

DISTRICT OF WELLS REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 20, 2020
ONLINE (VIA ZOOM) – COVID-19

AGENDA

Please Note: Protocols and procedures are in place to keep the peace during a Council meeting. Public Gallery will only be given a chance to speak at the end of the meeting prior to closing, at the Mayor's discretion. Anyone who applauds, speaks out of turn, jurors or encourages inappropriate behaviors will be requested to leave the meeting.

1.0 CALL TO ORDER

1.1 Agenda for Regular Council meeting of Tuesday October 20, 2020

Recommendation/s: THAT Council approves the agenda for the Regular Council meeting of October 20, 2020, as circulated.

2.0 MINUTES

2.1 Minutes for the Regular Council meeting of Tuesday October 6, 2020

Recommendation/s: THAT Council approves the minutes for the Regular Council meeting of Tuesday October 6, 2020, as circulated.

3.0 PRESENTATIONS AND DELEGATIONS

3.1 Wells Community Facility Building Select Committee update

Recommendation/s: THAT Council:

1. THAT staff submit an application for grant funding application for the Wells-Barkerville Culture and Recreation Centre through the Investing in Canada Infrastructure Program – Rural and Northern Communities; and
2. THAT Council/Board supports the project and commits to providing \$540,000 towards the project and any cost overruns.
3. THAT Council request that the Select Committee and District of Wells Staff move forward with an application to the Community Economic Recovery Infrastructure Program for improvements to the outdoor ice-skating rink, including a new roof.

4.0 UNFINISHED BUSINESS

4.1 Expression of Interest on the 2010 24x60 Modular Office

Recommendation/s: THAT Council:

1. Receives the staff report regarding the proposed consideration of the disposition of the modular office building located at 4286 Mildred Avenue, Wells BC;
2. Receives the Expression of Interest Bid on the 24x60 Modular Office from Britco; and
3. Extends the timeline for receiving expression of interest on the 24x60 Modular Office or directs staff to commence looking into alternative solutions such as renting the unit out or utilizing it for the Community Health and Fitness Centre.

- 4.2 District of Wells Conflict of Interest policies and the Ombudsman fairness by design policy as per resolution No. 20-132 of Tuesday October 6, 2020

Recommendation/s: THAT Council receives the following documents:

- A) Wells Code of Ethics Policy
- B) Ombudsman Fairness by Design Policy
- C) District of Wells Procedure Bylaw
- D) Drafted Wells-Barkerville Community Forest Board Conflict of Interest (drafted by former staff in 2017/2018)

5.0 **NEW BUSINESS**

- 5.1 District of Wells Snow Removal Contract

Recommendation/s: THAT Council:

1. Receives the staff report regarding the current situation of the snow removal contract and the recently placed tender for bids; and
2. Approves the purchase and/or lease of a Loader for the District of Wells.

6.0 **INFORMATION AND ANNOUNCEMENTS**

- 6.1 Council

- 6.2 Staff

- 6.3 Public Gallery

7.0 **ADJOURNMENT**

- 7.1 Adjournment of the Regular Council meeting of October 20, 2020

Recommendation/s: THAT Council at _____PM adjourns the
Regular Council meeting of Tuesday October 20, 2020.

DISTRICT OF WELLS REGULAR COUNCIL MEETING
TUESDAY OCTOBER 6, 2020
ONLINE (VIA ZOOM) – COVID-19

MINUTES

ATTENDANCE:

COUNCIL: Mayor Gabe Fourchalk, Councillors Jordan Rohatynski, Ksenya Dorwart and Mandy Kilsby

ABSENT: Councillor Chris Cooley

STAFF: Donna Forseille, Chief Administrative Officer and Tyler Burnson, District Clerk

PUBLIC GALLERY: 10

1.0 **CALL TO ORDER AT 7:01PM**

1.1 Agenda for the Regular Council meeting of Tuesday October 6, 2020

Mayor Fourchalk requested to add items:

- 4.1B Letter from Julia Mackey
- 5.1M Letter from Oryanna Ross
- 6.3 Topic of Furnace replacement at the Wells Firehall

20-127 **MOVED** Ksenya Dorwart, seconded Jordan Rohatynski THAT Council approves the agenda for the Regular Council meeting of Tuesday October 6, 2020 as amended to add items 4.1B letter from Julia Mackey, 5.1M letter from Oryanna Ross and 6.3 topic of furnace replacement at the Wells Firehall, requested by Mayor Fourchalk.

Carried Unanimously

2.0 **MINUTES**

2.1 Minutes for the Regular Council meeting of Tuesday September 15, 2020

20-128 **MOVED** Mandy Kilsby, seconded Ksenya Dorwart THAT Council approves the minutes for the Regular Council meeting of Tuesday September 15, 2020, as circulated.

Carried Unanimously

3.0 **PRESENTATIONS AND DELEGATIONS**

3.1 Wells Community Facility Building Committee update and presentation

Mayor Fourchalk read out the following opening statement:

“As you may know, the District of Wells has been working with the Facility Select Committee to develop a business plan and look for potential resources to help with the rehabilitation and development of the existing school building and surrounding greenspace.

With the financial support of local community groups, we were able to successfully complete the business plan. This plan will soon be available to public and further refinement will take place once we engage community and stakeholders for feedback. Thank you to the the Wells Barkerville Parent Advisory Committee, Island Mountain Arts, The Wells and Area Community Association, The Wells Historical Society, Wells and Area Trails Society, and the Wells Barkerville Community Forest for their contributions to the preparation of the business plan.

The committee has also completed an application to the Investing in Canada Infrastructure Community Culture and Recreation Program for a total project cost of \$2,016,300. This application required the District to raise the 27% matching funds. We’re extremely thankful to Barkerville Gold Mines for sponsoring this project with a contribution of \$512,000 towards the matching funds. With very little notice to come up with such a large amount of funds, we approached BGM and they immediately recognized the importance of this facility to the community and were happy to partner on this project. This submission would not have been possible without the contribution from BGM.

I would also like to acknowledge and thank the members of the Facility Select Committee who have worked very hard over that last few months to get us to this point. There is still a ways to go, but by working together, once again we have shown what our community can do.”

Judy Campbell stated that the Community Facility Building is lacking approximately \$30,000 annually in revenues to ensure sustainability of the building. Now that there is a working business and financial plan, the committee would like to go out to the community to develop ideas about the use of the building and where the \$30,000 potentially might come from.

Dawn Leroy stated that the next application the committee would like to apply to will be funded 100%, they will try and achieve all three phases with this application.

Judy Campbell stated that the grant approval might take up to a year.

Councillor Dorwart thanked the Wells Community Facility Building Committee for their hard work and thanked Barkerville Gold Mine for their contributions.

Judy Campbell has requested the following motions –

THAT staff submit an application for grant funding application for Project ICO349 The Wells Barkerville Culture and Recreation Centre through the Investing in Canada Infrastructure Program – Community, Culture and Recreation; and THAT Council supports the project and commits to its share \$537,747 of the project.

THAT Council supports the Wells Community Facility Building Committee engaging with the community.

- 20-129** **MOVED** Ksenya Dorwart, Seconded Jordan Rohatynski THAT Council receives an update and presentation from the Wells Community Facility Building Committee.

Carried Unanimously

- 20-130** **MOVED** Jordan Rohatynski, Seconded Ksenya Dorwart THAT staff submit an application for grant funding application for Project ICO349 The Wells Barkerville Culture and Recreation Centre through the Investing in Canada Infrastructure Program – Community, Culture and Recreation; and THAT Council supports the project and commits to its share \$537,747 of the project.

Carried Unanimously

- 20-131** **MOVED** Ksenya Dorwart, Seconded Jordan Rohatynski THAT Council supports the Wells Community Facility Building Committee engaging with the community.

Carried Unanimously

4.0 CORRESPONDENCE

- 4.1** Letter to Mayor and Council from Barb Cirotto regarding the Learning Forest Trail

Councillor Rohatynski has requested the following motion –

THAT Council following the principles of fair process, fair decision and fair service that the District of Wells and its subsidiary boards and corporations adhere to the guidelines of fairness by design administrative fairness resolutions, and to direct Council and Staff to review and update the current conflict of interest policy for the October 20, 2020 Council meeting.

Councillor Dorwart asked if they could table the fairness portion of the motion because she has not read into it yet or could they amend the motion and re-visit it at the next Council meeting.

Councillor Rohatynski amended his motion to –
THAT Council requests a review of the Conflict of Interest policy and the Fairness by Design Administrative Fairness Resolutions for the October 20, 2020 Council meeting.

Councillor Dorwart suggested to table the motion as Councillor Rohatynski requested and motioned to move the portion of the fairness and conflict policies to next Council meeting, allowing Council more time to review the policies.

Councillor Rohatynski asked if Jones Avenue is registered as a highway.

CAO stated that its registered as a street.

20-132 **MOVED** Ksenya Dorwart, Seconded Mandy Kilsby THAT Council requests a review of the Conflict of Interest policy and the Fairness by Design Administrative Fairness Resolutions for the October 20, 2020 Council meeting.

Carried Unanimously

Councillor Dorwart stated that she feels its okay to move forward with the Learning Forest Trail Project. She stated that it's a great asset for the community and will add value to the community.

Cam Beck stated that he respects Barbs concerns and thinks more can be addressed and the project can move forward. He also stated that it ties into the Community Facility Building and their goal of becoming a Community Cultural and Recreational facility.

Julia Mackey stated that she supports the project but would also like to acknowledge Barb and Gary's concerns. Councillor Rohatynski and Cam met with herself, Gary and Barb on September 24, 2020 and Cam met again with herself and Barb on September 28, 2020. She stated that if Barb and Gary are apart of the project moving forward and if they feel their concerns are being addressed, that is a great way to start with the acknowledgement. She is still in support of the project but wanted to send a letter in support of her neighbor.

20-133 **MOVED** Jordan Rohatynski, Seconded Mandy Kilsby THAT Council receives the letters from Barb Cirotto and Julia Mackey regarding the proposed learning forest trail project.

Carried Unanimously

4.2 Letter of request to Mayor and Council from Cindy Davies

Councillor Dorwart asked how long the temporary extension is valid for.

Councillor Rohatynski stated that the temporary extension with Councils approval is valid until October 31, 2021.

- 20-134** **MOVED** Jordan Rohatynski, Seconded Mandy Kilsby THAT Council receives the letter from Cindy Davies of the Wells Hotel requesting support to extend the Municipal approval for the temporary expanded services during COVID-19.

Carried Unanimously

- 20-135** **MOVED** Jordan Rohatynski, Seconded Ksenya Dorwart THAT Council supports the policy directive 20-26 and policy directive 20-27 for extending the Temporary Service Area to October 21, 2021 as well as the food product offsite sales authorizations to March 31, 2021 for the Wells Hotel.

Carried Unanimously

- 4.3 Letter to Mayor and Council from the Wells and Area Community Association (WAACA) regarding Huckleberry Daycare

Councillor Dorwart asked if there was a new daycare.

Mayor Fourchalk stated that Wildflower Childcare is the new daycare.

Councillor Kilsby thanked the Wells and Area Community Association (WAACA) for getting it up and running.

- 20-136** **MOVED** Ksenya Dorwart, Seconded Mandy Kilsby THAT Council receives the letter from the Wells and Area Community Association (WAACA) regarding Huckleberry Daycare.

Carried Unanimously

5.0 **UNFINISHED BUSINESS**

5.1 Proposed Community Vision and Input Committee Callouts

The CAO stated that there were 12 people who showed interest in being on the committee. Staff would like to extend the deadline to reach out to businesses in the various industry sectors as to get a well-rounded group of individuals for discussions and input.

Councillor Rohatynski thinks extending the deadline would be a good idea. A general discussion was had by Council regarding the deadline for the extension.

Councillor Rohatynski stated that the detailed project description from Barkerville Gold Mines (BGM) would be given prior to the next Council meeting so he was concerned that the proposed Vision and Input Committee would miss out on any BGM input deadlines, if appointments to the committee were not made by October 20, 2020.

Kelsey Dodd stated that there is no deadline for community input. The draft detailed project description and the community input are separate, and her suggestion is to keep them separate as they are not related. She recommends not putting any of the processes together.

- 20-137** **MOVED** Jordan Rohatynski, Seconded Mandy Kilsby THAT Council receives the staff report regarding the proposed implementation of a Community Vision and Input Select committee to seek public comments and input regarding the proposed Barkerville Gold Mines Cariboo Gold Project.

Carried Unanimously

- 20-138** **MOVED** Mandy Kilsby, Seconded Jordan Rohatynski THAT Council directs staff to extends the deadline for the committee callouts and approach representatives of the local businesses and non-profits.

