

LOCAL BOARDS & COMMISSIONS

SECTION 19

Local Authorities Aside from local government, other local authorities in British Columbia include school districts, improvement districts, water communities, regional hospital districts, library boards and various other commissions and boards.

School Districts The province is divided into sixty (60) school districts. Each school district consists of a board of education, which is comprised of school trustees who are elected during the same election as municipal councillors and mayors, and regional district electoral area directors. The activities of these districts are subject to the *School Act*.

A school district or board is responsible for the improvement of student achievement in the school district. Subject to provisions of the *School Act*, regulations and to any orders of the Minister, a board must make available an educational program to all persons of school age who enroll in a school in the district [*School Act* s. 2]. A board may, subject to the orders of the Minister, open, close or reopen a school permanently or for a specified period of time [*School Act* s. 73]. A board is responsible for the management of the schools in its school district and for the custody, maintenance and safekeeping of all property owned or leased by the board [*School Act* s. 74].

Improvement Districts Improvement districts are local authorities responsible for providing local services for the benefit of the residents in a community. They vary considerably in size from small subdivisions to larger communities and are usually located in rural areas of the province where there is no alternative form of local governance available, suitable, or desirable for the community. They have similarities in structure to a municipality but are more informal and only provide direct local services such as water and fire protection rather than general governance or land use planning. Typically an improvement district provides one or two services, which are financed by taxation or user fees.

Every improvement district is governed by a board of elected trustees (elected by area property owners), with one member acting as chair. The powers exercised by the trustees (to enact and enforce its regulations and charges, to assess and collect taxes, to acquire, hold and dispose of lands, to borrow money and to expropriate land) flow from the improvement district's bylaws, the *Local Government Act* and other applicable statutes.

Over the years, many improvement districts have either incorporated as municipalities or have transferred the services they provide to municipalities or regional districts.

For more information on improvement districts see Fact Sheet #16.

Water Users' Communities

A water users' community is a public corporate body incorporated under Section 51 of the *Water Users' Communities Act*, which is administered by the Ministry of Environment. Six or more different licensees may form a water users' community, each of whom hold their own licence(s) and who would benefit from the joint use of a system to store and/or deliver water to their respective places of use [*Water Users' Communities Act* s. 52].

A water user community may:

- (a) acquire, hold and control property and water licences;
- (b) acquire, construct, hold, maintain, improve, replace and operate works; and
- (c) levy assessments on its members and enforce payment of those assessments by suit in a court of competent jurisdiction [*Water Users' Communities Act* s. 52].

A manager conducts the business of a water users' community, as set out in resolutions passed at general meetings [*Water Act* s. 53].

The interest of each member of the community is directly proportionate to the maximum quantity of water that the member is entitled to divert and use under licence [*Water Users' Communities Act* s. 54]. All matters to be determined at a general meeting are subject to a vote and are decided by a simple majority based on the interests of those members in attendance [*Water Users' Communities Act* s. 55].

A water users' community will require sums of money, on occasion, in order to install, maintain, operate, repair or replace the works or to pay debts. To collect the funds required, the manager may prepare an assessment roll showing his/her estimate of the monies needed and the amount payable by each member. The assessments must be proportionate to the member's interest in the community [*Water Users Communities Act*, s. 56].

The Ministry of Health requires that any Water Users' Community supplying drinking water must meet the requirements of the *Drinking Water Protection Act* and *Drinking Water Protection Regulation*. Specific provisions of the *Water Sustainability Act* also apply to a Water Users' Community.

Library Boards

Municipal libraries, regional library districts, public library associations and integrated public library systems may provide library services. Seventy-one (71) locally appointed library boards, accountable under the *Library Act*, manage and direct the public libraries of BC. Six library federations coordinate regionally focused library services. The Ministry of Education is responsible for administering the *Library Act*.

A municipal library board is appointed by council and is composed of one member of council, and residents or electors who are not members of council, municipal employees or employees of the library board [*Library Act* s. 5].

