

FRASER VALLEY REGIONAL DISTRICT



INTERNAL AFFAIRS COMMITTEE

OPEN MEETING AGENDA

Tuesday, September 18, 2018

1:00 pm

Kingston Meeting Room

4th Floor, 45950 Cheam Avenue, Chilliwack, BC

Pages

1. CALL TO ORDER

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

MOTION FOR CONSIDERATION

THAT the Agenda, Addenda and Late Items for the Internal Affairs Committee Open Meeting of September 18, 2018 be approved;

AND THAT all reports, correspondence and other information set to the Agenda be received for information.

3. APPROVAL OF MINUTES /MATTERS ARISING

3.1 Open Internal Affairs Committee Meeting Minutes - June 26, 2018

1 - 3

MOTION FOR CONSIDERATION

THAT the Minutes of the Internal Affairs Committee Open Meeting of June 26, 2018 be adopted.

4. NEW BUSINESS

4.1 Draft FVRD Code of Responsible Conduct

4 - 15

- Discussion regarding outcome of 2018 UBCM discussions with respect to responsible conduct of elected officials
- Draft FVRD Policy - Code of Responsible Conduct

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board of Directors endorse and adopt the draft FVRD Code of Responsible Conduct;

AND THAT this item be included in the post-election FVRD Board Orientation

and circulated to all in-coming FVRD Board Members, Alternate Directors, Committee Members and Board Appointees.

4.2 DRAFT FVRD Board Policy - Assignment of Corporate Email Addresses to FVRD Board Members and Alternate Directors 16 - 20

- Corporate Report dated September 18, 2018 from Suzanne Gresham, Director of Corporate Initiatives
- Draft FVRD Board Policy - Assignment of Corporate Email Addresses to FVRD Board Members and Alternate Directors

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board of Directors endorse and adopt the draft FVRD Board Policy - Assignment of Corporate Email Addresses to FVRD Board Members and Alternate Directors;

AND THAT this item be included in the post-election FVRD Board Orientation and circulated to all incoming FVRD Board Members and Alternate Directors.

4.3 Proposed FVRD Board Policy - Alternate Director Remuneration 21 - 67

- Comments by Staff
- January 2018 Discussion Paper - Role and Implications of Alternate Unelected Electoral Area Directors
- Presentation to UBCM Electoral Area Directors Forum January 31, 2018
- Summary Recommendations to the Honourable Minister Selina Robinson

MOTION FOR CONSIDERATION

THAT the proposed FVRD Board Policy with respect to Alternate Director Remuneration be deferred until 2019 and once the UBCM Ad-Hoc Committee on Alternate "Unelected" Electoral Area Directors has completed its work.

4.4 Proposed FVRD Board Policy - Provision of Closed Board and Committee Agendas and Minutes to Alternate Directors 68 - 71

- Comments by Staff
- Preliminary Survey Results from Provincial Regional Districts

MOTION FOR CONSIDERATION

THAT the proposed FVRD Board Policy with respect to the provision of Closed Board and Committee Agendas and Minutes to Alternate Directors be deferred until 2019 and once internal survey is completed and results analyzed and presented to the Internal Affairs Committee.

5. LATE ITEMS

6. CONFIRM NEXT MEETING DATE

7. ADJOURNMENT

MOTION FOR CONSIDERATION

THAT the Internal Affairs Committee Open Meeting of September 18, 2018 be adjourned.



FRASER VALLEY REGIONAL DISTRICT INTERNAL AFFAIRS COMMITTEE

Tuesday, June 26, 2018

Fraser Valley Regional District Kingston Meeting Room
45950 Cheam Avenue, Chilliwack, BC

OPEN MEETING MINUTES

Present:

Director Bill Dickey, Electoral Area D, Chair
Director Jason Lum, City of Chilliwack
Director Kelly Chahal, City of Abbotsford
Director Wilfried Vicktor, District of Hope

Staff Present:

Paul Gipps, Chief Administrative Officer
Suzanne Gresham, Director of Corporate Initiatives
Amanda Molloy, Executive Assistant to the CAO and Board of Directors

1. CALL TO ORDER

The meeting was called to order at 5:42pm.

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

VICKTOR/CHAHAL

THAT the Agenda, Addenda and Late Items for the Open Internal Affairs Committee Meeting of June 26, 2018 be approved;

AND THAT all reports, correspondence and other information set to the Agenda be received for information.

CARRIED

3. APPROVAL OF MINUTES/MATTERS ARISING

CHAHAL/VICKTOR

THAT the Minutes of the Open Internal Affairs Committee Meeting of February 27, 2018 be adopted.

CARRIED

4. NEW BUSINESS

4.1 Responsible Conduct for Elected Officials – Draft Code of Conduct

Further to previous Board direction, staff presented a draft *FVRD Code of Responsible Conduct* which was modeled after the *Model Code of Conduct* crafted by the tri-partite Working Group on Responsible Conduct [UBCM, LGMA and Ministry]. Sample Codes of Conduct already in place from other municipalities and regional districts, and a comparative analysis of same were also circulated and discussed. It was noted that the Working Group on Responsible Conduct will again be presenting at the 2018 UBCM Conference and that the current draft is iterative and certainly subject to modification on Board direction. It was noted that at present the draft applies to FVRD Elected Officials and Alternates, however, the suggestion is that the Board consider broadening the application of the *FVRD Code of Responsible Conduct* to include all Board appointees [internal and external], in addition to all Committees and advisory bodies of the Board.

Discussion ensued on how best to characterize and categorize behaviours and conduct that might be subject to sanctions and penalties under the draft *FVRD Code of Responsible Conduct*, and what those sanctions and penalties might entail. It was noted that issues with respect to enforcement are still being worked through by the Working Group on Responsible Conduct. Staff were asked to enquire about the Board's authority to impose sanctions where a Criminal Code conviction was handed down during an Elected Official's term of office.

As a next step, it was agreed that the draft *FVRD Code of Responsible Conduct* should be "work-shopped" by the Board sitting in Committee of the Whole on July 24, 2018. This would provide an opportunity for the IAC to report out to the Board in anticipation of more fulsome discussions at the upcoming 2018 UBCM Convention around responsible conduct; and to seek the Board's further direction regarding the timing of putting a Code of Responsible Conduct in place [noting that the original suggestion was to consider putting a Code of Responsible Conduct in place after the 2018 UBCM Convention and prior to the 2018 general local election].

The following motion was brought forward at the end of discussion on the matter:

VICKTOR/CHAHAL

THAT the Internal Affairs Committee forward the draft *FVRD Code of Responsible Conduct* to the Committee of the Whole Meeting on July 24, 2018 meeting for discussion and further direction in anticipation of the 2018 UBCM Convention and possible reconsideration by the Board at its September 25, 2018 Board Meeting.

CARRIED

4.2 2018 Workplan Update

Staff presented a proposed updated 2018 IAC Work Plan which was endorsed. It was agreed that the IAC will meet again in early September as a follow up to the July 24, 2018 Committee of the Whole Meeting with respect to Responsible Conduct and in anticipation of bringing some further policy work to the Board at its September 25, 2018 Board meeting.

5. LATE ITEMS

None.

6. NEXT MEETING

The next meeting of the IAC will be on Wednesday, September 5th, 2018 at 12:00 pm at the FVRD Corporate Offices.

7. ADJOURNMENT

VICKTOR/CHAHAL

THAT the Internal Affairs Committee Meeting of June 26, 2018 be adjourned.

CARRIED

The meeting adjourned at 6:29pm.

MINUTES CERTIFIED CORRECT:

.....
Director Bill Dickey, Chair



FRASER VALLEY REGIONAL DISTRICT POLICY

POLICY: **Code of Responsible Conduct**

Date Issued: *Draft - September 18th, 2018*

Date Amended:

PURPOSE AND INTENT

A Code of Responsible Conduct is a written document developed for the purpose of promoting responsible and ethical conduct of local government officials and their representatives.

A Code of Responsible Conduct establishes shared standards and expectations with respect to the conduct, comportment, decorum and behavior of individual elected officials, the collective governing body and its representatives.

