



Notice of Meeting and Meeting Agenda Governance Committee

Wednesday, February 2, 2022

9:30 AM

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

K. Murdoch (Chair), R. Windsor (Vice Chair), S. Brice, B. Desjardins, B. Isitt, R. Martin,
C. McNeil-Smith, 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. [22-065](#) Minutes of the December 1, 2021 Governance Committee Meeting

Recommendation: That the minutes of the Governance Committee meeting of December 1, 2021 be adopted as circulated.

Attachments: [Minutes - December 1, 2021](#)

4. Chair's Remarks

5. Presentations/Delegations

In keeping with directives from the Province of BC, there is limited space for the public to attend CRD Board meetings in-person at this time. However, the public may continue to view meeting materials and Live Webcasts online. If you wish to attend a meeting in-person, please email legserv@crd.bc.ca.

CRD encourages delegations to participate electronically. Please complete the online application for "Addressing the Board" on our website and staff will respond with details.

Alternatively, you may email your comments on an agenda item to the CRD Board at crdboard@crd.bc.ca.

6. Committee Business

- 6.1. [22-078](#) 2022 Governance Committee Terms of Reference
- Recommendation:** That the Governance Committee receive the 2022 Terms of Reference attached at Appendix A.
- Attachments:** [Staff Report: 2022 Governance Committee TOR](#)
 [Appendix A: Governance Committee TOR](#)
- 6.2. [21-642](#) Capital Regional District Board Policy on Regional Grants-in-Aid
- Recommendation:** The Governance Committee recommends to the Capital Regional District Board:
 That the Capital Regional District Board Policy on Regional Grants-in-Aid report be received for information.
- Attachments:** [Staff Report: CRD Board Policy Regional Grants-in-Aid](#)
 [Appendix A: CRD Board Minutes from February 23, 1994](#)
 [Appendix B: History of Past Regional GIA Requests](#)
- 6.3. [22-094](#) Cost Recovery Options and Cost Allocations for Freedom of Information (FOI) Requests
- Recommendation:** The Governance Committee recommends to the Capital Regional District Board:
 1. That staff be directed to amend Bylaw No. 3945, "Freedom of Information and Protection of Privacy" to include a \$10 application fee for general FOI requests in accordance with the Freedom of Information and Protection of Privacy Act and the Freedom of Information and Protection of Privacy Regulation;
 2. That staff be directed to further investigate and establish appropriate categories of building and property records which are available to the public without a FOI request in accordance with section 71 of the Freedom of Information and Protection of Privacy Act and the Copyright Act, including setting prescribed fees for providing copies of available records; and,
 3. That staff report back with proposed amendments to Bylaw No. 3741, "Building Regulation Bylaw No. 5, 2010" to include a list of routinely available records and their associated fees.
- Attachments:** [Staff Report: Cost Recovery Options and Cost Allocations for FOI Requests](#)
 [Appendix A: Bylaw No. 3945](#)
- 6.4. [22-095](#) Bylaw No. 4479 - Delegations Amendment to Board Procedures Bylaw
- Recommendation:** The Governance Committee recommends to the Capital Regional District Board:
 1. That Bylaw No. 4479, "Capital Regional District Board Procedures Bylaw, 2012, Amendment Bylaw No. 12, 2022" be introduced and read a first, second and third time.
 2. That Bylaw No. 4479 be adopted.
- Attachments:** [Staff Report: Delegations Amendment Procedures Bylaw](#)
 [Appendix A: Bylaw 4479](#)
 [Appendix B: Bylaw 3828 Consolidated \(redlined\)](#)
 [Appendix C: Delegation Procedures – Electronic Presentations](#)

6.5. [22-097](#) Bylaw No. 4453, "Victoria Family Court and Youth Justice Committee
Commission Bylaw No. 1, 2022"

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

1. That Bylaw No. 4453, "Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022", be introduced and read a first, second, and third time.
2. That Bylaw No. 4453 be adopted.
3. That staff be directed to advise service participants of Bylaw No. 4453.

Attachments: [Staff Report: Bylaw 4453, "VFC and YJC Commission Bylaw No. 1, 2022"](#)
[Appendix A: Correspondence with VFC&YJC and its recommendations](#)
[Appendix B: October 2021 Letter to VFC&YJC from A/ADM Paul Craven](#)
[Appendix C: January 10, 2022 Letter from C. Day encl adopted motions & AGM](#)
[Appendix D: Redlined Draft Bylaw No. 4453, showing modifications](#)
[Appendix E: Bylaw No. 4453](#)

7. Notice(s) of Motion

8. New Business

9. Adjournment

The next meeting is April 6, 2022.

To ensure quorum, please advise Tamara Pillipow (tpillipow@crd.bc.ca) if you or your alternate cannot attend.

Meeting Minutes

Governance Committee

Wednesday, December 1, 2021

10:00 AM

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

PRESENT

Directors: K. Murdoch (Chair), R. Windsor (Vice Chair), S. Brice, B. Desjardins (EP), B. Isitt, R. Martin (EP), C. McNeil-Smith (EP), J. Ranns (EP), 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; C. Nielson, Senior Manager, Human Resources; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder)

EP - Electronic Participation

Regrets: Councillor J. Olsen

The meeting was called to order at 10:00 am.

1. Territorial Acknowledgement

Chair Murdoch provided a Territorial Acknowledgement.

2. Approval of Agenda

MOVED by Director Windsor, **SECONDED** by Director Brice,
That the agenda for the December 1, 2021 Governance Committee meeting be approved.
CARRIED

3. Adoption of Minutes

3.1. [21-881](#) Minutes of the October 6, 2021 Governance Committee Meeting

MOVED by Director Brice, **SECONDED** by Director Windsor,
That the minutes of the Governance Committee meeting of October 6, 2021 be adopted as circulated.
CARRIED

4. Chair's Remarks

The Chair spoke to the importance of work before the committee today.

5. Presentations/Delegations

- 5.1. [21-884](#) Delegation - Yvonne Mendel; Representing South Island Mountain Bike Society: Re: Agenda Item 6.1.: Review of Delegation Speaking Time in the Board Procedures Bylaw

Y. Mendel spoke to Item 6.1.

6. Committee Business

- 6.1. [21-722](#) Review of Delegation Speaking Time in the Board Procedures Bylaw

K. Morley spoke to Item 6.1.

Discussion ensued on the following:

- the frequency and effectiveness of receiving updates through the correspondence portal
- allowing a wait list once the maximum number of delegations has been reached
- the impact to service levels should written correspondence be published on agendas

**MOVED by Director Desjardins, SECONDED by Director Isitt,
The Governance Committee recommends to the Capital Regional District Board:
1. That the maximum speaking time for each delegation be reduced to three (3) minutes.**

**MOVED by Director Windsor, SECONDED by Director Martin,
That the motion be amended to replace the words, "...three (3)", with the words
"two (2)".**

DEFEATED

OPPOSED: Brice, Isitt, McNeil-Smith, Murdoch, Ranns, Tait, Young

The question was called on the main motion.

**MOVED by Director Desjardins, SECONDED by Director Isitt,
The Governance Committee recommends to the Capital Regional District Board:
That the maximum speaking time for each delegation be reduced to three (3) minutes.**

CARRIED

**MOVED by Director Windsor, SECONDED by Director Plant,
That line item five (5) be amended to "That people be given an opportunity to
speak at committee or board, but not both."**

**OPPOSED: Brice, Desjardins, Isitt, McNeil-Smith, Martin, Murdoch, Plant, Ranns,
Tait, Young**

DEFEATED

**MOVED by Director McNeil-Smith, SECONDED by Director Isitt,
To refer the question of correspondence relating to agenda items back to staff to
report back through the Governance Committee.**

CARRIED

**MOVED by Director Isitt, SECONDED by Director Brice,
That staff review the impact of this procedural change and report back to the**

committee by the first quarter of 2024.

CARRIED

OPPOSED: Windsor

6.2. [21-642](#)

Capital Regional District Board Regional Grants-in-Aid Policy

N. Chan spoke to Item 6.2.

**MOVED by Director Isitt, SECONDED by Director Desjardins,
That this item be referred to the next meeting of this committee.**

CARRIED

OPPOSED: Windsor

6.3. [21-698](#)

Update to CRD Reporting of Serious Misconduct Policy

C. Neilson spoke to Item 6.3.

Discussion ensued on replacing the word 'shall' with the word 'must' within this policy.

**MOVED by Director Isitt, SECONDED by Director Young,
The Governance Committee recommends to the Capital Regional District Board:
That the Capital Regional District's Reporting of Serious Misconduct Policy be
updated to ensure the involvement of the Chief Financial Officer in any concern
that may have real or perceived financial implications.**

CARRIED

6.4. [21-699](#)

Process to Claim Expenses under CRD Board Remuneration and Travel
Expense Reimbursement Policy

C. Neilson spoke to Item 6.4.

Discussion ensued on the following:

- the allowable expenses for committee members
- the frequency of Board review of this document

**MOVED by Director Isitt, SECONDED by Director Windsor,
The Governance Committee recommends to the Capital Regional District Board:
That Schedule 1 of the Capital Regional District's Board Remuneration and
Travel Expense Reimbursement Policy be updated to include the administrative
process for the claiming of expenses, as found in Appendix A.**

CARRIED

**MOVED by Director Isitt, SECONDED by Director Windsor,
That this matter be referred to the next Governance Committee meeting for
discussion.**

DEFEATED

OPPOSED: Brice, Desjardins, McNeil-Smith, Murdoch, Plant, Ranns, Tait

7. Notice(s) of Motion

There were no notice(s) of motion.

8. New Business

There was no new business.

9. Adjournment

MOVED by Director Windsor, **SECONDED** by Director Brice,
That the December 1, 2021 Governance Committee meeting be adjourned at
11:54 am.

CARRIED

CHAIR

RECORDER

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 02, 2022**

SUBJECT **2022 Governance Committee Terms of Reference**

ISSUE SUMMARY

This report is to provide the 2022 Governance Committee Terms of Reference for the Committee's review.

BACKGROUND

Under the *Local Government Act* and the CRD Board Procedures Bylaw, the CRD Board Chair has the authority to establish standing committees and appoint members to provide advice and recommendations to the Board.

On December 8, 2021, the Regional Board approved the 2022 Terms of Reference for standing committees. Terms of Reference (TOR) serve to clarify the mandate, responsibilities and procedures of standing committees and provide a point of reference and guidance for the Committees and members.

This year there were no changes to the defined purpose of the Governance Committee's TOR.

The TOR are being provided for review by the Committee. Any proposed revisions to the TOR will require ratification by the Board.

CONCLUSION

Terms of Reference serve to clarify the mandate, responsibilities and procedures of committees and provide a point of reference and guidance for the committees and their members.

RECOMMENDATION

That the Governance Committee receive the 2022 Terms of Reference attached at Appendix A.

Submitted by:	Marlene Lagoa, Manager, Legislative Services and Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: 2022 Governance Committee Terms of Reference

Terms of Reference



GOVERNANCE COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Governance Committee is a standing committee established by the CRD Board to make recommendations to the Board regarding items related to governance and corporate administration. The Committee will also provide advice to the Board on agenda items for Committee of the Whole meetings.

The Committee's official name is to be:

Governance Committee

1.0 PURPOSE

- (a) To consider matters and make recommendations to the Board or to the Committee of the Whole regarding the following functions:
 - i. Board, committee and commission governance and meeting procedures;
 - ii. General governance issues such as communication, access and accountability processes;
 - iii. Corporate administration and operations such as but not limited to:
 - Labour Relations and Human Resource Matters
 - Internal and external communications systems
 - Intergovernmental relations
 - iv. Legal and Risk Management;
 - v. Identification of items of regional interest and/or items that are relevant to more than one standing committee that are better suited for consideration at a Committee of the Whole meeting;
- (b) The Committee may also make recommendations to the Board to advocate to provincial and federal governments on matters effecting the Regional District.
- (c) The Committee may establish an Appointment Advisory Committee, on an as-and-when needed basis, responsible for reviewing applications and making recommendation for appointments to external boards.
 - i. The Appointment Advisory Committee is permitted to meet in closed when evaluating public member applications.

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Capital Regional District Board for consideration; and
- b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 COMPOSITION

- a) Committee members will be appointed CRD Board Members;
- b) All Board members are permitted to participate in standing committee meetings, but not vote, in accordance with the CRD Board Procedures Bylaw; and
- c) First Nation members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.

4.0 PROCEDURES

- a) The Committee shall meet every second month on even months, or at the call of the Committee Chair;
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may make a request to the Chair to place a matter on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration;
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business

5.0 RESOURCES AND SUPPORT

- a) The General Manager, Corporate Services will act as liaison to the Committee;
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department; and
- c) The Executive Services Department will provide additional Committee support as required.

Approved by CRD Board December 8, 2021

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 06, 2021**

SUBJECT **Capital Regional District Board Policy on Regional Grants-in-Aid**

ISSUE SUMMARY

To provide an overview and history of the Regional Grants-In-Aid Board Policy.

BACKGROUND

As directed at the February 3, 2021, Governance Committee meeting, this report provides an overview of the legislation, policy and history of regional grants-in-aid (GIA).

The Capital Regional District (CRD) receives funding requests from various organizations for initiatives, programs, and/or capital purchases.

- Under the *Local Government Act* Section 263 (1) (c) the CRD has authority to provide regional GIA to organizations in the form of grants, benefit, or advantage, and under Section 380 (g) costs may be apportioned either by way of all electoral areas and municipalities or only those electoral areas or municipalities benefitting from the service.
- Under the Supplementary Letters Patent (SLP), dated March 24, 1977, and amended 17 April 1985, the CRD also has authority to deliver GIA to organizations within the Electoral Areas (EA).
- Under Section 273, as a limitation on section 263 (1) (c) a board must not provide assistance to an industrial, commercial or business undertaking.

A Board policy approved on February 23, 1994, is currently still in place. The policy states that “the Board establish a no grants policy regarding regional grant-in-aid, other than those regional grants-in-aid from a single jurisdiction”. Appendix A includes an excerpt of the February 1994 minutes, providing context to the Board decision at the time. This policy allows for requisition of regional GIA only when it is to be collected from a single jurisdiction.

Appendix B provides a summary of the regional GIA requests received by the CRD over the years. The two cases where an exception to the policy was made since 1994 are as follows:

1. November 14, 2012: Island Corridor Foundation (ICF) Funding Request, for \$1.2 million. The CRD raised the funds in 2013, 2014, and 2015 through tax requisition, and the funding has not yet been distributed.
2. May 26, 2016: Support to the Fort McMurray Region in the Wake of Northern Alberta Wildfires, for \$2,500.

The current Regional Grants-In-Aid Board Policy aligns current legislation and has not been revised since 1994.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:
That the Capital Regional District Board Policy on Regional Grants-in-Aid report be received for information.

Alternative 2

The Governance Committee recommends to the Capital Regional District Board:
That staff be directed to amend the Regional Grants-in-Aid Board Policy.

IMPLICATIONS

Service Delivery Implications

Alternative 1

While the Board has the service authority to provide GIA to regionally significant projects and has made exceptions, the CRD has an established no regional GIA policy and practice since 1994. The current policy allows for regional GIA requests to be funded by a single municipality or EA. The Board has the authority by way of policy to keep and maintain the existing practice without changes.

Alternative 2a

As many municipalities provide GIA funding programs at the municipal level, regional GIA requests only benefiting the single jurisdiction are more likely to be considered by the municipality. The Board policy could be amended to exclude all grants-in-aid by removing “regional grants-in-aid collected from a single jurisdiction”, aligning the Board Policy “no grants-in-aid” to include those from a single jurisdiction.

Alternative 2b

The Board has the service authority to provide GIA regionally or within electoral areas and municipalities benefitting from the service. The policy could be rescinded or amended to allow for grants, in which case requests for regional and specified area grants-in-aid would be considered and approved on a case-by-case basis.

Financial Implications

The CRD has authority to provide regional GIA to external organizations. The LGA (s. 374(9)) sets the annual requisition limit of \$0.10 per \$1,000 on the net taxable value of land and improvements in the regional district. Based on 2021 assessment value, the maximum requisition is \$13 million. Requisition is cost apportioned on the basis of the converted value of land and improvements per LGA (s. 380 (2)) across all regional participants or only those EA's and municipalities benefitting from the service.

CONCLUSION

The CRD has service authority under the LGA to provide funding to regional GIA projects. Historically, the CRD has maintained a no regional GIA policy, except in exceptional circumstances or in a single jurisdiction.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:
That the Capital Regional District Board Policy on Regional Grants-in-Aid report be received for information.

Submitted by:	Rianna Lachance, BCom, CPA, CA, Senior Manager, Financial Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: CRD Board Minutes from February 23, 1994
Appendix B: History of Past Regional GIA Requests

Delegation re: Proposed Cecelia Septage Disposal Rates

Mr. James Stewart, owner/operator of a septage service business, indicated that the increase in septage rates under Bylaw No. 2195 was the third increase in nine months and in that time the fees have risen 54%. Mr. Stewart asked for an explanation of the reasons for an increase at this time and whether any future increase was contemplated. Mr. Stewart also commented that it would be helpful if haulers were notified prior to increases being set in motion.

Director Butler explained that the increase in rates for septage disposal came about as part of the Environment Committee's budget deliberations in January and that Committee recommended to the Board that the fee be raised. Mr. Williams noted that as soon as Committee made this decision, haulers were notified and that the reason for the increase is that Committee believes the septage function should operate on a complete user pay system. If this policy continues then there will be further increases. Director Butler added that this service is currently subsidized and that the user fee would be \$5.60 per 100 imperial gallons if the service were to operate on a complete user pay basis.

2142 Tabled item from January 26, 1994 Meeting: Board Policy on Regional Grants-in-Aid

MOVED by Director Clark, SECONDED by Director Camden,
that this item be lifted from the table.

CARRIED

Mr. Jordan spoke to the staff report on this subject which reviewed the statutory authority for regional grants and provided background information on the grant policies of the Intermunicipal Committee and the various municipalities in the region. It was indicated that regional grants-in-aid are entirely separate from Electoral Area grants-in-aid and that the disbursement of regional grants-in-aid has been very limited, i.e. two to date.

MOVED by Director Imrie, SECONDED by Director Ranns,
that the Board establish a no grants policy regarding regional grants-in-aid.

There was considerable debate on the motion. Directors in support of the motion felt that the CRD should hold the line on such grants and that it was not appropriate for the CRD Board to be involved in a grant program. It was noted that the increasing trend towards downloading of various programs by senior levels of government could result in more requests for grant money at the local government level. There was concern that there could be duplication in requests for grants at the municipal and regional level.

Directors opposed to the policy indicated that some grants are for very worthy causes that should be supported where appropriate. It was noted that for many years the four core municipalities have supported numerous organizations and events which benefit the entire region. A suggestion was made that a coordinated strategy for funding grants on a regional basis be explored whereby the tax burden could be shared by all of the benefitting areas. It was stated that the Municipal Act provides the authority to levy for regional grants and that the proposed policy would mean that the CRD would not be in a position to consider worthy requests. In response to the concern over a possible increase in grant requests, it was pointed out that the Board would have the right to reduce the level of grants and would be in a position to approve or disapprove any grant request thereby exercising control over the situation. It was recommended that the CRD look at how something similar to the Intermunicipal Committee could be put in place in the region.

There was discussion regarding the difference between regional grants-in-aid and electoral area grants-in-aid. Mr. Jordan explained that regional grants-in-aid are levied on the whole of the CRD and cost shared on the basis of converted assessments. However, there is provision for costs of regional grants-in-aid to be levied in a single benefitting municipality or electoral area.

With the permission of the Mover and Seconder, the motion was amended to add the following:

"other than those regional grants-in-aid collected from a single jurisdiction."

Following further debate, the motion as amended was then put,

CARRIED

2143 Regional Grant-in-Aid Request for "Artspring" (Salt Spring Island)

MOVED by Director Luth, SECONDED by Director Clark,
that the matter be tabled.

CARRIED

2144 Contract with District of Langford for Provision of a Message Relay Service for CRD 9-1-1 Emergency Response Telephone System

MOVED by Director Camden, SECONDED by Director Bergbusch,
that the Board approve the contract with the District of Langford,
and authorize the signing officers of the Board to execute the
contract.

CARRIED

2145 Payment of Sooke Incorporation/Restructure Study

MOVED by Director Clark, SECONDED by Director Rosko,
that the Minister of Municipal Affairs be advised that the Capital
Regional District does not wish to be the banker for the present
incorporation study for Sooke.

