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ABSTRACT

The characterization of function and authority relations of an entity provides the basis for representing what has been termed the "external structure of provenance." Such a representation enables an understanding of the administrative context in which an organizational entity and its agents conduct their activities and, in turn, illuminates the manner in which the records of an entity are created and maintained.

The study applies a methodology enabling the mapping of the characterizable elements of function and competence of an entity over time and through the administrative hierarchy of its structure. Terms of analysis relating to the application of the concept of function are established, as are those relating to the structure of the entity. These provide a consistent means to identify the role and status of juridical persons comprising the organizational entity and to illustrate the nature of their activities in processes established to satisfy the entity's functional requisites.

The municipal corporation of Richmond, British Columbia, is the subject of a case study serving to confirm the validity of terms in which external structure can be analyzed. The study first examines the purposeful nature of the entity's activities through their functional characterization. It then examines the nature of authority relations inherent in the entity's organizational design and manifest through organizational process and role defining the nature of its structure. The study then
demonstrates how the resulting authority relationships, along with the competences of the entity, can be identified in processes of activity fulfilment as components of a system of purposive activity representing the entity as a unitary, organic whole.

The functional-structural analysis of system provides the context for understanding activity manifest through observable processes by elements comprising the entity's organizational structure. The conceptual framework which results establishes the basis upon which the whole of the records of a municipal corporation can be viewed as constituting a fonds. The thesis concludes by examining some of the implications of the analysis for various aspects of archival practice.
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INTRODUCTION

The concepts of function and competence are central to the representation of archival provenance. The characterization of function can be viewed as a means to delineate purposeful activity carried out as a part of a system defining what an entity can do in the fulfilment of its organizational design. The characterization of competence can be seen as a means to delineate a process of activity fulfilment, of how authority of an entity is delegated to carry out activities in accomplishing the purposes for which it has been established.

This study will illustrate how the mapping of the characterizable elements of function and competence of an entity can create a means to illuminate what has been termed the "external structure of provenance." It is this structure, as Terry Eastwood maintains, that "identifies and explains the various administrative relationships governing the way organizations and persons conduct their business which in turn governs the way they create and maintain their records."¹

To comprehend the external structure of provenance, one must first examine the nature of archives and the archival concept of provenance. Archives have been defined as "the whole of the documents of any nature that every administrative body, every physical or corporate entity, automatically and organically accumulates by

reason of its function or of its activity." The evidentiary nature of archives stems from the very fact of their existence as residual representations of activities carried out in accordance with an entity’s purposeful design. An activity has been defined by Schellenberg as "a class of actions that are taken in carrying out a function." Actions can be characterized with reference to their delegation within an organizational structure and the programmes carried out to satisfy that organization’s functional requisites. In turn, the transactional basis of the programmatic activity of an entity, as represented in records creation, can be related to the purposefulness inherent in an organization’s design.

The process of creation of archives is reflected in the archival concept of provenance and in the application of that concept in the process of the impartial preservation of their evidentiary quality. Provenance has been defined as "the person(s) or office(s) of origin of the fonds, i.e., the person(s), family (families), or corporate body (bodies) that created and/or accumulated and used records in the conduct of personal or business life" and the principle of provenance, also known as respect des fonds, is "the principle that records/archives of the same provenance

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must not be intermingled with those of any other provenance. The concept of provenance, as records creator, is an "intellectual construct". The modern complexities of organizational activity and manner in which functional responsibility is delegated at one time and over time have led to an understanding that the notion of provenance emerges as a representation of the part-whole relationships inherent in organizational activity and in the creation and accumulation of records. It is through an understanding of those relationships, characterizable by the manner in which activities are manifest, that the full meaning and evidentiary quality of archives can be represented and maintained.

A record or archival document has been defined as "a document created or received and maintained by an agency, organization, or individual in pursuance of legal obligations or in the transaction of business." In this manner, documents are born in the course of practical activity, objectifiable by its purposeful nature. The purposeful nature of archival documents has led to the understanding, as Duchein maintains, that "the archival document is present in the heart of a functional process,

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6 Max J. Evans, "Authority Control: An Alternative to the Record Group Concept," *American Archivist* 49 (Summer, 1986), 249.

of which it constitutes an element, however small it may be.\footnote{Michel Duchein, "Theoretical Principles and Practical Problems of Respect des fonds in Archival Science," Archivaria 16 (Summer 1983), 67.} That functional process is represented in two interrelated structures, one corresponding to the manner in which a record-creating entity carries out its purposeful design through the delegation of authority to carry out mandated activities, the other corresponding to the manner in which archival documents are created and maintained in the process of the accomplishment of those purposeful activities. The interrelatedness of these two structures is demonstrated at the point where activities resulting from the procedures\footnote{Sigmond has stated that "almost all activities of an administration can be reduced to procedures, set out in instructions and regulations." Peter Sigmond, "Form, Function and Archival Value," Archivaria 33 (Winter 1991-92), 144.} established to carry them out are manifest by agents of that entity conducting their authorized affairs and in documents created or accumulated and used according to process comprising a series of transactions and actions. These archival documents, as objects, are constituted in an identifiable form.

These two structures have been characterized by MacNeil:

"The external structure of the fonds is determined by the provenancial relationships that have shaped the fond’s creation, accumulation and use… The internal structure of the fonds, on the other hand, is determined by the documentary relationships within the parts of the fonds (for example, the series, files, and items)…"\footnote{Heather MacNeil, "The Context is All: Describing a Fonds and its Parts in Accordance With the ‘Rules for Archival Description’," in The Archival Fonds: from Theory to Practice, ed. Terry Eastwood (Ottawa: Bureau of Canadian Archivists, 1992), 204.}
Eastwood maintains that "the main relationships of external structure are established in the process of delegation of authority and function." Function has been defined by Duranti as "the whole of the activities aimed to one purpose, considered abstractly," the delegation of authority representing the establishment of competence, defined as "the authority and capacity of carrying out a determined sphere of activities within one function, attributed to a given office or an individual."

In that the relationship of function and competence illuminates the external structure of provenance, it is necessary to examine more closely the nature of these concepts and the manner in which they can be used as a means to characterize the purposeful nature of an entity's activity.

The concept of function has been applied in an ambiguous manner in the archival literature. "Function" has been equated with activity, with business

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process\textsuperscript{15}, with competence\textsuperscript{16}, with transactional effect\textsuperscript{17}, and with the nature of the powers enabling an entity to act.\textsuperscript{18}

As established above, the delineation of function is the result of abstract characterization. This delineation results from the analysis of the purposeful nature of activities. The notion of purpose, defined as the intention to act to meet an objective, is inherently teleological.\textsuperscript{19} An objective results from the goals established to carry out the mandate of an organizational entity.\textsuperscript{20} An analysis equating specified objectives and activities creates a teleology that fails to distinguish between an activity and its purposeful nature. As such, as Holt has commented, "an


\textsuperscript{16}Bearman states that "archivists recognize that organizational functions (or 'competencies' as the Europeans call them) are the roots of business processes, which in turn dictate the way in which transactions are conducted." David Bearman, "Record Keeping Systems," \textit{Archivaria} 36 (October 1993), 19.

\textsuperscript{17}Bearman and Lytle have suggested that functions can be characterized through the use of a finite number of transitive verbs, establishing functions such as "to record", "to license", or "to authorize." David A. Bearman and Richard H. Lytle, "The Power of the Principle of Provenance," \textit{Archivaria} 21 (Winter 1985-86), 22.

\textsuperscript{18}Gilbert suggests that the three primary functions of a school board can be characterized as "legislative," "judicial", and "executive." James Gilbert, "An Investigation Into the Functions of School Boards in British Columbia," (M.A.S. thesis, University of British Columbia, 1995).


\textsuperscript{20}James Gilbert, "An Investigation Into the Functions of School Boards in British Columbia," 9.
activity is not distinguishable from a function on the basis of the concrete behavior involved, but only in relationship to a conceptual framework and the chain of referents which that framework provides.”21 The conceptual framework provides a heuristic understanding of purposeful activity. As Kaplan has stated, a functional approach provides "less a set of substantive explanations of phenomena than... a collection of interrelated definitions, categories, and questions."22

Such a conceptual framework must be established at a systems level, where it is possible to ascertain and delineate the functional requisites of an institution in its carrying out of activities in accordance with its organizational design. As Abrahamson states, the basic characteristic of functional explanation "is the utilization of a systems model and an emphasis upon the contribution of the elements to the maintenance of the system."23 In this way, a conceptual paradigm can be created representing a system taken as a unitary whole.24 That whole must be analyzable in terms of order corresponding to "part-whole" relationships, where the


24 Emmet, Function, Purpose and Powers, 46.
parts are elements contributing to the fulfilment of the purpose for which the unitary whole was established.

An organization, as defined by Weber, is "a system of continuous purposive activity of a specified kind."²⁵ An organization, like a biological organism²⁶, is identifiable by its structure.

The structure of an organization is one that exhibits "unequivocal collective identity, and has an exact roster of members, a program of activity, and procedures for replacing members."²⁷ Organization as system is manifest in an entity established to carry out its purposeful design. A corporate body, an "organizational entity created by statute and capable of acting as a legal entity,"²⁸ carries out its purposeful activities within a structure that conforms to its organizational design. The entity, as representative of system, is organized to carry out a set of abstract functions, its structure representing a unitary configuration of parts established to fulfil functional requisites.


²⁷ University of British Columbia, School of Library, Archival and Information Studies, "Select List of Archival Terminology," s.v. "organization."

²⁸ University of British Columbia, School of Library, Archival and Information Studies, "Select List of Archival Terminology," s.v. "corporate body."
The functions of an entity result from its capacity to act as the class of organization of which it is representative. A municipal government entity, the subject of the case study to follow, is an incorporated body. As Crawford states:

"All corporate bodies are the creations of some superior body which has the power to increase or decrease their powers or terminate their existence at will, and it is characteristic that their privileges and powers are defined by some written instrument. As with natural persons, an artificial person or corporation is limited in its capacity to the power with which its creator has endowed it." 29

The activities, then, as mandated in written instruments designating the power and capacity to act, provide the context in which purposefulness can be determined in relation to the design of an entity as a class of organization.

The structure of an entity, as with its functions, identifies that body as a class of organization. That structure is analyzable in the abstract as a syntagmatic representation of an organization 30, which delineates the process by which an entity carries out its requisite design. That process reflects the nature of the organization of which it is representative and the nature of the resultant activities performed. The structure of a municipal government entity represents an organizational process of governing, whereby powers are exercised in accomplishing three distinct areas of


30 The concept of structure as syntagmatic representation is borrowed from linguistics, where it has been demonstrated that grammar, as linguistic structure, can be configured within a functionally-delineated paradigm representing system. See M.A.K. Halliday, Language as Social Semiotic: the Social Interpretation of Language and Meaning (London: Edward Arnold, 1978), 41.
activity, namely the legislative, judicial and executive.\textsuperscript{31} These activities, as constituent in the organizational process, involve the regulation of the affairs of those governed, through a juridical process involving the establishment and maintenance of rights and obligations. In the granting of rights, regulatory action can take the form of the provision of services.\textsuperscript{32}

Activities carried out through the organizational process inherent in the design of an entity are manifest in the organizational system of that entity through the establishment of roles as identifiable components in organizational structure. In this manner, a system can be viewed as a "collection of role activities carried out from status positions."\textsuperscript{33} Role has been equated with the concept of behaviour, as what Jaques has defined as "the dynamic aspect of status, what the person does, how he behaves as a result of position or status."\textsuperscript{34} Role can be seen as a part played in a pattern of activities. Emmet explains the relationship of role and status: "A ‘status’ is thought of as a position someone holds which carries with it certain rights and obligations, whereas a ‘role’ is thought of as a form of action in which these are put

\textsuperscript{31} Higgins outlines these areas as they relate to municipal government, classifying them as legislative, judicial and administrative functions. See Donald Higgins, \textit{Local and Urban Politics in Canada} (Toronto: Gage, 1986), 135.

\textsuperscript{32} Bowman and Hampton point out that municipal governments perform activities characterizable as regulatory and service functions. Margaret Bowman and William Hampton, \textit{Local Democracies. A Study in Comparative Local Government} (Melbourne: Longman Cheshire, 1983), 13.

\textsuperscript{33} Emmet, \textit{Function, Purpose and Powers}, 29.

into operation."\(^{35}\) Merton has commented that "the patterned relationships of role and status comprise a social structure."\(^{36}\)

Structure, then, can be viewed as a syntagmatic representation of an organization which accounts for the nature of the organizational process and the patterned relationships in which activities are carried out. Function, on the other hand, can be characterized inductively by the determination of what an entity does\(^{37}\) in fulfilling requisites conditioned by the purposefulness inherent in the entity's organizational design. The process by which an entity, with its organizational form, conducts its affairs is determinable with reference to the manner in which it assumes functional responsibilities and, in turn, delegates activities to its agents acting to carry out portions of that purposeful design. It is to an examination of competence, then, that we must turn.

It has been posited that "it is through the concept of competence that a connection is forged between the abstract concept of function (the whole of the activities) and its concrete result (a determined sphere of activities)."\(^{38}\) A particular

\(^{35}\) Emmet, *Function, Purpose and Powers*, 27.


\(^{37}\) It has been established by Canfield, in examining functional analysis in biology, that a functional statement is valid when it can be replaced as a proposition based on what an organism does. See John Canfield, "Teleological Explanation in Biology," *British Journal for the Philosophy of Science* (1964), 285-295.

function is effected when purposeful activities characterizing that function are attached to an agent authorized to conduct specified affairs of the entity. In this manner, Fournier has described that "the attachment of a function to a juridical person is designated as that person’s competence, i.e., the authority that person has been given to accomplish an act."\(^{39}\)

The concept of competence, then, has two dimensions, the juridical person and the sphere of activities in which that person is authorized to act. Eastwood has defined a juridical person as "an entity capable of acting legally and made up of a collection or succession of physical or natural persons." Accordingly, "organizations of all kinds, the administrative entities within them, and the positions held by people in them are juridical persons."\(^{40}\) Spheres of activity are characterizable by the nature of functional responsibility delegated such a juridical person. A competence, then, is the identifiable reality effecting the functional fulfilment of an entity in carrying out its requisite design.

