



General Purposes Committee

**Anderson Room, City Hall
6911 No. 3 Road**

**Monday, October 7, 2013
4:00 p.m.**

Pg. # ITEM

MINUTES

GP-5 *Motion to adopt the minutes of the meeting of the General Purposes Committee held on Monday, September 16, 2013.*



LAW & COMMUNITY SAFETY DEPARTMENT

1. **ENHANCED SOIL MANAGEMENT IN THE AGRICULTURAL LAND RESERVE**
(File Ref. No. 12-8060-01) (REDMS No. 3930621 v.18)

GP-8

See Page **GP-8** for full report

Designated Speaker: Edward Warzel

STAFF RECOMMENDATION

- (1) *That the staff report titled Enhanced Soil Management in the Agricultural Land Reserve (dated October 2, 2103 from the General Manager, Law & Community Safety) be received for information; and*

- (2) *That the proposed Soil Removal and Fill Deposit Regulation Bylaw No. 8094, Amendment Bylaw No. 9002 and Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9003 and the staff report titled Enhanced Soil Management in the Agricultural Land Reserve (dated October 2, 2103 from the General Manager, Law & Community Safety) be sent to the Agricultural Advisory Committee for an opportunity to consider and comment.*



FINANCE AND CORPORATE SERVICES DEPARTMENT

2. **FLAGS POLICY**

(File Ref. No. 01-0093-02) (REDMS No. 3862456 v.6)

GP-59

See Page **GP-59** for full report

Designated Speaker: Amarjeet Rattan

STAFF RECOMMENDATION

- (1) *That Policy 1305 – “Flags” (Attachment 1) adopted by Council on June 23, 1986 be rescinded; and*
- (2) *That the proposed Flags Policy (Attachment 2) be adopted.*



3. **ALTERNATIVE APPROVAL PROCESS AND NOTIFICATION OPTIONS FOR CAMBIE FIELD - SALE OF PARK BYLAW 8927 (3651 SEXSMITH ROAD)**

(File Ref. No. 12-8060-20-8927) (REDMS No. 3733984 v.4)

GP-67

See Page **GP-67** for full report

Designated Speaker: David Weber

STAFF RECOMMENDATION

- (1) *That, only following third reading of Cambie Field – Sale of Park Bylaw 8927, an Alternative Approval Process be conducted under the following parameters:*
- (a) *The deadline for receiving completed elector response forms is 5:00 pm (PST) on Friday, January 17, 2014;*

- (b) *The elector response form is substantially in the form as found in Attachment 1 to the staff report dated October 4, 2013 from the Director, City Clerk's Office;*
 - (c) *The number of eligible electors is determined to be 131,082 and the ten percent threshold for the AAP is determined to be 13,108; and*
- (2) *That an enhanced public notification process be undertaken for the Cambie Field – Sale of Park Bylaw 8927 Alternative Approval Process which includes additional print and on-line advertising, and a mailed notice in addition to the prescribed statutory notification requirements.*



4. **WHITE PAPER ON LOCAL GOVERNMENT ELECTIONS REFORM AND CONSULTATION PROCESS FOR FURTHER REFORMS**
(File Ref. No. 12-8125-01) (REDMS No. 3983724 v.2)

GP-75

See Page **GP-75** for full report

Designated Speaker: David Weber

STAFF RECOMMENDATION

That the staff report titled White Paper on Local Government Elections Reform and Consultation Process for Further Reforms (dated September 19, 2013 from the Director, City Clerk's Office) be received for information.



PLANNING & DEVELOPMENT DEPARTMENT

5. **PROVINCIAL CORE REVIEW OF THE AGRICULTURAL LAND COMMISSION AND RESERVE**
(File Ref. No.) (REDMS No.4005756)

GP-219

See Page **GP-219** for full report

Designated Speaker: Terry Crowe

STAFF RECOMMENDATION

- (1) *That as the Provincial Government is conducting a Core Review of its programs and services including the Agricultural Land Commission (ALC) and Reserve (ALR), and as opportunities for Council and public consultation during the Review are unclear, Council write the Premier and Minister of Agriculture requesting that the Core Review:*
- (a) *protect and enhance the Agricultural Land Reserve and Agricultural Land Commission; and*
 - (b) *enable consultation opportunities for City Council, the Richmond Agriculture Advisory Committee (AAC) and public*
- (2) *That copies of the letter be sent to all Members of the Legislative Assembly (MLAs), the Metro Vancouver Board and local governments, and the Port Metro Vancouver Board.*

☐

ADJOURNMENT

☐



General Purposes Committee

Date: Monday, September 16, 2013

Place: Anderson Room
Richmond City Hall

Present: Mayor Malcolm D. Brodie, Chair
Councillor Chak Au
Councillor Linda Barnes
Councillor Derek Dang
Councillor Evelina Halsey-Brandt
Councillor Bill McNulty
Councillor Linda McPhail
Councillor Harold Steves

Absent: Councillor Ken Johnston

Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

It was moved and seconded

That the minutes of the meeting of the General Purposes Committee held on Tuesday, September 3, 2013, be adopted as circulated.

CARRIED

FINANCE AND CORPORATE SERVICES DEPARTMENT

1. **INTER-MUNICIPAL BUSINESS LICENCE BYLAW NO. 9040, AMENDMENT BYLAW NO. 9047**
(File Ref. No. 12-8060-20-9047) (REDMS No. 3924405 v.2)
Cecilia Achiam, Director, Administration and Compliance, was present to answer questions.

General Purposes Committee
Monday, September 16, 2013

It was moved and seconded

That Inter-municipal Business Licence Bylaw No. 9040, Amendment Bylaw No. 9047 be given first, second and third readings.

The question on the motion was not called as a discussion ensued regarding: (i) this being a pilot project that grants flexibility for businesses to operate in 6 of 21 municipalities within Metro Vancouver and (ii) that businesses would submit an application under this provision when current licences are approaching their expiration date.

The question was then called, and it was **CARRIED**.

2. CADENCE CITY CHILD CARE FACILITY – 5640 HOLLYBRIDGE WAY POTENTIAL ACQUISITION FROM CRESSEY GILBERT DEVELOPMENT LLP

(File Ref. No. 2275-20-431) (REDMS No. 3897432 v.8)

Kirk Taylor, Manager, Real Estate Services, was available to answer questions.

It was moved and seconded

That:

- (1) staff be authorised to purchase the Cadence Child Care Facility based on the terms and conditions as set out in RZ 12-602449 and the staff report dated January 22, 2013 to Planning Committee;***
- (2) staff be authorised to transfer \$874,000 from the Child Care Development Reserve Fund and such funds to be utilized to complete the proposed transaction;***
- (3) an amendment to the City's Five Year Financial Plan (2013-2017) to include \$874,000 for the purchase, of an independent air space parcel which is to include a fully constructed facility, to be known as Cadence Child Care Facility with funding to come from the City's Childcare Development Reserve Fund be brought forward for Council consideration; and***
- (4) the Chief Administrative Officer and the General Manager, Finance & Corporate Services are authorised to complete the negotiations and execute the Purchase and Sale Agreement in regards to the purchase of Cadence Child Care Facility.***

The question on the motion was not called as a discussion ensued regarding: (i) the selection of a qualified non-profit organization to operate the child care facility would be a separate process and (ii) that the City could reasonably anticipate similar child care facility development in the future.

The question was then called, and it was **CARRIED**.

General Purposes Committee
Monday, September 16, 2013

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (4:08 p.m.).

CARRIED

Certified a true and correct copy of the
Minutes of the meeting of the General
Purposes Committee of the Council of the
City of Richmond held on Monday,
September 16, 2013.

Mayor Malcolm D. Brodie
Chair

Heather Howey
Committee Clerk
City Clerk's Office



City of Richmond

Report to Committee

To: General Purposes Committee

Date: October 2, 2013

From: Phyllis L. Carlyle
General Manager

File: 12-8060-01/2013-Vol
01

Re: **Enhanced Soil Management in the Agricultural Land Reserve**

Staff Recommendation

1. That the staff report titled Enhanced Soil Management in the Agricultural Land Reserve (dated October 2, 2103 from the General Manager, Law & Community Safety) be received for information.
2. That the proposed Soil Removal and Fill Deposit Regulation Bylaw No. 8094, Amendment Bylaw No. 9002 and Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9003 and this report be sent to the Agricultural Advisory Committee for an opportunity to consider and comment.

Phyllis L. Carlyle
General Manager
(604.276.4104)
Att.

REPORT CONCURRENCE			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Finance Division	<input checked="" type="checkbox"/>		
Law	<input checked="" type="checkbox"/>		
Policy Planning	<input checked="" type="checkbox"/>		
REVIEWED BY DIRECTORS	INITIALS: DW	REVIEWED BY CAO	INITIALS:

Staff Report

Origin

This report provides information on the following three referrals from the January 28, 2013 Council meeting:

- 1. That staff be directed to prepare a bylaw amendment to Soil Removal and Fill Deposit Regulation Bylaw No. 8094 to provide that soil deposit and removal activities relating to existing “farm use” in the Agricultural Land Reserve will require a permit from the city and request that the ALC act on this commencing immediately;*
- 5. That staff be directed to review the authority and process for the Agricultural Land Commission to delegate to the City decision-making and enforcement relating to non-farm uses of land within the Agricultural Land Reserve, and in particular, in relation to soil deposit and removal;*
- 6. That staff be directed to review the authority and process for the Agricultural Land Commission to delegate to the City decision-making and enforcement relating to farm uses of land within the Agricultural Land Reserve and seek appropriate legislative changes;*

In addition, on April 8, 2013 Council approved the following:

- 1. That the proposed enhancement to the City’s permit and enforcement processes for soil management in the Agricultural Land Reserve, as presented in the staff report titled Fee and Enforcement Options for Soil Removal and Deposit Activities in the Agricultural Land Reserve from the General Manager, Law & Community Safety dated February 22, 2013, be approved in principle for the purpose of consultation;*
- 2. That the staff report be forwarded to the City’s Agricultural Advisory Committee for comment; and*
- 3. That staff prepare a public consultation process which takes into consideration comments received from the Agricultural Advisory Committee (AAC), and includes farmers, Agricultural Land Reserve (ALR) land owners, and members of the public.*

A summary of the public consultation process for charging additional fees for soil removal, the supporting proposed bylaw amendments and an exploration of the options to assume additional provincial responsibilities are set out in this report.

This report supports Council’s Term Goal #8: *to demonstrate leadership in sustainability through continued implementation of the City’s Sustainability Framework, which includes the continued commitment to the protection of the City’s Agricultural Land Reserve for future agricultural viability.*

Analysis

Ministerial Approval

At the January 28, 2013 meeting, Council gave first, second and third readings to *Soil Removal and Fill Deposit Regulation Bylaw 8094, Amendment Bylaw No. 8992* ("Bylaw 8992"). The amending bylaw repeals the permit exemption for soil removal or deposit associated with an existing "farm use" under the ALC Act or a "non-farm use" supported by a notice of intent under the Agricultural Land Commission Act ("ALC Act"). The more comprehensive permitting process will increase the City's ability to oversee activities in the Agricultural Land Reserve ("ALR").

In accordance with the requirements of the *Community Charter*, Bylaw 8922 was forwarded to the following provincial Ministries for review and approval:

- 1) Ministry of Community, Sport and Cultural Development;
- 2) Ministry of Environment; and
- 3) Ministry of Energy, Mines and Natural Gas.

All three ministries have now responded to the City and advised that they do not have concerns with the enactment of Bylaw 8992 and it would be appropriate for Council to consider adoption of the bylaw. This bylaw will be placed on a Council agenda for consideration for adoption.

Soil Watch Program

As a result of the City's recently launched Soil Watch program, 36 signs have been placed in the agricultural area and a dedicated phone line to address calls for service was established. Since the start of the Soil Watch program related calls for service have averaged approximately 4 per month. There have been 30 soil investigations and a total of 5 soil fill applications thus far this year. All investigations have been conducted using existing resources.

Public Consultation Process

A public consultation process was conducted to receive feedback on the options and implications of charging fees through a permitting system, in relation to the deposit and removal of soil in the ALR and enhanced enforcement through the hiring of specially trained enforcement staff.

The following is a summary of the feedback received:

1. Richmond's Agricultural Advisory Committee

As part of the consultation process, and with the fee and enforcement options relating to the removal and deposit activities in the ALR, the Agricultural Advisory Committee (AAC) provided the comments set out in **Attachment 1** but requested that they be afforded an opportunity to consider the results of the public consultation prior to providing final comments to Council.

2. Results of the Public Consultation Process

The public consultation process utilized is set out in **Attachment 2**.

A total of 94 survey forms were returned and the detached results are set out in **Attachment 3**.

A summary of the results are:

a) ALR Ownership

- 44.0 percent of the respondents owned property within Richmond's ALR.
- 81.9 percent of respondents disagree or strongly disagree with maintaining the status quo.

b) Level of Service

- 44.7 percent of respondents agree or strongly agree to an increased level of service with the service provided by one bylaw officer and one clerk but this figure is balanced by 37.2 percent of respondents who disagree or strongly disagree with moving forward with this staffing model.
- 80.9 percent of respondents agree or strongly agree or with improving enforcement by hiring two bylaw officers and one clerk to support a comprehensive soil management program.

c) Fees and Fines

- 63.8 percent of respondents do not support the City's current flat rate fee schedule for the processing of soil and removal applications.
- 57.5 percent of respondents generally support an incremental fee schedule.
- 73.4 percent of respondents support the increased incremental fees.
- 92.6 percent of respondents support fines for unauthorized soil activity.

3. Ecowaste Comments

In addition, comments were received from Ecowaste Industries Ltd., a business stakeholder who holds 300 acres of land within the ALR (**Attachment 4**). Ecowaste Industries Ltd., is a landfill operation, in south east Richmond, which is regulated by both

the British Columbia Ministry of Environment (BCMOE) and the Agricultural Land Commission (ALC). In summary the company requests that Council consider that provisions relevant to farmland may not be appropriate for an on-going working landfill and is seeking that the bylaw recognize the differences. At this point staff are advising that the Ecowaste request is premature and that once Council has established a policy, staff will be better positioned to review the request and advise Council on how to best manage this concern.

4. Conclusions

The public consultation indicates that a majority (80.9 %) agree or strongly agree with a comprehensive full time soil management program which will provide the City with the necessary enforcement resources to more effectively regulate and enforce soil deposit and removal activities with the addition of two bylaw officers and one clerk to the City's staff complement.

The additional staff could be potentially funded by the proposed permit fee system which is based on the volume of soil removed or deposited. To ensure that requested resources appropriately meet demand, a phased approach of initially hiring one bylaw officer and one clerk is proposed. Depending on the level of compliance, staff would report back on the program prior to hiring a second bylaw officer.

Proposed Bylaw Amendments

The proposed permit fee and penalties for soil removal and deposit activities associated with farm and non-farm uses contained in *Soil Removal and Fill Deposit Regulation Bylaw No. 8094*, *Amendment Bylaw No. 9002* ("Bylaw 9002") and *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*, *Amendment Bylaw No. 9003* ("Bylaw 9003") (**Attachment 5 and 6**) would allow the City to have a systematic approach to proactively monitor, investigate, enforce and penalize contraventions of soil removal and deposit requirements under the City's bylaw.

Bylaw 9002 provides for reduction in the application fee from \$600 to \$500 but an additional fee of \$0.50 per cubic metre of soil deposited or removed. The reduction in the application fee will align this cost with other Greater Vancouver area municipalities.

The annual revenue from this program is projected at \$100,000. The estimate is an approximation as it is dependent upon raw data obtained from neighbouring municipalities. The estimate does not take into account the variations in the bylaws, the geography, economic changes, and other unique characteristics specific to each of the municipalities.

The *Community Charter* provides that certain bylaws relating to soil removal require the approval of the Minister of Energy, Mines and Petroleum Resources and that certain bylaws relating to soil deposit require the approval of the Minister of Environment. Furthermore bylaws imposing a fee relating to soil removal or deposit require approval by the Minister of Community, Sport and Cultural Development. Following first, second and third readings of

Bylaws 9002 and 9003, the proposed bylaws must be forwarded to the three Provincial ministries for review and approval before adoption.

Proposed Bylaw 9002 would implement the proposed permit requirements outlined in the following table:

Permit Requirements

Volume* (cubic metres)	Approval	Proposed Fee	Insurance Required	Security Required	Advise AAC	Council Approval Required
0-15	No permit or notification required	N/A	No insurance required	No security required	No	No
16-100	No permit required Notification required	No Fee	No insurance required	No security required	No	No
101 – 35,000	Permit required	\$500.00 application fee plus 0.50 per cubic meter	\$5,000,000	\$20/cubic metre (max. \$10,000)	Yes	No
35,000+	Permit required	\$500.00 application fee plus 0.50 per cubic meter, plus \$300.00 (ALC portion of non- farm use application)	\$5,000,000	\$20/cubic metre (max. \$10,000)	Yes	Yes

*in any consecutive 12-month period.

In addition, proposed Bylaw 9002 includes the following changes & additions:

1. Permit holders must maintain a daily record of soil removal or deposit activities.
2. For permits for volumes exceeding 500 cubic metres, the permit holders would be required to not only maintain a daily record of soil removal or deposit activity but also to report this information back to the City on a monthly basis. These records and reports will allow City personnel to better track soil removal and deposit activities and to confirm that permit conditions are being met.

3. The owner must post, at the main access point of a property, a notice of soil removal or deposit activity if the volume is between 16 and 100 cubic metres or a valid permit if the removal or deposit is in excess of 100 cubic metres per year. This signage, in conjunction with the Soil Watch Program, will assist local residents and City personnel to be more aware of soil activities on a property.
4. For volumes ranging from 101 to 35,000 cubic metres the applicant, prior to the issuance of a permit, will be required to provide comprehensive liability insurance valid for the duration of the permit. The “101 to 35,000 cubic metres” parameters we set after conducting comparisons with other local municipalities. The insurance policy shall have a limit of not less than Five Million Dollars (\$5,000,000) for loss, damage, injury or death arising out of any one occurrence.
5. For volumes ranging over 35,000 cubic metres approval will be required from Council.
6. In addition the driver of a vehicle carrying out soil removal or deposit activities and those alleged to contravene the bylaw will be required to provide identification to City bylaw officers.
7. The offences and penalties section of Bylaw 8094 is amended to permit violation tickets to be issued for non-compliance with certain provisions in Bylaw 8094, including requirements under a permit. Proposed Bylaw 9003 sets out the amount of the penalties for violation tickets. Currently, the City is only able to pursue violations of Bylaw 8094 through prosecution in the Provincial Court, which is a lengthy and expensive process.

For clarity, a version of Bylaw 8094 incorporating the changes in amending Bylaw 8992 and 9002 is set out in **Attachment 7**.

Comparisons made with other local municipalities indicate that the proposed bylaw amendments not only equate to or exceed the provisions found in other municipalities, but also appropriately addresses specific issues for the City (**Attachment 8**).

Delegation of Agricultural Land Commission (ALC) Decision-Making and Enforcement

Pursuant to the Council direction of January 28, 2013, a meeting was held with the ALC to discuss the authority and process for the ALC to delegate to the City decision-making and enforcement related to both farm and non-farm uses of land within the ALR, and in particular in relation to soil deposit and removal.

Farm Use

The ALC cannot delegate its decision making powers regarding whether a proposal from a property owner within the ALR is a farm use or is not a farm use. Only the ALC can decide whether a proposal is a farm use and therefore does not require a non-farm use application. In addition, the ALC cannot delegate its ability to enforce for farm use matters.

Non-Farm Use Applications

The ALC has the authority to enter into a delegation agreement with a local government to authorize the local government to exercise the ALC's powers to decide applications relating to non-farm use of ALR land. Under the ALC Act, aside from typical farm activity, uses that are not specifically permitted under the regulations are considered non-farm uses. This includes soil removal and deposit activities outside normal farm practices (i.e. not exempted under the ALC regulations). Without a delegation agreement, applications for non-farm use must proceed through a process that starts with an application to the local government. If the local government is in agreement with the application, it is forwarded to the ALC for a final decision to refuse or approve the application, or approve the application with terms and conditions. The ALC would then enforce its decision and any related terms or conditions. With a delegation agreement, the local government would be able to make and enforce its decision without having to forward the application to the ALC but when exercising the ALC's powers under a delegation agreement, the local government must make decisions according to the purpose of the ALC Act (notably, preserving agricultural land and encouraging and enabling farming). All decisions of a local government under a delegation agreement are considered decisions of the ALC. Decisions of Council cannot conflict with the purpose of the ALC Act or their policies.

To date, the following entities have delegation agreements with the ALC: (1) Regional District of Fraser-Fort George; 2) Regional District of East Kootenay; and 3) Oil and Gas Commission.

If the City is interested in entering into a delegation agreement, the ALC and the City would have to identify the scope and extent of the delegation. For example, the delegation can apply to all non-farm use applications or only certain types of non-farm use applications (i.e., soil removal and deposit activities, or apply only to certain ALR areas within the City). The delegation agreement would address issues such as the responsibilities of the City, monitoring, reporting, transition, enforcement, training, information sharing, term of the delegation, renewal and cancellation.

Entering into a delegation agreement with the ALC would provide the City greater control over the approval of non-farm use applications (or the types of non-farm use decisions delegated under the agreement) and the City would be able to impose terms and conditions without relying on the ALC. However, the City would still have to make decisions consistent with the ALC's policies.

The significant disadvantage of a delegation agreement is that ALC will not be providing any financial contribution to the City for taking on this decision-making or enforcement authority. As such, additional City resources would be needed to process the application and enforce any terms or conditions imposed by Council. Council and City staff would still be bound by ALC policies.

A quantification of the level of resources required to assume this new role would require further discussion with the ALC.

Designation as “Official” under the ALC Act and Regulations

The ALC has advised that they could designate City employees as an “official” under the ALC Act for the purposes of enforcement of ALC Act and regulation provisions. Under the ALC Act, the definition of “official” includes “a person who is designated by name or title by the chief executive officer [of the ALC] to be an official”. ALC staff interprets this to mean that the person does not need to be an employee of the ALC, (i.e. the “official” can be a City employee).

If a City employee is designated as an “official” under the ALC Act, the employee would have the following enforcement powers:

1. enter onto land for the purposes of ensuring compliance with the ALC Act and regulations;
2. make surveys, analyses, inspections, examinations or soil tests that are necessary for determining the current use of the land, the suitability of the land for farm use, or the potential impact of proposed changes to the use of the land;
3. remove soil samples for tests or other analyses;
4. inspect any records, things or activities reasonably required for an inspection;
5. make copies of records or documents reasonably required for an inspection;
6. order a person to produce a record or thing in the person’s possession; and
7. issue stop work orders for contraventions of the ALC Act or regulations.

“Stop Work Orders” issued by a City employee as an “official” under the ALC Act are subject to review by the ALC’s chief executive officer and then appeal to the ALC. Also, the authority to impose penalties for contraventions of the ALC Act or regulations remains with the ALC’s chief executive officer and would not rest with Council. The challenge would be that the information that rests in the control of the ALC may not be readily available to City staff faced with an alleged contravention of the ALC Act or regulations. Thus, there is a risk that stop work orders issued by a designated City employee might conflict with the decisions of ALC staff.

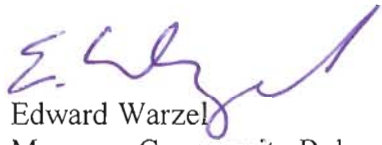
Although these additional powers would be helpful in managing difficult situations where there is ambiguity as to whether the City’s bylaw applies or not, as with the delegation of decision-making relating to non-farm use applications, the ALC would not be able to provide any funds to the City for taking on its enforcement powers and it is anticipated that functionally there may not be the systems and protocols in place to permit timely information to flow between the ALC and the City. Furthermore, most of the enforcement powers listed above are already available to city bylaw officers for enforcement of City bylaws.

Financial Impact

There is no financial impact at this time. Anticipated financial resources required to fund this new program will be considered during the 2014 budget process and can be found in **Attachment 9**.

Conclusion

This report provides an analysis of the feedback received from the public consultation process, a proposed permitting enforcement model and proposed bylaw amendments to better address soil removal/deposit activities and fill practices in the ALR. The report also provides information related to the adoption of an enforcement model and the amendment of bylaws to address soil offences that will enhance the delivery of educational programs allowing the City to effectively manage soil related issues in the ALR.



Edward Warzel
Manager, Community Bylaws
(604-247-4601)

EW:ebw

RICHMOND'S AGRICULTURAL ADVISORY COMMITTEE (AAC) COMMENTS
May 16, 2013

The City of Richmond's Agricultural Advisory Committee recommends and supports the following comments be considered by the City on the proposed fee and enforcement options for soil removal and deposit activities in the ALR:

- The status quo of how soil fill activities are currently managed is not acceptable and the AAC supports actions to enhance and improve soil management programs and permitting processes in the ALR.
- Permits involving fill operations (ranging from 101 to 35,000 cubic metres) need to be separated into a farm use and non-farm use categories.
- Any monitoring documents and follow-up reports prepared by the appropriate professional or proponent should be a requirement to submit to the City as part of any permitting process.
- Development of an enhanced soil management program for Richmond's farm land is of critical importance to maintaining agricultural viability. As a result, development and operation of a soil management program should not be dependent on the collection of revenue through the permitting options and fees presented.
- Committee members supported the development of soils criteria that could be applied to proposed fill permits to ensure that only high-quality materials that support farming are considered through the permitting process.
- AAC supports the appropriate allocation of staffing and supporting resources to implement an enhanced soil management program in Richmond.
- Members support continued discussion between the City and ALC to facilitate delegation of decision making authority for soil fill/removal activities to the City.
- AAC requests to receive information from any public surveys and comments arising from the upcoming public consultation so that the Committee can consider this information prior to providing final comments on this matter to Council.

ENHANCED SOIL MANAGEMENT IN THE AGRICULTURAL LAND RESERVE

PUBLIC PARTICIPATION PROGRAM PROCESS

Staff undertook the following components of the public participation program to receive feedback in relation to movement and management of soil in the City's Agricultural Land Reserve:

1. A media release was issued to promote and encourage public input into the process and public advertisements were placed in the local paper-Richmond Review.
2. A dedicated web page was established on the City's web site outlining: the public participation program in general terms with a link to the City's Let's Talk Website which provided participants with;
 - a) the report to Council;
 - b) the May 16, 2013 presentation to the AAC and the AAC's comments;
 - c) a link to the City's Soil Removal and Fill Deposit Regulation Bylaw 8094; and
 - d) an on-line survey/feedback-residents were encouraged to submit their thoughts on-line or in writing using the supplied feedback form which was available at both City Hall and the open house throughout the consultation process.
3. Posters advertising the open house were distributed to community centres, aquatic facilities and local coffee shops. On July 5, 2013, approximately 4,000 letters were mailed out to ALR land owners inviting them to the public open house. Throughout this period the City's Facebook page and website notified residents of the meeting.
4. A public open house held on Tuesday July 23, 2013 at City Hall.





A total of 94 survey forms were returned through the public consultation process. A summary of the findings is provided below.

Questions

1. Option 1 – Status Quo

In the absence of a City employee dedicated to soil management within the Agricultural Land Reserve (ALR), the City only responds reactively, when the public makes an inquiry or complaint to the City's Community Bylaws office. Non-farm use soil processing applications are administered by an employee who already has full-time managerial duties and responsibilities.

The implications of the current process would include the continuance of a reactive bylaw enforcement model. This model would maintain current services levels absent of preventative patrols and field inspections that normally prevent illegal activity such as soil contamination and the reduction of soil quality. In addition, the current process for soil applications is lengthy.

There are no additional costs associated with the current process as the service has been absorbed through internal funding from the Community Bylaws operational budget.

I would like Council to remain with the Status Quo Option:

☐ Strongly Agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly Disagree

Survey Results:

Comment	# Responses	%
Strongly Agree	6	6.4
Agree	5	5.3
Neutral	1	1.1
Disagree	5	5.3
Strongly Disagree	72	76.6
Left blank	5	5.3
TOTAL	94	100

The survey responses indicate that 81.9 percent of respondents strongly disagree or disagree with Council remaining with the status quo.

2. Option 2 – Better Enforcement:

Comparisons made with other local municipalities indicate that soil bylaw enforcement occurs in both the Metro Vancouver and the Fraser Valley regions. A review of four municipalities near Richmond found that all have an employee(s) dedicated to soil management and enforcement.

Option 2 proposes an increased level of service and requires hiring:

- (A) one bylaw officer, and
- (B) one clerk

The implications of Option 2 include some preventative patrolling, field inspections, an enhanced soil watch program, as well as more efficient permit processing. Option 2 does not provide coverage during a bylaw officer's absence (vacation time, illness, court or regular days off.)

Option 2 is estimated to cost \$239,000 annually.

I would like Council to approve Option 2.

☐ Strongly Agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly Disagree

Survey Results:

Comment	# Responses	%
Strongly Agree	14	14.9
Agree	28	29.8
Neutral	9	9.6
Disagree	13	13.8
Strongly Disagree	22	23.4
Left blank	8	8.5
TOTAL	94	100

The survey responses indicate that 44.7 percent of respondents agree or strongly agree with Council approving enforcement option 2 which proposes an increased level of service and requires hiring:

- (C) one bylaw officer, and
- (D) one clerk

It is important to note that while the majority of respondents agree with the approval of enforcement option 2, the survey results also indicate that 37.2 percent of respondents strongly disagree or disagree with Council moving forward with enforcement option 2.

3. Option 3 – Most Enforcement

Option 3 offers a comprehensive full time soil management program – a further increase to service levels and requires hiring:

- (A) two bylaw officers, and
- (B) one clerk

The implications of Option 3 include regular preventative patrols, field inspections, and an enhanced soil watch program. Option 3 would provide for coverage when one of the officers is absent (vacation time, illness, court or regular days off.)

Option 3 is estimated to cost \$329,000 annually.

I would like Council to approve Option 3.

☐ Strongly Agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly Disagree

Survey Results:

Comment	# Responses	%
Strongly Agree	70	74.4
Agree	6	6.4
Neutral	1	1.1
Disagree	2	2.1
Strongly Disagree	11	11.7
Left blank	4	4.3
TOTAL	94	100

The survey responses indicate that 80.9 percent of respondents strongly agree or agree with Council approving enforcement option 3 which proposes a comprehensive full time soil management program – a further increase to service levels and requires hiring:

- (C) two bylaw officers, and
- (D) one clerk

To develop and implement an effective soil management program, the City's permit fees and enforcement fines must be reviewed.

Incremental Soil Removal and Deposit Fees

Currently, the City charges a flat rate of \$1,200 for each soil removal and deposit activity permit in the ALR, of which \$300 goes to the Agricultural Land Commission. The City is reviewing alternative ways to charge incremental fees for permits. This approach could provide some revenue to assist in minimizing soil removal and deposit enforcement costs. For more information on the proposed fees see display boards 9 and 10.

4. I support the City's current flat rate fee schedule.

☐ Strongly Agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly Disagree

Survey Results:

Comment	# Responses	%
Strongly Agree	3	3.2
Agree	8	8.5
Neutral	7	7.5
Disagree	13	13.8
Strongly Disagree	47	50.0
Left blank	16	17.0
TOTAL	94	100

The survey responses indicate that 63.8 percent of respondents do not support the City's current flat rate fee schedule.

5. In general, I support an incremental fee schedule.

☐ Strongly Agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly Disagree

Survey Results:

Comment	# Responses	%
Strongly Agree	25	26.6
Agree	29	30.9
Neutral	6	6.4
Disagree	7	7.4
Strongly Disagree	11	11.7
Left blank	16	17.0
TOTAL	94	100

The survey responses indicate that 57.4 percent of respondents generally support an incremental fee schedule.

6. I support the City's proposed incremental fee schedule (see display board 10)

☐ Strongly Agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly Disagree

Survey Results:

Comment	# Responses	%
Strongly Agree	59	62.8
Agree	10	10.6
Neutral	7	7.4
Disagree	1	1.0
Strongly Disagree	6	6.4
Left blank	11	11.7
TOTAL	94	100

The survey responses indicate that 73.4 percent of respondents support the City's proposed incremental fee schedule.

Proposed City Fines

The City places priority on achieving compliance with its regulatory bylaws, through education, mediation and as necessary, progressive enforcement and prosecution.

Currently, to address bylaw violations infractions, the City is limited to prosecuting offenders in the Provincial Court (as per Bylaw 8094 and the ALC Act) which is a lengthy and expensive process.

The City proposes enhanced enforcement tools in the form of levying fines for unauthorized fill activity. Enforcement provisions and fines should be significant enough to encourage the removal of unauthorized fill as well as land remediation.

I support City fines for unauthorized soil activity.

☐ Strongly Agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly Disagree

Survey Results:

Comment	# Responses	%
Strongly Agree	82	87.2
Agree	5	5.3
Neutral	1	1.0
Disagree	0	0
Strongly Disagree	2	2.1
Left blank	4	4.3
TOTAL	94	100

The survey responses indicate that 92.6 percent of respondents support City fines for unauthorized soil activity.

I own property within the Agricultural Land Reserve in Richmond.

☐ - 41 Yes ☐ - 53 No

Other Comments/Suggestions

1. Peat area not viable for agriculture
2. Charge fees for material deposited on all land not just ALR lands (2 respondents)
3. Tree Farms do not need fill
4. Start with one officer then consider effectiveness, requires close management and review / is a full time dedicated officer required? The City should consider assigning other bylaws to this position not soil alone
5. Service demand has been dropping from a total of 42 in 2010 to 26 in 2012 the \$13,000 cost per investigation is not justified
6. Salaries seem high, must be sustainable. Can fees sustain costs for bylaw officers? (2 respondents)
7. AAC should have stronger conflict of interest policies x 3
8. Lower the allowed cubic meters before having to go before Council x 2
9. Farm preservation activities should be proactive not reactive
10. Stop allowing giant homes on ALR land x 4
11. AAC minutes should be posted on City Website for ease of reference by the public
12. Farms should be farmed, those not farming their land should pay higher taxes (3 respondents)
13. 35,000 cubic meters too high lower to 101-1000
14. Fines need to be implemented immediately and be significant. Fines should be incremental reflecting the degree of activity and should be retroactive. Also fines need to be a deterrent and City should have a good plan for recouping unpaid fines (liens on lands and/or non payment charged back to taxes with remediation at the cost of the owner). (7 respondents)
15. Higher Bonds need to be implemented (3 respondents)
16. Too many expensive projects take priority over preserving farmland e.g. museums, seniors pavilion...
17. Active farmers should be allowed to bring in peat and clean fill all year round no restrictions. Cranberry farmers required to apply fill as part of good business practices fill must meet a high standard - active farmers should not require permits. (3 respondents)
18. Compliance Officers should be available Mon-Sat 7 am to 7 pm (2 respondents)
19. Budget for litigation is required (2 respondents)

Other Comments/Suggestions

20. Asphalt not acceptable material not even for farm roads.
21. City needs fill transfer station
22. Use volunteers like the RCMP Aux Officers
23. Agree with the AAC comments of May 16, 2013
24. Require formal written request for removal of illegal fill with ability to enforce (work stop order)
(2 respondents)
25. Prefer my taxes to be spent on preserving farmland rather than up keeping the Oval (respondent wanted to make note that they do not own land in the ALR)
26. The ALC should have limited authority over ALR Lands within Municipalities
27. Issue should be handled by Permit Division with bonds and charges to the owners
28. ALR cannot be protected without effective management of the soil - bylaw needs teeth.
29. Council seems to be complacent on this issue
30. Respondent attached a copy of July 2013 issue of the "Fisherman" Newspaper outlining views on page 8



July 31, 2013

City of Richmond
6911 No 3 Road
Richmond, BC V6Y2C1
Attention: Ed Warzel, Manager, Community Bylaws

Dear Sir:

RE: Comments on Proposed Changes to Soil Bylaw - Ecowaste Industries

Thank you for the opportunity to see more about the proposed changes to the Soils Management Bylaw at your Open House on July 23rd. Ecowaste has a number of comments and observations on the proposal and potential impacts that we believe should be considered before finalizing the Bylaw.

We feel that this Bylaw, coupled with a stronger Soil Watch program, will certainly help in protecting agricultural lands from being used for materials not deemed suitable for farming activities, and to deal with illegal dumping. We understand and support Richmond's efforts to find additional resources to monitor and manage inappropriate fill activities on ALR land within Richmond. Richmond's concerns for the most part are with those filling operations that are permitted as an outright use in the Agricultural Land Reserve (ALR) under the Agricultural Land Commission (ALC) Regulations not requiring approval from either the ALC or Richmond. We are different because we need ALC and Ministry of Environment (MoE) approvals thus Richmond need not be as concerned with filling operations requiring approved from these provincial agencies.

As the owner of the Ecowaste Landfill in south east Richmond, holding both industrial-zoned land (170 acres) and agricultural-zoned land within the ALR (300 acres), we are interested in, and affected by, the proposed Bylaw. The services our facility provides to government, to industry, and the general public have been aimed at assisting Richmond (and the region) to ensure appropriate disposal is available for many of the otherwise inappropriate fill materials and poor quality soils that sometimes end up on farmland. As noted above we are regulated by the B.C. MoE and the ALC on the ALR portion of our property. We provide an option for proper disposal of these waste materials, through an application process, careful analysis of empirical data to ensure the materials meet published standards, and specific approvals to manage those materials.

While a portion of our landfill is located within the ALR our operation is a landfill, not a farm, and we feel it should be treated differently than farmland within the ALR. We are not asking that the landfill be exempt from the Bylaw; only that the Bylaw recognize that some provisions that may be relevant to a working farm or vacant farmland may not be appropriate for a working landfill. Examples of Bylaw provisions that should not apply to a landfill include any annual restrictions on the type of fill allowed or amount of fill, any deposit fee other than that provided for in the general landfill approval, or how long a permit may last. We note that the ALR portion must meet all ALC conditions to ensure that the land is suitable for agricultural use upon completion of the landfill operation, which will fully address the types of concerns Richmond is attempting to address in its proposed Bylaw for farm properties.

Focusing any bylaw changes on 'farm use' in the ALR would recognize there are significant differences between a farmer depositing fill to prepare or enhance agricultural operations and a commercial landfill operator depositing construction, demolition and excavation waste in a landfill, as is the case with Ecowaste. We note the January 28 directive from Council was to consider bylaw changes to address soil deposit and removal activities related to existing 'farm use' in the ALR, so Council has already recognized the need to treat non-farm uses in the ALR such as Ecowaste quite differently.

My specific comments with respect to the Proposed City Soil Permit Requirements are as follows:

1. The permit system appears to be project driven and does not consider the needs of on-going operations such as Ecowaste.
2. Focusing on the annual soil fill volume category of 35,000 cubic meters per year, we understand the desire/need for a permit and the application fee(s). However, in the case of Ecowaste, the additional fee per cubic meter would be layered on fees already paid to the Province and Metro Vancouver for our Operational Certificate and License Fees. These additional fees will serve to increase our charges to the consumer, and could have the unintended consequence of actually encouraging illegal dumping, potentially creating more damage to farmland and more work and expense for Richmond staff, and other agencies throughout the region, to manage.
3. For an operation of our size the security requirement suggested is very onerous. Our operation already pays fees to the Ministry of Environment (including bonding) as well as bonding to the ALC. We feel this additional burden will increase our costs with the same unintended consequences noted above.
4. With respect to the permit process going through the Agricultural Advisory Committee (AAC) and requiring Council Resolution, we understand the desire to inform these groups and seek feedback and approval. However, the process for doing this is not clear and should not be interpreted as something that will have to be done on an annual basis. This is an onerous process for us, staff, the AAC and Council if it is required to be done annually. Staff should consider, for ongoing operations, whether this needs to be done so frequently. An alternate approach might be to either exempt a landfill operation from the process (our preference), or perhaps consider a period equal to the years remaining in the ALC or MoE approval, with annual reports to Richmond.
5. We concur with Council that the proposed Bylaw apply only to the deposit of fill on farmland in the ALR, and suggest it only apply to active farm uses of the land, not landfills.

Thank you for the opportunity to comment and contribute to this discussion. If you have any questions or wish to discuss any of the points raised above in further detail I can be reached at the contact information below.

Yours truly,



Tom Land

Vice President & General Manager, Ecowaste Industries Ltd.

200 - 10991 Shellbridge Way,

Richmond, BC, V6X3C6

Tel: (604) 249-1977

Fax: (604) 270-4185

Cell: (604) 614-9019

tland@graymont.com



**Soil Removal and Fill Deposit Regulation Bylaw No. 8094,
Amendment Bylaw No. 9002**

The Council of the City of Richmond enacts as follows:

1. Soil Removal and Fill Deposit Regulation Bylaw No. 8094, as amended, is further amended:
 - (a) by deleting paragraph 3.2.1(b) and substituting the following:
 - “(b) will not:
 - (i) exceed one hundred (100) cubic metres in volume on or from a single **parcel** over one calendar year; and
 - (ii) exceed one (1) metre in depth at any point; and
 - (iii) be carried out for more than one (1) month in duration,
 provided there is compliance with sections 5.2.1 and 5.2.2 of this bylaw.
 - (b) by deleting paragraph 4.1.1(a) and substituting the following:
 - “(a) a non-refundable application fee of Five Hundred Dollars (\$500), plus \$0.50 per cubic metre of soil proposed to be **deposited** to or **removed** for a **parcel**,”
 - (c) by deleting the heading “**4.2 Security**” and substituting “**4.2 Security and Insurance**”;
 - (d) by adding the following after section 4.2.2:
 - “4.2.3 Prior to the issuance of a **permit**, every applicant shall provide to the **Manager** proof of comprehensive liability insurance valid for the duration of the **permit**, which insurance policy shall have a limit of not less than Five Million Dollars (\$5,000,000) for loss, damage, injury or death arising out of any one occurrence, name the **City** as additional insured and contain such other terms and conditions satisfactory to the **City’s** Risk Manager.”
 - (e) by adding the following after paragraph 4.3.1(d):
 - (e) for an application for a **permit** to **deposit** or **remove** more than 35,000 cubic metre of **soil**, the proposed **deposit** or **removal** has been approved by **Council**,

- (f) by adding the following after section 4.5.1:

“4.6 Compliance Reports

4.6.1 Every **permit** holder shall maintain a daily record of **deposit** or **removal** activity, which record include the following information:

- (a) date and time of **deposit** or **removal**;
- (b) licence plate of truck **depositing** or **removing** soil and whether a trailer is used;
- (c) quantity of the **deposit** or **removal**; and
- (d) address of source of **deposit** or destination of **removal**.

4.6.2 For **deposit** or **removal** greater than five hundred (500) cubic metres, except where the proposed **deposit** or **removal** will be completed within one (1) month from the date the **permit** is issued, the **permit** holder shall maintain monthly reports, certified by an engineer, agrologist or hydrologist, regarding the progress of the **deposit** or **removal** and setting out the following information:

- (a) the quantity of **deposit** or **removal** for the previous month and the total cumulative quantity for the duration of the **permit** up to the current month; and
- (b) the location of the **deposit** or **removal** on the **parcel**.

4.6.3 Upon request by the **Manager**, the **permit** holder shall immediately provide to the **Manager** the daily record under section 4.6.1 and/or the monthly report under section 4.6.2.”

- (g) by adding the following after section 5.1.1:

“5.2 Submission of Notice and Display of Permit or Notice

5.2.1 Where the exemption in section 3.2.1(b) of this bylaw applies, the owner must complete and submit the “Soil Removal or Fill Deposit Notice”, in the form set-out in Schedule “B” of this bylaw, to the **Manager** at least thirty (30) days prior to the **deposit** or **removal**.

5.2.2 During **deposit** or **removal** activity on a **parcel**, a completed Soil Removal or Fill Deposit Notice or a valid **permit** shall be clearly and visibly displayed at the main access point to the **parcel**.

5.3 Identification

5.3.1 Upon request by the **Manager** or a **City** Bylaw Enforcement Officer:

- (a) the driver or operator of a vehicle or any equipment being used for **deposit** or **removal** activity, or the person in charge of the vehicle or equipment, shall provide his or her full name and current address (including photo identification to verify this information), the full name and current address of the owner of the vehicle or equipment, the full name and current address of the person directing the **deposit** or **removal** activity, and the addresses of the **parcel** or **parcels** to or from which the **deposit** or **removal** is being transported; and
 - (b) a person who has allegedly contravened any provision of this bylaw shall provide his or her full name and current address and photo identification to verify this information.”
- (h) by adding the following after section 7.1.1:
- “7.1.2 A violation of any of the provisions identified in this bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.
- 7.1.3 A violation of any of the provisions identified in this bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c.60.*”
2. This Bylaw is cited as **“Soil Removal And Fill Deposit Regulation Bylaw No. 8094, Amendment Bylaw No. 9002”**.

FIRST READING

SECOND READING

THIRD READING

MINISTER APPROVALS

ADOPTED

MAYOR_____
CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating dept. <i>EW.</i>
APPROVED for legality by Solicitor <i>W</i>



**City of
Richmond**

Bylaw 9003

**Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122,
Amendment Bylaw No. 9003**

The Council of the City of Richmond enacts as follows:

1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Part One – Application by adding the following after section 1.1(l):

“(m) Soil Removal and Fill Deposit Regulation Bylaw 8094, as amended,”
2. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended by adding to the end of the table in Schedule A of Bylaw No. 8122 the content of the table in Schedule A attached to and forming part of this bylaw.
3. This Bylaw is cited as **“Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9003.”**

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating Division <i>SLW.</i>
APPROVED for legality by Solicitor <i>he</i>

SCHEDULE A to BYLAW NO. 9003**SCHEDULE A to BYLAW NO. 8122****Designated Bylaw Contraventions and Corresponding Penalties**

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
	Period of Time from Receipt (inclusive)		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
Soil Removal and Fill Deposit Regulation Bylaw 8094 (2007)	Soil deposit or removal without valid permit	3.1.2	No	\$ 500.00	\$ 475.00	\$ 525.00	n/a
	Not complying with term or condition of permit	3.1.2	No	\$500.00	\$475.00	\$525.00	n/a
	Permit holder fails to maintain daily record of soil removal or deposit activity	4.6.1	No	\$300.00	\$275.00	\$325.00	n/a
	Permit holder fails to maintain monthly report of soil removal or deposit activity	4.6.2	No	\$300.00	\$275.00	\$325.00	n/a
	Permit holder fails to provide daily record or monthly report	4.6.3	No	\$300.00	\$275.00	\$325.00	n/a
	Deposit or remove soil or fill between the hours of 8:00 p.m. and 7:00 a.m.	5.1.1(a)	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Deposit or remove soil or fill on a Sunday or any statutory holiday	5.1.1(b)	No	\$500.00	\$ 475.00	\$ 525.00	n/a

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
	Failing to properly license and insure vehicle used for hauling soil or fill	5.1.1(c)	No	\$200.00	\$175.00	\$225.00	n/a
	Failing to cover soil or fill to prevent blowing or falling from vehicle	5.1.1(d)	No	\$300.00	\$275.00	\$325.00	n/a
	Failing to repair damage to drainage, watercourse, highway or other property	5.1.1(e)	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Failing to keep drainage or watercourse free of soil or fill	5.1.1(f)	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Removal or deposit greater than 0.5 metre within 2.5 metre of utility pole, pipeline, structure or highway without approval	5.1.1(g)	No	\$500.00	\$475.00	\$525.00	n/a
	Removal or deposit soil or fill on highway, statutory right-of-way or easement without permission	5.1.1 (h)	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Failure to remove temporary structures	5.1.1 (i)	No	\$200.00	\$175.00	\$225.00	n/a
	Failure to adequately fence or protect hazards	5.1.1 (j)	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Failure to protect from erosion, collapse, or run-off water or mud	5.1.1 (k)	No	\$300.00	\$275.00	\$325.00	n/a

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
	Stockpiling soil or fill other than location in permit or causing damage or nuisance	5.1.1 (l)	No	\$300.00	\$275.00	\$325.00	n/a
	Allow soil to encroach, undermine, damage or endanger adjacent property or setback area	5.1.1 (m)	No	\$400.00	\$375.00	\$425.00	n/a
	Failure to limit or mark permitted soil removal or deposit area	5.1.1 (n)	No	\$300.00	\$275.00	\$325.00	n/a
	Failure to display notice or permit	5.2.2	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Driver fail to provide required information	5.3.1(a)	No	\$200.00	\$175.00	\$225.00	n/a
	Person or owner fail to provide name, address or photo identification	5.3.1(b)	No	\$200.00	\$175.00	\$225.00	n/a
	Prevent or obstruct entry by Manager	6.1.2	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Failure to comply with notice of non-compliance	6.2.1	No	\$500.00	\$ 475.00	\$ 525.00	n/a



Soil Removal and Fill Deposit Regulation Bylaw No. 8094

The Council of the City of Richmond enacts as follows:

PART ONE – APPLICATION

1. Application

- 1.1 This bylaw applies only to lands located within an **agricultural land reserve**, as defined in this bylaw.
- 1.2 Nothing in this bylaw precludes or relieves a person from complying with the provisions of the *Agricultural Land Commission Act* and regulations or any other applicable local, provincial or federal enactment or regulation.

PART TWO – INTERPRETATION

2. Interpretation

- 2.1 In this bylaw:

**AGRICULTURAL LAND
RESERVE**

means the area of land within the City of Richmond designated as protected agricultural land under the *Agricultural Land Commission Act*, as amended, and shown in the hatched areas outlined in bold in Schedule “A”, which is attached and forms part of this bylaw.

BC LAND SURVEYOR

means a person who is listed as a practicing member under Section 34(1) of the *Land Surveyors Act*, as amended.

CITY

means the City of Richmond.

COMMISSION

means the Provincial Agricultural Land Commission established under the *Agricultural Land Commission Act*, as amended.

COUNCIL

means the municipal council of the City of Richmond.

DEPOSIT

means to place, store, pile, spill or release, directly or indirectly, **fill** on a parcel or contiguous **parcels** of land where that **fill** did not exist or stand previously and includes a **stockpile**.

EXISTING FARM

means a **parcel** that has been previously operated as a **farm** in compliance with the *Agricultural Land Commission Act* and a **parcel** designated as a **farm** operation through property assessment and property tax designation.

FARM

means a **parcel** for farming purposes, such as farming of plants and animals, and includes a **farm** business or **farm** operation as specified in the *Farm Practices Protection (Right to Farm) Act*.