Carried Unanimously

- 5.1M** Letter from Oryanna Ross regarding the proposed Community Vision and Input Committee

- 20-139** **MOVED** Mandy Kilsby, Seconded Ksenya Dorwart THAT Council receives the letter from Oryanna Ross regarding the proposed Community Vision and Input Committee.

Carried Unanimously

- 5.2** Proposed grant application to the Federation of Canadian Municipalities (FCM) for Asset Management and Geographical Information System (GIS) software update.

The CAO stated that she recently was made aware that the grant will not fully cover the software and training programs. Its anywhere from \$58,000 to \$64,000 for both the Asset Management and Geographic Information System (GIS) software. She stated that it was also not explained to staff in advance

that it would be approximately \$8000 a year for the software. She stated that due to financial restraints, she would re-consider applying for funding at this time. It may be possible to consider the funding in a year or two.

The CAO mentioned that the Cariboo Regional District (CRD) has a Geographic Information System (GIS) and has the District of Wells mapped on their website.

- 20-140** **MOVED** Jordan Rohatynski, Seconded Ksenya Dorwart THAT Council receives the staff report regarding the re-consideration of grant application to the Federation of Canadian Municipalities (FCM) for implementing Asset Management and Geographic Information System (GIS) software for the District of Wells.

Carried Unanimously

6.0 NEW BUSINESS

- 6.1 Staff Report – Union of BC Municipalities (UBCM) 2020 Ministerial Meeting updates

The CAO stated that Council did a great job representing the community at the ministerial meetings. They had positive meetings with most ministries with exception to Ministry of Education because their hands are tied to help financially since the Community Facility Building which houses the school classrooms is owned by the municipality and not the School District. She stated that there will be another staff report coming up for the proposed grant application that the Ministry of Forests had recommended Council apply for to fire smart the community. There also will be upcoming reports on continued meetings with BC Housing.

A general discussion was had by Council regarding attending the meetings via online and not in person and how well it went and that Council got six meetings this year with Ministers.

Councillor Rohatynski stated that there is a lot of potential and vision in the Wells Community Facility Building Committee business plan and he thinks that is one aspect to show BC Hydro that the District of Wells has a huge capacity for growth and the lack of power will defiantly be an issue sooner then later.

- 20-141** **MOVED** Ksenya Dorwart, Seconded Jordan Rohatynski THAT Council receives the staff report regarding the Union of BC Municipalities (UBCM) 2020 Ministerial Meeting.

Carried Unanimously

6.2 Staff Report – Consideration of the disposition of the modular office

Councillor Rohatynski asked if there are any limitation to who the District of Wells can sell it to.

The CAO responded that anyone can bid.

- 20-142** **MOVED** Ksenya Dorwart, Seconded Jordan Rohatynski THAT Council receives the staff report regarding the proposed consideration of the disposition of the modular office building.

Carried Unanimously

- 20-143** **MOVED** Jordan Rohatynski and Ksenya Dorwart THAT Council direct staff to place a public notice and write a formal request letter to the School District 28 for the proposed disposition of the modular office building.

Carried Unanimously

6.3 Staff Report – Proposed Grant application to the Union of BC Municipalities (UBCM) for a Wells Community Fire Smart Program.

The CAO stated that the grant funding from the Union of BC Municipalities (UBCM) has a deadline of October 9, 2020. Staff are working hard on finalizing the worksheet.

- 20-144** **MOVED** Jordan Rohatynski, Seconded Mandy Kilsby THAT Council receives the staff report regarding the proposed application for funding from the Union of BC Municipalities (UBCM) to their Community Resiliency Investment program for a Wells Community Fire Smart program.

Carried Unanimously

- 20-145** **MOVED** Jordan Rohatynski, Seconded Ksenya Dorwart THAT Council approves the application to the Union of BC Municipalities (UBCM) for up to \$150,000.00 with the Community Resiliency Investment program to implement a Wells Community Fire Smart program.

Carried Unanimously

6.4 Furnace replacement at the Wells Firehall

The CAO stated that the sump pump at the Wells Firehall was turned off this Spring which led to a flood and the furnace circuit board was fried. Contractors

have stated that It would be cheaper to replace the furnace. Staff have received a quote from Canadian Western for \$6445.05.

Councillor Rohatynski stated that it would be a benefit to have a warm firehall, especially to keep equipment warm. As a member of the Fire Brigade he would like to personally apologize for the issue and he is committed to not letting this happen again.

Mayor Fourchalk suggested a cover over the sump pump switch so it couldn't be accidentally turned off again.

20-146 **MOVED** Ksenya Dorwart, Seconded Mandy Kilsby THAT Council approves the replacement of the furnace at the Wells Firehall.

Carried Unanimously

7.0 INFORMATION AND ANNOUNCEMENTS

7.1 Council

Councillor Rohatynski thanked everyone for coming out. He looks forward to working with everyone during the Fall. He is currently in Alberta visiting family and has been invited to visit the Indigenous camp. He will be wearing a mask and might take a two-week quarantine when he gets back to Wells.

Councillor Dorwart thanked everyone for coming out and thanked Barkerville Gold Mine (BGM) for their donation and the Wells Community Facility Building Committee for all their hard work. She also thanked the Wells-Barkerville Community Forest Board for all their work on the community boardwalk project. She is very impressed with the community. She stated that Thanksgiving is coming up and reminded everyone to make wise choices and stay in their bubble and to listen to Dr. Bonnie Henry. She wished everyone a happy Thanksgiving.

Councillor Kilsby echoed what Councillor Dorwart said with an extra special thanks to the people who are doing the work behind the scenes for the reports that are in the agendas.

Mayor Fourchalk echoed what his fellow Councillors had said. He thanked everyone for their hard work and commented that is great seeing things move ahead in a positive manner. He wished everyone a happy Thanksgiving.

7.2 Staff

District Clerk, Tyler Burnson thanked everyone for coming out and wished everyone a happy Thanksgiving.

CAO, Donna Forseille thanked everyone for coming out and wished everyone a happy Thanksgiving.

7.3 Public Gallery

Dawn Leroy congratulated Council on making it through UBCM. She thanked Mayor, Council and staff for their support. She stated that it would be helpful to clarify what the purpose of the Community Vision and Input Committee is and what the role of the committee would be. She stated that it would be helpful to clarify that the role of the committee would be part of the community planning process as opposed to the Cariboo Gold Project.

Kelsey Dodd stated that in regards to agenda item 4.2, a motion was made for just the Wells Hotel, but the wording of the email from the liquor policy directive says that if you are supporting an extension of authorization in your jurisdiction, it would cover anything in the jurisdiction. She is not sure if other business have the TESA. She also thanked Mandy Kilsby, her team at Barkerville Historic Town and Park and anyone else who wrote in letters and provided support to help save the Navvy Jack House.

Julia Mackey thanked Council for adding the late agenda item. She welcomed Elyssia Sasaki who is the new head of Island Mountain Arts. She stated that on October 9, 2020 the Sunset Theatre will be hosting the Gratitude Café at 7:00PM which will include local writers, musicians and anyone who is interested in expressing their thoughts about what they are thankful for during this difficult year.

Oryanna Ross welcomed Elyssia Sasaki to Island Mountain Arts and commented that she will be a great fit in the community. She also stated that Island Mountain Arts is running Northern Exposure virtually this year and it will be running from October 22, 2020 to October 25, 2020.

8.0 ADJOURNMENT

8.1 Adjournment of the Regular Council meeting of October 6, 2020

20-147 **MOVED** Ksenya Dorwart, Seconded Jordan Rohatynski THAT at 8:44PM Council adjourns the Regular Council meeting of Tuesday October 6, 2020.

Carried Unanimously

Donna Forseille, CAO

Gabe Fourchalk, Mayor

FACILITY SELECT COMMITTEE
REPORT TO COUNCIL
October 20, 2020

As reported at the previous meeting, the Committee is preparing an application to the Investing in Canada Infrastructure – Rural and Northern Communities envelope.

We will apply for all three phases of the business plan under this program. Although this program does not require matching funds, will have the \$540,000 in matching funds which will be put towards the project. As previously explained, we have applied to both envelopes of this program, and the program organizers will decide which is the best fit for us.

As with the previous program it requires Council to pass a motion. Here is the appropriate wording:

THAT staff submit an application for grant funding application for the Wells-Barkerville Culture and Recreation Centre through the Investing in Canada Infrastructure Program – Rural and Northern Communities; and

THAT Council/Board supports the project and commits to providing \$540,000 towards the project and any cost overruns.

We also would like to apply for the recently announced Economic Recovery grant due October 28th. This grant does not require a Council motion of support, just the sign off of the CAO, so we are asking Council's permission to move forward with this grant. The plan is to apply for the funds for the improvements to the skating rink, including a roof. This grant does not require matching funds. We are also investigating the possibility of another community group applying for this grant instead of the District. This would show additional community support. We are requesting the following motion:

THAT Council request that the Select Committee and District of Wells Staff move forward with an application to the Community Economic Recovery Infrastructure Program.

Thank You,
The Facility Select Committee



District of Wells

Meeting Date	October 20, 2020
Report Date:	October 15, 2020
Memo to:	Mayor and Council
From:	Donna Forseille, Chief Administrative Officer
Subject:	Proposed consideration for the disposition of the 24x60 Modular Office and the Expression of Interests received

Purpose/Issue:

The purpose of this report is for Council to consider the disposition of the 2010 24x60 Modular Office and receive the expression of interest for consideration.

At the Regular Council meeting of Tuesday October 20, 2020, Council directed staff to place Public Notice for the proposed disposition of the 24x60 modular office (as per Division 3, Sections 26 and 94 of the Community Charter).

Council also directed staff to directly invite School District 28 (Quesnel) to also bid on the modular office.

District Staff received one expression of interest from Britco in Prince George, B.C.

The School District 28 has requested more time for consideration as their Board of Directors do not meet until October 21, 2020.

Should Council not accept any bid, staff would propose that Council consider alternative revenue making uses for the modular office. For Example, moving the Nurse Practitioner's Office and Telehealth offices to the two back offices located at the modular office, incorporating the Community Fitness Centre in the Main open space of the unit, or renting the unit out as housing (which would require the installation of a shower) or renting to a user group. Council would also need to consider a monthly amount for the unit and incorporate that amount into the District of Wells Comprehensive Fees and Charges Bylaw.

Budget, Policy, Staffing:

Legal Considerations:

Division 3, Section 26 of the Community Charter and Section 94 of the Community Charter

Options / Recommendations:

1. Receives the staff report regarding the proposed consideration of the disposition of the modular office building located at 4286 Mildred Avenue, Wells BC;
2. Receives the Expression of Interest Bid on the 24x60 Modular Office from Britco; and
3. Extends the timeline for receiving expressions of interest on the 24x60 Modular Office or
4. Directs staff to commence looking into alternative solutions such as renting the unit out or utilizing it for the Community Health and Fitness Centre.

Respectfully submitted by

Donna Forseille
Chief Administrative Officer



District of Wells

EXPRESSION OF INTEREST #1-2020 To Purchase Property from the District of Wells

Property Described as:

2010 24x60 Modular Office Building

Also described as the portable located at 4286 Mildred Avenue, Wells, BC

The District of Wells seeks Expressions of Interest for the lands described above. Information concerning the modular office unit is available at the District of Wells Municipal Office, 4243 Sanders Avenue, Wells (PO Box 219, Wells, BC, V0K 2R0).

Completed Expressions of Interest must be returned to the District of Wells Municipal Office no later than 10:00AM Friday, October 16, 2020. They will be publicly opened during the Regular Council meeting of Tuesday, October 20, 2020.

The modular office must be moved off site as part of the offer to purchase OR detailed specific uses anticipated for the site the modular currently resides must accompany the Expression of Interest.

The District of Wells reserves the right not to accept any Expression of Interest submitted.

Please direct any questions concerning this Expression of Interest to the District of Wells Office (Telephone: 250-994-3330; Email: admin1@wells.ca).

Donna Forseille
Chief Administrative Officer

Attachments:

- Photographs of the Subject Property

EXPRESSION OF INTEREST #1-2020
To Purchase Property from the District of Wells

The following information is not an offer or a contract and does not constitute an interest in land. The purpose of this Expression of Interest is to provide information to the District of Wells regarding a desire to purchase property as advertised on www.wells.ca prior to negotiation of a formal agreement of purchase and sale. The completion and submission of the Expression of Interest in no way obligates the applicant to purchase the property in question and is not in any way binding upon the District of Wells. The Expression of Interest is for information purposes only.

