



## **Glenmore-Ellison Improvement District**

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### **TRUSTEE INFORMATION**

Under the Letters Patent, there are 5 trustees on the Board of Trustees of the Glenmore-Ellison Improvement District. The position of trustee is arguably the most important position in an improvement district since trustees have the authority to implement decisions that will affect the services being provided to the residents.

One trustee cannot commit the District to any particular action. Decisions are made when the majority of the trustees are in favor of a proposal. Each trustee has a single vote and their power lies in the ability to convince the other trustees to agree with their point of view. Therefore the powers of a trustee are collective, rather than individual.

This concept has implications beyond the meetings of the Board of Trustees. For example, any staff member or trustee negotiating an agreement or contract on behalf of the improvement district cannot make a commitment until the Board has had the opportunity to review and vote on it.

It is anticipated that each trustee has an interest in the welfare of the community they represent and will strive to govern the affairs of the improvement district with the best interests of all residents within the District boundary in mind. Since this is a position of trust, the trustees must not use it to benefit themselves personally or they may be in a conflict of interest.

The Board of Trustee meetings are generally held in the afternoon of a specified day, twice a month. Although not stipulated in the *Local Government Act*, each trustee should strive to attend every Board meeting. However, a meeting can still be held and decisions made as long as a quorum is present. If a trustee is aware that he or she will be unable to attend Board meetings for an extended period of time due to illness or other considerations, they should contemplate the possibility of resigning their position so that another person can be elected to fill the role. It is not possible for other trustees, the landowners, or any other person, to remove a trustee from office because of poor attendance or for any other reason.

The duties of a trustee can include, but are not limited to, those that are conferred by legislation and cannot be delegated to anyone else. With references to the *Local Government Act (Part 17)* or the Letters Patent, examples of these duties include the following:

- Electing one of the trustees as Chair at the first meeting in each year and at the first meeting after a vacancy occurs in the office of Chair (Section 685);
- Ensuring that one of the officers of the District is assigned responsibility for the corporate and financial administration of the District (Sections 694);



- The appointment and dismissal of officers and other employees, including the terms and conditions of employment (Section 693);
- The passage of bylaws and resolutions as applicable, to exercise any of the powers granted to the trustees (Section 698);
- Sending a tax notice to every owner of land with assessment and tax rate information (Sections 708, 709 & 715);
- Appointing three trustees or other persons to constitute the Court of Revision to revise the assessment roll and consider complaints about the assessment (Section 710);
- Fixing the date, time and place for tax sale if a property has taxes that are more than 24 months in arrears (Section 718);
- Holding an annual general meeting of the landowners between January 1<sup>st</sup> and May 1<sup>st</sup> and presenting them with a summary of the financial transactions for the year, along with a report on the conditions of the works (Letters Patent);
- Furnishing the Inspector of Municipalities with the audited financial statements by May 15<sup>th</sup> each year (Section 691).

The Board of Trustees can delegate various duties to an individual, group or committees appointed by the Board with such restrictions or conditions as the Board deems advisable. For example, they can delegate spending authority up to a certain limit for its employees so that minor purchases do not have to be referred to the Board for approval. A Select Committee can be appointed by the full Board when it would like to delegate responsibility to a specified group of trustees or other persons to investigate a particular matter. Once the Select Committee presents its recommendation to the Board, it is automatically dissolved.

There is no requirement for a trustee to disclose his financial holdings under the Financial Disclosure Act.

The terms for all trustees are three years unless they were elected to fill the remainder of the term for a trustee who resigned (Section 683).

Any remuneration (honorarium) paid to the trustees must be decided by the landowners at each year's annual general meeting (Letters Patent).

The qualifications to be a trustee are established in in Section 684 of the *Local Government Act*. If trustees find that they no longer meet the qualifications for the position, they should resign from the Board and an election should be called within a reasonable period (two months) to fill the vacancy.

Trustees acting in the course of their duty will not generally be liable for damages arising out of the decisions they make. Protection is provided in Part 18 of the *Local Government Act* (Section 738), which limits their liability to certain actions such as gross negligence, malicious or willful misconduct, dishonesty, libel or slander.

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*Further details concerning improvement districts can be found in Part 17 of the Local Government Act of BC.*