FILL

means a deposit comprised of **soil** or **permitted material** or combination thereof.

GUIDELINES FOR FARM PRACTICES INVOLVING FILL

means the document published by the *Ministry of Agriculture and Lands*, which outlines standard practices of agricultural **fill**, as amended.

HIGHWAY

includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right-of-way on private property or any other public right-of-way as defined in Part 1 of the *Transportation Act*.

MANAGER

means Manager, Community Bylaws and any person designated by the Manager to act in Manager's place.

PARCEL

means any lot, block or other area in which land is held or into which land is subdivided but does not include a **highway**.

PERMIT

means an authorization to remove **soil** or deposit **fill** issued under this bylaw.

PERMITTED MATERIAL

includes:

- (a) any material that is listed in the *Guidelines for Farm Practices Involving Fill*, or that is used as specified in the *Guidelines for Farm Practices Involving Fill*;

- (b) any material not specified in (a) that is certified in writing, as a standard farm practice, by a **Professional Agrologist** in a form acceptable to the **Manager**; and
- (c) any material that is authorized for **deposit** as **fill** at a specified location by the Commission pursuant to Section 20 (3) of the *Agricultural Land Commission Act*, as amended.

**PROFESSIONAL
AGROLOGIST**

means a person who is a member in good standing under Section 15 of the *Agrologist Act*, as amended.

PROFESSIONAL ENGINEER

means a person who is a certified member under Section 20 of the *Engineers and Geoscientists Act*, as amended.

PROVINCIAL ENACTMENT

means an enactment of the Province of British Columbia.

REMOVAL

means to remove **soil** from a **parcel** or contiguous parcels of land on which it exists or has been deposited.

SOIL

means topsoil, sand, gravel, rock, silt, clay, peat or any other substance of which land is composed, or any combination thereof;

STOCKPILE

means a man-made accumulation of **soil** held in reserve for future use, **deposit** or **removal**.

WOODWASTE

means a wood by-product as defined under the *Code of Agricultural Practice for Waste Management* and includes hog fuel, mill ends, wood chips, bark and sawdust but does not include demolition waste, construction waste, tree stumps, branches, logs or log ends.

PART THREE – RESTRICTIONS AND EXEMPTIONS

3.1 Restrictions

- 3.1.1 Subject to a **Provincial enactment** and any procedure, authorization or permission thereunder, no person shall **deposit soil**, or cause, suffer or permit the **deposit** of **soil** on any land within the **agricultural land reserve** except in accordance with this bylaw.

- 3.1.2 Except as otherwise provided in this bylaw, but subject to any procedure, authorization, or permission respecting activity regulated under an applicable **Provincial enactment**, no person shall carry out, cause, suffer or permit the **removal** of **soil** from, or the **deposit** of **fill** on, any land located within the **agricultural land reserve** without first making application for and obtaining a **permit** from the City, and every such deposit or removal shall conform in all respects to the requirements and regulations of this bylaw and the terms and conditions of the **permit**.

3.2 Exemptions

- 3.2.1 Despite Section 3.1.2, a **permit** is not required where the **deposit** or **removal**:

(a) ~~REPEALED~~

- ~~(a) (i) is related to, or carried out in connection with, an existing “farm use” or “non farm use” supported by a “Notice of Intent”, as defined in the *Agricultural Land Commission Act* and submitted and acknowledged pursuant to that Act;~~
- ~~(ii) is for an approved **farm** practice as defined in the *Guidelines for Farm Practices Involving Fill* on an existing farm operation; and~~
- ~~(iii) is outlined in a “Soil Removal or Fill Deposit Notice”, identified in Schedule “B”, which is attached and forms part of this bylaw, and is submitted to the City for an existing farm operation, as indicated by their property assessment and property tax designation, a minimum of five (5) business days prior to scheduled **soil removal** or **fill deposit**;~~

(b) will not:

- (i) exceed One Hundred (100) cubic metres in volume on or from a single **parcel** over one calendar year; and
- (ii) exceed one (1) metre in depth at any point; and
- (iii) be carried out for more than One (1) month in duration;

provided there is compliance with sections 5.2.1 and 5.2.2 of this bylaw.

- (c) is by a floriculturalist or horticulturist on lands owned by that person or business and in connection with such trade or business;
- (d) is required for the erection of a building or structure under a valid building permit or development permit issued by the **City**, where the **deposit** or **removal** is in accordance with the approved drawings submitted as part of the application for the building permit;

- (e) is related to the construction of works and services for a subdivision where the **deposit** or **removal** is in accordance with the approved drawings submitted as part of the application for subdivision;
- (f) is required to create, maintain or repair a private road, driveway, paved parking area, dyke or any **highway** or statutory right-of-way necessary to accommodate a permitted use on the property;
- (g) is required for the construction, maintenance or repair of utility works within a **highway** or municipal works, by or on behalf of the **City**;
- (h) involves the movement of existing **soil** within the boundaries of a single **parcel** or contiguous parcels of land;
- (i) is required for the construction or maintenance of a private sewage disposal system or septic field for which a permit has been granted; or
- (j) involves the open storage or stockpiling of **soil** or **woodwaste** intended to be processed and removed in connection with a lawful use of the land on which they are stored.

PART FOUR – PERMIT APPLICATION PROCESS

4.1 Application Requirements

4.1.1 Every application for a **permit** shall be made in writing to the **Manager** using the “Application for Soil Removal / Fill Deposit” provided for that purpose by the **City**, identified in Schedule “C”, which is attached and forms part of this bylaw and shall include:

- ~~(a) a non-refundable application fee of Five Hundred Dollars (\$500), plus \$0.50 per cubic metre of soil proposed to be deposited to or removed for a parcel;~~
- ~~(a) a non-refundable application fee of Six Hundred Dollars (\$600.00);~~
- (b) a security deposit in accordance with the requirements of Section 4.2.1;
- (c) the following documents, plans and information relating to the proposed **removal** or **deposit** operation:
 - (i) evidence, satisfactory to the **Manager**, that an applicable application for **soil removal** or **fill deposit** has been made under the *Agricultural Land Commission Act*, as amended, and approved by the **Commission**;
 - (ii) a description of the composition and volume of the **soil** to be removed or **fill** to be deposited as prepared by a **Professional Agrologist**;

- (iii) the street location, legal description and a copy of the title search of the **parcel**;
- (iv) the consent in writing of the registered owner or owners of the **parcel**;
- (v) a plan in reasonable detail indicating clearly the location of the proposed **deposit** or **removal** and all pertinent topographic features, including existing buildings, structures, watercourses and tree cover;
- (vi) the depths and proposed slopes which will be maintained upon completion of a **removal** or **deposit**;
- (vii) the methods proposed to control the erosion of the banks of a **removal** or **deposit**;
- (viii) the proposed methods of drainage control for the site during and after a **removal** or **deposit**;
- (ix) the proposed methods of access to the **removal** or **deposit** site during the operation including a scale map of the proposed routing and scheduling of truck and vehicular traffic;
- (x) evidence, satisfactory to the **Manager**, that all requirements have been met under the City's *Boulevard and Roadway Protection and Regulation Bylaw No. 6366*, as amended;
- (xi) evidence, satisfactory to the **Manager**, that all requirements have been met under the City's *Tree Protection Bylaw No. 8057* as amended;
- (xii) the location and size of any buffer zones necessary to provide a visual and sound barrier between the **permit** area and adjacent lands, parks, roads, **highways** and other uses;
- (xiii) the proposed methods of noise and dust control during the **removal** or **deposit** operation, in compliance with the City's *Public Health Protection Bylaw No. 6989*, as amended;
- (xiv) the proposed completion dates for all **removal** or **deposit** operations;
- (xv) where requested by the **Manager**, site plans prepared by a **BC Land Surveyor** or **Professional Engineer** which plans may be required to show or include, without limitation, a statement of the volume of **soil** to be removed or **fill** to be deposited along with the calculations, cross-sections and other data and information used in calculating estimated total volume, site contours, particulars as to the present use and occupancy of the **parcel**, proposed slopes, pertinent topographic features, buildings, highways, watercourses and all other structures, utilities and facilities;

- (xvi) an indemnity in favour of the **City**, in the form prescribed, indemnifying and saving harmless the **City**, its agents, employees, officers and servants, from and against all claims, demands, losses, costs, damages, actions, suits or proceedings whatsoever by whomsoever brought by reason of, or arising from, the issue by the **City** of a **permit** under this bylaw to conduct the proposed **deposit** or **removal** operation; and
- (xvii) such further and other information as the **Manager** determines is necessary to adequately describe the nature and extent of the **removal** or **deposit** operation.

4.2 Security and Insurance

4.2 Security

- 4.2.1 Prior to the issuance of a **permit**, every applicant must deposit with the **City**, security in the form of cash or an unconditional, irrevocable letter of credit drawn on a Canadian financial institution, in a form acceptable to the **Manager**, in an amount equal to Twenty Dollars (\$20.00) per cubic metre of **soil** to be removed or **fill** to be deposited, based on the volume as outlined in the applicable reports submitted under Section 4.1.1 (c)(ii) and Section 4.1.1(c)(xv), to a maximum of Ten Thousand Dollars (\$10,000.00), to ensure full and proper compliance with the provisions of this bylaw and all terms and conditions of the **permit**.
- 4.2.2 That portion of the security deposit not required for the foregoing purposes or to repair damage to **City** property caused by the **removal** or **deposit** operations shall be returned to the applicant upon receipt of a final report, in a form acceptable to the **Manager**, from the **Professional Agrologist** and the **Professional Engineer** providing applicable documentation under Section 4.1.1(c)(ii) and Section 4.1.1(c)(xv) respectively and confirming that all aspects of the original **removal** or **deposit** operation have been fulfilled. Any assessment of damage to **City** property or the costs of necessary repairs will be provided by the General Manager, Engineering & Public Works or designate.

4.2.3 Prior to the issuance of a **permit**, every applicant shall provide to the **Manager** proof of comprehensive liability insurance valid for the duration of the **permit**, which insurance policy shall have a limit of not less than Five Million Dollars (\$5,000,000) for loss, damage, injury or death arising out of any one occurrence, name the **City** as additional insured and contain such other terms and conditions satisfactory to the **City's** Risk Manager.

4.3 Permit Issuance

- 4.3.1 Subject to Section 4.3.2, where:
 - (a) an application for a **permit** complies with the requirements of this bylaw;
 - (b) the proposed **removal** or **deposit** complies with this bylaw and all

other applicable **City** bylaws;

- (c) the proposed **removal** or **deposit** has been approved by the **Commission**; and
- (d) the **Manager**, having regard to the documents, plans and information submitted with the application for a **permit**, is of the opinion that the **deposit** or **removal** operation can be carried out safely, without undue nuisance or interference to adjacent parcels or the public, or damage or injury to persons or property;
- (e) for an application for a **permit** to **deposit** or **remove** more than 35,000 cubic metre of soil, the proposed **deposit** or **removal** has been approved by **Council**.

the **Manager** may issue a **permit**.

4.3.2 The **Manager** must not issue a **permit** where the proposed **removal** or **deposit** could reasonably be expected to:

- (a) reduce, damage or otherwise adversely affect the long-term agricultural viability of the **parcel** which is the subject of the **permit** or any adjacent or nearby **parcel**;
- (b) endanger, damage or otherwise adversely affect any adjacent **parcel**, structure, **highway**, easement, utility works and services or right-of-way;
- (c) foul, obstruct, impede or otherwise adversely affect any stream, creek, waterway, watercourse, groundwater aquifer, waterworks, ditch, drain, sewer or other established drainage facility; or
- (d) endanger or otherwise adversely affect an environmentally sensitive area.

For the purposes of making a determination under this section, the **Manager** may require an applicant to obtain a report by a **professional engineer**, scientist, technician or other person qualified under a **Provincial enactment** to make an assessment or recommendation on the matter and the **Manager** may refuse, limit, or impose conditions on a **permit** based on information or advice provided in such a report or reports.

4.4 Expiry

4.4.1 Every **permit** shall expire twelve (12) months from the date of issue or upon such earlier date as may be specified in the **permit**.

4.5 Renewal, Extension or Modification

4.5.1 If the **removal** or **deposit** operations authorized by a **permit** are not completed before the **permit** expires, or it becomes necessary to alter or deviate from the particulars of the **permit** application or drawings submitted for a **permit**, the **Manager** may renew, extend or modify the permit upon written request of the **permit** holder, subject to the following:

- (a) a **permit** holder has no vested right to receive an extension, renewal or modification and the **Manager** may require that a new **permit** application be submitted;
- (b) the permit holder shall pay a non-refundable fee of One Hundred Dollars (\$100.00)
- (c) the application for a renewal, extension or modification is received no later than thirty (30) days before the expiry date of the existing **permit**;
- (d) the **Manager** may renew or extend a **permit** for an additional period of not more than one (1) year, except where the extraction or processing of aggregate or minerals is being carried out pursuant to a valid permit issued under the *Mines Act* or other **Provincial enactment**, in which circumstance a **permit** may be renewed as required, but continues to be subject to all other terms and conditions of this bylaw and other applicable enactments;
- (e) the **Manager** may require that the **permit** holder provide additional information authorized by this bylaw as a pre-condition to considering an application for a **permit** renewal, extension or modification; and
- (f) all terms and conditions set out in the original **permit** shall apply to each renewal, extension or modification of the **permit** except as amended or modified by the renewal, extension or modification.

4.6 Compliance Reports

4.6.1 Every **permit holder shall maintain a daily record of **deposit** or **removal** activity, which record include the following information:**

- (a) date and time of **deposit** or **removal**:**
- (b) licence plate of truck **depositing** or **removing** soil and whether a trailer is used;**
- (c) quantity of the **deposit** or **removal**; and**
- (d) address of source of **deposit** or destination of **removal**.**

4.6.2 For **deposit or **removal** greater than five hundred (500) cubic metres, except where the proposed **deposit** or **removal** will be completed within one (1) month from the date the **permit** is issued, the **permit** holder shall maintain monthly reports, certified by an engineer, agrologist or hydrologist, regarding the progress of the **deposit** or **removal** and setting out the following information:**

- (a) the quantity of **deposit** or **removal** for the previous month and the total cumulative quantity for the duration of the **permit** up to the current month; and**

- (b) the location of the **deposit** or **removal** on the **parcel**.
 4.6.3 Upon request by the **Manager**, the **permit** holder shall immediately provide to the **Manager** the daily record under section 4.6.1 and/or the monthly report under section 4.6.2.

PART FIVE – REGULATIONS

5.1 Regulations

- 5.1.1 Every **removal** of **soil** or **deposit** of **fill** shall comply with, and every **permit** issued under this bylaw is subject to the observance or fulfilment of, the following requirements, restrictions and regulations, to the satisfaction and approval of the **Manager**:
- (a) no **soil removal** or **fill deposit** activities may be carried out between the hours of 8:00 p.m. and 7:00 a.m. the following morning;
 - (b) no **soil removal** or **fill deposit** activities may be carried out on a Sunday or any statutory holiday;
 - (c) every vehicle used for hauling **soil** or **fill** shall be properly licensed and insured and in compliance with all applicable laws and regulations governing the use and operation of the vehicle on a **highway**;
 - (d) every load of **soil** or **fill** shall be fully and properly covered so as to prevent **soil**, **fill** or dust from blowing or falling from the vehicle;
 - (e) all damage to drainage facilities, natural watercourses, **highways** or other public or private property shall be promptly and properly repaired to the satisfaction of the **Manager** at the expense of the **permit** holder;
 - (f) all streams, creeks, waterways, natural watercourses, groundwater aquifers, waterworks, ditches, drains, sewers or other established drainage facilities shall be kept free of all **soil** or **fill** arising from or caused by the **removal** or **deposit** operations;
 - (g) no **removal** or **deposit** greater than One-half (0.5) metres in depth shall be undertaken within Two and One-half (2.5) metres of any utility pole, pipeline, structure or **highway** or below overhead wires without giving prior notice to and receiving written approval from the **City** or other authority having jurisdiction;
 - (h) no **removal** or **deposit** shall be undertaken on a **highway**, statutory right-of-way or easement without first obtaining the permission in writing of the **City** or other authority having jurisdiction over such **highway** or statutory right-of-way;
 - (i) all structures or excavations erected or made in connection with a **removal** or **deposit** operation shall be temporary in nature and shall be removed forthwith upon completion of the operation;

- (j) all hazards or potential hazards arising from the **removal** or **deposit** operation shall be adequately fenced or otherwise protected for the safety of the public;
- (k) during and upon completion of every **removal** or **deposit** operation, the boundaries of all adjacent **parcels**, **highways**, rights-of-way and easements shall be protected from erosion or collapse and from run-off of water or mud;
- (l) all **stockpiles** of **soil** or **fill** shall be confined to the locations prescribed in the **permit** and shall be maintained so that they do not adversely affect or damage adjacent **parcels** or cause a nuisance to any person;
- (m) all **removal** or **deposit** operations must not encroach upon, undermine, damage or endanger any adjacent **parcels** or any setback area prescribed in the **permit** or a bylaw; and
- (n) all **removal** or **deposit** operations shall be limited only to the area specified in the **permit** which shall be clearly marked at the site and such markings maintained for the duration of the **permit**.

5.1.2 The **Manager** may issue a **permit** subject to the observance or fulfilment of additional conditions specified in the **permit** which in the opinion of the **Manager** are necessary to achieve the purposes of this bylaw.

5.2 Submission of Notice and Display of Permit or Notice

5.2.1 Where the exemption in section 3.2.1(b) of this bylaw applies, the owner must complete and submit the "Soil Removal or Fill Deposit Notice", in the form set-out in Schedule "B" of this bylaw, to the **Manager** at least thirty (30) days prior to the **deposit** or **removal**.

5.2.2 During **deposit** or **removal** activity on a **parcel**, a completed Soil Removal or Fill Deposit Notice or a valid **permit** shall be clearly and visibly displayed at the main access point to the **parcel**.

5.3 Identification

5.3.1 Upon request by the **Manager** or a **City** Bylaw Enforcement Officer:

- (a) the driver or operator of a vehicle or any equipment being used for **deposit** or **removal** activity, or the person in charge of the vehicle or equipment, shall provide his or her full name and current address (including photo identification to verify this information), the full name and current address of the owner of the vehicle or equipment, the full name and current address of the person directing the **deposit** or **removal** activity, and the addresses of the **parcel** or **parcels** to or from which the **deposit** or **removal** is being transported; and
- (b) a person who has allegedly contravened any provision of this bylaw shall provide his or her full name and current address and photo identification to verify this information.

PART VI – ADMINISTRATION

6.1 Right of Entry for Inspection

- 6.1.1 Subject to any requirements of a **Provincial enactment**, the **Manager** is hereby authorized at all reasonable times to enter upon and inspect any **parcels** to determine whether the requirements, restrictions, regulations, terms, conditions and directions of this bylaw or a **permit** are being observed. For certainty, any entry by the **Manager** to a site that is a “mine” for the purposes of the *Mines Act* must be conducted in compliance with the entry provisions of the Health, Safety and Reclamation Code for Mines in British Columbia under the *Mines Act*.
- 6.1.2 No person shall prevent or obstruct or attempt to prevent or obstruct the **Manager** from entering upon **parcels** as authorized by Section 6.1.1.

6.2 Notice of Non-compliance

- 6.2.1 The **Manager** may give notice to any person of a breach of, or non-compliance with, any of the provisions of this bylaw or a **permit** issued thereto and such person shall immediately cease all **soil removal** or **fill deposit** activities until such breach or non-compliance is remedied to the satisfaction of the **Manager**, and every owner of a **parcel** shall refuse to permit the further **removal** of **soil** or **deposit** of **fill** from or upon the **parcel** until such time as the breach or non-compliance is remedied to the satisfaction of the **Manager**.

6.3 Failure to Remedy Non-Compliance

- 6.3.1 In the event that any person having received notice of breach fails within the time specified therein to remedy such breach, the City or its appointed agents may enter upon the **parcel** or any part thereof and carry out the works required to remedy the breach, and the expense of doing so shall be paid by the person in breach and, if not paid within 90 days, the expense, with interest at the prescribed rate and costs, shall be recovered in the same manner as municipal taxes.

6.4 Suspension or Cancellation of Permit

- 6.4.1 If:
- (a) there is a contravention of any term, condition, requirement or restriction of this bylaw or a **permit** issued under this bylaw; or
 - (b) a **permit** was issued under this bylaw on the basis of statements made in the permit application or a report, declaration or record required under this bylaw, that were false or misleading with respect to a material fact or that omitted to state a material fact, the omission of which made the statement false or misleading;

the **Manager** may:

GP - 47

- (i) suspend in whole or in part the rights of the **permit** holder under the **permit**;
- (ii) cancel the **permit**; or
- (iii) amend or attach new conditions to a **permit** with the written consent of the **permit** holder.

6.5 Right of Reconsideration

- 6.5.1 Where an applicant or owner of a **parcel** is subject to a requirement or a decision made by the **Manager** under this bylaw and is dissatisfied with the requirement or decision, the applicant or owner may apply to the General Manager, Engineering and Public Works for reconsideration of the matter within 30 days of the requirement or decision being communicated to them.
- 6.5.2 An application for reconsideration must be delivered in writing to the City Clerk and must set out the grounds upon which the applicant considers the requirement or decision of the **Manager** inappropriate and what, if any, requirement or decision the applicant or owner considers the General Manager, Engineering and Public Works ought to substitute.
- 6.5.3 The General Manager, Engineering and Public Works may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the requirement or decision of the **Manager** or substitute its own requirement or decision.

PART SEVEN – OFFENCES AND PENALTIES

7.1 Offences and Penalties

- 7.1.1 Any person who contravenes or violates any provision of this bylaw or any **permit** issued under this bylaw or who suffers or allows any act or thing to be done in contravention or violation of this bylaw or any **permit** issued under this bylaw, or who fails or neglects to do anything required to be done under this bylaw or any **permit** issued under this bylaw, commits an offence and upon conviction shall be liable to a fine of not more than Ten Thousand Dollars (\$10,000.00) and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

7.1.2 A violation of any of the provisions identified in this bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.

7.1.3 A violation of any of the provisions identified in this bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 in accordance with the Local Government Bylaw Notice Enforcement Act, SBC 2003, c.60.

PART EIGHT – SEVERABILITY AND CITATION

8.1 Severability

8.1.1 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

8.2 Citation

8.2.1 This Bylaw is cited as “**Soil Removal And Fill Deposit Regulation Bylaw No. 8094**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

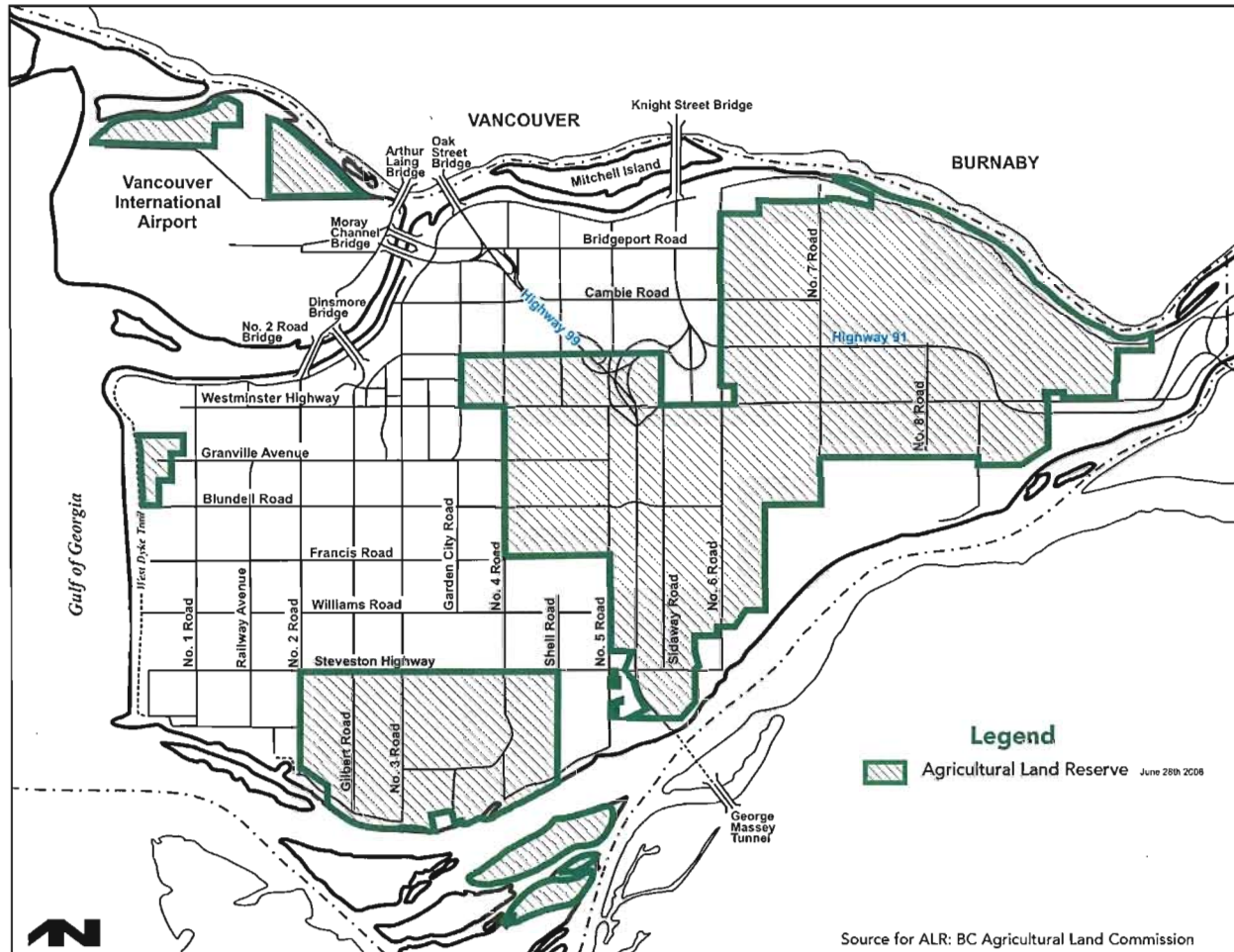
_____	CITY OF RICHMOND
_____	APPROVED for content by originating dept.
_____	APPROVED for legality by Solicitor

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 8094

Agricultural Land Reserve City of Richmond



SCHEDULE B to BYLAW NO. 8094

Notice of Soil Removal or Fill Deposit
Existing Farm Operations - Agricultural Land Reserve

☐ Notice to **remove soil**☐ Notice to **deposit fill**

Owner: _____

Address: _____

Telephone: (B) _____ (C) _____

Fax: _____ Email: _____

Address of Property, or Legal Description _____
_____Current Use of Property: _____

Adjacent Uses: North: _____ East: _____

South: _____ West: _____

Purpose of Project (reference *Guidelines for Farm Practices Involving Fill (BC Ministry of Agriculture and Lands)*)

Volume: _____ cubic metres Depth _____ metres

Declaration: I/We declare that:

- the information provided in this document is true and correct, to the best of my/our knowledge, and
- that any fictitious or misleading information that I/we provide may be a violation of the City of Richmond Soil Removal and Fill Deposit Regulation Bylaw No 8094 and punishable by a fine of up to \$10,000.

Date_____
Signature of Owner_____
Print name

SCHEDULE C to BYLAW NO. 8094

Page 1 of 2

Application for Soil Removal / Fill Deposit
Proposed Farm or Non-Farm Operations - Agricultural Land Reserve

☐ Application to remove soil☐ Application to deposit fill

Owner: _____ Address: _____ Telephone: (B) _____ (C) _____ (F) _____ Email: _____	Agent: _____ Address: _____ Telephone: (B) _____ (C) _____ (F) _____ Email: _____
------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------

Address of Property or Legal Description _____ Size of Property / Parcel: _____ hectares Current Use of Property: _____

Adjacent Uses: North: _____
East: _____
South: _____
West: _____

Total Project Area: _____ hectares
Volume of Soil or Fill: _____ cubic metres
Depth of Soil or Fill: _____ metres
Duration of Project: _____ weeks / months

Type of Soil / Fill Material (reference *Guidelines for Farm Practices Involving Fill (BC Ministry of Agriculture and Lands)*)

Purpose of Project (reference *Guidelines for Farm Practices Involving Fill (BC Ministry of Agriculture and Lands)*)

Proposed Reclamation Measures (for soil removal projects)

SCHEDULE C to BYLAW NO. 8094

Page 2 of 2

**Application for Soil Removal / Fill Deposit
Proposed Farm or Non-Farm Operations - Agricultural Land Reserve**

Has a Professional Agrologist reviewed the project and provided a written report? ☐ Yes ☐ No

(If yes, please attach a copy of the report)

(If no, please explain why) _____

Has a Professional Engineer reviewed the project and provided a written report? ☐ Yes ☐ No

(If yes, please attach a copy of the report)

(If no, please explain why) _____

Are you hereby undertaking to provide a security deposit as outlined in
Section 4.2.1 of the City's Soil Removal and Fill Deposit Regulation Bylaw
No 8094 (deposit is required to be in place before any permit is issued) ☐ Yes ☐ No

Have all requirements been met under the following City Bylaws:

Boulevard and Roadway Protection and Regulation Bylaw No. 6366 ☐ Yes ☐ No

Tree Protection Bylaw No. 8057 ☐ Yes ☐ No

Public Health Protection Bylaw No. 6989 ☐ Yes ☐ No

(If yes for any, please attach confirmation)

(If no for any, please explain why) _____

Please attach the following documents:

- ☐ Copy of Submission to Agricultural Land Commission
- ☐ Certificate of Title or Title Search Print
- ☐ Map or sketch of parcel showing the proposed project
- ☐ Map of Routing and Schedule for Vehicular Traffic
- ☐ Any photographs
- ☐ Other Documents as Required under Section 4.1

Declaration: I/We declare that:

- the information provided in this document is true and correct, to the best of my/our knowledge, and
- that any fictitious or misleading information that I/we provide may be a violation of the City of Richmond Soil Removal and Fill Deposit Regulation Bylaw No 8094 and punishable by a fine of up to \$10,000.

Date

Signature of Owner

Print name

Other Municipal Program Comparisons

Municipality	Monitoring Activity	Permits Issued	Fees Charged	Staffing Resources	Soil Watch Program
City of Abbotsford	40 active sand and gravel pits. Proactive monitoring of active/permitted sites conducted by Public Works Inspectors. Permit applications reviewed and processed by the Manager of Engineering Inspections and Permits. Projects involving 20,000 cubic meters or more must go before Council.	Soil permit	Currently no application fee. Report going forward to consider charging application fee plus royalties. 0.67 per cubic meter charged from source site only. No level for charges, all fill activity is subject to permit fee. \$600.00 fee for non-farm use application - \$300.00 forwarded to ALC once approved by Council	1 Manager 1 RFT Public Works Inspector 2 RPT Public Works Inspectors 1 Clerical Staff	Yes
Corporation of Delta	Permitted sites required to provide daily log sheet of soil deposits to Delta. Proactive monitoring of sites by 9 Bylaw Officers.		\$500.00 application fee plus 0.50 per cubic meter for all soil projects over 100 cubic meters. Security bond/deposit for soil deposition \$5.00/meter In addition \$300.00 for the ALC portion for non-farm use application which is only taken from the applicant once the project receives Council approval to be forwarded to the ALC	1 RFT Bylaw Officer In addition sites monitored by all general duty officers (8) in specific zones. Permits processed by Bylaw Supervisor in conjunction with City Planner.	Yes

Municipality	Monitoring Activity	Permits Issued	Fees Charged	Staffing Resources	Soil Watch Program
City of Surrey	<p>Bylaw Officer closely monitors permitted sites for soils and erosion sediment activity.</p> <p>Engineering Technologist processes and issues permits, in addition the Technologist monitors the projects in the field making sure that permitted fill sites are in compliance with the conditions.</p> <p>All fill projects over 100 cubic meters are forwarded to the Engineering Technologist.</p> <p>All fill projects over 35,000 cubic meters go through the City's non-farm use application process requiring Council Resolution and ALC approval.</p>	Soil Permit	<p>\$580.00 flat fee for a "farm use" permit. (permit is required for fill projects over 100 cubic meter and valid for 1 year applicants may apply for renewal but must pay an additional \$580.00 each year).</p> <p>In addition Surrey charges 0.57 per cubic meter for aggregate extraction operations only.</p> <p>Applicants must pay the additional \$300.00 for the ALC portion if the project is a "non-farm use" application.</p> <p>Security bond/deposit for soil deposition \$5.00/meter</p>	<p>1 RFT Bylaw Officer</p> <p>1 RFT Engineering Technologist</p>	Yes
Township of Langley	<p>Monitor soil concerns on complaint based only - soils hotline.</p> <p>Officers able to issue a stop work order and bylaw violation notices through the adjudication system.</p> <p>Penalties include fill w/o permit, deposit or removal, filling on stat holidays or weekends, affecting</p>	Soil Permit	<p>\$250.00 regular application permit fee. Plus 0.50 per cubic meter charged on anything over 100 cubic meters.</p> <p>Security bond of \$1000.00 minimum can be higher based on project.</p> <p>In addition \$300.00 for the ALC portion for non-farm use application which is only taken from the applicant if the project once the project receives</p>	2 RFT Bylaw Officers	Yes (telephone number is also forwarded to Officer's email address)

Municipality	Monitoring Activity	Permits Issued	Fees Charged	Staffing Resources	Soil Watch Program
Township of Langley (continued)	<p>drainage, causing run offs into City ditches.</p> <p>A Soil declaration is required for all projects including building. The declaration must show where source sites are.</p> <p>All projects over 600 cubic meters must go to Council.</p> <p>Township provides proponent with a sign that must be erected at the project site and requires 48 hours notice from the land owner prior to start of project.</p>		Council approval to be forwarded to the ALC.		

Financial Analysis

All financial figures are based on numbers as presented in the staff report titled Fee and Enforcement Options for Soil Removal and Deposit Activities in the Agricultural Land Reserve from the General Manager, Law & Community Safety dated February 22, 2013. However the numbers have been adjusted to reflect projected salary increases.

The Enforcement Program Options 2 and Option 3 below outline the financial impacts expected for 2014. As stated a phased approach of initially hiring one bylaw officer and one clerk (option 2) will be undertaken with a review of the program prior to the hiring of a second bylaw officer (option 3). Option 3 is supported through the public consultation process and a phased approach is recommended by staff.

Option 2

Capital Costs (One Time):

Initial purchase cost of vehicle	\$ 35,000
Two office workstations (Workstations, phones, computers, office supplies, etc...)	\$ 20,000
Total:	\$ 55,000

Operating Costs (Net On-going):

One full time bylaw officer	\$ 82,870
One department associate clerk	\$ 64,823
Operating costs for vehicle (fuel, insurance, Maintenance and replacement)	\$ 12,000
Overtime for callouts	\$ 10,000
Agrologist or Geo Technician	\$ 5,000
Soil Watch Educational Program (Without materials, pamphlets, etc...)	\$ 10,000
General Operating Expenses	\$ 2,500
Total Operating Costs:	\$ 187,193

Total Expenses	\$ 242,193
Offsetting Permits and Fees (See "Permit Fees" below)	\$ 100,000
Total Tax Base Funded Cost Option 2	\$ 142,193

Option 3

Capital Costs (One Time):

Initial purchase cost of vehicle	\$ 35,000
2.5 office workstations (Workstations, phones, computers, office supplies, etc...)	\$ 25,000
Total:	\$ 60,000

Attachment 9

Operating Costs (Net On-going):	
Two full time bylaw officers	\$ 165,740
One department associate clerk	\$ 64,823
Operating costs for vehicle (fuel, insurance, Maintenance and replacement)	\$ 12,000
Overtime for callouts	\$ 10,000
Agrologist or Geo Technician	\$ 5,000
Soil Watch Educational Program (Without materials, pamphlets, etc...)	\$ 12,000
General Operating Expenses	\$ 3,500
<hr/>	
Total Operating Costs:	\$ 273,063
<hr/>	
Total Expenses	\$ 333,063
Offsetting Permits and Fees (See "Permit Fees" below)	\$ 100,000
<hr/>	
Total Tax Base Funded Cost Option 2	\$ 233,063

Option 3 is supported through the public consultation process and a phased approach is recommended by staff. Subject to Council's approval, the option selected will be included in the 2014 budgeting process.



City of Richmond

Report to Committee

To: General Purposes Committee

Date: August 15, 2013

From: Amarjeet S. Rattan
Director, Intergovernmental Relations & Protocol Unit

File: 01-0093-02/2013-Vol
01

Re: **Flags Policy**

Staff Recommendation

1. That Council Policy 1305 "Flags" (*Attachment 1*) adopted by Council on June 23, 1986, be rescinded.
2. That the proposed Flags Policy (*Attachment 2*) be adopted.

Amarjeet S. Rattan
Director, Intergovernmental Relations & Protocol Unit
(604-247-4686)

Att. 2

REPORT CONCURRENCE			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Arts, Culture & Heritage	<input checked="" type="checkbox"/>		
City Clerk	<input checked="" type="checkbox"/>		
Communications	<input checked="" type="checkbox"/>		
Customer Service	<input checked="" type="checkbox"/>		
Fire Rescue	<input checked="" type="checkbox"/>		
Parks Services	<input checked="" type="checkbox"/>		
Recreation Services	<input checked="" type="checkbox"/>		
Richmond Olympic Oval	<input checked="" type="checkbox"/>		
RCMP	<input checked="" type="checkbox"/>		
Works Yard	<input checked="" type="checkbox"/>		
Reviewed by Policy & Procedures Subcommittee	<input checked="" type="checkbox"/>		
REVIEWED BY DIRECTORS	INITIALS: 	REVIEWED BY CAO	INITIALS:

Staff Report

Origin

The City of Richmond created a Flags Policy in 1986 (*Attachment 1*) to distribute the municipal flag. As the City has grown, there has been increased demand for the appropriate use of flags to align with international protocol and corporately demonstrate honour and respect. A new policy regarding the use of flags has been developed adapting the protocol followed by the Government of Canada and the Province of British Columbia.

Analysis

Standard practices and protocol for municipal, provincial and international flags are used by Canadian and international governments throughout the world. Following the set standards for displaying flags establishes credibility for a city and corporately bestows honour and respect for the following:

1. an individual or group after a death,
2. official representatives from a hosted city, province or country or
3. patriotism for Canada.

In an effort to ensure the appropriate and standardized use of flags, a new Flags Policy (*Attachment 2*) was developed. They integrate and adapt the protocol followed by the Government of Canada and the Province of British Columbia for use on municipal properties.

The proposed Flags Policy outlines general flag etiquette, half-masting of flags as well as guidelines for flying guest flags of sovereign nations and the Olympic flag. A list of definitions is included for clarity.

Financial Impact

There is no financial impact with this report.

Conclusion

A Flags Policy outlining flag etiquette, half-masting of flags and the guidelines for flying guest flags of sovereign nations and the Olympic flag was developed to ensure the City of Richmond is aligned with Federal and Provincial protocol.



Denise Tambellini
Manager, Intergovernmental Relations & Protocol Unit
(604-276-4349)

Att: 2



Page 1 of 1

Adopted by Council: June 23, 1986

Policy 1305

File Ref: 01-0175-
00/Vol 01

FLAGS (POLICY TO BE RESCINDED)

Policy 1305:

It is Council's Policy that:

A fully refundable security deposit of (\$30.00) be collected when a flag is borrowed, and that the deposit be paid in full when the flag is returned.

That each of the following municipal facilities be issued one flag:

Steveston Recreation Centre
Minoru Aquatic Centre
McDonald Beach
Richmond Library
West Richmond Recreation Centre
Brighthouse Park
Richmond Nature Park
South Arm Hall
Thompson Community Centre

East Richmond Recreation Centre
Gateway Theatre
Municipal Hall
Arena
South Arm Recreation Centre
London Farm
R.C.A. Forum
Minoru Place
Minoru Sports Pavilion

In the event additional flags or replacements are needed, the cost must be paid for through the budget of the respective facility.

POLICY TO BE RESCINDED



Page 1 of 5	Adopted by Council: DATE	Policy Proposed
File Ref:	FLAGS	

POLICY

I. Purpose

To identify the policy to be used for flying flags under Richmond City Council's jurisdiction, namely all flags displayed on municipal property.

II. Scope

This policy applies to all flags flown by the City of Richmond at Richmond City Hall and all municipal facilities including the Richmond Olympic Oval. This policy does not apply to the City's Street Banner Program. The Administrative Procedure will define the implementation of this policy and definitions are included (**Attachment 1**).

III. Policy

It is Council policy that:

1. General Flag Etiquette

- 1.1. The Canadian flag shall always be displayed in the position of priority.
- 1.2. Precedence Order for flags displayed will be as follows:
 1. The national flag of Canada
 2. The flags of other sovereign nations in alphabetical order (if applicable)
 3. The flags of the provinces of Canada
 4. The flags of the territories of Canada
 5. The flags of municipalities/cities (Richmond first and then alphabetical)
 6. The flags of Federal or Provincial Government agencies or organizations
- 1.3. Flags are not to fall, to lie on, or touch the ground when being carried or displayed. Flags can be displayed at night when flag poles are in a lit area.
- 1.4. Flags displayed at City facilities shall be displayed according to the official protocol recommended by the Government of Canada and the Province of British Columbia unless otherwise stated in this policy.
- 1.5. The City of Richmond may choose to display the Canadian Olympic flag at the Richmond Olympic Oval or Richmond City Hall on occasion. The Canadian Olympic flag may be displayed on Olympic Day (June 23), with the official visit of representatives of the Canadian Olympic Committee and/ or representatives of the International Olympic Committee. Permission must be granted, by the Canadian Olympic Committee in advance, for all other displays of the flag.



Page 2 of 5	Adopted by Council: DATE	Policy Proposed
File Ref:	FLAGS	

1. The Canadian Olympic flag will be flown according to the following order of precedence:
 - a. The national flag of Canada
 - b. The flags of the provinces of Canada
 - c. The flags of the territories of Canada (in alphabetical order)
 - d. The Canadian Olympic flag
 - e. The flag of the City of Richmond (Richmond only)
2. In the event of three flag poles, the following flags will be displayed: the national flag of Canada, the Canadian Olympic flag and the flag of the City of Richmond. The Canadian flag will be displayed in the centre, the Olympic flag to the left and the City of Richmond to the right as is seen by the observer.
3. The flag location must be clean and free of other brands and logos other than Federal, Provincial or City of Richmond government brands. No other brands will be associated with the Canadian Olympic flag.
4. When not displayed on a flagpole, the Canadian Olympic flag will be on display / in storage in the Richmond Olympic Experience museum. A picture of the display location will be forwarded to the Canadian Olympic Committee.

2. Half-masting of Flags

- 2.1. Flags will be flown at half-mast position as a sign of respect and mourning.
- 2.2. During half-masting, flags will be raised to full-mast on the following days:
 - Victoria Day
 - Canada Day
 - British Columbia Day and,
 - Upon the visit of a head of state to the City of Richmond.

These procedures do not apply while flags are half-masted for the death of the Sovereign. Flags half-masted, are raised to full-mast, on the day the new Monarch is proclaimed (king or queen crowned).

- 2.3. All flags displayed on Richmond municipal flagpoles, with halyards and pulleys, will be flown at half-mast from sunrise to sunset on the following days:
 - April 28 Day of Mourning for Persons Killed or Injured in the Workplace
 - November 11 Remembrance Day (11am to sunset)
- 2.4. Richmond Fire-Rescue and the RCMP may bestow honour for identified groups or individuals at the discretion of the senior commanding officer. This includes the



Page 3 of 5	Adopted by Council: DATE	Policy Proposed
File Ref:	FLAGS	

Police and Peace Officers National Memorial Day honoured annually on the last Sunday of September.

- 2.5.** In the death of an honoured individual, flags shall be flown at half-mast as a sign of respect and mourning. The City of Richmond will bestow honours by half-masting flags from the notification of the death to the day of the memorial service (or from the time of notification of death until sunset the follow day and from sunrise to the sunset on the day of the memorial service) for the following occasions

- a) On the death of a Sovereign or a member of the Royal Family related in the first degree to the Sovereign, the current Governor General, or the current Prime Minister;
- b) On the death of the current Lieutenant Governor or Premier of British Columbia;
- c) On the death of a current Senator from Richmond, Member of the House of Commons or a Member of the Legislative Assembly when that member represented a Richmond riding;
- d) On the death of the current Mayor or current Richmond City Councillor;
- e) On the death of a Richmond City employee when their death has occurred as a direct result of performing their duties;

The City of Richmond will bestow honours by half-masting flags on the day of the memorial service for the following occasions:

- a. On the death of a former Mayor or a former City Councillor.

- 2.6.** Decisions to fly flags at half-mast on municipal property, on occasions not provided for in this policy, will be made in consultation between the Mayor, Chief Administrative Officer and the City Clerk.

- 2.7.** Should a half-masting need to be commenced on a weekend or statutory holiday, flags are permitted to be lowered on Friday evening prior to the half-masting date and raised again on the Monday morning.

- 3. Guest Flags of Sovereign Nations**Flags of other Sovereign Nations will be displayed for official visits only and flown from sunrise to sunset the day of the visit to Richmond.



Page 4 of 5	Adopted by Council: DATE	Policy Proposed
File Ref:	FLAGS	

- 3.2. Flags may be temporarily changed to accommodate a facility rental for filming at Richmond City Hall or another municipal building at the discretion of the City of Richmond. The Canadian flag at the top of Richmond City Hall shall not be interchanged with the flag of another sovereign nation to accommodate filming.
- 3.3. Flags of other sovereign nations will be displayed at the plaza entrance of City Hall. For this occasion, the flags normally flown will be removed so that only the Canadian flag and guest country flag will be flown in that location on the outer two flagpoles.
- 3.4. Flags of other sovereign nations will be a similar size and proportion to the Canadian flag and in good condition for display.
- 3.5. The City reserves the right to decide whether or not to fly the flag of the nation when there is political unrest or conflict in that nation. The decision to fly the flag of any nation neither implies nor expresses support for the politics of those nations.
- 3.6. Events involving flag raising ceremonies may be held at City Hall upon request and at the City's discretion.
- 3.7. The City of Richmond will not display flags or guest organizational banners other than those described above.



Page 5 of 5	Adopted by Council: DATE	Policy Proposed
File Ref:	FLAGS	

Attachment 1: Definitions of Key Terms

1. **Canadian Flag:** the National Flag of Canada as approved by Parliament and proclaimed by Her Majesty Queen Elizabeth II, Queen of Canada, on February 15, 1965.
2. **Canadian and Provincial Official Protocol:**
 - a. Defined federally by the Government of Canada as outlined by the Department of Canadian Heritage and by the Department of Public Works and Government Services Canada through Ceremonial Procedures.
 - b. Defined provincially by the Province of British Columbia, Office of Protocol.
3. **Sovereign Country:** A country that is free and independent. In its internal affairs it has undivided jurisdiction over all persons and property within its territory. It claims the right to regulate its economic life without regard for its neighbours and to increase armaments without limit. No other nation may rightfully interfere in its domestic affairs. In its external relations, it claims the right to enforce its own conception of rights and to declare war.
4. **Official Visit:** A visit of official business approved by the City of Richmond of one of the following:
 - a. A member of a Royal family of a country,
 - b. The head of state of a country,
 - c. The elected Provincial government leader
 - d. The elected mayor of a city,
 - e. The designated appointed equivalent of the above where applicable.
5. **Half-masting a flag:** A flag is half-masted on a flag pole with halyards and pulleys (lowered to the middle of the flagpole) to show respect or mourning for a death. A flag will be brought to the half-mast position by raising it to the top of the mast briskly and immediately lowering it slowly and ceremoniously to half-mast.
6. **Memorial Service:** A public gathering to demonstrate respect in order to honour the death of an individual or group.
7. **Flag Finials:** These are defined as the attached tops of indoor or carried flagpoles. Neutral finials are defined as acorns or spears that shall be displayed on all flags when including the flag of other sovereign nations.
8. **Organizational Banners:** Cloth representation in "flag" format, of not for profit or special interest organizations which can be displayed on flag poles.
9. **Canadian Olympic Flag:** Official flag of the Canadian Olympic Committee. The rights, permissions and obligations managed by the Canadian Olympic Committee.



City of Richmond

Report to Committee

To: General Purposes Committee
From: David Weber
Director, City Clerk's Office
Date: October 4, 2013
File: 12-8000-20-008
Re: **Alternative Approval Process and Notification Options for Cambie Field - Sale of Park Bylaw 8927 (3651 Sexsmith Road)**

Staff Recommendation

- (1) That, only following third reading of Cambie Field – Sale of Park Bylaw 8927, an Alternative Approval Process be conducted under the following parameters:
 - (a) The deadline for receiving completed elector response forms is 5:00 pm (PST) on Friday, January 17, 2014;
 - (b) The elector response form is substantially in the form as found in Attachment 1 to the staff report dated October 4, 2013 from the Director, City Clerk's Office; and
 - (c) the number of eligible electors is determined to be 131,082 and the ten percent threshold for the AAP is determined to be 13,108; and
- (2) That an enhanced public notification process be undertaken for the Cambie Field – Sale of Park Bylaw 8927 Alternative Approval Process which includes additional print and on-line advertising, and a mailed notice in addition to the prescribed statutory notification requirements.

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

REPORT CONCURRENCE			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Real Estate Services Development Applications	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		
REVIEWED BY DIRECTORS	INITIALS: DW	REVIEWED BY CAO	INITIALS: GD

Staff Report

Origin

On December 18, 2012, at a Special Council Meeting, Council gave first reading to Cambie Field – Sale of Park Bylaw 8927 authorizing the sale of 3651 Sexsmith Road to Polygon Development 192 Ltd. and directed staff to proceed with an Alternative Approval Process to obtain approval of the electors for the land sale. A corresponding land purchase for park land was also authorized in conjunction with the land use application for the subject site.

At the same meeting, following a discussion relating to the notification requirements for alternative approval processes, Council made the following staff referral:

That staff report back on advertising and notification options for the Alternative Approval Process.

This report responds to the Council referral and presents the parameters for the Cambie Field Alternative Approval Process for Council approval as required under the *Community Charter*.

