



2018-2022 DISTRICT OF HOUSTON COUNCIL ORIENTATION

Local Government 101

November 2018





Council Orientation Agenda

| TIME | MONDAY | TUESDAY | WEDNESDAY |
|---------------|---|--|--------------------------------------|
| 8:30 – 10:00 | Local Government 101 | Municipal Service Delivery & Planning | Asset Management |
| 10:00 – 10:15 | Refreshment Break | Refreshment Break | Refreshment Break |
| 10:15 – 11:45 | Governance & Ethics | Budgeting, Taxation, and Financial Affairs | Risk Management & Dispute Resolution |
| 11:45 – 12:45 | Lunch (Provided) | Lunch (Provided) | Lunch (Provided) |
| 12:45 – 2:15 | Setting Priorities, Delivering Outcomes | Community Planning & Development | Human Resource Management |
| 2:15 – 2:30 | Refreshment Break | Refreshment Break | Refreshment Break |
| 2:30 – 4:00 | Council Meeting Simulation | Municipal Facility Tour (Will Run to 5pm) | Public Relations |



Outline

- Context of Local Government
- Historical Trends & Developments
- Statutory Powers & Jurisdiction
- Legislative Tools
- Contemporary Issues in Local Government



Where We Came From

Context of Local Government

- Foundation in Medieval England
 - Shires of Wessex/England & feudal government
 - Early mercantile townships & burgher governments
 - Self-Government & Direct Payment of Taxes to Crown
 - Establishment of Town Corporation & Councils
 - Decline of the Feudal System & Counties Corporate
 - Transition from “Small Government” to Local Government





Where We Came From

Context of Local Government

- Industrial Revolution(s) drastically changed organization of labour, society and communities
 - Growing Population, Urbanization & Factories
 - Cottage Industry to Privately Owned Factories
 - Rapid growth of cities, health & safety hazards
- Reform of UK Government
 - Reform Act 1832
 - Local Government Act 1888





Where We Came From

Context of Local Government

- Early 1800's – Local Affairs were dealt with directly by Crown established colonial governments
- Establishment of local governments as colonies grew in size & required more financial resources
 - 1863 – City of Victoria established to take over Hudson Bay Company's municipal operations
 - 1860 – City of New Westminster established
 - 1865 Colonial Ordinance & “Home Rule” Local Government





Where We Came From

Context of Local Government

- Post-Confederation – Municipal Act 1873
 - Established “optional” powers for municipalities
 - Did not provide for borrowing until amended in 1881
 - Powers included taxation, licensing, and provide services
- Municipal Incorporation Act & Municipal Clauses Act, 1896
 - Established large Cities and small Towns, several incorporated between 1890-1915; formation of UBCM
 - Villages able to incorporate after 1920

Where We Came From

Context of Local Government

- *Municipal Act 1957* set foundation for municipal government – by legislative authority v. home rule
 - Municipalities able to engage in 250 voluntary functions by 1986, but only with stringent requirements
 - Most activities authorized by bylaw – i.e. contracts
 - Inflexible provisions constrained municipalities powers – powers were prescriptive.
 - Rule of thumb: Act specified powers, but highly conditional. If power not delegated, did not have power.



Where We Came From

The Local Government Act

- 1990's – UBCM Lobbies for changes to Municipal Act
 - Issue of excessive provincial supervision of local governments – Inspector of Municipalities signing off on bylaws, rejecting those where powers not expressly provided
- 1999 – Local Government Act implemented – partially addresses municipality's concerns





Where we are Today Community Charter

- 2003 – Community Charter Enacted
 - Gave Local Government permissive powers – said what local governments could **decide** to do, versus prescribing what local governments could do
 - Gave all municipalities equal powers – Villages, Towns, Districts and Cities all had the same powers and statutory authority under the Charter
 - Did not address revenue sources – still relied on Property Taxes, Fees, Grants and Debt Financing



Where we are Today

District of Houston

- Pre-1905 – Known as “Pleasant Valley” until opinion poll done to name “Houston”
- 1905-1950 – Houston Community Club formed
- 1950’s – Drive to Incorporate
- 1957 – Village Incorporated, 5-member commission, 1st Clerk/Administrator Appointed
- 1967 – District Incorporated, 7-member Council
- 2018 – You were elected!





Role of Local Government

- A municipality is **a corporation of the residents of its area... governed by its Council...** established per Provincial Law.
- Provide for Good Governance of the community
- Provide services, laws and other matters for community benefit;
- Provide for stewardship of the public assets of the community;
- Fostering the economic, social and environmental well being of the community.