This reality results in the creation of records as the residual embodiment of activities performed. Function, competence, as an identification of functional responsibility, and structure are dynamic and must be delineated both spatially and temporally. MacNeil has pointed out that this spatial and temporal nature is


reflective of administrative relationships based on hierarchy and chronology:

"Hierarchical relationships reflect the jurisdictional context in which an entity operates... Chronological relationships, on the other hand, reflect the transfer of function or competence from one organization to another and/or from one agency to another over time."

Records are created within a jurisdictional context shaped by the dynamic nature of an entity’s organizational structure, demonstrable as a network of role and status relationships operating within established organizational process. The diachronic context in which competences are situated reflects the archival dictum, first stated by Muller, Feith and Fruin, "that if the function or rights of one administrative body pass to another, the archives accompany them." Muller,

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41 Heather MacNeil, "The Context is All: Describing a Fonds and its Parts in Accordance With the ‘Rules for Archival Description’," 211.


43 This dictum is manifest in the archival principle of functional sovereignty. That principle is demonstrated in formal procedures, such as those established by the National Archives of Quebec, which state, "Les documents actifs et semi-actifs correspondant à la compétence transférée appartiennent pour leur part au fonds de l’organisme qui exerce désormais cette compétence dans la mesure où ces documents sont intégrés à son fonctionnement." Archives nationales du Québec, "Manuel de norme et procedures archivistiques," quoted in James Lambert and Jean-Pierre Therrien, "Le principe du respect des fonds: une synthèse des opinions et des pratiques Québécoises," in The Archival Fonds: From Theory to Practice, ed. Terry Eastwood (Ottawa: Bureau of Canadian Archivists, 1992), 144.
Feith and Fruin note, in this context, that "all rights involve functions, which are related to the exercise of those rights."\(^{44}\)

The exercising of rights characterizable by the functions of an entity provides the basis for the demarcation of functional responsibility. Functional responsibility is characterizable both in terms of system (delineated functionally) and in structure. In this manner, Cook asserts "that the interaction of function and structure together articulates the corporate mind (or programme) of the records creator."\(^{45}\) Functional responsibility is manifest in the structure of an entity in a complex configuration represented as "a bureaucratic configuration of multiple jurisdictions, an overlapping of policies, programmes, and activities among departmental offices at the working level or the operational point of implementation...."\(^{46}\)

This configuration is a result of the delegation of authority directed by the governing body of the organizational entity. A governing body is responsible to the members which elect them and, as a result, is responsible to act on their behalf. That body acts on the basis of group decision and delegates authority to act to its committees and to a bureaucratic apparatus, in which are established agents to carry

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out activities of the entity. Bureaucratic authority is constituted, as Weber established, by "the principle of fixed and official jurisdictional areas, which are ordered by rules, that is by laws or administrative regulations."\(^47\) The fixing of jurisdictional areas is manifest through instruments of power establishing the entity and enabling its governing body to carry out activities consistent with its organizational design. In the case of a Canadian municipal government entity, the instruments of power are provincial statutes, bylaws and resolutions. The authority delegated an agent is, as Jaques has stated, "an attribute of a role which gives the incumbent the right to exercise power."\(^48\) That role is definable only in relation to other roles, which taken together represent the organizational structure of the entity as a unitary whole.

A bureaucratic entity, a juridical person situated within the entity's structure and acting in the name of the entity, is identifiable in the instruments of power which establish or confirm its existence and which formally designate the nature of the activity it is authorized to perform. These entities, as competent bodies, create records in consequence of the activities they perform, these records residing in the record-keeping system of designated competent offices or bureaus.\(^49\)

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\(^{49}\) Sigmond has commented: "Apart from the procedure within the organization, there is often an office or section of the organization, that takes care of the filing and storage of the records. This office has an entirely autonomous influence on the structure of the archive. It does not influence the form of the content of the
A representation of the external structure of provenance must account for the network of authority and functional relations through which the purposeful activity of an entity is carried out. At a minimum, as Eastwood states, it must allow for the identification of superior and subordinate agencies of an entity and predecessor or successor agencies carrying out any functional responsibility. Linked to this representation must be the identification of the record-keeping bureaus or units and systems in which the records of those agencies are maintained.

This study will attempt to develop a means to map the relationships of function and competence for a particular entity, the municipal government body known over time as both the Corporation of the Township of Richmond and the City of Richmond, by identifying the constituent elements necessary in such a configuration. It will first examine the purposeful nature of the entity's activities through their functional characterization. The study will then examine the nature of authority relations inherent in the entity's organizational design and manifest through process and role defining the nature of its organizational structure. In this manner, the nature of the hierarchical patterning of structure will be revealed. The study will demonstrate how the resulting authority relationships, along with the competences of the entity, can be delineated as components of a system of purposive activity.

It is important here to distinguish between the form of the archive as given by the above-mentioned administrative bureau, and the form and procedures of the records within the working organization itself." Peter Sigmond, "Form, Function and Archival Value," 144.

representing the entity as a unitary, organic whole. The conceptual framework of system which results provides a means to represent the external structure of provenance and establishes a contextual basis upon which the whole of the records of a municipal corporation can be viewed as constituting a fonds. The study will conclude with an examination of the potential applications of the resulting representation for archival practice.
CHAPTER 1
CHARACTERIZING THE FUNCTIONS OF THE ENTITY

The characterization of function must be based on a methodology that provides for an effective demarcation of the purposeful nature of activity. The context in which functions are characterizable is provided by the purpose which an entity is designed to serve. This chapter will explore the context in which the functions of a particular entity, the municipal corporation of Richmond, British Columbia, can be characterized, and will apply a methodology which results in an effective demarcation of the purposefulness of resultant activities.

The analysis must begin by establishing the context in which the corporation carries out its purposeful design. It will examine the body's activities from the perspective of how this context defines what the entity can do. An analysis of how these activities are effected, one based on the delegation of authority within the structure of the body, will be carried out in the succeeding chapters.

An analysis of context must first establish the basis upon which the municipal corporation of Richmond can act as a class of organization, organization viewed as a system of continuous activity. The City of Richmond is a corporate body, an organizational entity capable of acting as a legal person. As a legal entity, an
"artificial person"¹, it carries out activities within a scope consistent with the type of organization of which it is a class.

The analysis of what an organization can do must proceed inductively from the instances in which an entity, as a class of organization, serves its established design. These instances are observable and characterizable in the abstract through the identification of activities mandated by instruments of power which define purposeful context.

The Juridical Context of the Entity

The City of Richmond, previously the Corporation of the Township of Richmond,² is an entity serving the purposes of a government organization, more specifically a municipal corporation. Governments are designed as organizations "to regulate the affairs of a social group"³ defined in terms of its members. The design of government is established within a constitutional framework. Municipal government is identifiable within such a framework.

¹ Artificial persons are defined as "persons created and devised by human laws for the purposes of society and government, as distinguished from natural persons." Black's Law Dictionary, 6th edition (St. Paul: West Publishing, 1990), s.v. "artificial persons."

² The municipality of Richmond (British Columbia) was incorporated as the Corporation of the Township of Richmond in 1879. In 1990, it was reincorporated as the City of Richmond.

The Canadian constitutional framework was established in the British North America Act (1867), subsequently known as the Constitution Act (1867). This act provides for two constitutional levels of government in Canada, resulting in federal and provincial government bodies empowered with special areas of jurisdiction. According to Section 92 of the above-mentioned Act, provincial governments have exclusive jurisdiction to make laws in relation to matters pertaining to "municipal institutions" in their province. Municipal government institutions within this framework are not granted constitutional powers and can be established in a form and with powers not otherwise the exclusive jurisdiction of the federal government as a provincial government sees fit. Statutory acts of a provincial legislature, then, "determine the powers which the council of a municipal corporation may exercise and, by reason of the nature of corporate bodies, the council cannot legally exercise any powers other than those so confirmed." As such, municipal government has only statutory, rather than constitutional, legal status.

A municipal corporation has been defined as:

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4 Constitution Act, 1867, sec. 92, ss. 8.

5 As Tindal and Tindal have commented, "Under section 92 of the British North American Act, the provinces were given responsibility for municipal institutions and therefore, local governments, unlike the provincial and federal levels, have no assured areas of jurisdiction." C.R. Tindal and S. Nobes Tindal, Local Government in Canada (Toronto: McGraw-Hill Ryerson, 1979), 1.

6 Kenneth Grant Crawford, Canadian Municipal Government, 53.

7 Donald J.H. Higgins, Local and Urban Politics in Canada, 75.
"a legal institution formed by charter from sovereign power erecting a populous community of prescribed area into a body politic and corporate with corporate name and continuous succession and for the purpose and with the authority of subordinate self-government and improvement and local administration of affairs of state."\(^8\)

The nature of sovereign power in the Canadian constitutional framework is expressed through the principle of "parliamentary sovereignty", in which only the parliaments of the federal and provincial governments have the constitutional capacity to establish subordinate government entities and to delegate authority to them to act.\(^9\) Principles of administrative law determine the nature of jurisdictional areas of action delegated within the constitutional framework granting governments the right to make laws and establish the criteria under which governmental powers can be delegated.\(^10\) A municipal government entity, as a creation of the provincial government, is delegated authority to act as a class of subordinate local government through enabling legislation of the province acting as a sovereign government.

The context in which these areas of jurisdiction may be acted upon is delineated spatially within geographic boundaries defined in the letters patent establishing the municipality as a corporate body. In this way, one municipal institution is differentiated from another of its same class. The jurisdictional context of a municipal government entity, then, is defined by its nature as a subordinate

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\(^8\) Black's Law Dictionary, 6th ed., s.v. "municipal corporation."


government and by the geographically-delineated area in which it can exercise powers resulting from enabling provincial statute.

The Nature and Role of the Entity

It has been posited that "the basis of local government is territorial."¹¹ In that purpose is related to need, Crawford has commented: "The need for local government occurs when people live in sufficiently close association that community problems arise or that it becomes feasible to join together as a group to attain certain mutually desired ends."¹²

The process of the establishment of a municipal government is prescribed in provincial statute and is a democratic representation of the wishes of people defined collectively by geography. The means by which this establishment takes place is by petition of the people to the sovereign, as represented in the Lieutenant-Governor in Council, resulting in a polling of electors within the boundaries of the proposed municipality.¹³

The geographic basis of municipal government is reflected in the purposeful nature of the activities it performs. These activities, whether carried out to regulate

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¹¹ Margaret Bowman and William Hampton, Local Democracies. A Study in Comparative Local Government, 10.

¹² Crawford, Canadian Municipal Government, 15.

¹³ Revised Statutes of British Columbia, 1979, 28 Elizabeth 2, c. 290, s 6-7.
or provide services, are conducted to control the use of land within its geographic boundaries and to promote the safety and welfare of the residents of that area. The determination of membership in the society of which a municipal government body is democratically representative reflects the nature of that body’s purpose. Electors, those who are deemed to be "shareholders" of the body’s assets, are of two classes: residents and non-resident property owners. The powers delegated a municipal government to finance its activities are also reflective of an entity’s purposeful design. Municipal government is granted the authority to raise revenue from the assessment of land and its taxation, from the regulation of activities providing for public safety and welfare through the granting of licences and permits and through the imposition of fines and penalties, and from the provision of land use, safety, and public welfare services through the imposition of fees or charges. Municipal government is also granted monies from the provincial government as transfer payments. This form of financing of municipal activities results from the dual role of a municipal government entity.

This dual role defines the nature of municipal entities, as Bish has stated, as "mechanisms through which local residents can undertake preferred collective activities and ... [as] administrative extensions of the provincial government." A municipal government entity carries out duties imposed upon them by the provincial

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14 Higgins, Local and Urban Politics in Canada, 94-95.

government, to which the corporation and its appointed officers are answerable. It also carries out duties as democratically representative of the wishes of the electors of the governing body of the corporation, within the scope permitted in the constitutional framework of provincial powers and the limitations established in provincial statute. A municipal government entity, then, performs activities characterizable as both "provincial" and "municipal" functions. Municipal functions have been defined in law as "those which specially and peculiarly promote the comfort, convenience, safety and happiness of the citizens of the municipality, rather than the welfare of the general public. Under this class of functions are included, in most jurisdictions, the proper care of streets and alleys, parks and other public places, and the erection and maintenance of public utilities and improvements generally."¹⁶

The context in which this dual role is carried out delineates the nature of the purposefulness of a municipal government entity and the manner in which its governing body and its officers, officials, and employees are authorized to carry out programmatic or mandated activities. Bureaucratic agents appointed by the municipality are answerable not only to the governing body of the corporation but to other bodies, determinable in the statutory authority under which activities are delegated such agents acting as administrative extensions of the provincial government.

Accordingly, determination of the purposefulness and, consequently, the functional requisites of a municipal corporation is achieved through an examination of not only the statute under which it is legally constituted (the Municipal Act\textsuperscript{17}) but also through an examination of a variety of provincial statutes\textsuperscript{18}.

These acts establish the rules and procedures under which a municipal government can be organized and operate; establish mandatory activities that the government and its agents must perform; and, enable a municipal government to carry out specifically identified activities through the enactment of bylaws, by resolution of its governing council, or by other forms of administrative decision authorized by bylaw or resolution.\textsuperscript{19} As will be demonstrated, an examination of provincial statute and subordinate legislation of the municipal government entity provides the basis for the characterization of that body's activities as functional to its organizational design.

