

**DISTRICT OF WELLS REGULAR COUNCIL MEETING
TUESDAY, February 22, 2022
ONLINE (VIA ZOOM) – COVID-19**

AGENDA

1.0 CALL TO ORDER

1.1 Agenda for the Regular Council meeting of Tuesday February 22, 2022

Recommendation/s: THAT Council approves the agenda for the Regular Council meeting of Tuesday February 22, 2022, as circulated.

2.0 MINUTES- NIL

3.0 DELEGATIONS AND PRESENTATIONS

3.1 Mayor's verbal report and statement

- Meeting Formats & Introduction
- Strategic Planning – March 15th 2022 Special Council Meeting
- March 22, 2022 meeting format

Recommendation/s: THAT Council

Receives the verbal report and statement from Mayor Coleman regarding an Introduction and Council meeting formats.

4.0 CORRESPONDENCE

4.1 Letter of Request from Cindy Davies of the Wells Hotel

Recommendation/s: THAT Council

1. Receives the letter of request from Cindy Davies of the Wells Hotel regarding a Letter of support to make application for an occupancy load change and permanent extension of the Wells Hotel liquor license with the indicated increase in capacity; and
2. Approves the request for a letter of support to the Wells Hotel in application for occupancy Load changes and permanent extension of the Wells Hotel Liquor License with the indicated Capacity increase.

4.2 Cariboo Chilcotin Coast Tourism Association letter of request

Recommendation/s: THAT Council

1. Receives the letter from the Cariboo Chilcotin Coast Tourism Association regarding a request

- for letter of support for the renewal of the Regional MRDT collection program; and
2. Approves the request from the Cariboo Chilcotin Coast Tourism Association regarding the request for letter of support for the renewal of the Regional MRDT program.

4.3 Wells-Barkerville Community Forest Report and Update to Council

Recommendation/s: THAT Council

Receives the report and update from the Wells-Barkerville Community Forest Board (WBCFB).

5.0 STAFF REPORTS

5.1 Proposed 2022 Schedule of Regular Council Meeting amendments

Recommendation/s: THAT Council

1. Receives the staff report regarding the proposed amendments to the 2022 Regular Council meeting schedule; and
2. Approves the amendments to the 2022 Regular Council meeting schedule to cancel March 8, 2022 Council meeting and schedule a Special In-Camera Council meeting for March 15, 2022 with the Regular Council meeting scheduled resuming as approved.

5.2 Proposed 2022 Acting Mayor Schedule

Recommendation/s: THAT Council

1. Receives the staff report regarding the 2022 Acting Mayor Schedule; and
2. Approves the 2022 Acting Mayor Schedule as follows:

March 2022 Councillor _____
April 2022

May 2022 Councillor _____
June 2022

July 2022 Councillor _____
August 2022

September 2022 Councillor _____
October 2022

5.3 Staff Report- Health and Safety of Municipal Hall and the Fire Hall.

Recommendation/s: THAT Council

1. Receives the staff report regarding the health and safety concerns of the Municipal Hall and Fire Hall; and
2. Approves directing staff to contact a restoration company in efforts of assessing and remediating immediate health and safety concerns for the Municipal Hall and Fire Hall for up to a cost of \$20,000.00.

5.4 Staff Report – Wells Volunteer Fire Brigade, Fire Chief

Recommendation/s: THAT Council

Receives the report from the Fire Chief, Carrie Chard regarding an update to Council Regarding the Wells Volunteer Fire Brigade (WVFB).

6.0 BYLAWS – NIL

7.0 CONSENT CALENDAR

The Consent Calendar may be considered either separately under another heading of the Regular Agenda or immediately after the adoption of the consent Calendar.

Recommendation/s: THAT Council receives the Consent Calendar.

7.1- Roles of Mayor and Council Information

7.1a- [Mayor and councillors - Province of British Columbia \(gov.bc.ca\)](http://gov.bc.ca)

7.1b-EXAMPLE 2018_Elected_Officials_Orientation_Handbook

[Responsible Conduct of Local Government Elected Officials \(lgma.ca\)](http://lgma.ca)

7.1c- EXAMPLE- George Cuff – Governance – Lillooet

7.1d- George Cuff- Orientation of new councils - example

7.2- Copies of Oaths/Affirmations of Office-post By-Election (To follow once Oaths of Office are conducted)

8.0 INFORMATION AND ANNOUNCEMENTS

8.1 Council

8.2 Staff

8.3 Public Gallery – **Questions relating to the agenda.**

9.0 ADJOURNMENT

9.1 Adjournment of the Regular Council meeting of Tuesday February 22, 2022.

Recommendation/s: THAT Council at _____PM adjourns the Regular Council meeting of Tuesday February 22, 2022.



February 10, 2022

District of Wells
4243 Saunders Ave
Wells, BC
V0K 2R0

RE: Realigning Wells Hotel Liquor Licenses

Greetings Mayor and Council,

Through the Temporary Extended Service Area program (TESA) , the Provincial Government had temporarily extended licensed premises footprint to allow for social distancing, and there is now an opportunity to make these changes permanent and to increase capacity based on previously unused areas.

The changes District of Wells Council approved under the TESA for the Wells Hotel were extension of the patio to the entire width of the Boardwalk, addition of the Fireside Lounge (parlour) area, and the Cafe and its patio.

The Hotel lobby/parlour/pub area has an approved occupancy load of 100 persons. The cafe has an approved occupancy load of 50 people, this has recently been reaffirmed by Cariboo Regional District Development Officers..

The first step in requesting a permanent change to the licensed area and numbers of licensed seats is municipal approval of the application forwarded to you by LCBC.

The requested changes as outlined in the LCBC application are:

- **An increase in capacity of the pub from 55 to 70, including patio numbers.**
While the pub is rarely filled to the current capacity, the opportunity to increase the attendance when a popular entertainment is offered would be advantageous. In previous Arts Wells events, once the band members, tech support, bar staff were subtracted from the total availability , capacity was reduced to 45 patrons inside, minus those who were seated on patio.
A wider patio was approved in 2020 to meet requirements of 6' between tables. This also made for greater ease of movement for staff which is particularly important for food service. The currently permitted 30 persons will remain the same.

- **Acquire a capacity of 15 licensed seats in the Fireside Lounge (parlour).**
The Fireside Lounge as a licensed area was a much appreciated addition by patrons as sitting by the fireplace with a drink or having a beer while playing board games with family had been long requested. This area is less of monitoring concern than the patio as it is within the building, staff traffic between the kitchen and pub is higher, during the summer there are staff at the front desk and attracts a selective clientele.
- **Acquire a capacity of 35 licensed seats in the Cafe.**
Due to Covid the capacity of the Cafe has been 22 plus seating for 12 on the patio. It was well used during the summer of 2020, having both fine dining and liquor sales. With the 2021 summer staffing shortages, the Cafe and its patio were not used.

Ideally the Cafe would have sufficient patronage to warrant its own liquor license, however that is not seen as being realistic for some time to come as patterns of socialization have changed due to repeated closures or restrictions which make hiring a challenge and the staffing shortage itself.

Prior to 2013, the Hotel had two liquor licenses one each for the Hotel (capacity 55) and Cafe (capacity 50) for a total of 105 licensed seats.

In the application for a permanent extension of the TESA, the Pub liquor license request will be for the Pub to allow for 70, a Fireside Lounge addition of 15 seats and the Cafe an addition of 35 seats for a building total licensed capacity of 120. These capacities also fall within the numbers permitted by Fire Code.

Currently the Pub remains with reduced seating in appreciation of people's hesitancy to gather in close quarters, barriers are required at the bar and food service capacity is limited. . We anticipate over the next year there will be growth in every aspect of our business and The Wells Hotel will once again be the vibrant hub of accommodation, fine dining and drink.

We ask for Council's support of a permanent extension of the Wells Hotel liquor license with the indicated increase in capacity.

Thank you for your consideration,

Cindy Davies
Wells Hotel

Cariboo Regional District

The occupant load of this floor area has been determined to be: 50 Persons, in accordance with the BC Building Code

Cafe

Cariboo Regional District Building Inspection Division Plans Reviewed

For Building Permit No: W1700
Date: February 09, 2022
Signed: VH

Construction must conform to any conditions on reviewed plans and all other relevant CRD and Provincial Regulations

Drawings must be kept on site during construction

Cariboo Regional District

The occupant load of this floor area has been determined to be: 100 Persons, in accordance with the BC Building Code

Pub and Patio

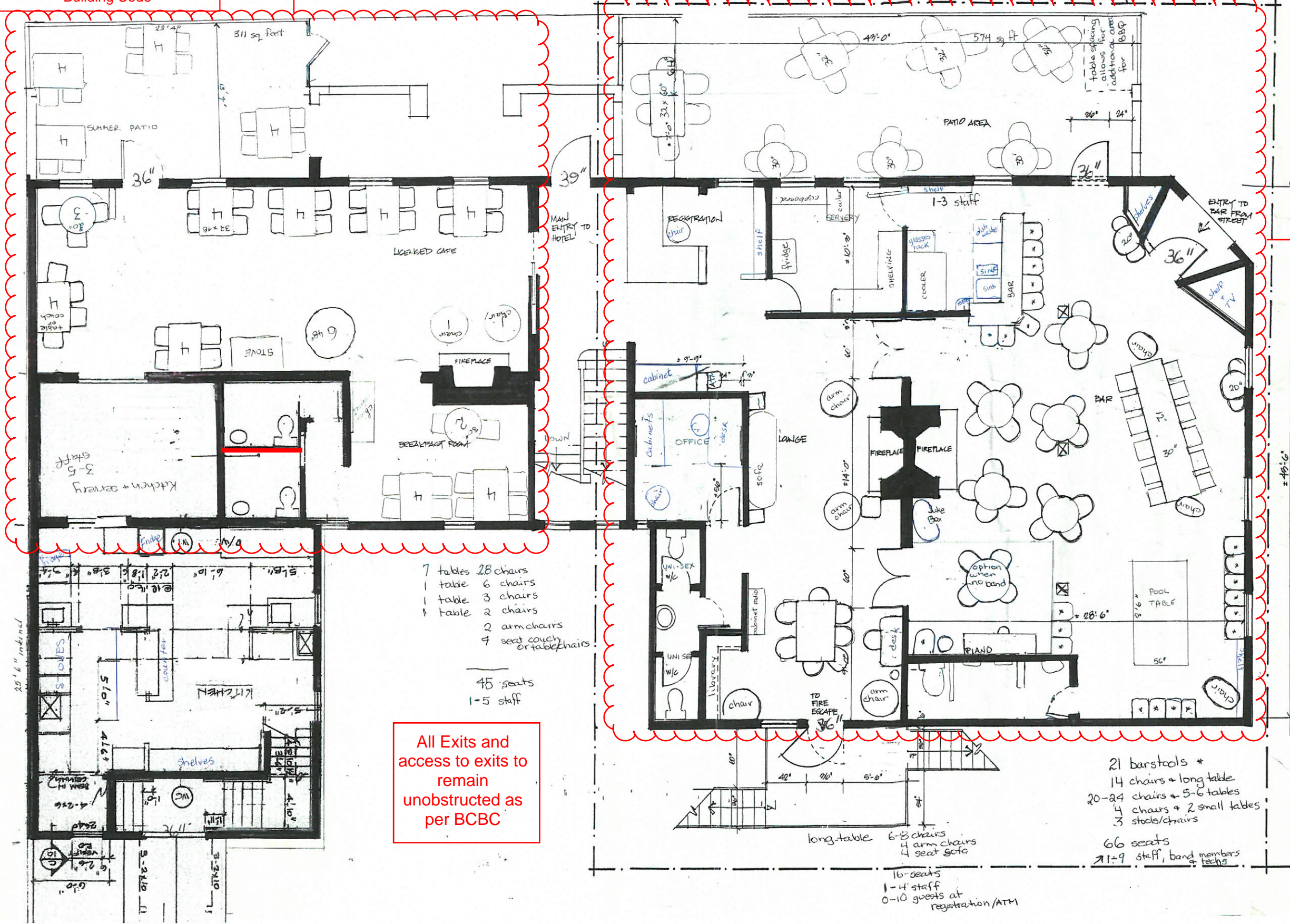
ALDA PEREIRA DESIGN
1887 W 8th AVENUE, STE. 401
VANCOUVER, BC
V6T 1T5

THE WELLS HOTEL
THE DRIFT BAR

DEMOLITION / PARTITION PLAN
GROUND FLOOR

MAY 20, 1997

1/4" = 1'-0"



All Exits and access to exits to remain unobstructed as per BCBC

AREA OF NEW INTERIOR
IN 1997

21 barstools *
14 chairs + long table
20-24 chairs + 5-6 tables
4 chairs + 2 small tables
3 stools/chairs
66 seats
11-9 staff, band members + techs

16 seats
1-4 staff
0-10 guests at registration/ATM

long-table 6-8 chairs
4 arm chairs
4 seat sofa

7 tables 28 chairs
1 table 6 chairs
1 table 3 chairs
1 table 2 chairs
2 arm chairs
4 seat couch or table chairs
45 seats
1-5 staff



January 26, 2022

District of Wells
PO Box 219, 4243 Sanders Ave
Wells, BC V0K 2R0

Dear Mayor & Council:

On behalf of the Cariboo Chilcotin Coast Tourism Marketing Association (CCCTMA) and our supporting accommodation businesses, I respectfully request inclusion of this letter to the February 22, 2022 council meeting agenda.

The CCCTMA became an eligible entity for regional MRDT collection for the purposes of tourism marketing beginning May 2018. Since then, the value of this program has been undeniable for our region and invaluable to our businesses, especially throughout the COVID-19 pandemic. At the time of applying for regional program collection in 2018, the District of Wells was unable to be grandfathered into the regional program despite the support of accommodators, the District of Wells and the CCCTMA.

We will submit our first application for renewal of the regional MRDT collection program by August 1, 2022. A summary document of this program's importance, key results since 2018 and strategies for 2023-2028 is included [HERE](#) (*the full-length version of the 5-Year Strategy is additionally available [HERE](#)*).

The CCCTMA has consulted with and obtained the signature support of the majority of eligible accommodators to join this regional program as part of submission of the renewal application.

We respectfully request a letter of support from the District of Wells to the CCCTMA to be included in the regional program as part of the application for renewal, thus supporting the majority of accommodators.

If you have any further questions, please contact the office at (250) 392-2226 or by email at sydney@landwithoutlimits.com.

Sincerely,

A handwritten signature in black ink, appearing to be "SR", written over a light blue horizontal line.

Sydney Redpath
Director of Marketing



wbcf.ca

Report to District of Wells Council

February 17, 2022

Introduction

Since our last report (October 21, 2021) Wells-Barkerville Community Forest Ltd has started to plan the summer 2022 interpretive program in partnership with Island Mountain Arts, completed another sale of standing timber, and continued to examine areas of forest land that could be added to the community forest.

Education

- Our initial interpretive program, conducted last summer in partnership with island Mountain Arts, was very successful; planning to enhance the program in the coming summer are underway
- use of the community forest by the Wells-Barkerville Community School has increased significantly since the boardwalk connecting the school to the community forest was completed
- UBC graduate students are expected to visit the community forest for a third consecutive year
- We recently hosted and are working with a UNBC professor and graduate student who are developing a plan for a high school program that would include studies in the community forest

Research

- The findings of UNBC researcher Jake Bradshaw's study of caribou – moose – predator interaction in and near the community forest are expected soon
- Planning for the next phase of community forest research has started

Recreation

Preliminary discussions with the Wells and Area Trails Society, the snowmobile club and mountain biking enthusiasts for the development of a comprehensive recreational trail plan have begun.

Timber

- Standing timber was sold to West Fraser and logged in Fall 2021. To reduce the growth of deciduous brush that could attract moose, which in turn would attract wolves that would kill caribou, most logging was of small patches
- The revenue from the sale of timber will provide the District of Wells with a substantial dividend in the next few months
- Planning for the logging of another 5,000 cubic meters in Fall 2022 is underway

Reforestation

A contract for tree planting will be advertised soon.

Expansion

The provincial government has invited an application for additional land area for the community forest and a number of possible areas between Wingdam and the Cariboo River are being examined.

Property development

Island Mountain Arts has been invited to consider developing its property on Burnett Avenue in concert with the community forest's property on Margaret Avenue; shared infrastructure and amenities and a shared theme are possible; development could provide the community with new housing.

Governance

With the recent resignations of Ksenya Dorwart and Jordan Rohatynski the company has just three Directors: Ian Macdonald, Rod Graham and Tony Bensted. This is the number of Directors required by the company's Articles of Incorporation. More Directors could be appointed by Council, though, so there is an opportunity for the company and Council to recruit additional expertise for the volunteer Board of Directors. This could include people with legal, financial, academic, wood product manufacturing or other skills, experience and connections.

Annual Report

The annual report of the Directors to the shareholder should be delivered by March 31.

The annual financial review should be completed by June 30.

As always, the company Directors would welcome any opportunity to meet with Council to provide more detailed information and perspectives. In particular, an informal meeting that allows for a conversational exchange of ideas is always useful.



District of Wells

Meeting Date	February 22, 2022
Report Date:	February 15, 2022
Memo to:	Mayor and Council
From:	Donna Forseille, Chief Administrative Officer
Subject:	Proposed Amendments to the 2022 Approved Council Meeting Schedule- post By-Election

Purpose/Issue:

The purpose of this report is for Council's consideration to amend the previously approved 2022 Regular Council Meeting Schedule.

Each year the District of Wells, in advance, is required to post an annual schedule of Council meetings.

At the Regular Council meeting of November 23, 2021, Council approved the 2022 Regular Council meeting Schedule (*please see attached*).

Given the By-Election and staff holidays, staff propose that the March 8, 2022 Regular Council meeting be cancelled and that a Special In-Camera Council meeting be held on Tuesday March 15, 2022 (as per Section 90 (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*]).

The Regular Scheduled Council meetings would resume as scheduled, March 22, 2022.

Budget, Policy, Staffing:

Legal Considerations:

BC Community Charter Section 127

Options / Recommendations:

1. Receives the staff report regarding the proposed amendments to the 2022 Regular Council meeting schedule; and
2. Approves the amendments to the 2022 Regular Council meeting schedule to cancel March 8, 2022 Council meeting and schedule a Special In-Camera Council meeting for March 15, 2022 with the Regular Council meeting scheduled resuming as approved.

Respectfully submitted by

Donna Forseille
Chief Administrative Officer



District of Wells

2022 REGULAR COUNCIL MEETING SCHEDULE

January 2022 - TBD	July 12, 2022
February 8, 2022	August 16, 2022
February 22, 2022	
March 8, 2022	September 13, 2022
March 22, 2022	September 27, 2022
April 5, 2022	October 11, 2022
April 19, 2022	October 25, 2022
May 3, 2022	November 8, 2022
May 17, 2022	November 22, 2022
June 7, 2022	December 6, 2020
June 21, 2022	



District of Wells

Meeting Date	February 22, 2022
Report Date:	February 16, 2022
Memo to:	Mayor and Council
From:	Donna Forseille, Chief Administrative Officer
Subject:	Annual Acting Mayor Schedule for 2022

Purpose/Issue:

The purpose of this report is for Council's consideration to approve the proposed 2022 Acting Mayor Schedule, as circulated.

Each year the District of Wells, in advance, is required to post an annual schedule of Acting Mayor. Given the recent need for a By-Election and lack of quorum at the end of 2021, this required 2022 Acting Mayor Schedule was not completed.

Given the General Election, the Acting Mayor Schedule will need to be looked at for November 2022 therefore staff recommend approving the Acting Mayor Schedule for March 2022 thru October 2022.

Legal Considerations:

BC Community Charter Section 130

Options / Recommendations:

1. Receives the staff report regarding the 2022 Acting Mayor Schedule; and
2. Approves the 2022 Acting Mayor Schedule as follows:

March 2022 Councillor _____
April 2022

May 2022 Councillor _____
June 2022

July 2022 Councillor _____
August 2022

September 2022 Councillor _____
October 2022

Respectfully submitted by

Donna Forseille
Chief Administrative Officer



District of Wells

Meeting Date	February 22, 2022
Report Date:	February 17, 2022
Memo to:	Mayor and Council
From:	Donna Forseille, Chief Administrative Officer
Subject:	Emergent Health and Safety Concerns regarding the Municipal Hall and Fire Hall

Purpose/Issue:

The purpose of this report is to bring to Council's attention the emergent need to address some health and safety concerns of the Municipal Hall and Fire Hall.

Staff have identified health and safety concerns which require emergent attention and addressing.

These concerns include the following:

Municipal Hall –

- Old flooring in the Municipal Hall is cause for potential air quality concerns (dust,mold,etc)Work Safe has identified the carpeting in the building to be of health and safety hazard for both air quality and tripping hazards.
- Baseboard heaters in upper offices are either not functioning properly or are falling off the walls,
The CAO office has no heat at all.
- Continued Electrical surging and the smell of electrical burning.
- Poor indoor Ventilation

Fire Hall -

- Airborne asbestos has been identified in the basement of the firehall due to rodents chewing through the walls and piling the insulation in areas
- Roof needs complete replacing- potential of mold from leaking roof (Roof was assessed in fall of 2021 by Oflynn and its replacement needed was identified)
- Poor indoor ventilation
- Washroom and Brigade facilities are either falling apart or missing entirely.

WorkSafe has identified that the Municipal Hall needs to have the carpets addressed as soon as possible. Staff's health are being affected by the lack of ventilation and old flooring throughout the building. The electrical can be heard buzzing in the walls with often surges and a smell of electrical burning.

Poor ventilation within the Firehall is a health and safety concern. The Fire Hall is required to have washroom facilities as well as showers, in good working condition. Currently there are no showers on site and one washroom facility which is poor condition. Brigade members have complained of headaches while in the fire hall due to poor ventilation.

Staff recommend that Council consider allowing staff to immediately bring in a restoration company for assessment of these two buildings to assist in determining the risks wherein health and safety are concerned.

(i.e. immediate removal of all carpeting from both buildings). Staff can reach out to Algonquin Contracting as an existing standard contractor for the municipality who has the assessment capacity as well as other companies such as Concord. Preapproving a budget of up to \$20,000 for staff to repair the immediate threats to employees, volunteers and the public is also requested.

Legal Considerations:

Work Safe BC – Health and Safety of Employees and Volunteers

Options / Recommendations:

1. Receives the staff report regarding the health and safety concerns of the Municipal Hall and Fire Hall; and
2. Approves directing staff to contact a restoration company in efforts of assessing and remediating immediate health and safety concerns for the Municipal Hall and Fire Hall for up to a cost of \$20,000.00.

Respectfully submitted by

Donna Forseille
Chief Administrative Officer



District of Wells

Meeting Date	February 22, 2022
Report Date:	February 17, 2022
Memo to:	
From:	Carrie Chard
Subject:	Firehall update

Purpose/Issue:

Update from the firehall

Budget, Policy, Staffing:

Due to the high contagiousness of the flu type sickness that is around us now, we are asking that any non members, other than DOW staff and contractors, do not visit the firehall when we are there training, practicing or working in the hall until the spring. We will continue on town tours and hydrant inspections, to do a drive by to make your family smile and flash the lights if you can just message any of us directly and we will do our best to accommodate your requests. There's nothing better than seeing your kids smile and wave when we roll by and it helps us all feel the sense of community we all crave. Our crew has been hit hard at different times with contact with others and illness ourselves so we all feel the impact of how things have changed. You can be assured that we are following all of the PHO's and will respond to emergencies at all times and just asking at this time that you don't visit us at the hall. We will be accepting applications for volunteers from now until the spring so please print off the application from the DOW site and hand it in at the District Office once complete. Thank you to our great community for your continued support and if you have any questions please reach out. Stay safe everyone!

Safety

Parking and snow removal on the Crescent is still a struggle. Please remember how large our trucks are and how much room we need to pass by your vehicles to access hydrants. We are halfway through "home fire for heat season", please make sure your chimneys are cleaned and maintained. Please clear out and around residential propane tanks to allow for drafting and venting and check propane feed lines after every snow and roof sliding event to prevent tank discharge.

Carrie Chard
Fire Chief

Donna Forseille
Chief Administrative Officer

Mayor and councillors

Each municipal council in B.C. consists of a mayor and councillors. All members of council have a number of responsibilities while in office. Through a majority vote, council members make collective decisions in the best interests of their communities.

