

## Notice of Meeting and Meeting Agenda Governance Committee

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Wednesday, June 2, 2021

10:00 AM

6th Floor Boardroom  
625 Fisgard St.  
Victoria, BC V8W 1R7

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K. Murdoch (Chair), R. Windsor (Vice Chair), S. Brice, B. Desjardins, B. Isitt, R. Martin,  
C. McNeil-Smith, J. Olsen, J. Ranns, M. Tait, G. Young, C. Plant (Board Chair, ex-officio)

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

### 1. Territorial Acknowledgement

### 2. Approval of Agenda

### 3. Adoption of Minutes

#### 3.1. [21-465](#) Minutes of the April 7, 2021 Governance Committee

**Recommendation:** That the minutes of the Governance Committee meeting of April 7, 2021 be adopted as circulated.

**Attachments:** [Minutes - April 7, 2021](#)

### 4. Chair's Remarks

### 5. Presentations/Delegations

### 6. Committee Business

#### 6.1. [21-466](#) Family Court Committee - Update of Review of Status and Governance

**Recommendation:** The Governance Committee recommends to the Capital Regional District Board:

1. That staff report back with a draft Commission Bylaw that delegates an administrative level of authority to the Victoria Family Court and Youth Justice Committee, including the power to issue grants, and that the Commission Bylaw addresses the mandate, governance and structural changes recommended by the CRD in its letter of February 26, 2021; and
2. That staff consider additional resources and support to assist the Committee with meeting management in the 2022 Service Planning process.

**Attachments:** [Staff Report: FCC - Update of Review of Status & Governance](#)  
[Appendix A: January 21, 2021 Letter](#)  
[Appendix B: February 26, 2021 Letter](#)

**7. Notice(s) of Motion**

- 7.1.      [21-464](#)      Motion with Notice: Review of Time Allocation for Delegations (Directors Isitt, Windsor, Murdoch)

**Recommendation:** [The Board Chair has referred the following Notice of Motion, given at the May 26, 2021 CRD Board meeting, to the Governance Committee for consideration:]  
That the Governance Committee be requested to review Section 13 of the Procedures Bylaw related to Delegations, with the goal of providing fair access to delegations and a reasonable use of the Board's time.

**Attachments:**      [Motion with Notice](#)

**8. New Business****9. Adjournment**

Next Meeting: October 6, 2021

## Meeting Minutes

### Governance Committee

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Wednesday, April 7, 2021

10:00 AM

6th Floor Boardroom  
625 Fisgard St.  
Victoria, BC V8W 1R7

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#### PRESENT

Directors: K. Murdoch (Chair) (EP), R. Windsor (Vice Chair), S. Brice (EP), B. Desjardins (EP), B. Isitt (10:05 am) (EP), R. Martin (EP), C. McNeil-Smith (EP), J. Ranns, M. Tait (EP), G. Young, C. Plant (Board Chair, ex officio) (EP)

Staff: R. Lapham, Chief Administrative Officer; N. Chan, Chief Financial Officer; K. Morley, General Manager, Corporate Services; J. Lam, Manager, Arts Development; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder)

EP - Electronic Participation

Guests: Director Williams; D. Drummond, Te'mexw Treaty Advisory Committee

The meeting was called to order at 10:01 am.

#### 1. Territorial Acknowledgement

Vice-Chair Windsor provided a Territorial Acknowledgement.

#### 2. Approval of Agenda

**MOVED** by Director Ranns, **SECONDED** by Director Young,  
That the agenda for the April 7, 2021 Governance Committee meeting be approved.  
**CARRIED**

#### 3. Adoption of Minutes

##### 3.1. [21-268](#) Minutes of the February 3, 2021 Governance Committee Meeting

**MOVED** by Director Ranns, **SECONDED** by Director Young,  
That the minutes of the Governance Committee meeting of February 3, 2021 be adopted as circulated.  
**CARRIED**

#### 4. Chair's Remarks

There were no Chair's remarks.

## 5. Presentations/Delegations

- 5.1. [21-272](#) Delegation - Franz Lehrbass; Representing Royal McPherson Theatre Society: Re: Agenda Item 6.1. CRD Appointment of Public Members to External Boards Policy.
- Franz Lehrbass spoke in favour of Item 6.1.

## 6. Committee Business

**MOVED by Director Ranns, SECONDED by Director Young,  
That Director Williams be permitted to participate (without vote) in the April 7,  
2021 session of the Governance Committee.  
CARRIED**

- 6.1. [21-265](#) CRD Appointment of Public Members to External Boards Policy
- K. Morley spoke to Item 6.1.

