

Local Government in British Columbia

Local Governance

Governance deals with the structure and processes by which municipalities and regional districts are directed, controlled and accountable to. Local governments must often work with provincial ministries to regulate and maintain shared services and resources. Local governments must comply with relevant legislation to ensure that they are conducting business and making decisions in accordance with the law.

Local Government in British Columbia

The purpose of a municipality includes providing good governance of its community, through the provision of core services, providing for stewardship of the public assets of the community, and fostering the economic, social, and environmental well-being of its community.

The Government of British Columbia must specifically grant powers to local governments to carry out their duties.

Local governments in British Columbia (B.C) affect all citizens on a day-to-day basis. Decision making at a municipal level includes more interaction with citizens than the provincial or federal government, and the decisions made impact the community more directly. Local governments are a large component of the public sector.

Local governments are responsible for roads and streets, public safety, recreation facilities and opportunities, water and sewer supply, and land use. Residents of municipalities and regional districts in B.C. can become involved in local government, either by running for office or participating in public processes.

Municipalities

Municipalities include cities, towns, districts, villages, regional municipalities, townships, and resort municipalities. Municipalities may choose to provide a wide range of services to their residents and regulate activity within their boundaries. Municipalities have core service responsibilities that vary between municipalities.

Regional Districts

Regional Districts represent unincorporated areas within the Province. They facilitate inter-municipal cooperation in the form of functions, shared services and regulating activities. Regional districts must carry out some regulatory activities, but they may also voluntarily take on additional and specialized functions and services depending on the needs of their region including health care.

Improvement Districts

Improvement districts are local authorities responsible for providing services for the benefit of the residents in a community. Improvement districts vary considerably in size, from small subdivisions to larger communities, and are usually located in rural areas of B.C.

Improvement districts are empowered to provide local services such as water, fire protection, street lighting, dyking, drainage, garbage collection and parks, rather than general governance or land use planning that municipalities and regional districts provide to residents. Typically, an improvement district provides one or two services. These services are generally financed by taxation or user fees.

Important Documents

Local Government Act

The *Local Government Act* provides the legal framework and foundation for the establishment and continuation of local governments to represent the interests and respond to the needs of their communities. The *Local Government Act* is more relevant to Regional Districts; however, there are many sections that apply to both Regional Districts and municipalities. For example, election guidelines and zoning regulations are clearly identified in the *Local Government Act* and must be adhered to by both levels of local government. The *Local Government Act* is regularly amended by the Province.

Community Charter

The *Community Charter* is provincial legislation that provides municipalities and their Councils with the legal framework for powers, duties, and functions, authority, and discretion to address existing and future community needs, and the flexibility to determine the public needs of their communities. The *Community Charter* is amended regularly by the Province.

Bylaws

The *Community Charter* states that a Council may only exercise its authority by resolution or bylaw. Bylaws are to be impersonal, must address the public at large and must apply to all persons who fall within the description. To be valid, bylaws must be voted on and passed in a properly convened, Regular Council Meeting. All bylaws must receive three readings before adoption. Amendments to the bylaw must be made before third reading. Once a bylaw is adopted, it becomes local law, and can be enforced by Council and municipal bylaw officers. Bylaws are permanent documents, and the municipality is required to retain a copy of all bylaws that have been passed or repealed by Council.

The District of Kitimat uses the Kitimat Municipal Code which contains all the regulatory bylaws of the District of Kitimat. This is unique in British Columbia.

Policies

Council may choose to develop and adopt Council policies that govern the administration of the municipality; it is staff's role to act as policy advisors and decision implementers. A policy is developed for a specific purpose and contains detailed guidelines and expectations to ensure consistency in municipal operations.

Audited Financial Statements

Audited financial statements are completed each year by the contracted auditors. The *Community Charter* states that Council must appoint an auditor for the municipality. An audit of financial statements is the verification of the financial statements of a legal entity, with a view to express an audit opinion. The audit opinion is intended to provide reasonable assurance that the financial statements are presented fairly, in all material respects, and give a true and fair view in accordance with the financial reporting framework.

B.C. Assessment Roll

B.C. Assessment produces independent, uniform and efficient property assessments on an annual basis for all property owners in the Province. These assessments are used by the District of Kitimat to calculate property taxes. Property taxes are billed in May of each year and payment is due in early July of each year. The updated Assessment Roll is provided to the District from the Province each year.