\textsuperscript{17} The provisions of the present Municipal Act have been contained in previous statutes variously known as the Municipality Act, the Municipal Clauses Act, and the Elections (Municipal) Act.

\textsuperscript{18} In 1990, 180 different provincial acts, ranging from the Mental Health Act to the Weed Control Act, contained provisions relating to activities of municipal governments. British Columbia Ministry of Municipal Affairs, Recreation and Culture, \textit{Index to Local Government Legislation}, 1990.

\textsuperscript{19} Higgins has commented on the distinction between bylaws and resolutions: "In performing their legislative powers municipal councils make by-laws and resolutions. The differences between these are not entirely clear-cut, but generally a by-law is a more permanent legislative action taken in more important matters, especially where the action affects the general public or a segment of it. A resolution usually deals with matters of a more micro nature and matters of internal management or situations where the council merely wishes to place on the public record an expression or view." Higgins, \textit{Local and Urban Politics in Canada}, 131.
Functions of the Entity

The delineation of the functions of a municipal government entity, in this case the municipal corporation of Richmond, is possible through an examination of the mandate acted upon by the corporation and its agents in carrying out that entity's organizational design. That design is analyzable in the context of the broad purposeful areas in which the entity, as a class of organization, has been granted powers to act. These organizational functions have been categorized as controlling the use of land, ensuring public safety, and providing for the public's welfare. In addition, activities relating to the maintenance of the entity itself and its ability to carry out activities relating to the above purposes can also be characterized. In satisfying the functional requisites of the entity in serving its organizational design, the corporation's activities can be further characterized as corresponding to particular activity spheres of each organizational function, each such sphere representing functional requisites of the corporation acting as a unique organizational entity within its own defined juridical parameters.

Functions Relating to Land Use

Activities relating to the regulation, control, and use of land under the jurisdiction of a municipal government body, in this case, the City of Richmond, fall within two functional areas. These can be characterized as: 1) private land use; and, 2) public works. "Private land use" can be characterized by activities relating to the regulation and control of privately-owned land and its development within the
municipality's boundaries. "Public works" can be characterized by activities relating to the design, construction and maintenance of municipal land assets to meet land use infrastructure requirements.

**Private Land Use**

Activities characterizing the private land use function include those relating to the control of subdivisions, land use designation (zoning), land development, and land use planning. These activities have been mandated by provincial statute and subsequently by municipal bylaw and Council resolution.

The 1906 Municipal Clauses Act\(^{20}\) (later the Municipal Act) and the 1906 Land Registry Act\(^{21}\) (later the Land Title Act) made it compulsory for the municipality to regulate and administer subdivision plans and applications within its boundaries. The Town Planning Act of 1925\(^{22}\) empowered the municipal government to carry out activities relating to the preparation of comprehensive town plans and to pass zoning bylaws and administer their effects. These provisions were later incorporated in the Municipal Act (1957)\(^{23}\). The 1957 act also delegated power to the municipality to formulate an "Official Community Plan". Amendments to the Municipal Act in 1977\(^{24}\) defined municipal powers to issue land development

\[^{20}\text{Statutes of British Columbia, 1906, 6 Edward 7, c. 32. s. 249-250.}\]

\[^{21}\text{Statutes of British Columbia, 1906, 6 Edward 7, c. 23.}\]

\[^{22}\text{Statutes of British Columbia, 1925, 16 George 5, c. 55.}\]

\[^{23}\text{Statutes of British Columbia, 1957, 6 Elizabeth 2, c. 42.}\]

\[^{24}\text{Statutes of British Columbia, 1977, 25-26 Elizabeth 2, c. 57, s. 13.}\]
permits and to impose development cost charges. Other acts, such as those dealing with heritage designation and those dealing with various forms of subdivisions (e.g., strata-title) have dictated specific activities to be performed in carrying out the private land use function.

The first municipal zoning bylaw was adopted by the Council of the Township of Richmond in 1949. This and subsequent zoning bylaws and amendments, community area plans bylaws and amendments, and Official Community Plan bylaws and amendments, as well as provincial acts and regulations and municipal bylaws relating to subdivision and development approval, have defined the scope of most activities associated with the control of private land use.

Public Works

Activities characterizing the public works function include those relating to the design, construction and maintenance of a variety of municipal assets to provide the necessary infrastructure for land use and development within the municipality’s boundaries. These include dykes and drainage systems, roads and wharves, and sanitary sewers.

The Municipality Act (1872) in force at the time of the incorporation of the Township of Richmond enabled the corporation to design, construct and maintain land assets. The nature of these assets and the degree of municipal control over these have been clearly defined in that Act and in subsequent Municipal Acts. The

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25 Clerk’s Department, Municipal By-laws, Bylaw 1108, 1949.

26 Statutes of British Columbia, 1872, 35 Victoria, c. 35, s. 21.
1872 Act mandated compulsory activities to the municipality relating to: 1) the maintenance of roads (including bridges, sidewalks and curbs) and provision for the appropriate lighting and landscaping of municipal thoroughfares; 2) the maintenance of wharves; and, 3) the construction, maintenance, and regulation of dykes and ditches and the administration of drainage works. Subsequent Municipal Acts empowered the municipality to design, maintain and repair sanitary sewers.

Municipal bylaws, council resolution and specific provisions of a variety of provincial statutes have defined the activities carried out in the design, construction and maintenance of public land assets providing land use infrastructure for the municipality.

Functions Relating to Public Safety

Activities relating to the regulation of actions and the provision of services to ensure public safety can be characterized in the following functional categories: 1) administration of justice; 2) emergency measures; 3) environmental health; 4) transportation control; 5) animal control; and, 6) building safety.

The function of the administration of justice can be characterized by activities relating to the enforcement and administration of laws to ensure compliance with regulations relating to the safety of land and residents in the municipality. Emergency measures can be characterized by activities taken to prevent or alleviate

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27 Statutes of British Columbia, 1872, 35 Victoria, c. 35, s. 21.
environment for residents of the municipality. Transportation control can be characterized as activities relating to the design and regulation of the safe use of thoroughfares in the municipality. Animal control can be characterized as activities relating to ensuring the safe-keeping of animals. Building safety can be characterized as activities ensuring the physical safety of built structures in the municipality.

Administration of Justice

Activities characterizing the function of the administration of justice include those relating to: 1) law enforcement; 2) the administration of the municipal court; and 3) the prosecution of criminal and bylaw offenses in the municipal court. These activities have been mandated by provincial statute and municipal bylaw. The Municipality Act (1872) in effect at the time of the incorporation of the municipality empowered Richmond council to establish, regulate, and maintain a police force and to oversee the administration of justice through the administration of the local Magistrate’s Court. Provisions of the Municipal Clauses Act (1896) made both of these activities compulsory for the municipality. This and subsequent Municipal Acts defined municipal responsibilities relating to court administration and the roles of court officials.

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28 Statutes of British Columbia, 1872, 35 Victoria, c. 35, s. 21.

29 Statutes of British Columbia, 1896, 59 Victoria, c. 37, s. 81.
Federal and provincial statutes, codes and regulations determined the nature of policing activities by defining the means of enforcement and the offenses to be prosecuted. Municipal bylaws and directives from the Provincial Superintendent of Police, municipal council and the Board of Police Commissioners have also determined specific policing activities, including investigations, arrests, prosecutions, collection of fines, and the maintenance of a municipal jail. Until 1974, provincial statutes also empowered the municipality to administer justice within its boundaries by prosecuting offenders triable summarily and of offenders triable upon indictment up to committal for trial. These powers were repealed accompanying major changes at this time to the court system in the province. The Municipal Clauses Act (1896) outlined the municipality’s duties in enforcing municipal bylaws.\textsuperscript{30}

Emergency Measures

Activities characterizing the function of emergency measures include those relating to: 1) fire safety (including prevention, suppression, and investigation); 2) rescue services; 3) emergency preparedness; and 4) rationing.

These activities have been mandated by a variety of provincial statutes and by municipal bylaws. The Municipality Act (1872)\textsuperscript{31} empowered the municipal council to pass bylaws with respect to the prevention of fires and to the regulation of fire departments. Provisions of the Forest Act (1923)\textsuperscript{32} and its amendments

\textsuperscript{30} \textit{Statutes of British Columbia}, 1896, 59 Victoria, c. 37, s. 81.

\textsuperscript{31} \textit{Statutes of British Columbia}, 1872, 35 Victoria, c. 35, s. 21.

\textsuperscript{32} \textit{Statutes of British Columbia}, 1923, 14 George 5, c. 17.
empowered the municipality to regulate outdoor burning. Provisions of the Fire Marshal Act (1921)\textsuperscript{33} and its amendments and the subsequent Fire Services Act (1978)\textsuperscript{34} empowered the municipality to investigate, inspect and report fires and fire hazards. The Municipal Act (1957) consolidated the mandate of municipalities relating to the prevention and control of fires, the provisions of which were still subject to the Fire Marshal’s Act (later the Fire Services Act). Fire protection activities outlined in the 1957 Municipal Act include regulating the manufacture and distribution of combustible material, outdoor burning, and the conditions of premises and sites as provided for by provincial statute and regulations relating to fire inspection.\textsuperscript{35} Other acts, including the Fire Department Two-platoon Act\textsuperscript{36}, later the Fire Department Act, have established specific responsibilities for the municipality. Municipal fire prevention and fireworks bylaws have also set enforcement provisions to be carried out.

The Municipal Act has also empowered the municipality to provide rescue services within its boundaries, that Act including provisions for the contracting out of ambulance services\textsuperscript{37}. Emergency preparedness activities have been mandated

\begin{itemize}
\item \textsuperscript{33} Statutes of British Columbia, 1921, 12 George 5, c. 15.
\item \textsuperscript{34} Statutes of British Columbia, 1978, 27 Elizabeth 2, c. 22.
\item \textsuperscript{35} Statutes of British Columbia, 1957, 6 Elizabeth 2, c. 42.
\item \textsuperscript{36} Statutes of British Columbia, 1923, 14 George 5, c. 15.
\item \textsuperscript{37} Statutes of British Columbia, 1957, 6 Elizabeth 2, c. 42.
\end{itemize}
by the Civil Defence Act (1951)\textsuperscript{38}, which mandated the municipality to organize and establish a plan for civil defense and civil disaster. In 1973, this act was renamed the Emergency Programme Act.\textsuperscript{39} During World War II, federal wartime Orders in Council made it compulsory for the municipality to administer the rationing of goods, including fuel\textsuperscript{40}.

**Environmental Health**

Activities characterizing the function of environmental health include those relating to: 1) sanitation; 2) nuisance control (including pests and weeds); 3) solid waste disposal; and, 4) pollution control.

These activities have been mandated by provincial statute and municipal bylaw. The Municipality Act (1872) made it compulsory for the municipality to safeguard the health of its residents through the inspection of food and food establishments and through the maintenance of sanitary conditions in the municipality\textsuperscript{41}. The provincial Health Act (since 1893)\textsuperscript{42} and federal and provincial regulations have further established specific environmental health provisions to be enforced. Municipal bylaws have also mandated specific activities.

\textsuperscript{38} Statutes of British Columbia, 1951, 15 George 6, c. 9.

\textsuperscript{39} Statutes of British Columbia, 1973, 22 Elizabeth 2, c. 84, s. 2.

\textsuperscript{40} Proclamations and Orders in Council, 1939, 1940.

\textsuperscript{41} Statutes of British Columbia, 1872, 35 Victoria, c. 35, s. 21.

\textsuperscript{42} Statutes of British Columbia, 1893, 56 Victoria, c. 15.
The Public Health Bylaw No. 85 (1897)\(^{43}\) and its amendments established powers to regulate and control solid waste and garbage disposal, and the sanitation standards of septic tanks, plumbing, buildings and premises, food and food handling, and facilities for specific kinds of business activities and services. A variety of provincial statutes and municipal bylaws have mandated activities relating to the control of pests, weeds, and environmental pollutants (including noise and tobacco smoke).

**Transportation Control**

Activities characterizing the function of transportation control include those relating to: 1) traffic control and 2) transportation systems development.

These activities have been mandated by provincial statute and municipal bylaw. The Municipal Act (1881)\(^{44}\) empowered the government to regulate traffic within the municipality. This and other provincial acts dealing with specific modes of transportation, along with municipal bylaws and Council resolutions, have determined activities relating to the development of transportation networks, traffic control systems (including traffic signals), and regulatory (including licensing) activities relating to the use of wharves, vehicle use on municipal roads, traffic movement and parking.

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\(^{43}\) Clerk’s Department, Municipal by-laws, Bylaw 85, 1897.

\(^{44}\) Statutes of British Columbia, 1881, 44 Victoria, c. 16, s. 104.
Animal Control

Activities characterizing the animal control function relate to the prevention of cruelty to animals, the provision and regulation of pounds, the prevention of animals running at large, and the licensing of animals in the municipality. The Municipality Act (1872) empowered Council to pass bylaws effecting the control activities above\(^45\). Other provincial statutes relating to the keeping of specific types of animals and the prevention of cruelty to animals have defined specific regulatory provisions to be enforced by the municipality. The first Richmond Municipal Pound Bylaw (1889)\(^46\) provided for the establishment of public pounds and for regulatory provisions relating to the keeping of animals within the municipality. Other bylaws have established particular regulatory and licensing provisions pertaining to particular types of animals.

Building Safety

Activities characterizing the building safety function include those relating to establishing and enforcing regulations relating to structural standards of buildings in the municipality, including those pertaining to plumbing and gas line installation.

The Municipality Act (1872) gave Richmond council powers to regulate the erection of wooden buildings in the municipality\(^47\). Subsequent Municipal Acts, as well as B.C. Regulations, more clearly defined the nature of those regulatory powers.