Discussion ensued on the following:

- the need for Board endorsement for any closed meetings
- appointments according to current procedure bylaw and policies
- inclusion of an appeal process

**MOVED by Director Young, SECONDED by Director Ranns,  
The Governance Committee recommends to the Capital Regional District Board:  
1. That Board Policy "CRD Appointment of Public Members to External Boards"  
be adopted.  
2. That the Terms of Reference for the Governance Committee be updated to  
allow for the establishment of an Appointment Advisory Committee, on an  
as-and-when needed basis, responsible for reviewing applications and making  
recommendation for appointments to external boards.  
3. That the Appointment Advisory Committee be permitted to meet in closed  
when evaluating public member applications.  
CARRIED**

- 6.2. [21-251](#) Creation of a Committee to Oversee Development of a Regional Performing Arts Facilities Service
- N. Chan spoke to Item 6.2.

Discussion ensued on the following:

- clarification as to whether this service would include all jurisdictions
- obtaining consent of participation from municipalities

**MOVED by Director Young, SECONDED by Director Ranns,  
The Governance Committee recommends to the Capital Regional District Board:  
1. That the creation of a Performing Arts Facilities Select Committee whose  
purpose will be to define the scope and functions of a regional service that will  
lead to the drafting of an establishing bylaw for the Performing Arts Facilities  
Service be approved.  
2. That the Performing Arts Facilities Select Committee Terms of Reference be  
approved.  
CARRIED**

**7. Notice(s) of Motion**

There were no Notice(s) of Motion.

**8. New Business**

There was no new business.

**9. Motion to Close the Meeting****9.1. [21-269](#) Motion to Close the Meeting**

**MOVED** by Director Ranns, **SECONDED** by Director Young,  
That the meeting be closed for Intergovernmental Negotiations in accordance  
with Section 90(2)(b) of the Community Charter.  
**CARRIED**

The Governance Committee moved to the closed session at 10:26 am.

**10. Adjournment**

The Governance Committee rose from the closed session at 11:23 am without  
report.

**MOVED** by Director Young, **SECONDED** by Director Ranns,  
That the April 7, 2021 Governance Committee meeting be adjourned at 11:23 am.  
**CARRIED**

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CHAIR

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RECORDER

**REPORT TO GOVERNANCE COMMITTEE  
MEETING OF WEDNESDAY, JUNE 02, 2021**

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**SUBJECT**     **Family Court Committee – Update of Review of Status and Governance**

**ISSUE SUMMARY**

To inform the Board of a resolution from the Victoria Family Court and Youth Justice Committee (the “Committee”) and to seek direction on establishing a delegated commission for the service.

**BACKGROUND**

*Resolution at Victoria Family Court and Youth Justice Committee Meeting of April 21, 2021*

On November 18, 2020, the CRD Board passed a motion that staff be directed to report back on the process to restructure the Committee in accordance with the delegation and governance structure recommendations set out in that report. The Board further directed that staff work with the Committee on the proposed governance recommendations, and that the report be referred out to all member municipalities.

Staff reported out to the member municipalities on January 21, 2021 to inform them of the motion and the upcoming planned consultation dates. A copy of the correspondence is included at Appendix A. No substantive response was received from the participants.

On January 27, 2021, CRD staff attended a Committee meeting and canvassed the Committee’s history and challenges (many of which are held in common with other family court committees). Staff further discussed the grant-making issue, and provided some general options for resolving structure and governance issues. On February 3, 2021, CRD staff went through each recommendation in the earlier CRD report and sought general input from Committee members through discussion.

Following these discussions, and considering comments and feedback from the members who participated, CRD staff drafted a letter dated February 26, 2021, enclosing a list of mandatory and optional governance recommendations that would rectify some of the issues faced by the committee, primarily, compliance with open meeting and record keeping legislation; ensuring the ability to provide grants to community groups without delay; and address meeting and governance conflicts. In order to gauge interest in moving forward with recommendations, CRD staff requested the Committee, acting as a whole, endorse a delegated commission model and recommend the CRD Board direct staff to proceed further with engagement and implementation. A copy of that correspondence is attached at Appendix B.

At the Committee’s regular meeting of April 21, 2021, the following motion was endorsed:

*That the Victoria Family Court and Youth Justice Committee recommend to the Capital Regional District Board:*

- 1. Consider creation of a delegated commission, rather than an advisory committee or commission, to continue the work of the Victoria Family Court and Youth Justice Committee;*

2. *Direct staff to continue to engage with the Committee to work to implement certain mandate, governance, and structure changes in accordance with the recommendations set out in the CRD's letter of February 26, 2021.*

## **ALTERNATIVES**

### *Alternative 1*

The Governance Committee recommends to the Capital Regional District Board:

1. That staff report back with a draft Commission Bylaw that delegates an administrative level of authority to the Victoria Family Court and Youth Justice Committee, including the power to issue grants, and that the Commission Bylaw addresses the mandate, governance and structural changes recommended by the CRD in its letter of February 26, 2021; and
2. That staff consider additional resources and support to assist the Committee with meeting management in the 2022 Service Planning process.

### *Alternative 2*

That this report be referred back to staff for additional information.

