

To: Electoral Area Services Committee

Date: 2025-03-13

From: Jaime Van Nes, Director of Legislative Services/Corporate Officer

Subject: Board direction on updates to the FVRD Board and Committee Procedures Bylaw

Reviewed by: Jennifer Kinneman, Chief Administrative Officer

RECOMMENDATION

THAT the Fraser Valley Regional District Board provide direction to staff in preparation of updates to the Fraser Valley Regional District Board and Committee Procedures Bylaw.

BACKGROUND

At the December 2024 Electoral Area Services Committee (EASC) meeting, annual elections for the positions of EASC Chair and EASC Vice Chair took place. Elections for the position of EASC Vice Chair resulted in a tie vote for two consecutive **rounds of voting**. **As EASC's membership is an even number** (8 members) and it was felt there was likely not to going to be a change in the outcome of further rounds of voting, the Committee passed a resolution that the election for the position of Vice Chair be postponed to the January 16, 2025 meeting. At the January EASC meeting, an election for the position of EASC Vice Chair was held, and EASC successfully elected a member to this position.

At the January 30, 2025 Board meeting, the Board passed a motion providing staff with direction to bring forward amendments to the FVRD Board and Committee Procedures Bylaw (**the 'procedures bylaw'**) to provide options for methods of determining results of an election for Chair or Vice Chair following a tie vote.

DISCUSSION

As staff have been directed to bring forward updates to the procedures bylaw on methods to determine the results of a tie vote, staff are also bringing forward options for additional updates to the procedure **bylaw for the Board's consideration**, such as the scheduled meeting time for Board meetings, and other housekeeping updates. **Staff are providing options for the Board's consideration, and are looking for the Board's direction on these topics.** Staff would then return to a future meeting with an updated procedure bylaw incorporating the Board's direction.

Methods for determining results of an election for Chair/Vice Chair following a tie vote

Unlike municipal councils, regional district Boards are required on an annual basis to elect a Chair who acts as the head and chief executive officer of the regional district. The Board is also required to elect on an annual basis a Vice Chair who, during the absence, illness or other disability of the Chair, has all the same powers and is subject to the same rules applicable to the Chair. The Fraser Valley Regional District Board and Committee Procedure Bylaw No. 1600, 2020 and amendments thereto set out the procedure for the annual election of the Board and Committee Chairs and Vice Chairs and sets out the following process in the event of a tie vote:

4.10.9 If there is a tie vote between two or more persons with the most votes, the persons who are tied remain in the election for office of Board Chair, and the Corporate Officer must continue to conduct votes to break the tie until a person emerges with the most votes who shall then be declared to office by the Corporate Officer.

4.10.10 Prior to a subsequent ballot(s) being voted upon for Board Chair, persons who are tied shall be afforded the opportunity to address the Board for one additional one (1) minute followed by a (10) ten minute recess between each vote where more than one vote is required. *(emphasis added above)*

The FVRD's current procedure bylaw does not contemplate a process for determination of results for the elections of Chair or Vice Chair should the vote remain tied. The only current solution offered is to '*continue to conduct votes to break the tie until a person emerges with the most votes who shall then be declared to office...*'

An alternative to conducting repeated votes in order to break a tie is to determine the results of an election by draw of name by lot.

The process for determining results of an election by draw of name by lot following a tie vote involves the name of each of the nominated candidates for Chair or Vice Chair being written on individual and similar pieces of paper, uniformly folded in a way that disguises the names of each candidate, and then placed in a container large enough to be shaken. The container is then shaken, and a person who is not a nominated candidate will then immediately draw one of the slips of paper from the container and hand it to the Chief Administrative Officer. The Chief Administrative Officer will then declare elected the person whose name is drawn out of the container. This process is taken directly from Section 151 of the *Local Government Act* which provides the procedure in the event of a draw of name by lot following a tie vote and judicial recount in a general local election.

Determining the result of an election by draw of name by lot is a more expedient method of determining the results of an election following a tie vote. However, this method is less democratic as it does not reflect the will of the Board of Committee members, and the determination is left to chance. An additional option for **the Board's consideration is to allow for two rounds of tie votes before moving** to determination of results by draw of name by lot.

It is important to note that following the 2018 general local elections where there was a tie vote after judicial recount in Electoral Area C, the Board adopted *Election Procedures Bylaw No. 1661, 2022* to provide that in any future FVRD general local elections, the results of a tie vote are to be determined by a runoff election (by-election), rather than the draw of name by lot. Provincial elections contemplate a similar process and require a by-election in the case of a tie vote under the provincial *Election Act*.

Option 1: Status Quo: No changes: continued voting to determine tie vote

This option would see the procedures bylaw remain as is; requiring that voting continue to break the tie until a person emerges with the most votes.

Option 2: Amend procedure bylaw to allow for two (2) rounds of tie votes, followed by draw of name by lot

This option would allow for the person declared elected by draw of names by lot *only after* there has been two (2) rounds of tie voting. This option would allow the committee or Board two opportunities to elect a Chair or Vice Chair before proceeding with the draw of name by lot procedures set out above.

Option 3: Immediate results by draw of name by lot

If this option was chosen, immediately following a tie vote, the person declared elected would be determined by the draw of name by lot in accordance with the procedure set out above.

Board meeting times

At the December 2022 Board meeting, there was discussion about holding FVRD Board meetings during daytime hours. However, concerns were raised at that time including:

- Scheduling conflicts
- Public attendance
- Financial hardships for any Directors who may have to take time off work for meetings

At that time, the Board decided to continue with a 6pm Board meeting start time.

