

# CAPITAL REGIONAL DISTRICT

## COMMISSION HANDBOOK

### 2020



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## 1.0 INTRODUCTION

This Handbook provides information to CRD Commission members about their roles and responsibilities, describes requirements and processes, and offers information to assist Commission members in fulfilling their obligations to both the Regional District and to their local community as effectively and efficiently as possible. Not all of the sections or topics will apply equally to all CRD Commissions. If you have questions that are not addressed by the information provided in this handbook or would like more information about how these topics may apply to your commission, please contact the CRD staff that work with your commission or staff in Corporate Services. Contact information is included in this document and can be located on the CRD website at [crd.bc.ca](http://crd.bc.ca)

### 1.1. Definitions

The following terms will be located throughout the document and are defined here for your information:

**Local Government Act (LGA)** – This provincial legislation sets out the powers and governance of regional districts and improvement districts and contains procedures for local government elections and community planning functions.

**Community Charter** – The *Community Charter* is an accompanying piece of legislation to the *Local Government Act* that establishes the legal framework for core municipal powers. Some of the provisions of the *Community Charter* also apply to regional districts, such as the conflict of interest provisions and open meeting provisions.

**CRD Procedures Bylaw No. 3828** - This bylaw specifies the rules of parliamentary procedure by which the meetings of the CRD Board are conducted. These rules also govern the meetings of CRD commissions. The most up-to-date version of the bylaw is available on the CRD website, however, a copy has been included in **Appendix 1: Bylaw No. 3828**.

**Letters Patent** - Section 41(2) of the *Local Government Act* outlines what must be contained in the incorporating letters patent for a regional district. This includes the regional district's name, boundaries, electoral area boundaries, voting unit and which municipalities and electoral areas comprise the regional district.

**Robert's Rules of Order** – Robert's Rules are the parliamentary rules of order most commonly used by democratic organizations. They are to be the reference used when the *CRD Procedures Bylaw No. 3828* does not provide an answer to a question of parliamentary procedure. There are lots of reference materials available on Robert's Rules and answers can generally be found online or, in complex situations, through consultation with staff in Corporate Services.

**Service Establishment Bylaw** – For most types of services, the Board must adopt a Service Establishment Bylaw in order to operate the service. This type of bylaw creates the service that the CRD Board wishes to deliver and describes the service, service area and means of financial support. A Service Establishment Bylaw sets out the CRD Board's community mandate for the service. As a commissioner, this is also the mandate underpinning your commission.

**Commission Bylaw** – This type of bylaw establishes a commission, provides for a means of appointment of persons to the commission and delegates some of the authority of the CRD to that commission. The bylaw describes the commission's organization, powers, service, reporting

relationship to the CRD Board, the rules of parliamentary procedure it must follow and more. In a sense, this bylaw provides you, as a commissioner, with many of your duties in operating the commission. **Appendix 2: Commission Bylaws** provides the specific bylaws for each commission. Bylaws can be accessed either through the staff assigned to support your Commission or via the CRD website.

**CRD and Administrative Policies** – These policies are advisory directives for areas not covered by the *Local Government Act* or other legislation, for example procurement and tendering procedures. Policies with the greatest relevance to commissions are summarized throughout the content of this handbook.

**Terms of Reference** – Most commissions will have Commission Bylaws instead of Terms of Reference. However, Terms of Reference are sometimes used by commissions and standing committees to lay out items such as meeting frequency, group composition, and method of appointment, scope of responsibility and outlines staff support areas.

## 1.2. First Nations

The CRD operates on the territories of over 20 First Nations, please see **Appendix 3: First Nations with Reserve Lands and Traditional Territories Map**. These Nations have occupied this territory since time immemorial. Through the history of colonization First Nations have not been included in decision-making on matters affecting them and their territories. This has had lasting impacts on their language, governance, health and food systems. It is important and a requirement for all governing bodies to recognize the potential impact of their decision-making on First Nations peoples of this territory.

The CRD is part of a National movement towards Reconciliation with Canada's Indigenous Peoples, informed by: The Truth and Reconciliation Commission calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples, section 35 of the Canadian Charter of Rights and Freedoms and specifically for this area, the Douglas Treaties and the BC Modern Treaty Process.

In 2018, the CRD adopted a Statement of Reconciliation, focused on three themes:

### 1. Self-Determination

The CRD acknowledges the fundamental right of self-determination to Indigenous peoples. In the spirit and intent of inclusivity, the CRD is committed to working with First Nations through the governance systems they choose. When First Nations wish to participate in our decision-making process then we will support them. The CRD will look to First Nations for leadership in understanding how to create new decision-making systems together on their Traditional Territories.

### 2. Shared Prosperity

The CRD recognizes the gap in wealth between First Nations and settler governments. The CRD will work towards a prosperous economic future for all of its residents and believes that improving the lives of the most vulnerable citizens creates a stronger and more resilient region for everyone. The CRD will seek partnerships, share information and deliver fair and equitable services in working with First Nations on achieving their economic goals.

### 3. Relationship with the Land and Water

The CRD recognizes the integral relationship First Nations have with the land; often the names for the people of the land and the land itself were one and the same. The CRD will work with First Nations on taking care of the land while providing space for cultural and ceremonial use, food and medicine harvesting, traditional management practices and reclaiming Indigenous place names. **(Appendix 4: Statement of Reconciliation)**

The CRD's goal is to have better working relationships with First Nations of this territory, while also respecting the workloads and goals of each of the Nations. The CRD has a First Nations Relations Division to assist all CRD departments with their outreach efforts in the aim to minimize this burden on First Nations partners. The Division can also assist with territorial acknowledgments, contacts, education and reading resources.

The CRD is also responsible for any potential archaeological disturbances and has passed an organization-wide policy in keeping with the *Heritage Conservation Act*. This policy meets provincial requirements; however, at times, the CRD may need to go above and beyond these requirements in order to meet the specific needs of the Nations.

Should you need further assistance with any work relating to First Nations you can contact the First Nations Relations Division.

## 2.0 REGIONAL DISTRICTS

The CRD offers a significant range of diverse services to its residents on a regional, sub-regional or local level.

The choice of services is determined by the regional board but only with the support of the electors. Therefore, the breadth of services varies with each regional district according to its circumstances and local opinion. There are 27 regional districts in the province, ranging in size from the Stikine Region with about 740 residents to the Metro Vancouver Regional District with over 2.5 million residents. Regional Districts also serve in place of a Council where there is no municipality in areas called Electoral Areas. The CRD serves a local government role for the electoral areas of Juan de Fuca, Salt Spring Island and the Southern Gulf Islands.

Today, the framework for powers of a regional district and municipalities are provided by the *Local Government Act (LGA)* and *Community Charter*. The *LGA* remains the primary legislation for regional districts.

### 2.1. ***Regional District Services and Governance***

The *LGA* empowers regional districts to provide certain services, primarily where the individual local governments believe the service would be financially or logistically more efficient if undertaken regionally. The Act also requires a regional district to provide governance for unincorporated (usually rural) districts, known as Electoral Areas.

Regional district services include general government and can include waste management, regional parks, regional planning, water supply, sewage treatment, solid waste management and 911 emergency response. Services to only one or two municipalities or participants are occasionally undertaken. While regional districts can provide a broad range of services, some services that municipalities can provide are beyond the jurisdictional mandate of regional districts, such as roads and policing.

In electoral areas, a regional district provides core services such as building inspection, community parks, community planning, water distribution, sewerage and water treatment, fire protection, street lighting and nuisance regulation.

In most cases, the services of a regional district are administered on a day-to-day basis by staff. While a regional district board is the final decision-maker about its services, it is rare for a regional board to concern itself with day-to-day operational or administrative matters and in these cases a regional district board may decide to establish a commission to provide advice or undertake some work on behalf of the board. Committees or commissions are generally used when a board does not have the capacity to undertake an initiative directly, in those cases where subject matter experts are required, or where a board decides that specific community involvement in service delivery is warranted.

### **3.0 THE CAPITAL REGIONAL DISTRICT**

The CRD was incorporated on February 1, 1966. The CRD includes the southern portion of Vancouver Island from Malahat Mountain and the Saanich Peninsula to the north, the west shore of San Juan Port and Port Renfrew to the west, and Salt Spring Island and the Southern Gulf Islands as far as Galiano Island in the east. In the north it is bounded by the Cowichan Valley Regional District (See [Map](#)). The CRD covers 237,000 hectares, including 70 Gulf Islands. There are thirteen incorporated municipalities and three unincorporated areas, known as Electoral Areas. (**Appendix 5: CRD Map**)

#### **3.1. The CRD Organization**

The CRD is governed by three Boards – the Capital Regional District Board, the Capital Regional Hospital District Board and the Capital Region Housing Corporation Board. The CRD administration is led by the Chief Administrative Officer (CAO) and a team of five General Managers that together comprise the Executive Leadership Team. For an organizational chart, please see **Appendix 6: CRD Organizational Structure; Appendix 7: CRD Organizational Chart**.

#### **CRD Services**

The CRD provides services that apply to all Regional District members, sub-regional services that apply to select member municipalities and local services for electoral areas. **Appendix 8: CRD Governance Structure** demonstrates how the Boards, Commissions, Organization and Departments work together to service the residents of the capital region.

#### **3.2. Incorporated Areas (Municipalities)**

Incorporated areas are districts, towns, townships and cities. Municipalities operate primarily under the *Community Charter* which recognizes them as an independent order of government within their jurisdiction. This enables municipalities to provide a wide variety of services that are reflective of their community's needs and desires.

Municipalities have broad service authority to provide core responsibilities that include, and are not limited, to the following:

- General government
- Transportation – streets and roads, in some cases public transit
- Protection – police and fire

- Environment – water treatment and supply, waste water treatment, refuse collection/disposal
- Recreation and culture – recreation centres, playing fields, parks, libraries
- Land use planning and regulation, building regulation, zoning
- Regulation – animal control, public health, signs, business licensing, municipal services

Municipalities have flexibility in how and what services they provide and in their ability to generate revenue to finance operations. This is done primarily through the property tax system but includes the ability to charge fees for services.

### **3.3. Electoral Areas**

The CRD has three electoral areas (EA): Juan de Fuca (JdF); Salt Spring Island (SSI); and the Southern Gulf Islands (SGI). An Electoral Area Director is elected every four years by the electors of the area to represent it on the CRD Board.

In each EA, the CRD provides some of the services of a municipal government, such as water, sewage, fire protection, recreation and parks. CRD community planning and land use regulation is provided in the JdF Electoral Area. In the SSI Electoral Area and the SGI Electoral Area, the Islands Trust local trust committees have land use planning authority.

Since its inception, the CRD has established many different commissions to assist with service delivery. At present, there are over 60 commissions that assist with a wide range of services, from fire protection to theatre management. Each CRD commission has a unique purpose and there is wide diversity in operational practice that stems from the role of the commission, its governance structure, its relationship to CRD staff and the service that it helps administer.

#### **Juan de Fuca Electoral Area**

The Juan de Fuca electoral area was established in 1999 from portions of the Langford and the Sooke Electoral Areas that remained after the District of Sooke, District of Highlands and the City of Langford incorporated as municipalities. The JdF area is comprised of six rural communities (East Sooke, Otter Point, Malahat, Port Renfrew, Shirley and Jordan River, and Willis Point) and the working rural resource lands. CRD services vary across the communities. Community planning and bylaw services are provided for the whole EA; water service for portions of East Sooke and Port Renfrew; and sewer, solid waste and street lighting provided for Port Renfrew. General administration services including community planning, building inspection, community parks and recreation and emergency programs are provided at the JdF Services building located in Otter Point.

Local area service commissions include:

- Agriculture Advisory Planning Commission
- East Sooke Advisory Planning Commission
- East Sooke Fire Protection and Emergency Response Service Commission
- Juan de Fuca Parks and Recreation Advisory Commission
- Malahat Advisory Planning Commission
- Otter Point Advisory Planning Commission
- Otter Point Fire Protection and Emergency Response Service Commission
- Port Renfrew Advisory Planning Commission
- Port Renfrew Fire Protection and Emergency Response Service Commission
- Port Renfrew Utility Services Committee

- Shirley Fire Protection and Emergency Response Service Commission
- Shirley and Jordan River Advisory Planning Commission
- Wilderness Mountain Water Service Commission
- Willis Point Advisory Planning Commission
- Willis Point Fire Protection and Recreation Facilities Commission

### **Salt Spring Island Electoral Area**

The Salt Spring Island Electoral Area covers SSI and its associated islands and islets. Local governance is shared between the Islands Trust, responsible for land use planning and conservation, and the CRD responsible for the delivery of community parks and recreation, building inspection, bylaw enforcement, water, sewer and solid waste services. Services are generally provided or facilitated through the Senior Manager, SSI Administration and staff located in Ganges on SSI.

Local area service commissions include:

- Beddis Water Service Commission
- Cedar Lane Water Service Commission
- Cedars of Tuam Water Service Commission
- Community Economic Development Commission
- Fernwood Water Local Service Commission
- Fulford Water Service Commission
- Ganges Sewer Local Services Commission
- Highland Water and Sewer Services Commission
- Liquid Waste Disposal Local Service Commission
- Salt Spring Island Electoral Area Emergency Program Advisory Commission
- Salt Spring Island Parks and Recreation Advisory Commission
- Salt Spring Island Transportation Commission

### **Southern Gulf Islands Electoral Area**

The Southern Gulf Islands Electoral Area covers Galiano Island, Mayne Island, North and South Pender Islands, Saturna Island, and a number of associated islands and islets. Local governance is shared between the Islands Trust, responsible for land use planning and conservation, and the CRD, responsible for the delivery of community parks and recreation, building inspection, bylaw enforcement, water and sewer services.

Many of the CRD services are delivered by commissions. Local area service commissions serving all Southern Gulf Islands include:

- Southern Gulf Islands Community Economic Sustainability Commission
- Southern Gulf Islands Electoral Area Emergency Advisory Commission
- Southern Gulf Islands Harbours Commission
- Southern Gulf Islands Public Library Commission

Each island also has local services delivered by individual island commissions:

Serving Galiano Island:

- Galiano Island Parks and Recreation Commission
- North Galiano Fire Protection and Emergency Response Service Commission
- Sticks Allison Water Service Committee



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Serving Mayne Island:

- Mayne Island Parks and Recreation Commission
- Skana Water Service Committee
- Surfside Park Water Service Committee

Serving North and South Pender Islands:

- Magic Lake Estates Water and Sewer Committee
- Pender Islands Parks and Recreation Commission

Serving Saturna Island:

- Lyall Harbour/Boot Cove Water Local Service Committee
- Saturna Island Parks and Recreation Commission

## 4.0 CRD COMMISSION OVERVIEW

Commissions are established by the Board under section 263(1)(g) of the *LGA*. Commission members are appointed by the CRD Board and are primarily volunteer citizens, although at least one member must be a CRD Board member.

The Board creates commissions for the purpose of providing community input regarding service delivery in local areas. Services that do not have commission governance are administered directly by CRD staff.

### 4.1. *Commission Bylaws*

The **Service Establishment Bylaw** creates the service and describes the service, service area and means of financial support. This bylaw is the CRD Board's community mandate for the service.

The **Commission Bylaw** delegates some of the authority of the CRD to a commission for the purpose of assisting in the delivery of the service named in the Service Establishment Bylaw.

The bylaw describes the following:

**Commission Name** – States the legal name of the commission.

**Purpose** – Defines the purpose of the commission, referencing the description in the service establishment bylaw.

**Membership** – Stipulates the number of members of the commission. The membership will always include a member of the CRD Board. In the electoral areas, this is the Electoral Area Director.

**Qualifications** – Some bylaws will stipulate qualifications to be on the commission, for example residency in a certain region. Commissioners who serve on a commission with delegated authority also need to be Canadian citizens.

**Terms of Office** – Describes the start and end dates of the terms of service for commissioners. Usually, commissions have "staggered" terms of office. The membership is divided into odd and even year appointments and replaced accordingly. This is done to maintain continuity of administration.

**Appointment and Nomination Procedures** – The CRD Board makes all appointments to commissions. Eligibility criteria to serve as a commissioner may be set out in the bylaw. Local service area commissions have individual processes in place to put nominees forward for consideration by the Electoral Area Director, who in turn recommends candidates to the CRD Board for appointment. The CRD Corporate Services Department coordinates the appointment process for the CRD Board. For commissions whose service areas are adjacent to or include First Nation Reserves, efforts should be made to solicit nominations from the First Nation which may be impacted by commission actions and projects. The Commission Bylaw should also be checked for any requirements related to advertising vacancies.

**Voting Structure** – States that each Commissioner has one vote.

**Election of Officers** – Stipulates that a Chair and Vice Chair of the commission be elected each year from among the commissioners.

**Quorum** – Stipulates that a quorum – the minimum number of members needed for the commission to conduct business – must be present. Some bylaws state "a majority of members appointed," while others specify the exact number for quorum.

**Regular Meetings** – States that the commission must hold regular meetings in a public place. Some Commission Bylaws go further to state the time and location of meetings.

**Rules of Procedure** – This section states that parliamentary rules of procedure must be followed for the fair and inclusive conduct of public meetings. All commissions are governed by the CRD Procedures Bylaw and should refer to Roberts Rules of Order when the CRD Board Procedures Bylaw is silent on a matter.

**Delegated Powers** – States what authority the CRD Board is delegating to the commission. Usually it is an administrative or advisory authority.

**Annual Financial Plan (Budget)** – The commission may annually provide advice and/or input to the financial plan. The budget is typically recommended by the commission through the appropriate standing committee for the final approval by the CRD Board. Please refer to section 9.0 of the Commission Handbook, for more information.

Check the Commission Bylaws to review particular commission requirements.

## **4.2. Commission Establishment**

### **Establishing Process**

New commissions can be created in response to the need for a new service, often by community request. The CRD has a "New Service Toolkit" which outlines the establishment process for a new service/commission to be proposed and considered by the Electoral Area Services Committee and the CRD Board. If the Board supports the creation of the new service, CRD staff will prepare a draft service establishment bylaw. This bylaw defines the nature of the service, the service area, and how it will be funded. Each bylaw must be given three readings by the CRD Board and sent to the Inspector of Municipalities for approval. Once approval has been received, the CRD Board prepares to seek the consent of the public through referendum and/or alternate approval process, as outlined in section 11.0 of the Commission Handbook.

If assent is received, the CRD Board will then adopt the Service Establishment Bylaw. If the service is to be overseen by a local group, a Commission Bylaw is prepared by CRD staff. This bylaw usually delegates the administrative authority of the CRD Board to oversee the service to the commission. It defines the nature of the commission, its powers, membership, organization

and rules of procedure. The CRD Board approves this bylaw and the commission comes into existence.

### **4.3. Role of the Commission**

Commissions are appointed by the CRD Board and report to the Board through the appropriate Board standing committee as required. The Board or CRD staff (as applicable) have the responsibility for making final decisions that are outside the scope of the commission's delegated authority. In most cases, Electoral Area commissions report to the Electoral Areas Committee.

Within its particular mandate, the general role of a Commission is to:

- Provide advice and recommendations to the CRD Board on matters pertaining to the service through the appropriate Board standing committee, as necessary.
- Work with staff to assist with the delivery of the service specified in the Establishing Bylaw and Commission Bylaw.
- Respond to issues referred by the Board and staff.
- Listen to and report on the community's views.
- Raise issues to the Board and staff that need to be addressed further.
- Provide advice and recommendations to the CRD Board regarding the longer term vision for the community.
- Assist staff in the creation of an annual and five year budget for the service
- With the assistance of CRD staff, work within established budgets, policies, and procedures to administer the commission workplan.

### **4.4. Delegated Authority**

The governing body of the CRD is the CRD Board. The *LGA* provides that the Board can delegate certain aspects of its authority to employees, officers or commissions by bylaw. The Board retains all of its corporate powers that have not been specifically delegated by bylaw. The Board approves annual financial plans, purchases over staff authority limits (this is covered by a separate delegation bylaw of the Board), etc. The Board does not engage in operational matters, such as reviewing invoices or participating in actual tender processes; rather, they receive the report from staff and make a decision on the basis of the information put forward. The Board approves major land purchases.

There are a number of local government powers in the *LGA* that can only be exercised by the Board if it passes a bylaw. For example, the CRD cannot collect fees and charges without a fee bylaw, adopted by the CRD Board. The Board is the only body that can adopt bylaws.

In each *Commission Bylaw*, the CRD Board has delegated some of its authority to the commission for the purposes of administration of the service. The commission must operate within that delegated authority.

There are two types of authority delegated to commissions by Commission Bylaw:

1. Advisory
2. Administrative

**Advisory** - authority means a commission may only make recommendations to the Board through the appropriate standing committee. Commissions with advisory powers usually do not

administer services that operate facilities (such as a local water supply system) or directly provide regulations and action plans (such as community emergency planning services).

***Administrative*** - authority generally refers to the ability to administer the service within the existing framework of bylaws and polices established by the Board. The day-to-day operations of the service are either carried out by CRD staff or by the commission through contractors or volunteers. CRD staff look to the commission for guidance on its administration or operation. Similarly, commission members would look to staff for information, advice and recommendations regarding the management and administration of the service.

Commissions with administrative authority do not have the ability to make bylaws or enter into contracts or agreements. Commissions are not separate legal entities and do not have the ability to bind the CRD Board. Commissions can make decisions within the delegated authority of their service establishment bylaw.

Commissions with administrative authority may establish policies to assist them in administering the service, however in doing so must follow all CRD guidelines and procedures with respect to policy development. Any policy that has larger risk considerations or that has broader policy implications, or requires a bylaw change must first be reviewed by CRD staff and may need to be approved by the Board.

The practical ways in which commissions exercise administrative authority varies from commission to commission because of the differences in CRD services and service delivery, in the governing bylaws, and in the various roles of CRD staff. To find out more information about your commission, check the Commission Bylaw, or contact the CRD staff that work with your commission or Electoral Area.

## **5.0 Duties and Responsibilities**

Commissioner duties and responsibilities depend on the mandate of the commission and the nature of the delegated authority from the CRD Board. There is no single, official description of the duties for a commissioner. Instead, the duties are embedded in several documents that govern how commissions are run. These are the:

- *Local Government Act*
- *Community Charter*
- *CRD Board Procedures Bylaw No. 3828*
- *Robert's Rules of Order*
- *Service Establishment Bylaw for the commission*
- *Commission Bylaw*
- *CRD Board and administrative policies*

Taken together, these documents contain all the duties of a commissioner; they can be grouped in two categories: legal and administrative.

### **5.1. Legal Duties**

Legal duties are those that are subject to local government legislation and common law.



**Advise the Board** – The main function of the commission is to advise the CRD Board on commission initiatives. Commissions report to the CRD Board through the CRD Director who sits on the commission, as well in most cases, through the Electoral Areas Committee (EAC). Commission minutes are sent to the appropriate Board standing committee (such as EAC) and provide information on the issues and actions of the Commission.

**Provide only the service specified** – The Service Establishment Bylaw for all services defines the service offered and the service area. The service area is the exact zone in which taxes can be levied or user fees collected to pay for the service. Together, the service and service area form each commission's mandate and jurisdiction. Any alteration of the service or service area must be approved by the CRD Board. Often, elector approval (assent voting) is required.

**Collect revenue only as specified** – Most services are funded by a property value tax, parcel tax or user fees. The Service Establishment Bylaw usually specifies maximum tax rates. With the exception of grants, a commission may not, unless stipulated in the bylaw, raise funds from any other source or change the tax rates and fees except by permission of the CRD Board. Often, taxpayers must also be consulted by assent voting (referendum) or alternative approval process.

The CRD can facilitate applications for internal (Community Works Fund/Grants-in-Aid) or for external grants on behalf of the Commission. Contact CRD staff for application forms and processes.

In addition, individuals can make tax exempt donations through the CRD for disbursement to the Commission. There are some exceptions, and interested individuals should contact CRD staff for more information.

**Provide a budget** – In accordance with Commission Bylaws, the commission must recommend a budget annually for both capital and operating expenditures for the commission's service. Upon approval by the Board, the budget becomes the legal limit of expenditure by the commission. All CRD commissions and services prepare budgets with the assistance of the Finance & Technology department. For more information on this process as it relates to your commission, please contact staff in the Finance & Technology department or your CRD staff liaison.

**Spending** – A commission may not authorize an expenditure other than provided for in the budget. Generally, individual commissioners do not have authority to purchase goods or services on behalf of the CRD. Please refer to section 10.0 of the Commission Handbook, for more information on purchasing.

**Elect officers** – Bylaws require that officers of the commission (Chair and Vice Chair) be elected each year from among the commissioners. Some commissions also elect a treasurer.

**Appoint a Secretary and Treasurer** – A commission should choose a secretary who will keep the minutes of meetings. This is an unofficial appointment, no vote is required. The secretary does not have to be a commissioner and may be hired by the commission. The commission should work with CRD staff to develop any employment contract and facilitate its approval. In some cases the CRD may supply secretarial service. Appointing a treasurer is also a good best practice for commissions to follow.

The CRD Chief Financial Officer is the legal treasurer for all commissions. Some establishment bylaws require a treasurer be appointed. The treasurer will work closely with the Senior Financial Analyst assigned to the service.



**Voting** – A decision of the commission is made legal by a vote of the majority. For CRD commissions, a legal vote means that there is:

- a quorum present at the meeting, *and*
- only one vote per commissioner. No multiple voting powers or proxy voting powers are allowed for CRD commissions.
- In most cases, the Chair can vote.

Please note the *LGA* does not permit members to abstain from voting. An abstention is deemed to be a vote in the affirmative (in support of the motion). In addition, commissioners should not participate in a vote or discussion where they may have a conflict of interest. Please refer to section 8.0 of the Commission Handbook, for more information.

**Duly constituted meetings** – Any meeting of your commission must be duly constituted. This means that a quorum of appointed members must be present along with a recording secretary.

The CRD Board Procedures Bylaw allows for some limited electronic participation at meetings, provided the presiding member (e.g. Chair) and recording secretary are physically present.

**Meetings held in public** – Meetings must be held in a public place, that is, a place accessible by interested members of the public, and not just to commissioners. Not all commissions have offices, in which case, a public space such as a community hall is chosen.

Depending on the Commission Bylaw, a portion of the meeting may be closed from the public in accordance with section 90 of the *Community Charter*. There are specific requirements for closing meetings (also referred to as going “in-camera”). Please contact Corporate Services for guidance.

If the Commission Bylaw does permit closed meetings, each commissioner must sign a *Non-disclosure/Confidentiality Agreement* to keep in confidence any record or information considered within a closed meeting. A copy of the agreement is provided for information in **Appendix 9: Non Disclosure / Confidentiality Agreement for CRD Commissions**. Once appointed to a commission, a copy of the agreement will be provided for signature. Your CRD staff liaison will also be able to provide you with a confidentiality agreement.

A recording secretary must be present at each meeting.

**Notice of Meetings** – Notice of commission meetings must be posted in a consistent public location, in the area served by your Commission, at least 72 hours before a regular meeting. A special meeting requires 24 hours’ notice. In some cases, the Commission Bylaw will require a longer notice time and may require the agenda be posted as well. It is recommended that the Commission identify the location and dates of its meetings at the start of the year. It should be noted that commission members should not meet informally outside scheduled commission meetings to discuss items that the commission will be considering.

**CRD Meeting Procedures** – All commission bylaws require that the rules of procedure “shall not be inconsistent with those of the Regional District.” This means that every meeting of the commission must be conducted using established parliamentary rules of procedure as outlined in the CRD Board Procedures Bylaw. These rules are designed to encourage fair and inclusive conduct of public meetings. Bylaw 3828, the CRD Board Procedures Bylaw is included in **Appendix 1** and is available on the CRD website [under Bylaws - Procedure and FOI](#).

**Avoid Disqualification from Office** – The CRD Board alone has the power to terminate the office of a commissioner on grounds of disqualification. A commission does not itself have this

power, but may make a recommendation in the form of a motion for the Board to disqualify a member.

Causes for disqualification are:

- Failure to attend the Commission
- With some exceptions, commission meetings must be attended in person. However, the CRD Procedures Bylaw now allows for ONE member of the Commission to participate via teleconference or video. This person may also vote on matters. Section 29 of the Procedures Bylaw outlines the details to allow for this type of participation. For electoral area wide commissions in the SGI Electoral Area, more than one member can participate electronically.
- Some Commission Bylaws stipulate that, with the exception of prolonged illness, if a commissioner misses more than three consecutive regular meetings without the permission of the commission, he/she may be disqualified. If this condition is not in the Commission Bylaw, it does not apply.
- **Personal misconduct** – Behaviour that compromises the commission or is personally threatening is cause for disqualification from office. Abusive behaviour at meetings or toward the public or being impaired at meetings is judged as misconduct. (**Appendix 10 Respectful Workplace Policy**)
- **Acts that are ultra vires** – Making expenditures or commitments which are unlawful according to the Service Establishment Bylaw or LGA or creating serious liability for the commission through negligence (such as causing injury to employees or volunteers through improper direction or supervision leading to liability) are causes for disqualification.
- **Undisclosed conflict of interest** – Commission members should not participate in a decision or any discussion leading up to the decision where they have a pecuniary (financial) interest or a non-pecuniary interest (bias). Please refer to section 8.0 of the Commission Handbook, for more information.

## 5.2. *Administrative Duties*

Administrative duties are those duties not set by the Provincial legislation, but important to the operation of the Commission and set by Commission Bylaw.

CRD commissioners have different levels of involvement in the operational aspects of the services of their commission. While operational duties differ widely from commission to commission, the following are illustrative of some of the duties a commissioner may be responsible for:

**Media Relations** – The Electoral Area Director is the spokesperson for commissions. In some cases, the Director may designate the Commission Chair as the official spokesperson. Any individual commission members who speaks to the press should make it clear that they are conveying their own personal opinions and not those of the Commission.

**Oversight of employment/employment practices** – some commissions hire contractors, for example, a recording secretary. In some cases, volunteers are used to assist the commission with an event. Commissions must make sure the proper contracts, insurance coverage and WorkSafe requirements are in place. Please work with the CRD staff liaison to your Commission to ensure these requirements are met.

**Provide policies and regulatory bylaws as required** – Some commissions have the ability to form operational policies relating to the service they administer while other Commission Bylaws require all commission policies and procedures be approved by the Board. In any event, policies that have broader organizational or legal implications should be recommended to the Board for approval, along with any proposed regulatory service bylaws.