On this page:

- [Mayor responsibilities](#)
 - [Councillor responsibilities](#)
 - [Municipal council responsibilities](#)
 - [Oath of office](#)
 - [Council member remuneration](#)
-

Mayor responsibilities

The mayor is the head and chief executive officer of the municipality. The mayor has all the responsibilities of a councillor plus a number of additional responsibilities. Under the *Community Charter* the mayor must:

- Provide leadership to council including by recommending bylaws, resolutions and other measures that may assist in the peace, order and good governance of the municipality
- Reflect the will of council and carry out other duties on behalf of council, such as attending ceremonies and meetings of other bodies
- Communicate information to council, for example from the chief administrative officer or from meetings with other bodies
- Chair council meetings, including overseeing their conduct, maintaining order and knowing the rules of governing meetings
- Establish standing committees and appoint people to those committees
- Provide, on behalf of council, general direction to municipal officers about implementation of municipal policies, programs and other council directions

- Suspend municipal officers and employees if the mayor believes this is necessary, subject to confirmation by council under section 151 of the *Community Charter*
-

Councillor responsibilities

Under the *Community Charter* a municipal councillor must:

- Consider the well-being and interests of the municipality and its community
 - Contribute to the development and evaluation of municipal policies and programs respecting its services and other activities
 - Participate in council and committee meetings and contribute to decision making
 - Carry out other duties as assigned by the council, such as heading committees or being the liaison to a particular neighbourhood in the municipality
 - Follow the rules in legislation, bylaws and council policies that establish any additional duties and set how council members exercise their authority
-

Municipal council responsibilities

Municipal councils are empowered to address the existing and future needs of their community by making collective decisions that are recorded in bylaws or resolutions. Each member of council, including the mayor, is entitled to one vote on matters that come before them for discussion and decision. Such matters are wide-ranging--for example, regulatory bylaws such as animal control, services such as fire and police, land use regulation such as zoning, fees and property tax bylaws, and key plans such as the official community plan and five year financial plan (budget).

Ultimately, municipal councils are responsible for the delivery of local services to their community and the actions taken by the municipality. As municipalities are legislatively recognized by the B.C. government as an order of government within their jurisdiction, these responsibilities are undertaken largely independently with limited oversight by other levels of government. Certain decisions made by council

are not effective until they are approved or authorized by the provincial government, such as long-term borrowing bylaws or municipal boundary changes.

Oath of office

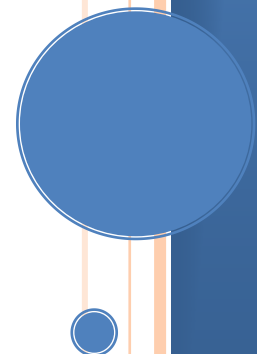
Once elected or appointed to the municipal council, each council member must complete an oath (or solemn affirmation) of office. If a council member fails to complete their oath of office within a specified period of time, they can be disqualified from holding office. The municipality may create its own oath of office or use the one prescribed in the Local Government Elections Regulation.

Council member remuneration

Remuneration for mayors and councillors vary by municipality. Being a council member in a large municipality may require more of a time commitment than in a smaller municipality and salaries often reflect this. In some municipalities being a council member is a full-time job, whereas in other municipalities council members are able to effectively fulfil their duties on a part-time basis. A municipality may choose remuneration amounts that it feels are appropriate.



ELECTED OFFICIALS
ORIENTATION
HANDBOOK FOR THE
TOWN OF SMITHERS



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INTRODUCTION

“Good governance principles in the municipal sphere... are typically codified and conveyed to councillors and municipal staff on the occasion of orientation sessions for newly elected councils”. (Fenn & Siegel, 2017. p 16)

It is generally agreed that an important factor in the success of a Council is the governance skills and knowledge they gain early in their terms. Entering the role of Elected Official and performing this role in public is daunting at the best of times. Without support it can be overwhelming.

We want you to succeed in this role. To be competent, to experience a deep sense of satisfaction from serving the community, and to enjoy yourselves. To support this goal, this handbook has been created as a resource for Council to refer to during the length of the electoral term. It contains information and guidance to assist elected officials to perform competently in their roles.

While the handbook is an overview, the attachments provide more in-depth and specific information from a number of sources on topics from understanding municipal financial statements to the effects of downloading from other levels of government.

We hope you find this handbook useful as you serve the community in this important role.

1. LOCAL GOVERNMENT IN BRITISH COLUMBIA

Under the Canadian Constitution, the provincial government has the power to establish municipal institutions. In British Columbia, municipalities, regional districts, school districts, improvement districts and regional health districts have been established.

The legislative framework for municipal governments is set out in the *Community Charter*.

The purpose of a municipality includes providing for good governance of its community, providing services, laws and other matters for community benefit, providing for stewardship of the public assets of the community, and fostering the economic, social and environmental well-being of its community (*Community Charter Section 7*).

The provincial government must specifically grant powers to local governments in order to carry out their duties. Local governments in British Columbia 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 and a few of the services they are responsible for are road and streets, public safety, recreation facilities and opportunities, water and sewer supply, and land use.

1.1 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.

The purposes of a municipality include (*Community Charter Section 7*):

- providing for good government of its community;
- providing for services, laws and other matters for community benefit;
- providing for stewardship of the public assets of its community; and
- fostering the economic, social and environmental well-being of its community.

1.2 Regional Districts

Regional districts were incorporated in the mid 1960's by the province to 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.

The local government system in British Columbia is unique in Canada because, in addition to the 162 municipal governments, it is comprised of 27 regional districts.

Each regional district is divided into smaller areas called electoral areas. Regional districts are modeled as a federation composed of municipalities and electoral areas, each of which has representation on the regional board.

The governance of regional districts is managed by a board of directors composed of appointees from municipalities and a director elected from each electoral area. The municipal directors serve on the regional board until council decides to change the appointment. The directors from the electoral areas serve for a four-year term.

Regional districts have three basic roles. They provide a political and administrative framework for:

- providing region-wide services such as solid waste management, regional parks and emergency telephone services such as 9-1-1;
- providing inter-municipal or sub-regional services such as recreation facilities where residents of a municipality and residents in areas outside the municipality benefit from the service; and
- acting as the general local government for the electoral areas and providing local services such as waterworks and fire protection to incorporated communities within the electoral areas.

Unlike municipalities, regional districts are required to match the benefits and costs of its services to the people that benefit from the services. In other words, residents pay for the services they receive.

2. ROLES OF A MUNICIPAL COUNCIL

Council is the governing body of the municipal corporation. Major policy decisions in a municipality are made by the elected council which consists of the Mayor and Councillors. The most important roles that Council plays are the consideration and passage of municipal bylaws, financial planning, budget approval, appointment of official officers, and determination of the basic organization of the community by representing all residents. "The way in which councillors are attuned to the concerns of local residents is the major contribution they make to policy-making and service delivery." (Fenn & Siegel, 2017, p 4)

A single member of Council does not have the power to bind the municipality in any way or direct either its employees or its affairs. Council as a whole – as opposed to individual members of Council – has the full authority to commit the municipality to action, give direction to members of the staff and expend civic funds.

Quorum is the minimum number of members that must be present to hold a regular or special meeting of Council where binding decisions can be made. For the Town of Smithers, 4 of the 7 members of Council must be present to achieve quorum.

See *Bylaw No. 1766 Council Procedure*

Table 4: CAO, Mayor and Council Roles

CAO Roles	Mayor Roles	Councillor Roles
1. Focus on how to accomplish policy objectives	1. Chair of council meetings	1. Focus on governance (i.e. what is to be done)
2. Provide policy advice to Council	2. Consensus seeker	2. Help Build Consensus
3. Carry out will of Council per Council resolutions and bylaws	3. Key spokes person	3. Leads with Council to set the course of the community
4. Ensure services are in concert with expectations of the residents	4. Acts as leader	4. Represent citizens
5. Develop an organizational structure that allocates staff to service areas	5. Primary liaison with Council	5. Represent will of Council
6. Creates position descriptions.	6. Signing authority for Council;	6. Help monitor performance of the CAO
7. Coordinates administration	7. Acts as eyes and ears for Council regarding municipal officer conduct	7. Encourage policy input from the CAO
8. Ensures internal communication	8. May temporarily suspend employees	8. Make decisions in the interest of the community
9. Supports staff in face of public or council criticism	9. Ex officio role	
10. Corrects poor performance	10. Ceremonial role	
11. Encourages ongoing training for staff	11. Represents constituents/ advocacy	
12. Proactively advances initiatives and policy	12. Servant to the public	
13. Is fully accountable for all staff	13. Represents Council's views	
14. Acts as mentor to staff		

(Buchan, 2016. p 14)

2.1 The Role of Councillors

Every Council member has the following responsibilities (*Community Charter Section 115*):

- 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 under this or any other Act.

The *Community Charter* provides detailed information on:

- duty to respect confidentiality (section 117)
- size of council (section 118)
- terms of office for council members (section 119)
- oath or affirmation of office (section 120)
- resignation from office (section 121)

2.2 The Role of the Mayor

The Mayor is the head and Chief Executive Officer of the municipality. "... the position of mayor is first-among-equals on the municipal council, with responsibility for political leadership, but with no managerial responsibilities beyond those associated with good governance." (Fenn & Siegel, 2017. p 3)

In addition to responsibilities as a member of the Council, the Mayor also has the following responsibilities (*Community Charter 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 section 141 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; and
- to carry out other duties assigned under the *Community Charter* or any other Act.

“The head of council has, however, no more legal authority than any other member of council in the council decision-making process. The mayor casts one vote just like every other member of council. The mayor has no authority to make decisions that bind the municipal corporation; only a vote of full council can bind the municipality. And municipal civil servants work for council as a whole; they do not work for the mayor, or committee chairs, or any individual councillor.” (Fenn & Siegel, 2017, p 3)

2.3 Deputy Mayor

The Council must designate a Councillor(s) as the member responsible for acting in place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of Mayor is vacant. When in the position of Deputy Mayor, the Councillor has all of the same powers and duties of the Mayor (*Community Charter, Section 130*).

Council can choose to re-appoint one Deputy Mayor each year through the term, or to rotate the Deputy Mayor position among Council on an annual, quarterly, or monthly basis.

2.4 Ethics and Confidentiality

Elected officials are expected to act in a fair, transparent and accountable manner with the best interests of the municipality at the forefront. It is important to gain and maintain public trust and act with integrity. Council members must adhere to provincial legislation and act in accordance with municipal bylaws and policies.

A Council member, or former Council member, must keep in confidence (*Community Charter, Section 117*):

- any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required; and
- information considered in any part of a Council meeting or Council committee meeting that was lawfully closed to the public, until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

If the municipality suffers loss or damage because a person contravenes this section of the *Community Charter* and the contravention was not inadvertent, the municipality may recover damages from the person for the loss or damage. The municipality has the statutory authority to sue to recover damages from a Councillor whose breach of confidentiality results in loss or damage to the municipality.

It is the citizens of the municipality who are entitled to expect fair treatment and ethical behaviour from the elected officials who represent them. Citizens expect Council to acknowledge the requirements of all legislation as well as abiding by its own bylaws, policies, and regulations. It is important to always remember that Council members are the trustees of the municipality's assets, and the beneficiaries of that trust are the taxpayers.

2.5 Oath of Affirmation of Office

The form and substance of the oath or solemn affirmation of office is established in the form prescribed by provincial regulation.

The oath or affirmation can only be made before a judge of the Court of Appeal, Supreme Court or Provincial Court, a justice of the peace, a commissioner for taking affidavits for British Columbia, the corporate officer or the chief election officer.

The oath or affirmation must be made within these time limits, as applicable:

- if elected by acclamation, within 50 days after general voting day;
- if elected by voting, within 45 days after declaration of results of election;
- if appointed to office, within 45 days of effective date of appointment; and
- the completed oath or affirmation or a certificate of it must be produced to the corporate officer or the chief election officer before a person is eligible to take office as a council member.

The following oath of office with the necessary changes in form, as applicable, is prescribed for the purposes of section 120 (3) of the *Community Charter*:

I, [name of person elected or appointed], do [swear] [solemnly affirm] that: I am qualified to hold the office of[office]..... for the Town to which I have been [elected] [appointed]; I have not, by myself or any other person, knowingly contravened the Community Charter respecting vote buying or intimidation in relation to my election to the office; [not applicable to persons who have been appointed]. I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters; as required by the Community Charter, I will disclose any direct or indirect pecuniary interest I have in a matter and will not participate in the discussion of the matter and will not vote in respect of the matter.

2.6 Resignation from Office

In order for a member of Council to resign, a written resignation must be submitted to the Council at a council meeting or to the corporate officer at any time. The resignation takes effect from the date specified in the resignation or, if no date is specified, the date of delivery of it. Once delivered, a resignation may not be revoked (*Community Charter*, Section 121).

3. COUNCIL MEETINGS

Council meetings are the means by which Council conducts business. As these are business meetings, the participation of the public is restricted to allow Council the space in which to make decisions. Council meetings are not intended as the forum by which Council engages with the public.

Town of Smithers Council meetings follow the rules and regulations outlined in the Community Charter, the Local Government Act, and Bylaw No. 1766 - Council Procedure. 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.

This bylaw can be amended or substituted if proper procedure is followed, for example special meetings may be held if they are properly advertised as per Section 94 of the Community Charter.

See Bylaw No. 1766 Council Procedure

3.1 Council Meetings – Regular, Special, Closed and Public Hearings

Town of Smithers Council Regular meetings are held on the second and fourth Tuesday of each month, and Public Hearings, Closed and Special meetings are held as required. If held, Closed Council meetings begin at 5:00 pm on the second and fourth Tuesday followed by Regular Council meetings at 6:30 pm. Public Hearings are held at the beginning of Regular Council meetings as necessary.

An annual Council meeting schedule is formally adopted in a Regular Council meeting and advertised on the Town website. Changes to the schedule may only be formalized by Council resolution. Some months Council meetings may vary to accommodate summer and holiday schedules and Council conferences such as the Union of British Columbia Municipalities (UBCM).

3.2 Attendance at Council Meetings

Council meetings are to be attended by all members of Council. The Chief Administrative Officer (CAO), and Department Directors attend Council meetings. A recording secretary is also present to capture the official minutes from the meeting as well as other staff as required. If a member of Council is unable to attend, they should provide notice to the CAO and Corporate Officer to ensure that quorum will be met. The

Community Charter limits the number of meetings an individual member of Council may miss before being removed from Council (unless they meet the extenuating circumstances).

3.3 Regular Council Agenda

The Council agenda is prepared and access to the agenda is available the Friday before a Regular Council meeting. Notice of agendas are emailed to Council, available on the Town website, and printed copies are available to the public at meetings. It is important that all members of Council and staff members present at the meeting have reviewed their 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 CAO 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.

Late items may be added to a supplemental agenda if approved by the CAO prior to the commencement of the Regular Council meeting. If items are not time sensitive, they will be added to the next regular Council agenda to give Council and the public adequate time to review and consider the item.

3.4 Council Minutes

Council meeting minutes summarize the proceedings of and the decisions made by Council at official Council meetings. A recording secretary is present during each Council meeting. Once the minutes are prepared, they are included on a Council Agenda for review, amendments if necessary, and formal adoption by Council.

Council minutes are retained on a permanent basis, as required by the *Community Charter*, and in order to ensure that a complete account of the Town's governance is maintained. Section 148 (a) of the *Community Charter* assigns responsibility to the Corporate Officer to prepare and maintain accurate minutes of all Council and Council committee meetings, and section 97 (1) further requires that these minutes, with the exception of closed meeting minutes, be made available for public inspection. Once the minutes are adopted they are certified by the Corporate Officer and the Mayor and the original copy is filed at Town Hall.

3.5 Public Participation

The public is welcome and encouraged to attend all open Council meetings and the local media are often in attendance. A member of the audience has the opportunity to

address Council on one topic related to items on the Council Agenda. Council will listen to the comments from the public, but is not to make a decision or provide a response. If action is necessary, information will be gathered and the topic will be brought forward to a future meeting of Council or dealt with internally by staff.

3.6 Delegations

Delegations may request or be invited to attend Council meetings and present to Council. A Council Delegation application form must be completed and returned to the in person to the Town office or by fax to 250-847-1601 so that they may be scheduled to appear at a Council Meeting. Forms can be found on the Town website at <http://www.smithers.ca/municipal-hall/town-council/delegations>

Each delegation has 5 minutes to present to Council, not including the Council question period. It is important that the same procedures and processes are followed with each delegation to ensure fairness and equality.

Council does not provide a response to any request made by a delegation at the meeting at which the delegation presented. A response is provided at the subsequent meeting, allowing staff time to prepare information to guide the council response.

3.7 Protocol at Council Meetings

Upon arrival at a Regular, Special, or Closed meeting of Council, Council members and staff are expected to act professionally and respectfully. The Mayor is the presiding official at all Council meetings (unless absent when the Deputy Mayor or another designate would assume the role) and maintains order at the meeting.

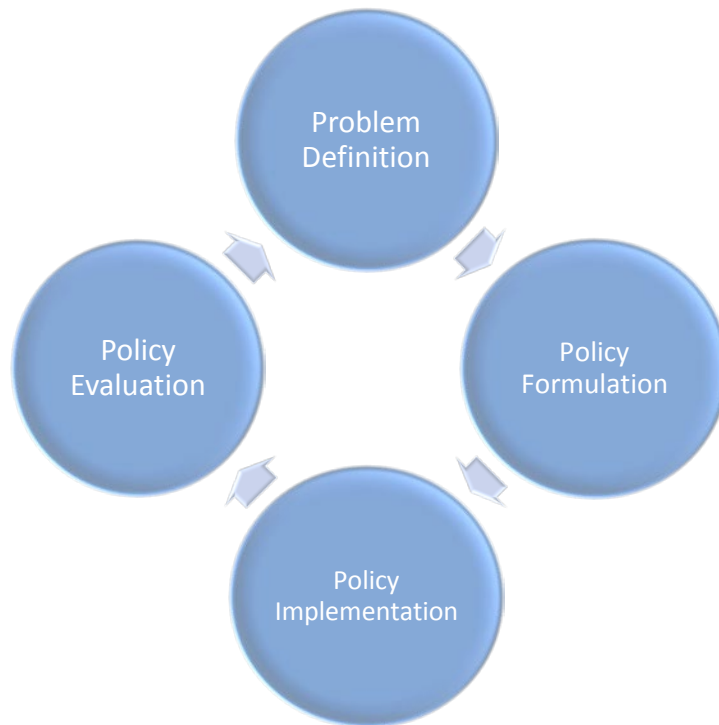
Council meetings follow a formal process with many traditional aspects. Council members and staff shall be referred to by their proper titles. The Mayor conducts and keeps order at the meeting and all speaking shall be done through the Mayor. For example, if a Council member or staff member wishes to make a comment on an agenda item, they must wait to be acknowledged by the Mayor to speak. All comments are to be directed to the presiding official.

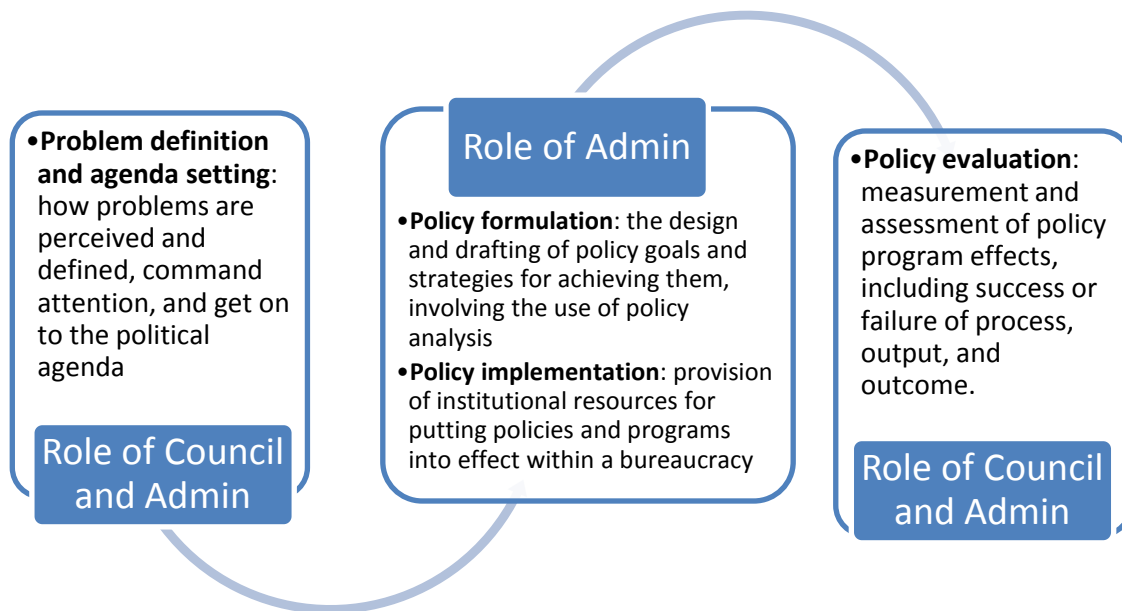
3.8 Parliamentary Procedures

“The mayor and councillors have an obligation to ensure that all decisions made by council reflect the prevailing local culture. Ignoring this requirement will cost them their jobs at the next election. Staff members have an obligation to ensure that decisions also take account of rationally determined professional values. The two groups need to find

solutions that reflect both the local culture and rational professional values. This will mean that both sides must be willing to accept something less than ideal.” (Fenn & Siegel, 2017, p 5) In other words, staff provide a technical perspective and Council provide a political perspective. It is not Council’s role to critique or analyze the technical aspects of the recommendations put forward by staff, but rather to enhance those recommendations by applying the perspective of the community.

3.8.1 The Policy Cycle





(Inwood, 2012. p 224)

3.8.2 Council Resolution (Motion)

A resolution (also known as a motion) is a formal proposal by an individual Councillor, in an official Council meeting, that the Council as a whole, and in turn the organization, take a certain action. Before a subject can be considered, it must be placed before Council for consideration in the form of a resolution moved by one Councillor and seconded by another and voted on by all Council members (including the Mayor). A resolution may be amended, withdrawn, tabled, reconsidered, or rescinded.

Only Council can exercise the powers of the municipality in the proper form which is by bylaw or resolution passed at a regular or special meeting when quorum is present (*Community Charter Section 122-123 & 129*) unless the duty is delegated to an officer as per Section 154 of the Community Charter.

If any member wishes to have Council debate an issue, that member, as a courtesy to Council, may give "Notice of Motion" respecting the item by providing a printed or typewritten copy of such Notice of Motion to the Corporate Administrator and to others in attendance at the meeting. Under the Other or New Business section of the agenda, the Corporate Administrator will read the Notice of Motion and it will appear in the minutes as such. A Notice of Motion shall be placed on the agenda of the next Regular Meeting of Council as a report from the member for disposition.

It is not advisable to develop motions at a Council meeting. It is also considered very poor practice for elected officials to develop the specific language for policies and bylaws. Staff will have more experience and training in crafting legally defensible language for “...councillors are cautioned against making important policy decisions in a vacuum or “on the fly,” such as during a council meeting”. (Fenn & Siegel, 2017. p 19)

See [Bylaw No. 1766 - Council Procedure](#)

In order for a motion to be considered, it must be moved and seconded. The following is a list of the most commonly used motions:

Defer	<ul style="list-style-type: none"> •Stops debate until further conditions are satisfied (e.g. defer for two weeks, defer until a staff report is received). It is not amendable and debate is limited to setting the meeting at which the motion will be considered.
Table	<ul style="list-style-type: none"> •Sets aside the matter temporarily (e.g. until another matter on the agenda is dealt with). Is not open to debate and suspends all discussion.
Withdraw	<ul style="list-style-type: none"> •After the Chair states a motion, the maker of the motion must request permission to withdraw it or modify it in any manner. A majority vote of Council or unanimous consent is required to do so.
Approve or adopt	<ul style="list-style-type: none"> •Council agrees and approves or adopts a resolution •Open to debate and can be amended
Refer to Committee	<ul style="list-style-type: none"> •Can be made at any time. Used to gain additional information before making a final decision. Open to debate and can be amended.
Amend	<ul style="list-style-type: none"> •Adds or deletes words. Open to debate and debate must be on the amendment only. Can be amended. Must be decided or withdrawn before the main motion being considered is put to a vote.

A point of order can be raised at any time when a member notices a violation of the rules. The Chair’s duty is to make a decision, called a ruling. A point of order:

- Can interrupt a speaker who has the floor
- Doesn’t need to be seconded
- Isn’t debatable
- Can’t be amended
- Is decided by the Chair

The ruling of the Chair can be appealed. An appeal of the ruling of the Chair:

- Can interrupt a speaker who has the floor
- Needs to be seconded
- Is debatable unless the immediately pending question is not debatable
- Can't be amended
- Requires a majority vote to overturn the decision of the chair.

The Chair gets to speak first and last in any discussion about the appeal or his/her decision but does not vote on the appeal.

3.8.3 Bylaw Process

First Reading:

The Bylaw is introduced and 'tabled' at the meeting. No debate or discussion takes place.

Second Reading:

Discussion and debate takes place at this stage.

Amendments:

Any amendments to the bylaw take place before third reading.