POLICY AND PROCEDURE

1. Framework:

- 1.1 Regional Districts are recognized under the *Local Government Act* of British Columbia as an independent, responsible and accountable order of government within their jurisdiction for the purpose of:
 - providing good government for its community;
 - providing the services and other things that the board considers are necessary or desirable for all or part of its community;
 - providing for stewardship of the public assets of its community, and
 - fostering the current and future economic, social and environmental well-being of its community.
- 1.2 Regional District Board Members, Alternate Directors, Committee Members and Board Appointees have the legislated authority to make decisions that affect the daily lives of citizens, families, businesses and other community stakeholders.
- 1.3 Regional District Board Members, Alternate Directors, Committee Members and Board Appointees also have the authority to establish, or help establish, the long-term vision for the communities they serve based upon community and citizen engagement, collaboration and informed decision making.
- 1.4 Responsible conduct refers to how Regional District Board Members, Alternate Directors, Committee Members and Board Appointees conduct and comport themselves, individually and collectively, through their interactions with elected colleagues, staff, citizens, other local government stakeholders, the media, and through social media in the exercise of their authority.
- 1.5 Responsible conduct is founded on 4 key foundational principles:

Code of Responsible Conduct Policy

- **Integrity**
- **Respect**
- **Accountability**
- **Leadership and Collaboration**

- 1.6 Regional District Board Members, Alternate Directors, Committee Members and Board Appointees have a duty to act and comport themselves in accordance with the law, including but not limited to the common law, the *Local Government Act*, *Community Charter*, *Workers' Compensation Act*, *Freedom of Information and Protection of Privacy Act*, and *Human Rights Code* of British Columbia, and applicable federal legislation.

2. **Commitment to Responsible Conduct:**

- 2.1 The Fraser Valley Regional District Board of Directors recognizes that responsible conduct is essential to providing good governance.
- 2.2 The Fraser Valley Regional District Board of Directors acknowledges that responsible conduct is based upon four foundational principles: **Integrity, Respect, Accountability, and Leadership and Collaboration** to which the Fraser Valley Regional District Board individually and collectively subscribes.
- 2.3 Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees expressly acknowledge that they are individually and collectively committed to conducting themselves in a responsible and ethical manner, and are furthermore committed to upholding the law.
- 2.4 As set out in this *Code of Responsible Conduct*, Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees expressly commit to holding themselves up to the highest ethical standards, individually and as a collective governing body, as they exercise their authority, fulfill their obligations, discharge their duties, and in all of their dealings, with every person, including their elected colleagues, staff, citizens, the media and other local government stakeholders.

3. **Application and Interpretation:**

- 3.1 This *Code of Responsible Conduct* applies to every elected official on the Fraser Valley Regional District Board of Directors, Alternate Directors, Committee Members and Board Appointees.
- 3.2 It is the express responsibility and obligation of each Fraser Valley Regional District Board Member, Alternate Director, Committee Member or Board Appointee to uphold both the letter and spirit of this *Code of Responsible Conduct* in their dealings with each other, staff, citizens, the media and other local government stakeholders.
- 3.3 This *Code of Responsible Conduct* is intended to be interpreted and applied in a manner that is consistent with the common law, all applicable Federal and Provincial Laws, as well as the bylaws and policies of the Fraser Valley Regional District, along with any other legal obligations which apply to Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees, individually and as a collective governing body.

4. **Foundational Principles of Responsible Conduct:**

- 4.1 It is expressly acknowledged that the foundational principles of responsible conduct, as defined below, are intended to provide Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees with a shared understanding of what responsible conduct is.
- 4.2 It is furthermore expressly acknowledged that these foundational principles, as purposefully defined below, will set out expectations around how Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees, both individually and collectively, will conduct and comport themselves as representatives of the Fraser Valley Regional District.

Integrity

Integrity is conduct and behavior that upholds the public interest and promotes public confidence in local government. Integrity is based on honesty and the active demonstration of the highest ethical standards in all dealings.

Respect

Respect is conduct and behavior that creates an environment of trust by demonstrating due regard, deference and consideration for the perspectives, wishes, beliefs, traditions, values and rights of others.

Accountability

Accountability is conduct and behavior that demonstrates the willingness to accept responsibility for one's conduct, behaviours, actions and decisions.

Leadership and Collaboration

Leadership and Collaboration is conduct and behavior that demonstrates the ability to lead, guide, actively listen, mobilize and positively influence others, while encouraging people to come together to meet around a common goal or objective, or to resolve conflict through collective means and efforts.

5. **Standards of Responsible Conduct:**

- 5.1 The Fraser Valley Regional District Board of Directors expects that all Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees will demonstrate and abide by the standards of responsible conduct set out below and as reflected in the stated foundational principles of responsible conduct set out in Section 5.

INTEGRITY is demonstrated by the following conduct and behavior and Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees will:

- be truthful, honest, and open in all matters and in all dealings with their elected colleagues, staff, citizens, other local government stakeholders, the media, and through social media in their role as a representative of the Fraser Valley Regional District
- ensure that their actions are consistent with the shared principles and values collectively agreed to by the Fraser Valley Regional District Board of Directors

Code of Responsible Conduct Policy

- follow through on their commitments in a timely manner
- correct errors in a timely, transparent and reasonable manner
- engage in respectful communication, dialogue and debate in all matters and in all dealings at all times
- make informed and well-reasoned decisions by directing their minds to the merits of the matter before them for consideration, ensuring that they act on the basis of relevant information, legal implications, and in consideration of the consequences of their decisions
- conduct and comport themselves in a manner that promotes and inspires public confidence and trust in local government and in all of their dealings as a local government official or representative
- conduct and comport themselves in a manner which avoids any perception of conflict of interest, improper use of office, or other unethical or illegal conduct
- conduct and comport themselves in a manner which upholds the public interest by diligently serving citizens and communities within their sphere of influence in a manner which best serves the communities' interest and not their own, or the interests of a select few
- conduct and comport themselves in a manner that is consistent, fair, non-prejudicial, non-discriminatory and unbiased in all their dealings as a local government official or representative

RESPECT is demonstrated by the following conduct and behavior and Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees will:

- treat every person with dignity, understanding, courtesy, politeness, civility and respect irrespective of differences of opinion, perspectives, beliefs, traditions or values
- respect the role of the Chair or Presiding Official and will conduct and comport themselves accordingly during meetings, and will furthermore abide by the rules of procedure adopted by the Fraser Valley Regional District Board of Directors
- respect the distinct roles and responsibilities of local government staff and are committed to fostering a positive working relationship between the Board, staff, citizens, and other local government stakeholders
- call for, and expect that respect be shown to elected officials, staff, and members of the public by other citizens, community members and other local government stakeholders
- value the role of diverse perspectives and will show due consideration for every person's contributions by listening actively and respectfully to another person's perspective or point of view during discussion, debate, collaboration and decision making
- will demonstrate awareness of their own conduct and behavior, and manage and adjust their conduct and behavior accordingly and as circumstances warrant
- create an environment of trust and will consider and be sensitive to how their words, language, conduct and behavior can be perceived by others as offensive, rude, derogatory, disrespectful, discriminatory, aggressive, combative, insulting, inflammatory or otherwise hurtful or inappropriate

Code of Responsible Conduct Policy

- not engage in conduct or behaviors that are deemed to be indecent, obscene, insulting, abusive or otherwise unbefitting to a local government elected official or representative. This conduct or behavior includes, but is not limited to, unwanted physical or sexual contact or comments, and/or any form of aggressive or threatening conduct or behavior that may cause harm to any person, or which makes a person feel threatened or intimidated

ACCOUNTABILITY is demonstrated by the following conduct and behavior and Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees will:

- be responsible for, and will accept responsibility for decisions they make as an elected official or representative of the Fraser Valley Regional District
- be accountable for their individual actions, and for the actions of the collective governing body
- actively listen to and consider the opinions, viewpoints and needs of the community in all decision-making, and will allow for meaningful and appropriate opportunities for citizen and community input, engagement, discourse and feedback
- carry out their business, duties and responsibilities in an open and transparent manner ensuring that the public understands the process and rationale used to reach informed decisions and the reasons and justifications for taking certain actions
- ensure that information is accessible to the extent possible under law, while also protecting privacy and confidentiality where appropriate, necessary or in accordance with the *Freedom of Information and Protection of Privacy Act* of British Columbia, and the confidentiality provisions of the *Local Government Act* and *Community Charter* of British Columbia.

LEADERSHIP AND COLLABORATION is demonstrated by the following conduct and behavior and Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees will:

- proactively and routinely monitor and measure their performance in order to ensure that the foundational principles with respect to responsible conduct are being followed by all Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees and the collective governing body
- behave in a manner that instills and builds public trust and confidence in local government
- recognize that vigorous discourse and debate on a matter is integral to the democratic process and will encourage healthy, respectful and constructive debate prior to taking a decision with respect to a matter
- consider the issues before them and will make decisions as a collective governing body
- actively participate in debate about the merits of the matter before them, and will accept, respect and uphold the decision of the majority as part of the democratic process
- as leaders of their communities, face challenges, obstacles, controversy and adversity calmly, respectfully, diplomatically, and with due consideration while endeavoring to find effective and appropriate solutions and provide direction to staff, and will furthermore empower each other, and staff to face challenges, obstacles, controversy and adversity in the same manner.
- recognize and value the distinct roles and responsibilities that others play in providing good governance and will commit to fostering a positive working relationship between Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees, citizens, the media and other local government stakeholders

Code of Responsible Conduct Policy

- refrain from publicly criticizing a member of staff
- recognize and respect the importance of the role of the Chair or Presiding Official at a meeting, and will treat that person with respect and deference at all times

5.2 Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees expressly acknowledge that they will not engage in conduct set out in Schedule 1 hereto.