**Regulatory Service Bylaws** – In the case of commissions operating a public facility, the Commission Bylaw does not define how to run the service. Methods and standards of operation are defined by regulatory bylaws. They describe such subjects as user fees, connection policies and public nuisances. A commission does not have the power to pass bylaws, only to propose them in the form of a *resolution* to the CRD Board. It will then be written up as a bylaw and passed by the CRD Board to have force.

**Policies** – Commissions should work together with the CRD staff when developing new policy. Commissions bring knowledge and understanding of local issues and needs in relation to the direction of proposed projects and/or day-to-day operations. CRD staff can provide expert advice that supports the Commission's goals.

### **5.3. Role of the Chair**

The role of the Chair is to collaborate with staff or the secretary to establish the meeting agenda. At the meeting, the Chair is responsible for presiding over the meeting and ensuring meeting procedures are followed. This includes following the prescribed agenda, keeping track of speakers and motions. In most cases the Chair may vote on motions. In the absence of the Chair, the Vice Chair assumes the duties of the Chair.

The Chair may provide a First Nations territorial acknowledgement at the beginning of each meeting. Possible acknowledgements are included in **Appendix 11: Territorial Acknowledgement**, although the Chair or other commissioner providing the acknowledgement may choose to personalize it, or ask another commission member to provide it.

### **5.4. Staff Role**

Depending on the service provided, the role of staff in working with commissions includes:

- Providing information and professional advice regarding the management and administration of the service.
- Assisting the commission in following Board policies, procedures and directions.
- Assisting the Chair in developing agendas, arranging meetings and promoting effective commission functioning.
- Implementing projects and initiatives of the commission where authority has been delegated by the Board.

To a significant extent, for the purposes of administration of the service, the commission acts on behalf of the CRD Board under the authority the Board has delegated to the commission. The day-to-day operation is carried out by CRD staff. (In some cases the commission has contractors or volunteers to undertake this work).

## 6.0 APPOINTMENTS & TERMS OF OFFICE

### 6.1. *Eligibility*

Any individual may be eligible to join a commission and may also serve on more than one commission at a time. While there are no eligibility qualifications, some Commission Bylaws include the following requirements:

- LGA voting requirements (elector qualifications);
- Resident or non-resident property owner elector qualifications; or
- Special conditions for eligibility.

There are two categories of elector qualifications.

**Resident Elector** – An individual who has been residing in the jurisdiction for at least 30 days prior to the time of voter registration. This category includes an individual who is:

- A “resident” property owner, or
- A renter, or
- Living at someone’s house, but not paying rent.

**Non-Resident Property Owner** – An individual who:

- Has been the registered owner of real property (registered land owner or holder of a 99 year lease with the crown) within the jurisdiction for at least 30 days; and
- Who does not qualify as a Resident Elector.

Most commissions do not have resident elector qualifications. With one exception (advisory planning commissions), there is no requirement in the LGA that a service-receiver be a resident of a service area. This is of particular significance in the Southern Gulf Islands and on Salt Spring Island, where there are many property owners who are not permanent residents, but who have a taxpayer’s or resident’s concern for the services they receive.

While very few commissions have full delegated authority; those that do are required to have members with the same qualifications as those running for elected office, including Canadian citizenship.

#### **Special Eligibility Conditions**

On occasion, a Commission Bylaw will require extra eligibility conditions. Usually, this is to ensure broader community representation or special expertise in overseeing the service. Check the Commission Bylaw for more information.

#### **Ineligibility**

An individual is not eligible to join a commission if they have previously been disqualified from public office for financial or other wrongdoing within the past two to five years, depending upon the wrongdoing.

### 6.2. *Appointment Process*

The Commission Bylaw may set out a process to appoint or re-appoint members to the commission. Some bylaws require a commission to receive nominations at their Annual General Meeting, following posting or advertising of vacancies for at least 30 days prior to the AGM. In other cases, the commission may conduct its own recruitment process following an

advertisement or posting of upcoming vacancies. Alternatively, staff may work with the Electoral Area Director to put forward nominees to the CRD Board for appointment. Check your Commission Bylaw for details.

In all cases, the recommended nominees must be forwarded to the Electoral Area Director for consideration. The Electoral Area Director is not bound by the recommendations put forward by the Commission. The Electoral Area Director will then recommend the appointments to the CRD Board who alone has the authority to make appointments to CRD Commissions.

The Commission should provide the nominees to the Electoral Area Director a month prior to the appointment date for consideration at the relevant Board meeting. For example, if the appointments start in January, the CRD Board should make the appointments at the December meeting and will need the information the first day of December.

Nomination information should be provided to Legislative Services along with contact information.

In all case, the Board makes the appointment by adopting a resolution. The newly appointed commissioner will be notified by CRD staff via email or letter.

### **6.3. Term of Office**

The Commission Bylaw will set out the term of office for the appointed members. In most cases, the appointment is for a term of two years, and member expiries alternate between even and odd years. Many bylaws limit commissioners to a maximum of three consecutive terms, although under unique circumstances, the CRD Board may extend a commissioner's term beyond the six year limit.

## **7.0 RECORD KEEPING AND FREEDOM OF INFORMATION**

### **7.1. Minutes and Records Management**

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

Motions signify the intent for action by the commission and are recorded in the minutes. The minutes need to identify the name of the member that proposed the motion, the name of the member that seconded the motion, identification if the motion carried or was defeated. The minutes must also record the names of members voting against the motion.

For example:

- 1)            MOVED by Commissioner Smith, SECONDED by Commissioner Gordon,  
                 That the minutes of August 2, 2018 be adopted.  
                 CARRIED  
                 Opposed: Commissioner Wayne

Some motions are recommendations to the Board, and should be phrased different:

- 2) MOVED by Commissioner Gordon, SECONDED by Commissioner Wayne,  
That the ABC Advisory Commission recommend to the CRD Board:  
That the 2019 Budget for the ABC Park be amended to include \$1000 for new signage.  
CARRIED

Minutes, agendas and reports are permanent records of the organization and must be maintained in accordance with the CRD's records classification system. A copy of the minutes must be submitted to the next meeting of the appropriate Board Standing Committee and posted on the CRD website. Contact Corporate Services Department for guidance.

## **7.2. Freedom of Information and Protection of Privacy**

The *Freedom of Information and Protection of Privacy Act* (FOIPPA) is provincial legislation that applies to all BC public bodies, including CRD Commissions and Commissioners. FOIPPA's primary purpose is to ensure accountability and transparency while protecting personal information. FOIPPA grants the public the right to access any records created, collected or controlled by the CRD. Further, it requires the CRD to protect personal information within its records from unauthorized access, use and disclosure and requires that personal information is stored and accessed only inside Canada, unless given expressed, written consent from the person(s) the personal information is about. It also gives the public the right to correct their personal information and to ask the Office of the Information and Privacy Commissioner (OIPC) to review the CRD's decisions and actions pertaining to its administration of FOIPPA.

The Information Services section within Corporate Services is responsible for administering the CRD's privacy management program under FOIPPA and responding to the public's requests for access to records.

Commissioners are responsible for:

- All records created in their capacity as a CRD Commissioner that are within their custody or control, including using reasonable security measures to protect personal information from unauthorized access, storage, use or disclosure;
- Promptly forwarding all requests for information to Information Services;
- Providing copies of all records that are relevant to the scope of a request to Information Services. Commissioners may be asked to swear an affidavit that they have provided copies of all records within the scope of a request.

**Emails:** Your emails are subject to FOIPPA if you are doing business in your capacity as a CRD Commissioner, regardless of whether you have used a CRD or personal email account. Where a Commission-specific email address is provided for a Commission to conduct its business, these accounts should be used. Do not use Gmail, Hotmail or any other email accounts which store information outside of Canada for CRD business as this contravenes FOIPPA; this includes email forwarding.

Staff recommend that Commissioners do not comment on commission business on social media websites (i.e. Facebook, Twitter etc.) or via text messages as these records are subject to FOIPPA and CRD records management policies. **(Appendix 13: CRD Corporate Policy of Freedom of Information and Protections of Privacy).**

## 8.0 CONFLICT OF INTEREST

Commission members should not participate in a decision or any discussion leading up to the decision where they have a pecuniary conflict of interest or a non-pecuniary conflict of interest (bias). It is the responsibility of the Commission member to determine and declare a conflict of interest.

### 8.1. Pecuniary Conflicts

A pecuniary interest includes a direct or indirect financial interest in a matter. Some examples of what could qualify as a direct or indirect pecuniary interest are where the matter under consideration by the Commission may affect the Commission Member's financial interest as a result of the Commission Member's:

- a) Employer/employee relationships
- b) Professional/client relationships
- c) Business or land interests
- d) Contractual relationships
- e) Directorship on a Society or Corporate Board
- f) Family relationship
- g) Lawsuit

A pecuniary conflict of interest does not exist if the pecuniary interest:

- a) Is an interest is in common with electors generally;
- b) Remuneration of expenses; or
- c) So remote or insignificant so as to not reasonably be regarded as influencing the Commission Member.

### 8.2. Non-Pecuniary Conflicts

A non-pecuniary conflict of interest also disqualifies a person from discussing or voting on a matter. This includes matters where a person has a personal interest that would give rise to a real likelihood of bias.

Where a conflict of interest exists, the commission member:

- Is not entitled to participate in the discussion of the matter or vote on a question in respect of the matter;
- Attempt in any way, whether before, during or after a Commission meeting at which the matter will be considered, to influence the voting on the question in respect of the matter;
- Must declare to the commission that the conflict exists; and
- Must absent themselves from the meeting during consideration of the issues to which the conflict relates.

The members' declaration of conflict and their exit and return from the meeting shall be noted in the minutes.



Corporate Services can provide some general guidance around conflict of interest, however, it is up to the individual member to make the determination and declaration. It is recommended that a member seek legal counsel regarding determination of conflict of interest. This would be at the expense of the individual member. Should a commission wish to make a legal determination regarding conflict, by way of a resolution to the appropriate Board Standing Committee, the expense will be paid for out of the commission budget.

In many Electoral Area Commissions the number of volunteers available to serve are limited and many are active in several committees, societies and commissions. Being a member of another organization does not in itself mean there is a conflict of interest, if the item under consideration does not directly benefit the other organization. For instance being a member of a local trails society does not result in a conflict of interest if they are also a member of a CRD Parks and Recreation Commission. The only conflict would arise if the Parks Commission were to specifically be dealing with an item directly related to the trail society such as purchasing land.

## **9.0 BUDGETING AND FINANCIAL PLANNING**

The *LGA* requires the Board to adopt a five-year financial plan bylaw. Each year the CRD prepares an updated five-year financial plan that represents the operation and capital needs of each service. Through this process, each service is reviewed and budgets are created based on approved work plans and priorities.

Because the financial plan that is approved by the CRD Board consists of the plans put forward by all CRD departments and commissions, most commissions go through a financial planning process.

Financial Planning (budgeting) is coordinated by the Senior Manager, Financial Services, who has a staff of financial specialists that sets the standards for formats and handles the data that goes into the final CRD financial plan. The requirement of the budgeting process is to manage each service's budget as a separate entity with revenue matching expenditures.

### ***9.1. CRD Financial (Budget) Planning Process***

The financial planning process is standard for all services. In general, the process lasts from July to March of the following year when the CRD Board votes approval of a final financial plan. The process basically breaks into three phases.

**Phase One** – Development of a draft financial plan for the CRD commissions/departments. This will involve direct input from Commissions.

**Phase Two** – Combining of all CRD budgets into a preliminary financial plan for the whole CRD. In forming a preliminary financial plan, each department/commission plan goes through a series of reviews conducted by CRD Finance & Technology Services, operational staff and in some cases, the Electoral Areas Committee, to ensure that financial plans are reasonable, complete and accurate. Changes to the financial plan may occur at every stage of review. The Board reviews and approves a provisional plan prior to the start of the new budget year.

**Phase Three** – In this last phase, the preliminary financial plan is adjusted for actual surpluses/deficits and grants-in-place of taxes, then finalized and adopted by the CRD Board. The CRD Board must adopt the final five-year financial plan by the end of March. The budget



then becomes known as the Board-approved financial plan. The electoral area portion of the requisition is sent to the Surveyor of Taxes for collection. The municipal portion of the requisition is invoiced to the individual municipalities.

When budgets are funded through taxes, the CRD temporarily borrows money to pay for expenses incurred before the taxes (requisitions) come in August.

### **9.2. CRD Financial (Budget) Planning Timetable**

|                      |  |
|----------------------|--|
| July                 | Receive Financial Plan Package   |
| July to September    | Develop a Draft Financial Plan<br>Pass Resolution recommending Draft Financial Plan  |
| September to October | CRD Departmental and Executive Leadership Team Reviews   |
| Late October         | CRD Board reviews and provides provisional approval  |
| December             | CRD Temporary Borrowing Bylaw adopted by CRD Board   |
| January to February  | Technical financial adjustments, prior year surplus/deficit updated in budgets, assessment roll impacts and other revisions completed. No changes beyond the early February. |
| March                | CRD Board approves Final Five-Year Financial Plan by end of March.   |
| April                | Requisition invoice is sent to Surveyor of Taxes by April 10.  |
| August               | Surveyor of Taxes and municipalities pay CRD requisition on August 1.  |

#### **(Appendix 14: Budget Planning Process Timelines)**

### **9.3. Financial Plan (Budget) Structure**

The *Local Government Act* requires that budgets for all CRD services have a common basic structure.

#### **Operating Fund**

These are funds for the daily operations of your commission over the financial year. Items included are employee salaries, equipment operation, rents, travel expenses, utilities, contingencies, consultants and contractors, debt servicing and others.

#### **Five Year Capital Expenditure Plan**

This is a plan that shows estimated sources of proposed funding and applications of that funding for capital purchases for each year of a five-year period. Capital purchases include equipment, buildings and land. The plan is updated each budget year.

#### **Reserve Funds**

These are funds set aside from the budget for specialized purposes. Commonly, reserve funds are associated with plans for capital expansion or improvement. These take the form of capital projects; for example, equipment purchase/replacement, acquisition of parkland, or the erection of a new building.

Reserve funds are usually established to provide orderly raising of funds for planned larger expenditures; it is not a requirement of the LGA to have reserve funds.

The source of revenue for a reserve fund is often a contribution from the funds raised in the operating budget. Contributions can also be made from other sources, for example, a developer may supply money for the purchase of land, or donations may be received.

Most services that have capital expenditures have reserve funds. Because these funds are so often important long term capital infrastructure, sustainability, orderly planning and funding through accumulated savings in a reserve fund is highly recommended.

## 10.0 PROCUREMENT

Procurement is the acquisition of goods and services from a source outside of the CRD. Commissions and commission members are only able to procure goods or services if they have been delegated authority to do so by a bylaw passed by the Board.

### 10.1. Procurement by Commissioners

Generally, commissioners do not have authority to purchase goods or services on behalf of the CRD. However, there are exceptions to this general rule. Under the CRD Delegation Bylaw, a commissioner is able to purchase goods and services under the following conditions:

1. The commissioner must have a signing authority form held on file with the Department of Finance & Technology that sets out the limits of the commissioner's signing authority.
2. The expenditure is subject to the approval of the applicable General Manager or the General Manager of Finance & Technology.
3. All acquisitions and purchases must be in accordance with the CRD's purchasing policies and procedures.

For more information on this topic or to find out if you have the authority to purchase goods and services on behalf of the CRD, contact your CRD staff liaison.

### 10.2. Procurement by Commissions

Local service Commissions have not been delegated authority by the Board to enter into contracts, agreements or land agreements. Therefore, agreements and contracts relating to the service administered by the Commission must be entered into and executed by CRD officers or employees in accordance with CRD Procurement Policy and Procedures and the CRD Delegation Bylaw. **(Appendix 15: Procurement Policy and Procedures; Appendix 15a: Procurement Process)**

Procurement transactions must be within the scope of the CRD service mandate and funds must be available within the approved annual commission budget.

- (a) The commission needs to identify the scope of work to be undertaken, the skills and qualifications of potential contractors and pass a motion to undertake the procurement process.

- (b) The motion, scope of service and qualification should be submitted to the CRD staff assigned to assist in developing the formal procurement process.

### **Workers Compensation**

CRD Commissions must comply with the *Workers Compensation Act*. All contractors working on CRD property must provide proof of registration, where applicable, and remain in good standing with WorkSafeBC throughout the term of their contract. Contractors may be required to provide clearance letters before and after performing work for the CRD. However, in the event the contractor is not registered with WorkSafeBC and should be, premiums applicable to the contract may be paid on the contractor's behalf as part of the contract terms.

It is noted, for a sole owner contractor (i.e., no employees) registration with WorkSafeBC is not required.

### **Insurance Requirements**

All contracts for services provided to the CRD require the contractor to provide and maintain their own insurance coverage acceptable to the CRD, including but not limited to Commercial General Liability, Automobile, All Risk (Property Insurance) and when applicable, Professional Liability. The levels of risk associated with each contract varies, and accordingly the CRD will require certain criteria be included in insurance policies. The Commission can agree to reimburse the contractor for insurance premiums as part of the contract, however, doing so will increase the project budget and insurance costs are typically acknowledged as an overhead cost of doing business for contractors.

For more information on the CRD Delegation Bylaw or this topic please contact the Corporate Services Department.

## **11.0 ASSENT VOTING AND ALTERNATIVE APPROVALS**

Elector approval may be required for the establishment of new services or for funding increases in an existing level of service where there will be debt incurred, or where an existing tax levy will be increased. Elector approval is sought by way of assent voting (referendum) or by way of an alternative approval process (AAP).

The *Local Government Act* sets out the instances where elector approval is required and governs the process. The CRD Board makes the final decision on whether to proceed to referendum or AAP on a given matter.

### ***11.1. Assent Voting (Referendum)***

The general Assent Voting procedures are as follows:

1. The Commission defines the proposition in a resolution. This may later be presented to the public in the form of a proposed bylaw. If there is more than one proposition to put before the public, separate bylaws/ballot questions are required for the Assent Voting process.
2. The resolution is given to the Electoral Area Director. The Director's support is essential in order for the process to go any further.

3. The Electoral Area Director requests the appropriate CRD department to draft the proposed bylaw(s), based on the resolution, and CRD staff include it on an upcoming CRD Board agenda.
4. The CRD Board gives the bylaw three readings, authorizes the holding of a referendum, appoints the Chief Election Officer, sets the dates and approves the question.
5. Bylaws that require assent voting also require the approval of the Inspector of Municipalities prior to proceeding to the process. Once the bylaw and Assent Voting process is approved by the CRD Board, the bylaw is forwarded immediately to the Inspector with a request for approval.

The Assent Voting process usually takes about three to four months from the time the bylaw receives first through third readings, to voting day.

CRD Corporate Services administers the Assent Voting process on behalf of the commission in accordance with the *LGA*. The results of the assent voting process are put forward to the CRD Board for consideration and if successful, the bylaw is put forward for adoption. Once the process is completed a bylaw will be adopted and the new service or new requisition level established.

### **11.2. Alternative Approval Process**

The Alternative Approval Process (AAP) (formerly called counter petition) is an alternative to the assent voting process for gaining the approval of the electorate. The AAP seeks to gauge voter interest in opposing a proposed bylaw. If less than ten percent of voters register an intention to oppose the bylaw, it is deemed accepted by the electorate. If more than ten percent oppose the bylaw it must go to referendum to seek electorate approval. When proposed bylaws or amendments require elector assent, staff from CRD Corporate Services will advise as to the process and will administer the process.

### **11.3. Commissioner Involvement**

Commissioners may be involved with presenting a proposed bylaw to the public during the Assent Voting or AAP process. It is prudent for Commission members to present only factual information regarding the proposal - not opinions. Information regarding the process should be verified with CRD Corporate Services. Any financial data or implications to tax payers should be verified by CRD Finance Department prior to being made public.

### **11.4. Costs**

The costs of the Assent Voting process include payments for the Election Officer, statutory advertising, polling staff, ballots and other items. Commissions may or may not have to pay referendum costs, depending on the following reasons for the referendum:

- If the process is held to increase the tax levy for an existing service, whether it is successful or not, the costs will be charged to the services' budget.
- If the process is about creating a new service and is successful, the costs will be charged to the new service's budget in the first year that a tax is levied for the service.
- If a process that was about creating a new service is not successful, the cost is to be repaid by the Electoral Area administration budget.



- During an election year, a referendum can be held in conjunction with the electoral area director election, which reduces the costs but does not eliminate them entirely.

All referendum expenses flow directly through the CRD Finance and Technology department as opposed to going through the Commissions.

Costs incurred for an alternate approval process are collected similar to those for assent voting.

## **12.0 RISK AND INSURANCE**

### ***12.1. Risk Management***

Risk management may be defined as the process of making and carrying out decisions that will minimize the adverse effects of accidental losses upon the CRD.

Good management practice incorporates this principal in everyday decisions. Occasionally assistance is required in this process. This assistance can be obtained from CRD staff.

The Risk & Insurance Division is part of the Corporate Service Department and works to provide assessments or operational reviews of projects involving an exposure to risk of facilities and people. Operational reviews are generally advisory and recommend measures to reduce risk. They may include consideration of policies, physical sites, human behavior and projections of future developments. Operational assessments also include identifying fiscal and human/physical resources that can be committed to decreasing the frequency and/or the severity of loss. Examples include the assessment of parkland and playgrounds for different levels of public safety, as well as hazard tree assessments. Each commission is responsible for using its operational budget to implement any required changes that must be made to address identified risks.

### ***12.2. Insurance***

The CRD provides insurance coverage for all programs, services and facilities operated under the CRD Board-approved budget. The insurance policies are arranged and managed by the Risk & Insurance Division.

The forms of insurance coverage provided by the CRD are typical for a local government. They include all risk property coverage, commercial general liability, group accidental death and dismemberment, volunteer accidental death and dismemberment, crime loss and others.

#### **Property All Risk Insurance Coverage**

The CRD provides coverage on the property owned, occupied or leased by the CRD on a replacement cost basis. Causes of damage include, but are not limited to flood, earthquake, theft and fire.

Each year CRD staff update the property asset list for the services/departments for property insurance coverage. Commissions are responsible for keeping up-to-date lists of assets; if an asset is not included on the insured value list it may not be covered.

#### **Insurance Coverage for Volunteers**

CRD commissions rely increasingly on volunteers to deliver services. The CRD obtains insurance to cover volunteers. To be eligible for coverage, volunteers must be under the direct



supervision of a commissioner or CRD employee. Volunteers must be registered with Risk & Insurance. For information on the volunteer program contact the Risk & Insurance division or your CRD staff liaison.

### **Insurance Costs**

The CRD buys insurance for the whole organization in order to obtain the savings possible on large policies. The costs are allocated among all CRD service areas, and are recognized in the annual budget. Each commission's operating fund is charged for insurance expenses. There is a deductible per claim.

When a claim arises, the CRD pays the legal and award costs, if coverage is valid. However, if it is determined that the CRD is responsible for cost (for example in cases of demonstrated personal negligence or personal unlawfulness), the insurance coverage would be invalid and the CRD will seek to recover costs from the service area.

### **Cost Control Measures**

Commissions can assist by implementing “pre-and post-loss control measures” and by promptly reporting losses or accidents when they occur:

#### **Pre-Loss Control Measures**

- **Maintain a log** of all public complaints and concerns. This helps identify potential exposures. The incident and complaints logged should record the date, time and nature of a complaint, and the name, address and contact information of the person complaining. A delegated commissioner keeps the log. This information should be sent to the CRD.
- **Query** CRD staff when you are uncertain about coverage or see potential exposure. Be sure to make your fellow commissioners aware that you are making an inquiry.
- **Keep asset lists up-to-date** in preparation for an annual request of assets.
- **Register** and direct volunteers in accordance with CRD policy. Each commission is asked to provide an annual summary showing the number of volunteers used in the previous year, and an estimate of average hours per person and the average number of days per person. This report should be provided to the CRD by February 28 of each year.
- **Review existing signage** for reasonableness and completeness.

#### **Post-Loss Control Measures**

- **Don't admit liability** – Utterances during a crisis such as “I'm sorry, it was my fault,” are natural, but can be used as ammunition in a courtroom. Once an incident has happened, arrange aid, note details and other facts. Do not provide opinions on who was at fault. Requests for additional information should be forwarded to the CRD.
- **Record an incident promptly** – The record should be kept in your commission's incident and complaint logbook and the appropriate CRD risk management form completed and forwarded to the CRD.
- **Be prepared to assist in claims investigations** – The CRD will contact you for assistance, if needed.

For CRD Incident and Accident Forms and how to fill them out, please contact your CRD staff liaison.

## 13.0 Occupational Health and Safety

Public safety programs involve the prevention of and protection from events that could endanger the safety of the general public from significant danger, injury/harm, or damage to personal property. Public safety programs ensure that public facilities such as recreational facilities and parks can be used without unreasonable risk.

Safety programs are a legislative requirement for commissions using paid staff and volunteers. They are also required where the public is involved in using a recreational facility, such as an ice rink, tennis courts, swimming pool or park trails.

The design of a public safety program for a facility requires a hazard identification process, risk assessment and controls to eliminate or control the level of risk. The CRD Corporate Manager Occupational Health & Safety and the CRD Manager Risk & Insurance can provide advice on developing a public safety program and risk assessment.

By law, the CRD must ensure the health & safety of all workers that are working for the CRD, and any other workers present at a workplace where the CRD's work is being carried out. Employee Occupational Health & Safety Programs include emergency (fire and earthquake) safety and evacuation plans, exposure control plans, hazard identification, risk assessment and control. Occupational Health & Safety programs must be in full compliance with the *Workers Compensation Act* and all applicable WorkSafeBC requirements.

The CRD Human Resources Department, which includes Corporate Occupational Health & Safety, is responsible for advising on required work-rated programs and standards.



Making a difference...together

**BYLAW NO. 3828**

**CAPITAL REGIONAL DISTRICT BOARD  
PROCEDURES BYLAW, 2012**

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

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

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

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

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CAPITAL REGIONAL DISTRICT

BYLAW NO. 3828

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

The Board of the Capital Regional District enacts as follows:

PART 1 – INTRODUCTION

Definitions

1. In this Bylaw:

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

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

*(Bylaw No. 4262)*

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

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

*(Bylaw No. 4262)*

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

*(Bylaw No. 4262)*

“**COW**” means the Committee of the Whole Board;

“**CRD**” means the Capital Regional District;

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

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

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

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

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

(Bylaw No. 4024)

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

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

(Bylaw No. 4262)

### **Application of Rules of Procedure**

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

### **Suspension of Rules of Procedure**

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

## **PART 2 – BOARD MEETINGS**

### **Inaugural Meeting**

4. (1) The Board shall meet in an inaugural meeting during the month of November at such time as shall be advised by the Corporate Officer in writing.

(Bylaw No. 4129)
- (2) The presiding officer of the inaugural meeting shall be the Chief Administrative Officer until such time as the Chair has been elected.

- (3) The Chief Administrative Officer shall announce results of elections and confirm that new Members have completed the Oath of Office set out in the *Local Government Act*, following which the Chair shall be elected from among the Members of the Board.

### **Election of Chair and Vice Chair**

5.
  - (1) The Chief Administrative Officer shall call for nominations for Chair and conduct a vote by secret ballot in which the person receiving a majority vote of those Members present shall be elected Chair. Each Member shall have only one vote. If only one candidate is nominated for an office, that candidate shall be declared elected by acclamation. The call for nominations for the office of Vice Chair shall be called by the Chair.
  - (2) Nominations do not need to be seconded and a candidate must consent to the nomination.
  - (3) If a candidate is not present at the meeting, his or her written consent to the nomination must be provided to the Corporate Officer at the meeting.
  - (4) At the close of nominations, if more than one candidate has been nominated, each candidate will be given a maximum of four (4) minutes to address the Board in favour of his/her candidacy in the order of his/her nomination. If a candidate is not present at the meeting, he or she may have their nominator deliver a prepared speech on his or her behalf not to exceed three minutes in duration.
  - (5) At the conclusion of the candidates' speeches, the Corporate Officer and Deputy Corporate Officer or designate will circulate a ballot box in which the completed ballots will be placed. When all of the ballots have been collected the Corporate Officer will remove the ballot box to a separate room and the ballots will be counted in accordance with subsection (6).
  - (6) The counting of the ballots will be conducted by the Corporate Officer together with the Deputy Corporate Officer or designate. Either the CRD's legal counsel or a judicial justice appointed under the *Provincial Court Act* will be present to observe the counting of the ballots.
  - (7) Following the counting of the ballots, the Corporate Officer shall advise the Chief Administrative Officer of the candidate that has received a majority of the votes.
  - (8) The number of votes received by each candidate will not be disclosed to the Board unless a resolution requiring disclosure is passed.
  - (9) In the event that there are more than two candidates for the election of Chair or Vice Chair and if no person receives a majority of the votes of those Members present, the candidate receiving the least number of votes shall be eliminated and subsequent ballots shall be taken until one candidate receives the majority of votes of those Members present; unless there is a tie between the two candidates with the least votes of those Members present, in which case, subsequent ballots shall be taken until one candidate receives the least number of votes of those Members present and is eliminated. If the tie for the least number of votes of those Members present continues after three elections have been held, the candidate who shall be eliminated will be decided by a lot between

the candidates as outlined in section 5(3). The voting on subsequent ballots will then proceed without the eliminated candidate until one candidate receives the majority of votes of those Members present.

- (10) In the event of a tie vote for the most votes of two (2) or more candidates, the candidates who are tied remain in the election. If a definitive election result cannot be declared after three (3) elections have been held, then the majority vote shall be deemed to be determined by a lot between the candidates as follows:
  - (a) the names of the candidates shall be written on separate pieces of paper and placed in a container;
  - (b) the Corporate Officer shall be asked to withdraw one paper; and
  - (c) the candidate whose name is on the withdrawn paper shall be declared elected.
- (11) Once a candidate has been declared elected, the ballots shall be destroyed by way of a Board resolution.
- (12) Following the election of the Chair, the CRD Board shall elect one of its Members to be Vice Chair. The procedure for determining the Member to be elected Vice Chair shall be as set out in sections 5(1) to (11) for electing the Chair of the Board.