The District of Wells will review the Expression of Interest and contact the applicant to confirm whether or not the municipality will negotiate a formal Agreement of Purchase and Sale. The District of Wells reserves the right to negotiate with only those parties that the District of Wells so determines in its sole discretion. The District of Wells reserves the right to amend or abandon this transaction without accepting the Expressions of Interest.

Property Described as:

2010 24x60 Modular Office
2 rear offices, kitchenette, bathroom and open office space
Also described as the portable located at 4286 Mildred Avenue, Wells, BC

Purchase Price Offered:	\$ <u>60,000</u> . ____	(Britco will pay for dismantle and return transportation, after District of Wells disconnects electrical, water, sewer, tel/data and gas. This is a value of \$12,490)
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Contact Information:	
Date:	October 08, 2020
Purchaser Name/s:	Christoph Neufeld, Regional Manager
Corporation Name (if applicable):	Britco BOXX LP
Telephone Number:	604.888.2000
Fax Number:	
Email Address:	cneufeld@britco.com
Address:	21690 Smith Crescent
City:	Langley
Province/State:	British Columbia
Postal Code:	V2Y 0W6
GST Registration No. GST is the responsibility of the purchaser	729200691RT0001

EXPRESSION OF INTEREST #1-2020
To Purchase Property from the District of Wells

Property Described as:

2010 24x60 Modular Office Building

Also described as the portable located at 4286 Mildred Avenue, Wells, BC

1. Closing Date/Possession and Adjustment Date:

45 days following receipt of waiver of the Due Diligence condition or as agreed to between the Vendor (District of Wells) and the Purchaser.

2. Conditions Precedent:

The Purchaser shall, at its sole cost and expense, conduct its due diligence, including obtaining and reviewing any environmental site assessments, geotechnical reports, the title to the Property and the Permitted Encumbrances, and shall satisfy itself that the Property is suitable for the proposed development, on or before that date which is forty-five (45) days following acceptance of the Expression of Interest by the District of Wells Council. This condition must be waived or satisfied in writing.

3. Special Terms and Conditions:

- a. The sale is subject to the building (known as the modular office) being removed from the lands and/or an agreement with the District of Wells for the land use;
- b. It is the responsibility of the Purchaser to confirm any regulations and encumbrances affecting the Property.

**EXPRESSION OF INTEREST #1-2020
To Purchase Property from the District of Wells**

Property Described as:

2010 24x60 Modular Office Building

Also described as the portable located at 4286 Mildred Avenue, Wells, BC

Photographs of the Subject Property



**EXPRESSION OF INTEREST #1-2020
To Purchase Property from the District of Wells**

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2010 24x60 Modular Office Building

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**EXPRESSION OF INTEREST #1-2020
To Purchase Property from the District of Wells**

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2010 24x60 Modular Office Building

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EXPRESSION OF INTEREST #1-2020
To Purchase Property from the District of Wells

Property Described as:

2010 24x60 Modular Office Building

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DISTRICT OF WELLS COUNCIL CODE OF CONDUCT AND ETHICS POLICY

Preamble

The residents and businesses of the District of Wells are entitled to have fair, honest and open local government that has earned the public's full confidence for integrity. The District seeks to maintain and enhance the quality of life for all local residents through effective, responsible and responsive government. To help achieve this goal, members have committed to strive to ensure that:

- public business is conducted with integrity, in a fair, honest and open manner;
- members respect one another, the public and staff and recognize the unique role and contribution each person has in making the District a better place to work and live;
- their conduct in the performance of their duties and responsibilities with the District be above reproach; and
- the decision-making processes be accessible, participatory, understandable, timely and just, in addition to the requirements of applicable enactments.

Application of the Code

To this end, the Council of the District of Wells has adopted a Code of Ethics applicable to members of Council and to any person appointed by Council to boards, committees, commissions, panels or task forces. Unless otherwise specified, "members" is intended to include both members of Council and committees. The bodies which Council can appoint members to are referred to collectively as "committees" in the Code.

1. Act in the Public Interest

Recognizing that the District seeks to maintain and enhance the quality of life for all District residents through effective, responsive and responsible government, members will conduct their business with integrity, in a fair, honest and open manner and will not use their position within the organization for personal gain or benefit.

2. Comply with the Laws

Members shall comply with all applicable federal, provincial, and local laws in the performance of their public duties.

3. Conduct of Members

The conduct of members in the performance of their duties and responsibilities with the District must be fair, open and honest. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, committees, the staff or the public.

4. Respect for Process

Members shall perform their duties in accordance with the policies and procedures and rules of order established by the District Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Council by District staff. Members of committees shall be aware of the mandate of their respective committee, and act in accordance with it.

5. Conduct of Public Meetings

Members shall prepare themselves for public meetings; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall not interrupt other speakers; make personal comments not germane to the business of the body; or otherwise disturb a meeting.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Conflict of Interest

The Mayor and Councillors shall be aware of and act in accordance with Division 6 of the *Community Charter* and shall fulfil part (c) of their *Oath of Office*.

8. Gifts and Favours

Members shall not accept any money, property, position or favour of any kind whether to be received at the present or in the future, from a person having, or seeking to have dealings with the District, save for appropriate refreshments or meals, except where such a gift or favour is authorized by law, or where such gifts or favours are received as an incident of the protocol, social obligation or common business hospitality that accompany the duties and responsibilities of the member. A member may participate in District programs open to the public and may purchase District property or goods offered for public sale.

9. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel or legal affairs of the District. They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.

10. Advocacy

Members shall represent the official policies or positions of the District Council or committee to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent Council, their committee or the District of Wells, nor will they allow

the inference that they do.

11. Policy Role of Members

Members shall respect and adhere to the Council-Chief Administrative Officer structure of government as practiced in the District of Wells. In this structure, the Council determines the policies of the District with the advice, information and analysis provided by the public, committees, and District staff. Members, therefore, shall not interfere with the administrative functions of the District or with the professional duties of District staff; nor shall they impair the ability of staff to implement Council policy decisions.

12. Positive Work Place Environment

Members shall treat other members, the public and District staff with respect and shall be supportive of the personal dignity, self-esteem and well being of those with whom they come in contact with during the course of their professional duties.

13. Implementation

The District of Wells Code of Conduct and Ethics is intended to be self-enforcing. Members should view the Code as a set of guidelines that express collectively the standards of conduct expected of them. It, therefore, becomes most effective when members are thoroughly familiar with the Code and embrace its provisions. For this reason, the Code of Ethics will be provided to candidates for Council and applicants to committees.

14. Member Questions/Inquiries to District Staff

Member's request for information from staff shall be directed to the Chief Administrative Officer or Corporate Officer, if the response constitutes more than a technical clarification, then the response shall be provided to all Members so that all Members have access to the same information.

15. DRESS CODE

Being clean and presentable at all times shows respect for colleagues and the public as their elected officials representing their Community.

Council Members may not promote/further personal political issues, or wear or display any material for any political or pressure group (without compromising their political neutrality, being respectful of other's perceptions)

Removal of hats during all Council meetings and functions. Not carrying any illegal substance or weapon on their person. Removal of District paraphernalia during personal outings, especially to Bars, pubs, and clubs.

16. Implementation

As an expression of the standards of conduct for Members expected by the District, this Code is intended to be self-enforcing. This Code therefore becomes most effective when Members thoroughly familiar with it and embrace its provisions. For this reason, this Code shall be provided as information to candidates for Council. Members elected

to Council shall be requested to sign a member statement affirming they have read and understand this code and that they agree to conduct themselves in accordance with it.

17. Compliance and Enforcement

The District of Wells Code of Conduct and Ethics expresses standards of ethical conduct expected for members of the District Council and committees. Members themselves have the primary responsibility to assure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of the District of Wells.

The District will not retaliate against Members or District Staff who, in good faith, report a known or suspected violation of this code. No reprisals or threat of reprisals shall be made against such a complainant, or against anyone providing relevant information in connection with a suspected violation of this Code. Members shall respect the integrity of this code and the enforcement of it.

District Council may impose sanctions on Members whose conduct does not comply with this code, including but not limited to a motion of censure.

To ensure procedural fairness, a member who is accused of violating any provision of this code shall have a minimum of two weeks, or the time between two consecutive Council meetings, whichever is greater, to prepare his or her response to these allegations.

Specifically, before considering a sanction, Council must ensure that a member is provided with:

1. a copy of a written report setting out the alleged breach of this code, and possible sanctions that may be considered against him or her;
2. a minimum of two weeks, or the time between two consecutive Council meetings, whichever is greater, to prepare a response against any allegations and possible sanctions; and
3. an opportunity to make representations and be heard by Council.

A violation of this Code and Ethics Policy shall not be considered a basis for challenging the validity of a Council decision.

Signature of Elected Official

Date

Chief Administrative Officer

Date

District of Wells Council Code of Conduct & Ethics

A. INTRODUCTION

As local elected representatives of the District of Wells (members), we recognize that responsible conduct is essential to providing good governance for the District of Wells. We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

B. HOW TO APPLY AND INTERPRET THIS CODE OF CONDUCT

This Code of Conduct applies to the members of the District of Wells. It is each member's individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other members, staff, and the public. Elected officials must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the local government, the common law and any other legal obligations which apply to members individually or to the District of Wells Council as a whole.

C. FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

1. **Integrity**- means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honorable.

2. **Respect**- means having due regard for others' perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.

3. **Accountability**- means an obligation and willingness to accept responsibility or to account for one's actions. Conduct under this principle is demonstrated when District of Wells Council members, individually and collectively, accept responsibility for their actions and decisions.

4. **Leadership and Collaboration** - means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a District of Wells Council member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

D. STANDARDS OF CONDUCT

Integrity: Integrity is demonstrated by the following conduct:

- Members will be truthful, honest, and open in all dealings, including those with other members, staff and the public.
- Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by the District of Wells Council.
- Members will follow through on their commitments, correct errors in a timely and transparent manner and engage in positive communication with the community.
- Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.

- Members will behave in a manner that promotes public confidence in all of their dealings.

Respect: Respect is demonstrated through the following conduct:

- Members will treat every person with dignity, understanding, and respect.
- Members will show consideration for every person's values, beliefs, and contributions to discussions.
- Members will demonstrate awareness of their own conduct, and consider how their words or actions may be perceived as offensive or demeaning.
- Members will not engage in behavior that is indecent, insulting or abusive. This behavior includes unwanted physical contact, or other aggressive actions that may cause any person harm or makes them feel threatened.

Accountability: Accountability is demonstrated through the following conduct:

- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the District of Wells Council.
- Members will listen to and consider the opinions and needs of the community in all decision making and allow for appropriate opportunities for discourse and feedback.
- Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

Leadership and Collaboration: Leadership and collaboration is demonstrated through the following conduct:

- Members will behave in a manner that builds public trust and confidence in the local government.
- Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of a decision, but once a decision has been made, all members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.
- As leaders of their communities, members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
- Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, staff, and the public.
- Members will recognize the importance of the role of the Chair of meetings, and treat that person with respect at all times.

EFFECTIVE: October 23, 2019

AUTHORIZED BY: Council

RESOLUTION NO:

REPLACES: 2018 Councillor Code of Conduct and 2010 Councillor Code of Ethics Policy



FAIRNESS BY DESIGN:

An Administrative Fairness
Self-Assessment Guide



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ROLE OF PROVINCIAL AND TERRITORIAL OMBUDSMAN/ OMBUDSPERSONS IN CANADA

In Canada, provincial and territorial Ombudsman and Ombudsperson Offices (“Ombuds”) are independent statutory bodies whose mandate is to

- ensure people are treated fairly by public bodies;
- promote fairness and accountability in public administration; and
- provide independent and impartial oversight of government services.

Ombuds offices fulfil this mandate by responding to complaints and enquiries from members of the public and by conducting investigations of complaints made about local and provincial public bodies. Ombuds offices are independent of government and act under the authority of provincial or territorial legislation.¹

Independence, impartiality and confidentiality are key features of Ombuds work worldwide and differentiate our process from other types of reviews such as the public inquiry process or reviews undertaken by advocacy organizations.

The Office of the Ombudsman in Saskatchewan, Manitoba, Nova Scotia and Yukon and Ombudsperson in British Columbia developed this resource, *Fairness by Design: An Administrative Fairness Self-Assessment Guide*, for public bodies across Canada to use to build fairness into policies and processes from the start. If you need further information about how to use this guide, we encourage you to contact your provincial or territorial Ombuds office. This document will be updated periodically so please check back regularly to ensure that you are using the most up to date advice.

1. In British Columbia, this is the *Ombudsperson Act*; in Saskatchewan and Manitoba, *The Ombudsman Act*, in Yukon and Nova Scotia, the *Ombudsman Act*.