6. **Acknowledgement and Sign Off:**

Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees will be required to demonstrate their commitment to responsible and ethical conduct by signing an Oath of Office, set out as Schedule 2 hereto, which incorporates this *Fraser Valley Regional District Code of Responsible Conduct*.

Schedule 1

IRRESPONSIBLE CONDUCT

TIER 1 CONDUCT	TIER 2 CONDUCT	TIER 3 CONDUCT
<p>Meeting Conduct, Rules of Order and Procedural Matters</p> <ul style="list-style-type: none"> ✓ Failing to abide by the <i>FVRD Board and Committee Procedures Bylaw</i> ✓ Failing to respect the role of the Chair or Presiding Official at meetings ✓ Failing to respect due process and procedural fairness ✓ Unfair or disrespectful treatment of persons or delegations appearing before the Board/Committee ✓ Disrespectful or disruptive behavior during a meeting which results in being called out of order by the Chair or Presiding Official ✓ Expulsion from a meeting ✓ Behavior which undermines the free exchange of ideas and which stifles or inhibits healthy debate 	<p>Integrity</p> <ul style="list-style-type: none"> ✓ 2nd occurrence - Tier 1 Conduct ✓ Abuse of authority or trust ✓ Failing to act in the public interest ✓ Showing favoritism, bias or nepotism towards any person, vendor, contractor, business, family member or to others doing business with the FVRD ✓ Dishonesty ✓ Lying ✓ Obstructing an investigation into a matter ✓ Obstructing staff from undertaking their duties <p>Damaging the FVRD's reputation</p>	<p>Integrity</p> <ul style="list-style-type: none"> ✓ 3rd occurrence - Tier 1 Conduct ✓ 2nd occurrence - Tier 2 Conduct <p>Serious Allegations of Misconduct</p> <ul style="list-style-type: none"> ✓ Harassment ✓ Sexual Harassment ✓ Discrimination ✓ Bullying ✓ Intimidation ✓ Coercion ✓ Extortion ✓ Uttering Threats ✓ Assault ✓ Accepting a bribe

Code of Responsible Conduct Policy

<ul style="list-style-type: none"> ✓ Disrespecting the viewpoints of others during discussion on a matter ✓ Failing to keep an open mind during debate on a matter <p>Communication, Interpersonal Relations, Board and Staff Relations</p> <ul style="list-style-type: none"> ✓ Use of disrespectful, derogatory, demeaning, defamatory, discriminatory, intolerant or offensive language at any time, and on any communication platform, including social media, as a representative of the FVRD ✓ Failing to treat any person with respect, courtesy, tolerance, acceptance, and/or dignity ✓ Disrespecting the role of the Chief Administrative Officer, Senior Staff, Staff, and/or FVRD Consultants ✓ Failing to respect the various roles that others play which are inherent to informed local government decision making ✓ Publicly criticizing or chastising a fellow Board Member, FVRD staff 	<ul style="list-style-type: none"> ✓ Damaging the reputation and/or credibility of the FVRD by words, actions and/or irresponsible conduct ✓ Acting in an official capacity while intoxicated resulting in irresponsible conduct <p>Confidentiality and Data Security</p> <ul style="list-style-type: none"> ✓ Intentionally accessing unauthorized information, records or data on FVRD devices ✓ Unauthorized disclosure of confidential or personal information to a third party ✓ Intentionally breaching the FVRD's network and data security systems ✓ Intentionally leaking confidential information to the media or other local government stakeholders 	<ul style="list-style-type: none"> ✓ Fraud ✓ Theft of FVRD resources and/or assets ✓ <i>Criminal Code</i> of Canada conviction while in office <p>Retaliation</p> <ul style="list-style-type: none"> ✓ Retaliation or retribution towards any person who in good faith has reported a suspected contravention of the <i>FVRD Code of Responsible Conduct for Elected Officials</i> ✓ Retaliation or retribution towards any person who in good faith has reported a suspected contravention of the <i>FVRD Discrimination, Bullying and Harassment Prevention Policy</i> ✓ Retaliation or retribution towards any person who in good faith has reported a suspected contravention of the <i>Criminal Code</i> of Canada or other federal, provincial or local government statute, regulation, or enactment. <p>Conflict of Interest</p>
--	--	---

Code of Responsible Conduct Policy

<p>member, and/or FVRD Consultant</p> <ul style="list-style-type: none"> ✓ Interfering with the administrative, corporate or operational functions of the FVRD ✓ Failing to observe established protocols with respect to tasking or otherwise directing staff <p>Interference with Designated Decision Makers and/or Processes</p> <ul style="list-style-type: none"> ✓ Interfering with, and/or failing to respect the role and authority of statutory and/or other designated decision makers: <ul style="list-style-type: none"> ○ Officer Responsible for Corporate Administration ○ Officer responsible for Financial Administration ○ Head, Freedom of Information and Protection of Privacy ○ Chief Election Officer ○ Building Officials ○ Bylaw Enforcement Officers 		<p>Failure to abide by Conflict of Interest Rules in the <i>Community Charter and Local Government Act</i>:</p> <ul style="list-style-type: none"> -failure to disclose conflict of interest -participation in meetings where in conflict of interest -use of office to influence a decision, recommendation or other action where an elected official has a direct or indirect pecuniary interest -accepting unauthorized gifts -failure to disclose authorized gifts -failure to disclose and report contracts entered into by the elected official or former elected official with the FVRD where the elected official or former elected official has a direct or indirect pecuniary interest
---	--	--

Code of Responsible Conduct Policy

<ul style="list-style-type: none">○ Provincial Approving Officer○ Others in statutory and/or designated decision making roles <ul style="list-style-type: none">✓ Failing to abide by the <i>FVRD Purchasing and Procurement Policy</i> <p>Partisan Politics and Campaigning</p> <ul style="list-style-type: none">✓ Engaging in partisan politics while undertaking FVRD business✓ Use of FVRD resources for campaign purposes <p>Unauthorized Conduct – General Prohibitions</p> <ul style="list-style-type: none">✓ Providing instruction to FVRD contractors, consultants or other service providers✓ Speaking on behalf of the FVRD Board when not authorized to do so✓ Failing to uphold a decision, bylaw or policy of the FVRD Board✓ Unauthorized use of FVRD staff and/or other FVRD resources and assets		
--	--	--

Code of Responsible Conduct Policy

✓ Unauthorized expenditure of FVRD funds		
--	--	--

DRAFT

Schedule 2

OATH OF OFFICE

I, _____ do [solemnly swear] [affirm] that:

1. I am qualified to hold the office of Director, or Alternate Director of the Fraser Valley Regional District to which I have been elected or appointed;
2. That I have not, by myself or any other person, knowingly contravened the *Local Government Act* or the *Community Charter* of British Columbia respecting vote buying or intimidation in relation to my election to the office;
3. I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters;
4. As required by the *Local Government Act* and the *Community Charter* of British Columbia, I will disclose any direct or indirect pecuniary interest I have in a matter and will not participate in the discussion of the matter and will not vote in respect of the matter;
5. I will abide by the statutes, bylaws and policies that govern the Regional District and will promote openness, accountability, and responsible leadership; and
6. I will abide by and uphold the *Fraser Valley Regional District Code of Responsible Conduct*.



CORPORATE REPORT

To: Internal Affairs Committee

From: Suzanne Gresham, Director of Corporate Initiatives

Date: September 18, 2018

Subject: *Proposed Draft Board Policy – Assignment of Corporate Email Addresses to FVRD Board Members and Alternate Directors*

File No: 0340-30

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District endorse and adopt draft *FVRD Board Policy – Assignment of Corporate Email Addresses to FVRD Board Members and Alternate Directors*;

AND THAT this item be set to the post-election FVRD Board Orientation and circulated to all in-coming FVRD Board Members and Alternate Directors.

STRATEGIC AREA OF FOCUS

Provide Responsive and Effective Public Services

BACKGROUND

As set out in the Board resolution below, the FVRD Board previously endorsed the recommendation of the Internal Affairs Committee with respect to the assignment of corporate email addresses for all Directors and Alternate Directors. It is anticipated that the time frame for implementation will be when the new Board is installed after the 2018 general local election:

THAT the Fraser Valley Regional District Board endorse the assignment of corporate email addresses for all Municipal Directors, Electoral Area Directors, and all Alternate Directors for use when conducting FVRD business as a data security measure and for purposes of protecting privacy and confidentiality;

AND THAT staff be directed to draft a Board policy which addresses the requirement for Board

Directors and Alternate Directors to be assigned a corporate email address for purposes of conducting FVRD business;

AND THAT *the on-boarding and orientation for incoming FVRD Board Members and Alternate Directors include the assignment of a corporate email address.*

DISCUSSION

It is recognized that our organizational reliance on technology extends to our Board Members. There is an increasing expectation that Board Members have the means to access and utilize technology in all its many guises and platforms for purposes of community and stakeholder engagement and in their day to day communications as an elected official – the use of email being perhaps the most widely utilized communication platform.

