Time Commitments

- Stuart-Nechako Regional Hospital District Meetings
- Meetings with the Village of Burns Lake Mayor, Council, and Chief Administrative Officer (CAO)
- First Nations meetings and engagement
- Southside Fire Department meetings
- Community Hall meetings
- Local societies and non-profit group meetings and ongoing engagement,
- Regular meetings with non profit groups about COVID Relief Funds, Gas Tax and/or Grant in Aid applications
- Meetings with RDBN Staff
- Phone calls with constituents



Regional District of Bulkley-Nechako Electoral Area F (Vanderhoof Rural) Services and Time Commitments

Population: 3,517 (2021 Census)

Services

Vanderhoof Rural Fire Protection
Cluculz Lake Fire Department
Vanderhoof Recreation and Culture
Cluculz Lake Somerset Sewer
Vanderhoof Swimming Pool Contribution Service
Area F Economic Development
Braeside Community Hall
Somerset Estates

Potential (Other) Time Commitments

- Stuart-Nechako Regional Hospital District Meetings
- Meetings with the District of Vanderhoof Mayor, Council, and Chief Administrative Officer (CAO)
- First Nations meetings and engagement
- Nechako First Nations Meetings
- Local societies and non-profit group meetings
- Rio Tinto Alcan Meetings
- Cluculz Lake Community Hall
- Attending Nechako Valley Exhibition
- Travel looking at properties re: unsightly premises and land development application locations
- APC (Advisory Planning Commission) Meetings
- Meetings with RDBN Staff
- Phone calls with constituents



Regional District of Bulkley-Nechako

Electoral Area G (Houston/Topley Rural) Services and Time Commitments

Population: 836 (2021 Census)

Services

Topley Rural Fire Protection
Smithers, Houston TV Rebroadcasting
Area G Parks and Trails
Topley Cemetery Grant
Area G Economic Development

Potential (Other) Time Commitments

- Northwest Regional Hospital District Meetings (quarterly – Terrace)
- Meetings with the District of Houston Mayor, Council, and Chief Administrative Officer (CAO)
- Local societies and non-profit group meetings
- Regular meetings with non profit groups about COVID Relief Funds, Federal Gas Tax and/or Grant in Aid applications
- Meetings with RDBN Staff
- Phone calls with constituents



CANDIDATE'S GUIDE

TO LOCAL ELECTIONS IN B.C.

2022



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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

Website: 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

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

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

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

Website: 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

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, Queens 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

Website: 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

- 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) 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).

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 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"> • 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. <p>Codes of Conduct</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 <i>Forging the Path to Responsible Conduct in Your Local Government</i> 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>CONFLICT OF INTEREST</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>Conflict of Interest and Other Ethical Standards</p> <p>Disclosure of Conflict</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"> • declare their interest in the matter; • withdraw from the meeting; • not participate in the discussion or vote; and, • not attempt to influence, in any way, the voting of other elected officials on the matter. <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 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**.

Nominees for the 2022 general local elections may withdraw their candidacy until 4:00 p.m. local time on **September 16**.

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 **September 16**.

Withdrawing a Nomination

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.

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.

Any candidates who have withdrawn from **general local elections** 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.

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.

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.

Refer to Elections BC's [*Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents*](#) for more information about campaign financing disclosure.

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 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

Section 198(2) of the
Local Government Act

Sections 3-40 of the
Local Government Act

Section 66 of the
Local Government Act

Section 24 of the
Vancouver Charter

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

- 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.

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.

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.

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.

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
BC School Trustees Association	Produce and distribute elections educational material about school trustee elections and boards of education roles and responsibilities
Chief Election Officers	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)
Elections BC	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
Local Government Management Association	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
Ministry of Attorney General	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)
Ministry of Education and Child Care	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
Ministry of Municipal Affairs	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
Union of B.C. Municipalities	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.#
Start of Election Period	January 1, 2022	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
Start of Nomination Period	August 30, 2022	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)
End of Nomination Period	September 9, 2022	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)
Candidate Nomination Withdrawal Deadline	September 16, 2022	LGA: s.101(1)
Elector Organization Endorsement Withdrawal Deadline	September 16, 2022	LGA s. 95
End of Pre-Campaign Period	September 16, 2022	LECFA: s.10
End of Election Period (12:00 Midnight)	September 16, 2022	LECFA: s.10(1)
Start of Campaign Period (12:01 am)	September 17, 2022	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)
Required Advance Voting Opportunity	October 5, 2022	LGA: s.107(1)
End of Period for Notice of Election	October 8, 2022	LGA: s.99(1)
General Voting Day	October 15, 2022	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)
End of Campaign Period	October 15, 2022	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.

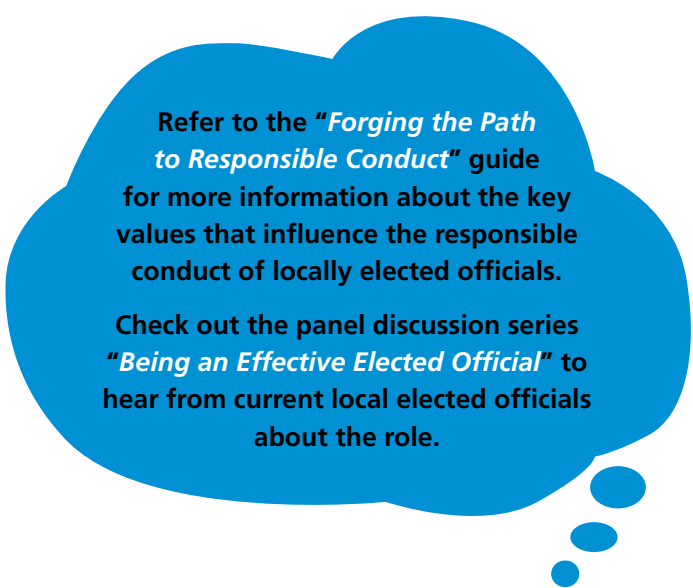
FOR REFLECTION:

- 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

- Ministry of Municipal Affairs
www.gov.bc.ca/localelections
- Union of BC Municipalities -
www.ubcm.ca
- Local Government Leadership Academy -
www.lgla.ca
- Local Government Management Association of BC -
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.

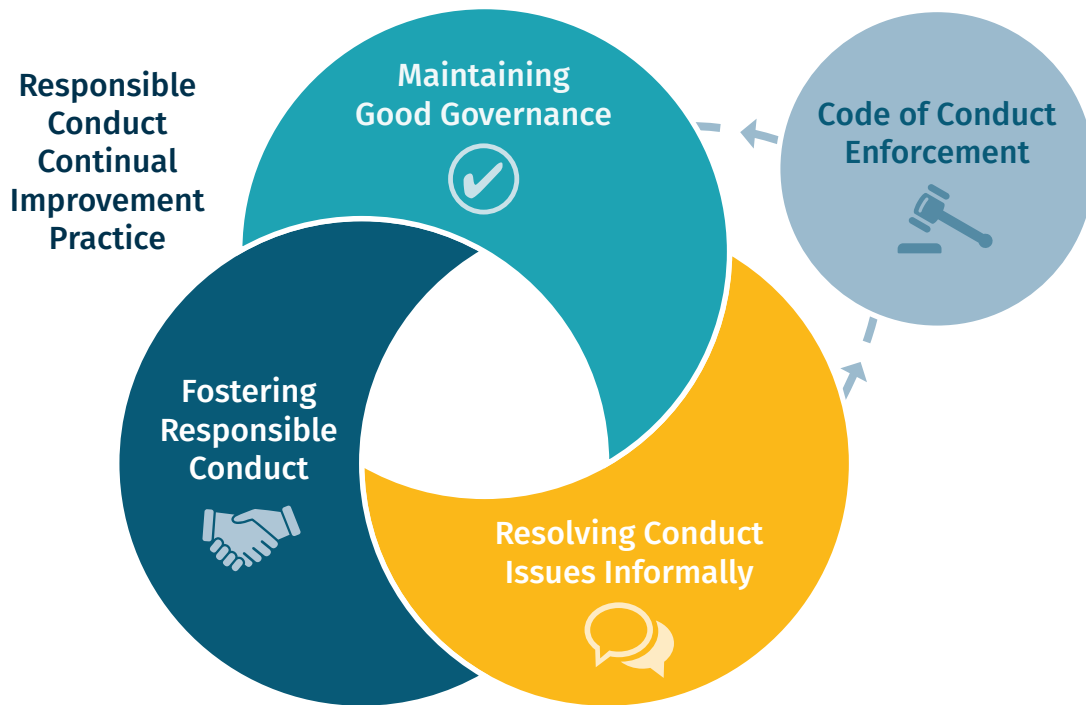
This guide builds on, and should be read in conjunction with, three previous WGRC publications: *Foundational Principles of Responsible Conduct for BC's Local Governments* along with *Getting Started on a Code of Conduct for Your Council/Board: Model Code of Conduct* and its *Companion Guide*.

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.

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

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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,¹ 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.



¹ 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.

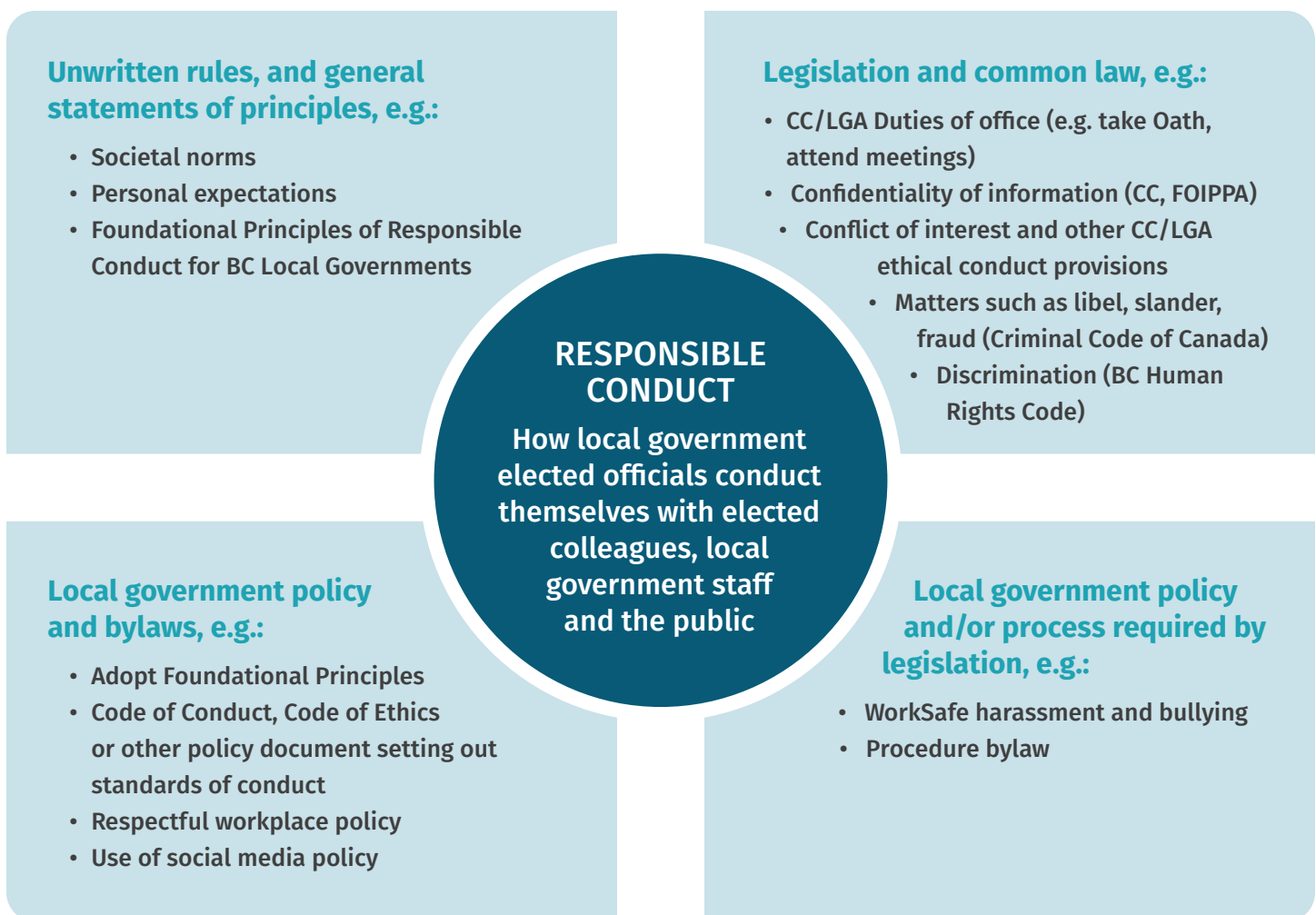
What is Responsible Conduct?

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,² 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)

² “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.

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 conflict³ – 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.)

³ 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.

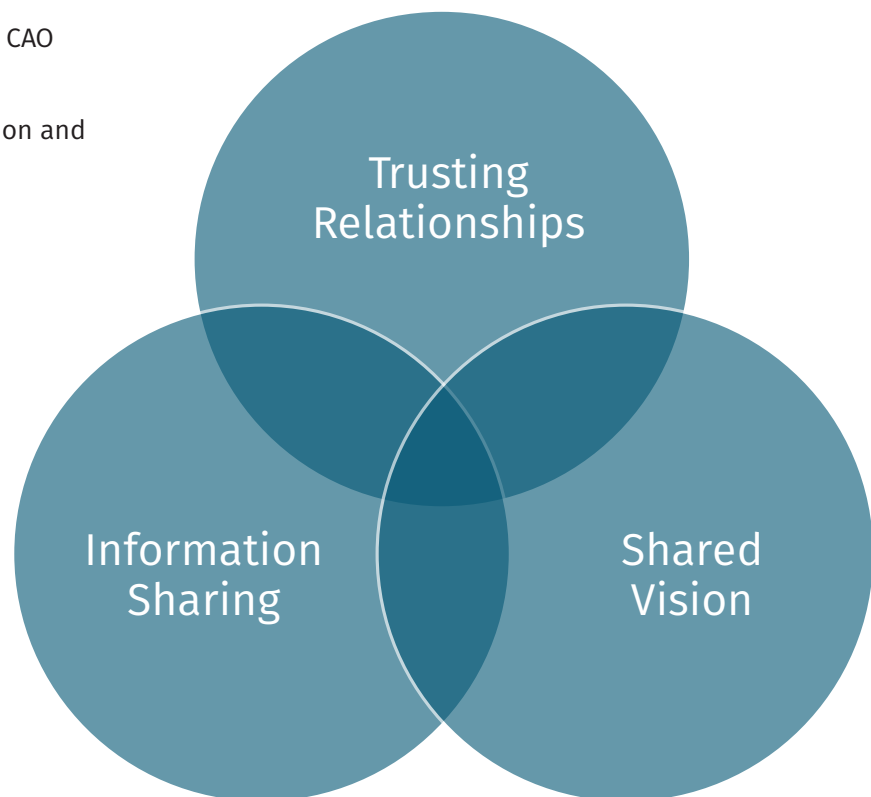
Developing these skills can be a catalyst to move from unproductive conflict, with parties entrenched in their positions, to a place where conflicting views become a pathway to better solutions.

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:⁴

- 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)



⁴ 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.⁵



⁵ 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?

<p>How is the enforcement process initiated and who can make a complaint?</p>	<p>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.</p>
<p>How is the complaint made, and what must it contain?</p>	<p>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).</p>
<p>To whom is the complaint made?</p>	<p>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.</p>

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?

<p>Who is the investigator, who makes the appointment, and on what basis?</p>	<p>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.</p>
<p>What duties does the investigator perform?</p>	<p>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.⁶</p>
<p>What are the timelines and fair process provisions?</p>	<p>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.</p>

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.

⁶ 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?

What is the purpose of the investigation and how is it conducted?	<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>
What are the timelines?	<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>
What are the fair process provisions?	<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?

What must be in the investigator's report?	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.
Can sanctions be recommended if there has been a contravention?	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.
Can additional recommendations be made in the report?	A number of codes specifically allow any recommendation an investigator deems appropriate and also specifically provide for a recommendation that the complaint be dismissed.
To whom is the report delivered?	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.
What are the timelines and fair process provisions?	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?

If the investigator's report goes to mayor/chair, does it also go to Council or Board?	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.
What happens if the investigation finds a contravention?	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.
If there was a contravention, who imposes sanctions and what are the parameters around that?	In no case can an investigator impose sanctions. That decision rests with the Council/Board. 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).
What are the timelines and fair process provisions?	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>What enforcement provisions are there for different groups that are subject to a code?</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>Do codes provide for reimbursement of legal costs for a person involved in an enforcement process?</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>What are the responsibilities of persons subject to the code?</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)⁷
- 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.

⁷ 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

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?

2022 GENERAL LOCAL ELECTIONS KEY DATES	
ACTION OR DEADLINE	DATE
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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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

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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

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

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

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:

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Governance and Structure Branch

Phone: 250 387-4020

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Fax: 250 387-3578

Toll-free Fax: 1 866 466-0665

Email: 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

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

Disclaimer

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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

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?

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 the local government permits mail ballot voting in their 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 residence on advance and general voting day?

You are eligible to vote by mail ballot if the local government has authorized it in its election bylaw. Contact the 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 the 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 whether 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*.

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For answers to **questions about school trustee elections**, please contact:

Ministry of Education and Childcare

Education Policy Branch

Phone: 250 387-8037

Email: 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

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.

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.



ADOPTED: 2021

REGIONAL DISTRICT OF BULKLEY-NECHAKO BOARD OF DIRECTORS CODE OF CONDUCT POLICY

PURPOSE

To set out shared expectations for conduct and behaviour for how Board members and staff shall conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for the region.

1. KEY VALUES

- i. ***Integrity*** – Board members and staff are keepers of the public trust and must uphold the highest standards of ethical behaviour and are expected to:
 - make decisions that benefit the community/region;
 - act lawfully and within the authorities of the Regional District;
 - be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests
- ii. ***Leadership*** – Board members and staff must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in local government;
- iii. ***Responsibility*** – Board members and staff must act responsibly, within the law and within the authorities of the *Local Government Act*. They must follow the letter and spirit of policies and procedures, and exercise all conferred power strictly for the purpose for which the powers have been conferred;
- iv. ***Respect*** – Board members and staff must conduct public business efficiently, with decorum and with proper attention to the Regional District's diversity. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, treating people with courtesy and recognizing the different roles others play in local government decision making.

2. General Conduct

- 2.1 Board members and staff must adhere to the key values and provisions of the Code of Conduct.
- 2.2 Board members and staff must comply with all applicable federal, provincial, and local laws in the performance of their public duties. These laws include, but are not limited to:
- *the Constitution Act of Canada*
 - *the Provincial Human Rights Code,*
 - *Declaration on the Rights of Indigenous Peoples Act*
 - *the Criminal Code,*
 - *the Local Government Act,*
 - *the Community Charter,*
 - laws pertaining to financial disclosures and employer responsibilities, and
 - all relevant Regional District bylaws and policies.
- 2.3 Board members and staff have an obligation to consider issues consistently and fairly;
- 2.4 Board members and staff will treat one another and the public with dignity and respect. They must also refrain from abusive conduct, intimidating or demeaning behaviour, or verbal attacks upon the character, professionalism or motives of others;
- 2.5 Board members and staff are obliged to question any request to act or make a decision that they think may be unethical or unlawful;

3. Meetings

Board members and staff shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the business at hand. Cell phones should be turned off during meetings, however, if an urgent matter necessitates that a Director be interrupted during the meeting, the cell phone shall be kept on silent or vibrate.

Board members and staff shall not interrupt other speakers, make personal comments or comments not germane to the business of the body, or otherwise disturb a meeting. Meetings shall provide an environment for transparent and healthy debate on matters requiring deliberation by the Board.

4. Communication and Media Relations

The Regional Board Chair is the spokesperson for the Regional District on Board matters. The CAO or his/her designate is the spokesperson for the Regional District on administrative and operational matters.

Board members and staff will accurately communicate the decisions of the Board, even if they disagree with the majority decision of the Board. A Director may state that he/she voted against a decision but will refrain from making disparaging comments about other Directors or the Board's decision itself. By doing so will affirm the respect for and integrity of the decision making process of the Regional Board.

5. Use of Social Media

- 5.1 Board members and staff will use caution in reporting decision-making by way of their social media profiles and websites ensuring that any material they publish is accurate, precise, and communicates the intent of the Board.
- 5.2 Board members and staff will include an "in my opinion" or similar disclaimer, either within the banner of their individual social media site(s) or separately when making follow up posts to the RDBN's social media postings and when creating original posts pertaining to RDBN related business.
- 5.3 Board members and staff will refrain from using or permitting use of their social media accounts for purposes that include generating or recirculating:
 - Defamatory remarks, obscenities, profane language or sexual content;
 - Negative statements disparaging other members of the Board;
 - Negative statements disparaging staff or calling into question the professional capabilities of staff;
 - Content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability, or sexual orientation;
 - Statements that indicate an actual attitudinal bias in relation to a matter that is to be the subject of a statutory or other public hearing;
 - Promotion of illegal activity;
 - Information that may compromise the safety or security of the public or public systems.

6. Conflict of Interest

- 6.1 Board members and staff are expected to make decisions that benefit the community/region. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or business interests;
- 6.2 A conflict exists when an individual is, or could be, influenced or appear to be influenced, by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgement, closemindedness or undue influence;
- 6.3 Board members and staff must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict of interest exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists;
- 6.4 Board and staff members must not use Confidential Information gained through their official position for the purpose of securing a private benefit for themselves or for any other person;

7. Interactions of Board Members and Staff

- 7.1 The Regional Board is the governing body of the Regional District of Bulkley-Nechako. It has the responsibility to govern the Regional District in accordance with the *Local Government Act*, *Community Charter*, and other relevant legislation;
- 7.2 The Regional Board of Directors must act in accordance with the Board's Procedure Bylaw and the conduct guidelines outlined in this document;
- 7.3 Board members must not direct or influence, or attempt to direct or influence any staff or advisory body member in the exercise of their duties or functions;
- 7.4 Board members are not to contact or issue instructions to any of the Regional District's contractors, tenderers, consultants or other service providers;
- 7.5 Board members must not make public statements attacking or reflecting negatively on Regional District staff or invoke staff matters for political purposes;
- 7.6 The Chief Administrative Officer is responsible for the efficient and effective operation of the Regional District organization and for ensuring the implementation of the decisions of the Board;
- 7.7 The Regional Board operates under a single employee model. That single employee is the Chief Administrative Officer (CAO). Requests for information from the Board other than over the counter inquiries must be addressed to the CAO who will refer the inquiry to the appropriate staff member to respond;
- 7.8 The Board as a whole, not individual Directors, gives direction to staff through Board resolutions. The Chief Administrative Officer directs administrative staff and

oversees the implementation of those Board resolutions. Accordingly, Directors shall not request staff to undertake work that has not been expressly authorized by the Board. Directors shall submit such requests directly to the Board or, where the Director believes the request is of a minor nature consistent with corporate policies, to the Chief Administrative Officer who shall determine if the request can be accommodated without compromising other Board-approved directives or if the request needs to be referred to the Board for consideration of resource allocation.

8. Confidential Information

- 8.1 Board members shall be aware of their responsibilities under Section 205 of the *Local Government Act* and Section 117 of Division 1 of Part 5 of the *Community Charter* and shall fulfill the requirements of the legislation;
- 8.2 Board members and staff shall not disclose or release to anyone, confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the Board to do so;
- 8.3 Board members and staff shall not disclose the substance of deliberations of an in-camera meeting until the Board approves a resolution to bring formerly confidential information to a meeting that is open to the public or releases the information to the public;
- 8.4 Confidential information includes documents and discussions regarding all matters described under Section 90 of the Community Charter affecting the business affairs of the Region as well as information provided by a third party on a confidential basis. Confidential information also includes, but is not limited to information:
 - 8.5 Disclosed or discussed at an In-Camera or Confidential Meeting of the Board;
 - 8.6 That is circulated to Directors and marked “Confidential”; or
 - 8.7 That is given verbally in confidence in preparation for or following an in-camera meeting.

9. Advocacy

- 9.1 It is recognized that Directors play a dual role of representing the interests of their respective taxpayers, while recognizing the benefits of regional collaboration and cooperation within the democratic process of decision making as a regional entity. All members of the Board shall respect the diverse interests of its citizenry and the role of Directors to balance the views of their respective jurisdictions with that of other jurisdictions. As such, a Director needs to consider all aspects of an issue including applying the Board’s Key Values prior to making decisions that support the Board’s strategic objectives. While it is not anticipated that all decisions will be unanimous, it is recognized that the

decisions of the Board will be the only position portrayed as a corporate decision;

- 9.2 When presenting their individual opinions and positions, Directors shall expressly state that the views are their own and do not represent the views of the Regional District. Directors shall not use Regional District letterhead for personal matters or to convey an opinion on any matter not specifically approved by the Board.

10. Implementation

- 10.1 The Regional District's Code of Conduct is intended to be self-enforcing. Directors and staff should view the Code as a set of guidelines that express collectively the standards of conduct expected of them. It, therefore, becomes most effective when Directors and staff are thoroughly familiar with the Code and embrace its provisions.

For this reason, the Code of Conduct will be provided to candidates for Regional District elections. Persons elected to the Regional District will be requested to sign the Director's Statement affirming they have read and understand the Regional District's Code of Conduct. The Code of Conduct will be reviewed in detail at orientation sessions for new and returning directors following each election or by-election.

11. Compliance and Enforcement

- 12.1 The Regional District's Code of Conduct expresses standards of ethical conduct expected for Board members and staff. They themselves have the primary responsibility to assure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of the Regional District.

12. Review

- 13.1 This policy shall be brought forward for review at the beginning of each term and at any other time that the Board considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected of members.

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 10th 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

REGIONAL DISTRICT OF BULKLEY-NECHAKO

BYLAW NO. 1964, 2021

A bylaw to regulate the meetings and conduct of the Regional Board and Committees

WHEREAS the Regional District pursuant to Section 225 of the *Local Government Act* must, by bylaw, provide for the procedure to be followed for the conduct of its business and the business of its select and standing committees, and, in particular, must, by bylaw:

- (a) establish the general procedures to be followed by the Board and by Board committees in conducting their business, including the manner by which resolutions may be passed and bylaws adopted;
- (b) provide for advance public notice respecting the time, place and date of Board and Board committee meetings and establish the procedures for giving that notice;
- (c) identify places that are to be public notice posting places for the purposes of the application of section 94 (requirements for public notice) of the *Community Charter* to the Regional District.

NOW THEREFORE, the Board of Directors of the Regional District of Bulkley-Nechako, in open meeting assembled, enacts as follows:

PART 1 - GENERAL

1.0 Title

- 1. This bylaw may be cited for all purposes as "Regional District of Bulkley-Nechako Procedure Bylaw No. 1964, 2021."
- 2. The "Regional District of Bulkley-Nechako Procedure Bylaw No. 1832, 2012" is hereby repealed.

2.0 Interpretation

"Board" means the Board of Directors of the Regional District of Bulkley-Nechako;

“Chairperson” means the Chairperson of the Board elected by the Board to fulfil the duties and responsibility of Chair pursuant to the *Local Government Act* and includes the person presiding at a meeting of the Board, or the person appointed as Chair of a Standing or Select Committee of the Board, as the context requires;

“Vice-Chairperson” means the person elected by the Board to fulfil the duties and responsibility of Vice-Chairperson pursuant to the *Local Government Act* and includes the person presiding at a meeting of the Board, or a Standing or Select Committee of the Board in the absence of the Chairperson as the context requires;

“Committee” means a Standing or Select Committee of the Board;

“Committee of the Whole” means a committee of all Board members.

“Chief Administrative Officer” means the officer assigned responsibility for chief administration pursuant to the *Local Government Act*.

“Corporate Administrator” means the officer assigned responsibility for corporate administration pursuant to the *Local Government Act*;

“Delegation” means an individual or an organization addressing the Board, a committee or commission about a specific item on the agenda of a meeting;

“Director” means a member of the Board of the Regional District of Bulkley-Nechako, whether as a Municipal Director or an Electoral Area Director pursuant to the *Local Government Act*;

“Inaugural Meeting” means the first meeting of the Board that is held after November 1 in any year.

“Public Notice Posting Place” means the notice board, whether electronic or not, located in the Regional District of Bulkley-Nechako main office, Burns Lake, British Columbia;

“Regional District” means the Regional District of Bulkley-Nechako;

“Regional District Office” means the main office of the Regional District located in Burns Lake, British Columbia;

“RDBN” means the Regional District of Bulkley-Nechako;

“RDBN Website” means the information resource found at an internet address

provided by the RDBN.

3.0 Election of Chairperson and Vice-Chairperson

- 3.1 At the Inaugural Meeting the Board shall elect a Chairperson from among its Directors.
- 3.2 Following election of a Chairperson, and at the same meeting, the Board shall elect a Vice-Chairperson from among its Directors.
- 3.3 The Chief Administrative Officer is to preside from the Chair over the election of the Chair and Vice Chair. The Chief Administrative Officer has all the powers and duties of the Chair under this bylaw and the *Local Government Act* to the extent necessary to conduct the election.
- 3.4 Each candidate for election as Chair or Vice Chair may make a statement of not more than two minutes duration before the election.
- 3.5 The election of the Chair and the Vice Chair must be by a secret ballot of the Directors whose votes are to be recorded on ballot papers prepared and distributed for the purpose by the Chief Administrative Officer.
- 3.6 The winner of an election is to be determined by the Chief Administrative Officer in accordance with the following rules:
 - (a) Where there are two candidates for a position, the candidate who receives the most votes is the winner of the election.
 - (b) Where there are more than two candidates for a position, the candidate who receives more votes than all of the other candidates together is the winner.
 - (c) Subject to rule (d) below, where there are more than two candidates for a position and no candidate receives more votes than all of the other candidates together, the candidate who received the least votes is eliminated and another vote is to be held. Voting is to continue as provided in these rules until one candidate receives more votes than all of the other candidates together.
 - (d) If two candidates are tied for the least number of votes, the Chief Administrative Officer must announce the results of that vote and a second vote must be held. If the second vote results in another tie

for the least number of votes, the Chief Administrative Officer must toss a coin and the loser of that toss is eliminated as if he or she alone had received the least number of votes. Voting is then to continue as provided in these rules.

- 3.7 The Chief Administrative Officer must declare the winner of an election by announcing it to the Board of Directors. The Chief Administrative Officer must record the winner of the election in the minutes for the meeting at which the election is held.
- 3.8 The Chief Administrative Officer must destroy the ballots cast in an election if the Directors unanimously so resolve.
- 3.9 During the absence, illness or other disability of the Chairperson, the Vice-Chairperson has all the authority of the Chairperson and is subject to the same rules as the Chairperson.
- 3.10 If the office of the Chairperson or Vice-Chairperson becomes vacant, the Board shall elect another Chairperson or Vice-Chairperson from among its Directors at the first possible regular meeting of the Board.

PART TWO - MEETINGS

4.0 Meetings of the Regional Board and Standing Committees

- 4.1 Regular Meetings of the Board shall be held at such time and place as the Board shall decide from time to time by resolution.
- 4.2 At the Inaugural Meeting each year, the Board shall set the time, place, and dates of the regular meetings of the Board and its Standing Committees for the coming year.
- 4.3 The Schedule of Regular Meetings of the Board and its Standing Committees must be posted at the Public Notice Posting Place.

5.0 Notice of Regular Board Meetings

- 5.1 At least seventy-two (72) hours before a Regular Board Meeting, the Corporate Administrator must give public notice of the time, place, and date of the meeting by way of a notice posted at the Public Notice Posting Place.
- 5.2 At least twenty-four (24) hours before a Regular Board Meeting,

the Corporate Administrator must give further public notice of the meeting by:

- (a) posting a copy of the agenda at the Public Notice Posting Place and on the RDBN Website; and
- (b) leaving copies of the agenda at the reception counter at the Regional District office for the purpose of making them available to members of the public.

5.3 The Corporate Administrator will issue an electronic copy of the agenda at least four (4) days before the date of the Regular Board Meeting to each director at the electronic address given by the director.

6.0 Reports

6.1 A Standing or Select Committee of the Board may report to the Board at any regular meeting or as required by the Board.

6.2 Written reports should be prepared and submitted to the Corporate Administrator who shall make copies of each report and attach a copy to the agenda of the forthcoming regular meeting of the Board before the agenda is circulated to the members of the Board.

7.0 Notice of Special Board and Committee Meetings

7.1 Except where notice of a Special Meeting is waived by a unanimous vote of all Board members under Section 220(3) of the *Local Government Act*, before a special meeting of the Board, the Corporate Administrator must;

- (a) At least 24 hours before a Special Meeting, give advance public notice of the time, place, and date of the meeting by posting a notice on the Public Notice Posting Place;
- (b) give notice of the Special Meeting in accordance with section 220(2) of the *Local Government Act*.

7.2 In an emergency, notice of a Special Meeting may be given, in accordance with section 220(4) of the *Local Government Act*.

7.3 Section 7.1 does not apply where the Directors have been given notice under Section 7.2.

8.0 Electronic Meetings

- 8.1 Provided the conditions set out in the *Regional Districts Electronic Meetings Regulation, B.C. Reg.271/2005* and section 220 of the *Local Government Act* are met, a special Board or Committee Meeting may be conducted by means of visual and/or audio electronic or other communication facilities if the Board requires it.
- 8.2 Provided the conditions set out in the *Regional Districts Electronic Meetings Regulation, B.C. Reg.271/2005* are met, a Director who is unable to attend a Board, Committee, Special, or In-Camera meeting other than a meeting convened under Section 8.1, may participate in a meeting, by means of visual and/or audio electronic or other communication facilities, if the Director is unable to attend in person because of:
- (a) Physical incapacity due to injury or illness;
 - (b) Inclement weather;
 - (c) Physical absence from the Regional District boundaries while acting in the capacity as a Director on Regional District of Bulkley-Nechako matters;
 - (d) Extraordinary circumstances which, in the view of the Chair, renders attendance in person by the Director impractical;
- provided that a Director who participates in accordance with section 8.2 does so at no more than two different meeting dates per year unless otherwise authorized by the Chair.
- 8.3 No more than four Directors at one time may participate at a meeting under section 8.2 unless otherwise authorized by the Chair. This ensures that a quorum remains present in the event that communication is lost with those attending electronically.

- 8.4 Any Director participating at a meeting in accordance with section 8.2 must be in receipt of the agenda and any applicable staff reports as have been provided to Directors not participating electronically before the Board meeting.
- 8.5 Notice of a special Board meeting required under section 7 and conducted under section 8.1 must contain information of the way in which the meeting is to be conducted and the place where the public may attend to hear, or watch and hear, the proceedings of the meeting that are open to the public.
- 8.6 A Director participating electronically by audio means only must indicate his or her vote verbally.
- 8.7 A Director participating in a meeting electronically is deemed to be present in the meeting as though they are physically present.
- 8.8 A Director must provide 24 hours' notice to the Chair and the Chief Administrative Officer or Corporate Officer of their intent to participate electronically unless it is not practicable to do so.

9.0 Electronic Participation in case of Emergency or Special Circumstance

- 9.1 In an emergency, special circumstance, or public health event that prevents or restricts members from being able to physically meet in one location, Directors may participate in a meeting by means of electronic or other communication facilities that:
 - (a) Enable the meeting's participants to hear, or watch and hear, each other; and,
 - (b) except for a meeting that is closed to the public, enable the public to hear, or watch and hear, the person(s) participating by electronic or other communication facilities.
- 9.2 Meetings called under subsection (1) will be at the call of the Board Chair.
- 9.3 Special meetings called under subsection (1) will be in accordance with section 7 of this bylaw and will comply with the requirements set out in subsection 2(2)(d) of the *Regional District Electronic Meetings Regulations*, B.C. Reg. 118/2018.

10.0 Notice of Committee Meetings

10.1 In this section:

“Standing Committee” means a Committee of the Board which is not a Standing Committee of the Whole.

10.2 At least seventy-two (72) hours before a regular meeting of a Standing Committee of the Whole, the Corporate Administrator must give public notice of the time, place, and date of the meeting by way of a notice posted at the Public Notice Posting Place.

10.3 At least twenty-four (24) hours before a regular meeting of a Standing Committee of the Whole, the Corporate Administrator must give further public notice of the meeting by:

- (a) posting a copy of the agenda at the Public Notice Posting Place; and
- (b) leaving copies of the agenda at the reception counter at the Regional District Office for the purpose of making them available to members of the public.

10.4 At least twenty-four (24) hours before a regular meeting of a Standing Committee of the Whole, the Corporate Administrator must deliver a copy of the agenda to each member of the Committee at the place to which the Committee member has directed notices be sent.

10.5 At least twenty-four (24) hours before:

- (a) a special meeting of a Standing Committee of the Whole; or
- (b) a meeting of a Standing Committee;

the Corporate Administrator must give advance public notice of the time, place, and date of the meeting by way of a notice posted at the Public Notice Posting Place.

11.0 Attendance of Public at Meetings

11.1 Except where the provisions of Section 90 of the *Community Charter* apply all the Regional Board meetings must be open to the public.

11.2 Where the Board wishes to close a meeting or part of a meeting to the public, it may do so by first adopting a resolution in a public meeting in accordance with Section 92 of the *Community Charter*.

11.3 This section applies to meetings of bodies referred to in Section 93 of the *Community Charter*, including, without limitation:

- (a) Select or Standing Committees of the Board;
- (b) the Board of Variance;
- (c) the Parcel Tax Review Panel;
- (d) the Advisory Planning Commissions;
- (e) other Committees and Commissions established by the Board;
- (f) Committee of the Whole.

11.4 Despite Section 10.1, the Chairperson may expel or exclude from a Board meeting or meeting of a body referred to in Section 11.3, a person in accordance with Section 133 of the *Community Charter*.

12.0 Minutes of Meetings

12.1 Minutes of Board meetings must be kept in accordance with Section 223 (1) of the *Local Government Act*. For the purposes of Section 223(1)(b) of the *Local Government Act*, the designated officer is the Corporate Administrator.

12.2 Minutes of Committee meetings referred to in Section 11.3 must be kept in accordance with Section 223(2) of the *Local Government Act*.

12.3 Section 12.2 applies to meetings of:

- (a) Select or Standing Committees of the Board; and
- (b) Any other Committee composed solely of Board members acting as Board members.

13.0 Closed Meetings

13.1 A meeting of the Board may be closed to the public in accordance with Section 90 of the *Community Charter*.

13.2 It shall be the responsibility of the Chairperson, Chief Administrative

Officer, and the Corporate Administrator, individually or collectively, to recommend to the Board that it consider certain matters at a closed meeting (with the public and/or certain members of the staff excluded), and to prepare an agenda designating the topics to be so discussed.

PART 3 - PROCEDURES

14.0 Opening Procedures

- 14.1 As soon as a quorum is present, following the stated time of the meeting, the Chairperson shall take the Chair and call the Directors to order.
- 14.2 If the Chairperson does not attend the meeting within fifteen (15) minutes after the time appointed, the Vice-Chairperson shall take the Chair and call the Directors to order. If the Vice-Chairperson is also absent, the Chief Administrative Officer or the Corporate Administrator shall take the Chair and call the Directors to order. If a quorum is present, the Directors shall elect an Acting Chairperson who shall preside during the meeting until the arrival of the Chairperson or Vice-Chairperson. The person appointed as Acting Chairperson has all the authority and is subject to the same rules as the Chairperson.
- 14.3 If no quorum is present within thirty (30) minutes after the appointed time of the meeting, the Chief Administrative Officer or Corporate Administrator shall record in the minute book the names of the Directors present and the meeting shall be adjourned.
- 14.4 A quorum of a regular Board Meeting shall consist of ten (10) Directors.
- 14.5 Immediately after the Chairperson has taken his/her seat and has called the meeting to order, the minutes of the preceding meeting shall be read by the Chief Administrative Officer or Corporate Administrator in order to correct mistakes. The reading of the minutes shall be dispensed with if each member has been sent a copy of the minutes at least seventy-two (72) hours before the meeting at which they are to be considered.

15.0 Rules of Conduct and Debate

- 15.1 Every Director shall address the Chairperson before speaking to any question or motion.

- 15.2 Directors shall address the Chairperson as “Mr. Chair” or “Madam Chair” or “Mr. Chairperson” or “Madam Chairperson” and shall refer to each other as “Director _____”.
- 15.3 No Director shall:
- (a) speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor General or a Lieutenant Governor, or persons administering the Government of Canada or of the Government of British Columbia;
 - (b) use offensive words in or against the Board, a Director or a Regional District staff member;
 - (c) speak to or raise matters that are not germane to the question being debated;
 - (d) disobey the rules of the Board on questions of order or practice, or upon the interpretation of the rules of the Board.
- 15.4 If a Director takes an action prohibited in section 15.3, that Director may be ordered by a majority vote of the Directors present to leave his or her seat for that meeting. If a Director refuses to leave his or her seat, that Director may on the order of the Chairperson be removed from the meeting by a Peace Officer.
- 15.5 The Board may permit a Director who has been ordered to leave his or her seat to take his/her seat again, if that Director apologizes.
- 15.6 After a question is finally put to the Chairperson, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared. The decision of the Chairperson as to whether the question has been finally put shall be conclusive.
- 15.7 If the Chairperson desires to leave the chair for the purpose of taking part in the debate or otherwise, the Chairperson shall call on the Vice-Chairperson or if the Vice-Chairperson is absent, one of the Directors shall be called to take the chair until resumed by the Chairperson.
- 15.8 When any order, resolution, or question is lost by reason of the Board or any Committee thereof breaking up for want of a quorum, the order, resolution, or question so lost shall be the first item of business to be

proceeded with and disposed of at the next meeting of the Board or Committee.

16.0 Points of Order

- 16.1 The Chairperson, or the Director presiding at the meeting of the Board, shall preserve order and decide all points of order which may arise, subject to an appeal by the other Directors of the Board then present.
- 16.2 If an appeal is made by a Director of the Board from the decision of the Chairperson, the question "Shall the Chairperson be sustained?" shall immediately be put by the Chairperson and decided without debate. The Chairperson shall be governed by the majority of the Directors of the Board then present, other than the Chairperson. In the event of the votes being equal, the question shall pass in the affirmative.
- 16.3 If the Chairperson refuses to put the question "Shall the Chairperson be sustained?", the Board shall forthwith appoint the Vice-Chairperson, or if absent, one of the Directors to preside temporarily in lieu of such Chairperson, as the case may be, and the Vice-Chairperson or Director of the Regional Board so temporarily appointed shall proceed in accordance with Subsection 16.2. In the event of the votes being equal, the question shall pass in the affirmative.
- 16.4 Any resolution or motion carried under the circumstances mentioned in Subsection 16.3 is as effectual and binding as if carried under the presidency of the Chairperson.

17.0 Motions

- 17.1 Motions other than routine motions shall be put in writing and seconded before being debated or put from the Chairperson.
- 17.2 A motion that has been seconded must be read by the Chairperson, Chief Administrative Officer, or Corporate Administrator before debate at the request of any Director.
- 17.3 Amendments to a motion shall be decided upon before the main question is put to a vote. Only one amendment shall be allowed to an amendment.
- 17.4 A motion to commit the subject matter to a Committee, until it is decided, shall preclude all amendment of the main question.

- 17.5 A motion to adjourn the Board or to adjourn the debate shall always be in order, but if such motion is defeated, no similar motion to the same effect shall be made until some intermediate business or matter has been disposed of.

18.0 Voting of Questions

- 18.1 Voting on questions, resolutions, and bylaws must be in accordance with Sections 206 to 214 of the *Local Government Act*.
- 18.2 Section 18.1 applies to the meetings of a Committee.
- 18.3 Any Director who is present at the meeting but who declines to vote on a question for any reason shall be deemed to have voted in the affirmative and that Director's vote or votes shall be counted accordingly.
- 18.4 In all cases where the votes of the Directors then present, including the vote of the Chairperson or other person presiding, are tied, the question shall be defeated and it shall be the duty of the presiding Director to so declare.
- 18.5 As soon as the Chairperson has announced the results of the vote on a question, any Director who voted in opposition may request the Chairperson to have that Director's name so recorded in the minutes.
- 18.6 When a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately only upon the request of any Director to do so.
- 18.7 After a bylaw, resolution, or proceeding of the Board is adopted, the Chairperson may return it for reconsideration in accordance with Section 217 of the *Local Government Act*.
- 18.8 The Board shall not reconsider any question more than once.
- 18.9 The motion to reconsider requires two-thirds of the votes cast of the Directors present to pass.
- 18.10 The Board shall not reconsider any question that
- (a) has been acted upon by any officer or employee of the Regional District.

- (b) received the assent or approval of the electors and was subsequently adopted by the Board; or
- (c) has been reconsidered under Section 217 of the *Local Government Act* or Section 18.7 of this Bylaw.

18.11 After a question has been reconsidered, it shall not be reintroduced for a period of six months except by unanimous consent of all Directors.

18.12 For the purpose of this section, a question has been acted upon if

- a) in the case of a contract, a bylaw or resolution authorizing the Board to enter into the contract has been communicated to another party to the agreement;
- b) an approval or consent of the Board has been communicated to a public authority and the public authority has relied upon the approval or consent to issue a permit, approval, or license or to enter into an agreement with a third party; or
- c) in any other case, a decision of the Board on this question has been communicated to a third party in circumstances in which it is reasonable to believe that the third party or another person has, in reliance upon the communication, incurred a liability or altered his or her legal position;

18.13 This section shall not be interpreted as fettering or impairing any legislative power, duty or function of the Board.

PART 4 - BYLAWS

19.0 Bylaws

19.1 A bylaw may be given up to 3 readings at one meeting of the Board.

19.2 The Board may reconsider any clause or section of a bylaw following first, second and/or third reading, but before adoption.

19.3 Despite Section 135 (3) (*at least one day between third reading and adoption*) of the *Community Charter*, a bylaw that does not require approval, consent or assent under this or any other Act before it is adopted may be adopted at the same meeting at which it passes third reading if the motion for adoption receives at least 2/3 of the votes cast.

19.4 If a bylaw requires statutory approval, the approval must be obtained after

the bylaw has been given third reading and before the bylaw is adopted.

- 19.5 Once adopted, a bylaw must be signed by the Chairperson at the Board meeting at which it was adopted and be signed by the officer assigned responsibility under Section 236 of the *Local Government Act*.

20.0 Standing and Select Committees

- 20.1 The Chairperson may establish standing committees in accordance with Section 218(2) of the *Local Government Act*. The proceedings of all such Committees shall be subject to the approval of the Board.
- 20.2 The Board may from time to time appoint a select committee in accordance with Section 218(1) of the *Local Government Act*.
- 20.3 Any Director of the Board may be appointed to a standing or select committee whether or not that director is present at the meeting where the appointment is made.
- 20.4 Any Director may attend a meeting of any Committee. A Director who has not been appointed to a Committee and attends a meeting of that Committee may not vote, but, with the exception of the Executive Committee, may be allowed to take part in any discussion or debate by permission of a majority of the votes of the members of that Committee then present.
- 20.5 The Chairperson is an ex-officio member of all Board Committees. The Chairperson shall have the right to vote, but shall not be included in the quorum.
- 20.6 The general duties of all the standing committees of the Board shall be as follows:
- a) To consider and report to the Board from time to time, or whenever desired by the Board and as often as the interest of the Regional District may require, on all matters referred to them by the Chairperson or the Board or coming within their purview, and to recommend such action by the Board in relation thereto as they, the Committee, deem necessary or expedient.
 - b) To carry out the instructions of the Board expressed by resolution in regard to any matter referred by the Board to any committee for immediate action thereupon, but in such cases the instructions of

the Board shall be specific and the Committee shall report its action in detail at the next regular or other meeting of the Board, or as specified in the instructions of the Board.

- 20.7 In the transaction of business, all Standing and Select Committees shall adhere as far as possible to the rules governing proceedings in meetings of the Board.
- 20.8 Of the number of Directors appointed to compose any standing or select committee, a majority of the Directors having among them a majority of the votes shall be a quorum competent to transact business.
- 20.9 On completion of its assignment and submission of its report to the Board, a Select Committee shall be automatically dissolved.

PART 6 - AGENDAS

21.0 Delegations

- 21.1 Individuals or groups wishing to appear before the Board may do so only if they have first notified the Chairperson, Chief Administrative Officer, or Corporate Administrator in writing before the agenda has been prepared and circulated to the Board, except on extraordinary occasions declared as such by the Chairperson.
- 21.2 Every delegation shall be allowed a reasonable time at the discretion of the Chairperson to present its petition or submission, at the meeting. The Board may dispose of the petition or submission at the meeting, refer the subject matter to a Committee or take such other action as is deemed expedient.

22.0 Rules of Order

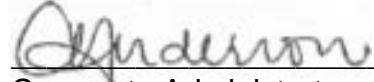
- 22.1 In all unprovided cases in the proceedings of the Board or of its Committee(s), the most current edition of Robert's Rules of Order shall be followed to the extent those Rules are applicable in the circumstances and not inconsistent with this Bylaw, the *Community Charter* or the *Local Government Act*.

This Bylaw may be cited for all purposes as "Regional District of Bulkley-Nechako Procedure Bylaw No. 1964, 2021."

Certified a true and correct copy of Regional District of Bulkley-Nechako Procedure

Bylaw No. 1964
Page 17

Bylaw No. 1964, 2021.



Corporate Administrator

READ A FIRST TIME this 21st day of October, 2021.

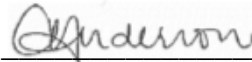
READ A SECOND TIME this 21st day of October, 2021.

READ A THIRD TIME this 21st day of October, 2021.

ADOPTED this 18th day of November, 2021



CHAIRPERSON



CORPORATE ADMINISTRATOR

**REGIONAL DISTRICT OF BULKLEY-NECHAKO
BYLAW 1837**

A Bylaw for Directors' Remuneration

WHEREAS, pursuant to the provisions of the *Local Government Act*, a Board may adopt procedures, conditions and amounts for Directors' remuneration and expenses;

NOW THEREFORE the Board of the Regional District of Bulkley Nechako in open meeting assembled enacts as follows:

1. TITLE:

This bylaw shall be cited as the "Regional District of Bulkley Nechako Directors' Remuneration and Expenses Bylaw No. 1837, 2018".

2. PRINCIPLES

Directors' remuneration and reimbursement for expenses shall be guided by the following principles:

- (A) Directors' remuneration should be structured to recognize the importance of this publicly elected office and provide a reasonable incentive to attract and retain quality individuals to these positions.
- (B) Directors are expected to conduct their business in such a way as to optimize the value to the taxpayer.
- (C) Directors should be reimbursed for their reasonable expenses in carrying out their responsibilities.
- (D) Directors should not use expenses charged for Regional District business to subsidize their personal or business activities.

3. DEFINITIONS:

In this bylaw, unless the context otherwise requires:

Board Day means the day of the regular meeting of the Board for the purposes of conducting regional board business and includes both the public and, when necessary, in-camera portions of the meeting.

Committee means a Committee to which a Director has been appointed by either the Board or the Chair of the Regional District.

Committee of the Whole Meeting means the days on which the entire Board membership meets in a Committee format to discuss and make recommendations to the RDBN Board on broad regional topics such as policy issues, etc.

Meals means food and non-alcoholic beverages consumed by individual Directors while attending a sanctioned meeting within the Region on such occasions when the meal service is not already provided by the Regional District (receipts required).

Miscellaneous Expenses means reimbursable travel-related expenses not expressly dealt with elsewhere in this bylaw, such as: parking fees; hotel internet costs, fares for taxis, airport shuttle services, ferries, buses, toll booth fees, etc.

Per Diem Rates means the daily rate a Director may charge for meals and incidentals while on Regional District business outside of the region as per Section 8(E) (no receipt required).

4. INTERPRETATION AND APPLICATION

- (A) The Regional District Finance Chair (or the Vice Chair if a Finance Chair is not appointed) shall be responsible for reviewing and approving Directors' Remuneration and Expense Reports.
- (B) The Regional District Board Chair shall be responsible for reviewing and approving the Finance Chair's Remuneration and Expense Reports.
- (C) Disputes regarding Directors' Remuneration and Expense Reports shall be forwarded to the Regional District Executive Committee for resolution. If the dispute is not resolved at the Executive Committee, the matter shall be forwarded to the Regional District Board.

5. REMUNERATION

- (A) Remuneration shall be paid to Directors for the discharge of the duties of office unless pay is suspended in accordance with the Regional District Code of Conduct and Ethics. Remuneration shall be comprised of the following:
 - (i) **Directors, Chair and Vice Chair, Standing Committee Chair Remuneration** -- to be determined and paid pursuant to Schedule A, attached to and forming part of this bylaw; and,
 - (ii) **Remuneration for attendance at meetings** -- to be determined in accordance with Schedule B, attached to and forming part of this bylaw.

- (B) A Director shall not receive remuneration for wages lost through absence from work or income deemed lost due to attendance at any meeting or as a delegate representing the Regional Board.

6. OTHER REMUNERATION

Travel time remuneration -- to be determined and paid pursuant to Schedule C, attached to and forming part of this bylaw.

7. ALTERNATE DIRECTORS

- (A) When replacing a Director, an Alternate Director is eligible to receive business meeting remuneration in accordance with Schedule B, travel time remuneration in accordance with Schedule C and reimbursement of expenses in accordance with Section 8.
- (B) As an exception to the above, Alternate Directors are not authorized to attend conventions/seminars or other non-business sessions on behalf of the Director.
- (C) Reimbursement for travel expenses and remuneration is authorized for newly appointed Alternate Directors to attend their first Board meeting accompanied by the Director of the electoral area.

8. EXPENSES

Directors shall be reimbursed for reasonable expenses incurred while discharging the duties of office in accordance with the following:

(A) Transportation Costs

- (i) A Director shall be paid a "personal vehicle allowance" per kilometre for the use of their personal vehicle as transportation for Regional District business conducted:
 - a) within the Director's electoral area;
 - b) for sanctioned meetings; and
 - c) other meetings/events authorized by the Board or by the Chair where time constraints preclude Board consideration.

The personal vehicle allowance rate for the above-approved travel shall be the rate published by Canada Revenue Agency's automobile allowance rate per kilometre.

The District shall not reimburse the Director for stand-by charges of his personal vehicle while he is attending a meeting. Stand-by refers to the privately owned vehicle being situated at the point of departure or at the

place of the meeting.

For the purpose of calculating distances travelled, the Director's normal place of residence, within the Regional District, shall be considered the starting point and point of return of any trip.

For trips exceeding 600 kilometres, Directors shall be entitled to reasonable accommodation en route.

No additional personal vehicle allowance is payable for carrying passengers.

- (iii) The amount paid shall not exceed the lesser of the cost of economy airfare and associated ground transportation cost or the personal vehicle allowance.
- (iv) Directors who choose to use commercial transportation shall be reimbursed the actual cost of such transportation based on economy class fares.

(B) Accommodation Costs

- (i) In general, Directors shall be reimbursed for the actual cost of commercial accommodation. For conventions, Board meetings, and Committee of the Whole meetings, commercial accommodation will typically be booked and paid for by the District. A Director may choose to stay at accommodation other than the designated accommodation provided by the corporation; however, they will be responsible for making their own arrangements and will be reimbursed a maximum of the amount charged for the corporate accommodation.
- (ii) A Director who utilizes non-commercial facilities for overnight accommodation shall be paid a private accommodation allowance, provided the period of accommodation would not exceed that required for the purpose of attending to Regional District business. The private accommodation rate shall be the rate paid \$60.
- (iii) Where specific provisions are required to address disability or health issues that are not available in the designated accommodation, a Director may choose to stay at an alternative, comparable accommodation and in such a case, the Director may request that the Chair authorize additional reimbursement.

(C) Meal Expenses Within the Highway 16 Corridor Within the RDBN

When attending sanctioned meetings within the *Highway 16 corridor*, Directors are entitled to reimbursement for the actual cost of meals not to exceed \$65.00 per day. Receipts must be provided. The Claims for meals are as follows:

Full Day	Breakfast	Lunch	Dinner	B & L	L & D	B & D
\$65	\$15	\$20	\$30	\$35	\$50	\$45

A claim for meals can only be made if it has not been provided by the region or as part of a convention or other event. Receipts must be provided. Where meals are provided, there is no reimbursement if the Director chooses to eat elsewhere. Exceptions would include where there are special dietary needs or the inability to take advantage of paid meals because of a timing conflict with other Regional District business. To claim meals, travel status must:

- Begin before 7 am on the date of departure to claim breakfast
- Begin before 12 pm on the date of departure (and end after 1 pm on the date of return) to claim lunch
- End after 6 pm on the date of return to claim dinner

(D) Miscellaneous Expenses

- While away from his/her residence on regional district business, Directors are entitled to reasonable reimbursement of other expenses necessarily incurred such as parking fees, taxis, hotel internet services, ferries, toll booths, etc. Receipts must be provided.
- Miscellaneous expenses as defined in section 3 shall be reimbursed at actual cost.

(E) Per Diem in Lieu of Actual Costs of Meals and Incidentals

In lieu of reimbursement of actual expenses for meals and incidentals while on authorized regional district business outside of the *Highway 16 corridor*, Directors may elect to utilize a per diem rate of \$80.00 per day. The per diem rate shall only apply when the out-of-district travel requires an overnight stay. If the period of travel includes partial days or if some of the meals are provided, the per diem shall be as follows:

Full Day	Breakfast	Lunch	Dinner	B & L	L & D	B & D
\$80	\$25	\$30	\$40	\$50	\$60	\$60

(F) Authorization for Out-of-District Travel

- In general, out-of-district travel will be authorized by the Board.

- (ii) In the absence of Board authorization, the Chair, or in his absence, the Vice-Chair, may authorize out-of-district travel where such travel is necessary to carry out the business of the Regional District.
- (iii) No travel expenses or accommodation expenses for out-of-district travel shall be paid to any member of the Regional District Board unless the travel was first authorized by Board Resolution, or by the Chair/Vice-Chair.

(G) Extraordinary Expenses

Extraordinary expenses which are in excess of the amounts available under this bylaw shall be accounted for on the Director's claim, accompanied by receipts and details of the circumstances. Such a claim will be paid following review and approval by both the Chair of the Board and the Finance/Audit Committee Chair.

(H) Attendance at Commission Meetings

Directors attending meetings of Commissions to which they are appointed by the Board of the Regional District will be reimbursed for expenses in accordance with this section.

9. INSURANCE - USE OF PRIVATE VEHICLE

- (A) Directors shall be reimbursed for the cost of the deductible for one comprehensive claim per calendar year to a maximum of \$300 for damage to the vehicle or \$300 for windshield replacement, provided the damage to the vehicle was incurred while on regional district business and a receipt is provided.
- (B) Directors are required to ensure that the vehicle(s) they use for regional district business are insured for business class purposes. Upon submitting proof of coverage, the Director will be reimbursed for the difference in cost between insuring one of his/her vehicles for pleasure and business class purposes.
- (C) The Regional District does not accept any liability under any circumstances for claims arising from the use of privately owned vehicles, but will carry additional liability insurance over and above that which Directors carry on their personal vehicles, for claims arising from use of the vehicle while on RDBN business.

10. COMMUNICATIONS

- (A) All directors will be provided with a cell phone by the RDBN and with a RDBN email address. The RDBN email address will be used for all communication with the RDBN. Where a municipal director is provided a cell phone and a municipal email address (meeting RDBN security requirement) by their municipality, the RDBN will reimburse the municipality 50% of the cost associated with this service

to the municipality or 50% of the cost of the service if provided by the RDBN whichever is less. The RDBN will not reimburse directors for corporate use of their personal devices or cell phones.

- (B) Electoral Area directors will be reimbursed up to \$75 per month for home internet service upon the provision of receipts.
- (C) Electoral Area directors will be reimbursed up to \$2000 per term for a tablet or portable lap top computer upon receipt. Municipalities will be provided 50% of the costs associated with providing their municipal director with a tablet or portable lap top computer to a maximum of \$1000.

11. LOCAL GOVERNMENT CONVENTIONS

- (A) Electoral Area Directors will be allocated \$2000 to attend conventions and meetings related to their work as an Electoral Area Director. This amount does not include costs associated with attendance at UBCM and NCLGA. This amount may be used for convention costs, travel and remuneration. Costs will be reimbursed at the regular expense rate described in this bylaw. Electoral Area Directors that choose not to attend UBCM or NCLGA conventions may increase this amount by the amount staff estimate attendance at these conventions would cost.
- (B) The Board of the Regional District may send any director to any convention or meeting with its associated cost paid from "General Government – Legislative" at its discretion.
- (C) The Rural Directors may send any director to any convention or meeting with its associated costs paid from "Rural Government – Legislative" at its discretion.
- (D) This section does not apply to the Chair (or Vice Chair) in performing the duties of the Chair.

12. REPEAL

Regional District of Bulkley-Nechako Directors' Remuneration Bylaw No. 1717, 2014 and all bylaws enacted in amendment thereto are hereby repealed.

13. EFFECTIVE DATE

This bylaw comes into effect January 1, 2019.

Certified a true and correct copy of "Regional District of Bulkley Nechako Directors'
Remuneration and Expenses Bylaw No. 1837, 2018."



Corporate Administrator

READ A FIRST TIME this 21 day of June , 2018.

READ A SECOND TIME this 21 day of June , 2018.

READ A THIRD TIME this 21 day of June , 2018.

ADOPTED this 21 day of June , 2018.


CHAIRPERSON


CORPORATE ADMINISTRATOR

SCHEDULE A

Chair and Directors' Remuneration

1) Directors' Basic Remuneration

Effective upon adoption of this bylaw, each Director of the Regional District of Bulkley Nechako shall be paid a "Basic" remuneration of \$775 per month, thereafter to be increased annually and rounded to the nearest dollar on January 1st, based on the previous year's consumer price index (yearly average for the Province of B. C. as published by Statistics Canada), for completion of his or her duties of office. In the event that there is no increase to the consumer price index, or if it were to decline, the basic remuneration rate would remain the same as in the previous year.

2) Rural Directors' Local Governance Remuneration

Effective upon adoption of this bylaw, each Electoral Area Director of the Regional District of Bulkley Nechako shall be paid an additional 0.62 of the basic remuneration per month for completion of his or her duties of office. In addition each Electoral Area director will receive \$1 for each resident in his/her Electoral Area based on the most recent Canadian Census figures per annum paid in instalments of 8.33 cents per resident monthly.

3) Chair, Vice-Chair, and Committee Chair Remuneration

- A) The Chair of the Regional District Board shall receive an additional amount equal to 2.0 times the basic remuneration.
- B) The Vice-Chair of the Regional District Board shall receive an additional amount equal to 0.25 times the basic remuneration.
- C) A Committee Chair of the Regional District Board shall receive an additional amount equal to 0.50 times the basic remuneration.
- D) An appointed cheque signer (that is not Chair of the Finance Committee or the Board Chair or Vice Chair) shall receive an additional amount equal to 0.15 times the basic remuneration.

4) Acting Chair

In addition to his/her remuneration for attendance at a Board meeting as specified in this schedule, any Board member who serves as Acting-Chair on Board Day due to the absence of the Chair and Vice-Chair, shall be compensated \$200 for his/her services in chairing the Board meeting.

5) Emergency Operations

Directors required to attend office at the Regional District or other meetings to support emergency operations will receive the meeting ½ or full day rate (see Schedule B). The board must approve or ratify the Director's attendance for this allowance to be received.

6) Partner's Program Expense

Once a year, the Regional District will pay the registration fees for the partner's program and any additional accommodation costs for the spouse of a Director to stay in the Director's hotel room when attending either a convention or conference.

SCHEDULE B

Meeting Remuneration

It must be noted that the following table is intended to provide examples of categories of meetings and the remuneration applicable to that category. It must be recognized that the Board may eliminate or establish committees from time to time, which may or may not be eligible for remuneration in accordance with the applicable category.

- (A) For attendance at meetings, Directors will be remunerated and expenses will be paid in accordance with the attached table.
- (B) Those meetings which receive remuneration as indicated in the attached table are deemed to be "Sanctioned Meetings".
- (C) Where more than one meeting is held on the same day, the meetings shall be deemed to be one meeting. As an exception, when one of the meetings is a regular Board meeting and the other meeting begins after 6:00 pm on the same day, the other meeting will be remunerated as a separate meeting.
- (D) Directors are only eligible for remuneration where an agenda for the meeting is prepared and distributed in advance and minutes are recorded and submitted to the Board for consideration or for meetings called because of an emergency.
- (E) Where a Director attends a meeting by means of electronic communications, remuneration shall be at the normal rate for that meeting.
- (F) Remuneration for meetings not listed on the attached table must be approved by the Board. It is noted that Directors may choose to accept appointments to a wide variety of bodies; however, except as specifically provided for herein, those appointments shall be without remuneration. For clarity, meetings regarding a Director's local services, Regional District public hearings, and Advisory Planning Committee and commission meetings are excluded from remuneration under this section.

Meeting Type	Allowance *		Notes
	Half Day < 3.5 hrs	Full Day 3.5 hrs+	
Board and Committee Meetings	\$235	\$235	Travel time may be claimed (if applicable)
Other approved meetings within the Regional District	\$118	\$235	Travel time may be claimed (if applicable)
Attendance and travel to Conventions or similar events (including: NCLGA, UBCM, Minerals North, etc.)	\$118	\$235	Includes time spent travelling to these events. Additional travel time is not applicable.
<p>* to be increased annually on January 1st, based on the previous year's consumer price index (yearly average for the Province of B. C. as published by Statistics Canada), for completion of his or her duties of office. In the event that there is no increase to the consumer price index, or if it were to decline, the basic remuneration rate would remain the same as in the previous year.</p>			

Schedule C

Travel Time Remuneration

1. Travel time remuneration of \$25 for every 100 kilometres driven (for trips over 20 km [one way]) shall apply to all travel when attending all meetings within the Regional District boundaries and include:
 - A) All travel by Board Chair or Vice-Chair when representing the RDBN within the Regional District;
 - B) Travel by Directors to sanctioned meetings within the Regional District; and
 - C) Travel by Directors to meetings/events outside a Director's area authorized by the Board or by the Chair where time constraints preclude Board consideration.
2. Travel remuneration for all travel outside the Region District boundaries or for attendance at conventions or similar events within the regional district shall be at the meeting rate described in Schedule B.

**REGIONAL DISTRICT OF BULKLEY-NECHAKO
BYLAW 1960**

A Bylaw for Amending Directors' Remuneration

WHEREAS, pursuant to the provisions of the *Local Government Act*, a Board may adopt procedures, conditions and amounts for Directors' remuneration and expenses;

NOW THEREFORE the Board of the Regional District of Bulkley-Nechako in open meeting assembled enacts as follows:

1. TITLE:

This bylaw shall be cited as the "Regional District of Bulkley-Nechako Directors' Remuneration and Expenses Bylaw Amendment No. 1960, 2021"

2. Bylaw 1837, 2018 "A Bylaw for Directors' Remuneration" is hereby amended by:

Section 4. (C) is repealed and replaced with the following:

(C) Disputes regarding Directors' Remuneration and Expense Reports shall be forwarded to the Chair, Vice-Chair, and CAO for resolution.

Section 8. (C) is repealed and replaced with the following:

(C) Meal Expenses:

In lieu of reimbursement of actual expenses for meals and incidentals while on Regional District business, a Director may claim the following allowances:

For Meals and Incidentals within the Regional District

Full Day	Breakfast	Lunch	Dinner
\$69	\$23	\$23	\$23

For Meals and Incidentals Outside the Regional District

Full Day	Breakfast	Lunch	Dinner
\$86	\$23	\$23	\$40

A claim for meals can only be made if it has not been provided by the Regional District or as part of a convention or other event. Where meals are provided, there is no reimbursement if the Director chooses to eat elsewhere. Exceptions would include where

there are special dietary needs or the inability to take advantage of paid meals because of a timing conflict with other Regional District business. To claim meals, the following conditions must apply:

- Begin before 7 am on the date of departure to claim breakfast
- Begin before 12 pm on the date of departure (and end after 1 pm on the date of return) to claim lunch
- End after 6 pm on the date of return to claim dinner

The actual cost of any meal may be reimbursed if a receipt is provided and the CAO, Chair, or Vice-Chair determines that reimbursement is warranted.

Section 10. (B) and (C) are repealed and replaced with the following:

- (B) Electoral Area Directors will be reimbursed up to \$125 per month for home internet service upon the provision of receipts. A one-time fee of up to \$200 may be reimbursed for the installation costs associated with the provision of new or higher speed internet service.
- (C) Electoral Area Directors will be reimbursed up to \$2,000 per term for a tablet or portable laptop computer upon receipt. Municipalities will be provided 50% of the costs associated with providing their municipal Director with a tablet or portable laptop computer to a maximum of \$1,000. Electoral Area Directors will be provided technical support and business software that is determined by the Regional District's Information Officer (or similar position) as required to support their role as Director.

Section 11. (A) is repealed and replaced with the following:

- (A) Electoral Area Directors will be allocated no less than \$10,000 (to be increased by CPI annually beginning in 2023) to attend conventions and meetings related to their work as an Electoral Area Director including meetings with Elected Officials or officials of other governments including Indigenous Governments.

This amount includes costs associated with attendance at UBCM and NCLGA. This amount may be used for convention costs, travel and remuneration.

Costs will be reimbursed at the regular expense rate described in this bylaw. Remuneration rates will be either at the ½ day or full day meeting rates listed in Schedule B.

Section 7 is added to Schedule A as follows:

7) Extended Health and Dental Benefits

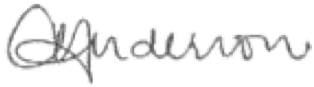
Extended Health and Dental Benefits will be provided to all Directors. Directors that can provide proof of other coverage can waive this benefit.