FAIRNESS BY DESIGN:

AN ADMINISTRATIVE FAIRNESS SELF-ASSESSMENT GUIDE

ABOUT THIS PROJECT

How can you ensure that your public organization is delivering its programs and services in a fair and reasonable manner? The first step is to build fairness in from the start by designing systems to support fairness in decision making and service delivery.

Members of the public expect that government and the broader public sector will act in a fair, open and transparent manner when delivering public services and programs. There is also an expectation that public sector employees will be accountable to the people they serve by providing clear information and explanations for the decisions they make and actions they take.

Public bodies and their employees generally receive their authority and direction from legislation. To support and guide staff in exercising this authority, public bodies develop policies, procedures, rules and other guidance documents. These documents are typically the primary framework for administering public programs and services.

Because of the power that policies and other guidance documents have to affect peoples' rights, interests and privileges, it is important to build fairness in at the policy and program design stage to ensure services are delivered fairly. This guide is intended to assist public bodies in achieving this objective.

WHAT IS THIS GUIDE?

This guide provides an opportunity for public sector organizations to proactively conduct a self-assessment to evaluate the fairness of its systems, policies and practices.

Self-assessment of fairness requires that public bodies critically examine both existing and proposed systems and policies, and take steps where needed to revise their processes to ensure that they are administratively fair.

The benefits of self-assessment are it

- Demonstrates a commitment to fairness, which can increase the public's confidence in government;
- Instills a sense of confidence in public sector employees that they are treating the people they provide services to fairly;
- May reduce the number of complaints received by the public body; and
- May enable public bodies to resolve issues more quickly and efficiently, saving time and money.

HOW TO USE THIS GUIDE

Self-assessment of fairness is a continuous process. We encourage public bodies to consider using this guide when establishing new procedures, programs or policies, or when reviewing or enhancing existing programs. This guide can also be used to measure gaps and potential risks for the purpose of guiding future policy work. This includes the early stages through to the development of policy options, and on to final decision making.

The seven fairness standards in this guide, and their accompanying checklists, can be used by public bodies to ensure that their practices, policies and programs meet the fairness obligations set out in provincial and territorial Ombuds legislation, principles of administrative law and broader societal fairness standards.

For each fairness standard, we set out the specific criteria and responsibilities your public body should consider in order to meet that fairness standard. The checklists can be used to evaluate whether your program or service is meeting some, none or all of these fairness standards.

WHAT IS FAIRNESS?

Although public sector employees may have an instinctive sense of what fairness is, it can be a difficult concept to define, and there are often different views of the requirements of fairness in any particular case.

In this guide, we focus on three aspects of fairness: Fair Process, Fair Decision and Fair Service, shown in the Fairness Triangle² below.

Each section of this guide describes one of these three dimensions of fairness and a subset of fairness standards that are consistent with Ombuds' expectations of administrative fairness in public service delivery.

As you apply the guide to your organizational framework, we invite you to think critically about the areas within your organization where gaps may result in unfairness, and use the checklists provided to help identify those gaps and seek improvement where needed.



2. The Fairness Triangle used in this guide was adapted from the Ombudsman Saskatchewan Fairness Triangle, developed from the concept of the satisfaction triangle in: Moore, Christopher (2003). *The Mediation Process: Practical Strategies for Resolving Conflict* (3rd ed.). San Francisco: Jossey-Bass Publishers.

PART I: FAIR PROCESS

Fair process, also called procedural fairness, refers to the process public bodies follow when making decisions that directly affect people. It includes the steps public sector employees take before, during and after making decisions.

FAIRNESS STANDARD I: PARTICIPATION

- ▶ Public bodies are responsible for ensuring there are pathways for people affected by a decision to participate meaningfully where the decision has the potential to affect their rights, privileges or interests.

Ensure that your organization's decision making process provides opportunities for individuals to participate meaningfully when you are proposing actions or making decisions that affect them.

☐ **1.1 Advance notice of an action or decision**

This applies to actions or decisions that your organization routinely makes that have a direct impact on individuals. The details of the notice will depend on the nature of the decision and its potential consequences- the more serious the consequences, the more notice will generally be required. When notice periods are set by legislation, your policy must mirror the legislated notice period. Advance notice may not always be possible in more urgent circumstances, but must still be provided when required by law.

☐ **1.2 Adequate information about the decision making process and criteria**

The decision making process and the legislation, policy and other rules being used to make the decision should be clearly explained to the person. This includes providing information necessary for the person to understand the nature of the decision being made and what information is required from them. The person should also be provided sufficient access to information the decision maker will be relying on to make the decision, particularly where it is adverse to their interests.

☐ **1.3 Opportunity to be heard**

The person should have an opportunity to be heard in the decision making process. This includes an opportunity to present their views on the proposed action or decision and provide any supplemental or contrary information they believe is relevant to the decision. The scope of participation should reflect the importance of the issues involved, nature of the decision and potential impact on the person's rights, interests or privileges.

☐ **1.4 Adequate appeal or review mechanism**

Ensure there are avenues available for people to challenge or seek a review of a decision that is adverse to them. Information about your organization's appeal or review process should be clearly communicated to the person at the time the decision is made, including any applicable time limits or other requirements for seeking review.

Ensure that staff provide clear and meaningful reasons for decisions and consistently document the rationale for their decisions.

☐ **1.5 Document decisions**

Ensure that your organization has policies in place that require staff to record reasons for decisions, and your organization records these decisions in accordance with statutory obligations and/or organizational requirements.

- ☐ **1.6** Ensure staff understand their delegated authority and document their decisions clearly, including information about how they reached their decision. This includes documenting what information they gathered and considered, any findings of fact they made and how they applied the rules to the information/facts to reach the decision. This also includes documenting how they weighed the evidence and relevant considerations in the decision making process, and why they may have assigned more weight to one piece of evidence or rejected certain information in reaching their conclusion.

☐ **1.7 Communicate decisions**

Establish a consistent method for staff to communicate decisions to affected individuals, preferably in writing. The method of communicating decisions may vary depending on the nature of the decision and its impact on the person. However, in all cases, reasons for decisions should be communicated. For more information refer to the [BC Ombudsperson Fairness in Practice Guide](#).

- ☐ **1.8** Develop template documents to assist staff in making and communicating decisions and for providing adequate reasons to people affected by these decisions. Reasons for decisions should include the following:

- The issue to be decided
- The facts and evidence considered
- The applicable law or policy
- An explanation of how the law or policy was applied to the facts
- The conclusion or decision reached
- Information about any review or appeal options

☐ **1.9 Timely decision making**

Establish a clear and reasonable time frame in policy for your organization's typical decision making processes. The time frame may be set out in legislation. If not, it is best to set the expectation that staff will communicate a decision to an affected person as soon as is reasonably possible. If there is an unavoidable delay in the process, direct staff to advise the person of the reason for the delay and approximately when they can expect to receive the decision.

- ☐ **1.10** Conduct regular education and training in procedural fairness, standards for documenting and communicating reasons, and other topics relevant to ensuring meaningful participation for those affected by your decisions.

FAIRNESS STANDARD 2: INTEGRITY AND IMPARTIALITY

- Public bodies are responsible for ensuring that employees understand the requirement to be impartial and exhibit the highest standards of ethical conduct in the delivery of public programs and services.

Ensure the impartiality of your organization's employees in the conduct of their duty. Public sector employees are expected to provide advice, deliver services and make decisions in a manner that is free from personal interest, preference or prejudice.

- ☐ **2.1** Establish a conflict of interest policy to prevent and manage perceived, potential and actual conflicts. Ensure that all employees in the organization periodically review and sign off that they understand the expectations with regard to declaring a conflict.
- ☐ **2.2** Develop a system for assessing and responding to concerns raised by the public about conflict or bias³ on the part of staff who are delivering your services. Establish procedures for assessing, resolving and mitigating such concerns.
- ☐ **2.3** Ensure staff who make decisions in your organization receive training on impartiality and bias, and are aware of their obligations to assess, disclose and respond appropriately to issues of actual or perceived bias on their part.
- ☐ **2.4** Establish a review or appeals policy that ensures that an independent decision maker is assigned to conduct any review or appeal of a previous decision.

Ensure that your organization has systems and policies in place that promote ethical and professional conduct by your staff and organization, and that these expectations are clearly communicated to all employees.

- ☐ **2.5** Develop and regularly review a code of conduct policy that sets out the expectations for ethical conduct in your organization and creates a shared understanding of the standards your staff are expected to apply in their work.
- ☐ **2.6** Train staff in the ethical standards that are expected in your organization, and ensure all employees in your organization review and sign off that they understand these standards of conduct.
- ☐ **2.7** Develop systems to identify, disclose, investigate, record and monitor any ethical concerns or incidents of ethical misconduct that may arise. Ensure these systems comply with Public Interest Disclosure legislation in your province or territory.
- ☐ **2.8** Commit to upholding the public's trust in your public body and its use of public funds. This includes having systems in place that mitigate the risk of loss due to fraud.

3. Bias is defined as "a leaning, inclination, bent or predisposition towards one side or another or a particular result" *Wewaykum Indian Band v. Canada*, 2003 SCC 45. Fairness requires that decision makers remain objective, be open to persuasion, and are impartial about both the issues to be decided and the parties to the case.

PART 2: FAIR DECISIONS

As part of delivering programs and services, public sector employees make decisions every day that affect individuals. A decision is a result, outcome, action or response by a public body that affects one or more people or organizations.

FAIRNESS STANDARD 3: JUST AND LAWFUL

- ▶ To ensure programs, services and decision making processes operate fairly, public bodies must establish rules that are fair and just. Public bodies must also ensure programs, services and decision making processes comply with the law.

The rules that your program operates under must be fair and just. Rules include legislation, regulation, policy, procedures, practice standards, guidelines and codes. A fair and just rule is:

☐ **3.1 Lawful**

All rules, including policies, procedures and eligibility criteria must be consistent with the legislation your program or service operates under, including its intended purpose.

☐ **3.2 Not arbitrary**

To be arbitrary is to make a decision randomly, based on personal opinion or preference, or without regard to rules or standards. Rules must provide a basis for decision making that is logical and understandable. When the legislation or policy clearly spells out a test to apply, it should be applied consistently by staff so that similar cases are treated in a similar way. Otherwise, decisions may be considered arbitrary and therefore unjust.

☐ **3.3 Not oppressive or unreasonably burdensome**

A rule is oppressive if it overburdens a person seeking access to a process or legal entitlement, imposes unreasonable requirements on a person, is punitive or harsh, or results in an exercise of power by the public body that places the person at an unreasonable disadvantage – for example, setting unreasonable preconditions to access a legal entitlement where there is no legal or practical basis for imposing such a requirement.

☐ **3.4 Not improperly discriminatory**

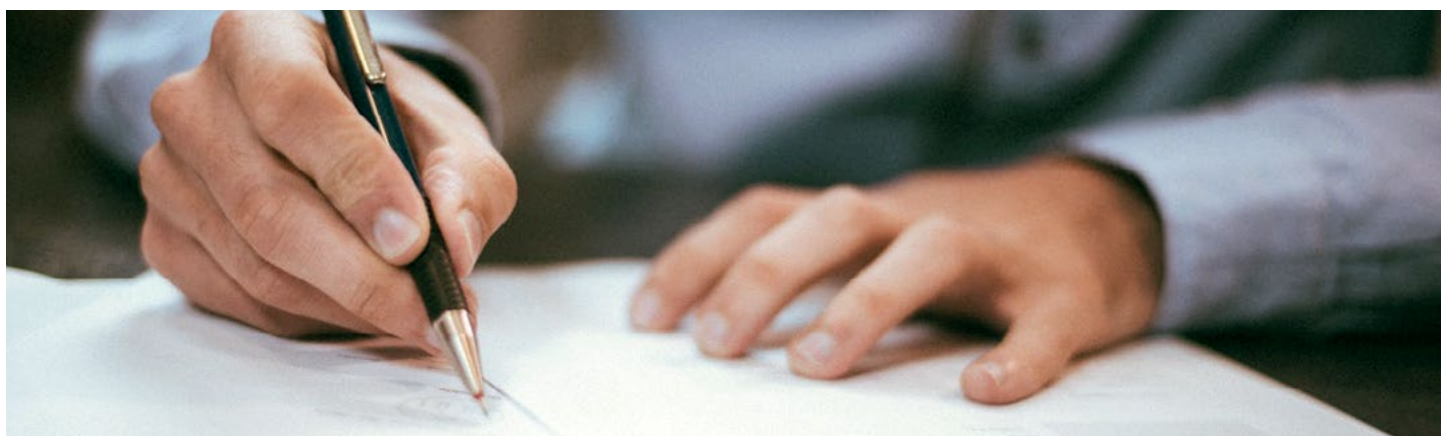
When delivering public programs and services, public bodies are often required to discriminate, in the sense of making distinctions, between different people. For example, student loan programs typically only provide funding to applicants who are registered in some form of post-secondary education. Making distinctions between people becomes *improperly* discriminatory when it distinguishes between people based on personal characteristics that are protected under human rights legislation (e.g. race, disability or religious belief), or when the distinguishing criteria is not reasonably required for the overall purpose of the public program or service.