While the use of technology by Board Members in their day to day affairs is growing, there is also a growing awareness around the need to take adequate measures with respect to network and data security in an effort to reduce potential opportunities for cyber-crime, identify theft and security and privacy breaches. From a best practices perspective, appropriate data management and data security practices and protocols are essential. One of those protocols is to require Board Members and Alternate Directors to use an FVRD corporate [vs personal] email address when conducting any FVRD business via email.

Historically some Board Members and Alternate Directors have used personal email accounts to conduct FVRD business and this is not a best practice from a number of perspectives: privacy and the protection of personal information, confidentiality and data security being key considerations.

As Board members will know, elected officials are bound by the confidentiality provisions under the *Local Government Act* and *Community Charter* of British Columbia and are also obligated to protect privacy and personal information in accordance with the *Freedom of Information and Protection of Privacy Act [FIPPA]* of British Columbia. Towards these ends, and in consideration of best practices with respect to corporate data security and privacy management, it is furthermore recommended that all Board Members and Alternate Directors **be required** to use an assigned FVRD corporate email address when conducting FVRD business via email. From a risk management perspective this will help mitigate the risk of data security and privacy breaches and will also assist in managing FVRD [email] records should we receive a request for information under *FIPPA*.

The proposed policy is a first step in establishing expectations around the use of technology by FVRD Board Members and Alternate Directives. It is anticipated that the proposed policy will be followed up with a companion policy that speaks to related issues regarding:

- Acceptable usage of emails, cell phones and other devices
- Data Security
- Records Management
- Access to Information

- Privacy
- Deployment of Devices, Cell Phones and Other Technologies
- Social Media
- Bring Your Own Device protocols

CONCLUSION

In anticipation of the incoming Board of Directors and associated Board Orientation, it is important to have Board Policies in place that address expectations around the use of technology by elected officials while conducting FVRD business. The requirement that FVRD Board Members and Alternate Directors be assigned a corporate email address for use when conducting FVRD business is an important first step from a policy and best practices perspective.

COSTS

Nominal costs are associated with the assignment of corporate email addresses to FVRD Board Members and Alternate Directors – these costs are largely in staff time and will be borne out of the Information Management budget.

COMMENTS

Chief Administrative Officer will offer comments at the time of the meeting.



FRASER VALLEY REGIONAL DISTRICT POLICY AND PROCEDURES

ASSIGNMENT OF CORPORATE EMAIL ADDRESS TO FVRD BOARD MEMBERS AND ALTERNATE DIRECTORS

Date Issued: September 25, 2018

Date Amended:

PURPOSE

1. To establish a Board policy requiring all Fraser Valley Regional District Board Members and Alternate Directors to have a corporate email address assigned to them
2. To establish a Board policy requiring all Fraser Valley Regional District Board Members and Alternate Directors to use an assigned corporate email addresses for purposes of conducting Fraser Valley Regional District business, when email is being used as a communication platform for conducting Fraser Valley Regional District business
3. To establish a Board policy expressly disallowing the use of personal email by Fraser Valley Regional District Board Members and Alternate Directors for purposes of conducting Fraser Valley Regional District business when email is being used as a communication platform for conducting Fraser Valley Regional District business

POLICY

In the interests of data security, the protection of privacy and personal information, and in an effort to mitigate the potential for cyber-crime, identify theft and security and privacy breaches:

1. Fraser Valley Regional District Board Members and Alternate Directors will be assigned a corporate email address for purposes of conducting Fraser Valley Regional District business
2. Fraser Valley Regional District Board Members and Alternate Directors are required, and must use, an assigned corporate email addresses for purposes of conducting Fraser Valley Regional District business, when email is being used as a communication platform for conducting Fraser Valley Regional District business
3. Fraser Valley Regional District Board Members and Alternate Directors are not permitted to use a personal email address for purposes of conducting Fraser Valley Regional District business, when email is being used as a communication platform for conducting Fraser Valley Regional District business

PROCEDURE

1. Immediately upon taking the oath of office as an elected official, Fraser Valley Regional District Board Members and Alternate Directors will be assigned a corporate email address for purposes of conducting Fraser Valley Regional District business
2. Immediately upon being assigned a corporate email address, Fraser Valley Regional District Board Members and Alternate Directors will, and must use, the assigned corporate email address for purposes of conducting Fraser Valley Regional District business when email is being used as a communication platform for conducting Fraser Valley Regional District business
3. At no time whatsoever will Fraser Valley Regional District Board Members and Alternate Directors use a personal email for purposes of conducting Fraser Valley Regional District business, when email is being used as a communication platform for conducting Fraser Valley Regional District business

Role and Implications of Alternate Unelected Electoral Area Directors

**DISCUSSION PAPER BY
UBCM Ad-Hoc Committee on Alternate Unelected Electoral Area Directors**

January 2018

1. EXECUTIVE SUMMARY

Some regional districts have reported that complications and concerns arise when the extended absence of an electoral area director triggers the need for an unelected alternate to serve on a regional district board for an extended period of time. Over the years, UBCM and the Province have jointly undertaken a number of reviews, considering a range of issues facing regional districts. The purpose of this paper is to examine the specific role of the unelected alternate electoral area director.

UBCM understands that regional districts are impacted when unelected alternate electoral area directors take on a long-term role at the board table. In the more complex situations, the absent electoral area director does not resign, therefore a by-election cannot be called and the unelected alternate continues to serve on the board, potentially until the next local government election.

While some regional districts have shared their experiences anecdotally with UBCM, others have sought UBCM assistance through the resolutions process. The membership has considered two resolutions in which regional districts sought to address problems arising from extended absences of electoral area directors.¹ Members endorsed resolution 2014-B104 from the Regional District of Kootenay Boundary, seeking legislative clarity from the Province about how best to manage extended absences of electoral area directors. More recently, members considered but did not endorse resolution 2016-B71, which requested *Local Government Act* amendments to delete the reference to “illness and injury.” The sponsor, Powell River Regional District, proposed instead that the regional district board should be accorded the discretion to grant leave.

Although the degree of support was different for each resolution, in each case a regional district identified a problem and asked UBCM to help address the problem. With the resolutions serving as initial impetus, delegates attending the March 2017 Regional District CEO/CAO Forum further urged UBCM to study the impacts of long-term direct participation by unelected alternate electoral area directors on regional district boards. In response to its membership, UBCM in April 2017 established an Ad-Hoc Committee on Alternate Unelected Electoral Area Directors (the Committee).

This paper serves as the Committee’s report out on its studies and deliberations. The paper articulates the problems, poses questions, and encourages local government discussion in an effort to seek consensus on a proposed course of action.

It is important to recognize that this paper speaks only to unelected alternate electoral area directors. Alternate municipal directors appointed to regional district boards are local elected officials and are therefore excluded from the scope of this paper. The focus is deliberately narrow, to enable UBCM to act expeditiously and find potential solutions to a defined problem.

1 See Appendix 1 for full text of resolutions 2014-B104 and 2016-B71.

2. BACKGROUND

At the 2017 Regional District CEO/CAO Forum the issue of alternate “unelected” electoral area directors was raised. Discussion focused on the challenges encountered by regional districts when alternates take on a long-term role at the board table due to the extended absences of electoral area directors.

Concerns raised included:

- alternates to electoral area directors are appointed not elected; therefore they are accountable to the elected director, not to the constituents within the electoral area. This is contrary to the fundamental principle of democracy – elected representation.
- the alternate does not always share the same views as the electoral area director and may therefore not accurately represent the interests of the constituents within the electoral area.

Regional districts have provided examples where differences in votes cast by the alternate and the electoral area director have caused confusion and delays in decisions.

- an alternate continues to serve until a by-election is triggered by resignation, or the director appoints a new alternate. Depending on the circumstances an unelected alternate could potentially serve nearly a full term of office.

- *Local Government Act* outlines different criteria for appointing an alternate municipal director versus an alternate electoral area director to a regional board: an alternative municipal director may only be appointed from amongst the mayor and councillors elected to govern that municipality, whereas there is no requirement for an alternate electoral area director to be an elected official.