**Third Reading:*

The Bylaw is given third reading, as amended (if applicable)

***Final Adoption:*

Final Adoption is given to the bylaw and it is now in effect (unless an alternate date is specified in the bylaw)

(Santarossa, 2018. p 80)

“* In some cases, a bylaw requires specific approval following third reading and before final adoption.

**** Note:** Council may give three readings to a bylaw at one meeting, but only if the local government Procedure Bylaw contains a provision that permits this. However, there must be at least one clear day between third reading and final adoption [*Community Charter, Section 135 (3)*] with two exceptions.

In the first exception, Regional District Boards may adopt a bylaw at the same meeting where third reading was given, provided statutory approval, consent or elector assent is not required [*Local Government Act, Section 228*]. Final adoption of the bylaw requires a 2/3 majority vote of the Board members present in the case where third reading was given at the same meeting.

In the second exception, municipalities and regional districts may adopt an official community plan bylaw or zoning bylaw (or any of their amending bylaws) at the same meeting at which the bylaw passed third reading [*Local Government Act, Section 477 and 480*] (Santarossa, 2018. p 80)

“Bylaws can only be considered at open meetings.” (Santarossa, 2018. p 80)

3.8.4 Voting Rules

Questions are decided by majority vote of the members present at a meeting, unless otherwise provided by legislation. Each council member has one vote on any question. If a council member is present, the member must vote on the matter.

If the member does not indicate a vote the member is deemed to have voted for the matter. A tie vote defeats the motion. Where the statute dictates a specified majority of all the members of council is required, it is based on the total membership of council, not merely those present for the vote. Council’s voting rules apply to council committees (*Community Charter, Section 123*).

3.8.5 Closed Council Meetings

Town of Smithers Council may close part or all of a meeting 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 contains the rules for closing meetings of Council or Council committees. Matters that may be discussed in a closed meeting must fit into one of the categories included in Section 90 of the Community Charter:

- 1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:
 - a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
 - b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
 - c) labour relations or other employee relations;
 - d) the security of the property of the municipality;
 - e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
 - f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
 - g) litigation or potential litigation affecting the municipality;
 - h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
 - i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;
 - k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
 - l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];
 - m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
 - n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2); or

- o) the consideration of whether the authority under section 91 [other persons attending closed meetings] should be exercised in relation to a council meeting.
- 2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:
 - a) a request under the Freedom of Information and Protection of Privacy Act, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;
 - b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
 - c) a matter that is being investigated under the Ombudsperson Act of which the municipality has been notified under section 14 [ombudsperson to notify authority] of that Act; or
 - d) a matter that, under another enactment, is such that the public must be excluded from the meeting.

4. GOVERNANCE AND ADMINISTRATION

One of the keys to governing and managing a community effectively and efficiently lies in the extent to which roles are clear, well-understood and consistently practiced.

According to the Community Charter, Councils are elected to provide leadership to the business of governing municipalities. While many of the day-to-day matters are expected and or legislated to be handled quickly and expeditiously by the Chief Administrative Officer and their administration, the decisions which they make need to be within the overall policies and direction established by the Council.

As a result, Councils need to set clear policy direction on any issue which is either major or significant. It is the development and following of clear policies that gives Council assurance that its administration is functioning effectively.

The local Council is elected to add value by providing political leadership on behalf of residents. They are to be the voice of the people, reflecting public opinions, and giving voice to public concerns.

4.1 Principles of Governance

Governance deals with the structure and processes by which municipalities and regional districts are directed, controlled by and accountable. Local governments must comply with relevant legislation to ensure that they are conducting business and making decisions in accordance with the law, which in turn will assist them in accomplishing their goals and objectives. George Cuff, a well-known local government author and speaker, emphasizes that public business is one of the most important principles of governance. All business must be done publicly, and in the best interest of the public as a whole. The municipality must be accountable to its citizens and to the province.

The governance process requires:

- the exercise of leadership (i.e. making policy choices);
- direct involvement by the Council as the policy leaders;
- an understanding of public preferences and wants;
- leadership to the whole organization in terms of how it delivers services;
- a clear understanding of the preferred future of the community so that the organization is structured to deliver services that are applicable; and
- the establishment of control measures that ensure that the leaders can maintain an awareness of whether or not the aims of the organization (i.e. the goals and priorities of the Council) are being achieved. (Cuff, 2002)

Therefore it cannot, at the same time, include the following:

- management of departments;
- review of individual accounts;
- the approval of accounting procedures;
- supervision of individual employees other than the Chief Administrative Officer;
- development of procedures and regulations;
- review of detailed bidding procedures to ensure that the “right” people were awarded the tender;
- involvement in hiring of anyone (other than the Chief Administrative Officer);
- approval of individual wage adjustments (other than the Chief Administrative Officer); or
- review and approval of performance assessments (other than the Chief Administrative Officer). (Cuff, 2002)

Quite simply, Council members are elected to govern. They are elected to represent, lead, oversee, communicate, articulate, and set direction. They are expected to set policies, establish priorities, review and approve the budget, resolve local differences, encourage regional partnerships, identify ways to expand the economic base, and so on.

4.2 Governance Evaluation and Ethics

In the fall of 2016, the Working Group on Responsible Conduct of Local Government Elected Officials (WGRC) was created to undertake collaborative research and policy work on the issue of responsible conduct of local government elected officials. The WGRC is a joint initiative by the Union of B.C. Municipalities, the Local Government Management Association, and the Ministry of Municipal Affairs and Housing.

To date the WGRC has identified the critical four foundational principles to guide the conduct of both individual elected officials and the collective council/board. Further, they have developed a model Code of Conduct and a Companion Guide to assist with development and implementation of a Code of Conduct. While more work by the group will be forthcoming, these are considered the first required foundational processes to support responsible conduct. (*See Foundational Principles for Responsible Conduct, Model Code of Conduct and Companion Guide.*)

It is considered good governance for elected officials to regularly assess their own performance and the performance of Council as a whole. In order to assess performance, the model Code of Conduct provides an objective standard of conduct and

a second document borrowed from another local government, Characteristics of a High Performance High Value Council, provides specific characteristics to compare to. The attachments to this handbook include both documents as well as another borrowed process for evaluation of Council conduct.

4.3 Administration – Mandates

On any matter, Town staff is bound to implement the most recent decision of Council. “Elected officials decide how to vote on council, and administrators make decisions on service production and delivery.” (Bish & Clemens, 2008. p 2)

The authority for staff to act arises from bylaws, resolutions, budgets and corporate plans, all of which require Council approval. When plans are found to conflict, when new circumstances arise or where prior direction lacks clarity, staff must seek further direction from Council.

Staff and Council are also bound by federal and provincial statutes, standards, professional codes of conduct, and regulations that are outside of Council’s jurisdiction and must be adhered to.

4.4 Statutory Officers of the Municipality



DEPARTMENTAL ORGANIZATIONAL CHART



The *Community Charter* and other Acts require council to appoint a number of officials. The duties of these officials are set out in the various Acts but their duties need not be limited only to these responsibilities. In most cases the official, while an employee of the municipality, is responsible under the Act to carry out the specified duties and council cannot direct them otherwise. In smaller municipalities one person may serve in several positions.

4.4.1 Chief Administrative Officer (CAO)

Local government may create the officer position of Chief Administrative Officer, which includes overall management of the administrative operation of the municipality. In the

system created by the Community Charter, Councils delegate the administrative handling of issues to the CAO. The CAO, in turn, is accountable to Council for ensuring that its policies are implemented and direction received from Council is followed.

“The principle underlying the CAO model is the separation of policy-making (by council) from the development and implementation of the policy (by the CAO and staff). Of course, policy and administration can never be separated into watertight compartments, but it is helpful for councillors and staff to understand that they have different roles.” (Fenn & Siegel, 2017. p 6)

“Councillors themselves sometimes do not understand the value of the model. They might be frustrated by a particular CAO who is too vocal or they might want to save money by not hiring a CAO. Or a mayor will suggest that he or she can play the role of both head of council and chief administrative officer. Combining the roles of political sensitivity and administrative efficiency in one person (or even sharing it between two) deprives council of an independent, administrative perspective on policy.” (Fenn & Siegel, 2017. p 10)

The Chief Administrative Officer 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 Chief Administrative Officer whose responsibilities are as follows (Section 147 of the *Community Charter*):

- 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 main roles of the Chief Administrative Officer are as follows:

- Policy Advice – The Chief Administrative Officer is Council’s chief policy advisor who ensures that staff provide in a consistent and coordinated manner all the information that Council requires to make policy decisions, such as background data, previous actions of Council, relevant corporate plans, budget implications, technical feasibility, legal implications and information received during public consultation processes. This is done through complete and accurate reports.
- Leadership to Administration – The Chief Administrative Officer directs the work of the senior staff. The Chief Administrative Officer is therefore the link between

Council and the implementers of Council's direction. The Chief Administrative Officer is responsible for appointing or assigning responsibilities to senior staff and for the performance of the organization as a whole.

"The CAO's position in the public service can be precarious. On the one hand, he or she must carry out the instructions of council in a loyal and conscientious manner. On the other hand, a CAO who fulfils her or his role properly must sometimes tell councillors truths that they would rather not hear. 'You say that you want no tax increase, but at every meeting you approve some new initiative that costs money. You can't have it both ways.' In practice this means that the CAO must fill the contradictory role of being a loyal and conscientious employee of council while having some degree of independence that allows her or him to advise council in a forthright manner. Table 3 lists the duties and responsibilities that a CAO needs to walk this tightrope effectively."

Table 3: The Duties and Responsibilities of a Municipal Chief Administrative Officer

1. The CAO is the head of the public service in the municipality. He or she is the sole employee who reports directly to council.
2. The CAO is accountable to council to ensure that council receives the best professional, administrative advice that the public service can provide.
3. The CAO is accountable to council to ensure that the public service implements the policies of council in a loyal and conscientious manner.
4. All employees of the municipality report to the CAO for administrative purposes. This does not limit the right of certain officials such as the auditor, the medical officer of health, and the solicitor to report directly to council concerning matters within their area of expertise.
5. The CAO is given a clear set of responsibilities by by-law which can be changed only by a majority vote of council.
6. The CAO's responsibilities include the management of the public service within policies set by council. The CAO has the right to hire, promote, and discipline members of the public service within rules set out in the merit system and various collective agreements.
7. The CAO's responsibilities include financial management, such as the preparation of the budget for submission to council and the administration of the budget established by council.
8. Only the CAO has the right to direct the actions of all other municipal employees. This does not limit the right of councillors to consult with and ask questions of public servants. However, the mayor and individual councillors – and political staff – must remember that they have no right to give direction to a staff member.
9. The CAO has an obligation to protect the integrity of the public service. This includes imposing appropriate ethical standards on the conduct of public servants and defending public servants from unwarranted personal attacks.

(Fenn & Siegel, 2017. p 8)

“While an effective CAO respects the fact that he or she functions in a democratic political environment, the discharge of executive and professional duties within the municipal corporation is insulated from political control and direction.” (Fenn & Siegel, 2017. p 3)

Trust between the CAO and Council is extremely important and both parties should strive to build and maintain trust throughout each Council term.

4.4.2 Corporate Administrator

Sections 148-149 of the *Community Charter* and sections 198-199 of the *Local Government Act* require that one officer position be assigned corporate administration responsibility and that one officer position be assigned financial administration responsibility. Corporate administration responsibilities include powers, duties and functions such as ensuring meeting agendas and minutes are prepared and kept; keeping bylaws; certifying documents; managing elections; taking oaths; and managing Freedom of Information requests and providing documents as required by law.

4.4.3 Financial Administrator

Financial Administration responsibilities include powers, duties and functions such as receiving and expending monies; keeping of municipal funds; investing municipal funds; ensuring appropriate controls and supervision over financial affairs; and ensuring accurate records of municipality/regional district financial affairs. While the position of **Collector** of taxes is also a statutory requirement under Section 5 of the Community Charter, the financial administrator usually collects taxes and conducts all the requirements of the Collector function.

4.4.4 Election Officers

A chief election officer and deputy chief election officer are required to be appointed by council for the purpose of conducting an election (*Local Government Act*, Section 41).

4.4.5 Local Assistant to the Fire Commissioner

All municipalities must appoint an official to be responsible for inspections - generally the fire chief but in smaller jurisdictions it may be the clerk, etc. (*Fire Services Act*, section 6).

4.4.6 Approving Officer

Council must appoint an officer to approve subdivisions. Council sets the regulations for subdivisions but cannot direct the approving officer to approve or not approve a plan - the approving officer is responsible to the Province to carry out the duties as set out in the Acts (appointed under section 77 of the *Land Title Act*). In unincorporated areas, an official of the Ministry of Transportation and Infrastructure (MOTI) is appointed by the Provincial Cabinet as the approving officer. Regional districts or the Islands Trust may take this function over if they wish (*Land Title Act*, section 78).

4.4.7 Freedom of Information: Head of Local Public Body

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

See Bylaw No. 1349, 2000 Delegation of Defined Authority to Officer and Members of Council

See Bylaw No. 1390 Amend Delegation Bylaw No. 1349, 2000

4.4.8 Auditor

Council is required to appoint an Auditor who must not be an employee of the local government, and who must be a member in good standing of a recognized Association of Accountants. They are responsible to audit all accounts and transaction of the local government and give a report of the annual financial statements to the Council.

4.5 Relationship with Mayor and Council

Provincial legislation clearly identifies Council as the governing body with all staff serving Council as a whole. The Mayor acts on behalf of Council and serves as the spokesperson for Council. For all routine matters, the Mayor and the Chief Administrative Officer act as liaison between Council and senior staff.

The Chief Administrative Officer remains accountable to Council as a group for implementation of Council decisions. Accordingly, the Chief Administrative Officer and senior staff members are responsible for ensuring that only Council can alter what Council decided. To support the integrity and transparency of a process where the Mayor and the Chief Administrative Officer act as liaison between Council and senior staff, all senior staff members must ensure that the Mayor, Chief Administrative Officer and all Councillors have access to the same information required in their liaison and governance functions.

4.6 Relationship with Public

The Chief Administrative Officer and senior staff also serve the public by ensuring that all staff maintain a professional attitude and provide an effective, fair, consistent level of service to residents, community groups and businesses.

4.7 The Politics-Administration Dichotomy

The politics-administration dichotomy reflects the notion that “politics’ is about deciding *what* government should do, while “administration” is about *how* to do it; thus, there should be clearly defined responsibilities that differentiate the roles of politicians and public servants. The concept manifests itself in the desire to find the “one best way” of administering public affairs and reflects the desire to achieve the ultimate in efficiency

in the provision of public services and in the business of government by putting public administration on the most rational basis possible (Inwood, 2012. p 6).

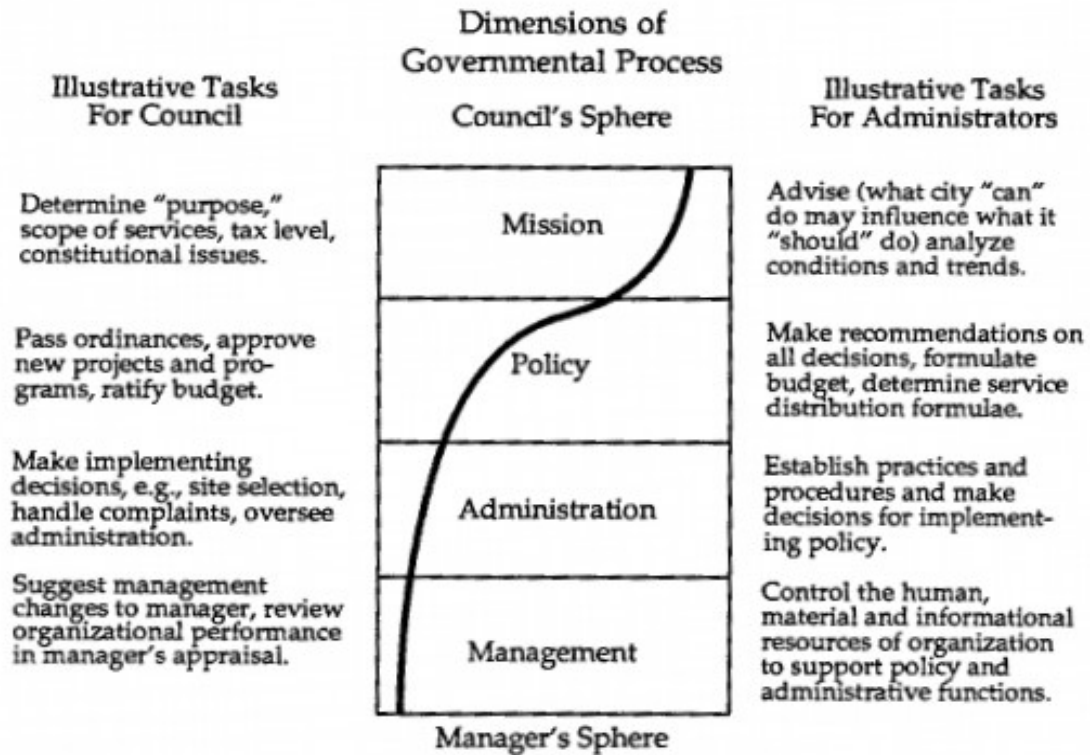
A metaphor to understand this relationship is akin to the dynamics of an orchestra. The Councillors choose the music, the CAO conducts the music of Council, and the staff plays the instruments in harmony. All aspects of this relationship rely on each other to deliver high quality music, recognizing the CAO's ability to coordinate and the highly skilled staff being able to master their instruments.

The administration, on the other hand, is expected to serve two principal roles, both of which are essential to good government. Those roles are: provide expert opinion and advice to the governing body; and discharge the governing body's policies and decisions within the established legislative framework (i.e. policies, provincial legislation/regulation). The system works well when those role distinctions are understood and respected. The system weakens whenever there is an inordinate degree of role diffusion and overlap.

Council members are not elected to manage. They are not expected to oversee individual projects, nor drop into the office on a daily basis "just to see what's going on."

They are not expected to believe everything they hear from the citizens without passing along such concerns to the Chief Administrative Officer for investigation.

Mission-Management Separation with Shared Responsibility
for Policy and Administration



The curved line suggests the division between the Council's and the Manager's spheres of activity, with the Council to the *left* and the manager to the *right* of the line.

(Svara, 1985. p 12)

5. LEGAL BRIEFING

Elected Officials operate within a legal framework designed to prevent use of the office for personal interest or benefit. The restrictions and consequences for violations are outlined in the Community Charter, the Campaign Financing Act, the Local Government Act or the legislation relevant to the violation.

5.1 Conflict of Interest

The Community Charter outlines the rules, requirements and penalties for conflict of interest on the part of Council members. It is the responsibility of the individual Council member to recognize and declare if they are facing a conflict of interest (Community Charter Divisions 6 & 7).

Section 100 (disclosure of conflict) of the Community Charter requires a Council member to declare a conflict of interest if he or she has a direct or indirect pecuniary (financial) interest in a matter under consideration. A member must also declare a conflict if he or she has some other, non-pecuniary type of interest that places the person in a conflict position (e.g., bias). This could include any benefit obtained by relations, close friends, or associates of a member who is in conflict.

Examples of conflict of interest could include:

- Topic would affect (positively or negatively) your employment at another organization;
- Rezoning application by a relative or close personal friend;
- Business license decision involving a competitor business to one operated by a close friend; or
- Awarding a contract to a family member or close friend.

The following process should be followed by a member of Council if they believe that they have a conflict of interest in regard to a certain topic.

1. Advise Council that you are in conflict of interest and state in general terms why you consider it to be a conflict of interest; and
2. Remove yourself from the Council meeting before the topic is discussed (it will be recorded in the minutes that a conflict was declared and the Council member removed themselves from the meeting).

Section 100 (2) (b) of the Community Charter relates to non-pecuniary conflicts of interest of which there are two types:

1. Bias arising from a non-pecuniary personal interest in a matter. The test for this type of bias is: Would a reasonably well-informed person conclude the interest may well inform the vote.

Examples of this type of bias include:

- Family Connections
 - Membership in a club or society
 - Institutional conflicts- appointment to outside boards, agencies
2. Political Bias. This type of bias is described as the “closed mind” bias. The test for this type of bias is: The elected official must be “capable of persuasion”.

For adjudicative/quasi-judicial decisions, elected officials have a duty to be impartial.

Section 101 (restrictions on participation if in conflict) of the Community Charter sets out the basic rules that, if a Council member has a direct or indirect pecuniary interest in a matter, the member must not:

- Remain or attend any part of a meeting during which the matter is under consideration;
- Participate in any discussion of the matter; or
- Vote on the matter or attempt in any way to influence the voting of the matter, whether before, during or after a meeting.

These rules are in effect for Council members in relation to all types of Council meetings, committees and any other body created by the municipality or established pursuant to legislation. A member of Council who determines, after declaring a conflict of interest, that he or she is, in fact, not in a conflict position, may withdraw the original declaration and participate in subsequent discussions and vote on the matter being considered. The member must, however, obtain legal advice on the question of conflict before withdrawing the declaration.

A Council member who contravenes this section may be disqualified from holding an office described in, and for the period established by the Community Charter Section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith. A good rule to follow is “if you think you are in a conflict, you probably are”.

See *COU-001 Code of Ethics for Members of Council*

See *Bylaw No. 1766 Council Procedure*

5.2 Restriction on use of Insider Information

(1) A council member or former council member must not use information or a record that:

- (a) was obtained in the performance of the member's office; and
- (b) is not available to the general public, for the purpose of gaining or furthering a direct or indirect pecuniary interest of the council member or former council member.

(2) A person who contravenes this section is disqualified from holding local government office for the period established by section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith. (Community Charter, Section 108)

5.3 Restrictions on inside influence

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

- (a) at a meeting referred to in section 100 (1) *[disclosure of conflict]*,
- (b) by an officer or an employee of the municipality, or
- (c) by a delegate under section 154 *[delegation of council authority]*,

if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

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

5.4 Restrictions on outside influence

In addition to the restriction on inside influence, a council member must not use his or her office to attempt to influence in any way a decision, recommendation or action to be made or taken by any other person or body, if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

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

5.5 Disclosure of Gifts

The Community Charter 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 obligations that accompany 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.

All Disclosure of Gift statements are available for public inspection at Town Hall.

See *FIN-012 Gifts to the Town of Smithers*

See *COU-001 Code of Ethics for Members of Council*

5.6 Disclosure of contracts with council members and former council members

If a municipality enters into a contract in which

- (a) a council member, or
- (b) a person who was a council member at any time during the previous 6 months,

has a direct or indirect pecuniary interest, this must be reported as soon as reasonably practicable at a council meeting that is open to the public.

In addition to the obligation under section 100 [*disclosure of conflict*], a council member or former council member must advise the corporate officer, as soon as reasonably practicable, of any contracts.

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

5.7 Financial Gain

- (1) If a council member or former council member has
 - (a) contravened this Division; and

(b) realized financial gain in relation to that contravention, the municipality with a vote of at least 2/3 of Council members or 10 or more electors of the municipality may apply to the Supreme Court for an order under this section.

(2) Within 7 days after the petition commencing an application under this section is filed it must be served on

(a) the council member or former council member; and

(b) in the case of an application brought by an elector, the municipality.

(3) On an application under this section, the Supreme Court may order the council member or former council member to pay to the municipality an amount equal to all or part of the person's financial gain as specified by the court.

(4) In the case of an application made by 10 or more electors, if the court makes an order under subsection (3), the municipality must promptly pay the elector's costs within the meaning of the Rules of Court.

(5) The court may order that costs to be paid under subsection (4) may be recovered by the municipality from any other person as directed by the court in the same manner as a judgment of the Supreme Court.

5.8 Financial Disclosure Statements

The BC 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 purpose of this 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 to be included on the form includes corporations in which you hold shares, creditors to whom you owe a debt (it is not necessary to list the amount), organizations from which you receive financial remuneration, and land owned (excluding your residence) within the regional district. If circumstances change throughout the year, a new Financial Disclosure Statement must be filed with the Corporate Officer.

5.9 Other Restrictions

Elected Officials are subject to many other restrictions as well. These include Failure to Make Oath of Office, Unauthorized Expenditures, Bullying and Harassment of Staff, and many more. Penalties can range from disqualification from office and fines to prison terms.

Restrictions related to election campaigns are detailed on the Elections BC website.

5.10 Freedom of Information

The Freedom of Information and Protection of Privacy Act (FOIPPA) applies to all local governments in BC. FOIPPA mandates that some information must be kept confidential, and some information must be released upon request. The Town of Smithers appointed Freedom of Information & Privacy Coordinator receives and processes FOI requests in accordance with FOIPPA legislation. If specific records in the care 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.

6. LOCAL GOVERNMENT FINANCE

All local governments in B.C. operate within a legislative framework that governs their administration and finances including revenues, liabilities, financial planning, reporting, capital financing, development financing, and property acquisition and disposition.