What a Municipality *can* do

- “Natural Person” Powers
- Services of Municipality
- Regulate, prohibit & require regarding specified functions
 - Municipal Services, Public Places, Trees, Explosives, Weapons (except firearms), Cemeteries, Protection of Persons & Property, Nuisances, Public Health, Environment, Animals, Buildings & Structures, Soil Removal & Deposit
 - Signs & Advertisements
 - Discharge of Firearms
 - Business



What a Municipality *can* do

- Impose Taxes on Land & Improvements
- Levy Fees & Charges for Services, Use of Property, or use of regulatory authority (i.e. Towing vehicles parked illegally)
- Impose a parcel/frontage tax for municipal services
- *Attempt* to impose Local Service Taxes for Municipal Services
- Establish Exemptions (Permissive or Revitalization)
- **Collect Monies Owed to the Municipality**



What a Municipality *can* do

- Establish Reserves
- Invest Municipal Funds (Restrictions Apply!)
- Establish Fines for Offences
- Appoint & Manage Municipal Officials & Employees
- Initiate Referendums & AAP's
- Collect & Disclose Information (Subject to FOIPPA)





What a Municipality *can* do Local Government Act

- Adopt an Official Community Plan
- Establish Zoning / Land Use Regulations
- Establish Development Permit Areas & Regulations
- Impose Subdivision & Development Requirements
- Vary Requirements of Zoning Bylaws
- Impose Development Related Charges
- Designate & Conserve Heritage Properties



What a Municipality *cannot* do

- Regulate matters not delegated by Province (i.e. mines, arterial highways, natural resource use, etc.)
- Override a Provincial Law (i.e. cannot establish regulations on mines that would thwart Provincial Permit – *Summerland Case*)
- Regulate matters under Federal Jurisdiction
- Regulate matters contrary to the *Constitution Act* and *Charter of Human Rights & Freedoms*



What a Municipality *cannot* do

- Run Deficit Budgets
- Use Long-Term Borrowing to Fund Operating Costs
- Assist Businesses (via grant, exemption, advantage, etc.)
- Engage in uncompetitive procurement – includes local procurement advantages
- [The list of what Local Governments *can't* do is longer than the list of what they *can* do!]





Exercising Authority

- Business Done in **legal** Meetings of Council
- Regular Meetings Scheduled in Advance
- Special Meetings may be called with 24 hours notice
- Must have a quorum to hold meeting, or meeting will be adjourned by Corporate officer
- If no mayor, must have acting mayor or appointed chair preside at the meeting
- If lose quorum at any time, cannot continue with the business of Council.

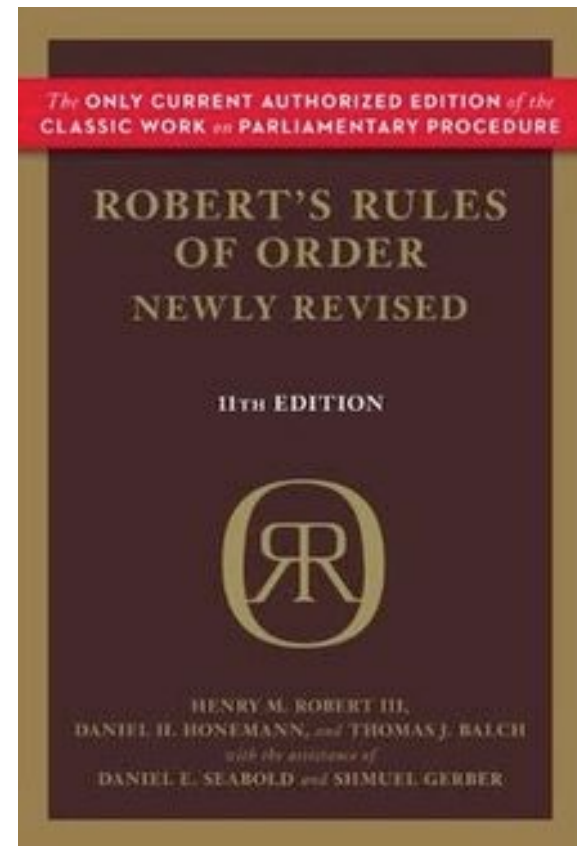
Exercising Authority

- Open Meetings & Rule of Openness
- S. 90 – Closing Meetings
 - Land, legal, labour
 - Information that is received in confidence from the Province, Federal Government or a private 3rd party (and not allowed to be disclosed by FOIPPA)
 - Information regarding the negotiation of a new service
 - An investigation or hearing affecting the municipality
 - Anything that may be discussed in a closed meeting under another enactment



Exercising Authority

- Procedure Matters!
 - Procedure Bylaw
 - Robert's Rules of Order
 - Conventional Wisdom
- Rules of Debate
- Council v. COW



Exercising Authority

- What is a motion? When is it valid?
- Majority Rules & Variations
- Resolutions
- Policies
- Bylaws



Life of a Resolution Making the Move...