\(^45\) Statutes of British Columbia, 1872, 35 Victoria, c. 35, s. 21.

\(^46\) Clerk's Department, Municipal By-laws, Bylaw 19A, 1889.

\(^47\) Statutes of British Columbia, 1872, 35 Victoria, c. 35, s. 21.
with respect to all buildings constructed in the municipality. The first municipal Building Bylaw\textsuperscript{48} was passed in 1918 and subsequent bylaws, as well as the adoption of the National Building Code in the early 1970s, have likewise defined local building regulations and the activities associated with building inspection. Other bylaws, including those relating to plumbing and gas line installation, provided regulatory standards to be enforced.

Functions Relating to Public Welfare

Regulatory and service activities to ensure the well-being and welfare of the residents of the municipality can be characterized in the following functional categories: 1) economic activity; 2) public utilities; 3) public health; 4) social services; and, 5) recreational and cultural services.

The function of economic activity can be characterized by activities relating to the control of business activity in the municipality to provide for the well-being of its residents. The function of public utilities can be characterized by activities regulating utilities, including telephone, electricity, waterworks and transportation services, established for the public's welfare. The function of public health can be characterized by activities ensuring the maintenance of public health, including the provision of medical and health services for residents. The function of social services can be characterized by activities carried out in relief of the poor and needy.

\textsuperscript{48} Clerk's Department, Municipal by-laws, \textit{Bylaw 229}, 1918.
The function of recreation and cultural services can be characterized by activities relating to the provision of recreational and cultural opportunities to the public.

Economic Activity

Activities characterizing the function of economic activity include those relating to: 1) business regulation; and, 2) economic and industrial development.

These activities have been mandated by provincial statute and municipal bylaw. The Municipality Act of 1872 gave Council the power to grant licences to tradespersons, professionals, and a variety of business operations in the municipality. From 1885, when the first municipal Trades and Licence Bylaw was enacted, municipal bylaws and subsequent Municipal Acts and other acts specific to types of businesses have defined the powers of the municipality to regulate and define the types of businesses and occupations required to comply with licensing provisions and to establish specific regulations with regards to aspects of business operations. Provisions of the Town Planning Act (1925) incorporated into the Municipal Act (1957) empowered the municipality to carry out activities relating to the stimulation of industrial development in the community. The Provincial-Municipal Partnership Act (1985) allowed the municipality to

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49 Statutes of British Columbia, 1872, 35 Victoria, c. 35, s. 21.
50 Clerk's Department, Municipal by-laws, Bylaw 7KK, 1885.
51 Statutes of British Columbia, 1925, 16 George 5, c. 55.
52 Statutes of British Columbia, 1957, 6 Elizabeth 2, c. 42.
53 Statutes of British Columbia, 1985, 34 Elizabeth 2, c. 19.
participate in an economic development program initiated by the provincial government.

Public Utilities

Activities characterizing the function of public utilities include those relating to the regulation and provision of utility systems for the public within municipal boundaries. Activities include the provision of a waterworks system for the municipality and the authorization and regulation of other corporate bodies in the provision of other utilities (e.g., telephone, gas, electricity, and transit).

The Municipal Act (1872)\(^ {54}\) empowered a municipality to authorize and regulate public utilities. That act, and subsequent Municipal Acts and statutes pertaining to specific types of utilities have defined the municipality's regulatory powers with regard to utilities involved in the distribution of gas and electricity and those providing transit and telephone systems.

The Municipal Clauses Act (1896)\(^ {55}\) empowered the municipality to control, operate and maintain a system for supplying water to its inhabitants. The Water Regulations Bylaw (1912)\(^ {56}\) first established regulations for the use of the municipal water system.

\(^ {54}\) Statutes of British Columbia, 1872, 35 Victoria, c. 35, s. 21.

\(^ {55}\) Statutes of British Columbia, 1896, 59 Victoria, c. 37, s. 50.

\(^ {56}\) Clerk's Department, Municipal By-laws, Bylaw 163, 1912.
Public Health

Activities characterizing the function of public health include those pertaining to: 1) preventive health services; 2) communicable disease control; 3) mental health services; and 4) continuing care services.

The Municipality Act (1872)\(^{57}\) made it the responsibility of a municipality to ensure the preservation of public health of its citizens. The provincial Health Act\(^{58}\) (since 1893) defined specific activities to be conducted in ensuring public health. Federal and provincial regulations have further established specific public health provisions. Other provincial acts, including most notably acts dealing with mental health and communicable diseases, have established activities for the municipality to carry out. Council bylaws have established specific public health duties, initially through the Public Health Bylaw of 1898\(^{59}\). Subsequent amendments and Health Bylaws have incorporated provisions reflecting the changing nature of public health concerns through the last century. These bylaws, and Council resolutions, have mandated activities relating to: preventive health services, including child health clinics, treatment services, preventive mental health services, public health nursing, immunization/testing services, and specialized consultative services; mental health services; communicable disease control, including quarantine and isolation measures;

\(^{57}\) Statutes of British Columbia, 1872, 35 Victoria, c. 35, s. 21.

\(^{58}\) Statutes of British Columbia, 1893, 56 Victoria, c. 15.

\(^{59}\) Clerk's Department, Municipal By-laws, Bylaw 85, 1898.
and continuing care services, including the provision of home care and long-term care programs.

Social Services

Activities characterizing the social services function include those relating to: 1) social assistance/relief programs; 2) child welfare; 3) family counselling services; and 4) community care facilities.

The Municipality Act (1872)\(^{60}\) in effect at the time of the incorporation of the municipality empowered Council to assist in the relief of the poor and needy. The Municipal Clauses Act (1896)\(^{61}\) and subsequent municipal acts required the municipality to make suitable provision for its poor. Various other provisions of subsequent municipal acts and other provincial statutes mandated social services activities, including those relating to social assistance administration, licensing of community care facilities, protection and guidance of children, and unemployment relief work and administration.

Recreational and Cultural Services

Activities characterizing the recreation and cultural services function include those relating to the provision of recreational programs and services (including sports, fitness, aquatics and arena activities) and the provision of cultural programs and services through the establishment and operation of libraries, an arts centre,

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\(^{60}\) Statutes of British Columbia, 1872, 35 Victoria, c. 35, s. 21.

\(^{61}\) Statutes of British Columbia, 1896, 59 Victoria, c. 37, s. 66.
museum/archives, art gallery, nature park, community centres, and other recreational facilities (including those relating to the use of parks).

The Municipal Act (1881) enabled the municipality to own and develop public park land within its boundaries. The Municipal Clauses Act (1906) enabled the municipality to build and operate libraries. The Municipal Act (1957) more clearly defined the authority of the municipality to acquire and operate parks and community buildings for recreational and cultural purposes. The Municipal Act of 1953 established the authority of Council to organize and conduct a recreation program. The Municipal Act of 1957 described the scope of recreation and leisure services a municipality could provide, including managing and operating art galleries, museums, arenas, community centres, and exhibition buildings. The extent and type of recreational and cultural services provided have resulted from mandates established by municipal bylaw and Council resolution providing for appropriate facilities.

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62 Statutes of British Columbia, 1881, 44 Victoria, c. 16.
63 Statutes of British Columbia, 1906, 6 Edward 7, c. 32, s. 50.
64 Statutes of British Columbia, 1953, 2 Elizabeth 2, c. 21, s. 24.
65 Statutes of British Columbia, 1957, 6 Elizabeth 2, c. 42.
Functions Relating to Sustaining the Institution

Activities relating to sustaining the entity to enable it to carry out its purposeful design can be characterized in the following functional categories: 1) administration; and, 2) financing. The function of administration can be characterized by activities relating to the administration of the institution through managerial and technical support services to its governing body and its constituent parts. The function of financing can be characterized by activities relating to the financing of its operations through the raising of funds.

Administration

Activities characterizing the administration function include those relating to: 1) managerial services; 2) clerical services; 3) personnel services; 4) financial services; 5) legal services; 6) municipal land management; 7) materiel services; 8) election services; 9) data processing services; and 10) public relations services.

The Municipality Act (1872) and subsequent Municipal Acts and other provincial statutes have empowered the municipal government to administer itself, in accordance with specific provisions.

66 Statutes of British Columbia, 1872, 35 Victoria, c. 35, s. 21. Sub-sections 27 and 28 gave the municipal corporation the power to act in relation to "the regulation of the meetings of the Council and to general conduct of business" and to "the duties of the Clerk, Treasurer, Assessor, Collector, and other Officers of the Municipality and their fulfilment." Section 21 also outlined the corporation's powers to act in the regulation of elections, in the hiring of personnel, in the expenditure of municipal revenue, in enforcing bylaws, and in managing municipal property and buildings.
Activities relating to managerial services were formally mandated in Council resolution in 1959\(^67\), which outlined those activities to be carried out in overseeing the management of the municipal bureaucracy. This and subsequent resolutions and authorized administrative decision have specified activities including corporate planning, corporate relations, corporate systems development, and insurance and risk management.

Specific activities relating to clerical services have been articulated by provincial statute, including those involving record keeping and preservation, the administration of oaths, and the taking and receiving of affidavits, and other legal documents for the municipality, and by municipal bylaw, including activities relating to secretariat services provided council, its committees, and its appointed judicial bodies. The clearest definition of the specific non-statutory activities assigned as clerical services can be identified in Council resolutions, which have defined such activities in the context of ensuring that the formal procedures of government are carried out.

Specific activities relating to personnel services have been articulated in provincial statute, municipal bylaw, and council resolution, as a result of the power of the corporation to appoint officers and hire employees. Council resolutions and administrative decision have defined and directed activities relating to recruitment and termination, staff and organizational development, occupational health and staff training programs.

\(^67\) Clerk's Department, Municipal Council, \textit{Minutes}, January 5, 1959.
Specific activities relating to financial services have been articulated in provincial statute, including statutory activities delegated the Treasurer. These include activities associated with financial management, accounting, financial planning and budgeting, payroll services, and auditing.

Activities relating to legal services have been mandated by statute and council resolutions, including those relating to the conducting of civil litigation for the municipality, the provision of legal advice and services to the municipality and its agents, and the preparation and review of municipal legislation (bylaws).

Activities relating to municipal land management have been conducted pursuant to the corporation's right to own and manage land. These activities have included the coordination of municipal government land and facilities requirements, including maintenance, and the acquisition, rental and disposal of municipal real property.

Activities relating to materiel services have been determined by council resolution and authorized administrative decision relating to the purchasing, storing, maintenance and disposal of municipal chattel property.

Election services activities have been specifically designated in provincial statutes relating to the conduct and coordination of municipal elections.

Public relations services activities and data processing services have been delineated through council resolution and authorized administrative decision.
Financing

Activities characterizing the function of financing include those relating to: 1) property tax assessment; 2) property tax collection (including tax sales); 3) licence fee and sundry tax and fee collections; and, 4) debt financing.

Financing activities have been delineated in provisions of the Municipal Act relating to the assessment and collection of property taxes (including the administration of tax sales), and to the manner in which revenue can be raised through accumulating debt. Various provincial statutes, municipal bylaws and council resolutions have determined the nature of activities relating to the collection of licence fees and sundry taxes, and other charges.

It has been demonstrated in this chapter that the City of Richmond carries out its activities in functioning as a class of municipal government organization. The activities of such an organization can be viewed as characterizing four organizational functions, those of: 1) controlling land use; 2) ensuring public safety; 3) providing for the public welfare; and, 4) sustaining the institution.

The scope and nature of activities to be carried out are defined in the context of various legislative actions. It is the mandate established through these instruments of power that delineates the specific activities that the corporation, as an organizational entity, can perform. It is the performance of these activities within its juridical context which serves the purposes of the entity’s unique institutional design. In examining the instances in which the entity has exercised its mandate to act, the following institutional functions have been characterized: private land use, public
works, administration of justice, emergency measures, environmental health, transportation control, animal control, building safety, economic activity, public utilities, public health, social services, recreational and cultural services, administration, and financing.

The activities accomplishing these functions are carried out through a process of delegation of authority in the organizational entity to its constituent parts acting as its agents. This delegation involves the establishment of bodies authorized to carry out spheres of institutional activity. It is the process of delegation of authority which establishes the means by which the municipal corporation of Richmond is enabled to serve its purposeful design. This is the subject of the following chapter.
CHAPTER 2

AUTHORITY RELATIONS AND THE STRUCTURE OF THE ENTITY

Whereas functions are characterizable in the context of what an entity can do as a class of organization within closed or defined juridical parameters, competences are identifiable in the context of how the authority of an entity to act is delegated in the carrying out of portions of its functional responsibility. The reality of fulfilling functional responsibility has two dimensions, the juridical person and the sphere of activity entrusted it. Each dimension is analyzable in terms of its effect on functional fulfilment of an entity's purposeful design.

The process of analysis must provide for the identification of juridical persons and the role played by those persons in carrying out delegated activities established as purposeful within a conceptual functional framework. The nature of the delegation of authority of the entity shapes the manner in which activities are manifest by components of its structure.

Nature of the Delegation of Authority

As established in the preceding chapter, a municipal corporation performs a dual role, acting as an administrative arm of the provincial government which established it and as a subordinate government body acting to carry out the democratically-determined wishes of its electorate. Its powers are subject to
statutory law. It is that law which dictates its ability to implement authorized actions delegated it and its agents and, in turn, to delegate its own authority as established in enabling legislation of the provincial government.