The Table for Schedule B is repealed and replaced as follows:

See the following Page:

Meeting Type	Allowance *		Notes
	Half Day < 3.5 hrs	Full Day 3.5 hrs+	
Regular Board and Committee Meetings	\$235	\$235	Travel time may be claimed (if applicable)
Other Special Board or Committee Meetings approved by Board motion	\$118	\$235	Travel time may be claimed (if applicable)
<p>For the Chair, the Vice Chair acting as Chair, Committee Chairs (acting in their role of Committee Chair) and for Electoral Area Directors:</p> <p>Attendance and travel to political conventions or similar events, for attendance at meetings between the Regional District and other levels of government including with Indigenous Governments, and for the attendance at ceremonial events.</p> <p>Attendance by virtual means is included.</p>	\$118	\$235	<p>Includes time spent travelling to these events.</p> <p>Additional travel time is not applicable.</p> <p>All costs are charged to rural government except for costs associated with travel and remuneration of the chair or committee chair are charged to general government.</p>
<p>* to be increased annually on January 1st, based on the previous year's consumer price index (yearly average for the Province of B. C. as published by Statistics Canada), for completion of his or her duties of office. In the event that there is no increase to the consumer price index, or if it were to decline, the basic remuneration rate would remain the same as in the previous year.</p>			

Certified a true and correct copy of "Regional District of Bulkley-Nechako Directors'
Remuneration and Expenses Amendment Bylaw No. 1960, 2021."



Corporate Administrator

READ A FIRST TIME this 23rd day of September, 2021.


READ A SECOND TIME this 23rd day of September, 2021.

READ A THIRD TIME this 23rd day of September, 2021.

ADOPTED this 21st day of October, 2021.



CHAIRPERSON



CORPORATE ADMINISTRATOR

REGIONAL DISTRICT OF BULKLEY-NECHAKO

BYLAW NO. 1971

**Being a bylaw to adopt the Financial Plan
for the years 2022 to 2026**

The Regional District of Bulkley-Nechako in open meeting assembled ENACTED
as follows:

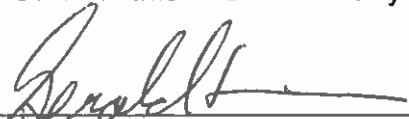
1. Schedule "A", attached hereto and made part
of this bylaw, is the Financial Plan for the Regional District of
Bulkley-Nechako for the years 2022 through 2026.
2. This bylaw may be cited as "Regional District of Bulkley-Nechako
Five Year Financial Plan Bylaw No. 1971, 2022".

READ A FIRST TIME this 27th day of January, 2022

READ A SECOND TIME this 27th day of January, 2022

READ A THIRD TIME AS AMENDED this 31 day of March ,2022

ADOPTED this 31 day of March ,2022


Chairperson


Corporate Administrator

I hereby certify that the foregoing is a true copy of Bylaw No. 1971 as adopted.


Corporate Administrator

	2022	2023	2024	2025	2026	2022	2023	2024	2025	2026	2022	FUNDING 2023	2024	2025	2026	2022	2022	2023	2024	2025	2026	2022	2023	2024	2025	2026
Service	Taxes	Taxes	Taxes	Taxes	Taxes	Parcel Taxes	Parcel Taxes	Parcel Taxes	Parcel Taxes	Parcel Taxes	Fees and Charges	Fees and Charges	Fees and Charges	Fees and Charges	Fees and Charges	Proceeds of Borrowing	Other Revenue	Other Revenue	Other Revenue	Other Revenue	Other Revenue	Total Funding	Total Funding	Total Funding	Total Funding	Total Funding
1101 Rural Government Services	334,628	327,134	327,298	328,838	336,009												989,183	989,183	989,183	989,183	989,183	1,323,811	1,316,317	1,316,481	1,318,020	1,325,191
1131 Area "A" Grant in Aid	10,000	0	0	0	0																	10,000	0	0	0	0
1132 Area "B" Grant in Aid	0	0	0	0	0																	0	0	0	0	0
1133 Area "C" Grant in Aid	0	0	0	0	0																	0	0	0	0	0
1134 Area "D" Grant in Aid	0	0	0	0	0																	0	0	0	0	0
1135 Area "E" Grant in Aid	7,933	0	0	0	0												0	0	0	0	0	0	0	0	0	0
1136 Area "F" Grant in Aid	63,496	0	0	0	0												8,964	0	0	0	0	0	16,897	0	0	0
1137 Area "G" Grant in Aid	0	0	0	0	0																	63,496	0	0	0	0
1200 General Government Services	936,324	820,104	841,541	865,225	902,464												453,041	292,247	292,247	292,247	292,247	1,389,365	1,112,351	1,133,788	1,157,472	1,194,711
1206 Nechako Watershed/Fraser Basin Council	3,930	13,280	13,484	13,693	13,906												755	755	755	755	755	4,685	14,034	14,239	14,448	14,661
1301 Feasibility Studies	0	0	0	0	0																	0	0	0	0	0
1501 Local Community of Fort Fraser	3,255	6,043	6,043	6,043	6,043												5,000	5,000	5,000	5,000	5,000	8,255	11,043	11,043	11,043	11,043
1701 Chinook Community Forest																	12,680	12,680	12,680	12,680	12,680	12,680	12,680	12,680	12,680	
2401 Area "A" Economic Development	0	0	0	0	0																	0	0	0	0	0
2402 Area "B" Economic Development	76,364	73,673	73,673	73,673	73,673																	76,364	73,673	73,673	73,673	73,673
2403 Area "C" Economic Development																						0	0	0	0	0
2404 Area "D" Economic Development	0	0	0	0	0																	0	0	0	0	0
2405 Area "E" Economic Development	9,095	25,450	25,450	25,450	25,450												10,278	5,000	5,000	5,000	5,000	19,373	30,450	30,450	30,450	30,450
2406 Area "F" Economic Development																						0	0	0	0	0
2407 Area "G" Economic Development																						0	0	0	0	0
2500 Regional Economic Development	385,475	330,883	330,883	337,964	337,965												246,696	246,696	246,696	246,696	246,696	632,171	577,579	577,579	584,661	584,662
3101 Member Fiscal Services																	797,885	797,885	797,885	797,885	797,885	797,885	797,885	797,885	797,885	
4101 Planning	309,724	314,668	319,711	324,855	330,101						23,000	23,000	23,000	23,000	23,000		39,338	39,338	39,338	39,338	39,338	372,062	377,006	382,049	387,193	392,440
4201 Building Inspection	214,431	230,924	249,266	257,776	266,455						125,000	125,000	125,000	125,000	125,000		200,544	200,544	200,544	200,544	200,544	539,975	556,468	574,810	583,320	591,999
4301 Development Services	327,725	380,984	387,472	394,090	400,841						1,400	1,400	1,400	1,400	1,400		37,830	45,038	45,038	45,038	45,038	366,955	427,422	433,910	440,528	447,280
4401 Building Numbering Extended Service	5,439	9,485	9,648	9,813	9,981												1,078	1,078	1,078	1,078	1,078	6,517	10,563	10,725	10,891	11,059
4501 Unslightly Premises Regulatory Control	26,659	(2,177)	(2,177)	(2,177)	(2,177)												66,324	3,127	3,127	3,127	3,127	92,983	950	950	950	950
4601 Bylaw Enforcement																	63,197	64,089	64,999	65,927	66,873	63,197	64,089	64,999	65,927	66,873
5101 Environmental Services	3,783,305	4,207,875	4,284,736	4,348,079	4,077,513												1,837,167	1,294,667	1,144,667	1,144,667	1,144,667	5,620,472	5,502,542	5,429,404	5,492,746	5,222,180
5901 Invasive Plant Control	4,359	12,540	12,540	12,540	12,540												938	938	938	938	938	5,297	13,478	13,478	13,478	13,478
5902 Lake Kathlyn Aquatic Weed Harvesting						8,182	8,765	8,765	8,765	8,765	750	750	750	750	750		0	0	0	0	0	8,932	9,515	9,515	9,515	9,515
5903 Glacier Gulch Water Diversion						3,167	3,228	3,228	3,228	3,228	205	205	205	205	205							3,372	3,433	3,433	3,433	3,433
6101 Ft. Fraser Sewer System						45,474	47,999	47,927	47,864	47,809	28,005	28,565	29,136	29,719	30,314		0	0	0	0	0	73,479	76,565	77,064	77,583	78,123
6201 Ft. Fraser Water System						63,196	52,410	51,831	51,246	50,656	44,306	45,192	46,096	47,018	47,958		0	0	0	0	0	107,502	97,602	97,927	98,264	98,614
6301 Cluculz Lake - Somerset Estates Sewer						8,500	11,250	11,250	14,063	14,063							0	0	0	0	0	8,500	11,250	11,250	14,063	14,063
6401 Pump & Haul Sewer Disposal											500	500	500	500	500							500	500	500	500	500
6402 Liquid Waste Disposal											5,000	5,000	5,000	5,000	5,000							5,000	5,000	5,000	5,000	5,000
7101 Ft. Fraser Fire Protection	57,404	57,047	57,131	57,218	57,305						7,500	7,500	7,500	7,500	7,500		40,000	0	0	0	0	104,904	64,547	64,631	64,718	64,805
7102 Southside Rural Fire Protection	56,500	56,779	56,779	56,779	56,779												0	0	0	0	0	56,500	56,779	56,779	56,779	56,779
7103 Topley Rural Fire Protection	89,935	89,935	89,935	89,935	89,935																	89,935	89,935	89,935	89,935	89,935
7201 Burns Lake Rural Fire Protection	144,864	148,773	149,222	152,130	155,095																	144,864	148,773	149,222	152,130	155,095
7202 Ft.St.James Rural Fire Protection	118,647	118,799	121,122	123,491	125,907																	118,647	118,799	121,122	123,491	125,907
7203 Houston Rural Fire Protection	18,568	17,774	17,774	17,774	17,774																	18,568	17,774	17,774	17,774	17,774
7204 Luck Bay Rural fire Protection	44,333	45,361	45,397	45,432	45,469																	44,333	45,361	45,397	45,432	45,469
7205 Smithers Rural Fire Protection	253,710	299,387	305,178	311,085	317,110																	253,710	299,387	305,178	311,085	317,110
7206 Telkwa Rural Fire Protection	112,746	119,594	119,594	119,594	119,594																	112,746	119,594	119,594	119,594	119,594
7207 Vanderhoof Rural Fire Protection	40,110	40,834	41,487	42,140	42,793																	40,110	40,834	41,487	42,140	42,793
7208 Round Lake Fire Protection	11,620	11,004	11,114	11,114	11,114																	11,620	11,004	11,114	11,114	11,114
7301 Cluculz Lake Emergency Response	23,377	23,377	23,377	23,377	23,377												0	0	0	0	0	23,377	23,377	23,377	23,377	23,377
7501 9-1-1 Service	433,027	345,108	357,335	369,713	382,243						115,000	110,000	105,000	100,000	95,000		41,880	41,880	41,880	41,880	41,880	589,907	496,988	504,216	511,593	519,123
7601 Emergency Preparedness Planning	403,698	400,409	401,844	408,718	410,211												1,196,090	795,475	729,943	729,943	729,943	1,599,788	1,195,884	1,131,787	1,138,662	1,140,154
7701 Burns Lake & Area Victim Services	12,989	13,239	13,239	13,239	13,239												2,936	2,936	2,936	2,936	2,936	15,924	16,175	16,175	16,175	16,175
7702 Smithers Victim Services	36,940	36,940	36,940	36,940	36,940												588	588	588	588	588	37,528	37,528	37,528	37,528	37,528
8101 Lakes District Airport	79,545	81,181	81,181	81,181	81,181												28,072	28,072	28,072	28,072	28,072	107,618	109,253	109,253	109,253	109,253
8202 FSJ Seniors Helping Seniors Transportation Serv	42,666	42,845	42,845	42,845	42,845												800	800	800	800	800	43,466	43,645	43,645	43,645	43,645
8203 Regional Transit Service	62,887	76,986	202,788	200,921	201,573						24,000	24,000	24,000	24,000	24,000		86,515	64,015	64,015	64,015	64,015	173,402	165,001	290,803	288,936	289,588
9101 Decker Lake Street Lighting						11,863	11,547	11,547	11,547	11,547	350	350	350	350	350							12,213	11,897	11,897	11,897	11,897
9102 Endako Street Lighting	4,160	4,080	4,080	4,080	4,080						320	320	320	320	320							4,480	4,400	4,400	4,400	4,400
9103 Ft. Fraser Street Lighting	10,005	9,860	9,860	9,860	9,860						490	490	4													

Service	TRANSFERS From/(To)										2022 Total Transfers	2023 Total Transfers	2024 Total Transfers	2025 Total Transfers	2026 Total Transfers		
	2022	2023	2024	2025	2026	2022	2023	2024	2025	2026							
	Resreve Funds	Resreve Funds	Resreve Funds	Resreve Funds	Resreve Funds	Surplus of Prior Year	Surplus of Prior Year	Equity NON CASH Transfer	Equity NON CASH Transfer	Equity NON CASH Transfer						Equity NON CASH Transfer	Equity NON CASH Transfer
1101 Rural Government Services	(109,116)	(168,116)	(168,116)	(168,116)	(113,116)							(109,116)	(168,116)	(168,116)	(168,116)	(113,116)	
1131 Area "A" Grant in Aid						77,928	0					77,928	0	0	0	0	
1132 Area "B" Grant in Aid						28,311	0					28,311	0	0	0	0	
1133 Area "C" Grant in Aid						142,836	0					142,836	0	0	0	0	
1134 Area "D" Grant in Aid						28,653	0					28,653	0	0	0	0	
1135 Area "E" Grant in Aid						10,536	0					10,536	0	0	0	0	
1136 Area "F" Grant in Aid						2,974	0					2,974	0	0	0	0	
1137 Area "G" Grant in Aid						13,419	0					13,419	0	0	0	0	
1200 General Government Services	(35,000)	(155,000)	(155,000)	(155,000)	(105,000)	134,000	0	80,000	80,000	80,000	80,000	80,000	179,000	(75,000)	(75,000)	(25,000)	
1206 Nechako Watershed/Fraser Basin Council						9,149	0						9,149	0	0	0	
1301 Feasibility Studies						47,462	0						47,462	0	0	0	
1501 Local Community of Fort Fraser						8,288	0						8,288	0	0	0	
1701 Chinook Community Forest						270	0						270	0	0	0	
2401 Area "A" Economic Development						24,500	0						24,500	0	0	0	
2402 Area "B" Economic Development						(239)	0						(239)	0	0	0	
2403 Area "C" Economic Development													0	0	0	0	
2404 Area "D" Economic Development													0	0	0	0	
2405 Area "E" Economic Development						11,077	0						11,077	0	0	0	
2406 Area "F" Economic Development													0	0	0	0	
2407 Area "G" Economic Development													0	0	0	0	
2500 Regional Economic Development						86,628	0						86,628	0	0	0	
3101 Member Fiscal Services													0	0	0	0	
4101 Planning													0	0	0	0	
4201 Building Inspection	0	0	30,000	(10,000)	(10,000)			12,485	12,485	12,485	12,485	12,485	12,485	12,485	42,485	2,485	2,485
4301 Development Services													0	0	0	0	
4401 Building Numbering Extended Service						3,888	0						3,888	0	0	0	
4501 Unsightly Premises Regulatory Control						2,763							2,763	0	0	0	
4601 Bylaw Enforcement	(10,500)	(10,500)	(10,500)	(10,500)	34,500			0	0	0	0	0	(10,500)	(10,500)	(10,500)	34,500	
5101 Environmental Services	0	0	0	0	0	1,500,000	0	700,000	700,000	700,000	700,000	700,000	2,200,000	700,000	700,000	700,000	
5901 Invasive Plant Control						20,681	0						20,681	0	0	0	
5902 Lake Kathryn Aquatic Weed Harvesting						583	0						583	0	0	0	
5903 Glacier Gulch Water Diversion						61	0						61	0	0	0	
6101 Ft. Fraser Sewer System	2,418	(12,082)	(12,082)	(12,082)	(12,082)	33,105	0	16,000	16,000	16,000	16,000	16,000	51,523	3,918	3,918	3,918	
6201 Ft. Fraser Water System	49,860	(35,140)	(35,140)	(35,140)	(35,140)	4,788	0	100,000	100,000	100,000	100,000	100,000	154,648	64,860	64,860	64,860	
6301 Cluculz Lake - Somerset Estates Sewer	(13,236)	(200)	(200)	(3,013)	(3,013)	15,386	0						2,150	(200)	(200)	(3,013)	
6401 Pump & Haul Sewer Disposal													0	0	0	0	
6402 Liquid Waste Disposal						4,959	0						4,959	0	0	0	
7101 Ft. Fraser Fire Protection	681,851	(15,000)	(15,000)	(15,000)	(15,000)	32,089	0	10,800	10,800	10,800	10,800	10,800	724,740	(4,200)	(4,200)	(4,200)	
7102 Southside Rural Fire Protection						3,398	0	18,000	18,000	18,000	18,000	18,000	21,398	18,000	18,000	18,000	
7103 Topley Rural Fire Protection	(5,900)	(5,900)	(5,900)	(5,900)	(5,900)	(1,196)	0	23,000	23,000	23,000	23,000	23,000	15,904	17,100	17,100	17,100	
7201 Burns Lake Rural Fire Protection													0	0	0	0	
7202 Ft.St.James Rural Fire Protection	66,479					0	0						66,479	0	0	0	
7203 Houston Rural Fire Protection						20	0						20	0	0	0	
7204 Luck Bay Rural fire Protection	9,204	(5,000)	(5,000)	(5,000)	(5,000)	4,106	0	9,300	9,300	9,300	9,300	9,300	22,609	4,300	4,300	4,300	
7205 Smithers Rural Fire Protection	40,000	0	0	0	0	0	0						40,000	0	0	0	
7206 Telkwa Rural Fire Protection	0	0	0	0	0	0	0						0	0	0	0	
7207 Vanderhoof Rural Fire Protection													0	0	0	0	
7208 Round Lake Fire Protection	0	(1,500)	(1,500)	(1,500)	(1,500)	(2,481)	0	600	600	600	600	600	(1,881)	(900)	(900)	(900)	
7301 Cluculz Lake Emergency Response	0	0	0	0	0	0	0						0	0	0	0	
7501 9-1-1 Service	75,000	0	0	0	0	0	0	70,000	70,000	70,000	70,000	70,000	145,000	70,000	70,000	70,000	
7601 Emergency Preparedness Planning	(34,021)	0	0	0	0	34,021	0	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	
7701 Burns Lake & Area Victim Services						251	0						251	0	0	0	
7702 Smithers Victim Services						0	0						0	0	0	0	
8101 Lakes District Airport	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	36,010	0						11,010	(25,000)	(25,000)	(25,000)	
8202 FSJ Seniors Helping Seniors Transportation Service						179	0						179	0	0	0	
8203 Regional Transit Service	(10,000)	0	0	0	0	3,385							(6,615)	0	0	0	
9101 Decker Lake Street Lighting						0	0						0	0	0	0	
9102 Endako Street Lighting						0	0						0	0	0	0	
9103 Ft. Fraser Street Lighting						0	0						0	0	0	0	
9104 Gerow Island Street Lighting						0	0						0	0	0	0	
9106 Colony Point Street Lighting						695	0						695	0	0	0	
9107 Laidlaw Street Lighting						0	0						0	0	0	0	
10101 Bulkley Valley Regional Pool and Rec. Centre	(200,600)	(200,600)	(200,600)	(200,600)	(200,600)	55,000	25,000	120,000	120,000	120,000	120,000	120,000	(25,600)	(55,600)	(80,600)	(80,600)	
10102 Vanderhoof Pool	(15,000)	(15,000)	(15,001)	(15,002)	(15,003)	0	0						(15,000)	(15,000)	(15,001)	(15,003)	
10201 Ft.St.James Arena Grant						1	0						1	0	0	0	
10202 Burns Lake Arena						0	0						0	0	0	0	
10301 Smithers Rural Recreation/Culture						1	0						1	0	0	0	
10302 Vanderhoof Recreation & Culture						0	0						0	0	0	0	
10303 Lakes District Recreation and Culture						40,805	0						40,805	0	0	0	
10401 Ft Fraser Cemetary Grant						489	0						489	0	0	0	
10402 Topley Cemetery Grant						0	0						0	0	0	0	
10501 Smithers, Telkwa, Houston TV Rebroadcast						394	0						394	0	0	0	
10502 Fraser Lake and Area TV Rebroadcasting						3,166	0						3,166	0	0	0	
10503 Ft. St. James and Area TV Rebroadcasting						1,209	0						1,209	0	0	0	
10504 Burns Lake and Area TV Rebroadcasting	0	0	0	0	0	465	0						465	0	0	0	
10602 Fraser Lake Rural Library Grant						3,770	0						3,770	0	0	0	
10603 Fort St. James Library						37	0						37	0	0	0	
10801 Fort Fraser Community Hall						413	0						413	0	0	0	
10802 Braeside Community Hall													0	0	0	0	
10902 Bulkley Valley Trails	80,000	0	0	0	0	0	0						80,000	0	0	0	
10903 Houston Trails						0	0						0	0	0	0	
10904 Lakes Trails	180,000	0	0	0	0	0	0						180,000	0	0	0	
10905 Fort St. James Trails						0	0						0	0	0	0	
Total for all Departments 3/24/2022	726,438	(649,039)	(619,040)	(661,854)	(511,855)	2,428,232	25,000	1,164,185	1,164,185	1,164,185	1,164,185	1,164,185	4,318,855	540,146	545,145	502,331	652,330

3/24/2022

Introduction *to* *Regional Districts:* **Communities in Partnership**



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REGIONAL DISTRICTS IN BC

Each province in Canada has its own system of local government. British Columbia's system is similar to that of every other province in that it features, at its core, a network of municipalities. In every province, municipalities have been created to address the service needs of urban communities, and to provide democratic forums for local-decision making.

British Columbia's system is unique from others, however, in one key respect: the use of regional districts. Regional districts are local government authorities that exist to meet certain local government service needs that neither municipalities nor the province itself are particularly well-suited to address. One such need relates to the provision of basic local government services to small, unincorporated communities and rural areas of the province. Another need concerns the provision of services across municipalities and unincorporated areas, throughout broader sub-regional areas or entire regions. Regional districts, first introduced in the mid-1960s, were created specifically to address these needs.

Almost everyone in British Columbia lives within, and relies upon, one of the province's 27 regional districts. Not all British Columbians, however, have a good, basic understanding of what regional districts are, what they exist to do and how they function. This booklet sets out to help citizens develop this understanding.

This booklet is one part of the larger *Regional District Tool Kit* produced by the Union of British Columbia Municipalities, in partnership with BC's Ministry of Community Services. The *Tool Kit* is a comprehensive information resource designed to help various audiences – citizens, elected officials, media, First Nations, developers and others – better understand the regional district system. Readers who wish to learn the details about regional districts should consult the *Tool Kit's* other components. The full *Kit* is available online at www.civicnet.bc.ca.

WHAT ARE THEY?

Every regional district is made up of municipalities, referred to as member municipalities, and unincorporated areas, referred to as electoral areas. The individual jurisdictions that comprise a regional district work together to enable the organization to fulfill its purposes. This section of the booklet identifies and explains those purposes.

Service Providers

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

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

Regional districts establish and provide their local, sub-regional

and regional services in direct response to the expressed needs, desires and instructions of the municipalities and electoral areas that comprise the region. The regional district **Board of Directors**, on which all electoral areas and member municipalities are represented, serves as the political forum in which these needs, desires and instructions are expressed.

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

The range of **voluntary services** provided by different regional districts is vast. It includes water and sewer utilities, recreation programs and facilities, community and regional parks, libraries, regulatory services such as animal control and building inspection, emergency planning and fire protection, economic development and film industry promotion, regional growth management, airports and even television rebroadcasting. Some of these services are provided locally to individual jurisdictions, while

others are provided to and on behalf of groups of municipalities and electoral areas that jointly choose to receive the services. Still others are provided regionally to every municipality and electoral area in the regional district. Any member jurisdiction or combination of jurisdictions can choose to provide services through their regional district.

Administrative Agencies

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

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

itself must be coordinated and processed by the regional district before being forwarded to the MFA.

Hospital Funding – Regional districts are designated under provincial law as **Regional Hospital Districts (RHDs)** for the purpose of raising capital funds for hospital facilities in their areas. RHDs provide the local share (about 40 percent) of funding for capital costs associated with the construction, acquisition and maintenance of hospital facilities and major equipment in their areas. These capital costs are shared with the Health Authorities according to criteria established by legislation. RHD boards are comprised of municipal and electoral area directors who are members of the corresponding regional district. There are currently 23 RHDs, some of which overlap regional district boundaries. Note that due to provisions in the *Greater Vancouver Transportation Act*, the Greater Vancouver Regional District no longer has a RHD.

Federations

Regional districts are federations of the various municipalities and electoral areas that exist within the regional district boundaries. With the exception of certain provincially-mandated duties, regional districts derive their authority to act from

the municipalities and electoral areas that make up the region. These jurisdictions collectively decide what their regional districts should and should not do.

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

jurisdictions – municipalities and electoral areas – that comprise them.

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

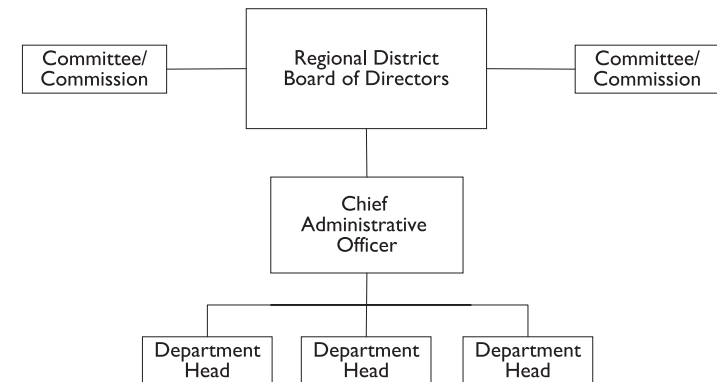
HOW DO THEY WORK?

British Columbia's regional districts differ significantly from one another in several respects, including size of population served, scope of services provided and area of land covered. All regional districts, however, share the same corporate structure, and function, more or less, in the same way.

Corporate Structure

The following chart presents the basic corporate structure used by

regional districts. At the top of the chart is the Board of Directors. The Board is the governing body of the regional district, ultimately responsible for all of the services provided and actions taken by the regional district corporation. Directors from the regional district's member municipalities are known as **Municipal Directors** and are appointed to the Board by their respective municipal councils. Directors from the region's electoral areas are known as **Electoral Area Directors**. They



are elected directly to the Board by the electors in the areas they represent.

Each Board of Directors is headed by a **Chair**, who is also the Chief Executive Officer of the regional district. Each year, the Board elects one Director to serve as Chair and another to serve as Vice-Chair.

Most regional districts have various committees and commissions to assist the Board in its decision-making. **Committees** are advisory in nature, which means that they provide recommendations to the Board on matters that fall within the Committees' mandates. **Commissions** are typically created to oversee regional district services on behalf of the Board. They usually have delegated authority from the Board to make certain decisions on behalf of the regional district.

Regional districts in BC operate in accordance with the **Board-CAO** model of government. The central feature of this model is the separation of governance and administration. The Board is the governing body in the model, responsible for setting a vision, developing strategies to achieve the vision, and formulating policies. The Chief Administrative Officer (CAO) is the professional manager, responsible for the administration of the regional district. The CAO implements the Board's policies and decisions, and handles all operations. The CAO also serves as the Board's chief policy advisor.

Reporting to the CAO are the regional district's **Department Heads**, professional managers who are accountable to the CAO for the administration of particular functions (e.g., finance) or areas of service (e.g., development services). The number of Department

Heads in a regional district typically depends on the size of the organization and the range of services being provided.

Service Establishment

The provision of services, as explained, is central to regional districts. Before a service can be provided, however, it must be established. All regional districts follow the same basic process to establish services. The figure below illustrates this process.

Step 1. In step 1 the **idea** for a new service emerges. There are several potential sources of ideas, including regional district directors, citizens, municipal councils, municipal staff, the regional district board, regional district staff, and others.

Step 2. The second step involves some kind of **service feasibility study**. The extent of the actual study will vary depending on the potential size and scope of the service. Most studies, however, will

run through a checklist of items to confirm that:

- the proposed service has a clear purpose
- the proposed service has a defined and agreed-upon scope
- the parties agree on a way to share costs
- the parties agree on how the service should be governed
- the parties agree on a process for service review
- a start-up plan has been developed
- support among elected officials is broad

Step 3. If the proposed service is deemed feasible, a **service establishing bylaw** is developed at step 3.

Step 4. Step 4 involves the **adoption of the bylaw**. Adoption begins with an initial vote (first three readings) of the Board in which

every Director present must participate. After this initial vote, the province's **Inspector of Municipalities** must approve the bylaw. The electors in the jurisdictions that have chosen to participate in the service must also approve the bylaw. Approval of the electors may be obtained in all cases through referendum. In certain cases, the Board may choose to bypass the referendum route and obtain approval using an "alternative approval process" which requires opponents to register their opposition through petition. In still other cases, approval may be given on behalf of a participating area by the Municipal Council, the Electoral Area Director or the Board.

Voting

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

Special voting rules are needed in regional districts to reflect specific realities, namely that regional districts are federations of different sized jurisdictions, and that region-

al district services are subscribed to and funded by different combinations of jurisdictions. In the context of voting, these realities mean that not all Directors have the right to vote on all matters, or have the same number of votes in all situations.

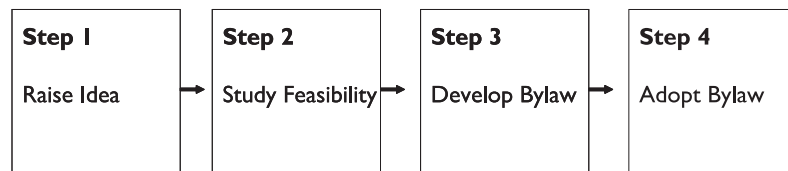
Three key regional district voting rules determine what kind of vote is taken in each instance:

Unweighted Corporate Vote. Under this type of vote, every Director votes and receives one vote. Unweighted corporate votes are used to decide matters that affect the corporation and all jurisdictions that comprise the regional district. Examples of such matters include:

- establishing bylaws for services
- regulatory bylaws
- resolutions and bylaws that govern the conduct of the Board's business
- various planning and land use management issues

Weighted Corporate Vote. Weighted corporate votes govern decisions on money matters, including the adoption of the annual financial plan, borrowing, the acquisition and disposal of property, and key contracts. Each Director on the Board

Service Establishment
Generic Process



is entitled to vote. Each receives a number of votes that is proportional to the size of the population the Director represents.

Stakeholder Vote. Stakeholder votes are used to make decisions related to the administration and operation of regional district services. Only Directors representing jurisdictions that participate in the service in question are entitled to vote. All stakeholder votes are weighted votes; as such, each participating Director receives a num-

ber of votes that is proportional to the size of population he or she represents.

These three rules apply to all regional districts in British Columbia with the exception of the Greater Vancouver Regional District (GVRD). At the GVRD, all votes, whether corporate or stakeholder, are on a weighted basis, except for the election of the Chair and Vice-Chair, in which case an unweighted secret ballot vote is used.

REGIONAL DISTRICT FINANCE

Regional district finance – the system through which regional districts collect, spend and account for public monies – is understandably a topic of interest to residents and property holders that fund regional district services. This section of the booklet identifies and explains some of the key features of the system.

Services

A key feature of regional district finance is the use of separate, individual funds for different services. Every regional district service is accounted for separately using a **dedicated service fund**. The fund identifies

the full cost to the regional district of providing the service, including a portion of general overhead. Each year, revenues specific to the service must be collected to pay the full cost. No service is permitted to run an operating deficit in any year.

Because each fund is dedicated to a service, revenues and costs specific to one service cannot be shifted to or spread among other services. Each regional district service has its own group of participating jurisdictions. Participants in one service are not expected to subsidize, and are not permitted to be subsidized by, participants of other services. A key principle of the regional district system is “fiscal equivalence”, which

in practice means that participating jurisdictions and the residents within them “pay for what they get”. The use of separate, dedicated service funds supports this principle.

Revenue Collection

The major revenue sources for regional district services include **property value taxes, parcel taxes and fees and charges**. Fees and charges, such as recreation admission fees and water usage charges, are collected directly from service users by the regional district or its agent that delivers the service. Property value and parcel taxes are collected on behalf of the regional district by other governments. In participating electoral areas taxes are collected for the regional district by BC’s Ministry of Small Business and Revenue. Regional district taxes are collected in participating municipalities by the municipal governments.

Tax Notices

Strictly speaking, there is no such thing as a “regional district tax notice” since regional districts do not themselves collect tax revenues directly from property owners. Tax bills for regional district services do, however, appear both on the provincial property tax notices that are used in electoral areas, and on the municipal tax notices that are sent to residents of member municipalities.

Both types of notice list regional district services in which the jurisdiction participates. Beside some of the listed services is a tax rate, and beside the tax rate is the amount owing by the property owner. The amount owing is determined by multiplying the tax rate by the property’s assessed value. For services that are funded using parcel taxes, only the amount owing shows. The figure below illustrates how such information typically appears:

Regional District Services on Tax Notices

Service	Assessed Value	Rate	Owing
Recreation	\$150,000	0.90	\$ 135.00
Fire Protection	\$150,000	0.85	\$ 127.50
EA Planning	\$150,000	0.34	\$ 51.00
E-911	\$150,000	0.05	\$ 10.00
Water	\$150,000	1.00	\$ 150.00

On both provincial (electoral area) and municipal tax notices, regional district services are itemized so that property owners can easily identify exactly what they are paying for each regional district service they receive. This approach is designed to maximize transparency and accountability.

Budgets

Regional districts are required by law to adopt an annual five-year budget — termed a **five-year financial plan**. The financial plan must set out the proposed operating and capital expenditures and revenue sources for each service during each year of the five year planning period. Prior to adoption, the Board undertake some degree of public consultation on the proposed plan. Open houses and public meetings are two of the more typical consultation tools used during the preparation of the plan.

QUESTIONS & ANSWERS

This section of the booklet anticipates and answers common questions that citizens may have about regional districts.

Q:Are regional districts a separate level of government?

A: Regional districts are not a separate level of government. Regional districts are, instead, federations of the municipalities and electoral areas that exist within their boundaries. Except in a limited number instances (related to provincially-mandated services), regional districts act only in response to the expressed needs, interests and instructions

of their members. With few exceptions, regional districts derive both their legitimacy and authority to act from their member jurisdictions.

Q:Can municipalities or electoral areas be forced to participate in a regional district service?

A: With the exception of a few provincially-mandated services (e.g., solid waste management planning, general government administration), member jurisdictions cannot be forced to participate in regional district services. In general, individual jurisdictions are free to choose which services, if any, they

wish to enter (or initiate). Jurisdictions choose to participate in regional district services when it is in their best interest to do so.

Q:How are Municipal Directors different from Electoral Area Directors?

A: Regional district Boards of Directors include both Municipal and Electoral Area Directors. Municipal Directors are appointed by, and are accountable to, their respective municipal councils. Electoral Area Directors are directly elected to the Board by the electors in their respective areas, and are accountable to those electors. All directors, municipal and electoral area, have responsibilities to the regional district corporation.

Q:What is the role of regional districts in land-use planning and growth management?

A: Regional districts are responsible for land-use planning and development approval in electoral areas. Regional districts exercise their responsibilities through a planning service in which every electoral area is required to participate and in which municipalities can, and often do, voluntarily participate in planning for all or part of the speci-

fied area. Through this service, regional districts create official community plans, zoning bylaws, development permit bylaws and other instruments to regulate how development in electoral areas may occur.

Regional districts are also responsible for preparing, in consultation with their member municipalities, regional growth strategies to manage growth throughout their entire regions. These plans provide a context for planning and regulation within municipalities and electoral areas.

It should be noted that for the Islands Trust Area, the Island Trust has all the power and authority of a regional district for land use planning purposes.

Q:What are Advisory Planning Commissions?

A: A regional district's Board of Directors may appoint an Advisory Planning Commission (APC) for one or more electoral area. The role of the APC is to advise the Board, or the Electoral Area Director(s) on land use matters, the preparation of an official community plan, or a proposed development bylaw or permit. The APC must be established by bylaw, and may only advise on matters that are

referred to it by the Board or the Electoral Area Director(s). At least two-thirds of the members of the APC must be residents of the electoral area(s); the Director(s) may not serve on the APC, but may attend meetings.

Q:What is an Alternate Director?

A: Every Electoral Area Director must appoint an Alternate Director to carry out the Director's responsibilities in his or her absence. Municipal Councils must also appoint an Alternate Director to take the place of the Municipal Director when required. Municipalities with more than one Municipal Director may appoint one Alternate per Director, or one or more general Alternates who are available to act in place of any one of the Directors.

When acting for the Director (Municipal or Electoral Area), the Alternate has all of the Director's authority, including the authority to vote at the Board table, and to participate in discussions and development reviews. In the event that the Director, through death, resignation or disqualification, is unable to continue holding

office, the Alternate acts as the Director until:

- in the case of an electoral area, a by-election or the next general local government election
- in the case of a municipality, the Council appoints a new Director

Q:Why do some electoral area boundaries change over time?

A: Over time, some electoral areas – or parts of electoral areas – develop and take on characteristics of urban areas. Residents in these areas often begin to demand a broader range of urban, municipal services, and/or a higher degree of local control over decisions. Residents in one area may feel that their needs would be better addressed if the area were governed as part of an existing municipality, or as its own municipality. To that end, residents may choose to pursue a boundary change that would allow them to become part of an existing municipality, or a full local government restructure initiative that could result in an amalgamation with a municipality, or the incorporation of a new municipality.

Q:How can citizens participate in regional district decision-making processes?

A: There are a number of ways that citizens can get involved:

- by directly contacting their Regional District Directors and/or, in the case of municipal citizens, their Municipal Councils (to whom the Municipal Directors are accountable)
- by attending and speaking at a Regional District Regular Board Meeting (all of which are open to the public), a committee/ commission meeting, a public hearing or some other regional district public event
- by voting in elector assent referendums and/or participating in alternative approval processes (for proposed services)

- by attending the open houses and other events that most regional districts use to obtain feedback on their proposed five year financial plans

Citizens who own property in an electoral area may also participate in decision-making by petitioning the regional district to provide a new service to all or part of the electoral area. For a petition to be valid, it must be signed by the owners of at least 50% of the parcels in the proposed service area. The persons signing must also be the owners of parcels that in total represent at least 50% of the net taxable value of all and improvements in the proposed area.

More info

For more information on regional districts, see the UBCM website at www.civicnet.bc.ca for a full copy of the *Regional District Tool Kit* or consult the regional district in your area.



**British Columbia
Regional Districts
2005**



The infographic features a central large gear with a white center containing the title and subtitle. Surrounding this central gear are several other gears of different sizes and colors (teal, orange, green) with various internal patterns like spokes or holes. The background is light blue with faint dashed white circles.

Local
Government
in BC

A COMMUNITY EFFORT

In British Columbia, local
government is a community effort.
No matter where you live in BC,
you and your neighbours
benefit from local
government.

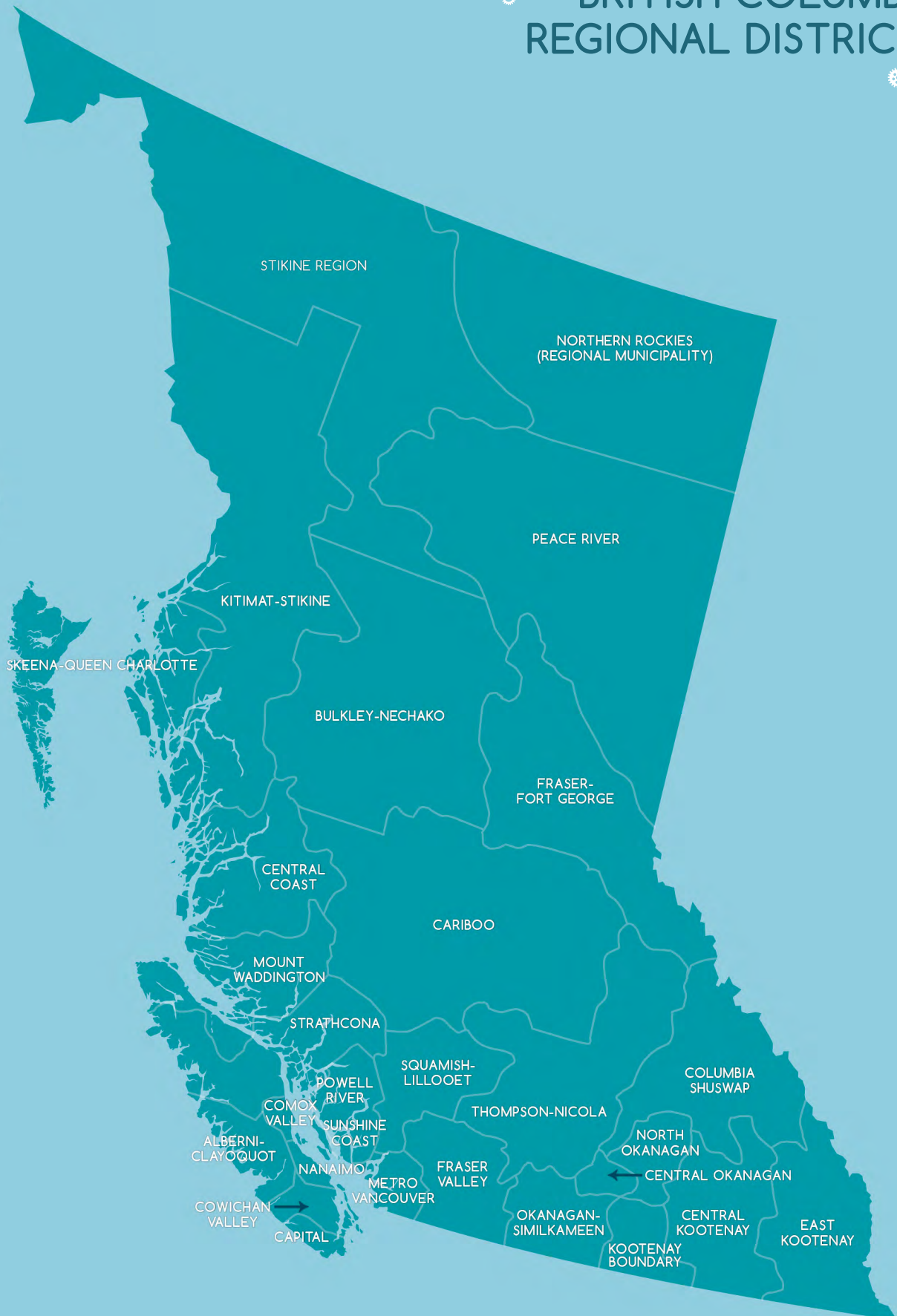
Updated 2015



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BRITISH COLUMBIA REGIONAL DISTRICTS





INTRODUCTION



In British Columbia, local government is a community effort. No matter where you live in BC, you and your neighbours benefit from local government. Local government provides and maintains the community's basic essential services – clean water, garbage collection, sewer systems, roads and sidewalks, streetlights, and fire and police protection. Your local government may also provide other services including libraries, parks, and recreational facilities such as skating rinks, gymnasiums and swimming pools. Your local government also shapes your community through policies and land-use planning. Whether you live in a rural area, in a small village or town, or in a large urban centre, local government is responding to your community's needs and planning for your community's future.



ADVISORY GROUP

Groups of people from the community who help their local government make decisions.



COLLECTIVE POPULATION BY LOCAL GOVERNMENT TYPE

VILLAGES:	45,000
TOWNS:	213,000
DISTRICTS:	713,000
CITIES:	2,926,000
RD ELECTORAL AREAS:	607,000

LOCAL GOVERNMENT

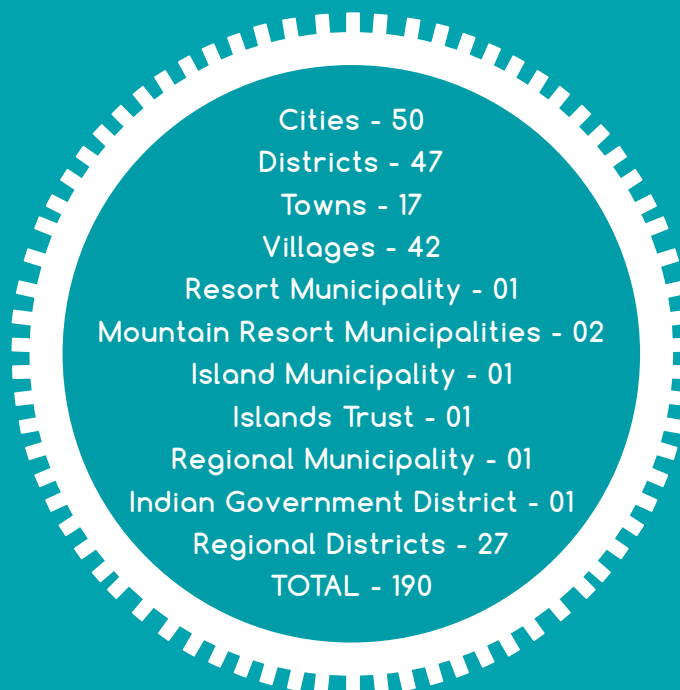
Local government is the most accessible and responsive level of government. The municipal councils and regional boards are local citizens elected by the community and local government staff are community members. Together with the citizen volunteer and advisory groups, local government is you and your neighbours – a community effort.

The diagram on the facing page shows how the Community is the centre of local government. The Community provides direction through their Civic Vote, which elects the Elected Officials. The Elected Officials, with input from the Community, set the Policy which guides the Administration. The Administration, in turn, oversees the operation of the Services which are the visible part of the work of local government. Funding for local government comes in large part from the Community through property taxes and fees for services, but there are also funds from Other Sources such as the provincial and federal governments.

INFORMATION

Local governments provide a wide variety of information on their websites and in their offices. This includes council, board and committee meeting minutes, community plans and maps, bylaws, staff reports and studies and information on local government responsibilities and services. Municipalities are also required to prepare an annual report, which includes information on finances, taxes, services and operations and objectives and measures met during the year and those set for the next year.

NUMBER OF LOCAL GOVERNMENTS IN BC BY TYPE







MUNICIPALITY

A city, district, town or village having the power to govern itself.



BC MUNICIPALITIES

163 municipalities in BC provide services to more than 87% of the BC population. Municipalities range in population from 185 to almost 600,000 and in area from 63 to 157,000 hectares. There is a list of municipalities on the CivicInfo and Union of BC Municipalities websites (see page 22).

LOCAL GOVERNMENT IN BRITISH COLUMBIA

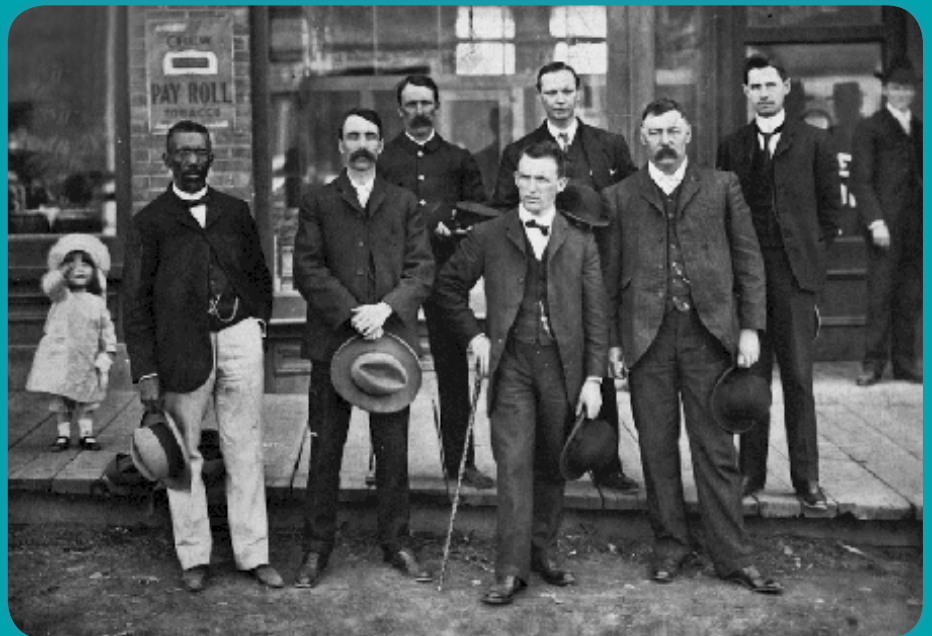
Local government can mean either municipalities or regional districts. Municipalities were first formed in the late 1800s when residents of the Lower Mainland, Vancouver Island and the Kootenays saw the need for their growing communities to have the benefit of locally provided, and locally controlled, services.

Over the years the roles and responsibilities of municipalities have grown and shifted. Now, municipalities are no longer responsible for providing for the poor as they were at the beginning, but they have taken on additional and more complex services. They also represent community interests to the region and province.

Regional districts were formed in the mid-1960s to perform three functions: to deliver local services to rural areas outside of municipalities; to provide a way for municipalities and rural areas to jointly fund services which benefit the entire region; and to provide sub-regional services.

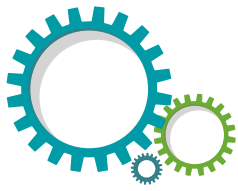
Some treaty First Nations in BC are empowered to operate similar to local governments. Their members elect a council which sets bylaws and policies; levies taxes; and provides local services.

However, the authorities of these treaty First Nations are not set out in the *Community Charter* or *Local Government Act* - different legislative frameworks apply.



Kamloops City Council, 1905.

Image C-08771 courtesy of the Royal BC Museum, BC Archives



MUNICIPALITIES

Under the Canadian Constitution, local government can only be established and granted its powers by the provincial government. Historically this meant that the provincial government provided a list of things that local governments could do and anything not on the list was not allowed. In BC this began to change with the 1996 *Protocol of Recognition*, which recognized local governments as an independent, autonomous and accountable order of government. The 2004 *Community Charter* made those principles law, recognizing municipalities "as an order of government within their jurisdiction that is democratically elected, autonomous, responsible and accountable." This new level of maturity in the local-provincial relationship means local governments can provide any service the community feels is needed.

The provincial government sets out the legal framework and foundation for the establishment and continuation of local governments in provincial laws called the *Local Government Act* and the *Community Charter*. These Acts provide local governments with the authority necessary for fulfilling their purposes and with the flexibility to respond to the different needs and changing circumstances of their communities. There is a provincial ministry responsible for local government in British Columbia.

HOW MUNICIPALITIES ARE CREATED

Municipalities are created when a community desires to provide and develop its own services. A municipality is created through one of the most basic processes of democracy – a community vote.

If a community in an unincorporated area wishes to incorporate it follows several steps. First, residents make a request to the provincial government for assistance in forming a local government – this assistance is provided through the provincial ministry responsible for local government. Then, boundaries are set and a poll of residents is taken. Over 50 percent of the votes cast must be in favour of incorporation. Finally, the incorporation of the area is granted through letters patent by the Lieutenant Governor in Council (the Cabinet) according to provisions in the *Local Government Act*.

LOCAL GOVERNMENT ACT AND COMMUNITY CHARTER

Provincial laws that set out the legal framework for municipalities and regional districts. They provide the legislative authority for local governments to create bylaws, budgets and undertake local services.

LEGISLATION

Laws made by the local government, provincial government or federal government.

INCORPORATION

A community is given the status of municipality or regional district; boundaries are established; and it is given power to govern itself.

ACT

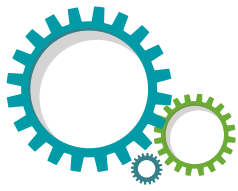
A product, such as a statute, decree, or enactment, resulting from a decision by a legislative or judicial body.

LETTERS PATENT

Specify the name of the municipality or regional district, its boundaries, area and class; make provision for the election of the first council or board; cover the financial set up of the newly incorporated municipality or regional district.

LIEUTENANT GOVERNOR IN COUNCIL

A formal meeting of the lieutenant governor and the members of the executive council (cabinet) to ratify decisions made by the premier and cabinet. In practice, this formal ratification usually takes place through an exchange of documents rather than a meeting.



REGIONAL DISTRICTS

REGIONAL DISTRICT

A federation of rural areas, municipalities and in some cases First Nations, empowered to work together to plan, provide services and deal with issues on a regional scale.

ELECTORAL AREAS

Areas in a regional district outside of municipal boundaries. Each area is represented by a directly-elected representative, called an "Electoral Area Director."

THE REGIONAL DISTRICT SYSTEM

Most of BC's territory consists of rural areas outside municipal boundaries. These rural areas are home to 13 percent of the total population. Regional districts provide these residents with an effective form of local government while also representing municipal residents on regional issues. They also ensure that all residents have access to commonly needed services, no matter where they live. BC's regional form of government began in 1965 and is one of the most innovative local government systems in Canada.

The regional district functions as a partnership of the municipalities and electoral areas within its boundaries. These local governments work together through the regional district to provide and coordinate services in both urban and rural areas.

The services offered by regional districts in British Columbia are varied and could include: fire protection and emergency programs; recreation and libraries; water supply and waste disposal systems.

Regional districts are governed by a board consisting of two types of directors. Electoral area directors are elected directly by rural area voters (those outside of municipal boundaries) and serve four-year terms. Municipal directors are first elected to a municipal council and are then appointed by the council to the regional district board.

The board selects its own chair, who generally sets up committees to deal with issues such as administration, finance, planning, environmental management, or economic development.

RURAL

13% of the total population votes to elect electoral area directors for a 4-year term on the regional district board

MUNICIPAL

87% of the total population votes to elect municipal council members for a 4-year term. Municipal council appoints directors to the regional district board

REGIONAL BOARD

Selects one of the directors as chair, deals with regional issues and services, such as planning and environmental management



THE FUNCTION IS SERVICE

Regional district boards respond to locally expressed needs for service and consult with residents about which services they can provide, where they are to be provided, and how the services are to be financed. A variety of forms of consultation are used, including referenda and the receipt of petitions.

Some services may be provided to only part of an electoral area, while others are provided region-wide. Costs are recovered by billing the taxpayers benefitting from the services.

A typical regional district service line-up might include:

- planning
- recreation and libraries
- fire protection and regulation
- street lighting
- solid waste disposal
- water supply and distribution
- sewage collection and disposal

Emergency telephone systems (911) and curbside recycling programs are other examples of services delivered by regional districts.

REGIONAL HOSPITAL DISTRICTS

Regional Hospital Districts (RHDs) are separate bodies that provide the local share for financing hospital construction, operating in all areas of the province except Metro Vancouver. They ensure that all the residents of an area that may receive hospital services make an equitable contribution to its capital costs. RHDs do not fund or direct the operations of hospitals; they are only involved in financing the hospitals' construction.

SPANNING THE PROVINCE

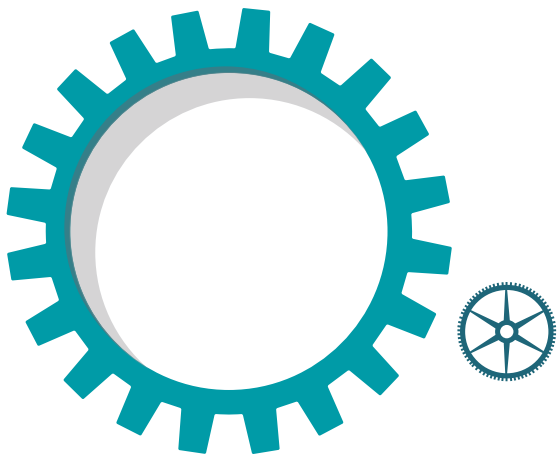
BC's 27 regional districts represent all of the province's municipalities and rural areas (except the Stikine region in the northwest of BC). Regional districts are very diverse. Their estimated populations range from 2.3 million in Metro Vancouver to the Central Coast with 3,200 residents. They serve from 2,008 square km in Nanaimo to 120,000 square km in Peace River.

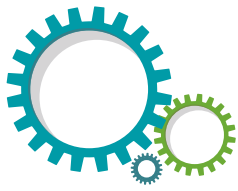
Spanning both municipal and rural boundaries, regional districts deliver services to wide areas with common needs. Typically they coordinate services that a single municipality cannot provide, such as a large recreational complex, or a major sewage system.



CAPITAL COSTS

The costs of land and construction.





COMMUNITY PARTICIPATION

ELECTION

People in the community vote to select the municipal council or electoral area directors on the regional district board.



BY-ELECTION

A special election held between general elections to fill a vacancy.

REFERENDUM

People vote on issues such as whether or not they want a swimming pool, a new arena or fire protection.

ELECTOR

A person who is qualified to vote in an election or referendum.

PETITION

A formal request submitted to a government or other authority, often signed by many members of the community.

RUNNING FOR OFFICE

All mayors, councillors, and regional district electoral area directors are elected for a four-year term. Any Canadian citizen who is eligible to vote in the province of British Columbia is qualified to run for election as a council or board member. Exceptions or reasons for disqualification, are detailed in the *Local Government Act* and *Community Charter*. Candidates do not need to live or own property in the area in which they are running, though they must have resided in British Columbia for six consecutive months. For more information, please refer to the Candidate's Guide, which is available from the provincial ministry responsible for local government.

VOTING

There are several opportunities to vote on matters of local importance, including elections, by-elections and referenda. Elections for municipal councils and regional boards are held throughout the province every fourth year. By-elections are held as necessary to fill vacancies on these bodies.

Referenda are held on questions on which municipal councils and regional boards have the power to act – they may be held at the same time as local elections or at other times. Referenda can be binding or non-binding. Binding referenda mean that the council or board must follow the will of the electors, and they must be held on certain significant issues such as incorporation, certain bylaws, or disposal of public assets. Non-binding referenda can be held to determine the opinion of the electors but the council or board is not required to act on the results of these referenda.


An individual is entitled to be registered as an elector and vote in local elections and referenda if he or she:

- is at least 18 years of age;
- is a Canadian citizen;
- has resided in British Columbia for 6 consecutive months prior to seeking registration as an elector;
- has either resided or owned property in the municipality or electoral area for 30 days prior to registration;
- is not under sentence for an indictable offence or currently in custody or in prison;
- has not been found guilty of an elections offence such as double voting or buying votes;
- has not been disqualified under the *Local Government Act* or any law in force in British Columbia.

Note that if property is owned by a corporation, even partially, no owner of that property is entitled to vote on behalf of the property.

ALTERNATE APPROVAL PROCESS

For certain actions which require public approval, local governments can use an alternate approval process instead of the voting process. In this case, the government advertises its proposed action in local papers. If 10% of eligible



voters oppose the proposal by returning petitions in the time period provided, elected officials must reconsider the decision or hold a referendum. If less than 10% of eligible voters express opposition, the proposal may go ahead.

PARTICIPATING IN PUBLIC CONSULTATIONS & HEARINGS

Public consultations are informal opportunities for local governments to seek input and discuss and explain issues with members of the public. They can include surveys, opinion polls, community forums and workshops.

Public hearings are formal sessions that local governments must hold when making certain decisions, especially around planning and land use. The *Local Government Act* specifies which decisions require a public hearing as well as how the hearing is to be advertised and what happens afterward. Residents can speak or submit written comments on how the proposed changes would affect them. Elected officials must consider these comments when making decisions. Persons wishing to appear at a public hearing are not normally required to make an appointment. However, if the hearing is expected to involve a large number of speakers, appointments may be necessary. The corporate administrator's office can provide information on the procedures to be followed.

A requirement for public consultation is also found in the *Community Charter*. The annual report of a local government must be considered at a council or board meeting or other public meeting, with opportunity for questions and submissions from the public.

ATTENDING COUNCIL OR BOARD MEETINGS

Council meetings and regional district board meetings are regularly occurring and usually held in the evening in the offices of the local government. The meeting frequency may differ between local governments, but the schedule will be available on the local government website and at the local government office.

Meetings are open to the public. In certain cases, however, a portion of the meeting may be closed to the public in order to discuss sensitive matters, such as personnel, legal actions or land negotiations.

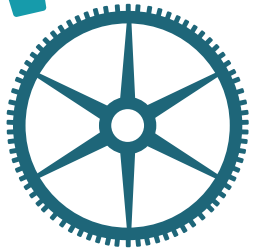
Most local governments provide time during meetings for residents to address the council or board. As the chair of the meeting, all comments and questions must be addressed to the Mayor or regional district board Chair, not to individual councillors or board directors. Persons addressing council or board are required to state their name and address for the record.

Minutes of the proceedings are recorded, and are formally adopted at the next meeting as the true and correct record of the meeting. The minutes of the meetings are open to public inspection, except for any portion of a meeting that was closed to the public for discussion of sensitive matters. Minutes are available on the website of most local governments, and at the local government office.

ARE YOU ON THE LIST OF REGISTERED ELECTORS?

Each municipality and regional district is responsible for preparing and maintaining a list of electors. Instead of maintaining an ongoing register of resident electors, a local government may, by bylaw, limit registration of electors to registration at the time of voting; or it may, by bylaw, provide the most current available provincial list of voters as the register of resident electors. Non-resident electors, those who own property in the municipality or electoral area but don't live there, may also register and vote in local elections.

Any citizen can ensure that his or her name is on the list of electors by registering at the municipal or regional district office, or at a voting place on election day.



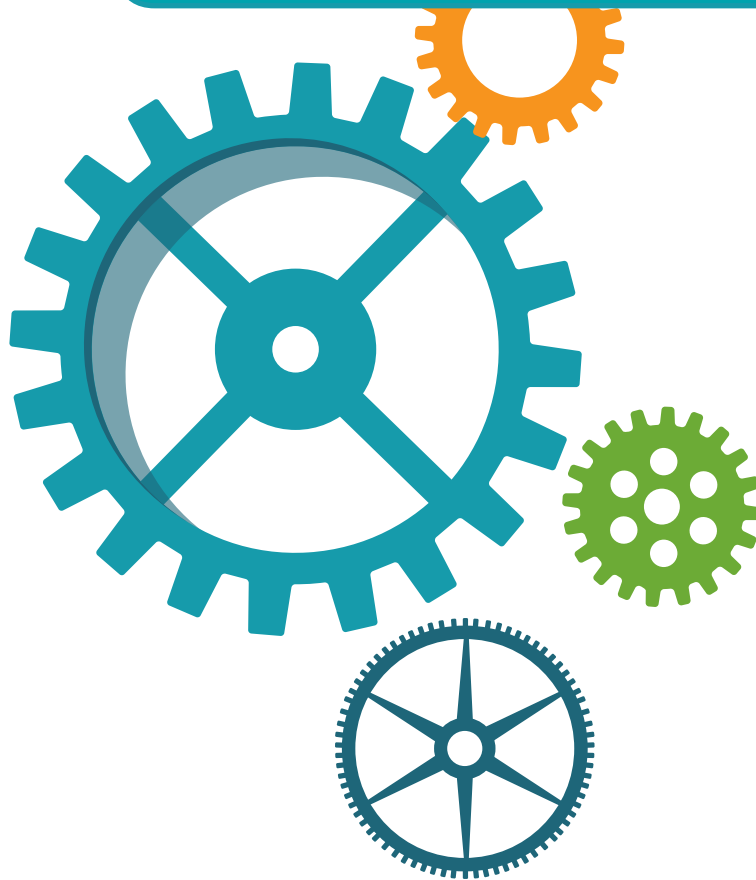


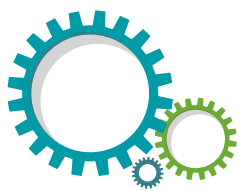
VOLUNTEERING FOR A LOCAL GOVERNMENT BODY

Volunteer committees and commissions help local government officials by making recommendations on certain types of discussions. Those who wish to volunteer apply to be appointed. Committees and commissions can be standing, which means they exist on an ongoing basis, or select, to deal with a specific issue.

MAKING YOUR VIEWS KNOWN

Residents may also make their views known to their local representatives by contacting local government officials and staff. It is usually best to begin with the specific department or key staff member, but if concerns cannot be resolved most local governments have procedures so that residents can meet with their elected officials to discuss unresolved problems or to make presentations on matters of importance to the community. The corporate administrator's office is usually responsible for arranging appointments and will also advise on the procedures to be followed.





ELECTED OFFICIALS

The basic responsibility for local government services and decisions lies with municipal councils and regional district boards. Once a municipality is incorporated, a mayor and council are elected to determine its policies and oversee its responsibilities. The council is the governing body of the municipality and is responsible for ensuring that its powers are used for the benefit and protection of its citizens. A municipality can have five, seven or nine council members including the mayor, depending on population. The City of Vancouver has an eleven-member council consisting of the mayor and ten councillors.

The regional district board is comprised of elected rural representatives - electoral area directors - as well as representatives appointed from municipal councils. The board has administrative and legislative responsibilities similar to a municipal council.

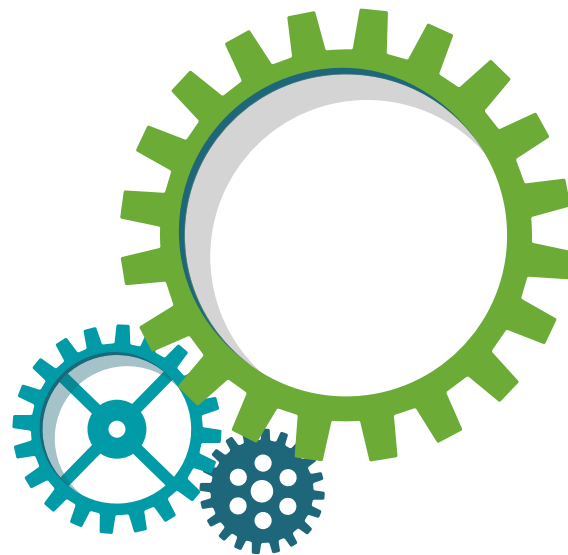
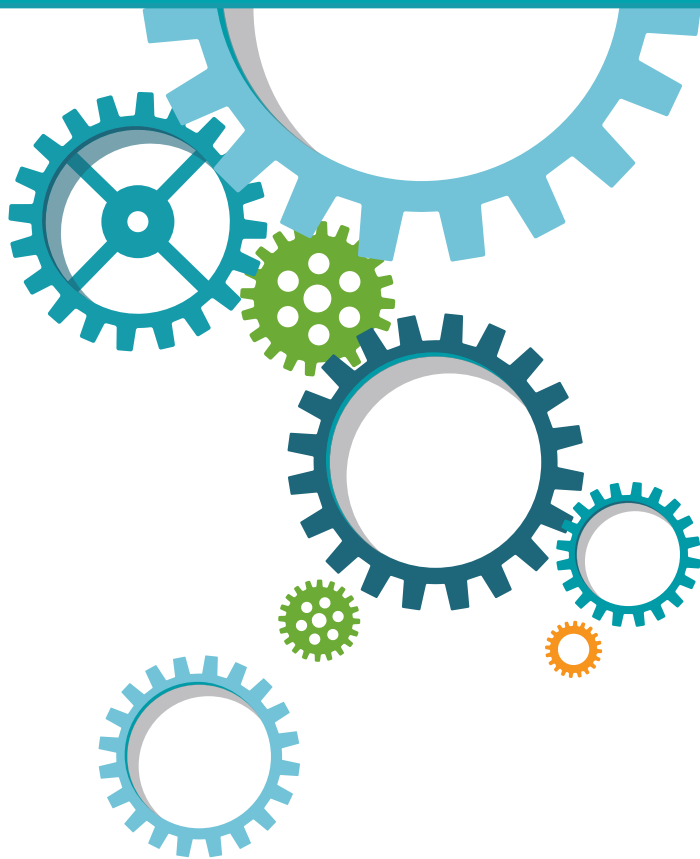
REMUNERATION

Money paid to a person in exchange for services rendered.

COUNCIL AND BOARD INDEMNITIES

Municipal councils and regional district boards can provide an annual indemnity for the mayor, councillors, or board members. A portion of the remuneration can be paid as an allowance for expenses related to carrying out the duties of office.

The indemnity, or money paid, is made in recognition of the time local government elected officials must spend away from their families, businesses or employment in order to fulfill the requirements of public office.





POLICY



BYLAW

Law enacted by local government elected officials to govern and control the actions and services of a regional district or municipality.



RESOLUTION

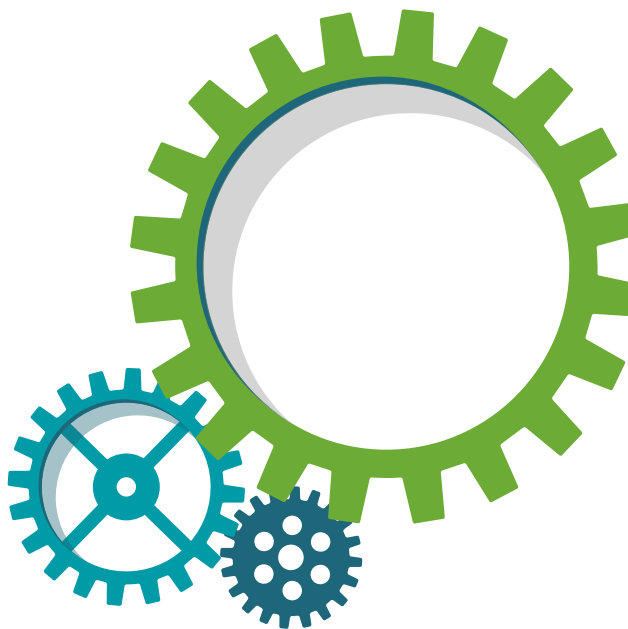
A decision, opinion, policy, or instruction of a regional district board or municipal council, expressed in a formal written document and decided by board or council vote.

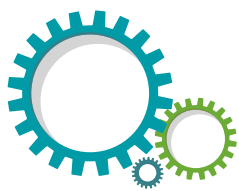
All powers of a council or regional district board are exercised by bylaws and resolutions. The *Community Charter* states that these decisions can only be made at regular or specially convened council or board meetings where there is a quorum, or fixed number of Council members present. A quorum is a majority of the council members – for example, six for Vancouver’s eleven-member council or three for a five-member council.

Meetings are generally scheduled in advance, and are advertised and open to the public. At council and board meetings, members discuss, debate and make decisions, taking into account different points of view expressed by both council/board members and members of the public. These decisions become local government policy.