*(Bylaw No. 4044)*

### **Meetings and Adjournment**

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

*(Bylaw No. 4262)*

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

*(Bylaw No. 3951)*

### **Quorum**

7. (1) The quorum for a meeting of the Board shall be a majority of all the Members.
  - (2) At the appointed time for commencement of the meeting, the Chair or, in his/her absence, the Vice Chair, shall ascertain that a quorum is present before proceeding to the business of the meeting. If neither the Chair nor the Vice Chair is present within fifteen (15) minutes after the time appointed for a meeting, the Corporate Officer shall call the Members to order, ascertain that a quorum is present and, if so, the Board shall appoint an Acting Chair who shall preside during the meeting or until the arrival of the Chair or Vice Chair. Such person appointed as Acting Chair shall have all the powers and be subject to the same rules as the Chair.

- (3) If a quorum has not been made within sixteen (16) minutes after the appointed time, the Corporate Officer shall record the names of the Members then present and the Board shall stand adjourned until the next meeting date or until another meeting shall have been called in accordance with this bylaw or to such time as the Chair shall appoint.

### **Notice of Regular Meetings**

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

### **Notice of Special Meetings**

9. (1) Except where notice of a special meeting is waived by a unanimous vote of all Members under section 220(3) of the *Local Government Act*, before a special meeting of the Board, the Corporate Officer shall:
  - (a) at least twenty-four (24) hours in advance, give notice of the general purpose, time, place and date of the meeting by way of a notice posted at the Public Notice Posting Place; and
  - (b) at least five (5) days before the date of the meeting, mail to each Member the notice of the general purpose, time, place and date of the meeting. *(Bylaw No. 4262)*
- (2) Despite section 9(1), in the case of an emergency, notice of a special meeting may be given in accordance with section 220(4) of the *Local Government Act*. *(Bylaw No. 4262)*

### **Notice of Committee Meetings**

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

### **Notice of Commission Meetings**

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

## Agenda

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

## PART 3 – BOARD PROCEEDINGS

### Delegations

13. (1) The Board may, by resolution, allow a delegation to address the meeting in person on the subject of an agenda item, provided written application on a prescribed form has been received by the Corporate Officer no later than 4:30 pm two (2) calendar days prior to the meeting. Each address shall be limited to four (4) minutes unless a longer period is agreed to by 2/3 vote of those Members present. The order of speakers will be based on the order in which the request was received. The Corporate Officer may determine the number of copies of any written submissions to be provided by each delegation to the Board. Each delegation shall provide the number of copies as determined by the Corporate Officer, for distribution at the time of the delegation's appearance.
  - (a) As an alternative to addressing a meeting as a delegation, a person may submit their comments in writing to the Corporate Officer for circulation to Members in advance of the next meeting.  
*(Bylaw No. 3951)*
- (2) Where written application has not been received as prescribed in section 13(1), an individual or delegation may address the meeting if approved by a unanimous vote of the Members present.
- (3) Any video presentations used as part of a delegation's address to the Board will count toward the time limit permitted for the delegation.
- (4) If a delegation has registered to address a meeting but is no longer able to attend the meeting, a different delegation will not be permitted to address the meeting in substitution.
- (5) The Board shall not permit a delegation to address a meeting of the Board regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a prerequisite to the adoption of the bylaw.

- (6) The Board shall not permit a delegation to address a meeting of the Board regarding a matter to be dealt with as a grievance under a collective agreement, or that is within the exclusive mandate of the Greater Victoria Labour Relations Association Board.
- (7) The subject matter upon which a delegation wishes to speak must:
  - (a) be within the jurisdiction of the Board; and
  - (b) be within the terms of reference of the Committee or Commission for which the delegation wishes to appear.
- (8) The Chair may deny any delegation the right to address a meeting if, in the Chair's opinion, the spokesperson or any Member of the delegation:
  - (a) immoderately raises his or her voice, or uses profane, vulgar or offensive language, gestures or signs; or
  - (b) addresses issues not contained within the written application of the individual or delegation.

### **Presentations**

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

*(Bylaw No. 4024)*

### **Order of Proceedings and Business**

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

13. Motion to close the meeting in accordance with the applicable provisions of the *Community Charter*
14. Adjournment

(Bylaw No. 4262, 4312)

(2) The order of business at all special meetings shall be as follows:

1. Territorial Acknowledgement
2. Approval of Agenda
3. Presentations/Delegations
4. Special Meeting Matters
5. Motion to close meeting in accordance with the applicable provisions of the *Community Charter*
6. Adjournment

(Bylaw No. 4312)

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

1. Approval of Agenda
2. Approval of Minutes of Previous Closed Meeting
3. Closed Meeting Matters
4. Rise and Report
5. Adjournment

(4) A change to the prescribed order of business other than a special meeting may be ordered by the Chair or moved by a Member, with unanimous consent.

(5) The Consent Agenda portion of the agenda shall consist of staff or committee report items that contain clear take action, give approval, or receive for information recommendations.

(6) Members may vote on and adopt in one motion all recommendations appearing on the Consent Agenda that are subject to the same voting rule.

(7) At approval of the Consent Agenda, a Member may for the purpose of:

- (a) debate or discussion;
- (b) voting in opposition to a recommendation on the consent agenda or to propose an amendment to the motion; or
- (c) declaring a conflict of interest with respect to an item on the consent agenda;

request that an item be removed from the consent agenda, without debate or vote of the Members.

(Bylaw No. 4262)

## Minutes

16. (1) Minutes of all proceedings of the Board shall be kept by the Corporate Officer; such minutes to be concise and to detail proceedings of the Board. The minutes shall be

legibly recorded, certified as correct by the Corporate Officer, and signed by the Chair, Vice Chair, or the person presiding at such meeting or at the next meeting at which they are adopted.

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

### Correspondence

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

### Attendance of Public at Meetings

17. (1) Except where the provisions of section 90 of the *Community Charter* apply, all Board meetings must be open to the public. Before a meeting or part of a meeting is closed to the public, the Board must pass a resolution in the public meeting in accordance with section 92 of the *Community Charter*.
- (2) The requirement in section 17(1) applies to meetings of bodies referred to in section 93 of the *Community Charter* including, without limitation:
- (a) Advisory Commissions
  - (b) Advisory Committees
  - (c) a Commission established under s. 263(1)(g) of the *Local Government Act*
  - (d) Board of Variance
  - (e) Parcel Tax Review Panel
  - (f) Select Committees
  - (g) Standing Committees
  - (h) Committee of the Whole

- (i) a body that under the *Local Government Act* or another *Act* may exercise the powers of the CRD or its Board

(Bylaw No. 4262)

- (3) Despite section 17(1), the Chair may expel or exclude a person from a Board meeting or meeting of a body listed in section 17(2) of this Bylaw in accordance with section 133 of the *Community Charter*.

### **Closed Meetings**

- 18 (1) No Member shall disclose to the public the proceedings of a closed meeting, unless a resolution has been passed at the closed meeting to allow disclosure.
- (2) As soon as practicable, the Corporate Officer shall review and determine whether to seek a resolution of the Board for the release of closed minutes and related information that would no longer undermine the reason for discussing it in a closed meeting.
- (3) Minutes of a closed meeting shall be kept in the same manner as a regular meeting but shall not be filed with the minutes of regular meetings.
- (4) The Board must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

### **Use of Video Recording Devices**

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

### **Chair and Presiding Officers**

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

- (b) If the Chair refuses to put the question "Shall the Chair be sustained?", the Board shall forthwith appoint the Vice Chair or, in his/her absence, one of the Members, to preside temporarily in lieu of the Chair. The Vice Chair, or Member so appointed, shall proceed in accordance with paragraph 20(5)(a).
- (6) The Chair shall vote at the same time as the other Members of the Board.

### **Rules of Order**

- 21. (1) The Chair's ruling on a point of order shall be based on rules of order as stated in section 2 herein.
- (2) All questions shall be decided by a vote on motion.
- (3) The Chair shall have the discretion to call the question on completion of debate and the Chair shall then advise that the debate is closed. Following closure of debate no Member shall speak further to the question.

### **Motions**

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

- (a) the motion's subject matter falls into one of more of the following classes:
  - (i) those items with an urgent deadline;
  - (ii) those items of minor organization impact (e.g. simply advocacy or letters of support); or
  - (iii) those items supporting the position of member local governments;
- (b) The Members present vote with a two-thirds majority to consider it.

(Bylaw 4313)

### **Reconsideration of an Adopted Bylaw, Resolution or Proceeding**

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

### **Debate and Conduct**

- 24 (1) Debate shall be strictly relevant to the question before the meeting and the Chair shall warn speakers who violate this rule.
- (2) No Member shall speak until recognized by the Chair.
- (3) Every Member desiring to speak shall address himself to the Chair. No Member shall interrupt a person speaking except to raise a point of order.
- (4) A matter of privilege (a matter dealing with the rights or interests of the Board as a whole or of a Member personally) may be raised at any time and shall be dealt with forthwith before resumption of business.
- (5) Members speaking at a Board meeting:
- (a) must use respectful language;
  - (b) must not use offensive gestures or signs;
  - (c) must speak only in connection with the matter being debated; and

- (d) must adhere to the rules of procedure established under this Bylaw and to the decisions of the Chair and the Board in connection with the rules and points of order.
- (6) If a Member does not adhere to section 24(5) or the Chair considers the Member to be acting improperly, the Chair may order the Member to leave the Member's seat.
- (7) A Member may speak to a question, or speak in reply, for no longer than fifteen (15) minutes unless the majority of the votes of the Board support a time extension.
- (8) A Member may speak more than once in connection with the same question only if:
  - (a) every other Member has spoken, or has had the opportunity to speak; and
  - (b) if the Member has already spoken for fifteen (15) minutes, the Member who wishes to speak a second time may request to do so by making a motion that must be approved by at least two-thirds of the votes cast by the Board.
- (9)
  - (a) a Member may not speak for longer than a total time of fifteen (15) minutes unless the Member has done so in accordance with sections 24(7) and (8); and
  - (b) a Member speaking for a second time under section 24(8) shall speak for a maximum of five (5) minutes only.
- (10) The conflict of interest guidelines (*disclosure of conflict and restrictions on participation*) shall be in accordance with section 100 of the *Community Charter*.

## **Voting**

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

## **PART 4 – COMMITTEES AND COMMISSIONS**

### **Board Standing Committees**

- 26. (1) The Chair may establish a Board Standing Committee as a regular permanent committee whose mandate will be in relation to a CRD service or potential service.
- (2) The Chair shall appoint only Board Members to a Board Standing Committee with the following exceptions:

- (a) Unless the authorizing legislation or Letters Patent for the Board Standing Committee defines its membership; and
- (b) An elected representative and alternate from each of the Songhees Nation and the Esquimalt First Nation Councils may be appointed to a committee established for the purposes of the Core Area Liquid Waste Management Plan.

*(Bylaw No. 3999)*

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

### **Advisory Committees**

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

### **Select Committees**

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

## Commissions

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

### Electronic Participation at Commission Meetings

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

### **Attendance at Committee Meetings**

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

### **Committee Reports**

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

### **Quorum**

32. The quorum in a Standing or Select Committee shall be a majority of the persons appointed to the Committee.

### **Voting at Meetings**

33. (1) On a vote in a Committee each person shall have only one (1) vote.
- (2) (a) The Chair shall be a Member of all Committees and entitled to vote on all matters.
- (b) Despite section 33(2)(a) the Chair, when in attendance, may be counted as one Member for the purpose of constituting a quorum.

### **Operation**

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

## **PART 5 – COMMITTEE OF THE WHOLE**

### **Procedures for COW Meetings**

35. (1) The Board may resolve to sit as a COW at any time.
- (2) The Chair may appoint another Member to preside over the COW who shall maintain order therein and report the proceedings thereof to the Board.
- (3) The rules of the Board shall be observed in COW as far as may be applicable. Motions shall be seconded and the names of Members shall not be recorded in case of a division. Divisions in COW shall be decided by a show of hands. A motion in COW to rise without reporting, or that the Chair of the Committee do leave the Chair, shall always be in order and shall take precedence over any other motion. A motion to rise without reporting, if affirmed shall be considered as disposing of the matter before the Committee in the negative.
- (4) When all matters referred to the COW have been considered, a motion to rise and report shall be adopted. The Committee may report progress and ask leave to sit again if the

matter before it has not been disposed of. On the Committee rising, the Chair shall report to the Board and an adoption of the report shall be moved.

- (5) Discussion in COW shall be strictly relevant to the item or clause under consideration.

## **PART 6 – BYLAWS**

36. (1) Bylaws shall be passed by the following stages:
- (a) Introduction and first reading shall be decided by the motion "that Bylaw No. \_\_\_\_\_ be introduced and read a first time". The question shall be decided without amendment or debate.
  - (b) Second Reading - Debate on second reading shall be limited to the general principle of the bylaw.
  - (c) Third Reading - A bylaw may be amended at third reading and passed upon the motion "that Bylaw No. \_\_\_\_\_ (as amended or as presented) be read a third time".
  - (d) Despite sections 36(1)(a), (b) and (c) every proposed bylaw may be introduced and given first, second, and third readings at the same meeting by one motion for all three readings.
  - (e) Adoption - Not less than one clear day after third reading, the bylaw shall be adopted upon the motion "that Bylaw No. \_\_\_\_\_ be adopted", unless the Board adopts the bylaw in accordance with subsection (2) and section 228 of the *Local Government Act*.
- (Bylaw No. 4262)*
- (2) A bylaw that does not require approval, consent or assent under the *Local Government Act* or any other Act before it is adopted may be adopted at the same meeting at which it passes third reading, so long as the motion for adoption receives at least two thirds of the votes cast.
- (3) A copy of every bylaw shall be endorsed by the Corporate Officer with a record of the stages through which it has proceeded and shall be kept among the records of the Board. A copy of every adopted bylaw signed, sealed and where necessary bearing evidence of registration by the Inspector of Municipalities shall be kept with the records of the Board.

## **PART 7 – RESOLUTIONS**

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

**PART 8 – GENERAL**

- 38. The rules of the Board shall be observed in proceedings of the Capital Regional Hospital District Board, and Standing and Select Committees of the Board as far as may be applicable.
- 39. The following bylaw is repealed: Bylaw No. 3708, "Capital Regional District Board Procedures Bylaw, 2010", and any amendments thereto.
- 40. This Bylaw may be cited as "Capital Regional District Board Procedures Bylaw, 2012".

|                         |                  |        |            |      |
|-------------------------|------------------|--------|------------|------|
| READ A FIRST TIME THIS  | 19 <sup>th</sup> | day of | September, | 2018 |
| READ A SECOND TIME THIS | 19 <sup>th</sup> | day of | September, | 2018 |
| READ A THIRD TIME THIS  | 19 <sup>th</sup> | day of | September, | 2018 |
| ADOPTED THIS            | 10 <sup>th</sup> | day of | October,   | 2018 |

[Original signed by] \_\_\_\_\_  
CHAIR

[Original signed by] \_\_\_\_\_  
CORPORATE OFFICER

# Commission Bylaws

The best source for commission bylaws is the CRD website at [www.crd.bc.ca](http://www.crd.bc.ca). The following information is provided for convenience only.

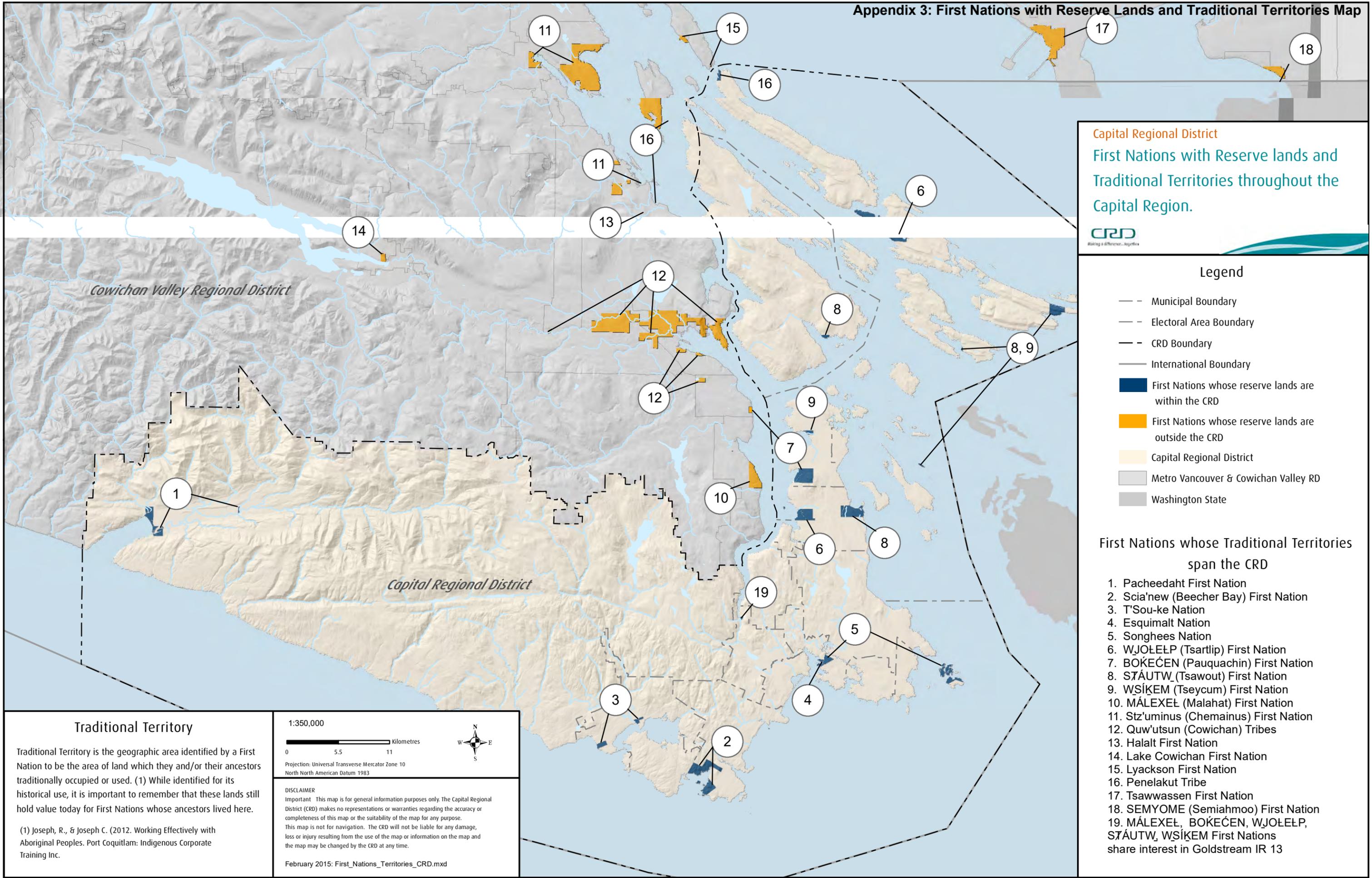
If the website does not contain the information you require, please phone Legislative Services at 250.360.3024

(MOU = Memorandum of understanding; TOR = Terms of reference)

| Commissions and Committees   | Participating Areas   | Authority                        |
|--|---|----------------------------------|
| <b>Regional and Sub-regional</b>                                     |   |                                  |
| Regional Emergency Management Partnership                            | Region  | MOU                              |
| Regional Food and Agriculture Task Force                             | Region  | TOR                              |
| Regional Water Supply Commission                                     | Region  | Bylaw 2539                       |
| Traffic Safety Commission  | Regional  | Bylaw 1828<br>Bylaw 3520         |
| Water Advisory Committee   | Regional  | Bylaw 2541                       |
| Arts Advisory Council  | Sub-Region  | Bylaw 2973                       |
| Development and Planning Advisory Committee                          | RGS - Growth Management Area (Does not include SSI or SGI)  | Local Government Act section 450 |
| Intergovernmental Advisory Committee                                 | RGS – Growth Management Area  | Local Government Act Section 450 |
| Juan de Fuca Water Distribution Commission                           | Sub-Regional- City of Colwood, City of Langford, District of Highlands District of Metchosin, District of Sooke and Town of View Royal, and portions of the Juan de Fuca Electoral Area                   | Bylaw 2540                       |
| Peninsula Recreation Commission                                      | Sub-Regional – Sidney, North Saanich and Central Saanich  | Bylaw 2397                       |
| Regional Housing Trust Fund Commission                               | Sub-Region - Central Saanich, Esquimalt, Highlands, Metchosin, North Saanich, Oak Bay, Saanich, Sidney, Sooke, Victoria and View Royal, and Salt Spring Island and Southern Gulf Islands electoral areas. | Bylaw 3294                       |
| Saanich Peninsula Wastewater Commission                              | Sub-Regional  | Bylaw 3427                       |
| Saanich Peninsula Water Commission                                   | Sub-Regional  | Supplementary Letters Patent     |
| Victoria Family Court and Youth Justice Committee                    | Central Saanich, Colwood, Esquimalt, Highlands, Juan de Fuca Electoral Area, Langford, Metchosin, North Saanich, Oak Bay, Saanich, Sidney, Sooke, Victoria, View Royal, SD #61, SD#62, SD#63.             | Bylaw 2560                       |
| <b>Juan de Fuca Electoral Area</b>                                   |   |                                  |
| Agricultural Advisory Planning Commission                            | Juan de Fuca Electoral Area   | Bylaw 3517                       |
| East Sooke Advisory Planning Commission                              | Juan de Fuca Electoral Area – East Sooke  | Bylaw 2945                       |
| East Sooke Fire Protection and Emergency Response Service Commission | Juan de Fuca Electoral Area – East Sooke  | Bylaw 3654                       |
| Emergency Coordination Committee                                     | Juan de Fuca Electoral Area Salt Spring Island Electoral  | Bylaw 3447                       |

|   |  |            |
|---|--|------------|
|   | Area Southern Gulf Islands Electoral Area  |            |
| Emergency Management Committee  | Executive Leadership Team<br>Juan de Fuca Electoral Area<br>Salt Spring Island Electoral Area<br>Area Southern Gulf Islands Electoral Area | Bylaw 3447 |
| Juan de Fuca Board of Variance  | Juan de Fuca Electoral Area – East Sooke, Otter Point, Port Renfrew, Shirley/Jordan River  | Bylaw 3839 |
| Juan de Fuca Economic Development Commission                            | Juan de Fuca Electoral Area  | Bylaw 3064 |
| Juan de Fuca Electoral Area Parks and Recreation Advisory Commission    | Juan de Fuca Electoral Area  | Bylaw 3763 |
| Juan de Fuca Land Use Committee   | Juan de Fuca Electoral Area  | Bylaw 3166 |
| Malahat Advisory Planning Commission                                    | Juan de Fuca Electoral Area – Malahat  | Bylaw 2945 |
| Malahat, Willis Point Area Board of Variance                            | Juan de Fuca Electoral Area – Malahat and Willis Point   | Bylaw 3376 |
| Otter Point Advisory Planning Commission                                | Juan de Fuca Electoral Area – Otter Point  | Bylaw 2945 |
| Otter Point Fire Protection and Emergency Response Service Commission   | Juan de Fuca Electoral Area – Otter Point  | Bylaw 3654 |
| Port Renfrew Advisory Planning Commission                               | Juan de Fuca Electoral Area – Port Renfrew   | Bylaw 2945 |
| Port Renfrew Fire Protection and Emergency Response Service Commission  | Juan de Fuca Electoral Area – Port Renfrew   | Bylaw 3654 |
| Port Renfrew Utility Services Committee                                 | Juan de Fuca Electoral Area – Port Renfrew   | Bylaw 3281 |
| Shirley Fire Protection and Emergency Response Service Commission       | Juan de Fuca Electoral Area - Shirley  | Bylaw 3654 |
| Shirley/Jordan River Advisory Planning Commission                       | Juan de Fuca Electoral Area – Shirley and Jordan River   | Bylaw 2945 |
| Sooke and Electoral Area Parks and Recreation Commission                | District of Sooke/Juan de Fuca Electoral Area  | Bylaw 2788 |
| Wilderness Mountain Water Service Commission                            | Juan de Fuca Electoral Area – East Sooke   | Bylaw 3511 |
| Willis Point Advisory Planning Commission                               | Juan de Fuca Electoral Area – Willis Point   | Bylaw 2945 |
| Willis Point Fire Protection and Recreation Facilities Commission       | Juan de Fuca Electoral Area – Willis Point   | Bylaw 3654 |
| <b>Salt Spring Island Electoral Area</b>                                |  |            |
| Beddis Water Service Commission   | Salt Spring Island Electoral Area  | Bylaw 3693 |
| Cedar Lane Water Service Commission                                     | Salt Spring Island Electoral Area  | Bylaw 3693 |
| Cedars of Tuam Water Service Commission                                 | Salt Spring Island Electoral Area  | Bylaw 3693 |
| Fernwood Dock Management Commission                                     | Salt Spring Island Electoral Area  | Bylaw 3030 |
| Fernwood Water Local Service Commission                                 | Salt Spring Island Electoral Area  | Bylaw 3693 |
| Fulford Water Service Commission  | Salt Spring Island Electoral Area  | Bylaw 3693 |
| Ganges Sewer Local Services Commission                                  | Salt Spring Island Electoral Area  | Bylaw 3693 |
| Highland Water and Sewer Services Commission                            | Salt Spring Island Electoral Area  | Bylaw 3693 |
| Salt Spring Island Community Economic Development Commission            | Salt Spring Island Electoral Area  | Bylaw 3727 |
| Salt Spring Island Electoral Area Emergency Program Advisory Commission | Salt Spring Island Electoral Area  | Bylaw 3752 |

|   |  |            |
|---|--|------------|
| Salt Spring Island Liquid Waste Disposal Local Service Commission       | Salt Spring Island Electoral Area                          | Bylaw 3693 |
| Salt Spring Island Parks and Recreation Advisory Commission             | Salt Spring Island Electoral Area                          | Bylaw 3763 |
| Salt Spring Island Transportation Commission                            | Salt Spring Island Electoral Area                          | Bylaw 3450 |
| <b>Southern Gulf Islands Electoral Area</b>                             |  |            |
| Galiano Island Activity Centre Committee                                | Southern Gulf Islands Electoral Area – Galiano Island      | Bylaw 3955 |
| Galiano Island Parks and Recreation Commission                          | Southern Gulf Islands Electoral Area – Galiano Island      | Bylaw 3486 |
| Lyll Harbour/Boot Cove Water Local Services Committee                   | Southern Gulf Islands Electoral Area – Saturna Island      | Bylaw 1875 |
| Magic Lake Estates Water and Sewer Committee                            | Southern Gulf Islands Electoral Area – North Pender Island | Bylaw 2339 |
| Mayne Island Parks and Recreation Commission                            | Southern Gulf Islands Electoral Area - Mayne Island        | Bylaw 3488 |
| North Galiano Fire Protection and Emergency Response Service Commission | Southern Gulf Islands Electoral Area – Galiano Island      | Bylaw 3654 |
| Pender Islands Parks and Recreation Commission                          | Southern Gulf Islands Electoral Area – Pender Islands      | Bylaw 3561 |
| Saturna Island Parks and Recreation Commission                          | Southern Gulf Islands Electoral Area                       | Bylaw 3485 |
| Skana Water Service Committee   | Southern Gulf Islands Electoral Area – Mayne Island        | Bylaw 3133 |
| Southern Gulf Islands Community Economic Sustainability Commission      | Southern Gulf Islands Electoral Area                       | Bylaw 3803 |
| Southern Gulf Islands Electoral Area Emergency Advisory Commission      | Southern Gulf Islands Electoral Area                       | Bylaw 3749 |
| Southern Gulf Islands Harbours Commission                               | Southern Gulf Islands Electoral Area                       | Bylaw 2972 |
| Southern Gulf Islands Public Library Commission                         | Southern Gulf Islands Electoral Area                       | Bylaw 3523 |
| Sticks Allison Water Local Service Committee                            | Southern Gulf Islands Electoral Area – Galiano Island      | Bylaw 2558 |
| Surfside Park Estates Water Service Committee                           | Southern Gulf Islands Electoral Area – Mayne Island        | Bylaw 3131 |



Capital Regional District  
 First Nations with Reserve lands and Traditional Territories throughout the Capital Region.

CRD  
 Making a Difference... Together

- Legend**
- Municipal Boundary
  - Electoral Area Boundary
  - - - CRD Boundary
  - International Boundary
  - First Nations whose reserve lands are within the CRD
  - First Nations whose reserve lands are outside the CRD
  - Capital Regional District
  - Metro Vancouver & Cowichan Valley RD
  - Washington State

- First Nations whose Traditional Territories span the CRD**
1. Pacheedaht First Nation
  2. Scia'new (Beecher Bay) First Nation
  3. T'Sou-ke Nation
  4. Esquimalt Nation
  5. Songhees Nation
  6. W̱JŌŁĒLP (Tsartlip) First Nation
  7. BO̱KĒCĒN (Pauquachin) First Nation
  8. SṮAUTW (Tsaywot) First Nation
  9. WS̱ĪKEM (Tseycum) First Nation
  10. MÁLEXEŁ (Malahat) First Nation
  11. Stz'uminus (Chemainus) First Nation
  12. Quw'utsun (Cowichan) Tribes
  13. Halalt First Nation
  14. Lake Cowichan First Nation
  15. Lyackson First Nation
  16. Penelakut Tribe
  17. Tsawwassen First Nation
  18. SEMYOME (Semiahmoo) First Nation
  19. MÁLEXEŁ, BO̱KĒCĒN, W̱JŌŁĒLP, SṮAUTW, WS̱ĪKEM First Nations share interest in Goldstream IR 13

**Traditional Territory**

Traditional Territory is the geographic area identified by a First Nation to be the area of land which they and/or their ancestors traditionally occupied or used. (1) While identified for its historical use, it is important to remember that these lands still hold value today for First Nations whose ancestors lived here.

(1) Joseph, R., & Joseph C. (2012). Working Effectively with Aboriginal Peoples. Port Coquitlam: Indigenous Corporate Training Inc.

1:350,000

0 5.5 11 Kilometres

Projection: Universal Transverse Mercator Zone 10 North North American Datum 1983

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February 2015: First\_Nations\_Territories\_CRD.mxd

# Statement of Reconciliation

## *Preamble*

The work of Reconciliation falls to all segments of Canadian society. The Capital Regional District (CRD) is committed to Reconciliation with Indigenous peoples. It is understood that a commitment alone is not enough and that action is needed to show that the CRD is taking measurable steps towards a better relationship with Indigenous peoples.