Council

Overview of Municipal Council

Council is the governing body. Major policy decisions in a municipality are made by the elected Council Members. For the District of Kitimat (DOK) this consists of the Mayor and six Councillors. All Members of Council must act in good faith in the best interest of the municipality. Only Council can exercise the powers of the municipality, which is by bylaw or resolution passed at a Regular, Closed or Special Council meeting when quorum is present.

Quorum is the minimum number of members that must be present to hold a Council Meeting where binding decisions are made. For the DOK, four of the seven members of Council must be present to achieve quorum. A single member of Council does not have the power to bind the municipality in any way (with the exception of the powers of the Mayor) or direct either its employees or its affairs. Council must give collective judgment as a group and not as individuals. The power of a single member of Council depends on their ability to persuade the other members to their point of view.

Role of the Mayor

The Mayor is the head and Chief Executive Officer of the municipality. The Mayor acts as the Council spokesperson and provides general direction to administration respecting implementation of Council's policies, programs, and other directions of Council.

In addition to responsibilities as a Member of the Council, the Mayor also has the following responsibilities [*Community Charter, Part 5; Division 1; Section 116*]:

- to provide leadership to the Council, including by recommending bylaws, resolutions and other measures that, in the Mayor's opinion, may assist the peace, order and good government of the municipality;
- to communicate information to the Council;
- to preside at Council meetings when in attendance;
- to provide, on behalf of the Council, general direction to municipal officers respecting implementation of municipal policies, programs and other directions of the Council;
- to establish standing committees in accordance with sections 141 and 142 of the *Community Charter*;
- to suspend municipal officers and employees in accordance with section 151 of the *Community Charter*;
- to reflect the will of Council and to carry out other duties on behalf of the Council;
- to carry out other duties assigned under the *Community Charter* or any other Act.

Role of Councillors

Members of Council, including the Mayor, have the following statutory responsibilities as per the *Community Charter*:

- to consider the well-being and interests of the municipality and its community;
- to contribute to the development and evaluation of the policies and programs of the municipality respecting its services and other activities;

- to participate in Council Meetings, Committee Meetings and meetings of other bodies to which the Member is appointed;
- to carry out other duties assigned by the Council; and
- to carry out other duties assigned by or under the *Community Charter* or any other Act.

Conflict of Interest

It is the responsibility of the individual Council member to recognize and declare if they are facing a conflict of interest. [Part 4; Divisions 6; Section 100] (Disclosure of Conflict) of the *Community Charter* requires a Council member to declare a conflict of interest if they have a direct or indirect pecuniary (financial) interest in a matter under consideration.

A member must also declare a conflict if they have some other, non-pecuniary type of interest that places the person in a conflict position. This could include any benefit obtained by relations, close friends, or associates of a member.

The *Community Charter* [Part 4: Divisions 6 and 7] outlines the rules, requirements, and penalties for conflict of interest on the part of Council members.

Financial Disclosure Statements

The B.C. *Financial Disclosure Act* requires elected local government officials to complete and submit to the Corporate Officer a Financial Disclosure Statement by January 15th of each year so that it may be made available for public inspection. The intent of the Financial Disclosure Statement is to identify any areas of influence and possible financial benefits an elected official may have by their position and to ensure the public has reasonable access to the information.

Information on the form includes corporations in which a Council member holds shares, creditors to whom a council member owes a debt, organizations from which a councillor receives financial Remuneration, and land owned. If circumstances change throughout the year, a new Financial Disclosure Statement must be filed with the Corporate Officer.

Disclosure of Gifts

The *Community Charter* [Part 4; Division 6; Section 106] specifies that Council members must not, directly, or indirectly, accept a fee, gift, or personal benefit that is connected with the member's performance of the duties of office except for a gift or personal benefit that is received as an incident of protocol or social obligation that accompanies the responsibilities of office.

If a gift or benefit is being given with an expectation of future action that will benefit the giver of the gift or have influence on a decision or action by a Council member, it must not be accepted. If a gift or benefit is incidental to the duties of office and exceeds \$250 in value, or a combined value of lesser gifts from one source over any 12 month period exceeds \$250, a Disclosure of Gifts statement must be filed with the Corporate Officer as soon as reasonably practicable indicating the nature of the gift, who it was received from, when it was received and the circumstances under which it was given and accepted.

