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REPORT TO GOVERNANCE COMMITTEE MEETING OF WEDNESDAY, JUNE 02, 2021

SUBJECT **Family Court Committee – Update of Review of Status and Governance**

ISSUE SUMMARY

To inform the Board of a resolution from the Victoria Family Court and Youth Justice Committee (the “Committee”) and to seek direction on establishing a delegated commission for the service.

BACKGROUND

Resolution at Victoria Family Court and Youth Justice Committee Meeting of April 21, 2021

On November 18, 2020, the CRD Board passed a motion that staff be directed to report back on the process to restructure the Committee in accordance with the delegation and governance structure recommendations set out in that report. The Board further directed that staff work with the Committee on the proposed governance recommendations, and that the report be referred out to all member municipalities.

Staff reported out to the member municipalities on January 21, 2021 to inform them of the motion and the upcoming planned consultation dates. A copy of the correspondence is included at Appendix A. No substantive response was received from the participants.

On January 27, 2021, CRD staff attended a Committee meeting and canvassed the Committee’s history and challenges (many of which are held in common with other family court committees). Staff further discussed the grant-making issue, and provided some general options for resolving structure and governance issues. On February 3, 2021, CRD staff went through each recommendation in the earlier CRD report and sought general input from Committee members through discussion.

Following these discussions, and considering comments and feedback from the members who participated, CRD staff drafted a letter dated February 26, 2021, enclosing a list of mandatory and optional governance recommendations that would rectify some of the issues faced by the committee, primarily, compliance with open meeting and record keeping legislation; ensuring the ability to provide grants to community groups without delay; and address meeting and governance conflicts. In order to gauge interest in moving forward with recommendations, CRD staff requested the Committee, acting as a whole, endorse a delegated commission model and recommend the CRD Board direct staff to proceed further with engagement and implementation. A copy of that correspondence is attached at Appendix B.

At the Committee’s regular meeting of April 21, 2021, the following motion was endorsed:

That the Victoria Family Court and Youth Justice Committee recommend to the Capital Regional District Board:

- 1. Consider creation of a delegated commission, rather than an advisory committee or commission, to continue the work of the Victoria Family Court and Youth Justice Committee;*

2. *Direct staff to continue to engage with the Committee to work to implement certain mandate, governance, and structure changes in accordance with the recommendations set out in the CRD's letter of February 26, 2021.*

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

1. That staff report back with a draft Commission Bylaw that delegates an administrative level of authority to the Victoria Family Court and Youth Justice Committee, including the power to issue grants, and that the Commission Bylaw addresses the mandate, governance and structural changes recommended by the CRD in its letter of February 26, 2021; and
2. That staff consider additional resources and support to assist the Committee with meeting management in the 2022 Service Planning process.

Alternative 2

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

IMPLICATIONS

Service Delivery Implications

The committee's primary work is to educate government of all levels on the work of youth and family justice organizations and initiatives in the region, and identify gaps where service providers or additional funding resources can intervene. Unlike other such committees, the Committee has used its service requisition to fund small youth justice projects for nearly 20 years. A regional district must clearly delegate granting powers under 263(1)(c) of the *Local Government Act*,¹ and it cannot delegate to an unincorporated association or corporation, but only to an individual (typically staff or volunteer) or to a delegated commission.

Staff have heard from Committee members that should the grant-making ability be eliminated, this would have an impact on youth projects in the community, particularly those offered to or targeted at school age students. Should the service as a whole be eliminated, the CRAT program would also lose funding. CRAT provides direct programming in schools to reach youth who may be at risk of prostitution and exploitation.

Concerns Raised at April 21, 2021 Committee Meeting

CRD's Manager of Legal Services attended the meeting at the request of the Committee Chair. The tone of the discussion was that the Committee wishes to move on and return to the business of surveying community needs and granting at the earliest opportunity. Its membership is in favour of moving forward with the broadest delegation possible in order to return to its work, with CRD supports that are available.