1. An item is introduced for discussion by staff
 - a) If there is a recommendation, the recommendation must be addressed (ROR)
 - b) If there is no recommendation, or if it is an item for direction, then the item may be discussed once by each member before a motion is introduced (ROR)




Life of a Resolution

When there is a recommendation...

1. Motion “Moved”
 1. What is it?
 2. No discussion
 3. Owned by Mover
 4. Dies without a Seconder
2. Motion “Seconded”
 1. May be discussed
 2. Owned by Council
 3. Must be voted on





Life of a Resolution

Now that it is on the Floor

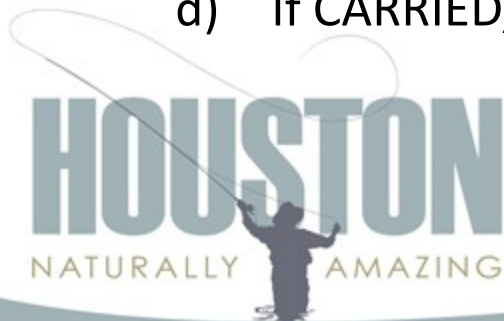
1. The floor is opened for discussion; the speaking order is determined by the Presiding Member (the Mayor)
2. Each Member may speak to the item once
3. Mayor may freely speak to the floor
4. All members must not reiterate or re-discuss matters
5. No interruption of speakers!



Life of a Resolution

The Deciding Factor

1. Debate is finished when:
 - a) All members have spoken to an issue; or
 - b) A member has called the question after debate has gone on longer than necessary (i.e. all members have spoken or have reached consensus).
2. Mayor calls for all votes in favour and all votes opposed.
 - a) Must raise your hand if voting in opposition.
 - b) If vote not indicated, deemed voting in favour.
 - c) Motion may be CARRIED or DEFEATED
 - d) If CARRIED, becomes a resolution of Council.



Life of a Resolution

What happens after?

1. Mayor – 30 days to request reconsideration of resolution
2. If no reconsideration, resolution stands.
3. Staff expected to implement resolution of Council.
4. 1-year effect limit***



Life of a Policy

1. Council Member or Staff recommend a policy.
2. If concept of Policy ideal, Council can (examples):
 1. Refer to staff for further research, review and refinement;
 2. Refer the Policy to a Select or Standing Committee for review;
 3. Adopt the Policy.
3. Policies have a longer lasting effect, and are treated as standing until overturned or replaced.
4. Cannot regulate, prohibit or require with a policy.



Life of a Bylaw

1. Bylaw introduced by Council or Staff – Council can follow same process as with policies UNTIL they are ready to be adopted
2. Legal Review may be recommended!
3. Requires 4 Readings:
 1. 1st Reading – Accept in Principle
 2. 2nd Reading – Review, Amend, Refine
 3. 3rd Reading – Final Draft
 4. 4th Reading / Adoption – This is when a bylaw becomes law!



Life of a Bylaw

1. Special Rules for Adopting Bylaws:

1. May do more than one reading in a single motion
2. At least 1-Day between 3rd Reading & Adoption
3. Public Hearing / Consultation Requirements
 1. Zoning, OCP's, Development
 2. Business Regulations, Financial Plan
4. Ministerial Approvals
5. Zoning & OCP Bylaws may have 3rd Reading & Adoption Occur at same time, but not 2nd & 3rd

2. When in doubt, ask the Corporate Officer!



Key Trends

- Local Government are “creatures of the Province”
- Provincial/Federal Downloading
- Infrastructure & Asset Management
- “Do more with less” to “Do less with less”
- Urbanization & Centralization of Services
- “Space” versus “Place” & Community Economic Development



Key Trends

- Partnership Model for Service Delivery
- Shortage of Skilled Workers & Higher Staff Turnover
- Scale of Complexity
- Public Consultation v. Public Engagement



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Questions?

**Coffee Break – 15
Minutes!**

**Coming Next: Guide
to Good Governance
(Doing what we do
well!)**