## **IMPLICATIONS**

### *Service Delivery Implications*

The committee's primary work is to educate government of all levels on the work of youth and family justice organizations and initiatives in the region, and identify gaps where service providers or additional funding resources can intervene. Unlike other such committees, the Committee has used its service requisition to fund small youth justice projects for nearly 20 years. A regional district must clearly delegate granting powers under 263(1)(c) of the *Local Government Act*,<sup>1</sup> and it cannot delegate to an unincorporated association or corporation, but only to an individual (typically staff or volunteer) or to a delegated commission.

Staff have heard from Committee members that should the grant-making ability be eliminated, this would have an impact on youth projects in the community, particularly those offered to or targeted at school age students. Should the service as a whole be eliminated, the CRAT program would also lose funding. CRAT provides direct programming in schools to reach youth who may be at risk of prostitution and exploitation.

### *Concerns Raised at April 21, 2021 Committee Meeting*

CRD's Manager of Legal Services attended the meeting at the request of the Committee Chair. The tone of the discussion was that the Committee wishes to move on and return to the business of surveying community needs and granting at the earliest opportunity. Its membership is in favour of moving forward with the broadest delegation possible in order to return to its work, with CRD supports that are available.

Individual Committee members raised the following issues and concerns during discussion:

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<sup>1</sup> *Local Government Act*, section 263 (1)(c) Subject to the specific limitations and conditions established under this or another Act, the corporate powers of a board include the following ... to provide assistance for the purpose of benefiting the community or any aspect of the community;

- The Committee should be able to issue grants in an independent, unbiased manner as it has for some time;
- That a delegated commission model would cause changes to the Committee's scope of business and affect its ability to meet confidentially;
- Concerns of the inability to perform the legislated functions of a *Provincial Court Act* or *Youth Criminal Justice Act* youth justice committee were raised, and members want to ensure these wouldn't be restricted with a delegated commission; and
- Concerns were raised relating to the potential expense of CRD supports to the Committee.

Staff explained how the *Local Government Act* requires a delegation to enable grant-making, the nature of a delegated commission, and provided examples of grant-making and other administrative functions within the CRD. It was also explained that even as a delegated commission that the Committee could continue to discharge its legislated duties, if called upon by the Court, as confidentiality of some matters is mandated by legislation and the *Community Charter* permits closure in certain relevant circumstances.

#### *Implications as to Consultation*

Individual committee members differ in their concerns on this point. Some members were content to leave the crafting of the delegated commission bylaw to CRD, without the need for further consultation, while others wished to review the bylaw and provide feedback in advance of adoption. Engaging in this consultation may address concerns raised by some Committee members, however, it is anticipated this would be a lengthy and time-consuming process for staff, and is unlikely to result in a full consensus from Committee members. Ongoing consultation with the Committee on the form of the bylaw could be a significant time commitment and could not be absorbed into current service levels.

If a delegated commission bylaw is passed, the Committee would have authority to issue grants; clear procedural rules for running Committee meetings; the Committee's statutory mandate would be clearly set out in a bylaw; its members and volunteers would be appropriately protected under the *Local Government Act* indemnities and the CRD's volunteer insurance policy, as applicable; and the Committee and the CRD could continue to work to craft changes to that governance bylaw as necessary should problems be identified after adoption.

If no action is taken, the Committee will be unable to issue grants without an explicit referral to the CRD Board. Its work will likely continue to be delayed and without adequate supports. The governance issues it is experiencing may result in its membership dwindling and eventual withdrawal of certain participants from the service and the Committee.

#### *Committee's Own Actions Post-Review*

The Committee has taken active steps to resolve issues identified in the 2020 review. Its 2020 annual report, a point of contention in 2019 and prior, has been shortened; its website, containing its constating documents and background information, is now operational; its agendas now include specific times for resource members to present (who may then leave meetings); it is attempting to limit speaking times, keep speakers on topic, and run orderly meetings consistent with a working board; and it has provided past minutes for 2020 to the CRD for the purposes of the *Community Charter* access to records provisions and continues to assemble prior minutes.



However, the Committee is volunteer run and has not had regular CRD support since the early 2000s. It continues to struggle with administration and would benefit from support to assist in setting agendas, documenting minutes, taking attendance, and running online meetings, leaving the members of the Committee free to focus on the mandate of surveying resources in the community and the function of reviewing funding applications. Such services are provided to the Vancouver and Richmond committees by their respective local governments.

### *Staffing Implications*

CRD's Legal Services staff have spent significant time on this matter, both in the initial review and recent engagement and consultation. Further time will need to be spent by Legal Services, Legislative Services and the Finance department to gather feedback, implement supports, and provide additional training for the Committee if it becomes a delegated commission under bylaw. There is limited capacity to meet the support needs of the Committee with existing staffing levels, however, the Committee may benefit from contracted support for its meetings in the form of clerk to assist with procedural advice and to administer online meetings.

