

LCC Advisory Committee (LCCAC) Minutes and recommendations to CRD Meeting of June 24, 2022

In attendance:

LCACC: Gayle Baker (Chair), Darryl Martin (Vice-Chair), Sonja Collumbin, Peter Meyer (Alternate for Mary Richardson), Mike McCallister, Kees Ruurs, Director Gary Holman.

Regrets: Jamie Holmes, Gerard Zentner.

Discussion Paper Authors: Brian Webster

CRD Staff: Kristen Morley, Karla Campbell

1. Territorial Acknowledgment

By Director Holman.

2. Draft LCC Bylaw

The discussion started on the issue of separating the establishment and delegation bylaws (the former identifies the services over which the LCC has authority, the latter defines the degree of authority). Staff clarified that the bylaws would be separated, but that the establishment bylaw should clearly list the services and that expansion of this list requires voter approval. The delegation bylaw, including future changes that may enhance or reduce the LCC's degree of authority, does not require voter approval.

There remains a concern that even separation of the bylaws will still require a potentially costly voter approval process to increase the scope (i.e., number of services overseen) of the LCC. CRD staff indicated that such costs would be much lower for an Alternative Approval Process (AAP or "counter-petition" which has had mixed success on SSI), conducting a referendum during an election, or in conjunction with another referendum. Staff also indicated that the Ministry could approve a change in the establishment bylaw without voter approval.

Recommendation: Split the bylaw into an establishment and delegation bylaw, add to the list of services under section 10 (Advisory Authority), and strengthen the language in section 11, all to ensure information sharing and collaboration between the LCC and CRD Director, and increase the likelihood that the Ministry would approve additional services to be delegated.

Section 3. Delegated Authority

CRD staff will check whether all PARC services have been included.

Discussion of Community Works Funds (CWF), which Director Holman has previously incorrectly stated would be overseen by an LCC, has been excluded from the list of delegated services. Staff explained this was because a significant proportion of CWF funding is allocated to area-specific services which are not currently proposed as part of LCC authority. Director Holman pointed out that section 11 (LCC and CRD Director) of the draft bylaw stating that the Director “may consult with the LCC on matters of local importance” will help ensure coordination of CWF allocation decisions. (Note: A substantial portion of CWF funding has been allocated to a number of island-wide and area-specific services in their respective capital plans, plus a recent commitment of \$1 million for the construction of a new fire hall.)

Staff indicated that the consolidation of four existing island-wide commissions under an elected LCC may not free up as much staff time as expected since the same staff reports on projects and issues are likely to be required, elected officials may be more demanding of staff time, and the additional orientation of LCC Commissioners during the transition period.

Director Holman indicated he still believes that an LCC will free up staff time attending meetings, particularly once the transition period has passed. For this reason, he believes the addition of several CRD services to the LCC’s delegated and advisory authority would not significantly increase staff support costs compared to the status quo. (Note: Beyond initial approval of their requisitions, the three contribution services do not require ongoing staff support for operations. Also, while the Stormwater service plays a role in, and provides some funding for SSI Water Protection Alliance projects, it is a standalone service that is also completely separate from CRD water districts.)

Recommendation: Add the three contribution services (Library, Arts, Search and Rescue – already designated under Advisory Authority) plus the Stormwater Quality Management to the list of delegated services in section 3.

Recommendation: Provide stronger wording in section 9 to ensure Director consults with the LCC on non-delegated services (see below).

Section 4:

Concern raised that the degree of authority for the LCC does not appear to be equivalent to other CRD Commissions (e.g., Peninsula Waste Water Commission) with delegated authority. Staff indicate that language used for the LCC bylaw may be different compared to other, more dated bylaws, but that the level of authority is equivalent or similar. Staff agreed to consider changes in

language to clarify the intent of the bylaw, as well as limitations on delegation by the Local Government Act (LGA).

The fact that the degree of delegated authority can be enhanced without voter consent could mitigate LCC Advisory Committee concerns, although it was also pointed out that if the LCC did not perform well, its authority could also be reduced by the CRD Board. Director Holman pointed out that even though the CRD Director technically makes recommendations regarding local issues such as budgets and bylaws, the Board virtually always supports this recommendation. His view is that a recommendation from the LCC (which will include 5 elected representatives, including the Director) would reinforce Board support for such recommendations.

Specific question regarding 4(a) why entering into agreements (e.g., with contractors) is a “recommendation” and not “direction” and that the District’s services and works should be specified as local. CRD staff indicate 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 with other CRD Commissions with delegated authority) is that the LCC authorizes staff to enter into agreements but does not execute or sign them directly

A related question arises regarding the wording of 4(e) which suggests that the LCC itself would have authority to acquire and dispose of property acquisition rather than directing staff to do so.

Recommendation: Include language in the “Whereas” and other sections of the bylaw (e.g., sections 5 and 6) clarifying that the Local Government Act prohibits some CRD Board powers (e.g., budgets, bylaws, etc.) from being delegated.

Recommendation: Clarify that the LCC would authorize agreements, acquisition / disposition of property but does not execute them.

Section 8:

Language seems to contradict section 4 delegating administrative powers to the LCC. Staff indicated that section 4 applies to specific delegated services whereas section 8 is a more general provision.

Recommendation: Clarify language to ensure no real or apparent contradiction between sections 4 and 8.

Section 9:

“The Commission shall not create an advisory commission without CRD Board approval” seems paternalistic, a measure solely aimed at protecting staff, and heightens concern that consolidation of Commissions would result in loss of community engagement and expertise.

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. Director

Holman noted that the LCCAC itself was formed without CRD Board approval. Staff also indicated that the dissolution of existing commissions does not happen automatically if voters approve an LCC, but rather requires separate CRD Board action.

Recommendation: Remove section.

Section 10: Advisory Authority

Question about whether the Ministry might be more likely to add services in the section 10 to the LCC scope or jurisdiction without voter approval. Adding to list of advisory services is justified by fact that Section 9 already indicates that CRD Director will be consulting with the LCC on non-delegated services.

The Director Holman and the LCCAC also believe that consolidation of the four CRD island-wide services will free up some staff time that will be needed for more formal reporting to the LCC regarding these services. (Note: The Emergency Program is primarily administered as part of a sub-regional program for the three Electoral Areas in the CRD. An Executive Committee that includes CRD regional staff, local contracted SSI coordinators, CRD Director and SSI Fire District would continue, but would brief the LCC on occasion as required.)

Recommendation: Add EA Admin, Emergency Program, Community Works Fund Emergency Program, House Numbering, and Livestock Injury Compensation to section 10 to ensure Director consults, coordinates and shares information with the LCC on these services, and to increase likelihood of voter or Ministry approval of including some of them on the list of delegated services in the future.

Section 11:

The intent is to help ensure coordination and collaboration between the Director and other members of the LCC.

Recommendation: Amend wording to: "The Director shall consult with the Commission regarding all services not delegated to the LCC and on other matters of local importance, but is not bound by that advice or direction. The Commission cannot restrict ... etc."

Section 15: Composition and Term

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.

Recommendation: That the LCC Commission shall have 5 voting members, each with one vote, including the CRD Director plus four individuals qualified in accordance with this bylaw to act as commissioners.