A municipal corporation possesses characteristics of all governmental bodies, exercising its powers by conducting activities as a result of assigned legislative, judicial and executive authority. An understanding of authority relations is predicated on distinguishing between legislative and judicial authority on the one hand, and executive or administrative authority. Authority has been defined as "the lawful delegation of power by one person to another." Authority is an attribute of a role which enables a person within a corporate framework to act to carry out the purposes of the incorporated entity. Administrative and executive authority results from executive powers, powers to carry laws into effect, and is distinct from legislative authority. Administrative authority has been defined as "the power of an agency or its head to carry out the terms of the law creating the agency as well as to make regulations for the conduct of business before the agency; distinguishable from legislative authority to make laws." Judicial authority is defined as "the official right to hear and determine questions in controversy."

The characterization of the nature of delegated powers is a function of administrative law, which determines the nature and limits of powers delegated by a

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1 Black's Law Dictionary, 6th ed., s.v. "authority."
juridical person to someone else. A general rule of administrative law establishes that legislative and judicial powers are exercisable only by those persons to which those powers have been delegated through legislation of a sovereign government. Legislative powers of subordinate governments, however, can be used to delegate administrative authority to specified agents.4

The legislative powers of a municipal government entity result from the provincial government enabling a municipal corporation to enact subordinate legislation, subject to the legal doctrine of "ultra vires".5 It is necessary to acknowledge that, in the case of a municipal government entity, not all delegation of authority is conducted through subordinate legislation of the entity. Officers of the corporation can carry out activities based on authority delegated directly from the provincial government and its agencies, and are answerable to that government for their actions. As Wilson has commented, in the case of municipal officers in British Columbia: "In most instances where a Municipal Officer is given by statute a duty, responsibility or authority to perform a function,... that makes the Municipal Officer an Officer of the Province of British Columbia, not the Municipality, while he is performing these particular duties."6 In this case, the activities of that officer reflect

4 D. Jones and A. de Villars, Principles of Administrative Law, 45.

5 This doctrine limits the power of a delegated body to enact legislation, where "the delegate can only enact rules or regulations within the power granted to him by the parent legislation." D. Jones and A. de Villars, Principles of Administrative Law, 62.

the responsibility of the municipal government entity to carry out activities as an administrative arm of the provincial government. The municipal agent or agency acts as an officer of a province only after a person, fixed by juridical office, has been designated as a municipal officer and has been situated within the municipal organizational structure.

The nature of legislative, judicial, and executive authority shapes the organizational structure of a municipal entity by attributing powers to bodies assuming particular roles in the process of carrying out that entity’s functional requisites. All functions of the entity permeate various of these processes and roles. An effective characterization of competence as embodiment of authority delegated must be made in the context of the role of a juridical person and of the process of functional fulfilment which a sphere of activities delegated it is a constituent part. That characterization can only be made through an analysis of the structure in which competent bodies are situated.

The Structure of the Entity

Authority is distinguishable by organizational process, defined in the case of a municipal corporation as legislative, judicial and executive, and is effected by bodies comprising the entity’s structure. In that that structure has been defined as the patterning of role and status relationships, it is necessary to delineate the roles each
component plays in the governing processes and to ascertain the relationships existing between the competent bodies of the entity.

To identify the juridical persons, as a composite of an entity, it is first necessary to examine the autonomous nature of that body and its structure. The determination of how that body acts as an autonomous entity will provide the distinction between it and other autonomous bodies, created by virtue of instruments of power outside the jurisdiction of the entity under examination. An autonomous body must fulfil the conditions established in its context as an organization, defined as having "an unequivocal collective identity, an exact roster of members, a program of activity, and procedures for replacing members." It is invariably the case, though, that one autonomous body interacts with other bodies within a greater social collectivity. In the case of the municipal corporation of Richmond, it can be seen that this interaction takes many forms, including the contracting out to other bodies activities relating to the entity’s purposeful organizational design.

As well, the local government framework established by provincial statute has provided for the establishment of autonomous boards or commissions to carry out activities of a municipal nature, these bodies incorporated as distinct organizational entities. Plunkett has characterized these bodies:

"Autonomous boards or commissions are established by provincial legislation as separate corporations and usually have jurisdiction over such activities as transit, water and sewerage, parks, hospitals, police and libraries. While the members of the governing bodies of such

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7 University of British Columbia, School of Library, Archival and Information Studies, "Select List of Archival Terminology," s.v. "organization."
boards and commissions are sometimes elected, they are more frequently appointed by the council or by the council and the provinces. As a rule, these bodies enjoy a fairly wide range of administrative autonomy although the council may exercise nominal control over their finances."

The establishment of such autonomous bodies has occurred most notably, in the case of the municipality of Richmond, with the local school board (constituted according to provisions of the School Act) and Library Board (constituted according to provisions of the Library Act). An autonomous Board of Police Commissioners (constituted according to provisions of the 1893 Municipal Act) also existed in Richmond prior to the contracting out of policing services to the B.C. Provincial Police (and later to the Royal Canadian Mounted Police) as did the Board of Licensing Commissioners (constituted according to provisions of the 1881 Municipality Act and established to licence the dispensing of alcohol within the municipality) and various Dyking and Drainage Commissions (constituted according to provisions of the 1897 Drainage Dyking and Irrigation Act).

For the purposes of characterizing the competences of the municipal corporation of Richmond, it is necessary to exclude in the analysis juridical persons

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9 Statutes of British Columbia, 1893, 56 Victoria, c. 30, ss. 60-63.

10 Statutes of British Columbia, 1881, 44 Victoria, c. 16, s. 110.

11 Statutes of British Columbia, 1897, 60 Victoria, c. 64.
carrying out activities within the structure of a body operating independently of the municipal entity.\textsuperscript{12}

Municipal Council

An analysis of the structure of an entity begins with the analysis of the institutional component which establishes all competences. In the case of the Corporation of the City of Richmond, this is the municipal council. Council, as "the governing body of the corporation,"\textsuperscript{13} has the authority and responsibility to effect all purposeful activity of the corporate entity. It carries out this authority in the form of bylaws and resolutions, which represent central legislative and policy-making activities. Council also has the power through enabling provincial legislation to appoint members to judicial bodies within its statutory scope, to establish offices and administrative bodies to carry out executive activities in the name of the corporation, and to contract and coordinate with other autonomous bodies the carrying out of activities of a municipal government nature. Council is headed by a democratically-elected chair, variously known over time in the case of the municipal corporation of Richmond, as Warden, Reeve and Mayor. The Mayor is

\textsuperscript{12} For example, the Richmond Branch of the S.P.C.A. operates independently of the municipal corporation in carrying out its contractual obligations (and delegated authority) relating to animal control activities in the municipality.

\textsuperscript{13} Crawford, \textit{Canadian Municipal Government}, 77. Crawford explains that, "It is upon the council as a whole that responsibility rests for carrying out the duties and for exercising the powers of the corporation."
entrusted with two roles. The Municipal Act\textsuperscript{14} establishes the mayor as both the "Chief Executive Officer of the Municipality" and establishes the position's authority to act as council "chair". Through other provisions of the act, the mayor is also delegated authority to establish committees of council (and to appoint their members) to advise council and is also given authority to assume membership on commissions and boards operating independently of such committees.

**Judicial Boards**

The ability of the corporation to carry out activities as established in the judicial powers of municipal government is limited, provisions for the establishment of bodies with delegated judicial authority delineated in the Municipal Act. By these provisions, council establishes judicial bodies known as a Court of Revision, Board of Variance (earlier known as the Zoning Board of Appeal), and Local Health Board\textsuperscript{15} to carry out activities relating to the functions of private land use, financing, public health and environmental health, and administration (election services).

It should be noted that what was once called variably the Municipal Court, Police Court or Magistrate's Court was an autonomous body under the authority of

\textsuperscript{14} Revised Statutes of British Columbia, 1979, 28 Elizabeth 2, c. 290, s. 239.

\textsuperscript{15} Another minor quasi-judicial activity the municipality has been enabled to carry out as a part of a judicial process is the adjudication of property boundary disputes involving the construction of fences ("fence viewing").
the provincial government.\textsuperscript{16} The municipality was required to support, financially and otherwise, the administration of such a court within its geographic boundaries.

\textbf{Committees, Commissions, and Boards}

Council has also been granted powers to appoint advisory bodies\textsuperscript{17} to assist in the fulfilment of the corporation’s purposeful design. Advisory bodies have taken the form of committees or commissions, some of which (i.e., Town Planning Commission, later known as the Advisory Planning Commission) are constituted according to specific provisions in provincial statutes. Advisory bodies carry out their roles as standing committees, special committees or commissions (as deemed by statute), and ad hoc committees, the latter usually formed to carry out specific tasks to advise council on narrowly-defined areas of municipal government activity. The reporting relationships of these bodies within the framework of council activities and the delegated activities of officers or personnel of the corporation provides for a distinction between these bodies. Whereas special committees, advisory commissions and ad hoc committees report solely to council (or its standing committees) in carrying out policy-making activities as a part of a legislative process, an additional relationship exists for standing committees and commissions.

\textsuperscript{16} The power to appoint a local magistrate rested with the Lieutenant-Governor in Council.

\textsuperscript{17} For a more detailed examination of the nature of advisory bodies of a municipal corporation, see Higgins, \textit{Local and Urban Politics in Canada}, 135.
established to supervise the administration of municipal government activities. This is tied to a direct role of such committees and commissions in overseeing the execution of activities mandated by council. Standing committees and supervisory commissions are defined as to their role by statute and as to their status by council resolution in a reporting structure, where administrative bodies carrying out the operations of municipal government report to Council through them. Standing committees and supervisory commissions are constituted to correspond to purposeful areas of the corporation's activities. In this way, they "exercise a general supervision over the work and the staff under their jurisdiction, consult with and advise the officials responsible for such work, and make reports and recommendations to council on matters within their sphere."

The role of standing committees and supervisory commissions has been compared to that of ministries or departments at provincial and federal levels of government. As such, bureaucratic units of the corporation are not under the authority of an appointed, elected representative. A supervisory role over executive activities is carried out by standing committees established by council resolution according to provisions of the Municipal Act. That Act, since 1892, gave the

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18 Crawford explains: "Each standing committee has jurisdiction over a section of council operations either designated by by-law or established by committee... In a general way, the scope of a committee is indicated by its title..." Crawford, Canadian Municipal Government, 108.


20 Crawford, Canadian Municipal Government, 162.
Mayor or Reeve, acting as the head of Council, "power to appoint such members of the Council as he may deem proper to be Standing Committees for any purposes which he considers would be better regulated and managed by means of such Committees." Other provisions of the Municipal Act have provided for the establishment of supervisory commissions (e.g., Recreation Commission). Standing committees carry out activities in the executive process by supervising specifically-designated bureaucratic bodies in the proper conduct of their affairs and by advising Council itself, of which they are a constituent part by nature of their majority membership and establishment.

Municipal Officers and Employees

Administrative activities of the entity are carried out by municipal officers and employees. The distinction between officers and servants of the corporation is based on the capacity of the former to delegate authority within jurisdictional areas either established by the provincial government through statute or by the municipal corporation, acting as a subordinate government, through bylaw and resolution. The distinction between officer and employee has been summarized by Rogers:

"A municipal officer, generally speaking, is one who holds a permanent position of responsibility with definite rights and duties usually prescribed by statute and sometimes by by-law. As distinguished from a servant employed by a municipality, an officer appointed by it has, in the performance of his duties, discretionary

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21 Statutes of British Columbia, 1892, 55 Victoria, c. 33, s. 21.
authority and has a responsibility to perform vital duties of the corporation; a mere servant has only a duty to obey orders."

In addition, the servants of the corporation can be distinguished as being either "officials" or mere employees, the former being established by Council or Committee resolution granting such a servant "manager" status. Such a status enables an official to oversee activities delegated to a department headed by a municipal officer.

Some municipal officers are required by statute to be appointed, while others are appointed at the discretion of the Corporation to administer the activities which the entity may legally perform. The Municipal Act established that "those persons deemed to be officers are the clerk, treasurer, assessor, collector and municipal manager, the engineer and solicitor, if engaged on a full-time salary basis, and a department head designated by bylaw as an officer of the municipality." In addition, other provincial statutes prescribe the appointment of officers by the municipality to carry out duties as an administrative arm of the provincial government. For example, the Land Title Act prescribes duties of a municipally-appointed Approving Officer while the Health Act (and other provincial statutes relating to public health and environmental health) prescribes those of a municipally-appointed Medical Health Officer. The authority by which an officer or employee

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23 *Revised Statutes of British Columbia*, 1979, 28 Elizabeth 2, c. 290, s. 255.
can act ultimately rests with Council itself (operating through resolutions), except for statutory obligations as outlined in provincial acts.24

Municipal Departments

Municipal officers act either independently or as part of a collectivity, generally known in the case of the municipal corporation of Richmond, as a department.25 Departments, headed by a municipal officer, have been, over time, established to execute activities and to provide a supporting structure (e.g., performing activities such as budgeting, clerical support, personnel and payroll, and materiel management services). The department as an administrative agency of the municipal bureaucratic apparatus in Richmond is a relatively recent phenomenon26, becoming formalized in organizational charts over a period in the 1950s accompanying a rapid growth in the population of the municipality and a concurrent

24 For a more detailed explanation, see Crawford, Canadian Municipal Government, 165.

25 Departments and independent officers were also organized into larger units called "divisions" for a short time between 1986 and 1987.