### **CONCLUSION**

The Committee is interested in formalizing its relationship with the CRD as a delegated commission and accessing supports, if available. To continue with the collaborative approach between service participants at the CRD and current and long-standing members at the Committee, it is recommended that the CRD Board direct staff to prepare a delegated Commission bylaw.

### **RECOMMENDATION**

The Governance Committee recommends to the Capital Regional District Board:

1. That staff report back with a draft Commission Bylaw that delegates an administrative level of authority to the Victoria Family Court and Youth Justice Committee, including the power to issue grants, and that the Commission Bylaw addresses the mandate, governance and structural changes recommended by the CRD in its letter of February 26, 2021; and
2. That staff consider additional resources and support to assist the Committee with meeting management in the 2022 Service Planning process.

|               |   |
|---------------|---|
| Submitted by: | Steven N. Carey, B.Sc., J.D., Manager, Legal Services                         |
| Concurrence:  | Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer |
| Concurrence:  | Robert Lapham, MCIP, RPP, Chief Administrative Officer                        |

### **ATTACHMENT(S)**

Appendix A: January 21, 2021 CRD Letter to Service Participants and School Districts (Example)  
Appendix B: February 26, 2021 Letter from CRD to Committee



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Corporate Services  
625 Fisgard Street, PO Box 1000  
Victoria, BC, V8W 2S6

T: 250.360.3638  
www.crd.bc.ca

January 21, 2021

File: 0360-20

Town of View Royal  
Attention: Sarah Jones, Corporate Officer  
Via email: [sjones@viewroyal.ca](mailto:sjones@viewroyal.ca)

Dear Ms. Jones:

**RE: CRD REVIEW OF YOUTH AND FAMILY COURT COMMITTEE SERVICE**

On November 18, 2020, the CRD Board directed staff to engage with the Victoria Youth and Family Court Committee (the "Committee") on its delegation and governance structure, and to provide a copy of the enclosed staff report to service participants, such as your municipality, discussing the history of and potential improvements to the Committee's governance.

Since the late 1960s, the Committee has provided elected official and volunteer-run youth and family justice services, including grant-making, community coordination among family and justice groups, and until the closure of the Southern Vancouver Island Youth Custody Centre, supervision of youth remand care and facilitation of family member visitation. The Committee's focus is on ensuring youth and family interests in the family court system are adequately represented and understood by local government, and on diverting youth from negative involvement with the justice system. The Capital Regional Action Team for Sexually Exploited Youth, also funded by the service's requisition, provides programming in schools.

Discussion and consultation with the Committee's membership is scheduled for January 27 and February 3, 2021, from 10 a.m. to noon. CRD staff will collaborate with the Committee's membership on what they see as areas for improvement, and discuss whether the Committee and participants would be better served by the creation of an independent entity, such as a society.

Should you have questions, comments, or concerns, please contact Steven Carey, Manager, Legal Services by e-mail, [scarey@crd.bc.ca](mailto:scarey@crd.bc.ca), or at the direct line, 250-360-3128.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Kristen Morley'.

Kristen Morley, J.D.  
General Manager, Corporate Services and Corporate Officer

Attachment: November 18, 2020 Staff Report and Appendices, YFCC Constitution and Terms of Reference

cc: Cynthia Day, Chair, Victoria Youth and Family Court Committee  
View Royal Mayor and Council



Making a difference...together

Corporate Services  
625 Fisgard Street, PO Box 1000  
Victoria, BC, V8W 2S6

T: 250.360.3128

www.crd.bc.ca

February 26, 2021

**VIA E-MAIL**

Victoria Youth and Family Court Committee

Attn: Members of the Committee

Dear Sirs/Mesdames:

**Re: CRD Review of Youth and Family Court Committee Service:  
Recommendations as a result of consultation**

Further to our consultation at Victoria Youth and Family Court Committee (the "Committee") meetings January 27, 2021 and February 3, 2021, we write to request the Committee's membership, by resolution passed in open meeting properly assembled, confirm it is interested in continuing with the process as outlined in this letter.

On January 27, 2021, we canvassed the Committee's history, problems faced by it and other family court committees, how grants can be made, and options for resolving structure and governance issues. On February 3, 2021, we went through each recommendation in the CRD report. Discussion occurred on public meeting and record keeping requirements, the role of the Provincial Ombudsperson, and on delegated versus advisory commissions. At this meeting, CRD was prepared to present a delegated commission model, but was informed January 26, 2021 by the Committee's Chair that it was not ready for further consultation and would not be ready until after an orientation session in February had been held for new members.