Freedom of Information (FOI)

The *Freedom of Information and Protection of Privacy Act (FOIPPA)* applies to all local governments in

B.C. *FOIPPA* mandates that some information must be kept confidential and that some information must be released upon request.

If specific records in the custody and control of individual Council members, or records that were addressed, received or created by Council are requested, staff will work with Council to obtain copies in order to respond to the request.

Council Meetings

District of Kitimat Council Meetings

DOK Council Meetings follow the rules and regulations outlined in the *Community Charter*, the *Local Government Act*, and [Part 2 – Municipal Government, Division 1 – Council Procedure – Subdivision 1] of the Kitimat Municipal Code (KMC).

Council must have a current procedure bylaw which establishes the general procedures to be followed by Council and committees when conducting Council business. This bylaw includes provisions for public notice of meetings, delegations to Council, bylaws, motions, rules of conduct and debate, minutes, and committees.

Council meetings are held on Monday (or the Tuesday following a statutory holiday). A Committee of the Whole and/or Special Meeting may be held on other days of the week. Regular meetings are scheduled for the 1st and 3rd Monday of each month. Committee of the Whole are held on the other Mondays of the month when required. Special meetings are held as required. Closed meetings are held in conjunction with a Regular, Committee of the Whole, or Special meeting as required. Meetings are held at the Council Chambers located at 606 Mountainview Square, unless otherwise stated. Council may also participate electronically.

Regular Council Meetings begin at 7:00 p.m. (*unless otherwise stated*). When Public Hearings are to be held, these are usually scheduled at 7:00pm with the Council meeting to follow. Closed meetings are held immediately following the open council meeting.

Occasionally, Council Meetings vary to accommodate long weekends, summer schedules and Council conferences such as the Federation of Municipalities (FCM) and the Union of British Columbia Municipalities (UBCM). Changes to the Regular meeting schedule are made by Council resolution. Where a Monday falls on a Statutory Holiday, the meeting of Council is held on the Tuesday.

Regular Council Meetings

Regular Council Meetings are open to the public. During Regular Council Meetings, Council makes formal resolutions on public matters. Regular Council Meetings are mainly comprised of presentations and delegations, staff reports, bylaw readings and the receipt of and referring of correspondence.

Committee of the Whole Meetings

Committee of the Whole Meetings are open, deliberative meetings where Council Members can workshop specific items. Council cannot make any decisions during a Committee of the Whole Meeting. Any decisions from Committee of the Whole Meetings must be brought forward during a Regular Council Meeting.

Public Hearings

Public Hearings are meetings held for the purpose of allowing the public to make comment on Official Community Plans, and Zoning Amendment Bylaws. Notice requirements for Public Hearings are legislated by [Part 4; Division 4, Section 94] of the *Community Charter*. Public Hearings must be held before third reading is given to a bylaw. The public can submit verbal or written responses to Council for the Public Hearing. The District's Public Hearing Policy provides further information on the conduct of Public Hearings.

Council's role during a Public Hearing is to listen and ask questions, however no debate is to take place during this Meeting.

Closed Council Meetings

Council may hold Closed Council Meetings for the purpose of discussing confidential information. All closed discussions and information must be kept confidential by all those present. Closed resolutions or information may be released to the public by Council resolution. The *Community Charter* [Part 4; Division 3, Section 90] contain the rules for holding Closed Meetings of Council or Council Committees. Matters that may be discussed in a Closed Meeting must fit into at least one of the categories included in [Section 90] of the *Community Charter*.

Attendance at Council Meetings

Council Meetings are to be attended by all Members of Council. Department Directors (or their designate) also attend Council Meetings along with the Chief Administrative Officer and the Deputy Director of Corporate Administration. Other staff may attend meetings, as required, to make presentations to Council and to be available for questions.

Protocol at Council Meetings

Upon arrival at Council Meetings, Council members and staff are expected to act professionally and respectfully.

The Mayor is the presiding official and Chair at all Council Meetings (unless absent and the Acting Mayor would assume the role) and maintains order at the Meeting. Seating arrangements are set at the beginning of each year where each Council member will have a designated seat around the table.

Council meetings follow a formal process with many traditional aspects. Council members shall be referred to by their proper titles and staff is referred to by their position. All speaking shall be done through the Mayor.