6.1 Local Government Revenue

Revenue in local governments consists almost exclusively of taxes, service fees and grants. Taxation is the main source of revenue for municipalities and regional districts in BC although how that is collected differs between municipalities and regional districts as regional districts do not have the ability to tax directly.

6.1.1 Regional District Requisitions

Regional districts cannot directly tax properties. Instead, regional districts requisition their member municipalities and the Provincial Surveyor of Taxes (for rural electoral areas) to tax on behalf of the regional district in order to meet annual revenue needs.

Sustainable revenue is a significant concern for local government. Several attachments to this handbook discuss this issue (*Strong Fiscal Futures, Who's Picking Up the Tab?, etc*). Even the BC Chamber of Commerce, in 2014, states "A separate report by the Think City Society also discusses new revenue sources and opportunities for economic development.⁽¹³⁾ Similarly to the UBCM report, one of the primary points is the sharing of provincial tax revenues and the creation of new municipal taxes. The provincial sales taxes, property transfer tax, carbon tax, provincial and federal gas taxes, and the sin taxes all generate funds that could be (or already are) shared with municipal governments. As for new taxes, the report proposes sales tax, gas tax, sin taxes, and road pricing as areas that could be taxed locally in addition to existing taxes." (BC Chamber of Commerce, 2014. P 8)

6.1.2 Municipal Taxation and Exemptions

Property taxation includes property value taxes (also called ad valorem taxes), parcel taxes, and local area service taxes.

6.1.2.1 Property Value Taxes

Property value tax is the principal source of revenue for most local governments. It is a tax levied on the value of land and improvements (i.e. building and fixtures). Municipalities may levy property value taxes for their own needs, and

are often required to levy taxes on behalf of other public authorities (for example, boards and hospitals).

Taxation is based on the assessed value of land and improvements. In British Columbia, property assessment is administered by BC Assessment, a Crown corporation that operates under the *Assessment Act*. In addition to establishing property value assessments, BC Assessment establishes property classes and defines the class of each property. BC Assessment has established nine property classes:

Class	Description
1	Residential
2	Utilities
3	Supportive Housing
4	Major Industry
5	Light Industry
6	Business & Other
7	Managed Forest Land
8	Recreational Land & Non-profit Organizations
9	Farm

Municipalities have authority to levy different rates onto the different property classes. These rates are known as the tax ratio. Tax equity between the various property classes is primarily measured through the tax ratio. A tax ratio is the relationship between the residential tax rate and the other property class rate. The ratio is expressed in relationship to the residential rate, with the residential rate shown as 1 (for example 2:1).

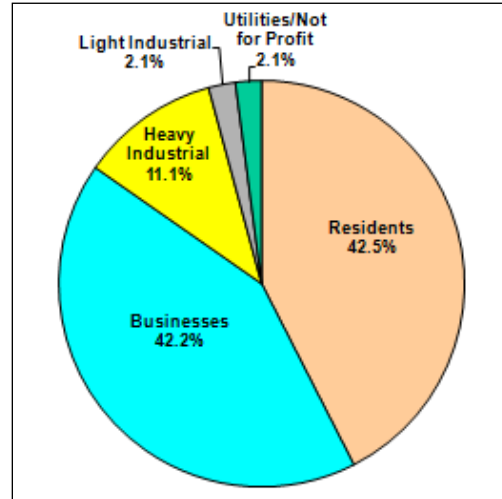
A higher tax is typically levied on a commercial (or business) property than on a residential property. There are three main reasons for a higher levy on a business class property:

- The property is used for generating revenue;
- The property owner has opportunity to pass the costs on in the cost of services or goods provided, and;
- The property owner can write off property taxes against income for income tax purposes. (UBCM, 2011. p 5)

“Although business properties pay a higher share of taxes than their share of the assessment base, their relative tax burden has been declining. Business

properties paid over 31 percent of total taxes in 1985. This share rose to 33 percent over the period from 2002 to 2008 and has declined to just over 30 percent in 2011” (Kitchen & Slack, 2012, pg 19).

In Smithers, the 2018 tax ratio for the Business Class was 3.56:1, while the percentage of the total municipal tax burden was distributed as shown in the graph to the right.



Some arguments for both high and low tax ratios for the Business Class are summarized in the table below.

Summary table of arguments for both low and high tax ratios	
General arguments in favour of a low tax ratio	
1	Property tax is profit insensitive (unlike income tax)
2	Businesses pay a disproportionate amount of taxes equivalent to consumption
3	It is the fairest way to provide support to all businesses without using tax exemptions, business attraction strategies or other site specific benefits
4	Businesses in small communities are often owned by small business owners and the savings to their businesses will stay within the community instead of going to corporate headquarters elsewhere
General arguments in favour of a high tax ratio	
1	Municipal expenses are insensitive to taxpayer ability to pay, in the same way that property taxes are profit insensitive for businesses
2	The purchasing power of residents is increased, which is supportive of business as well as residents
3	The business property is used for generating revenue
4	The business property owner has opportunity to pass the costs on in the cost of services or goods provided
5	The business property owner can write off property taxes against income for income tax purposes
6	It is supportive to residents such as seniors and those on limited incomes for whom assuming a higher share of the tax burden is difficult

The discussion above has centred around the business tax ratio as business typically pays the largest percentage of municipal taxes, and this is the ratio that raises the most discussion from business interest groups such as the Canadian Federation of Independent Business (CFIB). The ratios for Heavy and Light Industry Classes may also be adjusted by Council. Industry may be sensitive to high taxes as they may derive their prices from international markets and must remain competitive to succeed.

6.1.2.2 Parcel Taxes

Parcel taxes are local government taxes levied based on the unit, frontage, or of area of a property through bylaw. A parcel tax may only be levied on properties that are currently receiving (or have a reasonable opportunity to receive) a specific service.

For example, if a water line affronts a property and the property is not connected to that line, that property may still be liable to pay a water parcel tax because it has the opportunity to connect. If that property cannot be serviced by the water line, the parcel tax must not be levied on that property.

Normally, a parcel tax is levied in conjunction with a user-fee. For example, a local government will often recover the fixed capital costs (for infrastructure) through a parcel tax and the operating costs through a user-fee (e.g. water metre charge).

6.1.2.3 Local Area Service Taxes

A local service tax is a property value tax or parcel tax levied over a "sub-area" of a municipality (e.g. a neighbourhood within a municipality). Municipalities may recover all or part of the cost of a local area service by levying a local service tax on properties located within the boundaries of the local service area. This tax may be a property value tax or a parcel tax.

A local area service tax must be established through bylaw, and must receive the approval of the majority of the property owners within the proposed local service area.

A local area service tax may be for a sewer service, water service, sidewalks, paved roads or other services.

6.1.2.4 Local Government Tax Exemptions

6.1.2.4.1 Statutory Tax Exemptions

Statutory tax exemptions are automatic exemptions from property tax provided by federal or provincial legislation. Municipal councils and regional district boards have no discretion in this matter.

Statutory tax exemptions are directly assigned by BC Assessment and are based on ownership and use of property. Usually, these properties address a broad public interest or provide a public service.

6.1.2.4.2 Permissive Tax Exemptions

Municipalities and regional districts may, by bylaw, grant permissive tax exemptions that exempt certain properties from taxation for a specified period of time. These exemption may include:

- Public parks owned and held by an athletic or service club
- Property owned or held by a not-for-profit corporations
- Art galleries or museums owned by charitable or philanthropic organizations
- Property owned or held by a public authority but not eligible for a statutory tax exemption
- Riparian or heritage property
- Property held for the provision of a partnering agreement
- Property subject to a revitalization tax agreement

The Town of Smithers considers permissive tax exemption applications for non-profit groups and has a bylaw for a revitalization tax exemption.

6.1.2.5 Local Government Grants in Lieu of Taxes

A grant-in-lieu of taxes is similar to a property value tax and is collected from property owned by or vested in the provincial and federal governments and their associated agencies and Crown corporations that are exempt from property taxation under the *Constitution Act*.

6.1.2.6 Arrears or Delinquent Taxes Due to Local Governments

Taxes in arrears are outstanding property taxes plus applicable penalties and interest, that are unpaid on December 31 in the year they were imposed. Delinquent taxes are any taxes in arrears remaining unpaid on December 31 in the year following the year in which they became taxes in arrears.

6.1.2.7 Municipal Property Tax Sale

A tax sale is a public auction of properties within a municipality which have unpaid property taxes from two years prior to the current year.

6.1.3 Service Fees

“An important criteria for a decentralized system of local governance is that when decisions are made to provide benefits, they need to be balanced against the costs of those benefits. This is best done by elected officials, a municipal council, or regional district board that represents the citizens who will benefit and who will also have to raise taxes or impose service charges on the benefiting citizens to pay for their benefits. This principle is called “fiscal equivalence.” “ (Bish & Clemens, 2008. p 179)

Fiscal equivalence has several dimensions. The first is direct benefit in which individuals may choose whether or not to use a service. Parking spaces, ball fields, document searches and arenas are services for which people can choose to use more or less depending on price and the availability of substitutes. Only by charging a price equal to the cost can one be sure that the value placed on the service is at least as great as the cost of providing it. B.C. local governments levy many service charges consistent with this requirement.

Despite this, many service fees are not equal to the cost of the service, with the balance carried by taxation.

6.1.4 Grants and Transfers

The Federation of Canadian Municipalities (FCM) estimates that the local government portion of tax revenue is only 8%. In other words, only eight cents of every tax dollar collected, including those funds collected by higher levels of government and transferred to local governments, is spent by local governments.

The transfer of funds from higher levels of government to local governments has shifted from a former reliance on direct transfers to a greater reliance on grant funds. Grants are an important source of revenue for funding local government projects. Despite this, there are challenges to grant funding.

Challenges inherent to grant funding include:

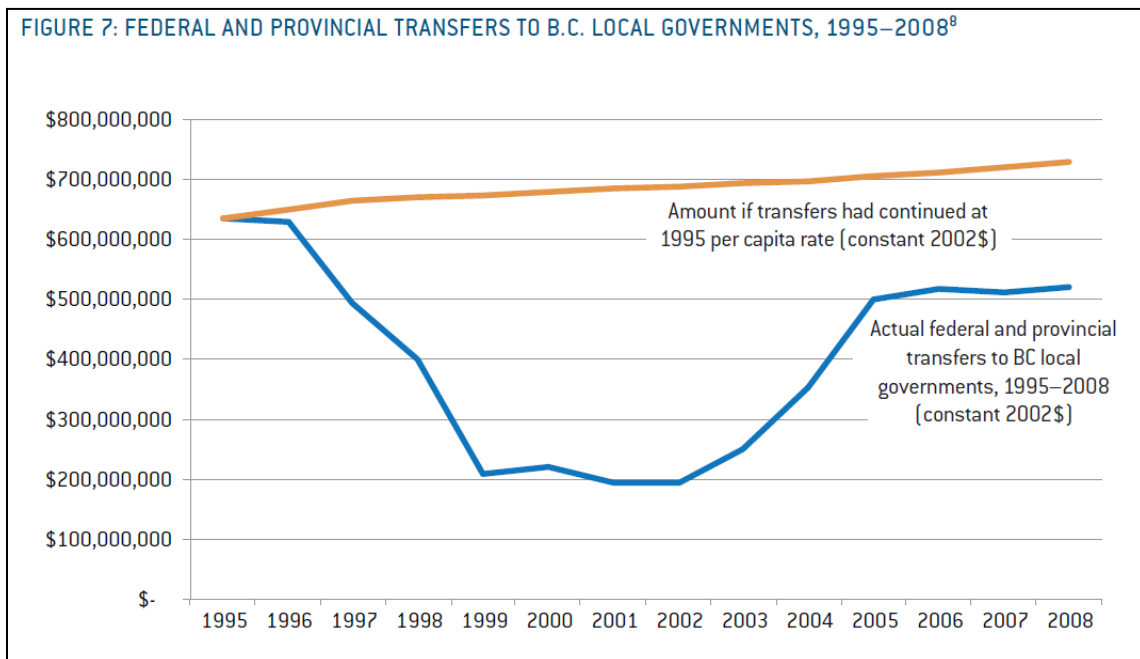
- Grants require significant resources to apply for, meet matching requirements of, administer, and report on
- Grants for capital projects typically require solid business cases, pre-feasibility and feasibility studies, and other studies to support the project. The cost and effort to develop those requires both human and financial resources
- Grant opportunities may not align with a community’s needs, forcing the municipality to either prioritize and fund less needed infrastructure over more needed infrastructure, or to accept a greater burden of the more needed infrastructure costs

- The reduction in transfers also results in fewer total funds to municipalities from other levels. As the resulting funding gap is made up through property taxation, more time needs to be spent creating business cases for expenditures

The shift from direct transfers to grants was dramatic between 1996 and 1999 at which point it stabilized. The impact of this on municipalities was significant and in 2003 the trend began to reverse, although it has never recovered to the balanced funding model from the mid 1990s.

In addition to not recovering the balance between transfers and grants, the total amount is also significantly less today than it was 25 years ago. “Federal and provincial transfers to B.C. local governments are \$4 billion less than they would have been had 1995 per capita transfers remained constant.” (Duffy, Royer & Beresford, 2014. p 5)

While the graph shows data between 1995 and 2008, the graph was drawn from a 2014 publication, which indicated no significant change since 2008.



From *Who's Picking Up the Tab?* By Duffy, Royer & Beresford, 2014

The largest single direct transfer is the Small Communities Unconditional Annual Grant from the Province, followed by the Federal Annual Gas Tax Fund.

6.2 Borrowing

Municipalities and regional districts have access to different types of borrowing to address specific situations. These situations may vary depending on the type of

borrowing (capital versus operational), the duration of borrowing (current-year versus short-term or long-term), and source of the borrowing (external lender versus internal funds).

The section above on Service Fees describes a principle called fiscal equivalence. Another aspect of fiscal equivalence is temporal fiscal equivalence, which is the matching of payments to the time when benefits are received. This means paying for current programs from current taxes but paying for the construction of a long-term facility through borrowing which will be paid back over time by the users of the facility.

A report from the Town of Golden providing a perspective on municipal borrowing is attached to this handbook. Some of the more common types of borrowing as well as a borrowing limit are outlined below.

6.2.1 Revenue Anticipation Borrowing

Because a local government's fiscal year starts in January, and it does not collect taxes until July, each local government must have a means of financing its operations between January and July. Local governments can finance operations through existing cash surplus or through a revenue anticipation borrowing bylaw.

6.2.2 Short-Term Capital Borrowing

Short-term capital borrowing may be used to finance small capital undertakings (for example, vehicle and equipment acquisitions or small capital upgrades) without the approval of the electors. This borrowing must be repaid within five years from the date of issue.

6.2.3 Long-Term Capital Borrowing

Long-term borrowing finances major capital acquisitions and construction, and is secured through a loan authorization bylaw that usually requires approval of the electors.

6.2.4 Municipal Liability Servicing Limits

Municipalities may incur liabilities, such as leases and debt, to fund services; however, the maximum amount of liabilities a municipality may undertake is subject to the liability servicing limit. A municipality may not incur a liability if the total annual servicing cost of the aggregate liabilities is greater than 25 percent of annual revenues. The revenues used in the calculation relate to those that are primarily within the municipality's control, such as taxes and fees, unconditional grants and payments in place of taxes.

6.3 Local Government Procurement

Local governments are subject to legislation regarding procurement that does not apply to business. As a result, there is often pressure on elected officials to “buy local” or to enact policies that favour local bidders for municipal contracts. This is expressly prohibited by, among other pieces of legislation, the [New West Partnership Trade Agreement \(NWPTA\)](#).

The NWPTA is an accord between the Governments of British Columbia, Alberta, Saskatchewan and Manitoba that commits to removing barriers to the free movement of goods, services, investment, and people within and between the three provinces. It came into effect July 1, 2010 and has been fully implemented since July 1, 2013.

Procurement is potentially an area of high liability for local governments and strict compliance with legislation is important to avoid potentially high costs, long project delays and embarrassment.

6.4 Budgeting and Reporting

The purpose of financial reporting is to ensure the transparency and accountability of the local government system. Local governments are ultimately accountable to their citizens for how they choose to raise and spend funds.

6.4.1 Budgets and Financial Plans

Legislation establishes requirements and deadlines for adoption of financial plans. All local governments are required to annually establish a five year financial plan; however, a local government may amend its plan during the year for unexpected expenditures.

The Community Charter is clear that a municipality must not make an expenditure other than one authorized under Division 3, section 173, subsection (2) or (3) of the Charter:

(2) A municipality may make an expenditure that is included for that year in its financial plan, so long as the expenditure is not expressly prohibited under this or another Act.

(3) A municipality may make an expenditure for an emergency that was not contemplated for that year in its financial plan, so long as the expenditure is not expressly prohibited under this or another Act.

6.4.2 Reporting

In addition to a five year financial plan, local governments are required to produce a number of other publicly accessible reports as part of a transparent and accountable system, as they are ultimately accountable to their citizens for how they choose to raise

and spend funds. Legislation requires audited financial statements, a Local Government Data Entry form, a Statement of Financial Information and an Annual Report.

6.4.2.1 Audited Financial Statements

Audited financial statements provide a consolidated and independently verified overview of a local government's financial activities over the course of the previous fiscal year and its financial position at the end of that year.

6.4.2.2 Local Government Data Entry

Local governments are also required to submit an annual Local Government Data Entry (LGDE) form, which presents a standardized account of assets, liabilities, revenue, expenditures, and other financial indicators to the Ministry of Municipal Affairs and Housing. This information is used to produce the local government financial data, which is made publicly available.

6.4.2.3 Statement of Financial Information

All local governments must prepare an annual statement of financial information (SOFI) in accordance with the [*Financial Information Act*](#). The statement of financial information must be made available for public viewing by June 30 each year and be accessible for the following three years.

6.4.2.4 Annual Report

Municipalities are required to produce an annual report which states their goals and objectives for the coming year and demonstrates what progress has been made toward the preceding year's goals and objectives.

The report must be presented at a public meeting before June 29 each year and made available for public inspection at least 14 days prior to that meeting.

6.4.2.5 Climate Action Revenue Incentive Report

Municipalities are required to produce an annual Climate Action Revenue Incentive Report (CARIP) by June 1st. This public report is produced in accordance with provincial climate action requirements, and documents the eligibility of the municipality for an annual grant based on volumes of carbon tax paid.

6.5 Downloading

No municipal finance discussion would be complete without mentioning downloading.

Downloading is defined as “the range of ways that provincial and federal governments pass administrative costs, capital costs, service provision and other expenses and

responsibilities to local levels of government without adequate funding or revenue streams.’

There are a range of ways this happens, but some of the most common forms of senior government downloading include:

- Direct offloading of federal or provincial programs and/or responsibilities without adequate funding or revenue tools;
- Regulatory changes that require spending by municipalities;
- Enforcement of federal and provincial regulations;
- Cancellation of programs and services that are needed or expected by the public;
- Reduction or cancellation of senior government transfers or program funding;
- Programs that are paid for municipally, but where municipalities have little control over costs;
- Grant-based or ‘one time only’ funding of downloaded or new programs encouraged by senior governments;
- Underinvestment by senior governments in infrastructure maintenance, renewal and replacement; and
- Failure to adequately address issues or problems that should fall under provincial or federal jurisdiction.” (Duffy, Royer & Beresford, 2014. p 11)

“Since the 1950s, Canada’s infrastructure responsibilities have shifted from the level of government with the largest and most growth-responsive revenue base—the federal government—to the level of government with the smallest and least growth-responsive revenue base—local government. In 1955, the federal government accounted for 34 per cent of capital investment. By 2003, it had declined to 13 per cent. The municipal share increased from 27 to 48 per cent.” (Duffy, Royer & Beresford, 2014. p 4)

“...‘downloading’ by the federal and provincial governments, along with growth and urbanization, are the main drivers of increased local government expenditure.” (Duffy, Royer & Beresford, 2014. p 4)

Two of the attachments to this handbook specifically discuss downloading: one is a publication by The Columbia Institute called *Who’s Picking Up The Tab? Federal and Provincial Downloading onto Local Governments* and the second is a local document detailing some of the reasons for increased staffing needs over the years including downloading from other levels of governments.

Downloading is a serious problem that has caused a shift in taxation away from income and sales taxes towards a heavier reliance on property taxation.

7. TOWN OF SMITHERS IMPORTANT DOCUMENTS

7.1 Letters Patent

The Letters Patent can be described as the municipality or regional district's birth certificate. Issued by the province upon incorporation, the Letters Patent lists the corporate name of the municipality (ex. Corporation of the Town of Smithers), the classification (ex. Village, Town, District, or City), the area and boundaries, and certain preliminary matters if necessary. Additional letters patent are also issued as a result of any successful boundary extension processes.

7.2 Council Meeting Minutes

Council meeting minutes summarize the proceedings of and the decisions made by Council at official Council meetings. Minutes are captured by a recording secretary present during the meeting and certified by the Corporate Officer and the Mayor in accordance with the Community Charter and the Council Procedure Bylaw.

Minutes are permanent documents and the municipality is required to retain a copy of them in accordance with records management standards.

Minutes from Public Hearings, regular, and special Council meetings are available to the public at: <http://www.smithers.ca/municipal-hall/town-council/minutes>

7.3 Bylaws

The Community Charter (Section 22) states that a Council may only exercise its authority by resolution or bylaw. Bylaws are to be impersonal, addressing the public at large and applying it to all persons who fall within the description. In order to be valid, bylaws must be voted on and passed in a properly convened, open meeting of Council.

All bylaws must receive three readings before adoption. Amendments to the bylaw must be made before third reading. Some bylaws (such as the Official Community Plan or Zoning Bylaws) require a public hearing before adoption.

Bylaws are permanent documents and the municipality is required to retain a copy of all bylaws that have been passed and/or repealed by Council. Commonly referenced bylaws are available at: <http://www.smithers.ca/municipal-hall/bylaws>

7.4 Policies and Procedures

Council establishes policies for the community and adopts bylaws or resolutions based on these policies. Staff must then ensure that these policies are executed by the

municipality's administration in the day-to-day business of the community by establishing consistent procedures.

“Policies are principles, rules and guidelines that are adopted by your local government to influence and determine all major decisions, actions and activities. Procedures are the specific methods employed to put policies in action in the day-to-day operations of the organization. The resolutions adopted by your governing body are policies that guide the actions of your local government.” (Santarossa, 2018. p 23).

7.5 Audited Financial Statements

Financial statements are completed each year by the Town of Smithers Director of Finance and audited by appointed auditors (currently Edmison Mehr Chartered Professional Accountants). Section 169 of 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/or give a true and fair view in accordance with the financial reporting framework. The purpose of an audit is to enhance the degree of confidence of intended users in the financial statements.

7.6 BC Assessment Roll

BC 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 Town of Smithers to calculate property taxes which are billed in May of each year with payment due by the first business day after July 1st. BC Assessment operates as an independent, provincial Crown corporation, governed by a Board of Directors and is accountable to the Government of B.C. The Town of Smithers receives the updated Roll each year.

8. LEGISLATION, COMMITMENTS AND AGREEMENTS

8.1 Community Charter

The Community Charter is provincial legislation that provides municipalities and their councils with the legal framework for powers, duties, functions, authority, and discretion to address existing and future community needs, and the flexibility to determine public interest of their communities. The Community Charter is constantly being updated and amended by the Province and the most up to date copy can be reviewed at:

http://www.bclaws.ca/Recon/document/ID/freeside/03026_00

8.2 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 constantly being updated and amended by the Province and the most up to date copy can be reviewed at: [http://www.bclaws.ca/civix/document/LOC/lc/statreg/--%20L%20--/Local%20Government%20Act%20\[RSBC%202015\]%20c.%201/00_Act/r15001_00.htm](http://www.bclaws.ca/civix/document/LOC/lc/statreg/--%20L%20--/Local%20Government%20Act%20[RSBC%202015]%20c.%201/00_Act/r15001_00.htm)

8.3 Other Legislation

Many other Acts and Laws are important to local governments. The Land Titles Act, Freedom of Information and Protection of Privacy Act, Assessment Act, Strata Property Act, Employment Standards Act, Safety Authority Act, Building Act, Emergency Program Act, and a great many more Acts and Laws are relevant. Only three are summarized below to illustrate the complexity of legislative requirements.

8.3.1 Examples

Electronic Transactions Act

Official Town records include emails and texts that are used to conduct Town Business. All records are subject to retention, searching and Freedom of Information requests.

Official Town records include any communications received by members of Council directly from the public, social media posts regarding Town business and communications between Council members regarding Town business.

Records management requirements are stringent for local government and have been made more complex by the addition of electronic records, which also includes email. Email records

are subject to FOIPPA searches, and “if the person providing the record inhibits the printing or storage of the record” then the electronic version of that elected official’s emails are not considered a sufficient record.