Analysis

Under the requirements of the *Community Charter* (section 27), the City may sell park land with the passage of a bylaw that is subject to elector assent. The City must seek the approval of the electors through a voting opportunity (referendum) or by alternative approval process. A voting opportunity is self-explanatory and follows the election processes described in Part 4 of the *Local Government Act*.

An Alternative Approval Process (AAP) allows a Council to proceed with an action unless at least 10% of the electors state their opposition within a prescribed period. If more than 10% of the electors state their opposition to the proposed action, the Council may not proceed with the action unless the matter is made subject to and successfully passes a full referendum.

Alternative Approval Process Parameters

Before an AAP is conducted, Council must establish through resolution, several key parameters for the process.

The first parameter that must be set by Council is the deadline for receiving elector responses. The date and deadline that would meet the 30-day notice period following publication of the second notice (allowing additional time for holiday business closures) is 5:00 pm (PST) on Friday, January 17, 2014

The second parameter that Council must establish is the form to be used for elector responses. Attached to this report (**Attachment 1**) is an Elector Response Form which would meet all the statutory requirements. A valid elector response form must be originally signed by the elector (photocopies or faxed forms with signatures cannot be accepted), and the form must have the

person's full name and residential address and be submitted to the Corporate Officer before the deadline. Non-resident property electors are also eligible. The eligibility requirements are the same as those for voting in a local government election.

The third parameter that must be set by Council is the total number of electors to which the Relocation of Cambie Field (3651 Sexsmith Road) – Land Exchange Bylaw AAP applies. Using the total number of electors registered and new registrations for the 2011 General Local and School Election, this number is 131,082. The 10% threshold for the AAP is therefore 13,108 valid response forms received in opposition.

Notice Requirements:

At a minimum, the *Community Charter* requires that a notice for an AAP must:

- be published in two consecutive editions of a local newspaper and posted at the City Hall public notice posting place;
- include a general description of the matter and the area to which the AAP relates;
- indicate the deadline for elector responses;
- include a statement that the Council may proceed with the matter unless at least 10% of the electors of the Richmond area indicate by the deadline they are opposed to the bylaw, therefore Council must proceed with a referendum (voting opportunity); and
- include a statement that elector responses must be in the form established by the Council, that these forms are available at the City Hall, and that only qualified Richmond electors are entitled to sign the form.

A Council is free to provide any form of additional notification, at its discretion, provided that the minimum statutory requirements are met. Below are several notice options for the AAP on the proposed relocation of Cambie Field – Sale of Park Bylaw 8927.

NOTICE OPTIONS:

Option 1 (Meets the statutory requirements using a graphically improved notice)

- The public notice meets all statutory requirements in terms of content, appears in two (2) consecutive newspapers, is posted on the City Hall public notice board and on the City website;
- The notice is redesigned with new graphics and colors to better grab the attention of the public, utilizing plain language to better explain the process in a more generally accessible manner (See **Attachment 2** for a sample of a proposed re-designed statutory notice).

This option fully notifies the public of the Alternative Approval Process as anticipated in the legislation and in a manner that is consistent with previously conducted AAPs. The two full-page graphically-improved notices reach all areas of Richmond in a newspaper with a circulation of 47,500 households. The total cost for the statutory ads is \$900 (funding available within existing statutory advertising budget).

Option 2 (Enhanced and Expanded Notice) (Recommended)

Everything listed in Option 1 plus:

- Two (2) additional full-page advertisements placed in the other local newspaper;
- Also includes placement of the advertisement and AAP Form on the City of Richmond website;
- Online advertising placed with one of the local newspaper's website; and
- Notices and Elector Response Forms are mailed to adjacent properties within 50 meters of the subject site (approximately 330 properties).

This option also fully notifies the public of the AAP, but ensures even greater coverage by advertising in both local newspapers and in the online version of one of the newspapers. In addition, those people most directly affected in the immediate area would receive mailed notices and elector response forms through Canada Post. This enhanced level of notification is similar to the approach taken with public hearing notification and exceeds the minimum requirements for an AAP. The cost for this option would be approximately \$1,500 (funds available within existing statutory advertising budget) and would cover additional advertisements, and direct mailing costs.

Option 3 (Enhanced and Expanded notice process plus insert in other City mailings) (Not Recommended)

Everything listed in Options 1 & 2, plus:

- Include an additional notice by way of an insert with the property tax notices or utility billings.

In establishing a new approach to notification for AAPs, it is important to give consideration to whether the process can be consistently and routinely applied in the future. Staff is not recommending the inclusion of AAP information with property tax notices or utility billings because the segment of the public that is reached through these mailings, while broad, is not comprehensive and there are infrequent opportunities for notification. For example:

- The flat rate utility billings, which are mailed only once per year, would reach the approximate 46,980 properties on the flat rate, but not the 23,600 properties on meters;
- The metered utility billings, which are mailed 4 times per year, only reach 23,600 of Richmond property owners that are on meters, but not the 46,980 properties on the flat rate;
- The property tax notices reach the broadest number of Richmond properties, however, the notices do not reach renters and it is also only mailed at one fixed time per year, thus placing a severe restriction on the timing of AAPs.
- This option would cost approximately \$2,000 (funds available within existing budget) provided that any additional insert added to the mailing was kept to a maximum of one sheet.

Financial Impact


No additional financial impact. Funding is available within existing budgets for all options presented.

Conclusion

As outlined above, Council must establish several key parameters for the Relocation of Cambie Field (3651 Sexsmith Road) – Land Exchange Bylaw Alternative Approval Process.

Additionally, Council may direct staff to conduct an enhanced notification above the statutory notice requirements in order to improve public awareness and encourage greater participation in the alternative approval process. If approval of the electors is obtained through the AAP, adoption of bylaw may proceed. The status quo / usual approach is reflected in Option 1.

Staff is recommending Option 2 as it provides an enhanced and cost-effective approach to notification for AAPs over and above minimum requirements and can be consistently applied for future AAP processes.



Michelle Jansson
Manager, Legislative Services

MJ
Att. 2



Elector Response Form

Proposed Sale of Park Land
Relocation of Cambie Field (3651 Sexsmith Road)

I am OPPOSED to the City of Richmond proceeding with the proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road),

and I, the undersigned, hereby declare that:

- ✓ I am eighteen years of age or older; and
- ✓ I am a Canadian Citizen; and
- ✓ I have resided in British Columbia for at least six months; and
- ✓ I have resided in, OR have been a registered owner of property in the City of Richmond for at least 30 days; and
- ✓ I am not disqualified by law from voting in local elections; and
- ✓ I am entitled to sign this elector response form, and have not previously signed an elector response form related to the proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road).

Elector's Full Name (print)	
Residential Address ¹	
AND mailing address if different from residential address	
Signature of Elector	

See the reverse side of this form for further information regarding the Alternative Approval Process.

Personal Information provided on this form is collected in compliance with the *Freedom of Information and Protection of Privacy Act* (FOIPOP) and will be used only for the purposes of the City of Richmond Alternate Approval Process. If you require further information regarding the FOIPOP, please contact the FOI Coordinator at 604.276.4165.

¹ Non-resident Property Electors must include the address of their property in Richmond in order to establish their entitlement to sign the elector response form.



Pursuant to Section 86 of the *Community Charter*, the City of Richmond is proposing to seek elector approval by alternative approval process.

The question before the electors is whether they are opposed to the City of Richmond proceeding with the proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road).

INSTRUCTIONS

1. If you are opposed to the proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road), you can sign an elector response form **if you qualify as an elector in the City of Richmond.**
2. If you are NOT opposed to the proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road), you do not need to do anything.
3. Forms are available at the City of Richmond, 6911 No. 3 Road, Richmond, BC, V6Y 2C1 between 8:15 am – 5:00 pm beginning November 20, 2013.
4. To sign an elector response form you MUST meet the qualifications as either a Resident Elector or a Non-Resident (Property) Elector of the City of Richmond. If you are unsure if you qualify, please contact the City of Richmond at 604.276.4007.
5. A person who obtains an Elector Response Form may make accurate copies of the form.
6. One elector of the City of Richmond may sign each Elector Response Form.

1.

All Elector Response Forms must be received by the City of Richmond on or before **5:00 pm on January 17, 2014** to be considered.

No faxed or scanned Elector Response Forms will be accepted. In other words, originally signed forms must be submitted.

2.

The number of electors in the City of Richmond is estimated to be 131,082. If ten percent (10% or 13,108 electors) of the estimated number of electors in the City of Richmond sign an Elector Response Form in opposition to the proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road), the City of Richmond cannot proceed without receiving the assent of the electors by referendum.

3.

For further information, contact:

David Weber
City Clerk
City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1
604.276.4007



City of
Richmond

Notice of Alternative Approval Process

Proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road)

6911 No. 3 Rd. Richmond BC V6Y 2C1 | Tel: 604-276-4000 Fax: 604-278-5139

Alternative Approval for Cambie Field—Sale of Park Bylaw 8927

Council may proceed with the adoption of Bylaw 8927, the Cambie Field—Sale of Park Bylaw, unless at least 10% (13,108) of the eligible electors of the City of Richmond sign elector response forms indicating their opposition to the proposed land exchange.

The proposed bylaw and related records are available for public inspection at the City Clerk's Office, Richmond City Hall, 6911 No. 3 Road, Richmond, BC, 8:15 a.m. to 5:00 p.m., Monday through Friday, excluding statutory holidays, from Nov. 20, 2013–Jan. 17, 2014.



If opposed, sign an AAP Form

Elector response forms must be in the form provided by the City and are available at the Information Counter on the first floor of City Hall, 6911 No. 3 Road, Richmond, BC., 8:15 a.m. to 5:00 p.m., from Nov. 20, 2013–Jan. 17, 2014. Elector response forms are also available on the City website at www.richmond.ca or by calling the City Clerk's Office at 604-276-4007 during regular business hours.

Originally signed elector response forms must be received at City Hall by 5:00 p.m., Jan 17, 2014. Photocopies of signed forms can not be accepted.

What is an Alternative Approval Process?

An Alternative Approval Process allows a council to proceed with an action unless at least 10% of the electors state their opposition within a prescribed period.

The Proposal

The proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road), as shown on the attached diagram will benefit the City by the creation of a larger, better situated park in the immediate vicinity of the existing location. As

part of the rezoning conditions (RZ 11-591985) for the proposed development, Polygon would purchase 3651 Sexsmith Road whilst simultaneously selling to the City an equal area of land subdivided from 8331, 8351, and 8371 Cambie Road.

In addition to this proposed exchange of land, rezoning

conditions also require Polygon to transfer 8311 Cambie Road and other portions of 8331, 8351, and 8371 Cambie Road for consolidation with the new aforementioned park area. The net result will be a larger park (over 38% more area) with increased street frontage for access and parking.



Who is eligible?

Only electors of the City of Richmond are eligible to sign an elector response form. Qualified electors are those persons meeting all of the following qualifications:

- is a Canadian citizen;
- an individual who is age 18 or older;
- has been a resident of British Columbia for at least six months;
- a Richmond resident or owner of property within Richmond for at least the last 30 days; and
- is not disqualified from voting by the Local Government Act or any other act.

A non-resident property elector who meets the following criteria is also an eligible elector:

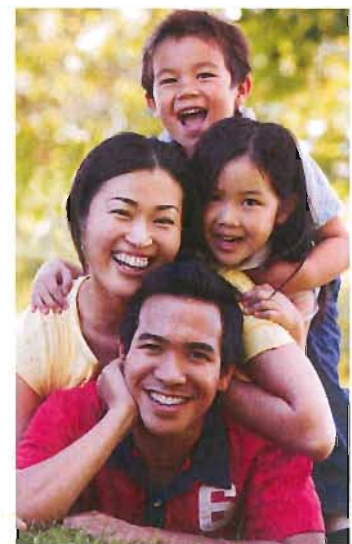
- is not entitled to register as a

resident elector for the City of Richmond;

- an individual who is age 18 or older;
- is a Canadian citizen;
- has been a resident of British Columbia for at least six months;
- has been a registered owner of real property within the City of Richmond for at least thirty days; and,
- is not disqualified from voting by the Local Government Act or any other act.

Note: Corporations are not entitled to vote nor is land held in a corporate name eligible to vote. In the case of multiple owners of a parcel, only one person may vote as a non-resident property elector.

David Weber, *Corporate Officer,*
City Clerk's Office





City of Richmond

Report to Committee

To: General Purposes Committee

Date: September 19, 2013

From: David Weber
Director, City Clerk's Office

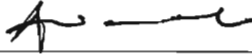

File: 12-8125-01/2013-Vol
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Re: **White Paper on Local Government Elections Reform and Consultation
Process for Further Reforms**

Staff Recommendation

That the staff report titled "*White Paper on Local Government Elections Reform and Consultation Process for Further Reforms*" (dated September 19, 2013 from the Director, City Clerk's Office) be received for information.

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

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER 	
REVIEWED BY DIRECTORS	INITIALS: DW
REVIEWED BY CAO	INITIALS: 

Staff Report

Origin

On September 9, 2013, the BC Government Ministry of Community, Sport and Cultural Development released the *White Paper on Local Government Election Reforms* (the White Paper) and a draft of the proposed *Local Elections Campaign Financing Act* (**Attachment 1**). The Ministry has invited the public to comment on the White Paper and the draft legislation, with a deadline for the receipt of comments of October 23, 2013.

Background

In 2009, the provincial government and UBCM jointly established the Local Government Elections Task Force to consider and make recommendations on a range of local government election reforms. Through the Task Force, election participants and the general public were engaged in a broad consultation process on a variety of election-related topics.

Richmond City Council struck a working group of three Council members, and with staff technical support, formed a series of recommendations for Council consideration. Council's final comments on the election-related issues were approved and submitted to the Task Force in April 2010 (see **Attachment 2** for a full listing of Council's comments as submitted and whether they were addressed by the Task Force and in the draft legislation). By the end of May 2010, the Local Government Elections Task Force submitted its final report to the Provincial Government along with 31 recommendations for legislative change. (A full listing of the 31 Task Force recommendations is included on pages 25-28 of the White Paper).

In November 2010, UBCM re-engaged with member municipalities and requested further comment on the specific issue of campaign expense limits and the potential approaches for establishing expense limits. The Richmond Council working group came together again to develop further recommendations for Council consideration and an additional set of recommendations and comments were forwarded to UBCM in December 2010 (see **Attachment 2**).

Although the provincial cabinet adopted all 31 Task Force recommendations in July 2010, and announced its intention to have new legislation in place for the 2011 local government elections, given the scope of legislative changes required, this did not come to pass. By late spring 2011, the Provincial Government made further announcements that meant that the original timeline would have to be extended and the implementation target changed to the 2014 local government election cycle. Recently, on August 21, 2013, a news release was issued announcing that the Province would be moving ahead in the fall of 2013 to work toward the implementation of legislative changes to give effect to the Task Force recommendations. The August announcement was followed-up on September 9, 2013 with the release of the attached White Paper and draft legislation.

Analysis

The draft legislation is the proposed *Local Elections Campaign Financing Act* which reflects the existing campaign financing rules from the Local Government Act and expands upon them by incorporating the Task Force recommendations. By introducing the campaign finance reforms as

a separate Act, the Government is, in fact, fulfilling one of the 31 recommendations. The rationale behind the establishment of a separate campaign financing Act was to separate out for emphasis and clarity the election rules that directly pertain to the responsibilities and obligations of election participants, leaving the legislative provisions that pertain to election administration and procedure as part of the Local Government Act.

The other topics that the Task Force focused on in its recommendations were expense and contribution limits, election advertising, third party advertisers, election cycles, campaign finance disclosures, corporate voting, enhanced enforcement provisions, the role of Elections BC in terms of compliance and enforcement, and election education and advice.

The proposed Act is fully consistent with the Task Force recommendations and there are no unexpected provisions. The most significant proposed changes are:

- That third party advertisers must register with Elections BC (before sponsoring, publishing or transmitting any election advertising) and comply with campaign financing disclosure requirements.
- That election advertising must include sponsorship / contact information and authorization statements.
- That anonymous campaign contributions are banned. All contributions must be recorded and significant contributors (those contributing over \$100) must be identified in disclosure statements.
- That campaign finance disclosure statements must be filed within 90 days following the election (as opposed to the current deadline of 120 days following the election) and that these statements are to be filed with Elections BC. Elections BC will provide new standardized disclosure forms and guidelines and will become responsible to make campaign finance disclosure statements available to the public on-line.
- That Elections BC will have an enhanced role in terms of compliance and enforcement of campaign financing rules.

A full listing of each element contained in the proposed legislation, which identifies those elements that are new provisions, appears in the tables found on pages 7-11 in the attached White Paper.

From an administrative point of view, these legislative changes will require changes in some procedures and forms, however, the primary effect of the legislative changes are directed mainly to election participants, that is, candidates and elector organizations. The banning of anonymous campaign contributions, for example, will likely impact approaches to fund-raising. "Passing-the-hat" at a political event may no longer be conducted in the same manner as before as campaign officials would have to record the source of each contribution made, possibly impacting over-all funds raised. The requirement to file disclosures with Elections BC using new forms (not yet made available) will also require campaign officials to become familiar with new forms and processes. While the province has indicated that advisory and education services will be provided to assist election participants, the extent and effectiveness of these are unknown at this time.

The advertising requirements (that sponsorship information and authorization statements be included) are new requirements unfamiliar at the local government level and will require that previously used signage be adapted in order to comply. Application of new rules to third party advertisers (reminiscent of the poorly rolled-out and largely misunderstood “campaign organizer” rules introduced during the 2008 local election cycle) will also likely require a significant amount of public education in order to avoid confusion during the election campaign period.

In terms of the comments submitted by Richmond Council to the Local Government Elections Task Force in 2010, **Attachment 2** lists each issue and indicates whether the Task Force addressed the matter in its recommendations and whether and how the issue is addressed in the draft legislation. In relation to the issues that the Task Force had a specific mandate to address, the majority of Council’s comments are consistent with the Task Force recommendations, and therefore consistent with the draft legislation. However, because the Task Force had a very specifically defined mandate and little time to extend consideration of broader general election issues, Council’s comments which fell outside the Task Force’s specifically mandated topics were largely unaddressed.

There are three significant topics from the Task Force recommendations that the proposed legislation does not address: the term of office, the date of the election, and expense limits. As part of its final report, the Task Force had recommended that the local government term of office be extended to four years, and in relation to that recommendation, supported moving the date of the election to the third Saturday in October (currently, local government elections are held every three years on the third Saturday in November). Although the UBCM policy position on the term of office at that time supported a four year term, a subsequent debate and vote on the matter at the 2010 UBCM convention quashed the initiative in favour of retaining a three year term. The Provincial Government subsequently agreed to set that recommendation aside, however, recent government releases indicate that a change in the date of the election, to the third Saturday in October, will be considered for the 2017 election cycle. At the recent 2013 UBCM convention, another motion was adopted, this time in favour of moving to a four-year term, however, the Provincial Government has not formally responded to this action, nor is a change in term anticipated in the proposed legislation.

The issue of expense limits is also not part of the proposed legislative reforms intended for a 2014 implementation. The White Paper explains that the Provincial Government has decided that further consultation with stakeholders is required on the topic of expense limits before proceeding with legislative change. Furthermore, as the White Paper points out, introducing changes relating to expense limits in an election year would present significant practical challenges for election participants that may already be in the midst of campaign planning. Given this, the issue of expense limits will not be addressed until the 2017 election cycle.

Next Steps

As described in the White Paper, the Provincial Government plans to introduce local government election reforms in two phases. The first phase began with the release of the White Paper and the draft legislation. The Ministry is inviting public comment on the clarity and workability of the draft legislation until October 23, 2013. Even though the development of the Task Force recommendations already involved an extensive public consultation process, this further brief

opportunity for public input was deemed appropriate due to the significant scope of legislative changes proposed and the level of public interest initially garnered by the work of the Task Force. The government intends to introduce the *Local Elections Campaign Financing Act* in the Spring 2014 legislative session so that it may be in effect for the 2014 election.

The second phase of the election reform initiative will focus on campaign expense limits. According to the White Paper, a stakeholder outreach process will be initiated in November 2013 with recommended changes being forwarded for government consideration in the spring of 2015. If legislative changes are endorsed, the intention is to introduce these changes in time for the 2017 election cycle. More information on the Phase 2 stakeholder consultation process will become available in due course. As the issue of campaign expense limits is primarily a political issue, and a continuation of the 2010 process, if Council is of the view that it wishes to collectively comment on the matter and participate in the stakeholder consultation as a Council, then staff would recommend that a similar approach be taken as was taken in 2010 with regard to the development of recommendations for the Elections Task Force, that is, that a working group of Council members come together to develop recommendations for Council with technical support from staff. This process worked well with the development of the original Task Force recommendations and it would be appropriate to continue with that approach through the next phase of stakeholder consultation.

Financial Impact

None.

Conclusion

The draft Local Elections Campaign Financing Act incorporates most of the 2010 recommendations of the Local Government Elections Task Force. There are no unexpected additions or omissions in the draft legislation from that body of work. The Province has indicated that the legislation, if enacted, will be accompanied by an education and awareness campaign in order to make all election participants aware of their obligations under the Act. This will be key to a successful implementation in 2014.

The Province has invited comment on the legislation until October 23, 2013, with an emphasis on the clarity and workability of the proposed regulations. They are not necessarily interested in re-visiting the already adopted Task Force recommendations, that is, that re-debating whether the Task Force recommendations should be enacted is not currently on the table. Staff has no comments or concerns from an administrative point-of-view and since the proposed legislation primarily impacts election participants, commentary from candidates, elector organizations and other campaign participants, from their unique perspective, is important at this time.



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

Fall | 2013

White Paper on Local Government Elections Reform



Ministry of
Community, Sport and
Cultural Development

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Contents

Minister's Message.....	1	Part II: Local Elections Campaign	
Executive Summary	2	Financing Act	14
Part I: Reforming Local Government		Navigating the Act	14
Elections	3	Part 1 - General	15
Local Government Elections		Part 2 – Campaign Financing	16
Task Force	3	Part 3 – Campaign Financing Disclosure by	
Acting on Task Force		Candidates	17
Recommendations	4	Part 4 – Campaign Financing Disclosure by	
The White Paper on Local Government		Elector Organizations	18
Elections Reform	6	Part 5 – Sponsorship of Election	
Implications for Participants in Local		Advertising	19
Government Elections	6	Part 6 – Third Party Election	
Candidates	7	Advertising	19
Elector Organizations	8	Part 7 – Assent Voting Advertising	
Third Party Advertising	9	that is Not Election Advertising	20
Assent Voting Advertising	10	Part 8 – Court Orders for Relief	21
Elections BC	11	Part 9 – Enforcement	22
Educational Materials for Local Government		Part 10 - Transparency	22
Elections Participants	12	Part 11 – Administration and	
Consequential Amendments to the LGA	12	Other Matters	23
Next Steps.....	13	Appendix 1- Task Force	
Invitation to Comment	13	Recommendations.....	25
		Appendix 2 - Draft <i>Local Elections</i>	
		<i>Campaign Financing Act</i> and Draft	
		Consequential Amendments to the <i>Local</i>	
		<i>Government Act</i>	29

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Minister's Message

As the Minister of Community, Sport and Cultural Development, I am pleased to present the **White Paper on Local Government Elections Reform**.

The changes proposed in this document are the most significant in nearly two decades, and are in keeping with the recommendations of the joint Provincial and Union of British Columbia Municipalities (UBCM) Local Government Elections Task Force. The Task Force undertook considerable consultation, receiving hundreds of submissions and meeting with key stakeholders. I appreciate the dedication and time taken by Task Force members and all respondents throughout the Task Force process.

While certain election issues generated diverse views, there was clear consensus around the desirability to make improvements in five key areas:

- Accountability
- Transparency
- Accessibility
- Compliance and Enforcement
- Education and Advice

In response, a significant legislative package (the draft *Local Elections Campaign Financing Act*) has been developed. This was a complex task that had to carefully consider the unique aspects of local government elections. It had to find a way to provide a structure for elections that run simultaneously across the province in communities of vastly different sizes and for multiple offices in multiple jurisdictions. In addition, consideration had to be given to the elector organizations that play a significant role in some municipalities.

The provincial government is committed to introducing legislation that, if passed, will enable the proposed changes to have effect for the 2014 local government elections.

Given the scope and magnitude of the proposed changes, and the intention to implement them in a local government elections year, government is taking a phased approach. Phase I consists of changes proposed for 2014 that focus on accountability, transparency, compliance and enforcement, and education and advice. Phase II will focus on accessibility (specifically, election expense limits), with a view to implementation for the 2017 local government elections. Election expense limits will be explored through a separate stakeholder outreach process. This will allow us more time to work with key stakeholders to ensure that changes meet the intention of the Task Force recommendations.

As a former councillor myself, I believe that these changes will create a more robust local elections framework and enhance voter confidence in the system. I welcome your feedback about the workability and clarity of the proposed new *Local Government Elections Financing Act* outlined in this White Paper. Please submit your comments by October 23, 2013 so that they can be considered as we move forward to finalize this phase of local government elections reform.

Sincerely,

Coralee Oakes
Minister of Community, Sport and Cultural Development

Executive Summary

The purpose of this White Paper is to provide election participants with advance knowledge of proposed campaign finance changes well in advance of the 2014 local elections. The intended changes reflect the recommendations of the joint Provincial and Union of BC Municipalities (UBCM) Local Government Elections Task Force (Task Force).

The Task Force process involved extensive stakeholder consultation and public input that resulted in a report to government in May 2010. The creation of a separate act dealing with campaign finance rules for local government elections was specifically recommended by the Task Force.

The proposed *Local Elections Campaign Financing Act* (LECFA) separates the rules that directly regulate election participants from the more procedural rules that apply generally to local government administration of elections. It includes proposed improvements that take significant steps to ensure accountability, enhance transparency, strengthen compliance and enforcement, and expand education and advice. The draft Act represents a balance between the Task Force's implementation principles and the need to create a comprehensive and practical system that will work for all participants in local government elections. Throughout development of the proposed LECFA, considerable attention has been paid to developing a system that is workable for elections participants and does not create barriers to participation.

Due to their scope and complexity, local government election rules will be modernized in two phases:

1. Government will put forward legislation in the Spring of 2014 to introduce the proposed new LECFA, which will implement all Task Force recommendations except expense limits.
2. A stakeholder outreach process on expense limits will be initiated in November 2013 to inform the development of further legislative changes for the 2017 elections. The Task Force felt that expense limits would increase accessibility by levelling the playing field among candidates.

This White Paper outlines the first phase of government's response to create a more robust local government elections campaign finance system. Part I of the White Paper highlights the anticipated impacts on local government elections participants, including:

- Disclosure and registration by third party advertisers;
- Sponsorship information requirements for all election advertising;
- Requirements for all campaign finance disclosure statement to be filed 90 days after an election rather than 120 days;
- Banning anonymous contributions; and,
- Enabling a key role for Elections BC in the compliance and enforcement of campaign finance rules in local government elections.

Part II of the White Paper provides an overview of the proposed LECFA and describes what is covered by each Part and Division of the Act. The draft LECFA and elements of the consequentially amended *Local Government Act* are appended to the White Paper.

Mechanisms for providing comments on the clarity and workability of the proposed LECFA are provided on page 13 – comments can be submitted until October 23, 2013.

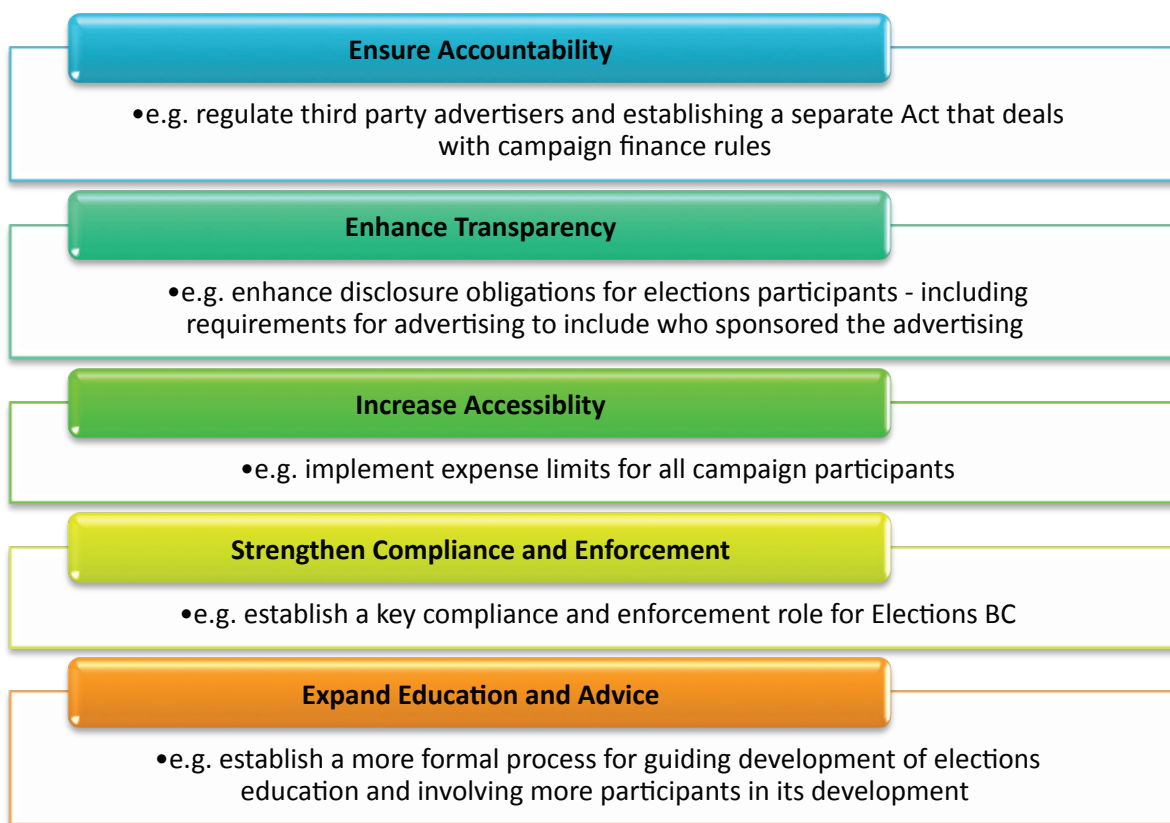
Part I: Reforming Local Government Elections

Local Government Elections Task Force

The joint provincial-UBCM Local Government Elections Task Force (Task Force) was formed in 2009 to recommend improvements to the local government elections process. Task Force members – from the provincial government and the UBCM – reviewed written opinions from individuals, local governments and organizations across BC to explore “gaps” in the current local government election rules. The Task Force’s Terms of Reference outlined a number of specific issues that needed to be considered – campaign finance rules were a particular area of interest.

Task Force Recommendations

The Task Force delivered its report to government in May 2010. This report made 31 recommendations¹ in five key areas:



¹ Appendix 1 lists all 31 Task Force recommendations. See http://www.localelectiontaskforce.gov.bc.ca/taskforce_report.html for the full Task Force Report.

Task Force Principles

The Task Force used the following principles to guide its work and develop recommendations²:

- *Consistency* with provincial and federal election rules, where practical;
- *Flexibility* to accommodate particular attributes of local government elections and balance *consistency* with the unique needs of local governments;
- *Transparency, accessibility, fairness and honesty* are hallmarks of democratic elections, to be preserved and promoted;
- *Efficiency* of the elections process, both in cost and operational resources needed; and,
- *Balance* among the interests of local government, the provincial government and the public.

Acting on Task Force Recommendations

The majority of the Task Force recommendations required a legislative response from government. The Task Force acknowledged that translating the underlying objectives of its recommendations would require extensive policy work, legal analysis and legislative drafting. They recognized that the changes would look:

“...somewhat different in implementation than they do as recommendations. What matters is that the intent or objectives of the recommendations be met in the way that works most effectively to ensure that local elections are fair, honest, accessible and transparent, and that those involved in local elections are accountable and informed.”³

In July 2010, government announced its commitment to develop legislation to act on the changes recommended by the Task Force. In April 2011, government communicated both to UBCM and to the public that it would work to implement changes in time for the 2014 local elections.

Legislative drafting and consultation with partners and stakeholders has resulted in the proposed new *Local Elections Campaign Financing Act* (LECFA) that, if passed, will improve BC’s local government elections campaign finance framework. The proposed legislation enhances the *Local Government Act* (LGA)⁴ and the current campaign finance system, regulates third party advertising, and introduces a new role for Elections BC in local government elections.

The complexity of the task

The unique nature of local government elections requires additional and sometimes more complex rules than provincial or federal campaign finance rules. This is due to several factors:

² Report of the Local Government Elections Task Force, p. 7

³ Report of the Local Government Elections Task Force, p.29

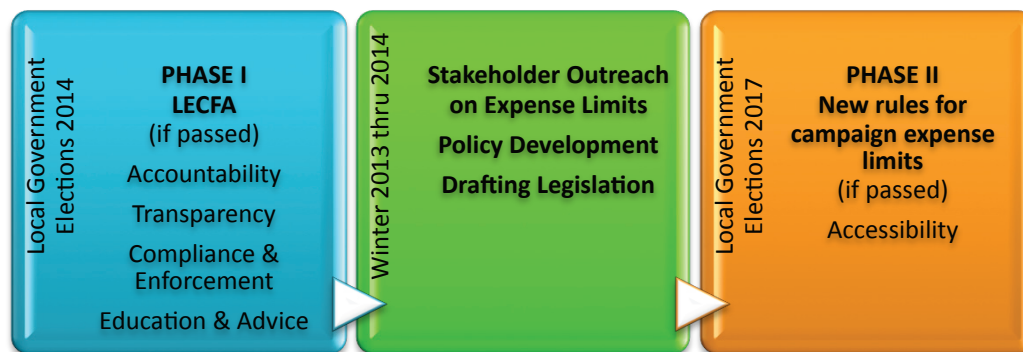
⁴ Most local governments are covered by the LGA. The Vancouver Charter provides the legislation for Vancouver. Generally, where the LGA is referenced in this White Paper, parallel provisions exist in the Vancouver Charter.

- Local government elections for approximately 1,660 representatives to over 250 government bodies are held for and by separate jurisdictions all across the province at the same time (e.g. elections for municipal councillors, electoral area directors, boards of education trustees, Islands Trust trustees).
- Local governments conduct elections simultaneously for several offices within the same jurisdiction (e.g. mayor and councillors) and may conduct elections for different jurisdictions (e.g. councillors and board of education trustees).
- The campaign finance system must be practical and work ‘on the ground’ in communities that range in size from 200 people to over 600,000 people.
- The campaign finance system must also take into account the role of elector organizations (EOs). While EOs endorse candidates in only a handful of municipalities, they are active and play a significant role in several of BC’s largest cities. Furthermore, EOs vary considerably and may be created for a single election or operate in multiple sequential local government elections.

As it developed the campaign finance framework proposed in the new Act, the Province sought to balance the Task Force’s guiding principles against comprehensiveness and practicality to create a system that works for all participants in local government elections.

A Phased Approach

Due to their scope and complexity, it is proposed that changes to local government campaign finance rules be implemented in two phases.



First, the proposed LECFA will be put forward for consideration by the Legislature in the spring of 2014 to implement Task Force recommendations related to transparency, accountability, compliance and enforcement, and education and advice. If passed, these changes will have effect for the 2014 local government elections.

Second, changes to expense limits will be developed to respond to Task Force recommendations about accessibility. Introducing changes to expense limits in an election year would be a significant challenge for elections participants. A stakeholder outreach process on expense limits will be initiated in November 2013 with a view to implementing new rules for the 2017 local government elections.

The White Paper on Local Government Elections Reform

The purpose of this White Paper is to provide election participants with advance knowledge of the proposed campaign finance changes before the 2014 local government elections.

It outlines the first phase of government's response to the Task Force recommendations. While local government elections are typically well-executed, there are opportunities to improve accountability, transparency, compliance and enforcement, and education and awareness. The proposed legislative changes set out in this paper will help create a more robust local government elections campaign finance system.

What is a White Paper?

A White Paper is used to indicate Government's direction prior to the introduction of legislation. White Papers can also be used as an educational tool.

Part I of the White Paper highlights the anticipated impacts on participants, and provides an overview of the next steps in the process. The proposed legislative package for 2014 will focus on enhanced disclosure and compliance and enforcement. In addition, a Technical Advisory Committee will be established to provide a forum for administrative partners to discuss the practical applications of the proposed Act.

Part II of the White Paper provides an overview of the proposed LECFA and describes what is covered by each Part and Division of the Act. The complete draft LECFA and some key amendments to the LGA are appended to the White Paper.

Why a New Act?

The creation of a separate Act dealing with campaign finance rules in local government elections was specifically recommended by the Task Force. The proposed LECFA separates the rules that directly regulate campaign participants from the more procedural rules that apply generally to local government. This separation is intended to provide an obvious regulatory source for election participants to more fully understand their obligations.

In addition, the new Act focuses on rules that will clarify the terms of Elections BC's recommended role in enforcement of campaign finance rules in local government elections.

Implications for Participants in Local Government Elections

One of the key objectives of the new Act is to make it easier for participants in local government elections to understand their campaign finance responsibilities and to improve their ability to meet their obligations. While the proposed new Act is a lengthy document, much of its content is consistent with existing requirements. Many of the changes elaborate on existing rules, making them easier to understand and apply. Other changes create new requirements in order to address gaps.

The tables on the following pages provide an overview of where the new Act is the same as the existing requirements; where current provisions of the LGA are enhanced; and, where new requirements or administrative measures are being introduced.

Candidates

Element	Current LGA ⁵	Proposed LECFA
Campaign Finance		
Must have a financial agent (if don't appoint, candidate is the financial agent)	✓	✓
Must have a campaign account under specified circumstances	✓	✓
Must record information about contributions	✓	✓
Prohibition on anonymous contributions	✗	✓
Must record elections expenses for the calendar year	✓	✓
Must record specified campaign period expenses	✗	✓
Election expenses can only be incurred by financial agent or authorized individuals	✓	✓
Disclosure		
Disclosure statements required (new standardized form)	✓ (at day 120)	✓ (at day 90)
30-day late filing of disclosure statements on payment of \$500	✓	✓
Disclosure statements must be filed	✓ (with local govt)	✓ (with EBC*)
Total amount of contributions and expenses must be recorded and significant contributors identified (\$100 or more)	✓	✓
Disclosure statements detail campaign period expenses	✗	✓
Disqualification for failure to file disclosure statement	✓	✓
Disqualification list maintained	✓	✓ (by EBC)
Disclosure reports made publicly available	✓	✓ (by EBC)



⁵ Most local governments are covered by the LGA. The Vancouver Charter provides the legislation for Vancouver. Generally, where the LGA is referenced in this White Paper, parallel provisions exist in the Vancouver Charter.

Element	Current LGA ⁵	Proposed LECFA
Supplementary reports required for changes to information in disclosure statements	✓	✓
Supplementary reports may be required by EBC	✗	✓
Disqualification for failure to file supplementary report	✗	✓
May apply for court relief in relation to disclosure requirements	✓	✓
Election advertising must have sponsorship identification, authorization statement, and contact details	✗	✓

*EBC = Elections BC



Elector Organizations

Element	Current LGA	Proposed LECFA
Campaign Finance		
Must have a financial agent	✓	✓
Must have a campaign account under specified circumstances	✓	✓
Must record information about contributions	✓	✓
Prohibition on anonymous contributions	✗	✓
Must record elections expenses for the calendar year	✓	✓
Must record campaign period expenses	✗	✓
Election expenses can only be incurred by financial agent or authorized individuals	✓	✓
Disclosure		
Disclosure statements required (new standardized form)	✓ (at day 120)	✓ (at day 90)
30-day late filing of disclosure statements on payment of \$500	✓	✓
Disclosure statements must be filed	✓ (with local govt)	✓ (with EBC*)
Total amount of contributions and expenses must be recorded and significant contributors identified (\$100 or more)	✓	✓
Disclosure statements detail campaign period expenses	✗	✓



Element	Current LGA	Proposed LECFA
Disqualification for failure to file disclosure statement	✓	✓
Disqualification list maintained	✓	✓ (by EBC)
Disclosure reports made publicly available	✓	✓ (by EBC)
Supplementary reports required for changes to information in disclosure statements	✓	✓
Supplementary reports may be required by EBC	✗	✓
Disqualification for failure to file supplementary report	✗	✓
May apply for court relief in relation to disclosure requirements	✓	✓
Election advertising must have sponsorship identification, authorization statement, and contact details	✗	✓

*EBC = Elections BC



Third Party Advertising



Part 6 of the proposed Act introduces new provisions to provide a clear framework for third party advertising. Third party advertising is election advertising other than election advertising that is:

- sponsored by a candidate as part of his/her election campaign; or,
- sponsored by an elector organization as part of its election campaign.

Element	Current LGA	Proposed LECFA
Campaign finance		
Third party advertising sponsors must register with EBC before sponsoring any election advertising	✗	✓
Election advertising must have sponsorship identification, authorization statement and contact details	✗	✓
Must record information about sponsorship contributions and election advertising	✗	✓
Prohibition on anonymous sponsorship contributions	✗	✓
Disclosure		
Disclosure statements must be filed with EBC at day 90 (new standardized form)	✗	✓

Total amount of sponsorship contributions and value of third party advertising disclosed and significant contributors identified (\$100 or more)	x	✓
30-day late filing on payment of \$500	x	✓
Disqualification for failing to file a disclosure statement	x	✓
Supplementary reports required for changes to information in disclosure statements	x	✓
Supplementary reports may be required by EBC	x	✓
Disqualification for failing to file a supplementary report	x	✓
May apply for court relief in relation to disclosure requirements	x	✓

Assent Voting Advertising



“Other voting”⁶ refers to voting on a bylaw, referendum or other matter that needs the agreement (or assent) of the electors. “Other voting” is referred to as “assent voting” in the proposed LECFA. Assent voting may take place outside of general local government elections or a by-election. Assent voting advertising is a message that promotes or opposes, directly or indirectly, the results of the assent voting.

Under Part 7 of the proposed LECFA, individuals and organizations that sponsor assent voting advertising will be subject to new requirements that mirror the requirements for third party advertisers.

Element	Current LGA	Proposed LECFA
Campaign finance		
Assent voting sponsors must register with EBC before sponsoring any assent voting advertising	x	✓
Assent voting advertising must have sponsorship identification, authorization statement and contact details	x	✓
Must record information about contributions and assent voting advertising	x	✓
Prohibition on anonymous contributions	x	✓

⁶ See also: http://www.localelectiontaskforce.gov.bc.ca/library/Campaign_Finance_Rules_For_Other_Voting_Discussion_Paper.pdf for additional information and examples of the nature of Other Voting.

Element	Current LGA	Proposed LECFA
Disclosure		
Disclosure statements must be filed with EBC at day 90 (new standardized form)	✗	✓
Total amount of contributions and value of assent voting advertising disclosed along with significant contributors identified (\$100 or more)	✗	✓
30-day late filing on payment of \$500	✗	✓
Disqualification for failing to file a disclosure statement	✗	✓
Supplementary reports required for changes to information in disclosure statements	✗	✓
Supplementary reports may be required by EBC	✗	✓
Disqualification for failing to file a supplementary report	✗	✓
May apply for court relief in relation to disclosure requirements	✗	✓

Elections BC



Elections BC (EBC) will assume primary responsibility for ensuring compliance with campaign finance rules under the proposed LECFA.

Element	Current Legislation	Proposed LECFA
Disclosure role (disclosure statements filed with EBC)	✗	✓
Register third party sponsors during elections	✗	✓
Register assent voting sponsors during assent voting that takes place outside of an election	✗	✓
May undertake investigations and audits	✗	✓
Compliance tools include ordering supplementary reports and applying for injunctions	✗	✓
Responsible for approving prosecutions for offences under the proposed LECFA	✗	✓
Part of Technical Advisory Committee	✗	✓

Local chief electoral officers (local CEOs) will continue to have an “on-the-ground” enforcement role.

Educational Materials for Local Government Elections Participants

In previous general local government election years, the Ministry produced a suite of educational materials that included guides for voters, candidates, and other election participants, web-based advisory materials, and on-demand advice via telephone and e-mail. For the 2014 general local election, the Ministry will work with UBCM, Elections BC, LGMA and other local election partners to build on its existing educational program to ensure local governments, election participants, and the public receive effective, accurate information regarding the local government election process.

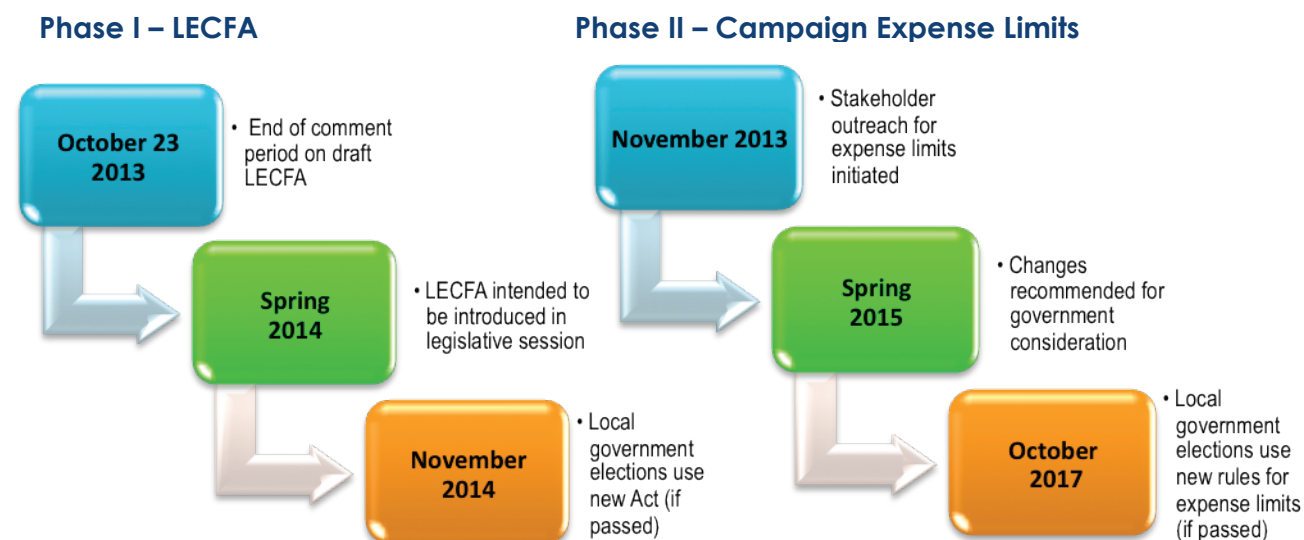
Consequential Amendments to the LGA

Development of the new Act requires consequential amendments to other local elections legislation, including the LGA. The proposed changes are minor in scope but help to ensure that LECFA operates as intended. Proposed consequential amendments to the LGA's nomination and endorsement provisions are appended to the White Paper. Similar consequential amendments are contemplated for the *Vancouver Charter*.

The proposed consequential amendments update contact information that candidates, elector organizations and financial agents must provide to local chief election officers with their nomination and endorsement documents (e.g. requiring candidate email addresses). This modernizes existing contact requirements and facilitates communication between candidates and election administration authorities. Another change simplifies requirements for elector organization membership. Currently, elector organizations must have a membership of 50 or more for at least 60 days prior to endorsing candidates. With the proposed changes, elector organizations would only be required to have 50 members at the time when the elector organization endorses candidates. Finally, changes to solemn declaration requirements would implement the Task Force's recommendation to require candidates to make a solemn declaration when filing nomination papers, attesting that the candidate understands the requirements for running for office and the requirements regarding campaign financing provisions.

Next Steps

The proposed LECFA is intended to be introduced during the Spring 2014 legislative session. If passed, its provisions will take effect for the local government elections in November 2014.



Invitation to Comment

The draft LECFA is included as an appendix to this White Paper. The development of this proposed legislation has involved extensive policy and legal analysis to set its basic structure and intent.

Your **input about the clarity and workability** of its provisions will help us finalize the new Act.

You can **submit your comments until October 23, 2013** via:

Website: www.localgovelectionreform.gov.bc.ca

Email: localgovelectionreform@gov.bc.ca

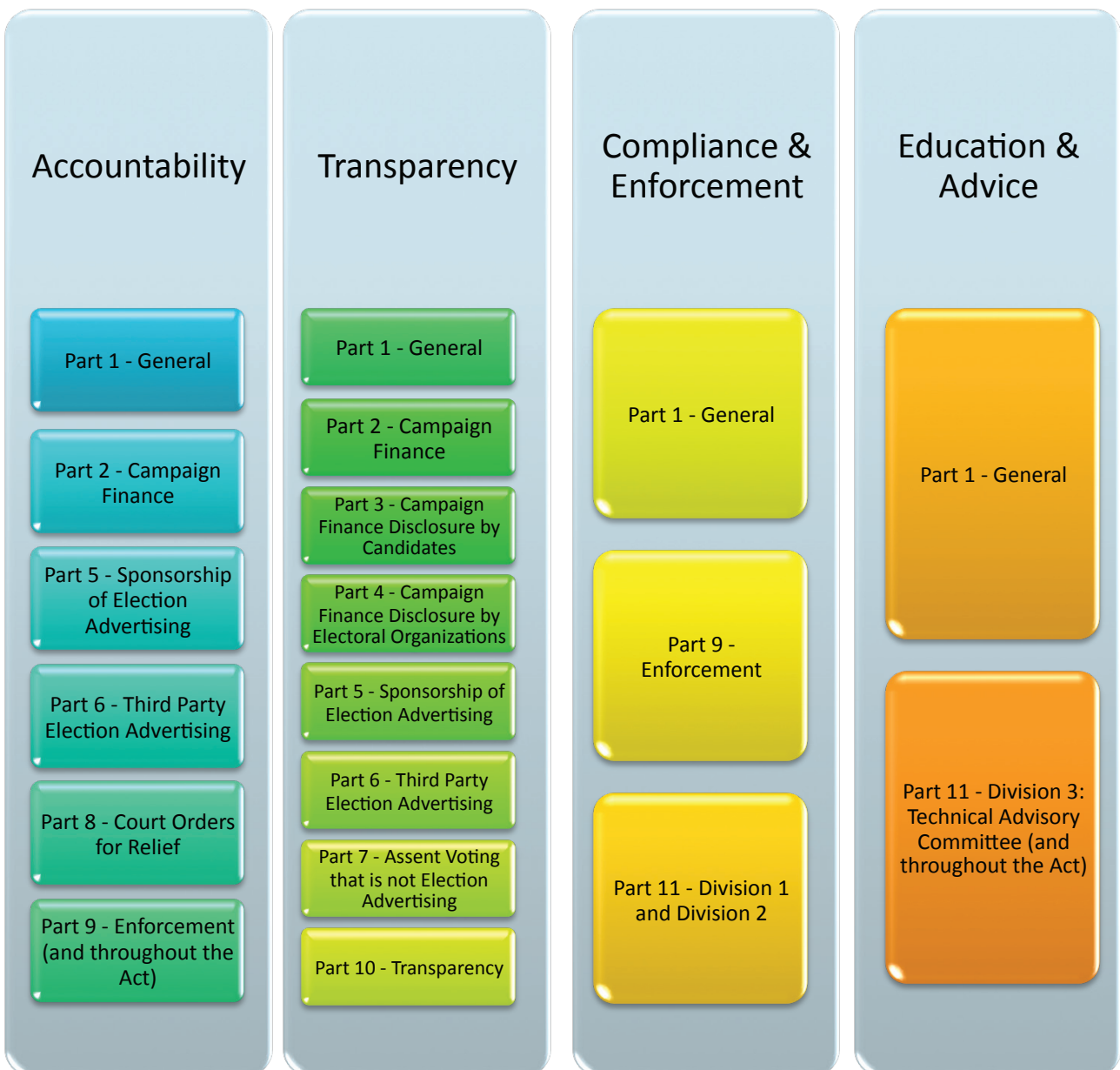
Mail: Local Government Elections Reform
Ministry of Community, Sport and Cultural Development
PO Box 9847 STN PROV GOVT,
Victoria BC, V8W 9T2

Part II: Local Elections Campaign Financing Act

This Part provides an overview of each Part of the proposed LECFA. The complete draft Act is attached along with key consequential amendments to the LGA.