CARRIED

2146 Young Offenders Act

MOVED by Director Butler, SECONDED by Alternate Director
Blackwell, that the correspondence be received.

CARRIED

2147 Sooke Parks and Recreation Commission - Park Land Acquisition and Exchange

MOVED by Director Clark, SECONDED by Director West,
that the Board approve:

1. a bylaw to authorize the Capital Regional District to
exchange a portion of land dedicated as Park (as shown on
Plan 40027 attached to the report) for other land described
in the Bylaw suitable for park purposes within the Sooke
Electoral Area, and;
2. the Contract of Purchase and Sale between the Capital
Regional District and Braemar Developments Ltd. on the terms
and conditions detailed herein.

CARRIED

2148 Proposed Boundary Extension - City of Colwood

MOVED by Director Bergbusch, SECONDED by Director Coell,
that the correspondence be received.

CARRIED

6. BYLAWS AND RESOLUTIONS

Bylaw No. 2195, "Septage Regulation Bylaw No. 1, 1980, Amendment Bylaw No. 14,
1994"

MOVED by Director Prentice, SECONDED by Director Coell,
that Bylaw No. 2195 be reconsidered and finally adopted.

CARRIED

Bylaw No. 2191, "Sooke Advisory Planning Commission Bylaw No. 1, 1994"

MOVED by Director Clark, SECONDED by Director West, that Bylaw No.
2191 be introduced and read a first time.

CARRIED

Appendix B History of Past Regional Grant-in-Aid Requests (since 1994)

1. May 26, 2016: Support to the Fort McMurray Region in the Wake of Northern Alberta Wildfires, approved for \$2,500.
2. September 9, 2015: Urban Wildlife Stewardship Society Funding Request, request for \$35,000, regional GIA request declined.
3. November 14, 2012: Island Corridor Foundation Funding Request, approved for \$1.2 million.
4. August 8, 2012: Salish Express Commuter Rail Implementation Funding Plan Request, request for \$70,000, regional GIA request declined.
5. April 11, 2007: Island Corridor Foundation Grant-in-Aid Request, request for \$4,899.02, regional GIA request declined.
6. February 23, 1994: Board Policy on Regional GIA
 - a. Moved that “the Board establish a no grants policy regarding regional GIA” and amended to include “other than those regional GIA collected from a single jurisdiction.”
 - i. The Board adopted a regional GIA policy in February 1994 (Appendix A).
7. January 26, 1994: Regional GIA Request from the Community Social Planning Council of Victoria, request for \$22,100, regional GIA request declined.

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 02, 2022**

SUBJECT **Cost Recovery Options and Cost Allocations for Freedom of Information (FOI) Requests**

ISSUE SUMMARY

The CRD Board directed staff to provide a follow-up report on cost recovery options and cost allocations for Freedom of Information (FOI) requests.

BACKGROUND

At the February 3, 2021 meeting, the Governance Committee received report 21-111, "*Freedom of Information and Protection of Privacy Act (FIPPA) 2020 Overview*" for information and recommendation to the CRD Board. Discussion ensued on various aspects of the report, including:

- volume of building inspection requests;
- commercial FOI requests;
- future online access for property information;
- digitization of records;
- policy of general disclosure;
- cost allocations;
- current fees for FOI requests.

At its February 10, 2021 meeting, the Capital Regional District (CRD) Board approved the following Motion from the Governance and Finance Committee:

That the Freedom of Information and Protection of Privacy Act (FIPPA) 2020 Overview report be received for information.

That staff be directed to provide a follow-up report on cost recovery options and cost allocations for Freedom of Information requests in 9 months.

On November 25, 2021 changes were enacted to FIPPA and its regulation to enable public bodies to impose an application fee of up to \$10 on certain FOI requests to help manage the scope of broad-reaching requests.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

1. That staff be directed to amend Bylaw No. 3945, "*Freedom of Information and Protection of Privacy*" to include a \$10 application fee for general FOI requests in accordance with the *Freedom of Information and Protection of Privacy Act* and the *Freedom of Information and Protection of Privacy Regulation*;
2. That staff be directed to further investigate and establish appropriate categories of building

and property records which are available to the public without a FOI request in accordance with section 71 of the *Freedom of Information and Protection of Privacy Act* and the *Copyright Act*, including setting prescribed fees for providing copies of available records; and,

3. That staff report back with proposed amendments to Bylaw No. 3741, “*Building Regulation Bylaw No. 5, 2010*” to include a list of routinely available records and their associated fees.

Alternative 2

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

IMPLICATIONS

Relevant Legislation and Changes to the Freedom of Information and Protection of Privacy Act

As a guiding principle of the *Freedom of Information and Protection of Privacy Act* (referred to herein as the “Act”, or the “FOIPP Act”), fees are viewed as a barrier to information access. Section 75 of the Act deals with fee matters. It sets out which services can or cannot be charged for FOI requests, establishes a 3-hour “free” threshold for time spent by a public body locating and retrieving records for a request and excepts fees for a request for an applicant’s own information. Section 13 of the *Freedom of Information and Protection of Privacy Regulation* (referred to herein as the “Regulation” or the “FOIPP Regulation”) sets out the prescribed maximum fees which can be charged. Further, the Act provides the head of a public body the discretion to waive fees for financial hardship, or when records are deemed of public interest, or for any other reason deemed fair. Complaints arising from fee matters are dealt with by the Office of the Privacy Commissioner (OIPC).

On November 25, 2021 amendments were made to the Act and Regulation to include for the first time the ability to impose a \$10 application fee for general FOI requests. The amended Regulation has not been published at the time of writing this report; however, the Ministry of Citizens’ Services has published that the application fee is not applicable to “personal FOI requests” which, “continue to be without a cost.”¹

The rationale of charging application fees for general FOI requests is to try and limit broad-reaching requests to a more narrowed focus which is more relevant and manageable for a public body to respond to. The application fee is non-refundable and is not subject to fee waiver requests or complaints to the OIPC under the Act, though a public body may at its discretion determine not to charge application fees to any persons or entities where it has reasonably determined the fees are a barrier to access. For example, the Province has determined not to charge fees for Indigenous Governing Entities.

Section 71 of the Act requires public bodies to establish categories of records which can be routinely released outside of the FOI request process and allows the public body to charge a fee for providing a copy of a record disclosed under this section. The fees are not legislated and can be set by the public body but must be reasonable and without substantive mark up. Any established categories of records for routine release containing personal information must only

¹ https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/services-policies-for-government/information-management-technology/information-privacy/resources/2021-amendments/foippa_amendments_application_fee.pdf

be disclosed as authorized under the Act or severed from the record prior to disclosure.

Section 32.1 of the federal *Copyright Act* allows the release of a copy of copyright protected materials under the FOIPP Act, for research or private use. Due to the copyright implications, these records cannot be made publicly accessible (i.e. published online for open access).

Current Disclosure Practices for Building and Property Records and Fees for Personal Information

Currently, access to building and property records held by the Building Inspection division is done through the FOI request process when requests are made for records that contain personal information for any individuals other than the requestor (i.e. previous owners), or for copyright protected records, such as building plans, surveys and technical reports. Building Inspection staff routinely release certain records, including copies of permits, that only contain the requestor's own personal information, or contain no personal information (i.e. commercial building permits).

Financial and Administrative Implications and Cost-Recovery Options for FOI Request Processing by the Privacy and Information Division

In 2021, the Privacy and Information division received 239 FOI requests of which 154 were for building and property information (roughly 64% of FOI requests.) A total of 12 fee estimates were issued for requests that required more than 3 hours of staff time, resulting in \$626.40 in revenue.

Administering fees for FOI requests is somewhat administratively burdensome. The Privacy and Information division is not set up to administer point-of-sales types of transactions, or invoicing. Staff manually generate fee estimate letters which must be sent to requestors within 20 business days after receiving a request. Once a requestor responds they agree to pay the fees, an invoice request is submitted to Financial Services for processing and issuing. Financial Services' staff send the requestor an email (or letter) with the invoice and payment options. Payment options include cheque, credit-card (by telephone) or online payment through a bank. For online payment, the requestor must set up a specific CRD account assigned for FOI payment, even for one-time transactions.

Under the Act, FOI processing is put on hold until fee matters are resolved; the statutory deadline for responding to a request is adjusted accordingly based on the number of business days delayed.

Introducing a \$10 application fee will increase the processing time for FOI requests, as there is no real-time transaction system in place to support direct payment and confirmation of payment. Further, FOI requests are not currently tracked based on whether a request is for personal information about the requestor (fee exempt), or general (subject to the application fee). A reasonable estimate, based on the FOI requests received for 2021, is that roughly 30% of requests could be charged the \$10 fee, yielding approximately \$700.00 in additional revenues. While this is not material in terms of offsetting costs of providing FOI processing services, staff would like to proceed with implementing the application fee to reduce the number of broad-reaching requests we receive. Unlike the fee estimate process, which happens after a request is initiated, the application fees can be communicated on the FOI request form and through communications on the CRD public website, so applicants for general FOI requests should expect to pay fees before any work is done on processing their request.

Cost Recovery for Building Inspection Records

The best option for reducing costs associated with processing FOI requests for building and property information, is to determine which records can be routinely released by the Building Inspection division under section 71 of the Act, and establish appropriate fees and privacy practices that meet the CRD's legal obligations under the FOIPP Act and Regulations and the *Copyright Act*. Staff anticipate that building permits, inspection notes and other information from building and property records may be routinely releasable under section 71 of the Act, with no redactions or minimal redactions of basic personal information. This would reduce the volume of pages of building and property records processed by staff and will likely reduce the overall number of FOI requests. Any revenues would be collected by Building Services and provide some cost-recovery for staff time spent providing records.

Not all building and property records will qualify to be released under section 71, and many reports such as those compiled in the course of an investigation, financial information, or correspondence with homeowners will still need to be processed as FOI requests by Information and Privacy staff. Prior to reporting back with proposed bylaw changes, staff will need to further investigate and establish appropriate categories of building and property records which are available to the public without a FOI request in accordance with section 71 of the *FOIPP Act* and the *Copyright Act*, including setting prescribed fees for providing copies and applying redactions in accordance with legal advice.

Alignment with Existing Bylaws

Bylaw No. 3945, "*Freedom of Information and Protection of Privacy Bylaw No. 1, 2014*" sets out the maximum fees allowed for FOI requests in Schedule A; these fees are derived from section 13 of the FOIPP Regulation. This bylaw will require amending before the new \$10 application fee could be implemented.

Bylaw No. 3741, "*Building Regulation Bylaw No. 5, 2010*" ("Building Regulation") will need to be amended with a new fee schedule before any new fees for documents can be implemented.

CONCLUSION

The CRD Board requested a follow-up report on cost recovery options and cost allocations for Freedom of Information (FOI) requests. Recent changes to the Act and Regulations have enabled public bodies to impose an application fee of up to \$10 for an FOI request. While the revenue generated from the imposition of the fee will be nominal, staff expect it will be a useful tool to manage the scope of broad-reaching requests. For building inspection and property records, staff will undertake an analysis to create categories of routinely releasable records that may be provided to applicants outside the FOI process for a prescribed fee. Further work and due diligence are needed before it is advisable that the CRD update its Building Regulation bylaw to introduce new fees for processing requests for building and property records outside of the FOI process, to ensure CRD can continue to meet its obligations under the Act to protect any personal information in those records.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:

1. That staff be directed to amend Bylaw No. 3945, "*Freedom of Information and Protection of Privacy*" to include a \$10 application fee for general FOI requests in accordance with the *Freedom of Information and Protection of Privacy Act* and the *Freedom of Information and Protection of Privacy Regulation*;
2. That staff be directed to further investigate and establish appropriate categories of building and property records which are available to the public without a FOI request in accordance with section 71 of the *Freedom of Information and Protection of Privacy Act* and the *Copyright Act*, including setting prescribed fees for providing copies of available records; and,
3. That staff report back with proposed amendments to Bylaw No. 3741, "*Building Regulation Bylaw No. 5, 2010*" to include a list of routinely available records and their associated fees.

Submitted by:	Sharon Byrch, Manager, Information Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw 3945, "Freedom of Informtion and Protection of Privacy Bylaw No. 1, 2014"

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3945

A BYLAW FOR THE ADMINISTRATION OF THE FREEDOM
OF INFORMATION AND PROTECTION OF PRIVACY ACT

WHEREAS, under section 77 of the *Freedom of Information and Protection of Privacy Act*, a local government:

- (a) must designate a person or group of persons as the head of the local public body for the purposes of the *Freedom of Information and Protection of Privacy Act*; and
- (b) may set any fees the local public body requires to be paid under section 75 of the *Freedom of Information and Protection of Privacy Act*;

WHEREAS, under section 66 of the *Freedom of Information and Protection of Privacy Act*, the Head of a public body may delegate to any person any duty, power or function of the Head under the Act, except the power to delegate;

NOW, THEREFORE, the Board of the Capital Regional District in open meeting assembled enacts as follows:

1.0 Definitions and Interpretation

1.1 The definitions contained in Schedule A of the Act shall apply to this bylaw except where the context requires otherwise.

1.2 In this bylaw:

"Act" means the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c.165.

"Commercial Applicant" means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.

"Corporate Officer" means the person assigned the responsibility of corporate administration under section 198 of the *Local Government Act* and for the purposes of this bylaw does not by default include the Deputy Corporate Officer in the absence of the Corporate Officer;

"Head" means the person or group of persons designated as the Head of the Regional District under section 2 of this Bylaw.

"Regional District" means the Capital Regional District.

"Request" means a request under section 5 of the Act.

2.0 Administration

- 2.1 The Corporate Officer is designated as the Head for the purposes of the Act;
- 2.2 In the absence of the Corporate Officer, the Manager, Information Services is designated as the Head for the purposes of the Act;
- 2.3 In the absence of both of the Heads specified in 2.1 and 2.2, the Deputy Corporate Officer is designated as the Head for the purposes of the Act;
- 2.4 The Head shall perform the duties of the head specified in the Act.

3.0 Fees

A person who makes an application to request access to a record must pay the fees set out in Schedule A to the Regional District. Fees may be charged for the purpose of:

- (a) locating, retrieving and producing the record;
- (b) preparing the record for disclosure;
- (c) shipping and handling the record;
- (d) providing a copy of the record.

- 4.0 Bylaw 2257, "Capital Regional District Freedom of Information Bylaw No. 1, 1994" is hereby repealed.

- 5.0 This Bylaw may be cited as "Freedom of Information and Protection of Privacy Bylaw No. 1, 2014".

READ A FIRST TIME THIS	12 th	day of	March	2014
READ A SECOND TIME THIS	12 th	day of	March	2014
READ A THIRD TIME THIS	12 th	day of	March	2014
ADOPTED THIS	12 th	day of	March	2014



CHAIR



CORPORATE OFFICER

CAPITAL REGIONAL DISTRICT BYLAW NO. 3945
Schedule A

SCHEDULE OF MAXIMUM FEES

1. For applicants other than commercial applicants:

	Description of Service	Management Fees
(a)	for locating and retrieving a record	\$7.50 per 1/4 hour after the first three hours
(b)	for producing a record manually	\$7.50 per 1/4 hour
(c)	for producing a record from a machine readable record from a server or computer	\$7.50 per 1/4 hour for developing a computer program to produce the record
(d)	for preparing a record for disclosure and handling a record	\$7.50 per 1/4 hour
(e)	for shipping copies	actual cost of shipping method chosen by applicant
(f)	for copying records	
	(i) photocopies and computer printouts	\$.25 per page (8.5" x 11" & 8.5" x 14") \$.30 per page (11" x 17")
	(ii) floppy disks	\$2 per disk
	(iii) CDs and DVDs, recordable or rewritable	\$4 per disk
	(iv) computer tapes	\$40 per tape, up to 2400 feet
	(v) microfiche	\$3 per fiche
	(vi) 16 mm microfilm duplication	\$25 per roll
	(vii) 35 mm microfilm duplication	\$40 per roll
	(viii) microfiche or microfilm to paper duplication	\$.50 per page (8.5"x11")
	(ix) photographs (colour or black and white)	\$5 to produce a negative \$12 each for 16" x 20" \$9 each for 11" x 14" \$4 each for 8" x 10" \$3 each for 5" x 7" \$12.50 each (8" x 10")
	(x) photographic print of textual, graphic or cartographic record (B/W)	
	(xi) dot matrix, ink jet, laser print or photocopy, B/W	\$.25 per page (8.5"x11", 8.5"x14" or 11"x17")
	(xii) dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5"x11", 8.5"x14" or 11"x17")
	(xiii) scanned electronic copy of a paper record	\$.10 per page
	(xiv) photomechanical reproduction of 105 mm cartographic record/plan	\$3 each
	(xv) slide duplication	
	(xvi) plans	\$0.95 each
	(xvii) audio cassette tape duplication (90 minutes or fewer)	\$1 per square metre \$5 per cassette plus \$7 per ¼ hour of recording

	(xvii) video cassette recorder (VHS) tape duplication	\$5 per cassette plus \$7 per ¼ hour of recording
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2. For commercial applicants:

	For each service listed in Item 1	The actual cost to the public body of providing that service
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**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 02, 2022**

SUBJECT **Bylaw No. 4479 - Delegations Amendment to Board Procedures Bylaw**

ISSUE SUMMARY

To update the procedure for delegations and use of electronic presentations at CRD Board and Committee meetings by adopting a bylaw to amend the Board Procedures Bylaw.

BACKGROUND

On June 2, 2021, the Governance Committee carried the following motions:

"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."

"Invite staff to bring back any other recommendations on amendments to the Procedure Bylaw"

On December 8, 2021, the Board approved the following Governance Committee recommendations:

- "1. a) That the maximum speaking time for each delegation be reduced to 3 minutes; and
b) That staff review the impact of this procedural change and report back to the committee by the first quarter of 2024."*

Attached as Appendix A is Bylaw No. 4479, "Capital Regional District Board Procedures Bylaw, 2012, Amendment Bylaw No. 12, 2022", which amends Bylaw No. 3828, "Capital Regional District Board Procedures Bylaw, 2012". In accordance with s. 225 of the *Local Government Act* and Bylaw No. 3828, notice of the proposed amendment was mailed to each Director.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4479, "Capital Regional District Board Procedures Bylaw, 2012, Amendment Bylaw No. 12, 2022" be introduced and read a first, second and third time.
2. That Bylaw No. 4479 be adopted.

Alternative 2

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

IMPLICATIONS

A consolidated redlined copy of Bylaw No. 3828 is attached as Appendix B.

The only change to delegation procedure under Section 13 is reducing the maximum speaking time from 4 minutes to 3 minutes. A minor housekeeping amendment was made to remove the option of having the Corporate Officer provide hard copies of written submissions to Board or Committee Members. All correspondence from delegations should be provided electronically and is distributed via the Board Correspondence Portal. There are no changes to the procedure for applying to address a CRD Board or Committee as a delegation.

The sub-section on video presentation was updated to “electronic presentation” to be consistent with the definition and submission deadline in the Corporate Procedure for Board and Committee Delegation Procedure - Electronic Presentations (attached as Appendix C).

A revision to section 15(6) relating to items on the consent agenda is included. Bylaw No. 4479 deletes the requirement to group items by voting rule for the consent agenda and clarifies that a unanimous vote is required. This section currently requires that only items subject to the same voting rule could be voted on in one motion. It is not necessary to group items by voting rule, as consent agenda items can only be passed by a unanimous vote.

If adopted, the CRD website page on Delegations titled “Addressing the Board” and the instructions e-mailed to delegations prior to the meeting will be updated.

CONCLUSION

A bylaw amendment was drafted to update delegations speaking time to a maximum of three minutes and further clarify the use of electronic presentations. Minor changes to clarify electronic presentations and grouping items on the consent agenda are also proposed. If adopted, the information on delegations will be updated on the CRD website and in the instructions sent to delegations prior to meetings. Staff will review the impact of this procedural change and report back to the Governance Committee by the first quarter of 2024.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4479, "Capital Regional District Board Procedures Bylaw, 2012, Amendment Bylaw No. 12, 2022" be introduced and read a first, second and third time.
2. That Bylaw No. 4479 be adopted.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Steven Carey, B.Sc., J.D., Senior Manager, Legal Services & Risk Management
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

Appendix A: Bylaw 4479

Appendix B: Bylaw 3828 Consolidated (redlined)

Appendix C: Delegation Procedures – Electronic Presentations

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4479**

A BYLAW TO AMEND THE PROCEDURES BYLAW (BYLAW NO. 3828)

WHEREAS:

- A. Under Bylaw No. 3828, "Capital Regional District Procedures Bylaw, 2012", the Regional Board established a bylaw to regulate the proceedings of the Capital Regional District Board; and
- B. The Board wishes to amend Bylaw No. 3828 to limit delegations to a maximum of three minutes and clarify the use of electronic presentations by delegations;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

1. Bylaw No. 3828, "Capital Regional District Procedures Bylaw, 2012", is hereby amended as follows:

- (a) By inserting the following in alphabetical list order under section 1 [Definitions]:

"Electronic Presentation" means a digital video, PowerPoint presentation, or any other type of visual media used in conjunction with a delegation presentation.