- alternates may not participate as ‘voting’ delegates at UBCM events since UBCM bylaws require voting delegates to be “elected officials”.
- alternates do not always have depth of knowledge or understanding of regional board operations. As a result, when the number of unelected alternates serving on the same board, outnumber the elected directors, decisions and actions taken by a board may not be in the best interests of the regional board as a whole, or its residents.

Following the Forum discussion, delegates requested that UBCM Past President Al Richmond raise the matter with the UBCM Executive. Delegates specifically asked UBCM to review the scope of the problem and determine if there were any potential solutions.

Past President Richmond raised the issue at the April 2017 Executive meeting. This was not the first time that UBCM had been made aware of these concerns. The matter had previously been raised through UBCM member resolutions (2014-B104 and 2016-B71) and in anecdotal reports from regional district members.

On behalf of an absent electoral area director, the alternate director appointed under this section may take the place of, vote and generally act in all matters for the absent electoral area director, including in relation to a matter delegated to that director by the board.

- Section 201 (6) *Local Government Act* ²

² See Appendix 2 for the full extracts of s. 200, s. 201 and s. 204 of the *Local Government Act*

3. UBCM ACTION

Upon review of the matter, the UBCM Executive provided direction by way of the following endorsed motion:

That UBCM establish a committee to discuss the issue of alternate “unelected” directors and identify possible courses of action for addressing the challenges faced by regional district boards when elected directors are unable to serve and alternates take on a more permanent role.

Following the April 2017 Executive meeting, committee composition was confirmed comprising a mix of elected and staff representation:

Al Richmond, UBCM Past President (Chair), Cariboo RD

Wendy Booth, First Vice President, East Kootenay RD

Art Kaehn, UBCM Electoral Area Representative, Fraser-Fort George RD

Janis Bell, CAO, Cariboo RD

Jim Martin, CAO, Fraser-Fort George RD

John MacLean, CAO, Kootenay Boundary RD

Following the retirement of Janis Bell in December 2017, John MacLean moved from Kootenay Boundary RD to serve as CAO of Cariboo RD. Paul Gipps, CAO, Fraser Valley RD was appointed to fill the Committee vacancy left by Janis Bell.

Gary Paget, Senior Advisor, Ministry of Municipal Affairs and Housing was also asked to provide technical support to the Committee, recognizing his involvement in previous regional district reviews and his overall knowledge, awareness and work with BC regional districts.

The first meeting of the Committee took place on June 26, 2017. Committee members reviewed previous work related to alternate electoral area directors, discussed many of the issues raised at the 2017 Forum and shared examples of the problems encountered by regional districts.

Committee members defined the problem statement as follows:

Alternates are not elected. And when you have an unelected person sitting at a board table for an extended period of time, making decisions on behalf of a group of residents, this becomes extremely challenging and goes against basic democratic principles.

At the close of its first meeting the Committee agreed to explore the following options at its next meeting:

- a. Remove the legislative requirement to appoint an alternate.**
- b. If an alternate is appointed, the alternate must be an elected official.**
The alternate could be a councillor or other elected electoral area director.

- c. In the absence of an electoral area director or an ‘elected’ alternate, the board would be responsible for making decisions.**
- d. Amend the legislation to trigger a by-election within a reasonable period of time (possibly 6 months) in the case of illness or injury of the sitting electoral area director.**

Due to the severity of the 2017 forest fire season, the Committee did not have an opportunity to reconvene until December 2017. At the December meeting, committee members discussed the options identified at the June meeting, highlighting the pros and cons for each. The Committee has chosen to put forward the same menu of options in this paper as a record of the committee’s deliberations, its perspectives and opinions; and to provide a starting point for discussion amongst UBCM members.

4. OPTIONS FOR DISCUSSION AND CONSIDERATION

Each of the four options is outlined below with a summary of the Committee’s discussion and proposed direction where noted.

- a. Remove the legislative requirement to appoint an alternate.**

In light of the concerns raised about alternates, the Committee questioned whether or not alternates should be legislatively required. Communications technology makes available a number of options to facilitate long-distance attendance of directors at board meetings (eg. videoconference or teleconference).

While technology has assisted in making participation more readily available to some electoral area directors, committee members agreed that within the more rural and remote regions of the province connectivity is not as reliable or readily available. Further, technology may not solve every problem. An absent electoral area director may be physically unable to participate due to illness or injury – a situation that technology cannot solve.

It is important to note that the focus of this paper is not about temporary, short-term or one-off absences by electoral area directors. This paper is about electoral area directors who are absent for extended periods of time unable to participate or communicate with the board, administration or other elected directors.

Despite the identified problems, many electoral area directors continue to support the appointment of alternates. These directors consider their alternates to be excellent replacements when they are not able to attend board meetings. Directors noted that their alternates truly represent their interests and the interests of the constituents in the electoral area; noting a solid working relationship and shared understanding of board issues. Consequently, these directors have a comfort level with the continuation of ‘unelected’ alternates.

However, as reported by other electoral area directors, alternate electoral area directors do not always collaborate with the elected director, nor do they necessarily act in the interest of the majority of the constituents in an electoral area or regional district. At the more extreme end of the spectrum, regional districts have reported significant and costly consequences in cases where alternate electoral area directors have served for extended periods of time.

Uncertainty regarding the long-term powers, privileges, and expected conduct of an unelected alternate electoral area director can create governance challenges for staff and other board members. The Committee questioned whether it was appropriate for an ‘unelected’ alternate to have the same powers as the elected director. For example, if an unelected alternate took in inappropriate action or contravened legislation, what options would be available to the regional district board? It is not clear if existing legislative provisions to censure or impose punitive measures would be applicable to an unelected individual.

Committee members also noted removing the requirement to appoint an alternate electoral area director would create a legislative imbalance, if the practice continues of designating alternate municipal directors. Would it be better to have an unelected alternate or no alternate at all? Or is there another option?

Notwithstanding technology that could facilitate long-distance participation, committee members reached consensus that alternate electoral area directors were still needed. Constituents within an electoral area expect to have their interests represented at the board table and if the elected director is not able to do so, then someone else should be designated to fill the role.

Discussion questions

- i. *Should the legislative requirement to appoint alternates be removed? If so, why? If not, why?*
- ii. *If there is agreement that alternates should continue to be appointed; what stipulations should be put on that appointment? (e.g. elected/unelected; setting a defined term for an alternate to serve; triggering a by-election)*

- b. **If an alternate is appointed, the alternate must be an elected official.**
The alternate could be a councillor, mayor or other elected electoral area director.

If there is consensus to continue to appoint alternates, the Committee proposed a requirement for the alternate to be an elected official, such as a councillor, mayor or other electoral area director. The Committee discussed this option extensively. If implemented, this would remove the concern around “unelected” individuals acting in the full capacity of an elected director of the regional board. While appointing another elected official would get around this concern, it might also create challenges if the electoral area director or councillor were already serving on the board, and each director may only have one vote. Committee

members deliberated on whether one individual could adequately serve two sets of constituents. If the alternate were a councillor, constituents might not feel that the alternate could accurately represent their interests as rural residents within the regional district.

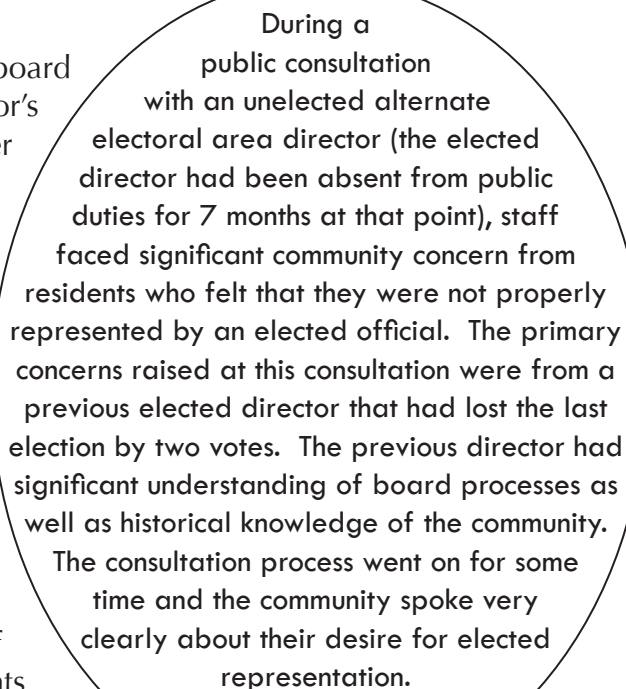
While there are challenges posed by having a sitting elected official serving as an alternate, the Committee considered this to be the best option to ensure that an 'elected' individual would serve on the board. However, the committee proposed a time limit to ensure that the alternate would serve in a temporary capacity, until a by-election could be held. If the direction is to remove the requirement to appoint alternates then the board as a whole is left responsible. This option is discussed in more detail in the next section.