Navigating the Act

The proposed Act consists of 11 Parts. These Parts correspond to the key areas identified by the Task Force as follows:



Part 1 - General

Overview: This Part establishes the types of elections and other voting to which the new Act applies, and defines key concepts.

Division 1 sets out the elections and assent voting that are covered by the new Act . Under the new Act, “other voting” as defined in the LGA is referred to as “assent voting”. The same elections that are currently subject to local government campaign finance rules under the LGA will be subject to the campaign finance rules under the new Act.

This Part also identifies the office, jurisdiction and local authority in relation to each election. Identifying specific offices, jurisdictions and local authorities is important for understanding certain roles, responsibilities and restrictions that are included in the Act.

Division 2 establishes key concepts necessary for understanding the new Act. One of the key concepts is the definition of election campaign. Both the LGA and the new Act define “election campaign”- this is important for interpreting other parts of the Act. In the new Act (and in the current LGA), knowing what constitutes the election campaign of a candidate or elector organization is necessary to determine what an election expense is (e.g. an election expense is generally the value of property and services used in an election campaign). The definition of “election campaign” is also relevant to requirements dealing with restrictions on the use of a campaign account. Under the LGA and the new Act, such accounts can generally only be used for the purposes of an election campaign, although the new Act permits specified non-campaign uses of a campaign account (e.g. making permitted transfers and required payments).

Under the new Act, election campaigns are linked to jurisdictions. This means that a candidate running in more than one jurisdiction, or an elector organization endorsing candidates from more than one jurisdiction, will be required to have separate campaigns for each jurisdiction.

This Division also defines election advertising. While the LGA also contains a definition of election advertising, it is only used to prohibit election advertising on general voting day. Under the new Act, the definition of election advertising applies more broadly to the activities of candidates, elector organizations and third party advertisers. The approach to election advertising under the new Act is consistent with the approach taken in the provincial *Election Act*.

Part 2 – Campaign Financing

Overview: This Part establishes rules intended to ensure **transparency and accountability** of the campaign finance activities of candidates and elector organizations. This Part defines campaign contributions and election expenses and the rules for determining their value. It also covers rules for making and accepting campaign contributions and restrictions on incurring election expenses. Many of the concepts contained in Part 2 of the new Act (e.g. identifying and valuing campaign contribution and election expenses and requirements for financial agents and campaign accounts) are consistent with existing requirements under the LGA.

Division 1 defines campaign contributions and election expenses and how they are valued. The general concepts are consistent with the current LGA provisions. Campaign contributions are generally the amount of any money, or the value of other property or services, provided to a candidate or elector organization for campaign use. Election expenses are generally the value of property or services used in an election campaign.

Under the new Act, candidates and elector organizations will still be required to record election expenses during the calendar year of the election. However, the new Act will establish a 46-day campaign period. During this period, election expenses will have to be identified separately in the disclosure report as campaign period expenses.

Other changes:

- Clarify the ability of elector organizations to contribute money to their own campaigns (e.g. can only occur as permitted).
- Provide that monetary transfers between candidates and elector organizations are not election expenses or campaign contributions (transfers are a new concept in local elections campaign finance legislation but are authorized in the provincial *Election Act* – see Division 2 of this Part).
- Clarify the treatment of membership dues to established elector organizations (e.g. those that have a continuing purpose related to the election of candidates endorsed by the organization).
- Clarify the treatment of volunteer services and volunteer property that is used in relation to a volunteer's services.

Division 2 sets out campaign accounting rules that are generally consistent with existing rules under the LGA. Candidates and elector organizations will still need to have financial agents and campaign accounts. Under the LGA, campaign accounts must be opened before or just after specified events. This is still required under the new Act with minor changes (e.g. accounts must be opened prior to receiving a transfer or prior to receiving the return of a candidate surplus from a local government). The use of

campaign accounts remains generally limited to the purposes of the campaign although the new act clarifies that campaign accounts may be used for certain non-campaign purposes (e.g. transfers, making specified payments and refunds).

Elector organizations will still be required to identify key individuals from the organization who have specified administrative responsibilities (although the terminology is changing from chief officials under the LGA to responsible or designated principal officials under the new Act).

The financial agent's obligation to record and maintain appropriate records of expenses and contributions is also found in this Part as are the rules for handling surplus campaign funds.

This Division authorizes elector organizations and their endorsed candidates to make transfers to each other. Transfers are not campaign contributions or election expenses but must be recorded and disclosed. The new Act clarifies how transfers are to be treated. The approach taken is consistent with the approach taken in the provincial *Election Act*.

Division 3 establishes rules for contributions and expenses, including the records that must be kept for contributions. Under the LGA, only specified individuals (candidates, financial agents, or individuals authorized in writing by the financial agent) are allowed to incur election expenses for a candidate or elector organization. This stays the same under the new Act.

Many of the rules about making and accepting campaign contributions under the LGA have been incorporated into the new Act (e.g. contributions must be accepted only by authorized individuals, cannot be made indirectly or with the property of another). However, there are some changes. For example, making or accepting anonymous contributions is not allowed under the new Act.

Part 3 – Campaign Financing Disclosure by Candidates

Overview: This Part sets out disclosure obligations to ensure the **transparency** of the campaign finance activities of candidates. While the current LGA time limits for filing disclosure statements have been reduced by 30 days under the new Act, the general approach remains the same. Disclosure statements must be filed before the applicable deadlines and must be updated via supplementary reports in specified circumstances.

Division 1 sets out candidate requirements for filing disclosure statements. Under the new Act, candidates will file disclosure statements with Elections BC within 90 days (down from the current 120 days under the LGA). The late filing deadline is now 120 days after general voting day (down from 150 days in the LGA). A new compliance deadline has been added that will trigger certain compliance tools and penalties. The compliance deadline is the later of the late filing deadline (120 days after general voting day) or the last day for filing in accordance with a court order for relief.

The information that must be included in disclosure statements for candidates under the new Act will

generally be the same as those currently filed under the LGA. However, there will be some changes to disclosure obligations to reflect new requirements (e.g. separate accounting and disclosure of campaign period expenses).

The current LGA has a requirement to file supplementary reports if the financial agent or the candidate becomes aware that information in a previous report has changed or if a previous report was incomplete or inaccurate. This is included in the new Act. In addition, Elections BC will have a new authority to require that a supplementary report be filed.

Division 2 sets out the penalties candidates will face if they fail to meet their disclosure obligations. Under the LGA, candidates that fail to file a disclosure statement may be subject to the loss of their seat (if elected) and disqualification until after the next general local election. This approach continues under the new Act. In addition, candidates who do not file supplementary reports as required may be subject to the same penalties (e.g. loss of seat and disqualification). Similar administrative penalties may apply in relation to filing false or misleading information but only if a candidate has first been convicted of filing such information.

Part 4 – Campaign Financing Disclosure by Elector Organizations

Overview: This Part sets out disclosure obligations to ensure the **transparency** of the campaign finance activities of elector organizations. As with the deadlines applicable to candidates, the current LGA time limits applicable to elector organizations for filing disclosure statements have been reduced by 30 days under the new Act. Previously reported disclosure information must be updated or corrected in supplementary reports in specified circumstances.

Division 1 sets out elector organization requirements for filing disclosure statements. The filing deadlines for elector organizations under the new Act are the same as for candidates.

The information that must be included in disclosure statements for elector organizations under the new Act will generally be consistent with the LGA. However, there will be some changes to reflect new requirements (e.g., disclosure of campaign period expenses). Elector organizations that endorse candidates from more than one jurisdiction will be required to file separate disclosure statements for each jurisdiction because each jurisdiction represents a separate campaign.

The requirement for elector organizations to file supplementary reports under the new Act is the same as for candidates.

Division 2 sets out the penalties related to elector organization disclosure obligations. Currently under the LGA, elector organizations that fail to file disclosure statements may be subject to disqualification from endorsing candidates, accepting campaign contributions, and incurring election expenses until after the next general local election. This approach continues under the new Act. In addition, elector organizations that fail to file supplementary reports may be subject to the same penalties (e.g.

disqualification). Similar administrative penalties may apply in relation to filing false or misleading information but only if an elector organization has first been convicted of filing such information.

Part 5 – Sponsorship of Election Advertising

Overview: This Part enhances the **transparency and accountability** of election advertising. It establishes that (unless exempted) all election advertising must include sponsorship information including the name of the sponsor, or the financial agent of the candidate or elector organization, as applicable.

This Part establishes the new requirement that election advertising must include specified sponsorship information. Election advertising cannot be sponsored or transmitted unless it contains the required sponsorship information (e.g., the name of the sponsor or applicable financial agent and contact information).

Part 6 – Third Party Election Advertising

Overview: This Part establishes rules to ensure **transparency and accountability** of the activities of third party advertising sponsors, including rules about valuing third party advertising and making and accepting sponsorship contributions. Under the new Act, all third party advertising sponsors must be registered and must file disclosure statements to avoid being subject to administrative penalties. The regulation of third party sponsors as an identifiable group in local government elections is new. The approach taken in the proposed Act is consistent with the approach taken in the provincial *Election Act*.

Division 1 sets out rules in relation to sponsorship contributions including making and accepting contributions. In addition, rules are established for valuing third party advertising and for keeping records of sponsorship contributions.

Division 2 creates a requirement that all third party advertising sponsors register with Elections BC prior to sponsoring third party advertising. Like elector organizations, organizations that sponsor third party advertising must identify key individuals who have specified administrative responsibilities.

Division 3 sets out the disclosure obligations for sponsors of third party advertising. Under the new Act individuals and organizations that sponsor third party advertising totalling \$500 or more will be required to provide a more detailed disclosure statement than those who sponsor less than \$500. The applicable time limits for disclosure are the same as for candidates and elector organizations (90 days/120 days). Third party advertising sponsors are also required to file supplementary reports if the information disclosed in a previous report has changed or if a previous report was incomplete or inaccurate. As for candidates and elector organizations, Elections BC has authority to require that a supplementary report is filed by a third party sponsor. Third party sponsors that fail to file disclosure statements or supplementary reports as required may be subject to disqualification penalties.

Part 7 – Assent Voting Advertising that is Not Election Advertising

Overview: This Part enhances **transparency** by establishing rules for assent voting advertising that is not election advertising. Under the proposed Act, individuals and organizations that sponsor assent voting advertising for assent voting that occurs outside of an election will be subject to new requirements, such as registration with Elections BC. The requirements for sponsors of assent voting advertising mirror the requirements for sponsors of third party advertising.

This Part establishes rules for sponsors of assent voting advertising that is not election advertising (e.g. when the assent voting occurs outside of general local elections or outside of a by-election). The rules will apply to the 30-day period before the general voting day for the assent voting.

This Part also applies Part 5 - *Sponsorship of Election Advertising* and Part 6 - *Third Party Election Advertising* to sponsors of assent voting advertising. As such, the rules for sponsors of assent voting advertising are the same as the rules for third party advertising sponsors. For example, sponsors of assent voting advertising will be required to include sponsorship information on the advertising. Like third party advertising sponsors, all sponsors of assent voting advertising will be required to register with Elections BC. Rules about sponsorship contributions will also apply to sponsors of assent voting advertising.

Part 7 also creates disclosure obligations for assent voting advertising sponsors. The time limits for disclosure statements reflect those established for third party advertisers in an election (90 days/120 days). Sponsors of assent voting advertising totalling more than \$500 will be required to provide a more detailed disclosure statement than those who sponsor less than \$500. Assent voting advertisers also need to file supplementary reports if information disclosed in a previous report has changed or if a previous report was incomplete or inaccurate. Elections BC has authority to require that a supplementary report be filed by an assent voting advertising sponsor. Assent voting advertising sponsors that do not file the required disclosure statements, or supplementary reports, may be subject to disqualification penalties.

Part 8 – Court Orders for Relief

Overview: This Part enhances **accountability** by defining the circumstances in which candidates, elector organizations, third party advertising sponsors, and assent voting advertising sponsors may obtain court relief from disclosure requirements. The new Act establishes that candidates, elector organizations, third party advertising sponsors, and assent voting advertising sponsors may generally apply for court relief from disclosure requirements up to 120 days after general voting day. The court must be satisfied that court relief applicants exercised due diligence to fulfill the applicable disclosure requirements before it will provide relief.

Candidates generally may seek court relief up to 120 days after general voting day. Several rules under the new Act are different from the current court relief rules in the LGA. For example, candidates will be required to take reasonable steps to ensure their application is heard in a timely manner. Candidates may be granted relief from disclosure requirements if they have exercised due diligence in relation to those requirements, as opposed to good faith in the LGA. The relief that courts may provide includes extending the time for filing the disclosure statement or filing without paying a monetary penalty.

Elector organizations that apply for court relief from disclosure requirements may be granted relief if the responsible principal officials have exercised due diligence in relation to their disclosure requirements. Court relief may be sought by the elector organization, the financial agent, or elector organization responsible principal officials.

Third party advertising sponsors that apply for court relief from disclosure requirements may be granted relief if their officials have exercised due diligence. Court relief may be sought by an individual who sponsors third party advertising or, in an organization, the responsible principal officials.

Assent voting advertising sponsors may also apply for court relief from disclosure requirements. The court relief rules for assent voting advertising sponsors mirror the rules for third party advertising sponsors.

General provisions for court orders for relief are also covered in this Part. Authority is provided for the court to extend the time when penalties may apply to a candidate under certain circumstances. It also provides authority for Elections BC to request that a candidate’s application for court relief be heard.

Finally, Part 8 establishes that penalties continue to apply if a candidate, elector organization, third party advertising sponsor, or assent voting advertising sponsor appeals a decision by the court. If a candidate is provided with relief and complies with any terms given by the court, the disqualification penalties no longer apply.

Part 9 – Enforcement

Overview: This Part enhances **accountability** by establishing roles, responsibilities, and powers for compliance and enforcement of the proposed Act. Under the new Act, Elections BC will have key responsibilities for ensuring that local government elections participants comply with relevant provisions.

Division 1 establishes some of Elections BC’s powers and duties under the new Act. Elections BC will have a suite of compliance and enforcement powers that are consistent with its enforcement powers and tools under the provincial *Election Act*. These powers include the ability to:

- Conduct periodic investigations of the financial affairs of regulated participants, and these investigations may include audits;
- Conduct investigations into any matter that might constitute a contravention of the *Election Act*; and,
- Apply to the court for an injunction, or request a warrant to search and seize records.

Division 2 sets out rules governing the prosecution of offences under the new Act. Under the new Act, the time limit for beginning a prosecution is one year after the facts of an alleged contravention become known to the BC chief electoral officer. This is a change from the current limit of 6 months from when the alleged contravention took place. Elections BC’s role in relation to offences is similar to its role under the provincial *Election Act*. For example, the BC chief electoral officer must approve any prosecution of an offence.

The maximum penalties that may be imposed for offences under the new Act are set out in Division 2. There are different monetary penalties for individuals and organizations. Offences for failure to file disclosure statements and supplementary reports, and providing false or misleading information have higher penalties than other offences listed in the proposed Act.

Part 10 - Transparency

Overview: This Part enhances **transparency** by establishing rules and requirements about public access to appropriate campaign finance information.

This Part sets out the rules for providing public access to campaign finance information (e.g. disclosure statements and supplementary reports) and establishes rules for the protection of privacy, requirements for obtaining access to records, and rules for making copies of available records. Elections BC will have a key role in providing public access to campaign finance disclosure statements. Local governments will also provide access to campaign finance information about their jurisdiction at the local government’s offices.

This Part also specifies duties for Elections BC that are necessary to ensure the new Act's unique administrative arrangements function properly. Currently under the LGA, the Inspector of Municipalities maintains a list of individuals and organizations who have been disqualified for failing to file disclosure statements. This list helps local governments and the public determine whether nominated candidates are eligible to run in local government elections. Under the new Act, Elections BC will maintain the disqualification list and will notify local governments of any individuals or organizations who have been disqualified.

Part 11 – Administration and Other Matters

Overview: This Part sets out key responsibilities for the administration of the new Act. Since both Elections BC and local authorities have responsibilities under the new Act, the provisions in this Part clarify their respective roles and provide for information sharing where necessary. The Technical Advisory Committee established under this Part is intended to enhance the administration of the new Act and improve education and advice. This Part also sets out the Minister's authority to make orders in special circumstances.

Division 1 establishes Elections BC's mandate and general administrative responsibilities. For example, Elections BC will have the authority to hire temporary staff for local elections. These administrative powers are generally consistent with Elections BC's powers under the *Election Act*. However, some provisions within this division address the unique administrative relationships established by the new Act. For example, Elections BC will be required to notify a local government when a candidate from that jurisdiction is disqualified and added to the disqualification list.

Division 2 sets out the administrative responsibilities that local authorities will have under the new Act. Local authorities' responsibilities under the new Act are primarily related to the sharing of certain information. For example, as part of the nomination process, candidates must provide their name, address, telephone number and other contact information to their local government. Local authorities must make sure that the contact information provided by candidates and elector organizations to local CEOs is forwarded to Elections BC. Elections BC will then use that contact information to communicate with candidates for compliance and enforcement purposes.

Division 3 creates a Technical Advisory Committee (TAC). The TAC will be a committee of representatives from key agencies (e.g. Elections BC, the Local Government Management Association, Ministry of Community, Sport and Cultural Development). The TAC will serve as a forum for discussing matters of common interest among the committee's participants, including development and provision of information, education, and specific advice to elections participants. This body will help ensure that the new Act's unique administrative structure operates effectively and that key agencies have the opportunity to communicate with each other in an efficient manner.

Division 4 establishes general rules for certain obligations under the new Act. For example, it specifies that, whenever an address for service is required under the new Act, *either* a mailing address or an email address can be provided. This will help ensure that obligations to provide an address for service or a solemn declaration can be met using contemporary technology such as electronic communications.

Division 5 provides authority for the Minister to make orders in special circumstances.

Appendix 1- Task Force Recommendations

Summary of Recommendations by Topic Area⁷

Campaign Finance

Expense limits

- Implement expense limits for all campaign participants (e.g. candidates, elector organizations and third party advertisers)
- Development of the expense limits should be guided by some key considerations:
 - Expense limits should be high enough for campaign participants to mount reasonable campaigns and express their views, but not so high as to allow a few participants to dominate election discourse
 - Expense limits need to work in different-sized communities (i.e. formula cannot be based only on an amount per number of electors or population)
 - Expense limits for elector organizations should have a neutral effect on decisions to create elector organizations or not (i.e. formula should be based on the number of candidates supported)

Contribution limits

- Ban anonymous contributions
- Do not implement general contribution limits or restrictions

Election Advertising

- Require all election advertising to disclose who sponsored (paid for) the advertising
- Sponsorship information should be in English and the language of the advertisement
- Make it an offence to publish ads without required sponsorship information
- Explore establishing some automatic (administrative) penalties in relation to election advertising (e.g. for failing to comply with the proposed requirement for advertising to include sponsorship information)

Third party advertisers

- Establish that third party advertisers must register and must disclose what they spent on ads and who contributed to them (possibly for advertising expenditures over a certain threshold)
- Prohibit advertising by unregistered third parties
- Explore establishing some automatic (administrative) penalties for failure to comply with third party advertising rules, such as exceeding expense limits or failing to file a disclosure statement.

⁷ Report of the Local Government Elections Task Force, pp. 31 – 34

- Continue to regulate people or organizations (currently referred to as “campaign organizers”) that undertake election campaigns that support (or operate in place of) a candidate or elector organization’s campaign and conduct political activity such as collecting campaign contributions.

Other voting (referendums)

- Apply “third party advertising” rules for election campaigns to referendums by requiring
 - individuals and groups taking out referendum-related advertisements to register
 - advertisements to include sponsorship information
 - disclosure of contributions received and expenses incurred by registered third party advertisers to be made after the referendum

Public financing

- Do not implement public financing (tax credits or rebates for campaign contributions or campaign expenses)

Campaign finance disclosure

- Require campaign finance disclosure statements to be submitted no later than 90 days after general voting day
- Require campaign finance disclosure information to be published online and made centrally accessible through Elections BC
- Develop standard campaign finance disclosure statement forms
- Require local governments to use best efforts to provide notice of the remaining 30 day late filing period to those candidates who have not filed at the end of initial filing period
- Make the rules for disclosing volunteer and candidate “in kind” contributions consistent with the provincial rules

Separate Act

- Establish a separate Act dealing with campaign finance rules in local elections

Enforcement processes and outcomes

Roles and responsibilities of local Chief Elections Officers (CEOs)

- Provide local Chief Election Officers with additional powers for enforcement during the campaign; for example, to
 - enforce rules against election-day advertising (e.g. provide clear authority for Chief Election Officers to enter on private property to remove unauthorized campaign signs on election day)
 - seek injunctions in order to enforce rules, such as stopping unauthorized advertising
- Clarify the status of the local Chief Election Officer by statutorily establishing that position as impartial

Offence Act

- Override *Offence Act* limitation for investigation of an alleged local elections offence, extending it to one year instead of the current six months
- Specify that the one year period starts from when the alleged contravention is brought to the attention of local elections administrators/enforcers

Candidate responsibilities

- Require candidates to make a solemn declaration when filing nomination papers, attesting that the candidate understands the requirements for running for office; for example, requirements to
 - appoint a financial agent
 - open a separate bank account for campaign finances
 - file a campaign finance disclosure statement within 90 days
 - meet eligibility criteria

Role of the provincial Chief Election Officer

- Establish a key role for Elections BC in enforcing campaign finance rules in local elections, focusing on:
 - Publication and compliance review of campaign finance disclosure statements;
 - Provision of guidance on campaign finance rules during elections;
 - Response to campaign finance queries and complaints after elections;
 - Management of preliminary investigations and, when required, referral to the appropriate law enforcement bodies.
- Continue a role for local government in enforcing campaign finance rules, focusing on local Chief Election Officers as frontline contacts and responders on certain compliance issues that arise during a campaign.
- Build mechanisms to clearly define the responsibilities and relationships of those involved in campaign finance enforcement; support collaborative development of training and education materials, standard forms and provision of guidance; and provide Elections BC and local governments with the authority they need to effectively fulfill their roles.

Election cycle

- Extend the term of office for local elected officials to four years⁸

⁸ UBCM subsequently passed a resolution to retain a three year term of office. The provincial government has agreed not to change the term of office.

Corporate vote

- Do not establish a corporate vote
- The Task Force recommends exploring non-electoral approaches to addressing the concerns of businesses. Local governments and businesses have shared interests in ensuring a competitive property tax climate to encourage investment and support a sustainable, strong and diversified tax base for communities. The Task Force recommends that the UBCM, the Province and business groups work together to recognize the issues expressed to the task force, and to encourage effective local ways to engage with business, further strong relationships and foster a competitive business climate.

Other agreed upon matters

Candidate eligibility of employees

- Clarify that volunteers who receive no direct monetary compensation are not considered to be “employees” for the purposes of determining eligibility to run for, and hold, elected office while continuing to volunteer

Education and advice

- Strengthen commitment to collaborative local elections education
 - Establish a more formal process for guiding development of elections education
 - Involve more participants - organizations such as LGMA, UBCM, Elections BC, Ministries of Education and Community and Rural Development and LGLA.
 - Ensure all involved commit staff and/or financial resources to education and advice
- Provide education and advice
 - On **new topics** resulting from implementation of Task Force recommendations (e.g. third party advertising rules)
 - For **new audiences** (e.g. candidates’ financial agents, third party advertisers, other campaign participants)
 - In **new ways** (e.g. webinars, “candidate schools,” advice line for election administrators on general voting day)
- Enhance education and advice in a phased approach
 - Focus first on materials to assist in understanding of new rules, roles and responsibilities for the 2011 elections⁹
 - Expand to cover other issues based on feedback from 2011 elections

⁹ As changes were not implemented for the 2011 local government elections, this now applies to the 2014 elections.

**Appendix 2 - Draft *Local Elections Campaign Financing Act*
and Draft Consequential Amendments to the *Local Government Act***

LOCAL ELECTIONS CAMPAIGN FINANCING ACT

INDEX

Part 1 – General

Division 1 – Application and Interpretation

- 1.01 Elections to which this Act applies
- 1.02 Assent voting to which this Act applies
- 1.03 Definitions and other interpretation rules

Division 2 – Key Concepts

- 1.04 What is the election campaign of a candidate
- 1.05 What is the election campaign of an elector organization
- 1.06 What is election advertising
- 1.07 What is third party advertising
- 1.08 Types of third party advertising: issue advertising and directed advertising
- 1.09 What is assent voting advertising
- 1.10 Who is the sponsor of election advertising or non-election assent voting advertising
- 1.11 When elections, or elections and assent voting, are considered to be held at the same time

Part 2 – Campaign Financing

Division 1 – General Concepts: Campaign Contributions and Election Expenses

- 2.01 Campaign contributions to candidate or elector organization
- 2.02 Election expenses of candidates and elector organizations
- 2.03 What are campaign period expenses
- 2.04 Valuation rules for campaign contributions and election expenses

Division 2 – Campaign Accounting

- 2.05 Each candidate must have a financial agent
- 2.06 Requirement for candidate campaign account
- 2.07 Each elector organization must have a financial agent
- 2.08 Requirement for elector organization campaign account
- 2.09 Responsible principal officials and designated principal official for elector organization
- 2.10 Information updating obligations
- 2.11 Records of campaign contributions, election expenses and other matters
- 2.12 Campaign transfers between candidates and elector organizations
- 2.13 What happens if a candidate has surplus campaign funds
- 2.14 What happens if an elector organization has surplus campaign funds

Division 3 – Rules in Relation to Campaign Contributions and Election Expenses

- 2.15 Restrictions on making campaign contributions
- 2.16 Restrictions in relation to accepting campaign contributions
- 2.17 Dealing with prohibited campaign contributions
- 2.18 Campaign contribution information that must be recorded
- 2.19 How payment in relation to election expenses may be made

Part 3 – Campaign Financing Disclosure by Candidates

Division 1 – Disclosure Requirements for Candidates

- 3.01 Disclosure statements required for candidates
- 3.02 Time limits for filing disclosure statements
 - filing on time, late filing on payment of penalty fee, compliance deadline
- 3.03 Information and other requirements for candidate disclosure statement

- 3.04 Notice of failure to file within no-penalty fee period
- 3.05 Requirements for candidate supplementary reports
- 3.06 Compliance deadline for filing supplementary report
- 3.07 Required declarations

Division 2 – Penalties in Relation to Candidate Disclosure Requirements

- 3.08 Candidate disqualification penalties for failure to disclose
- 3.09 Candidate disqualification penalties for false or misleading disclosure

Part 4 – Campaign Financing Disclosure by Elector Organizations

Division 1 – Disclosure Requirements for Elector Organizations

- 4.01 Disclosure statements required for elector organizations
- 4.02 Time limits for filing disclosure statements
 - filing on time, late filing on payment of penalty fee, compliance deadline
- 4.03 Information and other requirements for elector organization disclosure statement
- 4.04 Notice of failure to file within no-penalty fee period
- 4.05 Requirements for elector organization supplementary reports
- 4.06 Compliance deadline for filing supplementary report
- 4.07 Required declarations

Division 2 – Penalties in Relation to Elector Organization Disclosure Requirements

- 4.08 Elector organization disqualification penalties for failure to disclose
- 4.09 Elector organization disqualification penalties for false or misleading disclosure

Part 5 – Sponsorship of Election Advertising

- 5.01 Election advertising must include sponsorship information
- 5.02 No indirect sponsorship of election advertising
- 5.03 Solemn declaration regarding sponsorship may be required

Part 6 – Third Party Election Advertising

Division 1 – General

- 6.01 Independence requirements for third party sponsors
- 6.02 What are sponsorship contributions
- 6.03 Restrictions on making sponsorship contributions
- 6.04 Dealing with prohibited sponsorship contributions
- 6.05 Records of sponsorship contributions and sponsored advertising
- 6.06 Valuation rules for third party advertising and sponsorship contributions

Division 2 – Registration of Third Party Sponsors

- 6.07 Prohibition against sponsoring third party advertising if not registered
- 6.08 Application for registration: individual as third party sponsor
- 6.09 Application for registration: organization as third party sponsor
- 6.10 Responsible principal officials and designated principal official
 - for third party sponsor that is an organization
- 6.11 Registration by BC chief electoral officer
- 6.12 Information updating obligations

Division 3 – Disclosure Requirements for Third Party Sponsors

- 6.13 Disclosures statements required for third party sponsors
- 6.14 Time limits for filing disclosure statements
 - filing on time, late filing on payment of penalty fee and compliance deadline
- 6.15 Information and other requirements for third party disclosure statements
- 6.16 Notice of failure to file within the no-penalty fee period
- 6.17 Requirements for filing supplementary reports
- 6.18 Compliance deadline for filing supplementary report

- 6.19 Required declarations
- 6.20 Third party sponsor disqualification penalties for failure to disclose
- 6.21 Third party sponsor disqualification penalties for false or misleading disclosure

Part 7 – Assent Voting Advertising That Is Not Election Advertising

- 7.01 Application of Act to non-election assent voting advertising
- 7.02 Application of election advertising rules
- 7.03 Offences in relation to non-election assent voting advertising

Part 8 – Court Orders for Relief

- 8.01 Relief in relation to candidate disclosure requirements under Part 3
- 8.02 Relief in relation to elector organization disclosure requirements under Part 4
- 8.03 Relief in relation to third party disclosure requirements under Part 6
- 8.04 Relief in relation to non-election assent voting advertising disclosure requirements
- 8.05 Extension of time before candidate disqualification penalties apply
- 8.06 BC chief electoral officer may set down application for hearing
- 8.07 Address for service on other parties
- 8.08 Appeal of relief decision
- 8.09 Effect of final determination on candidate disqualification penalties and seat vacancy

Part 9 – Enforcement

Division 1 – Elections BC Responsibilities and Powers

- 9.01 Reports to local authority respecting disqualification of elected candidates
- 9.02 Reviews, investigations and audits by BC chief electoral officer
- 9.03 Additional specific powers to require information
- 9.04 Complaints regarding contraventions of this Act
- 9.05 Powers in relation to non-compliant advertising
- 9.06 Court injunctions on application of BC chief electoral officer

Division 2 – Offences

- 9.07 Section 5 of Offence Act does not apply
- 9.08 Penalties under this Part are in addition to any others under Act
- 9.09 Defence of due diligence
- 9.10 BC chief electoral officer authority in relation to prosecutions
- 9.11 Time limit for starting prosecution
- 9.12 Prosecution of organizations and their directors and agents
- 9.13 General offence in relation to false or misleading information
- 9.14 Higher penalty offences
- 9.15 Lower penalty offences

Part 10 – Transparency

- 10.01 Public access to disclosure information – Elections BC responsibilities
- 10.02 Public access to disclosure information – local authority responsibilities
- 10.03 Disqualification list to be maintained
- 10.04 Other information to be publicly available
- 10.05 Restrictions on use of personal information
- 10.06 General information rules

Part 11 – Administration and Other Matters

Division 1 – Elections BC Responsibilities

- 11.01 Role of the BC chief electoral officer
- 11.02 Administrative matters
- 11.03 Elections BC notice to local authority

- 11.04 Minor corrections to disclosure statements and supplementary reports
- 11.05 Late filing extensions in extraordinary circumstances
- 11.06 Retention of disclosure records

Division 2 – Local Authority Responsibilities

- 11.07 Information to be provided to Elections BC
- 11.08 Local authority report of non-compliance

Division 3 – Technical Advisory Committee

- 11.09 Technical Advisory Committee
- 11.10 Role of advisory committee
- 11.11 Advisory committee meetings

Division 4 – Miscellaneous

- 11.12 Address for service requirements and delivery of notices
- 11.13 Solemn declarations

Division 5 – Orders and Regulations

- 11.14 Minister orders in special circumstances
- 11.15 Regulations
- 11.16 Commencement

Schedule — Definitions and Interpretation

- S-01 Definitions
- S-02 How this Act applies in relation to other legislation
- S-03 References to other Acts
- S-04 Internal description notes

LOCAL ELECTIONS CAMPAIGN FINANCING ACT

PART 1 – GENERAL

Division 1 – Application and Interpretation

1.01 Elections to which this Act applies

- (1) **Elections** — This Act applies to the following elections:
- (a) an election under the *Local Government Act* for a mayor;
 - (b) an election under the *Local Government Act* for a municipal councillor;
 - (c) an election under the *Local Government Act* for an electoral area director on a regional district board;
 - (d) an election under the *Vancouver Charter* for the mayor;
 - (e) an election under the *Vancouver Charter* for a councillor;
 - (f) an election under the *Vancouver Charter* for a Park Board member;
 - (g) an election under the *Islands Trust Act* for a local trust area trustee;
 - (h) an election under the *School Act* for a trustee for a board of education;
 - (i) other elections prescribed by regulation.
- (2) **Jurisdiction and local authority in relation to elections** — In relation to the paragraph of subsection (1) referred to in column 1 of the following table, for an election for the class of office referred to in column 2 of the table, the jurisdiction in relation to the election is that referred to in column 3 of the table and the local authority in relation to the election is that referred to in column 4 of the table:

Column 1 Paragraph	Column 2 Office	Column 3 Jurisdiction	Column 4 Local Authority
(a)	Mayor	The municipality	The council
(b)	Councillor	The municipality	The council
(c)	Electoral area director	The regional district	The board
(d)	Mayor	The City of Vancouver	City Council
(e)	Councillor	The City of Vancouver	City Council
(f)	Vancouver Park Board member	The City of Vancouver	The Park Board
(g)	Islands Trust local trust area trustee	The trust council	The trust council
(h)	Board of education trustee	The board of education	The board of education
(i)	Office for prescribed election	As prescribed	As prescribed

1.02 Assent voting to which this Act applies

This Act also applies to the following voting:

- (a) assent voting within the meaning of Part 4 [*Assent Voting*] of the *Local Government Act* or Part II [*Assent Voting*] of the *Vancouver Charter*;
- (b) voting to which provisions of either of those Parts apply.

1.03 Definitions and other interpretation rules

The Schedule to this Act establishes definitions of terms used in this Act and rules of interpretation that apply in relation to this Act.

Division 2 – Key Concepts

1.04 What is the election campaign of a candidate

- (1) **Election campaign of candidate** — An election campaign of a candidate is a campaign, undertaken by or on behalf of the candidate in relation to an election in which the individual is or intends to be a candidate, for any of the following purposes:
 - (a) to promote, directly or indirectly, the election of the candidate;
 - (b) to oppose, directly or indirectly, the election of any other candidate in the same election;
 - (c) to promote, directly or indirectly, the elector organization that is endorsing the candidate or from which the candidate is seeking endorsement;
 - (d) to oppose, directly or indirectly, an elector organization that is endorsing another candidate in the same election;
 - (e) to promote, directly or indirectly, the selection of the candidate for endorsement by an elector organization;
 - (f) to oppose, directly or indirectly, the selection of any other individual to be endorsed by an elector organization in the relation to the same election.
- (2) **Separate campaigns for individual who is a candidate in more than one election** — If an individual is a candidate in relation to more than one election that is being held at the same time, election campaigning of the candidate in relation to each of those elections is considered for purposes of this Act to be a separate election campaign.
- (3) **Early activities included in campaign** — For certainty, an election campaign includes election campaigning that is undertaken before the individual is nominated as or declared to be a candidate.

1.05 What is the election campaign of an elector organization

- (1) **Election campaign of elector organization** — An election campaign of an elector organization is a campaign, undertaken by or on behalf of the elector organization in relation to an election in which the elector organization is endorsing or intends to endorse a candidate, for any of the following purposes:

- (a) to promote, directly or indirectly, the elector organization;
 - (b) to promote, directly or indirectly, the election of a candidate endorsed or intended to be endorsed by the elector organization;
 - (c) to oppose, directly or indirectly, the election of a candidate in the same election who is not endorsed by the elector organization;
 - (d) to oppose, directly or indirectly, another elector organization in relation to the same election or another election for the same jurisdiction that is being held at the same time;
 - (e) to oppose, directly or indirectly, the selection of an individual to be endorsed by another elector organization in relation to an election referred to in paragraph (d).
- (2) **Election campaign of elector organization covers all elections for same jurisdiction** — If an elector organization is endorsing or intends to endorse candidates in more than one election being held at the same time for the same jurisdiction, election campaigning of the elector organization in relation to those elections is considered for purposes of this Act to be a single election campaign.
- (3) **Separate campaigns for elector organizations endorsing in more than one jurisdiction** — If an elector organization is endorsing candidates or intends to endorse candidates in more than one jurisdiction in elections being held at the same time, election campaigning of the elector organization in relation to each of those jurisdictions is considered for purposes of this Act to be a separate election campaign.
- (4) **Early activities included in campaign** — For certainty, an election campaign includes election campaigning that is undertaken before the elector organization endorses a candidate.

1.06 What is election advertising

- (1) **General meaning** — Subject to subsection (2), election advertising is the transmission to the public by any means, during the campaign period for an election, of any of the following:
- (a) an advertising message that promotes or opposes, directly or indirectly,
 - (i) the election of a candidate, or
 - (ii) an elector organization that is endorsing a candidate or is an established elector organization,
 including an advertising message that takes a position on an issue with which the candidate or elector organization is associated;
 - (b) if the election is part of a general local election, assent voting advertising in relation to assent voting that is being held at the same time as the general local election;
 - (c) if the election is not part of a general local election, assent voting advertising in relation to assent voting that is being held
 - (i) at the same time as the election, and

- (ii) for the same jurisdiction as the jurisdiction for which the election is held or for a voting area that is all or part of that jurisdiction;
 - (d) advertising messages of a class prescribed by regulation.
- (2) **Exclusions** — Subject to any exceptions established by regulation, election advertising does not include the following:
 - (a) the publication without charge, in a bona fide periodical publication or a radio or television program, of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary;
 - (b) the distribution of a publication, or the promotion of the sale of a publication, for no less than its market value, if the publication was planned to be sold whether or not there was to be an election or assent voting;
 - (c) the transmission of a message directly by an individual or organization to their employees, members or shareholders;
 - (d) the transmission of an expression by an individual, on a non-commercial basis on the internet, by telephone or by text messaging, of his or her personal views;
 - (e) other advertising messages of a class prescribed by regulation.

1.07 What is third party advertising

Third party advertising is election advertising, other than election advertising sponsored

- (a) by a candidate as part of an election campaign of the candidate, or
- (b) by an elector organization as part of an election campaign of the elector organization.

1.08 Types of third party advertising: issue advertising and directed advertising

- (1) **Issue advertising** — Subject to any exceptions established by regulation, third party advertising is issue advertising if it
 - (a) is an advertising message respecting an issue of public policy including, for certainty, an assent voting issue, and
 - (b) is not specifically related to any candidate or elector organization.
- (2) **Directed advertising** — Directed advertising is third party advertising that is not issue advertising.
- (3) **Third party advertising that is specifically related to a candidate** — Third party advertising is specifically related to a candidate if
 - (a) the advertising names the candidate, includes an image or likeness of the candidate or identifies the candidate by voice or physical description, or
 - (b) other circumstances prescribed by regulation apply.
- (4) **Third party advertising that is specifically related to an elector organization** — Third party advertising is specifically related to an elector organization if
 - (a) the advertising names the elector organization or includes a logo or likeness of a logo used by the elector organization, or

(b) other circumstances prescribed by regulation apply.

1.09 What is assent voting advertising

- (1) **General meaning** — Subject to subsection (2), assent voting advertising is the transmission to the public by any means, during the campaign period for assent voting, of an advertising message that promotes or opposes, directly or indirectly, a particular result in the assent voting.
- (2) **Exclusions** — Subject to any exceptions established by regulation, assent voting advertising does not include the following:
 - (a) the publication without charge, in a bona fide periodical publication or a radio or television program, of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary;
 - (b) the distribution of a publication, or the promotion of the sale of a publication, for no less than its market value, if the publication was planned to be sold whether or not there was to be assent voting;
 - (c) the transmission of a message directly by an individual or organization to their employees, members or shareholders;
 - (d) the transmission of an expression by an individual on a non-commercial basis on the internet, by telephone or by text messaging, of his or her personal views;
 - (e) the transmission of a message by the jurisdiction for which the assent voting is being held;
 - (f) any other activities prescribed by regulation.

1.10 Who is the sponsor of election advertising or non-election assent voting advertising

- (1) **General rules** — Subject to subsection (2), the sponsor of election advertising or non-election assent voting advertising is whichever of the following is applicable:
 - (a) if the services of transmitting the advertising message to the public are provided without charge as a contribution to a candidate, elector organization, third party sponsor or assent voting sponsor, the individual or organization to which the services are provided;
 - (b) if the services of transmitting the advertising message to the public are provided without charge as referred to in section 2.01 (4) (g) [*free equitable advertising by jurisdiction*], the candidate to which the services are provided;
 - (c) if neither paragraph (a) nor (b) applies, the individual or organization that pays or is liable to pay for the advertising message to be transmitted to the public.
- (2) **Acting on behalf of another** — If the individual or organization that would otherwise be the sponsor within the meaning of subsection (1) is acting on behalf of another individual or organization, that other individual or organization is the sponsor.

1.11 When elections, or elections and assent voting, are considered to be held at the same time

- (1) **Elections being held at same time** — For purposes of this Act, elections are considered to be held at the same time if the general voting day established for the elections is the same day.
- (2) **Elections and assent voting being held at same time** — For purposes of this Act, an election is to be considered held at the same time as assent voting if the general voting day established for the election and the assent voting is the same day.

PART 2 – CAMPAIGN FINANCING

Division 1 – General Concepts: Campaign Contributions and Election Expenses

2.01 Campaign contributions to candidate or elector organization

- (1) **General rules** — Subject to this section and any applicable regulations, the following are campaign contributions:
- (a) the amount of any money, or the value of any non-monetary property or services, provided without compensation to a candidate or elector organization for campaign use;
 - (b) if property or services are provided at less than market value to a candidate or elector organization for campaign use, the difference between the market value of the property or services at the time provided and the amount charged;
 - (c) if
 - (i) a candidate or elector organization offers property or services for the purpose of obtaining funds for campaign use, and
 - (ii) the property or services are acquired from the candidate or elector organization at greater than market value,
 the difference between the market value of the property or services at the time acquired and the amount charged;
 - (d) if
 - (i) a candidate or elector organization is liable for payment in relation to an election expense,
 - (ii) any part of that debt remains unpaid for 6 months after the debt has become due, and
 - (iii) no legal proceedings to recover the debt have been commenced by the creditor,
 the unpaid amount;
 - (e) the amount of any money, but not the value of any non-monetary property or services, provided by a candidate for use in the candidate's own campaign;
 - (f) the amount of any money, but not the value of any non-monetary property or services, provided by an elector organization as permitted under section 2.15 (2) [*restrictions on elector organization campaign contributions*] for use in its own campaign;
 - (g) the amount of any money provided to an elector organization by an individual who is seeking endorsement by that elector organization, other than money provided by way of transfer under section 2.12 (4) (b) [*candidate transfers before endorsement*];
 - (h) membership fees for an established elector organization;
 - (i) other provision of property or services to a candidate or elector organization as prescribed by regulation.

- (2) **Debts not affected by contribution rules** — For certainty, nothing in subsection (1) (d) affects the rights of a creditor in relation to a debt that becomes a campaign contribution under that subsection.
- (3) **Exclusions** — Subject to any exceptions established by regulation, the value of the following is not a campaign contribution:
 - (a) services provided by a volunteer;
 - (b) non-monetary property of a volunteer that is provided or used in relation to services of the individual, other than property acquired by the volunteer for purposes of the election campaign;
 - (c) property or services provided by an election official, or by the BC chief electoral officer, in their official capacity;
 - (d) the publication without charge of news, an editorial, an interview, a column, a letter or a commentary in a bona fide periodical publication or a radio or television program;
 - (e) producing, promoting or distributing a publication for no less than its market value, if the publication was planned to be sold whether or not there was to be an election;
 - (f) any other property or services prescribed by regulation.
- (4) **Exclusions that still must be reported** — Subject to any exceptions established by regulation, the value of the following is not a campaign contribution, but must be reported in accordance with Part 3 [*Campaign Financing Disclosure by Candidates*] or Part 4 [*Campaign Financing Disclosure by Elector Organizations*], as applicable:
 - (a) money received under section 2.13 (5) (a) [*candidate surplus carried over to next election*] from the jurisdiction for which the election is being held;
 - (b) money received by transfer under section 2.12 [*campaign transfers between candidates and elector organizations*];
 - (c) the provision of services by a candidate to an elector organization that is or is considering endorsing the candidate;
 - (d) the provision of non-monetary property by a candidate to an elector organization that is or is considering endorsing the candidate, other than property acquired by the candidate for purposes of the election campaign of the candidate or elector organization;
 - (e) the provision of services by an elector organization to a candidate that is endorsed by or is being considered for endorsement by the elector organization;
 - (f) the provision of non-monetary property by an elector organization to a candidate that is endorsed by or is being considered for endorsement by the elector organization, other than property acquired by the elector organization for purposes of the election campaign of the candidate or elector organization;
 - (g) the provision to a candidate, by the jurisdiction for which the election is being held, of free election advertising transmission, if the

transmission is made available on an equitable basis to all other candidates in the election;

(h) any other property or services prescribed by regulation.

- (5) **Provision for campaign use** — For purposes of this Act, property or services are considered to be provided for campaign use if they are provided
- (a) to a candidate for use in the election campaign of the candidate or towards the election expenses of such a campaign, or
 - (b) to an elector organization for use in the election campaign of the elector organization or towards the election expenses of such a campaign.

2.02 Election expenses of candidates and elector organizations

- (1) **General rules: use and time** — Subject to this section and any applicable regulations, an election expense is the value of property or services used in an election campaign as follows:
- (a) in the case of a campaign for an election that is part of a general local election, at any time after the start of the calendar year in which the election is held;
 - (b) in the case of a campaign for a by-election, after the date of the vacancy for which the election is being held;
 - (c) in the case of an election not referred to in paragraph (a) or (b), after the date specified by or determined under the regulations.
- (2) **Expenses of candidate and expenses of elector organization** — As applicable,
- (a) the value of property or services used as referred to in subsection (1) in the election campaign of a candidate is an election expense of the candidate, and
 - (b) the value of property or services used as referred to in subsection (1) in the election campaign of an elector organization is an election expense of the elector organization.
- (3) **Candidate sponsorship of relevant assent voting advertising** — For purposes of this Act, if
- (a) a candidate in an election sponsors assent voting advertising that is election advertising under section 1.06 (1) (b) or (c) [*what is election advertising*], and
 - (b) the assent voting is being held for the same jurisdiction or for a voting area that is all or part of that jurisdiction,
- the assent voting advertising is considered advertising used in the election campaign of the candidate and its value is an election expense of the candidate.
- (4) **Elector organization sponsorship of relevant assent voting advertising** — For purposes of this Act, if
- (a) an elector organization that is endorsing a candidate in an election sponsors assent voting advertising that is election advertising under section 1.06 (1) (b) or (c) [*what is election advertising*], and

- (b) the assent voting is being held for the same jurisdiction or for a voting area that is all or part of that jurisdiction,

the assent voting advertising is considered advertising used in the election campaign of the elector organization and its value is an election expense of the elector organization.

- (5) **Exclusions** — Subject to any exceptions established by regulation, the value of the use of the following is not an election expense:
 - (a) property or services that are excluded from being campaign contributions under section 2.01 (3) [*exclusions from campaign contributions*];
 - (b) services provided by a candidate in relation to that individual's election campaign and the use of goods produced by the candidate from property of the candidate, other than goods produced from property acquired for purposes of the election campaign;
 - (c) if applicable, the candidate's nomination deposit;
 - (d) goods produced by an individual as a volunteer from property of the individual, other than goods produced from property acquired by the volunteer for purposes of the election campaign;
 - (e) other property or services the use of which is prescribed by regulation as not being an election expense.