- (b) By replacing section 13(1) in its entirety with:

The Board may allow a delegation to address the meeting in person on the subject of an agenda item, provided written application on a prescribed form has been received by the Corporate Officer no later than 4:30 pm two (2) calendar days prior to the meeting. Each address shall be limited to three (3) minutes unless a longer period is agreed to by 2/3 vote of those Members present. The order of speakers will be based on the order in which the request was received.

- (a) As an alternative to addressing a meeting as a delegation, a person may submit their comments in writing to the Corporate Officer for circulation to Members in advance of the next meeting.

- (c) By replacing section 13(3) in its entirety with:

Any Electronic Presentations used as part of a delegation's address to the Board will count toward the time limit permitted for the delegation. Electronic Presentations must be received by the Corporate Officer no later than 12:00 pm one (1) calendar day prior to the meeting.

- (d) By replacing section 15(6) in its entirety with:

Members may adopt in one motion all recommendations appearing on the Consent Agenda by a unanimous vote.

2. This bylaw may be cited for all purposes as "Capital Regional District Procedures Bylaw, 2012, Amendment Bylaw No. 12, 2022".

READ A FIRST TIME THIS	th	day of	2022
READ A SECOND TIME THIS	th	day of	2022
READ A THIRD TIME THIS	th	day of	2022
ADOPTED THIS	th	day of	2022

CHAIR

CORPORATE OFFICER



Making a difference...together

BYLAW NO. 3828

CAPITAL REGIONAL DISTRICT BOARD PROCEDURES BYLAW, 2012

(as amended by Bylaw No. 3951, 3999, 4024, 4044, 4129, 4206, &
4262, 4312, 4313, 4353, 4368, **4479**)

**A bylaw to regulate the proceedings
of the Capital Regional District Board**

For further details, please contact the Capital Regional District,
Legislative Services Department, 625 Fisgard St., PO Box 1000, Victoria BC V8W 2S6
T 250-360-3128, F 250-360-3130, www.crd.bc.ca

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3828
REGIONAL DISTRICT PROCEDURES BYLAW**

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CAPITAL REGIONAL DISTRICT

BYLAW NO. 3828

A BYLAW TO REGULATE THE PROCEEDINGS OF THE CAPITAL REGIONAL DISTRICT BOARD

The Board of the Capital Regional District enacts as follows:

PART 1 – INTRODUCTION

Definitions

1. In this Bylaw:

“Board” means the governing and executive body of the CRD;

“Chair” means the Chair or Vice Chair of the CRD elected pursuant to section 215 of the *Local Government Act* or other person presiding at a meeting of the Board or committee, as the context requires;

(Bylaw No. 4262)

“Committee” means a standing, advisory, select, or other committee of the Board, but does not include Committee of the Whole or a local service committee or a service committee;

“Commission” means a commission established by the Board under section 263(1)(g) of the *Local Government Act* and a local service committee and a service committee established by the Board.

(Bylaw No. 4262)

“Corporate Officer” means the officer of the CRD assigned the corporate administration responsibilities of section 236 of the *Local Government Act*, and includes that officer’s designate;

(Bylaw No. 4262)

“COW” means the Committee of the Whole Board;

“CRD” means the Capital Regional District;

“CRD Offices” means the CRD located at 625 Fisgard Street, Victoria, BC;

“CRD Website” means the information resource found at an internet address provided by the CRD;

“Delegation” means an individual or an organization addressing the Board, a committee or commission about a specific item on the agenda of a meeting;

“Electronic Presentation” means a digital video, PowerPoint presentation, or any other type of visual media used in conjunction with a delegation presentation.

"First Nation Member" means a First Nations' elected representative who is permitted to participate on an Advisory Committee, Select Committee, or Standing Committee by the relevant Terms of Reference and includes their alternate if acting in the place of a First Nation Member;
(Bylaw No. 4368)

"Member" means a Member of the Board, whether a municipal director or an electoral area director, and includes their alternates if acting in the place of a Member;

"Presenter" means a person(s) or organization(s) invited by the CRD to make a presentation to the Board. It also includes a request to speak by a First Nations Elder or Chief and a federal, provincial or local government elected official.

(Bylaw No. 4024)

"Public Notice Posting Place" means the notice board, whether electronic or not, located in the front foyer of the CRD offices and the CRD Website; and, in the case of a Commission, means a consistent local public location designated by the Commission;

"Vice Chair" means the Member elected as Vice pursuant to section 215 of the *Local Government Act*.

(Bylaw No. 4262)

Application of Rules of Procedure

2.
 - (1) The provisions of this Bylaw govern the proceedings of the Board, COW, all standing and select committees of the Board and all commissions, as applicable.
 - (2) In cases not provided for under this Bylaw, The Newly Revised Robert's Rules of Order, 11th edition, 2011, apply to the proceedings of the Board, COW, committees and commissions to the extent that those rules are:
 - (a) applicable in the circumstances; and
 - (b) not inconsistent with provisions of this Bylaw, the *Local Government Act* or the *Community Charter*.
 - (3) No provision of this bylaw relating to the procedure of the Board shall be altered unless notice of the proposed amendment is given in accordance with section 225 of the *Local Government Act*.

Suspension of Rules of Procedure

3. Except for those provisions of this Bylaw that are statutorily mandated, the rules of procedure contained in this Bylaw may be suspended for a temporary time period specified by the Board with a 2/3 vote of those Members present.

PART 2 – BOARD MEETINGS

Inaugural Meeting

4. (1) The Board shall meet in an inaugural meeting during the month of November at such time as shall be advised by the Corporate Officer in writing.
- (Bylaw No. 4129)*
- (2) The presiding officer of the inaugural meeting shall be the Chief Administrative Officer until such time as the Chair has been elected.
- (3) The Chief Administrative Officer shall announce results of elections and confirm that new Members have completed the Oath of Office set out in the *Local Government Act*, following which the Chair shall be elected from among the Members of the Board.

Election of Chair and Vice Chair

5. (1) The Chief Administrative Officer shall call for nominations for Chair and conduct a vote by secret ballot in which the person receiving a majority vote of those Members present shall be elected Chair. Each Member shall have only one vote. If only one candidate is nominated for an office, that candidate shall be declared elected by acclamation. The call for nominations for the office of Vice Chair shall be called by the Chair.
- (2) Nominations do not need to be seconded and a candidate must consent to the nomination.
- (3) If a candidate is not present at the meeting, his or her written consent to the nomination must be provided to the Corporate Officer at the meeting.
- (4) At the close of nominations, if more than one candidate has been nominated, each candidate will be given a maximum of four (4) minutes to address the Board in favour of his/her candidacy in the order of his/her nomination. If a candidate is not present at the meeting, he or she may have their nominator deliver a prepared speech on his or her behalf not to exceed three minutes in duration.
- (5) At the conclusion of the candidates' speeches, the Corporate Officer and Deputy Corporate Officer or designate will circulate a ballot box in which the completed ballots will be placed. When all of the ballots have been collected the Corporate Officer will remove the ballot box to a separate room and the ballots will be counted in accordance with subsection (6).
- (6) The counting of the ballots will be conducted by the Corporate Officer together with the Deputy Corporate Officer or designate. Either the CRD's legal counsel or a judicial justice appointed under the *Provincial Court Act* will be present to observe the counting of the ballots.
- (7) Following the counting of the ballots, the Corporate Officer shall advise the Chief Administrative Officer of the candidate that has received a majority of the votes.
- (8) The number of votes received by each candidate will not be disclosed to the Board unless

a resolution requiring disclosure is passed.

- (9) In the event that there are more than two candidates for the election of Chair or Vice Chair and if no person receives a majority of the votes of those Members present, the candidate receiving the least number of votes shall be eliminated and subsequent ballots shall be taken until one candidate receives the majority of votes of those Members present; unless there is a tie between the two candidates with the least votes of those Members present, in which case, subsequent ballots shall be taken until one candidate receives the least number of votes of those Members present and is eliminated. If the tie for the least number of votes of those Members present continues after three elections have been held, the candidate who shall be eliminated will be decided by a lot between the candidates as outlined in section 5(3). The voting on subsequent ballots will then proceed without the eliminated candidate until one candidate receives the majority of votes of those Members present.
- (10) In the event of a tie vote for the most votes of two (2) or more candidates, the candidates who are tied remain in the election. If a definitive election result cannot be declared after three (3) elections have been held, then the majority vote shall be deemed to be determined by a lot between the candidates as follows:
 - (a) the names of the candidates shall be written on separate pieces of paper and placed in a container;
 - (b) the Corporate Officer shall be asked to withdraw one paper; and
 - (c) the candidate whose name is on the withdrawn paper shall be declared elected.
- (11) Once a candidate has been declared elected, the ballots shall be destroyed by way of a Board resolution.
- (12) Following the election of the Chair, the CRD Board shall elect one of its Members to be Vice Chair. The procedure for determining the Member to be elected Vice Chair shall be as set out in sections 5(1) to (11) for electing the Chair of the Board.

(Bylaw No. 4044)

Meetings and Adjournment

- 6. Regular meetings shall be held at the CRD Board Room, 625 Fisgard Street, Victoria, BC on the second Wednesday of the month commencing at 1:00 pm unless otherwise determined by resolution of the Board.

(Bylaw No. 4262)

- 6.1 Regular and special meetings shall be adjourned no later than three (3) hours from the scheduled start time of the meeting unless the Board resolves to proceed beyond that time by an affirmative vote of the majority of the members present.

(Bylaw No. 3951)

Quorum

- 7. (1) The quorum for a meeting of the Board shall be a majority of all the Members.

- (2) At the appointed time for commencement of the meeting, the Chair or, in his/her absence, the Vice Chair, shall ascertain that a quorum is present before proceeding to the business of the meeting. If neither the Chair nor the Vice Chair is present within fifteen (15) minutes after the time appointed for a meeting, the Corporate Officer shall call the Members to order, ascertain that a quorum is present and, if so, the Board shall appoint an Acting Chair who shall preside during the meeting or until the arrival of the Chair or Vice Chair. Such person appointed as Acting Chair shall have all the powers and be subject to the same rules as the Chair.
- (3) If a quorum has not been made within sixteen (16) minutes after the appointed time, the Corporate Officer shall record the names of the Members then present and the Board shall stand adjourned until the next meeting date or until another meeting shall have been called in accordance with this bylaw or to such time as the Chair shall appoint.

Notice of Regular Meetings

8. At least seventy-two (72) hours before a regular meeting of the Board, the Corporate Officer must give public notice of the time, place and date of the meeting by way of a notice and agenda posted at the Public Notice Posting Place.

Notice of Special Meetings

9. (1) Except where notice of a special meeting is waived by a unanimous vote of all Members under section 220(3) of the *Local Government Act*, before a special meeting of the Board, the Corporate Officer shall:
 - (a) at least twenty-four (24) hours in advance, give notice of the general purpose, time, place and date of the meeting by way of a notice posted at the Public Notice Posting Place; and
 - (b) at least five (5) days before the date of the meeting, mail to each Member the notice of the general purpose, time, place and date of the meeting.

(Bylaw No. 4262)
 - (2) Despite section 9(1), in the case of an emergency, notice of a special meeting may be given in accordance with section 220(4) of the *Local Government Act*.
- (Bylaw No. 4262)*

Notice of Committee Meetings

10. (1) At least seventy-two (72) hours before a regular meeting of a committee or COW, excluding a commission, public notice must be given of the time, place and date of the meeting by way of a notice posted at the Public Notice Posting Place.
- (2) At least twenty-four (24) hours before a special meeting of a committee or COW, excluding a commission, public notice must be given of the time, place and date of the meeting by way of a notice posted at the Public Notice Posting Place.

Notice of Commission Meetings

11. (1) At least seventy-two (72) hours before a regular meeting of a commission, public notice must be given of the time, place and date of the meeting by way of a notice posted in a consistent public location in the area served by the commission.
- (2) At least twenty-four (24) hours before a special meeting of a commission, public notice must be given of the time, place and date of the meeting by way of a notice posted in a consistent public location in the area served by the commission.

Agenda

12. (1) The Corporate Officer, under the direction of the Chair, shall prepare an agenda and shall circulate a copy of the agenda to each Member at least four (4) days before the meeting. If necessary, a supplementary agenda for a meeting of the Board will be circulated at least 24 hours before the meeting. At any meeting other than a special meeting, the Chair may add items of an emergent or time sensitive nature to the agenda.
(Bylaw No. 4262)
- (2) At a meeting, a Member may, at the time adoption of the agenda is being considered, propose to place an additional item of an emergent or time sensitive nature on the agenda. The item must be added to the agenda only if the resolution is adopted by at least two thirds of the votes cast.

PART 3 – BOARD PROCEEDINGS

Delegations

13. (1) The Board may allow a delegation to address the meeting in person on the subject of an agenda item, provided written application on a prescribed form has been received by the Corporate Officer no later than 4:30 pm two (2) calendar days prior to the meeting. Each address shall be limited to three (3) minutes unless a longer period is agreed to by 2/3 vote of those Members present. The order of speakers will be based on the order in which the request was received.
 - (a) As an alternative to addressing a meeting as a delegation, a person may submit their comments in writing to the Corporate Officer for circulation to Members in advance of the next meeting.

(Bylaw No. 4479)

~~The Board may, by resolution, allow a delegation to address the meeting in person on the subject of an agenda item, provided written application on a prescribed form has been received by the Corporate Officer no later than 4:30 pm two (2) calendar days prior to the meeting. Each address shall be limited to four (4) minutes unless a longer period is agreed to by 2/3 vote of those Members present. The order of speakers will be based on the order in which the request was received. The Corporate Officer may determine the number of copies of any written submissions to be provided by each delegation to~~

~~the Board. Each delegation shall provide the number of copies as determined by the Corporate Officer, for distribution at the time of the delegation's appearance.~~

~~(a) As an alternative to addressing a meeting as a delegation, a person may submit their comments in writing to the Corporate Officer for circulation to Members in advance of the next meeting.~~

~~(Bylaw No. 3951)~~

- (2) Where written application has not been received as prescribed in section 13(1), an individual or delegation may address the meeting if approved by a unanimous vote of the Members present.
- (3) ~~Any Electronic Presentations used as part of a delegation's address to the Board will count toward the time limit permitted for the delegation. Electronic Presentations must be received by the Corporate Officer no later than 12:00 pm one (1) calendar day prior to the meeting.~~

~~(Bylaw No. 4479)~~

~~Any video presentations used as part of a delegation's address to the Board will count toward the time limit permitted for the delegation.~~

- (4) If a delegation has registered to address a meeting but is no longer able to attend the meeting, a different delegation will not be permitted to address the meeting in substitution.
- (5) The Board shall not permit a delegation to address a meeting of the Board regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a prerequisite to the adoption of the bylaw.
- (6) The Board shall not permit a delegation to address a meeting of the Board regarding a matter to be dealt with as a grievance under a collective agreement, or that is within the exclusive mandate of the Greater Victoria Labour Relations Association Board.
- (7) The subject matter upon which a delegation wishes to speak must:
 - (a) be within the jurisdiction of the Board; and
 - (b) be within the terms of reference of the Committee or Commission for which the delegation wishes to appear.
- (8) The Chair may deny any delegation the right to address a meeting if, in the Chair's opinion, the spokesperson or any Member of the delegation:
 - (a) immoderately raises his or her voice, or uses profane, vulgar or offensive language, gestures or signs; or
 - (b) addresses issues not contained within the written application of the individual or delegation.

Presentations

14. (1) The CRD may, with the Chair's approval, invite a person, persons, or organization(s) to make a presentation to the Board. Time permitting, the Corporate Officer shall include the subject of the presentation and the designated speaker on the meeting agenda.
- (2) With the Chair's approval, the Corporate Officer shall include a request to speak by a presenter on the meeting agenda.
- (3) All presentations shall be limited to 10 minutes unless a longer period is approved by a majority vote of those Members present.

(Bylaw No. 4024)

Order of Proceedings and Business

15. (1) The order of business at all regular meetings shall be as follows:
1. Territorial Acknowledgement
 2. Approval of Agenda
 3. Adoption of Minutes of Previous Meeting
 4. Report of the Chair
 5. Presentations/Delegations
 6. Consent Agenda
 7. Administration Reports
 8. Reports of Committees (not included in the Consent Agenda)
 9. Correspondence
 10. Bylaws and Resolutions
 11. Motions for Which Notice Has Been Given
 12. New Business
 13. Motion to close the meeting in accordance with the applicable provisions of the *Community Charter*
 14. Adjournment

(Bylaw No. 4262, 4312)

- (2) The order of business at all special meetings shall be as follows:
1. Territorial Acknowledgement
 2. Approval of Agenda
 3. Presentations/Delegations
 4. Special Meeting Matters
 5. Motion to close meeting in accordance with the applicable provisions of the *Community Charter*
 6. Adjournment

(Bylaw No. 4312)

- (3) The order of business at all closed meetings whether regular or special shall be as follows:

1. Approval of Agenda
 2. Approval of Minutes of Previous Closed Meeting
 3. Closed Meeting Matters
 4. Rise and Report
 5. Adjournment
- (4) A change to the prescribed order of business other than a special meeting may be ordered by the Chair or moved by a Member, with unanimous consent.
- (5) The Consent Agenda portion of the agenda shall consist of staff or committee report items that contain clear take action, give approval, or receive for information recommendations.
- (6) **Members may adopt in one motion all recommendations appearing on the Consent Agenda by a unanimous vote.**
- (Bylaw No. 4479)*
- ~~Members may vote on and adopt in one motion all recommendations appearing on the Consent Agenda that are subject to the same voting rule.~~
- (7) At approval of the Consent Agenda, a Member may for the purpose of:
- (a) debate or discussion;
 - (b) voting in opposition to a recommendation on the consent agenda or to propose an amendment to the motion; or
 - (c) declaring a conflict of interest with respect to an item on the consent agenda;
- request that an item be removed from the consent agenda, without debate or vote of the Members.

(Bylaw No. 4262)

Minutes

16. (1) Minutes of all proceedings of the Board shall be kept by the Corporate Officer; such minutes to be concise and to detail proceedings of the Board. The minutes shall be legibly recorded, certified as correct by the Corporate Officer, and signed by the Chair, Vice Chair, or the person presiding at such meeting or at the next meeting at which they are adopted.
- (2) Minutes of proceedings of standing and select committees, and commissions shall be legibly recorded and signed by the Chair, or Member presiding.
- (3) Subject to section 16(4), and in accordance with sections 97(1)(b) and (c) of the *Community Charter*, minutes of the proceedings of the Board or of a body referred to in section 17(2) must be open for public inspection at the CRD Offices, Legislative Services, during their regular office hours and may be posted to the CRD website.
- (4) Section 16(3) does not apply to minutes of a Board meeting or a meeting of a body referred to in section 17(2) for that part of the meeting from which persons were excluded under section 90 of the *Community Charter*.

Correspondence

- 16.1 (1) Following consultation with the Chair or other person who is to preside at the applicable meeting, the Corporate Officer may place correspondence from another government or government agency that requests an action from the Board, on the agenda of the next convenient Board meeting, or on an agenda of the meeting of a committee or commission whose mandate or terms of reference includes the requested action, together with any report from Regional District staff that the Chair or the Chief Administrative Officer consider advisable.
- (2) Any other correspondence to the Board not accounted for in section 16.1(1), including but not limited to written comments received pursuant to section 13(a), may be placed on the meeting agenda at the request of the Chair or such other person who is to preside at the meeting where the correspondence is to be considered, or by way of Notice of Motion made in accordance with section 22(6). (Bylaw No. 3951)

Attendance of Public at Meetings

17. (1) Except where the provisions of section 90 of the *Community Charter* apply, all Board meetings must be open to the public. Before a meeting or part of a meeting is closed to the public, the Board must pass a resolution in the public meeting in accordance with section 92 of the *Community Charter*.
- (2) The requirement in section 17(1) applies to meetings of bodies referred to in section 93 of the *Community Charter* including, without limitation:
- (a) Advisory Commissions
 - (b) Advisory Committees
 - (c) a Commission established under s. 263(1)(g) of the *Local Government Act*
 - (d) Board of Variance
 - (e) Parcel Tax Review Panel
 - (f) Select Committees
 - (g) Standing Committees
 - (h) Committee of the Whole
 - (i) a body that under the *Local Government Act* or another *Act* may exercise the powers of the CRD or its Board
- (Bylaw No. 4262)
- (3) Despite section 17(1), the Chair may expel or exclude a person from a Board meeting or meeting of a body listed in section 17(2) of this Bylaw in accordance with section 133 of the *Community Charter*.