26 It should be noted that the the use of the term "department" in Richmond Council (and Committee) minutes and in other municipal records does not necessarily signify recognition of an administrative agency headed by a municipal officer. Prior to 1957 (and the establishment of a modern departmental system), the term "department" was used to signify: 1) a standing committee; 2) a "functional" area of operations with no corresponding administrative structure; and, 3) an administrative agency. The term "department" is still used today in reports and other records to refer to "functional" areas of the municipal works yard operations. These "departments" are not administrative agencies headed by a municipal officer, but instead comprise the Works Yard Operations Section within the Engineering Department.
need for greater government services. No council bylaw or resolution have established specific mandates for departments other than those relating to various administrative procedures (e.g., the Fire Department Bylaw) or those relating to activities to be carried out by officers, officials or employees within each department. The "mandate", then, of a municipal department is the result of executive actions deeming an officer, official or employee to be head or a part of a department.27

Activities carried out by administrative agents or agencies known as departments of the corporation are the result of the executive powers delegated a municipal entity. Within the process of carrying out executive responsibilities, a further delegation of responsibility has occurred within the organization of the municipal entity of Richmond to officers entrusted with the role of managing and coordinating the activities of departments. In this manner, policy-making responsibility for the carrying out of executive activities is delegated. This managerial role has resulted from the need for interdepartmental and corporation-wide cooperation and direction, perceived as a result of a fragmented

27 Plunkett has commented on municipal departmental organization: "The main purpose served by the organization of municipal administration into a number of administrative departments or divisions is to secure a rational distribution of labor." Thomas J. Plunkett, Urban Canada and Its Government: A Study of Municipal Organization, 25.
reporting relationship between individual department heads and independent officers and Council, through its standing committees.\textsuperscript{28}

In the case of the municipal corporation of Richmond, the managerial role of municipal officers has been carried out since 1957 according to five identifiable systems, involving: 1) "senior" department heads; 2) the Office of the Administrator; 3) department heads of "line departments" and the Office of the Administrator; 4) directors of corporate divisions; and, 5) department heads of specifically-designated "departments" and the Office of the Administrator.\textsuperscript{29} Although various managerial systems have been employed, the nature of this managerial role, based on reporting relationships between administrative departments and standing committees or supervisory commissions, has remained relatively constant.

\textbf{Status, Role, and the Structure of the Entity}

The nature of the supervisory and managerial roles played by juridical persons within the entity is represented, in the case of Richmond, in the adaptation of two distinct models of municipal organizational structure, generally known as the "council-committee structure" and the "council-chief administrative officer

\textsuperscript{28} Crawford identified such coordination as "one of the major problems of civic administration." Crawford, \textit{Canadian Municipal Government}, 168.

\textsuperscript{29} City of Richmond Archives, "Administrative Historical Overview of Administering Offices" (Richmond: City of Richmond, 1993), 1-3.
structure."\textsuperscript{30} Prior to the establishment of the Office of the Administrator in 1973, a council-committee structure provided the basic link between council, as the central authority of the entity, and the municipal bureaucracy. The advent of a "senior department head structure" in 1957 provided for the streamlining of communications as part of this link, whereby administrative departments reported to committees through a select number of senior department heads.\textsuperscript{31} The establishment of the Office of the Administrator gave a centralized authority to one office in the coordination of corporation-wide management of executive activity. The status of that office in controlling administrative activities of the entity has changed over time, for a short-lived period between 1986 and 1987 providing for a defacto Municipal Manager role whereby all managerial direction emanated from this office, standing committees only providing general policy direction through the Administrator.\textsuperscript{32} Other than for that short time frame, reporting relationships between either all or some departments and standing committees of council have existed in the overall corporate structure.

\textsuperscript{30} For a detailed discussion of these models, see Donald J.H. Higgins, \textit{Local and Urban Politics in Canada}, 148-154.

\textsuperscript{31} City of Richmond Archives, "Administrative Historical Overview of Administering Offices," 1,3.

\textsuperscript{32} Clerk's Department, Committee of the Whole, \textit{In-Camera Minutes}, March 14, 1986. It should be noted that the position of "Municipal Manager" can only be established, as outlined in the Municipal Act, by bylaw approved through the polling of the electorate. For a detailed analysis of the status of the Office of the Administrator over time, see City of Richmond Archives, "Administrative Historical Overview of Administering Offices," 1-5.
Within the executive process, then, defined by the delegation of executive powers, a variety of officers and departments have been established to carry out the activities of the municipal corporation. The roles played in the execution of the entity's mandated activities can be delineated as supervisory, managerial, or administrative/operational. The manner in which these roles are manifest in the structure of the entity are a result of the status accorded officers and supervisory committees and commissions established by council. That status, the capacity to exercise rights and to fulfil obligations within the entity, is demonstrable hierarchically, with the preeminent status assumed by Council delegating authority to its standing committees and supervisory commissions at a supervisory level, and to a superordinate status at what can be termed a managerial level vis-a-vis operational activities carried out by municipal officers and their departments. The manner in which a municipal corporation carries out its affairs has been summarized by Crawford:

"It is the council which makes the major decisions as to policy, to build a bridge, to pave a street, or to put the fire department on a three-shift basis. The council is the ultimate authority on all matters, large or small, that may come before it or with which it may choose to deal. To a considerable extent, however, the task of supervising the carrying out of policy and many final decisions in minor matters are left to the committees. The task of actually doing the job as well as many of the detailed decisions are left with the officials."

In that the managerial and supervisory roles conditioning the execution of activities are identifiable in the structure of the entity with reference to agencies

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33 Kenneth Grant Crawford, Canadian Municipal Government, 163.
carrying out an operational role, it is necessary to establish a means to identify consistently the agents or agencies delegated authority to "do the job". The level at which a consistent representation of delegated operational authority can be made is that of the municipal officer or a department headed by such an officer. Municipal officers, in Canadian law, include "such persons as occupy offices of an executive or administrative nature established by the Legislature, who exercise powers conferred by the Legislature in relation to the affairs of a particular municipality and who are appointed by and subject to the control of the council of such municipality and also such persons as are appointed by a municipal council to discharge the duties attendant upon an office established by it."34

Such juridical persons delegated authority to administer and perform mandated activities can be identified in statute, bylaw, resolution and authorized administrative decision. These agents and agencies are identifiable in a structure within the time frame in which they exist as a constituent part. An agency or agent, then, carrying out activities in the executive process, can be identified as: 1) a department headed by a municipal officer in which are located other officers, officials and servants carrying out programmatic activities or carrying out a managerial role conditioning such activities; or 2) agents identified as officers formally mandated by statute, bylaw, or council resolution to administer or carry out delegated activities operating independently of a larger administrative office.

Specifying the consistent level in the organizational structure where competence is established to carry out activities, that level based on a characterization of the nature of the discretionary authority delegated an agent or agency, provides a means by which spheres of activity, delineated functionally, can be tied to a juridical person entrusted with carrying them out.

This chapter has explored the nature of authority relations of the municipal corporation of Richmond through an examination of the means by which the entity can satisfy the functional requisites of its organizational design. It has identified those structural elements effecting the carrying out of processes resulting from legislative, judicial and executive authority.

The manner in which spheres of activity as representative of areas of functional responsibility are tied to juridical persons playing a role in a process whereby functional requisites of the entity are satisfied is the subject of the following chapter.
CHAPTER 3

MAPPING FUNCTIONS AND COMPETENCES OF THE ENTITY

It has been demonstrated that the characterization of function is a means to delineate the purposefulness of a system effecting the fulfilment of an entity's organizational design. It has also been shown that the establishment of authority relations within the entity is manifest in a structure defined as a patterned network of role and status relationships. An understanding of the relationship of function and authority is only possible when the competences of an entity are characterized. It is through the identification of competence where activities can be seen to have a tangible reality and to be representative of how an entity carries out its purposeful design. A competence, as Galston has stated, is "that portion of a function falling within a specific juridical person's sphere of responsibility."¹

Eastwood has indicated that the difficulty in representing the external structure of provenance stems from the fact "that authority relations and functional relations influence the structuring of agencies in organizations in different ways."² It is through the mapping of the characterizable elements of function and competence on to a representation of the entity as an integrated whole embodying system and


² Terry Eastwood, "General Introduction," 5.
process within a recognizable structure which illuminates the external structure of the provenance of records generated by that entity.

It has been established that any description or descriptive system representing that external structure must account for the authority and functional relations of an entity dictating the nature of activities of predecessor, successor, subordinate and superordinate agents or agencies. In this manner, as Eastwood explains, "any actions conditioned by authority relations can be traced up or down in the administrative hierarchy."³ Likewise, the representation of the entity as a system satisfying functional requisites makes it possible to locate function in administrative structure, a process involving the identification of "the succession of agencies delegated particular spheres of functional responsibility."⁴

The representation of how an entity carries out its programmatic activities must, then, be based on the characterization of competence viewed as a component of a system delineated functionally and manifest in a structural component effecting the processes through which the functional requisites of an entity are satisfied. In addition, it is necessary to identify the nature of the role and status of that structural component as embodied in a network of hierarchical relationships conditioning actions enabling the entity to satisfy these requisites. Such a representation must also provide a means to place activities comprising functional responsibilities within


a broader framework, which enables the identification of interrelationships among the functions of an entity.

This chapter will explore how the entity carries out its activities in relation to one function as enumerated in Chapter 1. That function, private land use control, will be examined as to its nature and historical evolution, the activities in which actions are taken to carry out that function, the competences established over time to conduct those activities, and the components in the hierarchical structure conditioning the delegated activities comprising each competence. As well, one procedure established to carry out an activity will be examined, in order to illustrate the interrelationships of actions and activities in processes comprising spheres of activities delineated as satisfying different functional requisites.

The Private Land Use Function

The function of private land use can be characterized by regulatory activities directly affecting the general public and actions of a service or administrative nature enabling the entity to establish and enforce private land use regulations. Functional responsibilities can be delineated relating to land use planning, zoning, subdivision control and land development cost control.

The function of private land use, carried out through activities controlling the use of privately-owned land within the municipality’s borders, has three main objectives. Bish has outlined these as:
1) "to help private developers and municipal officials to predict future land use patterns with some degree of certainty;"

2) "to permit incompatible uses from locating next to one another;" and,

3) "to facilitate the orderly extension of public facilities and services to growing or changing areas."\(^5\)

The evolution of the function is tied to the changing nature of statutory authority granted the municipal corporation of Richmond by the provincial government. The Municipal Clauses Act of 1906\(^6\) made it the obligation of the municipality to regulate and administer the subdivision approval process, in accordance with procedures established in the 1906 Land Registry Act\(^7\). The granting of this authority provided the municipality with a regulatory mechanism to control land development within its boundaries, a mechanism which became the basis for enforcing subsequent municipal authority relating to zoning and comprehensive community planning. The municipality carries out its subdivision approval activities acting as an administrative arm of the provincial government in controlling the registration of land title. Its authority to approve subdivision plans provides a means by which the electorate of the governing body of the municipal corporation influences the manner in which private land in the municipality is used.

\(^5\) Robert L. Bish, Local Government in British Columbia, 106.

\(^6\) Statutes of British Columbia, 1906, 6 Edward 7, c. 32, s. 249-250.

\(^7\) Statutes of British Columbia, 1906, 6 Edward 7, c. 23.
The first Plans Approval Bylaw\textsuperscript{8} was adopted in Richmond in 1908, in which standards and discretionary authority of the governing council and municipal officers were outlined. Subsequent bylaws, variously known as subdivision approval bylaws or subdivision control bylaws, amended and repealed some of these provisions. In addition, specific bylaws affecting the subdivision approval process were also adopted (e.g., the Subdivision Roads Bylaw, 1937\textsuperscript{9} specified standards for roads built in accordance with subdivision plans).

The provincial Town Planning Act of 1925\textsuperscript{10}, provisions of which were later incorporated in the 1957 Municipal Act\textsuperscript{11}, authorized the municipality to enact and enforce zoning bylaws created in accordance with specified planning procedures. The first municipal zoning bylaw\textsuperscript{12} was passed by Richmond Council in 1949. Zoning bylaws and amendments soon became the focus of much of the municipality’s legislative activity, as exemplified in the proliferation of amendments and amendments to amendments of these various bylaws to the present day.

The provisions of zoning bylaws established standards to ensure compatible uses of private land within municipal boundaries. These standards could be applied according to zoning bylaw provisions as delineated in the 1925 Town Planning Act

\textsuperscript{8} Clerk’s Department, Municipal By-laws, Bylaw 131, 1908.
\textsuperscript{9} Clerk’s Department, Municipal By-laws, Bylaw 760, 1937.
\textsuperscript{10} Statutes of British Columbia, 1925, 16 George 5, c. 55.
\textsuperscript{11} Statutes of British Columbia, 1957, 6 Elizabeth 2, c. 42.
\textsuperscript{12} Clerk’s Department, Municipal By-laws, Bylaw 1108, 1949
representing the power of Council to make bylaws regulating and dividing the municipality into "districts of such number, shape, and area as the Council considers best suited"\textsuperscript{13} for various purposes, including designating the type, height, bulk, and lines of a building in an area and the class of use of such buildings. The regulatory mechanisms employed in enforcing these provisions were based on municipal authority to approve subdivision plans and to issue building permits. These mechanisms would also become the basis for enforcing provisions established through provincial delegation to the municipality of authority to establish official community plans. This authority was first granted the municipality in provisions of the Town Planning Act (1925), which gave a municipal Council power "to prepare for the purpose of an official town plan, a comprehensive plan or set of plans for the future physical development and improvement of the municipality in a systematic and orderly manner."\textsuperscript{14}

Various area plans were formulated and adopted by means of bylaw prior to their incorporation, in 1986, into the first Official Community Plan Bylaw.\textsuperscript{15} That bylaw was enacted in accordance with provisions of the Municipal Act (1957), establishing an official community plan as "paramount" legislation in regard to private land use control. Section 695 of the 1957 Municipal Act established that:

"Council shall not authorize, permit, or undertake anything contrary to or at

\textsuperscript{13} Statutes of British Columbia, 1925, 16 George 5, c. 55, s. 9.

\textsuperscript{14} Statutes of British Columbia, 1925, 16 George 5, c. 55, s. 3.