A regional library district board consists of a representative of each municipality and regional district that is party to the agreement to establish the regional library district. A municipal council must appoint one of its members to be a member of the regional library district board, and another member to act as an alternate. The regional district must appoint a director from the participating electoral areas to be a member of the library board, as well as one director to function as an alternate [*Library Act* s. 16].

A public library association (PLA) is a form of library permitted to continue under section 31 of the *Library Act* – as of August 26, 1994, no new PLAs can be established. Residents in the locale for which the association was formed and residents in an area in which library service is provided are eligible to become association members. Association members elect the PLA board from among themselves. A local government that provides funding to the PLA may appoint a person to the PLA board. A public library association may request that the municipality or regional district in which it is located assume responsibility for providing library services in the community [*Library Act* Part 4].

An integrated public library system is an organization of regional districts or a regional district that provides and maintains a library system. There are only two such entities in existence: the Cariboo and the Thompson-Nicola Regional District library systems. Under the *Library Act*, and as of August 26, 1994, no new integrated public library systems may be established [*Library Act* s. 60].

Library trustees ensure that the library provides relevant, comprehensive, and efficient service to the community it serves. The board represents the community and sets strategic directions and policies on its behalf, employs a director to implement its plans and priorities, and monitors and evaluates that implementation. The board works closely with its one employee, the director, who is responsible for the day-to-day operation of the library. The director is the interface between the library board and staff, serving as secretary to the board and director of staff. Library trustees may serve a maximum of eight consecutive years [*Library Act* s. 6].

Local governments fund the majority of public libraries' annual operating budgets. The provincial government provides \$14 million in library grants each year.

Commissions & Committees

Regional District Committees and Commissions

A regional district board may decide to establish a commission or other body to provide advice or undertake some work on behalf of the board. Such bodies are generally used when the board does not have the capacity to undertake an initiative directly, in those cases where subject matter experts are required or where specific community involvement is warranted.

A regional district board may appoint a select committee to inquire into or consider any matter and report its findings to the board, and the chair may establish standing committees for matters the chair considers would be better dealt with by committee. At least one member of each select and standing committee must be a director [LGA s. 218].

The regional district board can delegate some of its authority to the committee or commission. However, it cannot delegate authority to make a bylaw or any power or duty exercisable only by bylaw or other specified matters, such as any power or duty to terminate the appointment of an officer [LGA s. 229].

Municipal Committees and Commissions

A mayor must establish standing committees for matters the mayor considers would be better dealt with by committee. At least half of the members appointed by the mayor must be council members. A council may establish and appoint a select committee to consider or inquire into any matter and to report its findings and opinion to the council. At least one member of a select committee must be a council member. In addition, a council may establish and appoint commissions to operate services, manage property or operate the enforcement of local government regulations [*Community Charter* s. 141-143].

A council may delegate some of its powers, duties and functions, to a committee or commission. However, there are certain functions that cannot be delegated such as the authority to make a bylaw, any power or duty exercisable only by bylaw, or any power or duty to terminate the appointment of an officer [*Community Charter* s. 154].

Advisory Planning Commission

Some local governments feel that their land use planning decisions could benefit from receiving recommendations from an independent body composed of local residents. This can be accomplished by establishing an advisory planning commission. An advisory planning commission may advise the council on all matters respecting land use, community planning or proposed bylaws and permits that are referred to it by the council. A regional district can create an advisory planning commission for one or more electoral areas or portions of an electoral area, in which case the commission may advise the board or the applicable electoral area director.

At least two-thirds of the members of an advisory planning commission must be residents of the municipality or the electoral area. There is no length of term stipulated for members but the bylaw establishing the advisory planning commission often defines the term as well as the composition and method of appointment [LGA s. 461].