Closed Meetings

- 18 (1) No Member shall disclose to the public the proceedings of a closed meeting, unless a resolution has been passed at the closed meeting to allow disclosure.
- (2) As soon as practicable, the Corporate Officer shall review and determine whether to seek a resolution of the Board for the release of closed minutes and related information that

would no longer undermine the reason for discussing it in a closed meeting.

- (3) Minutes of a closed meeting shall be kept in the same manner as a regular meeting but shall not be filed with the minutes of regular meetings.
- (4) The Board must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

Use of Video Recording Devices

- 19. (1) The Chair shall preserve order and decorum at a meeting and at his/her discretion may require that any video recording devices be placed in a designated location while being used and remain in that location during the course of the meeting. This applies to the Chairs of Board, Committee, Commission and COW meetings.

Chair and Presiding Officers

- 20. (1) The Chair, if present, shall preside at meetings of the Board. Any Member of the Board may preside at a COW.
- (2) The Vice Chair shall preside in the absence of the Chair or when the Chair vacates the chair.
- (3) In the event that neither the Chair nor the Vice Chair is able to take the chair, the presiding officer shall be such person, as the Board may choose.
- (4) The Chair shall preserve order and decorum and shall rule on all points of order, stating his/her reasons and the authority for ruling when making a ruling. The ruling of the Chair shall be subject to an appeal to the Board without debate.
- (5) (a) If an appeal be taken from the decision of the Chair, the question "Shall the Chair be sustained?" shall be put forthwith and decided without debate by a simple majority of the Members present (exclusive of the Chair) and in the event of the votes being equal, the question shall pass in the affirmative. The names of the Members of the Board voting for or against the question shall be recorded in the minutes.
- (b) If the Chair refuses to put the question "Shall the Chair be sustained?", the Board shall forthwith appoint the Vice Chair or, in his/her absence, one of the Members, to preside temporarily in lieu of the Chair. The Vice Chair, or Member so appointed, shall proceed in accordance with paragraph 20(5)(a).
- (6) The Chair shall vote at the same time as the other Members of the Board.

Rules of Order

- 21. (1) The Chair's ruling on a point of order shall be based on rules of order as stated in section 2 herein.
- (2) All questions shall be decided by a vote on motion.

- (3) The Chair shall have the discretion to call the question on completion of debate and the Chair shall then advise that the debate is closed. Following closure of debate no Member shall speak further to the question.

Motions

- 22. (1) Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result.
- (2) The Chair may divide a motion containing more than one subject if the Chair feels this would produce a fairer or clearer result and the same shall be voted on in the form in which it is divided.
- (3) A motion to adjourn the meeting or to adjourn the debate shall always be in order.
- (4) An amendment to a motion does not require notice. Only one amendment to an amendment shall be allowed at one time and the same shall be dealt with before the amendment is decided. Amendments must be strictly relevant to the main motion and not alter in a material way or be contrary to the principle embodied in the main motion.
- (5) Any Member desiring to bring before the Board any new matter, other than a point of order or privilege, shall do so by way of motion; provided, however, that any new matter of major import, which may require further information than could or would normally be available to the Board at such meeting, may be referred to a Board Standing Committee agenda by the Chair, or may be ruled by the Chair as a notice of motion and shall be dealt with as provided by section 22(6).
- (6) Any Member may give notice of a motion to the Board by providing the Corporate Officer with a written copy of much motion before or during a meeting, and the Corporate Officer shall, upon the Member being acknowledged by the Chair and the notice of motion being read to the meeting, include it in the minutes of that meeting as a notice of motion and shall add the motion the agenda of the next regular Board meeting, or to the agenda of a special Board meeting scheduled for that purpose.
- (7) Notwithstanding section 12(2), a motion under section 22(6) shall only be decided at its meeting of introduction if all of the following are met:
 - (a) the motion's subject matter falls into one or more of the following classes:
 - (i) those items with an urgent deadline;
 - (ii) those items of minor organization impact (e.g. simple advocacy or letters of support); or
 - (iii) those items supporting the position of member local governments;
 - (b) the Members present vote with a two-thirds majority to consider it.

(Bylaw 4313)

Reconsideration of an Adopted Bylaw, Resolution or Proceeding

23. (1) The Chair may require a matter to be reconsidered in accordance with Section 217 of the *Local Government Act* and if it has not been acted on by an officer, servant or agent of the Board.
- (Bylaw No. 4262)*
- (2) The Chair may state his/her reasons to the Board. The Corporate Officer shall record in the Minute Book the reasons, suggestions or amendments of the Chair.
- (3) The Board shall, as soon as convenient, consider the reasons and either reaffirm or reject the bylaw, resolution or proceeding, and if rejected, it is deemed repealed and is of no force or effect.
- (4) The rejected bylaw, resolution or proceeding shall not be reintroduced to the Board for six (6) months, except with the unanimous consent of the Board.
- (5) The conditions which apply to the passage of the original bylaw, resolution or proceeding apply to its rejection.

Debate and Conduct

- 24 (1) Debate shall be strictly relevant to the question before the meeting and the Chair shall warn speakers who violate this rule.
- (2) No Member shall speak until recognized by the Chair.
- (3) Every Member desiring to speak shall address himself to the Chair. No Member shall interrupt a person speaking except to raise a point of order.
- (4) A matter of privilege (a matter dealing with the rights or interests of the Board as a whole or of a Member personally) may be raised at any time and shall be dealt with forthwith before resumption of business.
- (5) Members speaking at a Board meeting:
- (a) must use respectful language;
 - (b) must not use offensive gestures or signs;
 - (c) must speak only in connection with the matter being debated; and
 - (d) must adhere to the rules of procedure established under this Bylaw and to the decisions of the Chair and the Board in connection with the rules and points of order.
- (6) If a Member does not adhere to section 24(5) or the Chair considers the Member to be acting improperly, the Chair may order the Member to leave the Member's seat.
- (7) A Member may speak to a question, or speak in reply, for no longer than fifteen (15) minutes unless the majority of the votes of the Board support a time extension.

- (8) A Member may speak more than once in connection with the same question only if:
 - (a) every other Member has spoken, or has had the opportunity to speak; and
 - (b) if the Member has already spoken for fifteen (15) minutes, the Member who wishes to speak a second time may request to do so by making a motion that must be approved by at least two-thirds of the votes cast by the Board.
- (9)
 - (a) a Member may not speak for longer than a total time of fifteen (15) minutes unless the Member has done so in accordance with sections 24(7) and (8); and
 - (b) a Member speaking for a second time under section 24(8) shall speak for a maximum of five (5) minutes only.
- (10) The conflict of interest guidelines (*disclosure of conflict and restrictions on participation*) shall be in accordance with section 100 of the *Community Charter*.

Voting

- 25. (1) Voting rules will be in accordance with the *Local Government Act*.
- (2) On any question where the numbers of votes, including the vote of the person presiding, are equal, the question is defeated.
- (3) Where a Member who is present when a vote is taken abstains from voting, that Member shall be deemed to have voted in the affirmative.
- (4) Whenever a vote of the Board is taken, after the vote is taken the Chair must then state the names of those Members voting in the negative, and the Corporate Officer must enter those names in the minutes.

PART 4 – COMMITTEES AND COMMISSIONS

Board Standing Committees

- 26. (1) The Chair may establish a Board Standing Committee as a regular permanent committee whose mandate will be in relation to a CRD service or potential service.
- (2) The Chair shall appoint only Board Members to a Board Standing Committee with the following exceptions:
 - (a) Unless the authorizing legislation or Letters Patent for the Board Standing Committee defines its membership; and
 - (b) Where a Board Standing Committee Terms of Reference allow a First Nation Member to participate.

(Bylaw No. 4368)

- (3) The general duties of Board Standing Committees shall be as follows:

- (a) To consider and report to the Board from time to time or whenever desired by the Board and as often as the interest of the CRD may require, on all matters referred to them by the Chair of the Board, or coming within their purview, and to recommend such action by the Board in relation thereto as they, the Committee, deem necessary or expedient.
- (b) To carry out the instructions of the Board expressed by resolution in regard to any matter referred by the Board to any Committee for immediate action thereon, but in such cases the instruction of the Board shall be specific and the Committee shall report its action in detail at the next regular or other meeting of the Board thereafter as specified in the instructions of the Board Advisory Committees.

Advisory Committees

- 27. (1) The Board, or Board Standing Committees, may establish an Advisory Committee to provide advice and recommendations to the Board, or to a Board Standing Committee, on matters determined to be within approved terms of reference or within a specific resolution of the Board.
- (2) Members of an Advisory Committee shall be appointed by the Board, a Board Standing Committee, or the appointments may be delegated by the Board to the Chair.
- (3) Persons who are not Members may be appointed to an Advisory Committee but each Advisory Committee should include at least one (1) Member of the Board.
- (4) The term of any person who is appointed to an Advisory Committee who is not a Member of the Board shall not exceed three (3) years.

Select Committees

- 28. (1) The Board may establish a Select Committee to consider or inquire into any matter dealing with a specific subject or issue referred to it by the Board and report its findings, opinions and recommendations to the Board, following its consideration and inquiry. Select Committees must have terms of reference approved by the Board.
- (2) The Select Committee will cease to exist once it has reported its findings, opinions and recommendations to the Board.
- (3) The Board may delegate to the Chair the establishment of a Select Committee and the appointment of its Members.

Commissions

- 29. (1) The Board may establish a Commission regarding a CRD service within the authorities delegated to it and as mandated by the Board by bylaw.

Electronic Participation at Commission Meetings

- 29.1 (1) A member of a Commission may participate in a regular or special meeting by means of electronic or other communication facilities that:

- (a) enable the meeting's participants to hear, or watch and hear, each other;
 - (b) except for a meeting that is closed to the public, enable the public to hear, or watch and hear, the member participating by electronic or other communication facilities.
- (2) The person presiding at the Commission meeting must not participate electronically.
- (3) A person participating in a Commission meeting electronically is deemed to be present at the meeting as though they were physically present.
- (4) The recording secretary shall record in the minutes the persons present including those participating electronically.
- (5) Subject to section 29.1(9), no more than one person at one time may participate electronically.
(Bylaw No. 4206)
- (6) The person wishing to participate in a Commission meeting electronically must advise the Corporate Officer at least 24 hours in advance of the meeting;
- (7) Subject to section 29.1(9), if more than one person wishes to participate electronically at a Commission meeting, the Corporate Officer will by lot choose the person who is entitled to participate electronically.
(Bylaw Nos. 4206, 4262)
- (8) Electronic participation will only be permitted where existing technical facilities at the location of the Commission meeting accommodate electronic participation.
(Bylaw No. 3951)
- (9) Sections 29.1(5) and 29.1(7) do not apply to meetings of a Commission that operates a service that includes the entire Southern Gulf Islands Electoral Area as the service area.
(Bylaw No. 4206)

Electronic Participation in case of Emergency or Special Circumstance

- 29.2 (1) In an emergency, special circumstance, or public health event that prevents or restricts members from being able to physically meet in one location, members or persons appointed by the Board may participate in a meeting by means of electronic or other communication facilities that:
- (a) enable the meeting's participants to hear, or watch and hear, each other; and,
 - (b) except for a meeting that is closed to the public, enable the public to hear, or watch and hear, the member(s) and person(s) participating by electronic or other communication facilities.
 - (2) Meetings called under subsection (1) will be at the call of the Board Chair.

- (3) Special meetings called under subsection (1) will be in accordance with section 9 of this bylaw and will comply with the requirements set out in subsection 2(2)(d) of the *Regional District Electronic Meetings Regulations*, B.C. Reg. 118/2018.

(Bylaw No. 4353)

Attendance at Committee Meetings

30. Members of the Board who are not Members of a Committee may attend meetings of that Committee and may take part in any discussion or debate by permission of a majority of the Committee Members present but may not vote.

Committee Reports

31. A Standing or Select Committee of the Board may report to the Board at any regular meeting or shall report as required by the Board.

Quorum

32. The quorum in a Standing or Select Committee shall be the majority of the Persons appointed to the Committee, but shall not include First Nation Members.

(Bylaw No. 4368)

Voting at Meetings

33. (1) On a vote in a Committee each person shall have only one (1) vote.
- (2) (a) The Chair shall be a Member of all Committees and entitled to vote on all matters.
- (b) Despite section 33(2)(a) the Chair, when in attendance, may be counted as one Member for the purpose of constituting a quorum.
- (c) First Nation Members are permitted to abstain from voting on an item, provided that they declare their abstention prior to the vote being called on the item.
- (d) When an abstention from voting on an item is declared by a First Nation Member, it shall be noted in the meeting minutes and the total number of votes on the item shall not include those First Nation Members who have abstained from voting.

(Bylaw No. 4368)

(Bylaw No. 4368)

Operation

34. No Committee or Commission will operate outside of its expressed mandate or terms of reference without prior approval of the Board.

PART 5 – COMMITTEE OF THE WHOLE

Procedures for COW Meetings

35. (1) The Board may resolve to sit as a COW at any time.
- (2) The Chair may appoint another Member to preside over the COW who shall maintain order therein and report the proceedings thereof to the Board.
- (3) The rules of the Board shall be observed in COW as far as may be applicable. Motions shall be seconded and the names of Members shall not be recorded in case of a division. Divisions in COW shall be decided by a show of hands. A motion in COW to rise without reporting, or that the Chair of the Committee do leave the Chair, shall always be in order and shall take precedence over any other motion. A motion to rise without reporting, if affirmed shall be considered as disposing of the matter before the Committee in the negative.
- (4) When all matters referred to the COW have been considered, a motion to rise and report shall be adopted. The Committee may report progress and ask leave to sit again if the matter before it has not been disposed of. On the Committee rising, the Chair shall report to the Board and an adoption of the report shall be moved.
- (5) Discussion in COW shall be strictly relevant to the item or clause under consideration.
- (6) First Nation Members may attend COW when invited in advance by the Board Chair.

(Bylaw No. 4368)

PART 6 – BYLAWS

36. (1) Bylaws shall be passed by the following stages:
- (a) Introduction and first reading shall be decided by the motion "that Bylaw No. ____ be introduced and read a first time". The question shall be decided without amendment or debate.
- (b) Second Reading - Debate on second reading shall be limited to the general principle of the bylaw.
- (c) Third Reading - A bylaw may be amended at third reading and passed upon the motion "that Bylaw No. ____ (as amended or as presented) be read a third time".
- (d) Despite sections 36(1)(a), (b) and (c) every proposed bylaw may be introduced and given first, second, and third readings at the same meeting by one motion for all three readings.
- (e) Adoption - Not less than one clear day after third reading, the bylaw shall be adopted upon the motion "that Bylaw No. ____ be adopted", unless the Board adopts the bylaw in accordance with subsection (2) and section 228 of the *Local Government Act*.

(Bylaw No. 4262)

- (2) A bylaw that does not require approval, consent or assent under the *Local Government Act* or any other Act before it is adopted may be adopted at the same meeting at which it passes third reading, so long as the motion for adoption receives at least two thirds of the votes cast.
- (3) A copy of every bylaw shall be endorsed by the Corporate Officer with a record of the stages through which it has proceeded and shall be kept among the records of the Board. A copy of every adopted bylaw signed, sealed and where necessary bearing evidence of registration by the Inspector of Municipalities shall be kept with the records of the Board.

PART 7 – RESOLUTIONS

37. A resolution may be introduced at a Board meeting only if a written copy is given to each Member before consideration unless the Board waives this requirement.

PART 8 – GENERAL

38. The rules of the Board shall be observed in proceedings of the Capital Regional Hospital District Board, and Standing and Select Committees of the Board as far as may be applicable.
39. The provisions of sections 22 and 24 of this bylaw that apply to Members shall apply to First Nation Members. *(Bylaw No. 4368)*
40. The following bylaw is repealed: Bylaw No. 3708, "Capital Regional District Board Procedures Bylaw, 2010", and any amendments thereto.
41. This Bylaw may be cited as "Capital Regional District Board Procedures Bylaw, 2012".

READ A FIRST TIME THIS	19 th	day of	September,	2018
READ A SECOND TIME THIS	19 th	day of	September,	2018
READ A THIRD TIME THIS	19 th	day of	September,	2018
ADOPTED THIS	10 th	day of	October,	2018

[Original signed by] _____
CHAIR

[Original signed by] _____
CORPORATE OFFICER



CAPITAL REGIONAL DISTRICT

CORPORATE PROCEDURE

Section	Board	
Subsection	Policies, Procedures, Manuals	(policy #)
Title	BOARD AND COMMITTEE DELEGATION PROCEDURES – ELECTRONIC PRESENTATIONS	

PROCEDURE:

To outline the procedures for Board and Committee delegations wishing to use an electronic presentation as part of their delegation.

PURPOSE:

To apply stricter controls and requirements to the uploading of electronic presentations on CRD equipment to mitigate tampering of files and the introduction of viruses onto CRD equipment.

RESPONSIBILITIES:

Legislative Services is responsible for the control, coordination, implementation and modification of the policy after it has been approved by the ELT.

SCOPE:

The policy applies to all delegations who register to address the CRD Board and its standing committees and commissions.

DEFINITIONS:

“Delegation” means an individual or an organization addressing the Board, a committee or commission oabo ut a specific item on the agenda of a meeting.

“Electronic presentation” means a video, PowerPoint presentation, YouTube clip or any other type of visual media used in conjunction with a delegation presentation.

PROCEDURE:

1. All delegations wishing to use an electronic presentation in conjunction with their delegation must provide a copy to Legislative Services 24 hours in advance of the meeting.
2. Legislative Services will forward a copy of the presentation to IT for review and scan of any viruses or inappropriate material.
3. IT will upload a copy of the presentation onto the laptop prior to the meeting.
4. IT will set up the laptop in the Boardroom ½ hour prior to the start of any Board or committee meeting and will remain in attendance to assist delegations with electronic presentations.

5. Delegations will not be permitted to upload any electronic presentations without the assistance of CRD staff.
6. Legislative Services will ensure a copy of the presentation has been retained for record keeping purposes prior to the item being deleted from the laptop.

Approval Date:	October 10, 2013	Approved By:	ELT
1. Amendment Date:		Approved By:	
2. Amendment Date:		Approved By:	
3. Amendment Date:		Approved By:	
Next Review Date:		Reviewed By:	
Supersedes:			

Related Policy, Procedure or Guideline: CRD Board Procedures Bylaw

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 02, 2022**

SUBJECT **Bylaw No. 4453, “Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022”**

ISSUE SUMMARY

To present a bylaw to continue the Victoria Family Court and Youth Justice Committee as a delegated commission.

BACKGROUND

In 2019, the Board directed staff to work collaboratively with the Victoria Family Court and Youth Justice Committee (the “Committee”) on a review of the Committee’s mandate, governance, finances and communications. In November 2020, the CRD Board received the review. It directed staff provide it to all service participants, report on restructuring options, and consult further.

On January 21, 2021, service participants were provided with the report and informed of upcoming consultations. On January 27 and February 3, 2021, CRD engaged with the Committee on recommendations and potential governance and structure options. Based on feedback, on February 26, 2021, CRD staff provided a list of mandatory and recommended changes to the Committee’s governance and structure. Staff requested the Committee indicate by motion interest in implementing change.

The Committee did this on April 21, 2021. It formed its own working groups to make further recommendations. On June 2, 2021, the Board directed staff draft a delegated commission bylaw and provide it to the Committee for feedback. Also in June, Committee Chair Cynthia Day wrote to the Provincial Attorney General asking whether there were objections to CRD undertaking a delegated bylaw for the Committee.

On August 23, 2021, CRD staff provided a draft bylaw and a reporting letter to the Committee (Appendix “A”), which on September 22, 2021, the Committee referred to its working groups. It also adopted its working group recommendations made over the summer months.