### **Suggested Motion Language**

We ask that you consider a motion, in open meeting assembled, showing a group intention to continue with this process. We suggest the following:

*That the Victoria Youth and Family Court Committee recommend to the Capital Regional District Board:*

- 1. Consider creation of a delegated commission, rather than an advisory committee or commission, to continue the work of the Victoria Youth and Family Court Committee;*
- 2. Direct staff to continue to engage with the Committee to work to implement certain mandate, governance, and structure changes in accordance with the recommendations set out in the CRD's letter of February 26, 2021.*

### **Recommended Structure – Delegated Commission**

A delegated commission will provide independence over administration and operation of the service, similar to how the Committee currently operates, but with a delegation of grant-making authority and a clear mandate set out in a bylaw. Similar commissions exist already at CRD: no

new model would need to be created. This has the least burden in time, monetary cost, and personal financial risk to appointees. A draft commission bylaw has been prepared to implement certain recommendations set out in this letter. Please note that though it would be a delegated commission, the Committee name would not change: “commission” is a legal status.

An advisory commission is not recommended. It would cause unnecessary delays relating to grant-making, would require additional Board referrals, and increase use of Board and staff time. Committee issues are specialized, funding applications are received throughout the year (particularly from youth) and the Committee is ideally staffed with persons able to advise on community need, something it has done in the capital region since the 1960s.

A society is not recommended. The administrative burden and need for additional insurance and other materials (risk, privacy, work safety, human rights policies) would quickly deplete resources. Volunteers who provide assistance to the Committee and certain local government appointments undertaking Committee work between meetings are likely be ineligible for the *Local Government Act* indemnity and would not be covered by CRD’s insurance.

## Recommendations

Recommendations are organized into “must” or “may” categories and additional considerations contained in the below table.

### ***Mandatory Recommendations - Structure***

The following are recommendations based on legislative requirements and best practices.

| Recommendation  | Must / May | Reasoning   |
|---|------------|---|
| Set out mandate and delegation in a bylaw                               | Must       | <p>A commission bylaw sets out delegation for grant-making and a clear mandate to guide the Committee in its business.</p> <p>A proposed mandate, compared to prior mandates and legislation is Schedule “A”. The Committee should examine its mandate to ensure it is accurately reflecting both its historical purpose per the <i>PCA</i> and the broader work it does.</p> <p>Quorum is currently set to seven members, the same number as CRD appointments. This is appropriate based on attendance and is approximately 30% of membership.</p> |
| Comply with <i>Community Charter (Formalize meetings)</i>               | Must       | <p>As a body of a local government, meetings and any sessions where decisions are made must be in open.</p> <p>Does not apply to work by volunteers or sub-committees, provided they are not making final decisions for the Committee.</p>  |
| Public minutes and agendas unless in closed <i>(Formalize meetings)</i> | Must       | <p><i>Community Charter</i> requires these to be published within a certain time, and to be publicly available or inspected on request. Publication could be met by online publication through CRD; prior minutes could be made available by CRD to meet requirements for public inspection. <i>YCJA</i> provides confidentiality provisions, if ever requested as a conference by the Court.</p>   |

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|--|------|--|
| Maintain records consistent with the obligations of a public authority | Must | <p>Required by <i>Community Charter</i> and <i>FIPPA</i>. Covered by CRD records and privacy policies, use of Corporate Officer and FOI Manager for FOI requests.</p> <p>Records should be stored at CRD. A CRD e-mail address should be provided. Meeting minutes should be publicly accessible and available.</p>  |
| Procedures bylaw compliance<br>( <i>Formalize meetings</i> )           | Must | <p>To resolve the existing complaints faced by the Committee, it should ensure:</p> <ul style="list-style-type: none"> <li>• Agenda items can be raised with Chair in advance of meeting, or at a meeting itself by Notice of Motion;</li> <li>• Meetings have set times, with resolution required to continue them;</li> <li>• Speakers and delegations have set times, with resolution to extend;</li> <li>• Alternating speakers' lists are used to keep matters on topic, ensure small voices can be heard – members should not have wide-ranging discussions on topics outside the floor;</li> <li>• Compliance with Robert's Rules.</li> </ul> <p>While a Priorities sub-committee can assist in preparing an agenda, it should not bump items from prior meetings or items raised by Notice of Motion. It should not be deciding agenda items without the full committee.</p> <p>Decisions should be made in an open, properly constituted meeting.</p> |
| Institute term limits  | Must | <p>Representatives should exit after a certain time to ensure fulsome representation by other members and others sought to fill their roles as part of a transition plan.</p> <p>Two year terms are proposed, with a maximum of three consecutive terms. After one year, a Committee member is eligible for re-appointment. Staggered terms are also recommended for community appointments (e.g. CRD appointments).</p> <p>For transition, existing committee members who are beyond their term limits should receive the balance of their term plus the option for one additional two years term. A further term of two years can be provided at appointing organization's option with consent of Committee.</p> <p>Past long-time volunteers can be non-voting resource members or participate as volunteers, a practice formerly used by the Committee.</p>  |
| Consolidate finances in CRD  | Must | <p>There is no need to have separate bank account. Approved grants, honoraria, and reimbursements of expenses can be issued directly from CRD. Can be included in CRD financial checks and audit.</p>  |