Board of Variance

A municipal council or regional district board must establish by bylaw a board of variance if a zoning bylaw has been adopted. The role of the board of variance is limited to those functions and responsibilities set out in Division 15 of Part 14 of the *Local Government Act*. A person may apply to the board of variance for a minor variance if they feel compliance with the bylaw would cause them a hardship. For example, if a large rock in their yard made it a hardship to site the house in conformity with the normal setbacks, a person could apply for a minor variance.

The Council or board appoints members to the board of variance as per the *Local Government Act* s. 536-537. The local government is bound by the decisions of the board of variance, subject to court review. Council or the board cannot direct the board in its decision making process.

Parcel Tax Roll Review Panel

A parcel tax roll review panel is appointed by council under s. 204 of the *Community Charter* and deals with appeals on local parcel tax rolls.

There are also property assessment review panels and a property assessment appeal board appointed by the Province under the *Assessment Act* to hear appeals on the property assessment roll produced under that Act for property value taxes.

Police Boards

Each municipality that has its own police force must have a police board. There are 11 municipal police departments in BC serving the following communities: Abbotsford, Central Saanich, Delta, Esquimalt, Nelson, New Westminster, Oak Bay, Port Moody, Saanich, Vancouver, Victoria and West Vancouver. The RCMP serves all other BC municipalities and unincorporated areas (see Fact Sheet #9 for information on policing). There is also one First Nations Administered Police Service (FNAPS), the Stl'at'imx Tribal Police Service.

Subject to the Minister's approval, the *Police Act* requires each municipal police department to have a board consisting of:

- The mayor who acts as board chair;
- One person appointed by the council; and
- Up to 7 people appointed by the Lieutenant Governor in Council.

The Ministry of Public Safety and Solicitor General is responsible for administering the *Police Act*.

Each police board is mandated to establish and operate a police department in their municipality responsible for enforcing bylaws and criminal and provincial laws, maintaining order and preventing crime. A police board sets the priorities, goals and objectives of its police department and develops the annual police department budget subject to approval by the municipal council [*Police Act* s. 26-27]. The police board is responsible for service and policy complaints related to its police department. It also receives complaints against the Chief and Deputy Chief Constables.

Health Authorities

Health care services in BC are managed and delivered by: six health authorities – a provincial health services authority and five geographic (regional) health authorities.

The five regional health authorities are:

- Northern Health Authority
- Interior Health Authority
- Vancouver Island Health Authority
- Vancouver Coastal Health Authority
- Fraser Health Authority

The Minister of Health appoints the board of directors for each health authority. Under the *Health Authorities Act*, regional health boards are responsible for:

- Developing and implementing a regional health plan;
- Developing policies, setting priorities, preparing and submitting budgets to the Minister and allocating resources for the delivery of health services, in the region, under the regional health plan;
- Administering and allocating grants made by the government for the provision of health services in the region; Delivering regional services through its employees or entering into agreements with the government or, other public or private bodies for the delivery of those services;

- Developing and implementing regional standards; and
- Monitoring, evaluating and complying with Provincial and regional standards.

The Provincial Health Services Authority (PHSA) is responsible for:

- Working with the five health authorities to plan and coordinate the delivery of provincial programs and highly specialized services, such as transplants and cardiac care; and
- Managing the organizations that provide health services on a province-wide basis (e.g., BC Cancer Agency, BC Children's Hospital, BC's Women's Hospital and Health Centre, BC Emergency Health Services).

Regional Hospital Districts

Regional hospital districts (RHDs) operate under the authority of the *Hospital District Act*. RHD boards are comprised of municipal and electoral area directors who are members of the corresponding regional district. There are currently 23 RHDs, some of which overlap regional district boundaries.

A RHD's main function is to provide the local share (about 40%) of funding for capital costs associated with the construction, acquisition and maintenance of hospital facilities and major equipment in their areas. RHDs, through their regional districts, requisition property taxes to fund the local capital contribution. These capital costs are then shared with the Health Authorities.

Note that due to provisions in the *South Coast British Columbia Transportation Authority Act*, there is no RHD in the Metro Vancouver Regional District.

For information on regional districts see Fact Sheet #15.

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