UBCM Union of BC Municipalities

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,

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 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.