Councils and boards establish policies for the community and adopt bylaws or resolutions based on these policies. They must then ensure that these policies are executed by the local government’s administration in the day-to-day business of the community.

Although councils and boards are not required to submit their decisions to other agencies or governments for review, they often consult with neighboring local governments, the provincial or federal government, or other organizations when the decisions might affect other bodies.





ADMINISTRATION

While elected officials are responsible for setting policy, the actual work of providing local services is carried out by local government employees. The number of employees depends on the size of the municipality or regional district and the types of services they provide.

In all but the smallest local government offices, the staff is organized into departments. Most medium to large offices have departments for Public Works, Finance, Personnel, Fire, Planning, Building, Licences, Parks and Recreation, and an officer in charge of corporate administration.

Local governments employ people with a variety of skills. In addition to the more usual jobs of engineers, accountants, electricians, plumbers, truck drivers, secretaries and carpenters, there are some unique jobs such as firefighters, animal control officers and sewage treatment plant operators.

Some of the key people who are working on your behalf to make your community a better place to live are listed on the following pages.

Chief Administrative Officer

The chief administrative officer of a municipality or regional district may be called the administrator or manager. In smaller local governments this role may be combined with corporate and/or financial administration.

This person is the individual charged with the overall efficient delivery of policy and services throughout the municipality or region. The administrator reports directly to the council or board. In addition, the administrator often provides business advice to the council or board and acts as its representative in negotiations with other government bodies; businesses and property owners.

Corporate Officer

The corporate officer acts as the link between the public, staff, and the council or board. He or she is responsible for preparing agendas, keeping minutes of meetings, publishing official notices, drawing up bylaws, safeguarding public documents, and providing public information.

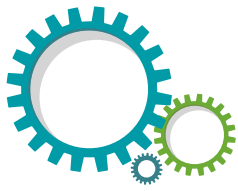
The corporate officer is the “expert” on procedures for meetings and advises the elected officials as required. Official correspondence is usually addressed to the corporate officer, who also has the authority to enter into correspondence on behalf of the council or board.

Financial Officer

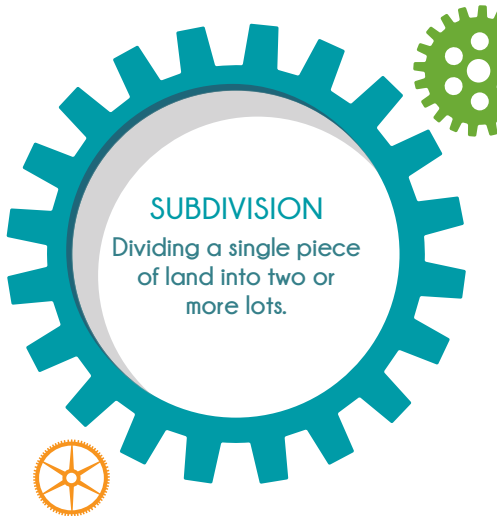
The financial officer is responsible for the local government’s finances. In addition to the usual accounting functions and the preparation of financial statements, the financial officer is responsible for the safekeeping of money and securities, investing funds and ensuring that local government expenditures are made in accordance with policy and the law.

The financial officer is responsible for the preparation of five-year plans which include both operating and capital expenditures. He or she is the elected officials’ financial adviser and is expected to provide advice on financing capital projects, developing the five-year plan, the legality of expenditures, and taxation policy.





ADMINISTRATION



SUBDIVISION
Dividing a single piece
of land into two or
more lots.

LOCAL SERVICES

Basic services essential to the well-being of a community, including but not limited to water, sewage disposal, fire protection, garbage collection, roads, sidewalks, and street lights.

Engineer

The engineer is responsible for what generally is termed “public works”. This might include the planning for, construction of, and operation and maintenance of a wide variety of local government services such as roads, garbage disposal and water and sewer systems.

Planner

Most large offices have a planning department, which is responsible for planning the development of the community and for preparing and administering land use regulations and bylaws. The planning department gathers statistical information on the community and often acts as a source of information for people who are interested in local investment.

Approving Officer

The approving officer has authority to approve subdivision plans and is appointed by the council and, where authorized, the board. Although the council or board establishes the standards for subdivisions, the approving officer is responsible to the provincial government and must base approval on criteria that is set out in the *Land Title Act*, *Local Government Act*, *Strata Property Act* and *Limitation Act*.

Building Inspector

Every municipality and regional district that regulates building construction appoints a building inspector who is responsible for approving plans, issuing building permits and inspecting construction. The building inspector is often called upon to provide advice to builders on the interpretation of codes, and works closely with the agencies responsible for electrical, gas and sewage disposal permits and inspections.

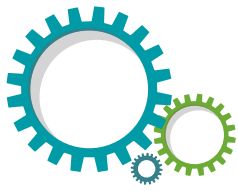
Recreation Director

In many municipalities and regional districts, a parks and recreation director is responsible for the planning, development and management of the parks and recreational facilities. The director is also required to provide a technical advisory service to volunteer leisure organizations and is responsible for leisure facility programs.

Auditor

Every council or board must appoint an auditor. The auditor is an accountant and cannot be an employee of the local government. He or she is an independent adviser, whose major duty is to audit the accounts and financial transactions of the local government and to report on the state of the accounting. The auditor can also look into any expenditure to see if it complies with the law.

The auditor must be given complete and free access to all of the local government’s financial records.



SERVICES TO THE COMMUNITY

Local government provides essential basic services – clean water, garbage collection, fire and police protection, street lighting, libraries, recreational facilities and parks, local roads, water and sewer systems, and planning for the future economic growth of the community. The range of local services provided by BC's local governments is as diverse as the provincial landscape and is decided by each individual council and board.

ADMINISTRATION

Local government staff administer the services, regulation and land management that the board or council decides to undertake. They may build relationships and work collaboratively with other governments and agencies to do so.

EXAMPLES OF LOCAL SERVICES

Typical services provided by local governments are:

- Policing
- Fire protection
- Parks and recreation
- Garbage collection and recycling
- Water, sanitary and storm sewers
- Local roads
- Sidewalks
- Street lights
- Libraries
- Cemeteries
- Transit
- Emergency planning
- Community programs

REGULATION

Local governments provide regulation in several different areas:

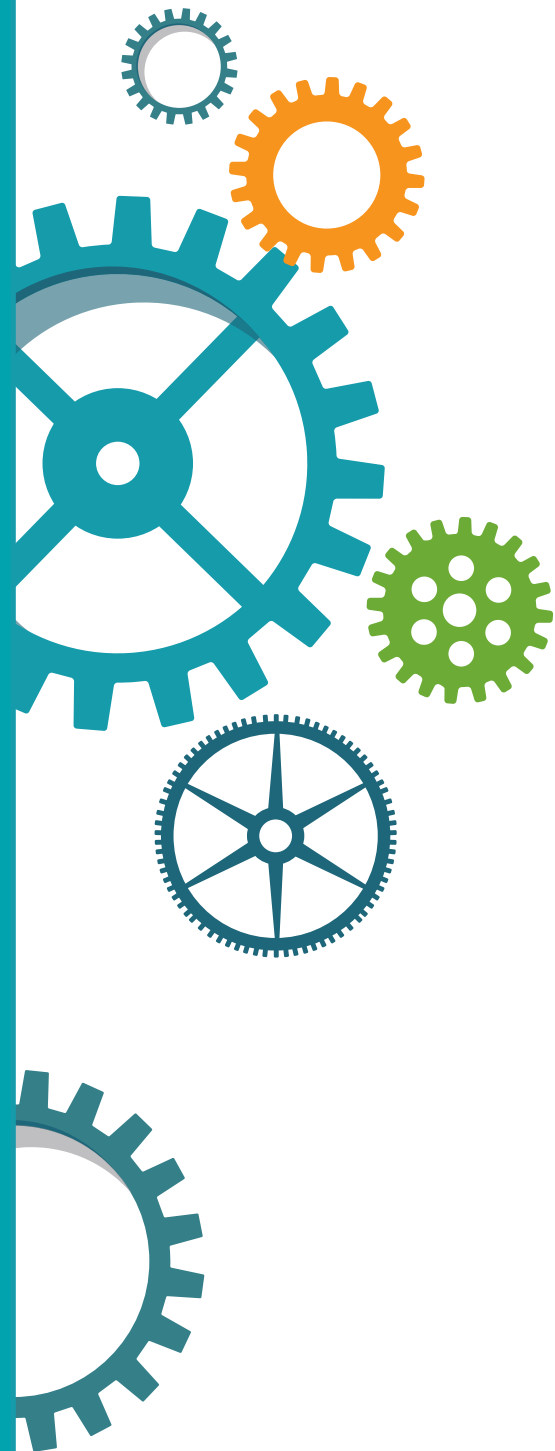
- Business licensing
- Building permits and inspection
- Commercial vehicle licensing
- Dog licensing

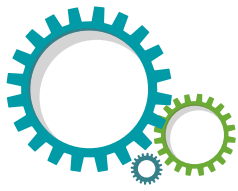
LAND MANAGEMENT

Local governments can control the development and use of private land in order to avoid incompatible uses and to help communities manage change. They can do this through planning, regulation and subdivision approval.

Municipalities and regional districts have Official Community Plans, which are used to guide growth and development. A good community plan helps to organize development so that the costs of services, such as roads, water and sewer can be minimized. A plan informs people about what kind of activities are likely to occur in their neighbourhood and makes it possible for residents to play a larger role in determining how their community will develop. Regional districts can also prepare a Regional Growth Strategy for long range planning on a regional basis.

Zoning bylaws provide the regulation for Official Community Plans. They can determine what gets built and how, as well as the area's density. Subdivision approval relates to the process whereby property boundaries are changed.





FUNDING

BUDGET

A detailed plan showing where the local government will get its money (revenue) and what that money will be spent on (expenses).



EXPENDITURE

Money spent for a specific purpose.

CAPITAL EXPENDITURE

Money spent on items of high value that have a useful life of more than one year (e.g. buildings, recreation equipment).

OPERATING EXPENDITURE

Money spent on ongoing administration and services.

DEFICIT

The amount by which a sum of money falls short of the required or expected amount; a shortage.

Services are provided through a variety of sources of funding. Slightly more than one-half of the average tax bill goes to pay for municipal services – most of the rest goes to pay for schools. Local government is big business. Overall municipal operating expenditures in BC are close to \$7 billion annually. In addition, regional districts spend approximately \$1.4 billion a year in total.

Because local government is a service industry, it is not surprising that 60 percent of a typical local government budget goes to salaries. Local governments in BC employ some 61,000 individuals.

The most expensive services are typically police and fire protection, public works and recreation. Cost varies between municipalities depending upon whether they actually provide the service and the level of service they provide. For example, while some municipalities have full-time fire departments, others rely on volunteer fire departments.

The portion of the budget that goes to recreation can vary widely depending on what type of facility each community has decided it wants and can afford. The diversity in expenditure patterns only serves to underline the strength of local government and its ability to reflect local needs.

FOUR SOURCES TO FUND SERVICES

Local government has the ability to raise funds to provide and maintain services and amenities within the community. These revenues are raised from four main sources:

- Property taxes
- Grants from other levels of government
- Special user charges
- Partnerships

On average, 48 percent of the money needed each year to provide and maintain services is raised through property taxes. The federal and provincial governments provide grants-in-lieu of taxes for land they own within a municipality. The provincial government and other orders of government also pay grants to local government; grants which make up approximately 7-8 percent of the average municipal budget.

Local government also raises revenue by renting, selling or otherwise charging fees for the use of its facilities or services. Some of these charges include fees for garbage pickup, swimming pool and arena admission fees and fees for subdivision approvals. When services are only provided to one group of property owners, such as the provision of a sidewalk or a sewer system, these property owners can be charged a special kind of tax called a parcel tax. Developers also pay special charges to help pay for providing services to newly developed areas.

Local governments can also enter into partnerships with organizations, private companies, community groups, local agencies or other orders of government in order to finance projects that would be too expensive for the local government on its own.

STRICT BUDGET CONTROLS AND NO-DEFICIT FINANCING

Councils and boards direct the financial officer to prepare a five-year financial plan. The plan is adopted annually by bylaw each year prior to May 15 for municipalities and prior to March 31 for regional districts. The current year of the plan becomes the annual budget. An expenditure not provided for in the plan or in an amended plan is unlawful. The plan may only be amended by bylaw.

The five-year plan contains both operating and capital expenditures.

The plan will show proposed sources of funds and their application for capital projects such as building construction or land and equipment purchases.

The current year of the plan is the operating plan for the year. It tells staff and the public what types and quality of services are to be provided. The capital expenditure program is council's plan for the development and improvement of municipal facilities.

Local governments cannot run a deficit in their current operating accounts. Each year they must balance their budget. They must also provide an annual report at the end of the year to the community on what they have done.

USER FEES

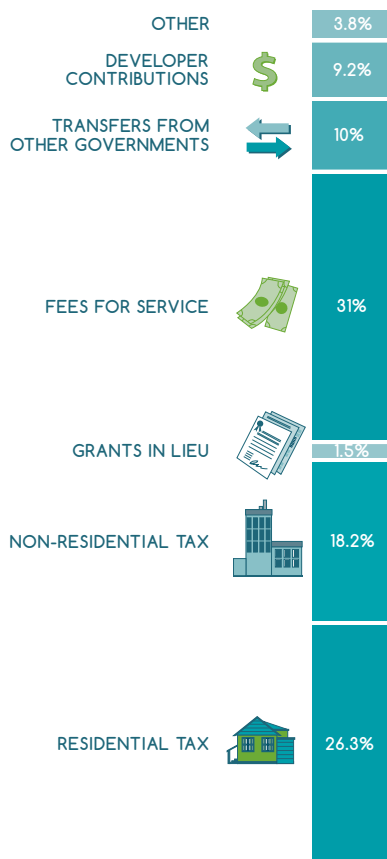
Fees charged to users of goods or services provided by the local government.

LOCAL GOVERNMENT BORROWING

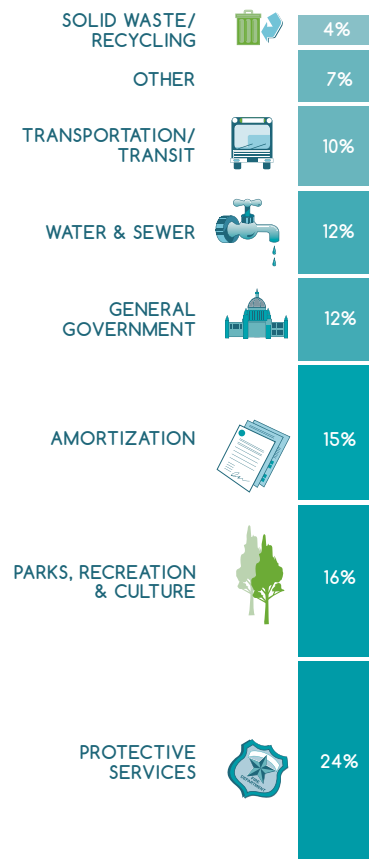
Local governments can borrow monies to finance capital projects, such as water and sewer system construction, recreation facilities, and roads. The amount they can borrow is limited by the *Community Charter*.

All local governments (except the City of Vancouver) finance long-term debt through the Municipal Finance Authority. The Authority, which is established under provincial law and managed by representatives of all regional districts, has an excellent credit rating, due to the security it can offer to lenders and the stable finances of local government in British Columbia. The result is that every local government in the province, regardless of size and local circumstances, can borrow at rates that are usually only available to the largest governments and corporations.

SOURCES OF GENERAL MUNICIPAL REVENUES



MUNICIPAL OPERATING EXPENSES





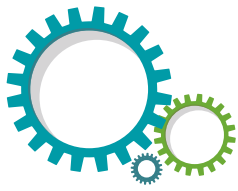
Assessment

Calculation

$$\text{assessed value} \times \text{tax rate} = \text{property tax payable}$$

Billing and Payment

TAX NOTICE: MUNICIPALITY OF PORT SOMEWHERE			2014 Tax Notice
To: Mr. John Doe 1234 Mt. Pleasant Road Port Somewhere B.C. V5T 1Z1			Municipal Hall Port Somewhere B.C. V5T 1Z1
[Due: July 1, 2014]			TAX PAYABLE (Under 65 years)
PROPERTY TAX LEVIES			
Your contribution to education	Local School Tax - residential	65,000	499.85
	Less Home Owner Grant		470.00
	Net School Taxes		29.85
	General Tax - residential	65,000	664.95
Your contribution to general municipal services	Regional Dis - residential	65,000	31.85
	Hosp/BCAA/MIS - residential	50	42.90
	Water Frontage Tax		62.50
	General & Other Taxes		802.20
Your cost for regional services segment	Home Owner Grant		0.00
			802.20
			\$ 832.05



ASSESSMENT

PROPERTY ASSESSMENT IN GREATER DETAIL

Since 1974, all property assessments have been carried out by the BC Assessment Authority. The catalyst for establishing the BC Assessment Authority was the recognition of a lack of uniformity in assessments between local governments. The lack of consistency made it difficult for taxpayers to understand how property value was established. Today BC Assessment is an independent Crown corporation with 15 area offices province wide, and a database containing information on 2.1 million properties.

Annual Assessment Roll

On December 31 each year, BC Assessment releases the new assessment roll. The assessment roll lists every property in the province for which property tax can be levied, specifying the assessed value and the property class. The assessment notice sent to each property owner in BC is based on the data from the assessment roll.

Establishing the Assessed Value

The assessed value is based on the actual value of a property, the market value - estimated sale price - as of a specific date. To determine the actual value of a property, the assessor considers multiple factors including, but not limited to, location; land area and topography; size and age of building or improvements; replacement cost; condition; and the selling price of comparable properties in the area. The assessor may then apply exemptions to the actual property value, if any of the factors are seen to affect the property's worth. This adjusted figure (if adjustments are deemed necessary by the assessor) is the assessed value of the property.

Changes in assessed value reflect alterations in market value. A variety of factors might impact the market value of a property. For example:

- the owner may have improved the property by adding a garage or finishing the basement;
- demand for property in the area may have caused prices and market values to change; or
- the local government may have altered zoning for the area.

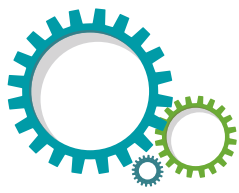
Assessments established by the BC Assessment Authority are subject to an extensive appeal procedure through the Property Assessment Review Panel, the Property Assessment Appeal Board and the BC Supreme Court. Assessments can be appealed immediately after BC Assessment mails the assessment notices. Appeals must be received by the end of January each year.

ASSESSMENT CLASSES

Properties are assigned to one of nine classes for assessment purposes. The taxing authorities can set a different tax rate for each class of property.

The nine classes are as follows:

1. Residential
2. Utilities
3. Supportive Housing
4. Major industry
5. Light Industry
6. Business and Other
7. Managed Forests
8. Recreational Property/Non-Profit Organization
9. Farm



PROPERTY TAXATION

REQUISITION

A formal request for payment.

SETTING TAX RATES

Local governments use a three-step process to determine the property tax rates for a given year.

1. Based on the budget for the local government, **determine the total amount of required revenue that will not come from other sources.**

Revenue required
to run the local
government

—

Total revenue
from other
sources

=

Total revenue
required from
property tax

2. **Allocate property tax to the different classes of property.** The total revenue raised across the different property classes should, when combined, equal the total revenue required from property tax. Different amounts of revenue may be required from different classes of property.

3. **Calculate the tax rate for each property class**, such that the required amount of property tax revenue is raised from each class. Here is an example of the calculation for a hypothetical property class, "Class A":

Total revenue
required from
Property Class A

÷

Collective assessed
value of properties
in Class A

=

Tax rate for
Property
Class A

The property tax rate is expressed in dollars per \$1,000 of assessed value.

Sharing the Tax Burden – Variable Tax Rates

Councils and boards have the power to set property tax rates for each class of property. These rates are applied to the actual value of the property, less any tax exemptions. The allocation of the tax burden between property classes is therefore a local responsibility.

With prudent use of their legislative authority, councils and boards may make adjustments to compensate for a wide disparity of property value changes, while maintaining a stable share of the tax burden between the broad classes of property (e.g. residential, business, industry). For example, a council may, by bylaw, moderate the impact of substantial increases in land values by averaging the assessed value of land over three years, or by phasing in increases in land assessments.

Rural & Regional District Taxation

The property tax on properties in rural areas outside a municipality, the unincorporated areas, goes to two main authorities: the provincial government and the regional district. The provincial government may collect property tax on these properties to fund services that it provides in these areas.

Regional districts do not collect property taxes themselves, but submit requisitions to their member municipalities and to the provincial government. A requisition indicates the total property tax revenue required by the regional district from a municipality or from an unincorporated area. The municipality forwards the required amount to the regional district. For regional district unincorporated areas, the Province will collect the property tax and then forward the required amount to the regional district.

Property Tax Relief

Property owners may be eligible for property tax reduction through grants or deferrals. All residential homeowners are eligible for a provincial Home Owner Grant, unless the assessed value of their property exceeds a specified limit. Beyond the basic Home Owner Grant, an additional grant amount is available for those over age 65, or for certain other categories of homeowners, such as war veterans or disabled persons. Other programs, such as the Northern and Rural Homeowners Benefit, may also raise the maximum grant amount.

In addition to grants, homeowners over age 60 or who are disabled may apply for a deferral of property tax. The Province pays the taxes owing, and the taxpayer repays the Province at a future date, such as when the property is sold. Interest, at a rate set by the provincial government, is applied to the deferred taxes.

Other property classes may be eligible for other exemptions – for example, a commercial assessment exemption or a tourism assessment exemption. As another example, the *Community Charter* provides that certain properties – for example, churches – may be exempt from property taxes.

Who Can Tax Your Property?

While local governments and the provincial government are the main authorities that levy property tax, several other bodies also have the authority to levy property tax in BC. The following list of these taxing authorities explores the ways that they use property tax revenue.

Municipalities provide a range of local services such as policing, fire protection, water, sanitary and storm sewers, streetlights, roads, libraries, garbage collection, parks and recreation, or cemeteries. The size of a municipality and the preferences of its residents determine which services it provides.

Regional districts provide local services to unincorporated rural areas. For reasons of cost effectiveness, they may also provide joint services for a consortium of their municipal and rural areas – for example, fire protection, water, or recreation.

Some **First Nations** are empowered to tax land and improvements within their boundaries.

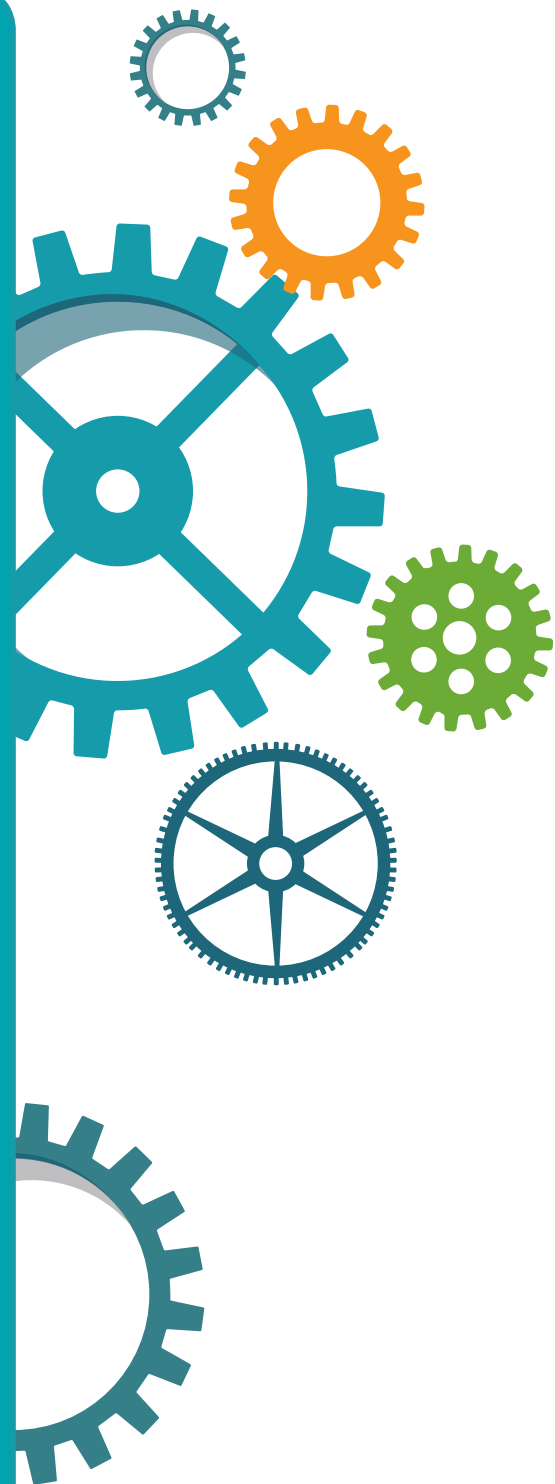
The **provincial government** provides policing and road services in unincorporated rural areas and provides a portion of the funding for schools. The Province is responsible for setting tax rates for unincorporated rural areas, and for collecting school taxes.

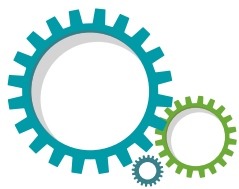
School districts provide kindergarten to grade 12 education using provincial funding. Some of this funding comes from the school taxes that the Province collects on behalf of the school districts.

Regional hospital districts provide a share of capital funding for hospitals. The other share of hospital capital funding comes from the provincial government, through the regional health authorities.

Improvement districts may provide services such as water or fire protection in unincorporated rural areas.

Finally, the **BC Assessment Authority** and the **Municipal Finance Authority** each levy a small tax to fund a portion of their budgets.





FOR FURTHER INFORMATION

PUBLICATIONS

Legislation [bclaws.ca]

Community Charter

Local Government Act

Ministry of Community, Sport and Cultural Development Publications [cscd.gov.bc.ca/lgd/]

Candidate's Guide – Local Elections in British Columbia

Development Cost Charges: A Best Practices Guide

Improvement District Manual

Voter's Guide – Local Elections in BC

Union of BC Municipalities Publications [go to ubcm.ca and select Services & Publications]

Local Government Fact Sheets

Local Government in British Columbia [book]

Regional District Toolkit

Union of BC Municipalities: The First Century

ORGANIZATIONS

BC Assessment Authority

bcassessment.ca

BC School Trustees Association

bcsta.org

CivicInfo BC

civicinfo.bc.ca

Government Finance Officers
Association of BC

gfoabc.ca

Local governments

Listed on CivicInfo BC and
UBCM websites

Local Government
Management Association

lgma.ca

Ministry of Community, Sport &
Cultural Development

gov.bc.ca/cscd

Municipal Finance Authority

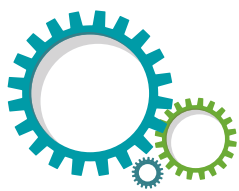
mfa.bc.ca

Municipal Insurance Association of BC

miabc.org

Union of BC Municipalities

ubcm.ca



ACKNOWLEDGEMENTS

LOCAL GOVERNMENT IN BC: A COMMUNITY EFFORT

Has been prepared by:

Union of BC Municipalities

The Union of BC Municipalities (UBCM) is an association that represents the interests of every municipality and regional district in the province, and selected First Nations. Through its Executive, which is composed of mayors, councillors and regional district directors from communities throughout the province, it works with both provincial and federal governments in an effort to improve upon current legislation, regulations and funding arrangements.

ubcm.ca

60 – 10551 Shellbridge Way, Richmond, BC V6X 2W9
t. 604.270.8226 f. 604.270.9116

Local Government Management Association of BC

The Local Government Management Association (LGMA) is an association of local government management officials. Its objectives include the improvement of administration and management and professional development for local government officials. The Association provides professional training to local government officials through seminars and by encouraging the provision of courses at community colleges and universities.

lgma.ca

7th Floor, 620 View Street, Victoria, BC V8W 1J6
t. 250.383.7032 f. 250.383.4879

Ministry of Community, Sport and Cultural Development

The Ministry is responsible for the legislation governing local government, providing certain types of financial assistance, and providing advice and assistance to local governments and the general public.

cscd.gov.bc.ca/lgd/

Local Government Department, Advisory Services
P.O. Box 9839 Stn. Prov. Govt., Victoria, BC V8W 9T1
t. 250.387.4020 f. 250.387.7972



Background

Legislation enabling the creation of regional districts was introduced in 1965. There are currently 27 regional districts, which cover the majority of the province, except for the Stikine region in the northwest and the Northern Rockies Regional Municipality in the northeast. The legislative powers and requirements for regional districts are contained mainly in the *Local Government Act*.

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

Northern Rockies Regional Municipality was incorporated under exceptional provisions, with a governance structure tailored to the unique geography of the area. Covering a vast area, it includes the former Town of Fort Nelson, few small rural communities, and significant dispersed resource extraction industries previously included in a regional district. The regional municipality performs a hybrid of functions normally held by regional districts and municipalities.

Service Providers

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

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

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

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

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

Administrative Agencies

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

Debt

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

Hospital Funding

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

Federations

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

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

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

Regional Board Votes

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

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

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

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

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

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

Examples of situations where the weighted vote is used are:

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

Meetings

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

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

Five Year Financial Plan

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

Regional District Toolkit

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

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

Islands Trust

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

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

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

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

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

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

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

Updated November 2018

Regional District

TOOL KIT

-
- ❖ Fact Sheets
 - ❖ Effective Practices
 - ❖ Discussion Guides
 - ❖ Presentation
 - ❖ Information Booklet
-

Acknowledgements

The UBCM Regional District Task Force was established in 2004 to provide principal direction in the production of the *Regional District Tool Kit*.

The members of UBCM Regional District Task Force appointed by the UBCM Executive are:

Director Susan Gimse, Chair
Councillor Brenda Binnie, Vice Chair
Chair Robert Hobson
Councillor Corinne Lonsdale
Chair Ted Armstrong
Mayor Herb Pond
Chair Marvin Hunt

They would like to express their sincere appreciation to the following:

- The Ministry of Community Services for their financial and technical support throughout this project;
- Local government elected and appointed officials who provided input during *Tool Kit* development;
- Local Government Management Association members who provided input during *Tool Kit* development and particularly those reviewers who provided comments on the draft *Tool Kit* papers;
- UBCM staff for project leadership; and
- Allan Neilson-Welch, of Neilson-Welch Consulting Inc. who is the principal writer and researcher.

Thank you!



Introduction to the *Regional District Tool Kit*

Welcome!

Welcome to the First Edition of the *Regional District Tool Kit*, a resource developed by the Union of BC Municipalities in cooperation with the Ministry of Community Services and the Local Government Management Association of BC, to promote a better understanding of regional districts in British Columbia.

Regional districts are unique to British Columbia and are an integral part of the province's local government system. Many different groups rely upon, interact with or work within regional districts. Despite their importance however, regional districts are not always well understood. The *Regional District Tool Kit* is intended to promote the "health" of regional districts by improving understanding of what they are and how they operate.

Target Audiences

The *Tool Kit* is a resource that all local governments, (both municipalities and regional districts) and others can use to engage and help inform different audiences. Taken together, the materials in the *Kit* are intended to target a wide variety of audiences, including every group that has a stake in the regional district system. Citizens and property owners who rely upon regional districts for services represent one target audience; municipal council members and senior staff who work closely with their regional district counterparts consti-

tute others. In all, the list of audiences targeted by *Tool Kit* materials is considerable and includes:

- *Regional district directors and staff*
- *Municipal council members and staff*
- *Provincial government elected and administrative officials*
- *Residents and property owners*
- *First Nations*
- *Media representatives*
- *Development sector*

Users & Training

Elected and appointed officials from regional districts themselves are expected to be the primary promoters of the *Tool Kit*. It is hoped that they will identify and make use of opportunities to distribute, present and discuss the *Kit's* materials. Municipal elected and appointed officials are also key users and promoters. Other players in the local government system that will also be making use of the *Kit* and providing training on its use include:

- The Union of BC Municipalities (UBCM) will provide a first training session on using the *Kit* at the 2005 UBCM Convention. Other opportunities will follow. They will also make use of the *Kit's* materials at UBCM-sponsored educational seminars



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(such as the Newly-Elected Officials Seminar), at UBCM related events (such as the Annual Convention and Area Association conferences), and during UBCM promoted programs (such as Local Government Awareness Week).

- The Ministry of Community Services (CSERV) will use the materials to advise local governments, other provincial ministries, and agencies that interact with local governments and the public.
- The Local Government Management Association of BC (LGMA) will promote the *Kit's* materials at LGMA functions, and include various materials in the curricula for levels I, II and III of the Municipal Administration Training Institute (MATI).

The key point for local government officials and others who promote the *Kit* is to identify and take advantage of every opportunity to use the resources that make up the *Kit*. The *Kit* is designed for active use to engage audiences — it will have little value as a passive, shelf-bound reference document.

Note for the Islands Trust area, the Islands Trust has all the power and authority of a regional district for land use planning purposes.

Contents & Format

The *Tool Kit* consists of the five separate components listed in the box.

Each component is presented in its own section of the *Kit*. Pages at the beginning of each section introduce the component, explain its purpose and identify its target audiences.



- *Fact Sheets* that explain in some detail the most fundamental aspects of regional districts.
- *Effective Practices* through which individual regional districts can share ideas and approaches with one another on a range of key topics. The first set of papers focuses on *Communications*. These papers profile useful ways regional districts can reach out to engage audiences to improve their understanding of the regional district system.
- *Discussion Guides* that identify important questions for regional districts and their member jurisdictions to explore.
- *A PowerPoint Presentation* (with speaking notes), titled *Regional Districts: Introduction and Overview*, that outlines the basics of regional districts.
- *A basic information booklet* entitled *An Introduction to Regional Districts*, written for the general public.

The *Tool Kit* is available in both electronic and paper versions. The electronic version is posted on UBCM's website at www.civicnet.bc.ca. Links to this site are provided on several other sites that are popular with local government practitioners, including the Ministry of Community Services' site, and the site for the Local Government Management Association of BC. The paper version has been produced in loose-leaf binder



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format to facilitate updating and has been provided to every local government in BC.

Tool Kit Development

In October 2004, the Regional District Task Force was established by UBCM to oversee the development, implementation and evaluation of a *Tool Kit* on Regional Districts. The *Tool Kit* was recommended by a 2004 Regional District Working Group as part of an *Action Plan* endorsed by the UBCM Executive and supported by UBCM members.

“The key point for local government officials and others who promote the Kit is to identify and take advantage of every opportunity to use the resources that make up the Kit. The Kit is designed for active use to engage audiences — it will have little value as a passive, shelf-bound reference document.”

The Task Force, with the assistance of a local government consultant and UBCM project leader, began its work in late 2004. Production of the actual materials occurred over a six-month period from March through August 2005.

The process through which the *Tool Kit* was developed recognized the importance of input from UBCM members. Indeed, over the past year since the *Tool Kit* was first announced, members have had multiple opportunities to comment on and contribute to the *Kit*. For example:

- At the 2004 UBCM Convention, representatives of Regional District Working Group presented the *Action Plan* to members and solicited feedback on the proposed *Tool Kit* and its contents;
- In October 2004, the UBCM president wrote to all members asking for their support for *Tool Kit* development and contribution to its contents;
- In January 2005, the Task Force distributed a detailed memo on the proposed content and format of the *Tool Kit* to every regional district Chief Administrative Officer in the province for feedback;
- In March 2005, early drafts of materials prepared for the *Tool Kit* were reviewed at the 2005 Regional District CEO/CAO Forum;
- During April and May 2005, the Task Force Chair presented draft *Tool Kit* materials to members at all five UBCM Area Association Spring Conferences.

Initial drafts of each paper were prepared by the project consultant and reviewed by the Regional District Task Force. Comments were also provided by a technical review panel comprised of CSERV and UBCM staff, and LGMA members.

Next Steps

The publication of the First Edition does not signal an end to member input or *Tool Kit* development. All members – indeed, all persons who read, use or learn from the *Tool Kit* – are invited to provide comments and suggestions on

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the material presented using the contact information identified below. The electronic and loose-leaf binder formats chosen for the *Kit* allow changes to be made where necessary and appropriate. Ideas for new content that may be featured in future editions of the *Tool Kit* are also welcome.

Finally, once some experience has been gained with using the *Tool Kit*, UBCM

will be conducting a formal survey. The survey will be designed to test the *Kit*'s overall effectiveness, to identify its most (and least) useful components, and to determine changes that are required to the content, format and/or methods of use. Members will have an opportunity to provide their views and comments on the *Kit* through the survey.

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Contact Information

Inquiries and comments on the Tool Kit may be directed to:

Union of BC Municipalities
Ste. 60 – 10551 Shellbridge Way
Richmond, BC V6X 2W9
ubcm@civicnet.bc.ca
(604) 270-8226
(604) 270-9116



Regional Districts in British Columbia

In alphabetical order – September 2005

Alberni-Clayoquot

Bulkley-Nechako

Capital

Cariboo

Central Coast

Central Kootenay

Central Okanagan

Columbia Shuswap

Comox-Strathcona

Cowichan Valley

East Kootenay

Fraser-Fort George

Fraser Valley

Greater Vancouver

Kitimat-Stikine

Kootenay Boundary

Mount Waddington

Nanaimo

North Okanagan

Northern Rockies

Okanagan-Similkameen

Peace River

Powell River

Skeena-Queen Charlotte

Squamish-Lillooet

Sunshine Coast

Thompson-Nicola





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MUNICIPALITIES



This section of the *Tool Kit* contains a set of Fact Sheets. The Fact Sheets profile key features of the regional district system, and in so doing, help explain why regional districts exist, how they are structured and what they do. The Fact Sheets also help to clarify common misconceptions related to the regional district system. As their name suggests, the Fact Sheets present the “facts” or “what is”. They do not give advice or advocate positions on issues.

The Fact Sheets are designed to appeal to audiences that work within and interact with regional districts regularly, and that already have a basic knowledge of local government in BC. Specific target audiences include:

- Local government elected and appointed officials (municipal and regional district)

- Provincial ministries, developers, First Nations and other groups that have dealings with regional districts
- Media representatives who report on regional districts and regional affairs

Some citizens and property holders who receive services and/or rely on regional districts as their local governments may be interested in the Fact Sheets. It is anticipated, however, that most citizens and property holders will find the introductory booklet included in this *Tool Kit* (*Regional Districts: An Introduction*) more useful.

Contents

The First Edition of the *Tool Kit* contains ten separate Fact Sheets. Taken together, they profile the most important features of the regional district system. The following table identifies the individual papers.





	<i>Title</i>	<i>Description</i>
FS 1	Purposes of Regional Districts	Explains what regional districts exist to do.
FS 2	Structure of Regional Districts	Illustrates and explains how regional districts are structured to operate.
FS 3	Regional District Services	Focuses on the service provision role of regional districts. Service establishment, service funding and service governance are reviewed.
FS 4	Regional District Service Reviews & Service Withdrawal	Explores the purpose of the review and withdrawal mechanisms. The different types of reviews are identified. Detailed information sources for regional districts and member jurisdictions interested in reviews and/or withdrawal are identified.
FS 5	Regional District Voting Rules	Explains the voting rules that guide regional district decision-making.
FS 6	Regional District Finance	Introduces the basics of regional district finance, including the regional district approach to service funding, financial planning, taxation, the processing of debt and the use of development finance tools. It includes a two-page “quick reference” guide to voting rules.
FS 7	Electoral Area Governance	Outlines the framework for governing electoral areas.
FS 8	Regional Districts & the Provincial Government	Outlines the structural relationship between regional districts and the provincial government.
FS 9	Regional Districts & First Nations	Introduces the topic of regional district-First Nations relations, and outlines some of the initiatives through which the parties have developed, and are continuing to develop, working relationships.
FS 10	Regional Districts & Planning	Outlines the role of regional districts in planning and land-use management.



Purposes of Regional Districts

Fact Sheet 1 explains what regional districts are and what they do.

In British Columbia's system of local government, regional districts serve three important purposes:

- they are the local governments for their (unincorporated) electoral areas
- they provide the political and administrative frameworks necessary for combinations of member municipalities and electoral areas to collaborate in the provision of sub-regional services
- they are regional service bodies responsible for providing important regional services to, and undertaking key activities on behalf of, their entire regions (i.e., all member jurisdictions)

Each of these purposes is important in every regional district. As might be expected, however, the relative importance of each purpose varies from place to place depending on the wishes of the region's member jurisdictions. In certain regional districts, for example, the local government role for electoral areas is the predominant focus. In other regions, the provision of sub-regional services through the regional district will be most important. In still others, the provision of regional services will stand out as the primary purpose of the regional district.

The relative importance of the various purposes is not always static. Changing demographic, economic, political,

social and structural conditions within a region can lead to changes in the importance of the regional district, and its primary purpose. Over time, for example, a regional district's emphasis may switch from providing basic local services to electoral areas, to providing joint services to sub-regional groupings, or regional services to all member jurisdictions. To be sure, all three purposes will remain valid over time; the relative importance of each, however, may change.

“Changing demographic, economic, political, social and structural conditions within a region can lead to changes in the importance of the regional district, and its primary purpose.”

The regional district model allows flexibility in the design of service arrangements. Within key legislative constraints, a regional district can be whatever its member jurisdictions want it to be. Over time, regional districts can be moulded and re-moulded by member jurisdictions to meet different needs, and to serve different purposes.

The important role of member jurisdictions in collectively determining the focus and activities of regional districts is critical to understand. In British



Purposes



Columbia's system of local government, regional districts are not regional governments, or separate, second tier authorities. Regional districts are, instead, federations of the municipalities and electoral areas that exist within their boundaries. With few exceptions

(solid waste planning being the most notable), regional districts act only in response to the expressed needs, interests and instructions of their members. They derive both their legitimacy and authority to act from their member jurisdictions.

Purposes

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More info

Readers interested in exploring further the purposes of regional districts may wish to review Robert Bish's *Regional District Review* – 1999 (available online at www.uvic.ca.padm). The chapter titled "The Role, Expectations and Philosophy of Regional Districts" is particularly helpful. Readers may also wish to review Chapter 2 of the full Report & Action Plan produced by UBCM's Regional District Issues & Non-Legislative Solutions Working Group. This publication is available online at www.civicnet.bc.ca.

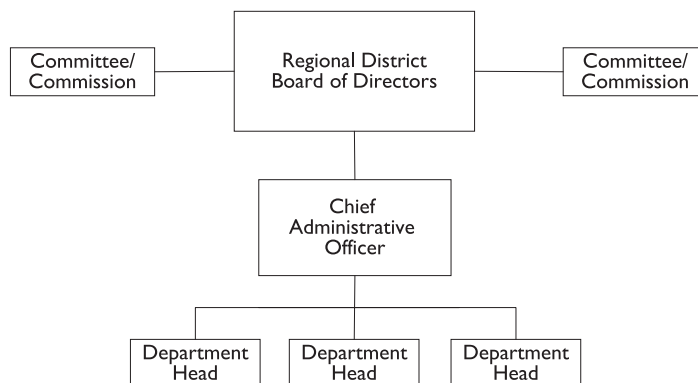


Structure of Regional Districts

Structure

Fact Sheet 2 explains how regional districts are structured.

British Columbia's regional districts differ significantly in several respects, including size, scope of services and area of coverage. One characteristic shared by all regional districts, however, is structure. All twenty-seven regional districts in BC are organized using the same basic corporate structure. The accompanying chart illustrates the basic structure. The points that follow the chart identify and explain the structure's key components.



Board of Directors — The Board of Directors is the governing body of the regional district, ultimately responsible for the services provided and actions taken by the corporation. Directors from the regional district's member municipalities are known as Municipal Directors and are appointed by their respective municipal councils. A Council can replace its member(s) on a regional district Board at any time. Directors from the regional district's electoral areas are known as Electoral Area

Directors. They are elected directly to the Board by the electors in the areas they represent and serve a three-year term.

Many larger municipalities are represented on their regional district boards by more than one Municipal Director. The exact number is determined by the population of the municipality and the regional district's "voting unit" (specified in the Letters Patent incorporating

the regional district) . Electoral areas are generally represented by one Electoral Area Director. The sole exception is the Westside Electoral Area in the Central Okanagan

which, because of its considerable population and urban nature, has three Directors.

Every Electoral Area Director must appoint an Alternate Director to carry out the Director's responsibilities in his or her absence. Municipal Councils must also appoint an Alternate Director to take the place of the Municipal Director when required. Municipalities with more than one Municipal Director may appoint one Alternate per Director, or



Structure



one or more general Alternate(s) who are available to act in place of any one of the Directors.

Each Board of Directors is headed by a Chair, who is the Chief Executive Officer of the regional district corporation. Each year, the Board elects one Director to serve as Chair and another to serve as Vice Chair.

The Board of Directors is a collective decision-making body that acts through resolutions and bylaws. Fact Sheet 5 on Voting Rules explains how votes on different types of matters are taken.

Committees & Commissions — Most regional districts have various Committees and/or Commissions to assist the Board of Directors in decision-making. Committees come in two types: standing and select. Standing committees are permanent bodies that are established by the Chair to provide regular, ongoing advice to the Board in different areas of business or activity (e.g., finance, community services, economic development, etc.). Select committees are temporary, time-limited bodies that are established by the Board as a whole to provide advice on a particular issue or initiative that arises (e.g., the development of a new OCP). Both types of Committees may include non-Directors in their membership; at least one member of every Committee, however, must be a Director of the regional district.

Commissions are created by the Board to oversee regional district services, undertake operation and enforcement in relation to the board's exercise of its regulatory authority, or manage property held by the regional district.

Through delegation bylaws, the Board can delegate authority to Commissions to make certain types of decisions on their behalf. The degree of delegation to Commissions can be considerable; the Board cannot, however, delegate all of its authority. Key powers, such as the authority to adopt bylaws, cannot be delegated to Commissions. Like Committees, Commissions may include non-Directors in their membership.

Committees and Commissions help the Board of Directors manage its workload. By referring issues to Committees, and by delegating decision-making authority to Committees or Commissions, a busy Board can ensure that important matters receive proper attention and consideration. Through the careful selection of Committee and Commission members, Boards can also ensure that those jurisdictions with the most interest in issues are given the opportunity to participate in the detailed discussions and deliberations around the issues.

Chief Administrative Officer — Regional districts in BC operate in accordance with the Board-CAO model of local government. The central feature of this model is the separation of governance and administration. The Board in the Board-CAO model is the governing body, responsible for setting a vision, developing strategies to achieve the vision, and formulating policies. The CAO is the professional manager responsible for the administration. The CAO implements the Board's policies and decisions, and handles all operations. The CAO also serves as the chief policy advisor to the Board.



The CAO, as the head of administration, is accountable to the Board for the performance of the administration. The CAO exists as the sole official link between the Board and administration. Generally, all direction from the Board to staff passes through the CAO, as does all information and advice from staff to the Board.

Department Heads — Reporting to the CAO are the regional district's Department Heads, professional managers who are accountable to the CAO for the administration of particular functions (e.g., finance) or areas of service (e.g., community services). The number of Department Heads in a regional district typically depends on the size of the organization and the range of services being provided.

Officers — "Officers" are not identified specifically in the organizational chart presented earlier. It is important, however, to discuss them briefly. Under the *Local Government Act*, the Board of Directors must establish, by bylaw, two officer positions. One of these positions must be assigned responsibility over corporate administration (often the Director of Corporate Services), which

includes a number of powers, duties and functions that, taken together, enable the Board to operate as a legal corporate body. The second position (typically the Director of Finance or the Treasurer) must be assigned responsibility over financial administration. This officer is responsible for ensuring that the corporation receives, expends and accounts for all of its funds in a proper fashion. The same person may be given both sets of responsibilities.

Regional districts may choose to establish other officer positions, in addition to the mandatory corporate and financial administration ones. Many regional districts, for example, establish the Chief Administrative Officer as an official officer position under the Act, with explicit responsibility for management and administration, the implementation of Board policy and directions, and the provision of advice and information to the Board.

The responsibilities of officers are statutory responsibilities. For this reason, Officers may only be appointed by the Board of Directors. In addition, Officers may only be dismissed by a vote of two-thirds of the Board's directors.

More info

A number of resources provides further information on the structure of regional districts, and related topics such as voting rules and delegation of authority:

- the Ministry of Community Services (CSERV) has available *A Primer on Regional Districts*: www.cserv.gov.bc.ca/lgd
- Fact Sheet 5 explains regional district voting rules
- CSERV has available a 2003 document titled *A Guide to Regional District Board Delegation to Committees & Commissions*: www.cserv.gov.bc.ca/lgd



Regional District Services

Services

Fact Sheet 3 focuses on the service provision role of regional districts.

Service Provision — It was explained in Fact Sheet 1 that regional districts serve three purposes:

- they are the local governments for their electoral areas, responsible for providing basic local government services
- they provide the frameworks necessary for combinations of member jurisdictions to collaborate in the provision of sub-regional services
- they are regional service bodies responsible for providing important regional services to their entire regions

The common theme in these purposes is service provision. Regional districts may, as noted elsewhere, differ in their choices of specific purposes to emphasize. Every regional district, however, has the same *raison d'être*: to provide services.

Voluntary Services — Regional districts establish and provide services in direct response to the expressed needs, desires and instructions of their member jurisdictions. There are, to be sure, certain services that every regional district is required by provincial statute to deliver — general administration, electoral area planning and solid waste management planning are perhaps the most notable. The number of mandated services, however, is small.

The complete range of voluntary services provided by different regional

districts to and on behalf of their members is indeed impressive. It can include water and sewer utilities, recreation programs and facilities, community and regional parks, libraries, regulatory services such as animal control and building inspection, E-911 and fire protection, economic development and film industry promotion, regional growth strategies, airports and even television rebroadcast.

“Individual jurisdictions, in general, are free to choose which services, if any, they wish to enter or initiate.”

Enlightened Self-Interest — With the exception of the few mandated services noted above, member jurisdictions cannot be forced to participate in regional district services. Individual jurisdictions, in general, are free to choose which services, if any, they wish to enter (or initiate). Jurisdictions make their choices on the basis of self-interest. Put differently, individual jurisdictions choose to participate in regional district services when it is in their best interest to do so.

Self-interest, it should be emphasized, is not necessarily measured by the short-term benefit to be captured through participation. A jurisdiction's interest may instead be determined by a combination of other factors, such



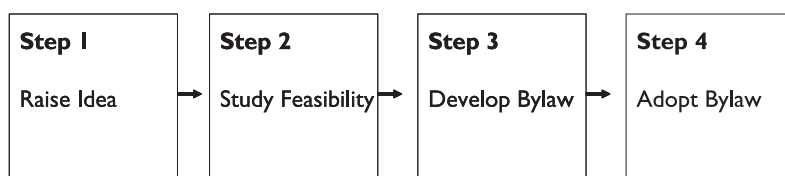


as the desire to build a strong regional body, or the wish to establish a base of inter-jurisdictional goodwill that can be called upon in future years. These other factors expand the notion of self-interest beyond immediate considerations, and for that reason, lead to the concept of enlightened self-interest.

Service Establishment — The flowchart below illustrates a simplified, generic process for establishing voluntary regional district services. The text below the chart explains the individual steps.

- In **Step 1** the idea for a new service emerges. There are several potential sources of ideas, including regional

Service Establishment
Generic Process



district directors, citizens, municipal councils, municipal staff, the regional district board, regional district staff, the media and others.

- **Step 2** typically involves some kind of service feasibility study. The extent of the actual study will vary depending on the potential size and scope of the service. Most studies, however, will consider a checklist with the following types of items:
 - The proposed service has a clear and understood purpose
 - The proposed service has a defined and agreed-upon scope

- Specific, measurable goals for the service have been identified
- The parties agree on a way to share costs
- The parties agree on how the service should be governed
- The parties agree on how the service should be delivered
- The parties agree on a process for service review
- A start-up plan has been developed
- Support among elected officials is broad and sufficient

- If the proposed service is deemed feasible, a service establishing bylaw, required for most services, is de-

veloped (**Step 3**). The *Local Government Act* stipulates the mandatory elements of an establishing bylaw, and identifies various optional

items to include. Legislative changes introduced in 2000 expanded the opportunities for customization.

- **Step 4** involves the adoption of the bylaw. All establishing bylaws must be voted on using the “unweighted corporate vote” rule (see Fact Sheet 5). Under this rule, every director present must vote and is given one vote. A straight majority determines the outcome.

After third reading of the bylaw, the bylaw must receive the approval of the province’s Inspector of Municipalities, and the approval of the areas that are intending to participate in the service.



Approval of the participating areas can be obtained by the electors themselves through referendum. In certain cases, the board may choose to bypass the referendum route and obtain approval using an “alternative approval process” (i.e., counter-petition). In still other cases, approval may be given on behalf of a participating area by the council, the electoral area director or the board.

Service Funding — Once a service has been established it must be funded. The concept of “benefiting area” is critical to any discussion of regional district service funding. Each service provided by a regional district has a specified benefiting area throughout which the service is provided, and from which the full cost of the service is recovered. In a true regional service, the entire regional district – that is, all member municipalities and electoral areas – will comprise the service’s benefiting area. For a sub-regional service, the benefiting area might consist of only a handful of jurisdictions. A local service’s benefiting area might include only one electoral area, or even just a part of an

electoral area. In all, the actual benefiting area for any service can be whatever the member jurisdictions wish it to be. What is key to understand is that the service’s benefiting area determines both who receives the service and who pays for it. Jurisdictions and areas not included in a service’s benefiting area do not receive the service, and do not contribute to the cost of providing the service.

Service Governance — The decision to establish a new service is a decision of the entire regional board. Once a service has been established, the full board continues to be involved in certain instances. For the most part, however, decisions related to a specific service are the responsibility of the directors of the jurisdictions that have chosen to participate in the service (see Fact Sheet 5 on voting). By assigning this responsibility to the participating area directors, the system effectively aligns service governance with service funding. Put differently, those who make the decisions for the service are the same ones who pay for the service.

More info

Readers may wish to consult the following sources for further information on service establishment, funding and governance, and on regional district services in general:

- the Ministry of Community Services’ (CSERV) *A Primer on Regional Districts* (www.cserv.gov.bc.ca/lgd)
- Fact Sheet 4 on Service Reviews
- Fact Sheet 5 on Regional District Voting Rules
- CSERV’s *Guide to Regional Service Arrangements & Service Reviews* (www.cserv.gov.bc.ca/lgd)
- Robert Bish’s *Regional District Review – 1999* (www.uvic.ca.padm)



Regional District Service Reviews & Service Withdrawal

Reviews & Withdrawal

Fact Sheet 4 focuses on regional district service reviews and service withdrawal.

Reviews & Withdrawal — Most regional district services are created using establishing bylaws. The establishing bylaw for any given service is a legal document that identifies, among other items:

- the exact scope of the service
- the method by which the service is to be funded
- the way in which service-related decisions are to be made, and by whom

These items and others are determined collectively by the jurisdictions that choose to participate in the service. Taken together, the items outline the participants' terms of participation in the service, and constitute the service arrangement.

Typically, the actual contents of a service arrangement reflect the local demographics, economic conditions, interests and aspirations that exist at the time the arrangement is negotiated. As can be expected, these conditions change over time, often to the point that the original terms of participation are deemed by some participants to be inequitable or otherwise unsatisfactory. Service reviews provide the opportunity for service participants to examine and, if necessary, revise the original terms and conditions of participation. Service withdrawal, where applicable, provides the opportunity for participants to exit

services when terms cannot be changed to the participants' satisfaction.

Legislative Change — Local governments throughout the province have initiated and undertaken service reviews in one form or another since regional districts came into being in the mid 1960s. In 2000, however, service reviews assumed new prominence thanks to certain legislative changes introduced in that year. The *Local Government Act* was changed in 2000 to provide each participating jurisdiction – i.e., each

“Typically, the actual contents of a service arrangement reflect the local demographics, economic conditions, interests and aspirations that exist at the time the arrangement is negotiated.”

municipality and electoral area – the authority to initiate a formal review of the arrangements governing regional district services. The legislation was also changed to allow jurisdictions to withdraw from most services, following a review process.

Rationale — The rationales for the service review and service withdrawal mechanisms were alluded to earlier. Service reviews are intended to provide opportunities to re-structure arrange-



ments to accommodate changing realities. The ability to withdraw from a service is intended to provide the assurance that, in the event an agreement cannot be satisfactorily amended, an individual jurisdiction may exit what it perceives to be an untenable situation.

The provisions for review and withdrawal are consistent with the principle of self-interest that underpins the regional district approach to service provision. An individual jurisdiction's interest in a particular service will depend, to a significant degree, on the terms of participation in the service. Over time, as conditions change, the original terms of participation may become unsatisfactory, at least from the perspective of the jurisdiction. In such a situation, the principle of self-interest

“The provisions for review and withdrawal are consistent with the principle of self-interest that underpins the regional district approach to service provision.”

would require the jurisdiction to pursue changes to the service arrangement. If changes were not possible, the principle of self-interest would require the jurisdiction to seek withdrawal.

The review and withdrawal mechanisms are also consistent with the principle of borrowed power, another pillar of the regional district system. As far as service provision is concerned, regional districts derive the bulk of their power and legitimacy from their member jurisdictions (member jurisdictions, in essence, authorize regional districts

to provide specific services on their behalf). When participation in a specific service no longer makes sense for a jurisdiction, that jurisdiction needs to be able to initiate a formal review of the service and, if necessary, exit the service. The jurisdiction, in other words, needs to be able to rescind the authority to provide the service. The service review and withdrawal mechanisms enable the jurisdiction to take this action.

Types of Reviews — There are three types of service reviews available to regional districts and their member jurisdictions. The first is the Statutory Review. This type is the default option introduced in 2000 and outlined in the *Local Government Act*. The second type is termed the Bylaw-based Review. The legislative changes made in 2000 give participants in regional district services the authority to design their own review processes, and include the processes in the services' establishing bylaws. Once developed, the customized processes supersede the statutory default provisions. The third type of review is the Non-legislative Review which, as its name suggests, is undertaken independent of the legislative authority. All reviews that occurred prior to 2000 were non-legislative in nature.

Part 24 of the *Local Government Act* contains all of the provisions that govern Statutory Reviews and Bylaw-based Reviews. The Ministry of Community Services (CSERV) has produced a number of useful explanatory guides to help service participants understand the legislation. The guides also explore key questions related to reviews, such as:

Reviews & Withdrawal



- when should a service review be considered (and not considered)
- what type of review should be considered
- who may initiate a statutory service review and under what conditions
- who are the parties to a review, and what are their respective roles
- what is the process that should be considered in conducting a review
- under what circumstances may withdrawal be initiated

The materials produced by the Ministry are listed in the “More Info” section of this Fact Sheet. It is not the intent of this Fact Sheet to reproduce the legislation or duplicate the Ministry’s efforts.

Reviews & Withdrawal



More info

Readers interested in learning more about service reviews and how to conduct them may wish to review the following CSERV publications, all of which are available online at www.cserv.gov.bc.ca/lgd:

- *Regional Service Reviews: An Introduction*
- *Guide to Regional Service Arrangements & Service Reviews*
- *Reaching Agreement on Regional Service Review and Withdrawal Disputes*
- *Designing Regional Service Arrangements: An Introduction*



Regional District Voting Rules

Fact Sheet 5 explains the voting rules guiding regional district decision-making.

Regional district boards of directors act through resolutions and bylaws. Before a resolution can be made or a bylaw adopted, voting must occur. In municipalities, voting is a relatively straightforward matter: every member of council votes on every issue, and every member receives one vote. In regional districts, voting is not always so simple.

In regional districts, special voting rules are needed to reflect specific realities, namely that regional districts are federations of different sized jurisdictions, and that regional district services are subscribed to and funded by different combinations of jurisdictions. In the context of voting, these realities mean that not all directors have the right to vote on all matters, or have the same number of votes in all situations.

There is a number of basic concepts that underlie regional district voting rules. The first concept is that of “*vote entitlement*”. Different combinations of directors on the board are entitled to vote on different types of questions. On some matters, all directors are entitled to vote, whereas on other matters, only the directors representing jurisdictions that participate in the service being discussed receive a vote.

The second concept is “*vote weighting*”. Each director on the board is assigned a specific number of votes based on the population of the jurisdiction the

director represents. Voting on some issues is “weighted”, which means that the directors who are entitled to vote receive their full allotments of votes. On other issues, voting is “unweighted”. In these instances, every director who is entitled to vote receives only one vote, irrespective of the population of his or her jurisdiction.

Related to vote weighting is the concept of “*voting unit*”. The voting unit is the size of population that constitutes one vote on a weighted vote decision. Consider an example of a regional district with a voting unit of 2,500 persons. On

“In the context of voting, these realities mean that not all directors have the right to vote on all matters, or have the same number of votes in all situations.”

weighted votes, each director of the regional district receives one vote for every 2,500 persons in his or her jurisdiction. A director whose jurisdiction has 11,000 persons would receive five votes in all weighted vote situations (11,000 divided by 2,500 equals 4.4, which, as per the legislation, is rounded up to 5).

The voting unit concept also impacts unweighted votes, albeit to a much lesser degree than with weighted votes. Under the *Local Government Act* (LGA), an individual director may only cast a maximum of five votes. Large jurisdic-

Voting Rules

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Voting Rules

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tions must, therefore, appoint (or in the case of the Central Okanagan's Westside Electoral Area, elect) more than one director to the regional district board. In unweighted votes, each director of the board receives one vote. A large jurisdiction that is represented by several directors on the board receives one vote for each of its directors.

Taken together, these concepts – vote entitlement, vote weighting and voting unit – help to promote important principles such as accountability, fairness and equity in regional district decision-making.

The concepts outlined above form the foundation for the key voting rules that guide decision-making at the board table. Three primary rules exist:

Unweighted Corporate Vote — This type of vote is used to decide matters that affect the corporation and all jurisdictions that comprise the regional district. Every director is entitled to vote and receives one vote. Unweighted corporate votes are used to determine a range of matters, including:

- establishing bylaws for services
- regulatory bylaws
- resolutions and bylaws on the conduct of the board's business (e.g., procedure bylaws, the conduct of meetings)
- several issues under LGA Part 26 (planning and land use management)

Weighted Corporate Vote — Weighted corporate votes govern decisions on money matters, including the adoption of the annual financial plan, borrowing, property acquisition and disposal, and key contracts. Each director on the

board is entitled to vote; each receives the number of votes as determined by the voting unit. All votes accorded a director, incidentally, must be used as a block (i.e., all in favour, or all against).

Stakeholder Vote (Weighted) — Stakeholder votes are used to make decisions related to the administration and operation of regional district services. Only directors representing jurisdictions that participate in the service in question are entitled to vote in stakeholder votes. All stakeholder votes are weighted votes; as such, each participating director receives the number of votes determined in accordance with the voting unit.

These three primary rules apply to all regional districts in British Columbia except the Greater Vancouver Regional District (GVRD). At the GVRD, there are no unweighted corporate votes. All votes, whether corporate or stakeholder, are on a weighted basis, except for the election of the Chair and Vice Chair, in which case an unweighted secret ballot vote is used.

Adding some complexity to this system is the fact that some decisions made at the board table are multi-level in nature and require more than one vote. For example, the decision to contract out a service to an external service provider rests with the stakeholders or participants in that service. However, the legal contract between the regional district and the external service provider requires a weighted corporate vote.

In addition to the primary rules, there are some secondary rules to note. One such rule states that no matter may be decided by only one director. Thus, in a case where only one director would





be entitled to vote, as per the primary rules, each director present at the table must vote on an unweighted basis. This type of situation occurs for decisions related to the administration and operation of a regional district service that is provided to only one jurisdiction.

Another secondary rule concerns the issue of abstention from voting. Every director who is at the board table and who is entitled to vote on a particular matter *must* vote — abstention from voting is not permitted. If the director does not indicate his or her preference in a vote, the director is deemed to have voted in the affirmative.

Most matters at the board table are determined by a simple majority of votes cast (i.e., 50% plus 1), whether weighted or unweighted. On certain matters, however, a two-thirds majority must be achieved in order for a motion to pass. Matters requiring an affirmative vote of at least two-thirds of all directors include:

- the termination without cause of an Officer's employment
- delegation of the board's powers to a committee or commission of the board, or to an employee
- exercise of emergency powers
- the amendment or repeal of establish-

ing bylaws in specific cases

- property tax exemptions
- providing consent on behalf of an electoral area director

In 2000, changes to the *Local Government Act* were introduced to allow regional district boards to vary the stakeholder voting rule that governs decision-making as it relates to the administration and operation of services. Specifically, regional districts may change the number of votes provided to each director, or the basis on which votes are assigned. The board, for example, could assign votes on the basis of usage or property assessment, instead of population. Alternatively, all directors could be given the same number of votes (each director of a participating area must receive at least one). All variances must be identified in and enacted through the establishing bylaw for the service in question.

The ability to design customized voting rules is even stronger in situations where the board delegates authority over administration and operation to a body of the board, such as a commission. Membership in the body, voting weight and the size of majority required for decisions can all be customized to address specific goals and/or sensitivities.

More info

The best resource for further information on regional district voting rules is Bulletin A.11.0.0 titled *Regional District Voting Rules*, published in late 2000 by the Ministry of Community Services (www.cserv.gov.bc.ca/lgd). The Bulletin's Appendix A, titled "Application of Voting Rules Under Part 24", features a comprehensive and useful table.

Further information on regional districts' ability to vary the stakeholder vote rules is provided in the Ministry's Bulletin F.3.2.0 titled *Regional District Services Establishing Bylaws: Content and Approval Processes* (same website).



REGIONAL DISTRICT VOTING RULES – QUICK REFERENCE GUIDE

FACT SHEET 5 – Regional District Tool Kit 2005

STATUTE SECTION	BOARD ACTION	ENTITLEMENT	COUNT	VOTES REQUIRED
Corporate Powers				
LGA 192(1)	Bylaw to delegate a power, duty or function	All	Directors	2/3
LGA 192(2)	Bylaw to revoke a board delegation	All	Directors	Majority
LGA 200(1)	Appointment of officers and employees	All	Directors	Majority
LGA 202(1)	Resolution to terminate an officer for cause	All	Directors	Majority
LGA 202(2)	Resolution to terminate an officer without cause	All	Directors	2/3
LGA 309 and 791(7)(b)	Authorizing the acquisition, expropriation or disposal of real property	All	Votes	Majority
LGA 798.1	Emergency powers (emergency declaration bylaw)	All	Directors	2/3
Governance and Procedures				
LGA 794(1)	Procedure, bylaws and enforcement	All	Directors	Majority
LGA 794(3)	Adopt certain bylaws at same meeting as third reading (bylaws not requiring approval, consent or assent)	All	Directors	2/3
LGA 795	Appointment of select committees	All	Directors	Majority
LGA 838	Bylaw to establish local community	All	Directors	Majority
LGA 791(4)	Administration and operation of a service (except general administration)	Participants ¹	Votes	Majority
LGA 800(2)(a) (b) and (c)	General administration; electoral area administration; feasibility studies (no establishing bylaw required)	All	Directors	Majority
LGA 791(7)(a)	Authorizing persons to enter into contracts on behalf of the regional district	All	Votes	Majority
Service Powers				
LGA 800 and Div 4.1	Establishing bylaws	All	Directors	Majority
LGA 796.1(2)(b)	Giving consent for a service inside the regional district, provided by another regional district	All	Directors	Majority
LGA 796.2	Authorities in relation to a service other than a regulatory service	Participants	Votes	Majority
LGA 797.1	Specific regulatory and other powers	All	Directors	Majority
LGA 799	Resolution requesting additional powers and exceptions	All	Directors	Majority
LGA 792(4)	Election of chairperson and vice chairperson	All	Directors	Majority
LGA 793(4)	Resolution to waive notice of special meeting	All	Directors	Unanimous
LGA 801(4)	Resolution to obtain approval of electors overall, instead of obtaining approval separately in the participating areas	All	Directors	2/3
LGA 801(2)(b)	Decision to obtain approval by alternative approval process	All	Directors	Majority
LGA 801.5(1)	Board consent on behalf of electoral participating area electors	All	Directors	Majority
LGA 801.5(3)	Resolution to dispense with electoral area director consent	All	Directors	2/3
LGA 802(1)	Amendment or repeal of establishing bylaws	All	Directors	Majority
LGA 802(2)	Dispense with electoral area director consent for amendment or repeal of establishing bylaws	All	Directors	2/3
LGA 813.02(2)	Service review or service withdrawal (appointment of	All	Directors	Majority

¹ Note that LGA Section 791(11) states that if only one director would be entitled to vote, each director who is present is entitled to vote and has one vote.

STATUTE SECTION	BOARD ACTION	ENTITLEMENT	COUNT	VOTES REQUIRED
	director to represent the board)			
LGA 950(2)	Heritage Conservation bylaw and permit procedures - resolution vary time limit for specific reapplication	Participants	Directors	2/3
Finance / Budget				
CC 204	Parcel tax roll review panel	All	Directors	Majority
LGA 791(7)(c) and 815	Adopt the Financial plan / annual budget bylaw	All	Votes	Majority
CC Div 4 of Part 6	Reserve Funds	Participants	Votes	Majority
CC 175	Liabilities under agreements	All	Votes	Majority
LGA 821	Bylaw to provide for revenue anticipation borrowing	All	Votes	Majority
LGA 822	Bylaw for short term capital borrowing	All	Votes	Majority
LGA 823 and CC 179	Loan authorization bylaws	All	Votes	Majority
LGA 823(3)	Resolution to dispense with EA director consent for amending or repealing a loan authorization bylaw	All	Directors	2/3
LGA 824	Financing municipal undertakings	All	Votes	Majority
LGA 825	Security issuing bylaws	All	Votes	Majority
LGA 808(2)	Bylaw to establish an annual variable tax rate system	Participants	Votes	Majority
LGA 809(3)	Bylaw to provide property tax exemptions	All	Directors	2/3
LGA 810(2)	Bylaw to provide property tax exemptions for heritage properties	All	Directors	2/3
LGA 810.1(5)	Repayment requirement in relation to heritage exemptions	All	Directors	2/3
LGA 811(2)	Bylaw to provide property tax exemptions for riparian property	All	Directors	2/3
LGA 287.2	Indemnification against proceedings	All	Directors	2/3
Planning and Land Use Management				
LGA 863 and 791(3)(f)	Bylaw to adopt a regional growth strategy (for entire regional district)	All	Directors	Majority
LGA 791(16)	Bylaw to adopt a growth strategy for an area less than the entire regional district	Participants (except per 791(17))	Directors	Majority
LGA 791(3)(g) and Part 26	Electoral area planning and land use management	All ²	Directors	Majority
LGA 193	Bylaw to delegate public hearings	All	Directors	Majority
LGA 895(3)	Development approval procedures – resolution to vary time limit for specific reapplication	Participants	Directors	2/3
LGA 791(12)	Approval of cost sharing for Part 26 services	All (except per 791(12)(a) and 791(13)(a))	Directors	Majority

This guide was written as a resource for regional district boards and is provided as a reference for convenience only. This is not an official description of the application of regional district voting rules. For more complete information, please refer to the legislation.

