

STATUTORY OFFICIALS

SECTION 18

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

Local Government Officers Under the *Community Charter* (CC) [s. 146 & 148-149] and the *Local Government Act* (LGA) [s. 233-235] respectively, councils and boards have general authority to establish **officer positions** with whatever titles they consider appropriate, and to assign powers, duties and functions to those positions. Officer positions must be established by bylaw, while the powers, duties and functions may be assigned to those positions by bylaw or by resolution, once the positions are established. Special rules apply to the termination of officers [CC s. 152 and LGA s. 241].

Chief Administrative Officer Local government may create the officer position of **chief administrative officer**, which includes overall management of the administrative operation of the municipality or regional district [CC s. 147 and LGA s. 235].

Corporate Administrator and Financial Administrator Sections 148-149 of the CC and sections 236-237 of the LGA require one officer position be assigned corporate administration responsibility and one officer position be assigned financial administration responsibility. Corporate administration responsibilities include powers, duties and functions similar to those traditionally assigned to clerks (e.g., ensuring meeting minutes are prepared; keeping bylaws and other records; certifying documents; taking oaths). Financial administration responsibilities include powers, duties and functions similar to those of treasurers (e.g., receiving and expending monies; ensuring accurate records of municipality/regional district financial affairs; supervising all other municipal/regional district financial activity).

A small local government may create one officer position that is assigned both financial and corporate responsibility, rather than two separate positions filled by the same person.

Collector The municipal officer responsible for collecting taxes, and conducting all the requirements of this function (as listed in the *Community Charter*). Within unincorporated areas, the provincial government acts as the tax collector.

Auditor	<p>Local governments are required to have an auditor who is not a direct employee of the local government, but is qualified under the <i>Business Corporations Act</i> [s. 205].</p> <p>Duties include auditing all local government accounts and transactions and any administrative body handling local government funds.</p> <p>The auditor gives a report on the annual financial statements to the council or board with a copy, if requested, to the Inspector of Municipalities [CC s. 171].</p>
Chief Executive Officer	<p>The mayor or board chair is the chief executive officer (as the case may be) [CC s. 116(1) and LGA s. 216(1)].</p>
Election Officers	<p>Local governments are required to appoint a chief election officer and deputy chief election officer for the purpose of conducting an election [LGA s. 58].</p>
Local Assistant to the Fire Commissioner	<p>All municipalities must appoint an official to be responsible for inspections – generally the fire chief but in smaller jurisdictions it may be another representative appointed by the fire commissioner [<i>Fire Services Act</i> s. 6]. If no local assistant has been appointed in an area of BC not in a municipality or the appointed local assistant has ceased to act, the members of the police force or police department stationed in the area are local assistants until another local assistant is appointed by the fire commissioner.</p>
Approving Officer	<p>Council must appoint an employee to approve subdivisions. Council sets the regulations for subdivisions but cannot direct the approving officer to approve or not approve a plan - the approving officer is responsible to the Province to carry out the duties as set out in the Acts [<i>Land Title Act</i> s. 77].</p> <p>In unincorporated areas and upon request, the Lieutenant Governor in Council may authorize a regional district board to appoint an individual as approving officer for the rural area within its jurisdiction [<i>Land Title Act</i> s. 77.1]. If a regional district does not assume responsibility for this function, a representative from the Ministry of Transportation is appointed by the Provincial Cabinet as the approving officer [<i>Land Title Act</i> s. 77.2]</p>
Freedom of Information: Head of Local Public Body	<p>A local public body (e.g. municipality), by bylaw or resolution, must designate a person or group of persons as head of the local public body for the purposes of this Act [s. 77 <i>Freedom of Information and Protection of Privacy Act</i>].</p>
Chair	<p>A regional district board chair and vice chair are elected at the first meeting after November 1 in each year. The chair has the same powers and duties in relation to the regional district as a mayor has in relation to a municipality [LGA s. 215-216].</p>

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