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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, MAY 11, 2022

SUBJECT **SGI and JDF Local Service Committee/Commission Bylaw Amendments – Annual General Meeting and Appointments**

ISSUE SUMMARY

To amend the Juan de Fuca and Southern Gulf Islands Electoral Areas water, sewer and utility local service bylaws to remove the requirement for annual general meetings, set out a consistent and transparent process to nominate and appoint committee members and commissioners, and to align budget approval timing with Finance Department direction.

BACKGROUND

The Southern Gulf Islands and the Juan de Fuca Electoral Areas have a large number of local water, sewer, and utility commissions and committees (Commissions). Currently, to fill membership vacancies, these bylaws require an Annual General Meeting (AGM) for the purpose of soliciting nominations or conducting an election. At such a meeting, no other business is conducted or permitted, and this process is not legislated or required by the *Local Government Act* or the *Community Charter*.

Historically, public attendance is low and it is difficult to fill vacancies through the current process due to the level of participation, partly due to absentee owners in some areas. Further, there is no way to verify how a nominee is associated with the service during the AGM process. The costs associated with holding AGM's have not been considered an effective use of service area funds, given the other budget priorities in the local services.

In lieu of holding AGMs, it is proposed that vacancies be advertised or posted locally for at least thirty days (30), with nominations or expressions of interest accepted by Capital Regional District (CRD) staff similar to other appointment processes. Once nominations close, the Electoral Area Director may review submissions, at their option, with the relevant Commission and will provide an appointment recommendation to the CRD Board. This process will occur between September and December of each year a term expires. Potential commissioners remains those individuals who own property or reside in the service area, subject to alternative wording in the Commission bylaw.

Relating to annual presentations of information, this is not done at an AGM. Annual operating and capital information reports will continue to be provided by Integrated Water Services staff at an open Commission meeting each year and annual water quality reports are published on the CRD website each spring, in accordance with the *Drinking Water Protection Act* (BC) and Island Health requirements.

The services associated with the Juan de Fuca and Southern Gulf Islands water and sewer committees/commissions and the current establishing bylaws are noted below.

Juan de Fuca

- Port Renfrew Utility Services Committee, Bylaw No. 3281
- Wilderness Mountain Water Service Commission, Bylaw No. 3511

Southern Gulf Islands

- Lyall Harbour/Boot Cover Water Local Services Committee, Bylaw No. 1875
- Magic Lake Estates Water and Sewer Committee, Bylaw No. 2339
- Skana Water Service Committee, Bylaw No. 3133
- Sticks Allison Water Local Service Committee, Bylaw No. 2558
- Surfside Park Estates Water Service Committee, Bylaw No. 3131

For clarity, this report and the proposed recommendations within it do not affect local services on Salt Spring Island. Similar amendments may be recommended for the Salt Spring Island Water and Sewer Committee/Commission bylaws in the future.

Other changes relate to standardizing these bylaws, including:

- Appointments are recommended to commence on January 1 of the upcoming year, or for mid-term vacancies, on the date of appointment, and run for a two year period or the balance of the term, as applicable.
- Additional language is added to answer common questions relating to the scope of authority held by administrative committees/commissions, including clarification that commissioners for local service committees do not engage in hands-on work or become involved in individual purchases or contracting, and that these services are provided by CRD staff or contractors and delegated under other instruments.
- Aligning the committee recommendation of the 5-year operating and capital budget for service with the District budget timetable.

ALTERNATIVES

Alternative 1

That the Electoral Areas Committee recommend to the Capital Regional District Board:

- 1) That Bylaw No. 4446 cited as, "Lyall Harbour/Boot Cove Water Local Services Committee Bylaw, 1990, Amendment Bylaw No. 1, 2022", be introduced and read a first, second, and third time.
- 2) That Bylaw No. 4446 be adopted.
- 3) That Bylaw No. 4447 cited as, "Magic Lake Estates Water and Sewer Committee Bylaw 1995, Amendment Bylaw No. 1, 2022", be introduced and read a first, second, and third time.
- 4) That Bylaw No. 4447 be adopted.
- 5) That Bylaw No. 4448 cited as, "Sticks Allison Water Local Service Committee Bylaw No. 1, 1998, Amendment Bylaw No. 1, 2022", be introduced and read a first, second, and third time.
- 6) That Bylaw No. 4448 be adopted.
- 7) That Bylaw No. 4449 cited as, "Surfside Park Estates Water Service Committee Bylaw No. 1, 2003, Amendment Bylaw No. 1, 2022", be introduced and read a first, second, and third time.
- 8) That Bylaw No. 4449 be adopted.

- 9) That Bylaw No. 4450 cited as, “Skana Water Service Committee Bylaw No. 1, 2003, Amendment Bylaw No. 1, 2022”, be introduced and read a first, second, and third time.
- 10) That Bylaw No. 4450 be adopted.

- 11) That Bylaw No. 4451 cited as, “Port Renfrew Utility Services Committee Bylaw No. 1, 2005, Amendment Bylaw No. 4, 2022”, be introduced and read a first, second, and third time.
- 12) That Bylaw No. 4451 be adopted.