Auditor General for Local Government Act

The Auditor General for Local Government was established in 2012 “to conduct performance audits of the operations of local governments in order to provide local governments with objective information and relevant advice that will assist them in their accountability to their communities for the stewardship of public assets and the achievement of value for money in their operations.” Audits are conducted on specific topics such as The Role of Local Government in Providing Clean Drinking Water, or the Challenges of Managing Human Resources in Small Municipalities.

If a local government is selected for an audit, legislation requires the local government to cooperate. This typically requires extensive staff resources.

Workers Compensation Act

Employers are required to create a health and safety program and to have appropriate policies and procedures to effectively support a healthy and safe workplace. In addition to a health and safety program, employers must provide and maintain appropriate training for employees, ensure supervisors have training and support, ensure first aid equipment and trained attendants, and regularly inspect the workplace for issues.

In 2013, Worksafe BC created policies related to workplace bullying and harassment to provide a consistent legal framework for employers to meet their legal obligations to prevent and address these issues. Bullying and harassment “includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated”. “It is important to note that intent does not determine whether the behaviour is bullying and harassment. A person cannot excuse his or her behaviour by saying he or she did not intend it to be humiliating or intimidating.”

Council dynamics may at times become passionate. While Council has the freedom to debate an issue, it is important that the debate not impact the language, tone or body language used towards or about staff in such a way that it becomes bullying or harassment.

8.4 Climate Action Charter

The B.C. Climate Action Charter is a voluntary agreement between the B.C. government, Union of B.C. Municipalities and each local government signatory to take action on climate change.

The B.C. Climate Action Charter was launched in 2007 and since then, 187 local governments in B.C. including Smithers have signed the Charter.

Under the Charter, local government signatories commit to:

- Becoming carbon neutral in their corporate operations
- Measuring and reporting their community's greenhouse gas emissions
- Creating complete, compact, more energy efficient communities

The Charter established the joint Provincial-UBCM Green Communities Committee to support local governments in taking action on climate change.

The committee works in collaboration with local governments to ensure that the right mix of tools, guidance and other supports are available to assist rural and urban communities as they work toward their Charter goals.

https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/planning-land-use/bc_climate_action_charter.pdf

8.5 Office of the Wet'suwet'en and Town of Smithers Protocol Agreement

Beginning a few years prior to 2011, the Town of Smithers, recognizing the value of a positive relationship with First Nations, participated in a series of ongoing discussions with the Office of the Wet'suwet'en, utilizing UBCM Community to Community Forum funding. The end result of those sessions was the development of a Protocol Agreement, signed on January 31, 2011, to guide the ongoing relationship between the Town of Smithers and the Office of the Wet'suwet'en.

The Protocol Agreement has been renewed several times, with the most recent agreement in effect for a 5 year term beginning February 25, 2014 and expiring in early 2019. The first two agreements were for one year only while the third protocol agreement was increased to a five year term.

8.6 Accessibility 2024

Approximately 15 per cent of British Columbians over 15 years old self-identify as having a disability. The BC Government has a vision to make this a truly inclusive province by 2024. The goal of the Accessibility 2024 Initiative is to prevent and remove barriers to participation and inclusion.

This vision is designed around 12 building blocks which recognize that being truly inclusive means:

- Providing people of all abilities with the opportunity to fully participate in their communities
- Challenging our attitudes and beliefs about disabilities
- Recognizing the value and contributions that people with disabilities make to our workplaces, communities and economy

The province works with the disability and business communities and local governments to help:

- Create opportunities for meaningful employment,
- Support greater independence, and
- Provide full community participation

for people with disabilities in B.C.

While this initiative has not yet required a formal commitment from local governments, the Town of Smithers has made this a priority by improving infrastructure and continuing to work with Access Smithers, a local non-profit group dedicated to bettering accessibility, to improve local accessibility.

<https://www2.gov.bc.ca/assets/gov/government/about-the-bc-government/accessible-bc/accessibility-2024/docs/building-a-better-bc.pdf>

The BC Building Code has recently been updated to include more extensive accessibility requirements as well.

8.7 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Report

Ten years after it was adopted by the United Nations General Assembly, the Government of BC released a statement committing to working in partnership with Indigenous peoples to embrace and implement UNDRIP, which has been accepted by 148 nations, including the Government of Canada. They have made reconciliation a cross-government priority and commit to meaningful reconciliation with First Nations, Métis and Inuit peoples, and a true government-to-government relationship, based on rights, reconciliation and respect.

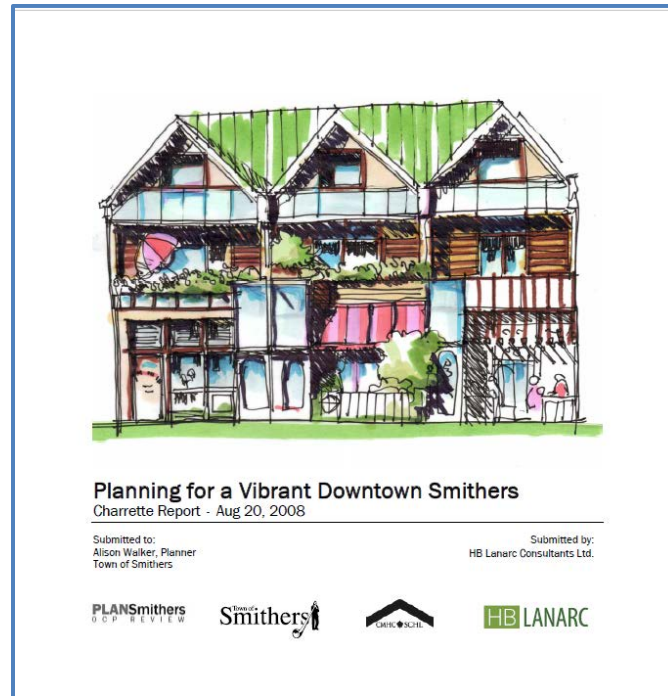
As part of that work, all B.C. cabinet ministers have been tasked with reviewing policies, programs and legislation to determine how to bring the principles of the UN declaration to action in British Columbia.

This commitment also has not yet required a formal commitment from local governments, but the Town of Smithers has made this a priority by signing a Protocol Agreement with the Office of the Wet'suwet'en and engaging in joint initiatives.

http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

9. PLANS AND STUDIES

The Town depends on a number of guiding overarching policy documents such as the Official Community Plan (OCP) to identify a vision and place for the future. These documents are important as they incorporate the community vision and perspective.



The Town also relies on an array of studies and plans to inform and support actions and strategies. Studies play an important role in determining a course of action, as they will assess the feasibility, practicality, capital cost, operational cost, sustainability, community support and other considerations of a proposed project. These factors need to be considered seriously before embarking on a project of significance.

Some additional processes that may be required or recommended prior to undertaking a project of significance are:

- Non-binding referendum to assess community support
- Community consultation
- Referendum or Alternative Approval Process (AAP) to approve debt financing

An additional important role that studies play is in support of grant funding and debt borrowing, many of which require evidence of the feasibility, practicality and sustainability of the proposed project.

Some of the Plans and Studies that the Town uses to guide actions

Plan	Last Update
Smithers Regional Airport Business and Land Use Plan	2000
Airport Wildlife Management Plan	2014
Airport Security Plan	2015
Airport Emergency Plan	2015
Canada Transport Agency Accessibility for All	2016
Zoning Bylaw	2003
Central Park Plan	2003
Paved Roads Plan	2004
Water & Sewer Plans, Stormwater Management Plan	2008
Water Conservation Plan	2010
Official Community Plan	2010
Corporate Energy and Emissions Plan	2012
Community Energy and Emissions Plan	2012
Sustainable Resiliency Plan	2012
Age Friendly Action Plan	2016
Town Property Appraisals	2010
Community Wildfire Prevention Plan	2006
Emergency Plan	2007
Recreation Master Plan	1997
Fall Fair Grounds Land Use Plan	2013
Downtown Landscape Plan	2018
Charrette Report – Planning for a Vibrant Downtown Smithers	2008
<i>Water Asset Management Plan</i>	<i>In development</i>
<i>Sewer Asset Management Plan</i>	<i>In development</i>
<i>Storm Asset Management Plan</i>	<i>In development</i>
BV Arts and Culture Centre Pre-Feasibility Study	2017
<i>Library & Art Gallery Business Plan and Concept Design</i>	<i>In development</i>
Bike Plan (will be incorporated into the Active Transportation Plan)	
Pedestrian Plan (will be incorporated into the Active Transportation Plan)	
<i>Active Transportation Plan</i>	<i>In development</i>
<i>Pavement Evaluation Study</i>	<i>In development</i>
<i>Central Park Development Plan</i>	
<i>Roads Asset Management Plan</i>	
<i>Parks And Playgrounds Asset Management Plan</i>	
<i>Facilities Asset Management Plan</i>	
<i>LB Warner Property Development Plan</i>	
<i>Affordable Housing Strategy</i>	

10. COMMITTEES, COMMISSIONS, BOARDS, CORPORATIONS AND APPOINTMENTS

The Town has a number of committees, a commission, and a board. The general purpose of these committees is not to establish policy but to act in an advisory capacity to Council. The decision-making responsibility and authority remains with Council. A Council may establish and appoint a commission to operate services, undertake operation and enforcement in relation to Council’s exercise of its authority to regulate, prohibit, and impose requirements or to manage property and licenses held by the municipality.

The role of a Councillor appointed to an Advisory Committee is to ensure that the Committee is aware of Council’s position on issues and that Council is briefed on the activities of the Committee.

Members of Council are also appointed to a variety of external boards and community groups to ensure effective communication and to act as an active liaison. Members of Council are present to help outside committees understand Council’s role, restrictions and mandate and to bring information on the group’s activities and goals back to Council.

10.1 Town of Smithers Standing Committees

Standing Committees are those established by the Mayor for matters that the Mayor considers would be better dealt with by committee. At least half the members must be Council members:

Standing Committee – the Mayor or Board Chair may establish a standing committee to consider a matter(s) that would be better regulated and managed by a committee. A standing committee considers items that have been referred to it by the Council or Board and reports back to the governing body with or without a recommendation (Santarossa, 2018. p 10).

10.1.1 Committee of the Whole

This is a Committee of all Council members, which deals with matters in a less formal manner than at a Regular Council Meeting. The Committee of the Whole is a standing committee:

Committee of the Whole – the Council or Regional District Board may sit as a committee of the whole to consider items in more detail and report its findings and recommendations to the governing body (Santarossa, 2018. p 10).

10.1.2 Fall Fair Management Committee

This is a committee established by agreement between the Town of Smithers and the Bulkley Valley Agricultural and Industrial Association.

10.1.3 Smithers District Transit Committee

This committee oversees the Smithers & District Transit System which is managed by BC Transit through an agreement with the Town of Smithers. The Town of Smithers, in partnership with the Village of Telkwa, the Village of Witset and the Regional District of Bulkley-Nechako, contracts the operation of the service to Smithers Community Services Association (SCSA).

10.1.4 Finance Committee:

This committee discusses the Town's operating and capital budgets, and considers and makes recommendations on Town grants.

10.2 Town of Smithers Select Committees

Council may establish and appoint a select committee to consider or inquire into any matter and report its findings and opinions to Council. At least one member must be a Council member:

Select Committee – the Council or Regional District Board may establish a select committee to consider or inquire into a particular matter and report their findings and recommendations to the governing body. These committees typically exist for a specific time period, after which time they cease to exist (**Santarossa, 2018. p 10**).

10.3 Town of Smithers Commission

A Council or Regional District Board may establish a commission to provide advice or undertake work on behalf of the governing body where it does not have the capacity to undertake the initiative directly, where subject matter experts are required or where it decides that specific community involvement in service delivery is warranted (**Santarossa, 2018. p 11**).

Advisory Planning Commission: the role of the Advisory Planning commission (APC) is to represent the Community's interest in planning-related issues affecting the Town of Smithers.

10.4 Town of Smithers Board

Board of Variance: A local government that has adopted a zoning bylaw must establish one or more boards of variance to allow people to request relief from provisions of that bylaw. Members of an advisory planning commission or officers or employees of the local government are prohibited from being appointed to a board of variance.

The board may grant a variance if they find that compliance with the bylaw would cause undue hardship relating to matters such as siting, dimensions and size of buildings. A decision of the board of variance is final so, while the scope of authority is narrow, the degree of authority is significant.

10.5 Wetzinkwa Community Forest Corporation

A community forest is an area-based forest tenure awarded by government to communities to enhance their local control over forest management. The Wetzin'kwa Community Forest Corporation (WCFC) is the licensee responsible for managing the community forest tenure jointly held by the Town of Smithers and the Village of Telkwa.

The governance of WCFC is provided through a six-person volunteer board: three permanent board positions and three directors at large (nominated from the community for three-year terms). Permanent positions include representatives appointed by the Town of Smithers, the Village of Telkwa and the Office of the Wet'suwet'en. Appointments are external to Council. The operation of the WCFC is contracted to a Management Company (Silvicon Services Inc.), providing an arms-length structure from the shareholders.

Wetzin'kwa Community Forest Corporation's general management objectives include environmental, social and economic objectives. Annual profits from the operations are distributed back into the Bulkley Valley in the form of community grants, and to the shareholders in the form of dividends to provide the greatest long term benefit.

The mission statement of the WCFC is "Wetzin'kwa Community Forest Corporation will manage a profitable community forest tenure while providing good forest management stewardship that will sustain forest resource values for future generations."

10.6 Appointments to External Organizations and Groups

10.6.1 Ex Officio Appointments

Ex officio is a term used to describe a membership on a board or committee by virtue of being an elected official or holding some office or position. Representation on these is required, typically by the Mayor.

- Regional District of Bulkley Nechako Board
- North West Regional Hospital District Board
- North West Regional Advisory Committee (a committee of NDIT)
- Resource Benefit Alliance Group

10.6.2 Local Appointments

Several non-profit organizations in Smithers also require or request the presence of a Council member on their board, either through their constitution and bylaws, or less formally. These positions may or may not have voting privileges.

Local boards and committees on which an elected official representative from the Town currently sits include the following:

- Chamber of Commerce Board
- Bulkley Valley Museum Board
- Smithers Art Gallery Board
- BV Airshed Management Society Board
- Access Smithers Board
- Cycle 16 Society Board
- Bulkley Valley Regional Pool and Recreation Centre Advisory Committee
- Office of the Wet'suwet'en Board
- Skateboard Park Expansion Group
- History of Our Shared Relationship Group
- Partnering for Healthy Communities Group

Summary of all of the current appointments					
	Committee, Commission, Board, or Liaison	Rep from Council Required, Optional or Restricted	#	Meeting Frequency	Voting or Non Voting
Board of Variance	Board	Restricted	0		
Regional District of Bulkley-Nechako	Board	Required	1	2/mo	Voting
North West Regional Hospital District	Board	Required	1	5/yr	Voting
North West Regional Advisory Committee (<i>committee of NDIT</i>)	Board	Required	1	4/yr	Voting
Advisory Planning Commission	Commission	Required	1	avg 5/yr	Non Voting
Fall Fair Management	Committee	Required	2	avg 3/yr	Voting
Smithers District Transit Committee	Committee	Required	2	avg 2/yr	Voting
Finance Committee	Committee	Required	7	avg 5/yr	Voting
Partnering for Healthier Communities (P4HC)	Joint Committee	Required	2	avg 5/yr	Voting
Resource Benefits Alliance (<i>no appointment required</i>)	Joint Committee	Required	Mayor	avg 12/yr	Voting
Library Board	Liaison	Required	1	10/yr	Voting
History of Our Shared Relationship Working Group	Liaison	Required	2		Voting
Chamber of Commerce	Liaison	Optional	1	12/yr	Non Voting
Bulkley Valley Museum	Liaison	Optional	1	11/yr	Non Voting
Smithers Art Gallery	Liaison	Optional	1	12/yr	Non Voting
Skateboard Park Expansion	Liaison	Optional	1		
BV Airshed Management Society	Liaison	Optional	1	4/yr	Voting
Access Smithers	Liaison	Optional	1		
Cycle 16	Liaison	Optional	1	12/yr	Voting
Bulkley Valley Regional Pool and Recreation Centre Advisory	Liaison	Required (by group)	2	4/yr	Voting
Office of the Wet'suwet'en	Liaison	Optional	1	11/yr	Non Voting

11. OUTSIDE ORGANIZATIONS IMPORTANT TO THE TOWN

11.1 Local Government Elected Official Organizations



Legislators are strongly influenced by political considerations that include being responsive to groups with particular objectives who actively lobby ministries of the government. Local government organizations that play a role in provincial policymaking include:

11.1.1 North Central Local Government Association

Established in 1955, the North Central Local Government Association is the advocacy body for all local government officials in North Central British Columbia. The NCLGA is the only democratically elected body representing North Central British Columbia. Our Board serves as the voice for an area that encompasses 69% of British Columbia’s landmass, 7% of its population base, and almost 60% of the Aboriginal population.

As a non-partisan, non-profit association, the association works specifically for the benefit of members – communities whose voices are often left unheard because of their size or location. They are one of five area associations in British Columbia, working closely with our partner associations as well as their provincial counterpart, the Union of British Columbian Municipalities.

Member municipalities become involved by initially submitting resolutions of Council for debate and endorsement at the NCLGA Annual General Meeting and conference. NCLGA endorsed resolutions are then submitted to the Union of British Columbia Municipalities for further debate and endorsement. Provincial government representatives are in attendance at UBCM annual conventions and are fully aware of issues of importance coming from member municipalities to be endorsed at the North Central Local Government Association.

On a day-to-day basis, the association works to move resolutions forward, address emerging and shared issues in member communities, and help articulate members’ perspectives & priorities to a broader audience. Resolutions and are passed at the Annual General Meeting each year; emerging issues are gathered through our outreach programs and increased

communication with member communities; and education takes the form of community engagement, newsletters, presentations, and more. Further information on NCLGA is available at <http://www.nclga.ca/>

11.1.2 Union of British Columbia Municipalities

The Union of British Columbia Municipalities (UBCM) is a non-profit organization consisting of members formed for the purpose of representing the various municipalities of the Province in one organization and allowing a common voice for local government. Through conventions, UBCM provides an opportunity for local governments of all sizes and from all areas of the province to come together, share experiences and take united positions. These positions are then taken to other orders of government and organizations involved in local affairs. The Union of British Columbia Municipalities is involved in intergovernmental committees, regular meetings with Provincial Ministers and has contact with senior government on a daily basis. It provides central services for its members through a variety of programs and is an important source of information for local government. An Annual General Meeting and Convention for the Union of British Columbia Municipalities takes place mid-late September. Further information on UBCM is available at <http://www.ubcm.ca/>

11.1.3 Federation of Canadian Municipalities

The Federation of Canadian Municipalities (FCM) represents the interests of municipalities on policy and program matters that fall within federal jurisdiction. Members include Canada's largest cities, small urban and rural communities, and 18 provincial and territorial municipal associations. It has been the national voice of municipal government since 1901. Since then, municipal governments have maintained a strong advocacy role in lobbying the federal government to include municipal concerns in policy development and national decision-making. Through their national organization, FCM makes sure the federal government understands the full impact of their decisions on municipal governments and taxpayers.

The Federation of Canadian Municipalities (FCM) also invites its members to submit resolutions. However, these resolutions should be on subjects of national municipal interest and fall within the jurisdiction of the federal government. Further information on FCM is available at <http://www.fcm.ca>

11.2 Critical Function Organizations



In addition, the Town of Smithers is a member of, or falls within the region of several other important organizations with different and specific roles:

11.2.1 Municipal Finance Authority

Local governments may only borrow from lending institutions for cash flow purposes within a single fiscal year (Jan 1 to Dec 31), usually at the beginning of the year while waiting on tax revenues in June (and the debt is then paid off). All municipalities may only finance long-term debt for capital purposes, and when they do they must borrow from a single lender: The Municipal Finance Authority, an independent agency of the provincial government. The MFA was created in 1970 to pool the more than \$5 billion annual borrowing needs of BC communities through a collective structure. Due to the very low risk, MFA securities are consistently rated by Canadian and U.S. bond rating services in the highest category, so MFA may lend at interest rates far lower than can be acquired by even the largest and most stable businesses. Similar to businesses, municipalities must qualify for a loan. How much a local government may borrow in a particular year, the overall capital debt ceiling and the processes to seek approval are strictly controlled by the *Community Charter*, the *Municipal Liabilities Regulation* and other legislation. Further information on MFA is available at <http://mfa.bc.ca/>

11.2.2 Municipal Insurance Association of British Columbia

In the mid-1980s, local governments in British Columbia were facing a crisis. Liability insurance premiums had increased five-fold for more than half of British Columbia's local governments, deductibles were soaring, and coverage limits were dropping. Most concerning was the lack of available coverage for major liability exposures faced by some governments. It seemed that the only options were either to increase taxes or accept insufficient coverage.

Seeing that the solution was not going to emerge from private industry, communities in BC turned to each other for support. The Union of BC Municipalities created a task force that returned with the recommendation to establish a self-insurance pooling program. In November 1987, the MIABC was born and accepted its first members: all 144 of them.

Over the decades that followed, the organization grew in reach, expertise and capital base. By 2006, the MIABC was able to return dividends to its members for the first time, and has continued to do so every year since but one. Further information on MIABC is available at <http://miabc.org/>

11.2.3 Ministry of Municipal Affairs and Housing (MMAH)

The Ministry of Municipal Affairs and Housing oversees local governments and provides the legislation, authority, permissions and guidance to allow local governments to function. Further information on MMAH is available at

<https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/municipal-affairs-housing>

11.2.4 BC Assessment

BC Assessment maintains real property assessments in compliance with the *Assessment Act*, which requires that properties be assessed as of July 1st each year. To do this, BC Assessment produces assessment information annually to provide tax authorities with a tax base and other information collected about property. Further information on BC Assessment is available at

<https://www.bcassessment.ca/>

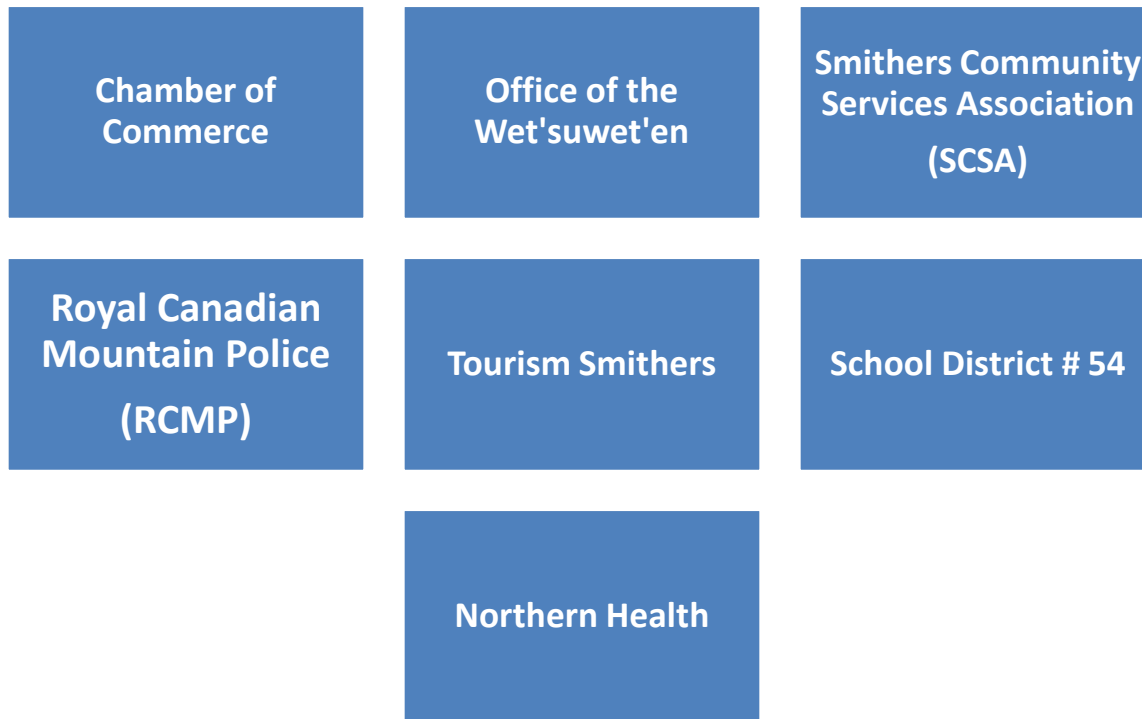
11.2.5 Municipal Safety Association (BCMSA)

The central purpose of the BC Municipal Safety Association is to improve worker health and safety through the sharing of knowledge and resources within local government. The BCMSA holds quarterly meetings to provide information and presentations on a variety of topics, and to provide members with the opportunity for sharing problems and programs. Further information on BCMSA is available at <https://www.bcmsa.ca/>

11.2.6 BC Auditor General for Local Government

The office was created to assist local governments in improving their operations. We give advice and recommendations to local governments to help them deliver their services more efficiently, effectively and economically. By conducting performance audits, the AGLG aims to provide local governments with objective information and advice to assist them in being accountable to their communities.