² Subject to LGA 804.1 (Cost sharing for Part 26 services). Note that municipal directors do not vote if they have opted out of the planning service.

Regional District Finance

Finance

Fact Sheet 6 introduces the basics of regional district finance.

Funding a Service

Creating Separate Service Funds

Perhaps the key feature of regional district finance is its use of separate, discrete funds for different regional district services. Every service provided by a regional district is accounted for separately using a dedicated service fund. The fund identifies the full cost to the regional district of providing the service, including a portion of general overhead. Each year, revenues specific to the service must be collected to pay the full cost. No service is permitted to run an operating deficit in any year.

Because the funds are discrete, revenues and costs specific to one service cannot be arbitrarily shifted to or spread among other services. Each regional district service has its own group of participating jurisdictions. Participants in one service are not expected to subsidize, and are not permitted to be subsidized by, participants of other services. A key principle of the regional district system is fiscal equivalence, which in practice means that participating jurisdictions and the residents within them “pay for what they get”. The use of separate service funds supports this principle.

Determining and Assigning Costs

Regional district boards are responsible for determining and applying their own approaches and formulas for allocating overhead costs among services. It is

important to understand the difference between the terms “cost allocation” and “cost recovery”. The next few paragraphs clarify what these terms mean and how they are used.

As explained above, each regional district service has its own, dedicated service fund. All costs incurred in providing a particular service must be included in that service’s fund. Some costs incurred will clearly relate to one specific service — assigning these costs to the service’s fund will be a relatively simple exercise. Other costs incurred, however, will not relate exclusively to one function. Salaries of administrative staff, for example, will be attributable to several different services and will need to be allocated to, or spread across, a number of different service funds.

Allocating Overhead to Services

The full cost of providing a service includes a portion of the regional district’s overhead. “Overhead” includes, among other items, the cost of lighting and heating regional district buildings (e.g., the main office) and the salaries of key regional district administrative staff (e.g., the Chief Administrative Officer). Some overhead costs are incurred simply to run the regional district corporation — these costs cannot legitimately be allocated to any specific service, and so are grouped together under general administration



and/or electoral area administration. A portion of most overhead components, however, can be attributed to individual functions. It is clear, for example, that regional district finance staff members must dedicate a part, however small, of their time to the management of each service. The cost of that portion of time represents overhead for the particular service, and is allocated to the service's fund.

Determining Cost Recovery Method

Once all costs have been allocated to the different funds, and the total cost of providing each service has been established, the regional district needs to determine how to recover, or pay for, the cost. In some cases, regional districts will turn to user fees and charges (e.g., utility charges, building permit fees) to recover the full cost of a service. In most cases, however, regional districts will rely on property taxes to recover at least a portion of the service costs.

Apportioning Costs

The costs to be recovered using property taxes must be apportioned among, or shared by, the jurisdictions that participate in the individual services. The default basis on which to allocate costs is converted assessment. In accordance with this method, the portion of costs to be recovered through taxes is divided up among the participating jurisdictions based on each jurisdiction's proportion of the total service area's converted assessment (land and improvements).

If converted assessment is not considered appropriate, jurisdictions may

agree on another method (or combination of methods), such as:

- an alternative tax base (e.g., improvements only)
- population
- the quantity of service used by each jurisdiction
- fixed proportions
- a combinations of factors

In all, jurisdictions may base cost sharing on any one factor or combination of factors. Whichever method is chosen, however, must be identified in the service establishing bylaw. If the bylaw is silent on how costs are to be allocated among jurisdictions, converted assessment is automatically used.

Financial Plan

Regional Districts, like municipalities, must adopt an annual five-year financial plan (i.e., budget). The financial plan must set out the proposed operating and capital expenditures and revenue sources for each service during each year of the five year planning period. The plan must be approved, by bylaw, by March 31st each year.

Prior to adoption, the regional district board must undertake a public consultation process on the proposed plan. The legislation does not specify what exactly is required in the consultation process – regional districts have wide discretion with respect to the type and level of consultation to conduct. Public meetings, open houses and newspaper information inserts are some of the ways regional districts choose to inform and engage their publics. Following



adoption, regional districts must send a copy of the proposed plan to each member municipality and to the province's Inspector of Municipalities.

Revenue Collection

The major revenue sources for regional district services include property taxes, parcel taxes and fees and charges. Fees and charges, such as recreation admission fees and water usage charges, are collected directly from service users by the regional district (or its agent). Property value and parcel taxes are collected on behalf of the regional district by other governments. The system of collecting regional district tax revenues is different for electoral areas and municipalities:

- In electoral areas, regional district taxes are collected by the BC Ministry of Small Business and Revenue. Each year, the regional district submits tax requisitions for each service to the Ministry through the Inspector of Municipalities. The Ministry applies a rate against assessed property values within each relevant service area to raise the revenues required. Once collected, the revenues are paid to the regional district.

- In municipalities, regional district taxes are collected by the municipal governments. Each year the regional district sends each member municipality a requisition that identifies the amount of tax owed by property owners, within the municipality, who receive regional district services. The municipality collects the property and parcel taxes required to pay the requisition, and then forwards the revenues to the regional district.

Tax Notices

Strictly speaking, there is no such thing as a "regional district tax notice" since regional districts do not themselves collect tax revenues from property owners. Tax bills for regional district services do, however, appear both on the provincial property tax notices that are sent to residents of electoral areas, and the municipal property tax notices that are sent to residents of member municipalities. Both types of notice list regional district services in which the jurisdiction participates. Beside some of the listed services is a tax rate, and beside the rate is the amount owed by the property owner. The amount owing is determined by multiplying the tax rate by the property's assessed value. For

Listing of Regional District Services on Tax Notices

Service	Assessed Value	Rate	Owing
Recreation	\$150,000	0.90	\$ 135.00
Fire Protection	\$150,000	0.85	\$ 127.50
EA Planning	\$150,000	0.34	\$ 51.00
E-911	\$150,000	0.05	\$ 10.00
Water	\$150,000	1.00	\$ 150.00



services that are funded using parcel taxes, only the amount owing shows. The diagram below illustrates how such information typically appears.

On both provincial (electoral area) and municipal tax notices, regional district services are itemized so that property holders can easily identify exactly what they are paying for each regional district service they receive. This approach to taxation is designed to maximize transparency and accountability.

Debt Processing

A key mandated function of each regional district is to process all of the long-term borrowing that is undertaken by the regional district itself, and by each of its member municipalities. The flowchart below illustrates, in simplified form, the steps that the regional district and its municipalities must take.

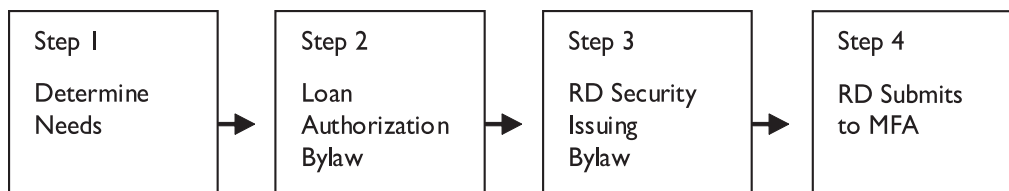
The process begins with the municipality or the regional district determining its own capital borrowing needs. Once the required level is determined, the municipality or regional district prepares a *loan authorization bylaw*. In most cases the loan authorization bylaw must receive the approval of the electors before it can be adopted by the

council or board. In every case, the loan authorization bylaw must receive a certificate of approval from the Inspector of Municipalities.

Once approved, the regional district loan authorization bylaw and in the case of municipalities, the security issuing resolutions, are submitted to the regional district board. The regional district board combines the required borrowing amounts from each bylaw and resolution and creates a *security issuing bylaw*. Each security issuing bylaw, like each loan authorization bylaw, must receive a certificate of approval from the Inspector of Municipalities.

Once the security issuing bylaw is adopted, it is forwarded by the regional district board to the Board of Directors of the *Municipal Finance Authority* (MFA). The MFA's Board of Directors is comprised of representatives of regional district boards across the province. On two occasions per year, the MFA's Board receives, considers and approves the combined local government borrowing needs, as outlined in the various regional district security issuing bylaws. Once the borrowing needs are approved, the MFA's executive and administration proceed to sell the necessary debentures in international markets.

Processing Requests for Long-Term Borrowing



Development Finance

A final point to mention with respect to regional district financing relates to the use of development finance tools. Some regional districts, like some municipalities, are situated in high-growth areas of the province. In these areas, the need to accommodate new growth often results in demands for new infrastructure such as sewer and water systems. Regional districts that are responsible for developing these systems have available a range of development finance

tools designed to assign the capital cost of growth-related infrastructure to new growth itself. The best known and most widely used tool is development cost charges (DCCs).

Within electoral areas, regional districts directly collect DCCs from developers through the development approval process. Within municipalities, regional district DCCs are collected by municipal governments during the municipal development approval process and remitted to the regional district.

More info

Readers who would like to learn more about regional district finance may wish to consult the following items, all of which are published by the Ministry of Community Services and are available online at www.cserv.gov.bc.ca/lgd:

- *A Primer on Regional Districts in British Columbia*
- Bulletin D.7.0.0. *Regional Districts: Financial Operations*
- *Development Cost Charges Guide*
- *Development Finance Choices Guide*
- *Development Coast Charge Guide for Elected Officials*

For further information on the processing of long-term borrowing, readers may wish to visit the Municipal Finance Authority's website at www.mfa.bc.



Electoral Area Governance

This Fact Sheet outlines the framework for governing electoral areas.

Regional districts in British Columbia consist of incorporated jurisdictions known as municipalities, and unincorporated jurisdictions known as electoral areas.¹ Electoral areas are typically rural in nature, though some have evolved semi-urban or urban characteristics. One area – the Westside Electoral Area in the Central Okanagan Regional District – has grown into large urban community of 35,000 and now is larger than most municipalities in the province.

The governance framework for electoral areas consists of a number of different components. This Fact Sheet identifies and describes the key components.

Citizens — The citizens of electoral areas participate in a number of ways in electoral area governance. Citizens provide input, for example, to their electoral area director through both informal and formal means. Citizens – or at least those registered to vote – directly elect their electoral area director to represent the area on the regional district board of directors. Finally, through citizen initiatives, referenda and the alternative approval process (i.e., counter petitions), citizens choose the types of regional district services they wish to receive and pay for.

Board of Directors — The regional district's board of directors is the governing body for all electoral areas of the regional district. The board makes the bylaws required for the regional district to provide services to electoral areas. The board also makes most decisions required to regulate development and related activities in electoral areas. Depending on the issues being considered, only some members of the board may actually participate in voting and decision-making. Regardless of the number of directors voting, however, the decisions that emerge in all cases are decisions of the board.

Some regional district boards have chosen to establish commissions (see later), and to delegate some decision-making authority to those bodies. Ultimate authority over all regional district matters in electoral areas, however, rests with the board.

Electoral Area Director — Each electoral area is represented on its regional district's board of directors by one electoral area director.² The director is elected to the board every three years by the voters in his or her area during the province-wide local government elections. In plain terms, the director has three key responsibilities:

- 1 The Central Coast Regional District is the exception: it consists entirely of electoral areas. The Greater Vancouver Regional District includes only one electoral area.
- 2 The Westside Electoral Area of Central Okanagan Regional District is the sole exception with three electoral area directors.



Electoral Areas



- to identify, using the input of citizens, the service needs and interests of his or her area
- to promote the area's service needs and interests at the board table, where they may be addressed through the establishment of, or through changes to, regional district local, sub-regional and regional services
- to participate in decision-making as it relates to the administration of services in which the electoral area participates, including electoral area planning, whose administration involves the consideration of development applications and the regulation of land use

“Ultimate authority over all regional district matters in electoral areas, rests with the board.”

The director, it should be understood, is not the mayor or CEO of his or her electoral area, nor is he or she the area's governing body. The regional district's board of directors, as noted earlier, is the legal governing body for the electoral area; and the chair of the board of directors is the CEO of the regional district corporation. The electoral area director is the area's representative on the board of directors, and clearly has an important role to play in representing the area's interests and promoting its needs to the board. Actions and initiatives proposed by the individual electoral area director, however, must

receive the support of the regional board in order to have any effect or authority.

Alternate Director — Each electoral area director is required under the *Local Government Act* to appoint an alternate director. The alternate must have the qualifications necessary to be nominated as director (e.g., must be a Canadian citizen, must have resided in BC for the last six months, etc.). The alternate is responsible for acting in place of the director during periods of absence. When acting for the director, the alternate has all of director's authority, including the authority to vote at the board table, and participate in discussions and development reviews as the electoral area's representative. In the event that the director, through death, resignation or disqualification, is unable to continue holding office, the alternate acts as the director until the next by-election or general local government election.

Optional Components — There are a number of optional components in the electoral area governance framework. For example:

- The regional district's board of directors may appoint an **Advisory Planning Commission** (APC) to advise the board or the electoral area director on land use matters, the preparation of an official community plan, or a proposed development bylaw or permit. The APC must be established by bylaw, and may only advise on matters that are referred to it by the board or director. At least two-thirds of the members of the APC must be residents of the electoral area; the

Electoral Areas



director may not serve as a member, but may attend APC meetings.

- The board of directors may establish, by bylaw, a *Local Community Commission* (LCC) with delegated authority to oversee the administration of regional district services provided to a defined local community within an electoral area. Membership of the LCC consists of the electoral area director and a number of residents elected by the community either annually or every three years. The

establishment of the LCC must be approved by the electors within the identified local community.

- Some regional boards have established *Electoral Area Commissions* (EAC) with delegated authority to oversee services, such as electoral area planning, in which all of the region's electoral areas participate. EACs typically are given the authority to make all service-related decisions, except those that by law must be made by the board of directors.

Electoral Areas



More info

For more information, see *A Primer on Regional Districts in British Columbia*, available online at www.cserv.gov.bc.ca/lgd. Also refer to Fact Sheet 2 on Structure of Regional Districts.



Regional Districts & the Provincial Government

RDs & the Province

Fact Sheet 8 outlines the structural relationship between regional districts and the provincial government.

Canadian System

Canada's Constitution is the supreme law of the land. Sections 91, 92, 92A and 93 of the Constitution divide all powers and responsibilities between the federal and provincial orders of government. The federal government, for example, is given the authority under section 91 to make laws and undertake activities in areas such as foreign affairs, defence, banking and fisheries. Sections 92, 92A and 93 give provincial governments jurisdiction in areas such as education, natural resources and health care.

Local government is not recognized by the Constitution as a specific order of government. Instead, local government is identified in section 92 as a provincial responsibility. In the Canadian system of government, it is the provinces that have the authority to create and empower local governments. Each province in Canada has used this authority to establish a network of different types of local governments to provide important local services, as well as to provide democratic forums for local decision-making. The key local government types in BC's network are municipalities and regional districts.

Local Government Act

In BC, the principal mechanism used to empower regional districts and

define their responsibilities is the *Local Government Act*. Historically, the *Local Government Act* was very prescriptive in nature. In the mid-1990s, however, the provincial government began a three-part reform of the legislation. Through this exercise, regional district boards were given broad powers to undertake the activities and services that they feel are important within their regions. Regional boards were not, to be sure, given carte blanche in all areas of activity; many important functions were kept exclusively under provincial jurisdiction. Boards were, however, given greater autonomy to act as they see fit within their defined areas of jurisdiction.

In 2004, the *Community Charter* came into force. This piece of legislation represents, in essence, a fourth stage in the legislative process that began in the mid-1990s. The *Charter* was drafted primarily for municipalities, and has become the principal statute for municipal governments. It expands on and entrenches the broad powers that were conferred upon municipalities in the earlier stages of the reform process. It also explicitly recognizes municipalities as an autonomous order of government, and sets out principles for municipal-provincial relations.



The principal statute for regional districts remains the *Local Government Act*. Recent changes to the Act, however, have served to make its treatment of local government fundamentally consistent with that of the *Charter*. Part 1 of the Act, for example, now recognizes that regional districts, like municipalities, are “...an independent, responsible and accountable order of government within their jurisdiction...”. Part 1 also sets out principles for provincial – regional district relations that, by and large, mirror the principles set out in the *Charter* for municipalities.

“The principal statute for regional districts remains the Local Government Act.”

Ministry of Community Services

The Ministry of Community Services (CSERV) is the main point of contact for regional districts in their dealings with the province. In broad terms, CSERV plays five different roles with respect to regional districts:

- CSERV administers and maintains the *Local Government Act*. The ministry is responsible in this role for ensuring that the Act provides the flexibility needed by regional districts to meet the needs of their communities within the broad framework of provincial interests and objectives.
- CSERV provides advice to regional districts on a wide variety of local government topics, including boundaries and structure, community development, elections, engineering

and safety, environment, finance, governance, legislation, planning and service arrangements. Much of the ministry’s advice is presented through various support materials produced by the ministry’s Local Government Department, including best practice guides, circulars and bulletins.

- CSERV administers various conditional and unconditional federal and provincial government grant programs that provide funding for regional district initiatives and infrastructure.
- The ministry regulates certain types of regional district activities, particularly those in the area of regional district finance. Through the Inspector of Municipalities, for example, the ministry reviews and approves all regional district service establishment, loan authorization and security issuing bylaws, as well as regional district DCC bylaws.
- CSERV increasingly assists regional districts in the area of dispute resolution. CSERV will, for example, assist in resolving disputes that are the subject of regional district service reviews (see Fact Sheet 4), regional growth strategies or other issues of concern or conflict between a regional district and a municipality.

Other Ministries, Agencies & Statutes

The Ministry of Community Services is the primary point of contact between the provincial government and regional districts, and the *Local Government Act* is the chief provincial statute that applies to regional districts. There are many other ministries, agencies and





statutes, however, that regional districts deal with on a regular basis. For example:

- *The Ministry of Environment* administers and maintains the province's *Environmental Management Act* which provides authority and contains provisions related to regional districts' waste management planning services. The same ministry regulates water, flood hazards and other environment-related issues that concern regional districts.
- *The Ministry of Public Safety & Solicitor General* oversees the *Liquor Control and Licensing Act* which outlines a regulatory role for regional districts in reviewing liquor license applications. The same ministry oversees the *Emergency Program Act* under which the Provincial Emergency Program operates.
- *The Office of the Information and Privacy Commissioner* – an independent agency – oversees the *Freedom of Information and Protection of Privacy Act*. This statute determines how regional districts, as public bodies, may collect, use and disclose personal information.
- *The Ministry of Agriculture and Lands* manages the allocation of Crown land on behalf of the provincial government.
- *Ministry of Transportation* has authority over subdivision approval in electoral areas.
- *BC Assessment* provides regional districts with various annual statutory reports (e.g., Regional District Service Area reports, which identify the assessment base for each service area in a regional district), and receives from regional districts development and other information that may influence property assessments, or the classification of properties.

More info

The best starting place for further information on the structural relationship between regional districts and the provincial government is the website of CSERV's Local Government Department (www.cserv.gov.bc.ca/lgd). This site profiles the various roles of the Department and provides access to the full range of advisory and support materials for regional districts.

CSERV's *Summary of Local Government Legislation 2004*, also available on the web site, identifies various provincial statutes (and specific amendments) that affect local governments.



Regional Districts & First Nations

Fact Sheet 9 introduces the topic of regional district-First Nations relations.

In recent decades, First Nations in British Columbia have achieved increased recognition of their aboriginal rights to self-government and their claims over traditional lands. Over this same period, the need for effective working relationships between First Nations and local governments has also been increasingly recognized.

Working relationships involving First Nations and local governments (municipalities and regional districts) are developing, and will continue to develop, through a number of initiatives. This Fact Sheet outlines some of these initiatives.

Treaty Process

In 1992, British Columbia, Canada and the First Nations Summit established the six-stage BC Treaty Process as the made-in-BC model for resolving the many outstanding First Nation land claims in the province. BC, Canada and the First Nations were identified as the three official parties with standing in the Process. The need to involve local governments in treaty talks, however, became apparent soon after the Process was unveiled. Many of the issues being discussed through the Treaty Process affect the interests of local governments and communities.

In 1993, UBCM, acting on behalf of local governments, signed a Memorandum of Understanding (MOU) with the

provincial government to guarantee local government participation in the treaty process. Arising out of the MOU came the establishment of local government *Treaty Advisory Committees* (TACs). Individual local governments (including regional districts) were asked to appoint a representative to sit on a TAC. Each TAC became responsible for coordinating the interests of the affected local governments, and presenting the interests as advice to the provincial government's negotiating team.

“Many of the issues being discussed through the Treaty Process affect the interests of local governments and communities.”

In 2003, UBCM and the provincial government signed a new MOU. The new document, which remains in effect today, serves to more clearly define and broaden the role of local governments in the treaty process. The new MOU explicitly provides the opportunity for a local government (including a regional district) to negotiate directly with a First Nation at a “side table” on issues related to the future relationship between the two governments. The MOU formally recognizes the usefulness of direct First Nation-local government talks.



RDs & First Nations



Formal Agreements

In recent years, local governments and First Nations have directly negotiated (outside of the Treaty Process) a variety of formal agreements. Some agreements simply express the parties' joint commitment to working together and communicating with one another. These agreements are relationship-builders. Examples include:

- Regional District of Comox-Strathcona and the Xwemalhkwa (Homalco) First Nation's Protocol Respecting a Regional Accord
- Central Okanagan Regional District and the Westbank First Nation's Statement of Political Relationship

"UBCM and the First Nations Summit held the first province-wide Community to Community Forum in 1997."

- Fraser Fort-George Regional District and Lheidli T'enneh First Nation's Protocol on Cooperation and Communication

Other agreements deal with specific servicing issues, such as the provision of sewer and water to First Nation communities, and resource management issues. Examples include:

- Sunshine Coast Regional District and the Sechelt Indian Band's Watershed Accord
- Capital Regional District and T'souke Nation Agreement on resource management

- Central Okanagan Regional District and Westbank First Nation's Agreement on the provision of regional district sewer services to the Tsinkiptum Indian Reserves 9 and 10

Regional Governance Discussions

In recent years, increased attention has been given to the topic of First Nation participation on regional district boards. The Lower Mainland Treaty Advisory Committee (LMTAC) has identified a spectrum of possible participation models ranging from no participation to full membership on the board with the rights and responsibilities of a member municipality. The latter model exists already in the Sunshine Coast Regional District, which the Sechelt Indian Government District joined as a municipal-like member in 1988.

Community to Community Forums

UBCM and the First Nations Summit held the first province-wide Community to Community Forum in 1997. The Forum brought together First Nation and local government elected leaders from across BC to discuss issues of common concern and strengthen government-to-government relationships.

The initial Forum prompted UBCM and the First Nations Summit to create the Regional Community to Community Forum Program, with on-going financial support provided by the federal Department of Indian and Northern Affairs and provincial Ministry of Community Services. Events funded by this program are jointly organized by neighbouring local governments (municipal councils and/or regional boards) and



First Nations and provide a forum for dialogue on issues of common concern.

Since the year 2000, over 100 regional forums have been held between neighbouring First Nations and local governments across BC.

RDs & First Nations



More info

Readers interested in learning more about regional district-First Nation relationships, and the various initiatives in place to help relationships develop, may wish to consider the following sources:

- *Building Relations with First Nations: A Handbook for Local Government*, prepared by UBCM and LMTAC (available online at www.civicnet.bc.ca)
- *Regional Governance and Governance in the Region*, prepared by LMTAC (also available online at www.lmtac.bc.ca)
- UBCM's introduction to the Regional Community to Community Forum Program (available online at www.civicnet.bc.ca)
- MOU on *Local Government Participation in the Negotiation of Treaties and Agreements* (available online at www.cserv.gov.bc.ca/lgd)
- *Approaches and Options for Treaties in Urban Areas* (available online at www.civicnet.bc.ca)



Regional Districts & Planning

This Fact Sheet outlines the role of regional districts in planning and land-use management.

Planning for Electoral Areas — Regional districts are the local governments for their electoral areas, responsible for providing core local government services. One such core service is electoral area planning, which includes planning for and regulation of all land development that occurs outside of a regional district's member municipalities. All electoral areas within a regional district must participate in the region's electoral area planning service. Municipalities may participate in all or part of this planning service, unless they opt out of paying for electoral area planning, after providing the required notice.

From a planning and development perspective, regional districts are to electoral areas what municipal governments are to municipalities: the only body with the authority and mandate to make the regulations and provide the services required for proper land development to occur. Property owners and developers who wish to develop within an electoral area must recognize and work within the regional district's planning regulations, in the same way that persons active in municipalities must recognize and work within the municipal government's regulations.

Through its electoral area planning service, a regional district may undertake the following types of initiatives and actions:

- prepare, adopt and administer **Official Community Plans** for electoral areas or parts of electoral areas
- prepare, adopt and administer **zoning bylaws** for electoral areas or parts of electoral areas
- identify **development permit areas**, create guidelines for development in the areas, review development permit applications and, where appropriate, issue permits
- review **development variance permit** applications and, where appropriate, issue permits
- establish and apply **development cost charge** bylaws and other development finance mechanisms
- enter into **housing agreements** for the provision of affordable and special needs housing

Regional districts do not have the authority to approve subdivisions — authority over subdivision approval in electoral areas continues to rest with the provincial Ministry of Transportation. Regional districts are involved, however, in reviewing subdivision applications to ensure conformity with the applicable OCP, zoning bylaw, subdivision and development servicing bylaw and other relevant items.

Electoral area planning and development-related regulatory decisions, with the exception of subdivision approval, are made by the regional board



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of directors who participate in electoral area planning. Directors in most regional districts are assisted in their decision-making by Advisory Planning Commissions (APCs) which the board may establish to provide advice on planning and land-use matters (see Fact Sheet 7 on Electoral Area Governance). Every regional district that has adopted a zoning bylaw must also establish a three-person Board of Variance. The Board of Variance is independent of the regional board of directors, and exists to review applications for variances to zoning bylaw regulations in cases where property owners feel that compliance would result in undue hardship.

Planning for Municipalities — Municipal governments, not regional districts, are the bodies with authority over planning and land use management within municipal boundaries. Many smaller municipalities, however, contract their regional districts to actually deliver the required planning and development services. In the North Okanagan, for example, the City of Armstrong, Village of Lumby and Township of Spallumcheen contract with the Regional District of North Okanagan to deliver planning and development services. In each case, the municipal council remains the governing and decision-making body for the services. The regional district administration is contracted to support the municipal council in preparing and administering the bylaws and approval processes.

Planning for Regions — Regional districts do not have regulatory authority over planning and land use management for the region as a whole. Re-

gional districts do have the authority, however, to create *Regional Growth Strategies*.

A Regional Growth Strategy is a long-range strategic vision document that:

- sets out, for the regional district and its member jurisdictions, agreed-upon economic, social and environmental goals
- guides the planning, growth management and development decisions of the regional district and member municipalities in ways that promote the agreed-upon goals

Regional Growth Strategies are initiated by regional districts, but are prepared by regional districts and their member municipalities working together as equal partners. Each strategy is, as noted, a long-range vision — 20 years is the minimum time frame. Each strategy must include a comprehensive statement on the future of the region, including the social, economic and environmental objectives of the strategy. It must project population and employment, and must set out proposed actions related to housing, transportation, services, parks and economic development to meet the needs of the future population.

A Regional Growth Strategy must be adopted by the regional district board (by bylaw) and accepted by the council of every member municipality (by resolution) in order to take effect. Dispute resolution processes are outlined in the *Local Government Act* to assist regional districts and member municipalities deal with objections to a proposed strategy.

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Each municipality within the regional district that has an OCP must develop and insert into its OCP a *Regional Context Statement*. The Regional Context Statement sets out the relationship between the OCP and the Regional Growth Strategy. The Regional Growth Strategy, it should be understood, is intended to provide a context for planning and growth management policies that are created by the regional district itself and by its member municipalities. Each OCP created by the regional district or a member municipality, therefore, is expected to be consistent with the broad directions set out in the Regional Growth Strategy. The Regional Context Statement produced by each municipality speaks to the consistency that exists, or that will exist at some future point.

Regional Growth Strategies are voluntary initiatives, the authority for which has been in place since 1995. Today,

eight regional districts either have or are in the process of developing a strategy. Each of these regional districts is located in the province's three high-growth areas: the Lower Mainland, the Okanagan Valley and Southern Vancouver Island.

Regional Planning Initiatives — In addition to Regional Growth Strategies, some regional districts have undertaken various initiatives aimed at addressing planning and land use management issues of importance to the region as a whole. The Regional District of Central Okanagan, for example, has undertaken specific initiatives related to:

- transportation and mobility in the Central Okanagan
- economic development throughout the region
- regional air quality
- water resources in the Central Okanagan
- environmental protection

More info

Parts 25 (Regional Growth Strategies) and 26 (Planning and Land Use Management) of the *Local Government Act* contain all of the relevant legislative provisions related to electoral area and regional planning. *About Regional Growth Strategies*, published online by the Ministry of Community Services (www.cserv.gov.bc.ca/lgd) gives a good overview of Regional Growth Strategies.

An Explanatory Guide to BC's Growth Strategies Legislation, available on-line at www.cserv.gov.bc.ca/lgd.

Readers may also wish to consult the Planning Department website at the Regional District of Central Okanagan (www.regionaldistrict.com). RDCO makes available on this site various information guides on electoral area planning and regional planning initiatives.

Finally, the Skeena-Queen Charlotte Regional District offers a *Development Procedure Manual*, 1998, available online at www.sqcrd.bc.ca. This Manual walks developers through the development approval processes and regulations in the regional district's electoral areas.



This section of the *Tool Kit* contains a set of Effective Practices papers. As the category title suggests, these Effective Practices focus on *communications*. More specifically, the Practices presented here identify ways that regional districts can reach out and connect with different audiences to improve their understanding of regional districts. The Effective Practices do not advise regional districts on how to handle servicing issues, how to use new legislative provisions, how to develop policy, or other matters. Future editions of the *Tool Kit*, it is expected, will contain effective practices on these important topics. The present focus is limited to helping regional districts reach, communicate with and educate target audiences.

Potential target audiences to be reached using the Effective Practices on communications include:

- Elected and appointed officials from member municipalities
- MLAs, ministers and appointed provincial officials
- Media representatives, particularly those who are appointed to cover regional and regional district affairs
- Developers, particularly those who are active in electoral areas
- Persons and property holders who receive regional district services

Contents

The First Edition of the *Tool Kit* contains ten separate Effective Practices papers on communications. With one exception (EP-C 10), all of the papers profile actual practices being followed by one or more regional districts in the province. The accompanying table identifies the individual papers.





	<i>Title</i>	<i>Purpose</i>
EP-C 1	Highlights of Board Meetings	To provide the public, member councils, the media and other interested parties with an objective, fact-based report on the most recent board meeting.
EP-C 2	Presentations to Member Jurisdictions	To educate councils of member municipalities and citizens of member jurisdictions (municipalities and electoral areas) on the regional district and, more specifically, what the regional district does for them.
EP-C 3	Board on the Road	To strengthen the relationship between the regional district and the residents of the regional district's electoral areas.
EP-C 4	Plenary Gatherings	To raise awareness of regional issues, and to strengthen the sense of regional community.
EP-C 5	The Sustainable Region (Regional District TV)	To profile for residents of the regional district a variety of issues, programs and initiatives that are important to the broader regional community.
EP-C 6	RDKBee (Public Newsletter)	To improve the general understanding among residents of the services provided by the regional district.
EP-C 7	CAO Sessions	To promote discussion among CAOs within the regional district of issues that affect all jurisdictions.
EP-C 8	Developer Forums	To help developers better understand the regional district's regulatory role in approving developments in electoral areas, and to help regional district staff better understand the concerns of the development community.
EP-C 9	Teacher Workshops	To help K-12 educators explore with their students some of the important (and inter-related) environmental, growth management and resource management issues affecting the regional community; and to help educators engage their students in identifying approaches they can take, as individuals and as a collective, to promote sustainable living in the region.
EP-C 10	Media Briefing Books	To provide media representatives with the information and knowledge they need to properly report on the regional district and its various activities.



Publish Highlights of Board Meetings

Source: Central Okanagan Regional District (CORD)

Target Groups

General Public › School Boards › Media › Community Groups ›
Councils of Member Municipalities › First Nations › Other interested parties

Purpose

To provide the public, member councils, the media and other interested parties with an objective, fact-based report on the most recent Board meeting.

Description

On the day immediately following each Board meeting, CORD's Administration Department publishes *The Board Reports*, a one-page document that highlights the decisions and/or actions taken by the Board. Information in a typical edition might include notice of:

- readings given to proposed bylaws, or the adoption of a bylaw
- contracts awarded
- reports received
- grants-in-aid issued

Editions might also include public announcements related to regulations (e.g., water use restrictions), services and other matters. Every edition lists upcoming Board meeting and hearing dates, and provides a contact person whom readers may contact for further information.

Each edition is published in local newspapers throughout the regional district, and is posted on CORD's website. PDF copies of the document are emailed to member municipalities (including individual elected officials),

media representatives, the School District, First Nations' officials and key community groups. Any individual or group what wishes to receive a PDF copy by email may be added to the distribution list.

“Every edition lists upcoming Board meeting and hearing dates, and provides a contact person whom readers may contact for further information.”

The objectivity and apolitical nature of *The Board Reports* are important to emphasize. CORD's Communications Coordinator who writes the *Reports* is careful to document only the results of the Board's discussions — that is, the actual actions the Board decided to take. Perspectives and comments put forward by individual Directors are not reported. Elected officials do not participate in planning, writing, editing or publishing the Reports.

It is also important to note that *The Board Reports*, as its name suggests, is focused solely on the actions of the Board itself. Recommendations and statements of committees, task forces, staff and others are not included in the publication. Readers of the *Reports*

Publish
Highlights

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Regional District Tool Kit
EFFECTIVE
PRACTICES

know that every decision, position and announcement featured in the publication is an official statement of the Board, and thus of the regional district.

Desired Outcomes

Publications such as *The Board Reports* are information tools that, when used properly, can result in better informed citizens, councils, stakeholder bodies and media. These types of publications

“Readers of the Reports know that every decision, position and announcement featured in the publication is an official statement of the Board, and thus of the Regional District.”

can also result in a higher overall profile for the sponsoring regional district. Citizens, councils, reporters and others who continually see the highlights page begin to take notice of the regional district and its range of activities.

Costs

The cost of publishing *The Board Reports* includes staff time and advertising (i.e., space in local newspapers).

Success Factors

Regional districts that decide to create publications like *The Board Reports* need to:

- safeguard the objectivity and apolitical nature of the information presented (if the publication is used to promote causes or opinions, its credibility and value are lost)
- make sure that each edition is well-written, professional in appearance and easy-to-read
- limit each edition to one page in length
- guarantee to publish an edition immediately after every board meeting
- provide a contact person for readers – especially reporters – who require additional information

Regional districts that cannot meet these requirements should not select this particular tool.

More info

CORD has been publishing *The Board Reports* on a bi-weekly basis since 2001. Further information on CORD's initiative can be obtained by contacting the CORD's Administration Department by email at info@cord.bc.ca, or by phone at 250.763.4918. Past copies of *The Board Reports* can be viewed at www.regionaldistrict.com.

Various other regional districts publish their own highlights. The Cowichan Valley Regional District, for example, releases *CVRD Matters* after each Board meeting. The CVRD contact is the Administrative Services Department, cvrld@cvrd.bc.ca, 250.746.2500.



Publish Highlights



Presentations to Member Jurisdictions

Source: Comox-Strathcona Regional District (CSRD)

Target Groups

Councils of Member Municipalities › Citizens of Member Jurisdictions (municipalities and electoral areas) › Media › Other interested parties

Purpose

To educate councils of member municipalities and citizens of member jurisdictions (municipalities and electoral areas) on the regional district and, more specifically, what the regional district does for them.

Description

Each winter, in the months leading up to the adoption of the financial plan, the CAO and Chair of the CSRD make a presentation on the regional district to each of the region's member municipalities and electoral areas. The presentations to municipalities are made directly to the municipal councils at open council meetings. The presentations to electoral areas include the local directors, and are made to the general public.

The presentations follow a standard outline which includes the following information sections:

- brief history of the regional district
- map and statistics identifying the jurisdictions, their sizes and the geographic extent of the region
- inventory of services provided by the regional district
- regional district accomplishments over the past year
- overview of the regional district's upcoming budget (revenues sources

and expenditure categories), with an explanation of how budgets for individual services are managed

- regional district's recommended tax requisition for the specific jurisdiction (in the case of municipalities)
- sample tax notice to show, for every \$100,000 of assessed value, what property owners will pay for regional district services provided to the specific jurisdiction

“Annual presentations to councils are intended to help improve the overall level of awareness.”

The presentations end by profiling a current “success story” at the regional district. The 2005 story is the regional district's solid waste management service, which no longer requires a subsidy from taxpayers to operate (it is fully funded through tipping fees and scrap recoveries).

Desired Outcomes

Council members are not always aware of the activities of their regional districts, or of the regional district services in which the municipalities participate. Annual presentations to councils are



intended to help improve the overall level of awareness. If done well, they can result in a better understanding of – and respect for – the regional district’s purposes, as well as its value to member jurisdictions.

In electoral areas, the presentations can result in citizens who are better informed about the activities of their regional district (which serves as their local government), and who feel more connected to the regional district organization.

Costs

The primary costs incurred in making presentations are staff time and minor travel disbursements.

Success Factors

Regional districts that decide to develop a program of presentations to member jurisdictions need to:

- ensure that the presentations are professional in appearance, easy to follow and customized, as much as possible, to the individual jurisdictions

- work with member municipalities to ensure that sufficient time on council agendas is made available (a ten minute opening delegation is not sufficient)
- anticipate and provide time for questions from council members and citizens
- make available at the presentations the names of persons who can be contacted for additional information
- commit to a program that includes presentations in all jurisdictions, not just a select few (CSRD presents to all seventeen of its jurisdictions each year)
- commit to making presentations every year

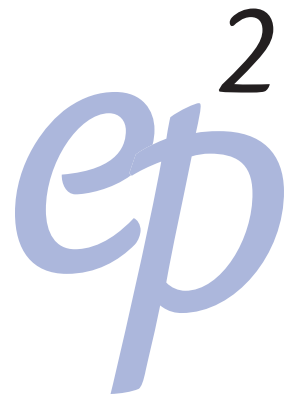
In addition to these points, it is critical that the Chair and the CAO of the regional district strongly support and firmly believe in the initiative. The active involvement of these two individuals in the presentations lends credibility to the exercise, and underscores the importance of the initiative.

More info

Copies of the CSRD’s presentations to member jurisdictions can be obtained by contacting the regional district by email at administration@rdcs.bc.ca, or by telephone at 250.334.6000. Other regional districts, including the Capital Regional District and the Cariboo Regional District, have similar established presentation programs.



Member Presentations



Board on the Road

Source: *Cariboo Regional District (Cariboo RD)*

Target Groups

Residents of Electoral Areas

Purpose

To strengthen the relationship between the regional district and the residents of its electoral areas.

Description

The Cariboo RD is the local government for residents of the region's various electoral areas. The "Board on the Road" program is designed to help the regional district – and in particular the regional district Board – connect with these residents.

On the third Thursday of the month, every June and September, the Cariboo RD Board travels to one of the region's unincorporated communities. On the Thursday evening, the Board invites all local residents to an informal open house/barbecue. All Directors are present to speak with residents and to answer questions about regional district services and activities that are of particular importance to the area. Poster board displays are set up to provide additional information. Where possible, other social events are scheduled to coincide with the Board's visit. For example, at the June 2005 meeting in the community of Bouchie Lake, the local volunteer fire department was hired to provide the barbecue, with net proceeds going to the fire hall.

On the Friday, the Board holds its regular monthly meeting in the community

in the local community hall. To the extent possible, efforts are made to build the agenda around local issues. The local community association and other interested groups are invited to participate in the meetings as delegations.

The "Board on the Road" program has been very successful at fulfilling its primary purpose — that is, at strengthening the relationship between the regional district and the residents of electoral areas. The program has also proved invaluable at helping to build relationships among Board Directors. The road trips provide the all-important opportunities for Directors to interact in less formal settings, outside of the Boardroom.

Regular strategic planning has also been a positive by-product of the "Board of the Road" program. During the September trips, the Board takes advantage of its time together to sit down in a workshop setting with staff. On the Thursday, before the open house and barbecue, the Board brings in a facilitator to help Directors and department heads develop business plans for the following year.

The "Board on the Road" program is focused specifically on the electoral areas, since it is in these areas that the regional district is the only local government.



On the
Road

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Desired Outcomes

Good connections between citizens and their local government are critical, particularly in rural areas where government tends to have a less visible (though no less important) presence than in urban centres. The “Board on the Road” program can create the opportunities for good connections to develop.

The program can also be an effective way to raise the profile (i.e., “show the flag”) of a regional district among its service recipients. A higher profile often results in a better understanding of the regional district, its purposes and its goals. A higher profile can also result in greater support among service recipients, and greater participation in governance and service delivery.

Costs

Travel, accommodation and meals for Directors and staff are the major costs associated with the “Board on the Road” program. Facility rental and advertising costs may also be incurred.

Success Factors

Regional districts that decide to develop a “Board on the Road” program need to

- budget adequately for the program

- advertise the events to the local community in which the events are to be held
- make an effort to build the meeting agenda around issues that matter to the community
- ensure that all Directors and staff are in attendance
- have relevant information on hand to answer questions of the local audience
- work with the local community association to provide the meal and plan special activities (e.g., charity softball game, tours) around the Board meeting

Regional districts should provide regular reminders of the trips to the general public, member municipalities, applicants for regional district permits and others, so that these parties can schedule their dealings with the Board around the Board’s travels. At the Cariboo RD, the June and September meetings are focused, to the extent possible, on the local community in which the meetings are held. Efforts are made to schedule applicants, delegations and others from outside of the local community for other Board meetings, or, where possible, Committee of the Whole meetings.

More info

Further information on the “Board on the Road” program may be obtained from the Cariboo RD. Inquiries may be made by phone at 250.392.3351, or by email at mailbox@cariboord.bc.ca.



Plenary Gatherings

Source: Peace River Regional District (PRRD)

Target Groups

Elected Officials from Member Jurisdictions

Purpose

To raise awareness of regional issues, and to strengthen the sense of regional community.

Description

Twice per year, council members and electoral area directors from the PRRD's member jurisdictions come together for a plenary gathering. The gatherings, which are held under the banner of the (unofficial) Peace River Municipal Association, are used to draw attention to specific issues or developments that are of interest to the broader regional community.

Member municipalities take turns organizing and hosting the gatherings. One responsibility of the host municipality is to set the agenda for the event. A typical agenda focuses on a topic that holds particular significance to the local municipality, but that is also of interest and importance to the region as a whole. The agenda for a recent gathering in Tumbler Ridge, for example, featured an update on local coal mining initiatives and their implications for the Peace. At most gatherings, experts and other guest speakers are brought in to address the group.

The gatherings are largely informal events. Occasionally, however, the group will take a regional position on

an issue that is discussed. Where appropriate, the position takes the form of a resolution to put before the North Central Municipal Association.

All local government elected officials from throughout the Regional District are invited to attend each gathering, as are the chief administrative officers of the member municipalities and the PRRD. A standing invitation

“By drawing attention to regional issues, the gatherings help to promote the value of regional cooperation, and the sense of regional community.”

is extended to the area MLAs. Spouses are welcome to attend and participate in the social dinner that precedes each meeting. A typical gathering attracts between thirty-five and fifty people.

Local media and members of the public are welcome to attend the meeting portion of the event.

Desired Outcomes

The informal plenary gatherings can be an effective tool to raise awareness among elected officials of issues and developments that affect the entire

Plenary Gatherings



region. By drawing attention to regional issues, the gatherings help to promote the value of regional cooperation, and the sense of regional community. The social aspect of the plenary gatherings can help to promote the personal linkages that are often so important to inter-jurisdictional cooperation.

Costs

Each member jurisdiction faces travel and accommodation costs for its participating members. Costs for the host municipality are more substantial. Dinner must be provided, guest speakers must be arranged and meeting space must be rented.

Success Factors

The plenary gatherings in the PRRD have been a regular feature in the Region for the past twenty-five years. Over that time, lessons have been

learned that serve as important success factors for other regional districts that wish to organize a similar program.

One success factor concerns the role of the host municipality. The host municipality needs to be allowed to take ownership of the event. Other municipalities and the regional district need to allow the host to set the meeting agenda and choose the topics for discussion that it feels are of interest and importance to the broader group.

Another success factor concerns the informal nature of the event. Even though groups may occasionally make resolutions on issues, the gatherings are not intended to be highly-charged political meetings. The best gatherings provide an informal, relaxed setting for politicians to exchange perspectives, learn about new developments and build relationships.

Plenary Gatherings



More info

Further information on the PRRD's program of plenary gatherings may be obtained from the PRRD in Dawson Creek. Inquiries may be made by phone at 250.784.3200, or by email at prrd@pris.bc.ca.



The Sustainable Region (Regional District TV)

RDTV

Source: Greater Vancouver Regional District (GVRD)

Target Groups

General Public › Community Groups › School Groups (secondary & post-secondary) › Councils of Member Municipalities › Other interested parties

Purpose

To profile for residents of the regional district a variety of issues, programs and initiatives that are important to the broader regional community.

Description

The GVRD produces two separate but complementary television programs: GVTV and *The Sustainable Region*. GVTV is produced as a joint venture with the City of Vancouver; *The Sustainable Region* – the focus of this Effective Practice sheet – is undertaken by the GVRD on its own.

One episode of *The Sustainable Region* is produced each month. Each episode lasts one-half hour and is broadcast throughout the region on Shaw TV (Cable 4) two times per week for the first two weeks of the month. The episode is then re-broadcast over a two week period during the following month. Broadcast times for *The Sustainable Region* are Friday evenings at 8:30 p.m., and Wednesday afternoons at 2:30 p.m.

Each episode consists of a set of short five-minute videos on a common theme, and is presented in a news-magazine format. The episode's host introduces and ties the stories together for the audience. The themes explored in the episodes typically correspond to the GVRD's program and policy

priorities. One recent episode, for example, focused on air and water in the region, and brought together video clips dealing with:

- how the GVRD's Air Quality and Drinking Water Quality Plans will affect citizens of the region
- tips for wiser living that are easy on the environment and the pocketbook
- whether or not Greater Vancouver will have sufficient water for the upcoming summer

“Each episode consists of a set of short five-minute videos on a common theme, and is presented in a news-magazine format.”

Other episodes have focused other issues of importance to the Greater Vancouver region, including homelessness, transportation, emergency planning, and regional planning. A possible future episode may explore and explain governance in the region — that is, how decisions are made in the region, and by whom.

As noted, episodes of *The Sustainable Region* are shown on Shaw Cable at two different times each week. In addition to these showings, the materials



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produced are distributed widely in the following ways:

- VHS and DVD copies of episodes are available for order from the GVRD
- the shorter, individual video clips that comprise the episodes may be viewed, free of charge, online through the GVRD's website
- VHS and DVD copies of the episodes are distributed to every public library throughout the region, as well as to every member municipality
- each GVRD Board member receives a full copy of all materials produced
- episodes, combined with curricula and other support materials, are provided free of charge to school teachers throughout the region who wish to cover regional issues in their classes
- the availability of online video clips for use in research is advertised in school papers at UBC, SFU and local colleges
- video clips are incorporated into speeches and presentations made by GVRD staff to citizen groups and others

It is worth noting that the GVRD began using TV as a communications medium in 1998 with a program called *People & Policies*. *People & Policies* provided in-depth analyses and discussions on key issues facing the region. Each episode lasted one hour and featured various experts and stakeholders in moderated debates before a studio audience. *People & Policies* was replaced in 1999 by GVTv, a show that explores many issues of particular concern to the City of Vancouver. *The Liveable Region* was introduced in

2003 to focus solely on issues of broad, regional importance. This show was re-named *The Sustainable Region* in 2004.

The GVRD's use of TV reflects the organization's research finding that 95% of people use television as their main source of information. The GVRD understands that if it wishes to inform the citizens of the region about key issues that affect life in the region, it must embrace television as a key communications vehicle. The use of TV also reflects a commitment of the Board to move away from paper-based media towards electronic types.

Desired Outcomes

Television enables an organization to communicate important messages to a broad audience, which may not regularly turn to other forms of media for information. Current technology also allows the material produced for TV to be packaged as digital files for use in a more targeted way, with specific groups and stakeholders, or for general access through the internet. The distribution of the information – through TV and internet, and in other more targeted ways – can raise the profile of important regional issues, as well as the programs being undertaken by the regional district to address the issues.

The production of TV programs and video clips is also a way to showcase the expertise of the organization and its staff members. Showcasing the organization's expertise can result in a greater level of confidence in the regional district on the part of the public and member jurisdictions. Showcasing can also boost morale within the organization.

RDTV

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Costs

Readers may be tempted to automatically view regional district TV as an expensive initiative that, because of its cost, is impractical outside of the largest regional district in the province (the GVRD). It is important, therefore, for all readers to understand that regional district TV need not be an expensive undertaking.

The GVRD's annual budget for producing *The Sustainable Region* and co-producing GVTV totals \$160,000. The department responsible for the programs has one full-time staff member (Executive Producer); technicians, researchers and producers are brought in on contract as required. The GVRD supplements the cost of production by partnering with other government agencies and community groups on individual episodes and video clips.

The GVRD, it should be noted, shares a production studio and equipment with the City of Vancouver. Other regional districts that wish to consider developing a program may explore the possibility of producing their shows through their local cable provider (e.g., Shaw), many of whom provide production assistance and air time to community initiatives. Regional districts could also partner with local technical colleges whose students may be seeking

practical experiences, and who may, as a result, be willing to volunteer their services to the project. The possibility of developing cost-sharing deals with other partner groups (e.g., member municipalities, provincial ministries, community groups, etc.) to produce specific episodes could also be explored.

Success Factors

A key success factor is support from the highest levels of the organization. At the GVRD, support for *The Sustainable Region* is strong from the CAO, senior management and the Board.

A commitment to quality and professionalism is also key. Programs that appear boring and amateur will not engage viewers, and may actually turn people off the regional district and its initiatives. Care needs to be taken to produce high energy, dynamic clips and episodes that capture viewers' attention and are interesting. Feedback from residents of the GVRD confirms that they find *The Sustainable Region* program to be both informative and interesting.

Another key success factor relates to the choice of topics. Shows need to focus on topics that are truly regional in nature and of importance and interest to the regional community. Topics that appeal to only a small constituency are not good candidates for programs.

More info

Readers are encouraged to visit the GVRD's website at www.gvrd.bc.ca. Under "Media", readers will find a section for "TV Programs". The full range of video clips, arranged by episode, may be downloaded and viewed free of charge from that page. An email contact is also listed for feedback and questions.



RDKBee (Public Newsletter)

Newsletter

Source: Regional District of Kootenay Boundary (RDKB)

Target Groups

General Public

Purpose

To improve the general understanding among residents of the services provided by the regional district.

Description

Elected officials and staff at the RDKB have discovered through their interactions with residents across the region that many people do not have a clear understanding of what the regional district is or what exactly it does. Some people are aware of the services provided by the RDKB (e.g., solid waste management), but are often not aware that it is the regional district that provides them. Many people are not aware that the RDKB – like all regional districts – is a federation of member jurisdictions, and a service body that exists to provide services in response to the needs and instructions of its members.

In an effort to improve residents' general understanding of the regional district, the RDKB has developed a comprehensive public communications program. One element of the program is the *RDKBee*, a public newsletter first published in 2003. The *RDKBee* is a two-page publication released three times per year. A typical edition features:

- an overview, presented by the Chair, of recent RDKB initiatives and

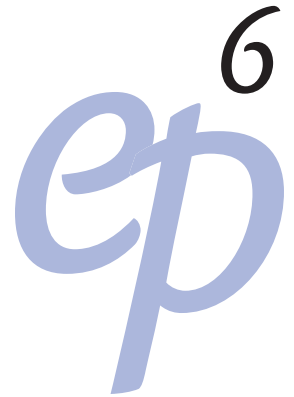
developments that have occurred since the last edition

- important service changes that affect residents in all or part of the region
- new initiatives being undertaken, such as the development of a new Official Community Plan
- tips to help residents more easily comply with regulations or achieve service goals

“Many people are not aware that the RDKB – like all regional districts – is a federation of member jurisdictions, and a service body that exists to provide services in response to the needs and instructions of its members.”

- referrals to the organization's website where readers can obtain more detailed information on the various items profiled in the newsletter
- contact details that residents can use to reach their own RDKB Director, or RDKB staff
- a listing of upcoming RDKB meetings

One edition each year focuses on the RDKB annual financial plan. A complete summary of the plan is provided and explained. Readers are referred to the website, their Directors and staff for further information.



Editions of the *RDKBee* are bulk-mailed to every household throughout the region. A copy of the current edition and back issues are available online. Production of the newsletter is managed by the regional district's Public Education Coordinator. This position edits the entire publication and writes many of the entries. Wherever possible, the Coordinator works with department heads and service experts in the organization to produce pieces related to specific functions or services. The Coordinator works with the Chair of the regional district on the introductory overview for each issue.

"The newsletter, combined with the other components of the communications program, has helped to make the Regional District more of a known quantity."

As noted, the *RDKBee* is one component of a larger public communications program. Other components include:

- the regional district's website (www.rdkb.com), which has been developed as the central source of information on the regional district and its services
- the *Media Helper*, which presents highlights of the RDKB's monthly Board meetings (back issues are available online)
- news releases (also available online)
- school presentations on key services such as solid waste and recycling



- brochures and monthly flyers, produced by individual departments, that describe programs and events (most available online)

Desired Outcomes

Newsletters like the *RDKBee* can help to raise the profile of the regional district that produces it. In Kootenay Boundary, the regional district has not, traditionally, enjoyed a high profile among residents who rely on the organization's key services. The newsletter, combined with the other components of the communications program, has helped to make the regional district more of a known quantity.

Public newsletters can also be useful ways to communicate important notices and developments to large numbers of people, particularly when such newsletters are distributed widely (as in Kootenay Boundary).

Finally, because such publications help to focus a positive spotlight on the organization, its services and its people, newsletters can help to boost morale among staff and elected officials.

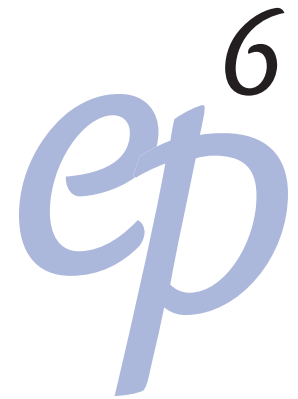
Costs

Editions of the *RDKBee*, while professional in appearance, are modest in terms of cost. Each edition is produced in-house using standard office software. Most editions are black-and-white and limited to two sides of a legal-size sheet (i.e., 8.5" x 14"). The budget edition is a colour production and slightly larger at two 11" x 17" pages.

Including bulk mailing costs to 15,000 homes (but not including staff time),



Newsletter



each regular edition of the newsletter costs approximately \$5,000 to produce. The budget edition costs about \$7,000.

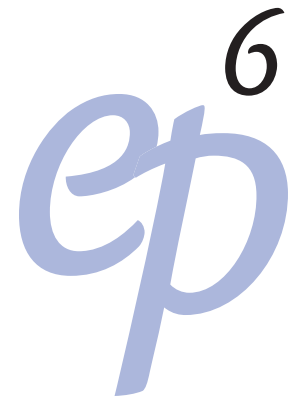
Success Factors

Perhaps the most important success factor that needs to be considered relates to support from the top. Initiatives such as newsletters and communications programs must receive the support of the Board and senior staff. The organization must develop a culture that understands the importance of, and that places a premium on, public communications. Without such a culture, communications initiatives will be difficult to develop and implement.

Regional districts considering a newsletter must also realize that such a publication is not a one-off undertaking. To be of any real value, an organization's newsletter must be released on a regular basis. Newsletters that are released only sporadically risk giving the impression of an administration that is not well organized, and/or not seriously committed to communications.

Finally, regional districts that choose to publish a newsletter should assign a position with lead responsibility over the initiative, to ensure the publication stays on schedule.

Newsletter



More info

Readers are encouraged to visit the Kootenay Boundary Regional District's website at www.rdkb.com to view the current and past editions of the newsletter.



CAO Sessions

Source: *Regional District North Okanagan (RDNO)*

Target Groups

CAOs of Member Municipalities

Purpose

To promote discussion among CAOs within the regional district of issues that affect all jurisdictions.

Description

Twice a year, the CAO of the RDNO organizes and hosts an informal meeting with municipal counterparts throughout the region. The meetings provide an opportunity for the group to discuss any number of issues that are of importance to the broader regional community, and to the individual jurisdictions that comprise the broader community. A typical meeting might feature:

- a discussion on the establishment of a specific new regional service
- a review of an existing service's funding arrangement, governance structure or scope
- a discussion of service needs in the region, and the potential for addressing the needs through existing or new regional district services
- a briefing on an important initiative or development in the region

The CAOs from the RDNO's six member municipalities attend the bi-annual meetings. One CAO volunteers to take minutes so that agreed-upon action items are not forgotten. The RDNO's CAO acts as meeting chair, to the extent that a chair is required. Each

meeting lasts up to four hours. Staff members from key departments are brought in, as required, to give briefings and/or address specific agenda items. Representatives of regional service groups, such as the region's Fire Chiefs' Association, are also invited from time to time to make presentations or address particular items. (Service groups may also make written submissions to the CAOs.)

“The sessions provide a forum in which to raise issues that, left unaddressed, could undermine future initiatives or cause future disputes.”

The CAO sessions are firmly rooted in the belief that regular, proactive and open communication among senior staff is vital to good inter-jurisdictional relations and intra-regional harmony. The sessions provide a forum in which to raise issues that, left unaddressed, could undermine future initiatives or cause future disputes.

It is worth noting that in addition to the informal region-wide CAO sessions, a more formal CAOs Committee existed during the start-up period of the Greater Vernon Services Commission,



CAO
Sessions

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a political body created by the RDNO Board to govern a set of regional district services provided throughout the Greater Vernon sub-region. The CAOs Committee included the CAOs of the RDNO, the City of Vernon and the District of Coldstream. It worked closely with the RDNO's General Manager in charge of the Greater Vernon services, and liaised with the Commission. The CAOs Committee, like the CAO Sessions, was formed to promote and facilitate open communication among senior staff from different jurisdictions.

Desired Outcomes

Informal, regular CAO sessions can produce a number of positive outcomes for a regional district and its member jurisdictions. CAO sessions, for example:

- promote regional thinking and intra-regional cooperation
- promote the value of regional districts as vehicles through which member jurisdictions can work together to address common needs
- help to produce fair and sustainable service arrangements by identifying and addressing all potential concerns early in the process, before services are actually established

- minimize (if not eliminate) the need for formal service reviews by identifying and dealing proactively with perceived inequities in existing service arrangements

These outcomes and others have been realized in the RDNO.

Costs

The biggest cost associated with the regular CAO sessions is the value of the CAOs' time (an in-kind contribution). Actual disbursements tend to be limited to lunch and refreshments.

Success Factors

Regional districts that choose to hold CAO sessions should strive to keep the meetings informal in nature. An informal atmosphere will promote relationship building, and will make it easier for participants to raise sensitive issues that should be identified and addressed.

It is also suggested that the regional district CAO assume and maintain responsibility for organizing the meetings. The meetings are intended to focus on regional issues that affect all jurisdictions. Assigning responsibility for the meeting to a member municipality's CAO may result in a shift in focus from regional issues to local concerns.

CAO Sessions



More info

Readers interested in learning more about the RDNO's experiences with CAO sessions are invited to contact the CAO's office by phone at 250.550.3700, or by email at info@nord.ca.



Developer Forums

Source: Comox-Strathcona regional district (CSRD)

Target Groups

Developers active in Electoral Areas

Purpose

To help developers better understand the regional district's regulatory role in approving developments in electoral areas, and to help regional district staff better understand the concerns of the development community.

Description

In 2004, the CSRD's CAO and Director of Planning held two Forums with developers who are active in the regional district's electoral areas. The initiative was based on the premise that open dialogue between the parties would lead to a better understanding of each party's role and issues, and a better overall relationship.

The first Forum began with a high-level presentation by the two regional district managers on the CSRD — what it is, what it does and how it functions. The managers also explained the regional district's authority over development in electoral areas, and outlined the regional district's development approval process. The managers then asked developers to identify their concerns with the regional district and/or the process. Most of the concerns focused on requirements in the process, and process timelines.

In the second Forum, the managers presented the organization's plan for

addressing the key issues identified by the developers. Process requirements and timelines were addressed in the plan. An initiative to automate the regional district's process was also featured. Once this initiative is completed, developers will be able to track their applications online at any time. The increased involvement of the CAO in contentious development applications was another action item identified in the plan.

“Developers who are active in these areas need to have a good understanding of the specific regional district's regulatory authority and processes.”

As noted, the CAO and the Director of Planning organized and hosted the two forums. Thirty individuals from the development community (e.g., developers, builders) attended to learn about the regional district and discuss their specific issues. Both forums were held in the regional district office. The organization provided lunch to all attendees.

According to the CAO, feedback from the developers who participated in the Forums has been positive. In an effort to build on the positive feelings, and to



Developer Forums



keep the channels of communication between the parties open, the CSRD plans to hold one Developer Forum each year, beginning 2005.

Desired Outcomes

Regional districts are the regulatory authorities for land-use and development approval in their electoral areas. Developers who are active in these areas need to have a good understanding of the specific regional district's regulatory authority and processes. Similarly, regional districts need to have a good understanding of their local development communities and the concerns of developers in these communities. Only by understanding each other's roles and concerns can the two parties work together to identify and achieve common goals.

Developer Forums, which promote open dialogue, are able to help the parties achieve the mutual understanding they need.

Costs

Staff time is required to organize and host Developer Forums. Staff time is also required to put together and imple-

ment the plans required to address issues that are raised during the Forums. The cost of providing lunch to Forum participants is incurred by the CSRD.

Success Factors

A willingness to listen openly to developers' concerns is the key success factor for Developer Forums. Regional districts that are not inclined to view concerns as legitimate and worthy of consideration should not consider this initiative.

The involvement of senior staff is another success factor. The active involvement of the CAO and the Director of Planning in the CSRD's Developer Forums sends a clear message that the organization takes the events seriously.

Finally, regional districts that are interested in hosting a Developer Forum must be willing to take action to address developers' concerns that are particularly important. The CSRD's willingness to examine its approval requirements, and to automate its entire approval process, has helped to show the local development community that it has indeed been heard and taken seriously.

More info

Regional districts interested in learning more about the CSRD's Developer Forum initiative should contact the regional district by email at administration@rdcs.bc.ca, or by telephone at 250.334.6000.



Developer Forums



Teacher Workshops

Source: Greater Vancouver Regional District (GVRD)

Target Groups

School Teachers • Students (K-12)

Purpose

The purpose of the Teacher Workshops is twofold:

- to help K-12 educators explore with their students some of the important (and inter-related) environmental, growth management and resource management issues affecting the regional community
- to help educators engage their students in identifying approaches they can take, as individuals and as a collective, to promote sustainable living in the region

Description

Staff from the Education Office at the GVRD present workshops on environmental, growth management and resource management issues to K-12 teachers from the 11 school districts that operate throughout Greater Vancouver. The workshops, which are offered free of charge to participants, provide teachers with activity ideas, teaching strategies and resource materials for use in their classrooms.

Workshop topics are carefully chosen to assist teachers in meeting key learning outcomes mandated by the province and set out in the provincial K-12 curricula. Consider the Workshop titled *From Source to Sea*. This workshop explores water supply, water protection, water usage (and choices) and waste water treatment in the GVRD, and in so doing,

equips teachers with the information and tools they need to achieve the learning outcome related to students' understanding of water cycles. The full list of Workshops presently being offered includes:

- *Shaping a Livable Region*
- *Temperature Rising (What's all the fuss about Climate Change?)*
- *From Source to Sea*
- *No Time to Waste*
- *Let's Clean the Air*
- *Get Tapped In*

An Education Advisory Committee made up of school administrators and teachers assists the GVRD in selecting Workshop topics and developing related resource materials. Two qualified teachers with a combined 15 years of classroom experience work full-time at the GVRD to deliver the Workshops and produce the resource materials.

The GVRD has offered Teacher Workshops for 14 years. Most Workshops are delivered at professional development ("Pro-D") events, or at subject-specific gatherings such as the Social Studies Teachers' Conference. In 2004, over 700 teachers participated in one of the Workshops — a figure more than double that of the previous year.

The Teacher Workshops, it should be noted, are but one component of a broader public education program at

Teacher Workshops



the GVRD. Like the Teacher Workshops, the other components of GVRD's public education program are designed to raise awareness within the GVRD of the key environmental, growth management and resource management issues affecting the regional community.

Desired Outcomes

Teacher Workshops have the potential to produce teachers who are aware of, and who understand, the importance of sustainable development in regional communities.

Through teachers, the Workshops have the potential to engage young people in thinking about how the choices they make affect the quality of life in their regions. Put differently, the Workshops have the potential to help develop informed citizens who understand the connections between environment and development, and who think regionally.

Costs

The GVRD allocates \$50,000 to \$60,000 each year in non-staff costs to the development and delivery of the Teacher Workshops, and to the development and production of the related resource materials. In addition, two full-time staff are dedicated to the initiative.

These costs, which will appear out of reach to some other regional districts,

reflect the substantial size and breadth of the GVRD effort. Regional districts interested in this initiative may be able to develop a more modest and lower-cost program. A regional district with limited funds, for example, could start by developing just one Teacher Workshop with the help of a local (voluntary) Education Advisory Council, and the services of an existing communications employee or educator on secondment to the region. Grants may be available through local, provincial or national governments and foundations to assist in the development and production of resource materials.

Success Factors

One key success factor relates to the choice of topics for the Workshops. Selecting topics that correspond to the learning outcomes in the provincial K-12 curricula will draw larger numbers of teachers to the events.

Another factor concerns the involvement of qualified teachers in the initiative. At the GVRD, two qualified teachers serve as the full-time staff members responsible for developing and delivering the Workshops, and developing the support materials. Teachers also sit on the advisory committee that helps guide the initiative. The involvement of teachers gives the Workshops instant credibility among educators.

More info

Regional districts interested in learning more about the GVRD's Teacher Workshops should begin by exploring the detailed information posted on the GVRD's website at www.gvrd.bc.ca/education/teacher-workshops.htm. Specific information on curriculum resources produced for distribution at the Workshops can be reviewed at www.gvrd.bc.ca/education/curriculum-resources.htm.



Teacher Workshops⁹

Media Briefing Books

Source: Neilson-Welch Consulting Inc.

Target Groups

Media

Purpose

To provide media representatives with the information and knowledge they need to properly report on the regional district and its various activities.

Description

Through their reporting on regional district decisions and activities, reporters play an important role in helping the public to understand the regional district system and follow events in their own regional district. To play their role effectively, however, reporters themselves need a good understanding of regional districts and the specific regional district organization they are expected to cover. Not all reporters assigned to write on regional districts have the knowledge base required.

Regional districts can take a passive approach to media affairs and expect local reporters to educate and inform themselves. Alternatively, regional districts can choose to adopt a proactive approach and help reporters acquire the knowledge and information they need to do their jobs. The proactive approach may result in better and more consistent media coverage.

One initiative that is consistent with a proactive approach involves the development of a Media Briefing Book. The book could consist of three sections:

Section 1: Regional Districts in BC

The first section could educate reporters on BC's regional district system. The Fact Sheets and Regional District Booklet from the UBCM's Tool Kit could be included in this section.

Section 2: Profile of the Regional District

The second section could profile the specific regional district. Key information for this section of the book could include:

- background information on the Board members
- an overview of the Board's committee structure, including a description of each committee's mandate and make-up
- a list of local, sub-regional and regional services provided by the regional district
- information sheets on major regional district projects and services
- an organizational chart showing the make-up of the administration

Section 3: Dates & Points of Contact

The third section could list key dates, as well as persons within the organization, for reporters to contact. Specific items might include:

- a one-year calendar showing Board meeting dates and Committee meeting dates, public hearing dates (that are known), and dates for other key



Media

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EFFECTIVE
PRACTICES

events such as elections, inaugural meetings and the budget process

- Board and administration points of contact for different types of information
- website addresses where media reps could download agendas for meetings, and register to receive regular media releases

Desired Outcomes

Media Briefing Books are designed to help reporters learn about regional districts and the activities of the particular regional district they are expected to follow. Reporters who understand the system and who are informed of events will be better able to report accurately on the decisions and actions of the Board and the organization. Such reporters are also likely to be more interested in regional affairs, and more inclined to report on them. More and better reporting on the regional district and regional affairs can only result in a better informed and more interested regional community.

Costs

The cost of producing Media Briefing Books would be minor. Staff time and printing costs would be the key items to consider.

Success Factors

The chief success factor relates to ease of use. To be of any value, a Media

Briefing Book needs to be easy for the reader to use. Ease of use is maximized when:

- the book is logically and physically divided (using firm separators) into separate sections
- information is presented in clear, concise formats
- charts and visuals are used throughout the text to present and explain information
- the book itself is small enough to be carried around by the user
- updates can be easily distributed and inserted to keep the information current
- a web-based duplicate copy is available for browsing or downloading

Regional districts that do not have communications professionals on staff or on contract should consider using outside experts to assist in the development of the books. Books that appear unprofessional or user *unfriendly* will not be used.