This statement of commitment to Reconciliation can guide decision making for the organization for many years to come. It is understood that Reconciliation is a long term goal with no defined end point. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is the reference framework for the CRD's commitment to Reconciliation, which aims to address activities within the scope of the CRD's authority. This statement is a work in progress which acknowledges that mistakes will be made and provides for adjustments to accommodate emergent practices.

## *Statement*

The CRD's boundaries span the Traditional Territories of over 20 First Nations, whose ancestors have been taking care of the land since time immemorial. The CRD believes that a positive working relationship with First Nations is good for the whole region. For the CRD to have a positive relationship with First Nations we need to acknowledge, respect and complement their Indigenous laws, customs and systems of governance.

The CRD is part of a national movement towards Reconciliation with Canada's Indigenous peoples, informed by:

- The Truth and Reconciliation Commission's Calls to Action
- The United Nations Declaration on the Rights of Indigenous Peoples
- Sec. 35 of the Canadian Charter of Rights and Freedoms
- The Douglas Treaties and the BC Modern Treaty process

The CRD's path to Reconciliation focuses on three recurring themes:

### 1. **Self-Determination**

The CRD acknowledges the fundamental right of self-determination to Indigenous peoples. In the spirit and intent of inclusivity, the CRD is committed to working with First Nations through the governance systems they choose. When First Nations wish to participate in our decision-making process then we will support them. The CRD will look to First Nations for leadership in understanding how to create new decision-making systems together on their Traditional Territories.

### 2. **Shared Prosperity**

The CRD recognizes the gap in wealth between First Nations and settler governments. The CRD will work towards a prosperous economic future for all of its residents and believes that improving the lives of the most vulnerable citizens creates a stronger and more resilient region for everyone. The CRD will seek partnerships, share information and deliver fair and equitable services in working with First Nations on achieving their economic goals.

### 3. **Relationship with the Land and Water**

The CRD recognizes the integral relationship First Nations have with the land; often the names for the people of the land and the land itself were one and the same. The CRD will work with First Nations on taking care of the land while providing space for cultural and ceremonial use, food and medicine harvesting, traditional management practices and reclaiming Indigenous place names.



Capital Regional District

Administrative Boundaries



Capital Region Municipalities

- |                             |                       |
|-----------------------------|-----------------------|
| City of Victoria            | District of Oak Bay   |
| District of Saanich         | Town of Sidney        |
| Township of Esquimalt       | Town of View Royal    |
| District of Central Saanich | City of Colwood       |
| District of North Saanich   | District of Highlands |
| City of Langford            | District of Metchosin |
| District of Sooke           |                       |

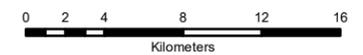
Unincorporated Areas

- Juan de Fuca Electoral Area
- Salt Spring Island Electoral Area
- Southern Gulf Islands Electoral Area
- First Nation Reserves



Please visit us on-line for more information - <http://www.crd.bc.ca>

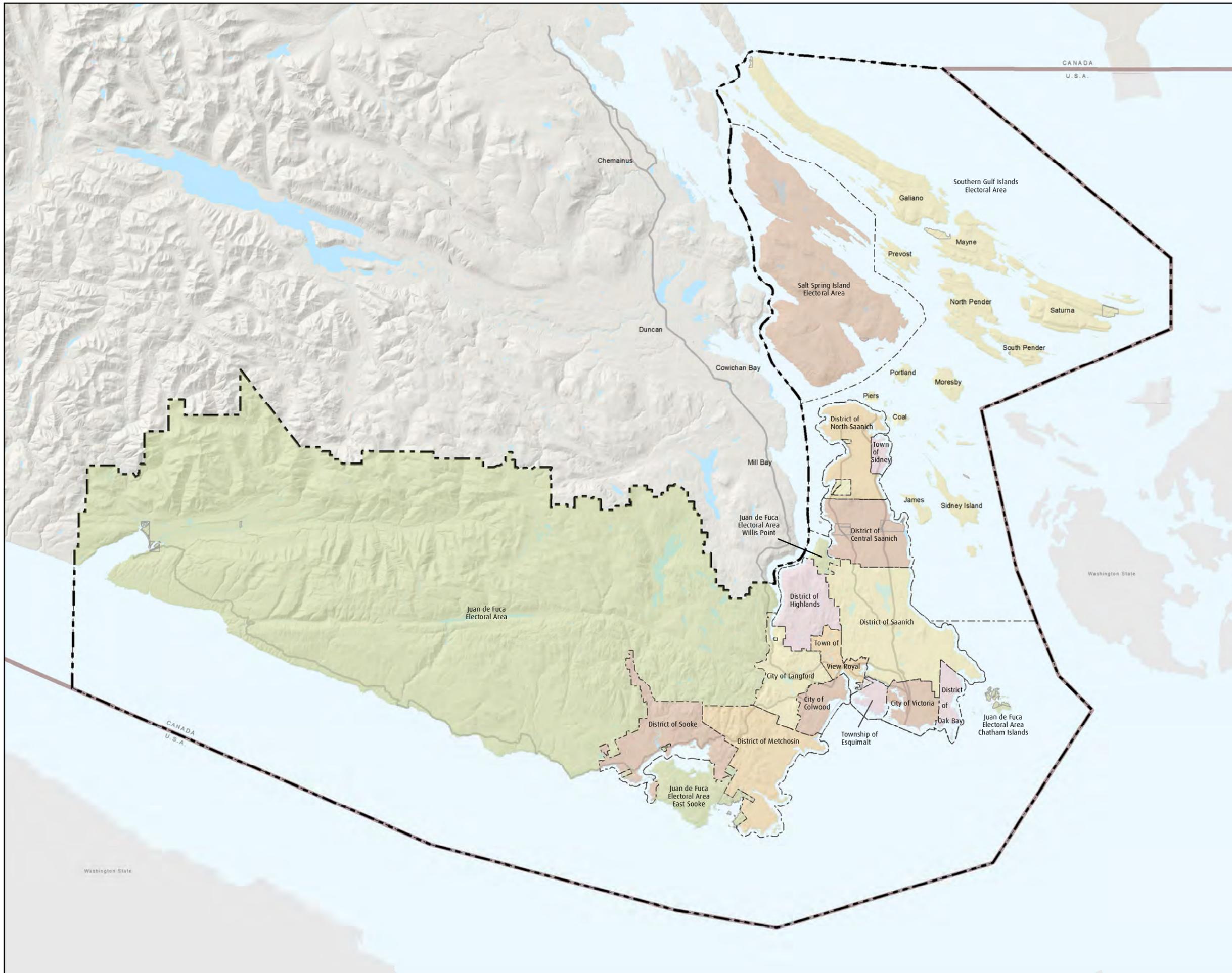
1:366,355



Projection: Universal Transverse Mercator, Zone 10, North, North American Datum.

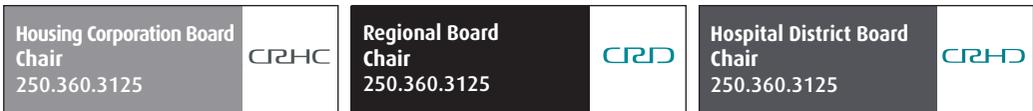
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# ORGANIZATIONAL STRUCTURE 2018

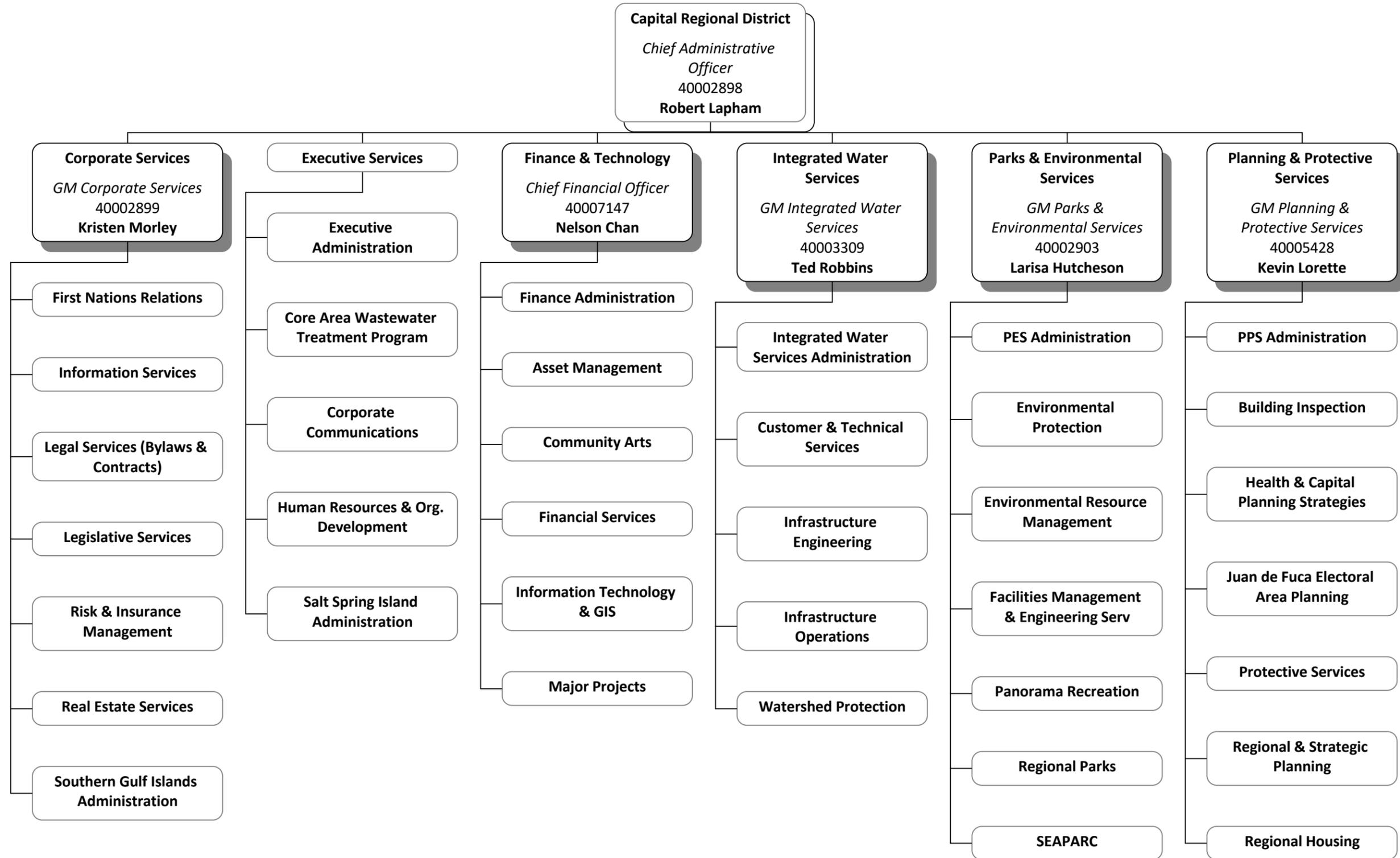
Capital Region Housing Corporation, Capital Regional District, Capital Regional Hospital District



**Robert Lapham**  
 Chief Administrative Officer  
 250.360.3125
 



# Capital Regional District



## Appendix 8: CRD Governance Structure

### Residents of the Capital Region

REGIONAL

SUB-REGIONAL

LOCAL or ELECTORAL

Residents of the Capital Region are represented, participate and realize benefits through three distinct types of CRD services:

- Regional, where all 13 municipalities and three electoral areas are served
- Sub-Regional, where two or more jurisdictions are served
- Local or Electoral Areas, where only one jurisdiction is served.

CRHD Board  
(hospital)

CRD Board  
of Directors

Commissions

CRHC Board  
(housing)

Standing  
Committees

The Board is made up of Municipal Directors and Directors from the Electoral Areas who represent residents of the Capital Region.

The Capital Regional Hospital District participates in funding and developing the region's health facilities.

The Capital Region Housing Corporation is a wholly-owned, non-profit corporation of the CRD that provides affordable housing.

Commissions are created to provide community input into specific CRD services. In some cases they have delegated authority, such as the Juan de Fuca Water Distribution Commission.

Chief  
Administrative  
Officer

Corporate  
Services

Executive  
Leadership  
Team

Executive  
Services

The CAO ensures Board policies and direction are implemented, oversees the operations and functions of the CRD and aligns the organization to achieve strategic priorities set by the Board. The CAO also provides leadership to the Executive Leadership Team (ELT) and staff.

The ELT, made up of the General Managers of CRD Departments and the CAO, manage and align services, programs and activities with corporate and strategic priorities. Members of the ELT ensure the effective management of resources and are responsible for organizational and individual service area results and performance.

Corporate & Executive Services support the organization, CAO's office and the Board. These divisions ensure legislative requirements, corporate standards and organizational policy are maintained and implemented as necessary. Organizational support is provided in the areas of human resources, communications, community engagement, information and records management.

Departments, Divisions,  
Programs & Other Services

The CRD's 200+ services and programs, infrastructure and financing are delivered through an organizational structure that includes, departments, divisions, partnerships, contracted service arrangements and volunteers.

## Appendix 9: Non Disclosure / Confidentiality Agreement for CRD Commissions



Making a difference...together

### CAPITAL REGIONAL DISTRICT BOARD POLICY

|            |   |  |
|------------|---|--|
| Section    | Board   |  |
| Subsection | Policies, Procedures, Manuals                                     |  |
| Title      | NON DISCLOSURE / CONFIDENTIALITY AGREEMENT<br>FOR CRD COMMISSIONS |  |

**POLICY:**

All individuals appointed to a Capital Regional District commission are required to sign a non-disclosure confidentiality agreement.

**PURPOSE:**

It is important to maintain the confidentiality of CRD matters that are not in the public domain and to ensure consistency of closed (in camera) confidence requirements for both elected and non-elected persons. Section 117 of the *Community Charter* requires closed confidences to be respected by elected officials (applicable to regional districts under Section 205 of the *Local Government Act*), however this does not apply to non-elected persons, such as commission members, and a non-disclosure / confidentiality agreement is required because commissions have authority for closed deliberations under the *Community Charter* and the *Local Government Act*.

A copy of the non-disclosure / confidentiality agreement to be completed by authorized signatories of the CRD and the commission member is attached as Appendix A.

**RESPONSIBILITIES:**

The Corporate Officer and Legislative Services Office are responsible for the control, coordination, and implementation of the policy. Modifications to the overall policy are to be approved by the CRD Board.

**SCOPE:**

The policy applies to all non-elected persons who have been appointed to a CRD Commission.

**DEFINITIONS:**

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

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

|                    |                |              |                      |
|--------------------|----------------|--------------|----------------------|
| Approval Date:     | May 8, 2013    | Approved By: | CRD Board            |
| 1. Amendment Date: | July 10, 2019  | Approved By: | CRD Board            |
| Next Review Date:  | September 2021 | Reviewed By: | Legislative Services |
| Supersedes:        | n/a            |              |                      |

**THIS AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

BETWEEN:  
**CAPITAL REGIONAL DISTRICT**  
("CRD")

OF THE FIRST PART

AND: \_\_\_\_\_  
("Commission Member")

OF THE SECOND PART

**WHEREAS** the Commission Member has applied for and been granted an appointment to the \_\_\_\_\_ (the "**Commission**");

**NOW THEREFORE** in consideration of the premises, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties hereto agree as follows:

1. For the purposes of this Agreement:
  - (a) "**confidential information**" includes:
    - (i) any information that has been received or considered by the Board of the CRD, the Commission or any other body established by the CRD at a meeting that has been lawfully closed to the public, except to the extent that disclosure of such information has been authorized by the Board of the CRD or the Commission;
    - (ii) any information that the CRD is bound to retain in confidence pursuant to an agreement, the disclosure of which has not been authorized by agreement of the parties;
    - (iii) any information the disclosure of which is prohibited under the *Freedom of Information and Protection of Privacy Act* (British Columbia);
    - (iv) any information that is subject to solicitor-client privilege; and
    - (v) any other information held in confidence by the CRD except to the extent that the information is released to the public as lawfully authorized or required by an enactment.
  - (b) "**enactment**" has the same meaning as in the *Interpretation Act* (British Columbia).
2. The Commission Member acknowledges that, as an appointee of the Board of the CRD to the Commission, the Commission Member will receive confidential information.
3. The Commission Member acknowledges and agrees that he or she must:

- (a) keep in confidence any confidential information, until the record containing the confidential information is released to the public as lawfully authorized by the Board of the CRD, the Commission, or as required under an enactment;
  - (b) keep in confidence information considered in any part of a meeting of the Board of the CRD, or the Commission, that was lawfully closed to the public, until the Board of the CRD or the Commission, as applicable, discusses the information at a meeting that is open to the public or releases the information to the public;
  - (c) ensure that any records or information containing personal information received by the Commission Member during his or her term is stored in Canada in compliance with the *Freedom of Information and Protection of Privacy Act* (British Columbia);
  - (d) use confidential information solely in connection with the purposes of the Commission and the CRD and for no other purpose.
4. The Commission Member will advise the Corporate Officer of the CRD immediately if he or she becomes aware of an unauthorized use or disclosure of confidential information contrary to this Agreement or the provisions of an enactment.
5. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
6. This Agreement may be executed in counterpart with the same effect as if both parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

**THE PARTIES HERETO** have executed this Agreement as of the day, month and year first above written, as undersigned.

**CAPITAL REGIONAL DISTRICT**  
by its authorized signatories:

**COMMISSION MEMBER**

I understand that any disclosure of confidential information contrary to this agreement may result in sanctions including reduction in participatory rights, censure and revocation of my appointment:

---

*Corporate Officer or Designate*

---

*Commissioner*



**CAPITAL REGIONAL DISTRICT**  
**CORPORATE POLICY AND PROCEDURE**

|            |                               |           |
|------------|-------------------------------|-----------|
| Section    | Human Resources               |           |
| Subsection | Policies, Procedures, Manuals | 9.95 (HR) |
| Title      | <b>RESPECTFUL WORKPLACE</b>   |           |

**1. POLICY:**

The Capital Regional District’s (CRD’s) greatest resource is its people. It is essential to our business that staff are provided with, and contribute towards, a respectful workplace where the values of trust, fairness, integrity, consideration and dignity guide our interactions with one another.

The CRD is committed to providing a work environment in which all individuals are treated with mutual respect and dignity. It is the policy of the CRD that every employee has the right to work in a harassment-free environment and, to that end, the CRD is committed to creating and maintaining a work environment which is free of harassment, bullying and discrimination.

Appropriate corrective action will be taken when necessary against any person under the CRD's direction for breach of this policy.

It is the intent of the CRD to follow the resolution process outlined in this policy for all complaints of Disrespectful Workplace behaviour. These may include those filed under other third party processes (e.g. WorkSafeBC).

This Policy is intended to comply with all relevant regulations and legislation. Where there is a conflict between this Policy and the binding collective agreement the collective agreement shall prevail. Where there is a conflict between this Policy and legislation, the legislation will prevail. By prevail, this is intended that only that portion of the Policy in conflict shall have no application to the extent of that inconsistency. All other portions of the Policy shall continue in full force and effect.

**2. PURPOSE:**

To ensure a consistent understanding of the maintenance of a respectful workplace, and procedures for addressing concerns that may arise.

**3. SCOPE:**

This policy applies to all CRD employees, contractors, elected officials and appointed representatives (egg. commission members) in their dealings with the CRD.

This policy applies to the workplace itself, and to work-related events. It includes disrespectful behaviour, including those of prohibitive grounds under the *Human Rights Code*, that involve CRD employees at the workplace, and away from the workplace or after regular working hours where those behaviours have a negative impact on the workplace.

## **4. RESPONSIBILITIES**

### **4.1 CRD**

The CRD has the primary responsibility to establish and maintain a respectful workplace as defined in this Policy.

### **4.2 Employees**

CRD employees shall not be subjected to, and shall not subject others to, disrespectful behaviour as defined in this Policy.

All employees are a part of creating a respectful workplace and have a responsibility to refrain from disrespectful behaviours as defined in this Policy.

All staff share the responsibility to contribute to a respectful workplace. Occurrences of disrespectful behaviour should be reported by any individual who experiences or observe this behaviour, this may include a colleague, Supervisor or Manager.

### **4.3 Managers and Supervisory Staff**

Managers and Supervisors have an essential role in preventing and resolving disrespectful behaviour issues. Managers and Supervisors are responsible not only for their own actions but also for dealing with actions of staff under their supervision. Supervisors will work with their Managers who play a central role in preventing and resolving disrespectful behaviour.

The primarily responsibilities with respect to disrespectful behaviour are to:

- Ensure staff is provided with information about and access to policies and procedures related to behaviour expectations;
- Model appropriate respectful behaviour;
- Monitor the workplace for incidents of disrespectful behaviour prior to waiting for complaints/claims to come forward;
- Avoid retaliation and monitor and address any attempts of retaliation by others in response to concerns/complaints brought forward pursuant to this Policy;
- Intervene promptly and appropriately when they know, or ought reasonably to know, that disrespectful behaviour is occurring;
- Work to resolve and remedy instances of disrespectful behaviour in a timely manner;
- Take steps to restore positive working relationships.

### **4.4 Human Resources**

The responsibilities of Human Resources include the responsibility to:

- Champion respectful workplace behaviours and practices;
- Ensure that appropriate statutes and legislation are understood so that they are adhered to with regards to respect in the workplace;
- Ensure Policy and related information is available, accessible and reviewed annually;
- Provide advice and/or guidance on the Policy and related processes;
- Provide corporate training and development related to respectful workplaces;
- Ensure a fair, prompt and equitable process is followed, and oversee the resolution/investigation process as may be required;
- Protect the privacy and confidentiality of individuals involved, save and except as may be necessary to conduct a fair investigation or as otherwise required by law;
- Assist, as needed, staff who are otherwise not represented and may request representation;

- Intervene promptly and appropriately when they know, or ought reasonably to know, that disrespectful behaviour is occurring;
- Assist to determine an appropriate response to investigations including corrective action;
- Where appropriate, facilitate joint involvement of management, union representatives and other staff to resolve issues.

## 5. DEFINITIONS:

- **Respectful Workplace** is a work environment where individuals treat each other with respect at all times which includes:
  - Inclusion of people with different backgrounds, strengths and opinions;
  - Safety from disrespectful, bullying or intimidating behaviours;
  - Individual accountability for effective workplace relationships involving the constructive resolution of differences.
- **Complainant** means the individual making a complaint that disrespectful behaviour has occurred.
- **Bystander / Witness** means anyone who witnesses disrespectful behaviour.
- **Respondent** means the individual alleged to have engaged in disrespectful behaviour.
- **Manager** means direct manager, division manager, or general manager of the immediate work area.
- **Bullying and harassment** may include any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment. Examples of conduct or comments that might constitute bullying and harassment include verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumours. (*reference: WorkSafeBC*)
- **Disrespectful Behaviour** is behaviour that may or may not be related to Prohibited Grounds which:
  - Ought reasonably to be known or expected to be offensive, humiliating or intimidating;
  - Has a clear and demonstrably negative effect on the complainant;
  - Includes either words or actions of an egregious, threatening or abusive nature.

Some examples of behaviour that may be defined as disrespectful behaviour under this Policy may include, but are not limited to:

- Public ridicule or humiliation;
- Verbal or written abuse or threats;
- Insulting, derogatory or degrading comments, jokes, actions or gestures;
- Directing profanity or violent language at another employee;
- Unjustifiable and deliberate interference with another's work or work sabotage;
- Interference with or vandalizing personal property;
- Bullying is behaviour that is objectively determined to be offensive, malicious, intimidating, ostracizing, insulting and/or humiliating.

Disrespectful Behaviour that may violate this Policy may include communications in person, on the phone, and in writing, through email, texts, social media messaging, and otherwise. Potential

violations may consist of inappropriate communication made *to* a person and/or communication made *about* a person to others.

Some examples of behaviour that may NOT be defined as disrespectful behaviour under this Policy may include, but are not limited to:

- Communication and conduct that is welcome and a part of mutually consensual relationships provided that it does not create an inappropriate or offensive workplace atmosphere;
  - Social invitations that do not involve inappropriate or offensive behaviours, intimidation, explicit or implicit threat of retaliation, or misuse of power;
  - Conduct that withstands the test of what a “reasonable person” would find appropriate or neutral;
  - Exercise of the CRD’s right to direct the workforce, including all aspects of supervising and managing employees, such as giving appropriate and legitimate performance feedback, setting expectations, managing employee attendance, coaching, discipline, and related matters, provided such direction and management is communicated and delivered in a respectful manner;
  - Day-to-day disagreements, misunderstandings or differences of opinion provided they are discussed in a reasonable and respectful manner;
  - Conflicts or quarrels between coworkers unless they include egregious behaviours of a threatening or abusive nature that meets the definition of disrespectful behaviour set out above.
- **Prohibitive Grounds** means those defined grounds outlined within the *BC Human Rights Code* that refer to the ‘prohibited grounds of discrimination’, and include discrimination regarding employment based on: race; colour; ancestry; place of origin; political belief; religion; marital status; family status; physical or mental disability; sex; sexual orientation; age; or criminal or summary conviction offence unrelated to the employment or intended employment of that person.

## 6. PROCEDURE:

Concerns about Disrespectful Behaviour should be raised as soon as reasonably possible to ensure that it is resolved as early and as informally as possible in the circumstances.

A complaint shall be reported no later than six (6) months after the date on which the alleged incident(s) of Disrespectful Behaviour arose, unless the delay was incurred in good faith and no substantial prejudice will arise as a result of the delay.

### 6.1 Informal Resolution

The CRD encourages parties, including bystanders, to take steps to resolve concerns as early and as informally as possible in the circumstances. Informal resolution options may include, but are not limited to discussing concerns directly with those involved if it is reasonable and safe to do so. Often the easiest way to stop disrespectful behaviour, as a party or bystander, is to let those involved know that certain behaviours are disrespectful, unwelcome and inconsistent with CRD policy and allow them an opportunity to correct their behaviour.

## **6.2 Formal Resolution**

If a complaint cannot be resolved informally, a formal complaint may be made and a formal resolution process shall be followed.

### **6.2.1 Stage 1 Process – Facilitated Discussion**

Stage 1 is the use of a “facilitated discussion” between those involved. The Complainant shall report concerns to an appropriate party (Manager, Supervisor, Human Resources) to assist in an early resolution of the issue. At Stage 1, the Complainant may report the concerns either verbally or in writing. The Complainant may seek the assistance of a third-party (Union representative or Human Resources).

Through the facilitated discussion process, the facilitator(s) may recommend resolves for the Complainant and Respondent, including but not necessarily limited to recommending apologies, establishing clear behaviour guidelines or understandings, and/or other measures acceptable to both the Claimant and Respondent.

Any agreed to resolutions will be formally documented for both the Complainant and Respondent in writing.

### **6.2.2 Stage 2 Process – Formal Investigation**

In the event that a facilitated discussion is unsuccessful, or unreasonable given the circumstances, a formal investigation may be undertaken. At Stage 2, a formal complaint will be put forward in writing by the Complainant to either Human Resources, the Supervisor or the Manager. If the complaint is made to the Supervisor or Manager, the Supervisor/Manager will advise Human Resources immediately. Employees may seek the assistance of a representative (Union representative or Human Resources) in writing a formal complaint.

The Stage 2 process is initiated once a written complaint is received. Once a formal written complaint of Disrespectful Behaviour is made, Human Resources will commence an investigation if deemed appropriate. Depending on the circumstances, Human Resources may also consider first attempting a Stage 1 resolution if such has not already been undertaken.

Formal Investigations may include the engagement of an external investigator.

All persons interviewed by the investigator may be accompanied by a representative (Union representative/Human Resources).

Formal investigations cannot be carried out anonymously. The identity of the Complainant(s), witnesses, and the allegations contained in the complaint will be made known to the Respondent(s) alleged to have engaged in the Disrespectful Behaviour and he/she shall be provided with an opportunity to respond to the allegations.

At the conclusion of the investigation, the investigator will document his/her findings and any recommendations for the resolution of the Disrespectful Behaviour. Findings will be presented to the Employer, typically the senior staff member of the work area and/or senior staff member of Human Resources, who will then prepare an Employer-Decision report (“Employer Decision”) of the complaint, confirming what actions will be undertaken. A copy of the Employer Decision will be provided to the Complainant and the Respondent on a confidential basis.

It is understood that:

- unionized employees have the right to dispute the Employer Decision report under the provisions of the appropriate collective agreement under the grievance process; and
- non-unionized employees have the right to appeal the Employer Decision report to the Chief Administrative Officer within fifteen (15) days of the Decision. In such circumstances, the Chief Administrative Officer shall review the appeal and issue a decision.

To best resolve concerns, investigations and final reports will be undertaken, concluded and presented as expeditiously as practicable.

## **7. OTHER INFORMATION:**

### **7.1 Consequences of Disrespectful Behaviour**

Engaging in Disrespectful Behaviour or retaliation may result in appropriate corrective action being taken when necessary. The severity and duration of the Disrespectful Behaviour will be considered in determining appropriate corrective action.

It is understood that unionized employees may grieve any disciplinary action under the applicable collective agreement.

### **7.2 Confidentiality**

Information collected and retained during the course of an investigation process is treated as confidential and will not be disclosed by any party except as otherwise may be required by legislation or by law. Information will be collected and retained confidentially in Human Resources.

Information collected and retained by Human Resources may be required to be released by legislation or by law including release required in court proceedings, arbitration or other legal proceedings.

### **7.3 Breach of Confidentiality**

Where it is found that the Complainant, Respondent or other participant has breached confidentiality of the investigation process (see point 1.5), appropriate disciplinary action may be taken against the employee involved. (Note: it will not be a breach if it was disclosed in accordance with the law)

### **7.4 False or Malicious Complaints**

If a complaint is found to be filed for malicious or vexatious purposes, formal disciplinary action may be taken against the employee involved. Conduct based on genuine misunderstandings, or misinterpretations may not be considered malicious or vexatious unless such complaints continue to be filed by an individual after he/she receives education and clarification on the Policy.

### **7.5 Retaliation**

Any form of indirect or direct retaliation by any employee against a party, witness or bystander because of their involvement in a process related to this Policy will be considered a violation of this Policy.

