



City of Richmond

Report to Committee

To: General Purposes Committee

Date: May 30, 2011

From: David Weber
Director, City Clerk's Office

File: 12-8060-20-8779/Vol
01

Re: The Oath of Office – Response to Council Referral

Staff Recommendation

That the staff report titled "The Oath of Office – Response to Council Referral," dated May 30, 2011 from the Director, City Clerk's Office, be received for information.

David Weber
Director, City Clerk's Office
(604-276-4098)

Att. 1

FOR ORIGINATING DEPARTMENT USE ONLY		
CONCURRENCE OF GENERAL MANAGER		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
REVIEWED BY CAO	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Staff Report

Origin

At the April 12, 2010 Regular Council Meeting, Council considered a number of resolutions for submission to the BC Local Government Elections Task Force. Among the resolutions considered was the following referral to staff:

That prior to the next election, staff bring forward options for a new oath of office.

The suggestion to consider this referral motion came out of a discussion amongst members of the Richmond Council Working Group that reviewed and put forward recommendations to Council on potential revisions to local government elections legislation. It was noted in the April 12th report to Council that at the UBCM / Elections Task Force Consultation meeting, participants had commented that the oath of office, as prescribed by regulation, was not a particularly inspiring passage. This sentiment was echoed in discussion by the Richmond Council Working Group and, since the Community Charter allows a council to establish its own oath of office by bylaw, a referral to staff to bring forward options for a new oath of office was recommended by the Working Group and later endorsed by Council.

Analysis

A person elected to a municipal council must make an oath before taking office. A council may establish its own oath of office by bylaw and may even establish different oaths for the office of Mayor and for the office of Councillor. If no oath is established by bylaw, then the oath as prescribed by regulation applies (see wording in Option 1 below). According to staff in the Ministry of Community, Sport and Cultural Development, Local Government Department, no municipalities in BC have exercised the option to establish an oath of office by bylaw. In other words, all BC municipalities currently use the oath of office as prescribed by regulation (Option 1).

Traditionally in Richmond, the oath of office is sworn or affirmed at the Inaugural meeting of Council following a General Local Election. As with any oath, the oath of office provides the option to either *swear* the oath (usually on the Bible), or to *solemnly affirm* the oath. The person taking the oath chooses the form of oath that best suits them personally. As a practice, Richmond has also traditionally included the option for Council members to take the Oath of Allegiance to the Queen immediately following the oath of office. The Oath of Allegiance is as follows: *I, [name], do promise and [swear]/[affirm], that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors.* Since there is no legal requirement in law for the Oath of Allegiance to be taken by incoming council members in conjunction with the oath of office, it has been traditionally presented as an option and a personal choice. Staff recommend that if a new oath of office is endorsed, that the option to also take the Oath of Allegiance continue to be provided.

In addition to the current oath of office outlined in Option 1, three other options are presented below for consideration. The legislation does not prescribe any specific requirements or elements that must be included in an oath of office, therefore these options can be endorsed in the form presented, re-written or combined in any manner.

Option 1 – This is the “status quo” option – No action is required to maintain this wording as the oath of office.

I,[*name of person elected or appointed*]....., do [*swear*]/[*solemnly affirm*] that:

- I am qualified to hold the office of[*office*]..... for the [*jurisdiction*]..... to which I have been [*elected*]/[*appointed*];
- I have not, by myself or any other person, knowingly contravened the[*applicable Act*]..... 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[*applicable Act*]....., I will disclose and 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.

Option 2

I,[*name of person elected or appointed*]....., do [*swear*]/[*solemnly affirm*] that:

- I will perform the duties of the office of [*Mayor*]/[*Councillor*] faithfully and with integrity;
- I will abide by the statutes, bylaws and policies that govern the City and will promote openness, accountability, and responsible leadership; and
- I will dedicate myself at all times to acting in the best interests of the residents of the City of Richmond.

Option 3 – This option is based on elements from the Community Charter - section 7 (Municipal purposes) and section 115 (Responsibilities of council members)

I,[*name of person elected or appointed*]....., do [*swear*]/[*solemnly affirm*] that as [*Mayor*]/[*Councillor*] for the City of Richmond, I pledge:

- to provide good government, and to always consider the well-being and interests of the community;
- to provide stewardship of public assets and to contribute to the development and evaluation of the City policies and programs; and
- to foster the economic, social and environmental well-being of the City of Richmond.

Option 4 – This option is based on elements from the City Vision and Mission Statement

I,[*name of person elected or appointed*]....., do [*swear*]/[*solemnly affirm*] and pledge to further the City of Richmond as an appealing, liveable and well-managed community, through responsible decision making, by embracing accountability and transparency, and by demonstrating visionary leadership.

Financial Impact

None.

Conclusion

If Council wishes to establish a new oath of office for the City of Richmond, the desired wording need only be inserted into Schedule A of the draft bylaw included with this report, and then the Bylaw would be introduced, given three readings at a Council meeting and, at a subsequent meeting, adopted. The appropriate wording for such a motion would be as follows:

1. *That Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 8779, be introduced and given first, second and third readings; and*
2. *That the option to take the Oath of Allegiance in conjunction with the Oath of Office continue to be provided to incoming Council members.*

As requested in the referral, several options for the wording of a new oath of office have been presented which may be endorsed in the form provided, re-written or combined in any manner as directed.



David Weber
Director, City Clerk's Office
(604-276-4098)

Att. 1

Attachment 1 – Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 8779



City of Richmond

Bylaw 8779

Oath of Office Bylaw No. 8779

The Council of the City of Richmond enacts as follows:

1. Pursuant to section 120(2) of the *Community Charter*, the oath or solemn affirmation of office for persons elected or appointed to office on Richmond City Council is as shown in Schedule A attached to and forming part of this bylaw, with the necessary changes in form, as applicable.
2. This Bylaw is cited as "**Oath Of Office Bylaw No. 8779**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
<i>[Signature]</i>
APPROVED for legality by Solicitor
<i>[Signature]</i>

MAYOR

CORPORATE OFFICER

Schedule A to Bylaw No. 8779

OATH OF OFFICE

I,[*name of person elected or appointed*]....., do [swear] [*solemnly affirm*] that;

[Insert Text of Oath of Office]