

ELECTED OFFICIALS

SECTION 2

Powers

The power of a single council or board member depends on his/her ability to persuade the other members to their point of view. A single member does not have the power to bind the municipality or regional board in any way (with the exception of the powers of the mayor) or direct either its employees or its affairs. The elected official's power is collective, not individual.

Term of Office Four Years

Term of office of mayor and councillor is four years and begins the first meeting following the election, ending the first meeting following the general election four years later [*Community Charter* (CC) s. 119(1)]. In practice, for the purpose of continuity, mayor and councillors remain in office until their successors have been sworn in (there must be enough successor councillors to achieve quorum). Any person elected or appointed between general elections to fill a vacancy on council holds office only for the remainder of the term.

The term for electoral area directors begins on the first Monday in December following the election, or when they make the oath of office, whichever is later. Their term ends four years hence on the first Monday in December or when their successor makes the oath of office, whichever is later [*Local Government Act* (LGA) s. 199(2)].

Oath Required

A person who has been elected shall, before taking office, complete an "Oath or solemn affirmation of office" [CC s. 120 and LGA s. 202].

Conflict of Interest/ Disqualification

Refer to Fact Sheet #14.

No Privilege of Immunity

In the Parliament of Canada or in a Provincial Legislature there is a "privilege of immunity" which protects the elected person from libel or slander suits. This does not extend into the council chamber or the regional district boardroom. Any remarks made at a council or regional board meeting could subject the speaker to a libel or slander suit. There is no privilege of immunity.

Campaign Contributions and Expenses

A candidate for office must record and report campaign contributions and expenses. See the *Local Elections Campaign Financing Act* s. 13-30.05 and s. 46-57 for specific details.

Financial Disclosure

The *Financial Disclosure Act* requires all local government officials to file a written financial disclosure annually between the 1st and 15th of January [*Financial Disclosure Act* s. 2(3)].

Remuneration

At least once a year, councils and boards must prepare a report listing for each member all remuneration, expense payments and benefits received, and any contracts with the member [CC s. 168 and LGA s. 376(1)(b)].

If, therefore, a member of a council or board approved the payment of any remuneration not authorized by Act or bylaw, the member would become personally liable to the local government for all sums so paid.

Indemnification

A council or board may indemnify elected officials in the event a suit is brought against them as a result of their involvement in a decision or action of the municipality or regional district [LGA s. 740(2)].

Illegal Expenditures

When voting on a bylaw or resolution, elected officials may be held personally responsible for the amount involved in using or investing local government funds contrary to the *Community Charter* or *Local Government Act*, and an elected official may be disqualified from holding office for doing so [CC s. 191 and LGA s. 377(1)(f)].

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