Discussion questions

- i. Is there support for requiring alternates to be sitting elected officials? And if so, should those 'elected' alternates be members of the same regional district as the electoral area director?*
 - ii. What are the implications of having another elected official, from the same regional district, serving as the alternate?*
 - iii. How important is it to create legislative parity between municipal and electoral area directors on the regional district by requiring alternates to be elected officials?*
- c. In the absence of an electoral area director or an 'elected' alternate, the board would be responsible for making decisions.**

When an electoral area director is absent from board meetings, issues or matters relevant to that director's area can often be deferred or tabled until another board meeting. However, in cases of extended absence and when decisions need to be made in a timely manner, the other board members need to carry on with the business of board. While deferral of specific decisions may work on a temporary basis, it does create challenges for the board as a whole in the longer term, especially if the decision to be made directly affects the constituents within the affected electoral area.

The following scenario (right) illustrates that a lack of elected representation for an extended period of time can lead to general discontent from the residents within that electoral area.



During a public consultation with an unelected alternate electoral area director (the elected director had been absent from public duties for 7 months at that point), staff faced significant community concern from residents who felt that they were not properly represented by an elected official. The primary concerns raised at this consultation were from a previous elected director that had lost the last election by two votes. The previous director had significant understanding of board processes as well as historical knowledge of the community. The consultation process went on for some time and the community spoke very clearly about their desire for elected representation.

Discussion questions

- i. Depending on the decision to be made by the board, would there be a comfort level in proceeding to let the remaining board members make decisions in the absence of the EA director or their (elected) alternate?*
- ii. Should there be a set time period for which an (elected) alternate can serve for an absent director?*
- d. Amend legislation to trigger a by-election within a reasonable period of time (possibly 6 months) in the case of illness or injury of the sitting electoral area director.**

Presently, legislation permits an unelected alternate electoral area director to serve the remainder of the director's term of office unless the director appoints a new alternate or the director resigns and triggers a by-election. In instances where an alternate has been serving for an extended period of time, other board members have raised concerns that the alternate is no longer an alternate but is acting in the full capacity of an elected board member. Regardless of the alternate's ability to perform the duties, the fact remains that an alternate is not elected. The situation becomes more tenuous and complicated when the elected director is not capable of serving due to illness or injury, but is not willing to resign.

Based on the experiences reported by regional districts, the Committee members thought a time limit should be put into place to ensure that alternates do not become long serving board members. The prudent, original intent of the legislation was to provide a temporary stand-in for absent directors, not to allow unelected individuals to assume all the rights and privileges of an elected official.

Discussion questions

- i. Should there be legislative amendments to address the "illness or injury" reference that prevents disqualification of a director?*
- ii. Is there support for setting a time limit (i.e. six months) for an (elected) alternate to serve before a by-election is automatically triggered, regardless of the illness or injury exemption?*

5. PROPOSED COURSE OF ACTION

Based on a detailed examination of the role of the unelected alternate electoral area director, the Committee would propose a set of two policy directions in order to address the problems identified with the existing legislation. The policy directions are separate but complimentary, and will bring clarity to regional district governance and operations.

- 1. That the legislative requirement for appointing alternates remain in place, but that amendments be made to require alternate electoral area directors to be elected officials.***

This ensures that the democratic principle of elected representation continues, and it also establishes consistency between the appointment of alternate municipal directors and alternate electoral area directors.

- 2. That a time limit be placed on how long an alternate can serve in the absence of an electoral area director before triggering a by-election.***

Based on the experiences of regional districts, concerns appear to arise after an alternate has served for an extended period of time. The Committee considers the basic democratic principle of elected representation to be paramount to this discussion and is not comfortable retaining the status quo. Citizens have a right to elected representation and when their elected representative is no longer able to serve, a process should be put in place to remedy the situation.

6. CONCLUDING REMARKS

The Committee presents this paper for member consideration. There may be other options that could be considered and the Committee welcomes the discussion. Perhaps no one solution or legislative amendment can address the many scenarios, situations and experiences facing regional districts. There may also be other ways to assist regional district boards: guidance documents, new tools, or a check list that would trigger action when certain thresholds were reached (i.e. time limits for an extended absence); that would provide a board with a course of action to address the problem.

The Committee does not propose to have all the answers. Our paper is intended to provoke healthy dialogue and debate so that regional districts can collectively identify solutions that UBCM can advocate to the Province. Our Committee looks forward to hearing from our members on this matter and wishes to thank each of you in advance for your feedback on this important governance issue.

2016 - B71 Extended Absence From Regional District Board Powell River RD

Whereas subsection 2 of section 204 of the Local Government Act denies a board of a regional district the discretion to deal with an extended absence of a director due to illness or injury;

And whereas the residents of an affected electoral area have petitioned the board of the Powell River Regional District to provide relief at its discretion:

Therefore be it resolved that the Legislature of British Columbia be requested to amend subsection 2 of section 204 of the Local Government Act by deleting the reference to “illness or injury”, thus leaving the granting of leave to the discretion of the regional district board.

Not endorsed

2014 - B104 Absence of Director Due to Illness Kootenay Boundary RD

WHEREAS the role of an Electoral Area Director in electoral area and regional district decision-making is absolutely vital;

AND WHEREAS the current legislation is severely lacking when the absence of the director is due to illness or injury:

THEREFORE BE IT RESOLVED that UBCM petition the Province of British Columbia to provide clearer legislation that establishes respectful, reasonable and responsible guidance as to how Electoral Area Directors and regional districts are to manage extended absences by Electoral Area Directors due to illness or injury.

Endorsed

Provincial Response

Alternate Electoral Area Directors are appointed by Electoral Area Directors to act in place of a director during the Director’s absence and have all of the authority of the Director, including voting at the board table and participating fully in discussions and decisions. In 2012, as a result of the Regional District Task Force recommendations, the Local Government Act was amended to require that Electoral Area Directors appoint an alternate within 60 days of an Electoral Area Director being elected. Further, the Local Government Act was also amended to provide the board with the authority to appoint an alternate if the Electoral Area Director failed to do so.

The Ministry of Community, Sport and Cultural Development is interested in ensuring that the regional district legislative framework works effectively and is committed to working with those in the regional district system to improve board operations. The Ministry is open to hearing about specific challenges regional districts have experienced while managing an extended absence due to illness or injury so that it can better understand the issue and determine how to address it.

Legislative References - Local Government Act – Alternate Directors appointed

Alternate directors: municipalities

- 200** (1) The council of a municipality may appoint a council member as an alternate director.
- (2) The alternate director may take the place of, vote and generally act in all matters for an absent municipal director, including a matter delegated to that director by the board.
- (3) If there is more than one municipal director, the authority under subsection (1) may be exercised either
- (a) by specifying, for each municipal director, the council member who is the alternate director for that municipal director, or
 - (b) by appointing a number of alternate directors and establishing a system to determine which alternate director is to act in the place of any absent municipal director.
- (4) As a restriction on subsection (3) (b), at any one time, an alternate director may act in place of only a single municipal director.
- (5) If the council appoints an alternate director, the municipal corporate officer must notify the regional district corporate officer of the appointment in writing.
- (6) An alternate director holds office as alternate director until another council member is appointed as a replacement and the regional district corporate officer has been notified of the new appointment.
- (7) If the seat of a municipal director becomes vacant through resignation, disqualification or death, the alternate director appointed under subsection (1) becomes the municipal director in place of the director whose seat became vacant until a new director is appointed.

Alternate directors: electoral areas

- 201** (1) An electoral area director must appoint an alternate director as follows:
- (a) the appointment must be made within 60 days of
 - (i) the electoral area director being elected, or
 - (ii) the office of the alternate director becoming vacant through resignation, disqualification or death;
 - (b) the person appointed must have the qualifications necessary to be nominated as a director for the electoral area.
- (2) An appointment under subsection (1) takes effect when
- (a) the appointment has been approved in writing by 2 electors who reside in the electoral area that the director represents, and

- (b) the director notifies, in writing, the regional district corporate officer of the appointment of the alternate.
- (3) If an electoral area director does not appoint an alternate director in accordance with subsection (1), the board must, by resolution, appoint a person who has the qualifications necessary to be nominated as a director for that electoral area as alternate director for the electoral area director.
- (4) An appointment under subsection (3) takes effect when the resolution making the appointment is passed, and the alternate director so appointed holds office until the next general local election.
- (5) If the office of an electoral area director becomes vacant through resignation, disqualification or death,
 - (a) the alternate director holds the office until that person's successor takes office following the next election for the office, or
 - (b) if the alternate director is unable or unwilling to hold office as director, the board must, by resolution, appoint another person who has the qualifications to be nominated as a director for the electoral area and that person holds the office as provided in paragraph (a).
- (6) On behalf of an absent electoral area director, the alternate director appointed under this section may take the place of, vote and generally act in all matters for the absent electoral area director, including in relation to a matter delegated to that director by the board.
- (7) The electoral area director who appointed an alternate director may appoint, as a replacement for the alternate director, another person who has the qualifications necessary to be nominated as a director for that electoral area.
- (8) An alternate director appointed by an electoral area director holds office as alternate director until a replacement is appointed under subsection (7) or until the next general local election, whichever is earlier.