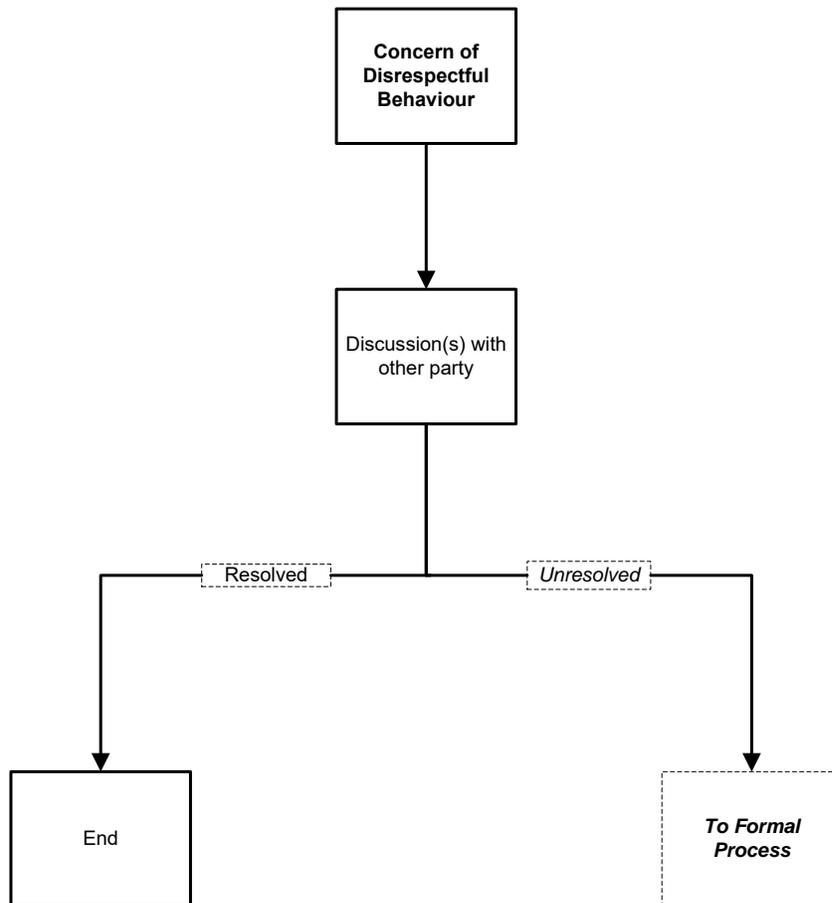
Retaliation may result in corrective action up to and including termination of employment.

If an employee believes that they have been subjected to retaliation as set out above, that person may submit a written complaint to their Manager and/or Human Resources. The Manager will review the complaint with Human Resources to ensure the allegation is appropriately investigated and addressed.

|                    |  |              |     |
|--------------------|--|--------------|-----|
| Approval Date:     | May 23, 2001*                          | Approved By: | CAO |
| 1. Amendment Date: | March 16, 2011*                        | Approved By: | CLT |
| 2. Amendment Date: | November 28, 2013                      | Approved By: | ELT |
| 3. Amendment Date: | September 12, 2014                     | Approved By: | ELT |
| Next Review Date:  | Reviewed Annually                      | Reviewed By: | ELT |
| Supersedes:        | *HR Policy 9.95 "Workplace Harassment" |              |     |

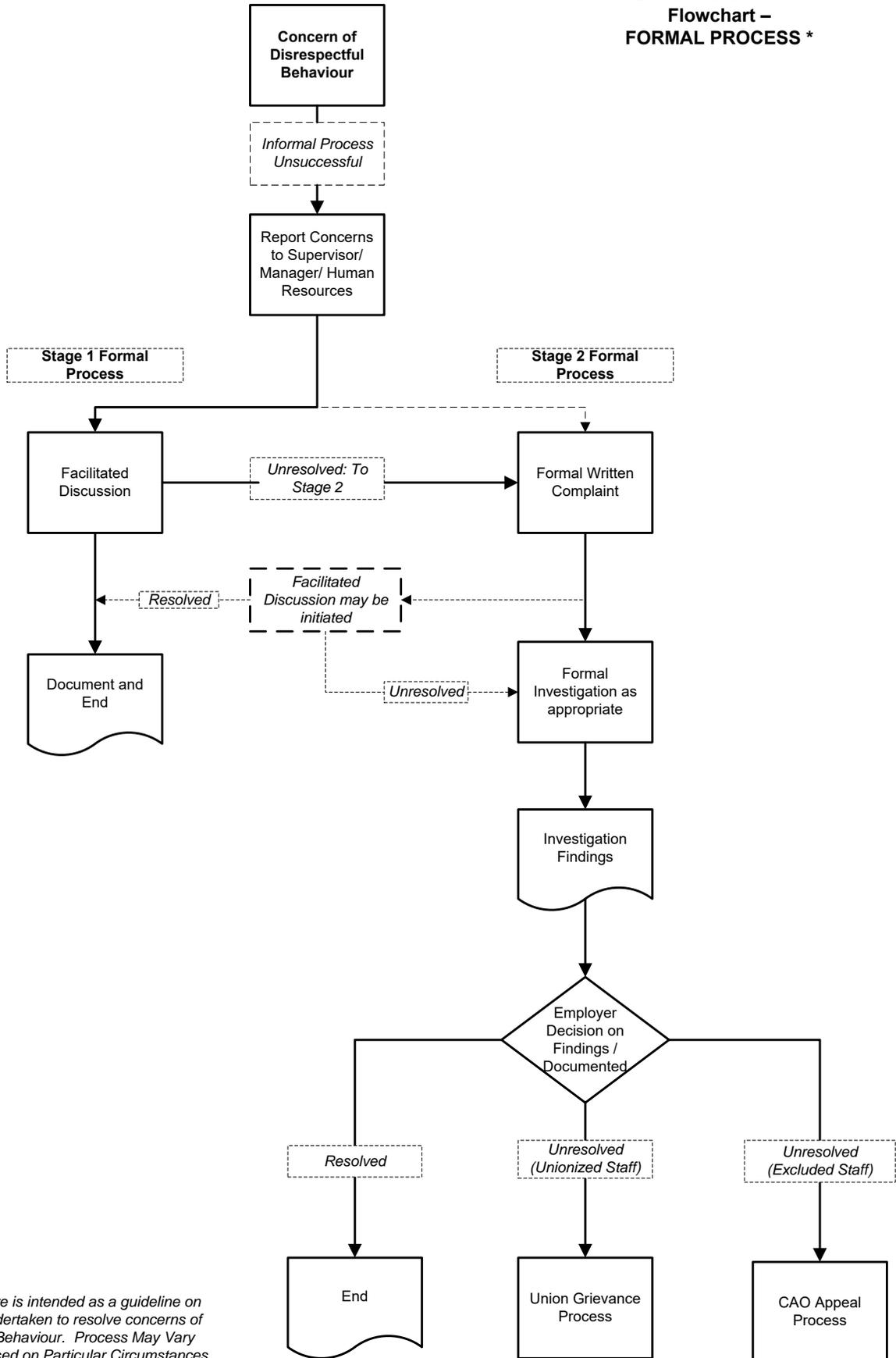
|           |                |              |     |
|-----------|----------------|--------------|-----|
| Reviewed: | September 2015 | Approved By: | ELT |
| Reviewed: | September 2016 | Approved By: | ELT |
|           |                |              |     |
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|           |                |              |     |

**Disrespectful  
Behaviour Process  
Flowchart –  
INFORMAL PROCESS \***



*Note: The above is intended as a guideline on the process undertaken to resolve concerns of Disrespectful Behaviour. Process May Vary From Above Based on Particular Circumstances*

**Disrespectful  
Behaviour Process  
Flowchart –  
FORMAL PROCESS \***



*Note: The above is intended as a guideline on the process undertaken to resolve concerns of Disrespectful Behaviour. Process May Vary From Above Based on Particular Circumstances*

# Territorial Acknowledgement

## Guide for Committees and Commissions



Capital Regional District | Updated June 2019

This document provides guidance to CRD Committees and Commissions on how they may personalize, contextualize and provide a territorial acknowledgment when chairing or leading a meeting.

To be respectful to the local tradition of First Nations, the meeting Chair acknowledges the territory on which our meetings are held and can approach individual members to participate in the acknowledgement on behalf of the committee or commission at meetings.

While not mandatory, territorial acknowledgements have become common at official meetings and events, demonstrating our organization's commitments to Reconciliation and authentic relationship building with First Nations. The CRD Board Procedures Bylaw has recently been amended to make the Territorial Acknowledgement the first order of business for all CRD meetings.

Indigenous observers have been critical of acknowledgements when they do not seem authentic or when they appear to be tokenistic, without personal intention behind them. The CRD has heard from Indigenous leaders that territorial acknowledgements are better received if they reflect the personal values of the individual giving them.

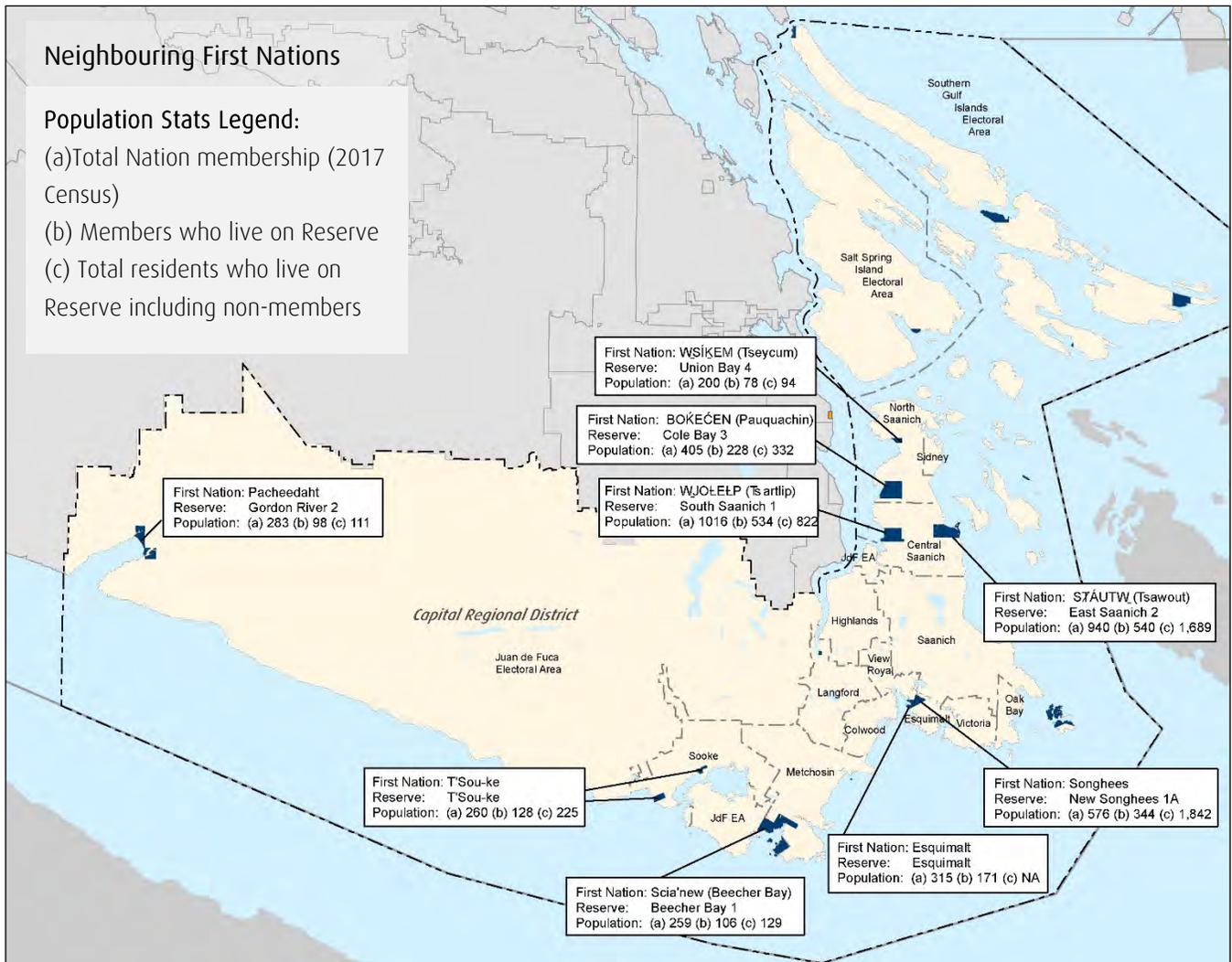
The following information has been prepared to support you should you wish to introduce a meeting you Chair or an event you lead with a territorial acknowledgment.

### Why are Territorial Acknowledgements important?

A territorial acknowledgment is a practical way to express the CRD's commitment to the Statement of Reconciliation adopted by the Board. As the CRD is committed to authentic relationship building with First Nations that is realistic and honest, Directors are encouraged to consider the following guidelines.

### Which Nations do we acknowledge?

There are over 20 Nations, spanning from Tsawwassen and Semiamoo (on the mainland) to Stz'uminus and Lyackson (mid Island) whose community members and their ancestors have deep attachments to the lands and waters that encompass the CRD. However it is tradition, amongst First Nations, to always acknowledge the *core* Territory of the peoples, where a particular gathering is being held. The following is a map of the neighbouring Nations to the CRD.



## What are the considerations, when developing an acknowledgement?

The practice of visitors humbly recognizing the territory on which they are standing has been around for a very long time, however the contemporary application of this tradition is linked to an evolving socio-political landscape. First Nations have become reacquainted with their rich and extraordinary culture, so too does the language and the knowledge of their history and their ancestors. Over time, your acknowledgement may need a subtle change to reflect the emergent story that the people of this land choose to tell.

If you are told you didn't get it right, integrate the lesson with humility and gratitude – and carry on with a “good heart and good mind” when delivering your acknowledgment. Consider it an opportunity, as an elected official, to strengthen your relationships with First Nations leaders.

**Focus on the local.** Try to be as specific to a community as possible, by naming the Nation (Songhees) or the linguistic group (Lkwungen) rather than applying a broad territorial brush to the specific area. “Coast Salish” for example, is an often used catch all term that is used to reference dozens of unique Indigenous groups on the Island and the mainland. The term itself may have colonial roots: **WSÁNEĆ** (Saanich Nations) knowledge

keepers have told us that “Salish” comes from the word for *hand*, which is a reference to how early settlers greeted Indigenous ancestors with a hand shake. In time, settlers referred to the local Indigenous peoples as Salish or Coast Salish. Of course this term has been popularized and although Indigenous peoples themselves will use it, we try to honour the understandings of the local Nations as much as we can. The use of a broad brush term can be experienced as dismissive of the diversity of local Nations of this area.

**Do not be afraid to practice Indigenous languages.** It can be challenging to correctly pronounce Lkwungen, **SENĆOŦEN**, and Diitiida language, however it is good to try and to keep learning where possible. There are good resources online to assist with this such as [www.firstvoices.com](http://www.firstvoices.com) and [www.cas.unt.edu/~montler/Saanich](http://www.cas.unt.edu/~montler/Saanich)

**Respect the diversity.** Although sometimes grammatically awkward, we say “peoples” instead of “people” to reflect the many and diverse cultural Indigenous groupings. By saying ‘peoples’ we are reminded that there are 203 First Nations communities across BC, and approximately 30 different languages and 60 dialects, representing approximately 60% of the First Nations languages across Canada. Even in one cultural group, such as the Lkwungen speaking peoples, there is great diversity. Using the term “peoples” acknowledges intergroup diversity.

**Overlapping Territories.** Before contact, territories were understood and managed according to a variety of contexts, such as kinship ties, occupation, seasonal travel routes, trade networks, resource management, and cultural and linguistic connections to place. Understanding traditional territories in the contemporary context is often informed by the *Indian Act* and modern Treaty negotiations. Collectively, we are all trying our best to move beyond a colonial view of boundaries and jurisdiction to navigate respectful acknowledgement of all the Indigenous groups that have attachments to these lands. This means that our understanding of territorial boundaries may change as new understandings come with it and that it is ok to do the best you can with the knowledge available.

**Try to avoid possessive language.** First Nations peoples are not “ours”, we do not “have” First Nations in this territory and they are not “within our borders”. These kinds of terms can be experienced as offensive to Indigenous peoples. Indigenous peoples and their governments consider their primary political relationship to be with the Crown, in keeping with the original agreements established with the government. The agreed upon relationships were to be based on mutual respect, cooperation and co-governance.

## Table A: Example acknowledgements

Feel free to use these, edit, and expand

1. Before we begin, I want to acknowledge the Lkwungen (Le-KWUNG-en) speaking peoples on whose territory this CRD building stands. We recognize and respect the First Nations governments across this region – Songhees and Esquimalt Nations, here in the core area

the **WSÁNEĆ** (wuh-SAY-nitch) Nations out on the Saanich Peninsula and Gulf Islands and to the west, Scia’new (Chee-AH-nook), T’Sou-ke (Sowk) and Pacheedaht (pah-CHEE-dah), all of whom have a long standing relationship with the land and seawaters, that continues to this day.

2. To begin, and as is tradition in these lands, we acknowledge that we are gathered in Lkwungen (Le-KWUNG-en) territory. The CRD Board has committed to a Statement of Reconciliation, which will guide us in our work to build strong and enduring relationships with our neighbouring First Nations governments – Songhees, Esquimalt, Beecher Bay, T’Sou-ke, Pacheedaht, Tseycum, **WJOLELP** (wuh-chawt-lip – Tsartlip prefers the non-anglicized pronunciation), Tsawout, Pauquachin, Malahat, and Penelekut Tribe.

3. The CRD conducts its business in Coast Salish and Nuu chah nulth territory and works to be increasingly mindful of its commitment to more inclusive governance with our neighbours. I would like to acknowledge the 11 neighbouring First Nations governments with whom we are committed to building stronger working relationships: Songhees, Esquimalt, Scia’new (Chee-Ah-nook), T’Sou-ke, Pacheedaht, Tseycum, Tsartlip, Tsawout, Pauquachin, Malahat, and Penelekut Tribe.

4. The CRD Headquarters stands in Lkwungen (Le-KWUNG-en) Territory, known today as Songhees and Esquimalt Nations. The CRD also has government-to government relationships with the **WSÁNEĆ** (Wuh SAY nitch) Nations on the peninsula, T’Souke and Beecher Bay Nations to the west and Pacheedaht First Nation, neighbouring Port Renfrew.

5. As we look over our Agenda for the day, let us be mindful of the potential implications that our decisions have on Indigenous peoples and to consider the common interests we have with neighbouring First Nations governments who are also making decisions and passing laws that support a sustainable region.

## Examples for contextualizing one's Territorial Acknowledgement to a particular area of interest:

**Parks** - Indigenous culture, land, food, medicine and storytelling, are all inextricably tied to the surrounding lands and waters. CRD Regional Parks can play a crucial role in ensuring opportunities for vital knowledge transfer amongst First Nations citizens.

**Environment** – Much of the work we do as a Board, touches on environmental protection and restoration. It is important to acknowledge the wisdom and expertise of First Nations and to work hard to engage, consult and seek advice from the peoples who are Indigenous to this place.

**Climate Change** – As we undertake measures that help our region adapt to climate change, I want to acknowledge that neighbouring First Nations, all of which are located at the water's edge, are significantly impacted by sea level rise because they no longer can pick up their village sites and relocate to a safer place. The shifting ecology on the lands impacts access to traditional foods and medicines, and the warming waters are decimating the salmon stocks which is their primary food source.

**Housing** – First Nations communities and urban Indigenous residents are not immune to the region's housing crisis. Many local First Nations are unable to live in their home communities due to lack of housing opportunities. We have heard from First Nations leaders that homelessness is of grave concern, both on Reserve and off. As the CRD strengthens its commitment to creation of affordable housing, we must consider the needs and interests of neighbouring First Nations, and look for opportunities to collaborate.

## Table B: Pronunciation Guide

| Indigenous spelling                           | Indigenous pronunciation | Anglicized spelling | Anglicized pronunciation |
|---|--------------------------|---------------------|--------------------------|
| WŚÁNEĆ (grouping of Nations on the peninsula) | wuh-SAY-nitch            | Saanich             | SA nitch                 |
| SENĆOŦEN (language)                           | sen CHAW then            |                     |                          |
| SŦÁ, EU, TW_                                  | ts SAY out               | Tsawout             | SAY out                  |
| BOŦEĆEN                                       | BAH kwa chin             | Pauquachin          | PAH kwa chin             |
| WJŦEŁP  | wuh-chawt-lip            | Tsartlip            | SART lip                 |
| WŚIKEM  | Hwa SIGH come            | Tseycum             | SIGH come                |
| MÁLEXEŁ                                       |                          | Malahat             | MAL ahat                 |
| Lkwungen (dialect)                            |                          |                     | Luh KWUNG gen            |
| Songhees                                      |                          |                     | SONG gees                |
| Esquimalt                                     |                          |                     | Es KWY malt              |
| Scia'new                                      | Chee-Ah-nook             | Beecher Bay         |                          |
| T'Sou-ke                                      | Sowk                     |                     |                          |
| Dididaht (language)                           | DID he dah               |                     |                          |
| Pacheedaht                                    | Pa CHEE dah              |                     |                          |

*Note:* The pronunciation guide is approximate and not necessarily based on linguistic standards.

## Appendix 12: Guidelines for the Preparation of Minutes of CRD Board, Committee, Commission Meetings



# G U I D E L I N E

|   |                  |                         |
|---|------------------|-------------------------|
| <b>SUBJECT: GUIDELINES FOR THE PREPARATION OF MINUTES OF CRD BOARD, COMMITTEE AND COMMISSION MEETINGS</b> |                  |                         |
| <b>EFFECTIVE:</b>   | 24 October 2009  | <b>APPROVED BY:</b> CAO |
| <b>REVISION DATE:</b>   | 14 February 2013 |                         |
| <b>PAGE 1 OF 1</b>  |                  |                         |

### **PURPOSE:**

To provide guidelines for the preparation of meeting minutes for the CRD Board, committees and commissions. Meetings procedures and minutes are guided by CRD Bylaw No. 3828 , *Capital Regional District Board Procedures Bylaw 2012*, the *Local Government Act*, the *Community Charter* and *Robert's Rules of Order, Newly Revised*.

### **GUIDELINES:**

#### **Purpose of Minutes**

1. Minutes are a formal record of all proceedings passed at meetings of the CRD Board, committees and commissions (Bylaw 3828, s.16)

#### **Electronic Recording**

2. Open meetings (not in camera) held in the CRD Boardroom, 625 Fisgard Street, Victoria, are to be electronically recorded by equipment in that room for transcription purposes. The recording is to be kept for six months and then deleted. This practice may be followed by other CRD bodies who meet in locations other than CRD Boardroom.

#### **Minimum Content**

3. The following is the minimum content requirements for meeting minutes:
  - at the beginning, list the name of the body, date and location of the meeting
  - members present and absent or regrets as appropriate, and staff members present
  - the time the meeting commenced. A quorum must be present for the meeting to begin (Bylaw 3828, s. 7). If a quorum is not present, the meeting may continue but no motions or decisions can be made.
  - list items as they appear on the agenda (Bylaw 3828, s.15). The order of the agenda may be changed by the meeting participants.
  - document the decisions made by motion for each item listed on the agenda or added under New Business, or the specific direction where it is requested to be recorded
  - show motions with name of Mover and Seconder, and whether Carried or Defeated

## Guidelines for the Preparation of Minutes of CRD Board, Committee and Commissions Meetings

- note time of adjournment of the meeting
- put in signature blocks

### Discussion

4. If discussion is included it should be minimal, very concise, may be in point form, and clarify intent or provide additional direction on the motion. Minutes are a record of what happened at a meeting, not what was said so leave out:
  - off-topic comments or discussion
  - details of a lengthy discussion that reaches no conclusion
  - direct speech or quotes except as formal motions
  - names of people making suggestions or comments

### Delegations

5. Presentations made by a delegation (Bylaw 3828, s.13) shall indicate the subject and whether the delegation is in favour/opposed to an item on the agenda. Reference may be made to any written documentation received from the delegation that is being kept for the record.

### Motions

6. A motion is on the floor when it has been moved and seconded.
  - the names of the mover and seconder, along with the motion shall be recorded in the minutes
  - whether a motion is carried or defeated shall be recorded in the minutes
  - a motion that is withdrawn is generally not recorded in the minutes
  - amendments to motions shall be recorded (Bylaw 3828, s. 22.4). Only two amendments may be made to the original motion and are voted on in reverse order.
  - where there is agreement to change a motion without a formal amending process (i.e., a friendly amendment), the resulting motion is to be recorded
  - a negative vote must be recorded (Bylaw 3828, s.25.4)

### In Camera

7. A motion must be made in an open meeting to close a meeting in accordance with s. 90 of the *Community Charter* and go in camera (Bylaw 3828 s.18.1).
8. In camera meetings are **not** to be electronically recorded and the minutes are to include only motions made, and no discussion (per Board in camera resolution of October 25, 1989).
9. Minutes of in camera meetings are to be a separate document and kept separately (Bylaw 3828, s. 18.3) and not posted on the website.

### Adoption of Minutes

10. Minutes are not official until adopted at the next meeting.

### Retention

11. Minutes are an historical record of decisions, directions and policies of the CRD and are to be retained as a permanent record.

Guidelines for the Preparation of Minutes of  
CRD Board, Committee and Commissions Meetings

**Posting**

12. Minutes are to be posted to the CRD public website within five days of a meeting and are not considered official until adopted at the next meeting. If the minutes are amended when adopted, the amended minutes are to be re-posted to the website.

**References**

Cryderman, Paula, "Minutes to Success", Canadian Secretary, May 1985,

[paula.cryderman@sympatico.ca](mailto:paula.cryderman@sympatico.ca), [www.paula-c.com](http://www.paula-c.com)

Mina, Eli, "Mina's Guide to Minute Taking – Principles, Standards & Practical Tools", Eli Mina Consulting, Vancouver, BC, [eli@elimina.com](mailto:eli@elimina.com), [www.elimina.com](http://www.elimina.com)

Robert, General Henry M., "Robert's Rules of Order, Newly Revised", Scott, Foresman and Company, Glenview, Illinois, US



Making a difference...together

**Minutes of a Meeting of the (Commission Name)  
Held (Date format: Month day, Year) in the (Room and meeting location)**

---

**PRESENT: Directors:**

**Staff:**

**Also present:**

**ABSENT: Director:**

The meeting was called to order at ##:## am or pm.

**1. Territorial Acknowledgement**

Commission Chair (Last name) provided a territorial acknowledgement.

**2. Approval of Agenda**

**MOVED** by Director \_\_\_\_\_, **SECONDED** by Director \_\_\_\_\_,  
That the agenda be approved as circulated.

**CARRIED**

**3. Adoption of Minutes**

**MOVED** by Director \_\_\_\_\_, **SECONDED** by Director \_\_\_\_\_,  
That the minutes of the (Month day, year) meeting be adopted as previously circulated.

**CARRIED**

**4. Chair's Remarks**

There were none.

**5. Presentations/Delegations**

**5.1 Presentations**

There were none.

**5.2 Delegations**

**5.2.1. Mr. Smith Re: Item 6.1 – Important Item**

Mr. Smith spoke in favour of the proposal to pursue the important item.

**6. Administration Reports**

**6.1. Important Item**

**MOVED** by Director \_\_\_\_\_, **SECONDED** by Director \_\_\_\_\_,  
That the (Commission name) approve the important item.

**CARRIED**

Opposed: Director (Last Name)

**7. Correspondence**

There was no correspondence.

**8. New Business**

There was no new business.

**9. Motion to Close the Meeting**

**MOVED** by Director \_\_\_\_\_, **SECONDED** by Director \_\_\_\_\_,  
That the Committee close the meeting in accordance with the *Community Charter* Part 4,  
Division 3, Section 90(1)(Choose an item) [Click here to enter text.](#)

Committee moved to the closed session at [time].

Committee rose from the closed session at [time] without report.

OR

The Committee moved to the closed session at [time] and rose and reported the following at [time].

**10. Rise and Report**

(Any resolution that can be risen and reported on as it was resolved in the Closed meeting.)

**11. Adjournment**

**MOVED** by Director \_\_\_\_\_, **SECONDED** by Director \_\_\_\_\_,  
That the meeting be adjourned at [time].

**CARRIED**

(signature block)

---

**CHAIR**

(signature block)

---

**COMMITTEE CLERK**

# Appendix 13: CRD Corporate Policy of Freedom of Information and Protections of Privacy



## CAPITAL REGIONAL DISTRICT

### CORPORATE POLICY

|            |  |            |
|------------|--|------------|
| Section    | Administration                                   |            |
| Subsection | Policies, Procedures, Manuals                    | (policy #) |
| Title      | FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY |            |

#### **POLICY:**

To comply with the *Freedom of Information and Protection of Privacy Act* (“Act”) with respect to formal requests for access to records, while taking measures to protect personal information.

#### **PURPOSE:**

To promote awareness of and compliance with the CRD’s obligations under the *Act*.

#### **RESPONSIBILITIES:**

FOI Head and Manager, Risk Insurance and FOI have responsibility for the control, coordination, implementation and requesting CLT modification of the policy after it has been through the formal approval process.

#### **SCOPE:**

The policy applies to all of the CRD.

#### **DEFINITIONS:**

Personal Information:

The *Act* defines “personal information” to mean “recorded information about an identifiable individual” (See attached Schedule).

Record:

The *Act* gives the public a right of access to records in the custody or under the control of the CRD. The *Act* defines “record” to include “books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means”.

#### **PROCEDURE:**

##### **Formal Request for Access to Records**

A written request is required for access to records not routinely available. The attached “Request For Access to Records” (attached) is available on the website however requests will be accepted via email, letter or fax.

When a written request for access to records is received, it must be forwarded to the Manager, Risk, Insurance and FOI for coordinating the search for records. The Manager, Risk, Insurance and FOI will be responsible for the review and to release or withhold records pursuant to the *Act*.

##### **Duty to Assist Applicants:**

We must make every reasonable effort to assist applicants and to respond openly, accurately, completely and without delay. We must respond no later than 30 days after receiving a request.

##### **Identity of an FOI applicant**

The identity of a FOI applicant is protected under the *Act*. The applicant’s identity will be only be provided to those people in the organization who need to know, as opposed to those who want to know.

## **Principles for Protection of Privacy**

The Act limits the CRD's ability to collect, retain, use and disclose personal information, and requires the CRD to take measures to protect personal information.