In October, the Committee received a response from Ministry of Attorney General Acting Assistant Deputy Minister Paul Craven (Appendix “B”) confirming that the Ministry did not have any comment on the changes to the governance structure of the Committee, provided it complies with the provisions of the *PCA* and *YCJA*. He referred the Committee to guidance on regional district committees and delegation and stated the Ministry could not provide legal advice.

On November 17, 2021 the Committee adopted its working groups’ recommendations on the draft bylaw and its review of requirements of CRD’s policies, procedures, and applicable legislation and passed the following resolution:

THAT the Victoria Family Court and Youth Justice Committee adopt the recommendations of the Procedures, Policies, and Community Charter Working Group as outlined in the Working Group’s October 28, 2021 Report to the VFC&YJ Committee, specific to:

1. Formalizing Meetings: Complying with Community Charter, holding meetings that are open to the public and provisions for closed meetings, Steering committee purpose and function, adoption of CRD’s procedure bylaw (with reasonable variations) including guidelines pertaining to minutes, agendas, and meeting and speaking times.

2. Follow existing CRD policies. Members of the VFCYJ committee will follow the Capital Regional District Commission Handbook 2020 and CRD Bylaw 3828, CRD Procedures Bylaw (with reasonable variations) to ensure compliance with privacy, safety, information management, and expenses. Importantly, the VFCYJ committee will comply with all laws regarding the Freedom of Information and Protection of Privacy Act, the corporate policy and procedure regarding a respectful workplace, debate and conduct.

AND THAT, the Chair of the VFCYJ Committee send a letter to the CRD Board and Staff providing the wording of the Committee’s resolution and including a copy of the Work Group’s Report, dated October 28, 2021

It requested CRD provide a written version of an oral opinion that the draft bylaw was consistent with the PCA and YCJA, to address concerns some members had as a result of the A/ADM’s letter. Staff provided written confirmation to the Committee that the proposed bylaw was consistent with the legislation. Attached at Appendix “C” is the Committee’s January 10, 2022 letter confirming the motions cited above and including the notes of the working group.

On January 19, 2022, the Committee at its Annual General Meeting affirmed its September and November adoptions and recommendations, as well as decided to centralize its finances in the CRD after becoming a delegated commission.

Incorporation of Committee’s Feedback

As a result of feedback, some edits have been made to Bylaw No. 4453 (Appendix “D”). These include refining the Committee’s duties in section 20 to match the wording of the PCA; inserting “advocacy”, to clarify it as a Committee function; stating that school districts may appoint individuals other than trustees (consistent with past practice); and clarifying that an annual meeting to elect officers must be held within the first two months of the year, rather than limiting it to a specific week or date.

Other recommendations are not actioned at this time. These include reduction of CRD appointees (which can be used to represent the Juan de Fuca, and to provide voting positions to community organizations, First Nations, and other groups), extended terms for officers (as historically a one year term has been used), creation of a “past Chair” position by bylaw (which is not considered necessary as the Committee may create any officer position by resolution), and other items that may best be dealt with by the Committee moving forward rather than having those items incorporated into a governance bylaw. Should issues arise or further changes become recommended, these can be reviewed at the one year anniversary of the proposed Bylaw No. 4453 and changes can be enacted through an amending bylaw.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4453, “Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022”, be read a first, second, and third time;
2. That Bylaw No. 4453 be adopted.
3. That staff be directed to advise service participants of Bylaw No. 4453.

Alternative 2

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

IMPLICATIONS

Committee’s Actions Post-Review

The Committee has taken steps to resolve identified issues. Its annual report has been shortened; its website operates and contains key documents and background information; its agendas include specific times for resource members to present; it is attempting to limit speaking times, keep speakers on topic, and run orderly meetings; 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. Its priority for 2022 is to work on its strategic plan, refocusing on its mandate as the region’s youth justice and family court advocacy committee.

It continues to struggle with administration and procedure. It will benefit with guidance in agendas, minutes, attendance, working with and documenting motions, and running online meetings. Support from CRD’s Corporate Services and other staff will likely resolve these issues in time.

Staffing & Financial Implications

No additional costs are expected. It is expected that the Committee will continue to implement changes to meeting procedures and practices and will work with its officers and CRD staff over the next year. Legislative and Legal Services are expected to have additional regular staff in 2022 who may absorb any additional workload. Corporate Services and the Finance department will assist in implementing supports. Legal Services will draft a sponsorship agreement for the Committee’s grants program, assist with any modifications to the Constitution and Terms of Reference if required; and on an ongoing basis, be the point of contact for invoices for the Committee and inquiries.

On becoming a delegated commission, the Committee has resolved to transfer its funds to CRD’s Finance department, to be held for the service. Invoices and receipts will be forwarded to Legal Services for review and Finance for payment in accordance with purchasing policies.

Impact on Appointments and Recruitment

CRD’s Corporate Services department will send a letter every two years to service participants reminding them of the need to appoint qualified individuals to the Committee and conduct recruitment for CRD positions. The CRD would also follow up on non-attendance.

Impact on the Committee’s Constitution and Terms of Reference

While the Committee’s Constitution and Terms of Reference are not necessary under the new governance structure, given it has operated with these generally since inception, these documents can be retained if made consistent with the commission bylaw.

Impact on Capital Region Action Team for Sexually Exploited Youth

The Capital Region Action Team for Sexually Exploited Youth (CRAT) is an unincorporated association run by a CRD-appointee to the Committee. Its funds are held by Oak Bay, and it runs programming in schools, presently on hold during the COVID-19 pandemic. It continues to receive about \$1,500 per year from the service. Under the delegated commission bylaw, the decision for how much funding CRAT receives would be made by the Committee as part of its delegated authority to select “board approved committees” for youth and family micro-grants.

CONCLUSION

Staff have prepared a delegated commission bylaw, based on best practices and incorporating certain Committee feedback. This structure is compliant with the legislated status of the committee. Going forward, staff will provide ad hoc assistance to the Committee to help its meeting processes and educate members on policies and procedures.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4453, “Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022”, be read a first, second, and third time.
2. That Bylaw No. 4453 be adopted.
3. That staff be directed to advise service participants of Bylaw No. 4453.

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

ATTACHMENTS

Appendix A: Correspondence with VFC&YJC and its recommendations

Appendix B: October 2021 Letter to VFC&YJC from A/ADM Paul Craven

Appendix C: January 10, 2022 Letter from C. Day enclosing adopted motions and AGM-adopted resolution from Finance Working Group

Appendix D: Redlined Draft Bylaw No. 4453, showing modifications

Appendix E: Bylaw No. 4453, “Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022”

Appendix “A”

Victoria Family Court and Youth Justice Committee

Correspondence from Committee

Tab	Page	Date	Item
1	2	August 27, 2021	CRD Reporting Letter and Draft Bylaw No. 4453
2	21	October 20, 2021	Letter from C. Day containing minutes and attaching Committee-adopted recommendations from Succession and Priorities-Grants working groups (adopted September 22, 2021)
3	48	November 17, 2021 (as amended)	Committee-adopted Joint-working group recommendations on Draft Bylaw No. 4453

Tab	Page	Date	Item
1	2	August 27, 2021	CRD Reporting Letter and Draft Bylaw No. 4453



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August 23, 2021

VIA E-MAIL

Victoria Youth and Family Court Committee
c/o Cynthia Day, Chair
cday@colwood.ca / vfamcourt@gmail.com

Dear Committee Members:

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

Further to the Victoria Family Court and Youth Justice Committee resolution of April 21, 2021, the Capital Regional District's letter of February 26, 2021, and consultations dated January 27, 2021 and February 3, 2021, we enclose a copy of a draft commission bylaw for the Committee's review.

The draft bylaw establishes a delegated commission, which will permit the Committee the broadest administrative delegation to conduct its work with minimal CRD corporate involvement. The proposed short title of the bylaw is the "Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2021".

Bylaw Review

Whereas Clauses

These whereas clauses provide a background on the Committee and its establishing bylaw.

Clauses 1 and 2, Creation and Delegation

These clauses establish the commission is a continuation of the Victoria Family Court and Youth Justice Committee, and delegate all the powers of the regional board under the service establishing bylaw – that is, the funding, participation, and operation of the Committee and the ability to fund youth and family issues – to the commission, acting as a whole in open meeting assembled. These are consistent with the recommendation the delegation to the Committee be clearly spelled out in a bylaw.

Clauses 3 to 10, Composition and Eligibility

These clauses set out that the Committee, as now, has 23 voting members:

- up to seven individuals appointed by the CRD, who may be representatives of the Juan de Fuca Electoral Area, community members, municipal councilors, First Nations representatives, or community members such as service providers or individual concerned residents;
- up to 13 individuals representing municipal participants, with a primary council member and an alternate, who may be a community member;

- up to 3 school district representatives.

The Committee may resolve to have any number of non-voting resource members.

Clauses 11 to 15, Term and Officers

Terms of appointment are set at two years, the same as now. A maximum term limit of six years is set, with reappointment possible after a one year absence. Even in the face of a term limit, in unique circumstances, an appointing agency may reappoint its voting member for an additional term. This is consistent with other CRD appointment bylaws with term limits.

Each year, in February, the Committee may select from its voting members chair, vice-chair, and treasurer. It may create additional officer roles and staff them with voting or non-voting members. This removes the requirement for the CRD to appoint the chair and treasurer, or to ratify the appointments made by the Committee at its annual meeting.

Clauses 16 to 18, Disqualification and Vacancies

These clauses list when termination occurs. Relating to member vacancies, the ability to terminate a member for failing to appear at three consecutive meetings continues. If vacancies are not filled within a reasonable time, this can be reported to CRD or the appointing organization.

Clauses 19 to 24, Commission Objectives and Duties

These clauses set out objectives and duties of the Committee, and are consistent with the recommend that mandate and delegation be set out in a bylaw. The language is based on the *Provincial Court Act* and *Youth Criminal Justice Act* mandate of the Committee, as well as the Committee's own constitution and terms of reference.

Clause 19 details the objectives of the Committee, a series of guiding principles for its work and for new and future committee members to understand the work it is meant to do for the region.

Clause 20 is a reproduction of the *Provincial Court Act* mandate of family court committees, but includes the ability to solicit and consider applications for receipt of grant-funding, something the Committee has been doing for the past 20 years but now clearly has delegated authority to do. It is assumed the Committee, working as a whole, will develop and adjust grant criteria and intake schedules as part of its work, based on its existing materials.

Clause 21 confirms that the Committee may take policy positions, independent of the Capital Regional District, on matters affecting families and youth justice in the region, provided it does so in the name of the "Victoria Family Court and Youth Justice Committee". It may also undertake other activities permitted of such committees if authorized by law.

Clause 22 confirms the Committee may establish advisory groups, who must report back to the Committee on their work; can contract for services (subject to CRD bylaws and policies relating to competitive purchasing); and can perform necessary and incidental administrative tasks (e.g. approving an advertisement or announcement outside a meeting). This is consistent with the recommendation that the Committee's advisory groups report up to the Committee before making final decisions, and that the Committee follow existing policies and procedures rather than create its own.

Clause 23 covers liability to individual commission members should they ever be requested by the Court or another qualified party to act as a referral under the *Provincial Court Act* or *Youth Criminal Justice Act*. It establishes that the Committee will create a body of registered volunteers, by resolution, to undertake the referral or action on behalf of the Court or qualified party. This will ensure that the group of volunteers are insured; acting within their scope of authority for a *Local Government Act* indemnity; are properly constituted of persons who have skills and interest in the referral; and can meet to discharge those statutory duties.

Clause 24 requires any volunteers (which are Committee members acting outside their role as Committee members, as in delivering services or making individual decisions on projects or programs outside meetings to effect the work of the Committee) to be registered with the CRD's Risk and Insurance department. This will ensure insurance coverage applies. It also requires those volunteers working with vulnerable persons or persons under 18 years of age provide a recent criminal record check to CRD.

Clauses 25 to 28, Conduct of Meetings and Quorum

These clauses set quorum at seven members (the historical quorum), confirm the Committee is subject to the CRD Procedures Bylaw, must hold meetings publicly unless in-camera meetings are permitted by law, and may meet by electronic means where other requirements are met. These clauses are based on other similarly sized commissions, and are consistent with the requirement the Committee comply with the *Community Charter* when acting as a body of local government.

Clauses 29 and 30, Conflict of Interest

This section sets out the conflict of interest provisions, largely applicable to elected officials and resource members who may be applying for grant funding for third party organizations they are associated with. It requires them to declare the conflict and step aside, not influencing the vote on a matter.

However, unlike most conflict of interest provisions, this permits non-voting members representing an organization (such as a resource member) or School District representatives, to be invited to present on an application, but such individuals must leave for the debate and not vote on a grant.

Clause 31, Budget

This clause requires the Committee to establish an annual budget by October 1 of each year. Many CRD committees and commissions now establish budgets in late August or early September; however, due to the nature of the Committee's work, an October deadline appears appropriate. This amount is used to set the next fiscal year's requisition.

Clauses 32 and 33, Record Keeping

The Committee shall comply with record keeping requirements at law. For example, it is required to provide agendas in compliance with CRD's Procedures Bylaw prior to each meeting, and provide meeting minutes and records to CRD after each meeting for storage. This is consistent with the mandatory requirement to keep records in a manner required by the *Community Charter* and *Local Government Act*.

Clause 34, Citation

This clause sets out the short title of the bylaw.

Conclusion

While the bylaw is silent on non-mandatory obligations listed in our letter of February 26, 2021 date, these issues will be addressed by active decisions by the Chair and the Committee as a whole as it moves forward with its business.

The writer anticipates discussion of this bylaw at the Committee's meeting in September, and can be available to answer questions at that time. The next CRD Governance Committee is scheduled for October, however, should further time be needed to review, a CRD Governance Committee meeting is also scheduled for December.

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

Best regards,

A handwritten signature in blue ink, appearing to read 'S. Carey', with a stylized flourish extending to the right.

Steven N. Carey, B.Sc, J.D.
Manager, Legal Services
Lawyer and Trademark Agent

*Encl. Draft Bylaw 4453, "Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2021"
CRD Letter of February 26, 2021*

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4453**

**A BYLAW TO CONTINUE THE VICTORIA FAMILY COURT AND
YOUTH JUSTICE COMMITTEE AS A DELEGATED COMMISSION**

WHEREAS:

- A. Under Bylaw No. 2560, *Family Court Committee Extended Service Establishment Bylaw No. 1, 1997*, the Capital Regional District ("CRD") continued a service to operate, participate in and fund a *Provincial Court Act* family court committee created for the capital region, as well as to provide funding to approved youth justice initiative involved third parties;
- B. Since the 1960s, the Victoria Family Court Committee, also known as the Victoria Family Court and Youth Justice Committee, has operated as an advisory body, first as a committee of the City of Victoria then of the Capital Regional District, and continues to operate for the coordination and grant-making benefit for regional youth and family justice initiatives;
- C. The Board wishes to set out clearly the community mandate of the Committee in a commission bylaw and ensure it has legal status and delegated authority to continue its work;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

CREATION OF COMMISSION

1. A commission is hereby established, to be known as the "Victoria Family Court and Youth Justice Committee" (hereinafter the "Committee"), and shall be a continuation of the Victoria Family Court and Youth Justice Committee presently operated in the capital region.

DELEGATED AUTHORITY

2. The Committee is hereby delegated all of the administrative powers of the Regional Board with respect to the service set out in Bylaw No. 2560, *Family Court Committee Extended Service Establishment Bylaw No. 1, 1997* (the "Bylaw No. 2560"), that is, the funding, participation, and operation of the Committee and the granting of funding to youth and family issues; and the Board's ability under s.263(1)(c) of the *Local Government Act* to provide assistance to youth and family groups as contemplated by Bylaw No. 2560, other than assistance to business.

COMPOSITION AND ELIGIBILITY

3. The Committee shall have the following number of voting members, up to a total of 23, each having one vote:
 - (a) Up to seven individuals as Capital Regional District appointed representatives under section 7;
 - (b) Thirteen municipal council representatives, who may each have an alternate, under section 8; and
 - (c) Three school district trustees representing School Districts 61, 62, and 63, under section 9.
4. Available openings for voting membership vacancies will be advertised by November of each year of a vacancy in a term in a form acceptable to the appointing organization.

5. A majority of members must have experience in education, health, probation, or welfare.
6. Members must represent the interests of their community or organization to the best of their ability.

Capital Region Representatives

7. The Regional Board may appoint up to seven individuals as voting members of the Committee. Such appointments may be, but are not limited to, representatives of the Juan de Fuca Electoral Area, community members, representatives of youth and family justice organizations, municipal councilors, regional district Board members, or First Nations' representatives.

Municipal Representatives

8. Each municipal participant may appoint a municipal council representative as a voting member, and may appoint as an alternate voting member a member of the public or a municipal councilor to act in the absence of the municipal council representative, for a total of 13 municipal council representatives.

School District Representatives

9. Each school district in areas served by the Committee may appoint a representative as a voting member, for a total of three school district representatives.

Resource Members

10. The Committee may resolve to have any number of non-voting resource members, including individuals, service providers, organization representatives, public authorities, First Nations, or other groups working in the capital region in family court and youth justice initiatives.

TERM OF OFFICE

11. A member's term of office is from the date of appointment in one year to December 31 in the second year of appointment.
12. No voting member may serve more than six consecutive years on the Committee. A former member may be reappointed after one year of absence. Despite the term limit in this section, in unique circumstances, an appointing agency may reappoint its voting member for an additional term.

OFFICERS

13. At the Committee's first meeting in February of each year (the "Annual Meeting"), by show of hands, or, if a secret ballot is requested by one-third of members present, by secret ballot, the Committee shall select from among its voting members a Chair, Vice-Chair, and Treasurer.
14. The Committee may create additional officer roles it considers advisable and staff them with voting or non-voting members from time-to-time.
15. In the event of a vacancy, the Committee may select a voting member to fill an officer role until the next Annual Meeting.

DEATH, RESIGNATION, DISQUALIFICATION AND TERMINATION

16. A member's appointment ends on the end of term; resignation; death or incapacity; revocation of appointment; ceasing to be an employee, volunteer, elected official or officer of an appointing agency; or on the cessation of a municipal council voting member ceasing to be a municipal councilor.

MEMBER VACANCIES

17. In the event of a member vacancy before the end of term, the appointing organization may appoint an individual to complete the term. If not filled within a reasonable time, the Committee shall reported such vacancy to the Capital Regional District's Corporate Officer.
18. If a member is absent for more than two consecutive meetings with notice, the Committee shall contact the member to determine interest in continuing on the Committee. If absent for three consecutive meetings, the member may be removed by resolution of the Committee and the Committee shall alert the appointing organization, requesting appointment.

COMMISSION OBJECTIVES AND DUTIES

19. The Committee has the following objectives:
- (a) to identify, inform, educate, and report on gaps in regional resources for youth justice and family court issues;
 - (b) to act as a resource for the public and youth and family organizations; and
 - (c) to encourage collaboration between and visibility of community services.
20. The Committee is hereby tasked with the following duties:
- (a) to meet at least four times per year to:
 - i. consider and examine community resources for family and children's matters;
 - ii. make recommendations to the court, the Attorney General, or others;
 - iii. solicit and consider applications for receipt of grant-funding; and
 - iv. connect family-and-justice-involved individuals, service providers, and government in a way that encourages collaboration and identifies service gaps;
 - (b) if requested by the court, to act a resource or assist as directed; and
 - (c) report annually to its member local governments and the Attorney General on its activities and recommendations.
21. The Committee may, within its mandate:
- (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
 - (b) undertake other activities consistent with the activities of a family court and youth justice committee, as permitted by law.
22. Subject to Capital Regional District bylaws, policies, and procedures, the Committee, in open meeting assembled or through supervised volunteers, may:
- (a) establish advisory groups to examine specific issues, who will report on their work;
 - (b) contract for support services, volunteer coordination, communications, feasibility studies, and other services and goods related to its mandate;
 - (c) undertake necessary, incidental, or ancillary administrative tasks in order to effect its work.
23. If acting under referral or as otherwise directed under the *Provincial Court Act*, RSBC 1996, c 379, or *Youth Criminal Justice Act*, SC 2002, c 1, the Committee shall discharge its duties through one or more registered volunteers assembled for that purpose by resolution of the Committee, unless otherwise directed by the court.

24. All volunteers shall be supervised by the Committee or its appointed volunteer coordinator, if any; shall register with the CRD's Risk and Insurance Department; and must, if working with vulnerable persons or persons under 18 years of age, provide a recent criminal record check to CRD.

