

# THE CORPORATION OF THE CITY OF GRAND FORKS

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7217 – 4TH STREET, BOX 220 · GRAND FORKS, BC V0H 1H0 · FAX 250-442-8000 · TELEPHONE 250-442-8266  
EFFECTIVE SEPTEMBER 19, 2013 TEMPORARY CITY HALL LOCATION: 130 INDUSTRIAL DRIVE, GRAND FORKS, BC

## BACKGROUND

May 26<sup>th</sup>, 2015

### **Petition filed for removal of Council member - Community Charter section 111 and 110.**

#### **Disqualifications to which this Division applies**

**110** This Division applies to the following disqualifications from holding office on a council:

(a) disqualifications under the following provisions of this Act:

- (i) Division 6 [*Conflict of Interest*] of this Part;
- (ii) section 120 (1.1) [*failure to make oath of office*];
- (iii) section 125 (5) [*unexcused absence from council meetings*];
- (iv) section 191 (3) [*unauthorized expenditures*];

(b) disqualifications under section 66 (2) [*persons disqualified from holding local government office*] of the [Local Government Act](#), other than disqualifications referred to in section 66 (2) (h) [*disqualifications under the [Local Elections Campaign Financing Act](#)*].

#### **Application to court for declaration of disqualification**

**111** (1) If it appears that a person is disqualified as referred to in section 110 and is continuing to act in office,

- (a) 10 or more electors of the municipality, or

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(b) the municipality,

may apply to the Supreme Court for an order under this section.

(2) As a restriction, a municipality may only make an application under subsection (1) if this is approved by a resolution that

(a) is adopted by a vote of at least 2/3 of all council members, and

(b) identifies the grounds for disqualification referred to in section 110 which the council considers apply.

(3) Sections 100 [*disclosure of conflict*] and 101 [*restrictions on participation if in conflict*] do not apply to the council member who is subject to a resolution referred to in subsection (2) of this section in relation to that resolution.

(4) An application under this section may only be made within 45 days after the alleged basis of the disqualification comes to the attention of

(a) any of the electors bringing the application, in the case of an application under subsection (1) (a), or

(b) any member of council other than the person alleged to be disqualified, in the case of an application under subsection (1) (b).

(5) Within 7 days after the petition commencing an application under this section is filed, it must be served on

(a) the person whose right to hold office is being challenged, and

(b) in the case of an application under subsection (1) (a), the municipality.

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- (6) On the hearing of the application, the court may declare
- (a) that the person is qualified to hold office,
  - (b) that the person is disqualified from holding office, or
  - (c) that the person is disqualified from holding office and that the office is vacant.