## **Collection of Personal Information**

When establishing a new system or program, we must consider the implications of collecting personal information and only collect the minimum amount of personal information needed to administer the program.

Personal information may be collected only if such collection is:

- authorized by or under legislation
- collected for purposes of law enforcement or
- relates directly to and is necessary for an operating program or activity of the public body

We must tell an individual from whom we collect personal information (a) the purpose for collecting it, (b) the legal authority collecting it, and provide contact information of an officer or employee who can answer questions about the collection.

## **Sample wording on forms which collect personal information:**

*"Personal information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes associated with the xxxxx program. Enquiries about the collection or use of information in this form can be directed to the Freedom of Information and Protection of Privacy contact: Manager, Risk, Insurance and FOI at 250-360-3000 (or provide a staff member's name who is familiar with the program)"*

## **Forms**

In designing forms to collect personal information, include a personal information section, to make it easier to sever information during the FOIPPA process.

## **Disclosure of Personal Information**

Personal information that we collect is under our custody and control and we may not disclose the personal information to others without statutory permission and only in limited circumstances.

## **Retention of Personal Information**

We must retain personal information for at least one year after being used.

## **Facsimile cover sheet**

When transmitting a facsimile, always use a cover sheet with a confidential warning statement. When transmitting personal information, contact the recipient to ensure that the transmission is complete and sent to the correct location.

## **Sample Wording:**

*"This facsimile and any attachments are for the use of the intended recipient only and must not be distributed, disclosed, used or copied by or to anyone else. This facsimile and any attachments may be confidential, privileged and/or subject to the Freedom of Information and Protection of Privacy Act. If you receive this in error, please destroy the documents and contact the sender at 250 ### ####. Thank you."*

## **Recording Minutes of Meetings**

Minutes of open meetings are routinely available on our website and should be composed and maintained in an objective manner. The purpose of minutes is to report and communicate the essence of a meeting and to serve as a management and operational tool. All recorded minutes are to be a summary of final decisions. Recorded minutes are to indicate group conclusions and decisions, not individual positions.

**Closed Minutes/Rise and Report**

In Camera Minutes are not routinely released. Only a record of decisions made should be recorded during closed meetings. The agenda and/or supplementary agenda must include the "Rise and Report" item.

**Confidential Complainants**

The nature of CRD enforcement and investigative programs requires that the complainant provide personal information for the investigation to proceed. Complainants are to be informed that the general details of a complaint may be disclosed to the alleged violator(s) if requested, but not including their personal information as defined in the Act and that the complainant's personal information may be released through any ensuing legal process

**Disclosure Harmful to Business Interests**

Section 21 of the Act is a mandatory exception that requires the CRD to withhold information if its release would harm a third party's business interests. Proponents responding to Tenders and Request For Proposals should identify confidential information submitted in their response.

*(List in logical order the steps to take to implement the policy.)*

|                    |               |              |     |
|--------------------|---------------|--------------|-----|
| Approval Date:     | February 2006 | Approved By: | CLT |
| 1. Amendment Date: | May 9, 2013   | Approved By: | CLT |
| 2. Amendment Date: |               | Approved By: |     |
| 3. Amendment Date: |               | Approved By: |     |
| Next Review Date:  |               | Reviewed By: |     |
| Supersedes:        |               |              |     |

Related Policy, Procedure or Guideline (if applicable):

## Our Planning Framework





CAPITAL REGIONAL DISTRICT  
LEGISLATIVE POLICY

|            |                                   |            |
|------------|-----------------------------------|------------|
| Section    | Finance                           |            |
| Subsection | Policies                          | (policy #) |
| Title      | PROCUREMENT POLICY AND PROCEDURES |            |

**1. POLICY**

This policy will ensure that all goods, services and construction will be acquired in a competitive, fair and open manner that

- is efficient, accountable and maximizes best value;
- advances the Capital Regional District’s commitment to economic, environmental, and social responsibility by supporting the acquisition of sustainable products and services; and
- meets the requirements of the *Community Charter*, the *Local Government Act*, the Agreement on Internal Trade (AIT), the New West Partnership Trade Agreement (NWPTA) and public sector procurement standards and competitive bidding law.

**2. PURPOSE**

This policy outlines authorization and competition requirements for procuring goods, services and construction for the Capital Regional District (CRD), the Capital Regional Hospital District (CRHD) and the Capital Region Housing Corporation (CRHC) (collectively, “CRD”).

**3. MANAGEMENT OF THE POLICY**

This policy is managed by the Finance and Technology Department. Any and all modifications to this policy subsequent to implementation must be reviewed and approved by the Board. Purchasing and supply management activities at the CRD are decentralized by divisions (service), and staff in those divisions are responsible for acquiring goods, services and construction for all operational and capital requirements in accordance with the terms of this policy.

**4. SCOPE**

This policy applies to all CRD services (functions) and to all acquisitions and purchases made by CRD officers, employees and volunteers. Specific exemptions are set out in section 9 below.

**5. DEFINITIONS**

Appendix A establishes definitions for terms used in this policy.

**6. AUTHORITY FOR PROCUREMENT TRANSACTIONS**

Procurement transactions must be within the scope of the Board approved annual financial plan and must only be initiated and executed by persons authorized to acquire and purchase goods and services within the authorized purchasing+ limits as set out in the CRD Delegation Bylaw (“Authorized Staff”).

Authorized Staff must only authorize procurement transactions that are within the signing authority limits set out in the CRD Delegation Bylaw. The signing authority limits are summarized in the following table:

| <b>Position</b>  | <b>Delegated Signing Authority Limit</b>  |
|--|---|
| Chief Administrative Officer                                     | \$5,000,000   |
| CFO and General Managers   | \$500,000   |
| Deputy Project Director – Core Area Wastewater Treatment Project | \$1,500,000   |
| Project Director – Core Area Wastewater Treatment Project        | \$3,000,000   |
| Staff/Volunteers   | Subject to the approval of the applicable GM or the Chief Financial Officer:<br><br>The <u>lesser</u> of \$100,000 or the amount set out on a signing authority form held by the Department of Finance and Technology |

Refer to the “Awarding and Execution of Contracts and Agreements” policy for more information on delegation and conditions for exercising delegated authority.

## **7. RESPONSIBLE PROCUREMENT**

The CRD’s primary goal in the procurement process is to attain best value using processes that are competitive, open, transparent and non-discriminatory. Where possible, the CRD will give preference to the purchase of goods, services and construction that minimize adverse environmental impacts and greenhouse gas emissions and that promote recycling, re-use and reduction of waste. Authorized Staff will review and modify existing procurement specifications, and create new specifications, to include environmentally and socially responsible options or criteria to be considered along with price and performance.

## **8. PROCUREMENT THRESHOLDS AND METHODS**

The method of CRD procurement is based on the dollar value and the nature of the specific procurement transaction, ensuring that the cost and time associated with using a competitive process is proportionate to the benefit received.

Procurement methods must be selected in accordance with the following table and the procedures set out in Appendix B to this policy:

| <b>Estimated Transaction Cost</b> | <b>Method</b>  |
|-----------------------------------|--|
| <i>Goods and Services</i>         |  |
| Less than \$5,000                 | Low Value Process  |
| Less than \$10,000                | Informal Quotation Process   |
| \$10,000 to \$75,000              | Written Quotation Process <i>or</i><br>Formal Competitive Process (RFP, ITQ, RFSO) |
| Greater than \$75,000             | Formal Competitive Process (RFP, ITQ, RFSO)  |
| <i>Construction</i>               |  |
| Less than \$200,000               | Written Quotation Process <i>or</i><br>Formal Competitive Process (RFP, ITT)       |
| Greater than \$200,000            | Formal Competitive Process (RFP, ITT)  |

Note: Multi-year agreements are dollar value accumulative and shall be subject to the thresholds listed above. The requirement for competitive purchasing may be waived by a GM or the CAO and replaced with negotiations by staff under the circumstances set out in section 8 of Appendix B.

## **9. CONTRACTUAL AGREEMENTS**

Authorized Staff are responsible for determining whether it is in the best interests of the CRD to establish a written contract with a supplier. The following factors should be taken into consideration:

- P-Cards should be used for straightforward purchases not exceeding \$10,000 in value, unless otherwise authorized by the applicable GM or CAO, and only in accordance with the policies and procedures established by the Department of Finance & Technology.
- A purchase order may be used when the resulting contract is straightforward and does not exceed \$50,000 in value unless otherwise authorized by the applicable GM or CAO, and will contain the CRD's standard purchase order terms and conditions.
- A written contract is to be used when the arrangement is complex or when terms and conditions are required that are not in the CRD's standard purchase order, including, but not limited to: contract security, performance monitoring, insurance, WorkSafe BC compliance and project schedules.
- A written contract must be used where the procurement method selected requires the use of CRD-approved templates (as set out in Appendix B).

Where it is determined that a written contract is required, the contract must be executed in accordance with the "Awarding and Execution of Contracts and Agreements" policy.

## **10. GENERAL**

Late Bids. Submissions not received by the stated closing time and date will be rejected. The CRD will identify the timing device to be used.

Procurements That Exceed Budget. A bid that is accepted under the procedures set out must not exceed the amount that is included for that purpose, specifically or generally, in a budget approved by the Board. Where the bid was not accepted solely due to exceeding budget, the General Manager of the division, must either recommend rejection, revision of the requirements sufficient to reduce the cost to within budget or request approval from the Board for the transfer of additional revenues sufficient to fund the bid amount.

Unsolicited Proposals. Unsolicited proposals received by the CRD will be reviewed by Authorized Staff in the applicable division. Any procurement activity resulting from the receipt of an unsolicited proposal must comply with the provisions of this policy. A contract resulting from an unsolicited proposal will only be awarded on a non-competitive basis when the procurement requirements comply with the non-competitive procurement procedures described in Appendix B.

Identical Bids.

1. If identical lowest bids are received, each of which are less than the signing authority of the General Manager of the division and all other criteria are equal (delivery, service, performance, security of supply and price), the successful bid must be chosen by the drawing of lots under the General Manager's supervision.
2. The General Manager of the division is to recommend to the CAO for decision whether any bid should be accepted as the successful bid if the CRD receives identical lowest bids, each of which are more than the General Manager's signing authority.

Increase to an Existing Contract or Purchase Order. Increases to the value of an existing contract or purchase order must only be approved by the Authorized Staff person that approved the award and only if the total amount of the contract or purchase order, including the increase, is within that Authorized Staff person's signing authority limit and within the project budget as set out in the approved financial plan.

Purchase Standardization. All CRD divisions shall co-operate in the purchase of supplies by simplifying and standardizing like requirements, wherever possible. Every effort should be made to reduce the types and kinds of products used to the smallest number (i.e., considering equivalents or any alternatives suggested) in order to minimize investment.

Co-operative Purchasing. Savings likely to be achieved through purchasing goods and services jointly with other government bodies should be pursued. This policy provides the authority to Authorized Staff to participate with other government agencies or public authorities in joint purchasing ventures when it is in the best interests of the CRD. In such cases, the procedures set out by the agency responsible for the venture will be followed and not the procedures set out in this Policy.

Financial Security. The purchaser may require financial security from potential suppliers if considered to be in the CRD's best interest. Bonding is not required on every bid but it is advisable where there is a large liability or the value is over \$100,000.

Disposal of Surplus Goods. Management in service areas must dispose of all goods and equipment for which there is no longer a use, by any method considered to be in the CRD's best interest, including transfer to another CRD division, public auction, public tender, trade or negotiated sale. If the surplus goods cannot reasonably be sold by any of these means, the goods may be disposed of in such manner as deemed appropriate and may include donation to a not-for-profit agency.

Surplus goods may not be sold to any CRD employee except via public auction or tender. Goods valued at less than \$1,000 may be disposed of on the web through a silent auction.

Prohibitions. The following activities are prohibited:

1. Purchase by the CRD of any goods or services for personal use by or on behalf of any member of the Board, appointed officers or employees or their immediate families.
2. The division of a single purchase into multiple increments to circumvent policies or levels of authority.
3. Committing the CRD or entering into a procurement transaction without the appropriate authority to do so.

Conflict of Interest. No member of the Board, employee or volunteer shall have any direct or indirect pecuniary interest in any competitive bid or arrangement for the supply of goods, services or construction to the CRD, unless it is first disclosed by the person submitting the bid or supplying the goods, services or construction. All competitive bid documentation must include a section that requires suppliers to disclose any actual or potential conflicts of interest and existing business relationships it may have with the CRD, its elected or appointed officials or employees prior to submission of the bid.

WorkSafeBC. All contracts for service to be provided on CRD property require the contractor to provide proof of registration, where applicable, and remain in good standing with WorkSafeBC throughout the term of their contract. Contractors may be required to provide clearance letters before and after performing work for the CRD. In the event the contractor is not eligible for

registration with WorkSafeBC for reasons other than workplace safety performance, the CRD may register the contractor and pay the applicable WorkSafeBC premiums, at the contractor's expense.

Supplier Performance. Authorized Staff and the department responsible for a procurement transaction will maintain records of supplier performance. The information will be used to ensure contract compliance, to supplement a subsequent prequalification process or to justify a subsequent award to other than the low bidder where it can be demonstrated that such records are part of the evaluation process and criteria.

Supplier Debriefing. When a procurement transaction is awarded using a formal competitive process, unsuccessful suppliers are entitled to a debriefing upon request to obtain feedback on the strengths and weaknesses of their bid.

Insurance. All contracts for services to be provided on CRD property require the contractor to provide and maintain their own insurance coverage acceptable to the CRD, including but not limited to commercial general liability, auto, property/all risk and professional liability. The risk associated with each contract varies and accordingly the CRD may require additional factors, such as being named as an additional insured, cross liability clauses, waiver of subrogation, notice of cancellation and proof of coverage.

Freedom of Information and Protection of Privacy Act. This Policy is subject to the provisions of the *Freedom of Information and Protection of Privacy Act* with respect to the disclosure of information.

Exemptions. This procurement policy establishes the policies and practices applying to the purchase of all types of goods, services and construction with the exception of the following:

1. The borrowing and investing of money
2. The rental, lease, purchase and sale of property, land or accommodation
3. Memberships in professional and vocational associations and their publications and other professional and training activities
4. Health services and social services
5. Legal services
6. Procurements from a public body or non-profit organization
7. The hiring of contract employees
8. Goods and services purchased through provincial and federal corporate supply arrangements
9. Goods and Services purchased from First Nations

|                   |                                   |              |           |
|-------------------|-----------------------------------|--------------|-----------|
| Approval Date:    | May 10, 2017                      | Approved By: | CRD Board |
| Amendment Date:   |                                   | Approved By: |           |
| Next Review Date: |                                   | Reviewed By: |           |
| Supersedes:       | Procurement Policy, April 9, 2015 |              |           |

Attachments

- Appendix A – Definitions
- Appendix B – Procurement Method Procedure

**DEFINITIONS**

“Acquire” or “Acquisition” means to obtain by any method, accept, receive, purchase, be vested with, lease, take possession, control or occupation of, and agree to do any of those things, but excludes expropriation, except by agreement under section 3 of the Expropriation Act;

“Best Value” means the optimal combination of Total Cost, performance, economic, environmental and social sustainability, reduced carbon dependency, and reduced waste.

“Bid” includes a proposal submitted in response to a Request for Proposal and a written formal offer, which may or may not be sealed, submitted in a particular form in response to an invitation to supply goods/services/construction, where the specifications and conditions of the goods or services are known and disclosed in the request;

“Board” means the board of the Regional District;

“Construction” means a construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, the supply of products and materials, the supply of equipment and machinery if they are included in an incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering or architectural work, but does not include professional consulting services related to the construction contract unless they are included in the procurement;

“Contract” means a contract for the supply (by way of sale, conditional sale, lease or otherwise) of goods, services or construction, including a purchase order or other document evidencing the obligation, and any amendments;

“Contract Amendment” means any change to a term, condition or other Contract provision, including a Change Order;

“Dispose” or “Disposition” means to transfer by any method including assign, give, sell, grant, charge, convey, lease, divest, dedicate, release, exchange, alienate or agree to do any of those things;

“Formal Competitive Process” means a public procurement process that is competitive, open, transparent, non-discriminatory and compliant with the requirements of the AIT and NWPTA, and includes an ITQ, ITT, RFP, RFSO and RFQ;

“Invitation to Quote (ITQ)” means a process used to solicit bids or quotes from vendors for the provision of clearly specified goods or services. The bids received in response to an ITQ are evaluated primarily on price;

“Invitation to Tender (ITT)” means a process used to solicit bids from vendors for the provision of construction services where the specifications, terms, conditions and other details are set out in the invitation and the responsive bids are evaluated primarily on price, without further negotiations;

“Notice of Intent (NOI)” means a publicly advertised method to inform vendors a contract is to be directly awarded on the basis that there is only one suitable vendor to provide the good or service.

“Original Value” means the contract price or fees for services as at the effective date of the Contract, excluding taxes;

“Procurement” means the acquisition by any means, including by purchase, rental, lease or conditional sale, of goods, services or construction;

“Request for Expression of Interest (RFEOI)” means the buyer is interested in receiving information from suppliers on any products or services available to achieve a particular outcome and may issue an RFQ, RFP or ITT depending on the response. The RFEOI is used to survey the market for firms interested in responding to a tender or RFP from the buyer. RFEOI are not open for bidding;

“Request for Proposal (RFP)” means an invitation for providers of a product or service to bid on the right to supply that product or service where the requirement for goods or services cannot be definitively defined or specified or alternative solutions or offers are being solicited. Proposals are evaluated on predetermined criteria where the selection of a supplier may not be made solely on the basis of the lowest price;

“Request for Qualifications” means a non-binding request to potential suppliers who wish to be considered for future RFP’s or other competitive purchasing processes to pre-qualify based on various factors including but not limited to expertise, experience, availability, prior performance, in order to avoid either buyer or supplier devoting resources to preparing and evaluating future RFP’s or competitive processes.

“Request for Standing Offer (RFSO)” means an invitation for providers of a product or service to bid on the right to supply that product or service by way of a standing offer. A standing offer is an offer from a supplier to provide well-defined, readily available goods or services, as and when requested, at prearranged prices or on a prearranged pricing basis, which can be established at the outset, under set terms and conditions, and for a specific period of time.

“Signing Authority” means the approved levels of authority, as defined in the CRD Delegation Bylaw, to purchase goods or services on behalf of the CRD (see Signing Authority Form);

“Total Cost” means the sum of all costs attributable to products, construction, and services associated with performing the intended function over the entire term of use and includes factors such as acquisition cost, installation cost, disposal value, disposal cost, operational cost, maintenance cost, quality of performance and environmental impact.

**PROCUREMENT METHOD PROCEDURES****1. Low Value Process**Application

- 1.1 This method will be used for goods or services having a value less than \$5,000 and required for a one-time (non-repetitive) procurement.

Process

- 1.2 Before initiating the transaction staff and volunteers with sufficient signing authority must obtain approval of the applicable General Manager <sup>1</sup>(“GM”).
- 1.3 An informal quote or quotes (i.e. telephone, email, fax, letter) from known suppliers will be obtained. Competitive quotes should be obtained where possible.
- 1.4 Authorized Staff are responsible for ensuring that low value procurements are made at fair market value and all information relating to the procurement must be documented and maintained on file.
- 1.5 Authorized staff are responsible for selecting the payment tool appropriate for the transaction (refer to sections 8 and 9 of the Procurement Policy).

**2. Informal Quotation Process**Application

- 2.1 This method will be used for goods or services having a value less than \$10,000 and required for a one-time (non-repetitive) procurement.

Process

- 2.2 Before initiating the transaction staff and volunteers with sufficient signing authority must obtain approval of the applicable GM or the GM, Finance and Technology.
- 2.3 Three informal quotes (i.e. telephone, email, fax, letter) will be obtained from known suppliers.
- 2.4 Authorized Staff are responsible for ensuring that the purchase or acquisition is made at fair market value and all information relating to the procurement must be documented and maintained on file.
- 2.5 Authorized staff are responsible for selecting the payment tool appropriate for the transaction (refer to sections 8 and 9 of the Procurement Policy).

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<sup>1</sup>CRHD and CRHR procurements will follow the process as set out in this Appendix B but are subject to the approval of their Boards and/or delegated approving authorities.

### **3. Written Quotation Process**

#### Application

- 3.1 This method will be used where:
  - 3.1.1 for goods or services, the value of the transaction is between \$10,000 and \$75,000,
  - 3.1.2 for construction, the value of the transaction is between \$10,000 and \$200,000,
  - 3.1.3 the transaction is for a one-time (non-repetitive) procurement of goods, services or construction; and
  - 3.1.4 the goods, services or construction required can be fully defined.
- 3.2 Authorized Staff may determine that it is appropriate to use a formal competitive process instead of the written quotation process even though the value of the transaction is less than \$75,000 (for goods or services) or \$200,000 (for construction). In such a case, Authorized Staff will, in accordance with the provisions of this Appendix, use an Invitation to Quote (goods and services only), Invitation to Tender (construction only) or a Request for Proposals (goods, services or construction).

#### Process

- 3.3 The upper limit of staff and volunteer signing authority is \$100,000. Staff and volunteers with sufficient signing authority must only initiate transactions under the \$100,000 limit, and only after obtaining approval of the applicable GM. Transactions exceeding the upper limit of staff signing authority but not exceeding \$200,000 may be initiated after receiving approval of a GM.
- 3.4 Where a GM approves the initiation of a written quotation process, the applicable GM is responsible for the execution of the transaction, which includes making key decisions, approving the award and executing all required documentation.
- 3.5 Written quotes will be obtained as follows:
  - 3.5.1 three (3) written bids obtained from three (3) separate potential suppliers;
  - 3.5.2 all suppliers will receive the same quotation written information; and
  - 3.5.3 all bid documentation will be retained by the Authorized Staff person in Department files to be held in accordance with CRD records retention policies.
- 3.6 Authorized Staff are responsible for selecting the supplier on the basis of best value to the CRD.
- 3.7 Authorized Staff are responsible for ensuring that the purchase or acquisition is formalized in a written contract, where appropriate (in accordance with section 8 of the Procurement Policy).

## 4. Invitation to Quote (ITQ)

### Application

- 4.1 This method should be used where
  - 4.1.1 the procurement is for goods or services and the value of the transaction exceeds \$75,000; and
  - 4.1.2 the requirement can be fully defined such that the primary competing factor is price (i.e. the solution(s), specification(s), performance standard(s) and timeframe(s) are known).
- 4.2 This method may be used where the value of the transaction is less than \$75,000 and the other criteria set out in section 4.1 are met.
- 4.3 Authorized Staff may issue a Request for Proposals instead of an Invitation to Quote where, in accordance with section 6 of this Appendix, Authorized Staff determine that a Request for Proposals would be more appropriate in the circumstances.
- 4.4 For clarity, this method must not be used for construction procurement transactions (the Invitation to Tender process is used for construction transactions – see section 5 of this Appendix).

### Process

- 4.5 The upper limit of staff and volunteer signing authority is \$100,000. Invitations to Quote must only be initiated as follows:
  - 4.5.1 for acquisitions under \$100,000, by Authorized Staff or the applicable GM;
  - 4.5.2 for acquisitions estimated to be over \$100,000 but not exceeding \$500,000, on written approval from the applicable GM or CAO;
  - 4.5.3 for acquisitions estimated to be over \$500,000 but not exceeding \$5,000,000, on written approval of the CAO; or
  - 4.5.3 for acquisitions over \$5,000,000, on approval of the Board by way of a Board resolution authorizing the Invitation to Quote.
- 4.6 Invitations to Quote will be issued in the same manner as an Invitation to Tender and will follow the procedures set out in sections 5.6 to 5.9 of this Appendix.
- 4.7 On receipt of quotations from respondents, the competitive bid will be reviewed in accordance with the terms of the Invitation to Quote.

- 4.8 Staff will forward to the GM of the responsible department a summary of the procurement and recommend an award of contract to the supplier that meets all the mandatory requirements and provides the best value as stipulated by the ITQ.
- 4.9 Following review by the applicable GM, a summary of the procurement and the recommendation of award will be forwarded as follows for final approval of award,
  - 4.9.1 for awards within the signing authority limit of Authorized Staff, to the responsible staff person or the applicable GM;
  - 4.9.2 for awards above \$100,000 but below \$500,000, to the applicable GM or CAO;
  - 4.9.3 for awards over \$500,000 but not exceeding \$5,000,000, on written approval of the CAO; or
  - 4.9.4 for awards over \$5,000,000, to the Board.
- 4.10 Written notification regarding a procurement award and all supporting documentation is to be kept in the procurement file.

## **5. Invitation to Tender**

### Application

- 5.1 An Invitation to Tender must be used where:
  - 5.1.1 the procurement is for construction and the value of the transaction is \$200,000 or greater; and
  - 5.1.2 the specifications are adequately defined to permit the evaluation of tenders against the clearly stated criteria.
- 5.2 An Invitation to Tender may be used where the procurement is for construction and the value of the transaction is less than \$200,000.
- 5.3 Authorized Staff may issue a Request for Proposals instead of an Invitation to Tender where, in accordance with section 6 of this Appendix, Authorized Staff determine that a Request for Proposals would be more appropriate in the circumstances.
- 5.4 For clarity, this method must not be used for goods and services procurement transactions (the Invitation to Quote process is used for goods and services transactions – see section 4 of this Appendix).

### Process

- 5.5 The upper limit of staff and volunteer signing authority is \$50,000. Invitations to Tender must only be initiated as follows:
  - 5.5.1 for acquisitions under \$100,000, by Authorized Staff or the applicable GM;
  - 5.5.2 for acquisitions estimated to be over \$100,000 but not exceeding \$500,000, on written approval from the applicable GM or CAO;

- 5.5.3 for acquisitions estimated to be over \$500,000 but not exceeding \$5,000,000 written approval of the CAO; or
- 5.5.4 for acquisitions over \$5,000,000, on approval of the Board by way of a Board resolution authorizing the tender call.
- 5.6 The department responsible for issuing the Invitation to Tender will review and determine the specifications, terms and conditions relevant to the acquisition and provide this information to the applicable GM or CAO before notice of the Invitation to Tender is issued.
- 5.7 Where a GM or the CAO approves the initiation of an Invitation to Tender, the applicable GM or CAO is responsible for the execution of the transaction, which includes making key decisions, approving the award and executing all required documentation.
- 5.8 All Invitations to Tender will be issued using standard CRD contracts and tender documentation, unless otherwise approved by the Legislative and Corporate Services department.
- 5.9 Notice of an Invitation to Tender will be given by electronic posting on BC Bid and the CRD webpage, complemented, if appropriate, by other means of making the public and suppliers aware of the invitation. If the Invitation to Tender is issued out of a competitive pre-qualification process that was posted on BC Bid notice will only be given to successful respondents in a manner consistent with the pre-qualification documents.
- 5.10 The department responsible will evaluate the bids in accordance with the terms of the tender documentation and will recommend to Authorized Staff, the applicable GM, CAO or CRD Board (in accordance with section 5.11 of this Appendix) that the contract be awarded to the bidder offering best value.
- 5.11 Awards will be approved as follows:
  - 5.11.1 for tenders below \$100,000, by Authorized Staff or the applicable GM;
  - 5.11.2 for tenders below \$500,000, by the applicable GM or CAO;
  - 5.11.3 for tenders above \$500,000, but not exceeding \$5,000,000 by the CAO; and
  - 5.11.4 for tenders exceeding \$5,000,000, by the Board.
- 5.12 Written notification regarding a procurement award and all supporting documentation is to be kept in the procurement file.

## **6. Request for Proposals**

### Application

- 6.1 A Request for Proposals should be used for goods, services or construction where
  - 6.1.1 suppliers are invited to propose a solution to a problem, requirement or objective;
  - 6.1.2 the selection of the supplier is based on the effectiveness of a proposal or other criteria, rather than primarily on price alone;

- 6.1.3 it is expected that negotiations with one or more bidders may be required with respect to any aspect of the requirement; or
- 6.1.4 the requirement is best described in a general performance specification.
- 6.2 Where the requirement is not straightforward or an excessive workload would be required to evaluate proposals, either due to their complexity, length, number of any combination of factors, a multi-step process may be used that would include a pre-qualification stage to ensure the workload is a manageable level.
- 6.3 At the discretion of Authorized Staff, this method may be used where the value of the transaction is less than \$75,000 and the other criteria set out in section 6.1 are met.

### Process

- 6.4 The upper limit of staff and volunteer signing authority is \$100,000. Staff and volunteers with sufficient signing authority must only initiate transactions under the \$100,000 limit, or their approved signing authority, and only after obtaining approval of the applicable GM.
- 6.5 Requests for Proposals will be issued in the same manner as an Invitation to Tender and will follow the procedures set out in sections 5.5 to 5.9 of this Appendix.
- 6.6 A selection committee composed of staff from the responsible department will review all proposals against the established criteria and reach consensus on the final rating results and ensure that the final rating results with supporting documents are kept on the procurement file.
- 6.7 Staff will forward to the GM of the responsible department a summary of the procurement and recommend an award of contract to the supplier that meets all the mandatory requirements and provides the best value as stipulated by the Request for Proposal.
- 6.8 Following review by the applicable GM, a summary of the procurement and the recommendation of award will be forwarded as follows for final approval of award,
  - 6.8.1 for awards within the signing authority limit of Authorized Staff, to the responsible staff person;
  - 6.8.2 for awards below \$500,000, to the applicable GM or CAO;
  - 6.8.3 for awards above \$500,000 but not exceeding \$5,000,000, to the CAO;
  - 6.8.4 for awards exceeding \$5,000,000, to the Board.
- 6.9 Written notification regarding a procurement award and all supporting documentation is to be kept in the procurement file.

## **7. Request for Standing Offer**

### Application

- 7.1 A Request for Standing Offer will be used where:
- 7.1.1 the same goods or services are repetitively ordered and the actual demand is not known in advance; or
  - 7.1.2 a need is anticipated for a range of goods and services for a specific purpose, but the actual demand is not known at the outset, and delivery is to be made when a requirement arises.