CONDUCT OF MEETINGS AND QUORUM

25. A quorum shall be seven (7) voting members.
26. The Committee must follow Bylaw No. 3828, "Capital Regional District Board Procedures Bylaw, 2012", when conducting a meeting (the "CRD Procedures Bylaw").
27. All meetings of the Committee must be held in a public facility and must be open to the public. Meetings may be in-camera, where authorized by law.
28. The Committee may meet by electronic means, where the requirements in the CRD Procedures Bylaw are met.

CONFLICT OF INTEREST

29. In discharging the Committee's grant function, any member who considers themselves in a pecuniary or non-pecuniary conflict of interest shall declare a conflict, which may include:
- (a) where their appointing agency is a direct recipient of a grant or assistance; or
 - (b) where a member or their immediate family owes a fiduciary duty, as a director, senior manager, or employee of an organization receiving funding,
- and shall recuse themselves in accordance with the CRD Procedures Bylaw and the *Community Charter*, SBC 2003, c 26.
30. On a majority vote of the Committee, School District and non-voting members representing an organization with a direct pecuniary interest in a grant may be invited to present on their organization's application, but shall not be present for debate nor the vote on the matter.

BUDGET

31. Upon its establishment and by October 1 of each year, the Committee shall prepare an annual budget, which shall include estimates for administrative costs, operations, grants, and other expenditures, and shall submit such estimates to the CRD's Chief Financial Officer for Regional Board approval and inclusion in provisional and annual budgets.

RECORD KEEPING

32. The Committee shall comply with all public record keeping requirements under the *Community Charter*, *Local Government Act*, and other applicable legislation.
33. Records shall be stored at the CRD. Agendas shall be provided in advance of meetings in accordance with the CRD Procedures Bylaw and meeting minutes shall be provided after each meeting.

CITATION

34. This bylaw may be cited for all purposes as "Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2021".

READ A FIRST TIME THIS _____th _____ day of _____ 20__

READ A SECOND TIME THIS _____th _____ day of _____ 20__

READ A THIRD TIME THIS _____th _____ day of _____ 20__

ADOPTED THIS _____th _____ day of _____ 20__

CHAIR

CORPORATE OFFICER

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</i> (<i>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>

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 (<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"> • Agenda items can be raised with Chair in advance of meeting, or at a meeting itself by Notice of Motion; • Meetings have set times, with resolution required to continue them; • Speakers and delegations have set times, with resolution to extend; • 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; • Compliance with Robert's Rules. <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>

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"> - Setting a topic-based schedule for potential meetings, set in the January or February meeting of each year in advance - Aiming for the required four meetings per year to focus on family and youth resources in the region, with specific mandates for each meeting - Two grant intake and review meetings per year - 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 <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"> 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. 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
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"> • requesting CRD not utilize all seven of its community appointments, to reduce the numbers of voting members unless quorum or workload becomes an issue;

youth-involved individuals)		<ul style="list-style-type: none"> 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; methods and recruitment to ensure a majority of members must have experience in "education, health, probation, and welfare"; look to actively recruit successors for long-time members, as well as new resource members; and establishing a qualifications matrix, to determine what skill sets are missing on the Committee. <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, 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

Suggested by CRD	Existing Committee Objective/Mandate
<p>The Committee has the following objectives:</p> <ul style="list-style-type: none"> (a) to identify, inform, assess, educate, and report on regional resources for youth justice and family court issues and related needs; (b) to act as a resource for the public and youth and family organizations; and (c) to encourage collaboration between and visibility of community services. 	<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

Suggested by CRD	Existing Committee Objective/Mandate
<p>The Committee may, within its mandate:</p> <ul style="list-style-type: none"> (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 (b) undertake other activities consistent with the activities of a family court and youth justice committee, as permitted by law. <p>Subject to bylaws, policies, and procedures, the Committee may:</p> <ul style="list-style-type: none"> (a) establish advisory groups to examine specific issues, who will report on their work; (b) contract for support services, volunteer coordination, communications, feasibility studies, and other services and goods related to its mandate; (c) undertake necessary, incidental, or ancillary administrative tasks in order to effect its work. 	<p>The Family Court Committee can:</p> <ul style="list-style-type: none"> a) Be a force in educating the public on issues related to Family Court; 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; c) Inform the Intermunicipal and the Capital Regional Electoral District Committees of the problems which are of concern to the community; d) Enter and monitor both open and closed custody facilities as concerned members of the public; e) Comment upon legislation concerning families and youth; f) Make recommendations to appropriate legislative bodies concerning any matters deemed to be covered by our several mandates; 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. <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

Suggested	<i>Provincial Court Act</i>
<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"> i. consider and examine community resources for family and children's matters; ii. make recommendations to the court, the Attorney General, or others; iii. solicit and consider applications for receipt of grant-funding;* and iv. connect family-and-justice-involved individuals, service providers, and government in a way that encourages collaboration and identifies service gaps; <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"> (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; (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; (c) report annually to the municipalities involved and to the Attorney General respecting their activities during the past year.

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

YCJA Language Summary

Suggested by CRD	<i>Youth Criminal Justice Act</i>
<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"> (i) giving advice on the appropriate extrajudicial measure to be used in respect of the young person, (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, (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 (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; <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>

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

Tab	Page	Date	Item
2	21	October 20, 2021	Letter from C. Day containing minutes and attaching Committee-adopted recommendations from Succession and Priorities-Grants working groups (adopted September 22, 2021)



October 20, 2021

VIA EMAIL: scarey@crd.bc.ca

CRD Board and Staff
625 Fisgard Street
Victoria, BC V8W 1R7

Dear Members of the Board and Staff,

Re: Victoria Family Court and Youth Justice Review

The Victoria Family Court and Youth Justice Committee met on September 22, 2021. The agenda included reports from two working groups struck to review a) Succession Planning and b) Priorities Grants. The reports from these two working groups are attached for information. The following excerpt is from the September 22 Minutes of the Victoria Family Court and Youth Justice Committee:

Excerpt from the September 22, 2021 Minutes on the CRD Review:

a. Succession Working Group – Report attached

Recommendation: That the Victoria Family Court and Youth Justice Committee adopt the recommendations of the Succession Planning/Meetings Work Group as outlined in the Work Group's August 16, 2021 Report to the VFC&YJ Committee, specific to:

1. Term Limits
2. Committee member numbers and committee appointments (members & volunteers); and
3. Meetings

and that the Chair of the VFC&YJ Committee send a letter to the CRD Board and Staff providing the wording of the Committee's resolution and including a copy of the Work Group's Report, dated August 16, 2021.

To move the Recommendation
MOTION: J. Bateman/ M.T. Little
CARRIED

b. Priorities Working Group – Report Attached

Recommendation:

That the minutes with recommendations of August 27, 2021, from the Priorities-Grants Working Group be placed on the September 22, 2021 agenda for consideration of the main committee, and
That the Priorities-Grants Working Group's Recommendations within their report/minutes of August 27, 2021 be supported by the main Committee, and
That the Priorities-Grants Working Group minutes, recommendations and applicable attachments be forwarded to both the CRD Board and CRD Staff in respect of the CRD Review by way of a formal letter from the chair together with any carried motions from the September 22, 2021 meeting.

To move the Recommendation
MOTION: E. Paterson/ M. T. Little
CARRIED

C. CRD Bylaw – Correspondence was attached with the meeting mail out.

Recommendation: That the Draft CRD Delegated Commission Bylaw be forwarded to the working groups for review, and that the working groups provide comment to the next regular meeting.

To move the Recommendation
MOTION: M. McLean/ A. Flint
D. Thomas abstained
CARRIED

The Executive anticipate that changes to our structure/operation will be operationalized through motions at our Annual General Meeting in January, consistent with those changes made in 2010 when the last review was completed. This is to ensure that all members have the necessary resources and notice to participate and to facilitate the ongoing operation of the committee without undue interruption. (We anticipate moving our date of meeting from Wednesday to Thursday, which may or may not fit with existing members availability and this will be communicated out to our appointing agencies for new appointments.)

We also have communication from the Ministry of the Attorney General that confirms that we must continue to meet the requirements of the enabling Legislation, specifically the Family Court Act (and the Youth Criminal Justice Act), and that becoming a delegated commission of the CRD does not specifically interfere with that duty.

The committee has expressed, and I pass onto you, our sincere appreciation for CRD staff's expertise and support in pursuit of advocating appropriately for youth and families who may come be impacted by the Justice System.

Working groups continue to meet for a) Mandate, Procedures, b) Policies and Community Charter, and c) Finances/CRATsey. Working Group meetings in the next month will also review the draft Delegated Commission Bylaw. Our goal is to have carefully examined all aspects to bring forward motions to be endorsed at the Annual General Meeting in January.

Sincerely,

Cynthia Day
Chair, Victoria Family Court and Youth Justice Committee

Attachments

from Succession Planning:

Attch 1 vfc&yjc Succession-Meetings Report August 16, 2021

Attch 2 vfc&yjc Succession-Meetings Report August 16, 2021

Attch 3 vfc&yjc Succession-Meetings Report August 16, 2021

from Priorities/Granting :

Priorities Motions for Restructure and Review

Priorities-Grants Work Group Minutes 2021-08-27 w-4 attach[51648] – Copy



SUCCESSION PLANNING-MEETINGS WORK GROUP
REPORT TO VICTORIA FAMILY COURT & YOUTH JUSTICE COMMITTEE
AUGUST 16, 2021

WORK GROUP MEMBERS:

Esther Paterson, Chair, Councillor (Oak Bay)
Sandra Sarsfield, Co-Chair (CRD)
Marie-Térèse Little, Councillor (Metchosin)
Marcie McLean, Councillor (Highlands)
Jeff Bateman, Councillor (Sooke)
Angie Hentze, Trustee SD 61

SUBJECT: Victoria Family Court and Youth Justice Work Group (VFC&YJC) review of policies and procedures relating to Member Term Limits, Succession Planning and Meetings

With respect to Schedule H of the CRD Staff Report dated October 7, 2020, and the CRD Staff letter to VFC&YJ Committee dated February 26th, 2021 this review addresses specific issues defined as:

- Institute VFC&YJ Committee member term limits and eligibility for re-appointment
- Reduce numbers and appoint family-and-youth involved individuals with experience in education, health, probation or welfare
- Reduce Meetings

BACKGROUND:

At the October 7, 2020 CRD Governance and Finance Committee meeting, the Committee adopted a recommendation requesting that CRD Staff report back on the process to restructure the VFC&YJ Committee in accordance with the recommendations set out in Appendix H of the October 7, 2020 CRD staff report. That CRD Committee recommendation was received and adopted by the CRD Board on November 18, 2020.

A motion was approved at the May 19, 2021 VFC&YJ Committee meeting to appoint Work Groups to review the recommendations set out in CRD Schedule H and CRD letter dated February 26, 2021 (Attachments 1 and 3). Everyone was welcome to contribute to the Work Groups. The Work Groups were asked to bring forward reports and recommendations to VFC&YJ Committee for consideration at the September 2021 meeting. Recommendations of the VFC&YJC Succession Planning/Meeting Work Group are as follows:

Matters and Recommendations:

1. Institute Term Limits

- 1.1. Committee members will serve three terms of two years, for a total of six years. Following the expiry of a member's term, the Committee could request with a two-thirds majority and the appointing voting agency's approval to extend the term for a further two years to ensure continuity of the Committee's work.
- 1.2. Following a one year absence, a Committee member will be eligible for reappointment for a further term of up to six years.
- 1.3. Members will attend Committee Meetings, and will participate in the Steering Committee or a subcommittee.
- 1.4. Officers will be elected at the VFC&YJC AGM, for the positions of Chair, Vice-Chair, Treasurer, and add a new position of Past Chair.
- 1.5. Consider requirement for the Chair to serve a four year term.
- 1.6. The Past Chair will serve for a one year term; the role of the Past Chair will be to provide assistance with orientation training and with potential recruitment process.
- 1.7. Past long-time members may continue to participate as non-voting resource members and/or volunteers on sub-committees.
- 1.8. Member terms will be staggered to ensure continuity of knowledge and experience.
- 1.9. Terms will commence effective with VFC&YJ Committee/CRD adopted agreement for VFC&YJC to become a CRD Delegated Authority Committee.

2. Reduce numbers and appoint family and youth involved individuals

- 2.1. Voting membership will be minimum of 19 members and maximum 23 members; quorum will be 7 voting members.
- 2.2. Participating municipalities will appoint a principal member and alternate member to attend in absence of principal member. Municipalities have the discretion to appoint an elected official or representative as the principal and alternate member.
- 2.3. School Districts will appoint a principal member and an alternate member. School Districts have the discretion to appoint a School Trustee or a representative having expertise in education programs or who work directly with youth.
- 2.4. CRD may appoint a maximum of 4 members.

- 2.5. Institute a qualifications matrix to identify knowledge/expertise of existing Committee members, and to aid recruitment to fill gaps where expertise is required (education, health, welfare and probation). Non-voting resource members may include representatives of the Ministries of the Attorney General, Education, Children and Family Development, Public Safety and Solicitor General, Restorative Justice Health, Housing and Social Development, Police Forces and First Nations.
- 2.6. Institute a program of succession planning and recruitment; consider best methods and practices for communication.
- 2.7. Institute an orientation program for new members and new volunteers.

3. Meetings

- 3.1. Minimum six meetings per year of two to three hours in duration. No meetings will be held in March, July, August and December.
- 3.2. Consider a combination of in-person and on-line meetings.
- 3.3. Meetings will not be scheduled for Mondays or Wednesdays to avoid conflict with CRD and municipal Council meetings.
- 3.4. In each calendar year, a VFC&YJC meeting agenda will include the following: Annual General Meeting, Budget, and Work Plan.

4. CONCLUSION

The VFC&YJC Succession-Meetings Work Group acknowledges that some of the recommendations outlined in this Report will necessitate further work to develop specific criteria prior to implementation. Further, in establishing criteria for expertise, VFC&YJC interpret references to education, health, welfare and probation to have a broad scope of meaning that includes mental health, addictions, indigenous and restorative justice, family law and other issues that affect youth in our communities.

WORK GROUP RECOMMENDATION:

THAT the Victoria Family Court and Youth Justice Committee adopt the recommendations of the Succession Planning/Meetings Work Group as outlined in the Work Group's August 16, 2021 Report to the VFC&YJ Committee, specific to:

1. Term Limits
2. Committee member numbers and committee appointments (members & volunteers)
3. Meetings

AND THAT, the Chair of the VFC&YJ Committee send a letter to the CRD Board and Staff providing the wording of the Committee's resolution and including a copy of the Work Group's Report, dated August 16, 2021.

Should the Committee be supportive of the above recommendation, the following resolution would be in order:

THAT the recommendations of the Succession Planning/Meetings Work Group specific to:

- **Term Limits**
- **Committee member numbers and committee appointments (members & volunteers), and**
- **Meetings**

be adopted as outlined in the Work Group's August 16, 2021 Report to the VFC&YJ Committee;

AND THAT, the VFC&YJC Chair send a letter to the CRD Board and Staff providing the wording of the Committee's resolution and including a copy of the Work Group's Report, dated August 16, 2021.

ATTACHMENT 1

VFC&YJC SUCCESSION-MEETINGS WORK GROUP REPORT DATED AUGUST 16, 2021

CRD APPENDIX H

RECOMMENDATIONS FOR COMMITTEE REORGANIZATION

- **Clearly define a mandate in a bylaw.**
 - State the purpose and function of the committee.
 - Clarify its delegation to make grants or, alternatively, advise on grants with CRD's Board making the final determination.
- **Institute term limits.**
 - Term limits should be to a maximum of six years, absent exceptional circumstances.
 - After a reasonable absence, a member can again become eligible for appointment for another six years in total.
- **Re-arrange agenda items.**
 - Resource member items should occur at a set time in the meeting, rather than occurring at the end after other agenda items. This will free-up the resource members to leave meetings while the work of the Committee is conducted that is not related to them. The Committee has already instituted this change on its own.
- **Reduce numbers and appoint family-and-youth involved individuals.**
 - The Committee is not required to include elected officials from each participant.
 - It is required to have individuals "with experience in education, health, probation or welfare".
 - It may be better served by a smaller group of elected officials and a larger portion of justice-involved individuals who may perform the work of the Committee.
- **Formalize meetings.**
 - Meetings must comply with the *Community Charter*.
 - Provisions exist allowing meetings to be closed and should be utilized appropriately.
 - Meetings should follow the CRD's Procedures Bylaw. They should be time limited.
- **Restrict speaking times.**
 - Speakers should be restricted to five minutes on an issue absent a vote. Time limits and alternating speaker's lists should be enforced.
 - Members should not have wide-ranging discussions outside the topic on the floor.
- **Set a grant-application intake procedure.**
 - Setting and following a transparent grants procedure with defined intake periods and criteria will allow more organizations to be aware of funding and bring a greater range of applications. It will also avoid any potential for allegations – which the writer considers without merit – of bias, overreaching authority, or any other potential impropriety that could be raised under the current model.
 - Grant restrictions and conditions are already used by the Committee.
- **Follow existing policies rather than create its own.**
 - Adopting existing CRD policies, with reasonable variations approved by the Board, will ensure compliance with privacy, safety, information management, and expenses.
- **Reduce meetings.**
 - Four to six meetings per year of two to three hours in duration would be ideal, if the purpose is to connect service providers and educate elected officials on justice issues. This will ensure more fulsome attendance.
- **Maintain a volunteer registry.**

- If the Committee is to continue work, such as specific research projects, it should utilize volunteers where appropriate.
- CRD is equipped to insure volunteers and to provide a corporate umbrella for recruiting volunteers.
- **Maintain records consistent with the obligations of a public authority.**
 - Records should be stored at CRD. This would avoid lengthy annual reports and a potential loss of critical historical documents and information.
 - Meeting minutes should be publicly available and accessible.
- **Consolidate finances in the CRD.**
 - CRD regularly operates funds for committee and commission use and provides limited float chequing accounts for small expenses. There is no need for the Committee or CRAT to have a separate bank account.
 - Approved grants can be issued directly from CRD, as can honorariums and reimbursement of Committee expenses.

ATTACHMENT 2

VFC&YJC WORK GROUP SUCCESSION-MEETINGS REPORT AUGUST 16, 2021

Source: VFCYJC Information Manual Updated September, 2016

Page 7:

RESPONSIBILITIES OF MEMBERS

Since membership in this committee is non-remunerated and voluntary, there is very little that can be formally required of anyone. Each member is encouraged to be:

- aware of our Bylaws and prepared to give time and energy so as to make the work of the committee effective
- an active participant in the affairs of one or more subcommittees
- continually watchful as to the welfare of the children and youth involved in the justice, protection, divorce and custody systems
- involved in discussion, workshops, visitations to open and closed custody facilities, and in communication with other Family Court and Youth Justice Committees and –

Each member is required to take the oath of Confidentiality and to respect the terms of the *Young Offenders Act*.

Page 9:

ORGANIZATIONAL CHART

<i>Provincial Court Act</i> Chapter 57 42-2	<i>Young Offenders Act</i> Section 69 Bill C-61	Commissioner of Corrections Sec. G-2 Par. 101 Manual of Operations Youth Correctional Program
Examine community resources for family and children matters. Assist and make recommendations to the court	Attorney General appointment to make youth justice committees more effective service as Youth Justice Committee	Signed agreement to be the 'community committee' of the Victoria Youth Custody Division

SUB-COMMITTEES

Under the Committee's constitution, there are six sub-committees, each representing aspects of the three distinct pieces of legislation under which the Committee operates. The Chairperson of the main Committee appoints the chairperson of each sub-committee, who must also be a member of the main Committee. The chairperson of each sub-committee can determine the membership of that sub-committee and the members need not be members of the main Committee.

The Victoria Family Court and Youth Justice Committee sets the Agendas at a Steering Committee meeting one week prior to the main committee meeting, consisting of the executive, sub-committee chairs and any member who chooses to attend. The sole purpose of the meeting is to determine a time appropriate agenda and schedule guest speakers, as well as to discuss the Annual General Meeting Agenda and issues to be brought forward, including notice of motions. Changes to subcommittee structures are considered at the AGM and notice of a motion to amend is required.

Two subcommittees have been added to the Victoria Family Court and Youth Justice Committee: The Capital Region Action Team for Sexually Exploited Youth (CRATSEY) and CASA for Children (Court Appointed Special Advocates) of Canada.