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|---|------|---|
| Follow existing policies rather than create its own | Must | As a body of the CRD, the Committee should follow CRD policies, such as those relating to expenses; records management; standards of conduct; respectful workplace; and the like. If necessary, specific policies or exceptions can be developed in accordance with CRD's Policy Framework. |
| Re-arrange agenda items                             | Must | Agenda items should be re-arranged such that resource members speak at a dedicated time in the meeting (done).  |

### ***Non-Mandatory Recommendations – Governance***

The following are non-mandatory governance recommendations. Implementing a few would likely resolve many of the conflicts and issues faced by the Committee relating to its work.

|   |     |  |
|---|-----|--|
| Reduce or restructure meetings  | May | <p>Consider (non-exhaustively, and based on needs):</p> <ul style="list-style-type: none"> <li>- Setting a topic-based schedule for potential meetings, set in the January or February meeting of each year in advance</li> <li>- Aiming for the required four meetings per year to focus on family and youth resources in the region, with specific mandates for each meeting</li> <li>- Two grant intake and review meetings per year</li> <li>- Two resource member coordination meetings per year (Fall and Spring, for example), which may result in a greater focus on these organizations and greater attendance</li> </ul> <p>Reducing the number of meetings annually may improve attendance and free-up member time to work on specific projects or volunteer tasks.</p>   |
| Set specific mandates for sub-committees with dates for deliverables (reduce or restructure meetings) | May | <p>Sub-committee creation and appointments should be at the call of the Board, not at the call of the Chair, to ensure consistent direction.</p> <p>Consider reducing the number of sub-committees, depending on the projects and workloads is advisable.</p> <p>When creating such groups, set a mandate, time limit, and staff with volunteers (who do not need to be Committee members) – did this historically. Using time or mandate-limited sub-committees, will allow work to get done to be reported up to the Committee as a whole example:</p> <ul style="list-style-type: none"> <li>e.g. Court Watch 2021, goal to attend court a certain number of times, visit a certain number or type of proceedings, report on a set future date.</li> <li>e.g. Working groups specific to certain issues, such as youth services on the West Shore, family services on the peninsula, with a set mandate and a time for reporting</li> </ul> |
| Look at membership composition (reduce numbers and appoint family-and-                                | May | <p>The Committee may wish to consider:</p> <ul style="list-style-type: none"> <li>• requesting CRD not utilize all seven of its community appointments, to reduce the numbers of voting members unless quorum or workload becomes an issue;</li> </ul>   |

|   |     |   |
|---|-----|---|
| youth-involved individuals)                     |     | <ul style="list-style-type: none"> <li>requesting each municipal member appoint an elected official and a community member, such that they can act in each other's absence and collaborate on the municipalities needs;</li> <li>methods and recruitment to ensure a majority of members must have experience in "education, health, probation, and welfare";</li> <li>look to actively recruit successors for long-time members, as well as new resource members; and</li> <li>establishing a qualifications matrix, to determine what skill sets are missing on the Committee.</li> </ul> <p>CRD can also assist in coordinating appointments with service participants, such as developing standards advertisement language, setting reminders for intake periods, and the like.</p>   |
| Grant intake procedure and grant agreement form | May | <p>May set grant-intakes per year and reserve some amount for applications that come up between meetings. May wish to establish non-exhaustive criteria for grants.</p> <p>Can still review grants through sub-committee, with recommendations and summary to Committee for approval. Have a conflicts recusal procedure to avoid allegations of bias or impropriety (as with other CRD granting bodies).</p> <p>Before any funding is provided, a grant-agreement must be entered into to protect funds (simple, mandatory).</p>   |
| Maintain a volunteer registry                   | May | <p>This is strongly recommended if the Committee intends to continue to perform work outside properly constituted meetings, such as Court Watch, facility visits, or assistance to individual youth and families.</p> <p>The <i>Local Government Act</i> indemnity only applies to elected officials when working within their role, not when doing hands-on volunteer work (say court watching) not typically the duty of a local government official; for individual appointments and volunteers, it only applies when under the local government's direction: the Committee would need to specifically mandate tasks to its volunteers and sub-committees (if any) by resolution to ensure works are being properly supervised. It can do this by specific, mandated resolutions or by utilizing a volunteer coordinator, similar to how other delegated commissions operate.</p> <p>To qualify for insurance for their own injuries, volunteers must also register with CRD's Risk and Insurance Department. Individuals working with vulnerable youth should have a recent valid criminal record check on file with CRD. This will satisfy an insurer should a claim arise relating to misconduct involving youth.</p> |



### ***Additional Recommendations Arising***

From the questions asked by members and others since the July CRD report, the following items are recommendations arising.