### Process

- 7.2 Where the total value of goods or services required is estimated to be less than \$75,000 in a fiscal year, Authorized Staff will determine, in consultation with the appropriate GM, whether it is appropriate to issue a Request for Standing Offer in accordance with the above criteria.
- 7.3 Where the total value of goods or services required is estimated to be less than \$75,000 in a fiscal year, Authorized Staff, with approval of the applicable GM or CAO, may solicit written quotes from at least three (3) known suppliers who are qualified to supply the goods or services.
- 7.4 Where the total value of goods or services to be purchased is estimated to be above \$75,000 in a fiscal year, a Request for Standing Offer will be issued in the same manner as an Invitation to Tender and will follow the procedures set out in sections 5.5 to 5.11 of this Appendix.
- 7.5 In a Request for Standing Offer, the expected quantity of the specified goods or services to be purchased over the time period of the agreement will be as accurate an estimate as practical and be based, to the extent possible, on previous usage.
- 7.6 More than one supplier may be selected where it is in the best interests of the CRD and the bid solicitation allows for more than one.
- 7.7 Where competition results in a large number of offers from vendors, Authorized Staff are authorized to negotiate lower unit rates with the highest ranked vendors in return for a reduction in the number of firms authorized to provide the goods or services or the offer of a firm contractual commitment by the CRD.
- 7.8 The bid documentation and accompanying contractual documentation may provide that the time period to provide goods or services may be extended beyond the end of the fiscal year at the mutual consent of the CRD and the supplier.
- 7.9 A contract resulting from a request for standing offer will be subject to the normal contract award signing limits for the total anticipated value of the standing offer over the term of the contract.

## **8. Non-Competitive Purchase Process**

### Application

- 8.1 The requirement for competitive purchasing may be waived by an applicable GM or the CAO and replaced with negotiations by staff under the following circumstances:
- 8.1.1 where competition is precluded due to the application of any Act or legislation or other legal consideration (such as patent rights/copyrights);
  - 8.1.2 where it can be demonstrated that only one supplier is able to meet the requirements of a procurement and a Notice of Intent has been issued;
  - 8.1.3 where the nature of the requirement is such that it would not be in the public interest to solicit competitive bids as in the case of security of confidentiality matters,
  - 8.1.4 where the possibility of a follow-on contract was identified in the original bid solicitation;
  - 8.1.5 where the requirement is for a utility for which there exists a monopoly;
  - 8.1.6 where an unforeseeable situation of urgency exists and the goods, services or construction are urgently required and delay would be injurious to the public interest;
  - 8.1.7 where the procurement is from a public body or non-profit organization;
  - 8.1.8 where the value of a transaction for goods or services is less than \$75,000 and the applicable GM or CAO has determined that a competitive process would not be practical and has given written approval for the acquisition;
  - 8.1.9 where the value of a transaction for construction is less than \$200,000 and the applicable GM has determined that a competitive process would not be practical and has given written approval for the acquisition;
- 8.2 Approval of a non-competitive transaction must be within the signing authority of the person approving the transaction.
- 8.3 Staff must seek Board approval for a non-competitive transaction in excess of \$500,000 but should not do so without first seeking appropriate advice on whether the transaction is compliant with applicable trade agreements and procurement law principles.

### Process

- 8.4 When staff or volunteers wish to use a non-competitive purchase process staff will provide the CAO or applicable GM with the rationale that warrants a non-competitive selection for approval and will obtain the CAO's or applicable GM's written approval before proceeding. If the amount of the proposed non-competitive purchase is over \$500,000, the Board must approve the transaction.
- 8.5 The supplier in whom the CRD has the greatest confidence to fulfill the requirement and

provides for fair market value will be selected. Awards will be approved as follows:

8.5.1 for awards under \$500,000, by the CAO or an applicable GM;

8.5.2 for awards over \$500,000, by the Board.

## **9. Request for Qualifications**

9.1 A Request for Qualifications may be conducted in any procurement transaction for goods, services or construction to determine qualified suppliers that may bid on a subsequent procurement process undertaken by the CRD. A Request for Qualifications may be used in the following circumstances:

9.1.1 the work requires a stipulated performance and experience level or requires elements of confidentiality or security; or

9.1.2 the value and complexity of the work is such that the contract administration costs (work inspection, follow-up, delay) would result in substantial additional costs or loss to the CRD if the work is not performed as required; or

9.1.3 to build supplier interest to determine if there are enough suppliers to justify a full Request for Proposal process or other formal competitive process.

### Process

9.2 Staff and volunteers with sufficient signing authority must only initiate transactions under the \$100,000 limit, and only after obtaining approval of the applicable GM.

9.3 For transactions that are estimated to be above \$75,000, a Request for Qualifications will be issued in the same manner as an Invitation to Tender and will follow the procedures set out in sections 5.5 to 5.11 of this Appendix.

9.4 A selection committee composed of staff from the responsible department will review all submissions against the criteria established in the Request for Qualifications and will reach consensus on the final rating results and ensure that the final rating results with supporting documents are kept on the procurement file.

9.5 The final rating results will be forwarded for approval in the same manner as a Request for Proposals award approval and will follow the process set out in section 6.8 of this Appendix.

## **10. Other**

10.1 There may be other procurement methods or tools not described in this Appendix that may be appropriate for any given transaction (including, for example, a Request for Expression of Information or Request for Information).

10.2 Authorized Staff may use a method not listed in this Appendix for transactions within their signing authority limit with the approval of the applicable GM and the Legislative and Corporate Services department.

10.3 Staff may bring forward for approval methods not listed in this Appendix for transactions outside of their signing authority as follows:

- 10.3.1 for transactions with an estimated value of less than \$500,000, to the applicable GM or CAO;
  - 10.3.2 for transactions with an estimated value of more than \$500,000 but not exceeding \$5,000,000 to the CAO;
  - 10.3.3 for transactions exceeding \$5,000,000, to the Board.
- 10.4 When staff wish to use a method not listed in this Appendix, staff will provide the rationale that warrants the process proposed and a description of the process proposed when seeking approval in accordance with 10.3 above.

## Procurement Process

| Estimated Transaction Cost | Method  |
|----------------------------|---|
| Less than \$5,000          | <p><b>Low Value Process</b></p> <p>For goods only, the Commission Chair can use the assigned PCard to access supplies to maximum of \$1,000.</p> <p>For goods or services, the commission should obtain an informal quote or quotes (i.e., telephone, email, fax, letter) from known suppliers.</p> <p>For goods or services required for a one-time (non-repetitive) procurement once a supplier is chosen, and the CRD has completed its review of the WorkSafeBC status and General Liability Insurance, the commission can engage the supplier and forward the invoice to Finance.</p> <p>For a commission to engage a service provider repetitively but with an unknown actual need or total cost (e.g., on call as needed), a standing offer contract can be prepared by the CRD. The CRD will contact suppliers to determine their WorkSafeBC status and to obtain proof of General Liability Insurance and a certificate naming the CRD as an additional insured. Once the standing offer is signed, the commission can then engage provider as required and forward invoices to Finance.</p> <p>For a commission to engage a service provider repetitively but with a known actual need or total cost, a purchase order can be prepared by the CRD. The CRD will contact suppliers to determine their WorkSafeBC status and to obtain proof of General Liability Insurance and a certificate naming the CRD as an additional insured. Once the Purchase Offer is established, the commission can then engage the provider as required and forward invoices to Finance.</p> |
| Less than \$10,000         | <p><b>Informal Quotation Process</b></p> <p>The commission should obtain three informal quotes (i.e. telephone, email, fax, letter) from known suppliers.</p> <p>For goods or services required for a one-time (non-repetitive) procurement once a supplier is chosen, and the CRD has completed its review of the WorkSafeBC status and General Liability Insurance, the commission can engage the contractor and forward the invoice to Finance.</p> <p>For a commission to engage a service provider repetitively but with an unknown actual need or total cost (e.g., on call as needed), a standing offer contract can be prepared by the CRD. The CRD will contact suppliers to determine their WorkSafeBC status and to obtain proof of General Liability Insurance and a certificate naming</p>   |

|                      |   |
|----------------------|---|
|                      | <p>the CRD as an additional insured. Once the standing offer is signed, the commission can then engage provider as required and forward invoices to Finance.</p> <p>For a commission to engage a service provider repetitively but with a known actual need or total cost, a purchase order can be set up by the CRD. The CRD will contact suppliers to determine their WorkSafeBC status and to obtain proof of General Liability Insurance and a certificate naming the CRD as an additional insured. Once the Purchase Offer is established, the commission can then engage the provider as required and forward invoices to Finance.</p>  |
| \$10,000 to \$75,000 | <p><b>Written Quotation Process</b></p> <p>With the scope of services identified by the commission, the CRD will request written quotes from three (3) separate potential suppliers. The quotes will be presented to the commission for review, to identify the successful candidate, and to direct the CRD to prepare the contract.</p> <p>The CRD will prepare a service contract and contact suppliers to determine their WorkSafeBC status and to obtain proof of General Liability Insurance and a certificate naming the CRD as an additional insured. Once the contract is signed, the commission can then engage the provider as arranged and forward invoices to Finance.</p>  |
| \$75,000 +           | <p><b>Invitation to Quote Process</b></p> <p>The CRD working with the commission will develop the specifications, terms and conditions for the project. The CRD will prepare an Invitation to Quote and post on the CRD website, BC Bids and the SGI Community Economic Sustainability Commission website. The written quotations will be presented to the commission for review, to identify the successful candidate, and to direct the CRD prepare a contract.</p> <p>The CRD will prepare a service contract and contact suppliers to determine their WorkSafeBC status and to obtain proof of General Liability Insurance and a certificate naming the CRD as an additional insured. Once the contract is signed, the commission can then engage the provider as arranged and forward invoices to Finance.</p> <p><b>Request for Proposal Process</b></p> <p>This is a formal procurement process.</p> <p>The CRD working with the commission will develop the specifications, terms and conditions for the project. The CRD will prepare the Request for Proposal (RFP) and post on the CRD website, BCBids and the SGI Community Economic Sustainability Commission website. The written proposals will be reviewed in</p> |

|  |  |
|--|--|
|  | <p>accordance with the CRD Procurement Policy and Procedures. The commission will be advised of the successful proponent and asked to approve the preparation of a contract for services.</p> <p>The CRD will prepare a service contract and contact suppliers to determine their WorkSafeBC status and to obtain proof of General Liability Insurance and a certificate naming the CRD as an additional insured. Once the contract is signed, the commission can then engage the provider as arranged and forward invoices to Finance.</p>  |
|  | <p><b>Invitation to Tender Process</b></p> <p>This is a formal procurement process.</p> <p>The CRD working with the commission will develop the specifications, terms and conditions for the project and get direction to prepare the tender documents. The CRD will prepare the Tender document, and review the responses in accordance with the CRD Procurement Policy and procedures. The commission will be advised of the successful proponent and asked to approve the preparation of a contract for services.</p> <p>The CRD will prepare a service contract and contact suppliers to determine their WorkSafeBC status and to obtain proof of General Liability Insurance and a certificate naming the CRD as an additional insured. Once the contract is signed, the commission can then engage the provider as arranged and forward invoices to Finance. The CRD will also obtain any additional permits or approvals. The commission and CRD staff will monitor the work.</p> |
|  | <p><b>Non-Competitive Purchase Process</b></p> <p>Competitive purchasing may be waived by a GM or the CAO under certain circumstances such as</p> <ul style="list-style-type: none"> <li>• where it can be demonstrated that only one supplier is able to meet the requirements of a procurement and a Notice of Intent has been issued;</li> <li>• where the possibility of a follow-on contract was identified in the original bid solicitation;</li> <li>• where an unforeseeable situation of urgency exists and the goods, services or construction are urgently required and delay would be injurious to the public interest;</li> <li>• where the procurement is from a public body or non-profit organization;</li> <li>• where the value of a transaction for goods or services is less than \$75,000 and the applicable GM or CAO has determined that a competitive process would not be practical and has given written approval for the acquisition;</li> </ul>              |

### **Exemptions**

This procurement policy establishes the policies and practices applying to the purchase of all types of goods, services and construction with the exception of the following:

1. The borrowing and investing of money
2. The rental, lease, purchase and sale of property, land or accommodation
3. Memberships in professional and vocational associations and their publications and other professional and training activities
4. Health services and social services
5. Legal services
6. Procurements from a public body or non-profit organization
7. The hiring of contract employees
8. Goods and services purchased through provincial and federal corporate supply arrangements
9. Goods and Services purchased from First Nations

## Appendix: Resources & Contact Information

### CRD Webpage:

<https://www.crd.bc.ca>

Information on the CRD is available on the CRD website at:

<https://www.crd.bc.ca/about/what-is-crd>.

### CRD Bylaws

Bylaw can be viewed at <https://www.crd.bc.ca/about/document-library/documents/bylaws>

### LEGISLATION

*Community Charter* at

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/03026\\_00](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/03026_00)

*Local Government Act* at

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/96323\\_00](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96323_00)

*Strata Property Act* at

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/98043\\_00](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/98043_00)

### CONTACT INFORMATION:

|                                      |                                       |
|--------------------------------------|---------------------------------------|
| CRD Head Office (Switchboard)        | 250-360-3000                          |
| Corporate Services                   | 250-360-3127 or 1-800-663-4425 x 3127 |
| Finance & Technology                 | 250-360-3645                          |
| Integrated Water Services            | 250-474-9600                          |
| Juan de Fuca Local Planning          | 250-642-1500                          |
| Salt Spring Island Administration    | 250-537-4448                          |
| Southern Gulf Islands Administration | 250-360-3275                          |
| Parks & Environmental Services       | 250-360-3078                          |
| Planning and Protective Services     | 250-360-3274                          |

### All other inquiries please phone:

For the Salt Spring Island Electoral Area – Senior Manager, SSI Admin at  
250-538-4300

For the Juan de Fuca Electoral Area – Manager, Local Area Planning (JDF) at 250-642-8104

For the Southern Gulf Islands Electoral Area – Manager, SGI initiatives at 250-360-3275  
For Water/Wastewater Commissions – Manager, Admin Services at 250-474-9606

# Overview

November 2018



Making a difference...together

## CRD Role

**Regional Districts provide local government services to electoral areas and enable municipalities and electoral areas to cooperate to deliver efficient and effective services across jurisdictional boundaries.**

## The Capital Regional District Purpose

The regional district is an order of Government able to do things the board considers necessary or desirable for all or part of its community within the bounds of legislative authority. Legislative authority for regional districts has evolved and expanded since the incorporation of the CRD in 1966. Certain powers were mandated by letters patent and other services have been voluntarily established with the consent of the participant members over the last 50 years.

The mandate includes the responsibility to steward public assets and foster economic, social and environmental well-being. The organization is expected to facilitate relationships and collaborate among its member municipalities and electoral areas and others to efficiently and effectively meet the needs of citizens and deliver services. This is reflected in the CRDs current mission statement 'We are diverse communities working together to serve the public good and build a vibrant, livable and sustainable region' and brand tag line 'Making a difference...together'.

The legislative authority from the Province includes a parallel but separate mandate to operate the Capital Regional Hospital District and enabled the CRD to establish the Capital Regional Housing Corporation.

The Chief Administrative Officer (CAO) has overall administrative responsibility for the management of administrative operations and ensures that the policies and direction of the board and its other entities are implemented.

The Executive Leadership Team (ELT) has established a corporate planning framework that brings the organization's strategic, corporate, service and financial processes together to set out the direction, path and align resources to achieve the region's corporate priorities and service delivery mandate. The ELT is led by the Chief Administrative Officer and includes the Chief Financial Officer, Corporate Officer and General Managers as the officers of the corporation



# Overview

November 2018



Making a difference...together

## Capital Regional District

625 Fisgard Street

Victoria, BC V8W 2S6

250.360.3000

[www.crd.bc.ca](http://www.crd.bc.ca)

Twitter: @crd\_bc

## Mandate

The CRD can only provide services that are within its mandate, which is set out in legislation, letters patent or service establishment bylaws.

Legislation requires that Regional Districts provide certain services such as emergency management, regional solid waste management planning, and electoral area governance. The letters patent that established the CRD in 1966 require that other services be provided, such as regional information services. The majority of regional services are authorized through service establishment bylaws that reflect past decisions to provide and pay for certain services.

The CRD has less flexibility than a municipality to re-allocate resources between services. The CRD cannot stop providing legislated services. To cease providing services reflected in the letters patent would require amending the letters patent and obtaining approval from the Province. Ceasing to provide services referenced in a service establishment bylaw would require amending or repealing the applicable establishment bylaw (as per provisions for adoption or with consent of 2/3 of participants).

CRD services are delivered at local, sub-regional or regional scales. Many services are delivered to only some municipalities/electoral areas. Services are paid for by participants. Providing sewer, water, landfill and recycling services takes up the largest single portion of the CRD's budget, most of which is recovered by fees for services. Most of the region's households receive at least one of these services. Many receive all three.

## Governance

The CRD Board, the Capital Regional Hospital District (CRHD) Board and the Capital Region Housing Corporation (CRHC) establish the CRD vision, set priorities and provide direction on service delivery, collaboration and partnerships. Numerous Committees and Commissions oversee delivery of CRD services and report to the CRD, CRHD and CRHC Boards.



# Governing Boards

November 2018



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## Regional Board

The CRD Board has 24 members, called Directors. The membership is made up of one director for each of the 16 participating municipalities and electoral areas (directors for electoral areas are called Electoral Area Directors), plus additional directors contributed by the more populous Langford, Saanich and Victoria jurisdictions. In addition, the Board appoints Alternate Directors who stand in for a director temporarily unable to attend to Board duties.

With the exception of the electoral area directors, all directors and alternate directors are mayors or councillors from participating municipalities. Municipal representatives are appointed by their councils and must serve in their full capacity as municipal mayors or councillors in addition to their duties at the CRD Board. Their term of service is four years (their term of election to the local council), unless removed by their councils.

Electoral area directors are elected to the CRD Board by their electoral area. Unlike municipalities, there is only one electoral area director elected for each electoral area, with the CRD Board acting in place of a municipal council. As sole representative for their electoral area, electoral area directors have a larger individual responsibility for administration than municipal councillors. The term of service is four years.

The Chair and Vice Chair of the board are elected from among the directors at the first meeting in November of each year. The Chair and Vice Chair each have a one-year term of office.

## Housing Corporation Board

All The Capital Region Housing Corporation (CRHC) provides the public housing function of the CRD's land banking and housing service. Starting in 2018 the CRHC Board shares the same membership as the CRD Regional and Hospital Board due to the importance of housing in the region.

Prior to this the board membership was made up of four CRD Directors and three community members.

The Chair and Vice Chair of the CRHC Board are elected from among the directors at the first meeting in November of each year. The Chair and Vice Chair each have a one-year term of office.

## Hospital District Board

All members also sit on the Capital Regional Hospital District Board, which governs the planning and financing of hospitals and hospital facilities for the regional district. It is equal in authority to the CRD Board. For the most part, the Hospital Board functions much the same as the Regional Board and follows the same rules of procedure.

The Chair and Acting Chair of the Hospital Board are elected from among the directors at the first meeting in November of each year. The Chair and Acting Chair each have a one-year term of office.





CAPITAL REGIONAL DISTRICT

**COMMISSION GUIDELINES**

|            |                                |                   |
|------------|--------------------------------|-------------------|
| Section    | <i>Board</i>                   |                   |
| Subsection | Policies, Procedures, Manuals  | <i>(policy #)</i> |
| Title      | GUIDELINES FOR CRD COMMISSIONS |                   |

**POLICY:**

The CRD Board establishes commissions to advise on or operate various regional district services and may delegate some of its powers, duties and functions as required.

**PURPOSE:**

The commissions assist the CRD Board by providing advice and recommendations regarding the administration and/or operation of regional district services.

**RESPONSIBILITIES:**

Legislative & Information Services, in consultation with the Executive Leadership Team (ELT), has responsibility for the control, coordination, implementation and modification of these guidelines following approval by the ELT.

**SCOPE:**

These guidelines apply to all CRD Commissions.

**DEFINITIONS:**

“Commission” as defined by the CRD Board Procedures Bylaw means a commission established by the Board under section 176(1)(g) of the *Local Government Act* and a local service committee and a service committee established by the Board.

**GUIDELINES:****1.0 Function:**

Within their mandate, the functions of the Commissions are to:

- Provide advice and recommendations to the CRD Board through the appropriate Board standing committee as necessary
- Respond to issues referred by the Board and staff
- Listen to and report on the community’s views
- Raise issues to the Board and staff that need to be addressed further
- Provide advice and recommendations to the CRD Board regarding the longer term vision for the community
- Work within established budgetary guidelines

## **2.0 Reporting and Decision Making Authority:**

Commissions are appointed by the CRD Board and report directly to the Board or through the appropriate Board standing committee as required. The Board or CRD staff (as applicable) has the responsibility for making final decisions that are outside the scope of the Commissions delegated authority.

## **3.0 Meetings:**

Meetings will be held and conducted in accordance with the CRD Board Procedures Bylaw.

## **4.0 Minutes and Records Management:**

Commission minutes will follow the approved CRD guidelines for minutes.

All meeting records will be kept in accordance with the CRD records classification system.

## **5.0 Staff Support**

Depending on the service provided, the role of staff in supporting commissions includes:

- Providing information and professional advice regarding the management and administration of the service.
- Supporting the chairperson in developing agendas, arranging meetings and promoting effective commission functioning.
- Implementing projects and initiatives of the Commission where authority has been delegated by the Board.

## **6.0 Conflict of Interest**

Commission members should not participate in a decision or any discussion leading up to the decision where they have a pecuniary conflict of interest or a non-pecuniary conflict of interest (bias). It is up to the Commission member to determine and declare a conflict of interest.

A pecuniary interest includes a direct or indirect financial interest in a matter. Some examples of what could qualify as a direct or indirect pecuniary interest are where the matter under consideration by the Commission may affect the Commission Member's financial interest as a result of the Commission Member's:

- a) Employer/employee relationships
- b) Professional/client relationships
- c) Business or land interests
- d) Contractual relationships
- e) Directorship on a Society or Corporate Board
- f) Family relationship
- g) Lawsuit

A pecuniary conflict of interest does not exist if the pecuniary interest:

- a) Is an interest in common with electors generally;
- b) remuneration of expenses; or
- c) so remote or insignificant so as to not reasonably be regarded as influencing the Commission Member.

A non-pecuniary conflict of interest also disqualifies a person from discussing or voting on a matter. This includes matters where a person has a personal interest that would give rise to a real likelihood of bias.

Where a conflict of interest exists, the commission member:

- Is not entitled to participate in the discussion of the matter or vote on a question in respect of the matter;
- Attempt in any way, whether before, during or after a Commission meeting at which the matter will be considered, to influence the voting on the question in respect of the matter;
- Must declare to the commission that the conflict exists; and
- Must absent themselves from the meeting during consideration of the issues to which the conflict relates.

The member's declaration of conflict and their exit and return from the meeting shall be noted in the minutes.

|                    |                |              |     |
|--------------------|----------------|--------------|-----|
| Approval Date:     | April 24, 2014 | Approved By: | ELT |
| 1. Amendment Date: |                | Approved By: |     |
| 2. Amendment Date: |                | Approved By: |     |
| 3. Amendment Date: |                | Approved By: |     |
| Next Review Date:  |                | Reviewed By: |     |
| Supersedes:        |                |              |     |

Related Policy, Procedure or Guidelines:

- CRD Board Procedures Bylaw
- CRD Minute Guidelines
- Records Management Policies and Records Classification System



## Committee/Commission Member Information Package April 2019

The following information has been prepared as a brief overview to Advisory Committee members, however the information also applies to Commission and Committee members throughout the CRD.

### Overview

#### 1. What are the expectations of committee members?

Committee members are expected to:

- Familiarize one's self with the mandate and/or terms of reference of the committee.
- Strive to attend all scheduled meetings.
- Prepare for meetings by reading agendas and any background information supplied.
- Actively participate in the discussion and decision-making process.
- Be open-minded and allow for a variety of opinions to be heard.

#### 2. What are the expectations of the Chair/Co-chairs?

All of the expectations of the committee members apply to the Chair/Co-chairs. The Chair/Co-chairs have no responsibility to make decisions on their own. They will run a meeting in a fair and efficient manner so that the will of the majority prevails while ensuring the minority has had a fair chance to present its point of view.

Additional expectations include:

- Facilitate the meeting by identifying the order of proceedings or speakers.
- Ensure active participation by all committee members.
- Maintain decorum and ensure fairness and accountability.

#### 3. What are the responsibilities of the Chair/Co-Chair and committee members?

##### Attendance:

Generally, advisory committees meet as per their Terms of Reference with no meetings in the summer and winter breaks (July, August and December) as noted in the committee Terms of Reference. Special meetings may be held at the call of the Chair/Co-Chairs. The meeting rules and procedures are in accordance with the Capital Regional District (CRD) Procedures Bylaw. Subcommittees or working groups may be formed to carry out the activities of the committee which may necessitate a more frequent time commitment.

If a committee member is unable to attend a meeting, they must let the Committee Secretary know in advance of the meeting. This will ensure a quorum is present at the meeting (i.e. that a majority of the persons appointed to the committee are present).

If a committee member feels they cannot commit the requisite time to the committee, they should resign to allow others who may be interested to participate on the committee.

## Advisory Committee Member Information Package

### Communications:

Unless directed by CRD, a committee member should not speak on behalf of the committee in a public forum or publication.

### Code of Conduct - Respectful Workplace:

The CRD has an obligation to provide a respectful workplace. Committee members are to act and be treated with respect; without bullying, abuse or intimidation in order to preserve a workplace free from harassment.

## Privacy and Confidentiality

### How is personal contact information used?

Reasonable measures have been undertaken to ensure that personal information collected is used for the purpose for which it was collected (role as a committee member). Personal information includes email address, phone number(s) and street address. Staff have access to the contact information. The practice when communicating with committee members is to include email addresses in the bcc field of the email in order to protect committee member's privacy.

### When does information have to remain confidential?

There may be occasions where documents received are draft versions which have since been replaced, or contain information which cannot be released according to the *Freedom of Information and Protection of Privacy Act* (FIPPA) (for instance, building drawings which contain details that would compromise building security, or information on programs that are at the development stage). Most presentations, meeting handouts, etc. can be released, however they need to be reviewed to ensure compliance with FIPPA. Confidentiality Agreements will need to be signed by all members of the Committee.

## Agendas and Minutes

### Agendas:

In many cases, the staff liaison will prepare the committee agenda and will review in advance with the committee Chair/Co-Chairs. Committee members wanting to propose future agenda items, including invitations for guest speakers, should contact the Chair or Committee Secretary directly. The Chair and staff will decide if the item is approved for inclusion on the agenda.

Publishing the committee agenda on the website ensures transparency, increases public awareness and encourages public interest and involvement. A set agenda also promotes meeting effectiveness as members will attend better prepared and ready to participate in discussions.

Agendas are distributed electronically and posted on the website prior to the meeting date. If the attachments are particularly large, they will be circulated at the committee meeting or alternate arrangements will be

## Advisory Committee Member Information Package

made.

Reports and attachments must be received one working day prior to the agenda distribution date. Materials received after that date will not be circulated with the current agenda package. Late material related to an agenda item will be distributed to committee members at the meeting.

### Minutes:

Draft minutes from the previous meeting are distributed with the agenda package. Once the committee adopts the minutes, they are to be posted on the CRD website.

## Meeting Procedures

### 1. Are meetings open to the public?

Yes, committee meetings are open to the public. Members of the public may attend committee meetings to observe. Meetings may only be closed in accordance with the *Community Charter* for a limited number of items.

### 2. Are members of the public permitted to speak at meetings?

As per Procedures Bylaw, members of the public may register as a delegation to speak to an agenda item. Delegations may only speak for a maximum of 4 minutes.

### 3. What if the Chair(s) are absent?

In accordance with the CRD Procedures Bylaw, the committee should wait 15 minutes after the time appointed for the meeting to begin, then the Committee Secretary will call the meeting to order and ask for a motion to select a member to sit as Acting Chair until the Chair arrives.

### 4. How many members must be in attendance for a quorum?

A majority of the committee membership is a quorum. For example, if the committee membership is a total of nine people then five people must be present for a quorum.

### 5. Can a committee conduct business when there is no quorum?

The committee can still continue with the session, however the minutes will indicate that the meeting was conducted without a quorum. If there is no quorum, the committee cannot pass motions or advance business.

### 6. Can a committee go in-camera?

The rules of open and transparent government apply to advisory committees. It is the expectation that all advisory committee meetings be open to the public. Only in rare and justified circumstances should a committee hold a meeting, or portion of a meeting, that is closed to the public (referred to as "*in camera*").

The *Community Charter* outlines the limited circumstances in section 90, as well as the appropriate procedures

## Advisory Committee Member Information Package

that must be followed in order to close a meeting to the public. Before meeting *in camera*, the committee must first pass a motion in an open meeting that states the appropriate section of the *Community Charter* and the nature of the matter giving reason for the *in camera* meeting. The committee must restrict its discussion to only the subject matter for which the meeting was closed and as stated in the motion to close the meeting. It is important to note that *in camera* material and discussions are to be kept in confidence until the record is lawfully authorized to be released to the public. Often this is done by a closed motion of the committee to “rise and report” on the item, after which it may be discussed publically. Hard copy *in camera* materials should be returned to the committee secretary for secure retention or disposition.

### 7. How are committee meetings supported?

The Terms of Reference indicate the staff liaison that is responsible for each committee. The staff liaison will attend or delegate staff to attend particular committee meetings. The day-to-day support of advisory committees (such as coordinating multiple committee schedules, preparation/distribution of agendas and minutes) is provided by the administrative coordinator of the division. The assignment of tasks can only be directed by the staff liaison and not by the committee itself, to ensure staff resources are available and prioritized with other departments or corporate initiatives that are underway.

### 8. Can committees form subcommittees and working groups?

There may be occasions when a committee would benefit from the assistance of a subcommittee or working group. The advisory committee’s Terms of Reference gives the basic structure and should be consulted to ensure the working group or subcommittee is within the guidelines and whether further approval is required.

**Subcommittees** – A formal subcommittee may be assigned to focus on a specific task usually of an immediate and temporary nature. Approval of a Board Standing Committee is required prior to forming a subcommittee. Meetings are conducted in accordance with the CRD Procedures Bylaw. Characteristics of a subcommittee include that it is composed of a portion of the committee membership only (unless otherwise approved by the Board), agendas and minutes may be prepared, meetings are open to the public, voting may occur, the subcommittee deals with matters that move towards a decision or recommended action, and decisions are reported to the committee for consideration.

### 9. Can the committee hold an electronic meeting?

The CRD Procedures Bylaw does not permit electronic meetings for committees.