\textsuperscript{15} Clerk's Department, Municipal By-laws, Bylaw 4700, 1986.
variance with the official community plan." In this regard, Section 708 also outlines that "every approving officer shall give due regard to and take cognizance of any official community plan when dealing with applications for the approval of any plan of subdivision." 

Further authority was granted the municipality as the result of a 1977 amendment to the Municipal Act, which empowered the corporation to establish a development permit application process and to administer development cost charges. That authority was further delineated in the Development Cost Charges Bylaw (1977) and the Development Permit Procedure Bylaw (1979). These powers provided the municipality to control land development and its costs in providing local infrastructure services.

The private land use function of the municipality, then, is representative of activities taken in the course of carrying out responsibilities for subdivision control, development cost control, zoning and comprehensive land use planning. These activities are carried out or conditioned by a variety of juridical persons acting in the name of the corporation with powers derived in accordance with authority manifest through three distinct governmental processes, the legislative, judicial and executive:

16 Statutes of British Columbia, 1957, 6 Elizabeth 2, c. 42, s. 695.
17 Statutes of British Columbia, 1957, 6 Elizabeth 2, c. 42, s. 708.
19 Clerk’s Department, Municipal By-laws, Bylaw 3168, 1977.
20 Clerk’s Department, Municipal By-laws, Bylaw 3797, 1979.
It is to an examination of the manner in which these powers are effected, as part of these processes, that we must turn.

The Legislative Process

Owing to the nature of delegation of legislative authority as described in the previous chapter in the context of the powers of a subordinate government, Council has the sole authority to adopt bylaws and resolutions legislating private land use control. It carries out its authority in conjunction with bodies established by bylaw or resolution to advise it in a manner specifically defined in statute and bylaw. In this manner, the roles of competent bodies of the municipality in acting within a legislative process can be characterized as being operational (activities performed by Council) and advisory.

The Town Planning Act (1925) established the authority of the municipality to create a Town Planning Commission, "to assist the Council in an advisory capacity in carrying out such of the powers and provisions [of the Act]." 21 The first Town Planning Commission in Richmond was established in 1950. 22 Prior to this, the only bodies established to act in an advisory capacity in the legislative process relating to private land use control were standing committees of Council.

21 Statutes of British Columbia, 1925, 16 George 5, c. 55, s. 17.
22 Clerk’s Department, Municipal By-laws, Bylaw 1139, 1950.
The first Sub-divisions Committee was established by resolution of Council in 1915\(^{23}\) and subsequently every year after, known variously as either the Subdivisions Committee or the Plans Committee. An additional standing committee, the Zoning Committee, was first established in 1947.\(^{24}\) In 1978, advisory activities of the Plans Committee and Zoning Committee were performed by the Planning Committee\(^{25}\) (from 1986\(^{26}\), known as the Planning and Development Services Committee).

In 1957, under provisions of the new Municipal Act, the Town Planning Commission and its advisory role were replaced by the activities of an "Advisory Planning Commission". That act provided for Council to establish such a commission to "advise the Council on such matters coming within the scope" of the part of the act designated as "community planning."\(^{27}\) Other advisory bodies with more specific areas of advisory jurisdiction have also been established by municipal bylaw, including the Heritage Advisory Committee offering advice in enacting various Heritage Designation Bylaws (as authorized in the provincial Heritage

\(^{23}\) Clerk’s Department, Municipal Council, Minutes, January, 1915.

\(^{24}\) Clerk’s Department, Municipal Council, Minutes, January, 1947.

\(^{25}\) Clerk’s Department, Municipal Council, Minutes, January, 1978.

\(^{26}\) Clerk’s Department, Committee of the Whole, In-Camera Minutes, March 18, 1986.

\(^{27}\) Statutes of British Columbia, 1957, 6 Elizabeth 2, c. 42, s. 698.
Conservation Act\textsuperscript{28}) restricting the nature of private land use vis-a-vis specified building sites in the municipality.

The Judicial Process

The judicial powers of the corporation are limited and are established by provincial statute according the municipality the capacity to establish, by means of bylaw, and to appoint members, by means of resolution, various judicial boards or courts of revision. The Town Planning Act (1925) established that a Board of Appeal must be established by the municipality when zoning bylaws have been adopted.\textsuperscript{29} The Municipal Act of 1957 established that: "No person who is a member of the Advisory Planning Commission or who holds any municipal office is eligible to be appointed or to sit as a member of the Zoning Board of Appeal."\textsuperscript{30} The Zoning Board of Appeal, later renamed in statute as the Board of Variance, was authorized to hear appeals from individuals regarding administrative decisions made based on provisions of zoning bylaws.

\textsuperscript{28} Statutes of British Columbia, 1977, 25-26 Elizabeth 2, c. 37, s. 10-15.

\textsuperscript{29} Statutes of British Columbia, 1925, 16 George 5, c. 55, s. 16.

\textsuperscript{30} Statutes of British Columbia, 1957, 6 Elizabeth 2, c. 42, s. 705.
The Executive Process

The delegation of executive powers resulting in the creation of competence for operational activities reflecting the private land use function first occurred as a result of enabling provincial legislation relating to subdivision approval. In 1922, the municipal officer occupying the position of Municipal Engineer was appointed Approving Officer\(^31\). When the Engineer's position was eliminated later that year, the Municipal Clerk was appointed. From 1927 to 1928, when a Municipal Engineer was once again employed, he was appointed Approving Officer\(^32\). In 1928, the Municipal Clerk reassumed the position.\(^33\) From 1931\(^34\) until 1957, the Municipal Engineer carried out the duties of the Approving Officer and various activities relating to the processing and reviewing of subdivision applications were delegated officials in the Engineering Department/Board of Works. Since 1957, the officer appointed Town Planner/Director of Planning in the Planning Department was designated as Approving Officer\(^35\), various activities relating to the carrying out of subdivision approval procedures being carried out by divisions within the Planning Department.

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\(^31\) Clerk's Department, Municipal Council, Minutes, March 20, 1922.

\(^32\) Clerk's Department, Municipal Council, Minutes, April 5, 1927.

\(^33\) Clerk's Department, Municipal Council, Minutes, July 3, 1928.

\(^34\) Clerk's Department, Municipal Council, Minutes, April 17, 1931.

\(^35\) Clerk's Department, Municipal Council, Minutes, June 10, 1957.
The activities delegated the Approving Officer have consisted of administering the process of the review, certification and registration of subdivision plans, consistent with provisions of the Municipal Clauses Act (1906)\textsuperscript{36} and subsequent Municipal Acts, the Land Registry Act\textsuperscript{37} and subsequent Land Title Act, and subdivision approval bylaws. Other provincial acts have established provisions delineating the process of subdivision approval for specific kinds of land title (e.g., strata-title).

The delegation by council of a supervisory role in overseeing the execution of activities relating to subdivision approval first occurred in 1915\textsuperscript{38}, with the establishment by resolution of the Subdivisions Committee, later constituted annually as the Plans Committee. In 1978, the Planning Committee of Council was established\textsuperscript{39} to supervise activities relating to the subdivision approval process delegated the Approving Officer in the Planning Department.

A managerial role relating to the activities delegated the Approving Officer situated in the Planning Department was assumed by the Office of the Administrator

\textsuperscript{36} Statutes of British Columbia, 1906, 6 Edward 7, c. 32, s. 249-250.

\textsuperscript{37} Statutes of British Columbia, 1906, Edward 7, c. 23.

\textsuperscript{38} Clerk's Department, Municipal Council, Minutes, January, 1915.

\textsuperscript{39} Clerk's Department, Municipal Council, Minutes, January, 1978.
from 1979 to 1980\textsuperscript{40}, and for a short period in 1986 and 1987\textsuperscript{41}, by the Director of Development Services.

Executive activities relating to zoning have been carried out by agents delegated authority to administer zoning regulations, through a process of plan checking and review, and through the inspection of buildings erected as a result of these plans. From the adoption of the first Zoning Bylaw in 1949 to 1957, plan checking activities to ensure compliance with zoning bylaws were delegated the Municipal Engineer, in the course of carrying out the subdivision approval process.\textsuperscript{42} As well, the Chief Building Inspector was delegated activities and duties in ensuring compliance with zoning bylaws in the course of the process of the issuance of building permits and of building inspection. In 1957, plan checking activities to ensure compliance with zoning bylaws was delegated the Planning Department\textsuperscript{43} until 1988, at which time the Zoning Administrator in that department entrusted with these activities was transferred to the Permits and Licences Department.\textsuperscript{44} The Building Department continued to administer and enforce provisions of zoning bylaws relating to building permits and building inspection until

\textsuperscript{40} Clerk's Department, Committee of the Whole, Minutes, March 12, 1979.

\textsuperscript{41} Clerk's Department, Committee of the Whole, In-Camera Minutes, March 18, 1986.

\textsuperscript{42} Clerk's Department, CL109, "2000 -- Approving Officer, 1953-1985."

\textsuperscript{43} Clerk's Department, Municipal Council, Minutes, June 10, 1957.

\textsuperscript{44} Corporation of the Township of Richmond, "The Township," v.1, April 1988.
1985, at which time the Chief Building Inspector became head of the newly-created Permits and Licences Department.\textsuperscript{45} With the transfer of responsibilities for plan checking of the Zoning Administrator into that department in 1988, the sphere of activities relating to zoning administration and enforcement was consolidated in one department.

A supervisory role relating to zoning activities was first delegated a standing committee of council in 1947, with the establishment of the Zoning Committee\textsuperscript{46}. In 1978, responsibilities for supervising the administration of zoning regulations was assumed by the Planning Committee, constituted in 1986 as the Planning and Development Services Committee.\textsuperscript{47} From 1949\textsuperscript{48} and the adoption of the first zoning bylaw until 1977, the Building Committee supervised activities of the Chief Building Inspector and the Building Department in enforcing provisions of zoning bylaws. From 1978 to 1986, the Permits Committee was delegated this supervisory role.\textsuperscript{49} In 1986, the supervisory role of the Permits Committee was delegated to

\textsuperscript{45} Office of the Administrator, MR 164, "4027 - Municipal Administration Organization, 1983-1986."

\textsuperscript{46} Clerk's Department, Municipal Council, Minutes, January, 1947.

\textsuperscript{47} Clerk's Department, Committee of the Whole, In-Camera Minutes, March 18, 1986.

\textsuperscript{48} Clerk’s Department, MR 26, "3500 - Committees, 1967-1982."

\textsuperscript{49} Clerk’s Department, MR 26, "3500 - Committees, 1967-1982."
the Planning and Development Services Committee\textsuperscript{50}, consolidating in one committee a supervisory role relating to community planning, subdivision approval, zoning and development cost control activities.

Since 1957, managerial roles have been assumed by municipal officers relating to zoning administration activities. The Building Department, in carrying out permit issuing and inspection activities enforcing zoning provisions, was subordinate to the Municipal Engineer from 1957\textsuperscript{51} to 1979 and the Deputy Administrator in 1979 and 1980\textsuperscript{52} in the reporting structure to Council and its committees established in municipal organization charts. Likewise, the Planning Department, in carrying out plan checking activities, was subordinate to the Administrator from 1979 to 1980\textsuperscript{53}, and from 1986 to 1987\textsuperscript{54} to the Director of Development Services. Executive authority to carry out land planning activities, as represented in the development of area plans and the Official Community Plan and their amendments, was delegated the Planning Department in 1957\textsuperscript{55}. Various divisions and officials of that department have carried out activities reflecting a

\textsuperscript{50} Clerk's Department, Committee of the Whole, In-Camera Minutes, March 18, 1986.

\textsuperscript{51} Clerk's Department, Municipal Council, Minutes, June 10, 1957.

\textsuperscript{52} Clerk's Department, Committee of the Whole, Minutes, March 12, 1979.

\textsuperscript{53} Clerk's Department, Committee of the Whole, Minutes, March 12, 1979.

\textsuperscript{54} Clerk's Department, Committee of the Whole, In-Camera Minutes, March 18, 1986.

\textsuperscript{55} Clerk's Department, Municipal Council, Minutes, June 10, 1957.
variety of planning areas, including those relating to area and neighbourhood planning, urban design (including heritage planning), and social planning, consistent with provisions of the Municipal Act.

Until 1986, the Town Planner/Director of Planning reported to the Planning Committee in relation to community planning activities. Since 1986, the Planning and Development Services Committee has carried out a supervisory role over all land planning activities.

The Planning Department, in carrying out comprehensive community planning activities, reported to municipal officers acting in a managerial role from 1979 to 1980 (Office of the Administrator) and from 1986 to 1987 (Director of Development Services).

Executive authority to administer development permit and cost charge activities was first delegated the Engineering Department in 1977, pursuant to the enactment of the amendment of the Municipal Act in that year enabling the municipality to pass bylaws in this regard. In 1988, the Urban Development Section of the Engineering Department entrusted with administering activities including

56 Clerk's Department, MR 26, "3500 - Committees, 1967-1982."

57 Clerk's Department, Committee of the Whole, In-Camera Minutes, March 18, 1986.

58 Clerk's Department, Committee of the Whole, Minutes, March 12, 1979.

59 Clerk's Department, Committee of the Whole, In-Camera Minutes, March 18, 1986.

60 Clerk's Department, MR 31, "4129 - Personnel, 1978."
engineering review of development plans, processing of development applications, and the administration of urban development cost charges, was transferred to the Planning Department.  

In 1977, the Development Committee of Council assumed a supervisory role over the development activities enumerated above. In 1978, the Planning Committee (from 1986, the Planning and Development Services Committee) carried out these supervisory responsibilities.

No direct managerial role conditioned administrative activities relating to development permits and cost charges.