|                              |      |   |
|------------------------------|------|---|
| Annual work plan             | May  | The Committee may wish to consider setting an annual work plan, similar to the City of Vancouver's committee. While the Committee does do forward planning, planning of the year may help it remain focused.  |
| Continued online meetings    | May  | Local Government bodies, even post-COVID health orders, can host electronic meetings. CRD has facilities to do so via WebEX and Microsoft Teams; some use Zoom depending on the circumstances. This will facilitate attendance and engagement.  |
| Maintain a region-wide focus | Must | <p>On January 27, it was brought to the attention of the writer that the Committee had previously engaged in suicide watch of a vulnerable young person. This is outside the mandate of the committee and the insurance and indemnity of the individual members. Specific policies are available for this work but only where doing so when properly trained, registered, and with appropriate supports in place, none of which the Committee has.</p> <p>Committee members also attended a First Nations Court sentencing hearing in Duncan and participated in sentencing. As it is work outside the regional district, this may be outside the mandate of the committee. Any court appearances on behalf of the Committee should first be instigated by a direct request from the Court or a specific individual seeking assistance.</p> |

### **Conclusion**

This review was conducted on the basis of the documents available and interviews with Committee members. Despite requests, the writer remains without access to past minutes and agendas. The Committee's 2021 annual report has not been finalized or distributed. If available, these documents may affect our opinion relating to certain governance recommendations.

Should you have questions, please contact the writer by e-mail, [scarey@crd.bc.ca](mailto:scarey@crd.bc.ca), or at the direct line, 250-360-3128.

Best regards,

  
Steven N. Carey, B.Sc, J.D.  
Manager, Legal Services

Lawyer and Trademark Agent

cc. Cynthia Day, Chair, Victoria Youth and Family Court Committee; Robert Lapham, Chief Administrative Officer;

Kristen Morley, General Manager, Corporate Services

Encl. Schedule "A" – Mandate Samples





**Schedule “A”**  
**Mandate and Objectives Summaries**

**Objectives**

| <b>Suggested by CRD</b>   | <b>Existing Committee Objective/Mandate</b>  |
|---|--|
| <p>The Committee has the following objectives:</p> <ul style="list-style-type: none"> <li>(a) to identify, inform, assess, educate, and report on regional resources for youth justice and family court issues and related needs;</li> <li>(b) to act as a resource for the public and youth and family organizations; and</li> <li>(c) to encourage collaboration between and visibility of community services.</li> </ul> | <p>N/A</p> <p>The current Committee Constitution and Terms of Reference make no mention of mandate or purposes, though there are references to the <i>PCA</i> and <i>YCJA</i>.</p> |

**Comments:** The Committee should clearly identify objectives to guide it in its core work.

**Additional Activities of the Committee**

| <b>Suggested by CRD</b>   | <b>Existing Committee Objective/Mandate</b>  |
|---|--|
| <p>The Committee may, within its mandate:</p> <ul style="list-style-type: none"> <li>(a) take positions on policy initiatives, legislation, and services affecting families and youth justice in the region, in the name of the “Victoria Family Court and Youth Justice Committee”; and</li> <li>(b) undertake other activities consistent with the activities of a family court and youth justice committee, as permitted by law.</li> </ul> <p>Subject to bylaws, policies, and procedures, the Committee may:</p> <ul style="list-style-type: none"> <li>(a) establish advisory groups to examine specific issues, who will report on their work;</li> <li>(b) contract for support services, volunteer coordination, communications, feasibility studies, and other services and goods related to its mandate;</li> <li>(c) undertake necessary, incidental, or ancillary administrative tasks in order to effect its work.</li> </ul> | <p>The Family Court Committee can:</p> <ul style="list-style-type: none"> <li>a) Be a force in educating the public on issues related to Family Court;</li> <li>b) Sit in on court hearings to monitor the actions of all officials concerned with the welfare of youth and to assist judges upon request;</li> <li>c) Inform the Intermunicipal and the Capital Regional Electoral District Committees of the problems which are of concern to the community;</li> <li>d) Enter and monitor both open and closed custody facilities as concerned members of the public;</li> <li>e) Comment upon legislation concerning families and youth;</li> <li>f) Make recommendations to appropriate legislative bodies concerning any matters deemed to be covered by our several mandates;</li> <li>g) Be visible within the community and recognized as the appropriate body to whom complaints can be made, and to whom recommendations can be proposed for improvement.</li> </ul> <p style="text-align: right;"><i>[1985 Constitution Summary]</i></p> |

**Comments:** Concerns were raised by the Committee’s Chair about losing the ability to perform certain work as a body of CRD. The suggested mandate is broad enough to encompass historical tasks and undertake future obligations consistent with its objectives.