Recently, discussion and questions have again arisen by Board members regarding the scheduling of Board meetings during the daytime hours. A survey of the meeting start times for all other regional districts in BC reveals that only one other regional district schedules Board meetings in the evening, after 6pm. The remaining 25 regional districts hold daytime meetings, with meeting start times ranging from 9am to 4pm.

The average FVRD Board meeting lasts approximately 2.5 hours, typically adjourning before 9pm. However, there are times where the agenda is longer, and the meeting lasts closer to 10pm.

Scheduling the Board meeting start times during daytime hours would provide the following benefits:

- Elimination of staff overtime costs;
- Reduced cognitive fatigue and improved decision-making;

- Parking during daylight hours provides for improved parking lot safety; and
- Directors who live in electoral areas that travel as far as 125kms each way are travelling safely home during daytime, daylight hours.

Since 2020, the FVRD has invested in significant improvements to Boardroom technology, giving members of the public the ability to virtually attend meetings by Zoom and to see, hear and participate virtually in Committee and Board meetings. Members of the public are also given an opportunity to ask a question relevant to the agenda by submitting it by mail, facsimile or email. Any questions are read aloud at the time of the Board meeting for response by the Board or staff.

A review of the total public attendance at FVRD Committee and Board meetings in 2024 shows an increased attendance by members of the public at daytime Electoral Area Services Committee meetings (starting at 1:30pm), with many members of the public choosing to attend virtually by Zoom.

Meeting type	2024 total attendees (Zoom)	2024 total attendees (in person)	2024 total attendees (Zoom and in person combined)
Regional and Corporate Services Committee (10am start)	3	6	9
Electoral Area Services Committee (1:30pm start)	33	13	46
Hospital/FVRD Board (6pm start)	24	11	35

Should the Board wish to consider scheduling Board meetings during the daytime hours, staff suggest either a 9am or 1pm meeting start time. Both these meeting start times would accommodate the average length of a Board meeting, while allowing the meeting to finish prior to the lunch or dinner hours.

In cases where a meeting is expected to run longer than normal, nourishment breaks may be arranged **for in advance of the meeting**. The FVRD's 2025-2029 financial plan includes the cost of providing a meal for Board members during meetings that are expected to run long and are scheduled to start prior to 6pm. Accordingly, there would be no additional financial impacts for meetings that are scheduled during the daytime hours and run into the lunch or dinner hour.

As the FVRD's member municipalities council meetings fall on Monday, Tuesday and Wednesdays of the week, a 9am or 1pm start time on the fourth Thursday of each month would avoid any conflicts with regular municipal meeting schedules.

Option 1: Status Quo: continue with 6pm meeting start time

Should the Board wish the Board meeting start time to remain at 6pm, there would be no changes required for the meeting start time in the procedure bylaw.

Option 2: Update procedure bylaw: 9am meeting start time

Should the Board wish to have Board meetings scheduled to start at 9am, an update to the procedure bylaw would include the new meeting start time as part of the procedure bylaw updates.

Option 3: Update procedure bylaw: 1pm meeting start time

Should the Board wish to have Board meetings scheduled to start at 1pm, an update to the procedure bylaw would include the new meeting start time as part of the procedure bylaw updates.

Option 4: Delay meeting start time changes to 2026-2030 Board Term

An option for the Board's consideration would be to delay any changes to meeting start times until the next Board term. This way candidates running in the 2026 election would be aware in advance of the requirement to attend daytime meetings for all FVRD Committee and Board meetings.

Housekeeping amendments

In addition to above options to update the procedure bylaw, staff are recommending the following housekeeping amendments be incorporated into the procedure bylaw update:

1. Publication of FVRD agendas. Staff are **recommending amendments to reflect the Board's** previous direction that staff provide a copy of all Board or Committee agendas on the Friday before a regular open or closed meeting.
2. Special Board meetings. Following updates to the *Local Government Act*, the procedure bylaw needs to be updated to reflect the new legislative requirements for calling a Special Board meeting.
3. Updating and adding definitions. Updating and adding definitions to better interpret and define the procedures bylaw.
4. Requirement to give notice of proposed bylaw amendments. Updating the procedure bylaw **following legislative updates, and the Board's adoption of FVRD Public Notice Bylaw No. 1741, 2024.** Given that there are no financial impacts associated with the proposed bylaw amendments, as well as the administrative nature of the amendments, staff are not **recommending any additional public notice as noted under the FVRD's Public Notice Policy.**
5. Other general amendments. Updating the procedure bylaw to reflect the current practice of the Board, and updating the procedure bylaw to reflect legislative changes under the *Local Government Act*.

COST

There are no costs associated with the proposed updates to the FVRD Board and Committee Procedures Bylaw; however there are potential cost savings if the Board chooses to move its meeting times to daytime hours.

CONCLUSION

Following a tie vote for two consecutive rounds of voting for EASC Vice Chair in December 2024, the Board directed staff to bring forward amendments to the FVRD Board and Committee Procedures Bylaw to provide for options for a method of determining results of an election for Chair or Vice Chair following a tie vote.

In addition to options for methods of determining the results of an election following a tie vote, staff are providing additional options on Board meeting times and housekeeping amendments for the **Board's** consideration as part of a future update to the Fraser Valley Regional District Board and Committee Procedure Bylaw. Direction provided by the Board will be incorporated into the updated **procedure bylaw which will be brought to a future committee and Board meeting for the Board's** consideration.