A second factor to consider relates to content. Regional districts interested in developing Media Briefing Books should refrain from using the books as promotional or public relations tools. Reporters – the audience for the books – want the straight facts only. Reporters will not react favourably to books that attempt, or are perceived to attempt, to shape views or promote messages.

More info

The GVRD has a set of media pages on its website. These pages provide points of contact, information about the organization and its services, and copies of news releases. See <http://www.gvrd.bc.ca/media/index.htm>.



This section of the *Tool Kit* contains a set of Discussion Guides.

Local government elected and appointed officials who work within the regional district system face a variety of complex questions, many of which are related to the roles and accountability of regional district directors. Answers to these questions will ultimately help regional districts function more smoothly. The problem, however, is that in many cases, there is no one “correct” answer — approaches that are considered appropriate in one regional district may be considered unworkable in another.

Complex questions that affect the ability of a regional district to function need to be discussed by individual regional districts and their members. Discussion at the regional district board level will allow stakeholders to reflect on and understand the issues involved, and to develop their own answers. It is recognized, however, that regional districts and their members, in initiating such discussions, may benefit from some guidance. To that end, the Discussion Guides have been developed.

In specific terms, the Discussion Guides are intended to:

- identify important questions for regional districts and their member jurisdictions to explore; and
- provide stakeholders with the perspectives, information and advice

required to hold meaningful discussions and determine workable answers.

The target audience for each Discussion Guide will depend on the question being considered. In general, however, the Discussion Guides are intended to engage regional district boards, council members from member municipalities and senior regional district and municipal staff. These four groups include the people who have important roles to play in making the regional district system work.

Using the Guides

When initiating discussions using the Discussion Guides, it is strongly recommended that proponents:

- Appoint a neutral facilitator to run the discussions
- Ensure that the sessions are adequately planned and that adequate time is provided
- Ensure that all key parties (e.g., directors, senior staff) are in attendance
- Confirm that participants understand the purpose of the discussions (namely, to consider complex questions, and arrive at a common understanding of how to address the issues involved)

Contents

The First Edition of the *Tool Kit* contains five separate Discussion Guides.



Discussion Guides

first edition

	<i>Title</i>	<i>Question</i>
DG 1	Regional / Local Interests	Whose interests should directors promote at the board table?
DG 2	Municipal Directors	To what extent should municipal directors be expected to stick to their councils' positions at the board?
DG 3	Staff & Directors	Whom does staff serve?
DG 4	Corporate Responsibilities	What are the director's responsibilities to the regional district corporation?
DG 5	Involvement in Discussions	Should directors get involved in discussions related to services on which they have no vote?

Introduction

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Whose Interests Should Directors Promote at the Board Table?

Promoting Interest

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It is not uncommon to hear the statement, presented by some as a truism, that regional district directors should promote the interests of the broader regional community in addition to those of their local jurisdictions at the board table. A related statement that is also heard suggests that where regional and local interests conflict, it is the interests of the region that should prevail.

Are these statements correct? Whose interests should directors promote at the regional board table: those of their own jurisdictions, those of the broader regional community or both?

Issues to Consider

In thinking about the topic question, there are certain issues and perspectives that directors, municipal councils, senior staff and others may wish to consider:

Accountability

Municipal directors are appointed to the regional district board by their municipal councils. Electoral area directors are elected to the board by the electors of their respective electoral areas. Neither municipal directors nor electoral area directors are appointed or elected to the regional board by a group that represents, or that is drawn from, the region as a whole.

The system of appointments and elections for directors suggests that

individual directors are accountable to their local jurisdictions. These lines of accountability may suggest, in turn, that individual directors should promote the interests of those jurisdictions over those of the broader region. To the extent that local and regional interests conflict, one perspective is that the interests which should prevail will depend on the issue being considered.

Participation in a Service

Underlying the regional district model is the principle of self-interest, which maintains that a jurisdiction's deci-

“In all, there will be many instances when a jurisdiction's own, local interest is furthered by the willingness of its regional board representatives to compromise and collaborate with others to pursue regional initiatives.”

sion to participate in services that are provided through the regional district should be based on the jurisdiction's own interest. Except in those few cases where the Province requires the regional district to provide a service (e.g., solid waste management planning), individual jurisdictions cannot be forced to participate in regional district services. Municipalities and electoral areas choose to participate in services when it is in their best interest to do so.



Self-interest is not, to be sure, a simple concept, determined solely by the potential for short-term benefit through cooperation with other jurisdictions. A jurisdiction's interest in a particular service or activity may be much more complex. A jurisdiction may decide, for example, that the prospect of future benefits, including goodwill, is important. A jurisdiction may decide that the development of a strong regional community, achieved through widespread and regular cooperation, is in that jurisdiction's own interest.

"Decision-making requires every director to put forward positions and perspectives, but also to demonstrate a willingness and ability to compromise."

In all, there will be many instances when a jurisdiction's own, local interest is furthered by the willingness of its regional board representatives to compromise and collaborate with others to pursue regional initiatives. In these instances, however, local interests are not being compromised for the benefit of the broader regional community. Local interests, in these instances, simply happen to be compatible with and strengthened by actions that are perceived to benefit a broader group of jurisdictions. The true test comes when a jurisdiction's interest, as understood by its director(s), is not furthered by initiatives that are deemed by others to benefit the region as a whole. In these cases, whose interests should the

director promote? The principle of self-interest, as described here, appears to suggest that the director should act on the interests of his or her own jurisdiction.

Established Services

The principle of self-interest, it may be argued, is intended solely to guide a jurisdiction's decision on whether or not to participate in a regional district service. The need to staunchly defend a jurisdiction's local interest is not intended to guide a director in governing a service, once the decision on participation has been made by the jurisdiction's electors or council. Indeed, it could be argued that as far as established services are concerned, the director's responsibility is to promote what is best for the service, irrespective of local interests.

This line of thinking suggests that once a jurisdiction has decided to participate in the service, the jurisdiction's director(s) should promote views and positions that will promote the service's value to its users and to the entire community it reaches. At the board table, therefore, where decisions on services are made, the director promotes the interests of the broader region, or at least the broader community that receives the service.

Practical Concerns

Regional district boards of directors are collective decision-making bodies. In any such body, individual directors have a responsibility to participate in discussions, and to contribute constructively to the decision-making process. Decision-making requires every director to

Promoting Interest

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put forward positions and perspectives, but also to demonstrate a willingness and ability to compromise. If every director insisted on sticking to positions that he or she believed to reflect his or her jurisdiction's local interest, the board would constantly face the risk of paralysis. From a practical perspective, therefore, it may be argued that directors must be willing to look beyond their own jurisdiction's interests.

Other Comments

In exploring the topic question, directors and others may find it useful to examine different types of decisions that boards are expected to make. Directors may be able to collectively distinguish between matters that should be viewed from a regional perspective (i.e., wearing "regional hats"), and matters on which local, jurisdictional concerns should be considered paramount.

Promoting Interest

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More info

There are three sources that readers may wish to consult for further information and additional perspectives. The first is an article by Eli Mina titled *Which Hat Am I Wearing Now?*, published in the August 2003 edition of UBCM News (www.civicnet.bc.ca). The second is Robert Bish's *Regional District Review – 1999* (www.uvic.ca.padm), and the third is a 2003 paper by Lorena Staples titled *The Roles and Responsibilities of Regional Directors* (www.sms.bc.ca, under "Handbooks").



To What Extent Should Municipal Directors be Expected to Stick to Their Councils' Positions at the Board?

Municipal Directors

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Municipal directors are appointed by, and are accountable to, their municipal councils. Given this accountability, should councils expect their directors to “stick to the script” and not deviate from the councils’ stated positions in decision-making at the regional board table?

Issues To Consider

One of the more important decisions a regional district makes is to establish a new service. The decision on whether or not a member municipality participates in the service, it should be noted, is made by the municipal council itself on behalf of, or with the approval of, the municipality’s electors. The decision is not made by the municipal director(s) on behalf of council or the municipality.

Once the service has been established, however, there are various service-related decisions that municipal directors from participating municipalities must help to make. There is also a host of other issues and questions that the board must regularly address in its decision-making. Municipal directors, as members of the board, participate in the discussions and votes through which these other types of decisions are made.

On the questions and issues that do involve municipal directors directly, to what extent should a council expect its

director(s) to stick to the council’s positions when voting?

One school of thought would suggest that a council may provide guidance to its director(s), and probably *should* provide guidance on controversial or particularly important topics. A council should not, however, expect its director(s) to stand firm on a position in the face of compelling information and arguments that undermine the position’s validity.

Regional districts, it must be remembered, provide a political forum for representatives of all member jurisdictions to discuss and debate perspectives. The exchanges and compromises that occur within this political forum are critical to good policy-making and good governance. The expectation that municipal directors should simply present stated positions then close their minds to the arguments and information put forward by other decision-makers, is not consistent with the regional district model or any other model of corporate governance. Indeed, if municipal directors were expected to simply present concrete positions, there would be no need for directors at all — councils could simply submit their positions in writing to the board.

On a purely practical level, it is worth noting that a municipal council will not actually have a firm,



stated position on many of the issues that arise at the board table. The municipality's director(s) may have a sense of the council's views on the issues, and will have a general understanding of the municipality's interest in the matter. The director(s) will not, however, have strict "marching orders" from council. In these situations, the need for directors to exercise their own judgement is even greater.

Some observers would suggest that there will always be certain issues on which a municipal council holds strong views and a clear position. The same observers would argue that, in debates on these issues at the board table, the council should be able to expect its director(s) to present and defend the council's stated position. If a director, after listening to the views of others at the board table, believes that the council's stated position is no longer tenable or preferred, he or she should be expected to return to council and seek further direction.

The expectation on the part of a council that its municipal director presents a stated position is surely legitimate in certain cases, on certain issues. In the regional district system after all, municipal directors are, first and foremost, accountable to their councils. The ex-

pectation that directors stick to a script on all issues, however, is problematic.

The related belief that directors should confer with their councils before making any important decision at the board table is also problematic. There will be instances when a director simply cannot vote before speaking to his or her council. In these instances, other decision-makers should be encouraged to respect the need for consultation, providing that such instances are the exception and not the rule. Councils that expect their directors to always check back before voting on important matters, however, are guilty of obstruction. In order for regional districts to function properly, decisions must be made and voting must take place. Every director and every participating jurisdiction have a responsibility to ensure that these processes occur.

Other Comments

Councils need to consider their expectations of their directors and set reasonable parameters that provide for balance between a council's need to promote certain positions on key issues, and the regional district's need for municipal directors who are free to participate constructively in collective decision-making.

Municipal Directors

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More info

Readers may wish to review Eli Mina's article titled *Which Hat Am I Wearing Now?*, published in the August 2003 edition of UBCM News (www.civicnet.bc.ca). The 2003 paper by Lorena Staples titled *The Roles and Responsibilities of Regional Directors* (www.sms.bc.ca, under "Handbooks") may also be useful.



Whom Does Staff Serve?

Whom does staff serve – electoral area directors, municipal directors or both? Are the interests of one group of directors supposed to take precedence over the interests of the other?

Issues to Consider

When considering this question, it is important to frame the issue properly. Regional districts function in three different capacities:

- they are local governments for electoral areas, responsible for providing basic local government services
- they provide the frameworks necessary for combinations of member jurisdictions to collaborate in the provision of sub-regional services
- they are regional service bodies responsible for providing important regional services to their broader regional communities

When a regional district is acting as the local government for its electoral areas, it is inevitable, as far as contact with directors is concerned, that staff will interact almost exclusively with the electoral area directors. Staff's focus in these situations is appropriate, assuming that staff's time is funded through an electoral area administration service, or through the specific local government services being provided. It is also important to note that in these situations, municipal directors and their jurisdictions have, by definition, no interest in the decisions that are taken.

Thus, in working to promote the interests put forward by one set of directors (electoral area directors), the regional district's staff is not working against the interests put forward by another set (municipal directors).

When regional districts are functioning in their sub-regional and regional servicing capacities, the situation for staff vis-à-vis directors changes entirely. In these other capacities, the interests of a regional district's unincorporated areas may diverge from those of its member municipalities. A decision by staff to focus its energies on helping electoral

“It is in the negotiation of sub-regional and regional service arrangements that the question of whom staff serves is most critical.”

area directors promote the interests of their areas could result in staff working against the interests expressed by the municipal directors. It is in these situations that the topic question – Whom does staff serve? – becomes particularly relevant as an issue for discussion.

Many observers take the view that when working to facilitate sub-regional and regional service arrangements, a regional district's staff works for all directors. The organizational structure of regional districts (see Fact Sheet 2) seems to support this

Staff & Directors

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view. According to this structure, staff reports directly to the entire board, not to a sub-set of directors.

Some observers approach the question in a slightly different way by noting that a regional district's staff exists to serve "the process". In serving the process, staff is responsible for ensuring that services are developed and delivered in ways that are fundamentally fair to all jurisdictions involved. Staff's goal in serving the process is to build sustainable service arrangements and sustainable inter-jurisdictional relationships.

Not all participants in the regional district system agree that staff should serve electoral and municipal directors equally, particularly during the development of sub-regional and regional service arrangements. These observers note that municipal directors are supported in service negotiations by their municipal organizations, and as such are not dependent on regional district staff for information or advice. These observers note further that because they have access to their own municipalities' resources, municipal directors involved in negotiations have a considerable advantage over electoral

area directors. Regional district staff, the argument goes, needs to provide a higher level of support and assistance to the electoral area directors in these situations, if only to balance the scales.

Other Comments

It is in the negotiation of sub-regional and regional service arrangements that the question of whom staff serves is most critical. The argument that staff, in these situations, is responsible for ensuring that arrangements are fundamentally fair to all jurisdictions involved is persuasive. Arrangements that are less than fair, after all, would serve only to undermine confidence in the particular regional district, and in the federal model that lies at the root of the regional district system. In working to build fair arrangements, regional district staff may be forced to challenge assertions put forward by some directors, and advocate on behalf of others. The appropriateness of such actions would appear to depend on staff's motivation. If staff is motivated solely by the desire to build sustainable, working arrangements that stand the test of time, such actions may be quite acceptable and, indeed, necessary.

Staff & Directors

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More info

For additional information, readers may wish to consult Robert Bish's *Regional District Review* – 1999 (www.uvic.ca.padm). Readers may also wish to review Chapter 2 of the full Report & Action Plan produced by UBCM's Regional District Issues & Non-Legislative Solutions Working Group (Working Group 1). This publication is available online at www.civicnet.bc.ca.



What are the Director's Responsibilities to the Regional District Corporation?

Each regional district director has different sets of responsibilities that he or she is expected to fulfill. Responsibilities to the regional district corporation constitute one important set that is not always well understood.

Issues to Consider

Each regional district director, it is suggested, has at least three different sets of responsibilities that he or she must fulfill at different times:

Each director has responsibilities to the individual jurisdiction that has appointed or elected him or her to the board. During negotiations aimed at establishing a new service, for example, a director is responsible for advocating his or her jurisdiction's specific interests as they relate to service funding, scope and governance. On a continual basis, a director is responsible for keeping his or her jurisdiction informed of regional district events and decisions of the board. Each director is also responsible for consulting his or her jurisdiction (electoral area electors or a municipal council, as the case may be) on servicing needs and issues.

Each director is responsible, along with other directors, for ensuring the success of regional district services in which the director's jurisdiction participates. Once the terms of participation in a service have been developed,

the participating jurisdictions' directors need to work and make decisions in the best interest of the service.

Each director has important responsibilities to the regional district corporation. Regional districts provide a political forum for representatives of all member jurisdictions to discuss and debate perspectives on issues of regional importance. The exchanges and compromises by directors within this political forum are critical to good regional policy-making and governance. Also, a director is responsible for do-

“Regional districts provide a political forum for representatives of all member jurisdictions to discuss and debate perspectives on issues of regional importance.”

ing his or her part to ensure that the regional district corporation functions smoothly. Smooth functioning requires directors, as a collective, to pass budgets, fill staff positions, process debt requests, hold meetings and make decisions. Finally, all directors have a responsibility to protect the integrity (financial, legal and otherwise) of the corporation.

In general, regional district directors understand and are keenly aware of their responsibilities to their individual



jurisdictions. Where directors appear on the whole to have more trouble, is in understanding and remaining aware of their other sets of responsibilities, particularly those to the corporation.

Discussion Guide 2 considers the degree to which municipal directors should be constrained by their councils' stated positions when sitting at the regional board table. The related question, on whether or not directors should confer with their jurisdictions before making important decisions at the board,

"One particular corporate responsibility relates to the need for all directors to maintain confidentiality."

is also addressed. The point is made that directors who regularly feel compelled to ask the board to delay decisions so that they may seek guidance from their jurisdictions are impeding the corporation's ability to function. Arguably, other directors who regularly indulge such requests are guilty of the same charge. (The key term here is "regularly"; rare requests for delays may not be problematic.) As suggested earlier, in order for the regional district to function smoothly, the board must attend to matters and make decisions. Every director must do his or her part to facilitate such functions.

One particular corporate responsibility relates to the need for all directors to maintain confidentiality. As members of the corporation's

legal governing body, regional district directors are expected and required to keep in confidence all *in camera* matters discussed at the board table. In such instances, a director's responsibilities to the regional district corporation must outweigh his or her other responsibilities, including those to his or her local jurisdiction. The unauthorized release of confidential information is, by definition, detrimental to the corporation's interests.

It is worth noting that the decision to apply the *Community Charter's* confidentiality provisions to regional districts means that directors who intentionally release confidential information may be held personally liable for any losses incurred by the corporation.

Some directors would suggest that their responsibility to protect the corporation's integrity compels them to become involved in discussions on issues related to services in which their jurisdictions do not participate, and on which they themselves are not entitled to vote. This view is rooted in the reality that it is the board as a whole that is ultimately responsible, and that may be held liable, for all decisions that are made at the board table, including those made by a sub-set of directors representing service participants.

The involvement in service-related discussions by directors from non-participating jurisdictions is explored at length in *Discussion Guide 5*.

Other Comments

In any discussion on a director's responsibilities to the regional district

Corporate Responsibility

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corporation, the views of individual directors will undoubtedly differ to some degree. Disagreement on some of the specifics may not be cause for major concern in every case. What is fundamental for all directors to accept in the discussion, however, is that they

are members of the governing body of a legal corporation. In this capacity, they have responsibilities to the corporation that are distinct from their other responsibilities, including those to their local jurisdictions.

Corporate Responsibility

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More info

Discussion Guide 2 and Discussion Guide 5 are identified in the text as resources for further information. To learn more about the *Community Charter's* confidentiality requirements, see *Open Meetings*, an information piece prepared by the Ministry of Community Services as part of its advisory materials on the *Charter*. *Open Meetings* can be found online at www.cserv.gov.bc.ca/charter/advisory_materials/open_meetings.htm



Should Directors Get Involved in Discussions Related to Services on Which They Have No Vote?

Involvement in Discussions

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Many issues that come before a regional district's board of directors are service-related issues on which only directors from participating jurisdictions – i.e., jurisdictions that actually participate in the service being discussed – are entitled to vote. Voting directors are expected to become fully informed on such issues, and to engage in whatever discussions develop. But what about the non-voting directors? Should they become involved in the discussions?

Issues to Consider

The argument could be made that all directors, including those representing non-participating jurisdictions, should demonstrate genuine interest in every issue being discussed, and should show appropriate diligence in challenging proposed courses of action that may affect, in some way, the corporation. This argument is rooted in the reality that it is the board as a whole that is ultimately responsible, and that may be held liable, for all decisions that are made at the board table, including those made by directors representing service participants.

This argument may be supported by the limitations in the *Local Government Act* on the board's ability to delegate decision-making authority to committees, commissions and other bodies created

by the board. The Act allows a board to delegate the authority over certain types of decisions, but very clearly does not permit the board to delegate some powers, such as the authority to adopt bylaws. By explicitly forbidding boards to delegate bylaw making powers, the Act guarantees that all critical decisions are made at the board table where they can be scrutinized by all directors.

The argument may also find support in the Act's requirement for the board to be represented as a separate party in

“If every director wanted, or felt compelled, to enter every discussion, meetings would become impossibly lengthy and onerous.”

all service reviews. This requirement, it may be suggested, recognizes that the board as a whole has an interest in all services that are provided by the regional district, and that this interest must be protected.

Not all observers would agree with the suggestion that directors should get involved in discussions on issues related to services in which their jurisdictions do not participate. Opposition is based, in part, on the concern that increased involvement would simply be impractical. Regional district boards are called upon to cover



a wide variety and large amount of material in their meetings. If every director wanted, or felt compelled, to enter every discussion, meetings would become impossibly lengthy and onerous.

Opposition may also be based on the belief that involvement by non-participant directors is not legitimate. Legitimacy, in the minds of these opponents, is a function of funding: only those directors from jurisdictions that actually help to fund the service being discussed may legitimately participate in the discussions.

The impacts of certain service-related decisions will not always remain confined within the borders of the participating jurisdictions. In some cases, decisions will have implications for immediately adjacent jurisdictions, or for the regional district as a whole. When the implications for non-participating jurisdictions are particularly significant, the argument for involving the directors from these jurisdictions in the service discussions may be strengthened. In these cases, legitimacy as it relates to speaking out may be determined by more than funding.

In some cases, directors from non-participating jurisdictions will have information or experiences that, in their view, would be of use to participant directors. Efforts on the part of the non-participant directors to get involved in discussions that occur may reflect their desire to share information.

More info

See Fact Sheet 3 on Regional District Services.



Other Comments

There will be situations when directors of non-participating jurisdictions feel compelled to discuss service-related issues on which they have no vote. Regional district boards may wish to allow – encourage even – the contributions of non-participants in these cases, instead of automatically considering such contributions as illegitimate and tantamount to interference. The need to properly manage board meetings may require, simply, that contributions from non-participants be treated as the exception rather than the rule.

The regional district Chair and/or CAO may be able to help the board by identifying service-related issues that have significant potential implications for non-participants, or that would benefit from a broader examination involving non-participants, some of whom may have useful experiences to relate.

Finally, it is worth noting that boards that delegate the authority to make service-related decisions to commissions made up solely of representatives from participating jurisdictions will automatically minimize the opportunities for involvement in discussions by non-participant directors. Because boards cannot delegate the authority to make all service-related decisions (e.g., the power to adopt bylaws for a service), however, some opportunities will remain.



Involvement in Discussions

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Presentation on Regional Districts

Presentation

This section of the *Tool Kit* contains a PowerPoint presentation entitled *Regional Districts: Introduction & Overview*, with a set of speaking notes to assist presenters. These individuals could include senior regional district staff, board members and any others who have a considerable familiarity with the regional district system and/or a specific regional district.

As its title suggests, the presentation introduces audiences to the basics on regional districts. The range of audiences that may receive the presentation is broad:

- Groups of service recipients
- Staff from provincial ministries and agencies
- MLAs
- First Nations
- School classes
- The development sector

The information needs of these audiences will differ to some degree. It is important for persons who deliver the presentation to take these differences into account, and to focus on the needs of the specific audience being targeted. To assist presenters in this task, the

presentation is broken into separate, discrete information sections. Presenters may pick and choose which sections to present to different groups, but in all cases, they will want to use the first and last slides and accompanying speaking notes, (“Title slide” and “Further Information”).

Customizing

The individual slides in the presentation contain generic information that applies to all regional districts. Presenters may wish to elaborate on or supplement the material in the slides using examples from a specific regional district. The slides themselves cannot be physically altered — as such, presenters who wish to add to the material will need to do so verbally, through hand-outs, or with supplemental visual aids.

Contents

The following table lists the separate sections of the presentation. The speaking notes are provided on pages 1 through 19

The presentation, in PowerPoint format, is provided on a CD included in the *Tool Kit*.

Regional District Tool Kit



PowerPoint Presentation

Presentation Speaking Notes

	<i>Title</i>	<i>Description</i>
Title Slide	Introduction and Overview	Explains the purpose of the presentation.
Section 1	Regional Districts in BC	Introduces regional districts as an integral part of BC's system of local government.
Section 2	What Are They?	Explains what regional districts do.
Section 3	How Do They Work?	Describes the regional district corporate structure, service establishment process and voting rules.
Section 4	Electoral Areas & Member Municipalities	Reviews electoral area governance, and the structural relationship between member municipalities and regional districts.
Section 5	Money Matters	Explains regional district finance.
Section 6	Planning & Land Use Management	Focuses on the role of regional districts in electoral area planning. Regional district involvement in municipal and regional planning are also reviewed.
Section 7	Regional Districts & First Nations	Profiles the ways in which regional districts and First Nations have developed, and are continuing to develop, effective working government-to-government relationships.
Section 8	Regional Districts & The Province	Explains how regional districts relate to, and interact with, the provincial government.
Section 9	Further Information	Intended to introduce, and provide contact details for, individuals in a given regional district who are available as sources of further information.

Presentation



Presentation on Regional Districts

Presentation Introduction

Speaking Notes

Slide	#	Speaking Notes
Title Slide: Introduction and Overview	1	<p>This presentation has been developed as part of the Regional District Tool Kit. The Tool Kit is a set of resources produced by the Union of BC Municipalities working in collaboration with the Ministry of Community Services, focused on improving the general understanding of regional districts. The presentation provides an overview of regional districts in BC's system of local government.</p> <p>The presentation consists of the several components, each of which describes a different feature of regional districts.</p> <p>The presentation was developed for use by all regional districts; as such, the slides do not contain information specifically related to an individual regional district. At various points during the presentation, however, we can depart from the slides to talk about some specific examples from our own region.</p>
Components	2	<p>The full presentation consists of the sections listed on the slide:</p> <ul style="list-style-type: none">1. Regional Districts in BC2. What Are They?3. How Do They Work?4. Electoral Areas & Member Municipalities5. Money Matters6. Planning & Land Use Management7. RDs & First Nations8. RDs & The Province9. Further Information

RD



Slide	#	Speaking Notes
SECTION I		
REGIONAL DISTRICTS IN BC		
<i>Title Slide:</i> Regional Districts in BC	3	<p>BC's system of local government is similar to that in other provinces in that it features municipalities. The presence of regional districts, however, makes BC's system unique.</p> <p>Regional districts are local government authorities created to meet certain service needs that municipalities and the provincial government can't meet.</p>
Provision of Services	4	<p>There are three specific types of service needs regional districts are designed to meet:</p> <ul style="list-style-type: none"> • Provision of basic local government services to unincorporated parts (electoral areas). • Provision of services across groups of municipalities and electoral areas (sub-regions). • Provision of services throughout entire region to all jurisdictions.
Map of RDs	5	<p>Regional Districts were first created in 1965.</p> <p>There are 27 regional districts today. The Entire province, except for the Stikine in northwest BC, is covered by a regional district.</p> <p>Almost every citizen in the province lives within, and relies upon a regional district for various services. The largest regional district is the GVRD with over 2 million people; smallest is Central Coast with 3,900 people.</p>

Presentation

Section 1



Slide	#	Speaking Notes
SECTION 2		WHAT ARE THEY?
<i>Title Slide:</i> What Are They?	6	<p>All but one regional district consists of member municipalities and electoral areas, (the exception is the Central Coast Regional District which consists entirely of electoral areas). All jurisdictions work together to enable the regional district to fulfill its purposes.</p> <p>Regional districts exist as:</p> <ul style="list-style-type: none"> • service providers • administrative agencies • federations
Service Providers	7	<p>Most importantly, regional districts exist to provide local government services:</p> <ul style="list-style-type: none"> • Regional districts are local governments for electoral areas, responsible for providing core local services. Examples of such services typically include electoral area planning, water supply, fire protection, community halls and others. • They exist as inter-jurisdictional service bodies that provide local government (sub-regional) services across municipal & electoral area boundaries. Examples might include recreation facilities, parks, water supply, transit, building inspection and others. • They are regional service bodies, responsible for providing services across entire regions. Examples might include E-911, water supply, sewage treatment, regional parks, economic development, libraries and others. <p>Regional districts establish and provide local, sub-regional and regional services in direct response to the needs and instructions of their municipalities and electoral areas.</p> <p>Provincial law does require regional districts to provide certain services, such as solid waste management planning. But the number of required services is small compared to the number of voluntary services regional districts can choose to provide, in response to the needs and instructions of their members.</p> <p>Any member jurisdiction or combination of jurisdictions may call on the regional district to provide a service.</p>

Presentation

Section 2



Slide	#	Speaking Notes
SECTION 2		WHAT ARE THEY?
Administrative Agencies	8	<p>Regional districts manage certain administrative functions for the province:</p> <ul style="list-style-type: none"> • They coordinate and process (through the Municipal Finance Authority) local government capital borrowing requests. • They serve as Regional Hospital Districts to raise capital funds for hospital facilities in their areas.
Federations	9	<p>Important to understand that regional districts do not represent a separate level of local government in BC, above or apart from municipalities.</p> <p>Regional districts are best thought of as federations of the municipalities and electoral areas that exist with regional district boundaries</p> <p>With few exceptions, such as solid waste management planning, regional districts receive their authority to act from their member jurisdictions, not from provincial statute and act only in response to the expressed needs and instructions of members.</p>

Presentation Section 2



Slide	#	Speaking Notes
SECTION 3		HOW DO THEY WORK?
<i>Title Slide:</i> How Do They Work?	10	Regional districts differ from one another in terms of population, scope of services, area covered and other respects. But all share the same corporate structure and function, more or less, in same way.
Structure	11	<p>The Board of Directors is the governing body of the regional district, responsible for the services provided and actions taken by the regional district.</p> <p>The Board is made-up of Directors from member municipalities and electoral areas:</p> <ul style="list-style-type: none"> • Municipal Directors are appointed by and are accountable to their own Councils • Electoral Area Directors are directly elected to the Board by the voters in the areas, and are accountable to those voters <p>Each Board of Directors headed by a Chair who is also the Chief Executive Officer of the regional district. Each year the Board elects one Director to serve as Chair and another to serve as Vice Chair.</p> <p>It's important to point out as well, that each director also has responsibilities to the regional district corporation. Regional districts provide a political forum for representatives of all member jurisdictions to discuss and debate perspectives on issues of regional importance. The exchanges and compromises by directors within this political forum are critical to good regional policy-making and governance.</p> <ul style="list-style-type: none"> • Committees and Commissions typically exist to assist the Board in its decision-making; • Committees are advisory in nature and provide recommendations to Board <p>Commissions often created to oversee regional district services on behalf of Board; they usually have delegated authority to make decisions</p> <p>Regional districts follow the Board-CAO model of government, which features separation of governance and administration. The Board is the governing body, responsible for making decisions; the CAO is the professional manager, responsible for administration.</p>

Presentation Section 3



Slide	#	Speaking Notes
SECTION 3		HOW DO THEY WORK?
		Department Heads are accountable to CAO for particular functions (e.g., finance) or areas of service (e.g. planning). The number of Department Heads is usually determined by the size of the organization, and the number of services it provides.
Establishing Services	12	<p>Provision of services is central to regional districts. Before a service can be provided, however, it must be established.</p> <p>The basic process for establishing services consists of four steps:</p> <p>Step 1 – The idea for a new service emerges. It might come from directors, citizens, councils, staff or others.</p> <p>Step 2 – A study is undertaken to determine if the service is something that could and should be established. The municipalities and electoral areas that would participate in the service will decide whether to proceed, based on the results of the study.</p> <p>Step 3 – If the participating jurisdictions agree that the service should be established, the regional district develops a service establishing bylaw.</p> <p>Step 4 – Adoption of the bylaw begins. The entire Board (all Directors), the Inspector of Municipalities (a provincial government senior official) and the electors in the participating areas must all approve.</p>
Voting	13	<p>The Board of Directors acts through resolutions and bylaws. Before a resolution can be made or bylaw adopted, voting must occur.</p> <p>Special voting rules are in place to reflect two realities unique to regional districts:</p> <ul style="list-style-type: none"> • regional districts are federations of different sized jurisdictions • services are funded by different combinations of jurisdictions (i.e., participants) <p>In terms of voting, these realities mean that not all Directors can vote on all matters; and that of those that may vote, not all have the same number of votes</p>

Presentation

Section 3



Slide	#	Speaking Notes
SECTION 3		HOW DO THEY WORK?
Types of Votes	14	<p><i>Unweighted Corporate Vote</i></p> <ul style="list-style-type: none"> • every Director votes; one vote each • establishing bylaws, regulatory bylaws, procedure bylaw, etc. • not used at all by GVRD, except for voting in the election of the Chair and Vice-Chair of the board. <p><i>Weighted Corporate Vote</i></p> <ul style="list-style-type: none"> • every Director votes; number of votes based on size of population represented • money matters <p><i>Stakeholder Vote</i></p> <ul style="list-style-type: none"> • only Directors from service participants vote; number based on population • decisions on service administration and operation

Presentation

Section 3





Slide	#	Speaking Notes
SECTION 4		ELECTORAL AREAS AND MEMBER MUNICIPALITIES
<i>Title Slide:</i> Electoral Areas & Member Municipalities	15	Regional districts consist of unincorporated electoral areas and incorporated member municipalities. (The only exception is the Central Coast Regional District, which consists entirely of electoral areas.)
Electoral Areas	16	The unincorporated land within each regional district is divided into electoral areas. Electoral areas are typically rural in nature, though some have evolved semi-urban or urban characteristics. Regional districts act as the local governments for electoral areas. At a minimum, electoral areas rely on their regional districts for core local government services, such as land use planning and administration.
Electoral Area Governance	17	<p>Each electoral area has its own director who is elected to the regional district Board every three years by the area's electors. The director has some key responsibilities:</p> <ul style="list-style-type: none"> • to identify, with citizen input, the service needs and interests of his or her area • to promote these needs and interests at the Board table, where they may be addressed through the establishment of, or changes to, services • to participate in decision-making in the regional district, particularly as it relates to services in which the area participates <p>The director is a key player in the broader governance framework in which decisions affecting the electoral area are made. Other players are also important, including:</p> <ul style="list-style-type: none"> • <i>Citizens</i> – Citizens elect their Director, and provide input to their Director. Through citizen initiatives, referenda and counter petitions, citizens choose the services they want. • <i>Board of Directors</i> – The board is the governing body for all electoral areas. The board makes the bylaws required for services, and most decisions on the regulation of development. • <i>Alternate Director</i> – Each director must appoint an alternate to act during periods of absence. When acting, the alternate has all of the director's authority.



Slide	#	Speaking Notes
SECTION 4		ELECTORAL AREAS AND MEMBER MUNICIPALITIES
		<ul style="list-style-type: none"> • <i>Others</i> – Some boards appoint Advisory Planning Commissions to advise the board or a director on land use matters. The board may establish a Local Community Commission to oversee regional district services in part of an electoral area. Some boards create Electoral Area Commissions to oversee services (e.g., planning) in which all electoral areas participate.
Member Municipalities	18	<p>Every municipality in BC is a member of a regional district. With the exception of certain mandated services, municipalities choose for themselves the regional district services to participate in and/or initiate.</p> <p>Each council appoints one or more of its members as municipal directors to the regional district board (the actual number is determined by the municipality's population size relative and the regional district's voting unit). Directors may be appointed each year or until a new Director is appointed – in other words, they serve at the pleasure of council. The directors are accountable to the council that appoints them.</p> <p>Citizens of a member municipality formally relate to their regional district through their municipal council. Citizens elect their council, which then decides which regional district services to join and/or initiate (with the exception of mandated services which the municipality must join).</p> <p>Citizens hold their council accountable for the services they receive, whether the services are provided directly by the municipality, through the regional district or by some other party (e.g., a private contractor hired by council).</p>

Presentation Section 4





Slide	#	Speaking Notes
SECTION 5		MONEY MATTERS
Title Slide: Money Matters	19	<p>An understanding of regional district finance requires an understanding of a certain topics and concepts, including:</p> <ul style="list-style-type: none"> • Service Funds • Allocation & Recovery of Costs • The Financial Plan • Revenue Collection • Tax Notices • Debt Processing
Service Funds	20	<p>Service funds are the key feature of regional district finance. Every service is accounted for separately using a dedicated service fund.</p> <p>The fund identifies the full cost of providing the service, including a portion of regional district overhead. Each year, revenues specific to the service must be collected to pay the full cost. Operating deficits are not allowed.</p> <p>The funds are dedicated – thus, revenues and costs from one service cannot be shifted or spread among other services.</p>
Allocation & Recovery	21	<p>Each service has its own fund to record all costs incurred in providing the service. Costs, such as salaries that are attributable to more than one service, must be allocated to, or spread across, the various affected services' funds.</p> <p>Once costs have been allocated, and the total cost of providing each service established, the region must determine how to recover, or pay for, the total. User fees are one way; property taxes are another.</p> <p>Costs to be recovered using property taxes must be allocated to, or shared by, the jurisdictions that participate in the service. Converted assessment (land & improvements) is the default basis on which to allocate costs. But participants can agree to share costs using any basis, or combination of measures:</p> <ul style="list-style-type: none"> • an alternative tax base (e.g., improvements) • population • quantity of service used • etc.



Slide	#	Speaking Notes
SECTION 5		MONEY MATTERS
Financial Plan	22	<p>Like municipalities, regional districts must adopt an annual five-year financial plan. The plan must set out proposed operating and capital expenditures and revenue sources for each service during each year of the plan.</p> <p>Public consultation must occur prior to adoption of the plan each year.</p>
Revenue Collection	23	<p>User fees, property value taxes and parcel taxes are the major revenue sources for regional districts. User fees are collected by the regional district from service users. Taxes are collected on behalf of the regional district by other governments.</p> <p>In electoral areas, regional district taxes are collected by the Ministry of Small Business & Revenue. The regional district submits tax requisitions for each service to the Ministry through the Inspector of Municipalities.</p> <p>In municipalities, the regional district sends each member municipality a requisition each year that identifies the amounts owing by property owners within the municipality who receive regional district services. The municipality then collects the revenues from property owners and forwards them to the regional district.</p>
Tax Notice (1)	24	<p>There's actually no such thing as a "regional district tax notice" since regional districts do not themselves collect taxes. Tax bills for regional district services do, however, appear both on the provincial property tax notices sent to property holders in electoral areas, and municipal tax notices sent to property holders in municipalities. Both types list the regional district services in which the jurisdiction participates.</p>
Tax Notice (2)	25	<p>Here's how the information appears...</p> <p>Regional district services are itemized so that property holders can easily identify exactly what they are paying for each service they receive. This approach is designed to maximize transparency and accountability.</p>



Presentation Section 5



Slide	#	Speaking Notes
SECTION 5		MONEY MATTERS
Debt Processing	26	<p>A mandated function of each regional district is to process all of the long-term capital borrowing that is undertaken by the regional district itself, and by each of its member municipalities.</p> <p>The process consists of four steps:</p> <p>Step 1 – The municipality or regional district determines its capital borrowing needs.</p> <p>Step 2 – The municipality or regional district prepares a loan authorization bylaw, which usually must receive the approval of the electors before it can be adopted.</p> <p>Step 3 – The loan authorization bylaws of all local governments in the region are submitted to the regional board. The required amounts from each bylaw are combined and put into a regional district security issuing bylaw.</p> <p>Step 4 – The security bylaw is forward to the Municipal Finance Authority. Twice per year the MFA receives and approves local government borrowing needs. The MFA then raises the funds required on international markets.</p> <p>The Inspector of Municipalities formally approves all loan authorization and security issuing bylaws. This approval, along with the strength of the combined assessment bases of BC's local governments, helps MFA secure low rates.</p>

Presentation

Section 5



Slide	#	Speaking Notes
SECTION 6		PLANNING AND LAND USE MANAGEMENT
<i>Title Slide:</i> Planning & Land Use Management	27	When discussing planning and land use management in regional districts, we need to focus on planning for electoral areas and regional growth strategies.
Electoral Area Planning	28	<p>Regional districts are the local governments for electoral areas, responsible for providing core local services. One of these services is electoral area planning.</p> <p>EA planning includes planning for and regulation of all land development that occurs outside of a regional district's member municipalities. All electoral areas within a regional district must participate in the region's EA planning service. Municipalities can also participate in all or part of an EA planning service unless they opt out after providing the required notice.</p> <p>Regional districts are to electoral areas what municipal governments are to municipalities: the only body with the authority and mandate to make the regulations and provide the services required for proper land development to occur.</p> <p>Through EA planning, regional districts undertake a range of initiatives:</p> <ul style="list-style-type: none"> • prepare, adopt and administer Official Community Plans (OCPs) • prepare, adopt and administer zoning bylaws • establish and administer development permit areas • administer the development variance permit process • establish Development Cost Charges (DCCs) and other development finance mechanisms • enter into housing agreements • etc. <p>Regional districts do not have subdivision approval authority – this lies with the Ministry of Transportation. They are, however, involved in reviewing subdivision applications.</p> <p>EA planning decisions are made primarily by the regional board of directors using, in most instances, the stakeholder voting rule.</p> <p>Many boards have established advisory planning commissions to advise the board and individual EA directors on EA planning matters that are referred to the commissions.</p>



Presentation Section 6



Slide	#	Speaking Notes
SECTION 6		PLANNING AND LAND USE MANAGEMENT
Municipal Planning	29	<p>Municipal governments, not regional districts, are the bodies with authority over planning and land use management within municipal boundaries. But some smaller municipalities contract their regional districts to deliver planning services.</p> <p>The municipal council in these cases remains the governing and decision-making body for the services; the regional district administration provides the necessary staff support to the council.</p>
Regional Planning	30	<p>Regional districts do not have regulatory authority over planning and land use management for the region as a whole. Regional districts do have authority, however, to develop and adopt regional growth strategies.</p> <p>A regional growth strategy is a 20-year vision document that</p> <ul style="list-style-type: none"> • sets out, for the regional district and its member jurisdictions, agreed-upon economic, social and environmental goals • guides planning and growth management decisions in ways that promote the goals <p>Regional growth strategies are initiated by regional districts, but are prepared jointly by regional districts and their municipalities. Each municipality must develop a Regional Context Statement that speaks to the consistency that exists, or that will exist, between the municipality's OCP and the regional growth strategy.</p> <p>Today, eight regional districts either have, or are in the process of developing, a regional growth strategy. All are located within the highest growth areas of the province the Lower Mainland, Vancouver Island and the Okanagan.</p>

Presentation

Section 6



Slide	#	Speaking Notes
SECTION 7		REGIONAL DISTRICTS AND FIRST NATIONS
Title Slide: Regional Districts & First Nations	31	<p>In recent decades, First Nations in BC have achieved increased recognition of their aboriginal rights and title claims over traditional lands. Over this same period, the need for effective working relationships between First Nations and local governments has also been increasingly recognized.</p> <p>Working relationships involving First Nations and local governments (including regional districts) are developing through a number of different initiatives:</p> <ul style="list-style-type: none"> • BC Treaty Process • Formal Agreements • Regional Governance Discussions • Community to Community Forums
Treaty Process	32	<p>In 1992, BC, Canada and the First Nations Summit established the six-stage BC Treaty Process to resolve the many outstanding First Nation land claims.</p> <p>BC, Canada and the First Nations are the three official parties in the Process. Local government is not recognized as a party with standing. The three parties do accept, however, the need for local government involvement.</p> <p>In 1993, a MOU between UBCM and Province of BC guaranteed involvement of local governments in the treaty process. Treaty Advisory Committees were established to define and represent local government interests in treaty negotiations through the provincial negotiating teams.</p>
Formal Agreements	33	<p>Local governments and First Nations have directly negotiated (outside of the Treaty Process) a variety of formal agreements in recent years.</p> <p>Some are “relationship-builders” that express a joint commitment to working together and communicating with one another:</p> <ul style="list-style-type: none"> • RD Comox-Strathcona & Xwemalxkwu (Homalco) First Nation: Protocol Respecting a Regional Accord • RD Central Okanagan & Westbank First Nation: Statement of Political Relationship

Presentation Section 7



Slide	#	Speaking Notes
SECTION 7		REGIONAL DISTRICTS AND FIRST NATIONS
		<p>Others deal with specific servicing issues, and resource management issues:</p> <ul style="list-style-type: none"> • RD Sunshine Coast & Sechelt Indian Band: Watershed Accord • RD Capital & T'sou-ke (Sooke) Nation: Agreement on resource management • RD Central Okanagan & Westbank First Nation: Agreement on the provision of regional district sewer services to Indian Reserves 9 & 10.
Regional Governance Discussions	34	<p>The topic of First Nation participation on regional district boards is being studied in many parts of the province, due to interest expressed by the First Nations and local governments involved.</p> <p>The Lower Mainland TAC has identified a spectrum of participation models, ranging from no participation to full membership. In the Sunshine Coast Regional District, the Sechelt Indian Government District joined the board as a municipal-like member in 1988.</p>
Community to Community Forums	35	<p>UBCM and the First Nations Summit held the first province-wide Community to Community Forum in 1997. The Forum brought together First Nation and local government elected leaders from across BC to discuss issues of common concern and strengthen government-to-government relationships.</p> <p>The initial Forum prompted UBCM and the First Nations Summit to create the Regional Community to Community Forum Program, with on-going financial support provided by the federal and provincial governments. Events funded by this program are jointly organized by neighbouring local governments (municipal councils and/or regional boards) and First Nations and provide a forum for dialogue for focusing on issues of common concern.</p> <p>Since the year 2000, over 100 regional forums have been held between neighbouring First Nations and local governments across BC.</p>

Presentation Section 7



Slide	#	Speaking Notes
SECTION 8		REGIONAL DISTRICTS AND THE PROVINCE
<i>Title Slide:</i> Regional Districts & The Province	36	<p>Canada's Constitution divides all powers and responsibilities between the federal and provincial levels of government.</p> <p>Local government is not recognized in the Constitution as a specific order of government. However, it is the provinces that have the authority to create and empower local governments and in BC, local governments are recognized as orders of government in provincial legislation.</p> <p>Each province has used its authority to establish a network of different types of local governments to provide services, and to provide forums for local decision-making. In BC's network, the key local government types are municipalities and regional districts.</p>
Legislation	37	<p>The Local Government Act is the key mechanism used to by the Province to empower regional districts and to define their responsibilities.</p> <p>Reforms to the Act began in the mid-1990s. Regional districts were given broad powers to identify and undertake, within their defined areas of jurisdiction, the services that they feel are important</p> <p>The Community Charter was introduced in 2004, primarily for municipalities. It recognizes municipalities as an autonomous order of government, and sets out principles for relations with the Province.</p> <p>The Local Government Act remains the key piece of legislation for regional districts. Recent changes, however, make its treatment of local government fundamentally consistent with that of the Charter. Regional districts, for example, are now recognized as an independent order of government. Principles for relations with the Province are also set out.</p>

Presentation Section 8





Slide	#	Speaking Notes
SECTION 8		REGIONAL DISTRICTS AND THE PROVINCE
Ministry of Community Services	38	<p>The Ministry of Community Services or “CSERV” is the main point of contact for regional districts in their dealings with the province. CSERV plays five different roles:</p> <ul style="list-style-type: none"> • CSERV administers and maintains the Local Government Act • CSERV provides advice on various topics, including boundaries & structure, community development, elections, engineering and safety, environment, finance, governance, planning and service arrangements • CSERV administers conditional and unconditional senior government grant programs • CSERV regulates certain regional district activities, particularly those in the area of regional district finance • CSERV assists regional districts in the area of dispute resolution, including the resolution of disputes that are the subject of service reviews
Other Ministries	39	<p>There are other provincial ministries, agencies and statutes that regional districts deal with on a regular basis. For example:</p> <p>Ministry of Environment administers the Environmental Management Act, which regulates regional districts’ waste management planning services. It also regulates water, flood hazards and other environment-related issues that concern regional districts.</p> <p>Ministry of Public Safety & Solicitor General (PSSG) oversees the Liquor Control and Licensing Act, which outlines a regulatory role for regional districts in liquor licensing. PSSG also oversees the Emergency Program Act.</p> <ul style="list-style-type: none"> • Office of the Information and Privacy Commissioner oversees the Freedom of Information and Protection of Privacy Act, which regulates regional districts’ collection, use and disclosure of personal information • The Ministry of Agriculture and Lands manages the allocation of Crown land on behalf of the provincial government. • BC Assessment provides regional districts with various annual statutory reports.



Slide	#	Speaking Notes
SECTION 9	40	FURTHER INFORMATION
Further Information		<p>NOTE TO USER:</p> <p>This final section is intended to introduce, and provide contact details for, individuals in a given regional district who are available as sources of further information.</p>

Presentation

Section 9





This section of the *Tool Kit* contains the booklet entitled *Introduction to Regional Districts*. The booklet is the most elementary component of the *Tool Kit*. It is intended to provide a simple and concise overview of the regional district system and its main features. It is written for a broad audience, including the general public.

Some regional districts may choose to make copies of the booklet available in front-counter brochure racks. Others may choose to distribute copies to each household. Many, it is expected, will make a copy available through their websites. Note that the version of the

booklet provided in this *Tool Kit* is copy-ready for reproducing as a double-sided, centre-folded and stapled booklet. (Pages to be copied must be placed on the copier in LANDSCAPE position).

Like the PowerPoint presentation, the booklet contains generic information that applies to all regional districts. Regional districts may also wish to provide other materials with relevant local examples to supplement the booklet.

Contents

The table below describes the various sections of the booklet.

Booklet – Profile of Sections

Section	Description
Regional Districts in BC	Section 1 introduces regional districts as a key component of BC's system of local government.
What Are They?	Section 2 identifies and explains what regional districts do.
How Do They Work?	Section 3 reviews the regional district corporate structure, service establishment process and voting rules.
Regional District Finance	Section 4 explains regional district finance.
Questions & Answers	Section 5 anticipates and answers a wide variety of different questions that readers may have about regional districts.



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.

LOCAL ELECTIONS CAMPAIGN FINANCING ACT

[SBC 2014] CHAPTER 18

Assented to May 29, 2014

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Part 1 — General

Division 1 — Application and Interpretation

Elections to which this Act applies

1 (1) This Act applies to the following elections:

- (a) an election under the *Local Government Act* for a mayor;
- (b) an election under the *Local Government Act* for a councillor;
- (c) an election under the *Local Government Act* for an electoral area director on a regional district board;
- (d) an election under the *Vancouver Charter* for the mayor;
- (e) an election under the *Vancouver Charter* for a councillor;

- (f) an election under the *Vancouver Charter* for a Park Board member;
- (g) an election under the *Islands Trust Act* for a local trust area trustee;
- (h) an election under the *School Act* for a trustee on a board of education;
- (i) other elections prescribed by regulation.

(2) In relation to the paragraph of subsection (1) referred to in column 1 of the following table, for an election for the class of office referred to in column 2 of the table, the jurisdiction in relation to the election is that referred to in column 3 of the table and the local authority in relation to the election is that referred to in column 4 of the table:

Column 1 Paragraph	Column 2 Office	Column 3 Jurisdiction	Column 4 Local Authority
(a)	Mayor	The municipality	The council
(b)	Councillor	The municipality	The council
(c)	Electoral area director	The regional district	The board
(d)	Mayor	The City of Vancouver	City Council
(e)	Councillor	The City of Vancouver	City Council
(f)	Vancouver Park Board member	The City of Vancouver	The Park Board
(g)	Islands Trust local trust area trustee	The trust council	The trust council
(h)	Board of education trustee	The board of education	The board of education
(i)	Office for prescribed election	As prescribed	As prescribed

Assent voting to which this Act applies

2 (1) This Act also applies to the following:

- (a) voting under Part 4 [Assent Voting] of the *Local Government Act* or Part II [Assent Voting] of the *Vancouver Charter*;
- (b) voting to which provisions of either of those Parts apply.

(2) The local authority in relation to assent voting is the local authority of the jurisdiction for which the assent voting is being held.

Definitions and other interpretation rules

3 The Schedule to this Act establishes definitions for terms used in this Act and rules of interpretation that apply in relation to this Act.

Division 2 — Key Concepts

What is the election campaign of a candidate

4 (1) An election campaign of a candidate is a campaign, undertaken by or on behalf of the candidate in relation to an election in which the individual is or intends to be a candidate, for any of the following purposes:

- (a) to promote, directly or indirectly, the election of the candidate;

- (b) to oppose, directly or indirectly, the election of any other candidate in the same election;
 - (c) to promote, directly or indirectly, the selection of the candidate for endorsement by an elector organization;
 - (d) to promote, directly or indirectly, the elector organization that is endorsing the candidate or from which the candidate is seeking endorsement;
 - (e) to oppose, directly or indirectly, an elector organization that is endorsing any other candidate in the same election;
 - (f) to oppose, directly or indirectly, the selection of another individual for endorsement, in relation to the same election, by the elector organization that is endorsing the candidate or from which the candidate is seeking endorsement.
- (2) If an individual is a candidate in relation to multiple elections that are being held at the same time, election campaigning of the candidate in relation to each of those elections is considered for purposes of this Act to be a separate election campaign.

What is the election campaign of an elector organization

- 5** (1) An election campaign of an elector organization is a campaign, undertaken by or on behalf of the elector organization in relation to one or more elections, being held at the same time for the same jurisdiction, in which the elector organization is endorsing or intends to endorse a candidate, for any of the following purposes:
- (a) to promote, directly or indirectly, the elector organization;
 - (b) to promote, directly or indirectly, the election of a candidate endorsed or intended to be endorsed by the elector organization;
 - (c) to oppose, directly or indirectly, the election of a candidate in the same election who is not endorsed by the elector organization;
 - (d) to oppose, directly or indirectly, another elector organization in relation to the same election or another election for the same jurisdiction that is being held at the same time;
 - (e) to oppose, directly or indirectly, the selection of an individual to be endorsed by another elector organization in relation to an election referred to in paragraph (d).
- (2) If an elector organization is endorsing candidates or intends to endorse candidates in elections for more than one jurisdiction that are being held at the same time, election campaigning of the elector organization in relation to each of the jurisdictions is considered for purposes of this Act to be a separate election campaign.

When elections, or elections and assent voting, are considered to be held at the same time

- 6** (1) Elections are considered to be held at the same time if
- (a) the elections are part of a general local election, or

(b) in the case of other elections, the general voting day established for the elections is the same day.

(2) An election is considered to be held at the same time as assent voting if the general voting day established for the election is the same as the general voting day established for the assent voting.

What is election advertising

7 (1) Subject to subsection (2) and any applicable regulations, election advertising is the transmission to the public by any means,

(a) during the campaign period, of any of the following:

(i) a communication that promotes or opposes, directly or indirectly, the election of a candidate or an elector organization that is endorsing a candidate, including a communication that takes a position on an issue with which the candidate or elector organization is associated;

(ii) assent voting advertising that is election advertising under section 8 (3) [*assent voting advertising that is election advertising*];

(iii) any other communications prescribed by regulation, and

(b) during the pre-campaign period for a general local election, of any of the following:

(i) a communication that promotes or opposes, directly or indirectly, the election of a candidate or an elector organization that is endorsing a candidate;

(ii) assent voting advertising that is election advertising under section 8 (3);

(iii) any other communications prescribed by regulation.

(2) Subject to any applicable regulations, election advertising does not include the following:

(a) the publication without charge, in a bona fide periodical publication or a radio or television program, of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary;

(b) the distribution of a publication, or the promotion of the sale of a publication, for no less than its market value, if the publication was planned to be sold whether or not there was to be an election or assent voting;

(c) the transmission of a communication directly by an individual or organization to the employees, members or shareholders of the individual or organization;

(d) the transmission of an expression by an individual, on a non-commercial basis on the internet, by telephone or by text messaging, of his or her personal views;

(e) any other transmissions prescribed by regulation.

(3) For certainty, election advertising includes the following activities, if the activities are conducted on a commercial basis:

- (a) canvassing voters, in person, by telephone or over the internet, to attempt to influence how voters vote;
- (b) mailing material that contains a communication referred to in subsection (1).

What is assent voting advertising, when is it election advertising and when is it non-election assent voting advertising

- 8** (1) Subject to subsection (5), assent voting advertising is the transmission to the public by any means, during the following applicable periods, of a communication that promotes or opposes, directly or indirectly, a particular result in the assent voting:
- (a) in the case of assent voting that is relevant to a general local election, the pre-campaign period and campaign period for the general local election;
 - (b) in the case of assent voting that is relevant to an election other than a general local election, the campaign period for the election;
 - (c) in the case of other assent voting, the assent voting proceedings period.
- (2) Assent voting is relevant to an election if the assent voting is being held
- (a) at the same time as the election, and
 - (b) for the same jurisdiction as that election or for a voting area that is all or part of the same jurisdiction.
- (3) Assent voting advertising that is relevant to an election is election advertising.
- (4) Assent voting advertising that is not relevant to an election is non-election assent voting advertising.
- (5) Subject to any applicable regulations, assent voting advertising does not include the following:
- (a) the publication without charge, in a bona fide periodical publication or a radio or television program, of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary;
 - (b) the distribution of a publication, or the promotion of the sale of a publication, for no less than its market value, if the publication was planned to be sold whether or not there was to be assent voting;
 - (c) the transmission of a communication directly by an individual or organization to the employees, members or shareholders of the individual or organization;
 - (d) the transmission of an expression by an individual, on a non-commercial basis on the internet, by telephone or by text messaging, of his or her personal views;
 - (e) any other transmissions prescribed by regulation.

- (6) For certainty, assent voting advertising includes the following activities, if the activities are conducted on a commercial basis:
- (a) canvassing voters, in person, by telephone or over the internet, to attempt to influence how voters vote;
 - (b) mailing material that contains a communication referred to in subsection (1).

Who is the sponsor of election advertising or non-election assent voting advertising

- 9 (1) Subject to subsection (2) and any applicable regulations, the sponsor of election advertising or non-election assent voting advertising is whichever of the following is applicable:
- (a) if the service of transmitting the communication to the public is provided without charge
 - (i) as a campaign contribution, or any other form of contribution, to a candidate or elector organization, or
 - (ii) as a sponsorship contribution, or any other form of contribution, to a third party sponsor in relation to election advertising or to an assent voting advertising sponsor in relation to non-election assent voting advertising,the individual or organization to which the service is provided;
 - (b) if the service of transmitting the communication to the public is provided with charge, the individual or organization that pays or is liable to pay for the communication to be transmitted.
 - (c) [Repealed 2017-21-2.]
- (2) If the individual or organization that would otherwise be the sponsor within the meaning of subsection (1) is acting on behalf of another individual or organization, that other individual or organization is the sponsor.

Election, pre-campaign, campaign and assent voting proceedings period

- 10 (1) The election period in relation to an election is the period that
- (a) begins, as applicable,
 - (i) in the case of an election that is part of a general local election, at the start of the calendar year in which the election is held,
 - (ii) in the case of a by-election, on the day the local authority office that is to be filled by the by-election becomes vacant, or
 - (iii) in the case of any other election, on the date specified by or determined under the regulations, and
 - (b) ends at the beginning of the campaign period for the election.
- (1.1) The pre-campaign period in relation to a general local election is the period that

- (a) begins on the eighty-ninth day before general voting day for the election, and
 - (b) ends on the twenty-ninth day before general voting day for the election.
- (2) The campaign period in relation to an election is the period that
 - (a) begins on the twenty-eighth day before general voting day for the election, and
 - (b) ends, as applicable,
 - (i) in the case of an election by voting, at the close of general voting for the election, or
 - (ii) in the case of an election by acclamation, at the end of general voting day.
- (3) The assent voting proceedings period in relation to non-election assent voting is the period that
 - (a) begins on the twenty-eighth day before general voting day for the assent voting, and
 - (b) ends at the close of general voting for the assent voting.

What is third party advertising

- 11** Third party advertising is election advertising, other than election advertising sponsored
- (a) by a candidate as part of the candidate's election campaign, or
 - (b) by an elector organization as part of the elector organization's election campaign.

Types of third party advertising — issue advertising and directed advertising

- 12** (1) Subject to any applicable regulations, third party advertising is issue advertising if
- (a) it is a communication respecting an issue of public policy, including, for certainty, an assent voting issue, and
 - (b) it is not specifically related to any candidate or elector organization.
- (2) Directed advertising is third party advertising that is not issue advertising.
- (3) Third party advertising is specifically related to a candidate if
- (a) the communication names the candidate, includes an image or likeness of the candidate or identifies the candidate by voice or physical description, or
 - (b) any other circumstances prescribed by regulation apply.
- (4) Third party advertising is specifically related to an elector organization if
- (a) the communication names the elector organization or includes a logo or likeness of a logo used by the elector organization, or
 - (b) any other circumstances prescribed by regulation apply.

Part 2 — Candidate and Elector Organization Campaign Financing

Division 1 — General Concepts: Campaign Contributions and Election Expenses

Campaign contributions to candidate and elector organization generally

13 (1) Subject to this section and any applicable regulations, the following are campaign contributions:

- (a) the amount of any money, or the value of any non-monetary property or services, provided without compensation to
 - (i) a candidate for campaign use, or
 - (ii) an elector organization for any use;
- (b) if property or services are provided at less than market value to a candidate for campaign use or to an elector organization for any use, the difference between the market value of the property or services at the time provided and the amount charged;
- (c) if property or services are acquired for greater than market value from a candidate for the purpose of obtaining funds for campaign use or from an elector organization for the purpose of obtaining funds for any use, the difference between
 - (i) the market value of the property or services at the time acquired, and
 - (ii) the amount charged;
- (d) the amount of any money provided by a candidate for use in the candidate's own campaign;
- (e) [Repealed 2017-21-3.]
- (f) the amount of any money provided to an elector organization by an individual who is seeking endorsement by that elector organization, other than money provided by way of transfer under section 23 (4) (b) *[candidate transfers before endorsement]*;
- (g) membership fees for an elector organization;
- (h) the unpaid amount of a debt, other than a debt arising from a loan, in relation to an election expense, if
 - (i) the candidate or elector organization is liable for payment in relation to the election expense,
 - (ii) any part of that debt remains unpaid for 6 months after the debt has become due, and
 - (iii) no legal proceedings to recover the debt have been commenced by the creditor;
- (i) any other provision of property or services prescribed by regulation.

(2) For certainty, this section applies to the provision of property or services to a candidate or elector organization whether the provision was before or after the start

of a campaign period.

(3) For certainty, nothing in subsection (1) (h) affects the rights of a creditor in relation to a debt that becomes a campaign contribution under that subsection.

(3.1) If the unpaid amount of a debt referred to in subsection (1) (h) of this section

(a) is payable to an organization or an individual, other than an eligible individual, and

(b) becomes a campaign contribution under that subsection,

section 28 *[dealing with prohibited campaign contributions]* applies as if the unpaid amount of the debt were a campaign contribution made or accepted in contravention of this Act or the regulations under this Act.

(3.2) The unpaid amount of a debt referred to in subsection (1) (h) becomes a campaign contribution under that subsection in the calendar year in which the debt arises.

(4) For purposes of this Act, property or services are considered to be provided for campaign use if they are provided to a candidate for use in the election campaign of the candidate or towards the election expenses of such a campaign.

(5) Subject to any applicable regulations, the value of the following is not a campaign contribution:

(a) services provided by a volunteer;

(b) non-monetary property of a volunteer that is provided or used in relation to services of the individual;

(b.1) non-monetary property or services provided by a candidate for use in the candidate's own campaign;

(b.2) non-monetary property or services provided by an elector organization for use by the elector organization for any purpose;

(c) property or services provided by an election official, or by the BC chief electoral officer, in the official capacity of the election official or BC chief electoral officer;

(d) publishing without charge news, an editorial, an interview, a column, a letter or a commentary in a bona fide periodical publication or a radio or television program;

(e) broadcasting time provided, without charge, as part of a bona fide public affairs program;

(f) producing, promoting or distributing a publication for no less than its market value, if the publication was planned to be sold whether or not there was to be an election;

(g) any other property or services prescribed by regulation.

(6) Subject to any applicable regulations, the value of the following is not a campaign contribution, but must be disclosed in accordance with the requirements under

Division 2 *[Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors]* of Part 5 *[Transparency Requirements for Local Elections and Assent Voting]*:

- (a) in relation to transfers of property or provision of services between a candidate and an elector organization,
 - (i) transfers from campaign accounts under section 23 *[campaign transfers between candidates and elector organizations]*,
 - (ii) the provision of non-monetary property or services by a candidate to the elector organization that is endorsing the candidate, and
 - (iii) the provision of non-monetary property or services by an elector organization to a candidate who is endorsed by the elector organization;
- (b) in relation to the provision of property or services by the jurisdiction for which an election is being held,
 - (i) payment under section 24 (5) (a) *[candidate surplus carried over to next election]* to a candidate in the election, or
 - (ii) the provision to a candidate in the election of free election advertising transmission, if the transmission is made available on an equitable basis to all other candidates in the election;
- (c) any other provision of property or services prescribed by regulation.

Campaign contributions through fundraising functions

- 13.01** (1) An organization or an individual, other than an eligible individual, must not pay a charge per individual for a fundraising function.
- (2) If an eligible individual makes a payment of greater than \$50 for one or more charges per individual for a fundraising function, the amount of the payment is a campaign contribution by the eligible individual.
- (3) An individual or organization that contravenes subsection (1) commits an offence.

Campaign contributions through loans

- 13.02** (1) Subject to any applicable regulations, a permissible loan made to a candidate or elector organization is not a campaign contribution, but
- (a) the loan must be disclosed in accordance with the requirements under Division 2 *[Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors]* of Part 5 *[Transparency Requirements for Local Elections and Assent Voting]*, and
 - (b) if the loan is made by an eligible individual, it must be treated as if it were a campaign contribution for the purpose of determining whether the eligible individual exceeds an applicable campaign contribution limit.
- (2) Despite subsection (1), the unpaid amount of a permissible loan made by an eligible individual to a candidate or elector organization is a campaign contribution in the calendar year in which the loan is made if

- (a) that part of the loan remains unpaid for 6 months after it becomes due and no legal proceedings to recover the loan have been commenced by the eligible individual, or
 - (b) the eligible individual forgives that part of the loan.
- (3) Despite subsection (1), the unpaid amount of a permissible loan made by a savings institution to a candidate or elector organization is a campaign contribution in the calendar year in which the loan is made if the savings institution does not make commercially reasonable efforts to collect or enforce that part of the loan.
- (4) In the circumstances described in subsection (3), section 28 *[dealing with prohibited campaign contributions]* applies as if the unpaid amount of the loan were a campaign contribution made or accepted in contravention of this Act or the regulations under this Act.
- (5) For certainty, nothing in subsection (2) or (3) affects the rights of a creditor in relation to a permissible loan that becomes a campaign contribution under those subsections.

Election expenses of candidates and elector organizations

- 14** (1) Subject to this section and any applicable regulations, an election expense in relation to an election is the value of property or services used in an election campaign.
- (2) As applicable,
- (a) the value of property or services used as referred to in subsection (1) in the election campaign of a candidate is an election expense of the candidate, and
 - (b) the value of property or services used as referred to in subsection (1) in the election campaign of an elector organization is an election expense of the elector organization.
- (3) For purposes of this Act, if a candidate sponsors assent voting advertising that is relevant to the election in which the individual is a candidate, the assent voting advertising is considered to be election advertising sponsored by the candidate as part of the candidate's election campaign and its value is an election expense of the candidate.
- (4) For purposes of this Act, if an elector organization sponsors assent voting advertising that is relevant to an election in which the organization is endorsing a candidate, the assent voting advertising is considered to be election advertising sponsored by the elector organization as part of the elector organization's election campaign and its value is an election expense of the elector organization.
- (5) Subject to any applicable regulations, the value of the use of the following is not an election expense:
- (a) property or services that are excluded from being campaign contributions under section 13 (5) *[exclusions from campaign contributions]*;
 - (b) if applicable, the nomination deposit of a candidate;

- (c) services provided by a candidate in relation to that individual's election campaign;
 - (d) goods produced by a candidate from property of the candidate;
 - (e) goods produced by an individual as a volunteer from property of the individual;
 - (f) any other property or services prescribed by regulation.
- (6) Subject to any applicable regulations, the value of each of the following is an election expense, but is not to be included as an election expense for the purpose of determining whether a candidate or an elector organization has exceeded an expense limit under Part 5.1 [*Expense Limits*]:
- (a) personal election expenses within the meaning of subsection (7) in relation to a candidate;
 - (b) legal or accounting services provided to comply with this Act and the regulations under this Act;
 - (c) services provided by a financial agent in that capacity;
 - (d) the cost of any communication that an elector organization transmits exclusively to its members;
 - (e) property and services used exclusively for the day-to-day administration of an elector organization office that operates on a continuing basis outside of campaign periods or election periods, including salaries and wages paid by the elector organization to its permanent staff;
 - (f) interest on a permissible loan to a candidate or elector organization for election period expenses or campaign period expenses;
 - (g) any other expenses prescribed by regulation.
- (7) The following expenses, if they are reasonable, are personal election expenses in relation to a candidate:
- (a) payments for care of a child or other family member for whom the candidate is normally directly responsible;
 - (b) the cost of the candidate travelling to, within or from the election area;
 - (c) the cost of lodging, meals and incidental charges in relation to the candidate while travelling as referred to in paragraph (b);
 - (d) expenses in relation to any disability of the candidate, including the costs in relation to any individual the candidate requires to assist the candidate in performing the functions necessary for seeking election;
 - (e) any other expenses prescribed by regulation in relation to candidates.

What are election period and campaign period expenses

15 Subject to any applicable regulations,

- (a) an election period expense in relation to an election is an election expense that is incurred during the election period, and
- (b) a campaign period expense in relation to an election is an election expense that is incurred during the campaign period.

Valuation rules for campaign contributions, election period expenses and campaign period expenses

- 16** (1) Subject to any applicable regulations, the rules in this section apply for the purpose of determining the value of a campaign contribution or of an election expense unless otherwise expressly provided under this Act.
- (2) The value of any property or services is
- (a) the price paid for the property or services, or
 - (b) the market value of the property or services, if no price is paid or if the price paid is less than the market value.
- (3) In the case of property that is a capital asset, the value of the property is the market value of using the property.
- (4) Subject to subsection (5), the value of election advertising sponsored by
- (a) a candidate as part of the candidate's election campaign, or
 - (b) an elector organization as part of the elector organization's election campaign
- is the value of the property and services used in preparing the communication and transmitting it to the public.
- (5) The value of the transmission of the following election advertising sponsored by a candidate is deemed to be nil:
- (a) election advertising referred to in section 13 (6) (b) (ii) [*free equitable advertising by jurisdiction*];
 - (b) election advertising transmitted without charge if such transmission without charge is also made available on an equitable basis to all other candidates in the election;
 - (c) other election advertising prescribed by regulation.
- (6) The value of shared election expenses must be attributed to the participating candidates in accordance with the regulations.