2.03 What are campaign period expenses

- (1) **General rule** — Subject to this section, a campaign period expense is the value of property or services used during the campaign period for the election such that this value is an election expense.
- (2) **Exceptions** — The value of the following are not campaign period expenses:
 - (a) personal expenses in relation to a candidate within the meaning of subsection (3);
 - (b) legal or accounting services provided to comply with this Act and the regulations under this Act;
 - (c) services provided by a financial agent in that capacity;
 - (d) the cost of any communication that an elector organization transmits exclusively to its members;
 - (e) property and services used exclusively for the day-to-day administration of an elector organization office that operates on a continuing basis outside of campaign periods for elections, including salaries and wages paid by the elector organization to permanent staff members of the elector organization;
 - (f) interest on a loan to a candidate or elector organization for election expenses;
 - (g) any expenses prescribed by regulation as being excluded from campaign period expenses.
- (3) **Personal expenses that are excluded** — The following expenses, if they are reasonable, are personal expenses in relation to a candidate:

- (a) payments for care of a child or other family member for whom the candidate is normally directly responsible;
 - (b) the cost of the candidate travelling to, within or from the jurisdiction area;
 - (c) the cost of lodging, meals and incidental charges in relation to the candidate while travelling as referred to in paragraph (b);
 - (d) election expenses in relation to any disability of the candidate, including the costs in relation to any individual required to assist the candidate in performing the functions necessary for seeking election;
 - (e) any other election expenses in relation to candidates prescribed by regulation as personal expenses.
- (4) **Act still applies to election expenses that are not campaign period expenses —** For certainty, an election expense that is not a campaign period expense remains an election expense for purposes of this Act.

2.04 Valuation rules for campaign contributions and election expenses

- (1) **Application of the rules in this section —** The rules in this section apply for the purpose of determining the value of a campaign contribution or election expense unless otherwise expressly provided under this Act.
- (2) **General valuation rules —** The value of any property or services is
 - (a) the price paid for the property or services, or
 - (b) the market value of the property or services, if no price is paid or if the price paid is less than the market value.
- (3) **Value of capital assets —** In the case of property that is a capital asset, the value of the property is the market value of using the property.
- (4) **Value of election advertising —** Subject to subsection (5), the value of election advertising sponsored by
 - (a) a candidate as part of the candidate's election campaign, or
 - (b) an elector organization as part of the elector organization's election campaign
 is the value of the property and services used in preparing the advertising message and transmitting it to the public.
- (5) **Value of free equitable election advertising —** The value of the transmission of the following election advertising sponsored by a candidate is deemed to be nil:
 - (a) election advertising referred to in section 2.01 (4) (g) [*free equitable advertising by jurisdiction*];
 - (b) election advertising transmitted without charge if such transmission without charge is also made available on an equitable basis to all other candidates in the election;
 - (c) other property or services prescribed by regulation.

- (6) **Value of shared expenses** — The value of shared election expenses is to be attributed between the participating candidates and elector organizations in accordance with the regulations.

Division 2 – Campaign Accounting

2.05 Each candidate must have a financial agent

- (1) **Requirement** — A candidate must have a financial agent.
- (2) **Candidate as own financial agent** — A candidate may appoint an individual as financial agent in accordance with this section but, if no financial agent is appointed, the candidate is his or her own financial agent.
- (3) **Single financial agent** — A candidate may not have more than one financial agent at the same time.
- (4) **Appointment** — The appointment of a financial agent for a candidate must
 - (a) be made in writing,
 - (b) include
 - (i) the full name of the individual appointed,
 - (ii) the effective date of the appointment, and
 - (iii) the required contact information for the individual,
 - (c) be signed by the candidate, and
 - (d) be accompanied by a signed consent of the individual appointed to act as financial agent that includes an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the financial agent.
- (5) **Delivery to local election officer** — If the nomination documents for a candidate identify an appointed financial agent for a candidate, the candidate must deliver the following to the local election officer by the end of the nomination period:
 - (a) a copy of the financial agent's appointment;
 - (b) a copy of the financial agent's consent to act;
 - (c) any other information or material required by regulation.
- (6) **Requirement for updated information** — The candidate or financial agent must provide updated information and material in accordance with section 2.10 *[information updating obligations]* if
 - (a) the individual who is the financial agent for a candidate changes, or
 - (b) there is a change in other information or material that is to be provided to the local election officer under this section.
- (7) **Financial agent may have other roles** — For certainty,
 - (a) an individual may be the financial agent for more than one candidate or elector organization, or for one or more of each, and
 - (b) the financial agent for a candidate may also be the official agent for the candidate.

- (8) **Financial agent not personally liable** — A financial agent appointed for a candidate is not personally liable for any liability of the candidate in relation to the election campaign of the candidate unless the liability is personally guaranteed by the financial agent.
- (9) **Offence** — A candidate who does not comply with this section commits an offence.

2.06 Requirement for candidate campaign account

- (1) **Requirement** — A candidate must have at least one campaign account for the candidate's election campaign, established in accordance with this section, if any of the circumstances described in subsection (2) apply.
- (2) **When account must be opened** — The financial agent for the candidate must open one or more campaign accounts at a savings institution by the earliest of the following:
 - (a) as soon as practicable after the financial agent receives a campaign contribution of money;
 - (b) before receiving a transfer of money under section 2.12 [*campaign transfers between candidates and elector organizations*];
 - (c) before receiving payment of money under section 2.13 (5) (a) [*candidate surplus carried over to next election*];
 - (d) before becoming liable for payment in relation to an election expense or intended election expense of the candidate.
- (3) **Name and use of account** — A campaign account under this section
 - (a) must be in the name of the election campaign of the candidate,
 - (b) must be used exclusively for purposes of that election campaign or as permitted under subsection (5), and
 - (c) must only receive deposits required or permitted under this section.
- (4) **Financial agent responsible for use of account** — The financial agent must ensure that
 - (a) all campaign contributions, transfers and payments received as referred to in subsection (2) (a) to (c) are deposited into a campaign account of the candidate,
 - (b) the only amounts deposited into a campaign account of the candidate are amounts permitted to be deposited under this section,
 - (c) all payments referred to in subsection (2) (d) are paid, directly or by reimbursement, from a campaign account of the candidate, and
 - (d) a campaign account of the candidate is not used for any purpose other than one permitted under this section.
- (5) **Permitted transfers and payments beyond candidate campaign** — In addition to use for purposes of the election campaign of the candidate, a campaign account under this section may be used for the following purposes:
 - (a) as applicable, payment of the candidate's nomination deposit;

- (b) if the candidate has more than one campaign account in relation to the candidate's election campaign, making a transfer between the campaign accounts;
 - (c) if the candidate has separate campaigns for different jurisdictions as referred to in section 1.04 (2) [*candidate running in more than one election*], making a transfer from a campaign account for one of those campaigns to the campaign account for another of those campaigns;
 - (d) making a transfer of money under section 2.12 [*campaign transfers between candidates and elector organizations*];
 - (e) making payments required under section 2.17 [*dealing with prohibited contributions*];
 - (f) making payments referred to in or authorized under section 2.13 [*candidate's surplus campaign funds*];
 - (g) any other purpose permitted by regulation.
- (6) **Permitted deposits** — In addition to the required deposits under subsection (4) (a), the following may be deposited into a campaign account of the candidate:
- (a) interest on amounts on deposit in the campaign account;
 - (b) any other deposits permitted by regulation.
- (7) **Offence** — A candidate or financial agent who does not comply with this section commits an offence.

2.07 Each elector organization must have a financial agent

- (1) **Requirement** — An elector organization must have an individual appointed as financial agent for the organization in accordance with this section by the earliest of the following:
- (a) before accepting a campaign contribution;
 - (b) before incurring an election expense;
 - (c) before becoming liable for payment in relation to an election expense or intended election expense;
 - (d) before accepting a transfer from a candidate under section 2.12 [*transfer from candidate campaign account*].
- (2) **Single financial agent** — An elector organization may not have more than one financial agent at the same time.
- (3) **Appointment** — The appointment of a financial agent for an elector organization must
- (a) be made in writing,
 - (b) include
 - (i) the full name of the individual appointed,
 - (ii) the effective date of the appointment, and
 - (iii) the required contact information for the individual,
 - (c) be signed by the designated principal official of the elector organization, and

- (d) be accompanied by a signed consent of the individual appointed to act as financial agent that includes an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the financial agent.
- (4) **Delivery to local election officer** — An elector organization that has endorsed a candidate must deliver the following to the local election officer at the time of filing endorsement documents in relation to the candidate:
 - (a) a copy of the financial agent's appointment;
 - (b) a copy of the financial agent's consent to act;
 - (c) any other information or materials required by regulation.
- (5) **Requirement for updated information** — The elector organization or financial agent must provide updated information and material in accordance with section 2.10 *[information updating obligations]* if
 - (a) the individual who is the financial agent for an elector organization, or
 - (b) there is a change in other information or material that is to be provided to the local election officer under this section.
- (6) **Financial agent may have other roles** — For certainty, an individual may be the financial agent for more than one candidate or elector organization, or for one or more of each.
- (7) **Financial agent not personally liable** — A financial agent for an elector organization is not personally liable for any liability of the elector organization in relation to the election campaign of the elector organization unless
 - (a) the liability is personally guaranteed by the financial agent, or
 - (b) the liability is in relation to a penalty under this Act for which the responsible principal officials of the elector organization may be liable and the financial agent was such a principal official at the applicable time.
- (8) **Offence** — An elector organization that does not comply with this section commits an offence.

2.08 Requirement for elector organization campaign account

- (1) **Requirement** — An elector organization must have at least one campaign account for each election campaign of the elector organization, established in accordance with this section, if any of the circumstances described in subsection (3) apply.
- (2) **Separate accounts for each election event** — For certainty, an established elector organization must have separate campaign accounts for elections that are not being held at the same time.
- (3) **When account must be opened** — The financial agent for the elector organization must open one or more campaign accounts at a savings institution by the earliest of the following:

- (a) as soon as practicable after the financial agent receives a campaign contribution of money;
 - (b) before receiving a transfer of money to the elector organization under section 2.12 [*campaign transfers between candidates and elector organizations*];
 - (c) before becoming liable for payment in relation to an election expense or intended election expense of the elector organization.
- (4) **Name and use of account** — A campaign account under this section
- (a) must be in the name of the election campaign of the elector organization,
 - (b) must be used exclusively for purposes of that election campaign or as permitted under subsection (6), and
 - (c) must only receive deposits required or permitted under this section.
- (5) **Financial agent responsible for use of account** — The financial agent must ensure that
- (a) all campaign contributions and transfers received as referred to in subsection (3) (a) or (b) are deposited into a campaign account of the elector organization,
 - (b) the only amounts deposited into a campaign account of the elector organization are amounts permitted to be deposited under this section,
 - (c) all payments referred to in subsection (3) (c) are paid, directly or by reimbursement, from a campaign account of the elector organization, and
 - (d) a campaign account of the elector organization is not used for any purpose other than one permitted under this section.
- (6) **Permitted transfers and payments beyond relevant elector organization campaign** — In addition to use for purposes of the election campaign of the elector organization for which the account is established, a campaign account under this section may be used for the following purposes:
- (a) if the elector organization has more than one campaign account in relation to its election campaign, making a transfer between the campaign accounts;
 - (b) if the elector organization has separate campaigns for different jurisdictions as referred to in section 1.05 (3) [*elector organization endorsing candidates in more than one jurisdiction*], making a transfer from a campaign account for one of those campaigns to the campaign account for another of those campaigns;
 - (c) making payments required under section 2.17 [*dealing with prohibited contributions*];
 - (d) making a transfer or payment under section 2.12 [*campaign transfers between candidates and elector organizations*];
 - (e) making payments and transfers referred to in and payments under section 2.14 [*elector organization's surplus campaign funds*];
 - (f) any other purpose permitted by regulation.

- (7) **Permitted deposits** — In addition to the required deposits under subsection (5) (a), the following may be deposited into a campaign account of the elector organization:
 - (a) interest on amounts on deposit in the campaign account;
 - (b) any other deposits permitted by regulation.
- (8) **Offence** — An elector organization or financial agent who does not comply with this section commits an offence.

2.09 Responsible principal officials and designated principal official for elector organization

- (1) **Responsible principal officials must be identified** — From the time of filing endorsement documents for a candidate until all obligations applicable under this Act to the elector organization have been fulfilled, an elector organization
 - (a) must have at least 2 principal officials of the elector organization who have consented to be a responsible principal officials of the organization, and
 - (b) must have one of those responsible principal officials designated as and authorized by the elector organization to be the designated principal official who is to
 - (i) make declarations required under this Act or other local elections legislation in relation to the elector organization, and
 - (ii) retain records as required under section 2.11 [*records of campaign contributions, election expenses and other matters*].
- (2) **Filing with endorsement documents** — In order for the endorsement documents of an elector organization to be accepted for filing, the elector organization must provide the following to the local election officer:
 - (a) the name, required contact information and address for service of the designated principal official of the elector organization;
 - (b) the name, mailing address and address for service of all other responsible principal officials of the elector organization;
 - (c) signed consents of the responsible principal officials to act as responsible principal officials of the elector organization.
- (3) **Requirement for updated information** — An elector organization must provide updated information and material in accordance with section 2.10 [*information updating obligations*] if there is any change
 - (a) in who is a responsible principal official or who is the designated principal official of the elector organization, or
 - (b) in the information or material that is to be provided by an elector organization under this section.
- (4) **Continuing responsibility** — For certainty, the individual identified as the designated principal official of an elector organization in the most recent materials provided, as required under this Act, to the local election officer or the BC chief electoral officer, as applicable, continues to have the

responsibilities of that position even if the elector organization for which the individual is appointed ceases to exist as an organization.

- (5) **Offence** — An elector organization that does not comply with this section commits an offence.

2.10 Information updating obligations

- (1) **Application of section** — If there is a change in information or material required to be provided under
- (a) section 2.05 [*candidate financial agent*],
 - (b) section 2.07 [*elector organization financial agent*], or
 - (c) section 2.09 [*responsible principal officials and designated principal official for elector organization*],
- updated information or material must be provided in accordance with this section.
- (2) **Changes before declaration of candidates** — If the change occurs at any time up until the candidates in the applicable election are declared, the updated information or material must be provided to the local election officer as soon as practicable.
- (3) **Later changes** — If the change occurs after the time referred to in subsection (2), the updated information or material must be provided to the BC chief electoral officer as soon as practicable.
- (4) **Obligation continues** — The updating obligations to which this section applies end when all disclosure and record retention obligations under this Act in relation to the candidate or elector organization have been fulfilled.

2.11 Records of campaign contributions, election expenses and other matters

- (1) **Required records** — The financial agent for a candidate or elector organization must record and maintain records of the following:
- (a) for each campaign contribution made to the candidate or elector organization, the information required under section 2.18 [*campaign contribution information that must be recorded*];
 - (b) for each election expense of the candidate or elector organization, information sufficient to allow compliance with this Act and the regulations under this Act;
 - (c) for each transfer from the candidate or elector organization under section 2.12 [*campaign transfers between candidates and elector organizations*], the amount, date and recipient of the transfer;
 - (d) for each transfer received by the candidate or elector organization under section 2.12 [*campaign transfers between candidates and elector organizations*], the amount, date and source of the transfer;
 - (e) any other information required by regulation.
- (2) **Time for retaining required records** — The records required by this section must be retained as follows:
- (a) in the case of records for a candidate, the records must be retained

- (i) by the financial agent until all disclosure requirements under this Act in relation to the candidate have been fulfilled, and
 - (ii) after those disclosure requirements have been fulfilled, by the candidate until 4 years after general voting day for the election to which the records relate;
- (b) in the case of records for an elector organization, the records must be retained
 - (i) by the financial agent until all elector organization disclosure requirements under this Act in relation to the applicable elections have been fulfilled, and
 - (ii) after those disclosure requirements have been fulfilled, by the designated principal official of the elector organization until 4 years after general voting day for the election or elections to which the records relate.
- (3) **Regulation requirements** — The recording, maintenance and retention of records under this section must be done in accordance with any requirements established by regulation.
- (4) **Offence** — A financial agent, candidate or elector organization that does not comply with this section commits an offence.

2.12 Campaign transfers between candidates and elector organizations

- (1) **Transfer from candidate to endorsing elector organization** — A candidate who is endorsed by an elector organization may provide money to the elector organization by way of a transfer from a campaign account of the candidate to a campaign account of the elector organization.
- (2) **Transfer from elector organization to endorsed candidate** — An elector organization that endorses a candidate may provide money to the candidate by way of a transfer from a campaign account of the elector organization to a campaign account of the candidate.
- (3) **Transfer may be after end of campaign period** — For certainty, a transfer between a candidate and an endorsing elector organization under subsection (1) or (2) may be made after the end of the campaign period for the election.
- (4) **Transfers between elector organization and candidate being considered for endorsement** — If a candidate is seeking endorsement by an elector organization,
 - (a) the elector organization may provide money to the candidate by way of a transfer from a campaign account of the elector organization to a campaign account of the candidate, and
 - (b) the candidate may provide money to the elector organization by way of a transfer from a campaign account of the candidate to a campaign account of the elector organization.
- (5) **Amount returned to candidate who was not endorsed** — If an amount is transferred under subsection (4) (b) and the candidate is not endorsed by

the elector organization, an amount equal to the amount transferred may be paid to the candidate from the campaign account of the elector organization.

- (6) **Candidate obligations if amount not returned** — If subsection (5) applies but the amount referred to in that subsection is not paid to the candidate, that candidate must, in accordance with the regulations, provide to the elector organization information respecting the campaign contributions received by the candidate and records of those campaign contributions as required to be maintained under section 2.18 (1) [*campaign contribution information that must be recorded*].
- (7) **Offence** — A candidate who contravenes subsection (6) commits an offence.

2.13 What happens if a candidate has surplus campaign funds

- (1) **Circumstances in which there are campaign funds remaining** — This section applies if there is a balance remaining in a campaign account of a candidate after an election and after
 - (a) the payment of the candidate's election expenses and any other reasonable expenses incidental to the candidate's election campaign, and
 - (b) any transfers under section 2.12 [*campaign transfers between candidates and elector organizations*].
- (2) **Repayment of campaign contributions made by candidate** — If the candidate made one or more campaign contributions of money to his or her election campaign, the financial agent may pay to the candidate an amount equal to all or part of those campaign contributions, to the extent that the total balance in the campaign accounts of the candidate permits this.
- (3) **Payment to candidate if final balance under \$500** — If, after any payment under subsection (2), the total balance in the campaign accounts of the candidate is less than \$500, the financial agent may pay the balance to the candidate or in accordance with the directions of the candidate.
- (4) **Payment to jurisdiction if final balance \$500 or more** — If, after any payment under subsection (2), the total balance in the campaign accounts of the candidate is \$500 or more, the financial agent must pay the balance as soon as practicable to the jurisdiction in relation to which the election was held.
- (5) **Jurisdiction to hold funds in trust** — Funds received by a jurisdiction under subsection (4), including accumulated interest, must be held in trust by the jurisdiction to be dealt with as follows:
 - (a) if a candidate referred to in that subsection is declared a candidate in an election for that jurisdiction in the next general local election, or in a by-election for the jurisdiction called before that time, the jurisdiction must pay the funds to the financial agent for the candidate for use in the election;
 - (b) if the funds are not paid out under paragraph (a), the funds cease to be trust funds and become funds of that jurisdiction for use in the discretion of the local authority.

- (6) **Offence** — A financial agent who does not comply with this section commits an offence.

2.14 What happens if an elector organization has surplus campaign funds

If there is a balance remaining in a campaign account of an elector organization after an election and after

- (a) the payment of the elector organization's election expenses and any other reasonable expenses incidental to the elector organization's election campaign, and
- (b) any transfers under section 2.12 (2) [*transfer from elector organization to endorsed candidates*],

the financial agent may pay the balance to the elector organization or in accordance with the directions of the elector organization.

Division 3 – Rules in Relation to Campaign Contributions and Election Expenses

2.15 Restrictions on making campaign contributions

- (1) **General restrictions** — An individual or organization must not do any of the following:
 - (a) make an anonymous campaign contribution;
 - (b) make a campaign contribution to a candidate or elector organization other than by making it to the financial agent or an individual authorized in writing by the financial agent to receive such contributions;
 - (c) make a campaign contribution without disclosing to the individual receiving the campaign contribution the information required to be recorded under section 2.18 [*campaign contribution information that must be recorded*];
 - (d) make a campaign contribution with money, non-monetary property or services of another individual or organization;
 - (e) make a campaign contribution indirectly by giving money, non-monetary property or services to an individual or organization
 - (i) for that individual or organization to make as a campaign contribution, or
 - (ii) as consideration for that individual or organization making a campaign contribution.
- (2) **Elector organization restrictions** — Except as permitted by regulation, an elector organization must not make a campaign contribution of money to its own campaign or to the campaign of a candidate who is or is intended to be endorsed by the elector organization.
- (3) **Offence** — An individual or organization that contravenes this section commits an offence.

2.16 Restrictions in relation to accepting campaign contributions

- (1) **Restriction on candidate or elector organization acceptance** — A candidate or elector organization must not accept campaign contributions except through their financial agent or an individual authorized in writing by the financial agent.
- (2) **Restriction on others accepting for candidate or elector organization acceptance** — An individual or organization, other than the financial agent or an individual authorized as referred to in subsection (1), must not accept a campaign contribution to a candidate or elector organization.
- (3) **Restriction on accepting if contravention of Act** — An individual or organization must not accept
 - (a) an anonymous campaign contribution or any other campaign contribution for which the information required to be recorded under section 2.18 [*campaign contribution information that must be recorded*] has not been provided, or
 - (b) any other campaign contribution that the individual or organization has reason to believe is made in contravention of this Act or the regulations under this Act.
- (4) **Duty to inform financial agent if possible contravention of Act** — If an individual authorized as referred to in subsection (1) becomes aware that a campaign contribution may have been made in contravention of this Act or the regulations under this Act, the individual must inform the financial agent as soon as possible.
- (5) **Offence** — An individual or organization that contravenes this section commits an offence.

2.17 Dealing with prohibited campaign contributions

- (1) **Dealing with prohibited contributions: general rule** — If a financial agent becomes aware that a campaign contribution was made or accepted in contravention of this Act or the regulations under this Act, the financial agent must, within 30 days after the financial agent becomes aware of the contravention,
 - (a) return the campaign contribution to the contributor, or
 - (b) pay to the contributor an amount equal to the value of the campaign contribution.
- (2) **Dealing with other contributions** — If a financial agent is not able to comply with subsection (1), as soon as practicable, the financial agent must deal with the campaign contribution as follows:
 - (a) in the case of a campaign contribution of money, pay an amount equal to the value of the campaign contribution to the BC chief electoral officer;
 - (b) in any other case, either
 - (i) pay to the BC chief electoral officer an amount equal to the value of the contribution, or

- (ii) deal with the contribution in accordance with the directions of that officer.
- (3) **Payment from campaign account** — An amount to be paid under this section must be paid from a campaign account of the applicable candidate or elector organization.
- (4) **Offence** — A financial agent who contravenes this section commits an offence.

2.18 Campaign contribution information that must be recorded

- (1) **Information required in relation to each campaign contribution** — Subject to any exceptions established by regulation, the financial agent for a candidate or elector organization must record the following for each campaign contribution made to the candidate or elector organization:
 - (a) the value of the campaign contribution;
 - (b) the date on which the campaign contribution was made;
 - (c) the full name and mailing address of the contributor, unless it is an anonymous contribution;
 - (d) the contributor class of the contributor;
 - (e) if the contributor is an organization, the full names and mailing addresses of
 - (i) at least 2 individuals who are directors of the organization, or
 - (ii) if there are no directors, at least 2 individuals who are principal officials of the organization;
 - (f) in the case of a campaign contribution to which section 2.17 [*dealing with prohibited contributions*] applies, the circumstances in which the contribution was received and when and how the contribution was dealt with in accordance with that section;
 - (g) any other information required by regulation.
- (2) **Offence** — A financial agent who contravenes this section commits an offence.

2.19 How payment in relation to election expenses may be made

- (1) **General restriction** — Subject to this section, an individual or organization must not make a payment in relation to an election expense or intended election expense of a candidate or elector organization.
- (2) **Permitted payments in relation to a candidate campaign** — An individual may make a payment referred to in subsection (1) in relation to the election campaign of a candidate if
 - (a) the payment is either
 - (i) made out of a campaign account of the candidate, or
 - (ii) reimbursed from a campaign account of the candidate on the production of receipts, and
 - (b) the individual making the payment is
 - (i) the candidate,

- (ii) the financial agent for the candidate, or
 - (iii) an individual authorized in writing by that financial agent.
- (3) **Permitted payments in relation to an elector organization campaign** — An individual may make a payment referred to in subsection (1) in relation to the election campaign of an elector organization if
 - (a) the payment is either
 - (i) made out of a campaign account of the elector organization, or
 - (ii) reimbursed from a campaign account of the elector organization on the production of receipts, and
 - (b) the individual making the payment is
 - (i) the financial agent for the elector organization, or
 - (ii) an individual authorized in writing by that financial agent.
- (4) **Offence** — An individual or organization that contravenes this section commits an offence.

PART 3 – CAMPAIGN FINANCING DISCLOSURE BY CANDIDATES

Division 1 – Disclosure Requirements for Candidates

3.01 Disclosure statements required for candidates

- (1) **Candidate disclosure statements** — A candidate disclosure statement in accordance with this Division must be filed with the BC chief electoral officer for each individual who was declared to be a candidate in an election.
- (2) **Limited financing activity or other circumstances do not affect obligation** — For certainty, a candidate disclosure statement is required even if the individual has no election expenses, receives no campaign contributions, is acclaimed, dies, withdraws from the election or is declared by a court to no longer be a candidate.
- (3) **Separate statements for each jurisdiction** — If an individual is a candidate in relation to more than one election that is being held at the same time, a separate candidate disclosure statement in accordance with this Division must be filed in relation to each jurisdiction.
- (4) **Filing requirement continues** — The obligation to file a candidate disclosure statement continues even after the individual for which the statement is to be filed becomes subject to the applicable penalties under this Part for failure to file the disclosure statement before the compliance deadline.

3.02 Time limits for filing disclosure statements

– filing on time, late filing on payment of penalty fee, compliance deadline

- (1) **Filing on time** — Subject to a court order for relief under section 8.01 [*relief in relation to candidate disclosure requirements*] or an extension of time provided under section 11.05 [*Elections BC late filing extension in extraordinary circumstances*], a required candidate disclosure statement must be filed within 90 days after general voting day for the election to which it relates in order to avoid a late filing penalty fee.
- (2) **Late filing deadline** — Subject to a court order for relief under section 8.01 [*relief in relation to candidate disclosure requirements*], if a candidate disclosure statement is not filed within the time period under subsection (1), it may be filed within 120 days after general voting day for that election on payment of a late filing penalty fee of \$500 to the BC chief electoral officer.
- (3) **Late filing penalty applies to each disclosure statement** — For certainty, if separate disclosure statements are required under section 3.01 (3) [*candidate running in more than one jurisdiction*], a late filing penalty fee applies in relation to each disclosure statement.
- (4) **Compliance deadline** — The compliance deadline for filing a candidate disclosure statement is the later of
 - (a) the late filing deadline for the disclosure statement, and

- (b) if applicable, the last date for filing the disclosure statement as established by a court order for relief under section 8.01 [*relief in relation to candidate disclosure requirements*].
- (5) **Offence** — If a required candidate disclosure statement in accordance with this Division is not filed by the compliance deadline, the candidate commits an offence and the financial agent for the candidate commits an offence.

3.03 Information and other requirements for candidate disclosure statement

- (1) **Compliance obligations** — Subject to a court order for relief under section 8.01 [*relief in relation to candidate disclosure requirements*], a candidate disclosure statement must comply with the requirements under this Division.
- (2) **Who is responsible for the filing** — The financial agent for the candidate must file the required disclosure statement, and the candidate must ensure that the financial agent files the disclosure statement as required.
- (3) **Information requirements** — Subject to any exceptions established by regulation, a candidate disclosure statement must include information respecting the following, provided in accordance with the regulations:
 - (a) compliance with Part 2 [*Campaign Financing*];
 - (b) election expenses of the candidate;
 - (c) campaign period expenses of the candidate;
 - (d) campaign contributions received by the candidate, including identification of significant contributors;
 - (e) amounts, other than campaign contributions and election expenses, deposited into, or transferred or paid from, any campaign account of the candidate;
 - (f) non-monetary property and services received by the candidate that are excluded from being campaign contributions under section under section 2.01 (4) [*exclusions that must be reported*];
 - (g) the amount of any balance remaining in the campaign accounts of the candidate and how any surplus has been dealt with;
 - (h) if applicable, the jurisdictions in relation to which the candidate was a third party sponsor during the campaign period for the election;
 - (i) any other matters for which information is required by regulation.
- (4) **Additional information requirements for endorsed candidates** — In addition to the requirements under subsection (3), a disclosure statement for a candidate who was endorsed by an elector organization must include information respecting the following, provided in accordance with the regulations:
 - (a) amounts transferred between campaign accounts of the candidate and campaign accounts of the elector organization;
 - (b) non-monetary property and services received by the candidate from the elector organization or provided by the candidate to the elector organization;

(c) any other matters for which information is required by regulation.

- (5) **Other requirements** — A candidate disclosure statement must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.

3.04 Notice of failure to file within no-penalty fee period

- (1) **Who is to be given notice** — If a candidate disclosure statement is not filed before the end of the time for filing without payment of a late filing penalty fee, the BC chief electoral officer must, as soon as practicable, give notice to the candidate and to the financial agent.
- (2) **Information to be included in notice** — The notice under subsection (1) must include the following information:
- (a) that the candidate disclosure statement was not filed within the time for filing without payment of a late filing penalty fee;
 - (b) the date of the late filing deadline and the penalty fee that must be paid;
 - (c) the penalties under section 3.08 [*disqualification penalties*] for failure to file a candidate disclosure statement;
 - (d) that the financial agent or candidate may apply to the Supreme Court for relief under section 8.01 [*relief in relation to candidate disclosure requirements*];
 - (e) any other information prescribed by regulation.
- (3) **Local authority officer to be notified** — The BC chief electoral officer must notify the designated local authority officer of a jurisdiction respecting any notices under subsection (1) that are given in relation to an election for the jurisdiction.

3.05 Requirements for candidate supplementary reports

- (1) **When supplementary reports are required** — Subject to a court order for relief under section 8.01 [*relief in relation to candidate disclosure requirements*], the financial agent for a candidate must file with the BC chief electoral officer a supplementary report in accordance with this Division within the following applicable time period:
- (a) if advice referred to in paragraph (b) has not been given, 30 days after the financial agent or candidate becomes aware that
 - (i) any of the information reported as required in the candidate disclosure statement, or in a previous supplementary report under this section, has changed, or
 - (ii) the disclosure statement or a previous supplementary report did not completely and accurately disclose the information required to be included;
 - (b) if the BC chief electoral officer advises the financial agent of concerns that circumstances referred to in paragraph (a) may apply and subsequently gives written notice to the financial agent that a

supplementary report is required, 30 days after that written notice is given.

- (2) **Notice respecting requirements** — In relation to a supplementary report required under subsection (1), as applicable,
 - (a) whichever of the financial agent or candidate becomes aware of the requirement for a supplementary report under subsection (1) (a) must notify the other of this requirement, and
 - (b) if written notice is given under subsection (1) (b), the BC chief electoral officer must also notify the candidate of the requirement for a supplementary report.
- (3) **Required information** — A supplementary report must include the following:
 - (a) a report of the changed, additional or corrected information, as applicable;
 - (b) a statement of the circumstances that have led to the filing of the supplementary report;
 - (c) any other information or material required by regulation.
- (4) **Other requirements** — As applicable, a supplementary report must be filed in accordance with and comply with any other requirements established by regulation.
- (5) **Candidate also responsible** — The candidate must ensure that the financial agent files a supplementary report as required under this section.

3.06 Compliance deadline for filing supplementary report

- (1) **Compliance deadline** — The compliance deadline for filing a supplementary report for a candidate is the later of
 - (a) the end of the applicable 30-day period established under section 3.05 (1) (a) or (b) *[requirements for filing supplementary reports]*, and
 - (b) if applicable, the last date for filing the supplementary report as established by a court order for relief.
- (2) **Offence** — If a required supplementary report in accordance with this Division is not filed by the compliance deadline, the candidate commits an offence and the financial agent for the candidate commits an offence.

3.07 Required declarations

- (1) **Required declarations** — Subject to subsection (2), in order to be accepted for filing, a candidate disclosure statement or supplementary report must be accompanied by
 - (a) a signed declaration of the candidate, and
 - (b) if the candidate has appointed a financial agent, a signed declaration of the financial agent,
 that, to the best of the knowledge and belief of the individual making the declaration, the statement or report, as applicable, completely and accurately discloses the information required under this Act.

- (2) **Declaration may be modified if application to court has been made** — If an application has been commenced under section 8.01 [*court order for relief in relation to candidate disclosure requirements*] in relation to the disclosure statement or supplementary report, a declaration under subsection (1) may be modified to indicate the deficiencies in the report for which relief is being sought in the application.

Division 2 – Penalties in Relation to Candidate Disclosure Requirements

3.08 Candidate disqualification penalties for failure to disclose

- (1) **Penalties** — Subject to a court order for relief under section 8.01 [*relief in relation to candidate disclosure requirements*], the following penalties apply to a candidate for whom a required candidate disclosure statement or supplementary report in accordance with this Part has not been filed by the compliance deadline:
- (a) in the case of a candidate who was declared elected, the candidate ceases to hold office as a member of the local authority and the seat of the member becomes vacant;
 - (b) in all cases, the candidate is disqualified until after the next general local election from being nominated for, elected to or holding office as a member of a local authority.
- (2) **When penalties apply: general rules** — Subject to subsection (3), a candidate becomes subject to the penalties under this section as follows:
- (a) if no application for relief under section 8.01 [*relief in relation to candidate disclosure requirements*] in relation to the candidate is made in accordance with that section, on the day after the compliance deadline for the disclosure statement or supplementary report;
 - (b) if an application referred to in paragraph (a) has been commenced,
 - (i) 42 days after the compliance deadline, or
 - (ii) if applicable, on the later date set by court order under section 8.05 [*court extension of time before disqualification penalties apply*].
- (3) **When penalties apply: other circumstances** — If the circumstances described in this subsection apply, a candidate becomes subject to the penalties under this section as follows:
- (a) if an application referred to in subsection (2) (b) is heard and dismissed before the penalties under this section would otherwise apply under subsection (2), on the later of
 - (i) the day after the compliance deadline, and
 - (ii) the day on which the application was dismissed;
 - (b) if the petition for an application referred to in subsection (2) (b) has not been served as required, on the later of
 - (i) the day after the compliance deadline, and
 - (ii) the date by which the petition was required to have been served;

- (c) if an application referred to in subsection (2) (b) has not been set down for hearing as required, on the later of
 - (i) the day after the compliance deadline, and
 - (ii) the date by which the application was required to have been set down for hearing.
- (4) **Filing requirement continues** — For certainty, the obligation to file a candidate disclosure statement or supplementary report continues even after the candidate becomes subject to the penalties under this section.

3.09 Candidate disqualification penalties for false or misleading disclosure

- (1) **Penalties if convicted of offence** — If a candidate is convicted of an offence under section 9.13 [*general offence in relation to false or misleading information*] in relation to a disclosure statement or supplementary report, the candidate is subject to the following penalties:
 - (a) in the case of a candidate who is declared elected, the candidate ceases to hold office as a member of the local authority and the seat of the member becomes vacant;
 - (b) in all cases, the candidate is disqualified until after the next general local election from being nominated for, elected to or holding office as a member of a local authority.
- (2) **Penalties operate on conviction** — A candidate becomes subject to the penalties under subsection (1) at the time of the conviction.
- (3) **Appeal does not stay penalties** — If a conviction referred to in subsection (1) is appealed, the penalties under that subsection may not be stayed on the appeal.
- (4) **Effect if conviction overturned on appeal** — Section 8.09 (2) and (3) [*candidate may resume office*] applies if the conviction is overturned on the final determination of an appeal.

PART 4 – CAMPAIGN FINANCING DISCLOSURE BY ELECTOR ORGANIZATIONS

Division 1 – Disclosure Requirements for Elector Organizations

4.01 Disclosure statements required for elector organizations

- (1) **Elector organization disclosure statements** — An elector organization disclosure statement in accordance with this Division must be filed with the BC chief electoral officer for each elector organization that endorsed one or more candidates in relation to an election for a jurisdiction.
- (2) **Limited financing activity or other circumstances do not affect obligation** — For certainty, an elector organization disclosure statement is required even if the elector organization has no election expenses, receives no campaign contributions, withdraws its endorsement of a candidate or is declared by a court to not be qualified to endorse a candidate.
- (3) **Separate statements for each jurisdiction** — If an elector organization endorsed candidates in elections for different jurisdictions that were held at the same time, a separate elector organization disclosure statement in accordance with this Division must be filed in relation to each jurisdiction.
- (4) **Filing requirement continues** — The obligation to file an elector organization disclosure statement continues even after the elector organization for which the statement is to be filed becomes subject to the applicable penalties under this Part for failure to file the disclosure statement before the compliance deadline.

4.02 Time limits for filing disclosure statements

– filing on time, late filing on payment of penalty fee, compliance deadline

- (1) **Filing on time** — Subject to a court order for relief under section 8.02 [*relief in relation to elector organization disclosure requirements*] or an extension of time under section 11.05 [*Elections BC late filing extension in extraordinary circumstances*], a required elector organization disclosure statement must be filed within 90 days after general voting day for the election or elections to which it relates in order to avoid a late filing penalty fee.
- (2) **Late filing deadline** — Subject to a court order for relief under section 8.02 [*relief in relation to elector organization disclosure requirements*], if an elector organization disclosure statement is not filed within the time period under subsection (1), it may be filed within 120 days after general voting day for the applicable election or elections on payment of a late filing penalty fee of \$500 to the BC chief electoral officer.
- (3) **Late filing penalty applies to each disclosure statement** — For certainty, if separate disclosure statements are required under section 4.01 (3) [*elector organization endorsing candidates in more than one jurisdiction*], a late filing penalty fee applies in relation to each disclosure statement.
- (4) **Compliance deadline** — The compliance deadline for filing an elector organization disclosure statement is the later of

- (a) the late filing deadline for the disclosure statement, and
 - (b) if applicable, the last date for filing the disclosure statement as established by a court order for relief under section 8.02 [*relief in relation to elector organization disclosure requirements*].
- (5) **Offence** — If a required elector organization disclosure statement in accordance with this Division is not filed by the compliance deadline, the elector organization commits an offence and the financial agent for the elector organization commits an offence.

4.03 Information and other requirements for elector organization disclosure statement

- (1) **Compliance obligations** — Subject to a court order for relief under section 8.02 [*relief in relation to elector organization disclosure requirements*], an elector organization disclosure statement must comply with the requirements under this Division.
- (2) **Who is responsible for the filing** — The financial agent for the elector organization must file the required disclosure statement, and the responsible principal officials of the elector organization must ensure that the financial agent files the disclosure statement as required.
- (3) **Information requirements** — Subject to any exceptions established by regulation, an elector organization disclosure statement must include information respecting the following, provided in accordance with the regulations:
 - (a) the candidates endorsed by the elector organization;
 - (b) compliance with Part 2 [*Campaign Financing*];
 - (c) election expenses of the elector organization;
 - (d) campaign period expenses of the elector organization;
 - (e) campaign period expenses of the elector organization attributed to the candidates endorsed by the organization;
 - (f) campaign contributions received by the elector organization, including identification of significant contributors;
 - (g) if section 2.12 (6) [*transfers from individual who was never declared as a candidate*] applies, campaign contributions received by the candidate;
 - (h) amounts, other than campaign contributions and election expenses, deposited into or transferred or paid from any campaign account of the elector organization;
 - (i) non-monetary property and services received by the elector organization from an endorsed candidate or provided by the elector organization to an endorsed candidate;
 - (j) non-monetary property and services received by the elector organization that are excluded from being campaign contributions under section 2.01 (4) [*exclusions that must be reported*];
 - (k) the amount of any balance remaining in the campaign accounts of the elector organization before any surplus was dealt with;

- (l) if applicable, the jurisdictions in relation to which the elector organization was a third party sponsor in relation to elections being held at the same time as the elections to which the elector organization disclosure statement relates;
 - (m) any other matters for which information is required by regulation.
- (4) **Other requirements** — An elector organization disclosure statement must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.

4.04 Notice of failure to file within no-penalty fee period

- (1) **Who is to be given notice** — If an elector organization disclosure statement is not filed before the end of the time for filing without payment of a late filing penalty fee, the BC chief electoral officer must, as soon as practicable, give notice to the following:
- (a) the elector organization;
 - (b) the financial agent;
 - (c) the responsible principal officials of the elector organization.
- (2) **Information to be included in notice** — The notice under subsection (1) must include the following information:
- (a) that the elector organization disclosure statement was not filed within the time for filing without payment of a late filing penalty fee;
 - (b) the date of the late filing deadline and the penalty fee that must be paid;
 - (c) the penalties under sections 4.08 [*elector organization disqualification penalties*] for failure to file the disclosure statement;
 - (d) that the financial agent, the elector organization or a responsible principal official of the elector organization may apply to the Supreme Court for relief under section 8.02 [*relief in relation to elector organization disclosure requirements*];
 - (e) any other information prescribed by regulation.
- (3) **Local authority officer to be notified** — The BC chief electoral officer must notify the designated local authority officer of a jurisdiction respecting any notices under subsection (1) that are given in relation to an election for the jurisdiction.

4.05 Requirements for elector organization supplementary reports

- (1) **Requirements for financial agent to file supplementary report** — Subject to a court order for relief under section 8.02 [*relief in relation to elector organization disclosure requirements*], the financial agent for an elector organization must file with the BC chief electoral officer a supplementary report in accordance with this Division within the following applicable time period:
- (a) if advice referred to in paragraph (b) has not been given, 30 days after the financial agent or elector organization becomes aware that

- (i) any of the information reported as required in the elector organization disclosure statement, or in a previous supplementary report under this section, has changed, or
 - (ii) the disclosure statement or a previous supplementary report did not completely and accurately disclose the information required to be included;
- (b) if the BC chief electoral officer advises the financial agent of concerns that circumstances referred to in paragraph (a) may apply and subsequently gives written notice to the financial agent that a supplementary report is required, 30 days after that written notice is given.
- (2) **Required information** — A supplementary report must include the following:
 - (a) a report of the changed, additional or corrected information, as applicable;
 - (b) a statement of the circumstances that have led to the filing of the supplementary report;
 - (c) any other information or material required by regulation.
- (3) **Other requirements** — As applicable, a supplementary report must be filed in accordance with and comply with any other requirements established by regulation.
- (4) **Responsible principal officials** — The responsible principal officials must ensure that the financial agent files a supplementary report as required under this section.

4.06 Compliance deadline for filing supplementary report

- (1) **Compliance deadline** — The compliance deadline for filing a supplementary report for an elector organization is the later of
 - (a) the end of the applicable 30-day period established under section 4.05 (1) (a) or (b) [*requirements for filing supplementary reports*], and
 - (b) if applicable, the last date for filing the supplementary report as established by a court order for relief.
- (2) **Offence** — If a required elector organization supplementary report in accordance with this Division is not filed by the compliance deadline, the elector organization commits an offence and the financial agent for the elector organization commits an offence.

4.07 Required declarations

- (1) **Required declarations** — Subject to subsection (2), in order to be accepted for filing, an elector organization disclosure statement or supplementary report must be accompanied by
 - (a) a signed declaration of the financial agent, and
 - (b) a signed declaration of the designated principal official of the elector organization

that, to the best of the knowledge and belief of the individual making the declaration, the statement or report, as applicable, completely and accurately discloses the information required under this Act.

- (2) **Declaration may be modified if application to court has been made** — If an application has been commenced under section 8.02 [*court order for relief in relation to elector organization disclosure requirements*] in relation to the disclosure statement or supplementary report, a declaration under subsection (1) may be modified to indicate the deficiencies in the report for which relief is being sought in the application.

Division 2 – Penalties in Relation to Elector Organization Disclosure Requirements

4.08 Elector organization disqualification penalties for failure to disclose

- (1) **Disqualification penalties** — Subject to a court order for relief under section 8.02 [*relief in relation to elector organization disclosure requirements*], if a required elector organization disclosure statement or supplementary report in accordance with this Part has not been filed by the compliance deadline, effective on the day after that compliance deadline, the elector organization is subject to the following penalties:
- (a) the organization is disqualified from endorsing a candidate until after the next general local election;
 - (b) the organization is prohibited from accepting campaign contributions or incurring election expenses until after the next general local election.
- (2) **Filing requirement continues** — For certainty, the obligation to file an elector organization disclosure statement or supplementary report continues even after the elector organization becomes subject to the penalties under this section.
- (3) **Offence** — An organization that contravenes the prohibition under subsection (1) commits an offence.

4.09 Elector organization disqualification penalties for false or misleading disclosure

- (1) **Penalties if convicted of offence** — If an elector organization is convicted under section 9.13 [*general offences in relation to false or misleading information*] in relation to a disclosure statement or supplementary report, the organization is subject to the following penalties:
- (a) the organization is disqualified from endorsing a candidate until after the next general local election;
 - (b) the organization is prohibited from accepting campaign contributions or incurring election expenses until after the next general local election.
- (2) **When penalties apply** — An elector organization becomes subject to the penalties under subsection (1) at the time of the conviction.

- (3) **Appeal does not stay penalties** — If a conviction referred to in subsection (1) is appealed, the penalties under that subsection may not be stayed on the appeal.
- (4) **Effect if conviction overturned on appeal** — If the conviction is overturned on the final determination of an appeal, the prohibition under subsection (1) ceases to apply.
- (5) **Offence** — An organization that contravenes a prohibition under subsection (1) commits an offence.

PART 5 – SPONSORSHIP OF ELECTION ADVERTISING

5.01 Election advertising must include sponsorship information

- (1) **Required information** — Subject to subsection (2), an individual or organization must not sponsor election advertising, or transmit election advertising to the public, unless the advertising
 - (a) identifies,
 - (i) in the case of advertising sponsored by a candidate or elector organization as part of their campaign, the name of the financial agent, or
 - (ii) in any other case, the name of the sponsor,
 - (b) if applicable, indicates that the sponsor is a registered third party sponsor under this Act,
 - (c) indicates that it was authorized by the identified financial agent or sponsor,
 - (d) gives a telephone number, email address or mailing address at which the financial agent or sponsor may be contacted regarding the advertising, and
 - (e) meets any other requirements established by regulation.
- (2) **Exceptions** — Subsection (1) does not apply to the extent that
 - (a) the advertising is exempted from the requirements under this section by regulation, or
 - (b) alternative requirements are established by regulation and the advertising complies with those requirements.
- (3) **Advertising sponsored by more than one sponsor** — For certainty, in the case of election advertising that is sponsored in combination by more than one sponsor, the requirements of this section apply in relation to each sponsor.
- (4) **Information details** — If information is required to be provided under subsection (1),
 - (a) any telephone number given must have a British Columbia area code,
 - (b) any mailing address given must be within British Columbia, and
 - (c) the sponsor must make available an individual to be responsible for answering questions from individuals that are directed to the telephone number, email address or mailing address.
- (5) **Language requirements** — The information required under subsection (1) must be provided
 - (a) in English, and
 - (b) if all or part of the election advertising is in a language other than English, in the other language or in another manner that is understandable to readers of that other language.
- (6) **Offence** — An individual or organization that contravenes this section commits an offence.

5.02 No indirect sponsorship of election advertising

- (1) An individual or organization must not sponsor election advertising with the property of any other individual or organization or indirectly through any other individual or organization.
- (2) **Offence** — An individual or organization that contravenes this section commits an offence.

5.03 Solemn declaration regarding sponsorship may be required

- (1) **Declaration by individual identified on advertising** — An individual identified under section 5.01 (1) (a) [*election advertising must include sponsorship information*] must, if requested to do so by the local election officer or the BC chief electoral officer, provide to the officer a solemn declaration that, to the best of the knowledge and belief of the individual making the declaration,
 - (a) the individual is or is not, as applicable, the financial agent or sponsor,
 - (b) the individual has not contravened this Part, and
 - (c) if the sponsor is a candidate or elector organization and the individual is the financial agent for the sponsor, to the knowledge and belief of that individual, the sponsor has not contravened this Part.
- (2) **Declaration for organization identified as sponsor on advertising** — If an organization is identified as the sponsor under section 5.01 (1) (a), a principal official of the organization must, if requested to do so by the local election officer or the BC chief electoral officer, provide to the officer a solemn declaration that, to the best of the knowledge and belief of the principal official,
 - (a) the organization is or is not, as applicable, the sponsor, and
 - (b) the organization has not contravened this Part.
- (3) **Declaration if no individual or organization identified on advertising** — In relation to election advertising that does not identify an individual or organization as required by section 5.01 (1) (a), the following individuals must, if requested to do so by the local election officer or the BC chief electoral officer, provide to the officer a solemn declaration as referred to in subsection (1) or (2) of this section:
 - (a) a candidate;
 - (b) the financial agent for a candidate or elector organization;
 - (c) a principal official of an elector organization;
 - (d) any other individual the local election officer or BC chief electoral officer has reason to believe is an individual who could be required to provide a solemn declaration under subsection (1) or (2) if the required sponsorship information had been included.
- (4) **Offence** — An individual who contravenes this section commits an offence.

PART 6 – THIRD PARTY ELECTION ADVERTISING

Division 1 – General

6.01 Independence requirements for third party sponsors

- (1) **Independence from election campaigns required** — Subject to this section, an individual or organization must not sponsor third party advertising unless the sponsor is independent of the election campaign of any candidate or elector organization, and must not sponsor election advertising on behalf of or together with any of these.
- (2) **Candidate as third party sponsor** — A candidate who sponsors third party advertising is not required to be independent of the candidate's own campaign.
- (3) **Elector organization as third party sponsor** — An elector organization that sponsors third party advertising is not required to be independent of the elector organization's own campaign.
- (4) **Offence** — An individual or organization that contravenes this section commits an offence.

6.02 What are sponsorship contributions

- (1) **General rules** — Subject to this section, the following are sponsorship contributions:
 - (a) the amount of any money, or the value of any non-monetary property or services, provided without compensation to an individual or organization for third party advertising use;
 - (b) if property or services are provided at less than market value to an individual or organization for third party advertising use, the difference between the market value of the property or services at the time provided and the amount charged;
 - (c) if
 - (i) an individual or organization that is or intends to be a third party sponsor offers property or services for the purpose of obtaining funds for third party advertising use, and
 - (ii) the property or services are acquired from the individual or organization at greater than market value,
 the difference between the market value of the property or services at the time acquired and the amount charged;
 - (d) if
 - (i) a third party sponsor is liable for payment in relation to preparation or transmission of third party advertising sponsored by the sponsor,
 - (ii) any part of that debt remains unpaid for 6 months after the debt has become due, and
 - (iii) no legal proceedings to recover the debt have been commenced by the creditor,

- the unpaid amount;
- (e) the provision to an individual or organization for third party advertising use of property or services prescribed by regulation.
- (2) **Debts not affected by contribution rules** — For certainty, nothing in subsection (1) (d) affects the rights of a creditor in relation to a debt that becomes a sponsorship contribution under that subsection.
- (3) **Exclusions** — Subject to any exceptions established by regulation, the value of the following is not a sponsorship contribution:
 - (a) property and services that are deemed to have a nil value under section 6.06 (5) *[advertising expenses deemed to have nil value]*;
 - (b) any other property or services prescribed by regulation as being excluded.