**PCA Language Summary**

| <b>Suggested</b>  | <b><i>Provincial Court Act</i></b>  |
|---|---|
| <p>The Committee is hereby tasked with the following duties:</p> <p>(a) to meet at least four times per year to:</p> <ul style="list-style-type: none"> <li>i. consider and examine community resources for family and children's matters;</li> <li>ii. make recommendations to the court, the Attorney General, or others;</li> <li>iii. solicit and consider applications for receipt of grant-funding;* and</li> <li>iv. connect family-and-justice-involved individuals, service providers, and government in a way that encourages collaboration and identifies service gaps;</li> </ul> <p>(b) if requested by the court, to act a resource or assist as directed; and</p> <p>(c) report annually to its member local governments and the Attorney General on activities and recommendations.</p> | <p>(6) The family court committee must do the following:</p> <ul style="list-style-type: none"> <li>(a) meet at least 4 times a year to consider and examine the resources of the community for family and children's matters, to assist the court when requested and generally, and to make the recommendations to the court, the Attorney General or others it considers advisable;</li> <li>(b) assist the officers and judges of the court, if requested, to provide a community resource or assistance in individual cases referred to the committee;</li> <li>(c) report annually to the municipalities involved and to the Attorney General respecting their activities during the past year.</li> </ul> |

**Comments:** A plain-language *PCA* reproduction, with grant-making and collaboration added.

**YCJA Language Summary**

| <b>Suggested by CRD</b>  | <b><i>Youth Criminal Justice Act</i></b>   |
|--|--|
| <p>Not considered necessary to reproduce due to length.</p> <p>Encompassed in the “act as a resource or as directed”, “undertake other activities”, and mandate.</p> | <p>(a) in the case of a young person alleged to have committed an offence,</p> <ul style="list-style-type: none"> <li>(i) giving advice on the appropriate extrajudicial measure to be used in respect of the young person,</li> <li>(ii) supporting any victim of the alleged offence by soliciting his or her concerns and facilitating the reconciliation of the victim and the young person,</li> <li>(iii) ensuring that community support is available to the young person by arranging for the use of services from within the community, and enlisting members of the community to provide short-term mentoring and supervision, and</li> <li>(iv) when the young person is also being dealt with by a child protection agency or a community group, helping to coordinate the interaction of the agency or group with the youth criminal justice system;</li> </ul> <p>(b) advising the federal and provincial governments on whether the provisions of this Act that grant rights to young persons, or provide for the protection of young persons, are being complied with;</p> |

|  |   |
|--|---|
|  | (c) advising the federal and provincial governments on policies and procedures related to the youth criminal justice system;<br>(d) providing information to the public in respect of this Act and the youth criminal justice system;<br>(e) acting as a conference; and<br>(f) any other functions assigned by the person who establishes the committee. |
|--|---|

### Other Mandate Language

#### Richmond

- Mandate copies the *PCA*;
- RFCC functions as a link between the Court and City Council whereby:
  - Court personnel and clients may draw on the concern and support of the community;
  - Family and youth resources may be monitored; and
  - Community may become educated about the justice system and its effects on children, youth and families;

#### Vancouver

- Provides input to City Council and staff about issues of concern;
- Considers any matters which may referred to the Committee by Council or staff and take under consideration matters proposed by the Vancouver Board of Education;
- Reviews and advises Council and staff on the development, implementation and assessment of City policies and services related to children, youth and families;
- Advocates for the best interests of children, youth and families;
- Identifies opportunities and empowers children and youth to have a voice in civic decision making;
- Provides recommendations to staff and Council on issues affecting children, youth and families;
- May take positions on policy initiatives from other levels of government within the mandate of the Committee; and
- Acts as a family court committee under the *BC Provincial Court Act* ... or a youth justice committee under the *Youth Criminal Justice Act*.
- Works co-operatively with other agencies whose activities affect constituent communities, including initiating and developing relevant projects;
- Acts as a resource for staff doing public involvement processes and civic events;
- Exchanges information with constituent communities and the general public about relevant programs and areas of interest; and
- Engages in outreach to disseminate information and encourage participation from constituent communities.

## NOTICE OF MOTION TO CAPITAL REGIONAL DISTRICT BOARD

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**SUBJECT** Review of Time Allocation for Delegations

### **ISSUE**

This report provides a recommendation that the Governance Committee review parameters for time allocations for delegations at Board and Committee meetings.

### **BACKGROUND**

The time allocation for delegations was adjusted at the May 12, 2021 Board meeting, in the absence of a clear process. The discussion included the possibility of implementing a sliding scale of time per speaker based on the number of delegations. It is recommended that the Board refer this matter to the Governance Committee, to consider options for a clear process relating to time allocation for delegations.

### **RECOMMENDATION**

That the Governance Committee be requested to review Section 13 of the Procedures Bylaw related to Delegations, with the goal of providing fair access to delegations and a reasonable use of the Board's time.

|               |  |
|---------------|--|
| Submitted by: | Director Ben Isitt, Victoria           |
|               | Director Ryan Windsor, Central Saanich |
|               | Director Kevin Murdoch, Oak Bay        |