Division 2 — Campaign Accounting

Each candidate must have a financial agent

- 17** (1) A candidate must have a financial agent.
- (2) A candidate may appoint an individual as financial agent in accordance with this section, but, if no financial agent is appointed, the candidate is his or her own financial agent.

- (3) A candidate may not have more than one financial agent at the same time.
- (4) The appointment of a financial agent for a candidate must
- (a) be made in writing,
 - (b) include
 - (i) the full name of the individual appointed,
 - (ii) the effective date of the appointment, and
 - (iii) the required contact information for the individual,
 - (c) be signed by the candidate, and
 - (d) be accompanied by a signed consent of the individual appointed to act as financial agent that includes an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the financial agent.
- (5) If the nomination documents for a candidate identify an appointed financial agent for a candidate, the candidate must deliver the following to the local election officer before the end of the nomination period:
- (a) a copy of the financial agent's appointment;
 - (b) a copy of the financial agent's consent to act;
 - (c) any other information or material required by regulation.
- (6) A candidate or the candidate's financial agent must, as soon as practicable, provide updated information and material in accordance with the applicable requirements under subsections (4) and (5) if there is any change in who is the financial agent for the candidate or in other information or material that is required to be provided under this section.
- (7) Updated information or material required under subsection (6) must be provided as follows:
- (a) to the local election officer, if the change occurs before the declaration of the results of the election;
 - (b) to the BC chief electoral officer, if the change occurs after the declaration of those results.
- (8) For certainty,
- (a) an individual may be the financial agent for more than one candidate or elector organization, or for one or more of each, and
 - (b) the financial agent for a candidate may also be the official agent for the candidate.
- (9) A financial agent appointed for a candidate is not personally liable for any liability of the candidate in relation to the election campaign of the candidate unless the liability is personally guaranteed by the financial agent.
- (10) A candidate who contravenes this section commits an offence.

Requirement for candidate campaign account

- 18** (1) A candidate must have at least one campaign account for the candidate's election campaign, established in accordance with this section, if any of the circumstances described in subsection (2) apply.
- (2) The financial agent for the candidate must open one or more campaign accounts at a savings institution by the earliest of the following:
- (a) as soon as practicable after the financial agent receives a campaign contribution of money;
 - (b) before receiving a transfer of money under section 23 [*campaign transfers between candidates and elector organizations*];
 - (c) before receiving payment of money under section 24 (5) (a) [*candidate surplus carried over to next election*];
 - (d) before becoming liable for payment in relation to an election expense or intended election expense of the candidate.
- (3) A campaign account under this section
- (a) must be in the name of the election campaign of the candidate,
 - (b) must be used exclusively for purposes of that election campaign or as permitted under subsection (5), and
 - (c) must not receive deposits other than those required or permitted under this section.
- (4) The financial agent must ensure that
- (a) all campaign contributions, transfers and payments received as referred to in subsection (2) (a) to (c) are deposited into a campaign account of the candidate,
 - (b) the only amounts deposited into a campaign account of the candidate are amounts permitted to be deposited under this section,
 - (c) all payments referred to in subsection (2) (d) are paid, directly or by reimbursement, from a campaign account of the candidate, and
 - (d) a campaign account of the candidate is not used for any purpose other than one permitted under this section.
- (5) In addition to use for purposes of the election campaign for which the account is established, a campaign account under this section may be used for the following purposes:
- (a) if applicable, payment of the candidate's nomination deposit;
 - (b) if the candidate has more than one campaign account in relation to a single election campaign, making a transfer between the campaign accounts;
 - (c) [Repealed 2017-21-6.]

- (d) making a transfer of money under section 23 [*campaign transfers between candidates and elector organizations*];
 - (e) making payments referred to in or authorized under section 24 [*what happens if a candidate has surplus campaign funds*];
 - (f) making payments required under section 28 [*dealing with prohibited campaign contributions*];
 - (g) making payments for reasonably incurred expenses, other than election expenses, that are incidental to the candidate's campaign;
 - (g.1) making payments on a permissible loan;
 - (h) any other purpose permitted by regulation.
- (6) In addition to the required deposits under subsection (4) (a), the following may be deposited into a campaign account of the candidate:
- (a) interest on amounts on deposit in the campaign account;
 - (a.1) a permissible loan;
 - (b) any other deposits permitted by regulation.
- (7) A candidate or financial agent who contravenes this section commits an offence.

Each elector organization must have a financial agent

- 19** (1) An elector organization must have an individual appointed as financial agent for the organization in accordance with this section by the earliest of the following:
- (a) before accepting a campaign contribution;
 - (b) before incurring an election expense;
 - (c) before becoming liable for payment in relation to an election expense or intended election expense;
 - (d) before accepting a transfer from a candidate under section 23 [*campaign transfers between candidates and elector organizations*].
- (2) An elector organization may not have more than one financial agent at the same time.
- (3) The appointment of a financial agent for an elector organization must
- (a) be made in writing,
 - (b) include
 - (i) the full name of the individual appointed,
 - (ii) the effective date of the appointment, and
 - (iii) the required contact information for the individual,
 - (c) be signed by the authorized principal official of the elector organization, and
 - (d) be accompanied by a signed consent of the individual appointed to act as financial agent that includes an address for service at which notices and

other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the financial agent.

(4) [Repealed 2021-5-8.]

(5) If the individual appointed as financial agent resigns, dies or no longer has the capacity to act as financial agent, the elector organization must appoint a new financial agent as soon as possible.

(6) and (7) [Repealed 2021-5-8.]

(8) For certainty,

(a) an individual may be the financial agent for more than one candidate or elector organization, or for one or more of each, and

(b) a responsible principal official of an elector organization may be the financial agent for the organization.

(9) A financial agent for an elector organization is not personally liable for any liability of the elector organization in relation to the election campaign of the elector organization unless the liability is personally guaranteed by the financial agent.

(10) For certainty, the individual most recently appointed as financial agent for an elector organization has the responsibilities of that position under this Act.

(11) An elector organization that contravenes this section commits an offence.

Requirement for elector organization campaign account

20 (1) An elector organization must have at least one campaign account for each election campaign of the elector organization, established in accordance with this section, if any of the circumstances described in subsection (2) apply.

(2) The financial agent for the elector organization must open one or more campaign accounts at a savings institution by the earliest of the following:

(a) as soon as practicable after the financial agent receives a campaign contribution of money;

(b) before receiving a transfer of money to the elector organization under section 23 [*campaign transfers between candidates and elector organizations*];

(c) before becoming liable for payment in relation to an election expense or intended election expense of the elector organization.

(3) A campaign account under this section

(a) must be in the name of the election campaign of the elector organization,

(b) must be used exclusively for purposes of that election campaign or as permitted under subsection (5), and

(c) must not receive deposits other than those required or permitted under this section.

(4) The financial agent must ensure that

- (a) all campaign contributions and transfers received as referred to in subsection (2) (a) or (b) are deposited into a campaign account of the elector organization,
 - (b) the only amounts deposited into a campaign account of the elector organization are amounts permitted to be deposited under this section,
 - (c) all payments referred to in subsection (2) (c) are paid, directly or by reimbursement, from a campaign account of the elector organization, and
 - (d) a campaign account of the elector organization is not used for any purpose other than one permitted under this section.
- (5) In addition to use for purposes of the election campaign for which the account is established, a campaign account under this section may be used for the following purposes:
- (a) if the elector organization has more than one campaign account in relation to a single election campaign, making a transfer between the campaign accounts;
 - (b) [Repealed 2017-21-7.]
 - (c) making a transfer or payment under section 23 *[campaign transfers between candidates and elector organizations]*;
 - (d) making payments and transfers referred to in and payments under section 30.17 *[transfer of elector organization's surplus campaign funds]*;
 - (e) making payments required under section 28 *[dealing with prohibited campaign contributions]*;
 - (f) making payments for reasonably incurred expenses, other than election expenses, that are incidental to the elector organization's campaign;
 - (f.1) making payments on a permissible loan;
 - (g) any other purpose permitted by regulation.
- (6) In addition to the required deposits under subsection (4) (a), the following may be deposited into a campaign account of the elector organization:
- (a) interest on amounts on deposit in the campaign account;
 - (a.1) a permissible loan;
 - (b) any other deposits permitted by regulation.
- (7) An elector organization or financial agent who contravenes this section commits an offence.

Responsible principal officials of elector organization

- 21** (1) From the earlier of the appointment of a financial agent and the time of submitting an application for registration until the elector organization has been deregistered in accordance with this Act, an elector organization

- (a) must have at least 2 principal officials of the elector organization who have consented to be responsible principal officials of the organization, and
- (b) must have one of those responsible principal officials designated as the authorized principal official who is to
 - (i) make declarations required under this Act or other local elections legislation in relation to the elector organization, and
 - (ii) retain records as required under section 22.

(2) and (3) [Repealed 2021-5-10.]

(4) For certainty, the individual identified as the authorized principal official of an elector organization in the most recent information and material provided under section 30.07 (2) *[information to be included in application for registration]* or 30.11 (1) *[notice of change in registration information]*, as applicable, has the responsibilities of that position under this Act.

(5) An elector organization that contravenes this section commits an offence.

Recording requirements for candidates and elector organizations

22 (1) The financial agent for a candidate or elector organization must record and maintain records sufficient to allow compliance with the disclosure requirements under this Act.

(1.1) Without limiting subsection (1), the financial agent must record the following in relation to a permissible loan made to the candidate or elector organization, as applicable:

- (a) if the loan is made by an eligible individual, the full name and residential address of the eligible individual;
- (b) if the loan is made by a savings institution, the name of the savings institution;
- (c) the amount of the loan;
- (d) the date the loan is made;
- (e) the date the loan is due;
- (f) the rate of interest, if any, charged for the loan;
- (g) if the loan is made by a savings institution, the prime rate of the principal banker to the government at the time the rate of interest for the loan is fixed;
- (h) any other information prescribed by regulation.

(1.2) Without limiting subsection (1), if the financial agent for an elector organization or a financial agent for a candidate must comply with section 30.05 *[campaign contribution limits — elector organization and endorsed candidates]*, the financial agent must record the following:

- (a) the date the financial agent for an elector organization returned a campaign contribution to a contributor under section 30.05 (5) (a), the amount of the campaign contribution and the full name of the contributor;
- (b) the date the financial agent for an elector organization paid an amount equal to the value of a campaign contribution to a contributor under section 30.05 (5) (b), the amount paid and the full name of the contributor;
- (c) the date the financial agent for an elector organization paid an amount of a permissible loan to a lender under section 30.05 (5) (c), the amount of the permissible loan paid and, if the lender is an eligible individual, the full name of the lender;
- (d) the date the financial agent for a candidate returned a campaign contribution to a contributor under section 30.05 (7) (a), the amount of the campaign contribution and the full name of the contributor;
- (e) the date the financial agent for a candidate paid an amount equal to the value of a campaign contribution to a contributor under section 30.05 (7) (b), the amount paid and the full name of the contributor;
- (f) the date the financial agent for a candidate paid an amount of a permissible loan to a lender under section 30.05 (7) (c), the amount of the permissible loan paid and, if the lender is an eligible individual, the full name of the lender;
- (g) any other information prescribed by regulation.

(2) Without limiting subsection (1), the financial agent must record the following:

- (a) for each campaign contribution received by the candidate or elector organization, the information required under section 29 *[campaign contribution information that must be recorded]*;
- (b) for each transfer between accounts of the candidate or elector organization under section 18 (5) (b) *[transfer between candidate accounts]* or 20 (5) (a) *[transfer between elector organization accounts]*, the accounts involved in the transfer and the amount and date of the transfer;
- (c) for each transfer from the candidate or elector organization under section 23 *[campaign transfers between candidates and elector organizations]*, the amount, date and recipient of the transfer;
- (d) for each transfer received by the candidate or elector organization under section 23 *[campaign transfers between candidates and elector organizations]*, the amount, date and source of the transfer;
- (e) for each provision of property or services under section 13 (6) (a) (ii) *[candidate provision to elector organization]*, received by an elector organization, the candidate providing the property or services, the description of the property or services and the date the property or services are provided;

- (f) for each provision of property or services under section 13 (6) (a) (iii) [*elector organization provision to candidate*], received by a candidate, the elector organization providing the property or services, a description of the property or services and the date the property or services are provided;
 - (g) any other information required by regulation.
- (3) The recording, maintenance and retention of records under this section and related receipts must be done in accordance with any requirements established by regulation.
- (4) The records and material required under this section must be retained as follows:
- (a) records and material for a candidate must be retained in British Columbia
 - (i) by the financial agent until all disclosure requirements under this Act in relation to the candidate have been fulfilled, and
 - (ii) after those disclosure requirements have been fulfilled, by the candidate until 5 years after general voting day for the election to which the records and material relate;
 - (b) records and material for an elector organization must be retained in British Columbia
 - (i) by the financial agent until the following disclosure requirements have been fulfilled:
 - (A) all disclosure requirements under this Act in relation to the applicable elections;
 - (B) the requirements to file an annual financial report or supplementary report, and
 - (ii) after those disclosure requirements have been fulfilled, by the authorized principal official of the elector organization until 5 years after the following, as applicable:
 - (A) general voting day for the election or elections to which the records and material relate;
 - (B) the compliance deadline for filing the annual financial report or supplementary report to which the records and material relate.
- (5) A financial agent, candidate or authorized principal official that contravenes this section commits an offence.

Campaign transfers between candidates and elector organizations

- 23** (1) A candidate who is endorsed by an elector organization may provide money to the elector organization by way of a transfer from a campaign account of the candidate to a campaign account of the elector organization.
- (2) An elector organization that endorses a candidate may provide money to the candidate by way of a transfer from a campaign account of the elector organization to a campaign account of the candidate.
- (3) For certainty, a transfer between a candidate and an endorsing elector organization under subsection (1) or (2) may be made after the end of the campaign period for the

election.

- (4) If a candidate is seeking endorsement by an elector organization,
- (a) the elector organization may provide money to the candidate by way of a transfer from a campaign account of the elector organization to a campaign account of the candidate, and
 - (b) the candidate may provide money to the elector organization by way of a transfer from a campaign account of the candidate to a campaign account of the elector organization.
- (5) If an amount is transferred under subsection (4) (b) and the candidate is not endorsed by the elector organization, an amount equal to the amount transferred must be returned to the candidate from the campaign account of the elector organization.
- (6) [Repealed 2017-21-9.]
- (7) An elector organization that contravenes subsection (5) commits an offence.

What happens if a candidate has surplus campaign funds

- 24** (1) This section applies if, after an election, there is a balance remaining in a campaign account of a candidate after
- (a) payment of liabilities in relation to the candidate's election expenses and any other reasonable expenses incidental to the candidate's election campaign, and
 - (b) any transfers under section 23 [*campaign transfers between candidates and elector organizations*].
- (2) If the candidate made one or more campaign contributions of money to his or her election campaign, to the extent that the total balance remaining in the campaign accounts of the candidate after payments or transfers referred to in subsection (1) permits this, the financial agent may pay an amount equal to those campaign contributions to the candidate.
- (3) If, after any payment under subsection (2), the total balance remaining in the campaign accounts of the candidate is less than \$500, the financial agent must pay the balance to the candidate or in accordance with the directions of the candidate.
- (4) If, after any payment under subsection (2), the total balance remaining in the campaign accounts of the candidate is \$500 or more, the financial agent must pay the balance as soon as practicable to the jurisdiction in relation to which the election was held.
- (5) Funds received by a jurisdiction under subsection (4), including accumulated interest, must be held in trust by the jurisdiction to be dealt with as follows:
- (a) if the candidate referred to in that subsection is declared a candidate in an election for that jurisdiction in the next general local election, or in a by-election for the jurisdiction called before that time, the jurisdiction must pay the funds to the financial agent for the candidate for use in the election;

- (b) if the funds are not paid out under paragraph (a), the funds cease to be trust funds and become funds of that jurisdiction for use in the discretion of the local authority.

(6) A financial agent who contravenes this section commits an offence.

Repealed

25 [Repealed 2021-5-12.]

Division 3 — Rules in Relation to Campaign Contributions and Election Expenses

Restrictions on making campaign contributions

26 (0.1) An organization or an individual, other than an eligible individual, must not make a campaign contribution.

(1) An eligible individual must not do any of the following:

- (a) make a campaign contribution to a candidate or elector organization other than by making it to the financial agent or an individual authorized in writing by the financial agent to receive such contributions;
- (b) make an anonymous campaign contribution that has a value of more than \$50;
- (c) make a number of anonymous campaign contributions to the same candidate in relation to one or more election campaigns of the candidate for elections that are being held at the same time if, in total, the campaign contributions would be equal in value to more than \$50;
- (d) make a number of anonymous campaign contributions to the same elector organization in relation to one or more election campaigns of the elector organization for elections that are being held at the same time if, in total, the campaign contributions would be equal in value to more than \$50;
- (e) make a campaign contribution, other than an anonymous campaign contribution that is permitted under this Act, without disclosing to the individual receiving the campaign contribution the information required to be recorded under section 29 [*campaign contribution information that must be recorded*];
- (f) make a campaign contribution with money, non-monetary property or services of another individual or organization.

(g) [Repealed 2017-21-10.]

(1.1) An eligible individual must not make campaign contributions in a calendar year that, in total, exceed an applicable campaign contribution limit.

(2) An elector organization must not make a campaign contribution of money to its own campaign or to the campaign of a candidate who is or is intended to be endorsed by the elector organization.

- (2.01) An individual or organization must not make a campaign contribution indirectly by providing money, non-monetary property or services to an eligible individual
- (a) for the eligible individual to make as a campaign contribution, or
 - (b) as consideration for that eligible individual making a campaign contribution.
- (3) An individual or organization that contravenes this section commits an offence.

Restrictions in relation to accepting campaign contributions

- 27** (1) A candidate or elector organization must not accept campaign contributions except through
- (a) the financial agent for the candidate or elector organization, or
 - (b) an individual authorized in writing by that financial agent.
- (1.01) A financial agent or an individual authorized under subsection (1) must not accept
- (a) a campaign contribution from an organization or an individual, other than an eligible individual, or
 - (b) campaign contributions from an eligible individual that exceed an applicable campaign contribution limit.
- (2) A financial agent or individual authorized as referred to in subsection (1) must not accept
- (a) a campaign contribution for which the information required to be recorded under section 29 [*campaign contribution information that must be recorded*] has not been provided, or
 - (b) any other campaign contribution that the individual or organization has reason to believe is made in contravention of this Act or the regulations under this Act.
- (3) If an individual authorized as referred to in subsection (1) becomes aware that a campaign contribution may have been made in contravention of this Act or the regulations under this Act, the individual must inform the financial agent as soon as practicable.
- (4) An individual or organization that contravenes this section commits an offence.

Restrictions on making loans to candidates and elector organizations

- 27.01** (1) Subject to subsection (2), an individual or organization must not make a loan
- (a) to a candidate for campaign use, or
 - (b) to an elector organization for any use.
- (2) An eligible individual or a savings institution may make a permissible loan
- (a) to a candidate for campaign use, or
 - (b) to an elector organization for any use.

- (3) As an exception to subsection (2), an eligible individual must not make a permissible loan to a candidate for campaign use or to an elector organization for any use in an amount that would bring the total value of campaign contributions and permissible loans made by the eligible individual to an amount greater than an applicable campaign contribution limit.
- (4) For certainty, this section applies whether the permissible loan is made or accepted before or after the start of a campaign period.
- (5) An individual or organization that contravenes this section commits an offence.

Restrictions in relation to accepting loans for campaign use

27.02 (1) A candidate must not accept a loan, other than a permissible loan, for campaign use.

- (1.1) An elector organization must not accept a loan, other than a permissible loan, for any use.
- (2) A candidate must not accept a permissible loan from an eligible individual for campaign use and an elector organization must not accept a permissible loan from an eligible individual for any use if the amount of the loan would bring the total value of campaign contributions and permissible loans made by the eligible individual to an amount greater than an applicable campaign contribution limit.
- (3) If a candidate, elector organization or financial agent for a candidate or elector organization becomes aware that the candidate or elector organization, as applicable, has accepted a loan in contravention of subsection (1), (1.1) or (2), the financial agent must, within 30 days after the candidate, elector organization or financial agent becomes aware of the contravention,
 - (a) return the loan to the lender, or
 - (b) pay to the lender an amount equal to the value of the loan.
- (4) If subsection (3) applies, the financial agent for the candidate or elector organization must record the following for each loan:
 - (a) the circumstances in which the loan was accepted;
 - (b) the information required under section 22 (1.1) *[recording requirements for loans]*;
 - (c) when and how the loan was dealt with in accordance with subsection (3) of this section;
 - (d) any other information prescribed by regulation.
- (5) For certainty, this section applies whether the loan is made or accepted before or after the start of a campaign period.
- (6) A financial agent, candidate or elector organization that contravenes this section commits an offence.

Dealing with prohibited campaign contributions

- 28** (1) If a financial agent becomes aware that a campaign contribution was made or accepted in contravention of this Act or the regulations under this Act, the financial agent must, within 30 days after the financial agent becomes aware of the contravention,
- (a) return the campaign contribution to the contributor, or
 - (b) pay to the contributor an amount equal to the value of the campaign contribution.
- (2) If a financial agent is not able to comply with subsection (1), the financial agent must, as soon as practicable, deal with the campaign contribution as follows:
- (a) in the case of a contribution of money, pay to the BC chief electoral officer an amount equal to the value of the contribution;
 - (b) in any other case, either
 - (i) pay to the BC chief electoral officer an amount equal to the value of the contribution, or
 - (ii) deal with the contribution in accordance with the directions of that officer.
- (3) An amount to be paid under this section must be paid from a campaign account of the applicable candidate or elector organization, unless all campaign accounts of the candidate or elector organization have been closed.
- (4) A financial agent who contravenes this section commits an offence.

Campaign contribution information that must be recorded

- 29** (1) Subject to subsection (2) and any applicable regulations, the financial agent for a candidate or elector organization must record the following for each campaign contribution made to the candidate or elector organization:
- (a) the value of the campaign contribution;
 - (b) the date on which the campaign contribution was made;
 - (c) unless it is an anonymous campaign contribution, the full name, mailing address and, if it is different, residential address of the contributor;
 - (d) whether the campaign contribution is an anonymous campaign contribution;
 - (e) [Repealed 2017-21-13.]
 - (f) any other information required by regulation.
- (2) If section 28 *[dealing with prohibited campaign contributions]* applies in relation to a campaign contribution, the financial agent must maintain records of the following for each such contribution:
- (a) the circumstances in which the contribution was received;
 - (b) to the extent possible, the information required under subsection (1) (a) to (d) of this section;

- (b.1) if the contribution was made by an organization, the name of the organization;
 - (c) when and how the contribution was dealt with in accordance with section 28;
 - (d) any other information required by regulation.
- (3) A financial agent who contravenes this section commits an offence.

How payment in relation to election expenses may be made

30 (1) Subject to any applicable regulations, an individual or organization must not make a payment in relation to an election expense or intended election expense of a candidate or elector organization except as permitted under subsection (2) or (3).

(2) An individual may make a payment referred to in subsection (1) in relation to the election campaign of a candidate if

- (a) the payment is either
 - (i) made out of a campaign account of the candidate, or
 - (ii) reimbursed from a campaign account of the candidate on the production of receipts, and
- (b) the individual making the payment is
 - (i) the candidate,
 - (ii) the financial agent for the candidate, or
 - (iii) an individual authorized in writing by that financial agent.

(3) An individual may make a payment referred to in subsection (1) in relation to the election campaign of an elector organization if

- (a) the payment is either
 - (i) made out of a campaign account of the elector organization, or
 - (ii) reimbursed from a campaign account of the elector organization on the production of receipts, and
- (b) the individual making the payment is
 - (i) the financial agent for the elector organization, or
 - (ii) an individual authorized in writing by that financial agent.

(4) An individual or organization that contravenes subsection (1) commits an offence.

Division 4 — Campaign Contribution Limits for 2017 and 2018

Campaign contribution limits for 2017 and 2018

30.01 (1) Subject to any applicable regulations, in relation to the 2018 general local election, for each of 2017 and 2018, the campaign contribution limit is \$1 200 for a candidate who is not endorsed by an elector organization in relation to an election campaign of the candidate.

- (2) Subject to any applicable regulations, in relation to the 2018 general local election, for each of 2017 and 2018, the campaign contribution limit is \$1 200 for any one elector organization and all the candidates endorsed by the elector organization in relation to an election campaign of the elector organization.

Campaign contributions — elector organizations and endorsed candidates

- 30.02** Section 30.05 [*campaign contributions — elector organizations and endorsed candidates*] applies in relation to an applicable campaign contribution limit for 2017 and 2018.

Division 5 — Campaign Contribution Limits

Application of Division

- 30.03** As an exception to section 1 [*elections to which this Act applies*], this Division applies to one or more of the following:

- (a) an election prescribed by regulation;
- (b) an election prescribed by regulation in an election area prescribed by regulation;
- (c) an election prescribed by regulation for all the election areas in the geographic area associated with a jurisdiction prescribed by regulation.

Campaign contribution limits for 2019 and subsequent years

- 30.04** (1) In this section, "**base year**" means 2019 or a subsequent calendar year for which a campaign contribution limit is established under subsection (2) or (3).

- (2) Subject to any applicable regulations, the campaign contribution limit for a base year is, for a candidate who is not endorsed by an elector organization in relation to an election campaign of the candidate, an amount prescribed by regulation or determined in accordance with the regulations.
- (3) Subject to any applicable regulations, the campaign contribution limit for a base year is, for any one elector organization and all the candidates endorsed by the elector organization in relation to an election campaign of the elector organization, an amount prescribed by regulation or determined in accordance with the regulations.
- (4) Subject to any applicable regulations, for a calendar year other than a base year, the BC chief electoral officer must establish the campaign contribution limits for that year by
 - (a) determining the ratio between the consumer price index at January 1 of the base year and the consumer price index at January 1 of the year in which the limit applies, and
 - (b) applying the ratio to adjust the amount prescribed or determined under subsection (2) and (3) that is to apply for that year.
- (5) For the purpose of establishing a campaign contribution limit under subsection (4), the BC chief electoral officer has the discretion to determine

- (a) whether to use a consumer price index prepared by the director under the *Statistics Act* (British Columbia) or a consumer price index published by Statistics Canada under the *Statistics Act* (Canada), and
 - (b) which consumer price index is applicable for a particular time.
- (6) As soon as practicable after January 1 of each year, the BC chief electoral officer must
- (a) have the campaign contribution limits established under subsection (4) published in the Gazette, and
 - (b) make that information publicly available on an Elections BC authorized internet site.

Campaign contributions — elector organizations and endorsed candidates

30.05 (1) In this section, "**excess campaign contributions**" means

- (a) permissible loans made by an eligible individual, and
- (b) campaign contributions

that are accepted by an elector organization and the candidates endorsed by the elector organization and that, in total, exceed an applicable campaign contribution limit.

- (2) As soon as practicable after an elector organization endorses a candidate in an election, the financial agent for the candidate must provide to the financial agent for the elector organization the following information in relation to the election campaign of the candidate for that election:
- (a) the amount and date of each campaign contribution accepted by the candidate;
 - (b) the full name of the contributor of each campaign contribution accepted by the candidate, unless the contributor is an anonymous contributor;
 - (c) the amount and date of each permissible loan made by an eligible individual and accepted by the candidate;
 - (d) the full name of the eligible individual who made the permissible loan;
 - (e) any other information prescribed by regulation.
- (3) As soon as practicable after receiving the information under subsection (2), the financial agent for the elector organization must review the information.
- (4) If, after the review under subsection (3) or at any other time after an elector organization endorses a candidate, the financial agent for the elector organization becomes aware that there are excess campaign contributions, the financial agent for the elector organization must comply with subsection (5) and, if applicable, subsection (6).
- (5) If there are excess campaign contributions, the financial agent for the elector organization must do one or more of the following:

- (a) return to one or more contributors one or more campaign contributions accepted by the elector organization;
 - (b) pay to one or more contributors an amount equal to the value of one or more campaign contributions accepted by the elector organization;
 - (c) pay to one or more lenders an amount of one or more permissible loans made to and accepted by the elector organization.
- (6) If, after complying with subsection (5), the financial agent for the elector organization determines that there continue to be excess campaign contributions, the financial agent for the elector organization must, as soon as practicable, notify the financial agent for one or more candidates of the excess campaign contributions.
- (7) As soon as practicable after receiving a notification under subsection (6), a financial agent for a candidate must do one or more of the following to ensure that there are no excess campaign contributions:
- (a) return to one or more contributors one or more campaign contributions accepted by the candidate;
 - (b) pay to one or more contributors an amount equal to the value of one or more campaign contributions accepted by the candidate;
 - (c) pay to one or more lenders an amount of one or more permissible loans made to and accepted by the candidate.
- (8) A financial agent who contravenes this section commits an offence.

Division 6 — Registration of Elector Organizations

Requirement to register

30.06 (1) An elector organization must be registered in order to do any of the following:

- (a) endorse a candidate;
 - (b) accept a campaign contribution;
 - (c) enter into a campaign financing arrangement;
 - (d) incur an election expense.
- (2) If the registration of an elector organization is suspended under this Act, during the period of the suspension, the elector organization must not do anything referred to in subsection (1) (a) to (d).
- (3) Subject to sections 64 (4.1), 65 (1.1), 68.01 (6) and 68.03 (4) [*contributions accepted for purpose of paying debts*], an elector organization that is not registered, or an individual acting on behalf of an organization that is not registered, must not do anything that a registered elector organization may do under subsection (1) of this section.
- (4) An elector organization that contravenes this section commits an offence.

Application for registration — elector organization

30.07 (1) In order to be registered, an elector organization must

- (a) submit to the BC chief electoral officer an application for registration in accordance with this section,
- (b) have a membership that, at the time the signed declaration referred to in subsection (4) is made, includes at least 50 electors of a jurisdiction for which an election is to be held,
- (c) have a financial agent appointed in accordance with section 19 *[each elector organization must have a financial agent]*,
- (d) have a campaign account established in accordance with section 20, and
- (e) have at least 2 principal officials who have consented to be responsible principal officials in accordance with section 21.

(2) An application for registration must be signed by the authorized principal official of the elector organization and must include the following:

- (a) the legal name of the elector organization, if applicable;
- (b) the usual name of the elector organization, if the usual name is different from the legal name, or if the elector organization has no legal name;
- (c) any abbreviations, acronyms or other names used by the elector organization to refer to itself;
- (d) the name, abbreviation or acronym by which the elector organization proposes to be identified on the ballot;
- (e) the name of each jurisdiction for which the elector organization intends to endorse a candidate in an election;
- (f) the address of the place or places where records of the elector organization are maintained;
- (g) the name, required contact information and address for service of the authorized principal official of the elector organization;
- (h) the name, mailing address and address for service of each of the other responsible principal officials of the elector organization;
- (i) signed consents of the responsible principal officials to act as responsible principal officials and, as applicable, as the authorized principal official of the elector organization;
- (j) a copy of the appointment and consent of the financial agent referred to in section 19;
- (k) the names and addresses of the savings institutions at which the elector organization maintains a campaign account;
- (l) the names and addresses of the savings institutions at which the elector organization maintains an account other than a campaign account;

- (m) a statement of the assets and liabilities of the elector organization as of a date not earlier than 90 days before the date the application is submitted to the BC chief electoral officer;
 - (n) a signed statement of the financial agent of the elector organization, verifying the accuracy of the statement submitted under paragraph (m);
 - (o) any other information required by regulation.
- (3) An application for registration must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.
- (4) An application for registration must be accompanied by a signed declaration of the authorized principal official of the elector organization that, to the best of the knowledge and belief of the authorized principal official, the following are true:
- (a) the applicant has a membership of at least 50 electors of the jurisdiction for which it seeks to endorse a candidate;
 - (b) the applicant is not prohibited from reregistering as a result of having been deregistered under Division 1 [*Penalties for Failure to Comply with Disclosure Requirements*] of Part 6;
 - (c) the information provided in the application is complete and accurate;
 - (d) the individual making the declaration is the authorized principal official of the applicant;
 - (e) the applicant
 - (i) understands the requirements and restrictions that apply to the applicant under this Act, and
 - (ii) intends to fully comply with all of those requirements and restrictions;
 - (f) the applicant intends to endorse a candidate in an election;
 - (g) the applicant has authorized the official to make the signed declaration;
 - (h) any other matter prescribed by regulation.

Prohibitions regarding elector organization names and other identification

30.08 (1) An elector organization must not be registered if any of the forms of identification referred to in section 30.07 (2) (a) to (d)

- (a) is likely, in the opinion of the BC chief electoral officer, to be confused with that of another elector organization
 - (i) that is currently registered in relation to the same jurisdiction,
 - (ii) that has an earlier application for registration, in relation to the same jurisdiction, pending before the BC chief electoral officer, or
 - (iii) that was registered in relation to the same jurisdiction at any time during the previous 10 years, or

- (b) includes any information that is prohibited by section 115 (3) of the *Local Government Act* from being included on a ballot.
- (2) Despite subsection (1), the BC chief electoral officer may register an elector organization in a circumstance where any of the forms of identification referred to in section 30.07 (2) (a) to (d) is the same as or similar to that of another elector organization if both of the following apply:
 - (a) the other elector organization has been deregistered for at least the previous 4 years;
 - (b) the name of the other elector organization has not appeared on a ballot at any time in the past 10 years.
- (3) For the purposes of this section, an elector organization is registered in relation to a jurisdiction if
 - (a) in its application for registration under section 30.07, the elector organization names the jurisdiction as a jurisdiction for which the elector organization intends to endorse a candidate in an election, and
 - (b) the elector organization is registered under section 30.09.

Processing of applications for registration

- 30.09** (1) The BC chief electoral officer must consider each application for registration that is received and determine whether the applicant elector organization meets the requirements for registration.
- (2) Subject to subsection (3), a determination under subsection (1) must be completed within 30 days after the application is received.
 - (3) If an election is called and an application for registration is received within 30 days of the date on which the nomination period begins, a determination under subsection (1) must be made within 30 days after the general voting day for the election.
 - (4) If the applicant elector organization meets the requirements for registration, the BC chief electoral officer must
 - (a) register the elector organization in the register of elector organizations, and
 - (b) notify the elector organization of the date on which it was registered.
 - (5) The BC chief electoral officer
 - (a) may require the authorized principal official to provide any additional information or evidence the BC chief electoral officer considers necessary to make a determination under subsection (1), and
 - (b) has the discretion to determine whether an elector organization applying for registration is the same as one that was previously registered or a new applicant for registration.
 - (6) If an applicant elector organization does not meet the requirements for registration, the BC chief electoral officer must notify the elector organization in writing and

provide written reasons for rejecting the application.

- (7) Subject to subsection (8), an elector organization whose application does not meet the requirements set out in section 30.07 may submit an amended application.
- (8) If the requirements set out in section 30.07 are not met within 30 days of the receipt by an applicant of a notification under subsection (6), the BC chief electoral officer must discontinue the consideration of the application under this section.

Register to be open to public

30.10 (1) The BC chief electoral officer must maintain a register of the elector organizations that are registered, suspended or deregistered under this Act.

(2) The register of elector organizations must

- (a) be made publicly available on an Elections BC authorized internet site,
- (b) be available for public inspection at the office of the BC chief electoral officer during its regular office hours, and
- (c) include the name of the financial agent of each elector organization, the required contact information for the financial agent and the information referred to in section 30.07 (2) (a) to (e) and (g).

Change in registration information

30.11 (1) If there is any change to the information referred to in section 30.07 (2) [*information included in application for registration*], the elector organization must file with the BC chief electoral officer a notice of the change as soon as practicable.

(2) A notice filed under subsection (1) must be in a form approved by the BC chief electoral officer and must be signed by the authorized principal official of the elector organization.

(3) If satisfied that a notice under subsection (2) is authorized by the elector organization for which it is made, the BC chief electoral officer must amend the register of elector organizations to reflect the change.

(4) On request by the BC chief electoral officer, an elector organization must provide any information or evidence that the BC chief electoral officer considers necessary to confirm that any of the following information is correct:

- (a) the information in the notice referred to in subsection (1);
- (b) the information referred to in section 30.07 (2) currently filed with the BC chief electoral officer.

(5) If the elector organization does not file a notice of a change in accordance with subsection (1) within 60 days after the date of the change, the BC chief electoral officer may suspend the registration of an elector organization, and the suspension continues until the notice is filed in accordance with subsection (1).

(6) An elector organization that contravenes subsection (1) or (4) commits an offence.

Change in elector organization name or form of identification

30.12 (1) A registered elector organization must not make a change to a form of identification referred to in section 30.07 (2) (a) to (d) [*forms of identification included in application for registration*], unless the change has been approved in advance by the BC chief electoral officer.

(2) For the purposes of subsection (1), the elector organization must apply to the BC chief electoral officer as provided in section 30.11 (2), and sections 30.08 [*prohibitions regarding elector organization names and other identification*] and 30.09 [*processing of applications for registration*] apply.

(3) An elector organization that contravenes subsection (1) commits an offence.

How elector organization may be deregistered

30.13 An elector organization may be deregistered as follows:

- (a) by voluntary deregistration in accordance with section 30.14;
- (b) by deregistration in accordance with Division 1 [*Penalties for Failure to Comply with Disclosure Requirements*] or Division 3 [*Expense Limit Penalties*] of Part 6.

Voluntary deregistration

30.14 (1) A registered elector organization may apply to the BC chief electoral officer for deregistration in accordance with this section.

(2) An elector organization may not apply for deregistration under this section if the elector organization is subject to deregistration or suspension because

- (a) it has not filed disclosure statements, annual financial reports or supplementary reports in accordance with Part 5 [*Transparency Requirements for Local Elections and Assent Voting*],
- (b) a candidate endorsed by the elector organization has not filed disclosure statements or supplementary reports in accordance with Part 5, or
- (c) it has election expenses greater than the amount permitted by Part 5.1 [*Expense Limits*] and has not yet paid an applicable penalty under section 68.02 [*monetary penalties for exceeding expense limits or amount available*].

(3) An application for deregistration must be in a form approved by the BC chief electoral officer, must be signed by the authorized principal official of the elector organization and must include the following:

- (a) the legal name of the elector organization, if applicable;
- (b) the name of each jurisdiction for which the elector organization endorsed or intended to endorse a candidate in an election;
- (c) the name, required contact information and address for service of the authorized principal official of the elector organization.

- (4) If satisfied that an application for deregistration is authorized by the elector organization for which it is made, the BC chief electoral officer must deregister the elector organization.
- (5) If an elector organization applying to be deregistered has endorsed a candidate in an election in progress, the BC chief electoral officer must not deregister the elector organization until after general voting day for the election.

Notice of deregistration or suspension

- 30.15** (1) The BC chief electoral officer must specify and record in the register the effective date of the deregistration or suspension of an elector organization.
- (2) The BC chief electoral officer must give notice of a deregistration or suspension, including the effective date and the reasons for the deregistration or suspension, to the deregistered or suspended elector organization.

Disclosure statements required on deregistration

- 30.16** (1) An elector organization that is deregistered must file the following with the BC chief electoral officer within 6 months of deregistration:
- (a) a financial report prepared in accordance with section 45.1 [*annual financial reports*] for the period from the date of the last annual financial report prepared in accordance with that section up to and including the last day the elector organization was registered;
 - (b) a report of the financial activity of the elector organization between the end of the period referred to in paragraph (a) and the date, as applicable,
 - (i) on which the funds of the organization are transferred under section 30.17, or
 - (ii) on which the organization reports to the BC chief electoral officer that there are no funds to be transferred;
 - (c) any other information required by regulation.
- (2) An elector organization that contravenes this section commits an offence.

Transfer of elector organization's surplus campaign funds

- 30.17** The financial agent of an elector organization that is deregistered may pay to the elector organization, or in accordance with the directions of the elector organization, the balance remaining in the campaign account of the elector organization after
- (a) the payment of the elector organization's election expenses and any other reasonable expenses incidental to the elector organization's election campaign, and
 - (b) the completion of any transfers in accordance with section 23 (2) [*campaign transfers from elector organization to endorsed candidates*].

Reregistration

- 30.18** (1) Unless it is deregistered under section 30.14, an elector organization that has been deregistered may not apply to be reregistered until after the general local election following the effective date of the deregistration.
- (2) An elector organization that is deregistered under section 30.14 may apply to be reregistered at any time.
- (3) In order to reregister, an elector organization must
- (a) submit to the BC chief electoral officer an application for reregistration that complies with the requirements set out under section 30.07 [*application for registration — elector organization*],
 - (b) satisfy the BC chief electoral officer that the elector organization is the same elector organization that was previously registered,
 - (c) fulfill the requirements established under this Act, including, without limitation, filing annual financial reports and disclosure statements and paying monetary penalties, unless the elector organization has been granted relief from the requirements in accordance with section 68, 68.07 or 68.18 [*court relief powers*], and
 - (d) file with the BC chief electoral officer a report on the elector organization's financial activities since it was deregistered.

Part 3 — Third Party Advertising

Division 1 — General

Independence requirements for third party sponsors

- 31** (1) Subject to this section, an individual or organization must not sponsor third party advertising on behalf of or together with a candidate or elector organization in relation to the election campaign of the candidate or elector organization.
- (2) A candidate may, as a third party sponsor, sponsor election advertising that is not an election expense of the candidate.
- (3) An elector organization may, as a third party sponsor, sponsor election advertising that is not an election expense of the elector organization.
- (4) An individual or organization that contravenes this section commits an offence.

Sponsorship contributions generally

- 32** (1) Subject to this section and any applicable regulations, the following are sponsorship contributions:
- (a) the amount of any money, or the value of any non-monetary property or services, provided without compensation to an individual or organization for sponsorship use;

- (b) if property or services are provided at less than market value to an individual or organization for sponsorship use, the difference between the market value of the property or services at the time provided and the amount charged;
 - (c) if
 - (i) a third party sponsor offers property or services for the purpose of obtaining funds for sponsorship use, and
 - (ii) the property or services are acquired from the third party sponsor at greater than market value,the difference between the market value of the property or services at the time acquired and the amount charged;
 - (d) the unpaid amount of a debt, other than a debt arising from a loan, in relation to the preparation or transmission of third party advertising sponsored by a third party sponsor, if
 - (i) the third party sponsor is liable for payment in relation to that preparation or transmission,
 - (ii) any part of that debt remains unpaid for 6 months after the debt has become due, and
 - (iii) no legal proceedings to recover the debt have been commenced by the creditor;
 - (e) the provision to a third party sponsor of property or services prescribed by regulation.
- (2) For certainty, nothing in subsection (1) (d) affects the rights of a creditor in relation to a debt that becomes a sponsorship contribution under that subsection.
- (2.1) If the unpaid amount of a debt referred to in subsection (1) (d) of this section
- (a) is payable to an organization or an individual, other than an eligible individual, and
 - (b) becomes a sponsorship contribution under that subsection,
- section 35 *[dealing with prohibited sponsorship contributions]* applies as if the unpaid amount of the debt were a sponsorship contribution made or accepted in contravention of this Act or the regulations under this Act.
- (3) Subject to any applicable regulations, the value of the following is not a sponsorship contribution:
- (a) property and services that are deemed to have a nil value under section 33 (5) *[advertising expenses deemed to have nil value]*;
 - (b) any other property or services prescribed by regulation.

Sponsorship contributions through loans

- 32.01** (1) Subject to any applicable regulations, a permissible loan to a third party sponsor is not a sponsorship contribution, but
- (a) the loan must be disclosed in accordance with the requirements under Division 2 *[Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors]* of Part 5 *[Transparency Requirements for Local Elections and Assent Voting]*, and
 - (b) if the loan is made by an eligible individual, it must be treated as if it were a sponsorship contribution for the purpose of determining whether the eligible individual has complied with section 34 (1.01) *[prohibition against exceeding sponsorship contribution limit]*.
- (2) Despite subsection (1), the unpaid amount of a permissible loan made by an eligible individual to a third party sponsor is a sponsorship contribution if
- (a) that part of the loan remains unpaid for 6 months after it becomes due and no legal proceedings to recover the loan have been commenced by the eligible individual, or
 - (b) the eligible individual forgives that part of the loan.
- (3) Despite subsection (1), the unpaid amount of a permissible loan made by a savings institution to a third party sponsor is a sponsorship contribution if the savings institution does not make commercially reasonable efforts to collect or enforce the loan.
- (4) In the circumstances described in subsection (3), section 35 *[dealing with prohibited sponsorship contributions]* applies as if the unpaid amount of the loan were a sponsorship contribution made or accepted in contravention of this Act or the regulations under this Act.
- (5) For certainty, nothing in subsection (2) or (3) affects the rights of a creditor in relation to a permissible loan that becomes a sponsorship contribution under those subsections.

Valuation rules for third party advertising and sponsorship contributions

- 33** (1) Unless otherwise expressly provided under this Act, the rules in this section apply for the purpose of determining the value of third party advertising or a sponsorship contribution.
- (2) The value of any property or services is
- (a) the price paid for the property or services, or
 - (b) the market value of the property or services, if no price is paid or if the price paid is less than the market value.
- (3) In the case of property that is a capital asset, the value of the property is the market value of using the property.
- (4) Subject to subsection (5), the value of third party advertising is the value of property and services used in preparing the communication and transmitting it to the public.

(5) The value of the following property and services used as referred to in subsection (4) is deemed to be nil:

- (a) services provided by an individual, as the third party sponsor or as a volunteer;
- (b) any other property or services prescribed by regulation.

(6) The value of shared third party advertising must be attributed to the participating individuals and organizations in accordance with the regulations.

Division 2 — Rules in Relation to Sponsorship Contributions and Sponsored Advertising

Restrictions on making sponsorship contributions

34 (0.1) An organization or an individual, other than an eligible individual, must not make a sponsorship contribution.

(1) An eligible individual must not do any of the following:

- (a) make an anonymous sponsorship contribution that has a value of more than \$50;
- (b) make a number of anonymous sponsorship contributions to the same third party sponsor in relation to one or more elections that are being held at the same time if, in total, the sponsorship contributions would be equal in value to more than \$50;
- (c) make a sponsorship contribution, other than an anonymous sponsorship contribution that is permitted under this Act, without disclosing to the third party sponsor receiving the sponsorship contribution the information required to be recorded under section 36 *[records of sponsorship contributions and sponsored advertising]*;
- (d) make a sponsorship contribution with money, non-monetary property or services of another individual or organization.
- (e) [Repealed 2017-21-17.]

(1.01) An eligible individual must not make, in a calendar year, sponsorship contributions that, in total, exceed the applicable sponsorship contribution limit.

(1.1) An individual or organization must not make a sponsorship contribution indirectly by providing money, non-monetary property or services to an eligible individual

- (a) for the eligible individual to make as a sponsorship contribution, or
- (b) as consideration for that eligible individual making a sponsorship contribution.

(2) An individual or organization that contravenes this section commits an offence.

Restrictions on making loans for sponsorship use

- 34.01** (1) Subject to subsection (2), an individual or organization must not make a loan to a third party sponsor for sponsorship use.
- (2) An eligible individual or a savings institution may make a permissible loan to a third party sponsor for sponsorship use.
- (3) As an exception to subsection (2), an eligible individual must not make a permissible loan to a third party sponsor for sponsorship use in an amount that would bring the total value of sponsorship contributions and permissible loans made by the eligible individual to an amount greater than the applicable sponsorship contribution limit.
- (4) For certainty, this section applies whether the permissible loan is made or accepted before or after the start of a campaign period.
- (5) An individual or organization that contravenes this section commits an offence.

Restrictions in relation to accepting sponsorship contributions

- 34.02** (1) A third party sponsor must not accept
- (a) a sponsorship contribution from an organization or an individual, other than an eligible individual, or
 - (b) sponsorship contributions from an eligible individual that exceed the applicable sponsorship contribution limit.
- (2) A third party sponsor must not accept
- (a) a sponsorship contribution for which the information required to be recorded under section 36 [*records of sponsorship contributions and sponsored advertising*] is not provided, or
 - (b) any other sponsorship contribution that the sponsor has reason to believe is made in contravention of this Act or the regulations under this Act.
- (3) A third party sponsor that contravenes this section commits an offence.

Restrictions in relation to accepting loans for sponsorship use

- 34.03** (1) A third party sponsor must not accept a loan, other than a permissible loan, for sponsorship use.
- (1.1) A third party sponsor must not accept a permissible loan for sponsorship use from an eligible individual if the amount of the loan would bring the total value of sponsorship contributions and permissible loans made by the eligible individual to an amount greater than the applicable sponsorship contribution limit.
- (2) If a third party sponsor becomes aware that it has accepted a loan in contravention of subsection (1) or (1.1), the third party sponsor must, within 30 days after becoming aware of the contravention,
- (a) return the loan to the lender, or
 - (b) pay to the lender an amount equal to the value of the loan.

- (3) If subsection (2) applies, the third party sponsor must maintain records of the following for each loan:
- (a) the circumstances in which the loan was accepted;
 - (b) the information required under section 36 (2.1) [*records of sponsorship contributions — loans*];
 - (c) when and how the loan was dealt with in accordance with subsection (2) of this section;
 - (d) any other information prescribed by regulation.
- (4) For certainty, this section applies whether the loan is made or accepted before or after the start of a campaign period.
- (5) A third party sponsor that contravenes this section commits an offence.

Dealing with prohibited sponsorship contributions

35 (1) [Repealed 2017-21-19.]

- (2) If a third party sponsor becomes aware that a sponsorship contribution was made or accepted in contravention of this Act or the regulations under this Act, the third party sponsor must, within 30 days after becoming aware of the contravention,
- (a) return the sponsorship contribution to the contributor, or
 - (b) pay to the contributor an amount equal to the value of the sponsorship contribution.
- (3) If a third party sponsor is not able to comply with subsection (2), the third party sponsor must, as soon as practicable, deal with the sponsorship contribution as follows:
- (a) in the case of a sponsorship contribution of money, pay to the BC chief electoral officer an amount equal to the value of the sponsorship contribution;
 - (b) in any other case, either
 - (i) pay to the BC chief electoral officer an amount equal to the value of the contribution, or
 - (ii) deal with the contribution in accordance with the directions of that officer.

- (4) An individual or organization that contravenes this section commits an offence.

Records of sponsorship contributions and sponsored advertising

- 36** (1) Subject to subsection (2) and any applicable regulations, for each sponsorship contribution received by a third party sponsor, the individual or organization must maintain records of the following information:
- (a) the value of the sponsorship contribution;
 - (b) the date on which the sponsorship contribution was made;

- (c) unless it is an anonymous sponsorship contribution, the full name, mailing address and, if it is different, residential address of the contributor;
 - (d) whether the sponsorship contribution is an anonymous sponsorship contribution;
 - (e) [Repealed 2017-21-20.]
 - (f) any other information required by regulation.
- (2) If section 35 *[dealing with prohibited sponsorship contributions]* applies in relation to a sponsorship contribution, the sponsor must maintain records of the following for each such sponsorship contribution:
- (a) the circumstances in which the sponsorship contribution was received;
 - (b) to the extent possible, the information required under subsection (1) (a) to (d) of this section;
 - (b.1) if the contribution was made by an organization, the name of the organization;
 - (c) when and how the sponsorship contribution was dealt with in accordance with section 35;
 - (d) any other information required by regulation.
- (2.1) The sponsor must maintain records of the following in relation to a permissible loan made to the sponsor:
- (a) if the loan is made by an eligible individual, the full name and residential address of the eligible individual;
 - (b) if the loan is made by a savings institution, the name of the savings institution;
 - (c) the amount of the loan;
 - (d) the date the loan is made;
 - (e) the date the loan is due;
 - (f) the rate of interest, if any, charged for the loan;
 - (g) if the loan is made by a savings institution, the prime rate of the principal banker to the government at the time the rate of interest for the loan is fixed;
 - (h) any other information prescribed by regulation.
- (3) A third party sponsor must maintain records and material respecting the sponsored third party advertising that are sufficient to meet the reporting requirements under this Act.
- (4) The records and material required under this section must be retained in British Columbia
- (a) by the sponsor, in the case of a third party sponsor who is an individual, and

(b) by the authorized principal official, in the case of a third party sponsor that is an organization,

until 5 years after general voting day for the election to which the records and material relate.

(5) The recording, maintenance and retention of records and material under this section and related receipts must be done in accordance with any requirements established by regulation.

(6) An individual or organization that contravenes this section commits an offence.

Division 2.1 — Sponsorship Contribution Limit

Sponsorship contribution limit for 2021

36.01 Subject to any applicable regulations, the sponsorship contribution limit for 2021 is equal to the amount of the campaign contribution limit for that year.

Sponsorship contribution limit for 2022 and subsequent years

36.02 (1) In this section, "**base year**" means 2022 or a subsequent calendar year for which a sponsorship contribution limit is established under subsection (2).

(2) Subject to any applicable regulations, the sponsorship contribution limit for a base year is an amount prescribed by regulation or determined in accordance with the regulations.

(3) Subject to any applicable regulations, for a calendar year other than a base year, the BC chief electoral officer must establish the sponsorship contribution limit for that year by

(a) determining the ratio between the consumer price index at January 1 of the base year and January 1 of the year in which the limit applies, and

(b) applying the ratio to adjust the amount prescribed or determined under subsection (2).

(4) For the purpose of establishing a sponsorship contribution limit under subsection (3), the BC chief electoral officer has the discretion to determine

(a) whether to use a consumer price index prepared by the director under the *Statistics Act* (British Columbia) or a consumer price index published by Statistics Canada under the *Statistics Act* (Canada), and

(b) which consumer price index is applicable for a particular time.

Division 3 — Registration of Third Party Sponsors

Prohibition against sponsoring third party advertising if not registered

37 (1) An individual or organization that is not registered under this Division must not sponsor third party advertising.

(2) An individual or organization that contravenes subsection (1) commits an offence.

Application for registration — individual as third party sponsor

- 38** (1) An individual who wishes to register as a third party sponsor must submit to the BC chief electoral officer an application for registration that complies with the requirements under this Division.
- (2) The application for registration must include the following information:
- (a) the full name of the applicant and, if this is different, the usual name of the individual;
 - (b) the name of the sponsor and the mailing address, telephone number or email address that are to be used by the sponsor for the purpose of compliance with section 44 *[advertising must include sponsorship information]*;
 - (c) the required contact information for the individual;
 - (d) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the individual;
 - (e) any other information required by regulation.
- (3) An application for registration must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.
- (4) In order to be accepted, an application for registration must be accompanied by a solemn declaration of the applicant that, to the best of the knowledge and belief of the applicant, the following are true:
- (a) the applicant is, and intends to continue to be, in compliance with the independence requirements of section 31 *[independence requirements for third party sponsors]*;
 - (b) the applicant is not prohibited under this Act from sponsoring third party advertising;
 - (c) the information provided in the application is complete and accurate;
 - (d) the applicant
 - (i) understands the requirements and restrictions that apply to the applicant under this Act, and
 - (ii) intends to fully comply with all of those requirements and restrictions;
 - (e) any other matter prescribed by regulation.
- (5) The third party sponsor must, as soon as practicable, provide updated information and material to the BC chief electoral officer in accordance with the requirements under subsections (2) and (3) if there is any change in the information or material that is required to be provided to the BC chief electoral officer under this section.
- (6) A third party sponsor that contravenes subsection (5) commits an offence.

Application for registration — organization as third party sponsor

39 (1) An organization that wishes to register as a third party sponsor must submit to the BC chief electoral officer an application for registration that complies with the requirements under this Division.

(2) The application for registration must include the following information:

- (a) the full name of the organization and any abbreviations, acronyms and other names used by the organization;
- (b) the name of the sponsor and the mailing address, telephone number or email address that are to be used by the sponsor for the purpose of compliance with section 44 *[advertising must include sponsorship information]*;
- (c) a mailing address and telephone number at which the organization can be contacted;
- (d) an email address at which the organization can be contacted, unless the organization does not have such an address;
- (e) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the organization;
- (f) the name, required contact information and address for service of the authorized principal official of the organization;
- (g) the name, mailing address and address for service of each of the other responsible principal officials of the organization;
- (h) any other information required by regulation.

(3) An application for registration must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.

(4) In order for an application for registration to be accepted, the organization must provide the following to the BC chief electoral officer:

- (a) signed consents of the responsible principal officials to act as responsible principal officials of the organization;
- (b) a solemn declaration in accordance with subsection (5) of the authorized principal official of the organization.

(5) For purposes of subsection (4) (b), the authorized principal official of the applicant organization must make a solemn declaration that, to the best of the knowledge and belief of that official, the following are true:

- (a) the applicant is, and intends to continue to be, in compliance with the independence requirements of section 31 *[independence requirements for third party sponsors]*;
- (b) the applicant is not prohibited under this Act from sponsoring third party advertising;
- (c) the information provided in the application is complete and accurate;

- (d) the individual making the declaration is the authorized principal official of the applicant;
 - (e) the applicant
 - (i) understands the requirements and restrictions that apply to the applicant under this Act, and
 - (ii) intends to fully comply with all of those requirements and restrictions;
 - (f) any other matter prescribed by regulation.
- (6) The third party sponsor must, as soon as practicable, provide updated information and material to the BC chief electoral officer in accordance with the requirements under subsections (2), (3) and (4) (a) if there is any change in who is the authorized principal official of the organization, in who are the responsible principal officials of the organization or in any other information or material that is required to be provided to the BC chief electoral officer under this section.
- (7) A third party sponsor that contravenes subsection (6) commits an offence.

Responsible principal officials of third party sponsor that is an organization

40 (1) From the time of applying for registration until all obligations applicable under this Act to the organization have been fulfilled, a third party sponsor that is an organization

- (a) must have at least 2 principal officials of the organization who have consented to be responsible principal officials of the organization, and
- (b) must have one of those responsible principal officials designated as the authorized principal official who is to
 - (i) make declarations required under this Act or other local elections legislation in relation to the organization, and
 - (ii) retain records and material as required under section 36 [*records of sponsorship contributions and sponsored advertising*].

(2) An organization that contravenes subsection (1) commits an offence.

Registration by BC chief electoral officer

41 (1) Subject to this section, as soon as practicable after receiving an application in accordance with this Division, the BC chief electoral officer must register the applicant as a third party sponsor and notify the applicant of this registration.

(2) Subsection (1) does not apply if the BC chief electoral officer has reason to believe that any of the following apply:

- (a) the applicant is prohibited under this Act from sponsoring third party advertising;
- (b) the application for registration does not meet the requirements under this Division;
- (c) information in the required solemn declaration is false;

- (d) any other circumstances prescribed by regulation apply.
- (3) The BC chief electoral officer may refuse to register an applicant under a name that, in the opinion of that officer,
 - (a) is likely to be confused with a name, abbreviation or acronym of a candidate, elector organization or registered third party sponsor, or
 - (b) in the case of an application by an organization, is likely to be confused with a name, abbreviation or acronym used by another organization.
- (4) If the BC chief electoral officer refuses to register an applicant, that officer must provide the applicant with reasons for the refusal and an opportunity to provide further information for a reconsideration of the decision.
- (5) Registration under this Division is effective only for the election or elections in relation to which the application for registration was made.

Division 4 — Third Party Advertising Limits

Third party advertising limits — general local election

41.1 Subject to any applicable regulations, in respect of an election to which this Act applies that is held as part of a general local election,

- (a) the third party advertising limit for a third party sponsor during the campaign period for third party advertising that is directed advertising,
 - (i) in relation to an election area that has a population of less than 15 000, is a prescribed amount, and
 - (ii) in relation to an election area that has a population of 15 000 or more
 - (A) for a mayor or councillor,
 - (B) for an electoral area director,
 - (C) for a Vancouver Park Board member,
 - (D) for a local trust area trustee,
 - (E) for a trustee on a board of education,
 - (F) for a regional trustee of a francophone education authority, and
 - (G) prescribed under section 1 (1) (i) *[other elections to which this Act applies]*,
- is determined in accordance with the regulations, and
- (b) the cumulative third party advertising limit for a third party sponsor during the campaign period for third party advertising that is directed advertising or issue advertising is a prescribed amount.

Limits and adjustments to reflect changes in consumer price index

41.2 (1) In respect of each general local election that is called after January 1, 2019,

- (a) the minister responsible for the administration of the enactment under which the election is being held must establish the third party advertising

limit under section 41.1 (a) (i) by

- (i) determining the ratio between the consumer price index at January 1, 2019 and the consumer price index at January 1 of the calendar year in which the election will be held, and
 - (ii) applying the ratio determined under subparagraph (i) of this paragraph to adjust the amount under section 41.1 (a) (i), and
- (b) the minister responsible for the administration of the *Local Government Act* must establish the cumulative third party advertising limit by
- (i) determining the ratio between the consumer price index at January 1, 2019 and the consumer price index at January 1 of the calendar year in which the election will be held, and
 - (ii) applying the ratio determined under subparagraph (i) of this paragraph to adjust the amount under section 41.1 (b).

(2) For the purpose of making an adjustment under this section, the minister responsible has the discretion to determine

- (a) whether to use a consumer price index prepared by the director under the *Statistics Act* (British Columbia) or a consumer price index published by Statistics Canada under the *Statistics Act* (Canada), and
- (b) which consumer price index is applicable for a particular time.

Specific third party advertising limits to be made publicly available in advance of general local election

41.3 (1) By April 30 of the year in which a general local election will be held,

- (a) the minister responsible must provide to Elections BC the third party advertising limits established under section 41.1 (a) in relation to each election area for which elections under that minister's responsibility are to be held as part of a general local election, and
- (b) the minister responsible for the administration of the *Local Government Act* must provide to Elections BC the cumulative third party advertising limit prescribed under section 41.1 (b).

(2) By May 31 of the year in which a general local election will be held, Elections BC must make the third party advertising limits provided under subsection (1) publicly available on an Elections BC authorized internet site.

Third party advertising limits — by-election

41.4 Subject to any applicable regulations, the third party advertising limits made publicly available under section 41.3 in respect of the most recent general local election in relation to an election area are the third party advertising limits in respect of a by-election for that election area.

Prohibition against third party advertising exceeding third party advertising limits

41.5 (1) Subject to subsection (2), in respect of an election,

- (a) a third party sponsor must not sponsor directed advertising such that the total value of the directed advertising sponsored by the third party sponsor for any election is greater than the third party advertising limit established under section 41.1 (a) [*directed advertising limits*] in relation to the election area for which the election is held,
 - (b) in the case of 2 or more third party sponsors jointly sponsoring advertising, the third party sponsors must not sponsor directed advertising such that the total value of the shared directed advertising sponsored by those third party sponsors for any election is greater than the third party advertising limit established under section 41.1 (a) in relation to the election area for which the election is held,
 - (c) a third party sponsor must not sponsor third party advertising that is directed advertising or issue advertising such that the total value of the third party advertising sponsored by the third party sponsor is greater than the cumulative third party advertising limit, or
 - (d) in the case of 2 or more third party sponsors jointly sponsoring advertising, the third party sponsors must not sponsor third party advertising that is directed advertising or issue advertising such that the total value of the shared third party advertising sponsored by those third party sponsors is greater than the cumulative third party advertising limit.
- (2) The value of any prescribed class of third party advertising prescribed by regulation as being excluded is not to be included in determining whether a third party sponsor has exceeded the applicable third party advertising limit.
- (3) An individual or organization that contravenes this section commits an offence.

Prohibition against attempting to circumvent third party advertising limits

- 41.6 (1)** A third party sponsor must not circumvent or attempt to circumvent, in any manner, the third party advertising limit for the third party sponsor.
- (2) An individual or organization that contravenes this section commits an offence.

Attribution of value of directed advertising

- 41.7 (1)** If directed advertising is specifically related to one or more candidates, one or more elector organizations or one or more of both candidates or elector organizations, in 2 or more election areas, the third party sponsor must, in accordance with the regulations, attribute the value of the directed advertising to the third party advertising limit established under section 41.1 (a) [*directed advertising limits*] in relation to each election area for which the election is held.
- (2) An individual or organization that contravenes this section commits an offence.

Part 4 — Non-Election Assent Voting Advertising and Other Assent Voting Advertising Rules

Application of third party advertising rules to non-election assent voting advertising

42 (1) Subject to any exceptions provided by this Act and any applicable regulations,

- (a) Divisions 1 to 3 of Part 3 [*Third Party Advertising*], and
- (b) any other provisions of this Act or the regulations that apply in relation to those Divisions

apply to non-election assent voting advertising during an assent voting proceedings period as if the assent voting advertising were third party advertising during a campaign period.

(2) For certainty, Part 7 [*Enforcement*] applies in relation to provisions that are made applicable under this Part in relation to non-election assent voting advertising.

Assent voting advertising by local government

43 Part 3 [*Third Party Advertising*] and Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 do not apply to assent voting advertising sponsored by the local government of the jurisdiction for which the assent voting is being held.

Part 5 — Transparency Requirements for Local Elections and Assent Voting

Division 1 — Sponsorship of Election Advertising and Assent Voting Advertising

Advertising must include sponsorship information

44 (1) Subject to any applicable regulations, an individual or organization must not sponsor election advertising or assent voting advertising, or transmit such advertising to the public, unless the advertising

- (a) identifies,
 - (i) in the case of advertising sponsored by a candidate or elector organization as part of the candidate's or elector organization's campaign, the name of the financial agent, or
 - (ii) in any other case, the name of the sponsor,
- (b) indicates that it was authorized by the identified financial agent or sponsor,
- (c) gives a telephone number, email address or mailing address at which the financial agent or sponsor may be contacted regarding the advertising,
- (d) if applicable, indicates that the sponsor is a registered third party sponsor or assent voting advertising sponsor under this Act, and
- (e) meets any other requirements established by regulation.

(2) If information is required to be provided under subsection (1),

- (a) any telephone number given must have a British Columbia area code,
 - (b) any mailing address given must be within British Columbia, and
 - (c) the sponsor must make available an individual to be responsible for answering questions from individuals who are directed to the telephone number, email address or mailing address.
- (3) The information required under subsection (1) must be provided
- (a) in English or in a manner that is understandable to readers of English, and
 - (b) if all or part of the election advertising is in a language other than English, in the other language or in a manner that is understandable to readers of that other language.
- (4) For certainty, in the case of advertising that is sponsored in combination by multiple sponsors, the requirements of this section apply in relation to each sponsor.
- (5) An individual or organization that contravenes this section commits an offence.
- (6) Subsection (5) does not apply to an individual or organization in relation to election advertising referred to in section 7 (3) *[canvassing voters and mailing material if on commercial basis]* unless the individual or organization is the sponsor of the advertising.
- (7) The BC chief electoral officer, or a person acting on the direction of the BC chief electoral officer, may require an individual or organization to discontinue any activity referred to in section 7 (3) that does not meet the requirements set out in subsections (1) to (3) of this section.

Restrictions on general voting day advertising

- 45** (1) An individual or organization must not sponsor or agree to sponsor election advertising or non-election assent voting advertising that is or is to be transmitted to the public on general voting day, whether the transmission is within British Columbia or outside British Columbia.
- (2) An individual or organization must not transmit election advertising or non-election assent voting advertising to the public on general voting day.
- (3) Subject to section 163 (4) *[prohibition against certain activities within 100 metres of voting proceedings on general voting day]* of the *Local Government Act* and section 125 (4) of the *Vancouver Charter*, subsections (1) and (2) of this section do not apply in respect of any of the following election advertising or non-election assent voting advertising:
- (a) communication on the internet, if the communication was transmitted to the public on the internet before general voting day and was not changed before the close of general voting;
 - (b) communication by means of signs, posters or banners;
 - (c) communication by the distribution of pamphlets;

- (c.1) communication that is transmitted to the public on the internet for the sole purpose of encouraging voters to vote in the election;
- (d) any other election advertising or non-election assent voting advertising prescribed by regulation.

(4) An individual or organization that contravenes this section commits an offence.

Division 2 — Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors

Annual financial reports by elector organizations

45.1 (1) The financial agent of a registered elector organization must file, and the responsible principal officials of the registered elector organization must ensure that the financial agent files, with the BC chief electoral officer a financial report of the elector organization respecting the previous calendar year.

(2) Subject to any applicable regulations, an annual financial report under subsection (1) must include information respecting the following, provided in accordance with the regulations:

- (a) the election expenses the elector organization incurred during the year;
- (b) the campaign contributions the elector organization accepted during the year, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;
- (c) any campaign contributions received during the year by the elector organization but returned or otherwise dealt with in accordance with section 28 *[dealing with prohibited campaign contributions]*;
- (d) the assets, liabilities and surplus or deficit of the elector organization at the end of the year;
- (e) transfers of property and provision of services as referred to in section 13 (6) (a) *[campaign transfers between candidates and elector organizations]*;
- (f) the fundraising functions held by or on behalf of the elector organization during the year;
- (g) any income received and any expenditures made or incurred by the elector organization during the year, if these are not otherwise disclosed in the annual financial report;
- (h) any loans or guarantees received by the elector organization during the year and any conditions attached to them, including
 - (i) the date the loan is due, and
 - (ii) for permissible loans, the information recorded in accordance with section 22 (1.1) *[recording requirements for loans]*;

- (i) any permissible loans received before the year for which the annual financial report is made if there is an outstanding balance, indicating for each the information recorded in accordance with section 22 (1.1);
 - (j) property and services to which section 13 (6) (c) *[other exclusions from campaign contributions that must be disclosed]* applies;
 - (k) any other matters for which information is required by regulation.
- (3) The first annual financial report of a registered elector organization under this section must include the information referred to in subsection (2) for the period from the date of the statement of the assets and liabilities of the organization included in the application for registration to the end of the calendar year for which the report is made.