Individual Committee members raised the following issues and concerns during discussion:

¹ *Local Government Act*, section 263 (1)(c) Subject to the specific limitations and conditions established under this or another Act, the corporate powers of a board include the following ... to provide assistance for the purpose of benefiting the community or any aspect of the community;

- The Committee should be able to issue grants in an independent, unbiased manner as it has for some time;
- That a delegated commission model would cause changes to the Committee's scope of business and affect its ability to meet confidentially;
- Concerns of the inability to perform the legislated functions of a *Provincial Court Act* or *Youth Criminal Justice Act* youth justice committee were raised, and members want to ensure these wouldn't be restricted with a delegated commission; and
- Concerns were raised relating to the potential expense of CRD supports to the Committee.

Staff explained how the *Local Government Act* requires a delegation to enable grant-making, the nature of a delegated commission, and provided examples of grant-making and other administrative functions within the CRD. It was also explained that even as a delegated commission that the Committee could continue to discharge its legislated duties, if called upon by the Court, as confidentiality of some matters is mandated by legislation and the *Community Charter* permits closure in certain relevant circumstances.

Implications as to Consultation

Individual committee members differ in their concerns on this point. Some members were content to leave the crafting of the delegated commission bylaw to CRD, without the need for further consultation, while others wished to review the bylaw and provide feedback in advance of adoption. Engaging in this consultation may address concerns raised by some Committee members, however, it is anticipated this would be a lengthy and time-consuming process for staff, and is unlikely to result in a full consensus from Committee members. Ongoing consultation with the Committee on the form of the bylaw could be a significant time commitment and could not be absorbed into current service levels.

If a delegated commission bylaw is passed, the Committee would have authority to issue grants; clear procedural rules for running Committee meetings; the Committee's statutory mandate would be clearly set out in a bylaw; its members and volunteers would be appropriately protected under the *Local Government Act* indemnities and the CRD's volunteer insurance policy, as applicable; and the Committee and the CRD could continue to work to craft changes to that governance bylaw as necessary should problems be identified after adoption.

If no action is taken, the Committee will be unable to issue grants without an explicit referral to the CRD Board. Its work will likely continue to be delayed and without adequate supports. The governance issues it is experiencing may result in its membership dwindling and eventual withdrawal of certain participants from the service and the Committee.

Committee's Own Actions Post-Review

The Committee has taken active steps to resolve issues identified in the 2020 review. Its 2020 annual report, a point of contention in 2019 and prior, has been shortened; its website, containing its constating documents and background information, is now operational; its agendas now include specific times for resource members to present (who may then leave meetings); it is attempting to limit speaking times, keep speakers on topic, and run orderly meetings consistent with a working board; and it has provided past minutes for 2020 to the CRD for the purposes of the *Community Charter* access to records provisions and continues to assemble prior minutes.

However, the Committee is volunteer run and has not had regular CRD support since the early 2000s. It continues to struggle with administration and would benefit from support to assist in setting agendas, documenting minutes, taking attendance, and running online meetings, leaving the members of the Committee free to focus on the mandate of surveying resources in the community and the function of reviewing funding applications. Such services are provided to the Vancouver and Richmond committees by their respective local governments.

Staffing Implications

CRD's Legal Services staff have spent significant time on this matter, both in the initial review and recent engagement and consultation. Further time will need to be spent by Legal Services, Legislative Services and the Finance department to gather feedback, implement supports, and provide additional training for the Committee if it becomes a delegated commission under bylaw. There is limited capacity to meet the support needs of the Committee with existing staffing levels, however, the Committee may benefit from contracted support for its meetings in the form of clerk to assist with procedural advice and to administer online meetings.

CONCLUSION

The Committee is interested in formalizing its relationship with the CRD as a delegated commission and accessing supports, if available. To continue with the collaborative approach between service participants at the CRD and current and long-standing members at the Committee, it is recommended that the CRD Board direct staff to prepare a delegated Commission bylaw.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:

1. That staff report back with a draft Commission Bylaw that delegates an administrative level of authority to the Victoria Family Court and Youth Justice Committee, including the power to issue grants, and that the Commission Bylaw addresses the mandate, governance and structural changes recommended by the CRD in its letter of February 26, 2021; and
2. That staff consider additional resources and support to assist the Committee with meeting management in the 2022 Service Planning process.

Submitted by:	Steven N. Carey, B.Sc., J.D., Manager, Legal Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

- Appendix A: January 21, 2021 CRD Letter to Service Participants and School Districts (Example)
Appendix B: February 26, 2021 Letter from CRD to Committee