Legislative References - Local Government Act – Director Disqualification

Director disqualification for failure to attend meetings

204 (1) Subject to subsection (2), a board member is disqualified from holding office in accordance with subsection (3) if the member is absent from board meetings for whichever of the following is the longer time period:

(a) 60 consecutive days;

(b) 4 consecutive regularly scheduled board meetings.

(2) The disqualification under subsection (1) does not apply if the absence is because of illness or injury or is with the leave of the board.

(3) Disqualification under subsection (1) is disqualification until the next general local election from holding office

(a) on a local government,

(b) on the council of the City of Vancouver or on the Park Board established under section 485 of the Vancouver Charter, or

(c) as a trustee under the Islands Trust Act.

Role and Implications of Alternate Unelected Electoral Area Directors

**Al Richmond, Chair, UBCM Ad-Hoc Committee on
Alternate Unelected Electoral Area Directors**

**UBCM Electoral Area Directors Forum
January 31, 2018**



Presentation Overview

- Background / Context to Discussion Paper
- UBCM Ad-Hoc Committee
- Problem Identification / Options Considered
- Proposed Course of Action
- Discussion and Direction
- Next Steps

Background / Context

- March 2017 CEO/CAO Forum
- Delegates identify challenges when alternate 'unelected' electoral area director takes on a long-term role at the board table due to the extended absence of an EA director

Background / Context

- Forum delegates ask UBCM to review the scope of the problem and determine if any potential solutions.
- Issue raised at April 2017 UBCM Executive meeting.

Background / Context

- Forum request reiterates concerns already already raised in resolutions 2016-B71 and 2014-B104 (pg. 9)
- UBCM Executive agrees to establish an ad-hoc committee to “discuss the issue” and “identify possible courses of action”

UBCM Ad-Hoc Committee

- Ad-Hoc Committee struck
- terms of reference deliberately narrow and specific
- membership comprises staff and elected representation

UBCM Ad-Hoc Committee

Committee members (2017):

- Al Richmond, UBCM Past President (Chair), Cariboo RD
- Wendy Booth, First Vice President, East Kootenay RD
- Art Kaehn, UBCM Electoral Area Representative, Fraser-Fort George RD
- Janis Bell, CAO, Cariboo RD/Paul Gipps, CAO, Fraser Valley RD
- Jim Martin, CAO, Fraser-Fort George RD
- John MacLean, CAO, Kootenay Boundary RD/Cariboo RD



UBCM Ad-Hoc Committee

- First meeting – June 26, 2017
- Problem statement defined as follows:

Alternates are not elected. And when you have an unelected person sitting at a board table for an extended period of time, making decisions on behalf of a group of residents, this becomes extremely challenging and goes against basic democratic principles.

UBCM Ad-Hoc Committee

- four options identified and considered at a second meeting in December 2017 :
 - a. Remove the legislative requirement to appoint an alternate
 - b. If an alternate is appointed, the alternate must be an elected official. The alternate could be a councillor, or other EA director.

UBCM Ad-Hoc Committee

- c. In the absence of an electoral area director or an 'elected' alternate, the board would be responsible for making decisions.
- d. Amend the legislation to trigger a by-election within a reasonable period of time (i.e. 6 months) in the case of illness or injury.

UBCM Ad-Hoc Committee

- Discussion of four options highlighted on pages 4-8 of the discussion paper
- Specific questions posed after each option in an effort to generate discussion and comment
- Committee's proposed direction noted after each option based on the analysis provided.

Options Considered

a. **Remove the legislative requirement to appoint an alternate**

- for majority of RDs, no problem with alternates, why remove the requirement to appoint?
- municipal alternates are elected officials, should there be consistency with EA alternates?
- is it appropriate that an 'unelected' appointed alternate has the same powers as an elected director?
 - contrary to basic democratic principle of elected representation

Options Considered

- Committee debated whether alternates were necessary based on today's technology
- technology is not always available nor is it a solution for an EA director who is physically not able to participate.

Options Considered

Discussion questions (pg. 5)

- i. Should the legislative requirement to appoint alternates be removed? If so, why? If not, why?*
- ii. If there is agreement that alternates should continue to be appointed; what stipulations should be put on that appointment? (e.g. elected/unelected; setting a defined term for an alternate to serve; triggering a by-election)*

Options Considered

Committee consensus:

*Alternates are still needed;
constituents need to have their
interests represented.*

Options Considered

b. If an alternate is appointed, the alternate must be an elected official. (i.e. another EA director)

- removes concerns about 'unelected' serving BUT creates its own challenges for elected officials serving two sets of constituents.

Options Considered

Discussion questions (pg. 6)

- i. Is there support for requiring alternates to be sitting elected officials? And if so, should those 'elected' alternates be members of the same regional district as the electoral area director?*
- ii. What are the implications of having another elected official, from the same regional district, serving as the alternate?*
- iii. How important is it to create legislative parity between municipal and electoral area directors on the regional district by requiring alternates to be elected officials?*

Options Considered

Committee consensus:

Alternates should be elected officials.

*Time limit should be set recognizing
challenges of serving two sets of
constituents.*

Options Considered

c. In the absence of an electoral area director or an 'elected' alternate, the board would be responsible for making decisions.

- while the board has authority to make decisions, those collective decisions become more challenging the longer an EA director is absent or where an alternate is serving in the electoral area that will be directly affected by the decision.

(see pg. 6 scenario – FVRD)

Options Considered

Discussion questions pg. 7

- i. Depending on the decision to be made by the board, would there be a comfort level in proceeding to let the remaining board members make decisions in the absence of the EA director or their (elected) alternate?*
- ii. Should there be a set time period for which an (elected) alternate can serve for an absent director?*

Options Considered

d. Amend the legislation to trigger a by-election within a reasonable period of time (i.e. 6 months) in the case of illness or injury.

- present legislation permits an ‘unelected’ alternate to serve the remainder of an EA director term unless the director appoints a new alternate or the EA director resigns to trigger a by-election.
- Question – Is the alternate, really an alternate under these circumstances ?

Options Considered

Answer – No!

- unelected alternate has the authority to “act in all matters” for the absent EA director.
- longer term alternates – principles of transparency, accountability and elected representation get called into question. Alternate is serving on who’s behalf?
- lack of legal clarity around ability to reprimand / censure an alternate for inappropriate behaviour - they are not elected officials do the same rules apply?

Options Considered

Discussion questions pg. 7

- i. Should there be legislative amendments to address the “illness or injury” reference that prevents disqualification of a director?*
- ii. Is there support for setting a time limit (i.e. six months) for an (elected) alternate to serve before a by-election is automatically triggered, regardless of the illness or injury exemption?*



Proposed Course of Action

Committee proposes two policy directions:

- 1. That the legislative requirement for appointing alternates remain in place, but that amendments be made to require alternate electoral area directors to be elected officials.***
- 2. That a time limit be placed on how long an alternate can serve in the absence of an electoral area director before triggering a by-election.***

Proposed Course of Action

- ensures democratic principle of “elected representation”
- creates parity with municipal alternates
- continues to provide for alternates - but by setting a time limit – alternate serves in a temporary, time limited capacity
- elected representation is paramount



Proposed Course of Action

UBCM Executive - Feedback on Discussion Paper

Two other possible courses of action suggested:

- remove EA director remuneration after 3 months – get to resignation & by-election sooner
- elect an EA director and an alternate – two names on ballot

Regional District Experiences

Let's hear from those regional districts
that have experienced challenges
and are seeking assistance.

Discussion/Direction

1. What are your thoughts on the proposed course of action offered by the Ad-Hoc Committee?
2. Are there other options / solutions that should be considered?

We want to hear your comments!



Next Steps

1. Ad-Hoc Committee will report back to the February UBCM Executive meeting with your feedback / direction.
2. Ad-Hoc Committee will report back to the March CAO-CAO Forum so they are aware of UBCM's action in response to their 2017 Forum request.

Concluding Remarks

Thank you for taking the time to provide your input!

Thank you to the Ad-Hoc Committee members:

Al Richmond, Wendy Booth, Art Kaehn,
Paul Gipps, Jim Martin, John MacLean



Discussion/Direction

1. What are your thoughts on the proposed course of action offered by the Ad-Hoc Committee?
2. Are there other options / solutions that should be considered?

We want to hear your comments!