6.03 Restrictions on making sponsorship contributions

- (1) **Restrictions** — An individual or organization must not do any of the following:
 - (a) make an anonymous sponsorship contribution;
 - (b) make a sponsorship contribution without disclosing to the third party sponsor receiving the sponsorship contribution the information required to be recorded under section 6.05 *[records of sponsorship contributions and sponsored advertising]*;
 - (c) make a sponsorship contribution with money, non-monetary property or services of another individual or organization;
 - (d) make a sponsorship contribution indirectly by giving money, non-monetary property or services to an individual or organization
 - (i) for that individual or organization to make as a sponsorship contribution, or
 - (ii) as consideration for that individual or organization making a sponsorship contribution.
- (2) **Offence** — An individual or organization that contravenes this section commits an offence.

6.04 Dealing with prohibited sponsorship contributions

- (1) **Restriction on accepting prohibited contributions** — A third party sponsor must not accept
 - (a) an anonymous sponsorship contribution or any other sponsorship contribution for which the information required to be recorded under section 6.05 *[records of sponsorship contributions and sponsored advertising]* is not provided, or
 - (b) any other sponsorship contribution that the sponsor has reason to believe is made in contravention of this Act or the regulations under this Act.
- (2) **Dealing with prohibited contributions: general rule** — If a third party sponsor becomes aware that a sponsorship contribution was made or accepted in

contravention of this Act or the regulations under this Act, within 30 days after becoming aware of the contravention, the third party sponsor must

- (a) return the sponsorship contribution to the contributor, or
- (b) pay to the contributor an amount equal to the value of the sponsorship contribution.

(3) **Dealing with other contributions** — If a third party sponsor is not able to comply with subsection (2), as soon as practicable, the third party sponsor must deal with the sponsorship contribution as follows:

- (a) in the case of a sponsorship contribution of money, pay an amount equal to the value of the sponsorship contribution to the BC chief electoral officer;
- (b) in any other case, either
 - (i) pay to the BC chief electoral officer an amount equal to the value of the contribution, or
 - (ii) deal with the contribution in accordance with the directions of that officer.

(4) **Offence** — An individual or organization that contravenes this section commits an offence.

6.05 Records of sponsorship contributions and sponsored advertising

(1) **Records of sponsorship contributions** — Subject to any exceptions established by regulation, for each sponsorship contribution received by an individual or organization that is or intends to be a third party sponsor, the individual or organization must maintain records of the following information:

- (a) the value of the sponsorship contribution;
- (b) the date on which the sponsorship contribution was made;
- (c) the name and mailing address of the contributor;
- (d) the contributor class of the contributor;
- (e) if the contributor is an organization, the full names and mailing addresses of
 - (i) at least 2 individuals who are directors of the organization, or
 - (ii) if there are no directors, at least 2 individuals who are principal officials of the organization;
- (f) any other information required by regulation.

(2) **Records of advertising** — A third party sponsor must maintain records respecting the sponsored third party advertising that are sufficient to meet the reporting requirements under this Act.

(3) **Time for retaining required records** — The records required by this section must be retained

- (a) by the sponsor, in the case of a third party sponsor who is an individual, and

(b) by the designated principal official, in the case of a third party sponsor that is an organization

until 4 years after general voting day for the election to which the records relate.

- (4) **Offence** — An individual or organization that contravenes this section commits an offence.

6.06 Valuation rules for third party advertising and sponsorship contributions

- (1) **Application of the rules in this section** — Unless otherwise expressly provided, the rules in this section apply for the purpose of determining the value of third party advertising or a sponsorship contribution.
- (2) **General valuation rules** — The value of any property or services is
 - (a) the price paid for the property or services, or
 - (b) the market value of the property or services, if no price is paid or if the price paid is less than the market value.
- (3) **Value of capital assets** — In the case of property that is a capital asset, the value of the property is the market value of using the property.
- (4) **Third party advertising** — Subject to subsection (5), the value of third party advertising is the value of property and services used in preparing the advertising message and transmitting it to the public.
- (5) **Advertising expenses deemed to have nil value** — The value of the following services and property used as referred to in subsection (4) is deemed to be nil:
 - (a) services provided by an individual, as the third party sponsor or as a volunteer;
 - (b) non-monetary property of an individual, as the third party sponsor or as a volunteer, that is provided or used in relation to services of the individual, other than property acquired by the individual for third party advertising use;
 - (c) goods produced by an individual, as a third party sponsor or as a volunteer, from property of the individual, other than goods produced from property acquired by the sponsor or volunteer for purposes of the third party advertising;
 - (d) other property or services prescribed by regulation.
- (6) **Third party advertising sponsored in combination** — Subject to any exceptions established by regulation, if third party advertising is sponsored by 2 or more third party sponsors acting in combination, the total value of that advertising is to be reported by each participating sponsor.

Division 2 – Registration of Third Party Sponsors

6.07 Prohibition against sponsoring third party advertising if not registered

- (1) **Prohibition** — An individual or organization that is not registered under this Division must not sponsor third party advertising.

- (2) **Offence** — An individual or organization that contravenes this section commits an offence.

6.08 Application for registration: individual as third party sponsor

- (1) **Application to BC chief electoral officer** — An individual who wishes to register as a third party sponsor must submit to the BC chief electoral officer an application for registration that complies with the requirements under this Division.
- (2) **Information requirements** — The application for registration must include the following information:
 - (a) the full name of the individual and, if this is different, the usual name of the individual;
 - (b) the required contact information for the individual;
 - (c) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the individual;
 - (d) the name of the sponsor and the mailing address, telephone number or email address that is to be used by the sponsor for the purpose of compliance with section 5.01 [*election advertising must include sponsorship information*];
 - (e) any other information required by regulation.
- (3) **Solemn declaration required** — In order to be accepted, an application for registration must be accompanied by a solemn declaration of the applicant that, to the best of the knowledge and belief of the applicant, the following are true:
 - (a) the applicant is, and intends to continue to be, in compliance with the independence requirements of section 6.01 [*independence requirements for third party sponsors*];
 - (b) the applicant is not prohibited under this Act from sponsoring third party advertising;
 - (c) the information provided in the application is complete and accurate;
 - (d) the applicant
 - (i) understands the requirements and restrictions that apply to the applicant under this Act, and
 - (ii) intends to fully comply with all of those requirements and restrictions;
 - (e) any other matter prescribed by regulation.
- (4) **Other requirements** — An application for registration must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.
- (5) **Requirement for updated information** — If there is any change in the information or material that is to be provided under this section, the

organization must provide updated information or material in accordance with section 6.12 [*information updating obligations*].

6.09 Application for registration: organization as third party sponsor

- (1) **Application to BC chief electoral officer** — An organization that wishes to register as a third party sponsor must submit to the BC chief electoral officer an application for registration that complies with the requirements under this Division.
- (2) **Information requirements** — The application for registration must include the following information:
 - (a) the full name of the organization and any abbreviations, acronyms and other names used by the organization;
 - (b) a mailing address and telephone number at which the organization can be contacted;
 - (c) an email address at which the organization can be contacted, unless the organization does not have such an address;
 - (d) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the organization;
 - (e) the sponsor name and the mailing address, telephone number or email address that is to be used by the sponsor for the purpose of compliance with section 5.01 [*election advertising must include sponsorship information*];
 - (f) any other information required by regulation.
- (3) **Other requirements** — An application for registration must be in a form approved by the BC chief electoral officer and must be filed in accordance with and comply with any other requirements established by regulation.
- (4) **Requirement for updated information** — If the information or material provided to the BC chief electoral officer under this section changes, the third party sponsor must provide updated information or material in accordance with section 6.12 [*information updating obligations*].

6.10 Responsible principal officials and designated principal official for third party sponsor that is an organization

- (1) **Responsible principal officials** — From the time of applying for registration until all obligations applicable under this Act to the organization have been fulfilled, a third party sponsor that is an organization
 - (a) must have at least 2 principal officials of the organization who have consented to be responsible principal officials of the organization, and
 - (b) must have one of those responsible principal officials designated as, and authorized by the organization to be, the designated principal official who is to
 - (i) make declarations required under this Act or other local elections legislation in relation to the organization, and

- (ii) retain records as required under section 6.05 [*records of sponsorship contributions and sponsored advertising*].
- (2) **Consents and solemn declaration required for registration** — In order for an application for registration of an organization to be accepted, the organization must provide the following to the BC chief electoral officer:
 - (a) the name, required contact information and address for service of the designated principal official of the organization;
 - (b) the name, mailing address and address for service of all other responsible principal officials of the organization;
 - (c) signed consents of the responsible principal officials to act as responsible principal officials of the organization;
 - (d) a solemn declaration in accordance with subsection (3) of the designated principal official of the organization.
- (3) **Solemn declaration** — For purposes of subsection (2) (d), the designated principal official of the applicant organization must make a solemn declaration that, to the best of the knowledge and belief of that official, the following are true:
 - (a) the applicant is, and intends to continue to be, in compliance with the independence requirements of section 6.01 [*independence requirements for third party sponsors*];
 - (b) the applicant is not prohibited under this Act from sponsoring third party advertising;
 - (c) the information provided in the application is complete and accurate;
 - (d) the individual making the declaration is the designated principal official of the applicant;
 - (e) the applicant
 - (i) understands the requirements and restrictions that apply to the applicant under this Act, and
 - (ii) intends to fully comply with all of those requirements and restrictions;
 - (f) any other matter prescribed by regulation.
- (4) **Requirement for updated information** — A third party sponsor that is an organization must provide updated information and material in accordance with section 6.12 [*information updating obligations*] if there is any change
 - (a) in who is a responsible principal official or who is the designated principal official of the sponsor, or
 - (b) in the information or material that is to be provided by the third party sponsor under this section.
- (5) **Continuing responsibility** — For certainty, the individual identified as the designated principal official of a third party sponsor in the most recent materials provided, as required under this Act, to the BC chief electoral officer continues to have the responsibilities of that position even if the third party sponsor for which the individual is appointed ceases to exist as an organization.

- (6) **Offence** — An organization referred to in subsection (1) that does not comply with this section commits an offence.

6.11 Registration by BC chief electoral officer

- (1) **Requirement to register if application requirements met** — Subject to this section, on receiving an application in accordance with this Division, the BC chief electoral officer must register the applicant as a third party sponsor and notify the applicant of this registration.
- (2) **Exceptions** — Subsection (1) does not apply if the BC chief electoral officer has reason to believe that any of the following apply:
 - (a) the applicant is prohibited under this Act from sponsoring third party advertising;
 - (b) the application for registration does not meet the requirements under this Division;
 - (c) information in the required solemn declaration is false;
 - (d) other circumstances prescribed by regulation apply.
- (3) **Restriction on name** — The BC chief electoral officer may refuse to register an applicant under a name that, in the opinion of that officer,
 - (a) is likely to be confused with a name, abbreviation or acronym of a candidate, elector organization or registered third party sponsor, or
 - (b) in the case of an application by an organization, is likely to be confused with a name, abbreviation or acronym used by another organization.
- (4) **Reasons required if registration refused** — If the BC chief electoral officer refuses to register an applicant, that officer must provide the applicant with reasons for the refusal and an opportunity to provide further information for a reconsideration of the decision.
- (5) **Effective period of registration** — Registration under this Division is effective only for the election or elections in relation to which the application for registration was made.

6.12 Information updating obligations

- (1) **Information to be provided to BC chief electoral officer** — If there is any change in the responsible principal officials or the designated principal official for a third party sponsor, or in other information or material required to be provided to the BC chief electoral officer under this Division, the third party sponsor must provide updated information or material to that officer as soon as practicable.
- (2) **Obligation continues** — The obligation to update information in accordance with this section ends when all disclosure and record retention obligations under this Act in relation to the third party sponsor have been fulfilled.

Division 3 – Disclosure Requirements for Third Party Sponsors

6.13 Disclosure statements required for third party sponsors

- (1) **Requirement for disclosure statement** — A third party disclosure statement in accordance with this Division must be filed with the BC chief electoral officer
 - (a) by each individual or organization that registered under Division 2 [*Registration of Third Party Sponsors*] of this Part, whether or not the individual or organization in fact sponsored any third party advertising, and
 - (b) by each individual or organization that sponsored third party advertising, even if the individual or organization did not apply to register or did apply but was refused registration.
- (2) **Disclosure statement coverage** — If an individual or organization sponsored third party advertising in relation to more than one election being held at the same time,
 - (a) a single disclosure statement is to be filed in relation to all those elections, and
 - (b) if the individual or organization sponsored directed advertising in relation to one or more of those elections, the statement must separately disclose the directed advertising in relation to each jurisdiction to which the advertising was specifically related.
- (3) **Filing requirement continues** — For certainty, the requirement to file a third party disclosure statement continues even after the individual or organization for which the statement is to be filed becomes subject to the applicable penalties under this Division for failure to file the disclosure statement by the compliance deadline.

6.14 Time limits for filing disclosure statements

– filing on time, late filing on payment of penalty fee and compliance deadline

- (1) **Filing on time** — Subject to a court order for relief under section 8.03 [*relief in relation to third party disclosure requirements*] or an extension of time under section 11.05 [*Elections BC late filing extension in extraordinary circumstances*], a required third party disclosure statement must be filed by the third party sponsor within 90 days after general voting day for the election or elections to which it relates in order to avoid a late filing penalty fee.
- (2) **Late filing deadline** — Subject to a court order for relief under section 8.03 [*relief in relation to third party disclosure requirements*], if the third party disclosure statement is not filed within the time period under subsection (1), it may be filed within 120 days after general voting day for the election or elections to which it relates on payment of a late filing penalty fee of \$500 to the BC chief electoral officer.
- (3) **Compliance deadline** — The compliance deadline for filing a third party disclosure statement is the later of

- (a) the late filing deadline for the disclosure statement, and
 - (b) if applicable, the last date for filing the disclosure statement as established by a court order for relief under section 8.03 [*relief in relation to third party disclosure requirements*].
- (4) **Offence** — If a required third party disclosure statement in accordance with this Division is not filed by the compliance deadline, the sponsor commits an offence.

6.15 Information and other requirements for third party disclosure statements

- (1) **Compliance obligations** — Subject to a court order for relief under section 8.03 [*relief in relation to third party disclosure requirements*], a third party disclosure statement must comply with the requirements under this Division.
- (2) **Limited disclosure for limited advertising** — If the total value of the third party advertising sponsored by an individual or organization in relation to elections being held at the same time was less than \$500, the disclosure statement for the sponsor must include information respecting that election advertising as required by the regulations.
- (3) **Full disclosure** — Subject to any exceptions established by regulation, a third party advertising disclosure statement for an individual or organization that sponsored third party advertising having a value equal to or greater than \$500 must include information respecting the following, provided in accordance with the regulations:
 - (a) the sponsored third party advertising;
 - (b) the sponsor's own funds used in relation to sponsoring the third party advertising;
 - (c) the sponsorship contributions received by the sponsor, including identification of significant contributors;
 - (d) any other matters for which information is required by regulation.
- (4) **Other requirements established by regulation** — A third party disclosure statement must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.

6.16 Notice of failure to file within the no-penalty fee period

- (1) **Requirement to give notice of failure** — If a third party disclosure statement for a registered sponsor is not filed before the end of the time period under section 6.14 (1) [*time limit for filing without penalty fee*], the BC chief electoral officer must, as soon as practicable, give notice of the failure to
 - (a) the sponsor, and
 - (b) in the case of a sponsor that is an organization, to the responsible principal officials of the organization.
- (2) **Information to be included in notice** — The notice must include the following information:

- (a) that the third party disclosure statement was not filed within the time for filing without payment of a penalty fee;
- (b) the date of the late filing deadline and the penalty fee that must be paid;
- (c) the penalties under section 6.20 [*third party sponsor disqualification penalties for failure to disclose*] for failure to file the disclosure statement;
- (d) that the sponsor or a responsible principal official of a sponsor that is an organization may apply to the Supreme Court for relief under section 8.03 [*relief in relation to third party disclosure requirements*];
- (e) any other information prescribed by regulation.

6.17 Requirements for filing supplementary reports

- (1) **Time for filing** — Subject to a court order for relief under section 8.03 [*relief in relation to third party disclosure requirements*], a third party sponsor must file with the BC chief electoral officer a supplementary report in accordance with this Division within the following applicable time period:
 - (a) if advice referred to in paragraph (b) has not been given, 30 days after the sponsor becomes aware that
 - (i) any of the information reported as required in the third party sponsor disclosure statement, or in a previous supplementary report under this section, has changed, or
 - (ii) the disclosure statement or a previous supplementary report did not completely and accurately disclose the information required to be included;
 - (b) if the BC chief electoral officer advises the third party sponsor of concerns that circumstances referred to in paragraph (a) may apply and subsequently gives written notice to the sponsor that a supplementary report is required, 30 days after that written notice is given.
- (2) **Required information** — A supplementary report must include the following:
 - (a) a report of the changed, additional or corrected information, as applicable;
 - (b) a statement of the circumstances that have led to the filing of the report;
 - (c) any other information required by regulation.
- (3) **Additional requirements** — As applicable, a supplementary report must be filed in accordance with and comply with any other requirements established by regulation.

6.18 Compliance deadline for filing supplementary report

- (1) **Compliance deadline** — The compliance deadline for filing a supplementary report for a third party sponsor is the later of
 - (a) the end of the applicable 30-day period established under section 6.17 (1) (a) or (b) [*requirements for filing supplementary reports*], and

- (b) if applicable, the last date for filing the disclosure statement as established by a court order for relief.
- (2) **Offence** — If a required supplementary report is not filed by the compliance deadline, the third party sponsor commits an offence.

6.19 Required declarations

- (1) **Required declarations** — Subject to subsection (2), in order to be accepted for filing, a third party disclosure statement or supplementary report must be accompanied by a signed declaration of
 - (a) the sponsor, in the case of a sponsor who is an individual, or
 - (b) the designated principal official, in the case of a sponsor that is an organization,
 that, to the best of the knowledge and belief of the individual making the declaration, the statement or report, as applicable, completely and accurately discloses the information required under this Act.
- (2) **Declaration may be modified if application to court has been made** — If an application has been commenced under section 8.03 [*relief in relation to third party sponsor disclosure requirements*] in relation to the disclosure statement or supplementary report, a declaration under subsection (1) may be modified to indicate the deficiencies in the report for which relief is being sought in the application.

6.20 Third party sponsor disqualification penalties for failure to disclose

- (1) **Penalties for failure to file** — Subject to a court order for relief under section 8.03 [*relief in relation to third party disclosure requirements*], if a required third party disclosure statement or supplementary report in accordance with this Part is not filed by the compliance deadline, effective on the day after that compliance deadline, the third party sponsor is subject to the following penalties:
 - (a) the sponsor is prohibited from sponsoring third party advertising or non-election assent voting advertising until after the next general local election;
 - (b) the sponsor is prohibited from accepting sponsorship contributions until after the next general local election.
- (2) **Filing requirement continues** — For certainty, the obligation to file a third party disclosure statement or supplementary report continues even after the penalty under this section applies.
- (3) **Offence** — An individual or organization that contravenes a prohibition under subsection (1) commits an offence.

6.21 Third party sponsor disqualification penalties for false or misleading disclosure

- (1) **Penalties if convicted of offence** — If a third party sponsor is convicted under section 9.13 [*general offence in relation to false or misleading information*] in

relation to a disclosure statement or supplementary report, the sponsor is subject to the following penalties:

- (a) the sponsor is prohibited from sponsoring third party advertising or non-election assent voting advertising until after the next general local election;
 - (b) the sponsor is prohibited from accepting sponsorship contributions until after the next general local election.
- (2) **Time when sponsor becomes subject to penalties** — A sponsor becomes subject to the prohibition under subsection (1) at the time of the conviction.
 - (3) **Appeal does not stay penalties** — If a conviction referred to in subsection (1) is appealed, the penalties under that subsection may not be stayed on the appeal.
 - (4) **Effect if conviction overturned on appeal** — If the conviction is overturned on the final determination of an appeal, the prohibition under subsection (1) ceases to apply.
 - (5) **Offence** — An individual or organization that contravenes a prohibition under subsection (1) commits an offence.

PART 7 – ASSENT VOTING ADVERTISING THAT IS NOT ELECTION ADVERTISING

7.01 Application of Act to non-election assent voting advertising

This Part applies to assent voting advertising that

- (a) is not election advertising, and
- (b) is transmitted to the public during the campaign period for the assent voting, being the period that begins on the 30th day before general voting day for the assent voting and ends at the close of general voting.

7.02 Application of election advertising rules

- (1) **Application of Parts 5 and 6** — Subject to this section and any applicable regulations,

- (a) Part 5 [*Sponsorship of Election Advertising*], and
- (b) Part 6 [*Third Party Election Advertising*]

apply to non-election assent voting advertising during the campaign period for the assent voting as if it were election advertising conducted during the campaign period for an election.

- (2) **Exemption for local governments** — Part 6 does not apply to assent voting advertising by a local government.

7.03 Offences in relation to non-election assent voting advertising

For certainty, Part 9 [*Enforcement*] applies in relation to provisions that are made applicable under this Part to non-election assent voting advertising.

PART 8 – COURT ORDERS FOR RELIEF

8.01 Relief in relation to candidate disclosure requirements under Part 3

- (1) **Who may apply for relief** — A candidate or the financial agent for a candidate may apply to the Supreme Court in accordance with this section for relief from the disclosure requirements under Part 3 [*Campaign Financing Disclosure by Candidates*].
- (2) **Time limit for making application** — An application under this section may be made only before the compliance deadline for the disclosure statement or supplementary report to which the application relates.
- (3) **Who must be given notice of application** — The petition for the application must be served on all of the following:
 - (a) the BC chief electoral officer;
 - (b) if the candidate was declared elected, the jurisdiction in relation to which the election was held;
 - (c) whichever of the candidate and the financial agent is not the applicant.
- (4) **Time limit for serving petition** — Service required under subsection (3) must be no later than 7 days after the petition is filed in the court registry.
- (5) **Time limit for seeking court date** — No later than 14 days after the petition is filed, the applicant must set down the matter for hearing by the Supreme Court.
- (6) **Special obligation to obtain early hearing** — The following apply in relation to an application under this section:
 - (a) the applicant must take all reasonable steps to have the application heard as soon as practicable;
 - (b) the applicant must provide notice to the jurisdiction in relation to which the election was held and to the BC chief electoral officer of the date the application is set down for hearing and any adjournments;
 - (c) when deciding whether to grant relief under this section, the court must consider whether the applicant acted diligently to have the application heard as soon as practicable.
- (7) **Court relief powers** — Subject to subsection (9), on the hearing of an application under this section, the court may provide relief as follows:
 - (a) changing the compliance deadline by extending the time for filing the disclosure statement or supplementary report;
 - (b) ordering that the disclosure statement or supplementary report need not comply with specific disclosure requirements;
 - (c) ordering that the disclosure statement or supplementary report need not be filed.
- (8) **Related authority** — The authority to provide relief under subsection (7) includes authority to do the following:
 - (a) in relation to an order under subsection (7) (a) respecting a candidate disclosure statement, order

- (i) that the extension of time for filing the disclosure statement is subject to payment of the late filing penalty fee, or
 - (ii) that the disclosure statement may be filed without paying the late filing penalty fee;
 - (b) in any case, make any additional order the court considers appropriate to secure compliance with Part 3 [*Campaign Financing Disclosure by Candidates*] to the extent the court considers reasonable in the circumstances.
- (9) **Requirements for providing relief** — The court may provide relief under this section only if satisfied that the candidate exercised due diligence to ensure there was compliance with the disclosure requirements applicable in relation to the candidate under Part 3 [*Campaign Financing Disclosure by Candidates*].

8.02 Relief in relation to elector organization disclosure requirements under Part 4

- (1) **Who may apply for relief** — The following organizations and individuals may apply to the Supreme Court in accordance with this section for relief from the disclosure requirements under Part 4 [*Campaign Financing Disclosure by Elector Organizations*]:
 - (a) the elector organization to which the disclosure requirements apply;
 - (b) the financial agent of the elector organization;
 - (c) a responsible principal official of the organization.
- (2) **Time limit for making application** — An application under this section may be made only before the compliance deadline for the disclosure statement or supplementary report to which the application relates.
- (3) **Who must be given notice of application** — The petition for the application must be served on all of the following, other than the applicant:
 - (a) the BC chief electoral officer;
 - (b) the elector organization;
 - (c) the financial agent for the elector organization;
 - (d) the individuals referred to in subsection (7).
- (4) **Time limit for serving petition** — Service required under subsection (3) must be no later than 7 days after the petition is filed in the court registry.
- (5) **Court relief powers** — Subject to subsection (7), on the hearing of an application under this section, the court may provide relief as follows:
 - (a) changing the compliance deadline by extending the time for filing the disclosure statement or supplementary report;
 - (b) ordering that the disclosure statement or supplementary report need not comply with specific disclosure requirements;
 - (c) ordering that the disclosure statement or supplementary report need not be filed.
- (6) **Related authority** — The authority to provide relief under subsection (5) includes authority to do the following:

- (a) in relation to an order under subsection (5) (a) respecting an elector organization disclosure statement, order
 - (i) that the extension of time for filing the disclosure statement is subject to payment of the late filing penalty fee, or
 - (ii) that the disclosure statement may be filed without paying the late filing penalty fee;
 - (b) in any case, make any additional order the court considers appropriate to secure compliance with the disclosure requirements under Part 4 *[Campaign Financing Disclosure by Elector Organizations]* to the extent the court considers reasonable in the circumstances.
- (7) **Requirements for providing relief** — The court may provide relief under subsection (5) in relation to a disclosure statement or supplementary report only if satisfied that the individuals who were responsible principal officials of the elector organization at any time during the period
- (a) beginning on the date on which the organization filed endorsement documents, and
 - (b) ending on the day after the compliance deadline for filing the disclosure statement or supplementary report, as applicable
- exercised due diligence to ensure there was compliance with the applicable disclosure requirements.

8.03 Relief in relation to third party disclosure requirements under Part 6

- (1) **Who may apply for relief** — The following organizations and individuals may apply to the Supreme Court in accordance with this section for relief from the disclosure requirements under Division 3 *[Disclosure Requirements for Third Party Sponsors]* of Part 6 *[Third Party Election Advertising]*:
 - (a) the third party sponsor to which the disclosure requirements apply;
 - (b) if the third party sponsor is an organization, a responsible principal official of the organization.
- (2) **Time limit for making application** — An application under this section may be made only before the compliance deadline for the disclosure statement or supplementary report with respect to which the application relates.
- (3) **Who must be given notice of application** — The petition for the application must be served on all of the following, other than the applicant:
 - (a) the BC chief electoral officer;
 - (b) the sponsor;
 - (c) if the sponsor is an organization, the individuals referred to in subsection (7).
- (4) **Time limit for serving petition** — Service required under subsection (3) must be no later than 7 days after the petition is filed in the court registry.
- (5) **Court relief powers** — Subject to subsection (7), on the hearing of an application under this section, the court may provide relief as follows:
 - (a) changing the compliance deadline by extending the time for filing the disclosure statement or supplementary report;

- (b) ordering that the disclosure statement or supplementary report need not include specific disclosure requirements;
 - (c) ordering that the disclosure statement or supplementary report need not be filed.
- (6) **Related authority** — The authority to provide relief under subsection (5) includes authority to do the following:
- (a) in relation to an order under subsection (5) (a) respecting a third party sponsor disclosure statement, order
 - (i) that the extension of time for filing the disclosure statement is subject to payment of the late filing penalty fee, or
 - (ii) that the disclosure statement may be filed without paying the late filing penalty fee;
 - (b) in any case, make any additional order the court considers appropriate to secure compliance with the disclosure requirements under Part 6 [*Third Party Election Advertising*] to the extent the court considers reasonable in the circumstances.
- (7) **Requirements for providing relief** — The court may provide relief under subsection (5) in relation to a disclosure statement or supplementary report only if satisfied,
- (a) in the case of an application by a sponsor who is an individual, that the individual exercised due diligence to ensure there was compliance with the applicable disclosure requirements, and
 - (b) in the case of an application in relation to a sponsor that is an organization, that all the individuals who were responsible principal officials of the organization at any time during the period
 - (i) beginning at the time at which the organization became subject to the requirement to register under Part 6 [*Third Party Election Advertising*], and
 - (ii) ending on the day after the compliance deadline for filing the disclosure statement or supplementary report, as applicable, exercised due diligence to ensure there was compliance with the applicable disclosure requirements.

8.04 Relief in relation to non-election assent voting advertising disclosure requirements

Subject to any applicable regulations, section 8.03 [*relief in relation to third party disclosure requirements*] applies in relation to disclosure requirements of an assent voting sponsor under Part 7 [*Non-Election Assent Voting Advertising*].

8.05 Extension of time before candidate disqualification penalties apply

- (1) **Court authority to extend time** — Subject to subsection (2), the court may extend the date when a penalty applies under section 3.08 [*candidate disqualification penalties for failure to disclose*].
- (2) **Restriction** — A court may not make an order extending the time unless

- (a) an application for relief under section 8.01 [*relief in relation to candidate disclosure requirements*] has been filed, served and set down for hearing as required under that section, but has not yet been decided,
 - (b) the candidate has not yet become subject to the penalties for which an extension is requested, and
 - (c) the court is satisfied that the applicant has acted diligently to have the application heard as soon as practicable.
- (3) **Extension decision is final** — A decision by the court under this section is final and may not be appealed.

8.06 BC chief electoral officer may set down application for hearing

- (1) **Application of section** — This section applies in relation to an application for court relief under this Part.
- (2) **Authority to have hearing date set** — The BC chief electoral officer may set down the application for hearing by filing a request with the court registry and serving it on the applicant and any other parties to the application as follows:
- (a) in the case of an application that may affect the qualification of a candidate who was declared elected to hold office, at any time for the purpose of ensuring that the entitlement of that candidate to continue to hold office as a member of the local authority is decided expeditiously;
 - (b) in any case, if the BC chief electoral officer considers that the applicant is not having the application heard as soon as practicable.
- (3) **Chief electoral officer need not be party** — The BC chief electoral officer may set down an application for hearing under this section whether or not the BC chief electoral officer is a party to the application and whether or not the applicant has set down the application for hearing.

8.07 Address for service on other parties

If requested by an individual or organization that is authorized and intends to apply for court relief under this Part, the BC chief electoral officer must provide to the individual or organization the address for service of the individuals and organizations that are required to be served with the petition of the application.

8.08 Appeal of relief decision

- (1) **Who may appeal** — The following individuals and organizations may appeal an order of the court under this Part:
- (a) the applicant;
 - (b) the BC chief electoral officer, whether or not that officer was a party to the application.
- (2) **No stay of penalties pending appeal** — Penalties under this Act may not be stayed pending determination of an appeal under subsection (1).

8.09 Effect of final determination on candidate disqualification penalties and seat vacancy

- (1) **Applicable disqualification penalties** — This section applies in relation to a disqualification penalty under section 3.08 [*candidate disqualification penalties for failure to disclose*].
- (2) **Termination of disqualification** — If, on the final determination of an application under this Part,
 - (a) the court provides relief relating to the disqualification penalty, and
 - (b) if applicable, there is compliance with the court order,
 the candidate ceases to be disqualified under the applicable provision referred to in subsection (1) from being nominated for, elected to or holding office as a member of a local authority.
- (3) **Candidate who was declared elected** — If a candidate to whom subsection (2) applies was declared elected before being disqualified under the applicable provision referred to in subsection (1) and the term of office for which the candidate was elected has not ended,
 - (a) the candidate is entitled to take office for any unexpired part of the term if not otherwise disqualified, and
 - (b) if the candidate exercises this right, the individual currently holding the office ceases to hold office.

PART 9 – ENFORCEMENT

Division 1 – Elections BC Responsibilities and Powers

9.01 Reports to local authority respecting disqualification of elected candidates

- (1) The BC chief electoral officer must provide a report to the applicable local authority respecting any member of the local authority who may be subject to a penalty under any of the following:
 - (a) section 3.08 *[candidate disqualification penalties for failure to disclose]*;
 - (b) section 3.09 *[candidate disqualification penalties if convicted of false or misleading disclosure]*.
- (2) If a member of a local authority becomes subject to a penalty referred to in subsection (1), the BC chief electoral officer must provide a report to the applicable local authority that the member of the local authority has become disqualified to hold office as a member of the local authority and that the seat of the member has become vacant.

9.02 Reviews, investigations and audits by BC chief electoral officer

- (1) **Compliance reviews** — The BC chief electoral officer must conduct periodic reviews of the financial affairs and accounts of candidates, elector organizations, third party sponsors and assent voting sponsors in relation to general compliance with this Act and the regulations under this Act.
- (2) **Investigations and audits** — In addition to general reviews under subsection (1), the BC chief electoral officer may do any of the following:
 - (a) conduct an investigation of the financial affairs of a candidate, elector organization, third party sponsor or assent voting sponsor in relation to compliance with this Act and the regulations under this Act;
 - (b) conduct an audit of the accounts of an individual or organization referred to in paragraph (a);
 - (c) conduct an investigation of any matter that the BC chief electoral officer considers might constitute an offence under this Act or might be a contravention of a provision of Parts 2 to 7 of this Act or of a regulation under this Act;
 - (d) conduct an investigation of a complaint received by the BC chief electoral officer regarding non-compliance by an individual or organization referred to in paragraph (a) or, if applicable, the financial agent of such an individual or organization.
- (3) **Inspection and copies of records** — For purposes of this section, the BC chief electoral officer or a representative of the BC chief electoral officer may inspect and make copies of the records of an individual or organization referred to in subsection (1).
- (4) **Related authority** — Section 276 (3) to (6) *[investigations and audits by chief electoral officer]* of the *Election Act* applies in relation to the authority under subsection (3).

9.03 Additional specific powers to require information

The BC chief electoral officer has the following powers in addition to all others provided under this Act:

- (a) to require the following to provide a supplementary report:
 - (i) a candidate, elector organization or the financial agent for a candidate or elector organization;
 - (ii) a third party sponsor;
 - (iii) an assent voting sponsor;
- (b) to require an individual or organization referred to in paragraph (a) to provide further information respecting the individual's or organization's compliance with this Act and the regulations under this Act;
- (c) to require a local authority to provide the BC chief electoral officer with the originals or copies, as requested by the BC chief electoral officer, of records
 - (i) received or obtained by a local authority under this Act or other local elections legislation, or
 - (ii) created by a local authority official in relation to this Act or other local elections legislation,
 including records that include personal information.

9.04 Complaints regarding contraventions of this Act

- (1) **Obligation to deal with complaints** — If the BC chief electoral officer receives a complaint alleging that a provision of this Act or of a regulation under this Act has been contravened, the BC chief electoral officer must
 - (a) consider whether to investigate the matter, or
 - (b) refer the matter to the local authority that is holding or that held the election or assent voting to which the complaint relates, if the BC chief electoral officer considers that a review of the matter by the local authority would be more appropriate.
- (2) **Required referral to local authority** — The BC chief electoral officer must refer any complaint respecting compliance by a local authority official to the applicable local authority.
- (3) **Authority to refuse investigation** — The BC chief electoral officer must refuse to take action under subsection (1) if, in the view of the BC chief electoral officer, the complaint appears to be frivolous, vexatious or obviously unfounded.
- (4) **Response to written complaints** — If a complaint is made in writing and the BC chief electoral officer
 - (a) decides not to conduct an investigation, or
 - (b) refers the matter to a local authority,
 the BC chief electoral officer must notify the complainant in writing of the reasons for this decision.

9.05 Powers in relation to non-compliant advertising

- (1) **Authorization to take action** — An individual authorized by the BC chief electoral officer may, subject to any restrictions or conditions specified by that officer, do one or more of the following in relation to election advertising or non-election assent voting advertising that is transmitted or sponsored in contravention of this Act or a regulation under this Act:
 - (a) order an individual or organization to correct, discontinue, remove or destroy the election advertising;
 - (b) enter onto property and cover the election advertising or otherwise obscure it from view;
 - (c) enter on property and remove, or remove and destroy, the election advertising.
- (2) **Entry onto property** — Subject to this section, the authority under subsection (1) includes authority to enter on property, and to enter into property, without the consent of the owner or occupier.
- (3) **Restriction for private dwellings** — The authority under subsection (2) may be used to enter into a place that is occupied as a private dwelling only if the occupier consents or the entry is made under the authority of a warrant under this or another Act.
- (4) **Warrant authorizing entry** — On being satisfied on oath or affirmation that access to property is necessary for purposes of this section, a justice may issue a warrant authorizing an individual named in the warrant to enter on or into property and take action as authorized by the warrant.
- (5) **Offence** — An individual or organization that does not comply with an order under subsection (1) (a) commits an offence.

9.06 Court injunctions on application of BC chief electoral officer

- (1) **Application to Supreme Court** — On application of the BC chief electoral officer, the Supreme Court may grant an injunction
 - (a) requiring an individual or organization to comply with this Act or a regulation under this Act, if the court is satisfied that there are reasonable grounds to believe that the individual or organization has not complied or is likely not to comply with the Act or regulation, or
 - (b) restraining an individual or organization from contravening this Act or a regulation under this Act, if the court is satisfied that there are reasonable grounds to believe that the individual or organization has contravened or is likely to contravene the Act or regulation.
- (2) **Injunction may be granted without notice to others** — An order granting an injunction under subsection (1) may be made without notice to others if it is necessary to do so in order to protect the public interest.
- (3) **Court order available even where there are other remedies** — A contravention of this Act or a regulation under this Act may be restrained under subsection (1) whether or not a penalty or other remedy has been provided under this Act.

Division 2 – Offences

9.07 Section 5 of *Offence Act* does not apply

Section 5 [*offence to contravene an enactment*] of the *Offence Act* does not apply to this Act or the regulations under this Act.

9.08 Penalties under this Part are in addition to any others under Act

Any penalty under this Part is in addition to and not in place of any other penalty to which an individual or organization may be liable under this Act in respect of the same matter.

9.09 Defence of due diligence

An individual or organization is not guilty of an offence under this Act if the individual or organization exercised due diligence to prevent the commission of the offence.

9.10 BC chief electoral officer authority in relation to prosecutions

- (1) **BC chief electoral officer approval required** — A prosecution for an offence under this Act may not be commenced without the approval of the BC chief electoral officer.
- (2) **Referral to Criminal Justice Branch** — If the BC chief electoral officer is satisfied that there are reasonable grounds to believe that an individual or organization has contravened this Act or a regulation under this Act, the BC chief electoral officer may refer the matter to the Criminal Justice Branch of the Ministry of Justice for a determination of whether to approve prosecution.

9.11 Time limit for starting prosecution

- (1) **Time limit for starting prosecution** — The time limit for laying an information to commence a prosecution respecting an offence under this Act is one year after the facts on which the information is based first came to the knowledge of the BC chief electoral officer.
- (2) **Evidence respecting time limit** — A document purporting to have been issued by the BC chief electoral officer, certifying the day on which the BC chief electoral officer became aware of the facts on which an information is based, is admissible without proof of the signature or official character of the individual appearing to have signed the document and, in the absence of evidence to the contrary, is proof of the matter certified.

9.12 Prosecution of organizations and their directors and agents

- (1) **Organization responsible for actions of its officers and employees** — An act or thing done or omitted by an officer, director, principal official, employee or agent of an organization within the scope of the individual's authority to act on behalf of the organization is deemed to be an act or thing done or omitted by the organization.

- (2) **Officers and employees responsible for actions of organization** — If an organization commits an offence under this Act, an officer, director, principal official, employee or agent of the organization who authorizes, permits or acquiesces in the offence commits the same offence, whether or not the organization is convicted of the offence.
- (3) **Unincorporated organization may be prosecuted** — A prosecution for an offence under this Act may be brought against an unincorporated organization in the name of the organization and, for these purposes, an unincorporated organization is deemed to be a person.

9.13 General offence in relation to false or misleading information

- (1) **General offence** — An individual or organization that does any of the following commits an offence:
 - (a) provides false or misleading information when required or authorized under this Act to provide information;
 - (b) makes a false or misleading statement or declaration when required under this Act to make a statement or declaration.
- (2) **Disclosure requirements** — In the case of false or misleading information in a disclosure statement or supplementary report, the candidate, elector organization or sponsor for which the disclosure statement or supplementary report is filed commits an offence.

9.14 Higher penalty offences

- (1) **Offences subject to penalties under this section** — This section applies to the offences under the following provisions:
 - (a) section 3.02 (5) [*failure to file candidate disclosure statement*];
 - (b) section 3.06 (2) [*failure to file candidate supplementary report*];
 - (c) section 4.02 (5) [*failure to file elector organization disclosure statement*];
 - (d) section 4.06 (2) [*failure to file elector organization supplementary report*];
 - (e) section 6.14 (4) [*failure to file third party disclosure statement*];
 - (f) section 6.18 (2) [*failure to file third party supplementary report*];
 - (g) section 9.13 [*general offence in relation to false or misleading information*];
 - (h) any provision of the regulations prescribed for purposes of this section.
- (2) **Penalties for individuals** — An individual who commits an offence referred to in subsection (1) is liable to a fine of not more than \$10 000 or imprisonment for a term not longer than two years, or both.
- (3) **Penalties for organizations** — An organization that commits an offence under subsection (1) is liable to a fine of not more than \$20 000.

9.15 Lower penalty offences

- (1) **Offences subject to penalties under this section** — This section applies to offences under this Act other than offences to which section 9.14 [*higher penalty offences*] applies.
- (2) **Penalties for individuals** — An individual who commits an offence under subsection (1) is liable to a fine of not more than \$5 000 or imprisonment for a term not longer than one year, or both.
- (3) **Penalties for organizations** — An organization that commits an offence under subsection (1) is liable to a fine of not more than \$10 000.

PART 10 – TRANSPARENCY

10.01 Public access to disclosure information – Elections BC responsibilities

- (1) **Public information** — Subject to this Division and any applicable regulations, until at least 4 years after general voting day for the election or assent voting to which it relates, the BC chief electoral officer must
 - (a) make the information in a disclosure statement or supplementary report publicly available on an Elections BC authorized internet site, and
 - (b) have a copy of the statement or report, and the relevant required declarations in relation to the statement or report, available for public inspection at the Elections BC office during its regular office hours.
- (2) **When information is to be made available** — Information must be made available under subsection (1) as follows:
 - (a) in the case of information in a disclosure statement that is filed before the end of the period for filing without payment of a late filing penalty fee, as soon as practicable after the end of that period;
 - (b) in any other case, as soon as practicable after the BC chief electoral officer receives the disclosure statement or supplementary report.
- (3) **Personal information may be excluded** — If a disclosure statement or supplementary report includes personal information of an individual that is not required to be included under this Act, the BC chief electoral officer
 - (a) is authorized to collect that information,
 - (b) may make, but is not required to make, the information available under subsection (1), and
 - (c) may, for purposes of subsection (1) (b), obscure or delete the information or provide for inspection a copy of the statement or report that does not include that information.
- (4) **Provision of copies** — Subject to section 10.05 [*restrictions on use of personal information*], on request and on payment of the reasonable costs of preparation or reproduction, a member of the public may obtain from the BC chief electoral officer
 - (a) a record of the information made available under subsection (1) (a), or
 - (b) a copy of a record available for inspection under subsection (1) (b).
- (5) **Requirements for obtaining access** — If an individual wishes to access, inspect or obtain a copy of a record under this section, the BC chief electoral officer may, before providing the access, inspection access or copy, require the individual to
 - (a) satisfy the officer that any purpose for which personal information is to be used is permitted by section 10.05 [*restrictions on use of personal information*], and
 - (b) provide a signed statement that
 - (i) the individual, and

- (ii) if applicable, any individual or organization on whose behalf the first individual is accessing, inspecting or obtaining the record, will not use personal information included in the record except for a purpose permitted under this Act.

10.02 Public access to disclosure information – local authority responsibilities

- (1) **Public access to Elections BC information** — Subject to this Division, the local authority for the jurisdiction must make one or both of the following available to the public without charge at the local authority offices during regular office hours:
 - (a) internet access to information required to be publicly available under section 10.01 (1) (a) [*public access to disclosure information – Elections BC responsibilities*] that is related to the jurisdiction;
 - (b) a copy of that information available for public inspection.
- (2) **Request for record** — The local authority for a jurisdiction must, on request, provide a record of information referred to in subsection (1).
- (3) **Fees for providing records** — A local authority may, by bylaw, impose a fee for providing a record under subsection (2).
- (4) **Information of how fee determined** — If a bylaw under subsection (3) applies, the local authority must make available to the public, on request, a report respecting how the fee was determined.
- (5) **No other authority for fees** — Subsection (3) does not apply to a local authority that may impose a fee under section 194 [*municipal fees*] of the *Community Charter* or section 363 [*imposition of fees and charges*] of the *Local Government Act*.
- (6) **Requirements for obtaining access** — If an individual wishes to access, inspect or obtain a copy of information under this section, a local authority official of the jurisdiction may, before providing the access, inspection access or copy, require the individual to
 - (a) satisfy the official that any purpose for which personal information is to be used is permitted by section 10.05 [*restrictions on use of personal information*], and
 - (b) provide a signed statement that
 - (i) the individual, and
 - (ii) if applicable, any individual or organization on whose behalf the first individual is accessing, inspecting or obtaining the record, will not use personal information included in the record except for a purpose permitted under this Act.

10.03 Disqualification list to be maintained

- (1) **Internet publication** — The BC chief electoral officer must make publicly available on an Elections BC authorized internet site a list of the individuals and organizations that are subject to disqualification penalties under any of the following:

- (a) in relation to candidates,
 - (i) section 3.08 *[candidate disqualification penalties for failure to disclose]*, or
 - (ii) section 3.09 *[candidate disqualification penalties if convicted of false or misleading disclosure]*;
 - (b) in relation to elector organizations,
 - (i) section 4.08 *[elector organization disqualification penalties for failure to disclose]*, or
 - (ii) section 4.09 *[disqualification penalties for false or misleading elector organization disclosure]*;
 - (c) in relation to third party sponsors and assent voting sponsors,
 - (i) section 6.20 *[third party sponsor disqualification penalty for failure to disclose]*, or
 - (ii) section 6.21 *[third party disqualification penalties for false or misleading disclosure]*.
- (2) **Public inspection** — The disqualification list under subsection (1) must be available for public inspection at the Elections BC office during its regular office hours.

10.04 Other information to be publicly available

- (1) **Specific information** — The BC chief electoral officer must, as soon as practicable, make the following publicly available:
- (a) in relation to a candidate, the name and mailing address of the financial agent for the candidate as provided in the nomination documents or, if applicable, in updated information under section 2.05 (6) *[change in financial agent]*;
 - (b) in relation to an elector organization,
 - (i) the name and mailing address of the financial agent as provided under section 2.07 *[elector organization must have a financial agent]*, and
 - (ii) the name of the designated principal official of the organization as provided under section 2.09 *[responsible principal officials and designated principal official for elector organization]*;
 - (c) in relation to a registered third party sponsor,
 - (i) the full name of the sponsor,
 - (ii) the information that is to be included under section 6.08 (2) (d) *[sponsors information to be provided in third party advertising by individual]* or 6.09 (2) (e) *[sponsors information to be provided in third party advertising by organization]*, as applicable, and
 - (iii) in the case of a third party sponsor that is an organization, the name of the designated principal official of the organization as provided under section 6.10 *[responsible principal officials and designated principal official for sponsor organization]*.

- (2) **Period of public availability** — The BC chief electoral officer must keep information referred to in subsection (1) publicly available through the campaign period for the election or assent voting to which it relates and may then continue to make it publicly available for the period that officer considers appropriate.
- (3) **Public inspection and other means of making information publicly available** — For purposes of this section, the BC chief electoral officer
 - (a) must have the information referred to in subsection (1) available for public inspection at the Elections BC office during its regular office hours, and
 - (b) may make the information otherwise publicly available, including by having it available on an Elections BC authorized internet site.

10.05 Restrictions on use of personal information

- (1) **Purposes for which personal information may be used** — Where, under this Act, the disclosure, public inspection or other use of or access to records containing personal information is required or authorized, the personal information may only be used as follows:
 - (a) for purposes of this Act or other local elections legislation;
 - (b) for purposes of
 - (i) Division 6 [*Conflict of Interest*] or Division 7 [*Challenge of Council Member Qualification for Office*] of Part 4 of the *Community Charter*, including, for certainty, for purposes of those provisions as they apply to local authorities other than municipal councils,
 - (ii) sections 141, 142.1 to 142.3 and 145.2 to 145.92 of the *Vancouver Charter*, including, for certainty, for purposes of those provisions as they apply to local authorities other than the Council of the City of Vancouver,
 - (iii) Part 5 [*Conflict of Interest*] of the *School Act*, or
 - (iv) a conflict of interest provision of another enactment as prescribed by regulation;
 - (c) for purposes authorized by the *Freedom of Information and Protection of Privacy Act*;
 - (d) for other purposes permitted by regulation, subject to any restrictions or requirements established by regulation.
- (2) **Offence** — An individual or organization that uses personal information from records referred to in subsection (1), other than as permitted under that subsection, commits an offence.

10.06 General information rules

- (1) **Collection of personal information** — If an election administration authority is required or authorized under this Act or other local elections legislation to collect personal information, that election administration authority

- (a) may provide the information to another election administration authority, for the other authority to use in relation to exercising a power or performing a duty under local elections legislation, and
 - (b) may authorize another election administration authority to collect the information on behalf of the first election administration authority for use in relation to exercising a power or performing a duty under local elections legislation.
- (2) **Regulations respecting the collection, use and disclosure of personal information** — The Lieutenant Governor in Council make regulations requiring or authorizing the collection, use and disclosure of personal information by election administration authorities for purposes of this Act or other local elections legislation, but not for any other purpose.
- (3) **Relationship with *Freedom of Information and Protection of Privacy Act*** — To the extent of any inconsistency or conflict with the *Freedom of Information and Protection of Privacy Act*, this Act applies despite that Act.