- 13) That Bylaw No. 4452 cited as, “Wilderness Mountain Water Service Commission Bylaw No. 1, 2008, Amendment Bylaw No. 1, 2022”, be introduced and read a first, second, and third time.
- 14) That Bylaw No. 4452 be adopted.

Alternative 2

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

IMPLICATIONS

Service Delivery Implications

While service delivery will not change, it is anticipated that elimination of the local service AGM requirement will save the services in administrative costs. Given that, since March 2020, local service AGMs have not been held, the proposed amendments will be continuing the current status quo for appointments.

Alignment with Existing Plans & Strategies

Many other committees and commissions use a direct nomination and appointment strategy. AGMs are not required for local services nor do they currently serve a purpose for water local services, given information is shared at public meetings and legislated to be disclosed. Nominations can be obtained by individual property owners and residents expressing interest, and on being reviewed by the Electoral Area Director and the committee/commission if required.

Inclusion of language clarifying a commission’s role will provide new commissioners with further guidance, in addition to existing commission materials, explaining their role. While certain commissions, such as electoral area parks commissions, also rely on commissioners taking on a volunteer role, local service commissions act as the directing mind for a service, but do not engage directly in purchasing, contracting, or hands-on work.

Financial Implications

It is expected that an earlier budget submission deadline will lead to consistent submission of budgets for these local services early, on a timeline that will better work for the Finance Department, and ensure appropriate inclusion of these budgets into the CRD’s provisional budget each January.

CONCLUSION

The Southern Gulf Islands (SGI) and the Juan de Fuca (JDF) Electoral Areas have a number of local water, sewer and utility commissions and committees which require an Annual General Meeting (AGM) for the purpose of soliciting and accepting nominations or conducting an election from those individuals who own property or reside within the local service area, in order to fill

committee/commission membership vacancies. It is recommended that in lieu of having an AGM, the SGI and JDF Electoral Area Directors provide an appointment recommendation. Minor changes to provide clarity around a delegated commission and to allow the Chief Financial Officer to direct budget submission dates are also proposed.

RECOMMENDATION

That the Electoral Areas Committee recommend to the Capital Regional District Board:

- 1) That Bylaw No. 4446 cited as, "Lyll Harbour/Boot Cove Water Local Services Committee Bylaw, 1990, Amendment Bylaw No. 1, 2022", be introduced and read a first, second, and third time.
- 2) That Bylaw No. 4446 be adopted.
- 3) That Bylaw No. 4447 cited as, "Magic Lake Estates Water and Sewer Committee Bylaw 1995, Amendment Bylaw No. 1, 2022", be introduced and read a first, second, and third time.
- 4) That Bylaw No. 4447 be adopted.
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- 8) That Bylaw No. 4449 be adopted.
- 9) That Bylaw No. 4450 cited as, "Skana Water Service Committee Bylaw No. 1, 2003, Amendment Bylaw No. 1, 2022", be introduced and read a first, second, and third time.
- 10) That Bylaw No. 4450 be adopted.
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- 12) That Bylaw No. 4451 be adopted.
- 13) That Bylaw No. 4452 cited as, "Wilderness Mountain Water Service Commission Bylaw No. 1, 2008, Amendment Bylaw No. 1, 2022", be introduced and read a first, second, and third time.
- 14) That Bylaw No. 4452 be adopted.

Submitted by:	Ted Robbins, B.Sc., C.Tech., General Manager, Integrated Water Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

Appendix A: Bylaw No. 4446, "Lyll Harbour/Boot Cove Water Local Services Committee Bylaw, 1990, Amendment Bylaw No. 1, 2022"

Appendix B: Bylaw No. 4446 Unofficial Redlined Consolidation

Appendix C: Bylaw No. 4447, "Magic Lake Estates Water and Sewer Committee Bylaw 1995, Amendment Bylaw No. 1, 2022"

Appendix D: Bylaw No. 4447 Unofficial Redlined Consolidation

Appendix E: Bylaw No. 4448, "Sticks Allison Water Local Service Committee Bylaw No. 1, 1998, Amendment Bylaw No. 1, 2022"

Appendix F: Bylaw No. 4448 Unofficial Redlined Consolidation

Appendix G: Bylaw No. 4449, "Surfside Park Estates Water Service Committee Bylaw No. 1, 2003, Amendment Bylaw No. 1, 2022"

Appendix H: Bylaw No 4449 Unofficial Redlined Consolidation

Appendix I: Bylaw No. 4450, "Skana Water Service Committee Bylaw No. 1, 2003, Amendment Bylaw No. 1, 2022"

Appendix J: Bylaw No. 4450 Unofficial Redlined Consolidation

Appendix K: Bylaw No. 4451, "Port Renfrew Utility Services Committee Bylaw No. 1, 2005, Amendment Bylaw No. 4, 2022"

Appendix L: Bylaw No. 4451 Unofficial Redlined Consolidation

Appendix M: Bylaw No. 4452, "Wilderness Mountain Water Service Commission Bylaw No. 1, 2008, Amendment Bylaw No. 1, 2022"

Appendix N: Bylaw No. 4452 Unofficial Redlined Consolidation