June 7, 2018

The Honourable Selina Robinson
Minister of Municipal Affairs and Housing
PO Box 9056, STN PROV GOV
Victoria, BC
V8W 9E2

Dear Minister:

Re: Alternate “unelected” Electoral Area Directors

In April 2017 UBCM established an Ad-Hoc Committee to discuss the issue of alternate “unelected” electoral area directors. Committee members were asked to identify possible courses of action for addressing the challenges faced by regional district boards when elected directors are unable to serve and alternates take on a more permanent role.

After reviewing UBCM policy, previous Regional District review documents and reports, Committee members proceeded to develop a discussion paper in an effort to seek feedback from members on proposed courses of action. Link to the paper is:

<http://www.ubcm.ca/assets/Events/EAD~2018/AEAD%20Discussion%20Paper%20-%20EA%20FORUM%20Jan%2031.pdf>

The paper was the subject of discussion at the Electoral Area Directors Forum in January 2018 as well as the CEO/CAO Forum in March 2018. Excellent feedback was provided and members of the Ad-Hoc Committee have developed a summary of proposed actions that we would ask the Province to consider. The proposed actions reflect both a legislative stream and best practices stream. The summary is attached.

We were fortunate to have guidance from Ministry staff support Gary Paget, and wish to acknowledge and thank him and Michelle Dann for their advice in our early discussions. That being said, the final recommendations are solely that of the UBCM.

We would welcome the opportunity to discuss these recommendations with you or your staff in the near future, and look forward to your earliest response.

Kind Regards,

A handwritten signature in black ink that reads "Wendy Booth". The signature is fluid and cursive, with the first name "Wendy" and the last name "Booth" clearly distinguishable.

Wendy Booth
UBCM President

cc: Gary Paget, Ministry of Municipal Affairs and Housing

ATT.

REPORT FROM THE AD-HOC COMMITTEE ON ALTERNATE 'UNELECTED' ELECTORAL AREA DIRECTORS

SUMMARY RECOMMENDATIONS

Endorsed by the UBCM Executive on May 18, 2018

Recommendations for Legislative Change

a) Remove the “requirement” to appoint an alternate director

For those regional districts who are concerned that an ‘unelected’ alternate is not democratic, a legislative amendment could be requested to remove the requirement to appoint an alternate and amend it to “may”. The decision would be left to the discretion of the regional district to determine if they wish to have alternates appointed.

b) Require that a by-election be held if a director does not attend meetings for 6 months.

c) Permit an appeal to the Minister should a 2/3 majority of the board feel more time should be given to the director, beyond the 6 months.

These two recommendations are in tandem to address the critical problem identified to the Executive by regional district members; and to ensure that there is a remedy for the current situation of long-serving alternates due to the illness / injury of an elected EA director. The second bullet provides the ability to extend the 6 months time limit in those circumstances when the ill or injured director is communicating with the board administration and / or their alternate and fully intends and has the ability to return to office.

d) Establish a quorum for regional board meetings that requires a 2/3 majority of elected officials thereby eliminating a situation where unelected alternate board members make up the majority and are therefore able to make decisions.

This recommendation is intended to address the situation encountered by one regional district that resulted in a majority of unelected alternate directors making decisions that have created significant financial obligations to the successive boards.

e) Align regional districts with councils in regards to filling vacancies so that a by-election is not necessary if the vacancy occurs in the year of a general local election.

Currently s. 54(3) of the Local Government Act permits a council to defer holding a by-election if the vacancy occurs in the year of the local general election. This same provision is not in place for regional boards, who are required under s. 54(2) to hold a by-election if the vacancy occurs after June 1 in the year of a general local election. This change would create a level playing field between councils and regional boards, and reduce costs by softening the requirements for holding a by-election when the vacancy occurs in the year of a local general election.

Recommendation for a Best Practice:

f) Stipulate within regional district remuneration bylaws that only an elected official can receive the director's stipend, thereby eliminating the potential compensation of two directors for an area when the elected director is ill or injured.

One of the challenges of having alternates is the issue of compensation. The Committee is not recommending legislative changes because it respects local government autonomy in setting its own remuneration rates and does not wish the Province to get involved in this area of local government jurisdiction. However, the Committee would encourage establishing a best practice on this matter. It would suggest that regional boards adopt remuneration bylaws that do not result in both the elected and the alternate receiving a stipend for serving. The Committee may wish to encourage regional boards to establish a remuneration bylaw that provides an annual stipend to the elected director for their board and constituency responsibilities. Alternates would only be available for compensation to attend a board or committee meeting and for expenses such as mileage. In those instances where the alternate is fully acting in the absence of the elected director due to illness or injury, the board could consider other compensation options such as deducting from the elected director's stipend to cover the alternate director's meeting stipend.

It should be noted that if the 6-month limit is enacted then the issue of compensating long-serving alternates may be non-existent.

Preliminary Survey Results as at September 14, 2018:
Provision of Closed Board and Committee Agendas and Minutes Distributed to Alternate Directors

Regional District	Are Closed Meeting Agendas circulated to Alternate Board Directors as part of your procedure, even though they may not be required to attend that particular meeting?	Are Closed Meeting Minutes circulated to Alternate Board Directors as part of your procedure, even though they may not be required to attend that particular meeting?	Are Alternate Board Directors invited to attend Closed Meetings regardless of whether the primary Director is attending or not?
Regional District of Fraser-Fort George	No	No	No
Thomson-Nicola Regional District	<u>Yes</u>	<u>Yes</u>	No
Regional District of North Okanagan	No	No	No
Strathcona Regional District	No	No	No
Capital Regional District	No	No	No

Preliminary Survey Results as at September 14, 2018:
Provision of Closed Board and Committee Agendas and Minutes Distributed to Alternate Directors

Regional District	Are Closed Meeting Agendas circulated to Alternate Board Directors as part of your procedure, even though they may not be required to attend that particular meeting?	Are Closed Meeting Minutes circulated to Alternate Board Directors as part of your procedure, even though they may not be required to attend that particular meeting?	Are Alternate Board Directors invited to attend Closed Meetings regardless of whether the primary Director is attending or not?
Comox Valley Regional District	No	No	No
Regional District of Central Okanagan	No	No	No
Metro Vancouver Regional District	No	No	No
Qathet Regional District (formerly Powell River)	No	No	No

Preliminary Survey Results as at September 14, 2018:
Provision of Closed Board and Committee Agendas and Minutes Distributed to Alternate Directors

Regional District	Please provide any further comments with respect to your Board's protocols when providing confidential or Closed Meeting information to Alternate Board Directors.
Regional District of Fraser-Fort George	It is the responsibility of the EA Director to provide closed session agenda to their alternate if they are not able to attend. Municipal Directors advise us if their alternate will be attending in their place. We rarely see Alternate Directors at our closed sessions.
Thomson-Nicola Regional District	Alternate Directors do not receive a copy of the agenda or minutes in advance, they receive a hard copy at the meeting that is returned at the end of the meeting.
Regional District of North Okanagan	I understand your pain. We included a section in our last rewrite of the procedures bylaw to deal with this - there was a lot of discussion by the Board but it passed. ...the distribution of agendas for Meetings that re held In Camera (closed to the public) shall be limited to Directors in the case of an In Camera Board meeting, and appointed Committee Members in the case of an In Camera Committee Meeting. The Director not able to attend is to inform the Corporate Officer if an alternate member will be in attendance at an In Camera meeting in their absence and the CO would then provide them with an agenda.
Strathcona Regional District	No further details provided.
Capital Regional District	Alternate Board Directors only have access to closed meeting matters when attending on behalf of a Director and will be provided with the closed agenda at the meeting on hardcopy, or on a borrowed iPad provided by Leg Services for the day of the meeting

Preliminary Survey Results as at September 14, 2018:
Provision of Closed Board and Committee Agendas and Minutes Distributed to Alternate Directors

Regional District	Please provide any further comments with respect to your Board's protocols when providing confidential or Closed Meeting information to Alternate Board Directors.
Comox Valley Regional District	We provide the agenda as a PDF with a statement requiring that they let us know when they've removed the PDF from all devices.
Regional District of Central Okanagan	An alternate director is only an alternate when the Director cannot attend a meeting. No information is ever provided to them unless they will be attending the Board meeting, or if the Director will be away on an extended leave (ie: medical) and the Director requests information to be provided to them. If they are attending a meeting, confidential (blue) pagers are provided in paper copy with the pages left at the Board table at the end of the meeting.
Metro Vancouver Regional District	If an alternate Director is attending on behalf of an absent Director then they are given access to that meeting agenda only. Past and future meetings are restricted with access based on individual attendance.
Qathet Regional District (formerly Powell River)	We provide in-camera Agendas by secure FTP link to Alternate Directors when notified that primary Director is not attending. Printed agendas are distributed and collected at the meeting. Agendas are deleted from FTP site once the monthly meeting cycle finishes.