When drafting rules, ensure the following standards are met:

- ☐ **3.5** Ensure your rules are reasonable, fair and just. Seek legal, policy and any other advice as necessary to achieve this objective.
- ☐ **3.6** The policies and procedures for decision making processes must be consistent with the principles of procedural fairness as outlined in the previous section of this guide.
- ☐ **3.7** Rules or eligibility criteria set out in policy must not be more restrictive or burdensome than the governing legislative scheme.
- ☐ **3.8** Ensure there are no unreasonable preconditions or requirements that unnecessarily burden a person seeking access to your service or organization or a legal entitlement.
- ☐ **3.9** Ensure your policies and procedures are designed to be flexible and equitable. Fairness requires public bodies to recognize that people differ in their life circumstances and experiences. Rules should allow some flexibility for staff to consider individual needs when making decisions that impact a person's rights, interests or privileges.

Ensure your program, service and decision making process complies with all federal, provincial and territorial legislation, as well as local bylaws.

- ☐ **3.10** Determine what legislation applies to your program or service and ensure your program's policies and procedures comply with these laws, including administrative law, human rights legislation and the *Canadian Charter of Rights and Freedoms*. If necessary, seek legal advice.
- ☐ **3.11** Ensure policies and procedures reference and explain the statutory framework that your program or service operates under. The authority for decision making should be clearly defined and linked to statutory authority.
- ☐ **3.12** Make sure your policies and procedures identify who has legal authority to make specific decisions or take certain actions within your organization. This includes ensuring there is a process in place for the proper delegation of statutory decision making power and making clear the scope and limits of that authority.



FAIRNESS STANDARD 4: EQUITABLE

- ▶ To ensure fair decision making by staff, public bodies must establish processes that support decisions that are based on complete and relevant information, reflect an appropriate exercise of discretion, and reasonably consider the specific case and people's individual circumstances.

For a decision to be fair, the decision maker must fully consider and decide each case on its own merits. Develop policy and other guidance documents that clearly set out and guide the decision making process for staff to follow, including:

- ☐ **4.1** The applicable legislation, policy and other rules that must be followed, including the scope of staff's decision making power and how to act within this grant of authority. This includes providing information on how to interpret and apply the applicable rules.
- ☐ **4.2** The decision making steps to follow for the decisions your organization makes. This may take the form of a checklist and include the information required to make a decision, and how staff should gather this information.
- ☐ **4.3** Guidance on exercising discretion fairly and the requirement to decide each case on its own merits. Fairness requires discretion be exercised in good faith, based on relevant considerations and consistent with the applicable legislation and its intended purpose. Provide staff with guidance on how to consider individual circumstances, when exceptions to policy may be considered, and what information should factor into the exercise of discretionary power.
- ☐ **4.4** Establish a level of independence in decision making under policy that does not fetter or restrict the exercise of discretion and is not more rigid than the enabling legislation. Where applicable, expectations to seek supervision or consultation with senior staff should be identified in policy.
- ☐ **4.5** Develop guidelines for staff to follow when they determine the standard application of the policy would lead to an unreasonable or unfair result in a specific case.



PART 3: FAIR SERVICE

Fair service, also called relational fairness, refers to how public bodies treat members of the public who access their programs and services. While public bodies must create and apply policy in a way that is consistent with applicable legislation and ensure a fair process is followed when making decisions that impact people, fairness also requires a public body attend to fair service.

FAIRNESS STANDARD 5: ACCESSIBILITY

- ▶ Public bodies are responsible for ensuring their programs and services are easily accessible to a diverse range of people.

Information relating to your organization’s programs, policies and services should be made publicly available and written in accessible language that is easy for the general public to understand.

- ☐ **5.1** Have information about your policies, programs and services clearly accessible on your website, including information about how to raise a concern about your organization. Your public information should clearly explain the strategic intent and key principles and objectives that underpin your programs and services. Ensure this information is accurate, complete, written in clear and understandable language, and kept up to date.
- ☐ **5.2** Develop other forms of literature and materials that explain your organization’s services for people who do not have electronic access to such information (i.e., brochures, pamphlets, fact sheets). Keep in mind that individuals must be able to obtain information about your organization without unreasonable effort.
- ☐ **5.3** If decisions made by your organization can be appealed or challenged, the process for doing so should be clearly laid out on your website and in your other print materials.
- ☐ **5.4** Follow a plain language style guide to ensure your public body’s communication is consistent, clear and easily understandable.

Ensure your programs and services are accessible to a diverse range of people.

- ☐ **5.5** Develop and implement a service model that incorporates accommodation standards and is accessible to a diversity of service users.
- ☐ **5.6** Offer access to your organization's services in a variety of ways, including online, in-person, by mail, fax and toll-free telephone line.
- ☐ **5.7** Ensure that translation and interpreter services are available to people who need it.
- ☐ **5.8** Minimize any unnecessary regulatory or administrative burdens associated with accessing your programs and services.
- ☐ **5.9** Create accessible, culturally safe and inclusive workspaces for your service users and staff.
- ☐ **5.10** Ensure your programs and services are designed in a manner that reflects and adheres to the governing principles in your province or territory relating to the Truth and Reconciliation Commission of Canada's *Calls to Action* and the United Nations *Declaration on the Rights of Indigenous Peoples*.
- ☐ **5.11** Conduct regular reviews of your organization's program and service delivery model to ensure you are addressing any barriers and providing an accessible service to the public.



FAIRNESS STANDARD 6: PEOPLE-CENTERED

- ▶ Public bodies are responsible for training employees and establishing processes that ensure respectful treatment and fair consideration of peoples' needs and circumstances in the delivery of services and programs.

Your organization must be responsive to the individual needs and privacy rights of people accessing your programs and services.

- ☐ **6.1** Ensure your public body sets clear expectations and standards for staff to treat the people accessing your service with courtesy and respect.
- ☐ **6.2** Set reasonable service delivery standards, including timelines for responding to an enquiry or concern, and ensure these standards are clearly communicated to staff and the public.
- ☐ **6.3** Set expectations that staff will keep people informed about the progress or status of their application, request or complaint.
- ☐ **6.4** Ensure your records management system reflects the privacy and information management laws in your province or territory. Make appropriate arrangements to secure and protect all personal information that is collected by your organization, and ensure staff are informed of the requirement to treat personal information of service users confidentially.

Ensure staff are appropriately trained and supported to provide people-centered service. When drafting rules, ensure the following standards are met:

- ☐ **6.5** Hire front line staff who are skilled in customer service, and develop policies and procedures that empower staff to respond efficiently to enquiries, requests and complaints.
- ☐ **6.6** Direct staff to provide timely service and to explain the reason for any delay to the affected individual. Staff must take care to ensure any delay in providing a response does not create hardship for the person affected.
- ☐ **6.7** Conduct regular education and training in issues relating to people-centered service delivery, ranging from employee orientation to subsequent training activities. Training may include areas such as conflict resolution, respectful communication, dealing with vulnerable persons, cultural fluency, mental health and responding to challenging behavior.
- ☐ **6.8** Ensure staff receive training and education to develop an understanding of the service standards, rules and decision making processes they are expected to follow in their work.
- ☐ **6.9** Ensure any policy and procedure changes are clearly and immediately communicated to staff.

FAIRNESS STANDARD 7: ACCOUNTABILITY AND CONTINUOUS IMPROVEMENT

- ▶ Public bodies are responsible for demonstrating accountability by developing a robust and accessible complaints process, and fostering a culture of ongoing quality review and continuous service improvement.

Develop and advertise your complaint resolution policy and process, and encourage service users to provide feedback on your programs and services by establishing an organizational culture of welcoming complaints.

7.1 Develop a complaint resolution policy that is clearly articulated, publicized and accessible to a wide range of people who need it. Include the following in the policy:

- ☐ reason for the complaint resolution policy;
- ☐ definition of a complaint;
- ☐ guiding principles of the complaints process;
- ☐ standard timelines for responding to complaints;
- ☐ confidentiality of complaint information;
- ☐ safeguards against retribution; and
- ☐ reporting and review obligations.

7.2 Develop an effective, accessible and flexible complaints process that

- ☐ explains how complaints can be made to your organization, and who is responsible for handling and responding to complaints;
- ☐ clearly delineates what is in scope and what is out of scope, if there are only certain matters that may be the subject of a complaint;
- ☐ uses forms that clearly indicate to people making a complaint what information they need to provide when lodging their complaint;
- ☐ ensures that complaints are acknowledged quickly, and responses are personal and specific to the issues the person raised;
- ☐ provides an opportunity for informal resolution;
- ☐ explains the typical time frames for resolution;
- ☐ provides a second chance and an opportunity for independent investigation/review;
- ☐ explains how anonymous complaints are handled;
- ☐ describes how complaints and outcomes will be recorded, and the types of remedies or outcomes that could reasonably be expected; and
- ☐ outlines any review mechanisms available if the person who made the complaint is not satisfied with the process or outcome of their complaint.

Ensure that your public body demonstrates accountability by openly accepting responsibility for its mistakes, providing apologies where appropriate and committing to continuous quality and service improvement.

- ☐ **7.3** Develop an apology policy that details the procedure to be followed and the events and circumstances in which the public body believes apologies should be given.
- ☐ **7.4** Include practical training to staff at all levels on the importance of apologies, and empower them by providing information about when and how to make an apology. For more information refer to the [BC Ombudsperson's Guide On Apologies](#).
- ☐ **7.5** Develop and implement a system for tracking complaints, reviews and appeals in order to capture feedback about your organization's systems and processes. Regularly review and share this complaint data internally with a view to seeking improvement in your organization's service delivery.
- ☐ **7.6** Conduct regular reviews of your public body's processes, including policy, procedures and guidelines to assess how everything is working. These reviews should include seeking the views of stakeholders on how well your program is operating and how it could be improved. Following each review, your public body should develop an implementation plan that identifies what actions are to be taken, by whom and under what timeframe.
- ☐ **7.7** Keep staff informed of your organization's new initiatives relating to its programs and services, including any policy or practice changes that result from a review of a complaint.



NOTES

BRITISH COLUMBIA

www.bcombudsperson.ca



QUÉBEC

www.protecteurducitoyen.qc.ca



ALBERTA

www.ombudsman.ab.ca



NEW BRUNSWICK

www.ombudnb.ca



SASKATCHEWAN

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NOVA SCOTIA

www.novascotia.ca/ombu



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NORTHWEST TERRITORIES

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YUKON

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DISTRICT OF WELLS
BYLAW No. 61, 2004

COUNCIL PROCEDURE BYLAW

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DISTRICT OF WELLS
BYLAW NO. 61, 2003

COUNCIL PROCEDURE BYLAW

WHEREAS pursuant to Section 124 of the Community Charter a Council is required by bylaw, to established the general procedures to be followed by council and council committees in conducting their business, and

WHEREAS the District of Wells Council wishes to conduct business under the Community Charter

NOW THEREFORE the Municipal Council of the District of Wells enacts as follows:

PART 1 – INTRODUCTION

Title

1. This Bylaw may be cited as the “COUNCIL PROCEDURE BYLAW NO. 61, 2004”.

Definitions

2. In this Bylaw,

“District” means the District of Wells;

“Town Hall” means the Municipal Office of the District of Wells located at 4243 Sanders Avenue, Wells, BC, British Columbia;

“commission” means a municipal commission established under s.143 of the *Community Charter*;

“committee” means a standing, select, or other committee of Council, but does not include COTW;

“COTW” means the Committee of the Whole Council;

“Corporate Officer” means the Corporate Officer for the City;

“Council” means the Council of the District of Wells;

“Mayor” means the mayor of the District of Wells;

“Public Notice Posting Places” means 1) the notice board in the front window of The Town Hall, 2) the Town Hall notice board at the Post Office; 3) the notice board at the Service Station; 4) the notice board at the Royal Canadian Legion Branch 128.

s. 143

s. 124(2)(e)

Application of rules of procedure

- 124(2)(a) and (b)
3. (1) The provisions of this Bylaw govern the proceedings of Council, COTW and all standing and select committees of Council, as applicable.
- (2) In cases not provided for under this Bylaw, The New Robert's Rules of Order, 2nd edition, 1998, apply to the proceedings of Council, COTW, and Council committees to the extent that those Rules are
- (a) applicable in the circumstances, and
- (b) not inconsistent with provisions of this Bylaw or the *Community Charter*.