The evolution of the private land use function and the various juridical persons effecting fulfilment of the functional requisites of the entity illustrates the multiple jurisdictions and complex structural framework within which these requisites are satisfied. Spheres of activity or areas of functional responsibility of the entity are recognizable, each being traceable through three organizational processes, the legislative, judicial and executive, and further analyzable with reference to supervisory and managerial roles played by juridical persons in conditioning the carrying out of such activities. The representation of spheres of functional responsibility characterizable at an operational level in legislative, judicial, and executive processes, provides the basis for mapping functional and authority relations.

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62 Clerk's Department, MR 26, "3500 - Committees, 1967-1982."
The examination above of the constituent elements in the process of satisfying a functional requisite of the entity can be carried out for each of the functions enumerated in Chapter 1. In so doing, the external structure of provenance of the entity as records creator is represented as a collection of isolates, of functionally-delineated parts operating independently within a system defined as a unitary whole. Such a representation must also be viewed in light of the interrelationships of activities characterizing one function from those characterizing other functions. The nature of these interrelationships has been expressed by Galston, in stating that although functions are finite in number, "the number of activities through which they are expressed is unlimited. Because they are integral to the whole, and to the extent that a given activity may be associated with more than one function, all functions are interrelated and overlap."  

The association of actions and activities satisfying different functional requisites of the entity is demonstrable through an examination of the procedures established to carry out the subdivision approval process.

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Subdivision Approval

The following procedures, as outlined in published guidelines in 1984\textsuperscript{64}, are conducted in the process of the approval of a major subdivision, one requiring new roads or a major extension of municipal services. Application receipt and final approval authority rests with the Approving Officer in the Planning Department. After applications are submitted to the Approving Officer, the application is forwarded for "technical review" to the following agencies of the entity: the Planning Department, the Engineering Department, the Building Department (later the Permits and Licences Department), the Health Department, the Leisure Services Department, and the Fire Department. The application is also forwarded at this stage to the School Board and to the provincial Ministry of Highways. After review by these agencies, the Approving Officer can refuse the application or issue a letter of preliminary approval. That letter will also detail development cost charges.

At this stage, the applicant submits plans and engineering drawings and an agreement with the municipality is drawn up by the Law Department in which the applicant agrees to install subdivision works. After posting a letter of credit as a guarantee to the Planning Department and subsequently proof to the Clerk's Department of public liability insurance, fees are paid to the Planning Department. Once these conditions are met, the Approving Officer signs the subdivision plans.

\textsuperscript{64} Richmond Planning Department, Municipal Application Guide: Major Subdivisions (Richmond, B.C.: Corporation of the Township of Richmond, 1984).
The Law Department registers the subdivision and right of way plans and agreement with the provincial Land Title Office. Once the plan is registered, the Planning Department notifies other municipal departments.

As can be seen, the procedures, resulting in records creation, accumulation and use, established in the process of major subdivision approval, involve actions of a variety of competent agents and agencies acting on the basis of functional responsibility delegated them in respect to spheres of activity delineated according to different functional requisites of the entity. In addition, actions of entities operating independently of the municipal corporation itself (e.g., School Board, provincial ministries) also condition activities (e.g., in the subdivision approval process) characterizable as fulfilling a specified functional requisite. In this manner, bodies delegated authority to carry out spheres of activity characterizable on the basis of different functions can be seen to interact in the course of carrying out executive activities delineated as components of one function of the entity.

It has been demonstrated in this chapter that an understanding of the external structure of provenance involves the identification of activities and responsibilities delineated functionally and carried out by agents in an established process according to the nature of authority delegated. It is through a process of mapping authority and function through the identification of competence in which such an understanding is possible. In addition, components in the hierarchical structure of the organization, characterizable by role and status, conditioning the delegated
activities comprising each activity must be identified. As well, the relationships among competences comprising different functional characterizations must be established to illustrate the manner in which the entity's component parts interact in a system defined as an organic, unitary whole.
The conceptual framework established in this study provides a basis for viewing the whole of the records of a municipal corporation as constituting a fonds, the external structure of which can be represented as a unitary whole definable as an organic system of purposeful activity. The functional configuration of this system provides a contextual understanding of activity manifest through observable processes by elements comprising the entity's organizational structure. The activities performed by these elements can, in turn, be linked to record-keeping units and systems, in which records as evidence of actions and transactions can be located.\(^1\)

The nature of functional and authority relations of an entity, in this case the municipal corporation of Richmond, B.C., is based on the manner in which that entity carries out activities as a class of organization, its organizational design defining the entity's purposefulness and the nature of the authority and structural character endowed the entity as a body politic and corporate. What the entity can do as a class of organization is understandable through the examination of the instruments of power endowing the entity with the capacity to act.

The manner in which functions are characterizable is through the analysis of the entity as a system of purposive activity acting in accordance with its organizational design. Such characterizations are based on a non-additive form of

\(^1\) Sigmond cited previously and Bearman and Lytle have commented on the fact that "offices which generate records frequently do not maintain them." David A. Bearman and Richard H. Lytle, "The Power of the Principle of Provenance," 19.
reasoning in which the entity is viewed as an organic, unitary whole, its parts carrying out activities to satisfy the entity's functional requisites. In this way, the processes and structural configuration of the entity can be placed within a broad systemic context, establishing a heuristic, explanatory model on which functional requisites can be seen to permeate various of these processes and roles.

The manner in which these requisites are satisfied is through an understanding of how activities characterized as functional to the entity's organizational design are carried out by the entity through the delegation of authority. Such an understanding is based on an additive, mechanistic view of the parts of the entity contributing to the satisfaction of the entity's objectives. In this manner, the competences of the entity, representing portions of functional responsibility delegated juridical persons acting in the name of the corporation, can be identified over time. This identification provides a basis for tracing spheres of activities carried out by agents of the corporation, demonstrable in the context of process and in the roles and status positions within the entity's structural configuration.

The characterization and identification of function and competence provides a means to map the functional and authority relations of an entity over time through complementary analyses based on both additive and non-additive forms of reasoning.

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explanation of the entity’s purposeful activities. The complementary nature of the analyses is demonstrated in the configuration of the entity as system, on which structurally-defined elements of organizational process and role and functionally-delineated elements of competence can be placed.

The municipal corporation of Richmond, a juridical entity created in accordance with statute, is endowed with a capacity to act based on an organizational design prescribed in a constitutional and legal framework whereby statutory instruments delegate authority to it and grant it powers as a subordinate government.

It has been posited that the organizational design of a municipal corporation as a governmental institution, by definition established to regulate the affairs of a defined social collectivity, is predicated on the accomplishment of four purposeful areas of activity, undertaken within a geographically-delineated area. Regulatory activities it performs relate to the control of the use of land, the ensurance of public safety, the promotion of public welfare, and the ability of the entity to sustain itself. Within this broad organizational framework or design, the municipal corporation of Richmond, as an organizational entity, has been endowed with the capacity to carry out activities to effect the following functions: private land use control, public works, administration of justice, emergency measures, environmental health, transportation control, animal control, building safety, economic activity, public utilities, public health, social services, recreational and cultural services, administration, and financing.
The entity effects these activities through three organizational processes, the legislative, judicial and executive, and in conducting the latter process, delegates authority to act to juridical persons acting as its agents. These agents are assigned authority as an attribute of a role, that role being definable only in relation to other roles in a hierarchical pattern representing authority relations demonstrable within the entity's structure. Those roles, as represented in the organizational structure of the municipal corporation of Richmond, have been characterized as administrative/operational, managerial and supervisory.

The delegation of authority is also demonstrable with reference to the satisfaction of functional requisites of the entity as an organic, unitary whole, through a characterization of the portion of functional responsibility delegated an agent as part of a system of purposive activity. An examination of one of the entity's functions, that of private land use control, illustrated how competences could be identified relating to four areas of functional responsibility, subdivision control, zoning, development cost control, and land use planning. Within each area, a further breakdown of functional responsibility was achieved, relating to the nature of the activity performed, as established in procedures determining planning and approval activities and activities relating to inspection and enforcement. It was also established that actions defined in these procedures were carried out by agents delegated authority to carry out spheres of activity characterizable as satisfying functional requisites distinct from that of private land use control.
In this manner, an analysis of process must be based on a mechanistic view of the accomplishment of functional requisites, representative of the delegation of authority to carry out activities defined in the procedures established to effect actions and transactions delineated as purposive of the entity as a whole. An understanding of such procedures is limited when restricted to what has been termed a "top-down" approach, as used in this case study. An accurate representation of the specific contexts and activities in which the objectives of an entity are effected can only be made through an examination of the records, as evidentiary representation of procedures carried out. As MacNeil states:

"The illumination of the provenancial and documentary relationships embedded in documentary forms, depends upon an analysis that continually mediates between acts and the documents that result from them... Such analysis is critical in order to ensure that the documents brought into archival custody actually reflect--accurately and meaningfully--the functions, activities, transactions and rules of procedure that shaped their formation; in other words, that they do what they are supposed to do."  

Despite the limitations of a top-down perspective as expressed above, applications for archival practice generated from a broad functional understanding of a records creator taken as a unitary whole are numerous. Predicated as it is on viewing archival context as the representation of two distinct structures, corresponding to the external and internal aspects of provenance, a functional

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3 Heather MacNeil, "Weaving Provenancial and Documentary Relations," Archivaria 34 (Summer 1992), 197.

4 Peter Scott, in designing the Australian series system, recognized the need to separate descriptions of contextual information about records creator from those of the records themselves. See Peter J. Scott, "The Record Group Concept: A Case
understanding provides: 1) a basis for documenting contextual information about the records creator in an access system as a means to locate the foci of purposive activity of a body over time and across the hierarchical boundaries of its structure; 2) a basis for linking the external and internal structures of provenance; and, 3) a basis for assigning appraisal values to processes of activity fulfilment as representative of the purposes they serve for the whole.

An analysis of functions and competences of an entity or administrative body can provide a basis for representing functional and authority relations as characterizing the external structure of provenance. Where the whole of the records created can be intellectually distinguished as a fonds, records created in effecting the execution and conditioning of activities delineated as satisfying functional requisites can be located within the various record-keeping units and systems of a body, dependent on the further identification of the nature of the custody, control and use of those records.5

Any such access mechanism must delineate the manner in which processes are carried out, delineated by dates and allowing for the tracing of transfers of functional responsibility through the structure of the entity and to other bodies. That mechanism must also provide an indication of the roles played by parts of the record-creating entity in the conditioning of activities carried out at an operational stage and make reference to actions in procedures established to satisfy a functional

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requisite carried out by bodies or parts of an entity delegated functional responsibility for spheres of activity characterized as satisfying different functional imperatives. The mechanism must also provide reference to bodies external to the entity itself which condition the accomplishment of its activities.

The manner in which functional characterizations can be applied to link external and internal representations of provenance is based on an understanding that any such process must represent the context in which records can be organically grouped resulting from the manner in which the actions and transactions they represent contribute to a unitary system of purposive activity. In this way, the identification of records based on functional characterization can provide a means to delineate relationships between a function and the activities taken to satisfy the requisites upon which that characterization is based. It has been posited that it is at the level of series where the link provided by functional characterization can be made between the internal and external structures of provenance.

Functional characterization can be applied to the appraisal of records consistent with an understanding that appraisal values are determinant based on the evidentiary nature of records. Impartiality and the need to preserve contextual integrity to preserve that evidentiary quality dictates that appraisal practice must be conducted to ensure the preservation of an accurate representation of actions and transactions conducted as part of a system of purposive activity. In the context of

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6 See Max Evans, "Authority Control: An Alternative to the Record Group Concept," 249-261; and Terry Eastwood, "General Introduction," 11.
the appraisal of records of a governmental body, Cook has indicated that the objectives of appraisal must be based on preserving the best evidence of the interaction of government and society as a whole, as represented by the interaction of its structure, function, and the members of the society it governs.7

The case study presented in this paper provides a framework for analysis of the interaction of the functions, structure, and activities of a governmental entity, in this instance the municipal corporation of Richmond. This framework can be applied to other municipal corporations in the province of British Columbia established on the same statutory basis.8 The way in which other municipal corporations establish the jurisdictional context through which their mandated activities are performed will differ, depending on the manner in which such responsibilities are shared with other entities, on the way in which authority relations are structured9, and on the structural components in which agents delegated authority to carry out the entity's activities are situated. The conceptual framework for illuminating the external structure of provenance established in this study, however, enabling a characterization of the part-whole relationships defining a municipal corporation as a unitary system of purposive activity, will remain valid.


8 It should be noted that the municipal corporation of the City of Vancouver was established by charter and is subject to provisions of statute distinct from those of the Municipal Act.

9 Considerable difference in authority relations will be apparent for municipalities which have adopted a Council-Municipal Manager system.
BIBLIOGRAPHY


STATUTES, ORDERS IN COUNCIL, BYLAWS, AND MINUTES

British Columbia. British Columbia Statutes. 1872. 35 Victoria, c. 35.
British Columbia. British Columbia Statutes. 1874. 37 Victoria, c. 15.
British Columbia. British Columbia Statutes. 1881. 44 Victoria, c. 16.
British Columbia. British Columbia Statutes. 1889. 52 Victoria, c. 18.
British Columbia. British Columbia Statutes. 1892. 55 Victoria, c. 33.
British Columbia. British Columbia Statutes. 1893. 56 Victoria, c. 15.
British Columbia. British Columbia Statutes. 1897. 60 Victoria, c. 64.
British Columbia. British Columbia Statutes. 1906. 6 Edward 7, c. 23.
British Columbia. British Columbia Statutes. 1906. 6 Edward 7, c. 32.
British Columbia. British Columbia Statutes. 1921. 12 George 5, c. 15.
British Columbia. British Columbia Statutes. 1925. 16 George 5, c. 55
British Columbia. British Columbia Statutes. 1957. 6 Elizabeth 2, c. 42.

British Columbia. *Consolidated Statutes of British Columbia*. 1878. 41 Victoria, c. 129.