It was determined at the 2011 Annual General Meeting that we would discontinue the Custody subcommittee, but that continued liaison between the Youth Containment Centre and the Committee was most valuable. It is noteworthy that in 2012, female youth were no longer received at the Victoria Youth Containment Facility and instead are transported to the mainland. While we advocated for continued containment options for girls here on Vancouver Island (and supported the same for northern municipalities with similar concerns), we understand that these changes have been made with additional supports for female youth and their families. We have a good relationship with the staff including their attendance at our meetings and, continue to be offered tours of the facility whenever we feel it appropriate or necessary.

The Family Matters subcommittee has been inactive due to the difficulty in finding dedicated members to investigate the family and family court issues. Our long time chair continues to report to the main committee on issues of concern to families, but larger committee work has not been required and therefore the need to create reports for the main committee is relieved by the ability of our secretary to capture issues brought to the attention of the committee on an 'as needed' reporting basis.

The Court Watch Committee has regular observation at the Court House and offers tours for members as they are able to attend, to help the main committee understand the routines and shortfalls experienced by our service providers, families and youth.

Communications/Planning

Responsible for bringing community youth issues and resources to the attention of members, and for promoting Committee initiatives in the community. The Communications/Planning Committee is responsible for website, correspondence and print material development, with the assistance of the main committee.

Youth Matters

Concerned with matters involving youth at risk in the community or in the court system. Under the *Federal Young Offenders Act*, the mandate for community involvement falls to the youth justice committees.

Priorities

Responsible for assessing applications for support of appropriate youth initiatives in the community, and making recommendations to the full Committee for consideration.

Court Watch

Concerned with monitoring any matters pertaining to youth or family in the court system. Members will attend youth, family or aboriginal court, follow-up and report on concerns, assist judges and other officers of the court.

CRATSEY – Capital Region Action Team for Sexually Exploited Youth

Advocate for youth who are or may be at risk of sexual exploitation through education of both youth and adults and, advocacy to mitigate those risks. CRAT is inclusive and the members come from the three levels of government, the health region, school districts, police forces, youth-serving agencies, parents, former sexually exploited youth and individuals with a commitment to helping solve the problem of a growing number of underage (under 19) youth who were trading and selling sex for survival. You can learn more about CRAT at www.crat.ca

CASA- Court Appointed Special Advocates

CASA became a subcommittee of the Victoria Family Court and Youth Justice Committee in 2010, modeled after the U.S. CASA ceased operations as a separate entity as of June, 2016 and remaining funds (provided by VFCYJC to assist in startup) were returned to the committee. Advocacy for youth has continued under the Court Watch Committee. CASA had sought “To support and promote court-appointed volunteer advocacy for abused and neglected children so that they can thrive in safe, permanent homes.”

There is no subcommittee for **Restorative Justice**, however, we do have resource members and CRD appointments from Restorative Justice Agencies who assist the sub and main committees. We have advocated for stable funding of Restorative Justice Alternative Measures as these measures serve the community, victims and offenders, and relieve pressure on the Court System. The Victoria Family Court and Youth Justice Committee has supported numerous Alternative Justice development programs over the years, including multi-jurisdictional training and training materials.

ATTACHMENT 3
VFC&YJC WORK GROUP SUCCESSION-MEETINGS REPORT AUGUST 16,
2021

**Intentionally omitted from this package -- contains copy of CRD Letter of
February 26, 2021 (Tab 1)**

PRIORITIES-GRANTS WORK GROUP

MINUTES OF MEETING

Friday, August 27, 2021

Work Group Members:

Marcie McLean, Chair, Councillor (Highlands)
Adam Flint, Citizen Representative (View Royal)
Marie-Térèse Little, Councillor (Metchosin)
Esther Paterson, Councillor (Oak Bay)

1. First Nations territorial acknowledgement by Chair
2. Meeting was called to order at 10:05 a.m.
3. Chair provided introduction of materials previously circulated for discussion.
4. Work Group members approved framework of discussion points as circulated.

Topics for discussion:

1. **CRD February 26, 2021 Correspondence** (Carey/VFC&YJ Committee) (attachment 1)
 - 1.1. Grant-intakes per year and reserve and threshold amounts
 - 1.2. Grants criteria
 - 1.3. Grant-agreement to be executed prior to funding (simple, mandatory)
2. **CRD recommendations Appendix H** (attachment 2) for transparent grants procedure with defined intake periods and criteria, and restrictions/conditions
3. **Marcie McLean:**
 - 3.1. **VFC&YJ Priorities-Grants Application Form** existing document (attachment 3)
 - 3.2. **Discussion Paper for Priorities-Grants Work Group** (attachment 4)

4. Priorities (Grants) Application Form - Title

- 4.1. Work Group agreed that a separate document should be created for “Extraordinary Committee Member Expenses” and to be used to reimburse Committee Members for registration and attendance at conferences, or events and training as VFC&YJ Committee representative. Process will be the same as for Grants; recommendation by the Priorities/Grants subcommittee, and approval by VFC&YJ Committee in advance of event.
- 4.2. Based on suggestion from Bill McElroy, Work Group considered whether to change the name of the application form from *Grant Submissions* to *Sponsorship Submissions*, as a less formal approach to the process. Marcie will contact Steve Carey (CRD) for guidance on legal or other issues related to terminology.

5. Priorities (Grants) Application Form – Content

- 5.1. The Work Group agreed to develop a checklist for applicants, to outline the process and ensure submissions are complete. Adam Flint, Chair Communications Subcommittee, is willing to draft a checklist for future consideration.
- 5.2. The Work Group agreed grants applications should also be in web based format.

The Work Group agreed Grants Application information requirements should include:

5.3. Required Information

- 5.3.1. Name of organization
 - 5.3.2. Address of organization
 - 5.3.3. Purpose of the organization
 - 5.3.4. Name of person applying
 - 5.3.5. Contact person’s name, email address, and phone number
 - 5.3.6. Alternate contact person’s information same as above
 - 5.3.7. Listing of Board of Directors names and positions
 - 5.3.8. Is your organization a registered society in BC?
 - 5.3.9. If yes, what is the name of your society and your number under the BC Society Act?
 - 5.3.10. Does your organization have charitable status registered with Canada Revenue Agency (CRA) under their Charitable Directorate?
 - 5.3.11. Is your organization a business?
- 5.4. Project name, location, start date, and completion date.
 - 5.5. Experience and/or qualifications of staff who will be responsible for the Project; history of similar or related projects. Include information on volunteers who will participate in the project.
 - 5.6. Financial Statement for the organization for previous year and budget for the current year

- 5.7. Total amount of grant being requested, and proposed use of grant funds. Include information on funding requests made to other commissions, societies, governments, agencies, or other groups for this project.
 - 5.8. Indicate if the grant request is for one-time or recurring project.
 - 5.9. List previous grant requests made to VFC&YJC, and indicate if approved.
 - 5.10. Declaration that funds not used will be returned to Victoria Family Court and Youth Justice Committee via cheque, within sixty days of conclusion of the project.
6. Criteria for qualifying expenses excludes salaries, capital items, not businesses other than not-for-profits but will include project website development, guest speaker(s), advertising, venue rentals, etc.

7. Objectives

- 7.1. The statement of intended outcomes submitted with the application will be used to assess success of the project to accomplish goals.
- 7.2. Applicant statement must demonstrate in some detail the service(s) that your proposal would provide for youth and families of the CRD that ties in with the mandate for VFC&YJC.
- 7.3. Applicant statement must indicate how your proposal will help educate and bring awareness to youth and families living within the CRD about reducing risks and reducing potential involvement with the judicial court systems.

8. Reporting to Victoria Family Court & Youth Justice Committee at conclusion of project

- 8.1. The applicant must agree to provide a brief summary report on the outcomes of the project. The report will be submitted in written format, and, if warranted, there may be an expectation or request to present the summary report in-person at a meeting of the Victoria Family Court and Youth Justice Committee.

9. Other:

- 9.1. Applicant acknowledges it has reviewed Victoria Family Court & Youth Justice Committee mandate which will be attached to the grant application.
- 9.2. Victoria Family Court & Youth Justice Committee title, name or logo will not be used without prior written consent of the Committee.
- 9.3. Grants may not be used for the purpose of producing revenue for the applicant, or for purposes that are outside of the scope of the project.

10. Uptake Dates for submissions

- 10.1. Completed applications must be submitted to the VFC&YJC Grants subcommittee Chair and the secretary and be received in the months of March or December in each calendar year.
- 10.2. Applications process is approximately 60-90 days.

11. Business that requires clarification/follow-up by Marcie:

- 11.1. Consult with Steven Carey re the language “sponsorship or grants”

Note: Received from Steven Carey (per Marcie): Not really. They're kind of interchangeable. Sponsorship references are usually to when we're asked to support local events (concerts, etc.) and we're not involved any more than that. We have grant projects that have direct funding for operations, sponsorship for events, and the like. We also have grant projects that fund specific deliverables, like reports. Perhaps call it grants and include sponsorship as something that you can do as part of it?

- 11.2. The Chair of the Grants subcommittee will consult with CRD re process for issuing/distributing cheques to applicants following VFC&YJ Committee decision.
- 11.3. Work Group deferred discussion on threshold amounts of grants (not presently used).
- 11.4. Chair of Victoria Family Court and Youth Justice Committee will notify the applicant in writing of the Committee's decision.
- 11.5. Process for distributing cheques will be coordinated with CRD.
- 11.6. The Work Group goal is that the future VFC&YJC grant application will be revised and improved, and the CRD will prepare a draft grant application for Priorities Sub-committee for review and input.

12. No future meeting date was set. The Work Group agreed that Meeting Minutes and Report could be completed via email exchange of documents.

13. Meeting adjourned at 12:00 pm.

Pages intentionally omitted

- copy of Feb. 26, 2021 CRD Letter

- Appendix H of November 2020 CRD staff report

Priorities Sub-Committee

Form for Good and Services Submissions

(Grant and Extraordinary Committee Expenses)

Please send your submission to marciemclean@shaw.ca and vfamcourt@gmail.com for distribution.

In the event that the project is not able to proceed, or is substantially changed, the committee expects that the monies provided for the project would be returned to the Victoria Family Court and Youth Justice Committee c/o City of Colwood, 3300 Wishart Road, V9C 1R1. A new application is required where the project is substantially changed.

Name of Organization:			
Contact Person:		Date of Application:	
Email:		Phone Number:	

Background of organization/person(s) or applicable history of related projects

Clear goals and objectives of the project with clear indications of relevance to the Family Court and Youth Justice Committee Mission. The VFCYJC Mission is: *To facilitate connections between municipal and First Nations governments, school districts, service providers, and the broader community in order to educate and advocate on the challenges and shortfalls facing youth and families who may come into contact with the justice system.* **Please explain how this initiative will further our Mission.**

Features of the project pertinent to this application

Budget (include clear accounting with potential line items and accompanying narrative)

	Item	Detail	Cost	Total Funder
Revenue				
Expenses				
TOTAL				

Other funding avenues/partners being explored:

Catchment area served – target population

Needs/problems to be addresses through project work:

Deliverables (goods and services to be provided)

Timeframes (e.g. intended start date of project, length of time from start of project to deliverables, one time project or on-going)

Evaluation framework - We expect applicants to spell out exactly how they will evaluate the success of their initiative in advance, and that the applicant will share the results in a written report, and in person via a presentation to the committee.

Date applicant anticipates the Evaluation will be complete. _____

NOTE: If the applicant does not provide their evaluation within the timeframe indicated, they may expect the committee will follow up with them.

August 20, 2021

From: Marcie McLean, chair VFC&YJC Priorities sub-committee

To: **Priorities (grants) Working Group**, then Recommendations & associated Report to main VFC&YJC on an agenda (Sept 22) to vote on and, then forward both Recommendations & Report to CRD Staff and CRD Board.

Re: Priorities Application Form (Form) updating for consideration prior to CRD Review discussion and possible inclusion of the notion of “sponsorships of resource agencies”. (A suggestion from Bill)

This update opportunity is offered for consideration of the Working Group and then, Recommendations for main Committee to review, discuss and offer input into the Priorities application Form and the process of uptake timing in order to have a potential consolidated voice to go forward to the CRD in a timely manner.

A current uncompleted Priorities application Form is provided for your reference. (separately)

In preparation for these meetings I offer the following for your consideration. These proposed changes are intended to provide better clarity and accountability from applicants. However, they are only suggestions up for discussion at this time.

In respect to the title of the application Form at this time, I would suggest we have **a separate application form for Extraordinary Committee Member Expenses**.

1 (a) Do we want to **change the title** of the application form (Form)? If yes, any suggestions?

From the application form (Form):

1. Name of organization / person(s) applying: (I suggest we seek more detail here by adding in specific areas to be completed) such as:

Name of organization:

Address of organization:

Purpose of the organization:

Name of person applying:

Contact person's name, email address, and phone number:

Alternate contact person's information same as above:

Listing of Board of Directors names and positions:

Is your organization a registered society in BC?

If yes, what is the name of your society and your number under the BC Society Act?

Does your organization have charitable status registered with Canada Revenue Agency (CRA) under their Charitable Directorate?

Is your organization a business?

2. Project name: (Note: I include this as it does not appear consistently on our applications).

3. Background of organization/person(s) or applicable history of related projects: (Note: I include this as it does not appear consistently on some of our applications for some odd reason). Question: Do we need this information?

4. Evaluation framework:

I suggest that more details need to be added here in order for the applicant to know what type of information we are seeking and the expectation. Perhaps a different header might be appropriate, but certainly some additional information.

If this is an expectation for us then I think the process needs to be explained a bit and how the evaluation would occur.

For example: as a requirement, then, will the applicant provide their evaluation of their project to us and within a specific time period of the end date or the completion date? And, what do we need to know?

In addition, I think we would like to know if the project was successful and how the applicant made that determination.

5. Some additional items for your consideration are:

Should we add into the application a requirement for their previous year's audited **financial statements**? Or, just previous year's financial statements?

6. In respect to the Form (previous number 5), should we include the VFC&YJC **Mandate** with the application? The Form currently states: Clear goals and objectives of the project-clear indications of relevance to the Family Court & Youth Justice Committee mandate: (I sense improved wording would be helpful for all)

7. Should we have annual application uptake with a date deadline? Or,

Should we have 1 or 2 specific opportunities in our fiscal year to receive applications with a deadline as well? (Might need to work around the CRD's fiscal year as well which is Jan. 01-Dec. 31)

If yes, then **may we suggest** the months of Feb with a January 31 deadline to apply and, April with March 31 deadline to make application(s)? Or? (To not impact when we don't meet and do not work.)

8. Should we be indicating what types of projects, proposals or expenses are **not** eligible? Possibly on the Form or, a possible policy with the CRD?

9. Should we have a criteria listing? If yes, then what might we consider putting on that list?

10. Any additional information required that we might need to evaluate the proposal?

11. Consideration of use of best methods to evaluate applicant's proposals/projects? Ideas?

12. Despite the present accumulation of VFC&YJC funds due to the CRD Review and Covid 19; should we consider requesting potential additional annual funding from the CRD for future grants (or sponsorships) as the current funding is formally designated for VFC&YJC "**operational purposes**" by CRD Bylaw.

13. Other suggestions for the Form for improved information to/from the applicant such as: (but not limited to)

13.1 Incomplete applications will not be considered.

13.2 Any/all approved funds are intended for the purposes specified in the application only.

13.3 Any unused funds **must be returned** in the form of a cheque to VFC&YJC within 30 or 60? days of the completion date of the **project/event**.

13.4 If an application is approved do we expect anything from the applicant in return? Such as an acknowledgement of VFC&YJC or ?? Ideas?

13.5 For approved applications applicants may expect follow up from the chair of the sub-committee if we do not receive written follow up or a presentation from the applicant on their event/project within 30 days of its completion.

14 Other suggestions?

Draft prepared by:

Marcie McLean

Councillor Highlands

250-474-4725

Tab	Page	Date	Item
3	48	November 17, 2021 (as amended)	Committee-adopted Joint-working group recommendations on Draft Bylaw No. 4453

Working Group Collaborative Meeting

November 10, 2021 at 11:00 am via zoom

Present: Esther Paterson, Cynthia Day, Marie-Terese Little, Marcie McLean, Adam Flint.

- A. Bylaw - Members were provided with the letter and draft bylaw from the CRD for review. We anticipate that some changes (based on the endorsed working group recommendations forwarded from the main committee) will be made.

Members stated that their goal is to help create a document that is concise, flexible, and amendable.

The Following were noted:

1. Our AGM is scheduled for the 3rd Wednesday in January (not February)
2. The committee needs a definition of 'business' to comply with requirement to not provide a benefit to business
3. School Districts representatives should not be identified as 'trustees' in the bylaw, School Districts should not be limited in their representation, wording should be consistent throughout the bylaw
4. The Chair (not the committee) would be expected to send attendance letters to appointing agencies to inform them if their representative is unable to attend 2 consecutive regular committee meetings (special meetings not counted) VFCYJC to draft template.
5. Page 3 of the draft bylaw
 20. The Committee is hereby tasked with the following duties:
 - (a) to meet at least four times per year to:
 - i. consider and examine community resources for family and children's matters;
 - ii. make recommendations to the court, the Attorney General, or others;
 - iii. solicit and consider applications for receipt of grant-funding; and
 - iv. connect family-and-justice-involved individuals, service providers, and government in a way that encourages collaboration and identifies service gaps;
 - (b) if requested by the court, to act a resource or assist as directed; and
 - (c) report annually to its member local governments and the Attorney General on its activities and recommendations.
 - "and recommendations" is not part of enabling legislation**
6. Add 'advocacy' to #19
 19. The Committee has the following **advocacy** objectives:
 - (a) to identify, inform, educate, and report on gaps in regional resources for youth justice and family court issues;
 - (b) to act as a resource for the public and youth and family organizations; and
 - (c) to encourage collaboration between and visibility of community services.
7. There is no mechanism/method for coordination of member experience, ie: experience in probation, education, etc. as defined in the act.
8. Note: 22(b) – "related to its mandate" legislated mandate may change as legislation is amended from time to time.

"(b) contract for support services, volunteer coordination, communications, feasibility studies, and other services and goods related to its mandate;"

- B. Legal Opinion - The committee discussed efforts to fulfil the motion from the October meeting to get a legal opinion after receiving the October 2021 Letter from the Ministry of Attorney the General:

“... I understand that staff from our branch have been in contact with you and, since we received your email in June, your committee decided to become a delegated commission under the Capital Regional District (CRD). I’ve been advised that **a by-law formalizing this arrangement will be considered by the CRD in the coming months. As the roles and responsibilities of your committee are outlined in both the Provincial Court Act (specifically, section 5, Family court committee) and the Youth Criminal Justice Act (specifically, section 18, Youth Justice Committees), any by-laws, changes to your committee’s constitution, and/or mandate will need to be in keeping with these statutory provisions.** ...”

After contacting 3 legal firms with little success due to potential conflicts (having advised the CRD, workloads, area of expertise etc.) Members suggest the following request of the CRD:

Potential Motion:

That the CRD Board provide legal opinion confirming that appointment of The Victoria Family Court Youth Justice Committee as a Delegated Authority Commission of the CRD complies with the statutory provisions and obligations of the Committee as set out by the Provincial Court Act and the Federal Youth Criminal Justice Act.

The committee seeks written assurance from the CRD that the changes proposed in the Delegated Authority Commission Bylaw have been investigated as to their legality and that any consequences of this decision would be the responsibility of the CRD.

The committee also discussed how we might protect legal professionals who may choose to participate as a member of the Delegated Commission due to the recent concerns that those legal professionals who make comment as members of the committee make those comments as committee members and not in their capacities as legal professionals.

Appendix "B"

Cynthia Day
Email: cday@colwood.ca

Dear Cynthia Day:

I have been asked to respond to your email of June 24, 2021, addressed to the Honourable David Eby, Attorney General and Minister responsible for Housing regarding the Victoria Family Court and Youth Justice Committee.

I understand that staff from our branch have been in contact with you and, since we received your email in June, your committee decided to become a delegated commission under the Capital Regional District (CRD). I've been advised that a by-law formalizing this arrangement will be considered by the CRD in the coming months. As the roles and responsibilities of your committee are outlined in both the *Provincial Court Act* (specifically, section 5, Family court committee) and the *Youth Criminal Justice Act* (specifically, section 18, Youth Justice Committees), any by-laws, changes to your committee's constitution, and/or mandate will need to be in keeping with these statutory provisions.