Time limits for filing annual financial reports — late filing on payment of penalty, compliance deadline

- 45.2** (1) In order to avoid a late filing penalty fee, the financial agent must, by March 31 in each year, file an annual financial report respecting the previous calendar year.
- (2) If an annual financial report is not filed by March 31 in a year, it may be filed within 30 days after that date on payment to the BC chief electoral officer of a late filing penalty fee of \$500.
- (3) The compliance deadline for filing an annual financial report is the later of
- (a) the late filing deadline for the annual financial report, and
 - (b) if applicable, the last date for filing the annual financial report as established by a court order for relief under section 68 *[court relief powers respecting disclosure requirements]*.

Disclosure statements required for candidates, elector organizations and advertising sponsors

- 46** (1) A disclosure statement in accordance with this Division must be filed with the BC chief electoral officer as follows:
- (a) for each individual who was declared to be a candidate in an election, a candidate disclosure statement respecting the election is required;
 - (b) for each elector organization that endorsed one or more candidates in relation to one or more elections for a jurisdiction that were held at the same time, an elector organization disclosure statement respecting those elections is required;
 - (c) for each individual or organization that sponsored third party advertising or registered under Division 3 *[Registration of Third Party Sponsors]* of Part 3, a third party disclosure statement respecting the activities of the sponsor in relation to the applicable elections is required;
 - (d) for each individual or organization that sponsored non-election assent voting advertising or registered under Division 3 of Part 3 as it applies in

relation to that advertising, an assent voting advertising disclosure statement respecting the activities of the sponsor in relation to the applicable assent voting is required.

(2) For certainty, the following apply in relation to the obligations under subsection (1):

- (a) a candidate disclosure statement is required even if the individual has no election expenses, receives no campaign contributions, is acclaimed, withdraws from the election or is declared by a court to no longer be a candidate;
- (b) an elector organization disclosure statement is required even if the elector organization has no election expenses, receives no campaign contributions, withdraws its endorsement of a candidate or is declared by a court to not be qualified to endorse a candidate;
- (c) a third party disclosure statement is required
 - (i) even if the individual or organization registered but did not in fact sponsor any third party advertising, and
 - (ii) if the individual or organization did sponsor third party advertising, even if the individual or organization did not apply to register or did apply but was refused registration;
- (d) an assent voting advertising disclosure statement is required
 - (i) even if the individual or organization registered but did not in fact sponsor any non-election assent voting advertising, and
 - (ii) if the individual or organization did sponsor non-election assent voting advertising, even if the individual or organization did not apply to register or did apply but was refused registration.

(3) The following apply in relation to what is to be disclosed in a single disclosure statement:

- (a) in relation to a candidate referred to in section 4 (2) [*candidate running in multiple elections*], a separate candidate disclosure statement must be filed in relation to each election in which the individual was a candidate;
- (b) in relation to an elector organization referred to in section 5 (2) [*endorsing in multiple jurisdictions*], a separate elector organization disclosure statement must be filed in relation to each jurisdiction for which the organization endorsed a candidate in an election;
- (c) in relation to an individual or organization that sponsored third party advertising in relation to multiple elections being held at the same time, a single disclosure statement must be filed in relation to all those elections;
- (d) in relation to an individual or organization that sponsored non-election assent voting advertising in relation to multiple assent voting events being held at the same time, a separate disclosure statement must be filed in relation to each jurisdiction for which the assent voting was held.

Time limits for filing disclosure statements — filing on time, late filing on payment of penalty fee, compliance deadline**47 (1)** A disclosure statement must be filed

- (a) within 90 days after general voting day for the election or assent voting to which it relates, or
- (b) if applicable, within the period established under section 90 [*late filing extensions in extraordinary circumstances*],

in order to avoid a late filing penalty fee.

- (2) If a disclosure statement is not filed within the applicable time period under subsection (1), it may be filed within 120 days after general voting day for the election or assent voting on payment to the BC chief electoral officer of a late filing penalty fee of \$500.
- (3) For certainty, if separate disclosure statements are required under section 46 (3) [*disclosure statement coverage*], a late filing penalty fee applies in relation to each disclosure statement.
- (4) The compliance deadline for filing a disclosure statement is the later of
 - (a) the late filing deadline for the disclosure statement, and
 - (b) if applicable, the last date for filing the disclosure statement as established by a court order for relief under section 68 [*court relief powers respecting disclosure requirements*].

Notice of failure to file within no-penalty fee period**48 (1)** If a disclosure statement is not filed before the end of the time period under section 47 (1) [*time limit for filing disclosure statements without penalty fee*] or an annual financial report is not filed before the date referred to in section 45.2 (1) [*time limit for filing annual financial reports without penalty fee*], the BC chief electoral officer must, as soon as practicable, give notice as follows:

- (a) in relation to a candidate disclosure statement, to the candidate and the financial agent;
- (b) in relation to an elector organization disclosure statement or annual financial report, to the following:
 - (i) the elector organization;
 - (ii) the financial agent for the elector organization;
 - (iii) the responsible principal officials of the elector organization;
 - (iv) the candidates endorsed by the elector organization;
- (c) in relation to a third party sponsor or assent voting advertising disclosure statement, to the sponsor and, if the sponsor is an organization, to the responsible principal officials of the organization.

(2) The notice under subsection (1) must include the following information:

- (a) that the disclosure statement or annual financial report, as applicable, was not filed within the time for filing without payment of a late filing penalty fee;
- (b) the date of the late filing deadline and the late filing penalty fee that must be paid;
- (c) the penalties that may apply under this Act for failure to file the disclosure statement or annual financial report, as applicable;
- (d) that an application may be made to the Supreme Court for relief under Division 2 [*Court Orders for Relief in Relation to Disclosure Requirements*] of Part 6;
- (e) any other information prescribed by regulation.

Candidate disclosure statement — information and other requirements

49 (1) The financial agent for the candidate must file the candidate disclosure statement, and the candidate must ensure that the financial agent files the disclosure statement as required.

(2) Subject to any applicable regulations, a candidate disclosure statement must include information respecting the following, provided in accordance with the regulations:

- (a) the individuals who were at any time financial agents of the candidate, the campaign accounts of the candidate, and other matters respecting compliance with Part 2 [*Candidate and Elector Organization Campaign Financing*];
- (b) the election period expenses of the candidate;
- (c) the campaign period expenses of the candidate;
- (c.1) election expenses of the candidate referred to in section 14 (6) [*election expenses not included in expense limit*];
- (d) campaign contributions received by the candidate, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;
- (e) amounts, other than campaign contributions, election period expenses and campaign period expenses, deposited into or paid from a campaign account of the candidate or transferred between campaign accounts of the candidate;
- (f) property and services to which section 13 (6) (b) or (c) [*exclusions from campaign contributions that must be disclosed*] applies;
- (f.1) the information referred to in section 22 (1.1) [*recording requirements for loans*];
- (f.2) any amount outstanding on a loan;

- (g) if section 24 [*what happens if a candidate has surplus campaign funds*] applies, the amount of the balance remaining in the campaign accounts of the candidate and how the surplus has been dealt with;
 - (h) if applicable, that the candidate was a third party sponsor during the campaign period for the election;
 - (i) if applicable, other matters for which information is required by regulation.
- (3) In addition to the requirements under subsection (2), a disclosure statement must include the following, provided in accordance with the regulations:
- (a) for a candidate who was endorsed by an elector organization,
 - (i) a copy of the campaign financing arrangement between the candidate and the elector organization, and of any amendments to the campaign financing arrangement, regardless of whether the campaign financing arrangement was terminated by the candidate or the elector organization,
 - (ii) if the campaign financing arrangement was terminated, a copy of the documentation evidencing the termination, and
 - (iii) information respecting the following:
 - (A) transfers of property and provision of services as referred to in section 13 (6) (a) [*campaign transfers between candidates and elector organizations*];
 - (B) any other matters for which information is required by regulation;
 - (b) for a candidate who sought endorsement from an elector organization but was not endorsed, information respecting the following:
 - (i) transfers of property and provision of services as referred to in section 13 (6) (a);
 - (ii) any other matters for which information is required by regulation.

Elector organization disclosure statement — information and other requirements

- 50** (1) The financial agent for the elector organization must file the elector organization disclosure statement, and the responsible principal officials of the elector organization must ensure that the financial agent files the disclosure statement as required.
- (2) Subject to any applicable regulations, an elector organization disclosure statement must include information respecting the following, provided in accordance with the regulations:
- (a) the candidates endorsed by the elector organization;
 - (b) the individuals who were at any time financial agents of the elector organization, the campaign accounts of the elector organization, and other matters respecting compliance with Part 2 [*Candidate and Elector Organization Campaign Financing*];

- (c) the election period expenses of the elector organization;
- (d) the campaign period expenses of the elector organization;
- (d.1) election expenses of the elector organization referred to in section 14 (6) *[election expenses not included in expense limit]*;
- (d.2) for each candidate endorsed by the elector organization, the campaign period expenses of the elector organization that are attributable to the candidate's expense limit;
- (e) campaign contributions received by the elector organization, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;
- (e.1) the information referred to in section 22 (1.1);
- (e.2) any amount outstanding on a loan;
- (f) *[Repealed 2017-21-22.]*
- (g) amounts, other than campaign contributions, election period expenses and campaign period expenses, deposited into or paid from a campaign account of the elector organization or transferred between campaign accounts of the elector organization;
- (h) transfers of property and provision of services as referred to in section 13 (6) *(a) [campaign transfers between candidates and elector organizations]*;
- (i) property and services to which section 13 (6) (c) *[other exclusions from campaign contributions that must be disclosed]* applies;
- (j) the amount of any balance remaining in the campaign accounts of the elector organization before any surplus was dealt with;
- (k) if applicable, that the elector organization was a third party sponsor during the campaign period for the election or elections to which the elector organization disclosure statement relates;
- (l) any other matters for which information is required by regulation.

Third party disclosure statement — information and other requirements

- 51** (1) The third party sponsor must file the third party disclosure statement and, if the sponsor is an organization, the responsible principal officials of the organization must ensure that the disclosure statement is filed as required.
- (2) Subject to subsection (3) and any applicable regulations, the disclosure statement for the sponsor must include information respecting the following, provided in accordance with the regulations:
- (a) the sponsored third party advertising;
 - (b) the sponsor's own funds used in relation to sponsoring that advertising;

- (c) the sponsorship contributions received by the sponsor, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;
 - (c.1) the information referred to in section 36 (2.1) [*records of sponsorship contributions — loans*];
 - (c.2) any amount outstanding on a loan;
 - (d) any other matters for which information is required by regulation.
- (3) If the total value of third party advertising sponsored by an individual or organization in relation to elections being held at the same time is less than \$500, the disclosure statement for the sponsor must include information respecting the advertising as required by regulation.
- (4) If an individual or organization sponsored directed third party advertising in relation to elections for multiple election areas being held at the same time, the statement must separately disclose that advertising in relation to each election area to which the directed advertising was specifically related.
- (5) [Repealed 2016-9-16.]

Non-election assent voting advertising disclosure statement — information and other requirements

- 52** (1) The assent voting advertising sponsor must file the assent voting advertising disclosure statement and, if the sponsor is an organization, the responsible principal officials of the organization must ensure that the disclosure statement is filed as required.
- (2) Subject to subsection (3) and any applicable regulations, the disclosure statement for the sponsor must include information respecting the following, provided in accordance with the regulations:
- (a) the sponsored non-election assent voting advertising;
 - (b) the sponsor's own funds used in relation to sponsoring that advertising;
 - (c) the sponsorship contributions received by the sponsor, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;
 - (c.1) the information referred to in section 36 (2.1);
 - (c.2) any amount outstanding on a loan;
 - (d) any other matters for which information is required by regulation.
- (3) If, in relation to all assent voting covered by the disclosure statement, the total value of non-election assent voting advertising sponsored by an individual or organization is less than \$500, the disclosure statement for the sponsor must include information respecting that advertising as required by regulation.

(4) [Repealed 2016-9-17.]

Other requirements in relation to disclosure statements and annual financial reports

53 In addition to all other requirements established by this Division, a disclosure statement or annual financial report must be in a form approved by the BC chief electoral officer and, as applicable, must

- (a) be filed in accordance with the regulations,
- (b) comply with any other requirements established by regulation, and
- (c) be accompanied by any other information or material required by regulation.

Requirement for supplementary report

54 (1) A supplementary report in accordance with this Division must be filed with the BC chief electoral officer as follows:

- (a) in the case of a supplementary report in relation to a disclosure statement, if advice referred to in paragraph (c) has not been given, 30 days after an individual who is responsible for filing the disclosure statement, or for ensuring that the disclosure statement is filed, becomes aware
 - (i) that any of the required information disclosed in the disclosure statement, or in a previous supplementary report in relation to that disclosure statement, has changed, or
 - (ii) that the disclosure statement or a previous supplementary report did not completely and accurately disclose the information required to be included;
- (b) in the case of a supplementary report in relation to an annual financial report, if advice referred to in paragraph (c) has not been given, 30 days after an individual who is responsible for filing the annual financial report, or for ensuring that the annual financial report is filed, becomes aware
 - (i) that any of the required information disclosed in the annual financial report, or in a previous supplementary report in relation to that annual financial report, has changed, or
 - (ii) that the annual financial report did not completely and accurately disclose the information required to be included;
- (c) if the BC chief electoral officer advises an individual referred to in paragraph (a) or (b) of concerns that circumstances referred to in paragraph (a) or (b), as applicable, may apply and subsequently gives written notice to the individual or organization that a supplementary report is required, 30 days after that written notice is given.

(2) Notice of the requirement for a supplementary report must be given as follows:

- (a) in the case of a requirement under subsection (1) (a) or (b), the individual who becomes aware of that requirement must notify the other individuals

to whom that subsection applies;

- (b) if written notice is given under subsection (1) (c), the BC chief electoral officer must also notify
 - (i) the other individuals to whom that subsection applies,
 - (ii) in the case of a supplementary report in relation to a candidate, the designated local authority officer, and
 - (iii) in the case of a supplementary report in relation to an elector organization, the designated local authority officer and the candidates endorsed by the elector organization.

(3) A supplementary report must include the following:

- (a) a report of the changed, added or corrected information, as applicable;
- (b) a statement of the circumstances that have led to the filing of the supplementary report;
- (c) any other information or material required by regulation.

(4) A supplementary report must be in a form approved by the BC chief electoral officer and, as applicable, must

- (a) be filed in accordance with the regulations,
- (b) comply with any other requirements established by regulation, and
- (c) be accompanied by any other information or material required by regulation.

(5) Responsibilities in relation to filing a supplementary report under this section are the same as for the applicable disclosure statement or annual financial report and, for these purposes, the following apply:

- (a) section 45.1 (1) *[elector organization annual disclosure responsibilities]*;
- (b) section 49 (1) *[candidate disclosure responsibilities]*;
- (c) section 50 (1) *[elector organization disclosure statement]*;
- (d) section 51 (1) *[third party disclosure responsibilities]*;
- (e) section 52 (1) *[non-election assent voting advertising sponsor disclosure responsibilities]*.

(6) The compliance deadline for filing a supplementary report is the later of

- (a) the end of the applicable 30-day period established under subsection (1) (a), (b) or (c), and
- (b) if applicable, the last date for filing the supplementary report as established by a court order for relief under section 68 *[court relief powers respecting disclosure requirements]*.

(7) For certainty, if an elector organization, third party sponsor or assent voting advertising sponsor, as applicable, is subject to a prohibition under any of the following provisions, and accepts a campaign contribution or sponsorship

contribution for the sole purpose of paying debts as described in those provisions, that acceptance is a change in required information for the purpose of subsection (1) of this section:

- (a) section 64 (3) (b);
- (b) section 64 (4) (b);
- (c) section 65 (1) (c) (ii);
- (d) section 65 (1) (d) (ii);
- (e) section 68.01 (5) (b);
- (f) section 68.03 (3) (b);
- (g) section 68.09 (3) (b).

Required declarations

- 55** (1) Subject to subsection (3), a disclosure statement, annual financial report or supplementary report must include a signed declaration of each of the individuals referred to in subsection (2), that, to the best of the knowledge and belief of the individual making the declaration, the statement or report, as applicable, completely and accurately discloses the information required under this Act.
- (2) As applicable, declarations of the following individuals are required for the purposes of subsection (1):
- (a) in the case of a disclosure statement or supplementary report in relation to a candidate, declarations of the candidate and the financial agent for the candidate are required;
 - (b) in the case of a disclosure statement, annual financial report or supplementary report in relation to an elector organization, declarations of the financial agent and the authorized principal official for the elector organization are required;
 - (c) in the case of a disclosure statement or supplementary report in relation to a third party sponsor or assent voting advertising sponsor who is an individual, a declaration of the individual is required;
 - (d) in the case of a disclosure statement or supplementary report in relation to a third party sponsor or assent voting advertising sponsor that is an organization, a declaration of the authorized principal official for the organization is required.
- (3) If an application has been commenced under section 66 [*application for relief in relation to disclosure requirements*], in relation to the disclosure statement, annual financial report or supplementary report, a declaration under subsection (1) may be modified to indicate the deficiencies in the report for which relief is being sought in the application.

Disclosure requirements are subject to court orders for relief

- 56** The disclosure requirements in relation to a disclosure statement, annual financial report or supplementary report are subject to any applicable court order for relief under Division 2 [*Court Orders for Relief in Relation to Disclosure Requirements*] of Part 6.

Offence for failure to file by compliance deadline

- 57** (1) This section applies if a required disclosure statement, annual financial report or supplementary report in accordance with this Division is not filed by the compliance deadline.
- (2) In the case of a disclosure statement or supplementary report in relation to a candidate, the candidate commits an offence and the financial agent for the candidate commits an offence.
- (3) In the case of a disclosure statement, annual financial report or supplementary report in relation to an elector organization, the elector organization commits an offence and the financial agent for the elector organization commits an offence.
- (4) In the case of a disclosure statement or supplementary report in relation to a third party sponsor or assent voting advertising sponsor, the sponsor commits an offence.

Division 3 — Public Access to Information

Public access to disclosure information — Elections BC responsibilities

- 58** (0.1) Subject to this Part and any applicable regulations, until at least 5 years after the compliance deadline for an annual financial report, the BC chief electoral officer must
- (a) make the information in the annual financial report and in any supplementary report in relation to the annual financial report, other than a mailing address or residential address of a significant contributor, publicly available on an Elections BC authorized internet site, and
 - (b) have a copy of the annual financial report and any supplementary report, other than a mailing address or residential address of a significant contributor, available for public inspection at the Elections BC office during its regular office hours.
- (1) Subject to this Part and any applicable regulations, until at least 5 years after general voting day for the election or assent voting to which a disclosure statement or supplementary report relates, the BC chief electoral officer must
- (a) make the information in the statement or report, other than a mailing address or residential address of a significant contributor, publicly available on an Elections BC authorized internet site, and
 - (b) have a copy of the statement or report, other than a mailing address or residential address of a significant contributor, available for public inspection at the Elections BC office during its regular office hours.
- (2) Information must be made available under subsections (0.1) and (1) as follows:

- (a) in the case of information in a disclosure statement or annual financial report that is filed before the end of the period for filing without payment of a late filing penalty fee, as soon as practicable after the end of that period;
 - (b) in any other case, as soon as practicable after the BC chief electoral officer receives the disclosure statement or supplementary report.
- (3) If a disclosure statement, annual financial report or supplementary report includes personal information of an individual that is not required under this Act to be included, the BC chief electoral officer
 - (a) is authorized to collect that information,
 - (b) may make, but is not required to make, the information available under subsection (1), and
 - (c) for purposes of subsection (1) (b), may obscure or delete the information or provide for inspection a copy of the statement or report that does not include that information.
- (4) Subject to section 63 [*restrictions on use of personal information*], on request and on payment of the reasonable costs of preparation or reproduction, a member of the public may obtain from the BC chief electoral officer
 - (a) a record of the information made available under subsection (0.1) (a) or (1) (a), or
 - (b) a copy of a record available for inspection under subsection (0.1) (b) or (1) (b).
- (5) If an individual wishes to access, inspect or obtain a copy or other record under this section, the BC chief electoral officer may, before providing this service, require the individual to
 - (a) satisfy the officer that any purpose for which personal information is to be used is permitted by section 63, and
 - (b) provide a signed statement that
 - (i) the individual, and
 - (ii) if applicable, any individual or organization on whose behalf the first individual is accessing, inspecting or obtaining the copy or other record

will not use personal information included in the copy or other record except for a purpose permitted under this Act.

Public access to disclosure information — local authority responsibilities

- 59** (1) Subject to this Part, the local authority for a jurisdiction must make at least one of the following available to the public without charge at the local authority offices during its regular office hours:
- (a) internet access to information that is related to the jurisdiction and is required to be publicly available under section 58 (1) (a) [*public access to*

disclosure information — Elections BC responsibilities;

- (b) a copy of that information available for public inspection.
- (2) Subject to subsection (3), the local authority for a jurisdiction must, on request, provide a copy or other record of information referred to in subsection (1).
- (3) A local authority may, by bylaw, impose a fee for providing a copy or other record under subsection (2).
- (4) If a bylaw under subsection (3) applies, the local authority must make available to the public, on request, a report respecting how the fee was determined.
- (5) If an individual wishes to access, inspect or obtain a copy or other record of information under this section, a local authority official of the jurisdiction may, before providing this service, require the individual to
 - (a) satisfy the official that any purpose for which personal information is to be used is permitted by section 63 *[restrictions on use of personal information]*, and
 - (b) provide a signed statement that
 - (i) the individual, and
 - (ii) if applicable, any individual or organization on whose behalf the first individual is accessing, inspecting or obtaining the copy or other record

will not use personal information included in the copy or other record except for a purpose permitted under this Act.

Disqualification lists to be maintained

- 60** (1) The BC chief electoral officer must make the following disqualification lists publicly available on an Elections BC authorized internet site:
- (a) in relation to candidate disqualification, the list must include
 - (i) the individuals who are subject to disqualification penalties under the following sections:
 - (A) section 64 (2) (b) *[candidate penalties for failure to disclose];*
 - (B) section 65 (1) (b) *[candidate conviction for false or misleading disclosure];*
 - (C) section 65.1 *[endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information];*
 - (D) section 68.03 (1) *[unpaid monetary penalties — candidate]*, and
 - (ii) the jurisdiction to which the disqualification relates;
 - (b) *[Repealed 2021-5-35.]*
 - (c) in relation to third party sponsor or assent voting advertising sponsor disqualification, the list must include the individuals and organizations that are subject to disqualification penalties under the following sections:

- (i) section 64 (4) *[third party sponsor or assent voting advertising sponsor failure to disclose];*
- (ii) section 65 (1) (d) *[third party sponsor or assent voting advertising sponsor conviction for false or misleading disclosure];*
- (iii) section 68.09 (3) *[third party sponsor penalties for exceeding third party advertising limit].*

(2) The disqualification lists under subsection (1) must be available for public inspection at the Elections BC office during its regular office hours.

Reports to local authority respecting non-compliance

61 (1) The BC chief electoral officer must, as soon as practicable, notify the designated local authority officer of a jurisdiction respecting the following in relation to an election or assent voting for the jurisdiction:

- (a) any notices given under section 48 *[notice of failure to file within no-penalty fee period]* in relation to a disclosure statement for a candidate or elector organization;
- (b) any individuals who become subject to disqualification penalties referred to in section 60 (1) (a) *[disqualification lists — candidate disqualification].*

(2) As soon as practicable after being notified under subsection (1), the designated local authority officer must prepare a report respecting the notice, and the report must be presented at an open meeting of the local authority.

Reports to local election officer respecting deregistration or suspension of elector organization

61.1 If an elector organization is deregistered or suspended under any of the following provisions, the BC chief electoral officer must, as soon as practicable, report the deregistration or suspension to the local election officer for each jurisdiction for which the elector organization has endorsed a candidate in an election or has proposed to endorse a candidate in an election:

- (a) section 30.14 *[voluntary deregistration];*
- (b) section 64 (3) (a) *[elector organization penalties for failure to file reports];*
- (c) section 64 (5.2) (a) *[suspension of elector organization pending decision of court];*
- (d) section 68.01 (5) (a) *[elector organization penalties for exceeding expense limits or amount available];*
- (e) section 68.01 (7.1) (b) (i) *[suspension of elector organization pending decision of court].*

Other information to be publicly available

62 (1) The BC chief electoral officer must, as soon as practicable, make the following publicly available:

- (a) in relation to a candidate, the name and mailing address of the financial agent for the candidate as provided in the nomination documents or, if applicable, in updated information under section 17 (6) *[change in financial agent]*;
 - (b) *[Repealed 2021-5-38.]*
 - (c) in relation to a registered third party sponsor or assent voting advertising sponsor,
 - (i) the full name of the sponsor,
 - (ii) the information that is to be included under section 38 (2) (b) *[sponsor information to be provided in advertising by individual]* or 39 (2) (b) *[sponsor information to be provided in advertising by organization]*, as applicable, and
 - (iii) in the case of a sponsor that is an organization, the name of the authorized principal official of the organization as provided under section 40 *[responsible principal officials of sponsor that is an organization]*.
- (2) The BC chief electoral officer must keep information referred to in subsection (1) publicly available through the campaign period or assent voting proceedings period, as applicable, for the election or assent voting to which the information relates and may then continue to make the information publicly available for the period that officer considers appropriate.
- (3) For purposes of this section, the BC chief electoral officer
- (a) must have the information referred to in subsection (1) available for public inspection at the Elections BC office during its regular office hours, and
 - (b) may make the information otherwise publicly available, including by making it available on an Elections BC authorized internet site.

Restrictions on use of personal information

63 (1) Where this Act requires or authorizes the disclosure, public inspection or other use of or access to records containing personal information, the personal information may be used only as follows:

- (a) for purposes of this Act or other local elections legislation;
- (b) for purposes of
 - (i) Division 6 *[Conflict of Interest]* or 7 *[Challenge of Council Member Qualification for Office]* of Part 4 of the *Community Charter*, including, for certainty, for purposes of those provisions as they apply to local authorities other than municipal councils,
 - (ii) sections 142.1 to 142.3 and 145.2 to 145.92 of the *Vancouver Charter*, including, for certainty, for purposes of those provisions as they apply to local authorities other than the Council of the City of Vancouver,
 - (iii) Part 5 *[Conflict of Interest]* of the *School Act*, or

- (iv) a conflict of interest provision of another enactment as prescribed by regulation;
 - (c) for purposes authorized by the *Freedom of Information and Protection of Privacy Act*.
- (2) An individual or organization that uses personal information from records referred to in subsection (1), other than as permitted under that subsection, commits an offence.
- (3) To the extent of any inconsistency or conflict with the *Freedom of Information and Protection of Privacy Act*, this Act applies despite that Act.

Part 5.1 — Expense Limits

Division 1 — Establishment of Expense Limits for Elections

Expense limits — general local election

- 63.01** (1) Subject to any applicable regulations, in respect of an election for mayor to which this Act applies that is held as part of a general local election, the expense limit for a candidate during the campaign period,
- (a) for an election area that has a population of less than 10 000, is a prescribed amount, and
 - (b) for an election area that has a population of 10 000 or more, is an amount determined in accordance with the regulations using an incremental adjustment based on the population of the election area for which the election is being held.
- (2) Subject to any applicable regulations, in respect of an election to which this Act applies that is described in subsection (3) and is held as part of a general local election, the expense limit for a candidate during the campaign period,
- (a) for an election area that has a population of less than 10 000, is a prescribed amount, and
 - (b) for an election area that has a population of 10 000 or more, is an amount determined in accordance with the regulations using an incremental adjustment based on the population of the election area for which the election is being held.
- (3) For the purposes of subsection (2), the elections are as follows:
- (a) an election for a councillor;
 - (b) an election for an electoral area director;
 - (c) an election for a Vancouver Park Board member;
 - (d) an election for a local trust area trustee;
 - (e) an election for a trustee on a board of education;

(f) an election prescribed under section 1 (1) (i) [*other elections to which this Act applies*].

- (4) Subject to any applicable regulations, in respect of an election for a regional trustee of a francophone education authority to which this Act applies that is held as part of a general local election, the expense limit for a candidate during the campaign period is a prescribed amount.

Limits and adjustments to reflect changes in consumer price index

63.02 (1) In respect of each general local election that is called after January 1, 2019, the minister responsible in respect of elections under that minister's responsibility must establish the applicable expense limits for the election by

- (a) determining the ratio between the consumer price index at January 1, 2019 and the consumer price index at January 1 of the calendar year in which the general local election will be held, and
- (b) applying the ratio determined under paragraph (a) of this subsection to adjust the amounts under section 63.01.

(2) For the purpose of making an adjustment under this section, the minister responsible has the discretion to determine

- (a) whether to use a consumer price index prepared by the director under the *Statistics Act* (British Columbia) or a consumer price index published by Statistics Canada under the *Statistics Act* (Canada), and
- (b) which consumer price index is applicable for a particular time.

Specific expense limits to be made publicly available in advance of general local election

63.03 (1) By April 30 of the year in which a general local election will be held, the minister responsible must provide to Elections BC the expense limits established under section 63.01 in relation to each election area for which elections under that minister's responsibility are to be held as part of the general local election.

(2) By May 31 of the year in which a general local election will be held, Elections BC must make the information provided under subsection (1) publicly available on an Elections BC authorized internet site.

Expense limits — by-election

63.04 Subject to any applicable regulations, the expense limits made publicly available under section 63.03 in respect of the most recent general local election in relation to an election area are the expense limits in respect of a by-election for that election area.

Division 2 — General Restrictions in Relation to Expense Limits

Prohibition against exceeding expense limits

63.05 (1) The campaign period expenses of an unendorsed candidate must not exceed the expense limit for the candidate.

- (2) In relation to a candidate endorsed by an elector organization, the total of the following must not exceed the expense limit for the candidate:
 - (a) the campaign period expenses of the candidate;
 - (b) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate.
- (3) An unendorsed candidate for whom the campaign period expenses exceed the expense limit as referred to in subsection (1) commits an offence.
- (4) A candidate endorsed by an elector organization commits an offence
 - (a) if the total of the expenses in subsection (2) (a) and (b) exceeds the expense limit for the candidate, and
 - (b) if the campaign period expenses exceed the amount available to the candidate under the final campaign financing arrangement with the elector organization.
- (5) An elector organization commits an offence
 - (a) if the total of the expenses in subsection (2) (a) and (b) exceeds the expense limit for the candidate endorsed by the elector organization, and
 - (b) if the campaign period expenses exceed the amount available to the elector organization under the final campaign financing arrangement with the candidate endorsed by the elector organization.

Prohibition against incurring campaign period expenses if expense limits will be exceeded

- 63.06** (1) This section applies to the following individuals permitted under section 30 [*how payment in relation to election expenses may be made*] to incur liability for payment in relation to campaign period expenses of a candidate or an elector organization, as applicable:
- (a) subject to subsection (2) of this section, the financial agent for the candidate;
 - (b) an individual authorized in writing by the financial agent for the candidate or by the candidate if the candidate is his or her own financial agent;
 - (c) the financial agent for the electoral organization;
 - (d) an individual authorized in writing by the financial agent for the elector organization.
- (2) Subsection (1) (a) does not include a candidate who is his or her own financial agent.
- (3) An individual referred to in subsection (1) must not incur liability in relation to the campaign period expenses of the candidate or elector organization, as applicable, if this would result in the campaign period expenses exceeding the expense limit for the candidate.
- (4) An individual who contravenes this section commits an offence.

Division 3 — Campaign Financing Arrangements between Candidates and Elector Organizations

Written campaign financing arrangement required

- 63.07** (1) An elector organization and a candidate who is to be endorsed by the elector organization must enter into a written campaign financing arrangement that apportions the expense limit for the candidate by establishing
- (a) the amount that is available for use by the candidate during the campaign period in the election campaign of the candidate, and
 - (b) the amount that is available for use by the elector organization during the campaign period in the election campaign of the endorsing elector organization.
- (2) For certainty, a campaign financing arrangement may apportion the entire expense limit for a candidate to the election campaign of the candidate or to the election campaign of the elector organization.
- (3) A campaign financing arrangement must
- (a) include an acknowledgement that the candidate is aware of the disclosure requirements set out in section 49 (3) *[required information in candidate disclosure statement]*,
 - (b) include an acknowledgement that the candidate is aware of the penalties under section 65.1 *[endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information]*,
 - (c) include a requirement that the elector organization notify the candidate as soon as practicable when the elector organization becomes aware that it has exceeded or will exceed the amount available under the campaign financing arrangement,
 - (d) include a requirement that the candidate notify the elector organization as soon as practicable when the candidate becomes aware that the candidate has exceeded or will exceed the amount available under the campaign financing arrangement, and
 - (e) address any other matters prescribed by regulation.
- (4) The campaign financing arrangement must be dated and be signed
- (a) by the candidate,
 - (b) if the candidate has a financial agent, by the financial agent for the candidate, and
 - (c) by the financial agent for the elector organization.
- (5) A candidate and an elector organization must not enter into a campaign financing arrangement after the campaign period begins.

- (6) An elector organization must not, at any one time, be a party to more campaign financing arrangements in an election for a particular class of office than there are positions to be filled for that class of office.
- (7) A candidate or an elector organization that contravenes this section commits an offence.

Attribution of elector organization expenses to candidate expense limits

- 63.08** (1) If an elector organization endorses only one candidate, the campaign period expenses of the elector organization must be
- (a) attributed to the expense limit for that candidate, and
 - (b) applied against the amount available to the elector organization under the campaign financing arrangement with the candidate.
- (2) If an elector organization endorses more than one candidate, the campaign period expenses of the elector organization must be
- (a) attributed to those candidates in accordance with the regulations, and
 - (b) applied against the applicable amounts available to the elector organization under the campaign financing arrangements with the candidates.
- (3) For certainty, this section applies regardless of the campaign financing arrangement between an elector organization and a candidate.

Prohibition against incurring campaign period expenses unless campaign financing arrangement is in place

- 63.09** An elector organization must not incur a campaign period expense unless the elector organization has entered into, with each candidate that the elector organization endorses or intends to endorse, a campaign financing arrangement that provides an amount available for use during the campaign period in the election campaign of the elector organization.

Amendment to and termination of campaign financing arrangement

- 63.10** (1) Subject to this section and any applicable regulations, a campaign financing arrangement, including the apportionment referred to in section 63.07 [*written campaign financing arrangement required*], may be changed by written amendment.
- (2) An amendment to a campaign financing arrangement is not effective unless the amendment is dated and is signed
- (a) by the candidate,
 - (b) if the candidate has a financial agent, by the financial agent for the candidate, and
 - (c) by the financial agent for the elector organization.
- (3) In the case of an amendment respecting the apportionment referred to in section 63.07, the amendment

- (a) may be made at any time on or before general voting day, and
 - (b) may cover campaign period expenses that were incurred before the amendment became effective.
- (4) A campaign financing arrangement may be terminated in accordance with the regulations, by the candidate or the elector organization, before, but not after, the start of the campaign period for the election.

Effect of endorsement relationship ending

63.11 (1) This section applies in relation to a candidate and an elector organization if any of the following circumstances apply:

- (a) the candidate withdraws from the election under section 101 (2) *[withdrawal, death or incapacity of candidate]* of the *Local Government Act* or section 52 (2) *[withdrawal, death or incapacity of candidate]* of the *Vancouver Charter*;
 - (b) the local election officer notifies the minister responsible under section 101 (4) of the *Local Government Act* or section 52 (4) of the *Vancouver Charter* that the candidate is incapacitated to an extent that will prevent the candidate from holding office;
 - (c) the candidate dies before the close of general voting;
 - (d) any other circumstances prescribed by regulation.
- (2) The effect of the circumstances described in subsection (1) in relation to the campaign period expenses of the candidate and the campaign period expenses of the elector organization, and the application of this Act to those expenses, are those prescribed by regulation.

Part 6 — Penalties and Court Orders for Relief

Division 1 — Penalties for Failure to Comply with Disclosure Requirements

Penalties for failure to disclose

- 64** (1) Subject to a court order for relief under section 68 (1) (c) *[relief from obligation to file]*, the penalties under this section apply to a candidate, elector organization, third party sponsor or assent voting advertising sponsor for which a disclosure statement, supplementary report or, if applicable, annual financial report in accordance with Part 5 *[Transparency Requirements for Local Elections and Assent Voting]* has not been filed by the compliance deadline.
- (2) The following penalties apply in relation to the failure to file a candidate disclosure statement or supplementary report:
- (a) in the case of a candidate who was declared elected, the candidate ceases to hold office on the local authority and the seat of the member becomes vacant;

- (b) in all cases, the candidate is disqualified until after the next general local election from being nominated for, elected to or holding office on a local authority.
- (3) The following penalties apply in relation to the failure to file an elector organization disclosure statement, annual financial report or supplementary report:
 - (a) the elector organization must be deregistered;
 - (b) subject to subsection (4.1), the elector organization is prohibited from accepting campaign contributions or incurring election expenses until it is reregistered under section 30.18 *[reregistration]*.
- (4) The following penalties apply in relation to the failure to file a third party disclosure statement or supplementary report, or an assent voting advertising disclosure statement or supplementary report:
 - (a) the sponsor is disqualified from sponsoring third party advertising or non-election assent voting advertising until after the next general local election;
 - (b) subject to subsection (4.1), the sponsor is prohibited from accepting sponsorship contributions until after the next general local election.
- (4.1) An elector organization, a third party sponsor or an assent voting advertising sponsor is not prohibited from accepting campaign contributions or sponsorship contributions, as applicable, for the sole purpose of paying debts incurred in respect of the election for which there was a failure to file a disclosure statement or supplementary report.
- (5) Subject to any applicable regulations, a candidate, third party sponsor or assent voting advertising sponsor becomes subject to the penalties under this section as follows:
 - (a) if no application for relief under section 66 *[application for relief in relation to disclosure requirements]* in relation to the disclosure statement or supplementary report is made in accordance with that section, on the day after the compliance deadline for the disclosure statement or supplementary report;
 - (b) if an application referred to in paragraph (a) has been commenced, on the later of
 - (i) 42 days after the compliance deadline, and
 - (ii) if applicable, the date set by court order under section 69 *[extension of time before penalties apply]*.
- (5.1) Subject to any applicable regulations, if no application for relief under section 68 *[court relief powers respecting disclosure requirements]* is made by an elector organization in relation to a disclosure statement, annual financial report or supplementary report, the elector organization becomes subject to the penalties under subsection (3) of this section on the day after the compliance deadline for the disclosure statement, annual financial report or supplementary report.

(5.2) If an application for relief under section 68 is commenced by the compliance deadline,

- (a) the BC chief electoral officer must suspend the registration of the elector organization pending the decision of the court, and
- (b) the elector organization becomes subject to the penalties under subsection (3) of this section on the later of
 - (i) 42 days after the compliance deadline, and
 - (ii) if applicable, the date set by the court under section 68.

(6) An individual or organization that contravenes a prohibition that applies under this section commits an offence.

(7) For certainty,

- (a) the obligation to file a disclosure statement, annual financial report or supplementary report continues even after the candidate, elector organization, third party sponsor or assent voting advertising sponsor becomes subject to the penalties under this section, and
- (b) the penalties under this section apply whether or not a prosecution for an offence under section 57 [*offence for failure to file by compliance deadline*] has been commenced.

Penalties for false or misleading disclosure

65 (1) If a candidate, an elector organization, a third party sponsor or an assent voting advertising sponsor is convicted of an offence under section 84 [*general offence in relation to false or misleading information*] in relation to a disclosure statement, supplementary report or, if applicable, annual financial report, the following penalties apply at the time of conviction:

- (a) in the case of a candidate who was declared elected, the candidate ceases to hold office as a member of the local authority, the seat of the member becomes vacant and the candidate is disqualified until after the next general local election from being nominated for, being elected to or holding office as a member of a local authority;
- (b) in the case of a candidate who was not declared elected, the candidate is disqualified until after the next general local election from being nominated for, being elected to or holding office as a member of a local authority;
- (c) in relation to an elector organization, the elector organization
 - (i) must be deregistered, and
 - (ii) subject to subsection (1.1), is prohibited from accepting campaign contributions or incurring election expenses until it is reregistered under section 30.18 [*reregistration*];
- (d) in relation to a third party sponsor or an assent voting advertising sponsor, the sponsor

- (i) is disqualified from sponsoring third party advertising or non-election assent voting advertising until after the next general local election, and
 - (ii) subject to subsection (1.1), is prohibited from accepting sponsorship contributions until after the next general local election.
- (1.1) An elector organization, a third party sponsor or an assent voting advertising sponsor is not prohibited from accepting campaign contributions or sponsorship contributions, as applicable, for the sole purpose of paying debts incurred in respect of the election for which there was false or misleading disclosure.
- (2) An individual or organization that contravenes a prohibition that applies under subsection (1) commits an offence.
- (3) If a conviction referred to in subsection (1) is appealed, the penalties under that subsection may not be stayed on the appeal.
- (4) In the case of a candidate who is subject to penalties under subsection (1), section 72 (2) and (3) *[candidate disqualification ends]* applies if the conviction is overturned on the final determination of an appeal.

Endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information

- 65.1** (1) If an elector organization becomes subject to penalties under section 64 (3) or 65 (1) (c), the penalties set out in section 64 (2) or 65 (1) (a) and (b), as applicable, apply in relation to a candidate who was endorsed by the elector organization and in respect of whom the elector organization failed to meet disclosure requirements or disclosed false or misleading information.
- (2) A candidate becomes subject to the penalties under subsection (1) at the same time as the elector organization becomes subject to the penalties under section 64 (3) or 65 (1) (c), as applicable.
- (3) If a candidate becomes subject to penalties under this section, section 72 *[appeals and final determinations]* applies to the candidate if the conviction of the elector organization is overturned on the final determination of an appeal.

Division 2 — Court Orders for Relief in Relation to Disclosure Requirements

Application for relief in relation to disclosure requirements

- 66** (1) An application to the Supreme Court for relief from disclosure requirements under this Act may be made in accordance with this Division.
- (2) An application under this section may be made as follows:
- (a) for relief in relation to a candidate disclosure statement or supplementary report, the application may be made by the candidate or the financial agent for the candidate;

- (b) for relief in relation to an elector organization disclosure statement, annual financial report or supplementary report, the application may be made by the elector organization, the financial agent for the elector organization or a responsible principal official of the organization;
- (c) for relief in relation to a third party disclosure statement or supplementary report, or an assent voting advertising disclosure statement or supplementary report, the application may be made,
 - (i) in the case of a sponsor who is an individual, by the individual, and
 - (ii) in the case of a sponsor who is an organization, by the organization or a responsible principal official of the organization.
- (3) The time limit for filing the petition for an application under this section is the compliance deadline for the disclosure statement, annual financial report or supplementary report to which the application relates.
- (4) The petition for an application must be served on the following, other than the applicant, no later than 7 days after the petition is filed in the court registry:
 - (a) in all cases, on the BC chief electoral officer;
 - (b) in the case of an application in relation to a candidate,
 - (i) on the individuals referred to in subsection (2) (a), and
 - (ii) if the candidate was declared elected, on the jurisdiction in relation to which the election was held;
 - (c) in the case of an application in relation to an elector organization,
 - (i) on the organization and individuals referred to in subsection (2) (b), and
 - (ii) on the candidates endorsed by the elector organization;
 - (d) in the case of an application in relation to a third party sponsor or assent voting advertising sponsor, on the organization and individuals referred to in subsection (2) (c).

Special rules respecting applications for relief that are related to candidate disclosure requirements

- 67** (1) In the case of an application for relief in relation to a candidate disclosure statement or supplementary report, no later than 14 days after the petition is filed, the applicant must set down the matter for hearing by the Supreme Court.
- (2) The following apply in relation to an application referred to in subsection (1):
- (a) the applicant must take all reasonable steps to have the application heard as soon as practicable;
 - (b) the applicant must provide notice of the date the application is set down for hearing and any adjournments to
 - (i) the jurisdiction in relation to which the election was held, and
 - (ii) the BC chief electoral officer;

- (c) when deciding whether to grant relief under section 68, the court must consider whether the applicant acted diligently to have the application heard as soon as practicable.

Court relief powers respecting disclosure requirements

68 (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:

- (a) changing the compliance deadline by extending the time period for filing the disclosure statement, annual financial report or supplementary report;
- (b) ordering that the disclosure statement, annual financial report or supplementary report need not comply with specified disclosure requirements;
- (c) ordering that the disclosure statement, annual financial report or supplementary report need not be filed.

(2) The authority to provide relief under subsection (1) includes authority to do the following:

- (a) in relation to an order under subsection (1) (a) respecting a disclosure statement or annual financial report, order
 - (i) that the extension of time for filing the disclosure statement or annual financial report is subject to payment of the late filing penalty fee, or
 - (ii) that the disclosure statement or annual financial report may be filed without paying the late filing penalty fee;
- (b) in relation to an order under subsection (1) respecting a candidate disclosure statement, provide relief in relation to forfeiture of any applicable nomination deposit;
- (b.1) in relation to an order under subsection (1) respecting an elector organization disclosure statement, provide relief in relation to a candidate endorsed by the elector organization who is subject to a penalty under section 65.1 *[endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information]*;
- (b.2) in relation to an order under subsection (1) respecting an elector organization that is suspended under section 64 (5.2) *[penalties for failure to disclose — suspension of registration pending decision of court]*, make an additional order that the suspension be cancelled, immediately or at a time or on conditions specified by the court;
- (c) in any case, make any additional order the court considers appropriate to secure compliance with Division 2 *[Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors]* of Part 5 to the extent the court considers reasonable in the circumstances.

- (3) In relation to candidate disclosure requirements, the court may provide relief under this section only if satisfied that the candidate exercised due diligence to ensure that the applicable disclosure requirements were met.
- (4) In relation to elector organization disclosure requirements, the court may provide relief under this section only if satisfied that the following individuals exercised due diligence to ensure that the applicable disclosure requirements were met:
- (a) in relation to a disclosure statement or annual financial report for the elector organization, the individuals who were responsible principal officials of the organization at any time during the period
 - (i) beginning on the day on which the BC chief electoral officer registered the organization, and
 - (ii) ending on the day after the compliance deadline for filing the disclosure statement or annual financial report;
 - (b) in relation to a supplementary report for the elector organization, the individuals who were responsible principal officials of the organization at any time during the period
 - (i) beginning on the day on which the BC chief electoral officer registered the organization, and
 - (ii) ending on the day after the compliance deadline for filing the supplementary report.
- (5) In relation to disclosure requirements for a third party sponsor or assent voting advertising sponsor who is an individual, the court may provide relief under this section only if satisfied that the sponsor exercised due diligence to ensure that the applicable disclosure requirements were met.
- (6) In relation to disclosure requirements for a third party sponsor or assent voting advertising sponsor that is an organization, the court may provide relief under this section only if satisfied that the individuals who were responsible principal officials of the organization at any time during the period
- (a) beginning on the day on which the organization became subject to the requirement to register under Part 3 [*Third Party Advertising*], and
 - (b) ending on the day after the compliance deadline for filing the disclosure statement or supplementary report

exercised due diligence to ensure that the applicable disclosure requirements were met.

Division 3 — Expense Limit Penalties

Penalties for exceeding expense limits or amount available

- 68.01** (1) Subject to a court order for relief under section 68.06 (1) [*court relief powers*], the penalties under this section apply to a candidate or an elector organization in relation

to exceeding an expense limit or the amount available under a final campaign financing arrangement.

(2) The penalty set out in subsection (3) applies to

- (a) an unendorsed candidate if the campaign period expenses of the candidate exceeded the expense limit for the candidate, and
- (b) a candidate endorsed by an elector organization if the total of the following exceeded the expense limit for the candidate:
 - (i) the campaign period expenses of the candidate;
 - (ii) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate.

(3) In the case of a candidate who was declared elected, the candidate ceases to hold office as a member of the local authority and the seat of the member becomes vacant.

(4) The penalties set out in subsection (5) apply to an elector organization if both of the following apply:

- (a) the total of the following exceeded the expense limit for a candidate endorsed by the elector organization:
 - (i) the campaign period expenses of the candidate;
 - (ii) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate;
- (b) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate exceeded the amount available to the elector organization under the final campaign financing arrangement with the candidate.

(5) The elector organization

- (a) must be deregistered, and
- (b) subject to subsection (6), is prohibited from accepting campaign contributions or incurring election expenses until it is reregistered under section 30.18 [*reregistration*].

(6) An elector organization is not prohibited from accepting campaign contributions for the sole purpose of paying debts incurred in respect of the election in which expense limits or amounts available were exceeded.

(7) Subject to any applicable regulations, if the fact that an expense limit or the amount available was exceeded is disclosed in the disclosure statement or supplementary report of a candidate, the candidate becomes subject to the penalties under this section as follows:

- (a) if no application for relief under section 68.04 [*application for relief in relation to exceeding expense limits or amount available*] is made in accordance with that section,

- (i) in the case of an unendorsed candidate, on the day after the compliance deadline for the statement or report, and
 - (ii) in the case of a candidate endorsed by an elector organization, on the day after the later of the following:
 - (A) the candidate's compliance deadline;
 - (B) the elector organization's compliance deadline;
 - (b) if an application referred to in paragraph (a) has been made, on the later of the following:
 - (i) 42 days after the time limit for making an application under the section;
 - (ii) if applicable, the date set by court order under section 69 *[extension of time before penalties apply]*.
- (7.1) Subject to any applicable regulations, if the fact that an expense limit or the amount available was exceeded is disclosed in the disclosure statement or supplementary report of an elector organization, the elector organization becomes subject to the penalties under this section as follows:
- (a) if no application for relief under section 68.04 *[application for relief in relation to exceeding expense limits or amount available]* is made by an elector organization in accordance with that section, the elector organization becomes subject to the penalties under subsection (5) of this section on the day after the later of the following:
 - (i) the compliance deadline for the candidate endorsed by the elector organization;
 - (ii) the elector organization's compliance deadline;
 - (b) if an application for relief under section 68.04 is made,
 - (i) the registration of the elector organization must be suspended pending the decision of the court, and
 - (ii) the elector organization becomes subject to the penalties under subsection (5) of this section on the later of the following:
 - (A) 42 days after the time limit for making an application under section 68.04;
 - (B) if applicable, the date set by the court under section 69 *[extension of time before penalties apply]*.
- (8) An individual or organization that contravenes a prohibition that applies under this section commits an offence.
- (9) For certainty, the penalties under this section apply whether or not a prosecution for an offence under section 63.05 (3), (4) or (5) *[prohibition against exceeding expense limits]* has been commenced.

Monetary penalties for exceeding expense limits or amount available

68.02 (1) Subject to a court order for relief under section 68.07 (1), [*court relief powers — monetary penalties*], the monetary penalties under this section apply to a candidate or an elector organization in relation to exceeding an expense limit or the amount available under a final campaign financing arrangement.

(2) The monetary penalties set out in subsection (3) apply to

(a) an unendorsed candidate if the campaign period expenses of the candidate exceeded the expense limit for the candidate, and

(b) a candidate endorsed by an elector organization if both of the following apply:

(i) the total of the following exceeded the expense limit for the candidate:

(A) the campaign period expenses of the candidate;

(B) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate;

(ii) the campaign period expenses of the candidate exceeded the amount available to the candidate under the final campaign financing arrangement with the elector organization that endorsed the candidate.

(3) A candidate must pay to the BC chief electoral officer,

(a) in the case of an unendorsed candidate, a monetary penalty in an amount of up to 2 times the amount by which the expense limit was exceeded, as determined by the BC chief electoral officer, and

(b) in the case of a candidate endorsed by an elector organization, a monetary penalty in an amount of up to 2 times the amount by which the amount available to the candidate was exceeded, as determined by the BC chief electoral officer.

(4) The monetary penalty set out in subsection (5) applies to an elector organization if both of the following apply:

(a) the total of the following exceeded the expense limit for a candidate endorsed by the elector organization:

(i) the campaign period expenses of the candidate;

(ii) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate;

(b) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate exceeded the amount available to the elector organization under the final campaign financing arrangement with the candidate.

(5) The elector organization must pay to the BC chief electoral officer a monetary penalty in an amount of up to 5 times the amount by which the amount available to the

elector organization was exceeded, as determined by the BC chief electoral officer.

- (6) Subject to any relief provided under section 68.08 [*individual relief from monetary penalty liability of responsible principal officials*], if an elector organization is subject to a monetary penalty under subsection (5) of this section, the individuals who were responsible principal officials of the organization at any time during the campaign period for the election to which the penalty relates are jointly and severally liable with the elector organization to pay the monetary penalty.
- (7) Subject to any applicable regulations, if the fact that an expense limit or the amount available was exceeded is disclosed in the disclosure statement or supplementary report of a candidate or an elector organization, as applicable, the candidate or elector organization becomes subject to the monetary penalties under this section as follows:
- (a) if no application for relief under section 68.04 is made in accordance with that section, on the day after the compliance deadline for the statement or report;
 - (b) if an application referred to in paragraph (a) has been made, on the later of the following:
 - (i) 42 days after the time limit for making an application under the section;
 - (ii) if applicable, the date set by court order under section 69 [*extension of time before penalties apply*].

Disqualification or deregistration if monetary penalties unpaid

- 68.03** (1) If a candidate is subject to a monetary penalty under section 68.02 and does not pay the monetary penalty within 30 days of the date the candidate is subject to the penalty, the candidate is disqualified, subject to subsection (2) of this section, from being nominated for, being elected to or holding office as a member of a local authority until after the next general local election.
- (2) On payment by the candidate of the monetary penalty described in subsection (1), the candidate ceases to be disqualified under that subsection.
- (3) If an elector organization is subject to a monetary penalty under section 68.02 and does not pay the monetary penalty within 30 days of the date the elector organization is subject to the penalty, the elector organization, if the elector organization is not disqualified and prohibited under section 68.01 (5),
- (a) the elector organization must be deregistered, and
 - (b) subject to subsection (4), is prohibited from accepting campaign contributions or incurring election expenses until it is reregistered under section 30.18 [*reregistration*].
- (4) An elector organization is not prohibited from accepting campaign contributions for the sole purpose of paying debts incurred in respect of the election for which there was a failure to pay a monetary penalty.

- (5) An individual or organization that contravenes a prohibition that applies under this section commits an offence.

Division 4 — Court Orders for Relief in Relation to Exceeding Expense Limits or Amount Available

Application for relief in relation to exceeding expense limits or amount available

68.04 (1) An application to the Supreme Court for relief in relation to exceeding an expense limit or the amount available may be made in accordance with this Division.

(2) An application for relief under this section may be made as follows:

- (a) in relation to an unendorsed candidate described in section 68.01 (2) (a) *[penalties for unendorsed candidate]* or 68.02 (2) (a) *[monetary penalties for unendorsed candidate]*, by the candidate or the financial agent for the candidate;
- (b) in relation to a candidate endorsed by an elector organization described in section 68.01 (2) (b) or 68.02 (2) (b), by the candidate or the financial agent for the candidate;
- (c) in relation to an elector organization described in section 68.01 (4) or 68.02 (4), by the elector organization, the financial agent for the elector organization or a responsible principal official of the elector organization.

(3) An application under this section may be made only if the fact that an expense limit or the amount available was exceeded is disclosed, or anticipated by the applicant to be disclosed, in the disclosure statement or supplementary report of the candidate or elector organization, as applicable, on or before the compliance deadline for the statement or report.

(4) A petition for an application under this section must be served on the following, other than the applicant, no later than 7 days after the petition is filed in the court registry:

- (a) in all cases, on the BC chief electoral officer;
- (b) in the case of an application in relation to a candidate, on the candidate or the financial agent for the candidate and, if the candidate is endorsed by an elector organization, on the elector organization;
- (c) in the case of an application in relation to an elector organization, on the financial agent for the elector organization or a responsible principal official of the elector organization, on the candidate endorsed by the elector organization and on the financial agent for the candidate, if the candidate has a financial agent;
- (d) in the case of a candidate who was declared elected, on the jurisdiction in relation to which the election was held.

Special rules respecting applications for relief in relation to candidates exceeding expense limits

68.05 (1) In the case of an application for relief in relation to a candidate exceeding the expense limit for the candidate, the applicant, no later than 14 days after a petition for the application is filed, must set the matter down for hearing by the Supreme Court.

(2) The following apply in relation to an application under this section:

- (a) the applicant must take all reasonable steps to have the application heard as soon as practicable;
- (b) the applicant must provide to the jurisdiction in relation to which the election was held and to the BC chief electoral officer notice of the date the application is set down for hearing and of any adjournments;
- (c) when deciding whether to grant relief under this section, the court must consider whether the applicant acted diligently to have the application heard as soon as practicable.

Court relief powers respecting exceeding expense limits or amount available

68.06 (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:

- (a) ordering that the penalty under section 68.01 (3) [*candidate penalties for exceeding expense limits or amount available*] does not apply to a candidate;
- (b) ordering that the penalty under section 68.01 (5) [*elector organization penalties for exceeding expense limits or amount available*] does not apply to an elector organization.

(2) The authority to provide relief under subsection (1) includes the authority to do the following:

- (a) in relation to an order under subsection (1) respecting an elector organization that is suspended under section 68.01 (7.1) [*penalties for exceeding expense limits or amount available — suspension of registration pending decision of court*], make an additional order that the suspension be cancelled, immediately or at a time or on conditions specified by the court;
- (b) in any case, make any additional order the court considers appropriate to secure compliance with Part 5.1 [*Expense Limits*] to the extent the court considers reasonable in the circumstances.

(3) In relation to an unendorsed candidate who is subject to a penalty under section 68.01 (3), the court may provide relief only if satisfied that

- (a) exceeding the expense limit did not materially affect the result of the election, and
- (b) the candidate exercised due diligence to ensure that the candidate's campaign period expenses did not exceed the expense limit.

(4) In relation to a candidate endorsed by an elector organization who is subject to a penalty under section 68.01 (3), the court may provide relief only if satisfied that

- (a) exceeding the expense limit did not materially affect the result of the election,
 - (b) the candidate exercised due diligence to ensure that the candidate's campaign period expenses did not exceed the amount available to the candidate under the final campaign financing arrangement with the endorsing elector organization, and
 - (c) the candidate acted in good faith in relation to the elector organization's campaign period expenses exceeding the amount available to the elector organization under the final campaign financing arrangement.
- (5) In relation to an elector organization that is subject to a penalty under section 68.01 (5), the court may provide relief only if satisfied that
- (a) exceeding the expense limit for the candidate endorsed by the elector organization did not materially affect the result of the election, and
 - (b) the individuals who are or may be liable under section 68.02 (6) exercised due diligence to ensure that the elector organization's campaign period expenses did not exceed the amount available to the elector organization under the final campaign financing arrangement with the candidate endorsed by the elector organization.

Court relief powers respecting exceeding expense limits or amount available — monetary penalties

68.07 (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:

- (a) ordering that all or part of the applicable monetary penalty under section 68.02 (3) [*monetary penalties for exceeding expense limits or amount available*] does not apply to a candidate;
 - (b) ordering that all or part of the monetary penalty under section 68.02 (5) does not apply to an elector organization.
- (2) The authority to provide relief under subsection (1) includes the authority to make any additional order the court considers appropriate to secure compliance with Part 5.1 [*Expense Limits*] to the extent the court considers reasonable in the circumstances.
- (3) In relation to a candidate who is subject to a monetary penalty under section 68.02 (3), the court may provide relief only if satisfied that the candidate exercised due diligence to ensure that,
- (a) in the case of an unendorsed candidate, the candidate's campaign period expenses did not exceed the expense limit for the candidate, and
 - (b) in the case of a candidate endorsed by an elector organization, the candidate's campaign period expenses did not exceed the amount available to the candidate under the final campaign financing arrangement.
- (4) In relation to an elector organization that is subject to a monetary penalty under section 68.02 (5), the court may provide relief only if satisfied that the individuals who

are or may be liable under section 68.02 (6) exercised due diligence to ensure that the elector organization's campaign period expenses did not exceed the amount available to the elector organization under the final campaign financing arrangement with the candidate endorsed by the elector organization.

Individual relief from monetary penalty liability of responsible principal officials

68.08 (1) An individual who is or may be liable under section 68.02 (6) [*monetary penalties — principal officials*] may apply to the Supreme Court in accordance with this section for relief from the individual's liability.

(2) A petition for an application under this section must be served on the following no later than 7 days after the petition is filed in the court registry:

- (a) the BC chief electoral officer;
- (b) the elector organization;
- (c) any individual, other than the applicant, who is or may be liable as referred to in subsection (1).

(3) Subject to subsection (4), on the hearing of an application under this section, the court may provide relief from all or part of the applicant's liability to pay the elector organization's monetary penalty.

(4) The court may provide relief only if satisfied that the applicant exercised due diligence to ensure that the elector organization's campaign period expenses that are attributable to the expense limit for the candidate did not exceed the amount available to the elector organization under the final campaign financing arrangement with that candidate.

Division 5 — Third Party Advertising Limits — Penalties and Court Orders for Relief

Penalties for exceeding third party advertising limits

68.09 (1) Subject to a court order for relief provided under section 68.11 (1), the penalties under this section apply to a third party sponsor in relation to exceeding a third party advertising limit.

(2) The penalties set out in subsection (3) and the applicable monetary penalty set out in subsection (5) apply to a third party sponsor if the value of the third party advertising sponsored during the campaign period exceeded a third party advertising limit for the third party sponsor.

(3) The third party sponsor

- (a) is disqualified from sponsoring third party advertising until after the next general local election, and
- (b) subject to subsection (4), is prohibited from accepting sponsorship contributions until after the next general local election.

(4) A third party sponsor is not prohibited from accepting sponsorship contributions for the sole purpose of paying debts incurred in respect of the election in which third

party advertising limits were exceeded.

- (5) The third party sponsor must pay to the BC chief electoral officer,
- (a) in the case of a third party sponsor that is an individual, a monetary penalty in an amount of up to 2 times the amount by which the third party advertising limit was exceeded, as determined by the BC chief electoral officer, and
 - (b) in the case of a third party sponsor that is an organization, a monetary penalty in an amount of up to 5 times the amount by which the third party advertising limit was exceeded, as determined by the BC chief electoral officer.
- (6) Subject to any applicable regulations, if the fact that a third party advertising limit was exceeded is disclosed in the disclosure statement or supplementary report of a third party sponsor, as applicable, the third party sponsor becomes subject to the penalties under this section as follows:
- (a) if no application for relief under section 68.10 is made in accordance with that section, on the day after the compliance deadline for the statement or report;
 - (b) if an application referred to in paragraph (a) has been made, on the later of the following:
 - (i) 42 days after the time limit for making an application under the section;
 - (ii) if applicable, the date set by court order under section 69 *[extension of time before penalties apply]*.
- (7) Subject to any relief provided under section 68.12 *[individual relief from liability of responsible principal officials]*, if a third party sponsor that is an organization is subject to a monetary penalty under this section, the individuals who were responsible principal officials of the organization at any time during the campaign period for the election or elections to which the third party advertising relates are jointly and severally liable with the organization to pay the monetary penalty under this section in relation to the organization.
- (8) An individual or organization that contravenes a prohibition that applies under this section commits an offence.
- (9) For certainty, the penalties under this section apply whether or not a prosecution for an offence under section 41.5 (3) *[offence for exceeding third party advertising limits]* has been commenced.

Application for relief in relation to exceeding third party advertising limits

- 68.10** (1) An application to the Supreme Court for relief in relation to a third party sponsor exceeding a third party advertising limit may be made in accordance with this section.
- (2) An application for relief under this section may be made by the following:

- (a) the third party sponsor;
 - (b) if the third party sponsor is an organization, an individual who is or may be liable under section 68.09 (7).
- (3) An application under this section may be made only if the fact that a third party advertising limit was exceeded is disclosed, or anticipated by the applicant to be disclosed, in the disclosure statement or the supplementary report of the third party sponsor.
- (4) A petition for an application under this section must be filed on or before the compliance deadline for the disclosure statement or supplementary report of the third party sponsor.
- (5) A petition for an application under this section must be served on the following, other than the applicant, no later than 7 days after the petition is filed in the court registry:
- (a) the BC chief electoral officer;
 - (b) if the third party sponsor is an organization, the individuals who are or may be liable under section 68.09 (7).

Court relief powers respecting exceeding third party advertising limits

68.11 (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:

- (a) ordering that the penalty under section 68.09 (3) does not apply to a third party sponsor;
 - (b) ordering that all or part of the applicable monetary penalty under section 68.09 (5) does not apply to a third party sponsor.
- (2) The authority to provide relief under subsection (1) includes the authority to make any additional order the court considers appropriate to secure compliance with Division 4 *[Third Party Advertising Limits]* of Part 3 *[Third Party Advertising]* to the extent the court considers reasonable in the circumstances.
- (3) In relation to a third party sponsor who is an individual, the court may provide relief only if satisfied that the third party sponsor exercised due diligence to ensure that the value of the third party advertising of that third party sponsor did not exceed the third party advertising limit for that third party sponsor.
- (4) In relation to a third party sponsor that is an organization, the court may provide relief only if satisfied that the individuals who are or may be liable under section 68.09 (7) exercised due diligence to ensure that the value of the third party advertising of the third party sponsor did not exceed the third party advertising limit for that third party sponsor.

Individual relief from liability of responsible principal officials

68.12 (1) An individual who is or may be liable under section 68.09 (7) *[penalties — principal officials]* may apply to the Supreme Court in accordance with this section for relief from the individual's liability.

- (2) A petition for an application under this section must be served on the following no later than 7 days after the petition is filed in the court registry:
- (a) the BC chief electoral officer;
 - (b) the organization that is the third party sponsor;
 - (c) any individual, other than the applicant, who is or may be liable as referred to in subsection (1).
- (3) Subject to subsection (4), on the hearing of an application under this section, the court may provide relief from all or part of the applicant's liability to pay the third party sponsor's monetary penalty.
- (4) The court may provide relief only if satisfied that the applicant exercised due diligence to ensure that the value of the third party advertising of the third party sponsor did not exceed the third party advertising limit for that third party sponsor.

Division 5.1 — Campaign Contributions — Penalties and Court Orders for Relief

Monetary penalties in relation to prohibited campaign contributions

- 68.13** (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 26 (0.1) *[prohibition against organization or individual making campaign contributions]* or (2.01) *[prohibition against making campaign contributions indirectly]* by an individual or organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and the related penalty.
- (2) Subject to a court order for relief under section 68.18 *[court relief powers in relation to campaign contributions]*, if the BC chief electoral officer gives notice under subsection (1) of this section, the individual or organization must pay to the BC chief electoral officer a penalty in an amount of up to 2 times the amount of the campaign contribution, as determined by the BC chief electoral officer.
- (3) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 26 (1) *[restrictions in relation to campaign contributions by eligible individual]* or (1.1) *[prohibition against exceeding campaign contribution limit]* by an eligible individual or non-compliance with section 26 (2) *[prohibition against campaign contributions by elector organization to own campaign or campaign of endorsed candidate]* by an elector organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and the related penalty.
- (4) Subject to a court order for relief under section 68.18, if the BC chief electoral officer gives notice under subsection (3) of this section, the individual or organization must pay to the BC chief electoral officer,
- (a) in the case of non-compliance with section 26 (1) (a), (e) or (f) or (2), a penalty in an amount of up to 2 times the amount of the campaign contribution, as determined by the BC chief electoral officer,
 - (b) in the case of non-compliance with section 26 (1) (b), (c) or (d), a penalty in an amount of up to 2 times the amount by which the campaign contribution

- exceeds \$50, as determined by the BC chief electoral officer, or
- (c) in the case of non-compliance with section 26 (1.1), a penalty in an amount of up to 2 times the amount by which the campaign contribution exceeds the applicable contribution limit, as determined by the BC chief electoral officer.

Monetary penalties in relation to accepting campaign contributions

- 68.14** (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 27 *[restrictions in relation to campaign contributions]* by a candidate, an elector organization, a financial agent or an individual authorized by the financial agent under section 27 (1) (b), the BC chief electoral officer must notify the candidate, elector organization, financial agent or individual authorized by the financial agent under section 27 (1) (b) of the non-compliance and the related penalty.
- (2) Subject to a court order for relief under section 68.18 *[court relief powers in relation to campaign contributions]*, if the BC chief electoral officer gives notice under subsection (1) of this section, the candidate, elector organization, financial agent or individual authorized by the financial agent under section 27 (1) (b) must pay to the BC chief electoral officer,
- (a) in the case of non-compliance with section 27 (1), (1.01) (a), (2) or (3), a penalty in an amount of up to 2 times the amount of the campaign contribution, as determined by the BC chief electoral officer, or
- (b) in the case of non-compliance with section 27 (1.01) (b), a penalty in an amount of up to 2 times the amount by which the campaign contribution exceeds the applicable contribution limit, as determined by the BC chief electoral officer.

Monetary penalties for making prohibited loans

- 68.15** (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 27.01 *[restrictions in relation to making loans to candidates and elector organizations]* by an individual or organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and, if applicable, the related penalty.
- (2) Subject to a court order for relief under section 68.18 *[court relief powers in relation to prohibited loans]*, if the BC chief electoral officer gives notice under subsection (1) of this section to an individual or organization other than a savings institution, the individual or organization must pay to the BC chief electoral officer,
- (a) in the case of non-compliance with section 27.01 (1) by an individual or organization other than a savings institution, a penalty of up to 100% of the amount of the loan, as determined by the BC chief electoral officer, or
- (b) in the case of non-compliance with section 27.01 (3), a penalty in an amount of up to 2 times the amount by which the permissible loan exceeds the applicable contribution limit, as determined by the BC chief electoral officer.

Monetary penalties for accepting prohibited loans

68.16 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 27.02 [*restrictions in relation to accepting loans for campaign use*] by a candidate or an elector organization, the BC chief electoral officer must notify the candidate or elector organization of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.18 [*court relief powers in relation to prohibited loans*], if the BC chief electoral officer gives notice under subsection (1) of this section, the candidate or elector organization must pay to the BC chief electoral officer,

(a) in the case of non-compliance with section 27.02 (1), (1.1) or (3), a penalty of up to 100% of the amount of the loan, as determined by the BC chief electoral officer, or

(b) in the case of non-compliance with section 27.02 (2), a penalty in an amount of up to 2 times the amount by which the loan exceeds the applicable contribution limit, as determined by the BC chief electoral officer.

