

July 25, 2022

## Local Community Commission Advisory Committee

### Statement Concerning Proposed Bylaws

#### Mandate, Composition and Deliberations of the Advisory Committee

The Local Government Act allows regional districts to establish and delegate authority to an elected Local Community Commission (LCC) and the SSI CRD Director formally initiated the process to establish such a body on January 5, 2022. As part of this process, the Local Community Commission Advisory Committee (LCCAC) was established by the SSI CRD Director in March to provide recommendations to CRD regarding bylaws establishing an elected LCC on Salt Spring, to be considered by voters at the same time as the October 15 election.

The Committee is comprised of representatives (listed below) of the four island-wide CRD Commissions (Parks and Recreation, Transportation, Community Economic Sustainability, and Liquid Waste), the two large Improvement Districts (North Salt Spring Water and the Fire District), and two members at large.

The Advisory Committee held several virtual meetings during the spring and summer to review the LCC Discussion Paper and proposed bylaws with CRD staff. Two meetings were held in public to seek input from the community and several in camera with CRD staff to review draft bylaws and formulate recommendations. The minutes of these meetings are available at the local CRD administration office and the library, or can be provided on request by the Advisory Committee Chair, Gayle Baker ([gayle@harbourtownhistories.com](mailto:gayle@harbourtownhistories.com)).

Concerns were expressed by some members of the public about a “rushed process,” but this process actually started well before establishment of the Advisory Committee, including the work of the Community Alliance Governance Working Group, culminating in a Discussion Paper drafted by members of that group. After a review and comments by the Advisory Committee, this paper was published in mid-May - online by the *Driftwood* and the *Salt Spring Exchange*, with hard copies available at the CRD administration office and the library. The LCC has also been discussed by the CRD Director in a dozen Islands Trust and *ASK Salt Spring* town halls, and has been the subject of two dozen *Driftwood* editorials, articles, Director reports and letters to the editor. Many of these reports, articles, and letters have been posted on local social media discussion forums.

The Advisory Committee, with some suggested revisions, endorsed the main elements of the LCC Discussion Paper and also made a number of specific recommendations to CRD staff regarding the proposed bylaws, as discussed below. Several of these recommendations were adopted in the bylaws that have now been approved by the CRD Board and will be considered by voters in a referendum held on October 15, concurrent with local government elections. These bylaws are available on the CRD website and additional information on this website, such as answers to frequently asked questions (FAQ), will also be available soon.

### **Summary of Key LCC Advisory Committee Recommendations and CRD Response**

A key concern and recommendation of the Advisory Committee is that an LCC be delegated real authority, although it is understood that the Local Government Act prohibits delegation of some CRD Board powers (e.g., final approval of budgets and bylaws). *Staff indicate that language regarding delegated authority used in the LCC bylaw is equivalent that of other commissions with delegated authority, such as the CRD Water Supply Commission. It was also pointed out that even though the CRD Director technically makes recommendations to the CRD Board regarding local issues such as budgets and bylaws, the Board virtually always supports this recommendation. A recommendation from the 5 member LCC (which includes the Director) would reinforce Board support for such recommendations.*

The LCCAC made several specific recommendations for clearer language in Section 3 of the Delegation Bylaw regarding the degree of authority over its delegated services (e.g., regarding entering into agreements, creation of strategic plans, decisions acquisition and maintenance of property, and providing direction on annual budgets). *CRD staff agreed to these recommendations. It was noted that the CRD Board has already delegated considerable spending authority to staff, particularly to the CRD CAO. However, staff also stated that in practice, this authority is never exercised without Board or Commission approval. Therefore, the intent of the proposed bylaw (as for other CRD Commissions with delegated authority) is that the LCC authorizes staff to enter into agreements but does not execute or sign them directly.*

The LCCAC recommended separation of the establishment and delegation bylaws (the former identifies the services over which the LCC has authority, the latter defines the degree of authority). This approach provides for greater flexibility in amending the services and authority of the LCC as experience is gained with this elected body. *CRD Staff agreed to separate the bylaws, but point out that voters will still have to approve a significant increase the number of services overseen by the LCC. However, it was also suggested that the requirement for voter approval is a fundamental democratic principle.*

The LCCAC recommended that, in addition to the 8 services now overseen by four island-wide commissions, all local CRD services be delegated immediately to the LCC. *CRD Staff added more delegated services than originally proposed (e.g., Grants in Aid and Compensation for Livestock Injury), and also included several advisory services (CRD contribution services for the library, the arts, and Search and Rescue) in the delegation bylaw, simplifying future delegation of authority to these three services. Some services such as Emergency Planning and CREST were not delegated to the LCC because they are delivered regionally.*

LCCAC recommended inclusion of Community Works Funds (CWF) and Stormwater Management, *but these were excluded from the list of delegated services. CRD Staff explained that a significant proportion of funding from these services are allocated to area-specific services water and sewer services which are not currently proposed as part of LCC authority because they essentially have their own elected, ratepayer representation. It was also pointed out that Section 5 of the Establishment Bylaw states that the Director “may consult with the LCC on matters of local importance” which will help ensure coordination of CWF and Stormwater funding decisions.*

The LCCAC recommended stronger wording in Section 5 to ensure the CRD Director consults with the LCC on non-delegated services. *Staff pointed out that the Local Government Act stipulates that the discretion of the CRD Director regarding regional issues cannot be fettered. The same applies to CRD Directors representing municipalities at the CRD Board. Staff also noted that collaboration between the CRD Director and other LCC members on non-delegated issues is ultimately a political commitment.*

The LCCAC believes that the consolidation of four existing island-wide commissions may involve some additional staff support during a transition period, but will ultimately free up staff time and significantly mitigate any additional staff costs required to support an elected body. Furthermore, the Advisory Committee contends that the CRD Director and the LCC, will ultimately decide on the required staffing, as experience is gained with this elected body. *CRD staff believe that despite consolidation, the same staff reports on projects and issues are likely to be required, and that elected officials may be more demanding of staff time. They have estimated a preliminary operating cost of \$168,000 per year for the LCC.*

The LCCAC objected to Section 4 of the Establishment Bylaw stipulating that the LCC requires Board approval to create an advisory commission. *CRD staff indicate this refers to the LCC creating formal advisory bodies to the CRD that would require additional staff support. This provision would not prevent individuals or groups themselves from forming ad hoc advisory bodies.*

The LCC Discussion Paper and the Advisory Committee in previous meetings supported an LCC comprised of six SSI individuals plus the Director. *CRD staff and Director Holman*

*believe that increasing the number of elected CRD officials from one to five is a significant broadening of representation that could also be increased in the future.*