While I appreciate the Committee's efforts to consult with the Ministry of Attorney General on any changes it may make to its governance documents or structure, the role of the Attorney General does not extend to providing legal advice to members of the public. One potential resource for the committee as it transitions to a delegated commission of the CRD may be found on the Ministry of Municipal Affairs website. Specifically, the information on Committees and Commissions can be found at this website:

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/powers-services/regional-district-powers-services/committees-commissions>

Additionally, information outlining the processes by which a Regional District delegates its authority can be found within the associated Guide to Regional District Board Delegation to Committees and Commissions, and is available at this website:

https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/governance-powers/guide_regional_district_delegation_to_committees.pdf

In closing, I would like to commend the work of this committee in assisting youth and families in the CRD. Thank you for taking the time to reach out to the ministry regarding this matter.

Sincerely,



Paul Craven
A/Assistant Deputy Minister

Justice Services Branch

pc: The Honourable Mitzi Dean, MLA

CLIFF number: 618717

Appendix “C”

Victoria Family Court and Youth Justice Committee

Correspondence from Committee re: adopted motions

Tab	Page	Date	Item
1	2	January 10, 2022	Letter from C. Day enclosing November 17 adopted motions from Policy and Procedures working group
2	9	January 19, 2021	Committee-adopted resolution from Finance working group

Tab	Page	Date	Item
1	2	January 10, 2022	Letter from C. Day enclosing November 17 adopted motions from Policy and Procedures working group

January 10, 2022

Via Email: scarey@crd.bc.ca ; kmorley@crd.bc.ca

To CRD Board, Governance Committee & Staff,

At the November 17, 2021 Victoria Family Court and Youth Justice Committee meeting the agenda included the attached Procedures, Policies, and Community Charter Working Group Report which was endorsed by motion at that meeting:

THAT the Victoria Family Court and Youth Justice Committee adopt the recommendations of the Procedures, Policies, and Community Charter Working Group as outlined in the Working Group's October 28, 2021 Report to the VFC&YJ Committee, specific to:

- 1 Formalizing Meetings: Complying with Community Charter, holding meetings that are open to the public and provisions for closed meetings, Steering committee purpose and function, adoption of CRD's procedure bylaw (with reasonable variations) including guidelines pertaining to minutes, agendas, and meeting and speaking times.**
- 2 Follow existing CRD policies. Members of the VFCYJ committee will follow the Capital Regional District Commission Handbook 2020 and CRD Bylaw 3828, CRD Procedures Bylaw (with reasonable variations) to ensure compliance with privacy, safety, information management, and expenses. Importantly, the VFCYJ committee will comply with all laws regarding the Freedom of Information and Protection of Privacy Act, the corporate policy and procedure regarding a respectful workplace, debate and conduct.**

AND THAT, the Chair of the VFCYJ Committee send a letter to the CRD Board and Staff providing the wording of the Committee's resolution and including a copy of the Work Group's Report, dated October 28, 2021.

The Reports (3) from the Working Groups and the Letter from the Acting Deputy Minister, Paul Craven have been shared with our appointing agencies to ensure that all organizations have the information that they require for the AGM. I anticipate that the AGM Agenda and Annual Report will be shared later this week.

The committee is grateful for the inclusive process of this review and the support of the CRD in ensuring that the circumstances for youth and families who may come into contact with the justice system is systemically included in our regional governance.

Sincerely,

Cynthia Day
Chair, Victoria Family Court and Youth Justice Committee



Procedures, Policies, and Community Charter Working Group

Report to Victoria Family Court & Youth Justice Committee October 28, 2021

Working Group Participants:

Marie-Térèse Little, Chair, Councillor (Metchosin)
Marnie Essery, Secretary VFCYJ committee
Esther Paterson, Councillor (Oak Bay)
Marcie McLean, Councillor (Highlands)
Adam Flint, Citizen representative (View Royal)

Subject: Victoria Family Court & Youth Justice Committee (VFCYJ) Working Group review of procedures, policies and Community Charter relating to formalising meetings and following existing CRD policies.

With respect to Schedule H of the CRD Staff Report dated October 7, 2020, and the CRD Staff letter to VFC&YJ Committee dated February 26th 2021, this review addresses specific issues defined as:

- Meetings to comply with the Community Charter including provisions made for Open and Closed meetings,
- Objective and guidelines for the Steering Committee of the VFCYJ committee,
- Meeting to follow CRD procedure bylaw (specifically guidelines for minutes, agendas, motions, meeting times, and speakers' times),
- Meetings to be conducted according to Roberts Rules of Order, and
- VFCYJ to follow existing CRD policies.

Background:

At the October 7, 2020 CRD Governance and Finance Committee meeting, the Committee adopted a recommendation requesting that CRD Staff report back on the process to restructure the VFCYJ Committee in accordance with the recommendations set out in Appendix H of the October 7, 2020 CRD staff report. That CRD Committee recommendation was received and adopted by the CRD Board on November 18, 2020.

A motion was approved at the May 19, 2021 VFCYJ Committee meeting to appoint Work Groups to review the recommendations set out in CRD Schedule H and CRD

letter dated February 26, 2021 (Attachments 1 and 3). All members of the VFCYJ committee were encouraged and welcome to contribute to the Work Groups. The Work Groups were asked to bring forward reports and recommendations to VFCYJ Committee for consideration at the September to November 2021 meetings.

Regarding procedures, policies, and community charter, two specific areas of concern were identified by the CRD: formalize meetings (including restricting speaking times) and follow existing policies (of the Community Charter and CRD).

Recommendations of the VFCYJ Procedures, Policies, and Community Charter Working Group including links to relevant documents are as follows:

1. Formalize Meetings

- a) Meetings will comply with the Community Charter.
https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/03026_00
- b) Open Meetings and Provisions to allow meetings to be closed.
Meetings to be open to the public. Meeting and any sessions where decisions are made must be done in the open. This does not apply to work by volunteers and sub-committees provided they are not making final decisions for the committee.

Provisions exist and will be applied to allow meetings to be closed and will be utilized appropriately.

Meetings may be closed if:

- i) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the committee or another position appointed by the committee;
- ii) labour relations or other employee relations.
- iii) litigation or potential litigation affecting the committee
- iv) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and,
- v) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act.

Before holding a meeting or part of a meeting that is to be closed to the public, the committee must state, by resolution passed in a public meeting,

- i) the fact that the meeting or part is to be closed, and
- ii) the basis on which the meeting or part is to be closed.

- c) Steering committee meetings – no decisions, just recommendations to the main Committee- open to all committee members to attend. The purpose of the steering committee is to make recommendations for the agenda and propose guest speakers' name.
- d) Meeting should follow CRD's Procedure Bylaw with reasonable variations as agreed upon by the Committee.

https://www.crd.bc.ca/docs/default-source/crd-document-library/bylaws/procedureandfoi/3828--capital-regional-district-board-procedures-bylaw-2012b.pdf?sfvrsn=76c387c3_25

Specifically, the following guidelines must be followed:

- i) Minutes and agendas: Community charter requires that agendas and minutes be published within a certain time and to be publicly available or inspected on request. Publications could be met by online publication through the CRD, including agendas, minutes, and annual reports. A link to the VFCYJ committee website will also be included on the proposed CRD site. Prior minutes could be made available by the CRD to meet requirements for public inspection. Minutes and agendas will be posted within 7 days of the meeting and within 7 days of adoption.

Minutes of a meeting that record the decisions made are required for each duly constituted meeting. Minutes will follow the approved CRD guidelines for minutes. Minutes are intended to be a record of decisions made by the commission and not a verbatim record of what was said at the meeting. Including some summary of discussion for context is good practice. (Appendix 12: Guidelines for the Preparation of Minutes of CRD Board, Committee and Commission Meetings; Appendix 12a: Sample Minutes)

Motions signify the intent for action by the commission and are recorded in the minutes. The minutes need to identify the name of the member that proposed the motion, the name of the member that seconded the motion, identification if the motion carried or was defeated. The minutes must also record the names of members voting against the motion. For example: 1) MOVED by Commissioner Smith, SECONDED by Commissioner Gordon, That the minutes of August 2, 2018 be adopted. CARRIED Opposed: Commissioner Wayne.

- ii) Agenda items can be raised with the Chair in advance of the meeting or at the meeting itself by a Notice of Motion.
- iii) Agenda items will be re-arranged so that resource members may speak at a dedicated time in the meeting before the business of the meeting
- iv) Meetings will have set times (2 hours) and a resolution to extend beyond hours will be required to continue the meeting.

v) Guest Speakers will have a set time (30 minutes, 20 minutes for presentation and 10 minutes for questions). Time for guest speakers may be determined by the Chair to a maximum of one hour. A list of members wishing to speak to a motion will be kept. Members speaking to a motion on the floor will have a limit of 4 minutes to add their viewpoints to the discussion of an issue. A member is allowed to speak again only after all other members are given the opportunity to speak. Petitions and delegations will be given 5 minutes and a request can be made for an additional 4 minutes. It is the Chair's responsibility to maintain speaking list, order, and time limits.

vi) Meeting will be conducted according to the most current edition of Roberts Rules of Order.

vii) The Chair will keep meeting moving and encourage members to focus on the topics discussed to avoid wide-ranging and side conversations.

2. Follow existing CRD policies.

- a) Members of the VFCYJ committee will follow the Capital Regional District Commission Handbook 2020.

https://www.crd.bc.ca/docs/default-source/legislative-pdf/2020commission-orientation-handbook.pdf?sfvrsn=2b428bca_2

- b) This document provides information for Committee members about their roles and responsibilities, describes requirements and processes, and offers information to assist members in fulfilling their obligations to both the Committee, Regional District and to their local community as effectively and efficiently as possible.
- c) The CRD policies will be followed with reasonable variations approved by the Committee and will ensure compliance with privacy, safety, information management, and expenses.
- d) The VFCYJ will comply with all laws regarding the Freedom of Information and Protection of Privacy Act.

3. Conclusions.

The VFCYJ Procedures, Policies and Community Charter Working Group acknowledges that the recommendations to follow existing CRD policies and procedures and to abide by the Commission orientation handbook include the caveat that these policies and procedures will be adopted with reasonable variations as agreed upon by the Committee (for example, some of the information contained in these documents is specific to the CRD, and its location, times and structure and do not necessarily apply to the VFCYJ committee).

4. Working Group Recommendations:

THAT the Victoria Family Court and Youth Justice Committee adopt the recommendations of the Procedures, Policies, and Community Charter Working Group as outlined in the Work Group's October 28, 2021 Report to the VFC&YJ Committee, specific to:

- 1 Formalizing Meetings: Complying with Community Charter, holding meetings that are open to the public and provisions for closed meetings, Steering committee purpose and function, adoption of CRD's procedure bylaw (with reasonable variations) including guidelines pertaining to minutes, agendas, and meeting and speaking times.
- 2 Follow existing CRD policies. Members of the VFCYJ committee will follow the Capital Regional District Commission Handbook 2020 and CRD Bylaw 3828, CRD Procedures Bylaw (with reasonable variations) to ensure compliance with privacy, safety, information management, and expenses. Importantly, the VFCYJ committee will comply with all laws regarding the Freedom of Information and Protection of Privacy Act, the corporate policy and procedure regarding a respectful workplace, debate and conduct.

AND THAT, the Chair of the VFCYJ Committee send a letter to the CRD Board and Staff providing the wording of the Committee's resolution and including a copy of the Work Group's Report, dated October 28, 2021.

Tab	Page	Date	Item
2	9	January 19, 2021	Committee-adopted resolution from Finance working group

8. Finances THAT the finances of the Victoria Family Court and Youth Justice Committee be consolidated under the CRD as a delegated Commission, once a bylaw has been enacted, in a separate ledger account AND any required changes to our Terms of Reference, Policies and procedures be instituted as per the January 19, 2022 Financial Controls Report for the Victoria Family Court and Youth Justice Committee.

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4453**

**A BYLAW TO CONTINUE THE VICTORIA FAMILY COURT AND
YOUTH JUSTICE COMMITTEE AS A DELEGATED COMMISSION**

WHEREAS:

- A. Under Bylaw No. 2560, *Family Court Committee Extended Service Establishment Bylaw No. 1*, 1997, the Capital Regional District ("CRD") continued a service to operate, participate in and fund a *Provincial Court Act* family court committee created for the capital region, as well as to provide funding to approved youth justice initiative involved third parties;
- B. Since the 1960s, the Victoria Family Court Committee, also known as the Victoria Family Court and Youth Justice Committee, has operated as an advisory body, first as a committee of the City of Victoria then of the Capital Regional District, and continues to operate for the coordination and grant-making benefit for regional youth and family justice initiatives;
- C. The Board wishes to set out clearly the community mandate of the Committee in a commission bylaw and ensure it has legal status and delegated authority to continue its work;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

CREATION OF COMMISSION

1. A commission is hereby established, to be known as the "Victoria Family Court and Youth Justice Committee" (hereinafter the "Committee"), and shall be a continuation of the Victoria Family Court and Youth Justice Committee presently operated in the capital region.

DELEGATED AUTHORITY

2. The Committee is hereby delegated all of the administrative powers of the Regional Board with respect to the service set out in Bylaw No. 2560, *Family Court Committee Extended Service Establishment Bylaw No. 1*, 1997 (the "Bylaw No. 2560"), that is, the funding, participation, and operation of the Committee and the granting of funding to youth and family issues; and the Board's ability under s.263(1)(c) of the *Local Government Act* to provide assistance to youth and family groups as contemplated by Bylaw No. 2560, other than assistance to business.

COMPOSITION AND ELIGIBILITY

3. The Committee shall have the following number of voting members, up to a total of 23, each having one vote:
 - (a) Up to seven individuals as Capital Regional District appointed representatives under section 7;
 - (b) Thirteen municipal council representatives, who may each have an alternate, under section 8; and
 - (c) Three school district ~~representatives~~, representing School Districts 61, 62, and 63, under section 9.
4. Available openings for voting membership vacancies will be advertised by November of each year of a vacancy in a term in a form acceptable to the appointing organization.

Deleted: trustees

5. A majority of members must have experience in education, health, probation, or welfare.
6. Members must represent the interests of their community or organization to the best of their ability.

Capital Region Representatives

7. The Regional Board may appoint up to seven individuals as voting members of the Committee. Such appointments may be, but are not limited to, representatives of the Juan de Fuca Electoral Area, community members, representatives of youth and family justice organizations, municipal councilors, regional district Board members, or First Nations' representatives.

Municipal Representatives

8. Each municipal participant may appoint a municipal council representative as a voting member, and may appoint as an alternate voting member a member of the public or a municipal councilor to act in the absence of the municipal council representative, for a total of 13 municipal council representatives.

School District Representatives

9. Each school district in areas served by the Committee may appoint a representative as a voting member, for a total of three school district representatives.

Resource Members

10. The Committee may resolve to have any number of non-voting resource members, including individuals, service providers, organization representatives, public authorities, First Nations, or other groups working in the capital region in family court and youth justice initiatives.

TERM OF OFFICE

11. A member's term of office is from the date of appointment in one year to December 31 in the second year of appointment.
12. No voting member may serve more than six consecutive years on the Committee. A former member may be reappointed after one year of absence. Despite the term limit in this section, in unique circumstances, an appointing agency may reappoint its voting member for an additional term.

OFFICERS

13. By the end of February in each year, the Committee shall hold an annual meeting for the purpose of appointing officers (the "Annual Meeting"). The Committee shall select from among its voting members a Chair, Vice-Chair, and Treasurer, with voting by show of hands, or, if a secret ballot is requested by one-third of members present, by secret ballot.
14. The Committee may create additional officer roles it considers advisable and staff them with voting or non-voting members from time-to-time.
15. In the event of a vacancy, the Committee may select a voting member to fill an officer role until the next Annual Meeting.

Deleted: At the Committee's first meeting in February of each year (the "Annual Meeting"), by show of hands, or, if a secret ballot is requested by one-third of members present, by secret ballot, the

DEATH, RESIGNATION, DISQUALIFICATION AND TERMINATION

16. A member's appointment ends on the end of term; resignation; death or incapacity; revocation of appointment; ceasing to be an employee, volunteer, elected official or officer of an appointing agency; or on the cessation of a municipal council voting member ceasing to be a municipal councilor.

MEMBER VACANCIES

17. In the event of a member vacancy before the end of term, the appointing organization may appoint an individual to complete the term. If not filled within a reasonable time, the Committee shall report such vacancy to the Capital Regional District's Corporate Officer.
18. If a member is absent for more than two consecutive meetings with notice, the Committee shall contact the member to determine interest in continuing on the Committee. If absent for three consecutive meetings, the member may be removed by resolution of the Committee and the Committee shall alert the appointing organization, requesting appointment.

COMMISSION OBJECTIVES AND DUTIES

19. The Committee has the following objectives:
- (a) to identify, inform, educate, advocate for, and report on gaps in regional resources for youth justice and family court issues;
 - (b) to act as a resource for the public and youth and family organizations; and
 - (c) to encourage collaboration between and visibility of community services.
20. The Committee is hereby tasked with the following duties:
- (a) to meet at least four times per year to:
 - i. consider and examine community resources for family and children's matters;
 - ii. make recommendations to the court, the Attorney General, or others;
 - iii. solicit and consider applications for receipt of grant-funding; and
 - iv. connect family-and-justice-involved individuals, service providers, and government in a way that encourages collaboration and identifies service gaps;
 - (b) if requested by the court, to act a resource or assist as directed; and
 - (c) report annually to its member local governments and the Attorney General on its activities, _____
21. The Committee may, within its mandate:
- (a) take positions and advocate 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
 - (b) undertake other activities consistent with the activities of a family court and youth justice committee, as permitted by law.
22. Subject to Capital Regional District bylaws, policies, and procedures, the Committee, in open meeting assembled or through supervised volunteers, may:
- (a) establish advisory groups to examine specific issues, who will report on their work;
 - (b) contract for support services, volunteer coordination, communications, feasibility studies, and other services and goods related to its objectives and duties; _____
 - (c) undertake necessary, incidental, or ancillary administrative tasks in order to effect its work.
23. If acting under referral or as otherwise directed under the *Provincial Court Act*, RSBC 1996, c 379, or *Youth Criminal Justice Act*, SC 2002, c 1, the Committee shall discharge its duties through one or more registered volunteers assembled for that purpose by resolution of the Committee, unless otherwise directed by the court.

Deleted: and recommendations

Deleted: mandate

24. All volunteers shall be supervised by the Committee or its appointed volunteer coordinator, if any; shall register with the CRD's Risk and Insurance Department; and must, if working with vulnerable persons or persons under 18 years of age, provide a recent criminal record check to CRD.

CONDUCT OF MEETINGS AND QUORUM

25. A quorum shall be seven (7) voting members.
26. The Committee must follow Bylaw No. 3828, "Capital Regional District Board Procedures Bylaw, 2012", when conducting a meeting (the "CRD Procedures Bylaw").
27. All meetings of the Committee must be held in a public facility and must be open to the public. Meetings may be in-camera, where authorized by law.
28. The Committee may meet by electronic means, where the requirements in the CRD Procedures Bylaw are met.

CONFLICT OF INTEREST

29. In discharging the Committee's grant function, any member who considers themselves in a pecuniary or non-pecuniary conflict of interest shall declare a conflict, which may include:
- (a) where their appointing agency is a direct recipient of a grant or assistance; or
 - (b) where a member or their immediate family owes a fiduciary duty, as a director, senior manager, or employee of an organization receiving funding,
- and shall recuse themselves in accordance with the CRD Procedures Bylaw and the *Community Charter*, SBC 2003, c 26.
30. On a majority vote of the Committee, School District and non-voting members representing an organization with a direct pecuniary interest in a grant may be invited to present on their organization's application, but shall not be present for debate nor the vote on the matter.

BUDGET

31. Upon its establishment and by October 1 of each year, the Committee shall prepare an annual budget, which shall include estimates for administrative costs, operations, grants, and other expenditures, and shall submit such estimates to the CRD's Chief Financial Officer for Regional Board approval and inclusion in provisional and annual budgets.

RECORD KEEPING

32. The Committee shall comply with all public record keeping requirements under the *Community Charter*, *Local Government Act*, and other applicable legislation.
33. Records shall be stored at the CRD. Agendas shall be provided in advance of meetings in accordance with the CRD Procedures Bylaw and meeting minutes shall be provided after each meeting.

CITATION

34. This bylaw may be cited for all purposes as "Victoria Family Court and Youth Justice Committee
Commission Bylaw No. 1, ~~2022~~".

Deleted: 2021

READ A FIRST TIME THIS	th	day of	20__
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CHAIR

CORPORATE OFFICER

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CHAIR

CORPORATE OFFICER