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## REPORT TO GOVERNANCE COMMITTEE MEETING OF WEDNESDAY, JUNE 01, 2022

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**SUBJECT**     Victoria Family Court Committee – Central Saanich Withdrawal Request

### **ISSUE SUMMARY**

The District of Central Saanich has requested to withdraw from the Victoria Family Court and Youth Justice Committee (the “Committee”).

### **BACKGROUND**

The District of Central Saanich has asked to withdraw from the Victoria Family Court and Youth Justice Committee and its associated funding and operations service, operated under Bylaw No. 2560, “Family Court Committee Extended Service Establishment Bylaw No. 1, 1997” (the “Service”).

In 1998, Central Saanich, North Saanich, and Sidney joined the Committee and the Service. Until 2010, participation on a family court committee was mandatory for local governments in areas whose municipalities or electoral areas were served by family courts. It is no longer mandatory.

Committee and service participants include all regional municipalities and the Juan de Fuca Electoral Area. Salt Spring and the Southern Gulf Islands Electoral Areas are not participants in the Committee or the Service.

### **ALTERNATIVES**

#### *Alternative 1*

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4493, “Family Court Committee Extended Service Establishment Bylaw No. 1, 1997, Amendment Bylaw No. 4, 2022”, be introduced, and read a first, second, and third time;
2. That Bylaw No. 4493 be referred to the participants for consent on behalf of the electors, and if successful, forwarded to the Inspector of Municipalities for approval.
3. That Bylaw No. 4494, “Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022, Amendment Bylaw No. 1, 2022”, be introduced, read a first, second, and third time.

#### *Alternative 2*

That this report be referred back to staff for additional information.

### **IMPLICATIONS**

#### *Service Delivery Implications*

Withdrawal of a participant will leave the Committee with a gap in its region-wide focus, however, the Committee existed from the late 1960s until 1998 without the inclusion of Central Saanich and its operations can continue uninterrupted. Withdrawal from the service means that Central

Saanich-based grant applicants and projects would be ineligible to access funding from the Committee. This may create a gap where an individual or organization, such as a student or indigenous organization, may apply for a grant for a project within Central Saanich's municipal boundaries and be ineligible for funding from the Committee.

#### *Participating Area Approval and Amendment Process*

Withdrawal from the funding and operations service requires an amendment to Bylaw No. 2560, "Family Court Committee Extended Service Establishment Bylaw No. 1, 1997". Amendment to an establishing bylaw requires both participating area approval and ministerial consent.

While the Board has an option in selecting the elector approval process, the most expedient and affordable option is to seek municipal consent to the bylaw amendment. Two-thirds of participants must be in favour of the amendment to permit Central Saanich to withdraw from the service. The municipal participants may consent on behalf of their electors at the council level, while the Juan de Fuca Electoral Area may consent by the EA Director approving the amendment in writing. If two-thirds do not consent, Central Saanich may initiate a formal service review under the *Local Government Act*, triggering a dispute resolution process, which may result in the Province permitting withdrawal from the service in any event.

An amendment to the Commission bylaw is also required for a formal withdrawal and removal of the Central Saanich representative from the Committee. Such an amendment may be read and adopted by the CRD Board without participant or ministerial approval.

#### *Financial Impacts*

Central Saanich's contribution to the service is about \$700 each year, which would be shared among the remaining participants on the basis of population. The Committee's current maximum requisition is \$15,000 per year, \$1,500 of which goes to the Capital Region Action Team, or CRAT, an unincorporated group that operates as a sub-committee of the Committee and provides programming in schools to educate youth on prostitution. The remainder is utilized for administration, web-hosting, community grants, honoraria, and events.

#### *Establishing Bylaw Amendments*

In addition to removing Central Saanich as a participant, Bylaw No. 2560 requires additional amendments and updates to receive Provincial approval that are unrelated to the withdrawal, including insertion of an alternative form of calculation of maximum requisition; clarifying that apportionment is half on the basis of population and half on the basis of assessed land and improvements amongst the participants; and removing reference to the Sooke and Langford Electoral Areas and replacing these with a reference to the Juan de Fuca Electoral Area. At the same time, it is advisable to clarify that the Committee's grant power may be used for family court initiatives as well as youth justice initiatives, given the purposes of the committee, the original intention of the grant power, and actual practice.

### **CONCLUSION**

The District of Central Saanich has requested withdrawal from the Victoria Family Court and Youth Justice Committee and the funding and operations service established under Bylaw No. 2560, "Family Court Committee Extended Service Establishment Bylaw No. 1, 1997". This can be accomplished by two-thirds consent of participants and Provincial approval of an amending bylaw, as well as an amendment to the relevant commission bylaw.

**RECOMMENDATION**

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4493, “Family Court Committee Extended Service Establishment Bylaw No. 1, 1997, Amendment Bylaw No. 4, 2022”, be introduced, read a first, second, and third time; and
2. That Bylaw No. 4493 be referred to the participants for consent on behalf of the electors, and if successful, forwarded to the Inspector of Municipalities for approval.
3. That Bylaw No. 4494, “Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022, Amendment Bylaw No. 1, 2022”, be introduced, read a first, second, and third time.

Submitted by:	Steven Carey, B.Sc, J.D., Senior Manager, Legal Services & Risk Management
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Nelson Chan, MBA, CPA, CMA, Chief Financial Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

**ATTACHMENT(S)**

Appendix A: March 11, 2022 Central Saanich Letter to Capital Regional District

Appendix B: Bylaw 4493, Family Court Committee Extended Service Establishment Bylaw No. 1, 1997, Amendment Bylaw No. 4, 2022

Appendix C: Bylaw 4494, Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022, Amendment Bylaw No. 1, 2022

Appendix D: Bylaw 2560 (Unofficial Consolidation) – Redlined