PART 11 – ADMINISTRATION AND OTHER MATTERS

Division 1 – Elections BC Responsibilities

11.01 Role of the BC chief electoral officer

- (1) **Administration** — The BC chief electoral officer is responsible for administering compliance with this Act and the regulations under this Act in relation to candidates, elector organizations, financial agents, third party sponsors, assent voting sponsors and other individuals and organizations regulated under this Act.
- (2) **Reports and recommendations** — In relation to the responsibilities under subsection (1), the BC chief electoral officer must
 - (a) conduct general reviews of election and assent voting financing matters that are dealt with under this Act and of their administration under this Act, and
 - (b) report and make recommendations to the Technical Advisory Committee respecting the results of such reviews.

11.02 Administrative matters

- (1) **Elections BC staff** — Section 10 [*general staff of the chief electoral officer*] of the *Election Act* applies to the BC chief electoral officer in relation to that officer's duties of office under this Act.
- (2) **Delegation authority** — The BC chief electoral officer may delegate in writing to an individual appointed under section 10 (1) [*Elections BC employees*] of the *Election Act* the authority to exercise any power and perform any duty assigned to the BC chief electoral officer under this Act, subject to any limits or conditions imposed by the BC chief electoral officer.
- (3) **Elections BC expenses** — All necessary expenses required for the BC chief electoral officer to perform that officer's duties of office under this Act must be paid out of the general fund of the consolidated revenue fund.
- (4) **Approval required for payments** — The BC chief electoral officer must approve all amounts to be paid under the authority of this section, with this approval authority subject to any applicable regulations.
- (5) **Amounts received to be transferred to consolidated revenue fund** — Amounts that are to be paid to the BC chief electoral officer under this Act and are received by that officer must be paid into the consolidated revenue fund.

11.03 Elections BC notice to local authority

The BC chief electoral officer must notify the applicable local authority officer of the following:

- (a) any requirements for a supplementary report in relation to an election for the jurisdiction;
- (b) any additions to the disqualification list under section 10.03 [*disqualification list to be maintained*] that apply in relation to the jurisdiction;

(c) any other matters prescribed by regulation.

11.04 Minor corrections to disclosure statements and supplementary reports

- (1) Subject to this section and any applicable regulations, if, in reviewing a disclosure statement or supplementary report, the BC chief electoral officer becomes aware of an error or omission that the BC chief electoral officer considers does not materially affect the substance of the statement or report, that officer may correct the error or omission.
- (2) A correction under this section may be made only with
 - (a) the consent of the candidate, elector organization, third party sponsor or assent voting sponsor in relation to which the disclosure statement or supplementary was filed, or
 - (b) in the case of a statement or report for a candidate or elector organization, with the consent of the financial agent.

11.05 Late filing extensions in extraordinary circumstances

- (1) **Extension of time for filing without penalty** — Subject to any additional restrictions established by regulation, the BC chief electoral officer, on request, may make an order extending the time for filing a disclosure statement without payment of a late filing penalty fee that would otherwise apply.
- (2) **No extension beyond 120-day filing period** — An order under this section may not extend the time for filing the disclosure statement to a time later than 120 days after general voting day for the election or assent voting to which the disclosure statement relates.
- (3) **Circumstances in which extension may be made** — The BC chief electoral officer may make an order under this section only if satisfied, having regard to the purposes of this Act,
 - (a) that it is appropriate to provide the extension, and
 - (b) that the disclosure statement cannot be filed before the time referred to in subsection (1) by reason of an emergency or other extraordinary circumstance.

11.06 Retention of disclosure records

- (1) **Retention period** — The BC chief electoral officer must retain the disclosure statements and supplementary reports under this Act until at least 4 years after general voting day for the election or assent voting to which they relate.
- (2) **Transfer to provincial archives** — The minister responsible for the administration of the *Document Disposal Act* may require that the records referred to in subsection (1) be given into the custody of the archives of the government after the end of the applicable retention period under that subsection.

- (3) **Notice of retention period end** — For purposes of subsection (2), the chief electoral officer must give notice to the minister before the end of each retention period.

Division 2 – Local Authority Responsibilities

11.07 Information to be provided to Elections BC

- (1) **Candidate information** — As soon as practicable after an individual is declared to be a candidate, the local election officer must ensure that the following information is provided to the BC chief electoral officer:
- (a) the full name of the candidate;
 - (b) if applicable, the usual name of the candidate proposed to be used on the ballot;
 - (c) the jurisdiction in relation to which and the office for which the individual is a candidate;
 - (d) the required contact information and address for service of the candidate;
 - (e) if the candidate has appointed a financial agent, the name, required contact information and address for service of the financial agent;
 - (f) if applicable, the name of the elector organization that is endorsing the candidate;
 - (g) any other information required by regulation to be provided.
- (2) **Elector organization information** — As soon as practicable after receiving the endorsement documents for an elector organization, the local election officer must provide a copy of those documents to the BC chief electoral officer.
- (3) **Updated information** — If the local election officer receives updated information respecting any of the information or material to be provided to the BC chief electoral officer under this section, that local election officer must ensure that the updated information is provided to the BC chief electoral officer as soon as practicable.
- (4) **Other information** — The local election officer must provide the following to the BC chief electoral officer as soon as practicable:
- (a) the names of the candidate or candidates declared elected in an election for the jurisdiction;
 - (b) any other information required by regulation to be provided.

11.08 Local authority report of non-compliance

- (1) **What is to be included in the report** — Following an election for a jurisdiction, the designated local authority officer must, as soon as practicable, prepare a report of the following individuals and organizations:
- (a) any candidate or elector organization for which the required disclosure statement is not filed before the late filing penalty fee becomes applicable;

- (b) any candidate or elector organization for which the required disclosure statement is not filed by the compliance deadline for the statement.
- (2) **Report to be presented at open meeting of local authority** — As soon as practicable after it is prepared, a report under subsection (1) must be presented at an open meeting of the local authority.

Division 3 – Technical Advisory Committee

11.09 Technical Advisory Committee

- (1) **Establishment of committee** — The Technical Advisory Committee is established consisting of the individuals appointed under subsection (2).
- (2) **Appointment of members** — Subject to subsection (4), the following individuals may be appointed as members of the advisory committee:
 - (a) a representative appointed by the Union of British Columbia Municipalities;
 - (b) a representative appointed by the Local Government Management Association;
 - (c) a representative appointed by the British Columbia School Trustees Association;
 - (d) a staff member of Elections BC appointed by the BC chief electoral officer;
 - (e) a staff member of the ministry of the minister responsible for the administration of this Act, appointed by the Inspector of Municipalities;
 - (f) a staff member of the ministry of the minister responsible for the administration of the *Election Act*, appointed by the Deputy Attorney General;
 - (g) a staff member of the ministry of the minister responsible for the administration of the *School Act*, appointed by the deputy minister of that ministry;
 - (h) a representative appointed as provided by regulation, if applicable.
- (3) **Designated alternates** — Subject to subsection (4), a member of the advisory committee may designate another individual to attend a committee meeting in the member's place and that individual may act in the member's place at that meeting.
- (4) **Restrictions on who may serve on the committee** — The following individuals are not eligible to be appointed under subsection (2) or designated under subsection (3):
 - (a) an individual who is elected or appointed as a member of a local authority,
 - (b) an individual who is elected as a member of the Legislative Assembly, or
 - (c) an individual who is appointed as a member of the Executive Council.
- (5) **Reappointment** — An individual may be reappointed to the advisory committee.

- (6) **Chair and vice-chair** — The members of the advisory committee must elect a chair and vice-chair from among the committee's members.

11.10 Role of advisory committee

- (1) **General role** — The role of the advisory committee is to be a forum for discussing matters of common interest to the represented authorities respecting the administration and application of this Act and the regulations under this Act.
- (2) **Specific responsibilities** — Without limiting subsection (1), the advisory committee is to be a forum for discussing the following:
- (a) the development and provision of public information and education respecting this Act;
 - (b) the development and provision of information and training for local authority officials administering this Act;
 - (c) the provision of specific advice to participants in the election or assent voting process respecting the application of this Act;
 - (d) the process and scope for sharing information and records between election administration authorities;
 - (e) the referral of complaints to local authorities under section 9.04 (1) (b) *[complaints regarding contraventions of this Act – referral of matter to local authority]*;
 - (f) the forms for disclosure statements and supplementary reports to be considered for approval by the BC chief electoral officer;
 - (g) reports of the BC chief electoral officer under section 11.01 (2) *[reports and recommendations in relation to general reviews]*.

11.11 Advisory committee meetings

- (1) **Meeting rules** — Subject to this Division, the advisory committee may make rules governing its practices and procedures.
- (2) **Meeting called by chair** — Meetings of the advisory committee may be called at any time by the chair of the committee.
- (3) **Meeting called on request** — If requested in writing by 2 or more members of the advisory committee, the chair of the committee must call a meeting of the committee as soon as practicable.
- (4) **Meeting participation** — A meeting of the advisory committee may be conducted using electronic or other communications facilities, and a member participating in a meeting using such facilities is deemed to be present at the meeting.
- (5) **Meeting costs** — The cost of a committee member attending a meeting, other than the cost of the representative of the BC chief electoral officer, is not part of the administrative costs incurred by that officer under this Act.
- (6) **Meeting records** — The advisory committee must make available to the public, on request, a summary of the proceedings of a meeting of the committee.

Division 4 – Miscellaneous

11.12 Address for service requirements and delivery of notices

- (1) **Requirements under this Act or other local elections legislation** — This section applies in relation to a requirement under this Act or other local elections legislation for an individual or organization to provide an address for service at which notices and other communications will be accepted as served on or otherwise delivered to the individual or organization.
- (2) **Address must be provided** — To satisfy the requirement referred to in subsection (1), the individual or organization must provide a mailing address or email address as an address for service.
- (3) **Alternative addresses may be provided** — In addition to the required address under subsection (2), the individual or organization may provide one or more of the following as an additional address for service:
 - (a) an email address in addition to the mailing address;
 - (b) a mailing address in addition to the email address;
 - (c) a fax number;
 - (d) any other form of address prescribed by regulation.
- (4) **Delivery using address for service** — In relation to a requirement or authority under this Act or other local elections legislation to
 - (a) serve a notice or other communication on an individual or organization that has provided an address for service, or
 - (b) give a notice or other communication to such an individual or organization,
 that service or notice may be made by sending the record to the most recent address for service provided by the individual or organization.
- (5) **Time when notice considered to have been received** — If a notice or other communication is sent in accordance with subsection (4), the communication is deemed to have been received by the individual or organization to which it was sent as follows:
 - (a) if the communication is sent by ordinary or registered mail to the mailing address provided as an address for service, on the 5th day after it is mailed;
 - (b) if the communication is sent by email to the email address provided as an address for service, on the 3rd day after it is sent;
 - (c) if the communication is sent by fax to the fax number provided as an address for service, on the 3rd day after it is faxed;
 - (d) if the communication is sent to a form of address prescribed by regulation, in accordance with the regulations.
- (6) **Other means of service** — For certainty, this section provides additional means of service and does not affect other means of service authorized by law.

11.13 Solemn declarations

- (1) **Requirements for solemn declaration** — If a solemn declaration is required to be provided under this Act, the declaration must be
 - (a) made on oath or by solemn affirmation,
 - (b) made before an individual authorized to take the oath or solemn affirmation, and
 - (c) signed by the individual making the oath or solemn affirmation and by the individual before whom it is made.
- (2) **Who may take solemn declarations** — The following individuals are authorized to take a solemn declaration required under this Act:
 - (a) a commissioner for taking affidavits for British Columbia;
 - (b) the BC chief electoral officer or a delegate authorized under section 11.02 (2) [*delegation to Elections BC staff*];
 - (c) a local election officer or a delegate authorized by such an officer under this Act or other local elections legislation.
- (3) **Prescribed form of declaration** — If applicable, the solemn declaration must be made in a form prescribed by the regulation.

Division 5 – Orders and Regulations

11.14 Minister orders in special circumstances

- (1) **Minister responsible authority** — If the minister responsible in relation to an election or assent voting considers this is necessary because of special circumstances respecting
 - (a) the election or assent voting, or
 - (b) a candidate, elector organization, third party sponsor or assent voting sponsor,
 the minister may make any order the minister considers appropriate to achieve the purposes of this Act.
- (2) **Included powers** — Subject to subsection (3), an order under subsection (1) may provide an exception to or modification of this Act or a regulation under this Act, including extending a time period or establishing a new date in place of a date set under this Act and giving any other directions the minister considers appropriate in relation to this.
- (3) **Restrictions in relation to relief** — An order under this section may not provide relief
 - (a) that could be provided under section 11.05 [*Elections BC late filing extension in extraordinary circumstances*], or
 - (b) that could be provided by a court order under Part 8 [*Court Orders for Relief*], or that could have been provided by such a court order if an application had been made within the applicable time limit under that Part.
- (4) **Relationship with other election order authority** — For certainty, the authority under this section is additional to the authority under section 155 [*minister*

orders in special circumstances] of the *Local Government Act* or section 127 of the *Vancouver Charter*.

11.15 Regulations

Without limiting section 41 of the *Interpretation Act*, the Lieutenant Governor in Council may make regulations as required or otherwise contemplated by this Act.

11.16 Commencement

This Act comes into force on the date of Royal Assent, but does not apply in relation to elections that are held before the 2014 general local election.

SCHEDULE — DEFINITIONS AND INTERPRETATION

S-01 Definitions

1 In this Act:

“address for service”, in relation to an individual or organization, means an address provided in accordance with section 11.12 [*address for service requirements*] as an address at which notices and other communications will be accepted as served on or otherwise delivered to the individual or organization;

“advisory committee” means the Technical Advisory Committee under section 11.09 [*Technical Advisory Committee*];

“assent voting” means voting to which this Act applies under section 1.02 [*assent voting to which this Act applies*];

“assent voting advertising” means assent voting advertising within the meaning of section 1.09 [*what is assent voting advertising*];

“assent voting disclosure statement” means a disclosure statement under Division 3 [*Third Party Advertising Disclosure Requirements*] of Part 6 [*Third Party Election Advertising*] as it applies in relation to assent voting advertising that is not election advertising;

“assent voting sponsor” means

- (a) an individual or organization that sponsors non-election assent voting advertising,
- (b) an individual or organization that registers under Division 2 [*Registration of Third Party Sponsors*] of Part 6 [*Third Party Election Advertising*] as it applies to non-election assent voting advertising, and
- (c) in relation to obligations applicable under this Act to an individual or organization as an assent voting sponsor, an individual or organization that was an assent voting sponsor;

“attributed” means attributed in accordance with the regulations;

“BC chief electoral officer” has the same meaning as “chief electoral officer” in the *Election Act*;

“campaign account” means an account established

- (a) under section 2.06 [*requirement for candidate campaign account*] in relation to the election campaign of a candidate, or
- (b) under section 2.08 [*requirement for elector organization campaign account*] in relation to the election campaign of an elector organization;

“campaign contribution” means a campaign contribution within the meaning of section 2.01 [*campaign contributions to candidate or elector organization*];

“campaign period” means,

- (a) in relation to an election, the period that
 - (i) begins on the 46th day before general voting day for an election, and
 - (ii) ends at
 - (A) the close of general voting for the election in the case of an election by voting, and
 - (B) the end of general voting day in the case of an election by acclamation, and
- (b) in relation to assent voting to which Part 7 *[Assent Voting Advertising That Is Not Election Advertising]* applies, the period referred to in section 7.01 (b) *[application of Act to non-election assent voting advertising]*;

“campaign period expense” means a campaign period expense within the meaning of section 2.03 *[what are campaign period expenses]*;

“candidate” includes

- (a) an individual who intends to become a candidate in an election,
- (b) an individual who is seeking or intends to seek endorsement by an elector organization in relation to an election, and
- (c) in relation to obligations applicable under this Act to an individual as a candidate, an individual who was a candidate;

“candidate disclosure statement” means a disclosure statement required under section 3.01 *[disclosure statements required for candidates]*;

“compliance deadline” means the following:

- (a) in relation to a disclosure statement, the applicable compliance deadline established by
 - (i) section 3.02 (4) *[compliance deadline for candidate disclosure statement]*,
 - (ii) section 4.02 (4) *[compliance deadline for elector organization disclosure statement]*, or
 - (iii) section 6.14 (3) *[compliance deadline for third party disclosure statement]*;
- (b) in relation to a supplementary report, the applicable compliance deadline established by
 - (i) section 3.06 (1) *[compliance deadline for candidate supplementary report]*,
 - (ii) section 4.06 (1) *[compliance deadline for elector organization supplementary report]*, or
 - (iii) section 6.18 (1) *[compliance deadline for third party supplementary report]*;

“contributor class”, in relation to a campaign contribution provided to a candidate or elector organization or in relation to a sponsorship

contribution to a third party sponsor or assent voting sponsor, the class of contributor as described in the following classes:

- (a) individuals;
- (b) corporations;
- (c) unincorporated organizations engaged in business or commercial activity;
- (d) trade unions;
- (e) non-profit organizations;
- (f) other identifiable contributors;
- (g) anonymous contributors;
- (h) any other contributor class established by regulation;

“court order for relief” means a court order under the applicable provision of Part 8 [*Court Orders for Relief*];

“declared”, in relation to a candidate, means declared as a candidate under section 74 [*declaration of candidates*] of the *Local Government Act* or section 46 of the *Vancouver Charter*;

“designated local authority officer”, in relation to a matter, means

- (a) the local authority official assigned responsibility for the matter by the local authority, or
- (b) if no such assignment has been made, whichever of the following is applicable:
 - (i) in relation to a municipality other than the City of Vancouver, the municipal corporate officer;
 - (ii) in relation to the City of Vancouver or the Vancouver Park Board, the City Clerk;
 - (iii) in relation to a regional district, the regional district corporate officer;
 - (iv) in relation to the Islands Trust, the secretary;
 - (v) in relation to a board of education, the secretary treasurer;
 - (vi) in relation to any other jurisdiction, the official designated by regulation;

“designated principal official” means,

- (a) in relation to an elector organization, the responsible principal official designated as required under section 2.09 (1) (b) [*principal official authorized to make declarations for elector organization*], or
- (b) in relation to a third party sponsor or assent voting sponsor that is an organization, the responsible principal official currently designated as required under section 6.19 (1) (b) [*principal official authorized to make declarations for organization*];

“directed advertising” means directed advertising within the meaning of section 1.08 [*types of third party advertising – issue advertising and directed advertising*];

“disclosure requirements” means, as applicable, the requirements under

- (a) Part 3 [*Campaign Financing Disclosure by Candidates*],
- (b) Part 4 [*Campaign Financing Disclosure by Elector Organizations*], or
- (c) Division 3 [*Third Party Advertising Disclosure Requirements*] of Part 6 [*Third Party Election Advertising*]

in relation to a disclosure statement and supplementary report;

“disclosure statement” means, as applicable,

- (a) a candidate disclosure statement,
- (b) an elector organization disclosure statement,
- (c) a third party disclosure statement, or
- (d) an assent voting disclosure statement;

“election” means an election to which this Act applies under section 1.01 [*elections to which this Act applies*];

“election administration authority” means any of the following:

- (a) the BC chief electoral officer;
- (b) the minister responsible for this Act;
- (c) a minister responsible for another enactment that is local elections legislation;
- (d) a local authority;
- (e) a local election officer;
- (f) any prescribed authority;

“election advertising” means election advertising within the meaning of section 1.06 [*what is election advertising*];

“election campaign” means, as applicable,

- (a) an election campaign of a candidate within the meaning of section 1.04 [*what is the election campaign of a candidate*], or
- (b) an election campaign of an elector organization within the meaning of section 1.05 [*what is the election campaign in relation of an elector organization*];

“election expense” means an election expense within the meaning of section 2.02 [*election expenses of candidates and elector organizations*];

“Elections BC” means the office administered by the BC chief electoral officer under the *Election Act*;

“Elections BC authorized internet site” means an internet site

- (a) maintained by Elections BC, or
- (b) authorized by the BC chief electoral officer to be used for purposes of this Act or other local elections legislation;

“elector organization” includes

- (a) an organization that intends to endorse a candidate in an election, and

- (b) in relation to obligations applicable under this Act to an organization as an elector organization, an organization that was an elector organization;

“elector organization disclosure statement” means an election financing disclosure statement required under section 4.01 [*disclosure statements required for elector organizations*];

“endorsed” includes, subject to any applicable regulations, an elector organization having filed documents for the purpose of endorsement under

- (a) Division 6.1 [*Candidate Endorsement by Elector Organization*] of Part 3 [*Electors and Elections*] of the *Local Government Act*, or
- (b) Division 6.1 of Part I of the *Vancouver Charter*;

“established elector organization” means an elector organization that has a continuing purpose related to the election of candidates endorsed by the organization;

“financial agent” means,

- (a) in relation to a candidate, the financial agent under section 2.05 [*financial agent for candidate*],
- (b) in relation to an elector organization, the financial agent under section 2.07 [*financial agent for elector organizations*], and
- (c) in relation to obligations applicable under this Act to an individual as financial agent, an individual who was a financial agent;

“general local election” includes the elections that are held at the same time as a general local election under the *Local Government Act*;

“incurring an election expense” means using property or services in such a manner that the value of the property or services is an election expense;

“issue advertising” means issue advertising within the meaning of section 1.08 [*types of third party advertising – issue advertising and directed advertising*];

“jurisdiction” means,

- (a) in relation to an election, the applicable jurisdiction referred to in section 1.01 [*elections to which this Act applies*] for which the election is being held, and
- (b) in relation to assent voting, the jurisdiction for which the assent voting is being conducted;

“jurisdiction area” means the municipality, regional district, trust area, school district or equivalent geographic area for a jurisdiction;

“late filing deadline” means,

- (a) in relation to
 - (i) a candidate disclosure statement,
 - (ii) an elector organization disclosure statement, or

- (iii) a third party disclosure statement, 120 days after general voting day for the election to which the statement relates, and
- (b) in relation to an assent voting disclosure statement, 120 days after general voting day for the assent voting to which the statement relates;

“late filing penalty fee” means the applicable penalty fee under

- (a) section 3.02 (2) [*late filing for candidate disclosure statement*],
- (b) section 4.02 (2) [*late filing for elector organization disclosure statement*], or
- (c) section 6.14 (2) [*late filing for third party or assent voting sponsor disclosure statement*]

for filing a disclosure statement after the time established by this Act for filing without a penalty fee;

“local authority” means,

- (a) in relation to an election, the applicable local authority under section 1.01 [*elections to which this Act applies*], and
- (b) in relation to assent voting, the applicable jurisdiction for the assent voting;

“local authority offices” means,

- (a) in relation to a local government, the local government offices, and
- (b) in relation to another form of local authority, the location of the regular office of the designated local authority officer;

“local election officer”, in relation to a jurisdiction, means

- (a) the chief election officer for the jurisdiction within the meaning of the *Local Government Act* or *Vancouver Charter*, as applicable, or
- (b) if at the applicable time no individual is appointed as that official, the designated local authority officer;

“local elections legislation” means

- (a) this Act and the regulations under this Act,
- (b) the enactments referred to in sections 1.01 [*elections to which this Act applies*] and 1.02 [*assent voting to which this Act applies*] and the regulations under those enactments, as they apply in relation to elections or assent voting to which this Act applies, and
- (c) any other prescribed enactment as it applies in relation to elections or assent voting to which this Act applies;

“local government” includes the council of the City of Vancouver;

“market value” means, in relation to property or services, the lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time;

“minister responsible”, in relation to an election or assent voting, means the minister responsible for the enactment under which, as applicable,

- (a) the local authority for the applicable jurisdiction is established or continued, or
- (b) the assent voting is required to be conducted;

“money” includes cash, a negotiable instrument, payment by means of credit card and any form of electronic payment or transfer of funds;

“nomination deposit” means an applicable nomination deposit required under

- (a) section 72.1 [*nomination deposits*] of the *Local Government Act*, or
- (b) section 44.1 [*nomination deposits*] of the *Vancouver Charter*;

“non-election assent voting advertising” means assent voting advertising to which Part 7 [*Assent Voting Advertising That Is Not Election Advertising*] applies;

“non-monetary property” means property other than money;

“organization” means a corporation or an unincorporated organization;

“personal election expenses” means personal election expenses in relation to a candidate within the meaning of section 2.03 (3) [*what are campaign period expenses*];

“personal information of an individual” means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*;

“principal official” in relation to an organization means,

- (a) in the case of an organization that is a corporation, a director of the corporation, and
- (b) in the case of an organization that is not a corporation, a director or a principal officer of the organization or, if there are no directors or principal officers, a principal member of the organization;

“property” means property or the use of property, as applicable;

“provided without compensation” means provided without compensation by way of donation, advance, deposit, discount or otherwise;

“required contact information”, in relation to an individual, means all of the following:

- (a) a mailing address for the individual;
- (b) a telephone number at which the individual can be contacted;
- (c) an email address at which the individual can be contacted, unless the individual does not have such an address;

“responsible principal official” means,

- (a) in relation to an elector organization, an individual identified as a responsible principal official of the organization under section 2.09 *[responsible principal officials for elector organization]*, or
- (b) in relation to a third party sponsor or assent voting sponsor that is an organization, an individual identified as a responsible principal official of the organization under section 6.10 *[responsible principal officials for elector organization]*;

“shared election expense” means

- (a) election advertising sponsored by
 - (i) two or more candidates,
 - (ii) two or more elector organizations, or
 - (iii) one or more candidates together with one or more elector organizations,
 acting in combination, such that a portion of the total value of the election advertising is an election expense of each candidate or elector organization participating in the sponsorship, or
- (b) the use of property or services other than election advertising by
 - (i) two or more candidates,
 - (ii) two or more elector organizations, or
 - (iii) one or more candidates together with one or more elector organizations,
 acting in combination, such that a portion of the total value of the property or services is an election expense of each candidate or elector organization participating in that use;

“significant contributor” means

- (a) in relation to campaign contributions, an individual or organization that
 - (i) made a campaign contribution having a value of \$100 or more, or
 - (ii) made more than one campaign contribution to the same candidate or elector organization such that the total value of the campaign contributions to that candidate or elector organization is \$100 or more, and
- (b) in relation to sponsorship contributions, an individual or organization that
 - (i) made a sponsorship contribution having a value of \$100 or more, or
 - (ii) made more than one sponsorship contribution to the same individual or organization such that the total value of the sponsorship contributions to that individual or organization is \$100 or more;

“specifically related”, in relation to election advertising, means specifically related within the meaning of section 1.08 *[types of election advertising: issue advertising and directed advertising]*;

“sponsor”, in relation to election advertising or non-election assent voting advertising, means the individual or organization that is the sponsor within the meaning of section 1.10 [*who is the sponsor of election advertising or non-election assent voting advertising*];

“sponsorship contribution” means a sponsorship contribution within the meaning of section 6.02 [*what are sponsorship contributions*] to a third party sponsor or an assent voting sponsor;

“supplementary report” means a supplementary report required under

- (a) section 3.05 [*requirement for candidate supplementary report*] in relation to a candidate disclosure statement,
- (b) section 4.05 [*requirements for elector organization supplementary report*] in relation to an elector organization disclosure statement, or
- (c) section 6.17 [*requirement for third party supplementary report*] in relation to a third party disclosure statement or an assent voting disclosure statement;

“third party advertising” means election advertising that is third party advertising within the meaning of section 1.07 [*what is third party advertising*];

“third party advertising use”, in relation to a sponsorship contribution to an individual or organization that is or becomes a third party sponsor, means use in relation to the sponsorship of third party advertising by the individual or organization;

“third party disclosure statement” means a disclosure statement under Division 3 [*Disclosure Requirements for Third Party Sponsors*] of Part 6 [*Third Party Advertising*];

“third party sponsor” means

- (a) an individual or organization that sponsors third party advertising, and
- (b) in relation to obligations applicable under this Act to the individual or organization as a third party sponsor, an individual or organization that was a third party sponsor;

“volunteer” means an individual who provides services for no remuneration or material benefit, but does not include

- (a) an individual who is employed by an employer, if the employer makes the services available at the employer’s expense, or
- (b) an individual who is self-employed, if the services provided by the individual are normally sold or otherwise charged for by the individual.

S-02 How this Act applies in relation to other legislation

- (1) **Other definitions that apply to this Act** — Subject to the definitions under this Act,
 - (a) the definitions in the *Community Charter* and the *Local Government Act* apply to this Act in relation to elections to which Part 3 [*Electors and*

Elections] of the *Local Government Act* applies and in relation to assent voting to which Part 4 [*Assent Voting*] of that Act applies, and

- (b) the definitions in the *Vancouver Charter* apply to this Act in relation to elections to which Part I [*Electors and Elections*] of the *Vancouver Charter* applies and in relation to assent voting to which Part II [*Assent Voting*] of that Act applies.

- (2) **Application of definitions in this Act to other enactments** — So far as the terms defined can be applied, the definitions under this Act extend to all enactments relating to election and assent voting matters that are dealt with by this Act.

S-03 References to other Acts

Where this Act or a regulation under this Act refers to the *Local Government Act*, *Community Charter* or *Vancouver Charter*, or a provision of one of those Acts, the reference extends to an election, assent voting or other matter under another enactment to which the referenced Act or provision applies.

S-04 Internal description notes

Use of internal description notes — If, at the beginning of a provision of this Act or the regulations under this Act, there is bold text, ending with a dash, that is or purports to be descriptive of the subject matter of the provision, that text is not part of the provision and must be considered to have been added editorially for convenience of reference only.

Candidate Nomination and Elector Organization Endorsement

Local Government Act provisions as they would be amended
for purposes of the proposed *Local Elections Campaign Financing Act*

Nomination documents

- 72** (1) A nomination for local government office must be in writing and must include the following:
- (a) the full name of the person nominated;
 - (b) the usual name of the person nominated, if the full name of the person is different from the name the person usually uses and the person wishes to have his or her usual name on the ballot instead;
 - (c) the office for which the person is nominated;
 - (d) the residential address of the person nominated, and the mailing address if this is different;
 - (e) the names and residential addresses of the nominators and, if a nominator is a non-resident property elector, the address of the property in relation to which the nominator is such an elector;
 - (f) a statement signed by the nominators that, to the best of their knowledge, the person nominated is qualified under section 66 *[who may hold elected office as a member of a local government]* to be nominated.
- (2) For a nomination to be accepted for filing, the nomination must be accompanied by the following:
- (a) a statement signed by the person nominated consenting to the nomination;
 - (b) a solemn declaration in accordance with subsection (3) of the person nominated, either made in advance or taken by the chief election officer at the time the nomination documents are delivered;
 - (c) as applicable, a signed declaration of the person nominated
 - (i) that the person is acting as his or her own financial agent, or
 - (ii) identifying the person who is appointed under the *Local Elections Campaign Financing Act* to act as that financial agent;
 - (d) the written disclosure required by section 2 (1) of the *Financial Disclosure Act*.
- (3) For the purposes of subsection (2) (b), the person nominated must make a solemn declaration
- (a) that he or she is qualified under section 66 *[who may hold office]* to be nominated for the office,

- (b) that, to the best of the person's knowledge and belief, the information provided in the nomination documents is true,
- (c) that the person fully intends to accept the office if elected, and
- (d) that the person
 - (i) is aware of the *Local Elections Campaign Financing Act*,
 - (ii) understands the requirements and restrictions that apply to the person under that Act, and
 - (iii) intends to fully comply with those requirements and restrictions.
- (4) A person must not consent to be nominated knowing that he or she is not qualified to be nominated.

Nomination by delivery of nomination documents

- 73**
- (1) In order to make a nomination,
 - (a) the nomination documents required by section 72, and
 - (b) if applicable, the nomination deposit required under section 72.1
 must be received before the end of the nomination period by the chief election officer or a person designated by the chief election officer for this purpose.
 - (2) The obligation to ensure that the nomination documents and nomination deposit are received in accordance with this section rests with the person being nominated.
 - (3) For the purposes of subsection (1), the nomination documents and nomination deposit
 - (a) must be received at the local government offices during its regular office hours, and
 - (b) may be received at other times and places as specified by the chief election officer.
 - (4) Nomination documents may be delivered by hand, by mail or other delivery service, by fax or by email, with originals to follow.
 - (5) If the originals of nomination documents delivered by fax or email are not received by the chief election officer by the end of the 29th day before general voting day, the person nominated is deemed to have withdrawn from being a candidate in the election.
 - (5.1) After receiving nomination documents, the chief election officer must review the list under section 10.03 [*Elections BC to maintain disqualification list*] of the *Local Elections Campaign Financing Act* to determine whether an application must be made under section 73.2 (5) [*challenge required if candidate appears to be disqualified*].
 - (6) Nomination documents delivered to the chief election officer
 - (a) must be available for public inspection in the local government offices during its regular office hours from the time of delivery until 30 days after the declaration of the election results under section 136, and

- (b) if a bylaw under subsection (7) applies, must be made available to the public in accordance with the bylaw.
- (7) A local government may, by bylaw, provide for public access to nomination documents, during all or part of the period referred to in subsection (6) (a), in any manner the local government considers appropriate, including by the Internet or other electronic means.
- (8) A person who inspects or otherwise accesses nomination documents under this section must not use the information included in them except for the purposes of this Act or the *Local Elections Campaign Financing Act*.

Other information to be provided by candidate

- 73.1** (1) A person who is nominated for local government office must, before the end of the nomination period, provide the following to the chief election officer:
- (a) a telephone number at which the person may be contacted;
 - (b) an email address at which the person may be contacted, unless the person does not have such an address;
 - (c) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the person;
 - (d) if applicable, the information and material required under section 2.05 (5) [*candidate financial agent appointment documents*] of the *Local Elections Campaign Financing Act*;
 - (e) any other information or material required by regulation under section 156 [*election regulations*].
- (2) If the information and materials referred to in subsection (1) are not received by the chief election officer by the end of the nomination period, the person nominated is deemed to have withdrawn from being a candidate in the election.
- (3) If the information or material to be provided to the chief election officer under this section changes, the person nominated must provide updated information to that officer or the designated local government officer as soon as practicable.

Challenge of nomination

- 73.2** (1) A nomination may only be challenged by an application to the Provincial Court in accordance with this section.
- (2) The time period during which a challenge may be made is between the time of the delivery of the nomination documents in accordance with section 73 and 4 p.m. on the fourth day after the end of the nomination period.
- (3) A challenge may be made only by
- (a) a person who is an elector of the municipality or electoral area for which the election is being held,
 - (b) another nominee in the same election, or

- (c) the chief election officer.
- (4) A challenge may only be made on one or more of the following bases:
 - (a) that the person is not qualified to be nominated or elected;
 - (b) that the nomination was not made in accordance with sections 71 to 73;
 - (c) that the usual name given under section 72 (1) (b) in the nomination documents is not in fact the usual name of the person.
- (5) The chief election officer must commence a challenge under this section if, on a review under section 73 (5.1) [*review of disqualification list*], it appears to the chief election officer that a person is disqualified from being nominated.
- (6) The document filed with the court to commence a challenge must briefly set out the facts on which the challenge is based and must be supported by affidavit as to those facts.
- (7) At the time a challenge is commenced, a time must be set for the hearing that is adequate to allow the court to give its decision on the matter within the time limit set by subsection (9).
- (8) The person making a challenge must
 - (a) immediately give notice of the challenge to the chief election officer and the person whose nomination is challenged, and
 - (b) within 24 hours of filing the document commencing the application, serve on these persons that document, the accompanying affidavit and a notice of the time set for the hearing.
- (9) Within 72 hours of the end of the period for commencing a challenge, the court must hear and determine the matter and must issue an order, as applicable,
 - (a) confirming the person as a candidate or declaring that the person is no longer a candidate, or
 - (b) declaring that the person is or is not entitled to have the usual name indicated in the nomination documents used on the ballot.
- (10) The court may order that the costs of a challenge, within the meaning of the Supreme Court Civil Rules, be paid in accordance with the order of the court.
- (11) The decision of the court on a challenge under this section is final and may not be appealed.

Division 6.1 – Candidate Endorsement by Elector Organization

Candidate endorsement by elector organization may be included on ballot

- 73.3** (1) Subject to this section, an incorporated or unincorporated organization may endorse a candidate and have that endorsement included on the ballot for an election if

- (a) the organization makes the endorsement in accordance with section 73.4 [*process for candidate endorsement by elector organization*], and
 - (b) the candidate consents to the endorsement in accordance with that section.
- (2) In order to endorse a candidate, an organization must
- (a) have a membership that, at the time the solemn declaration under section 73.4 (1) (c) is made, includes at least 50 electors of the municipality or regional district for which the election is being held, and
 - (b) must not be disqualified under this or any other Act from endorsing a candidate.
- (3) An organization must not endorse more candidates in an election for a particular office than there are positions to be filled for that office.
- (4) A candidate must not consent to endorsement by more than one organization in relation to the same election for the same office.

Process for candidate endorsement by elector organization

- 73.4** (1) An organization endorses a candidate by filing the following with the chief election officer before the end of the nomination period:
- (a) a statement of
 - (i) the full name of the candidate to be endorsed by the elector organization,
 - (ii) the legal name of the organization, if applicable,
 - (iii) the usual name of the organization, if this is different from its legal name or if it has no legal name,
 - (iv) any abbreviations, acronyms and other names used by the elector organization,
 - (v) subject to the restrictions in subsection (3), which name, abbreviation or acronym the elector organization wishes to have included on the ballot,
 - (vi) the mailing address for the organization and a telephone number at which the organization can be contacted;
 - (vii) an email address at which the organization can be contacted, unless the organization does not have such an address;
 - (b) written consent of the candidate to the endorsement;
 - (c) a solemn declaration in accordance with subsection (2) of the designated principal official of the organization;
 - (d) any other information or material required to be provided by regulation under section 156 [*election regulations*].
- (2) For the purposes of subsection (1) (c), the designated principal official of the organization must make a solemn declaration that, to the best of the knowledge and belief of the official, the organization

- (a) has a membership of at least 50 electors of the municipality or regional district for which the election is being held,
 - (b) is not disqualified from endorsing a candidate,
 - (c) is aware of the *Local Elections Campaign Financing Act*,
 - (d) understands the requirements and restrictions that apply to the organization under that Act,
 - (e) intends to fully comply with those requirements and restrictions, and
 - (f) has authorized the official to make the solemn declaration;
- (3) The name, abbreviation or acronym referred to in subsection (1) (a) (v) must not
- (a) include any matter that is prohibited by section 105 [*what must and must not be included on a ballot*] from being included on the ballot, or
 - (b) be, in the opinion of the chief election officer, so similar to the name, abbreviation or acronym of another elector organization whose endorsement of a candidate appeared on a ballot at the preceding general local election, or at an election after that general local election, as to be confusing to the electors.
- (4) If an organization is filing endorsement documents
- (a) for more than one candidate in the same election, or
 - (b) in more than one election for the same jurisdiction that is being held at the same time,
- a solemn declaration under subsection (1) (c) may be made in relation to any or all of those candidates.
- (5) For the endorsement documents required under subsection (1) to be accepted for filing, the elector organization must provide the following to the chief election officer:
- (a) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the organization;
 - (b) the information required under section 2.09 [*responsible principal officials and designated principal official for elector organization*] of the *Local Elections Campaign Financing Act*;
 - (c) the information and material required under section 2.07 (4) [*elector organization information respecting financial agent*] of the *Local Elections Campaign Financing Act*;
 - (d) any other information or material required to be included by regulation under section 156 [*election regulations*].
- (6) If the information or material required to be provided to the chief election officer under this section changes, the elector organization must provide updated information or material to that officer or the designated local government officer as soon as reasonably practicable.
- (7) After receiving endorsement documents, the chief election officer must review the list under section 10.03 [*Elections BC to maintain disqualification list*] of the *Local Elections Campaign Financing Act* to

determine whether an application must be made under section 73.6 (5) *[challenge required if organization appears to be disqualified]*.

- (8) Section 73 (6) to (8) *[public access to nomination documents]* applies in relation to endorsement documents.

Withdrawal of endorsement on ballot

73.5 An elector organization endorsement must not appear on a ballot if, before 4 p.m. on the 29th day before general voting day,

- (a) the candidate withdraws his or her consent to have the elector organization endorsement appear on the ballot by delivering a signed withdrawal to the chief election officer by that time, or
- (b) the elector organization withdraws its endorsement of the candidate by delivering to the chief election officer by that time a written withdrawal signed by the designated principal official of the elector organization.

Challenge of elector organization endorsement

- 73.6** (1) An endorsement under this Division may only be challenged by an application to the Provincial Court in accordance with this section.
- (2) The time period during which a challenge may be made is between the time of the filing of the endorsement documents in accordance with section 73.4 and 4 p.m. on the 4th day after the end of the nomination period.
- (3) A challenge may only be made by
- (a) a person who is an elector of the jurisdiction,
 - (b) a person nominated as a candidate in the same election as the election in relation to which the endorsement documents were filed or in another election for the jurisdiction that is being held at the same time, or
 - (c) the chief election officer.
- (4) A challenge may only be made on one or more of the following bases:
- (a) that the organization has not in fact endorsed the candidate named in the endorsement documents;
 - (b) that the organization is not qualified to be an elector organization under section 73.4 *[candidate endorsement by elector organization]*;
 - (c) that the organization is disqualified under
 - (i) section 4.08 *[elector organization disqualification for failure to file disclosure statement or supplementary report]*, or
 - (ii) section 4.09 *[elector organization disqualification for false or misleading disclosure]*
 of the *Local Elections Campaign Financing Act* from endorsing a candidate.
- (5) The chief election officer must commence a challenge under this section if, on a review under section 73.4 (7) *[review of disqualification list]*, it appears

to the chief election officer that the organization named in the endorsement documents is not qualified to endorse a candidate.

- (6) Section 73.2 (6), (7), (10) and (11) [*challenge of nomination*] applies in relation to a challenge under this section.
- (7) The person making a challenge must
 - (a) immediately give notice of the challenge to the chief election officer, the organization whose endorsement is being challenged and the candidates endorsed by that organization, and
 - (b) within 24 hours of filing the document commencing the challenge, serve on these persons that document, the accompanying affidavit and a notice of the time set for the hearing.
- (8) Within 72 hours of the end of the period for commencing a challenge, the court must hear and determine the matter and must issue an order, as applicable,
 - (a) declaring that the organization has not endorsed a candidate, or
 - (b) declaring that the organization named in the endorsement documents is or is not qualified to endorse a candidate.

Richmond City Council Comments submitted to UBCM and the Local Government Elections Task Force in 2010 (Approved by Council on April 12, 2010 and December 13, 2010)	Local Government Elections Task Force 2010 Recommendations (Re: consistency with Council's comments)	Proposed Legislation (Re: consistency with Council's comments)
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Specifically-Mandated Task Force Agenda Topics (Submitted by Council in April 2010)		
<i>Richmond City Council supports moving toward a four year election cycle for local government elections, provided that the time frame during which a council may decide that a by-election is not to be held is extended</i>	Consistent Although the Task Force initially recommended extending the term of office to 4 years, a subsequent debate and vote at the 2010 UBCM convention quashed the initiative. Recently, at the 2013 UBCM convention, the membership debated the matter again and voted in favour of a 4 year term. No action has yet to been taken on this latest resolution.	Not Consistent A change in term of office is not proposed in the draft legislation. The term of office remains unchanged (3 year term) as do the regulations regarding the time frame for a council to decide whether a by-election is to be held.
<i>Richmond City Council does not support the reinstatement of the corporate vote</i>	Consistent The Task Force did not recommend that a corporate vote be established	Consistent Not proposed in draft legislation
<i>Richmond City Council does not support the concept of election campaign expenses being reimbursed from public funding sources</i>	Consistent The Task Force did not recommend that a system of public financing be implemented (rebates for campaign contributions or campaign expenses)	Consistent Not proposed in draft legislation
<i>Richmond City Council supports the implementation of a system of tax benefits for contributors to local government election campaigns, provided that the source of funding for such a system comes from <u>provincial income taxes</u>, as the funding from other taxation sources, such as property taxes, would be impractical as many voters are not property owners; however, if the source of funding cannot come from provincial income taxes, that no tax benefit system be implemented at all</i>	Not consistent The Task Force did not recommend that a system of public financing be implemented (tax credits or tax benefits for campaign contributions or campaign expenses)	Not consistent with Council's comments, but consistent with the Task Force recommendation. Not proposed in draft legislation
<i>Richmond City Council supports, in relation to the topic of third party advertising legislative changes that would require all election advertising to include a statement which identifies the sponsor of local election campaign ads, whether sponsored by a candidate, elector organization or by a third party</i>	Consistent The Task Force made recommendations requiring sponsorship information in conjunction with election advertising	Consistent The proposed legislation incorporates all of the Task Force recommendations regarding election advertising

Richmond City Council Comments submitted to UBCM and the Local Government Elections Task Force in 2010 (Approved by Council on April 12, 2010 and December 13, 2010)	Local Government Elections Task Force 2010 Recommendations (Re: consistency with Council's comments)	Proposed Legislation (Re: consistency with Council's comments)
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Specifically-Mandated Task Force Agenda Topics (Submitted by Council in April 2010)		
<i>Richmond City Council supports, in relation to the topic of third party advertising a change to the term "campaign organizer" to a more understandable term such as "third party advertiser"</i>	Consistent The Task Force recommended this name change.	Consistent The term "third party advertiser" is introduced and used throughout the proposed legislation.
<i>Richmond City Council supports, in relation to the topic of third party advertising a province-wide public education campaign outlining the responsibilities and obligations of third party advertisers once they become active in local government elections</i>	Consistent The Task Force recommended that education and advice on new topics (eg. Third party advertising), for new audiences be provided in new ways.	Consistent The White Paper indicates that for the 2014 election, the Ministry will work with UBCM, Elections BC, LGMA and other partners to build on its existing educational programs to ensure election participants and the public receive effective and accurate information.
<i>Richmond City Council supports expanded election enforcement provisions, including new powers of investigation and enforcement, and that the provincial chief electoral officer be made responsible for exercising these new powers on behalf of the public in relation to local government elections;</i>	Consistent The Task Force recommended that a key role be established for Elections BC in terms of enforcement of campaign financing rules.	Consistent The draft legislation includes new powers of investigation and enforcement for Elections BC with regard to campaign financing. New penalties and offences are defined and the chief electoral officer for BC can recommend proceedings on behalf of the public for non-compliance.
<i>Richmond City Council supports the establishment of limits on election expenses / election campaign spending, provided that the disparity between individual candidates and elector organizations be addressed</i>	Consistent The Task Force recommended the implementation of expense limits consistent with several guiding principles: that they be high enough to mount reasonable campaigns but not so high that they allow a few participants to dominate election discourse; that limits need to work in different sized communities; and that limits should have a neutral effect on decisions to create elector organizations or not.	Partially consistent The draft legislation does NOT incorporate any proposed changes in relation to expense limits as the Provincial Government intends to introduce in Phase 2 of the process, a further stakeholder consultation process beginning in November 2013 with a view to making recommendations and introducing legislative changes (if any) for the 2017 election cycle.

Richmond City Council Comments submitted to UBCM and the Local Government Elections Task Force in 2010 (Approved by Council on April 12, 2010 and December 13, 2010)	Local Government Elections Task Force 2010 Recommendations (Re: consistency with Council's comments)	Proposed Legislation (Re: consistency with Council's comments)
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Specifically-Mandated Task Force Agenda Topics (Submitted by Council in April 2010)		
<i>Richmond City Council does not support the establishment of restrictions on who can contribute to election campaigns</i>	Consistent The Task Force did not recommend that campaign contribution sources be restricted or limited.	Consistent The broader issue will not be addressed until 2017, with a new phase of stakeholder consultations taking place starting in November 2013, however, all indications are that the focus will be on expense limits (as opposed to restrictions or limits on contributions and sources) as recommended by the Task Force.
<i>Richmond City Council does not support the establishment of limits on the amount that can be contributed by any single source</i>	Consistent The Task Force did not recommend that campaign contribution amounts be restricted or limited.	Consistent See previous description above.

Other Election Reform Topics Submitted by Richmond Council (But Not Part of the Task Force's Agenda)		
<i>That the Provincial Government address the legislated disparity and unequal treatment of independent candidates versus elector organization endorsed candidates with a view to establishing one set of rules for the disposition of surplus election campaign funds that would apply to all</i>	Not Adopted as a Task Force recommendation.	Not addressed The existing rules governing disposition of surplus campaign remain (for independent candidates, amounts under \$500 as determined by the candidate, amounts over \$500 to be held in trust by the local jurisdiction for next election; for elector organizations, surplus amounts are held and/or disposition determined by the elector organization).

Richmond City Council Comments submitted to UBCM and the Local Government Elections Task Force in 2010 (Approved by Council on April 12, 2010 and December 13, 2010)	Local Government Elections Task Force 2010 Recommendations (Re: consistency with Council's comments)	Proposed Legislation (Re: consistency with Council's comments)
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Other Election Reform Topics Submitted by Richmond Council (But Not Part of the Task Force's Agenda)		
<i>That electors be required to prove their identity and residential address by presenting identification prior to receiving a ballot at a local government election voting opportunity, provided that solemn declarations or "vouching" could be used to accommodate people of no fixed address or people who may not have adequate identification</i>	Not Adopted as a Task Force recommendation.	Not addressed in the proposed legislation.
<i>That the signature requirement for local government election advance elector registration be eliminated so that local governments may explore the implementation of on-line and phone-in municipal voter registration mechanisms</i>	Not Adopted as a Task Force recommendation.	Not addressed in the proposed legislation.
<i>That the Local Government Act provide for the possibility of voting by electronic means and establish the parameters and requirements for an electronic voting system</i>	Not Adopted as a Task Force recommendation, however, the Provincial Government has established an Independent Panel on Internet Voting which is studying the matter and is expecting to make recommendations in 2013. A website documenting the Panel's work can be found at www.intenetvotingpanel.ca	Not addressed in the proposed legislation.
<i>That local governments be permitted to establish, by bylaw, whether the non-resident property elector registration process will be available at every voting place or whether it will be available only at the Election Office, provided that such registration opportunity is available at the Election Office during regular office hours, during all advance voting opportunities, and until the close of voting on General Voting Day</i>	Not Adopted as a Task Force recommendation.	Not addressed in the proposed legislation.