A Council member shall address the Mayor as "Your Worship", "Mayor {NAME}", or "Ms./Mr./Madam Mayor" and a Council member shall address a Council member by that Council member's surname preceded with "Councillor".

Delegations and Presentations

Delegations may request or be invited to attend Council Meetings and present to Council. Requests are made to the Director to Corporate Administration and must include a detailed outline of the intended presentation. Once received, submissions will be reviewed and considered by the CAO and the Director of Corporate Administration. Each approved delegation is allotted ten (10) minutes for their presentation.

Public Participation

The public is encouraged to attend all Council meetings and the local media are often in attendance. A Public Input Period takes place near the beginning of each Council Meeting. A member of the audience has the opportunity to ask a question or provide input on an item in the agenda. The member of the public must state their name before asking their question. The Mayor will respond to the question and may request a Councillor or staff to provide a response. If action is necessary, the topic will be brought forward to a future Council Meeting or dealt with internally by staff. Members of the public may also submit correspondence for Council to receive or refer to staff.

Council Agenda

The Council Agenda and Meeting Package is prepared and distributed by the Corporate Administration Department on the Thursday before a Council Meeting. Agendas are made available to the public via the District website after noon on the following day.

It is important that all Members of Council and staff members present at the meeting have reviewed the Agenda Package to ensure that they understand the decisions to be made at the Council Meeting. If Council has any questions about items on the Agenda, they are encouraged to contact the Mayor or Chief Administrative Officer prior to the meeting to seek clarification. Any additional information provided to a Member of Council for the purpose of clarification will also be provided to all other Council Members prior to the Meeting or will be explained verbally at the Meeting.

Urgent late items may be added to the Agenda if approved by the Mayor and Chief Administrative Officer prior to the commencement of the Council Meeting. If items are not time sensitive, they will be added to the next Council Agenda to give Council and the public adequate time to review and consider the item.

Role of Administration

Statutory Officers of the Municipality

As per *Community Charter [Part 5, Division 5, Sections 147 -150]*, Council must appoint a Corporate Officer, Financial Officer and Approving Officer for the municipality. Those employees who are appointed officers are given certain powers and must perform specific duties and functions.

The District of Kitimat has the following appointed officer positions:

- Chief Administrative Officer;
- Financial Officer;
- Corporate Officer; and
- Approving Officer.

Chief Administrative Officer

The Chief Administrative Officer (CAO) is Council's link to the rest of the organization. The CAO is also the principal policy advisor to Council. Council has the option to appoint a CAO whose responsibilities are the overall management of the operations of the municipality, ensuring that the policies, programs and other directions of the Council are implemented, and advising and informing the Council on the operation and affairs of the municipality. The Chief Administrative Officer for the District of Kitimat is Warren Waycheshen.

Corporate Officer

The Corporate Officer ensures accuracy in Minutes from Council Meetings, to maintain and properly store the records of the business of Council, Bylaws, and important municipal documents, and executes the signing of oaths, contracts and declarations. The Corporate Officer also ensures that all actions of Council are made in accordance with presiding legislation including but not limited to the *Community Charter* and *Local Government Act*. The Corporate Officer and Corporate Administration Department are responsible for the preparation of Agendas and Packages for Council Meetings and ensuring notice requirements for Council Meetings are met. The Corporate Officer for the District of Kitimat is Kiona Enders.

Financial Officer

The Financial Officer directs all treasury, controller, financial services, collection services, data processing, finance office management, personnel benefits and pension administrative services, purchasing and inventory. The Financial Officer participates in planning, growth and evaluation of performance of the District against objectives and develops, revises, and recommends for approval policies and procedures in the areas specifically outlined above. They are accountable for the overall responsibility and statutory duties assigned under the *Community Charter*, *Local Government Act* and other pertinent legislation. The Financial Officer provides strategic advice to the Chief Administrative Officer on municipal finance and financial sustainability. The Financial Officer, or Director of Financial Services, for the District of Kitimat is Dustin Rutsatz.

Approving Officer

The role of the Municipal Approving Officer is to make decisions regarding subdivision approvals. The Approving Officer is appointed by Council with responsibilities to independently apply provincial statutes and local bylaws regarding subdivision and uses their independent discretion in making those decisions about subdivision approval. This position is a statutory official with separate and independent jurisdiction from Council. The Approving Officer is the Director of Engineering for the District of Kitimat, Alex Ramos-Espinoza.