11.3 Local Partners/Stakeholder Groups



11.3.1 Chamber of Commerce

The Smithers District Chamber of Commerce offers a wide range of services to both members and the community as a whole. They are contracted by the Town to provide Visitor Information Services at the Smithers Visitor Centre, and as such are able to support the tourism industry in addition to their role of advocacy for local business. Further information on the Smithers Chamber of Commerce is available at <http://smitherschamber.com/>

11.3.2 Office of the Wet'suwet'en

The Office of the Wet'suwet'en was created as a central office for the Wet'suwet'en Nation. The Office offers many services throughout the traditional territories focusing on the main areas of Lands and Resources, Fisheries & Wildlife, Human and Social Services and Treaty Negotiations. The Office of the Wet'suwet'en is located in Smithers and has been in its operation since 1994.

The office is not an Indian band or tribal council. The office is governed by the Wet'suwet'en Hereditary Chiefs residing throughout the traditional territories. The Chiefs meet at least monthly and often weekly to address specific issues to direct management.

The Office of the Wet'suwet'en does not receive core funding (continuous funding from one year to the next) from any form of Government. Based on the priorities set by the Board of

Directors, staff negotiate program funding through various sources from federal and provincial governments and foundations. Further information on The Office of the Wet'suwet'en is available at <http://www.wetsuweten.com/>

11.3.3 Smithers Community Services Association

The Smithers Community Services Association (SCSA) has several “branches” in the community. They provide services for people with developmental disabilities, parenting programs, youth programs, public transit systems, and housing sponsored by BC Housing. A number of non-profit service organizations operate within Smithers; SCSA has been selected as an organization of note due to multiple relationships with the Town of Smithers including operation of the transit system created through an agreement between the Town of Smithers and BC Transit. Further information on SCSA is available at <http://www.scsa.ca/>

11.3.4 Royal Canadian Mounted Police

The Royal Canadian Mounted Police (RCMP) is both a federal and a national police force of Canada. The RCMP provides law enforcement at the federal level. The RCMP, as providers of policing services for the town, are an organization of note, but the relationship is more significant as a result of Smithers’ population. As a town with 5400 residents, the Town is responsible for 70% funding for 9 of the 16 General Duty positions, as well as for providing 5 support staff and building costs. The remaining positions are funded by the Provincial and Federal Governments.

Further information on the RCMP is available at <http://www.rcmp-grc.gc.ca/en>

11.3.5 Tourism Smithers

Tourism Smithers is a Destination Marketing Organization with whom the Town maintains a contract relationship for provision of tourism marketing and events. This service is funded through the Municipal Regional District Tax (MRDT – often known as the additional hotel room tax) which is collected by hoteliers, sent to the Province, and returned to the Town for provision of those services which the Town then contracts to Tourism Smithers. Further information on Tourism Smithers is available at <http://www.tourismsmithers.com/>

11.3.6 School District #54

The Bulkley Valley School District (SD54) elected board helps determine educational policy within the regional area which includes the communities of Witset, Smithers, Telkwa, Quick and Houston. It contains seven schools: five elementary and two high schools. It shares power with a larger institution, such as the government's department of education. School District elections are held concurrently with local government elections and the Town and SD54 collaborate on this process. Further information on School Board #54 is available at <http://www.sd54.bc.ca/>

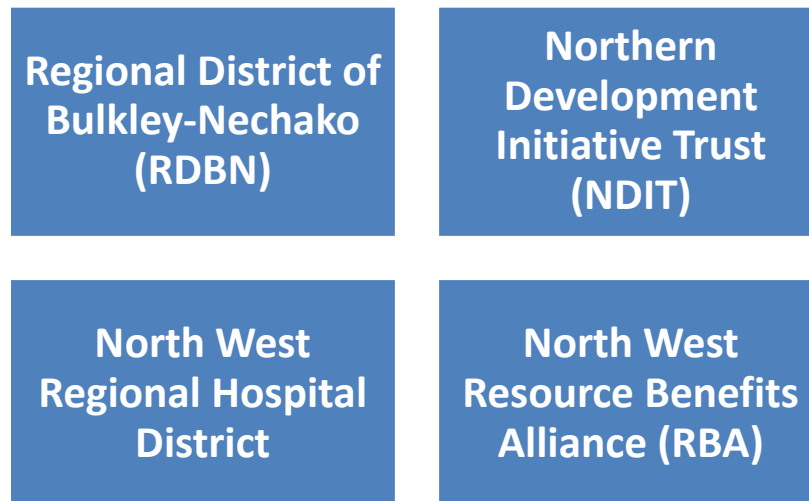
11.3.7 Northern Health

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

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

Further information on Northern Health is available at <https://www.northernhealth.ca/>

11.4 Regional Partners/Stakeholder Groups



11.4.1 Regional District of Bulkley-Nechako

The Regional District of Bulkley-Nechako (RDBN) is a municipal government incorporated pursuant to the Local Government Act of British Columbia. Its assets and liabilities belong to the electorate (residents and property owners) within the geographic boundaries of the RDBN.

The RDBN Board of Directors consists of fifteen elected officials. Eight are appointed by their municipal councils and seven are directly elected to the board from within the electoral areas of the RDBN.

About 38,000 people reside within the RDBN's boundaries. Eight municipalities and seven electoral areas comprise the RDBN:

- Town of Smithers
- Village of Telkwa
- District of Houston
- Village of Granisle
- Village of Burns Lake
- Village of Fraser Lake
- District of Fort St. James
- District of Vanderhoof
- Electoral Areas A (Smithers Rural), B (Burns Lake Rural), C (Fort St. James Rural), D (Fraser Lake Rural), E (Francois/Ootsa Lake Rural), F (Vanderhoof Rural), G (Houston Rural)

Due to population, the Smithers, Vanderhoof and Houston Directors are each entitled to two votes, as are Electoral Areas A and F.

11.4.2 Northern Development Initiative Trust

Northern Development Initiative Trust (NDIT) is an independent regional development corporation that provides funding and capacity to stimulate economic growth in central and northern British Columbia. The Province of British Columbia established NDIT with legislation in 2004 and 2005 through the *Northern Development Initiative Trust Act*. The corporation was infused with two deposits totaling \$185 million, and the Trust's board decided the corporation would be a sustainable funding organization, which means it only grants out a portion of its capital base annually that is balanced with its long-term investment returns.

As a result, NDIT has become a lasting legacy that continues to support economic development throughout central and northern B.C. in perpetuity. Today, the Trust's capital base totals more than \$230 million, and it is a funder of a number of grant programs the Town benefits from.

Further information on NDIT is available at <https://www.northerndevlopment.bc.ca/>

11.4.3 North West Regional Hospital District

The North West Regional Hospital District is the largest regional hospital district geographically in British Columbia. The boundaries include the entire Regional District of Kitimat-Stikine (RDKS) and North Coast Regional District and the western portion of the Regional District of Bulkley-Nechako (RDBN). The Nisga'a Lands were added in Dec 19, 2014 and now have one director on the board. There are 28-member elected Board of Directors. There are 25 municipalities and electoral areas, including the Nisga'a Nation. The population in this district is approximately 80,000.

This district supports 16 facilities, more facilities than any other Regional Hospital District. The North West Regional Hospital District was created to provide funding for the establishment, acquisition, construction, reconstruction, enlargement operation and maintenance of hospitals and hospital facilities. Hospital Districts are governed according to the *Hospital District Act* and the BC Government ministry responsible is the Ministry of Health Services. Further information on the North West Regional Hospital District is available at

<http://www.rdks.bc.ca/content/north-west-regional-hospital-district>

11.4.3 Northwest BC Resource Benefits Alliance

The Northwest BC Resource Benefits Alliance (RBA) was formed to seek a new funding agreement with the province that ensure more of the revenue generated from the northwest remains in the region. The RBA is an association of all 21 local governments across the Northwest from Masset to Vanderhoof. Formed in 2014, the RBA includes all member municipalities and electoral areas of the Regional District of Bulkley-Nechako, the Regional District of Kitimat-Stikine, and the North Coast Regional District.

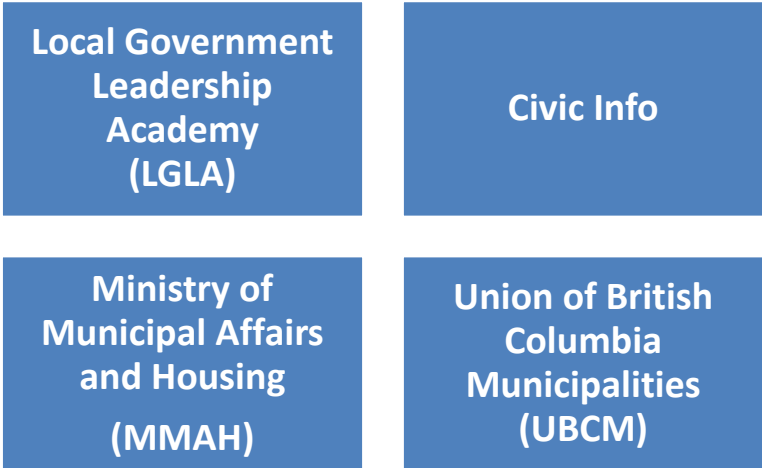
The Northwest economy has traditionally been based upon natural resource extraction, which has generated tremendous amounts of wealth for the Province. Little additional local revenue is generated by major capital projects because development is largely outside municipalities and has wide-ranging impacts. Local residents and businesses subsidize the provincial government, creating a significant competitive disadvantage for the region.

While over the past five years more than \$13 billion has been spent on major capital projects in the region from which the provincial government has earned at least \$500 million in incremental revenue associated with these projects, none of those revenues have been returned to the local governments to recognize the impacts that resource development has on those communities.

A funding agreement will allow local governments to better encourage economic development in the northwest and ensure that development creates good local jobs and sustainable, livable communities.

More information on the RBA is available at <https://www.nwresourcebenefits.ca/>

12. EDUCATIONAL RESOURCES



Town of Smithers elected officials also have access to educational resources:

12.1 Local Government Leadership Academy

The Local Government Leadership Academy is a leadership development initiative that serves local government and First Nations elected officials and senior administrators throughout the Province of British Columbia by improving the competencies needed to effectively manage and lead BC's communities. The LGLA is governed by a board representing the Union of BC Municipalities, Ministry of Community Services, Local Government Management Association, Municipal Finance Authority, and First Nations Leadership Council. The Municipal Insurance Association and BC Assessment also have the opportunity to sit on the LGLA Board.

The LGLA provides a seminar early each electoral term for Newly Elected Officials and Returning Officials, usually delivered in each region. In addition, it offers a certificate program for local elected officials. The LGLA website has information on previous presentations and other resource materials. Further information on LGLA is available at <http://www.lgla.ca>

12.2 Civic Info

CivicInfo BC is British Columbia's local government information hub. This portal website has operated since April 2000, providing a wide variety of tools and information resources for those who work, or have an interest, in the province's local government sector. In 1998, a needs assessment funded by the Union of BC Municipalities identified the need for a comprehensive, online local government information service. To make this a reality, a steering committee of the province's major municipal organizations was assembled, and seed funding was secured. Further information on Civic Info is available at <https://www.civicinfo.bc.ca/about-us>

12.3 Union of BC Municipalities

The Union of BC Municipalities (UBCM) maintains a number of educational resources on its website to support its members. Further information is available at

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

12.4 Ministry of Municipal Affairs and Housing

The Ministry of Municipal Affairs and Housing also provides educational resources in supporting local governments. Further information on MMAH is available at

<https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/municipal-affairs-housing>

12.5 Local Orientation and Support

An orientation program is provided at the Town for newly elected and returning members. This program is designed to provide solid foundational information and tools to elected officials and to help them build the skills to perform effectively in their roles.

A schedule of the orientation events provided by the Town has been included in the attachments to the handbook.

CONCLUSION

As you may notice, governing in local government is not the same as managing a private business. While the rules and laws may seem overwhelming, this booklet provides a foundation of information for reference and support, and your peers and staff are always available to help interpret and understand the framework within which we operate.

Our hope is that you will find this handbook useful in developing effective governance skills and building your knowledge of local government. And while the business of governing a local government is serious, we hope that it will also support you in gaining satisfaction and enjoyment from your term on Council.

ATTACHMENTS AND LINKS

Remuneration and Expense Reimbursement

1. [Policy COU-007 Council Remuneration](#)
2. [Policy FIN-014 Travel Expense - Mayor & Council](#)
3. [Policy ADM-023 Professional Development](#)
4. [Sample reimbursement form](#)

Parliamentary Process Documents

1. [Effective Meeting Checklist](#)
2. [Which Hat Are You Wearing Now?](#)
3. [Bylaw No. 1766 - Council Procedure](#)
4. [Bylaw No. 1814 Council Procedure Bylaw No. 1766 Amendment No. 17-01](#)
5. [Best Practices Guide to Open Meetings](#)

Role Documents

1. [Understanding the Role of the Chair](#)
2. [Role of the Mayor](#)
3. [Role of the Councillor](#)
4. [What is Governance? What is the Role of Council?](#)

Governance and Ethics Resource Documents

1. [Council-Staff Relations](#)
2. [Policy COU-001 Code of Ethics for Members of Council](#)
3. [Policy COU-003 Council and CAO Covenant](#)
4. [Leadership Governance Tips](#)
5. [Governance Requires a Different Mindset](#)
6. [Ethics Booklet](#)
7. [Governance Evaluation Checklist](#)
8. [Governance and Ethics Committee](#)
9. [Council – Staff Relations paper](#)

Responsible Conduct Documents

1. [WGRC Joint Update letter](#)
2. [Foundational Principles of Responsible Conduct](#)
3. [Model Code of Conduct](#)

4. [Companion Guide to Code of Conduct](#)
5. [Elected Official Direction to Staff](#)
6. [Working Together](#)
7. [The Ethics of Speaking One's Mind](#)
8. [Saying You're Sorry](#)

Legal Resource Documents

1. [Legal Municipal Councillor's Handbook \(2015\)](#)
2. [Guide for Elected Officials in BC \(2014\)](#)
3. [Case Law Examples of Conflict of Interest](#)

Finance Resource Documents

1. [A Guide to Understanding Municipal Financial Statements](#)
2. [Debt Financing in Local Governments](#)
3. [Municipal Finance Authority](#)
4. [UBCM Comment on Fiscal Management](#)
5. [UBCM Response to CFIB Property Tax Report](#)
6. [An Analysis of Property Taxation](#)
7. [Strong Fiscal Futures](#)
8. [Who's Picking Up The Tab – Federal and Provincial Downloading onto Local Governments](#)
9. [Staffing Needs and Drivers](#)

First Nations Relations Documents

1. [Office of the Wet'suwet'en and Town of Smithers Protocol Agreement](#)
2. [Shared Histories Project Report](#)
3. [Truth & Reconciliation Calls to Action](#)
4. [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#)

Economic Development Documents

1. [Local Economic Development Summary Report \(2016\)](#)
2. [Local Economic Development Infographic Summary \(2016\)](#)
3. [Evaluating the Economic Development Role of BC Local Governments Summary Report \(2010\)](#)

Housing Documents

1. [Northern BC Housing Study Introduction and Overview](#)
2. [Smithers Housing and Community Profile](#)
3. [UBCM Progress Update on Housing](#)
4. [Opportunity for All \(Poverty Reduction Strategy\) Backgrounder](#)

Local Government General Documents

1. [Elected Officials Community Effort Booklet](#)
2. [UBCM Local Government Fact Sheets](#)
3. [BC Climate Action Charter](#)
4. [Executive Summary of FCM's 2013 report on The State of Canada's Cities and Communities](#)

Local Documents

1. [Orientation Schedule](#)
2. [Organizational Chart](#)
3. [List of Plans and Studies](#)
4. [Council Strategic Priorities 2015-2018](#)
5. [Year End Municipal Markers \(2017\)](#)

Other Organizations

1. [Regional Districts](#)
2. [Northern Development Initiative Trust](#)

Additional Resource Documents provided

1. [2017 Annual Report](#)
2. [Bylaw 1614 - Official Community Plan](#)
3. [Acknowledging Wit'suwit'en Territory – a Bridging Committee Booklet](#)
4. Shared Histories (if a new member of Council)

Links

1. Community Charter - http://www.bclaws.ca/civix/document/id/complete/statreg/03026_00
2. Local Government Act - http://www.bclaws.ca/civix/document/id/lc/statreg/r15001_00
3. Accessibility 2024 - https://www2.gov.bc.ca/assets/gov/government/about-the-bc-government/accessible-bc/accessibility-2024/docs/accessibility2024_update_web.pdf

4. Local Economic Development in BC 2016 Report Results Table -
https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/economic-development/learn-from-experts/stakeholder-engagement-assets/2016_led_survey_technical_report.pdf
5. Local Economic Development Strategic Planning Toolkit -
<https://www2.gov.bc.ca/gov/content/employment-business/economic-development/plan-and-measure/strategic-planning-toolkit>
6. Evaluating the Economic Development Role of BC Local Governments 2010 full report -
<https://www.ubcm.ca/assets/Resolutions~and~Policy/Policy/Community~Economic~Development/UBCM%20ED%20REPORT%204-14.pdf>
7. Building a Better BC for People with Disabilities (a 2017 update to Accessibility 20204) -
<https://www2.gov.bc.ca/assets/gov/government/about-the-bc-government/accessible-bc/accessibility-2024/docs/building-a-better-bc.pdf>
8. Truth & Reconciliation Commission Executive Summary -
http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Exec_Summary_2015_05_31_web_o.pdf
9. FCM 2018 report on forces that will shape Canada over the next 20 years *Canada's Horizons* - https://fcm.ca/documents/members_only/fcm-canada-horizons-en.pdf?cldee=YXlhbmNpd0BzbWl0aGVycy5jYQ%3d%3d&recipientid=contact-238a5392ded9e61181c0005056bc2daa-77c247e9477647b2bb7521ef8192e621&esid=416a55dd-85ab-e811-80cc-005056bc7996
10. FCM 2015 report on Senior's Housing -
https://fcm.ca/Documents/reports/FCM/Seniors_and_Housing_Report_EN.pdf
11. FCM report for the 2015 Federal election platform on a Roadmap for Strong Cities and Communities - https://fcm.ca/Documents/reports/FCM/FCM_Roadmap_EN.pdf
12. FCM 2015 report on Strengthening the Foundations of Housing -
https://fcm.ca/Documents/reports/FCM/Built_to_Last_Strengthening_the_foundations_of_housing_in_Canada_EN.pdf
13. FCM 2012 report on Trends in Rental Housing -
https://fcm.ca/Documents/reports/FCM/No_Vacancy_Trends_in_Rental_Housing_in_Canada_EN.pdf
14. FCM 2013 full report on the State of Canada's Cities and Communities -
https://fcm.ca/Documents/reports/The_State_of_Canadas_Cities_and_Communities_2013_EN_web.pdf
15. FCM 2018 municipal recommendations report on ending poverty -
https://fcm.ca/Documents/issues/Poverty_Reduction_EN.pdf?cldee=YXlhbmNpd0BzbWl0aGVycy5jYQ%3d%3d&recipientid=contact-238a5392ded9e61181c0005056bc2daa-1499f62162974a1eb6bc928fd12e4168&esid=a8ac7075-f8a6-e811-80cc-005056bc7996

16. National Housing Strategy 2017 - <https://www.placetocallhome.ca/pdfs/Canada-National-Housing-Strategy.pdf>
17. Federal Poverty Reduction Strategy 2018 - <https://www.canada.ca/en/employment-social-development/programs/poverty-reduction/reports/strategy.html>

Works Cited

Bish, Robert L. and Clemens, Eric. "Local Government in British Columbia". 3rd ed., *Union of British Columbia Municipalities*, 2008.

B.C. Chamber of Commerce. "B.C Municipal Property Tax Policy – Fairer Taxation for Business". 2014

Buchan, Rob. "Examining Approaches to Defining and Maintaining the Role of Mayor, Council, and the CAO in New Zealand: Lessons for British Columbia". *Local Government Management Association of British Columbia*. 2016.

Cuff, George B. "Making a Difference: Cuff's Guide for Municipal Leaders" Vol.1. *Municipal World*, 2002, municipalworld.com/making-a-difference-vol-1.

Duffy, R., Royer, G., & Beresford, C. "Who's Picking Up The Tab? Federal and Provincial Downloading onto Local Governments". *The Columbia Institute*, 2014.

Expert Panel on B.C.'s Business Tax Competitiveness. "Report of Expert Panel on B.C.'s Business Tax Competitiveness". 2012.

Fenn, Michael and Siegel, David. "The Evolving Role of City Managers and Chief Administrative Officers". *Institute on Municipal Finance & Governance*, 2017.

Inwood, Gregory J. "Understanding Canadian Public Administration". 4th ed., *Pearson Canada*, 2012.

Jacobsen, Dag Ingvar. "Are the Relations Between Politicians and Administrators at the Local Level Determined by the Degree of Central Government Regulations?." *ECPR, Joint Sessions Workshops*. No. 21. 2001.

Kitchen, Harry and Slack, Enid. "Property Taxes and Competitiveness in British Columbia". *BC Expert Panel on Business Tax Competitiveness*. 2012.

Santarossa, Sonia. "Clerks and Corporate Officers Handbook for Local Government Organizations". *Local Government Management Association of British Columbia*. 2018.

Svara, James H. "Dichotomy and duality: Reconceptualizing the relationship between policy and administration in council-manager cities." *Public administration review* (1985): 221-232.

Union of BC Municipalities (UBCM). "Comment on Fiscal Management in British Columbia's Municipalities". 2011.

Report on the Governance Audit for the District of Lillooet

District of Lillooet

Excellence in Governance Workshop

George B. Cuff, FCMC

June 1st-2nd 2010

The following are some of the observations of the Consultants (George Cuff and Ron Born) relative to the workshops conducted with the District of Lillooet on June 1-2 2010.

Our Presentation

Our summary reflects a combination of the slides presented and key issues we addressed.

What We Have Done

- Reviewed background materials
- Interviewed all members of senior staff; some front office staff
- Interviewed all members of Council
- Spoke at a meeting of the public
- Interviewed some members of the broader community
- Prepared a PowerPoint report; provided confidential advice to CAO
- Followed up with this somewhat more detailed report.

System Improvements

- Without intending to be self-serving, the fact that Council and management have undertaken this mini-audit is very progressive and should be commended in the community. This can be stressful and yet rewarding...

Critical Importance of "Tone at the Top"

- One of the most significant issues that every Council and senior management team must address is how these two leadership bodies will inter-relate. Council has the important policy governance role while the administration, as led by the Chief Administrative Officer, is expected to advise on Council's policies and to implement the procedures and strategies to implement the direction of Council.

Report on the Governance Audit for the District of Lillooet

□ Role Clarity the Key

We discussed the legislated roles of your Council as well as those roles which might be defined as more generic in nature.

Roles of Council

I stated that your Council has a paramount role in leading the District of Lillooet in terms of what the citizens view as the critical issues which need to be addressed and the essence of the District which the citizens wish to see preserved. These roles include leadership (establish the vision, priorities; ensure dispute resolution); decision-making (ensure best process; provide for access to quality information & advice); public participation (determine best approach); facilitating open door communication (provide access; ensure information available; don't over-react; guard resources (set policies; monitor; meet with auditor); and policy leadership (identify the issues; review/refine/update/observe).

□ Impact of Council-Chief Administrative Officer Relationship

The ability and success of the Council of any District or municipality is heavily influenced by the supporting role played by the Chief Administrative Officer. This role is akin to the narrow portion of the hour glass wherein the information flows up through the Chief Administrative Officer to Council and down through the Chief Administrative Officer to the rest of the organization.

Building on the roles of Council and the Chief Administrative Officer, I described what I see as some of the key foundational planks of a solid Council-management relationship. These are the essential building blocks to a good relationship and ought to be reflected in how the Council and Chief Administrative Officer (In particular) inter-relate.

- ✚ Clear expectations
- ✚ Trust and respect
- ✚ Courteous, respectful service
- ✚ Advice to Council on District's strategic plan
- ✚ Regular performance reviews
- ✚ Concurrent & comprehensive information
- ✚ Monitoring of role boundaries

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□ Critical Need for Council to Have a Strategic Focus

Council's strategic agenda is not defined by what appears on the bi-weekly Council agenda package. Rather, the strategic agenda is what a Council believes needs to be tackled over the next 3-5 years (and beyond) as priority items. The creation of this list should be the result of a solid briefing by management of what they see as priorities for future District health (e.g. long term plans, transportation networks, trails, parks, new underground infrastructure, recreation facilities) and what the Council hears during an election campaign.

Without this focus Council's attention is too readily focused on the here and now and not on those priorities which will consume the most dollars and take the longest time.