Richmond City Council Comments submitted to UBCM and the Local Government Elections Task Force in 2010 (Approved by Council on April 12, 2010 and December 13, 2010)	Local Government Elections Task Force 2010 Recommendations (Re: consistency with Council's comments)	Proposed Legislation (Re: consistency with Council's comments)
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Other Election Reform Topics Submitted by Richmond Council (But Not Part of the Task Force's Agenda)		
<i>That the apparent discrepancy in the reporting period for election expenses and contributions be addressed and clarified</i>	Not Adopted as a Task Force recommendation.	Partially addressed in that the proposed legislation clarifies that there is no time period which applies to contributions and that they must be recorded and disclosed regardless of when they are received. On the expense side, the proposed legislation recognizes a difference between campaign period expenses (expenses incurred during the 46 days prior to General Voting Day) and expenses incurred during the calendar year of the election – all of which must be recorded and disclosed. It is unclear as to how election expenses incurred outside of the calendar year of the election are to be treated, although this may be addressed in future by regulation.
<i>That the requirement to record in a campaign financial disclosure the names and addresses of two directors or principals of contributing numbered companies or unincorporated organizations be considered satisfied if the information is otherwise publicly available</i>	Not Adopted as a Task Force recommendation.	Not addressed in the proposed legislation. (Previous requirement remains).
<i>That campaign financial disclosures emphasize the net financial benefits flowing from fund-raisers, with the gross costs (expenses) and gross price of tickets sold (contributions) disclosed in a separate schedule which reports the overall net financial benefit of the fund-raiser as part of the main campaign financing disclosure document</i>	Not Adopted as a Task Force recommendation.	Not addressed in the proposed legislation.

Richmond City Council Comments submitted to UBCM and the Local Government Elections Task Force in 2010 (Approved by Council on April 12, 2010 and December 13, 2010)	Local Government Elections Task Force 2010 Recommendations (Re: consistency with Council's comments)	Proposed Legislation (Re: consistency with Council's comments)
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Other Election Reform Topics Submitted by Richmond Council (But Not Part of the Task Force's Agenda)		
<i>That the timing for the processing and receipt of mail-in ballots be reviewed with a view to possibly extending or otherwise providing a longer period of time for the receipt of mail-in ballots so that rigid timelines do not pose an undue restriction on the voting opportunity afforded to electors who are away from the municipality and who choose to vote by mail-in ballot</i>	Not Adopted as a Task Force recommendation.	Not addressed in the proposed legislation.
<i>That the period between the end of the nomination period and General Voting Day be shortened to 28 days</i>	Not Adopted as a Task Force recommendation.	Not addressed in the proposed legislation.
<i>That the City ask the Provincial government to streamline and clarify the requirements of disclosure documents that must be submitted annually under the Financial Disclosure Act (and that form part of the election nomination documents)</i>	Not Adopted as a Task Force recommendation specifically, although a general education and awareness campaign in relation to all changes is recommended.	Not addressed in the proposed legislation specifically, although a general education and awareness campaign in relation to all changes is recommended.
<i>That the campaign financing disclosure requirements regarding in-kind contributions be clarified</i>	Consistent The Task Force recommended that the rules governing in-kind contributions be consistent with provincial election regulations which would reduce confusion.	Consistent The legislation makes these rules parallel to the provincial election rules and the White Paper indicates that a general education and awareness campaign in relation to all changes will be forthcoming.

Further Comments to UBCM on the Implementation of Expense Limits (Submitted in December 2010)		
<i>That UBCM be advised that Richmond City Council supports the key elements and general approach to the establishment of expense limits as described in the BC government paper titled "Implementing Recommendations of the Local Government Elections Task Force: Expense Limits 2011"</i>	Consistent The Task Force recommended the implementation of regulations regarding expense limits.	Partially consistent The draft legislation does NOT incorporate any proposed changes in relation to expense limits, but will consult with stakeholders with a view to implementing changes for the 2017 election.

Richmond City Council Comments submitted to UBCM and the Local Government Elections Task Force in 2010 (Approved by Council on April 12, 2010 and December 13, 2010)	Local Government Elections Task Force 2010 Recommendations (Re: consistency with Council's comments)	Proposed Legislation (Re: consistency with Council's comments)
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Further Comments to UBCM on the Implementation of Expense Limits (Submitted in December 2010)		
<i>That UBCM be advised that Richmond City Council supports the general concept of a ban on anonymous election campaign contributions as described in the BC government paper titled "Implementing Recommendations of the Local Government Elections Task Force: Anonymous Contributions 2011," but is concerned that the implementation of a ban could more acutely impact those who mount modest fundraising campaigns, particularly in smaller communities</i>	Consistent The Task Force recommended a ban on anonymous contributions.	Consistent The draft legislation bans anonymous contributions .
<i>That UBCM be advised that Richmond City Council supports generally an enhanced approach to transparency with regard to disclosure laws and supports specifically an amendment to the legislation that requires the disclosure of campaign contributor's names such that the requirement to disclose would be triggered with a \$50 donation as opposed to the current rule where the requirement is triggered only for donations of \$100 or more</i>	Not Adopted as a Task Force recommendation.	Not addressed in the proposed legislation. The previous \$100 threshold remains to trigger the requirement for more detailed information in disclosure statements; otherwise, amounts under \$100 are reported publicly in aggregate although financial agents are required to record all details of each contribution regardless of amount.
<i>That UBCM be advised that Richmond City Council supports the enhancements to transparency for election advertising as described in the BC government paper titled "Implementing Recommendations of the Local Government Elections Task Force: Election Advertising Sponsorship Information 2011</i>	Consistent The Task Force recommended new rules regarding the sponsorship of election advertising, including that contact and sponsorship information be included in English and in the language of the advertisement.	Consistent The proposed legislation includes the recommended provisions.



City of Richmond

Report to Committee Planning and Development Department

To: General Purposes Committee

Date: October 4, 2013

From: Joe Erceg
General Manager, Planning and Development

File:

Re: Provincial Core Review of the Agricultural Land Commission and Reserve

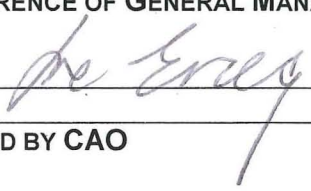
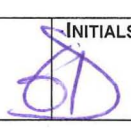
Staff Recommendation

That:

1. As the Provincial Government is conducting a Core Review of its programs and services including the Agricultural Land Commission (ALC) and Reserve (ALR), and as opportunities for Council and public consultation during the Review are unclear, Council write the Premier and Minister of Agriculture requesting that the Core Review:
 - (a) protect and enhance the Agricultural Land Reserve and Agricultural Land Commission; and
 - (b) enable consultation opportunities for City Council, the Richmond Agriculture Advisory Committee (AAC) and public.
2. Copies of the letter be sent to all Members of the Legislative Assembly (MLAs), the Metro Vancouver Board and local governments, and the Port Metro Vancouver Board.


Joe Erceg, General Manager,
Planning and Development

Att. 3

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER	
	
REVIEWED BY CAO	INITIALS: 

Staff Report

Origin

This report is prepared at the request of the Mayor. The purpose of this report is to: (1) advise Council of the upcoming provincial Core Review which includes a review Agricultural Land Commission (ALC) and Reserve (ALR), (2) advise that the opportunities for public consultation during the Review appear limited and imminent, and (3) recommend next steps.

Council's 2011 - 2014 Term Goals

This report addresses the following Council Term Goals:

- 6. Intergovernmental Relations
- 7. Managing Growth and Development

Findings of Fact

On September 24, 2013, the Honourable, Bill Bennett, BC Minister of Energy and Mines and Minister Responsible for Core Review announced that a Cabinet Working Group on Core Review (CWGCR) will evaluate all government programs and services, including the Agricultural Land Commission (ALC) and Reserve (ALR) (**Attachments 1, 2**).

The available provincial information is vague regarding the public consultation process for the Core Review. It indicates that: (1) "Effective public and stakeholder communications are to be an important element of the Review approach", (2) "The public will have an opportunity to provide input to core review, as part of the Select Standing Committee on Finance and Government Services' 2014 budget consultations being undertaken in September and October 2013", and (3) "It is expected that the mandate review phase will take place from October through to December 2013".

The Core Review involves the following phases:

- Early Opportunities - underway since September 24, 2013,
- Phase 1 - Mandate Review - from October to December 2013 (main consultation period),
- Phase 2 - Refinement - from the Winter and Spring of 2014 - ending by December 31, 2014
- Phase 3 - Implementation - afterwards.

On October 4, 2013, Ministry of Agriculture staff advised that it is best if Council directly communicates its requests to the Minister of Agriculture (the Honourable Pat Pimm) now.

Analysis

Importance of the ALR in the Richmond

The provincial Agricultural Land Reserve comprises approximately 40% of Richmond (e.g., 12,340 acres). The ALR is essential to the Province's and Richmond's long term economy, employment, food security and agricultural viability. The City and Richmond farmers have invested considerable resources in preserving and enhancing the viability of the ALR. Examples include: preparing the innovative 2003 Richmond Agricultural Viability Strategy (RAVS), investing millions of dollars in agricultural drainage in East Richmond, preparing the 2041

Official Community Plan (OCP) which includes policies to protect and enhance the ALR, agriculture and food (**Attachment 3**) and, more recently, Council is reviewing its soil fill management options to protect the quality of ALR land and drainage.

Core Review Concerns

The Core Review may provide a useful opportunity for Council and others to request the Province to recommit to maintaining and enhancing the ALC and ALR. On the other hand, there has been some worry that it may unacceptably result in the ALC and ALR being weakened (e.g., easier ALR exclusions, more urban development permitted by the ALC in the ALR).

Summary

In light of the above, City staff recommend that now is the best time for Council to advise the Premier and Minister of Agriculture that the Core Review should: (1) protect and enhance the ALC and ALR, and (2) provide public consultation opportunities for the Richmond Council, Richmond Agricultural Advisory Committee and public to comment on the future of the ALC and ALR.

Financial Implications

None

Conclusion

To ensure that the City's ALC and ALR interests are protected during the upcoming provincial Core Review, staff recommend that Council write the Premier and Minister of Agriculture requesting that: (1) the Agricultural Land Reserve and Agricultural Land Commission be protected and enhanced, and (2) the City Council, the Richmond Agriculture Advisory Committee (AAC) and the public be consulted during the provincial Core Review.



Terry Crowe, Manager,
Policy Planning
(604-276-4139)

TC:cas

- **Attachment 1** - Provincial Core Review Information
- **Attachment 2** - Map of ALR Land in Richmond
- **Attachment 2** - Richmond's 2041 OCP, Chapter 7 Agriculture and Food

BC Provincial Core Review of ALC and ALR

Source: The following information is from the BC Ministry of Agriculture, Web Site, October 4, 2013:

News Item Dated BC Government, Government Operations, Tuesday, September 24, 2013 1:30 PM.

Bennett seeks a bold approach on Core Review

VICTORIA - Bill Bennett, Minister of Energy and Mines and Minister Responsible for Core Review, released a letter to all government ministers today outlining how the Cabinet Working Group on Core Review (CWGCR) will carry out its evaluation of all government programs and services. Much like the members of the CWGCR, all ministers will be tasked with taking a bold approach to the ideas they submit through the Core Review process.

Bennett identified several phases for ministers to work through to achieve the goals of the Core Review. Ministers have been asked to determine which programs and services in their ministry require direction or change, and the scope of what that change may include. Once these programs and services are identified and refined through a detailed process, the CWGCR will present their recommendations to Cabinet for decisions. The CWGCR will monitor the implementation of these decisions and Bennett will provide regular reports to Cabinet on progress.

Ministers are being tasked with finding ways to be smarter with less money by looking for duplication and overlap between ministries and identifying programs that can be restructured to reduce costs and improve outcomes for the public. A key element of the process is a review of the agencies, boards and commissions (ABCs) that fall under each ministry. Ministers are expected to work with their deputy ministers and consult with these ABCs as necessary to prioritize those agencies with the greatest opportunities for change.

The Core Review process will not make recommendations on those services provided to the most vulnerable of citizens except to the extent that they are not achieving intended results. The overarching goal of the Core Review process is to ensure the best possible use of government resources and respect for the interests of taxpayers.

The review will include targeted industry and stakeholder consultations with recommendations expected before the end of fiscal year 2013-14 and completion of the process by Dec. 31, 2014.

Quotes:

Bill Bennett, Minister of Energy and Mines and Minister Responsible for Core Review -

"I've formally requested my Cabinet colleagues to submit bold ideas to the Core Review process to help government control spending and ensure the best possible use of government resources. I look forward to working with my colleagues to identify programs, services and agencies that require direction and change to protect the best interests of taxpayers."

Learn More:

Bennett's letter to his Cabinet colleagues, letters sent to B.C.'s deputy ministers, and an appendix are attached below.

Text of Minister of Energy and Mines and Minister Responsible for Core Review Bill Bennett's letter to ministers: - September 24, 2013

Dear Colleagues:

This letter outlines the approach by which the Cabinet Working Group on Core Review (CWGCR) will carry out its examination of all government programs and services - including Crown corporations, agencies, and boards including the SUCH sector, with a view to positioning our province for sustained economic growth and prosperity.

The overarching goal of the core review process is to ensure the best possible use of government resources and respect for the interests of taxpayers. The CWGCR has been given a timeline of December 31, 2014 to complete its work. Additionally, we have been directed by Cabinet to take a "bold approach" to our work - I am pleased to report that all working group members are engaged in this process with that direction clearly in mind.

The CWGCR has six objectives and will be making recommendations to Cabinet in each of these areas:

1. Ensure that the programs and activities of ministries are focused on achieving government's vision of a strong economy and secure tomorrow;
2. Ensure that government is operating as efficiently and effectively as possible by:
 - Eliminating overlap and duplication between ministries and within the broader public sector;
 - Reducing red-tape and unnecessary regulations that hinder economic development;
 - Restructuring government program delivery and governance models where costs can be reduced and outcomes improved for the public;
3. Confirm government's core responsibilities and eliminate programs or services that could provide better service at less cost through alternative service delivery models;
4. Ensure budget targets are achieved consistent with Budget 2013 (June Update);
5. Identify opportunities where further savings can be re-directed to high priority programs;
6. Ensure public sector management wage levels are appropriate while recognizing the need for leaders who can positively impact the effectiveness and productivity of public sector agencies.

We will not make recommendations on those services provided to the most vulnerable of citizens except to the extent that they are not achieving intended results.

There are four phases to the CWGCR's work; I have provided a brief outline for each phase below:

1. Early Opportunities
2. Phase 1 Mandate Review
3. Phase 2 Refinement
4. Phase 3 Implementation

Separate streams of work will be undertaken to achieve the objectives to reduce red-tape and unnecessary regulations and to ensure public sector management wage levels are appropriate.

Early Opportunities

The CWGCR is already engaged in reviewing submissions on priority areas. Budget 2013 (June Update) announced a \$50 million savings target for Core Review beginning in 2014/15. The savings target will be allocated based on approved initiatives rather than individual ministry targets.

Phase 1 Mandate Review

This phase of core review is intended for Ministers to give an overview to the CWGCR on the performance in their ministry, key trends in policy and service delivery, leading approaches in other jurisdictions, the major themes heard from key stakeholders, and metrics on program and service efficiency and effectiveness. As Minister you will be expected to highlight those programs and services that require direction and change and the scope of what that change may include. The CWGCR will direct which programs and services are recommended for further detailed analysis. The mandate letters provided to you from Premier Christy Clark provide you with direction on your current priorities.

Phase 2 Refinement

Based on the direction from the CWGCR in the mandate review phase, in the refinement phase it is expected that more comprehensive and detailed work on the programs and services recommended by the CWGCR will be completed both by ministry staff and, as required, external resources for business case/value for money assessments. It is expected that this analysis will include targeted consultations with stakeholders. Following completion of this work, ministries will return to the CWGCR for final recommendations. Those recommendations will be referred to Cabinet for decision.

Phase 3 Implementation

The CWGCR will monitor implementation and as the Minister responsible, I will provide regular reports to Cabinet on progress.

- The public will have an opportunity to provide input to core review as part of the Select Standing Committee on Finance and Government Services' 2014 budget consultations being undertaken in September and October 2013.
- As well, Parliamentary Secretary for Core Review Dan Ashton has been tasked with engaging with members of government caucus to solicit and refine proposals for the CWGCR's consideration.
- Effective public and stakeholder communications will be an important element of our approach.

Your Deputy Minister will soon receive detailed instructions on the mandate review phase from Kim Henderson, Deputy Minister of Corporate Initiatives, Office of the Premier. Working with your Deputy Minister, I am confident that you will provide the leadership and creativity needed to successfully carry out these instructions.

A key element of the Mandate Review is a review of the agencies, board and commissions (ABCs) that are under your Ministerial responsibility. Consistent with your accountabilities in your mandate letter, it is expected that you will lead these presentations and that you and your Deputy Minister will consult with the ABCs as necessary in the development of the submissions.

You will be asked to prioritize those agencies with the greatest opportunities for change. The core review process is an important one for our government. The work we accomplish in this area will contribute significantly to ensuring we are structured for success on our objectives, maintain our fiscal prudence and are well positioned for the future.

I look forward to working with you throughout this initiative as we seek new and innovative ways to bring transformation to government and ensure that services and programs are available to British Columbians in the most effective and efficient manner possible.

Sincerely,
Bill Bennett,
Minister

Text of Deputy Minister, Corporate Initiatives, Kim Henderson's letter to deputy ministers: - September 24, 2013

Dear Colleagues:

As indicated in Minister Bennett's letter of September 24, 2013 to Ministers, you are responsible for carrying out government's Core Review for your Ministry under the direction of your Minister.

The purpose of Core Review is to ensure the best possible use of government resources and respect for the interests of taxpayers, and to ensure that we are structured for success on our objectives. Minister Bennett's letter and the publicly released Terms of Reference for Core Review outline the context and objectives that inform the approach for Core Review.

This letter is to provide you with more specific information and direction about the instructions and logistics for Core Review as well as timelines and responsibilities.

Ministry Responsibilities:

Ministers are accountable for the Core Review of their Ministry and the agencies, boards and commissions (ABCs) within their portfolio. Deputy Ministers are responsible for conducting the Core Review under the direction of their Minister.

Ministries will be expected to undertake targeted consultations with stakeholders and their ABCs as part of the Core Review instructions.

The onus of responsibility is on the Ministry to approach the objectives of Core Review in a meaningful way and to satisfy the Cabinet Working Group on Core Review (CWGCR) that the objectives have been fully and creatively addressed.

Approach:

As outlined in Minister Bennett's letter, there are four phases to Core Review.

- The early opportunities phase is well underway.
- The instructions attached to this letter address expectations on Phases 1 through 3 of Core Review.
- The mandate review phase is expected to take place from October through to December 2013.
- The refinement phase will take place in the winter and spring of 2014 with implementation and the monitoring of targets to follow.

Mandate reviews on ABCs will be prioritized for review by the CWGCR beginning at the end of October 2013 and will be scheduled as separate items from the mandate reviews of the ministries. You are asked to work with your Minister to identify those ABCs with the greatest opportunities for change consistent with the objectives of Core Review (i.e. those with the broadest scope for mandate, governance, program and service changes and greatest financial savings). You may also advise if there are ABCs that do not require a mandate review as, in the assessment of the Ministry, there are no changes for consideration that meet the objectives of Core Review. Any ABCs that are not

recommended for a mandate review will be reviewed and approved as such by the CWGCR. Please provide a letter to me by October 1, 2013 outlining the ABCs recommended for priority review and any ABCs that the Ministry recommends does not require a mandate review.

For the Ministry mandate presentations, ministries will be grouped by sector to ensure necessary program linkages are made. Ministry mandate presentations will be scheduled beginning in November.

Other considerations:

Budget 2013 (June Update) announced a \$50 million savings target for Core Review beginning in 2014/15. This target will be allocated based on approved initiatives rather than individual ministry targets. This financial target is not the overarching objective for Core Review; it is just one of the objectives. As the objectives state, the goals for Core Review are broader and include identifying opportunities where further savings can be re-directed to high priority programs.

The attached instructions are intended to ensure that the approach is consistent across ministries and that the objectives of Core Review are achieved. You will be encouraged to present draft materials to the DMC on Core Review to ensure the approach is consistent, meets the expectations of the CWGCR and as another screen to ensure necessary program linkages are made.

A schedule for presentations will be confirmed after receipt of the prioritized ABCs and after consultation with each Ministry on state of readiness.

There are a number of avenues where the public and stakeholders may provide input. Government Members of the Legislative Assembly are providing input through to the Parliamentary Secretary Dan Ashton. As well, the public service will be encouraged to provide input to Core Review through a specific engagement on the @work site. A summary of the input relevant to your Ministry will be provided to you as consideration for your presentations.

Should you have any questions please do not hesitate to contact me.

Sincerely,

Kim Henderson

Deputy Minister, Corporate Initiatives

Office of the Premier

APPENDIX: INSTRUCTIONS

A. BC Government Priorities

The government's priorities are to maintain our fiscal prudence and balance the budget in 2013/14, to ensure that government does not grow, to conduct this core review of government services to ensure we are structured for success on our objectives and to eliminate red-tape to facilitate economic development without needless delay.

Your mandate letter provides the direction you require on the core priorities for your ministry and are focused on achieving government's vision of a strong economy and secure tomorrow. Mandate presentations should begin with a statement on how the current ministry mandate aligns with these priorities.

B. Objectives

The objectives of Core Review are to:

1. Ensure that the programs and activities of ministries are focused on achieving government's vision of a strong economy and secure tomorrow;
2. Ensure that government is operating as efficiently and effectively as possible by:
 - Eliminating overlap and duplication between ministries and within the broader public sector;
 - Reducing red-tape and unnecessary regulations that hinder economic development;
 - Restructuring government program delivery and governance models where costs can be reduced and outcomes improved for the public;
3. Confirm government's core responsibilities and eliminate programs or services that could provide better service at less cost through alternative service delivery models;
4. Ensure budget targets are achieved consistent with Budget 2013 (June Update);
5. Identify opportunities where further savings can be re-directed to high priority programs;
6. Ensure public sector management wage levels are appropriate while recognizing the need for leaders who can positively impact the effectiveness and productivity of public sector agencies.

The objective to reduce red-tape and unnecessary regulations will be accomplished by a specific set of instructions that will be provided to ministries; as such it will not be included in the mandate review. As well, the objective to ensure public sector management wage levels are appropriate will be a review led corporately and is not part of the instructions to ministries.

C. Role of the Cabinet Working Group on Core Review

The role of the Cabinet Working Group on Core Review (CWGCR) will be to oversee the process, review the analyses completed by ministries and make recommendations to Cabinet for final decisions. The CWGCR will ensure that the objectives of Core Review are achieved by December 31, 2014.

Treasury Board is the Cabinet committee responsible for all matters related to financial management and control, including the allocation of funding; as such, Core Review is not intended as an avenue for ministries to seek additional resources. Review and approval of revenue proposals is also under the purview of Treasury Board; however, ministry submissions for core review can include information on any revenue proposals that are specifically linked to a ministry or agency mandate issue for consideration by the CWGCR.

The CWGCR is responsible for identifying recommendations on savings to achieve the \$50 million savings target beginning in 2014/15. Treasury Board Staff will provide support by providing analysis and recommendations on financial and fiscal considerations including assessing the savings proposals and where applicable, program reallocation options.

D. Scope

Each Ministry will be asked to assess all of its activities as well as most of their Agencies, Boards and Commissions (ABCs). Ministers, in consultation with the Chair of the CWGCR, should include Board Chairs in the mandate presentations.

In consultation with the Deputy Minister, Corporate Initiatives, some ABC presentations may be grouped. The scope of Core Review includes the full mandate of ministries. The CWGCR will not make recommendations on those services provided to the most vulnerable of citizens except to the extent that they are not achieving intended results.

E. Sectors

Ministry presentations will be scheduled and grouped as sectors as follows:

- Natural Resources: ARR, AGRI, ENV, FLNRO, MEM, MNGD, TRAN
- Jobs and Economy: FIN (including PSA), JTST (including Labour), MIT, MTICS
- Secure Tomorrow: AVED, CSCD, EDUC, HLTH, JAG, CFD, SDSI

F. Timelines

The Early Opportunities phase of core review is already underway.

It is expected that the mandate review phase will take place from October through to December 2013.

The refinement phase will take place in the winter and spring of 2014 with the monitoring of implementation targets to follow. Core review is to be complete by December 31, 2014.

Those ABCs that are prioritized by ministries will be scheduled beginning in late October. Ministry mandate presentations will be scheduled in November and December 2013. The remaining ABCs are expected to be scheduled in spring 2014.

The timelines for submissions of materials to the CWGCR is the same as for all Cabinet committees.

G. Phase 1 - Mandate Review

The mandate review phase of core review is intended for Ministers to give an overview on the performance of their ministry, key trends in policy and service delivery, leading approaches in other jurisdictions, the major themes heard from key stakeholders, and metrics on program and service efficiency and effectiveness.

The Minister will be expected to highlight those programs and services that require direction and/or transformation and the scope of what that change may include.

Presentations should address the objectives of Core Review by assessing the following questions:

- a. Is the ministry's mandate, programs and activities focused on the priorities of the mandate letter?
- b. Is the ministry structured for success on government's objectives?
- c. Are there areas of duplication and overlap between the ministry, other ministries, or the broader public sector?
- d. Could government program delivery be restructured to reduce costs and improve outcomes for the public?
- e. Are the governance models in place for the delivery of services structured for success?
 - i. Are there opportunities where costs can be reduced, AND/OR;
 - ii. Are there opportunities to improve outcomes for the public?
- f. Are there programs that could be provided by the private sector or through Alternative Service Delivery arrangements at less cost and with better service for the public?
- g. Are there current Alternative Service Delivery arrangements that could achieve better results?

Presentations should summarize the key areas of recommended change and order of magnitude of financial savings and legislative change, where applicable. The CWGCR will then provide advice on those areas that the ministry is to pursue in the refinement phase which will cover more detailed analysis and consultation.

For this phase of Core Review, PowerPoint presentations will likely cover the necessary elements required; however, Cabinet Concept Papers may also add value to the CWGCR deliberations. Deputy Ministers should consult with the Deputy Minister, Corporate Initiatives on materials.

Deputy Ministers are encouraged to test their ideas with the DMC on Core Review before final submissions are provided; this will be coordinated by the Deputy Minister, Corporate Initiatives.

H. Phase 2 - Refinement

From the mandate phase, ministries will receive direction on those opportunities to pursue and to complete detailed analysis including targeted stakeholder consultation. As part of the analysis, where applicable, ministries will conduct value for money assessments and/or business cases on specific opportunities. For this work, external resources may be used. The Ministry of Finance will coordinate a procurement process to provide a bidders list for this work.

Further direction on the instructions for the refinement phase will be provided at the completion of the mandate phase of Core Review. It is expected that detailed submissions will form the substance of the materials for this phase of Core Review.

I. Phase 3 - Implementation

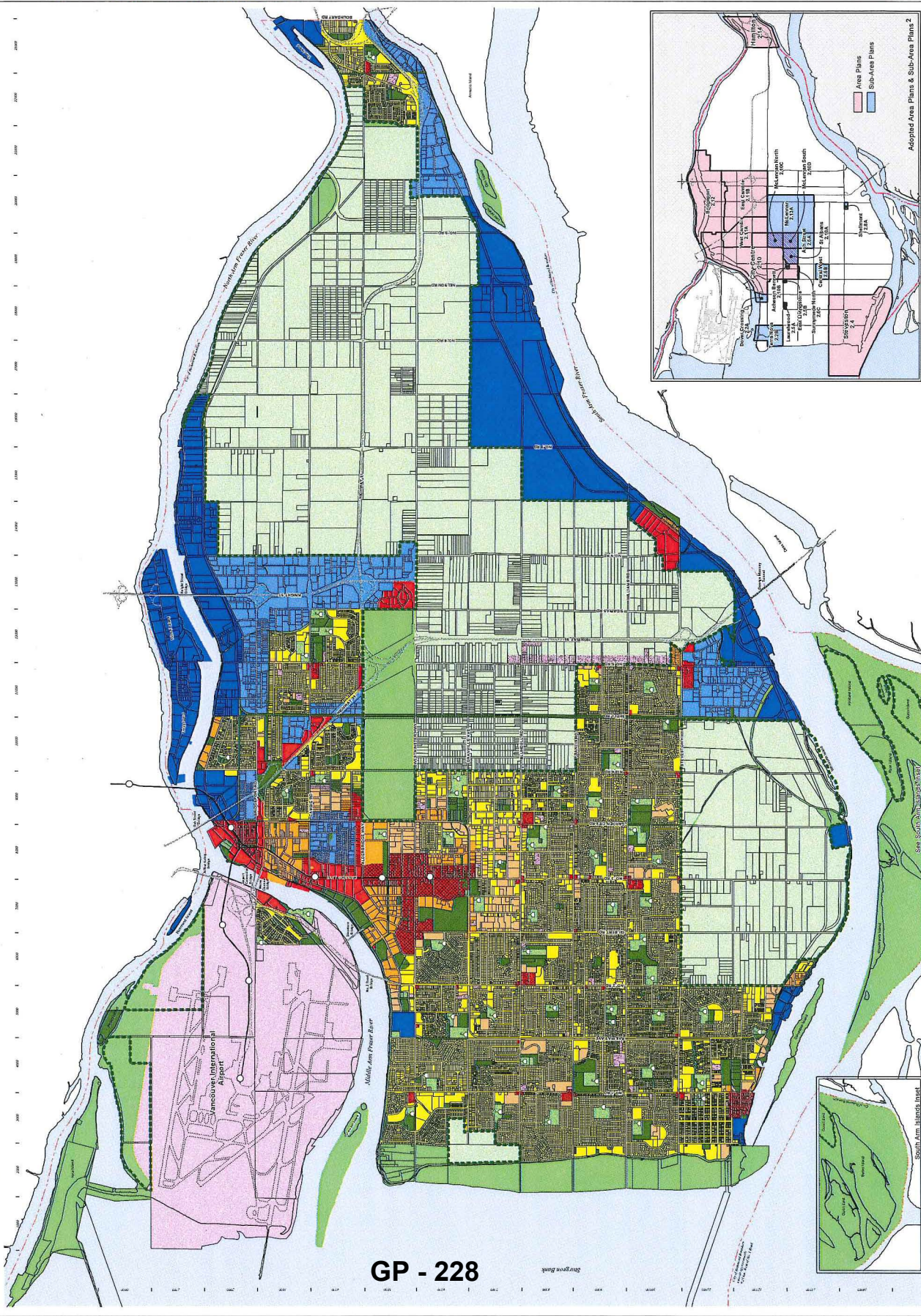
Following decision-making by Cabinet at the refinement phase, ministries will be clear on implementation goals and targets. These targets will be monitored and progress will be reported to Cabinet on a regular basis.

Media Contact:

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Media Relations
Ministry of Energy and Mines and Responsible for Core Review
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City of Richmond 2041 OCP Land Use Map



**Attachment 1 to
Schedule 1 of Bylaw 9000¹**

Legend

Agricultural Land Reserve Boundary

Land Use

- Agriculture
- Apartment Residential
- Commercial
- Community Institutional
- Conservation Area
- Downtown Mixed Use
- Industrial
- Limited Mixed Use
- Mixed Employment
- Mixed Use
- Neighbourhood Residential
- Neighbourhood Service Centre
- Park
- School⁴

- 1 This map is an attachment to the Official Community Plan (OCP). You are reminded that the OCP has certain other maps, policy and other documents which are subject to amendment from time to time.
- 2 Where there is conflict with respect to land use designations between the OCP and Use Map, the latter shall take precedence. With the exception of the OCP Land Use Map, all other maps and designations notwithstanding conflicting land use designations in the OCP Land Use Map or Sub-Area Plan Land Use Maps.
- 3 Contact VML, Port Metro Vancouver and the Strathcona School building (see specific Richmond Neighbourhood maps in the OCP.)

Adopted November 19, 2012
Revised July 10, 2013
Prepared by Frank Schemers

City of Richmond

7.0 Agriculture and Food



7.0 Agriculture and Food

7.1 Protect Farmland and Enhance Its Viability

OVERVIEW:

Richmond has a rich agricultural tradition and history and today, it remains a vital component of land use in the City. Farmers have made use of the fertile soils to produce a wide variety of crops and livestock. As the fourth largest city in the Metro Vancouver region, Richmond is fortunate to have significant amounts of protected farmland within its boundaries. Nearly 39% (4,993 ha.) of its land base is protected in the Agricultural Land Reserve (ALR). Additional protection and policy support is provided through Metro Vancouver's Regional Growth Strategy's goals, objectives and its agriculture land use designation intended to protect the agricultural land base in the region.

Richmond agriculture: an important contributor to the local economy.

In 2011:

- no. of farm operators: 295
- no. of farms: 211
- amt. of land farmed: 3,072 ha.
- gross receipts: \$48.6 million
- jobs: 1,631
- paid labour: 26,197 weeks

Richmond agriculture is diverse:

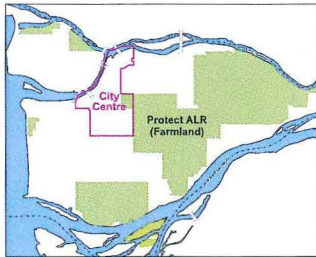
- cranberries, blueberries, strawberries, raspberries
- other fruits, and vegetables, nut trees
- greenhouses and nurseries
- poultry and mushrooms
- honey bees and honey
- horses, hay and pasture
- oats, corn, alfalfa

Source: 2011 Census of Agriculture.





ALR and City Centre Map



The City recognizes the importance of agriculture as a food source, an environmental resource, a heritage asset and an important contributor to the local economy. Agricultural land and farming is sustained by long-term City policies that maintain an urban containment boundary that keeps residential growth outside of the ALR. As well, it is to be noted that the City owns and controls road rights-of-way (except for highways) in the ALR.

Richmond residents have always placed a high value on the protection of the City's farmlands.

Like any other industry, farmers face many challenges to make farming financially viable. Some of these include:

- economic issues such as competing in the international marketplace;
- drainage, servicing and infrastructure limitations;
- development pressures, absentee land ownership;
- aging of agricultural owners and farm operators and the possibility that they may not be replaced;
- finding ways to attract new farmers into the business.

The City's 2003 Agricultural Viability Strategy (AVS) is a long-term commitment and partnership of the City and agricultural community to strengthen and enhance agricultural viability in Richmond.

In 2011, the AVS was reviewed by the Agricultural Advisory Committee (AAC). It was found that the AVS continues to enhance agricultural viability. Some main achievements to date include the Nelson Road Interchange, improved drainage, seasonal farm dwellings, promotional farm tours and the review of urban development proposals adjacent to the ALR and agricultural proposals in the ALR. Some AVS changes include modifying urban-ALR buffer requirements (e.g., continuing to encourage small lots to be consolidated, discouraging roads in the ALR).

OBJECTIVE 1:

Continue to protect the City's agricultural land base in the Agricultural Land Reserve (ALR).

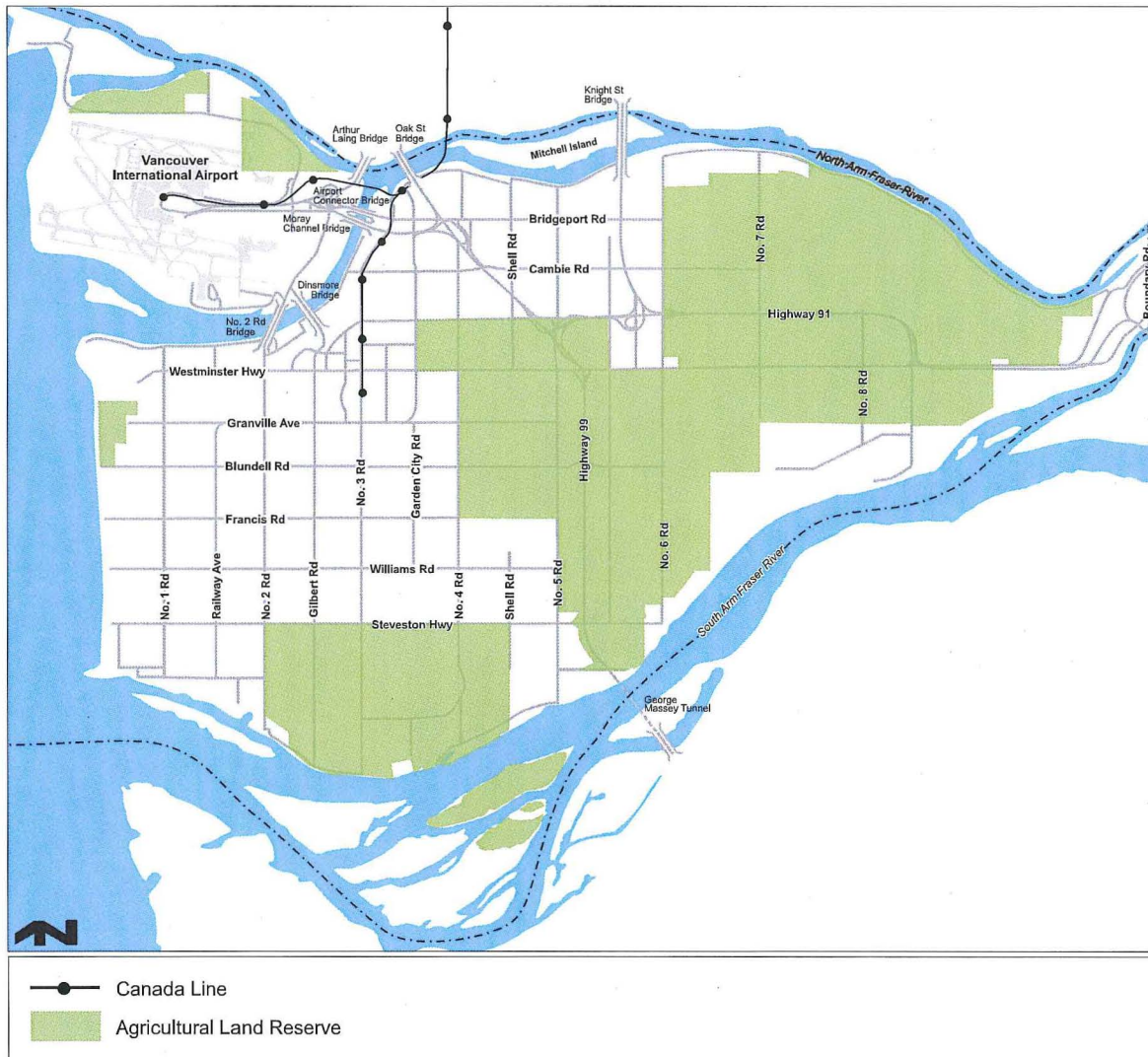
POLICIES:

Farmland Protection

- a) maintain the existing ALR boundary and do not support a loss of ALR land unless there is a substantial net benefit to agriculture and the agricultural community is consulted;
- b) collaborate with the Agricultural Land Commission (ALC) to ensure that:
 - the integrity of the ALR and its existing boundaries for both soil bound and non soil bound agriculture (e.g., green houses) is maintained;
 - all land uses within the ALR to conform to the policies and regulations of the *Agricultural Land Commission Act* and the *BC Farm Practices Protection (Right to Farm) Act*, *Water Management Act*, *Pesticide Control Act*;



Agricultural Land Reserve Map



- c) support the 2040 Metro Vancouver Regional Growth Strategy which includes agricultural designations and policies for protection of agricultural land;
- d) ensure that all City bylaws (e.g., OCP, Zoning, noise control) which affect farmland and farm operations are consistent with:
 - the Agricultural Land Commission Act, Procedure Regulations and General Orders;
 - the standards in the Ministry of Agriculture, Fisheries and Food's "Guide for Bylaw Development in Farming Areas";
- e) increase public awareness of farming practises, farm products and support educational programs that provide information on agriculture and its importance to the local economy and local food systems.



OBJECTIVE 2:

Enhance all aspects of the agricultural sector including long-term viability, opportunities for innovation (agri-industry), infrastructure and environmental impacts.

POLICIES:

Long-term Viability

- a) build strong alliances with farmers and work with the City's Agricultural Advisory Committee so that issues and policies that affect agriculture and impact farmers are addressed;

Opportunities for Innovation

- a) pursue incentives to increase actively farmed agricultural land and encourage new farmers;
- b) encourage value-added business initiatives;

Land Use Considerations

- a) support farm activities which follow normal farm practices and do not create health hazards;
- b) consider agricultural projects which achieve viable farming while avoiding residential development as a principal use;
- c) discourage, wherever possible, roads in the ALR, except as noted on the Existing Status of Road Improvements in the ALR Map;
- d) for agricultural operations on agriculture sites with no direct road access, the City may facilitate access (via driveways, lease arrangements with owners to existing improved roads, but not new or improved roads);
- e) continue to explore with the Province maximum residential floor area and setback regulations for development within the ALR;
- f) ensure that land uses adjacent to, but outside of, the ALR are compatible with farming by establishing effective buffers on the non-agricultural lands;



- g) designate all parcels abutting, but outside of, the ALR boundary as Development Permit Areas with Guidelines for the purpose of protecting farming;
- h) where there is an intervening road between the ALR and the non-ALR lands:
 - encourage appropriate landscaping within the road right-of-way in front of the non-agricultural lands (e.g., between the road curb, any sidewalk and the property line) through the servicing agreement process;
 - encourage an appropriate landscaped setback on the non-agricultural lands (e.g., 3 m or 9.84 ft. to parking and 6 m or 19.68 ft. to buildings) through the:
 - Rezoning and/or Building Permit process for industrial and institutional uses;
 - Rezoning and/or Development Permit process for commercial and multiple family residential sites;
 - Rezoning and/or Subdivision process for single family residential sites;
- i) minimize conflicts among agricultural, recreation, conservation and urban activities;
- j) continue to encourage the use of the ALR land for farming and discourage non-farm uses (e.g., residential);
- k) limit the subdivision of agricultural land into smaller parcels, except where possible benefits to agriculture can be demonstrated;

Seasonal Farm Labour Accommodation

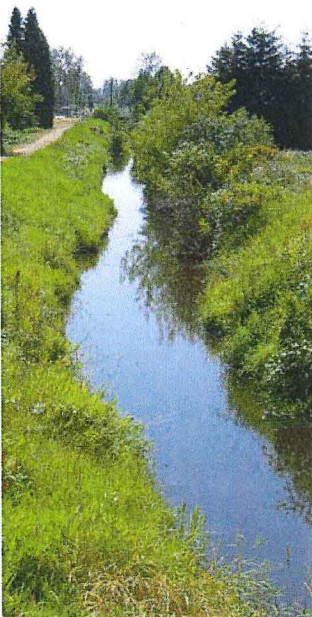
- a) seasonal farm labour accommodation, as an additional residential use, may be considered so long as the accommodation is accessory to the principal agricultural purpose and helps to support a farm operation in the Agricultural Land Reserve;

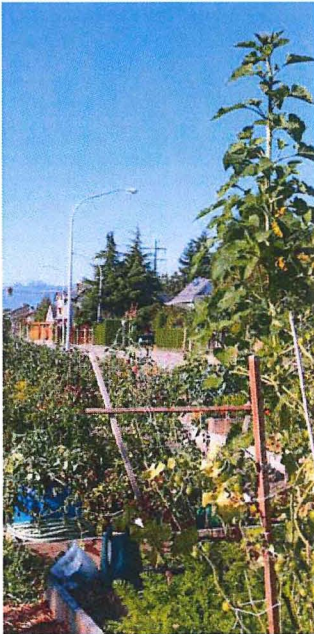
Servicing and Infrastructure—Drainage

- a) support the City's Master Drainage Plans:
 - identify and ensure that drainage improvements to the ALR occur in order of priority and according to ARDSA performance standards;
 - ensure that drainage improvements are considered in a comprehensive manner in consultation with the agricultural community and relevant City departments;
 - encourage sufficient notification to the agricultural sector of ditch-cleaning plans in order to achieve beneficial, effective and timely agricultural drainage;

Irrigation

- a) facilitate the improvement of irrigation and drainage infrastructure to provide secure and affordable water supplies that support the agricultural sector;





Credit: Richmond Food Security Society

Roads

- a) discourage, wherever possible, roads in the ALR, except as noted on the Existing Status of Road Improvements in the ALR Map;
- b) for agricultural operations on agriculture sites with no direct road access, the City may facilitate access (via driveways, lease arrangements with owners to existing improved roads, but not new or improved roads);

Environment

- a) explore with farmers ways to protect the Ecological Network values of their lands such as:
 - explore programs contained in the 2012 Environmentally Sensitive Area Management Strategy;
 - encourage environmentally sound agricultural practices by promoting the BC Environmental Farm Program;
 - explore the viability of leasing agricultural lands that have important environmental values from farmers to manage these lands for both agricultural and environmental goals;
 - explore mechanisms that compensate farmers for the loss of cultivation to maintain key ecological objectives.



Credit: Richmond Food Security Society

7.2 Promote Urban Agriculture and Advance Food Security

OVERVIEW:

Urban agriculture is commonly defined as the growing of food (fruits, vegetables, grains, mushrooms, meat, dairy products) and herbs within cities. Over the last few years, there has been renewed interest in growing local foods, not only in back yards, but in community gardens located in parks, school yards, vacant lots, along roads, privately donated land and rooftops.



Richmond imports the vast majority of its food from elsewhere which has caused concerns for the stability of the food supply. These issues have focussed more attention toward food security. In a food-secure community, the growing, processing and distribution of healthy, safe food is economically viable, socially just, environmentally sustainable and regionally based.

Action to increase food security can be seen as a continuum that ranges from:

- providing emergency food for those in need (e.g., providing support for food banks and community kitchens);
- building capacity to help those in need (e.g., programs to promote healthy eating and food preparation skills) and access within the community (e.g., ensuring that neighbourhoods have grocery stores within walking or cycling distance);
- strengthening the local food system (e.g., support for community gardens and farmer's markets; raising awareness about the supply of local food such as food directories);
- food waste management (e.g., composting).



OBJECTIVE 1:

To support and increase the range of urban agriculture (e.g., community gardening) and strengthen the food system beyond production.

POLICIES:

Urban Food Production

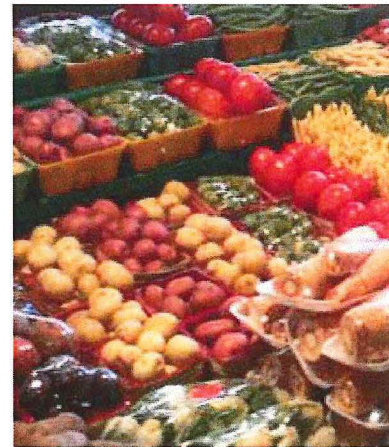
- a) continue to seek out opportunities to collaborate with others to increase urban agriculture, the number of community gardens, edible landscapes and food-bearing trees;
- b) encourage the retention of open space for food production (e.g., edible landscaping, gardens, rooftop gardens, food bearing trees) for the use of residents in new residential developments;



- c) continue to support incubator farms in order to help new farmers develop the necessary skills and their businesses;
- d) support the Richmond Fruit Tree Sharing Farm Project which offers stewardship programs to local groups and corporations on its farm site at Terra Nova Rural Park;
- e) explore the keeping of small animals (e.g., poultry and bees) on a limited basis on small agricultural parcels, in consultation with the AAC, ALC and Vancouver Coastal Health;

Food System Infrastructure

- a) seek ways to support the food system (e.g., retail uses, bakeries, restaurants, street vending opportunities);
- b) explore local street vending opportunities.



OBJECTIVE 2:

Strengthen the local food system to contribute to the economic, ecological and social well being of the City.

POLICIES:

- a) continue to collaborate with Metro Vancouver, the Province, food producers, Vancouver Coastal Health, other municipalities and stakeholders to advance the goals in the Metro Vancouver Regional Food System Strategy;
- b) develop a "Richmond Food Strategy" with citizens and community groups to determine the best role for the city;
- c) continue to raise awareness to strengthen food security; for example:
 - Richmond School Yard Society, Richmond Fruit Tree Sharing Project which offers stewardship programs to local groups and corporations at Terra Nova Rural Park;
 - Kwantlen Farm School at Terra Nova Rural Park;
- d) promote available programs and continue to support community organizations involved with food production/distribution (e.g., Richmond Local Food Guide).



OBJECTIVE 3:

Support Locally Grown Food.

POLICIES:

- a) develop a "Buy Local" marketing initiative to increase the demand for locally grown agricultural products, in partnership with Tourism Richmond, Chamber of Commerce, the RFI, and others.



FACT

In a recent evaluation of the Community Food Action Initiative--across all incomes --86% of participants reported that their participation gave them better 'food skills' and helped them to eat better or have a healthier lifestyle.

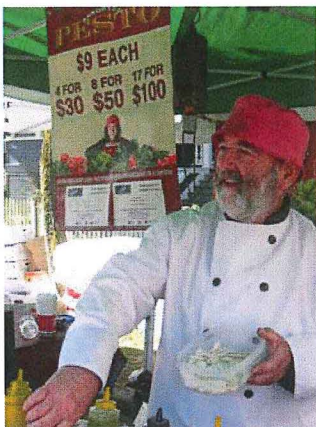
Canadian Food Action Initiative, Vancouver Coastal Health.

OBJECTIVE 4:

Increase access to affordable, healthy food for residents.

POLICIES:

- a) continue to support programs that promote healthy eating and increase food-related skills and knowledge about sustainable food systems;
- b) support Terra Nova Schoolyard Society;
- c) encourage local gardeners to grow extra produce or distribute produce they don't use to the Richmond Food Bank or other community groups;
- d) support programs that encourage children and families to learn healthy eating habits.



OBJECTIVE 5:

Find ways to recover food waste.

POLICIES:

- a) support the efforts of community groups and the private sector to establish initiatives that divert recoverable food from the pre-waste stream for redistribution to local food banks;
- b) develop strategies to encourage organic waste diversion from multi-family housing and commercial properties;
- c) support the recycling and re-use of organic waste;
- d) develop an educational program to promote awareness around food production, health, and impacts on the community.



Credit: Richmond Food Security Society