PART 2 – COUNCIL MEETINGS

Inaugural Meeting

- 124(2)(g) 125(1)
4. (1) Following a general local election, the first Council meeting must be held on the first Tuesday in December in the year of the election.
- (2) If a quorum of council members elected at the general local election has not taken office by the date of the meeting referred to in subsection (1), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.
- (3) At the meeting mentioned in subsection (1) the following tasks will be undertaken:
- (a) adopt a schedule of the dates, times and places of regular Council meetings for the next year and make the schedule available to the public by posting it at the Public Notice Posting Places on or before December 31, (see section 7.(1))
- (b) establish a rotating schedule of council members designated to act in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- 125(2)

Quorum Requirement

5. A quorum of Council is three members of Council.

Time and location of meetings

6. (1) All Council meetings must take place within The Town Hall except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings must

- (a) be held on the first and third Tuesday of each month, and
 - (b) begin at 7:00 P.M.;
 - (c) be adjourned before midnight on the day scheduled for the meeting unless Council resolves to proceed beyond that time;
 - (d) when such meeting falls on a statutory holiday, be held on the next Tuesday The Town Hall is open following which is not a statutory holiday;
- (3) Regular Council meetings may:
- (a) be cancelled by Council, provided that two consecutive meetings are not cancelled; and
 - (b) be postponed to a different day, time and/or place by the Mayor, provided the Corporate Officer is given at least 2 days notice, where possible.

Notice of Council Meetings

- 127(1)
7. (1) In accordance with section 127 of the *Community Charter* Council must prepare annually on or before December 7th, a schedule of the dates, times and place of regular Council meetings for the next year and must make the schedule available to the public by posting it at the Public Notice Posting Places on or before December 31.
- (2) Where revisions are necessary to the annual schedule of regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a regular Council meeting.

Notice of special meetings

- 127(2)
8. (1) Except where notice of a special meeting is waived by unanimous vote of all council members under section 127(4) of the *Community Charter* a notice of the date, hour, and place of a special Council meeting must be given at least 24 hours before the time of the meeting, by
- (a) posting a copy of the notice in the Council chambers at The Town Hall,
 - (b) posting a copy of the notice at the Public Notice Posting Places, and
 - (c) leaving one copy of the notice for each Council member in the Council member's mailbox at The Town Hall.

(d) notifying Councillors by phone or electronic means.

s.127(3)

- (2) The written notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

Electronic Meetings

s. 128

9. (1) Provided the conditions set out in subsection 128(2) of the *Community Charter* are met,
- (a) A special Council meeting may be conducted by means of visual and audio or audio electronic or other communication facilities if the Mayor or Council requires it and facilities permit.
- (b) a member of Council or a Council Committee member who is unable to attend at a Council meeting or Council Committee meeting, as applicable, may participate in the meeting by means of visual and audio or audio electronic or other communication facilities, if the meeting is a regular, special and/or committee meeting and if facilities permit;
- (c) One member of either Council or Staff must be present at the location where the public can hear or observe the proceedings of any Council meeting in accordance with Section 128 of the Community Charter.

PART 3 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR

s. 130

10. (1) Annually in December, Council must establish a rotating schedule of Council members designated to act in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (2) A Councillor designated under section 10(1), must fulfill in accordance with the schedule, the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and the member designated under section 10(1) are absent from a Council meeting, the Council member next scheduled on the rotation to act in place of the Mayor in his absence shall preside at that Council meeting.
- (4) The member designated under section 10(1) or chosen under section 10(3) has the same powers and duties as the Mayor in relation to the applicable matter.

PART 4 – COUNCIL PROCEEDINGS

Community Charter Provisions

11. Matters pertaining to Council proceedings are governed by the *Community Charter*.

Attendance of Public at Meetings

- s. 89
12. (1) Except where the provisions of section 90 of the *Community Charter* apply, all Council meetings must be open to the public.
- s. 92
- (2) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter*.
- s. 93
- (3) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
- (a) COTW,
 - (b) standing and select committees,
 - (c) parcel tax review panel,
 - (d) board of variance.
- (4) Despite section 12(1), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 10 may expel or exclude from a Council meeting a person in accordance with section 22(8).

Minutes of meetings to be maintained and available to public

- s.124(2)(c)
13. (1) Minutes of the proceedings of Council must be
- (a) legibly recorded,
 - (b) certified as correct by the Corporate Officer, and
 - (c) signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
- s.97(1)(b)
s.97(2)
- (2) Subject to subsection 13(3), and in accordance with section 97(1)(b) of the *Community Charter* [other records to which public access must be provided] minutes of the proceedings of Council must be open for public inspection at The Town Hall during its regular office hours.
- s.97(1)(b)

- (3) Subsection 13(2) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter*.

Calling meeting to order

s.124(1)
s.124(2)(a)

14. (1) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order, however, where the Mayor is absent, the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with section 10 must take the Chair and call such meeting to order.

Adjourning meeting where no quorum

15. If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Officer must
- (1) record the names of the members present, and those absent, and
 - (2) adjourn the meeting until the next scheduled meeting.

Agenda

16. (1) Prior to each Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting.
- (2) The deadline for submissions by the public to the Corporate Officer of items for inclusion on the Council meeting Agenda must be 12:00 Noon on the Thursday prior to the meeting.
 - (3) The Corporate Officer must make the agenda available to the members of Council and the public before 5:00 P.M. on the Friday afternoon prior to the meeting.
 - (4) Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced as a late item pursuant to section 18.

Order of proceedings and business

17. (1) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:
- (a) Approval of agenda and late items as necessary;
 - (b) Adoption of minutes;
 - (c) Delegations – requests to address Council

- (d) Public and statutory hearings, and third reading or adoption of bylaws where applicable after each hearing;
 - (e) Business Arising / Unfinished business;
 - (f) Consent Calendar
 - (g) Correspondence;
 - (h) New business;
 - (i) Staff Reports
 - (j) Committee Reports
 - (k) Bylaws;
 - (l) Information and Announcements
 - (m) Question Period;
 - (n) Adjournment.
- (2) Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.

Late Items

18. (1) An item of business not included on the Agenda must not be considered at a Council meeting unless introduction of the late item is approved by Council at the time allocated on the Agenda for such matters.
- (2) If the Council makes a resolution under section 18(1), information pertaining to late items must be distributed to the members.

Voting at meetings

19. (1) The following procedures apply to voting at Council meetings:
- (a) when debate on a matter is closed the presiding member must put the matter to a vote of Council members;
 - (b) when the Council is ready to vote, the presiding member must put the matter to a vote by stating:

"All in favour raise your hands." and then "Opposed".
 - (c) when the presiding member is putting the matter to a vote under paragraphs (a) and (b) a member must not
 - (i) cross or leave the room,
 - (ii) make a noise or other disturbance, or

- (iii) interrupt the voting procedure under paragraph (b) unless the interrupting member is raising a point of order;
- (d) after the presiding member finally puts the question to a vote under paragraph (b), a member must not speak to the question or make a motion concerning it;
- (e) the presiding member's decision about whether a question has been finally put is conclusive; and
- (f) whenever a vote of Council on a matter is taken, each member present shall signify his/her vote by raising his/her their hand.
- (g) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative;

Delegations

20. (1) The Council may, by resolution, allow an individual or a delegation to address Council at the meeting on the subject of an Agenda item provided written application has been received by the Corporate Officer by noon on the Thursday prior to the meeting. Each address must be limited to 15 minutes unless a longer period is agreed to by unanimous vote of those members present.
- (2) Where written application has not been received by the Corporate Officer as prescribed in section 20(1), an individual or delegation may address the meeting if approved by the unanimous vote of the Council members present.
- (3) Council must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- (4) The Corporate Officer may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- (5) The Corporate Officer may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the Corporate Officer's decision, the information must be distributed under separate cover to Council for their consideration.

Points of order

s. 132

21. (1) Without limiting the presiding member's duty under section 132(1) of the *Community Charter [authority of presiding member]*, the presiding member must apply the correct procedure to a motion
- (a) if the motion is contrary to the rules of procedure in this bylaw, and
 - (b) whether or not another Council member has raised a point of order in connection with the motion.
- (2) When the presiding member is required to decide a point of order
- (a) the presiding member must cite the applicable rule or authority if requested by another Council member,
 - (b) the presiding member may reserve the decision until the next Council meeting.

Conduct and debate

22. (1) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- (2) Members must address the presiding member by that person's title of Mayor, Acting Mayor, or Councillor.
- (3) Members must address other non-presiding members by the title Councillor.
- (4) No member must interrupt a member who is speaking except to raise a point of order.
- (5) If more than one member speaks, the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- (6) Members who are called to order by the presiding member
- (a) must immediately stop speaking,
 - (b) may explain their position on the point of order, and
 - (c) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter [authority of presiding member]*.
- (7) Members speaking at a Council meeting

s. 132

- (a) must use respectful language,
- (b) must not use offensive gestures or signs,
- (c) must speak only in connection with the matter being debated,
- (d) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and
- (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.

s. 133(1)

- (8) If a member does not adhere to subsection (7), the presiding member may order the member to leave the member's seat, and

s. 133(2)

- (a) if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer, and
- (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- (9) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- (10) The following rules apply to limit speech on matters being considered at a Council meeting:
 - (a) a member may speak more than once in connection with the same question only
 - (i) after other Councillors who have not spoken have had an opportunity to do so, or
 - (ii) if the member is explaining a material part of a previous speech without introducing a new matter;

Motions generally

- 23. (1) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (2) A motion that deals with a matter that is not on the agenda of the Council meeting at which the motion is introduced may be introduced with Council's permission.
- (3) A Council member may make only the following motions, when the Council is considering a question:

- (a) to refer to committee;
 - (b) to amend;
 - (c) to lay on the table;
 - (d) to postpone indefinitely;
 - (e) to postpone to a certain time;
 - (f) to move the previous question;
 - (g) to adjourn.
- (4) A motion made under subsections (3)(c) to (g) is not amendable or debatable.
- (5) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member.

Motion to commit

24. Until it is decided, a motion made at a Council meeting to refer to committee precludes an amendment of the main question.

Motion for the main question

25. (1) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- (2) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
- (a) if a member of Council moves to put the main question, or the main question as amended, to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question; and
 - (b) if the motion for the main question, or for the main question as amended, is decided in the negative, the Council may again debate the question, or proceed to other business.

Amendments generally

26. (1) A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (2) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- (3) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.

- (4) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- (5) An amendment that has been defeated by a vote of Council cannot be proposed again.
- (6) A Council member may propose an amendment to an adopted amendment.
- (7) The presiding member must put the main question and its amendments in the following order for the vote of Council:
 - (a) a motion to amend a motion amending the main question;
 - (b) a motion to amend the main question , or an amended motion amending the main question if the vote under subparagraph (a) is positive;
 - (c) the main question.

Reconsideration by Council Member

- 27. (1) Subject to subsection (5), a Council member may, at the next Council meeting,
 - (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
 - (b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- (2) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- (3) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (4) A vote to reconsider must not be reconsidered.
- (5) Council may only reconsider a matter that has not
 - (a) had the approval or assent of the electors and been adopted,
 - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter* [mayor may require Council reconsideration of a matter],

- (c) been acted on by an officer, employee, or agent of the City.
- (6) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the *Community Charter [mayor may require Council reconsideration of a matter]* is as valid and has the same effect as it had before reconsideration.

Privilege

- 28. (1) In this section, a matter of privilege refers to any of the following motions:
 - (a) fix the time to adjourn;
 - (b) adjourn;
 - (c) recess;
 - (d) raise a question of privilege of the Council;
 - (e) raise a question of privilege of a member of Council.
- (2) A matter of privilege must be immediately considered when it arises at a Council meeting.
- (3) For the purposes of subsection (2), a matter of privilege listed in subsection (1) has precedence over those matters listed after it.

Reports from committees

- 29. Council may take any of the following actions in connection with a resolution it receives from COTW:
 - (a) agree or disagree with the resolution;
 - (b) amend the resolution;
 - (c) refer the resolution back to COTW;
 - (d) postpone its consideration of the resolution.

Adjournment

- 30. (1) A Council may continue a Council meeting after *midnight* only by an affirmative vote of 2/3 of the Council members present.
- (2) A motion to adjourn either a Council meeting or the debate at a Council meeting is always in order if that motion has not been preceded at that meeting by the same motion.