Monetary penalties for failure to return campaign contributions

68.17 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 28 [*dealing with prohibited campaign contributions*] by a financial agent, the BC chief electoral officer must notify the financial agent of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.18 [*court relief powers in relation to campaign contributions*], if the BC chief electoral officer gives notice under subsection (1) of this section, the financial agent must pay to the BC chief electoral officer a penalty in an amount of up to 2 times the amount of the campaign contribution, as determined by the BC chief electoral officer.

Court relief powers in relation to campaign contributions and prohibited loans

68.18 (1) An individual or organization that is subject to a monetary penalty under any of sections 68.13 to 68.17 may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance.

(2) An application may be made only within 30 days after the BC chief electoral officer, under the applicable section referred to in subsection (1), notifies the individual or organization of the non-compliance and related penalty.

(3) The petition commencing an application must be served on the BC chief electoral officer within 7 days after the petition is filed, and the BC chief electoral officer is a party to the application.

(4) On hearing an application, the court may do any of the following:

(a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the individual or organization has acted in good faith;

- (b) make any order the court considers appropriate to secure compliance with the applicable section to the extent the court considers reasonable in the circumstances;
- (c) refuse to grant relief.

Division 5.2 — Sponsorship Contributions — Penalties and Court Orders for Relief

Monetary penalties in relation to making sponsorship contributions

- 68.19** (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 34 (0.1) [*prohibition against organization or individual making sponsorship contributions*] or (1.1) [*prohibition against making sponsorship contributions indirectly*] by an individual or organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and the related penalty.
- (2) Subject to a court order for relief under section 68.22 [*court relief powers in relation to sponsorship contributions*], if the BC chief electoral officer gives notice under subsection (1) of this section, the individual or organization must pay to the BC chief electoral officer a penalty in an amount of up to 2 times the sponsorship contribution, as determined by the BC chief electoral officer.
- (3) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 34 (1) [*restrictions in relation to sponsorship contributions by eligible individual*] or (1.01) [*prohibition against exceeding sponsorship contribution limit*] by an eligible individual, the BC chief electoral officer must notify the eligible individual of the non-compliance and the related penalty.
- (4) Subject to a court order for relief under section 68.22, if the BC chief electoral officer gives notice under subsection (3) of this section, the eligible individual must pay to the BC chief electoral officer,
- (a) in the case of non-compliance with section 34 (1) (a) or (b), a penalty in an amount of up to 2 times the amount by which the sponsorship contribution exceeds \$50, as determined by the BC chief electoral officer,
 - (b) in the case of non-compliance with section 34 (1) (c) or (d), a penalty in an amount of up to 2 times the sponsorship contribution, as determined by the BC chief electoral officer, or
 - (c) in the case of non-compliance with section 34 (1.01), a penalty in an amount of up to 2 times the amount by which the sponsorship contribution limit was exceeded, as determined by the BC chief electoral officer.

Monetary penalties in relation to accepting sponsorship contributions

- 68.20** (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 34.02 [*restrictions in relation to accepting sponsorship contributions*] by a third party sponsor, the BC chief electoral officer must notify the third party sponsor of the non-compliance and the related penalty.

- (2) Subject to a court order for relief under section 68.22, if the BC chief electoral officer gives notice under subsection (1) of this section, the third party sponsor must pay to the BC chief electoral officer a penalty in an amount of up to 2 times the sponsorship contribution, as determined by the BC chief electoral officer.

Monetary penalties for failure to return sponsorship contributions

- 68.21** (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 35 *[dealing with prohibited sponsorship contributions]* by a third party sponsor, the BC chief electoral officer must notify the third party sponsor of the non-compliance and the related penalty.
- (2) Subject to a court order for relief under section 68.22, if the BC chief electoral officer gives notice under subsection (1) of this section, the third party sponsor must pay to the BC chief electoral officer a penalty in an amount of up to 2 times the sponsorship contribution, as determined by the BC chief electoral officer.

Court relief powers in relation to sponsorship contributions

- 68.22** (1) An individual or organization that is subject to a monetary penalty under any of sections 68.19 to 68.21 may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance.
- (2) An application may be made only within 30 days after the BC chief electoral officer, under the applicable section referred to in subsection (1), notifies the individual or organization of the non-compliance and related penalty.
- (3) The petition commencing an application must be served on the BC chief electoral officer within 7 days after the petition is filed, and the BC chief electoral officer is a party to the application.
- (4) On hearing an application, the court may do any of the following:
- (a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the individual or organization has acted in good faith;
 - (b) make any order the court considers appropriate to secure compliance with the applicable section to the extent the court considers reasonable in the circumstances;
 - (c) refuse to grant relief.

Division 5.3 — Third Party Sponsors — Penalties and Court Orders for Relief

Monetary penalties for failure to comply with independence requirements

- 68.23** (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 31 (1) *[independence requirements for third party sponsors]* by an individual or organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and the related penalty.
- (2) Subject to a court order for relief under section 68.26 *[court relief powers in relation to sponsorship requirements]*, if the BC chief electoral officer gives notice under

subsection (1) of this section,

- (a) in the case of non-compliance by an individual, the individual must pay to the BC chief electoral officer a penalty in an amount of up to \$5 000, as determined by the BC chief electoral officer, or
- (b) in the case of non-compliance by an organization, the organization must pay to the BC chief electoral officer a penalty in an amount of up to \$10 000, as determined by the BC chief electoral officer.

Monetary penalties for failing to register as a third party sponsor

68.24 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 37 [*prohibition against sponsoring third party advertising if not registered*] by an individual or organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.26 [*court relief powers in relation to sponsorship requirements*], if the BC chief electoral officer gives notice under subsection (1) of this section,

- (a) in the case of non-compliance by an individual, the individual must pay to the BC chief electoral officer a penalty in an amount of up to \$5 000, as determined by the BC chief electoral officer, or
- (b) in the case of non-compliance by an organization, the organization must pay to the BC chief electoral officer a penalty in an amount of up to \$10 000, as determined by the BC chief electoral officer.

Monetary penalties for failing to include sponsorship information

68.25 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 44 [*advertising must include sponsorship information*] by an individual or organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.26 [*court relief powers in relation to sponsorship requirements*], if the BC chief electoral officer gives notice under subsection (1) of this section,

- (a) in the case of non-compliance by an individual, the individual must pay to the BC chief electoral officer a penalty in an amount of up to \$5 000, as determined by the BC chief electoral officer, or
- (b) in the case of non-compliance by an organization, the organization must pay to the BC chief electoral officer a penalty in an amount of up to \$10 000, as determined by the BC chief electoral officer.

Court relief powers in relation to sponsorship requirements

68.26 (1) An individual or organization that is subject to a monetary penalty under any of sections 68.23 to 68.25 may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance.

- (2) An application may be made only within 30 days after the BC chief electoral officer, under the applicable section referred to in subsection (1), notifies the individual or organization of the non-compliance and related penalty.
- (3) The petition commencing an application must be served on the BC chief electoral officer within 7 days after the petition is filed, and the BC chief electoral officer is a party to the application.
- (4) On hearing an application, the court may do any of the following:
 - (a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the individual or organization has acted in good faith;
 - (b) make any order the court considers appropriate to secure compliance with the applicable section to the extent the court considers reasonable in the circumstances;
 - (c) refuse to grant relief.

Division 5.4 — Registration of Elector Organizations — Penalties and Court Orders for Relief

Monetary penalties in relation to elector organization registration requirement

- 68.27** (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 30.06 [*requirement to register*] by an elector organization or individual, the BC chief electoral officer must notify the elector organization or individual of the non-compliance and the related penalty.
- (2) Subject to a court order for relief under section 68.28, if the BC chief electoral officer gives notice under subsection (1) of this section,
- (a) in the case of an elector organization, or an individual on behalf of an elector organization, accepting a campaign contribution while the elector organization is not registered or while registration is suspended, the elector organization or individual must pay to the BC chief electoral officer a penalty in an amount of up to 2 times the campaign contribution, as determined by the BC chief electoral officer,
 - (b) in the case of an elector organization entering into a campaign financing arrangement while the elector organization is not registered or while registration is suspended, the elector organization must pay to the BC chief electoral officer a penalty in an amount of up to \$5 000, as determined by the BC chief electoral officer, or
 - (c) in the case of an elector organization, or an individual on behalf of an elector organization, incurring an election expense while the elector organization is not registered or while registration is suspended, the elector organization or individual must pay to the BC chief electoral officer a penalty in an amount of up to 2 times the election expense, as determined by the BC chief electoral officer.

Court relief powers in relation to elector organization registration requirement

- 68.28** (1) An elector organization or individual that is subject to a monetary penalty under section 68.27 may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance.
- (2) An application may be made only within 30 days after the BC chief electoral officer, under the applicable section referred to in subsection (1), notifies the elector organization or individual of the non-compliance and related penalty.
- (3) The petition commencing an application must be served on the BC chief electoral officer within 7 days after the petition is filed, and the BC chief electoral officer is a party to the application.
- (4) On hearing an application, the court may do any of the following:
- (a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the applicant has acted in good faith;
 - (b) make any order the court considers appropriate to secure compliance with the applicable section to the extent the court considers reasonable in the circumstances;
 - (c) refuse to grant relief.

Division 6 — General Provisions in Relation to Court Orders for Relief**Extension of time before penalties apply**

- 69** (1) Subject to subsection (2), the Supreme Court may extend the date when a penalty would otherwise apply under any of the following sections:
- (a) section 64 (5) (b) (i) *[penalties apply 42 days after compliance deadline];*
 - (b) section 68.01 (7) (b) (i) *[penalties apply 42 days after compliance deadline];*
 - (c) section 68.02 (7) (b) (i) *[monetary penalties apply 42 days after compliance deadline];*
 - (d) section 68.09 (6) (b) (i) *[penalties apply 42 days after compliance deadline].*
- (2) The court may not make an order extending the time unless
- (a) the candidate, elector organization, third party sponsor or assent voting advertising sponsor has not yet become subject to the penalty or penalties for which an extension is requested,
 - (b) an application for relief under this Part has been filed, served and set down for hearing as required under this Part but has not yet been decided, and
 - (c) the court is satisfied that the applicant has acted diligently to have the application heard as soon as practicable.
- (3) A decision by the court under this section is final and may not be appealed.

Address for service on other parties

- 70** If requested by an individual or organization that intends to apply for relief under this Part, the BC chief electoral officer must provide to the individual or organization the address for service of the individuals and organizations that are required to be served with the petition for the application.

BC chief electoral officer authority in relation to applications and appeals

- 71** (1) The BC chief electoral officer may set down an application under this Part for hearing by filing a request with the court registry and serving the request on the applicant and any other parties to the application as follows:
- (a) in the case of an application that may affect the qualification of a candidate who was declared elected to hold office, at any time for the purpose of ensuring that the entitlement of that candidate to continue to hold office as a member of the local authority is decided expeditiously;
 - (b) in any case, if the BC chief electoral officer considers that the applicant is not having the application heard as soon as practicable.
- (2) Subsection (1) applies whether or not the BC chief electoral officer is a party to the application and whether or not the applicant has set down the application for hearing.
- (3) The BC chief electoral officer may appeal an order of the court under this Part, whether or not that officer was a party to the application.

Appeals and final determinations

- 72** (1) Penalties under this Act may not be stayed pending determination of an appeal of an order under this Part.
- (1.1) Despite subsection (1), if the BC chief electoral officer suspends the registration of an elector organization under section 64 or 68.01,
- (a) the registration of the elector organization must be suspended pending the determination of an appeal of an order under section 68 or 68.06, and
 - (b) the elector organization must not be deregistered until the final determination of the appeal.
- (2) For certainty, if
- (a) a candidate, third party sponsor or assent voting advertising sponsor has become subject to disqualification penalties under section 64 [*penalties for failure to disclose*], and
 - (b) on the final determination of an application under section 66 [*application for relief in relation to disclosure requirements*], the court provides relief from the disclosure requirements and, as applicable, there is compliance with the court order,
- the candidate, third party sponsor or assent voting advertising sponsor ceases to be disqualified under section 64.

(2.01) For certainty, an elector organization that is subject to penalties under section 64 (3) *[penalties for failure to file elector organization disclosure statement, annual financial report or supplementary report]* and suspension under section 64 (5.2) *[penalties for failure to disclose — suspension of registration pending decision of court]* ceases to be prohibited under section 64 (3) and suspended under section 64 (5.2) if, on the final determination of an application under section 68 *[court relief powers respecting disclosure requirements]*,

- (a) the court provides relief, and
- (b) there is compliance with the court order.

(2.1) For certainty, if

- (a) a candidate endorsed by an elector organization is subject to disqualification penalties under section 65.1 *[endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information]*, and
- (b) on the final determination of an application under section 66 *[application for relief in relation to disclosure requirements]* by the elector organization, the court provides relief for the elector organization,

the candidate ceases to be disqualified.

(2.2) For certainty, if

- (a) a candidate ceases to hold office as a member of the local authority under section 68.01 (3) *[candidate penalties for exceeding expense limits or amount available]*, and
- (b) on the final determination of an application under section 68.04, the court provides relief from exceeding the expense limit or amount available and there is compliance with the court order,

subsection (3) of this section applies.

(3) If a candidate to whom subsection (2), (2.1) or (2.2) applies was declared elected before ceasing to hold office and if the term of office for which the candidate was elected has not ended,

- (a) that candidate is entitled to take office for any unexpired part of the term if that candidate is not otherwise disqualified, and
- (b) if that candidate exercises this right, the individual currently holding the office ceases to hold office.

(4) For the purposes of subsection (3) (b), if more than one individual currently holds the same office because more than one candidate who was declared elected ceased to hold an office and became disqualified under section 64, 65.1 or 68.01, and it is not known which of those individuals currently hold the offices vacated by the candidates, the decision in respect of which individuals cease to hold office is to be made in accordance with the regulations.

- (5) For certainty, an elector organization that is subject to penalties under section 68.01 (5) and suspension under section 68.01 (7.1) ceases to be prohibited under section 68.01 (5) and suspended under section 68.01 (7.1) if, on the final determination of an application under section 68.04,
 - (a) the court provides relief, and
 - (b) there is compliance with the court order.
- (6) For certainty, a third party sponsor that is subject to penalties under section 68.09 (3) *[penalties for exceeding third party advertising limits]* ceases to be disqualified or prohibited under that section if, on the final determination of an application under section 68.10 *[application for relief in relation to exceeding third party advertising limits]*,
 - (a) the court provides relief, and
 - (b) there is compliance with the court order.

Division 7 — Publication of Names

Publication of names following imposition of monetary penalty

- 72.1** (1) The BC chief electoral officer must publish on an Elections BC authorized internet site
- (a) the names of individuals or organizations on which the BC chief electoral officer has imposed a monetary penalty under any of the following:
 - (i) Division 3 *[Expense Limit Penalties]* of Part 6;
 - (ii) Division 5.1 *[Campaign Contributions — Penalties and Court Orders for Relief]* of Part 6;
 - (iii) Division 5.2 *[Sponsorship Contributions — Penalties and Court Orders for Relief]* of Part 6;
 - (iv) Division 5.3 *[Third Party Sponsors — Penalties and Court Orders for Relief]* of Part 6;
 - (v) Division 5.4 *[Registration of Elector Organizations — Penalties and Court Orders for Relief]* of Part 6;
 - (vi) section 76.1 *[penalty for failure to comply with requirements to provide information]*,
 - (b) the section under which the BC chief electoral officer has imposed each monetary penalty, and
 - (c) the amount of each monetary penalty.
- (2) The information published in accordance with subsection (1) must continue to be published on an Elections BC authorized internet site until one year after general voting day for the next general local election.
- (3) Publication in accordance with subsection (1) must take place as soon as practicable after the BC chief electoral officer imposes the monetary penalty.

Part 7 — Enforcement

Division 1 — Elections BC Responsibilities and Powers

Report to local authority respecting disqualification of elected candidate

73 If an elected member of a local authority becomes subject to a penalty under any of the following sections, the BC chief electoral officer must report to the local authority, as applicable, that the seat of the member has become vacant or that the member has become disqualified to hold office:

- (a) section 64 (2) (a) *[candidate penalties for failure to disclose];*
- (b) section 64 (2) (b) *[candidate disqualification penalty for failure to disclose];*
- (c) section 65 (1) (a) *[candidate penalties for false or misleading disclosure];*
- (d) section 65 (1) (b) *[candidate conviction for false or misleading disclosure];*
- (e) section 65.1 *[endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information];*
- (f) section 68.01 (3) *[candidate penalties for exceeding expense limits or amount available];*
- (g) section 68.03 (1) *[unpaid monetary penalties — candidate].*

Reviews, investigations and audits by BC chief electoral officer

74 (1) The BC chief electoral officer must conduct periodic reviews of the financial affairs and accounts of candidates, elector organizations, third party sponsors and assent voting advertising sponsors in relation to general compliance with this Act and the regulations under this Act.

(2) In addition to general reviews under subsection (1), the BC chief electoral officer may do any of the following:

- (a) conduct an investigation of the financial affairs of a candidate, elector organization, third party sponsor or assent voting advertising sponsor in relation to compliance with this Act and the regulations under this Act;
- (b) conduct an audit of the accounts of an individual or organization referred to in paragraph (a);
- (c) conduct an investigation of any matter that the BC chief electoral officer considers might constitute an offence under this Act or might be a contravention of a provision of Parts 2 to 7 of this Act or of a regulation under this Act;
- (d) conduct an investigation of a complaint received by the BC chief electoral officer regarding non-compliance by an individual or organization referred to in paragraph (a) or the financial agent for such an individual or organization.

- (3) For purposes of this section, the BC chief electoral officer or a representative of the BC chief electoral officer may inspect and make copies of the records of an individual or organization referred to in subsection (1).
- (4) Section 276 (3) to (6) [*investigations and audits by chief electoral officer*] of the *Election Act* applies in relation to the authority under subsection (3).

Complaints regarding contraventions of this Act

- 75** (1) If the BC chief electoral officer receives a complaint alleging that a provision of this Act or a regulation under this Act has been contravened, the BC chief electoral officer must consider whether to investigate the matter.
- (2) The BC chief electoral officer must refuse to investigate if, in the view of the BC chief electoral officer, the complaint appears to be frivolous, vexatious or obviously unfounded.
- (3) If a complaint is made in writing and the BC chief electoral officer decides not to conduct an investigation, the BC chief electoral officer must notify the complainant in writing of the reasons for this decision.

Additional specific powers to require information

- 76** For the purposes of administering compliance with this Act and the regulations under this Act, the BC chief electoral officer has the following powers in addition to all others provided under this Act:
- (a) to require the following to provide a supplementary report:
 - (i) a candidate or the financial agent for a candidate;
 - (ii) an elector organization or the financial agent for an elector organization;
 - (iii) a third party sponsor;
 - (iv) an assent voting advertising sponsor;
 - (b) to require an individual or organization referred to in paragraph (a) to provide further information respecting compliance with this Act and the regulations under this Act;
 - (c) to require a local authority to provide to the BC chief electoral officer the originals or copies, as requested by the BC chief electoral officer, of records received or obtained by a local authority under this Act or other local elections legislation, or created by a local authority official in relation to this Act or other local elections legislation, including records that include personal information.

Monetary penalty for failure to comply with requirements to provide information

- 76.1** (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 76 (a) or (b) by an individual or organization, the BC chief

electoral officer must notify the individual or organization of the non-compliance and the related penalty.

- (2) Subject to a court order for relief under section 76.2, if the BC chief electoral officer gives notice under subsection (1) of this section,
- (a) in the case of non-compliance by an individual, the individual must pay to the BC chief electoral officer a penalty in an amount of up to \$5 000, as determined by the BC chief electoral officer, or
 - (b) in the case of non-compliance by an organization, the organization must pay to the BC chief electoral officer a penalty in an amount of up to \$10 000, as determined by the BC chief electoral officer.

Court relief powers in relation to requirement to provide information

76.2 (1) An individual or organization that is subject to a monetary penalty under section 76.1 may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance.

- (2) An application under subsection (1) may be made only within 30 days after the BC chief electoral officer notifies the individual or organization, under section 76.1, of the non-compliance and related penalty.
- (3) The petition commencing an application must be served on the BC chief electoral officer within 7 days after the petition is filed, and the BC chief electoral officer is a party to the application.
- (4) On hearing an application, the court may do any of the following:
- (a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the individual or organization has acted in good faith;
 - (b) make any order the court considers appropriate to secure compliance with section 76 to the extent the court considers reasonable in the circumstances;
 - (c) refuse to grant relief.

Notice to advertiser to produce information

76.3 (1) In this section, "**advertiser**" means the following:

- (a) an individual or organization that has, during the past 5 years, transmitted an election advertising communication to the public by any means;
 - (b) an individual or organization that has, during the past 5 years, arranged for another individual or organization to transmit an election advertising communication to the public by any means;
 - (c) an individual or organization in a class of individuals or organizations prescribed by regulation.
- (2) For the purpose of administering compliance with this Act and the regulations under this Act, the BC chief electoral officer may collect from an advertiser the following

information in relation to an election advertising communication that has been transmitted to the public:

- (a) if known by the advertiser, the name of the individual or organization that sponsored the election advertising communication;
 - (b) the name of the individual or organization with which the advertiser agreed to
 - (i) transmit the election advertising communication, or
 - (ii) arrange for another individual or organization to transmit the election advertising communication;
 - (c) the date the election advertising was ordered or requested;
 - (d) if there were payments under the agreement referred to in paragraph (b), the amounts and dates of the payments;
 - (e) the dates on which the election advertising communication was transmitted;
 - (f) the actual or intended geographic distribution or geographic availability of the advertising communication;
 - (g) any other information prescribed by regulation.
- (3) The BC chief electoral officer may, by written notice, require an advertiser to produce information described in subsection (2), as specified in the notice, if both of the following apply:
 - (a) the BC chief electoral officer has reason to believe that any of the following sections has been contravened:
 - (i) section 37 *[prohibition against sponsoring third party advertising if not registered]*;
 - (ii) section 41.5 *[prohibition against exceeding third party advertising limit]*;
 - (iii) section 41.6 *[prohibition against attempting to circumvent third party advertising limits]*;
 - (iv) section 44 *[advertising must include sponsorship information]*;
 - (v) section 45 *[restrictions on general voting day advertising]*;
 - (b) the information is reasonably required by the BC chief electoral officer to carry out the BC chief electoral officer's responsibilities set out in section 87 (1) *[BC chief electoral officer responsible for administering compliance with Act and regulations]*.
- (4) Subject to subsection (5), an advertiser that has custody or control of information required under subsection (3) must disclose the information to the BC chief electoral officer
 - (a) within 24 hours after receiving the notice if the notice is given during a campaign period, and
 - (b) within 7 days after receiving the notice if the notice is given outside of a campaign period.

- (5) The BC chief electoral officer may extend the time period in subsection (4) if an advertiser that receives a notice under this section makes a written request
- (a) within 24 hours after receiving the notice if the notice is given during a campaign period, and
 - (b) within 7 days after receiving the notice if the notice is given outside of a campaign period.
- (6) An advertiser that contravenes this section commits an offence.

Order to produce information or records required by BC chief electoral officer

76.4 (1) On application of the BC chief electoral officer, the Supreme Court may make an order requiring a person to disclose to the BC chief electoral officer information or records in the custody or control of the person if the court is satisfied that the information or records are reasonably required by the BC chief electoral officer in order to carry out the BC chief electoral officer's responsibilities under section 87 (1).

- (2) The BC chief electoral officer may apply for an order under subsection (1) before, at the time of or subsequent to the following:
- (a) making a determination that an individual or organization has failed to comply with a provision of this Act for which a monetary penalty may be imposed;
 - (b) referring a matter to the Criminal Justice Branch of the Ministry of Attorney General under section 81 [*authority to refer contravention to Criminal Justice Branch*].
- (3) A court may make an order under this section without notice to any person.
- (4) Unless the court orders otherwise, an application for an order under this section must be heard in private.

Solemn declaration regarding sponsorship may be required

77 (1) For the purposes of administering compliance with the requirements under this Act in relation to

- (a) Part 3 [*Third Party Advertising*],
- (b) section 42 [*application of third party advertising rules to non-election assent voting advertising*], or
- (c) Division 1 [*Sponsorship of Election Advertising and Assent Voting Advertising*] of Part 5 [*Transparency Requirements for Local Elections and Assent Voting*],

the BC chief electoral officer may require an individual to provide a solemn declaration in accordance with this section.

- (2) A solemn declaration under this section may be required in relation to one or more of the following, as requested by the BC chief electoral officer:
- (a) whether the individual identified under section 44 (1) (a) [*advertising must include sponsorship information*] is or is not the sponsor of the election

advertising or non-election assent voting advertising, or is or is not the financial agent for the sponsor;

- (b) the individual's compliance with the requirements referred to in subsection (1);
- (c) if the individual is a financial agent for an elector organization, compliance by the elector organization with the requirements referred to in subsection (1);
- (d) if the individual is a responsible principal official of an elector organization or an organization that is a registered sponsor, compliance by the elector organization or sponsor with the requirements referred to in subsection (1);
- (e) any other matter the BC chief electoral officer considers will assist in determining whether there has been compliance with the requirements referred to in subsection (1).

(3) An individual who does not provide a solemn declaration in accordance with this section when required to do so commits an offence.

Powers in relation to non-compliant advertising

78 (1) An individual authorized by the BC chief electoral officer may, subject to any restrictions or conditions specified by that officer, do one or more of the following in relation to election advertising or non-election assent voting advertising that is transmitted or sponsored in contravention of this Act or a regulation under this Act:

- (a) order an individual or organization to correct, discontinue, remove or destroy the election advertising or non-election assent voting advertising;
- (b) cover the election advertising or non-election assent voting advertising, or otherwise obscure it from view;
- (c) remove, or remove and destroy, the election advertising or non-election assent voting advertising.

(2) Subject to this section, the authority under subsection (1) includes authority to enter on property, and to enter into property, without the consent of the owner or occupier.

(3) The authority under subsection (2) may be used to enter into a place that is occupied as a private dwelling only if the occupier consents or the entry is made under the authority of a warrant under this or another Act.

(4) On being satisfied on oath or affirmation that access to property is necessary for purposes of this section, a justice may issue a warrant authorizing an individual named in the warrant to enter on or into property and take action as authorized by the warrant.

(5) An individual or organization that does not comply with an order under subsection (1) (a) commits an offence.

Enforcement of monetary penalties

78.1 (1) In relation to a monetary penalty under section 68.02 (3) or (5), 68.09 (5), 68.13 (2) or (4), 68.14 (2), 68.15 (2), 68.16 (2), 68.17 (2), 68.19 (2) or (4), 68.20 (2), 68.21 (2), 68.23 (2), 68.24 (2), 68.25 (2), 68.27 (2) or 76.1 (2), the BC chief electoral officer may issue and file with the Supreme Court a certificate specifying the name of the individual or organization, as applicable, and the amount owed under the applicable section by the individual or organization.

(2) A certificate filed under subsection (1) has the same effect and is enforceable in the same manner as a judgment of the Supreme Court in favour of the government for the recovery of a debt in the amount specified in the certificate.

Court injunctions on application of BC chief electoral officer

79 (1) On application of the BC chief electoral officer, the Supreme Court may grant an injunction

(a) requiring an individual or organization to comply with this Act or a regulation under this Act, if the court is satisfied that there are reasonable grounds to believe that the individual or organization has not complied or is likely not to comply with the Act or regulation, or

(b) restraining an individual or organization from contravening this Act or a regulation under this Act, if the court is satisfied that there are reasonable grounds to believe that the individual or organization has contravened or is likely to contravene the Act or regulation.

(2) An order granting an injunction under subsection (1) may be made without notice to others if it is necessary to do so in order to protect the public interest.

(3) A contravention of this Act or a regulation under this Act may be restrained under subsection (1) whether or not a penalty or other remedy has been provided under this Act.

Division 2 — Offences

General rules and defence of due diligence

80 (1) Section 5 [*offence to contravene an enactment*] of the *Offence Act* does not apply to this Act or the regulations under this Act.

(2) Any penalty under this Part is in addition to and not in place of any other penalty to which an individual or organization may be liable under this Act in respect of the same matter.

(3) An individual or organization is not guilty of an offence under this Act if the individual or organization exercised due diligence to prevent the commission of the offence.

BC chief electoral officer authority in relation to prosecutions

81 (1) A prosecution for an offence under this Act may not be commenced without the approval of the BC chief electoral officer.

- (2) If the BC chief electoral officer is satisfied that there are reasonable grounds to believe that an individual or organization has contravened this Act or a regulation under this Act, the BC chief electoral officer may refer the matter to the Criminal Justice Branch of the Ministry of Attorney General for a determination of whether to approve prosecution.

Time limit for starting prosecution

- 82** (1) The time limit for laying an information to commence a prosecution respecting an offence under this Act is one year after the facts on which the information is based first came to the knowledge of the BC chief electoral officer.
- (2) A document purporting to have been issued by the BC chief electoral officer, certifying the day on which the BC chief electoral officer became aware of the facts on which an information is based, is admissible without proof of the signature or official character of the individual appearing to have signed the document and, in the absence of evidence to the contrary, is proof of the matter certified.

Prosecution of organizations and their directors and agents

- 83** (1) An act or thing done or omitted by an officer, director, principal official, 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 Act, an officer, director, principal official, 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 Act 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.

General offence in relation to false or misleading information

- 84** (1) An individual or organization that does any of the following commits an offence:
- (a) provides false or misleading information when required or authorized under this Act to provide information;
 - (b) makes a false or misleading statement or declaration when required under this Act to make a statement or declaration.
- (2) In the case of false or misleading information in a disclosure statement or supplementary report, the candidate, elector organization, third party sponsor or assent voting advertising sponsor for which the disclosure statement or supplementary report is filed commits an offence.
- (3) In the case of false or misleading information in an annual financial report, the elector organization for which the annual financial report is filed commits an offence.

Higher penalty offences

85 (1) This section applies to the offences under the following provisions:

- (a) section 57 *[offence for failure to file by compliance deadline]*;
- (b) section 84 *[general offence in relation to false or misleading information]*;
- (c) any provision of the regulations prescribed for purposes of this section.

(2) An individual who commits an offence to which this section applies is liable to a fine of not more than \$10 000 or imprisonment for a term not longer than 2 years, or both.

(3) An organization that commits an offence to which this section applies is liable to a fine of not more than \$20 000.

Lower penalty offences

86 (1) This section applies to offences under this Act other than offences to which section 85 applies.

(2) An individual who commits an offence to which this section applies is liable to a fine of not more than \$5 000 or imprisonment for a term not longer than one year, or both.

(3) An organization that commits an offence to which this section applies is liable to a fine of not more than \$10 000.

Part 8 — Administration and Other Matters**Division 1 — Responsibilities and Authorities****Role of the BC chief electoral officer**

87 (1) The BC chief electoral officer is responsible for administering compliance with this Act and the regulations under this Act in relation to candidates, elector organizations, financial agents, third party sponsors, assent voting advertising sponsors and other individuals and organizations regulated under this Act.

(2) In relation to the responsibilities under subsection (1), the BC chief electoral officer must

- (a) conduct general reviews of election and assent voting financing matters that are dealt with under this Act and of their administration under this Act, and
- (b) after each general local election, prepare a report respecting that officer's role in administering compliance with this Act and the regulations under this Act in relation to that general local election and any other elections or assent voting held since the last report under this section.

(3) The BC chief electoral officer must make a report under this section publicly available on an Elections BC authorized internet site.

Administrative matters

- 88** (1) Section 10 [*general staff of the chief electoral officer*] of the *Election Act* applies to the BC chief electoral officer in relation to that officer's duties of office under this Act.
- (2) The BC chief electoral officer may delegate in writing to an individual appointed under section 10 (1) [*Elections BC employees*] of the *Election Act* the authority to exercise any power and perform any duty assigned to the BC chief electoral officer under this Act, subject to any limits or conditions imposed by the BC chief electoral officer.
- (3) All necessary expenses required for the BC chief electoral officer to perform that officer's duties of office under this Act must be paid out of the general fund of the consolidated revenue fund.
- (4) The BC chief electoral officer must approve all amounts to be paid under the authority of this section, with this approval authority subject to any applicable regulations.
- (5) Amounts that are to be paid to the BC chief electoral officer under this Act and are received by that officer must be paid into the consolidated revenue fund.

Minor corrections to applications for registration, disclosure statements, annual financial reports and supplementary reports

- 89** (1) Subject to this section and any applicable regulations, the BC chief electoral officer may correct an error or omission if, when reviewing any of the following documents, the BC chief electoral officer becomes aware of the error or omission and considers that the error or omission does not materially affect the substance of the document:
- (a) an application for registration under Division 6 [*Registration of Elector Organizations*] of Part 2 [*Candidate and Elector Organization Campaign Financing*];
 - (b) a disclosure statement;
 - (c) an annual financial report;
 - (d) a supplementary report.
- (2) A correction under this section to a disclosure statement or to a supplementary report in relation to a disclosure statement may be made only with
- (a) the consent of the candidate, elector organization, third party sponsor or assent voting advertising sponsor in relation to which the disclosure statement or supplementary report was filed, or
 - (b) in the case of a disclosure statement or supplementary report for a candidate or elector organization, with the consent of the financial agent.
- (3) A correction under this section to an application for registration, annual financial report or supplementary report in relation to an annual financial report may be made only with
- (a) the consent of the elector organization in relation to which the application for registration, annual financial report or supplementary report was filed, or

- (b) in the case of an annual financial report or supplementary report, with the consent of the financial agent of the elector organization.

Late filing extensions in extraordinary circumstances

- 90** (1) Subject to this section and any applicable regulations, the BC chief electoral officer may, on request, make an order extending the time period for filing a disclosure statement, annual financial report or supplementary report without payment of a late filing penalty fee that would otherwise apply.
- (2) [Repealed 2016-9-35.]
- (3) The BC chief electoral officer may make an order under this section only if satisfied, having regard to the purposes of this Act,
- (a) that it is appropriate to provide the extension, and
 - (b) that the disclosure statement, annual financial report or supplementary report cannot be filed within the time period that would otherwise apply by reason of an emergency or other extraordinary circumstance.

Retention of disclosure records

- 91** (1) The BC chief electoral officer must retain each disclosure statement under this Act and any supplementary reports in relation to the disclosure statement until at least 5 years after general voting day for the election or assent voting to which the disclosure statement relates.
- (1.1) The BC chief electoral officer must retain each annual financial report under this Act and any supplementary reports in relation to the annual financial report until at least 5 years after the compliance deadline for the annual financial report.
- (2) The minister responsible for the administration of the *Information Management Act* may require that, after the end of the retention period, the records referred to in subsection (1) be archived
- (a) in the digital archives established by the *Information Management Act*, or
 - (b) in the museum archives of government established by the *Museum Act*.
- (3) For purposes of subsection (2), the BC chief electoral officer must give notice to the minister before the end of each retention period.

Provision of information between Elections BC and local authorities

- 92** (1) As soon as practicable after an individual is declared to be a candidate, the local election officer must provide the following to the BC chief electoral officer:
- (a) the full name of the candidate;
 - (b) if applicable, the usual name of the candidate proposed to be used on the ballot;
 - (c) the jurisdiction in relation to which and the office for which the individual is a candidate;

- (d) the mailing address for the candidate as provided in the nomination documents;
- (e) a copy of the information and material provided under section 90 (1) *[other information to be provided by candidate]* of the *Local Government Act* or section 45.1 (1) of the *Vancouver Charter*, as applicable, or the information provided in that material;
- (f) if applicable, the name of the elector organization that is endorsing the candidate;
- (g) other information as required by regulation.

(2) [Repealed 2021-5-64.]

- (3) If the local election officer receives updated information respecting any of the information or material to be provided to the BC chief electoral officer under this section, that local election officer must ensure that the updated information is provided to the BC chief electoral officer as soon as practicable.
- (4) The local election officer must provide the following to the BC chief electoral officer as soon as practicable:
 - (a) the names of the candidate or candidates declared elected in an election for the jurisdiction;
 - (b) other information or material as required by regulation.

- (4.1) As soon as practicable before each election, but no later than the end of the nomination period, the BC chief electoral officer must provide the following information to the local election officer for each jurisdiction for which an elector organization is registered to endorse a candidate in an election:
 - (a) the legal name of the elector organization, if applicable;
 - (b) the usual name of the elector organization, if the usual name is different from the legal name, or if the elector organization has no legal name;
 - (c) any abbreviations, acronyms or other names used by the elector organization to refer to itself;
 - (d) the name, abbreviation or acronym by which the elector organization is to be identified on the ballot;
 - (e) the name, required contact information and address for service of the authorized principal official of the elector organization;
 - (f) the name, mailing address and address for service of each of the other responsible principal officials of the elector organization;
 - (g) the name and required contact information of the financial agent of the elector organization;
 - (h) any other information required by regulation.

- (5) If applicable, the BC chief electoral officer must provide to the applicable designated local authority officer information or material as required by regulation.

Division 2 — Technical Advisory Committee

Technical Advisory Committee

- 93** (1) The Technical Advisory Committee is established consisting of the individuals appointed under subsection (2).
- (2) Subject to subsection (4), the following individuals may be appointed as members of the advisory committee:
- (a) a representative appointed by the Union of British Columbia Municipalities;
 - (b) a representative appointed by the Local Government Management Association;
 - (c) a representative appointed by the British Columbia School Trustees Association;
 - (d) a staff member of Elections BC appointed by the BC chief electoral officer;
 - (e) a staff member of the ministry of the minister responsible for the administration of this Act, appointed by the Inspector of Municipalities;
 - (f) a staff member of the ministry of the minister responsible for the administration of the *Election Act*, appointed by the Deputy Attorney General;
 - (g) a staff member of the ministry of the minister responsible for the administration of the *School Act*, appointed by the deputy minister of that ministry;
 - (h) any other representative appointed as provided by regulation.
- (3) Subject to subsection (4), a member of the advisory committee may designate another individual to attend a committee meeting in the member's place and that individual may act in the member's place at that meeting.
- (4) The following are not eligible to be appointed under subsection (2) or designated under subsection (3):
- (a) an individual elected or appointed as a member of a local authority;
 - (b) an individual elected as a member of the Legislative Assembly;
 - (c) an individual appointed as a member of the Executive Council.
- (5) An individual may be reappointed to the advisory committee.
- (6) The members of the advisory committee must elect a chair and vice chair from among the committee's members.

Role of advisory committee

- 94** (1) The role of the advisory committee is to be a forum for discussing matters of common interest to the represented authorities respecting the administration and application of this Act and the regulations under this Act.

- (2) Without limiting subsection (1), the advisory committee is to be a forum for discussing the following:
- (a) the development and provision of public information and education respecting this Act and the regulations under this Act;
 - (b) the development and provision of information and training for local authority officials respecting the administration of this Act and the regulations under this Act;
 - (c) the provision of specific advice to participants in the election or assent voting process respecting the application of this Act and the regulations under this Act;
 - (d) the forms for disclosure statements and supplementary reports to be considered for approval by the BC chief electoral officer.

Advisory committee meetings

- 95** (1) Subject to this Division, the advisory committee may make rules governing its practices and procedures.
- (2) Meetings of the advisory committee may be called at any time by the chair of the committee.
- (3) If requested in writing by 2 or more members of the advisory committee, the chair of the committee must call a meeting of the committee as soon as practicable.
- (4) A meeting of the advisory committee may be conducted using electronic or other communications facilities, and a member participating in a meeting using such facilities is deemed to be present at the meeting.
- (5) The cost of a committee member attending a meeting, other than the cost of the representative of the BC chief electoral officer, is not part of the administrative costs incurred by that officer under this Act.
- (6) The advisory committee must make available to the public, on request, a summary of the proceedings of a meeting of the committee.

Division 3 — Miscellaneous

Address for service requirements and delivery of notices

- 96** (1) In relation to a requirement under this Act or other local elections legislation for an individual or organization to provide an address for service at which notices and other communications will be accepted as served on or otherwise delivered to the individual or organization, the individual or organization satisfies this requirement by providing a mailing address or email address as the address for service.
- (2) In addition to the required address under subsection (1), the individual or organization may provide one or more of the following as an additional address for service:
- (a) an email address in addition to the mailing address;

- (b) a mailing address in addition to the email address;
 - (c) a fax number;
 - (d) any other form of address prescribed by regulation.
- (3) In relation to a requirement or authority under this Act or other local elections legislation to
- (a) serve a notice or other communication on an individual or organization that has provided an address for service, or
 - (b) give a notice or other communication to such an individual or organization, that service or notice may be made by sending the record to the most recent address for service provided by the individual or organization.
- (4) If a notice or other communication is sent in accordance with subsection (3), the communication is deemed to have been received by the individual or organization to which it was sent as follows:
- (a) if the communication is sent by ordinary or registered mail to the mailing address provided as an address for service, on the fifth day after it is mailed;
 - (b) if the communication is sent by email to the email address provided as an address for service, on the third day after it is sent;
 - (c) if the communication is sent by fax to the fax number provided as an address for service, on the third day after it is faxed;
 - (d) if the communication is sent to a form of address prescribed by regulation, as provided by the regulations.
- (5) Where this Act requires or permits service of a notice or other communication on a jurisdiction, the service is effected if the communication is served on the designated local authority officer for the jurisdiction.
- (6) For certainty, this section provides additional means of service and does not affect other means of service authorized by law.

Solemn declarations

- 97** (1) If a solemn declaration is required to be provided under this Act, the declaration must be
- (a) made on oath or by solemn affirmation,
 - (b) made before an individual authorized to take the oath or solemn affirmation, and
 - (c) signed by the individual making the oath or solemn affirmation and by the individual taking it.
- (2) The following individuals are authorized to take a solemn declaration required under this Act:
- (a) a commissioner for taking affidavits for British Columbia;

- (b) the BC chief electoral officer or a delegate authorized under section 88 (2) *[delegation to Elections BC staff]*;
 - (c) a local election officer or a delegate authorized by such an officer under other local elections legislation.
- (3) If applicable, the solemn declaration must be made in a form prescribed by regulation.

Information updating obligations

- 98** The obligations under this Act to provide updated information and material to the BC chief electoral officer end when all disclosure and record retention obligations under this Act in relation to the candidate, elector organization, third party sponsor or assent voting advertising sponsor, as applicable, have been fulfilled.

Population

- 98.1** (1) Subject to subsection (2), for the purposes of this Act and the regulations under this Act, the population of an election area or the geographic area associated with a jurisdiction is to be taken from the most recent population estimates issued annually by the director under the *Statistics Act* (British Columbia) based on the Census of Canada.
- (2) The minister responsible may determine the population of an election area or the geographic area associated with a jurisdiction
- (a) if the population of an election area or the geographic area associated with a jurisdiction has not been established by a Census of Canada, or
 - (b) in other prescribed special circumstances.

Division 4 — Orders and Regulations

Ministerial orders in special circumstances

- 99** (1) If the minister responsible in relation to an election or assent voting considers it necessary because of special circumstances respecting
- (a) the election or assent voting, or
 - (b) a candidate, elector organization, third party sponsor or assent voting advertising sponsor,
- that minister may make any order the minister considers appropriate to achieve the purposes of this Act.
- (2) Without limiting subsection (1), but subject to subsection (3), an order under this section may provide an exception to or modification of this Act or a regulation under this Act, including extending a time period or establishing a new date in place of a date set under this Act and giving any other directions the minister considers appropriate in relation to this.
- (3) An order under this section may not provide relief

- (a) that could be provided under section 90 [*late filing extensions in extraordinary circumstances*], or
 - (b) that could be provided by a court order for relief, or that could have been provided by such a court order if an application had been made within the applicable time limit under this Act.
- (4) For certainty, the authority under this section may be exercised in relation to circumstances described in section 101 [*withdrawal, death or incapacity of candidate*] of the *Local Government Act* or section 52 of the *Vancouver Charter*, but is additional to the authority under those sections, section 167 [*minister orders in special circumstances*] of the *Local Government Act* or section 127 of the *Vancouver Charter*.

Power to make regulations — general

100 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations as follows:

- (a) respecting any matter for which regulations are contemplated by this Act;
- (b) defining any word or expression used but not defined in this Act, including, for certainty, defining a word or expression to which section 2 (1) [*other definitions that apply to this Act*] of the Schedule to this Act applies;
- (c) in relation to elections prescribed under section 1 (1) (i) [*other elections to which this Act applies*], prescribing the office, jurisdiction, local authority, election area and applicable legislation in relation to a prescribed election;
- (d) in relation to section 42 [*application of third party advertising rules to non-election assent voting advertising*], in addition to the authority under subsection (4) of this section, making any other regulations the Lieutenant Governor in Council considers necessary or advisable in relation to the application of the following to non-election assent voting:
 - (i) Divisions 1 to 3 of Part 3 [*Third Party Advertising*];
 - (ii) any other provisions of this Act or the regulations that apply in relation to those Divisions;
- (e) in relation to the application of this Act and regulations under this Act to by-elections or elections by acclamation, making any regulations the Lieutenant Governor in Council considers necessary or advisable in relation to the application of this Act or the regulations under this Act to such elections, including regulations as referred to in subsection (4);
- (e.1) for the purposes of section 72 (4) [*how to decide which individual ceases to hold office*], establishing the procedure and process to determine which individual ceases to hold office;
- (f) in relation to section 93 (2) (h) [*other members of the advisory committee*], providing for additional members of the advisory committee and

establishing who is to appoint an additional member.

- (3) A regulation under this Act may confer a discretion on the BC chief electoral officer.
- (4) Where this Act contemplates that a provision of the Act may be subject to regulations, the authority to make the contemplated regulations includes authority to do any or all of the following:
 - (a) provide exceptions to the provision;
 - (b) establish limits on the application of the provision;
 - (c) modify the rules, or the effect of the rules, that would otherwise apply under the provision;
 - (d) establish rules that operate in place of or as an alternative to the provision;
 - (e) establish conditions in relation to the operation of an exception, limit, modification or rule established under this subsection.
- (5) A regulation under this Act may
 - (a) establish different classes of jurisdictions, geographic areas associated with a jurisdiction, election areas, elected offices, elections, assent voting, candidates, organizations, sponsors, circumstances, things or other matters, and
 - (b) make different provisions, including exceptions, for those classes.

Power to make regulations — campaign contribution limits

- 100.01** (1) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations respecting campaign contribution limits, including, without limitation, but subject to subsection (3), as follows:
- (a) for the purposes of section 30.03 [*application of Division*], prescribing the election, jurisdiction, election area or geographic area associated with a jurisdiction to which Division 5 [*Campaign Contribution Limits*] of Part 2 [*Candidate and Elector Organization Campaign Financing*] applies;
 - (b) for the purposes of section 30.04 [*campaign contribution limits for 2019 and subsequent years*],
 - (i) prescribing the amounts of the campaign contribution limits, or
 - (ii) respecting how an amount of a campaign contribution limit is determined, including prescribing that an amount is determined on the basis of
 - (A) prescribed population ranges, or
 - (B) a prescribed formula that takes into account the population of an election area or the geographic area associated with a jurisdiction;
 - (c) respecting amounts of campaign contribution limits, and the application of the campaign contribution limits, for a candidate referred to in section 4 (2) [*candidate running in multiple elections*];

- (d) respecting amounts of campaign contribution limits, and the application of the campaign contribution limits, for an elector organization referred to in section 5 (2) *[endorsing in multiple jurisdictions]*.
- (2) In making a regulation under subsection (1), the Lieutenant Governor in Council may do one or more of the following:
- (a) establish rules respecting
 - (i) how campaign contribution limits apply or are determined in the calendar year in which an applicable campaign contribution limit is prescribed,
 - (ii) how campaign contributions made in the calendar year in which an applicable campaign contribution limit is prescribed before the date the applicable campaign contribution limit is prescribed are dealt with, including whether they are included in determining if an eligible individual exceeds the applicable campaign contribution limit for that calendar year,
 - (iii) how permissible loans are dealt with, including if and how they are included for the purpose of determining if an eligible individual exceeds an applicable campaign contribution limit, and
 - (iv) how loans made or accepted and debts arising before the date an applicable campaign contribution limit is prescribed are dealt with;
 - (b) make provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of more effectively determining and applying campaign contribution limits;
 - (c) make provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of preventing, minimizing or otherwise addressing any transitional difficulties encountered in determining or applying campaign contribution limits.
- (3) A regulation under sections 30.03 and 30.04 may be made only on the recommendation of the minister responsible.

Power to make regulations — sponsorship contribution limits

100.02 (1) Without limiting any other provision of this Act but subject to subsection (3), the Lieutenant Governor in Council may make regulations respecting sponsorship contribution limits, including, without limitation,

- (a) prescribing the amount of the sponsorship contribution limit, or
 - (b) respecting how the amount of a sponsorship contribution limit is determined.
- (2) In making a regulation under subsection (1), the Lieutenant Governor in Council may do one or more of the following:
- (a) establish rules respecting

- (i) how sponsorship contribution limits apply or are determined in the calendar year in which an applicable sponsorship limit is prescribed,
 - (ii) how to deal with sponsorship contributions that are made in the calendar year in which an applicable sponsorship contribution limit is prescribed but before the date the applicable sponsorship contribution limit is prescribed, including if those sponsorship contributions are included for the purpose of determining whether the sponsorship contributions of an eligible individual exceed the applicable sponsorship contribution limit for that calendar year,
 - (iii) how to deal with permissible loans, including if and how they are included for the purpose of determining whether the sponsorship contributions of an eligible individual exceed the applicable sponsorship contribution limit for that calendar year, and
 - (iv) how to deal with loans made or accepted and debts arising before the date an applicable sponsorship contribution limit is prescribed;
- (b) make provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of more effectively determining and applying a sponsorship contribution limit;
 - (c) make provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of preventing, minimizing or otherwise addressing any transitional difficulties encountered in determining or applying a sponsorship contribution limit.
- (3) A regulation in relation to section 36.01 may be made only on the recommendation of the minister responsible.

Power to make regulations — third party advertising limits

- 100.1** (1) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations respecting third party advertising limits, including, without limitation, but subject to subsection (2), as follows:
- (a) for the purposes of section 41.1 (a) (ii) [*direct third party advertising limits*], establishing an amount based on a prescribed percentage of the expense limit for a prescribed class of candidates;
 - (b) for the purposes of section 41.7 [*attribution of value of directed advertising*], respecting the basis on which third party advertising must be attributed, including prescribing factors or principles to be considered when attributing third party advertising.
- (2) A regulation under section 41.1 (a) may be made only on the recommendation of the minister responsible.

Power to make regulations — expense limits

- 100.2** (1) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations respecting expense limits, including, without limitation, but

subject to subsection (3), as follows:

- (a) for the purposes of section 63.01 (1) (b) and (2) (b) *[expense limits — election areas with population of 10 000 or more]*, determining the amount of the expense limit, including establishing formulas to determine the amount;
- (b) respecting the expense limit for a candidate referred to in section 4 (2) *[candidate running in multiple elections]*;
- (c) prescribing a form for a campaign financing arrangement for candidates and elector organizations;
- (d) for the purposes of section 63.08 (2) *[attribution of elector organization expenses to candidate expense limits]*, respecting the basis on which the campaign period expenses must be attributed, including prescribing factors or principles to be considered when attributing campaign period expenses;
- (e) for the purposes of section 63.10 *[amendment to and termination of campaign financing arrangement]*, prescribing the form and manner of the termination of the campaign financing arrangement and the information that must be included in the termination, establishing the process for termination, including the notice requirements, and respecting the restrictions on or obligations of a candidate and an elector organization following the termination;
- (f) for the purposes of section 63.11 *[effect of endorsement relationship ending]*, respecting the effect of the ending of an endorsement relationship, including prescribing notice requirements and effects on parties other than the elector organization and the candidate endorsed by the elector organization, and respecting the restrictions on or obligations of a candidate and an elector organization following the ending of an endorsement relationship.

(2) The authority to make a regulation under subsection (1) (b) of this section includes the authorities set out in section 100 (4) (a) to (e).

(3) A regulation under section 63.01 may be made only on the recommendation of the minister responsible.

Commencement and application

101 (1) The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 34 and 35	In relation to anonymous sponsorship contributions, on March 27, 2014, being the day after the date of First Reading

- (2) This Act does not apply in relation to elections referred to in section 1 *[elections to which this Act applies]*, or voting referred to in section 2 *[assent voting to which this Act applies]*, held before the 2014 general local election.

Schedule

Definitions and Interpretation

Definitions

1 (1) In this Act:

"address for service", in relation to an individual or organization, means an address provided in accordance with section 96 *[address for service requirements and delivery of notices]* as an address at which notices and other communications will be accepted as served on or otherwise delivered to the individual or organization;

"advisory committee" means the Technical Advisory Committee under section 93 *[Technical Advisory Committee]*;

"amount available", in relation to an expense limit for a candidate who is or was endorsed by an elector organization, means the amount apportioned under section 63.07 *[written campaign financing arrangement required]* or the amended amount under section 63.10 *[amendment to and termination of campaign financing arrangement]* as available for use in the election campaign of the candidate or elector organization, as applicable;

"annual financial report" means an annual financial report required under section 45.1 *[annual financial reports by elector organizations]*;

"applicable campaign contribution limit" means a campaign contribution limit that is established

(a) under section 30.01 *[campaign contribution limits for 2017 and 2018]*, or

(b) under section 30.04 *[campaign contribution limits for 2019 and subsequent years]* and applies to an election prescribed under section 30.03 *[application of Division]*;

"assent voting" means voting to which this Act applies under section 2 *[assent voting to which this Act applies]*;

"assent voting advertising" means assent voting advertising within the meaning of section 8 *[what is assent voting advertising, when is it election advertising and when is it non-election assent voting advertising]*;

"assent voting advertising disclosure statement" means a disclosure statement required under section 46 (1) (d) *[disclosure statements for assent voting advertising sponsors]*;

"assent voting advertising sponsor" means

- (a) an individual or organization that sponsors non-election assent voting advertising,
- (b) an individual or organization that registers under Division 3 *[Registration of Third Party Sponsors]* of Part 3 *[Third Party Advertising]* as it applies to non-election assent voting advertising, and
- (c) in relation to obligations applicable under this Act to an individual or organization as an assent voting advertising sponsor, an individual or organization that was an assent voting advertising sponsor;

"assent voting proceedings period" means the period applicable in relation to non-election assent voting under section 10 (3) *[what is the assent voting proceedings period];*

"authorized principal official" means,

- (a) in relation to an elector organization, the responsible principal official designated as required under section 21 (1) (b) *[principal official authorized to make declarations for elector organization]*, or
- (b) in relation to a third party sponsor or assent voting advertising sponsor that is an organization, the responsible principal official designated as required under section 40 (1) (b) *[principal official authorized to make declarations for organization];*

"BC chief electoral officer" has the same meaning as "chief electoral officer" in the *Election Act*;

"campaign account" means an account established under section 18 *[requirement for candidate campaign account]* or 20 *[requirement for elector organization campaign account];*

"campaign contribution" means a campaign contribution within the meaning of any of the following sections:

- (a) section 13 *[campaign contributions to candidate and elector organization generally];*
- (b) section 13.01 *[campaign contributions through fundraising functions];*
- (c) section 13.02 *[campaign contributions through loans];*

"campaign financing arrangement" means the arrangement between a candidate and an elector organization as required under section 63.07 *[written campaign financing arrangement required]*, or as amended under section 63.10 *[amendment to and termination of campaign financing arrangement]*, as applicable;

"campaign period" means the period applicable in relation to an election under section 10 (2) *[what is a campaign period];*

"campaign period expense" means a campaign period expense within the meaning of section 15 *[what are campaign period expenses];*

"candidate" includes

- (a) an individual who intends to become a candidate in an election,
- (b) an individual who is seeking or intends to seek endorsement by an elector organization in relation to an election, and
- (c) in relation to obligations applicable under this Act to an individual as a candidate, an individual who was a candidate;

"candidate disclosure statement" means a disclosure statement required under section 46 (1) (a) *[candidate disclosure statement]*;

"compliance deadline" means the applicable compliance deadline under section 45.2 (3) *[compliance deadline for filing annual financial report]*, section 47 (4) *[compliance deadline for filing disclosure statements]* or 54 (6) *[compliance deadline for filing supplementary report]*;

"court order for relief" means a court order under section 76.2 *[court relief powers in relation to requirement to provide information]* and the following Divisions of Part 6:

- (a) Division 2 *[Court Orders for Relief in Relation to Disclosure Requirements]*;
- (b) Division 4 *[Court Orders for Relief in Relation to Exceeding Expense Limits or Amount Available]*;
- (c) Division 5 *[Third Party Advertising Limits — Penalties and Court Orders for Relief]*;
- (d) Division 5.1 *[Campaign Contributions — Penalties and Court Orders for Relief]*;
- (e) Division 5.2 *[Sponsorship Contributions — Penalties and Court Orders for Relief]*;
- (f) Division 5.3 *[Third Party Sponsors — Penalties and Court Orders for Relief]*;
- (g) Division 5.4 *[Registration of Elector Organizations — Penalties and Court Orders for Relief]*;

"cumulative third party advertising limit" means the overall amount prescribed under section 41.1 (b) *[cumulative third party advertising limit]* for directed advertising and issue advertising;

"declared", in relation to a candidate, means declared as a candidate under section 97 *[declaration of candidates]* of the *Local Government Act* or section 46 of the *Vancouver Charter*;

"designated local authority officer", in relation to a matter, means

- (a) the local authority official assigned responsibility for the matter by the local authority, or
- (b) if no such assignment has been made, whichever of the following is applicable:

- (i) in relation to a municipality other than the City of Vancouver, the municipal corporate officer;
- (ii) in relation to the City of Vancouver or the Vancouver Park Board, the City Clerk;
- (iii) in relation to a regional district, the regional district corporate officer;
- (iv) in relation to the Islands Trust, the secretary;
- (v) in relation to a board of education, the secretary treasurer;
- (vi) in relation to any other jurisdiction, the official designated by regulation;

"directed advertising" means directed advertising within the meaning of section 12 *[types of third party advertising — issue advertising and directed advertising]*;

"disclosure requirements" means the applicable requirements and obligations under Division 2 *[Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors]* of Part 5 in relation to a disclosure statement, annual financial report or supplementary report;

"disclosure statement" means a disclosure statement required under section 46 *[disclosure statements required for candidates, elector organizations and advertising sponsors]*;

"election" means an election to which this Act applies under section 1 *[elections to which this Act applies]*;

"election advertising" means election advertising within the meaning of section 7 *[what is election advertising]*;

"election area",

- (a) in relation to an election under the *Local Government Act*, has the same meaning as in the *Local Government Act*,
- (b) in relation to an election under the *School Act*, has the same meaning as in the *School Act*,
- (c) in relation to an election under the *Vancouver Charter*, has the same meaning as in the *Vancouver Charter*, and
- (d) in relation to an election prescribed under section 1 of this Act, has the prescribed meaning;

"election campaign" means, as applicable,

- (a) an election campaign of a candidate within the meaning of section 4 *[what is the election campaign of a candidate]*, or
- (b) an election campaign of an elector organization within the meaning of section 5 *[what is the election campaign of an elector organization]*;

"election expense" means an election expense within the meaning of section 14 *[election expenses of candidates and elector organizations]*;

"election period" means an election period within the meaning of section 10 (1) *[what is an election period]*;

"election period expense" means an election period expense within the meaning of section 15 *[what are election period expenses]*;

"Elections BC" means the office administered by the BC chief electoral officer under the *Election Act*;

"Elections BC authorized internet site" means an internet site

- (a) maintained by Elections BC, or
- (b) authorized by the BC chief electoral officer to be used for purposes of this Act;

"elector organization" includes

- (a) an organization that intends to endorse a candidate in an election, and
- (b) in relation to obligations applicable under this Act to an organization as an elector organization, an organization that was an elector organization;

"elector organization disclosure statement" means a disclosure statement required under section 46 (1) (b) *[disclosure statements for elector organizations]*;

"eligible individual" means an individual who is

- (a) a resident of British Columbia, and
- (b) a Canadian citizen or a permanent resident as defined in the *Immigration and Refugee Protection Act* (Canada);

"endorsed", in relation to a candidate or an elector organization, includes the candidate having entered into a campaign financing arrangement with the elector organization before endorsement documents are filed with the local election officer;

"expense limit" means the applicable limit for a candidate established under section 63.01 *[expense limits — general local election]* or 63.04 *[expense limits — by-election]*;

"final campaign financing arrangement" means a campaign financing arrangement as it reads at the end of general voting day;

"financial agent" means,

- (a) in relation to a candidate, the financial agent under section 17 *[each candidate must have a financial agent]*,
- (b) in relation to an elector organization, the financial agent under section 19 *[each elector organization must have a financial agent]*, and
- (c) in relation to obligations applicable under this Act to an individual as financial agent, an individual who was a financial agent;

"fundraising function" includes a social function held by, or on behalf of, a candidate or elector organization for the purpose of obtaining funds for the candidate or elector

organization;

"general local election" includes the elections that are held at the same time as a general local election under the *Local Government Act*;

"incurring a campaign period expense" means using property or services in such a manner that the value of the property or services is a campaign period expense;

"incurring an election expense" means using property or services in such a manner that the value of the property or services is an election expense;

"incurring an election period expense" means using property or services in such a manner that the value of the property or services is an election period expense;

"issue advertising" means issue advertising within the meaning of section 12 [*types of third party advertising — issue advertising and directed advertising*];

"jurisdiction" means,

- (a) in relation to an election, the applicable jurisdiction referred to in section 1 [*elections to which this Act applies*] for which the election is being held, and
- (b) in relation to assent voting, the jurisdiction for which the assent voting is being held;

"late filing deadline" means,

- (a) in relation to a disclosure report, the late filing deadline as established under section 47 (2) [*filing up to 120 days after general voting day on payment of penalty fee*], or
- (b) in relation to an annual financial report, the late filing deadline as established under section 45.2 (2) [*filing within 30 days of March 31 on payment of penalty fee*];

"late filing penalty fee" means the applicable penalty fee under section 45.2 (2) or 47 (2);

"loan", in relation to a loan made by an eligible individual, includes an interest free loan;

"local authority" means the local authority of a jurisdiction to which this Act applies under section 1 [*elections to which this Act applies*] or 2 [*assent voting to which this Act applies*];

"local authority offices" means,

- (a) in relation to a local government, the local government offices, and
- (b) in relation to another form of local authority, the location of the regular office of the designated local authority officer;

"local election officer", in relation to a jurisdiction, means

- (a) the chief election officer for the jurisdiction, or
- (b) if at the applicable time no individual is appointed as that official, the designated local authority officer;

"local elections legislation" means

- (a) this Act and the regulations under this Act,
- (b) the enactments referred to in sections 1 [*elections to which this Act applies*] and 2 [*assent voting to which this Act applies*] and the regulations under those enactments, as they apply in relation to elections or assent voting to which this Act applies, and
- (c) any other prescribed enactment as it applies in relation to elections or assent voting to which this Act applies;

"local government" includes the council of the City of Vancouver;

"market value", in relation to property or services, means the lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time;

"minister responsible" means,

- (a) in relation to an election, the minister responsible for the enactment under which the applicable local authority is established or continued, and
- (b) in relation to assent voting, the minister responsible for the enactment under which the assent voting is required or authorized to be held;

"money" includes cash, a negotiable instrument, payment by means of credit card and any form of electronic payment or transfer of funds;

"non-election assent voting advertising" means non-election assent voting advertising within the meaning of section 8 (4) [*non-election assent voting advertising*];

"organization" means a corporation or an unincorporated organization;

"permissible loan" means a loan that is made to a candidate for campaign use, to an elector organization for any use or to a third party sponsor or assent voting advertising sponsor for sponsorship use

- (a) by a savings institution at a rate of interest that is not less than the prime rate of the principal banker to the government on the date the loan is received, or
- (b) by an eligible individual;

"personal election expenses" means the personal election expenses in relation to a candidate within the meaning of section 14 (7) [*exclusions from election expenses*];

"personal information of an individual" means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*;

"pre-campaign period" means the period applicable in relation to a general local election under section 10 (1.1) [*what is a pre-campaign period*];

"principal official", in relation to an organization, means,

- (a) in the case of an organization that is a corporation, a director of the corporation, and

- (b) in the case of an organization that is not a corporation, a director or a principal officer of the organization or, if there are no directors or principal officers, a principal member of the organization;

"property" means property or the use of property, as applicable;

"provided without compensation" means provided without compensation by way of donation, advance, deposit, discount or otherwise;

"register of elector organizations" means the register maintained by the BC chief electoral officer in accordance with section 30.10 *[register to be open to public]*;

"registered" means,

- (a) in relation to an elector organization, registered under Division 6 *[Registration of Elector Organizations]* of Part 2 *[Candidate and Elector Organization Campaign Financing]*, and
- (b) in relation to a third party sponsor or non-election assent voting advertising sponsor, registered under Division 3 *[Registration of Third Party Sponsors]* of Part 3 *[Third Party Advertising]*;

"required contact information", in relation to an individual, means all of the following:

- (a) a mailing address for the individual;
- (b) a telephone number at which the individual can be contacted;
- (c) an email address at which the individual can be contacted, unless the individual does not have such an address;

"responsible principal official" means,

- (a) in relation to an elector organization, an individual identified under section 21 *[responsible principal officials of elector organization]* as a responsible principal official of the organization, and
- (b) in relation to a third party sponsor or assent voting advertising sponsor that is an organization, an individual identified under section 40 *[responsible principal officials of sponsor that is an organization]* as a responsible principal official of the organization;

"shared election expense" means

- (a) election advertising sponsored jointly by 2 or more candidates, such that a portion of the total value of the election advertising attributed under section 16 (6) *[valuation of election expenses]* to each candidate is an election expense of each of the candidates participating in the sponsorship, or
- (b) property or services, other than election advertising, used jointly by 2 or more candidates, such that a portion of the total value of the property or services attributed under section 16 (6) to each candidate is an election expense of each of the candidates participating in that use;

"shared third party advertising" means third party advertising sponsored jointly by 2 or more third party sponsors, such that a portion of the total value of the third party advertising attributed to each third party sponsor under section 33 (6) *[valuation rules for third party advertising]* is third party advertising of each of the third party sponsors participating in the third party advertising;

"significant contributor" means,

- (a) in relation to campaign contributions, an eligible individual who
 - (i) makes a campaign contribution having a value of \$100 or more, or
 - (ii) makes multiple campaign contributions to the same candidate or elector organization such that the total value of the campaign contributions to that candidate or elector organization is \$100 or more, and
- (b) in relation to sponsorship contributions, an eligible individual who
 - (i) makes a sponsorship contribution having a value of \$100 or more, or
 - (ii) makes multiple sponsorship contributions to the same individual or organization such that the total value of the sponsorship contributions to that individual or organization is \$100 or more;

"solemn declaration" means a declaration on oath or by solemn affirmation in accordance with section 97 *[solemn declarations]*;

"specifically related", in relation to election advertising, means specifically related within the meaning of section 12 *[types of third party advertising — issue advertising and directed advertising]*;

"sponsor", in relation to election advertising or non-election assent voting advertising, means the individual or organization that is the sponsor within the meaning of section 9 *[who is the sponsor of election advertising or non-election assent voting advertising]*;

"sponsorship contribution" means a sponsorship contribution within the meaning of section 32 *[sponsorship contributions generally]* or 32.01 *[sponsorship contributions through loans]* to a third party sponsor or assent voting advertising sponsor;

"sponsorship use" means,

- (a) in relation to a contribution or permissible loan to an individual or organization that is or becomes a third party sponsor, use in relation to sponsorship of third party advertising by the individual or organization, and
- (b) in relation to a contribution or permissible loan to an individual or organization that is or becomes an assent voting advertising sponsor, use in relation to sponsorship of non-election assent voting advertising by the individual or organization;

"supplementary report" means a supplementary report required under section 54 *[requirement for supplementary report]*;

"third party advertising" means election advertising that is third party advertising within the meaning of section 11 [*what is third party advertising*];

"third party advertising limit" means the applicable limit for a third party sponsor established under section 41.1 [*third party advertising limit — general local election*] or 41.4 [*third party advertising limits — by-election*];

"third party disclosure statement" means a disclosure statement required under section 46 (1) (c) [*disclosure statements for third party sponsors*];

"third party sponsor" means

- (a) an individual or organization that sponsors or intends to sponsor third party advertising,
- (b) an individual or organization that registers as a third party sponsor under Division 3 [*Registration of Third Party Sponsors*] of Part 3, and
- (c) in relation to obligations applicable under this Act to the individual or organization as a third party sponsor, an individual or organization that was a third party sponsor;

"unendorsed candidate" means a candidate who is not endorsed by an elector organization;

"volunteer" means an individual who provides services for no remuneration or material benefit, but does not include

- (a) an individual who is employed by an employer, if the employer makes the services available at the employer's expense, or
- (b) an individual who is self-employed, if the services provided by the individual are normally sold or otherwise charged for by the individual.

- (2) For the purposes of the definition of "eligible individual", the rules set out in section 67 [*rules for determining residence*] of the *Local Government Act* apply to determine if an individual is resident in British Columbia.

How this Act applies in relation to other legislation

2 (1) Subject to the definitions under this Act,

- (a) the definitions in the *Community Charter* and the *Local Government Act* apply to this Act in relation to elections to which Part 3 [*Electors and Elections*] of the *Local Government Act* applies and in relation to assent voting to which Part 4 [*Assent Voting*] of that Act applies, and
- (b) the definitions in the *Vancouver Charter* apply to this Act in relation to elections to which Part I [*Electors and Elections*] of the *Vancouver Charter* applies and in relation to assent voting to which Part II [*Assent Voting*] of that Act applies.

- (2) So far as the terms defined can be applied, the definitions under this Act extend to all enactments in relation to election and assent voting matters that are dealt with by this

Act.

References to other Acts

- 3 Where this Act or a regulation under this Act refers to the *Community Charter*, *Local Government Act* or *Vancouver Charter*, or a provision of one of those Acts, the reference extends to an election, assent voting or other matter under another enactment to which the referenced Act or provision applies.

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