□ Respect for Each Other; Policy Disagreements Inevitable

Each Council consists of a variety of individuals and personalities. This body of people may agree on the District's key issues or may not. There is certainly no guarantee that all members of Council will see the issues the same or with a similar sense of urgency or importance. The key is to be able to articulate the issues and policy differences clearly and then agree to disagree agreeably. The respect for each other the right of each to hold differing opinions is central to good government.

□ Effective and Ongoing Communication Critical

It has been said that communication is the lifeline of any organization. That is true. In order to evidence characteristics of sound health, an organization must be able to ensure that its messages flow across the entire system so that all those involved in the service delivery are equally well-informed on what is expected and when. Similarly, each member of Council has a co-equal right to information and an expectation that all critical information will be delivered concurrently to each member. The Mayor's office needs to have protocols in place which ensure that each Councillor is informed, as does the Chief Administrative Officer and his administration.

□ The Ethical Bar Begins with Council-Chief Administrative Officer

While a Code of Ethics sends an important message to the organization actually living it out is more important. The administration of the District takes their cue from the top: the Council and management need to show by their actions that ethical behavior is expected from themselves and from everyone on the system.

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☐ Attitude of Service to Others

Local government is about service. It is not about self-aggrandizement or ego fulfillment (although feeling a sense of accomplishment is always acceptable and indeed expected). This business is framed by what our elected officials can do for those in need. Citizens are not able to do everything for themselves individually; but they are prepared to share in the costs of providing services which all can access. A Council is the body charged with defining what those services are and the level by which they will be provided by the civil service.

The Two Dimensions of a Governance Agenda

As I described it, there are essentially two main elements of a “governance agenda”. Both of these work collaboratively in the guiding of the District’s decision-making and use of resources.

1. Community Well-Being

How do we as the governing body add to the current quality of our community? What priorities of this Council will contribute to a sense of moving ahead on a broader District agenda?

2. Good Governance

How do we as the governing body ensure that we act in such a way as to improve the quality of governance we practice? A Council cannot improve in one dimension without positively impacting the other. Without any real focus, it is doubtful if there will be any lasting improvement in either.

How Does a Council Act?

- ✚ Councils need to uphold their ideals of honesty, fairness to each citizen, non-discrimination, transparency
- ✚ Each Councillor is expected to vote his/her convictions based on what their “gut sense” tells them is in the best interests of the majority of residents
- ✚ Each Councillor must weigh all the relevant facts and information before determining how to vote; 3 aspects to every good decision: agenda package, discussion with colleagues, input by the administration.

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Defining Characteristics of Effective Governing Bodies

There are certain key defining characteristics of an effective governing body. These characteristics are understood to be:






1. Governing Bodies have a Clear Understanding of Vision, Values
 - Goals & priorities articulated, remembered, measured
2. Governing Bodies Respect Their Role
 - Sound, comprehensive orientation at outset for all
 - Refuse to take on roles assigned to others
 - Create/maximize potential synergies with others e.g. ABCs, neighbouring municipalities
 - Build solid team with administration based on mutual respect
 - Primacy of Council always respected
3. Governing Bodies Communicate
 - Ensure appropriate communication channels for public to impact District policies and decision-making
 - Ensure District's techniques of communicating its messages to the public are consistent, ethical and transparent
 - Provide regular messages on the District's performance against stated goals/priorities of Council
4. Governing Bodies Create a Learning Environment
 - Council appreciates role in improving governance
 - Participates at training sessions
5. Governing Bodies Focus on Policy Leadership
 - Identification of policy issues
 - Councillors question "what's the policy issue here?"
6. Governing Bodies Create a Strategic Agenda
 - Core vision, values, goals/priorities led by Council
 - Priorities communicated clearly/regularly to the public
 - Public requested input on priorities on a tri-annual basis
 - Address the key question "what value do I add to the way in which this District functions?"

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7. Governing Bodies Maintain a Willingness to be Open to Change
 - Urban environments not static; continually faced with environmental changes
 - Willingness to challenge old or current ways
8. Governing Bodies Tolerate Differences & Distinctions
 - Others and you (!) can be wrong
 - Colleagues on Council reflect differing views; still trying to achieve what's in best interests of the District
 - Not everyone needs to be in total agreement for the District to move its agenda forward
9. Governing Bodies Seek & Ensure Feedback
 - Community input on District's view of what constitutes the key issues
 - Feedback to the CAO on at least an annual basis formally & on ongoing basis throughout the term
10. Governing Bodies Measure & Report the Results
 - Mechanisms measure both direction & results of Council's progress towards key objectives
11. Governing Bodies Keep a Positive Focus
 - Find ways to minimize negative personal relations
12. Governing Bodies Stress Importance of Ethical Behaviour

Council's Expectations of Administration

The following list of what a Council expects of its administration is gleaned from over 30 years of experience in dealing with Councils and their senior management. In particular, the Council expects to develop a relationship with the administration that is grounded in integrity and openness. Council members also expect their administration to:

-  Provide first-rate advice
-  Offer effective service delivery to public
-  Carry out Council decisions
-  Respect Council
-  Conduct affairs with integrity

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- ✚ Model stewardship
- ✚ Be responsive to Council requests
- ✚ Operate within policy
- ✚ Respect the structure
- ✚ Manage performance
- ✚ Keep priorities straight
- ✚ Stay away from political games; stick to the knitting.

Administration's Expectations of Council

Similarly, the administration has certain expectations of their members of Council.

These expectations include:

- ✚ Acknowledge professional expertise of staff
- ✚ Prepare for meetings; read the material
- ✚ Remember to honour the primacy of the table
- ✚ Focus on Council's role; provide policy leadership
- ✚ Operate within policy
- ✚ Respect the structure
- ✚ Establish clear priorities
- ✚ Have a solid working relationship with the Chief Administrative Officer & administration
- ✚ Focus on the big picture through policy setting.

What is Governance?

- ✚ The responsibility conferred on the leaders of an organization to make decisions in the best interests of the whole community and organization while keeping in mind its mandate, vision, priorities and fiscal capacity. It is a process of effective decision-making.

How is it Achieved?

Governance is achieved by:

- ✚ Effective decision-making by Council
- ✚ Reasonable avenues of input for the public
- ✚ Ongoing advice and reports from senior management
- ✚ Thoughtful reflection on the key issues

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- ✚ Focus on the strategic priorities of the Council
- ✚ Regular, planned feedback processes.

Key Roles of the Chief Elected Official

I described to Council my understanding of what the legislation says with respect to the role of the Mayor. I indicated that the Mayor's role is "one of" and yet distinct from that of the rest of Council. There are certain provisions in legislation which speak only to the Mayor's role and which place an onus on the Mayor to act in a certain fashion as the head or leader of Council. This requires the Mayor to be cognizant of the Council's positions on the key issues and to espouse those publicly. It is the "will of Council" that the Mayor is to convey and not his own (unless that has been previously endorsed by resolution of Council).

The Mayor is to be viewed as:

- ✚ Leading
- ✚ Chairing
- ✚ Communicating
- ✚ Contacting/Networking
- ✚ Speaking
- ✚ Advocating
- ✚ Bridge-Building
- ✚ Monitoring
- ✚ Seeing ahead.

The Challenges of Being Mayor

There are certain challenges to the office of a Mayor which have been identified as a result of my work across Canada. While these may not be a factor here in Lillooet, they should be recognized as potential problem areas so that both the Mayor and his colleagues on Council are attuned to what could go off the rails without due diligence. These challenges are as follows:

- ✚ Leading without dictating
- ✚ Being present without administering; respecting role of CAO
- ✚ Being supportive without nurturing friendships
- ✚ Identifying any Council relationship issues & dealing with them

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- ✚ Being open to new ideas; respecting the right of each to differ
- ✚ Being a team leader without forsaking team discipline
- ✚ Encouraging pride in community's accomplishments while deferring credit to the team for Council's progress.

Key Roles of the Chief Administrative Officer

The Chief Administrative Officer is the key link between the elected Council and the appointed administration. His role and the Council's respect for it are essential to good governance happening in an atmosphere of mutual trust and respect. The Chief Administrative Officer is expected to be:

- ✚ Primary advisor to Council; RFDs on all issues
- ✚ Team leader of the staff
- ✚ Advisor to the staff; disciplinarian as need arises
- ✚ Approval authority for administrative actions
- ✚ Implementer of Council decisions
- ✚ Quality control of advice up & action down
- ✚ Partnership builder with other managers in the region

Challenges of Being a CAO

There are certain challenges to the office of a Chief Administrative Officer which have been identified as a result of my work across Canada. While these may not be a factor here in Lillooet, they should be recognized as potential problem areas so that both the Chief Administrative Officer and his colleagues in the administration are attuned to what could go off the rails without due diligence. These challenges are as follows:

- ✚ Leading without dictating
- ✚ Being friendly without currying favour/friendships
- ✚ Empowering while still monitoring
- ✚ Adjusting to new agenda; assisting Council rather than directing Council; respecting all members of Council
- ✚ Being the source of good ideas; respecting the ideas of others
- ✚ Managing at home while building network with others
- ✚ Continually seeking improvements; not satisfied with status quo.

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Relationship Between Governing Body and Its Chief Officer

- ✚ A respect for the mandate and authority of each other
- ✚ Trust in commitments made
- ✚ Confidence in the word of each other including the ability to handle confidential information appropriately
- ✚ A desire to help the governing body achieve its mandate
- ✚ A willingness to implement decisions of the governing body even when those decisions do not reflect the advice of the administration
- ✚ A recognition by the governing body of the professionalism of the administration and its ability to get the job done
- ✚ Full disclosure of necessary information
- ✚ Non-interference in allowing the CAO to get the job done.

Council-Management Relationships

What is required?

- ✚ Understanding of the roles/responsibilities of senior staff, particularly the powers of a CAO
- ✚ Respect by administration for the role that you play; understanding what that role is
- ✚ Opportunities for joint work on key issues e.g. strategic plan
- ✚ Monitoring of the relationship by CEO and CAO
- ✚ Frankness with regard to issues affecting the administration

What is harmful?

- ✚ Personal friendships
- ✚ Believing every rumour you hear
- ✚ Trying to get staff on your side
- ✚ Seeing staff as one of you (they aren't)
- ✚ Adopting an unquestioning attitude towards reports

Principles of a Sound Relationship

- ✚ Principle 1: Clear Expectations: Roles must be written and clarified for the following: Mayor & Councillors, committees, Chief Administrative Officer, department heads

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- ✚ Principle 2: One Employee
- ✚ Principle 3: Trust & Respect
- ✚ Principle 4: Personal Relationship to the CAO
- ✚ Principle 5: Complaints about the Behaviour of a Council Member
- ✚ Principle 6: "No Surprises"
- ✚ Principle 7: Current Skill Development
- ✚ Principle 8: Sound Decision-Making Processes
- ✚ Principle 9: Concurrent Information
- ✚ Principle 10: Monitoring how well it's working: regular performance reviews; adherence to role boundaries

Where Friction can Develop between a Council and its Public

- ✚ Sense that Council is not listening
- ✚ Council too secretive; too many in camera meetings
- ✚ Council members not approachable; seem too powerful
- ✚ Council not prepared to listen (effectively)
- ✚ Council too willing to rely on their staff
- ✚ Council not interested in us as (businesspeople, taxpayers, community group members, etc)
- ✚ Meetings are too complicated, too long, too formalized

What Constitutes the Gold Seal of Good Governance?

1. Clarity of mandate and authority
2. Effective orientation
3. Clear decision-making (governance) processes
4. Full disclosure by CAO/administration to Council
5. Independence of the governing body
6. Intentional leadership on the key issues
7. Oversight to policy decisions
8. Stakeholder (citizen) values and concerns
9. Effective advocacy to other levels of government & to neighbours
10. Ongoing & effective fiduciary monitoring
11. Continual reporting on results; accountability

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12. Succession planning

Bridging the Governance Gap

One of the key challenges for any Council and senior management lies in not only recognizing the source of some of the problems between them and their respective agendas but also in identifying ways to bridge the gap and work towards solutions which are or have the potential of being ongoing. This requires that steps be taken to:

- ✚ Council is expected to lead; that is what it does best; this leadership should be obvious and respected
- ✚ Seek alignment between Council and management
- ✚ Discuss with Council what issues create problems in their governance processes
- ✚ Clarify roles and responsibilities between Council and senior management
- ✚ Ensure there is buy-in to a set of guiding principles
- ✚ Discuss what role the Mayor plays and how that can be strengthened or modified
- ✚ Seek opportunities for open discussions on structure/roles/model
- ✚ Build in examples wherein Council's agenda can be reflected
- ✚ Provide useful opportunities for reflection, discussions, decisions
- ✚ Review all points of contact in Council-management interface
- ✚ Reflect on what messages are being sent
- ✚ Adopt a continuous improvement philosophy
- ✚ Recognize Council's 3 year agenda; get Council's understanding and commitment to the Strategic Plan process and priorities; focus on the top 5-6 priorities; do not get bogged down into minutiae
- ✚ Ensure that Council is involved in the budget process in a significant way and not simply at the fringes; it is COUNCIL'S budget to "sell" to the community
- ✚ Build accomplishments into that time frame and beyond
- ✚ Manage public expectations and media attention
- ✚ Invite community groups to share what they are doing in the community through brief presentations to Council at the start of Council meetings.

What Outcomes Should You Seek?

- ✚ A community that believes in itself

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- ✚ A community that celebrates achievement
- ✚ A community where the talents of everyone are utilized and appreciated
- ✚ A community with a clear sense of priorities
- ✚ A community that reaches out to its neighbours
- ✚ A community that is recognized by other levels of government
- ✚ A community where young children can age, go to school, find work, raise families, contribute

Keys to Success

I described what could be described as the keys to “success” in the ongoing resolve to better Council’s leadership of the community and the supportive role to be played by the Chief Administrative Officer and his administration. These keys include:

- ✚ Open process of decision-making
- ✚ High ethical standards
- ✚ Clear, focused agenda
- ✚ Appropriate use and role of committees and task forces
- ✚ Communication in/out on the issues
- ✚ Keep focused on the priorities
- ✚ Provide assurance to the public; build confidence.
- ✚ Respect for the office of Mayor and Councillors
- ✚ Respect by Council for professionalism of management
- ✚ Cooperation between Council & management in developing the strategic agenda
- ✚ Respect for Chief Administrative Officer and each other
- ✚ Avoidance of political games between Council and management
- ✚ Evidence of commitment to continuous improvement by both Council and management as leaders of the organization and of the community.

Our Observations

- Council’s Role (Part One)
 - ✚ Appears to be trying to do the right things

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- ✚ Have a Strategic Plan; do establish annual priorities; not sure how well-understood these are
- ✚ Trying to be fiscally responsible
- ✚ Trying to fulfill their governing role as Council; focused on steering rather than rowing
- ✚ Recognize need to improve communication with the public.

Council's Role (Part Two)

- ✚ Not as proactively engaged as needed
- ✚ Have been overly concerned regarding responses by ratepayers' group (trying to improve their responses)
- ✚ Need to focus on how to re-establish trust in the community
- ✚ Confidential issues need to be retained inside Council chambers
- ✚ Focus has to be on improving lines of communication
- ✚ Should receive a regular briefing from CAO
- ✚ Should celebrate past Councils and Mayors (e.g. pictures in Chambers).

Governance

- ✚ Council's committees and boards appear to have terms of reference; limited value; seldom mentioned
- ✚ Two committees currently active: Select Forestry Committee, Select Lillooet Foundation Committee
- ✚ Council should review what advisory input it requires and how best that could be provided
- ✚ "Value-added" of current list of "standing" and "select" committees appears in question
- ✚ Review current approach to Regional District and ensure improved communication
- ✚ Consider expanding the size of Council

Management's Role (Part One)

- ✚ Lot of dedicated, hard-working people
- ✚ Senior staff generally well-respected
- ✚ District fortunate to have this calibre of department heads; hold on to them

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- ✚ Good work on orientation manual
- ✚ Some good work on strategic planning; assistance to Council
- ✚ Some recognition of need to keep up skills
- ✚ Some ad hoc socializing amongst staff

Management's Role (Part Two)

- ✚ Limited planned communication on key projects and planned departmental activities
- ✚ No performance feedback system
- ✚ No planned orientation program for new staff
- ✚ Department heads not communicating well with their external publics; limited consultation with key groups
- ✚ HR not formally designated; no systematic approach
- ✚ Training encouraged but not planned
- ✚ Develop administrative strategic plan within umbrella of Council's strategic initiatives; update annually the Corporate Strategic Plan and Economic Opportunities Plan

Role of the Mayor (Part One)

- ✚ New to the position of Mayor (first term); has had experience on Council previously
- ✚ Gaining a better understanding of the role quite well; prepared to make changes; not prepared to accept the abuse as being a necessary or acceptable part of local government
- ✚ Understands the need for strategic planning
- ✚ Recognizes personal limitations; prepared to access help of others in public contacts
- ✚ Has a good working relationship with the CAO
- ✚ Appears to have a good relationship to Minister

Role of the Mayor (Part Two)

- ✚ Must be increasingly engaged with the public; Mayor is the community "face" (e.g. the speech to the C of C)

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- ✚ Must continue to be patient with the nay-sayers; cannot afford to function in the gutter
- ✚ Relationship to CAO must continue on a respectful, professional basis.

Role of the CAO (Part One)

- ✚ Has a signed employment agreement
- ✚ Understands that CAO role is central to ability of District to function effectively
- ✚ Understands need for strategic planning and priority setting
- ✚ Values the staff that he has
- ✚ Has had a 360° feedback loop with his direct reports; somewhat useful
- ✚ Committed to personal upgrading/development

Role of the CAO (Part Two)

- ✚ Does not always communicate effectively
- ✚ Does not provide staff with performance feedback on any formalized, scheduled basis
- ✚ Needs to discipline/question behind closed doors
- ✚ Is not clear regarding what he has on his platter or on the platter of those reporting to him
- ✚ Needs to reduce span of control (Corporate/Fiscal Services, Operational Services, Leisure Services, Economic Development Services, Fire Services)
- ✚ Ensure that Mayor acts as the public spokesperson

Future of Lillooet

- ✚ Need to establish a better identity for this community
- ✚ Should hold, at minimum, a one evening session with all key community spokespersons to engage in a brainstorming, thought-provoking session outlining who are we; where are we at; what impediments, what success stories/features, what 5 key things do we focus on for next 12-24 months

Recommendations

1. Enhance orientation program for all members of Council (whether by election or by-election)
2. Remove negative signage on Council walls
3. Replace with strategic plan goals and objectives

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4. Identify clearly Council and management's action steps/implementation plan
5. Review current policy bank; update; sign off on applicable policies
6. Develop a focused and proactive communications plan; retain qualified volunteer assistance; be open with the public (communicate!)
7. Celebrate the good things done by the community; change the community's perception of itself; create a "Celebrate Lillooet Committee" with clear terms of reference, report to Council; sunset clause of 2 years
8. Be present at all significant public gatherings
9. Engage community groups e.g. Chamber, EDC, service clubs, library, museum; invite to Council meetings on a pre-arranged schedule on annual basis
10. Council needs to keep its focus on being a collegial team; decide against any divisive comments or actions
11. Conduct annual performance reviews of the CAO (Cuff to send new format)
12. Council needs to have a CAO Succession Planning Policy and a CAO Succession Plan (Cuff to send new format)
13. Change organizational structure
14. Put in place a standardized RFD system
15. Review Council Procedure Bylaw
16. review how to handle correspondence
17. How to structure Media/Public Question Period
18. Consider expanding the size of Council

Recommendations-Management Practices

1. Review approach to communication practices
2. Need for a comprehensive HR Plan: staffing needs should be defined clearly; reviewed at least annually; new positions added as budget and need require; all functions need adequate back-up; e.g. finance, clerk, public works, leisure services
3. Hold weekly department head (SMT) meetings prior to Council meetings
4. Schedule regular one-on-one meetings with department heads
5. Develop a senior staff retention strategy; realize these folks can/will leave without positive feedback by the CAO

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6. Review state of financial health
7. Develop assessment of systems/equipment and a plan to upgrade in a realistic timeline; need to be able to provide PW with a updated picture of project expenditures on a bi-weekly basis
8. Outline issues for which management does not have clear policy guidance; prioritize for policy development
9. Ensure that all employees treat all members of the public with the ultimate of respect
10. Discuss with Council and management: what values will we reflect in how we deal with our mandate, the public and each other

Some Summary Comments by George B Cuff, FCMC

1. Ensure that appropriate emphasis is placed on the orientation of the next Council and on the importance of orienting to their role and not that of the administration.
2. Continually place the focus on Council's roles in the decision-making process and advise on what changes will result in improvements to this process.
3. Examine the current governance structure and reassess in terms of how it can be made stronger in terms of Council's ability to reflect before making a major decision.
4. Ensure that the reports of management are targeted to the priorities of Council and reference the governance implications which Council needs to understand. Reports which are largely administrative in nature should be forwarded "for information" but not for action.
5. Issues presented to Council should always be referred to a subsequent meeting if that is the first time Council is seeing the issue (e.g. a late item is added to the agenda by a member of Council; a delegation is speaking before Council; a staff report is added to the agenda by a member of the administration). These issues should never be acted on at first sight. Council should be afforded the opportunity to reflect on the matter(s) and think through its response.
6. The key to any of the concepts presented is to keep the focus on this objective: to enable Council to govern in such a way so as to maximize its

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governance/leadership role; enhance the transparency of the system so as to enable public input and comment; and to make progress on its priorities.

7. Council needs to leave its term of office having the satisfaction of knowing that it has added value. This should be clear to both Council and the administration.

I trust that the foregoing summary is useful and will contribute to ongoing improvements in your effort to provide "good governance".

Thank you for the opportunity to be of assistance. Feel free to make this Report public which might also be of value in building the confidence of your public.

With appreciation,



George B. Cuff, FCMC
President

A Briefing Session for Elected and Appointed Officials



Orientation on Effective Governance

*George B. Cuff, FCMC
January 2009*



Session Outline

- Welcome
- What Do We Expect of Elected Officials
- Gleanings from 38 Years
- Two Dimensions of a Governance Agenda
- What Constitutes the Gold Seal of Good Governance?
- Keys to Effective Team Leadership
- Challenges, Landmines & Failures
- Key Levers of Power
- In Summary!



Introduction to George B. Cuff, FCMC

- Consulting to local governments since 1977; own firm since 1984
- Reports for approximately 500 public sector authorities; another 500 seminars to municipalities in all 10 Provinces, 3 territories; some international work
- Some experience in administration, banking, oil & gas, parks and recreation, communication
- Experience as an elected official; 12 years as Chief Elected Official of Spruce Grove, Alberta
- Former President of AUMA, FCM
- Author: Magazine articles since 1979; two books “Cuff’s Guide to Municipal Leaders, Volumes One and Two”; three books of articles “Off the Cuff, Volume One” published October 2008

What Do We Expect of Elected Officials?



- A willingness to learn this new role
- A desire to provide effective leadership to their community
- An understanding that Councils/Boards and their administrations are two distinct components of the same team
- Respect for the distinctiveness of each role; desire to avoid overlap and enhance accountability
- High level of integrity
- Questions!



What Do We Expect of Elected Officials in a Regional Context?

- Respect for the roles of each other
- Respect for the very nature of their jurisdictions
- Desire to work together
- Ability of each to be accountable for their own decisions
- A desire to focus on how services can be better integrated; how cost efficiencies can benefit all
- A willingness to show respect for the position each holds in their own jurisdiction
- Examples of how we made this work on our watch
- A willingness to stifle cheap shots

Gleanings of Three Decades

George (on left) 40! years ago





Tone at the Top

- The Critical Importance of “Tone at the Top”
 - Chief Elected Official & Council/Board set the tone
 - Respect for the office of Chief Elected Official important; protocols established in terms of how Chief Elected Official-CAO relationship viewed
 - Council/Board examines how it does business
- So How Does this Apply to your municipality/RD/organization?
 - Council/Board-initiated policies
 - Respect for each other in meetings; written protocols
 - Review of governance processes



Council/Board-CAO Role Clarity

- Impact of Council/Board-CAO Relationship
 - Role/performance of CAO critical to confidence of Council/Board & the community
 - Relationship between CEO & CAO important to larger audience
 - Respect for professionalism & independence of senior management
- So How Does this Apply to your municipality/RD/organization?
 - Protocol re: role clarity
 - Protocol re: Council/Board contacts with staff
 - Protocol re: “one employee” organization
 - Protocol re: Council/Board members refrain from personal attacks on staff



Priorities not “Busyness”

- Critical Need for a Council/Board to Have a Strategic Focus
 - Where Council/Board focuses, it places its energies
 - Council/Board not intended to be extension of the administration
 - Focus on two dimensions of Council/Board’s role: externally (the public) & internally (governance)
 - Planned priority-setting linked to results orientation
- So How Does this Apply to your municipality/RD/organization?
 - Protocol re: Reporting back to the community
 - Protocol re: Council/Board’s leadership of priority setting; need to emphasize the process to all affected groups/agencies



Value/Importance of Strategic Planning

- Without a strategic focus, everything:
 - Becomes common-place
 - Looks the same
 - Adds little of real, sustained value
 - Ensures the lack of focus by Council on the significant
 - Provides a sense of drift to the organization
- Who leads?
 - Elected officials must ensure process in place



Value/Importance of Strategic Planning

- With a strategic focus:
 - Council and administration focused on same objectives
 - Council shows its capacity to lead
 - Key decisions taken in context of “how does this impact our key priorities?”
 - Issues separated into orders of significance
 - Council briefed regularly on progress on its agenda
 - Adds real, sustained value
 - Ensures focus by Council on the significant
 - Provides a sense of focus to the organization
 - Community benefits!