- (3) Subsection (2) does not apply to either of the following motions:
 - (a) a motion to adjourn to a specific day;
 - (b) a motion that adds an opinion or qualification to a preceding motion to adjourn.

PART 5 – BYLAWS

Copies of proposed bylaws to Council members

- s.124(2)(a) 31. A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each Council member before the Council meeting, or all Council members unanimously agree to waive this requirement.

Form of bylaws

32. A bylaw introduced at a Council meeting must:
- (1) be printed;
 - (2) have a distinguishing name;
 - (3) have a distinguishing number;
 - (4) contain an introductory statement of purpose;
 - (5) be divided into sections;

Bylaws to be considered separately or jointly

33. Council must consider a proposed bylaw at a Council meeting either:
- (1) separately when directed by the presiding member or requested by another Council member, or
 - (2) jointly with other proposed bylaws in the sequence determined by the presiding member.

Reading and adopting bylaws

- 34 (1) The presiding member of a Council meeting may
- (a) have the Corporate Officer read a synopsis of each proposed bylaw or group of proposed bylaws, and then
 - (b) request a motion that the proposed bylaw or group of bylaws be read;
- (2) The readings of the bylaw may be given by stating its title and object.

- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (4) Subject to section 882 of the *Local Government Act* [OCP adoption procedures], each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- (4) In accordance with section 135 of the *Community Charter* [requirements for passing bylaws], Council may give two or three readings to a proposed bylaw at the same Council meeting.
- (5) Despite section 135(3) of the *Community Charter* [requirements for passing bylaws], and in accordance with section 890(9) of the *Local Government Act* [public hearings], Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

Bylaws must be signed

- 35. After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the City's records for safekeeping and endorse upon it:

- (1) the City's corporate seal,
- (2) the dates of its readings and adoption; and],
- (3) the date of Ministerial approval or approval of the electorate if applicable].

PART 6 - RESOLUTIONS

Resolutions

- 36. A resolution may be introduced at a Council meeting only if it arises from an item on the agenda or amended agenda as adopted or if all Council members unanimously agree to waive this requirement.

Introducing resolutions

- 37. (1) The presiding member of a Council or any Council member may introduce a resolution in conformance with Section 36.

PART 7 - COMMITTEE OF THE WHOLE

Going into Committee of the Whole

38. (1) At any time during a council meeting, Council may by resolution go into COTW.
- (2) In addition to subsection (1), a meeting, other than a standing or select committee meeting, to which all members of Council are invited to consider but not to decide on matters of the City's business, is a meeting of COTW.

Notice for COTW meetings

124(2)(d)

39. (1) Subject to subsection (2) a notice of the day, hour and place of a COTW meeting must be given at least 24 hours before the time of the meeting by:
- (a) posting a copy of the notice at the Public Notice Posting Places; and
 - (b) leaving a copy of the notice for each Council member in the Council member's mailbox at The Town Hall.
 - (c) notifying Councillors by phone or electronic means.
- (2) Subsection (1) does not apply to a COTW meeting that is called, in accordance with section 38, during a Council meeting for which public notice has been given under section 6 or 7.

124(2)(c)
145

Minutes of COTW meetings to be maintained and available to public

97(1)(c)

40. (1) Minutes of the proceedings of COTW must be
- (a) legibly recorded,
 - (b) certified by the Corporate Officer,
 - (c) signed by the member presiding at the meeting, and
 - (d) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*

Presiding members at COTW meetings and Quorum

41. (1) The Mayor, or, in his absence, the acting Mayor, will preside at a meeting of the COTW.

- (2) The quorum of COTW is the majority of Council members.

Points of order at meetings

42. The presiding member must preserve order at a COTW meeting and, subject to an appeal to other members present, decide points of order that may arise.

Conduct and debate

43. The following rules apply to COTW meetings:
- (1) a motion is not required to be seconded;
 - (2) a member may speak any number of times on the same question;
 - (3) a member must not speak longer than a total of 10 minutes at a time on any one question.

Voting at meetings

44. (1) Votes at a COTW meeting must be taken by a show of hands if requested by a member.
- (2) The presiding member must declare the results of voting.

Reports

45. (1) COTW may consider reports and bylaws only if
- (a) they are printed and the members each have a copy, or
 - (b) a majority of the Council members present decide without debate that the requirements of paragraph (a) do not apply.
- (2) The COTW's report to Council must be presented by the Corporate Officer.

Rising without reporting

46. (1) A motion made at a COTW meeting to rise without reporting
- (a) is always in order and takes precedence over all other motions,
 - (b) may be debated.
- (2) If a motion to rise without reporting is adopted by COTW at a meeting constituted under section 38(1), the Council meeting must resume.

PART 8 – COMMITTEES

Duties of standing committees

s. 141

47. (1) Standing committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
- (a) matters that are related to the general subject indicated by the name of the committee;
 - (b) matters that are assigned by Council;
 - (c) matters that are assigned by the Mayor.
- (2) Standing committees must provide minutes of their meetings and make recommendations to Council at the following times:
- (a) in accordance with the schedule of the committee's meetings;
 - (b) on matters that are assigned by Council or the Mayor,

Duties of select committees

s. 142

48. (1) Select committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the committee by the Council.
- (2) Select committees must report and make recommendations to Council at the next Council meeting unless Council specifies a different date and time.

Schedule of committee meetings

49. (1) At its first meeting after its establishment a standing or select committee must establish a regular schedule of meetings.
- (2) The chair of a committee may call a meeting of the committee in addition to the scheduled meetings or may cancel a meeting.

Notice of committee meetings

s.124(2)(d)

50. (1) Subject to subsection (2), after the committee has established the regular schedule of committee meetings, including the times, dates and places of the committee meetings, notice of the schedule must be given by:
- (a) posting a copy of the schedule at the Public Notice Posting Places; and

- (b) providing a copy of the schedule to each member of the committee.
 - (c) notifying Councillors by phone or electronic means.
- (2) Where revisions are necessary to the annual schedule of committee meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a committee meeting.
 - (3) The chair of a committee must cause a notice of the day, time and place of a meeting called under section 49(2) to be given to all members of the committee at least twelve hours before the time of the meeting.

Attendance at Committee meetings

51. Council members who are not members of a committee may attend the meetings of the committee.

Minutes of committee meetings to be maintained and available to public

s.124(2)(c)
s. 1(c)

52. Minutes of the proceedings of a committee must be
 - (1) legibly recorded,
 - (2) certified by the Corporate Officer,
 - (3) signed by the chair or member presiding at the meeting, and
 - (4) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

Committee Quorum

53. The quorum for a committee is a majority of all of its members.

Conduct and debate

54. (1) The rules of the Council procedure must be observed during committee meetings, so far as is possible and unless as otherwise provided in this Bylaw.
- (2) A motion made at a meeting of a committee is not required to be seconded.

Voting at meetings

55. Council members attending a meeting of a committee of which they are not a member must not vote on a question.

PART 9 - COMMISSIONS

Schedule of Commission meetings

56. (1) At its first meeting after its establishment, a commission must establish a regular schedule of meetings.
- (2) The Chair of a Commission may call a meeting of the Commission in addition to the scheduled meetings or may cancel a meeting.

Notice of Commission meetings

- 57 (1) Subject to subsection (2), after the Commission has established the regular schedule of Commission meetings, including the times, dates and places of the Commission meetings, notice of the schedule must be given by:
- (a) posting a copy of the schedule at the Public Notice Posting Places; and
 - (b) providing a copy of the schedule to each member of the Commission.
 - (c) Notifying Councillors by phone or electronic means.
- (2) Where revisions are necessary to the annual schedule of the Commission meetings, the District must, as soon as possible, post notice at the Public Notice Posting Places which indicates any revisions to the date, time and place for cancellation of a Commission meeting.
- (3) The Chair of a Commission must cause a notice of the day, time and place of a meeting called under section 56(2) to be given to all members of the Commission at least 24 hours before the time of the meeting.

Minutes of Commission meetings to be maintained and available to the public

58. Minutes of the proceedings of a Commission must be:
- (1) legibly recorded;

- (2) signed by the Chair or a member presiding at the meeting, and open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

Commission Quorum

59. The quorum of a Commission is a majority of all of its members.

Conduct and Debate

60. (1) The rules of the Council procedure must be observed during Commission meetings, so far as is possible and unless as otherwise provided in this bylaw.

PART 10 – GENERAL

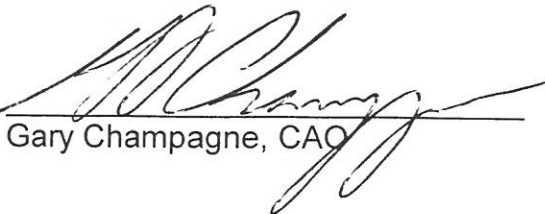
61. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
62. This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.
63. District of Wells Procedure Bylaw Numbers 1, 8 and 33 are hereby repealed.

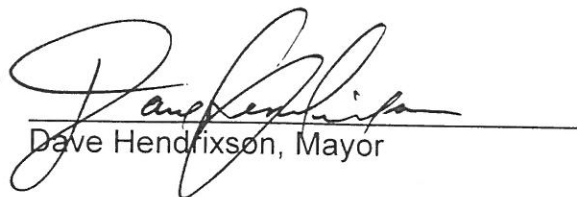
READ A FIRST TIME THIS 20th day of January, 2004 .

READ A SECOND TIME THIS 20th day of January, 2004.

READ A THIRD TIME THIS 20th day of January, 2004

ADOPTED THIS 3rd day of February, 2004.


Gary Champagne, CAO


Dave Hendrixson, Mayor

Wells-Barkerville Community Forest Corp.

Conflict of Interest Guidelines for Directors

1. Preamble

The Wells-Barkerville Community Forest Company Ltd. (WBCFC) Board of Directors is responsible for managing the Wells-Barkerville Community Forest and any other acquired forest tenures in the best interests of the Company and on behalf of its sole shareholder, the District of Wells. As its sole shareholder, the District of Wells is the representative agency of the citizens and taxpayers of the incorporated Municipality. In order to maintain the level of trust, respect and duty imposed on a municipal corporation, the Board of Directors herein establishes a set of Principles and Guidelines in respect of matters relating to Conflict of Interest.

Directors and Officers must regard the protection of Company assets and services as a vital responsibility. Assets and services of the Company must not be used for personal benefit or any other improper use. They must not be sold, lent, given away, or otherwise disposed of, regardless of condition or value, except with proper authorization.

2. Policy

It is a fundamental policy of the Board of Directors to conduct its business and to treat vendors, suppliers, contractors, employees and other members of the business community in accordance with the highest ethical, business and legal standards. Additionally, the Board expects all of its Directors, Officers, Management staff and employees to adhere to these standards.

The Board of Directors shall place all laws, ethics, and Company loyalty above all private interests or personal gain. Directors must conduct themselves in a manner that complies with government laws and regulations and reflects favourably upon them and the Company. It is the responsibility of every Director of the Company to be aware of the Company's ethics policies and to exercise good judgment. No policy, however, can anticipate every circumstance that a Director or an employee might face. For this reason, one simple rule stands above all others: When in doubt about an ethics question, before you act, stop and ask.

3. Definition of Conflict of Interest

Conflict of Interest includes situations:

- where, as a result of a decision of a Director at a Board Meeting that person stands to gain a direct or indirect pecuniary advantage;
- where a Director's private affairs or financial interests are in conflict with his/her duties and responsibilities or result in a perception that a conflict exists;
- where a Director's actions compromise, or undermine the trust which the public and Board members place in the WBCFC;
- where an action of a Board member could impair that Director's ability to act in the Company's and Board's best interest.

Conflicts of Interest can include both financial and material interests. In addition to actual Conflict of Interest, there can be a perceived Conflict of Interest. Perceived Conflict of Interest occurs when the answer to the following question is "yes":

Wells-Barkerville Community Forest Corp.

Would a reasonably informed person perceive that the performance of a Director's duties could be influenced by their own financial or material interests?

A perceived Conflict of Interest can often develop into an actual Conflict of Interest. The Board of Directors' objective is not only to help prevent an actual Conflict of Interest, but also to preclude the possibility or appearance of such a Conflict of Interest.

4. General Board Members Requirements

Board of Directors shall adhere to the following general principles;

Directors shall:

- act in the best interests of the WBCFC;
- regard benefits accruing to immediate family members as benefits accruing directly to the Director.

Directors shall not:

- participate in decisions from which they could benefit financially or materially;
- use their positions or information obtained there from to provide an unfair advantage to themselves, their family or their friends or acquaintances;
- act independently of the Board, but may act through directives of the Board.