## Motions

### 1. What is the purpose of a motion?

A motion formally introduces a new piece of business or proposes a decision or action. For the motion to pass, the majority of the committee must vote in favour.

### 2. What is required to make a motion?

A member of the committee must first move a motion and another member of the committee must

## Advisory Committee Member Information Package

second it. The motion is then debated and if there is a majority vote, the motion is adopted. When you make a motion, propose the action as exactly and specifically as possible. It is a good idea to write out the motion prior to presenting it; this increases the likelihood of clarity. The written motion can then be provided to the Chair.

### Examples of common types of motions:

| To do this                                | You say this                               | Example   |
|---|--|---|
| Introduce business (main motion)          | I move that...                             | "I move that the committee endorses the draft ... and support staff taking the Plan forward to XXX Committee for endorsement."  |
| Take a short break (call an intermission) | I move that we recess...                   | "I move that we recess until eight pm."<br>"I move that we recess until the meeting is reconvened by the Chair."  |
| Temporarily postpone discussion of a      | I move to table the motion.                | "I move that we table the motion until we can discuss the next agenda item, corporate budget plan."   |
| Postpone discussion for a certain time    | I move to postpone the discussion until... | "I move that we postpone the discussion of the 2017 budget until the next scheduled meeting."   |
| Propose an amendment to the main motion.  | I move to amend the motion by...           | "I move to amend the motion by inserting __ between __ and __."<br>"I move to amend the motion by adding __ after __."<br>"I move to amend the motion by substituting __ instead of __."<br>I move to amend the motion by striking out __ and inserting __."<br>*Please note the amendment must be considered before voting on the main motion. Only one amendment can be considered at any one time. |
| Adjourn the meeting                       | I move that we adjourn.                    | "I move that we adjourn the meeting."   |

### 3. Do we require the formality of motions at committee meetings?

Adoption of meeting minutes and adjourning the meeting require motions. For some committee meetings there may be no further motions required during a meeting. Generally motions are appropriate to record a decision or provide input to Board on a specific subject matter.

### 4. What are the steps when the committee considers a motion?

A motion has eight possible steps:

1. Moved - a proposal from the floor.
2. Seconded - another member feels the proposal is worth discussing.
3. Discussed - speaker must speak only to the motion. The first speaker is usually the mover.
4. (if applicable) Amended - changing the wording of the motion by: adding or deleting words, replacing with different words. Each amendment has the same steps as a motion.
5. Called - after sufficient discussion, a vote is called at the discretion of the Chair.
6. (if applicable) Restated - ensures everyone understands what is being voted on.
7. Voted - Chair calls each option: "All in favour?" or "Opposed?"

## Advisory Committee Member Information Package

8. Declared - results of the vote.

### 5. What is a negative motion?

A negative motion proposes not doing something. Negative motions are discouraged as they can be confusing when voting. Example: *"I move that the region not provide a grant to XYZ."* In this case, not having the motion produces the same outcome. Instead the motion could be rephrased to *"I move that the region approve all grant applications except to XYZ"* or *"I move that the region approve the following grant applications..."* (the list would not include XYZ).

### 6. Can a second motion be made, if the main motion has not been voted on?

Yes, a second motion can be made if it is to amend or postpone the main motion. Amendments should be relevant to the main motion and not contrary to the intent of the main motion. A motion to amend must be voted on prior to voting on the main motion. If a motion is made to postpone consideration of the matter, only that motion is voted on and the main motion is further considered at a subsequent meeting. Once the amendment is carried by a majority vote it becomes part of the original main motion which must then be voted upon. This is called the 'main motion, as amended'.

### 7. A report has been submitted to the committee, is there a motion required to accept the report?

Formally accepting or receiving a report through a motion is generally not required. However, the practice at the CRD is to make a motion to receive the report as information.

## Voting

### 1. Who can vote?

The Chair and each member of the committee have a vote. Staff members may only have a vote if they are voting members of the committee. This generally would occur only with technical committees. For Advisory Committees, staff attend as a liaison or support and do not have a vote.

### 2. What if a member of a committee cannot vote on a matter due to a conflict of interest?

If a member of the committee present at the meeting cannot vote on a matter due to a conflict of interest, the person must first state the reason for the conflict, vacate their seat prior to discussions and leave the room during consideration of the matter. The minutes must indicate when the person vacated and returned to their seat and the reason for vacating, such as in the example below.

*XX declared a conflict of interest on the basis that they was not entitled to participate in the discussion on the University of Victoria they are employed by the University of Victoria. Xx has left the meeting at 6:45pm.*

### 3. What if a member of a committee wants to abstain from voting on a motion?

Members who are present cannot abstain from voting. Any person who does not indicate support or opposition to a motion, is deemed to have voted in the affirmative.

## Advisory Committee Member Information Package

### 4. What if it is a tie vote?

If the votes of the members of the committee are equal in support and opposition, the motion is deemed to be “defeated”.

### 5. Can the mover of a motion vote against the motion?

Yes, once the motion is moved, the mover may speak once to the item but may not speak again after hearing input from others. The mover may then vote against the motion. A seconder may vote against the motion as would any other member as they may only be seconding the motion to move it to the floor for discussion.

*Advisory Committee Member Information Package – Other Related Documents Attached:*

- CRD Procedures Bylaw
- Respectful Workplace Policy
- Terms of Reference

## CAPITAL REGIONAL DISTRICT (CRD) GRANTS OVERVIEW CHART

| ATTRIBUTES  | DESCRIPTION  |  |  |   |
|---|--|--|--|---|
| 1. WHAT BROAD CATEGORIES OF GRANTS ARE AVAILABLE?                   | EXTERNAL   |  | INTERNAL   |   |
| 2. WHO DRIVES THE GRANT PROCESS                                     | External Grant Agencies  |  | CRD  |   |
| 3. WHAT IS THE FUNDING SOURCE?                                      | <b>MULTIPLE GRANT AGENCY TYPES:</b> <ul style="list-style-type: none"> <li>Senior Government: Federal and Provincial</li> <li>Federations: Union of BC Municipalities (UBCM), Federation of Canadian Municipalities (FCM)</li> <li>Crown Corporations: e.g.: BC Hydro</li> <li>Non-profit: e.g.: Healthy Communities Grants</li> <li>Non-Government Organizations: e.g. BC Real Estate Foundation</li> <li>Private Sector: e.g.: Royal Bank, TD Bank</li> <li>Community Foundations: e.g.: Victoria Foundation; SSI Foundation</li> </ul> <b>Over the last 10 years, CRD has pursued grants from over 70 agencies and over 150 different programs.</b> |  | <b>FEDERAL GOVERNMENT: Gas Tax Agreement (CWF):</b> <ul style="list-style-type: none"> <li>The CRD receives funding from the federal government under the Gas Tax Agreement (see External Grant Agencies, items 4 and 5)</li> <li>CRD awards grants to CRD Services and Third Parties for implementation of infrastructure and capacity building projects under the terms of the UBCM-CRD CWF Agreement.</li> </ul> <b>Over the last 10 years, CRD awarded 132 CWF grants.</b> | <b>ELECTORAL AREAS: Grants In Aid (GIA):</b> <ul style="list-style-type: none"> <li>Established under Supplementary Letters Patent</li> <li>Funded by tax requisition; each Electoral Area has a budget for GIAs</li> <li>GIAs are awarded to non-profit organizations for projects that benefit the general public in an Electoral Area.</li> </ul> <b>Over the last 10 years, CRD awarded 411 GIA grants.</b> |
| 4. BY WHAT METHOD IS THE FUNDING ACCESSED?                          | <b>BY AN APPLICATION PROCESS</b> <ul style="list-style-type: none"> <li>Grant Agencies drive the process</li> <li>Grant requirements are unique to each grant.</li> </ul>  | <b>BY A FUNDING ALLOCATION MODEL: 2 Grants</b> <ul style="list-style-type: none"> <li>Federal Gas Tax Community Works Fund (CWF)</li> <li>Regional District Basic Grant (RDBG)</li> </ul>  | <b>BY AN APPLICATION PROCESS</b> <ul style="list-style-type: none"> <li>CRD drives the process</li> <li>Applications require Chief Financial Officer (CFO) and Electoral Area Director approval</li> </ul>   | <b>BY AN APPLICATION PROCESS</b> <ul style="list-style-type: none"> <li>CRD drives the process</li> <li>Applications require Electoral Area Director and Board approval</li> </ul>  |
| 5. WHAT IS THE CRD PROCESS FOR PARTICIPATING IN THE GRANT PROGRAMS? | <b>CRD EXTERNAL GRANTS TOOLKIT</b> <ul style="list-style-type: none"> <li>CRD External Grants Process</li> <li>CRD Proposal Review Form</li> <li>CRD Grant Proposal Scorecard</li> <li>CRD Board Policy – Grants (Under Development)</li> </ul>  | <b>GRANT AGENCY DRIVEN PROCESS</b> <ul style="list-style-type: none"> <li><b>CWF:</b> CRD receives funds according to the UBCM-CRD CWF Agreement, which is set under the <i>Administrative Agreement on the Federal Gas Tax Fund in BC</i> (Gas Tax Agreement)</li> <li><b>RDBG:</b> Paid to Regional Districts once a year; typically about \$60,000/year for CRD.</li> </ul>                           | <b>CRD CWF TOOLKIT</b> <ul style="list-style-type: none"> <li>CRD CWF Process Map</li> <li>CRD CWF Toolkit</li> </ul>  | <b>CRD GIA GUIDELINES</b> <ul style="list-style-type: none"> <li>GIA Application Guide</li> <li>GIA Application Form</li> </ul>   |
| 6. HOW IS THE GRANT FUNDING OBTAINED?                               | <b>BY A CLAIMS PROCESS</b> <ul style="list-style-type: none"> <li>Unique to each grant program</li> <li>Driven by the grant program</li> <li>Grant programs dictate eligible vs. ineligible costs</li> </ul>   | <b>GRANT FUNDS PAID UPFRONT</b> <ul style="list-style-type: none"> <li><b>CWF:</b> Paid to CRD in bi-annual installments; funds are allocated to the Electoral Areas on a population distribution formula.</li> <li><b>RDBG:</b> Paid to Regional Districts once a year; typically about \$60,000/year for CRD; funds are used to cover financial administration services to Electoral Areas.</li> </ul> | <b>GRANT FUNDS PAID UPFRONT</b> <ul style="list-style-type: none"> <li>Funds are disbursed to approved projects</li> <li>Funded projects are tracked in the CRD Grants Library</li> <li>Funded projects are reported in the UBCM Annual Expenditures Report under the provisions of the Gas Tax Agreement.</li> </ul>  | <b>GRANT FUNDS PAID UPFRONT</b> <ul style="list-style-type: none"> <li>Funds are disbursed to approved projects</li> <li>Funded projects are tracked in the CRD Grants Library</li> </ul>   |
| 7. WHERE IS INFORMATION ON CRD'S GRANTS WORK KEPT?                  | <b>INTERNAL / EXTERNAL</b> <ul style="list-style-type: none"> <li>Internally: CRD Grants Library on SharePoint</li> <li>Externally: CRD Website – Financial Section</li> </ul>   | <b>INTERNAL</b> <ul style="list-style-type: none"> <li>Internally: CRD Grants Library on SharePoint</li> </ul>   | <b>INTERNAL</b> <ul style="list-style-type: none"> <li>Internally: Grants Library on SharePoint</li> </ul>   | <b>INTERNAL</b> <ul style="list-style-type: none"> <li>Internally: CRD Grants Library on SharePoint</li> </ul>  |
| 8. HOW IS GRANT ACTIVITY REPORTED?                                  | <b>BOARD:</b> <ul style="list-style-type: none"> <li>Monthly External Grants Report/Dashboard</li> <li>External Grants Outcomes Report</li> </ul> <b>STAFF:</b> <ul style="list-style-type: none"> <li>Grant Opportunity Alerts</li> <li>CRD Grants Weekly</li> <li>CRD Grants Dashboard</li> </ul>  | <b>BOARD:</b> <ul style="list-style-type: none"> <li>CWF: Quarterly CWF Outcomes Report</li> <li>RDBG: Reported upon receipt in the External Grants Report/Dashboard</li> </ul> <b>STAFF:</b> <ul style="list-style-type: none"> <li>CRD Grants Weekly (upon receipt of grant)</li> <li>CRD Grants Dashboard (RDGB upon receipt)</li> </ul>  | <b>BOARD:</b> <ul style="list-style-type: none"> <li>Quarterly CWF Outcomes Report</li> <li>Custom report available upon request based on CWF Data in the CRD Grants Library</li> </ul> <b>STAFF:</b> <ul style="list-style-type: none"> <li>Custom report available upon request based on CWF Data in the CRD Grants Library</li> </ul>   | <b>BOARD:</b> <ul style="list-style-type: none"> <li>Monthly GIA grant approvals</li> <li>Custom report available upon request based on GIA Data in the CRD Grants Library</li> </ul> <b>STAFF:</b> <ul style="list-style-type: none"> <li>Custom report available upon request based on CWF Data in the CRD Grants Library</li> </ul>  |



Making a difference...together

## Juan de Fuca Community Planning Orientation

### JUAN DE FUCA ELECTORAL AREA

The Juan de Fuca Electoral Area (JdF EA) encompasses the southwest coast of Vancouver Island from the community of Otter Point to Port Renfrew, and includes the geographically separate communities of East Sooke, Malahat and Willis Point. It also includes the Chatham and Discovery Islands, which lie to the east of Oak Bay.

The JdF EA is within the traditional territory of several First Nations, including but not limited to: the Pacheedaht, Malahat, T'Sou-ke, Scia'new and Songhees.

The present JdF EA is a consolidation of those parts of the former View Royal, Langford and Sooke Electoral Areas that were not included when large portions of those areas incorporated. Upon incorporation of the District of Sooke in 1999, the remaining portion of Sooke Electoral Area was combined with the Langford Electoral Area to form the Juan de Fuca Electoral Area.



## **JdF COMMUNITY PLANNING ADMINISTRATIVE STRUCTURE**

The Capital Regional District (CRD) serves as the local government for the Electoral Area, and most administrative functions are handled from offices in Otter Point, Langford and Victoria.

The community planning service to the JdF EA is provided by the office in Otter Point.

The CRD Board is the land use decision making body for the Electoral Area, which is represented at the Board by the Regional Director.

The Province enacted *BC Regulation 65/90* to establish two voting blocks of the Board to consider decisions regarding Part 14 of the *Local Government Act (LGA)*. Members of Voting Block A consider items in the former Sooke Electoral Area (East Sooke, Otter Point, Port Renfrew, Rural Resource Lands and Shirley/Jordan River). Members of Voting Block B consider items in the former Langford Electoral Area (Malahat and Willis Point).

The Juan de Fuca Development Application Regional Growth Strategy Consistency Policy, adopted November 14, 2012, directs the full CRD Board to make a determination of consistency with the Regional Growth Strategy for all applications to amend an official community plan (OCP) bylaw or zoning bylaw in the Rural Resource Lands area.

Land use planning items in the JdF EA that are outside the scope of Part 14, such as strata conversions, soil deposit and removal permits, or resolutions to the Liquor and Cannabis Branch, are voted on by all CRD Board members.

The Board is subject to Bylaw No. 3828, CRD Board Procedures Bylaw, which establishes how the Board and its committees and commissions operate. Bylaw No. 3166 further establishes specific terms and powers for the Juan de Fuca Land Use Committee (LUC).

Advisory Planning Commissions (APCs) are established in accordance with the *Local Government Act* by Bylaw No. 2945 to advise the Land Use Committee on land use matters. APCs have been established to represent each of the 6 communities within the JdF EA.

A single, consolidated Board of Variance has been established for the JdF by Bylaw No. 4288.

The Agricultural Advisory Planning Commission was established by Bylaw No. 3517 to advise the Land Use Committee on items referred to them.

The JdF Economic Development Commission membership, under Bylaw No. 3064.

Bylaw No. 3462, CRD Delegation of Development Permit Approval Authority Bylaw, 2009, delegates authority for the issuance of development permits that do not include a variance to the General Manager, Planning and Protective Services.

The JdF Soil Removal or Deposit Bylaw No. 3941 also includes delegation authority to the General Manager, Planning and Protective Services, for issuance of soil permits.

## PLANNING LEGISLATION AND BYLAWS

Planning in the JdF EA is governed by provincial legislation including the *LGA* and the *Community Charter (CC)*, although many federal and provincial enactments also affect land use decisions and development at the local level.

The CRD has adopted a **Regional Growth Strategy** (Bylaw No. 4017) pursuant to Part 13 of the *LGA*. Section 445 of the *LGA* requires that all bylaws adopted and services undertaken by a regional district must be consistent with the regional growth strategy.

The CRD has adopted seven **official community plan (OCP)** bylaws in the JdF EA. Division 4 of Part 14, *LGA*, sets out the minimum required content and process for development of the plan. An OCP is a statement of objectives and policies to guide decisions on planning and land use management under the purview of local government.

The JdF EA has seven OCP bylaws:

- Bylaw No. 4001, Official Community Plan for Shirley-Jordan River, Bylaw No. 5, 2018;
- Bylaw No. 4000, Official Community Plan for East Sooke, Bylaw No. 5, 2018;
- Bylaw No. 3819, Official Community Plan for Otter Point, Bylaw No. 1, 2014;
- Bylaw No. 3721, Official Community Plan for Malahat, Bylaw No. 1, 2012;
- Bylaw No. 3591, Official Community Plan for the Rural Resource Lands, Bylaw No. 1, 2009;
- Bylaw No. 3109, Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003;
- Bylaw No. 3027, Comprehensive Community Plan for Willis Point, Bylaw No. 1, 2002.

The Development Approval Information Bylaw Nos. 2975 and 3031 establish procedures and policies on the process for requiring development approval information where official community plans specify circumstances and areas in which development approval information may be required from an applicant.

Zoning bylaws regulate the use and density of land and buildings, establish standards of works and services, make provisions for protected heritage properties, and establish boundaries for different zones. Division 5 of Part 14 *LGA* outlines the scope available to local government to adopt **zoning bylaws**. Some limitations apply to local government authority to regulate land, such as in relation to farming, resource extraction and forest practices.

The JdF EA has five zoning bylaws that include subdivision servicing requirements, two subdivision bylaws and one mobile home park bylaw:

- Bylaw No. 3602, Rural Resources Lands, Land Use Bylaw No. 1, 2009;
- Bylaw No. 3109, Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003;
- Bylaw No. 3027, Comprehensive Community Plan for Willis Point, Bylaw No. 1, 2002;
- Bylaw No. 2040, Juan de Fuca Electoral Area Land Use Bylaw, 1992;
- Bylaw No. 986, Langford Subdivision Bylaw, 1982.

- Bylaw No. 980, Malahat Zoning Bylaw, 1981;
- Bylaw No. 377, Mobile Home Parks Bylaw No. 1, 1977.
- Bylaw No. 189, Juan de Fuca Subdivision Bylaw, 1974;

### ***JUAN DE FUCA LAND USE COMMITTEE***

The Juan de Fuca Land Use Committee (LUC) was established under Bylaw No. 3166 and is comprised of the elected Electoral Area Director and one elected nominee from East Sooke, Malahat, Otter Point, Port Renfrew, Shirley/Jordan River, and Willis Point. The members are nominated by their community through an election process during the municipal election, and are appointed to a four-year term by the Board. Should an individual not be nominated or a member resign, the Director may submit to the Board the name of a person who is willing to serve as a committee member for that community or call a by-election for a nominee.

The role of the LUC is to provide recommendations to the Board primarily on Part 14 development applications, bylaws and policies based upon their consideration of the impacts and benefits to the broader community. The LUC also considers items affecting all of the Electoral Area related to planning such as the Soil Deposit and Removal Bylaw and the RGS that are referred from the Electoral Area Director or the CRD Board. The LUC considers items presented in a staff report and makes a recommendation on the application, bylaw or policy to the CRD Board for decision.

### ***ADVISORY PLANNING COMMISSIONS***

The opinions and views of the general public are considered an important part of the review of applications and the development of policies and plans. The CRD has established several APCs under Bylaw No. 2945 to facilitate public involvement in the planning process. Regional Districts establish APCs by bylaw under Section 461 of the *LGA*. This section states that the bylaw must provide for the composition and manner of appointing members, the procedures for the APC, how matters are referred to the APC and membership requirements.

The purpose of an APC is to advise the LUC and the Board on all matters respecting land use, community planning or proposed bylaws and permits primarily under Part 14 of the *LGA* that are referred to the APC by the LUC or the Board. An APC is consulted on:

- Development application amendments to a zoning or OCP bylaw
- Agricultural Land Reserve referrals
- Temporary use permits
- Assisting in the comprehensive review and development of
  - Zoning bylaws
  - RGS amendments in JdF EA
  - OCPs
  - Agricultural plans
  - Transportation plans
- other matters referred by the LUC

The APC is asked to advise the LUC of any community impacts, concerns or issues related to the referral item.

Comments, concerns and advice from the APC will form part of a comprehensive report prepared by Planning staff for presentation to the LUC on the development proposal, bylaw, or issue. The APC makes no final decisions and the LUC and Board may accept or reject any advice from the APC; however, where an APC has been established, its advice and recommendations will carry considerable weight.

When considering applications, the APC should consider the relevant OCP policies and zoning regulations to determine how the application fits in with the stated objectives of the community. Consideration is also given to the benefits that may accrue to the community, if the application is approved.

### **AGRICULTURAL ADVISORY PLANNING COMMISSION**

The Agricultural Advisory Planning Commission (AAPC) was established under Bylaw No. 3517. The AAPC is to provide advice to the LUC, CRD Board and staff regarding agricultural issues and the potential impact of planning decisions on agriculture. The AAPC is consulted on:

- Applications initiated under the *ALC Act*
- Referral applications impacting agriculture
- The review and development of
  - Bylaws
  - RGS amendments in JdF EA
  - OCPs
  - Agricultural plans
  - Farm 'edge' policies
  - Parks and recreation plans, and
  - transportation plans.
- Major development proposals with potential to impact agriculture, and
- Other matters referred to it by the LUC.

In reviewing applications, plans, proposals or issues the AAPC considers the following:

- The effect of the proposal on agricultural potential;
- The effect of the proposal on adjacent Agricultural Land Reserve (ALR) properties and surrounding agricultural production;
- The effect of the proposal on water resources and transportation issues;
- A rating of the priority or impact of the application on the maintenance of the ALR;
- Where appropriate, possible alternatives to the proposal; and
- The identification of issues relating to the protection of the ALR land specific to the application, including the use of appropriate buffering techniques aimed at enhancing land use compatibility.

## **BOARD OF VARIANCE**

Division 15 – Board of Variance and Division 14 – Non-Conforming Use and Other Continuances of the *LGA* require the establishment of a Board of Variance (BOV) and outline the procedure and its role in granting a minor variance or exemption to relieve hardship. The JdF BOV was established under Bylaw No. 4288 and is comprised of three members.

The purpose of a BOV is to consider development applications where an applicant is requesting a minor variance to relieve hardship from a zoning provision. Often, this involves applications for additions or structural changes to buildings and structures deemed legal non-conforming due to siting. If a major variance is requested or a development permit is involved or the applicant wishes to legalize a non-conforming building, the variance is considered as a development variance permit by the LUC.

In consideration of the requested variance, the members of the BOV must consider whether the zoning regulation in question presents a hardship, and whether the variance does not:

- result in inappropriate development of the site,
- adversely affect the natural environment,
- substantially affect the use and enjoyment of adjacent land,
- vary permitted uses or densities under the applicable bylaw, or
- defeat the intent of the bylaw.

A BOV decision may not conflict with a covenant registered under Section 219 of the *Land Title Act* or Section 24A of the *Land Registry Act*, or deal with a matter that is covered in a land use permit or a land use contract permit, or that is covered by a phased development agreement under Division 12, or deal with a flood plain specification under Section 524(3) or Part 15 – Heritage Conservation of the *LGA*. The decision of the BOV is final.

## **ECONOMIC DEVELOPMENT COMMISSION**

The Economic Development Commission (EDC) is established through Bylaw No. 3064. The EDC mandate is to develop and promote an economic development strategy for the JdF EA and to assist in preserving and strengthening existing business, attracting new business and coordinating local economic development initiatives.

## **JUAN DE FUCA ELECTORAL AREA PARKS AND RECREATION ADVISORY COMMISSION**

The Commission is established under Bylaw No. 3763 and has been delegated advisory powers with respect to the development, maintenance, and operation of community parks, recreational facilities and equipment, and the organization and conduct of recreational programs. The Commission has approved a Community Parks Strategic Plan (March 2010) and recommends to the CRD Board the acquisition of additional park lands, or cash-in-lieu agreements, which are deposited in a land acquisition account. There are currently 22 community parks and a variety of trails in the JdF EA, for which the Community Parks Manager provides administrative support to the Commission and oversees development, operations and maintenance services. Additional recreational opportunities are provided by the Willis Point Fire Protection & Recreation Facilities Commission and the Sooke &

Electoral Area Parks and Recreation Commission (for East Sooke, Otter Point, Shirley and Jordan River).

## **DEVELOPMENT APPLICATIONS**

The JdF Community Planning office provides land use planning services for the JdF EA. Key functions include review and administration of OCPs, zoning bylaws and development applications. The Planning office also responds to referrals from various agencies and departments respecting land use and servicing matters affecting the JdF EA.

Bylaw No. 3885, establishes fees and procedures for development applications in the JdF EA. This bylaw outlines processes for review of application and public consultation.

Types of Part 14 *LGA* applications received by JdF Community Planning include:

- Development permits
- Variances
- Floodplain exemptions
- Subdivisions
- Temporary use permits
- Zoning amendments
- OCP amendments

Other applications received or referred to JdF Community Planning include:

- Soil removal or deposit
- Strata conversion
- Agricultural Land Reserve
- Cannabis retail licences
- Liquor licences
- Radio communication and broadcasting antenna system proposals

The following policies have been approved for guiding review of applications:

- JdF Cannabis Retail Licence Application Policy
- JdF Radio communication and Broadcasting Antenna Systems Application Policy
- JdF Building Conversion to Strata Application Policy
- JdF Development Application Regional Growth Strategy Consistency Policy

## **RESOURCES**

### **CRD WEBSITE**

[www.crd.bc.ca](http://www.crd.bc.ca)

### **JUAN DE FUCA ELECTORAL AREA**

[www.crd.bc.ca/jdf](http://www.crd.bc.ca/jdf)

Provides links for the following services and administrative functions:

- Animal Control
- Building Inspection
- Bylaw Enforcement
- Drinking Water
- Fire & Emergency Programs
- Grants in Aid
- Libraries & Museums
- Parks & Recreation
- Waste & Recycling
- Wastewater & Sewer

### **JUAN DE FUCA ELECTORAL AREA BYLAWS**

[www.crd.bc.ca/about/document-library/documents/bylaws](http://www.crd.bc.ca/about/document-library/documents/bylaws)

### **JUAN DE FUCA ELECTORAL AREA COMMITTEES/COMMISSIONS**

[www.crd.bc.ca/about/board-committees/board-committees-and-commissions](http://www.crd.bc.ca/about/board-committees/board-committees-and-commissions)

Provides links to the agendas and minutes for CRD committees and commissions and provides a subscribe option to be notified of when agendas and minutes for individual memberships are added or updated.

### **PROVINCIAL LEGISLATION RELATED TO THE JUAN DE FUCA ELECTORAL AREA**

[www.bclaws.ca/](http://www.bclaws.ca/)

Link to library of all Provincial enactments.

#### *Community Charter*

[www.bclaws.ca/civix/document/id/complete/statreg/03026\\_00](http://www.bclaws.ca/civix/document/id/complete/statreg/03026_00)

*Local Government Act*

[www.bclaws.ca/civix/document/id/complete/statreg/r15001\\_00](http://www.bclaws.ca/civix/document/id/complete/statreg/r15001_00)

*Strata Property Act*

[www.bclaws.ca/civix/document/id/complete/statreg/98043\\_00](http://www.bclaws.ca/civix/document/id/complete/statreg/98043_00)

**ADDITIONAL RESOURCES**

Rural Subdivisions - Ministry of Transportation and Infrastructure

[www.th.gov.bc.ca/DA/Subdivision\\_Home.asp](http://www.th.gov.bc.ca/DA/Subdivision_Home.asp)

Agricultural Land Reserve Applications – Agriculture Land Commission

[www.alc.gov.bc.ca/alc/content/home](http://www.alc.gov.bc.ca/alc/content/home)

Natural Resource Licences and Permits – FrontCounterBC

[www.frontcounterbc.gov.bc.ca/](http://www.frontcounterbc.gov.bc.ca/)

Sewerage – Island Health

[www.islandhealth.ca/learn-about-health/environment/sewerage-subdivision](http://www.islandhealth.ca/learn-about-health/environment/sewerage-subdivision)

**JDFA LOCAL AREA SERVICES BUILDING - ADMINISTRATION**

Community Planning and Building Inspection Services are provided through the JdF Local Area Services building in Otter Point; however, the CRD Fisgard Street office provides Building Inspection service for Malahat and Willis Point.

The JdF EA Parks and Recreation Manager is located in the JdF building and reports to the Regional Parks, Parks and Environmental Services Division.

The JdF EA Emergency Program Coordinator is also located in the JdF building but does not have regular building hours. This contract position reports to the Senior Manager, Protective Services.

Planning, Building Inspection, Bylaw and Emergency Services report to the General Manager, Planning and Protective Services.

Generally, all requests for information from committee or commission members should be directed to the Manager, JdF Community Planning, Manager, Building Inspection, or to the Manager, Parks and Recreation or to the Emergency Program Coordinator, as appropriate.

## Notice of Vacancy

## Advertisement for Notice of Vacancy

# Saturna Island Parks and Recreation Commission (SIPRC) Vacancy

The Capital Regional District (CRD) invites applications from those interested in sitting on the Saturna Island Parks and Recreation Commission (SIPRC).

The SIPRC delivers the community parks service on behalf of the CRD. It is responsible for planning and supporting recreation programs as well as maintaining and operating Saturna's community parks. The term of office is from August 2019 to December 2020.

Please send us a one-page summary telling about yourself, and why you would like to volunteer on the Commission. **Deadline for applications is July 30, 2019.** Email your application to: [saturnainfo@crd.bc.ca](mailto:saturnainfo@crd.bc.ca)