Communication

■ Council/Board's Communication

- Recognized as two-way: concerns/advice in; information/decisions out
- Communication to whole community emphasized; the community needs to hear positive messages from its leaders
- So How Does this Apply to your municipality/RD/organization?
 - Council/Board goal, objectives re: communication
 - Council/Board endorsed communications strategy
 - Council/Board-approved budget for communication
 - Administration's assistance in delivering on strategy; reviewing results



Role of ABCs

- Critical need to understand impact of ABCs (agencies, boards, commissions)
 - Must ensure that all ABCs reviewed on a regular basis
 - Appointments made only after such a review
 - Membership regularly reviewed/rotated
 - Role of Council/Board representation clear (liaison)
 - Impact on staff resources considered
- So How Does this Apply to your municipality/RD/organization?
 - Governance processes reviewed
 - Structure simplified
 - Public involvement focused
 - Clear protocols established



Importance of Ethics

- The Ethical Bar: It Begins with Council/Board/CAO
 - Need for clear parameters
 - Role of a Governance/Audit Committee
 - Importance of the external auditor
- So How Does this Apply to your municipality, RD, organization?
 - Code of Conduct
 - Governance/Audit Committee established
 - Meetings with auditor highlighted/improved/planned for
 - Role of auditor re-examined



Legislative Umbrella

- Legislative Umbrella
 - Advice sought at the outset
 - Focus placed on general mistakes made
 - No need to become the experts
 - Understand the principles
- So How Does this Apply to your municipality/RD/organization?
 - Regularly scheduled meetings with external counsel
 - CAO has authority to consult legal counsel



Need for Reality

- Council Impacts Expectations
 - Council impacts citizens' view of what is possible
 - Need to ensure reality in promises; new services? Sure! Fee for service? What fee?
 - Respond immediately? Sure! Do I have authority to commit? No!
- So How Does this Apply to your municipality/RD/organization?
 - Create protocol: Chair/Mayor speaks for RD/Council
 - No one Councillor/Board Member has authority to commit RD/City/Town/District
 - Respect for the current workload of staff



The “Public Will”

- Need to focus on “who do we represent?”
 - Was I elected by one vested interest group e.g. citizens group, library board, church, ratepayers group, downtown, C of C, union?
 - Who speaks for the RD/District/Town/City? Just the Chair/Mayor?
- So How Does this Apply to your Municipality/RD/organization?
 - Legislation specifies who has authority to commit the body i.e. electoral areas commission, Council, Board



Importance of Self

- Ego/Balance
 - Position often the most powerful to date
 - Role noted as “servant leadership”
 - Ego/balance issues plague even strong leaders
 - Current role replaceable; family not
- So How Does this Apply to your municipality/RD/organization?
 - Thank those who preceded you
 - Plan personal time into your daytimers/blackberries



Clarity of Roles the Key!



Roles of Council/Board

- Leadership:
 - vision, priorities, dispute resolution
- Decision-making:
 - best process, access to quality information & advice
- Public participation:
 - determine best approach; identify administrative contact
- Ensure open door communication
 - Provide access; ensure information available; don't over-react
- Guard resources:
 - Set policies; monitor; meet with auditor
- Policy Leadership
 - Identify the issues; review/refine/update/observe



Critical Aspects of Council's Leadership

- Commitment to represent **all** of the citizens
 - Respect for the democratic process: all elected legitimately & with the confidence of the citizens
 - Desire to set a Council-endorsed “agenda”
 - Willingness to support the administration & work with each of the senior management team
 - Respect for the generally accepted principles of good governance (e.g. transparency, openness, acceptance of rules re: confidentiality, pecuniary interest)
 - Refusal to accept all the messages on the street as gospel

Key Roles of the Mayor/Chair



- Senior elected leader of the community/region
- Spokesperson on community issues
- Chair of Council
- Key liaison to the CAO
- Initiator of policy/governance change
- Principal contact with other levels of government and the media; other members respect this
- Advocate of Council's agenda



The Other Key Roles of the Chief Elected Official!

- Lead, lead, lead
- Focus continually on “where can we improve our service to our community?”
- Manage Council; spend time with each member; inquire what concerns them; help them achieve their goals
- Be outwardly attentive; what steps can we take to build our image as a “take charge, do something” Council
- Be a person of vision and passion



Key Roles of the CAO

- Experienced, educated, professional policy advisor to Council/Board
- Team leader of the administrative body
- Champion of the administration; mentor
- Conduit of Council/Board decisions to administration
- Approval authority for administrative actions
- Implementer of Council/Board decisions
- Quality control of advice up & action down
- Partnership builder; liaison to admin colleagues



CAO-Board/Council Principles



Principle: One Employee

Respect for the “one employee” principle

- What does this mean??
 - Questions at meetings are directed to the CAO
 - Questions from the public are passed along to the CAO and through him/her to the department heads
 - The performance review is limited to the CAO
 - The Council/Board’s authority to recruit or assess is limited to the CAO
 - The Council/Board establishes the framework for the compensation plan and the CAO determines where each department head fits and what movement they make on an annual basis within the parameters established by the Council/Board



Principle: Concurrent Information

- What does this mean??
 - Any request to a department head or to the CAO by a member of the Council/Board will be concurrently sent out to all members unless otherwise directed by the CAO
 - Council/Board members will be encouraged to place their requests for background information related to key policy matters to the Chair/Mayor or to the CAO
 - The agenda package will be made available to all members concurrently



Principle: Personal Relationship to CAO

- What does this mean??
 - All Council/Board members are encouraged to develop a positive relationship to the incumbent CAO as the principal employee of the Board
 - Where convenient to both parties Council/Board members should feel free to drop by and visit the CAO in his/her office or to invite the CAO out for lunch/coffee on an irregular basis; the CAO will limit such contacts to an irregular basis and will report any encouragement to do otherwise to the Chair/Mayor
 - The CAO will report on a monthly basis to the Chair/Mayor all “out of office” contacts with Council/Board members
 - No member of the Council/Board ought to develop an ongoing personal relationship to the CAO; it must be kept to one of professional respect rather than friendship
 - On no account should the CAO travel socially with a member of the Council/Board



Principle: Complaints about the Behaviour of a Council/Board members

- What does this mean??
 - Where the CAO becomes aware of any complaint by a member of staff or by a member of the public with a member of the Council/Board , he/she must report that instance to the Chair/Mayor on an immediate basis; if the matter pertains to the Chair/Mayor, the CAO must report the matter to the Board/Council as a whole
 - The Chair/Mayor is required to brief the member involved as soon as possible and preferably face-to-face; where the matter is significant the Chair/Mayor should brief all members in an in camera session



Principle: “No Surprises”

- What does this mean??
 - The CAO agrees to ensure that all members of the Council/Board are made aware of emerging issues that are deemed by the CAO to have potential significance
 - The CAO will to the extent he/she is capable of addressing this matter, ensure that the Council/Board is not confronted by a surprise release of information on a policy matter to the media



Principle: Treatment of the Public and Clientele

- What does this mean??
 - The CAO agrees to treat all members of the public alike and will not show any favouritism in his/her response to requests for service from the public
 - The CAO will be cordial and helpful in their approach to requests for service by outside agents, land developers, consultants, and those advocating for both residents and non-residents



Principle: Current Skill Development

- What does this mean??
 - The CAO agrees to continue his/her progress as a senior civil servant through attendance at courses and conferences that are suitable to the role of a CAO
 - The CAO will advise the Council/Board annually of the courses he/she plans to undertake and will ensure that adequate funding has been set aside in the administration's professional development budget for such purposes
 - The Council/Board will support the ongoing professional development of the CAO



Principle: Regular Briefing of CEO, Members

- What does this mean??
 - The CAO will ensure that the CEO is provided with a briefing of upcoming and current administrative projects and issues at regularly scheduled meetings with the CEO
 - Similarly the CAO will ensure that all members of the Council/Board receive an adequate briefing on all key emerging policy issues



Principle: Monitoring/Updating the Council/Board "Agenda"

- What does this mean??
 - The CAO will assist the Council/Board in establishing its “agenda” of priorities for each year and term
 - The CAO will ensure that these priorities are viewed as significant guideposts for all the senior staff and will provide the Council/Board with regular briefings on progress relative to these priorities

Managerial Prerogatives



**“It’s not a great mission statement,
but we’ll revise it if things get better.”**



Authority of a CAO

- Recommend the business plan and budget
- Sole authority to make decisions regarding recruitment, promotion, suspension, termination of all employees
- Provide updates on personnel related issues at the very senior levels
- Approval of all expenditures up to a maximum of \$
- Approval of all tenders for projects previously approved by the governing body providing that the selected tender is within the budget established by the governing body to a maximum of \$



Authority of a CAO

- Determination of what goes before the governing body from the administration; determines who is to speak to administrative issues before the governing body
- Establish a senior management team (SMT) and appoint such members as are deemed appropriate by the CAO
- Delegate authority within the parameters of the CAO's jurisdiction
- Delegate authority and powers to one department head or a rotating series of department heads to serve in any planned absence

Sound Decision-Making Processes





Sound Decision-Making Processes

- Governing body receives a full briefing by its administration on each issue
- Briefing contains options deemed by the CAO as potentially useful in resolving the problem
- Concerns of the public made known to the governing body; (input by public advisory committee)



Sound Decision-Making Processes

- Time set aside by governing body to think through the issues & their ramifications without the pressure of making a decision at the same time
- Decision-making process transparent to the public; concludes at the governing body table rather than before the meeting begins



Sound Decision-Making Processes

- Respect paid to everyone who has a point of view; protocols established that ensure that this process is not abused
- Added commentary of the CAO sought before matter voted; CAO refers to senior staff as deemed useful
- Competing views of the world are tolerated and even viewed as refreshing; sign of diversity of backgrounds brought to the resolution of most issues
- Public provided with access to governing body's decision-making process at the appropriate time and on issues of some significance.



The Gold Seal: What Constitutes the Gold Seal of Good Governance?

Clear Understanding of Council/Board's Roles



- Clarity of mandate and authority

- Authority of Council/Board is clear; based on legislation
- Members are advised of their roles at onset of term
- Members updated on roles on a regular basis

- **Principle:**

- Council/Board members provided with thorough briefing on its roles, authority, jurisdiction at the outset of a term of office and periodically throughout the term.



Recognition of a Council/Board Representative to an ABC

Rights of Council/Board Representative on Committees

- A member of Council/Board has the following rights as a committee member:
 - To develop an understanding of the purposes of the committee and its role in the community
 - To enhance the relationship between the Council/Board and the committee
 - To participate in debates as a member of the committee
 - To vote on the issues presented to the committee
 - To abstain from voting if so permitted by the rules of procedures governing the committee
 - To vote in opposition to any resolution if the member believes that best reflects his/her position or that of the Council/Board
 - To place the resolution of the committee before Council/Board as a resolution for Council/Board to discuss and vote upon



Recognition of a Council/Board Representative to an ABC

Limitations of a Council/Board Representative

- A member of Council/Board as a member of a committee consisting of Council/Board members and members of the public will not:
 - Accept any nomination to any executive position on the committee
 - Attempt to direct the staff of the committee or any staff of the municipality who may be appointed as advisors to the committee
 - Agree to argue the case of the committee before Council/Board.



Effective Orientation

- **Focused orientation**

- Planned orientation before the Council/Board assumes office; date set; facilitator retained
- Principle of “essential for all members, not just newer members” the key
- Primary focus of orientation on governance roles (part one of any comprehensive orientation); also focuses on key responsibilities, challenges, “distinctives” of this Council/Board

- **Principle:**

- The Council/Board views its orientation process as very significant and will ensure that each member attends the annual orientation for new and returning members.



Decision-Making Processes

- Clear decision-making
 - Council/Board made aware of how decisions are currently made; what steps are deemed essential
 - Process allows time for reflection
 - ABCs provided opportunity for input
 - Public provided opportunity for input
 - Complex issues afforded more time
- **Principle:**
 - The Council/Board's decision-making is based on clear, thoughtful, step-by-step processes.



Disclosure of Information

- Full disclosure of relevant information
 - Administration provides members with all relevant information; information succinct; comprehensive; options outlined
 - Information on request to one member flows to all
 - Chief Elected Official may be briefed first but not in isolation; principle: “all briefed within XXX hours”
 - Members agree to share information they become aware of
- **Principle:**
 - Common access to information is essential to trust and good governance.



Council/Board Independence

- Independent authority
 - Council/Board has authority to act on its own
 - Hiring/evaluating/compensating the CAO
 - Meeting with the external auditor
 - Evaluating its own performance
 - **Principle:**
 - The Council/Board will exercise its independent authority in each of the foregoing processes.



Primacy of the Council/Board Table

- Primacy of the Council/Board Table
 - Best decisions are made by the body responsible to citizens
 - Delegated decision-making places some Council/Board members out of the loop
 - Accountability flows from ownership
- Principle:
 - The Council/Board views itself as the primary decision-maker; anything that detracts from that and is not required by legislation needs to be proven to add real value.



Council/Board-CAO Relationship

- Relationship between Council/Board and CAO valued
 - Council/Board views CAO as its only employee
 - CAO recruitment policy/plan developed by Council/Board
 - CAO evaluation policy/plan developed by Council/Board
 - Succession policy and plan developed by Council/Board
 - Compensation policy/plan developed by Council/Board
 - Relationship to Chief Elected Official clearly defined
- Principle:
 - The Council/Board views the relationship with its key employee as critical to its own success and thus that of the community.



Policy Oversight

- Council/Board's direction set by policy
 - Policy reviewed after each election; Council/Board members made aware of policy bank
 - Policies developed on major and repetitive issues
 - Policies focus on the “what we do”; procedures on the “how”
- **Principle:**
 - Council/Board establishes clear guidelines through the development of clear policies. Council/Board refuses to become involved in non-policy issues.



Clarity of Vision

- Council/Board thinks through municipality/region's future
 - Early in term (annually thereafter) Council/Board discusses and describes the preferred future
 - Vision established; goals and priorities aligned
 - Administration provides advice from strategic perspective; how does this recommended step impact the broader perspective and priorities of the Council/Board
- **Principle:**
 - Council/Board leads through clarity of vision, goals, annual priorities and ensures that the municipality's business plan and budget support its vision.



Proactive Public Involvement

- Council/Board commits to an ongoing relationship to its public
 - Council/Board reviews what processes currently in place
 - Council/Board commits to identifying key and meaningful ways the public can be involved
 - ABCs reviewed to ensure that their voices heard on key aspects of their respective mandates
- **Principle:**
 - Council/Board is committed to hearing the views of the public on key issues facing this community/region.



Effective Advocacy

- Role of Council/Board in advocating it's agenda respected
 - Council/Board-management set priorities & plan joint strategies
 - Key connections made/retained at other levels
 - Council/Board's meetings led by Chief Elected Official; briefed by management
 - Chief Elected Official/Council/Board in attendance at all key meetings
- **Principle:** The municipality recognizes that its elected officials and particularly the Chief Elected Official have persuasion not part of mandate of administration.



Ongoing Fiduciary & Risk Monitoring

- Fiscal and corporate health monitored
 - Council/Board aware of the onus on it to monitor fiscal health
 - Risk management issues identified by management/auditor
 - External auditor expected to report on system shortfalls
- **Principle:**
 - Council/Board will ensure that it is regularly briefed on the fiscal health and risk management strategies of the municipality.



Results Measured and Reported

- Focus on results & benchmarks

- Administration provides Council/Board with ongoing results
- Results targeted to elected officials' priorities and goals
- Council/Board briefed on a regular basis; how are we doing against the targets we set at the outset?

- **Principle:**

- Council/Board understands how its decisions are contributing to the organization's sense of moving forward.



Effective Time Management

- Time commitments of elected officials respected
 - Meetings planned carefully; as necessary; time respected
 - CAO/Clerk's office reviews possible improvements to meeting agendas
 - Representation of CEO (when absent/unavailable) rotated
- Principle:
 - Management respects the time commitments made by members of Council/Board and will endeavour to maximize their time on issues and projects that are significant.



Ethical Behaviour

- Ethical standards understood, promoted and lived
 - Advice annually on conflict of interest/pecuniary situations
 - Policies/practices re: expenses/per diems reviewed by auditor
 - Council/Board advised of significant ethical issues re: senior staff
 - Council/Board members commit to showing respect for staff at all times.
- **Principle:**
 - Council/Board recognizes that its position as a leader is maintained as long as it reflects a high level of integrity in its behaviour as a corporate body and personally.



Some basic rules:

- Don't make promises you cannot keep
- Don't discuss matters wherein your interest is greater than others
- Don't direct anyone who you are not entitled to by law
- Don't travel with anyone who works for you
- Don't make claims you can't substantiate
- Don't expense items or claim per diems opposed to policy
- Don't leak confidential information regardless of how tempting



Avoid the Impact of a Non-Issue

- “There is nothing more useless in life than doing efficiently that which should not be done at all” (Peter Drucker)



Challenges, Landmines and Failures



Challenges & Landmines (1)

- Identifying where/how Council/Board truly adds value
- Developing a clear course and sticking with it
- Keeping up a steady dialogue with your public; never missing an opportunity to engage
- Focusing on the issues; not personalities
- Keeping away from the silly games a Council/Board can become involved in; leave “silly season” to the last 3-4 months, not throughout



Challenges & Landmines (2)

- Ongoing friction between members of Council/Board on petty issues
- Lack of confidence in advice of senior management
- Council/Board's focus on management's realm
- Members go past CAO/Department Heads on way to other staff to “get the gospel”
- Council/Board expresses frustration at speed of own processes; no review



Challenges & Landmines (3)

- Small things allowed to dominate larger issues; sound byte philosophy
- Agenda issues lack governance focus
- No sense of resource requirements
- Sniping between Chief Elected Official/governing members (i.e. colleagues on the board/council)
- Staff at all levels approach the Chief Elected Official directly
- Elected officials see individual staff as “their” allies



Challenges & Landmines (4)

- Inability to define the “public”
- Ethical lines blurred:
 - Expense accounts not monitored
 - Commitments made inappropriately
 - Focus placed on vested interest groups
 - Office support used inappropriately
 - Personal comments offensive
- No real sense of protocols that work



Challenges & Landmines (5)

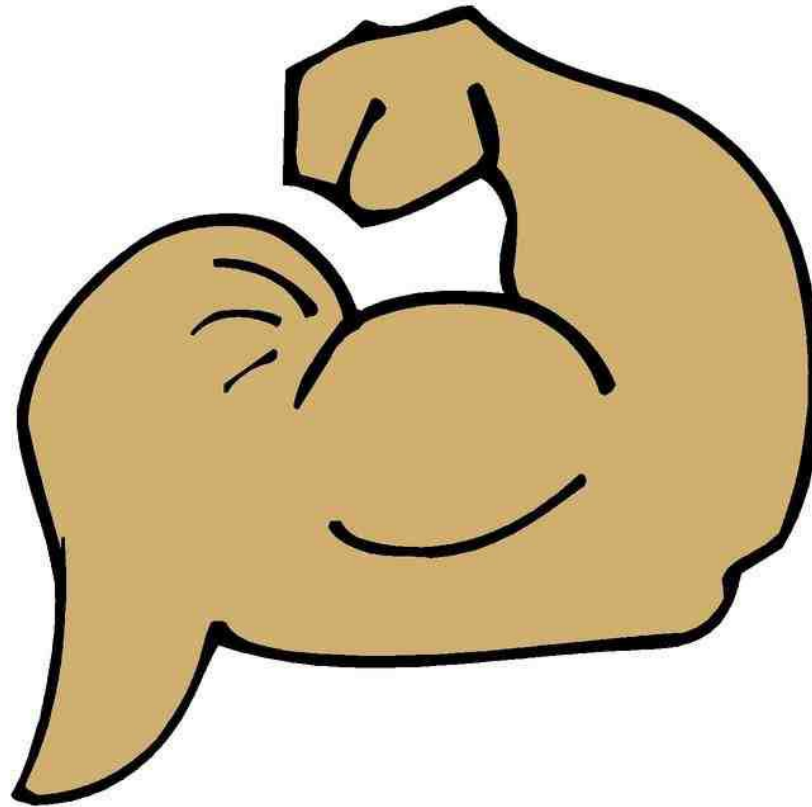
- Council/Board’s “agenda” never surfaced; no concept of community priorities
- Council/Board meetings/gatherings stressful
- Lack of trust the tone at the top
- Public interest disregarded; politics favoured
- Immaturity and/or ethical issues allowed to dominate the good that Council/Board does

Challenges/Pitfalls of a Chief Elected Official



- Becoming a power of one
- Autocratic decision-making style
- Combining and confusing Chief Elected Official/CAO roles
- Playing favourites on staff and on the Council/Board
- Misunderstanding the need for consensus; relying solely on numerical strength
- Personalizing all issues
- Refusing to change

Key Levers of Power





Levers of Power (1 of 2)

- Legislative Authority (Responsibilities and Powers)
- Power of the People (Representation of the Public)
- Strategic Vision (Vision, Goals, Priorities)
- Financing & Taxation (Operational and Capital Budgets) (Variances)
- Decision-making (Policies & Bylaws)
- Organization Structure (Personnel; Compensation)



Levers of Power (2 of 2)

- Organizational Management (CAO Performance)
- Governance Processes
 - Agenda Process (Itinerary for Decision-making)
 - Committee System (Determining which Style)
 - Appointment of ABCs (Terms/Who/How Long)
 - Guidance to & Review of Policies (What)
 - Procedural Bylaw (How)



Suggested Strategies



Some Suggested Strategies

- Develop clear role statements: Role of Mayor, Chair, Role of Councillors, CAO
- Develop clear protocols for Council's communications with media, communication with public, communication on major projects, communications advisor



Some Suggested Strategies

- Develop clear policies for:
 - A statement of the Council's vision, values, priorities
 - Council's role in setting direction through clear policy statements
 - The corporate Business Plan
 - The need for and timing of any new Council orientation
 - Council's appointment of (and to) ABCs
 - The Council's own performance assessment



Some Suggested Strategies

- Develop clear policies for:
 - The recruitment process and selection of CAO
 - The manner, mechanism and timing of a performance review of the CAO
 - The compensation authorized for the CAO
 - Approval of the organization structure & changes at senior level
 - Approval of any new positions recommended
 - Approval of the annual or multi-year budget



Some Suggested Strategies

- Develop clear policies for:
 - Approval of variances to budget
 - Approval of capital projects, recommended changes, communication strategies
 - Approval of funding to community groups
 - Approval of bylaws and plans as required by the legislation
 - Other



Keys to Ongoing Success



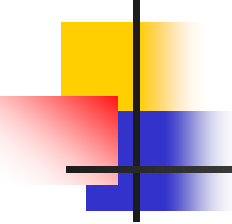
Keys to Ongoing Success

- A Governance Model that Works
- Clarity of Roles: Mayor, Councillors, CAO, Senior Administration (i.e. direct reports to the CAO)
- Policy-makers Set the Vision; Strategic Agenda the Focus
- Respect between Members of Council
- Service based on Servant-Leader Mindset
- Effective Protocols
- Community above that of Interest Groups



Keys to Ongoing Success

- A Culture of Continuous Learning
- Respect for the Views of Each Other
- Ability to Challenge Ideas not People
- “Culture” of Community/organization Protected
- Commitment to Communicate Council Policy not Personal Viewpoints
- Members Prepared to Prepare
- Personal and Corporate Accountability
- Willingness to Ask the “Dumb Question”
- Personal integrity (adherence to a Code of Conduct)



Leaders often fail on two accounts: confidence and integrity. The first is understandable due to the uncertainty of public choices. The second is less forgivable; not that others have not erred in running the race but simply that the crown that awaits those who laboured within the rules, is an honour made without restraint.

George B. Cuff, FCMC
2008

In Summary

Leadership is all about adding value. It is not about personal ego, busyness, daytimers, blackberrys.

The tone set at the top is critical. Are we as a Council/Board respectful of others; do we engage our public; do we seek to do the right thing; do we “hang in there” in spite of the heat?

Good governance requires continual focus on renewal & ongoing search for improvement.