5. Members of Boards and Committees

For the purposes of this section, the following definitions apply:

- "Board" means the Board of Directors of the Wells-Barkerville Community Forest Ltd.
- "Company" means Wells-Barkerville Community Forest Ltd.
- "Director" means a person appointed as Director for the Wells-Barkerville Community Forest Ltd.
- "Member" refers to a member of Company's Board of Directors, its Advisory Committee, or any other Committee established for the purpose of conducting Company business.

6. Disclosure of Conflict

- a. This section applies to members of the Company's Board and Advisory Committee in relation to:
 - i. Board meetings;
 - ii. Advisory Committee meetings;
 - iii. Meetings of any other Committee established by the Company for the purpose of conducting Company business.
- b. A member is deemed to have a Conflict of Interest in a matter if he or she has a direct or indirect pecuniary interest in such matter.
- c. If a member attending a meeting considers that he or she is not entitled to participate in discussion of a matter or to vote on a question in respect to a matter due for reasons of Conflict of Interest, the member must declare this and state the general nature of why he or she considers this to be the case.
- d. After making a declaration under 6(c) the member must not do anything referred to in Section 7.

Wells-Barkerville Community Forest Corp.

- e. As an exception to subsection 6(d) if a member has made a declaration under subsection 6(c) and, after receiving legal advice on the issues, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may:
 - i. Return to the meeting or attend another meeting of the same body;
 - ii. Withdraw the declaration by stating in general terms the basis on which the member has determined that he or she is entitled to participate; and
 - iii. After this, participate and vote in relation to the matter, but remaining subject to Section 7.
- f. When a declaration under subsection 6(c) or a statement under subsection 6(e) is made the person recording the minutes of the meeting must record:
 - i. The member's declaration or statement;
 - ii. The reasons given for it;
 - iii. The time of the member's departure from the meeting room, and if applicable, of the member's return, unless a statement is made under subsection 6(e) the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

7. Restrictions on Participation if in Conflict

- a. This section applies if a member has a Conflict of Interest referred to in Section 6(b) regardless of whether the member has made a declaration under that section.
- b. The member must not:
 - i. Remain or attend any part of a meeting referred to in Section 6(a) during which the matter is under discussion;
 - ii. Participate in any discussion of the matter at such a meeting;
 - iii. Vote on a question in respect of the matter at such a meeting; or
 - iv. Attempt in any way, whether before, during, or after such a meeting, to influence the voting on any question in respect of the matter.
- c. A person who contravenes this section is disqualified from continuing to hold office as a member of the Company unless the contravention was done inadvertently or because of an error in judgment made in good faith.

8. Restrictions on Inside Influence

- a. A member must not influence or attempt to influence, directly or indirectly, a decision, recommendation, or other action to be made or taken:
 - i. at a meeting referred to in Section 6(a), or
 - ii. by an Officer or an employee of the Company.
- b. A person who contravenes this section is disqualified from continuing to serve as a Director of the Company.

9. Exceptions from Conflict Restrictions

- a. Sections 6 to 8 do not apply if one or more of the following circumstances exists:
 - i. If the pecuniary interest of the member is a pecuniary interest shared in common with other residents of the Wells-Barkerville area in general;
 - ii. If the matter relates to remuneration, expenses, or benefits payable to one or more members in relation to their duties as Directors or Officers of the Company;

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- iii. If the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter;
- iv. If the pecuniary interest is of a nature prescribed by regulation.

10. Use of Insider Information

- a. A member or former member must not, for the purpose of gaining or furthering a direct or indirect pecuniary interest, use information or a company record that:
 - i. Was obtained in the performance of duties associated with the member's office; and
 - ii. Is not available to the general public.

11. Restrictions on Contracts and Benefits

- a. Subject to subsection 10 (a) a member or former member must not, directly or indirectly enter into a contract or accept a benefit that is awarded, approved, or granted by the Board of Directors.
- b. The restriction in subsection 10 (a) does not apply in one or more of the following circumstances:
 - i. If, in the case of a former member, 6 months have passed since he or she last held a position on the board of directors;
 - ii. If the contract or benefit is awarded, approved, or granted on conditions that are the same for all contracts similarly awarded by the Company or for any persons similarly entitled, as applicable.

12. Types of Conflict of Interest

Self-Dealing: In the Director's role, the Director makes decisions that financially or materially advantages the Director as a private citizen, or the Director's family including loans or borrowing from individuals or concerns that do business with or compete with the Company.

Accepting Benefits: The Director accepts any gratuities including substantial gifts (greater than \$200.00), money, favours, bribe, service, loan, vacation, or other significant benefit that may influence or be perceived to influence the Director.

Influence Peddling: The Director accepts any benefit in exchange for exerting influence or giving preferential treatment to the provider of the benefit (e.g. bid-rigging or accepting kickbacks from competitors as an incentive for accepting or declining a bid submission)

Using WBCFC Property or Services: The Director uses or permits others to use any WBCFC property or services (e.g. equipment, telephones, computers, etc.) for personal benefit without express permission to do so.

Use or Reveal of Confidential Information: The Director uses or reveals outside the Company (without appropriate authority and/or specific authorization) confidential information concerning the Company, including after retirement or removal from the Board of Directors.

Personal Bias: The Director allows their personal bias to influence the selection or rejection of a particular contractor, product or service.

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Use of Office or Position: The Director uses their position to induce, coerce or in any way influence any favour, benefit or person to contribute time or money to any personal cause, political party, political campaign or charitable activity.

13. Compliance with the Law

The Directors of the WBCFC shall act in compliance with all relevant laws and regulations affecting the operation of the Company. It shall be the responsibility of each Director to ensure that they do not knowingly act in contravention of any local, provincial or federal laws or regulations affecting the WBCFC.

14. Procedure When a Conflict of Interest Arises

1. It is the responsibility of each Director to immediately disclose in writing to the President of the Board of Directors the existence of any Conflict of Interest.
2. In accordance with WBCFC Articles of Incorporation and Community Charter, it is the duty of the Board of Directors of WBCFC to decide whether such individual may participate in any discussions or vote on the issue that has given rise to the conflict.
3. Directors must withdraw from participation in any way in decisions in which they have a financial or material interest in accordance with WBCFC Articles of Incorporation.
4. When a Director involved in evaluating applications and granting awards for services on behalf of WBCFC:
 - a. (i) is the applicant, co-applicant, or co-signor; or
(ii) is a senior official from the same organization as an applicant;
then, unless otherwise directed in writing by WBCFC, such person shall disclose the fact of the conflict to WBCFC and not participate in any evaluation of the application or competing proposals.
 - b. (i) belongs to the same organization as an applicant;
(ii) is an applicant's colleague;
(iii) is a competitor of an applicant or involved in an organization or business that is a competitor of the applicant; or
(iv) is directly involved in collaborative activities with the applicant;
then, unless otherwise directed in writing by WBCFC, such person shall disclose the fact of the conflict to WBCFC and not be assigned the applications for review.
5. Directors who are in a Conflict of Interest shall absent themselves without comment prior to any discussion or voting in respect of the application or other issue in accordance with WBCFC Articles of Incorporation. However, if such persons must remain in meetings in order to fulfill their administrative responsibilities, they shall not participate in any discussion regarding the application or other issue that has given rise to the Conflict of Interest.
6. Any proposal for services submitted by Directors in which they, their relatives, or their friends have a financial interest, must be forwarded to the Board for independent evaluation prior to awarding of any contract.
7. Should a Director be found to be in Conflict of Interest that has not been disclosed to the Board as required in point 1 above, the Board may:
 - a. require the Director to provide full disclosure of the nature of the Conflict of Interest;

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- b. by special resolution of the WBCFC bylaws, remove said Director from the Board or provide other sanction as determined appropriate by the Board or the Shareholder, depending on the nature of the Conflict or Potential Conflict of Interest and circumstances regarding the non-disclosure.

15. District of Wells Council Board Members

- a. Directors who are also municipal Councillors must be familiar with their obligations under the Community Charter regarding Conflict of Interest.

Additional References and Information:

BC Business Corporations Act and Regulations

WBCFC Articles of Incorporation

BC Company Law Practice Manual – Duties and Liabilities of Directors and Officers

Community Charter – Division 6 – Conflict of Interest



District of Wells

Meeting Date	October 20, 2020
Report Date:	October 15, 2020
Memo to:	Mayor and Council
From:	Donna Forseille, Chief Administrative Officer
Subject:	Snow Removal Contract for the District of Wells

Purpose/Issue:

The purpose of this report is to update Council on the current situation of the District of Wells Snow Removal Contract and recently placed tender for bids.

District Staff recently placed a public notice for tender of the District of Wells Snow Removal Contract. Shortly after posting this tender for snow clearing, staff were informed that snow removal contractors could not obtain insurances to conduct any snow clearing business for municipalities and larger corporations with parking lots of more than 30 vehicles.

Staff have called several Insurance brokers and have confirmed that this is in fact the case. Staff have also reached out to the Municipal Insurance Authority of BC (MIABC) to see if there was an alternative way to hire contractors while maintaining insurances. MIABC has stated that the District of Wells was not the first municipality to call with the recent concerns and challenges of utilizing snow removal contractors. It was suggested that as an alternative solution the District could rent the equipment from the local contractor and place the operator on payroll, covering the snow removal under the District's already existing liability coverage.

With that information, staff re posted a snow clearing tender with a new layout which would incorporate two different parts from interested contractors. One, being an hourly rental rate for the equipment while the other one being a wage for the operator. Unfortunately, potential interested contractors were told that if they accepted any snow clearing work for the municipality it would void their insurance. Consequently, we have received no bids for snow clearing.

This new insurance challenge is forcing all small municipalities to purchase their own equipment. With snow upon us, staff have been busy obtaining quotes for snow removal equipment.

Staff have found three (3) available units. While staff are still awaiting a cost for one unit (a smaller unit), staff have attached the other two units for Councils Consideration. A 612 G Case Loader and a 938 K Caterpillar Loader. The 2019 Case Loader with only 992 hours costs \$179,500 while the larger unit, the 2017 938k Caterpillar Loader with 3035 hours costs \$217,000.00. In doing some research it has been suggested to staff that the Case brand may prove difficult and expensive for future parts.

While the District's new Public Works Superintendent is a licensed operator, his conducting

snow removal would require the need to hire a labourer for the District. The 2020 budget will accommodate this additional staff member. It is anticipated that to start the laborer would be needed 3 days per week moving to 4 or 5 days per week for the spring and summer seasons.

In 2019, snow removal contractor costs were \$52, 500.00. To purchase a machine and keep the monthly payments manageable, staff would recommend taking the purchase over 7 to 8 years which would result in an estimated \$3000 per month payment. Oil changes are required every 500 hours and our Public Works staff feel they can do the oil changes and most maintenance themselves. Fuel costs will be an estimated \$4000 to \$5000 per year based on a hourly average consumption of 4 litres to 10 litres used per hour depending on load weight. Tires will last for several years given they are in good shape when the machine is received. With all the above staff estimate an annual cost for a loader to be approximately \$47,000.00. The extra staff would be kept on annually rather than seasonally and staff will continue to apply for grants to help cover the position.

Council may also wish to lease a new machine, however in doing so the cost of the equipment will be closer to \$300,000.00.

This added expense was unforeseen. The District is liable for snow and ice clearing. The risks of not conducting snow clearing would be higher than that of paying for our own equipment.

Budget, Policy, Staffing:

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Legal Considerations:

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Options / Recommendations:

1. Receives the staff report regarding the current situation of the snow removal contract and the recently placed tender for bids; and
2. Approves the purchase and/or lease of a Loader for the District of Wells.

Respectfully submitted by

Donna Forseille
Chief Administrative Officer

2017 CATERPILLAR

938K

WHEEL LOADER

PRICE

\$217,000 CAD

WHOLESALE

\$Call



[SIMSi Product Configuration](#)

[SIMSi Sales & Service History](#)

[SIMSi Customer Information \(English only\)](#)

[Open PIP / PSP Programs](#)

CU4640693

Serial #: REP00749

SMU / Hours: 3,035

Status: Used

Rating: Good

Available

EDMONTON, AB, Canada

<https://myused.cat.com/myused/equipment/view?equipmentId=4640693>









- * CAT CERTIFIED USED *
- CTR WEIGHT, REAR CAMERA
- 20.5 R 25 TIRES
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2019 Case 621G

[Ask about this unit](#)

Price: **\$179,500**



Year	2019
Make	Case
Model	621G
Condition	Used
Hours	992
Stock Number	21E10087
Serial Number	NJF246395