

# MOTION WITH NOTICE TO THE GOVERNANCE AND FINANCE COMMITTEE

## MEETING OF JULY 3, 2019

SUBJECT: A request for CRD staff to review of the mandate, governance, finances, and communications of the Victoria Family Court and Youth Justice Committee (VFC&YJC or Committee).

### BACKGROUND:

The VFC&YJC is a long-standing Committee, first established in 1966, and currently can have up to 23 voting members: 1 Council member or public appointee from each of the 13 municipalities and 1 from each of 3 school districts in the CRD. The CRD Board appoints up to 7 members at large and the Chair, Vice Chair and Treasurer based on nominations submitted by the Committee.

The Chairs of several Sub-Committees are appointed by the VFC&YJC Chair. The Steering Committee is comprised of the Executive and Sub-Committee Chairs.

The CRD provides an amount not to exceed \$15,000 annually, as part of a CRD Service Establishment Bylaw. There is no CRD Board representative appointed to the Committee or CRD staff person assigned to Committee meetings.

Several outside agencies attend meetings to provide reports and liaise with the Committee, Steering Committee, and Sub-Committees.

### ISSUE:

Councillors Barbara Fallot and Heather Gartshore are Committee members from Sidney and North Saanich, respectively. They have attended all 5 meetings to date in 2019 (H. Gartshore alternate in February). The Councillors have brought matters regarding mandate, governance, finance and communications to the Committee, the Committee Chair, the CRD Chair, the CRD CAO, and their respective Councils.

The Councillors acknowledge that the Committee and Sub-Committees play an important role and have carried out valuable work on behalf of youth and families in the region. A CRD review would provide clarity and assist the Committee in effectively meeting legislative requirements while providing relevant and valuable service in the region.

Sidney and North Saanich Councils have recently passed unanimous resolutions requesting Directors C. McNeil-Smith and G. Orr seek the CRD Board's endorsement for a review of the VFC&YJC.

### **Governance & Mandate:**

The authority and several duties of the Committee are set out in Provincial and Federal Legislation.

- Section 5 of the Provincial Court Act establishes the **Family Court Committee**.
- Section 18 of the Federal Youth Criminal Justice Act establishes the **Youth Justice Committee**.

In addition, Section 6 of the Committee's Constitution (established by the Committee in 2010; from the 2018 Annual Report) states:

*It shall be the duty of the Family Court and Youth Justice Committee to submit annual reports and budgets to the Capital Regional District, the participating municipalities and to the Ministry of the Attorney General.*

The VFC&YJC's mandate (from the 2018 Annual Report) is:

*To be aware of the circumstances of youth and families who may come into contact with the justice system.*

CRD staff have provided the Committee with information pertaining to the CRD Service Establishment Bylaw (see CRD letter dated May 10, 2019 and the Committee Chair's reply in Appendix A).

Provincial legislation and the CRD Bylaw establishes a Family Court Committee (FCC). Clarity is requested on whether the Committee is constituted and operating such that it is meeting the Provincial, CRD and Federal (YJC) legislative requirements.

#### **Finances:**

The CRD Bylaw provides for the FCC's annual funding, and that absent CRD Board approval, the Committee may only provide a grant to the Capital Region Action Team for Sexually Exploited Youth (CRAT) of \$1,500 per year. Clarity is requested on the Committee providing CRAT with grants of \$1,000 in 2018 and again in 2019; and providing \$17,150 in four other grants in 2018 and \$9,950 in four other grants to date in 2019 absent CRD Board approval. The most recent Financial Statement (from the 2018 Annual Report) is in Appendix B.

Clarity is requested on the Committee's budgeting process as per its Constitution (above). A Budget for 2019 has not been received or approved at the Committee or the CRD to date.

#### **Communications:**

The information on the Committee's website is several years out of date: *Annual Report* and *Voting Member Contact Information* from 2013 and *Meeting Dates* from 2015.

Clarity is requested on the Committee allocating \$3,000 in September 2018 to website updates and no updates or changes have been made to the site to date.

The Committee Chair made a 2018 Annual Report presentation to the CRD Board on April 10, 2018. Clarity is requested on the Committee's 87-page Report not being available in the agenda package.

Clarity is also requested on decisions and correspondence handled by the Steering Committee that is not received by the Committee.

#### **RECOMMENDATION:**

That the Governance and Finance Committee recommend to the Capital Regional District Board:

Direct staff to conduct a review of the mandate, governance, finances and communications of the Victoria Family Court and Youth Justice Committee (VFC&YJC) and prepare a report with recommendations.

Submitted by: Cliff McNeil-Smith, CRD Director  
Geoff Orr, CRD Director

Concurrence: Colin Plant, CRD Board Chair



Making a difference...together

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May 10, 2019

File: 0360-20  
Family Court Committee

Family Court Committee

Via email: [councillorday@shaw.ca](mailto:councillorday@shaw.ca)  
[krey@sooke.ca](mailto:krey@sooke.ca)

Dear Chair Day, Vice Chair Reay and Committee Members:

**RE: Grant of Authority – Family Court Committee  
Ability to provide CRD funds to Board-approved committees**

As part of our ongoing review of CRD commissions and committees, CRD staff have reviewed the authority and mandate of the Family Court Committee (FCC), established as a funding service under the *Family Court Committee Extended Service Establishment Bylaw No. 1*, as amended (Bylaws No. 2560, 2590, 2795, and 3048).

The FCC, a *Provincial Court Act* (BC) family court committee, obtains annual funding from CRD up to a maximum of \$15,000 per year. As part of its service, the FCC must provide a budgeted portion of its funding to Board-approved committees working in the juvenile justice area. Since this requirement was introduced, the only approved committee is the Capital Region Action Team for Sexually Exploited Youth (CRAT). Absent Board approval, the FCC does not have delegated authority to provide funds as assistance to any other third party organizations. As a general rule, CRD-provided funds are unable to be used for grants to third parties outside of a service established for that purpose or a resolution of the CRD Board to provide assistance.

Since 2000, the CRD annual approved budget for the FCC has included a yearly grant to CRAT of \$1,500. Given this has been explicitly budgeted, we would expect that all other expenditures of FCC relate to the operation of FCC. It is the policy of the CRD and its Commissions to only reimburse reasonable expenses tied to the mandate of the Commission within the region.

We note that at page 56 of the Supporting Documentation for the FCC there is a grant application form, which may give third parties the impression that FCC is a granting authority. We respectfully suggest you remove this grant application form from your documents.

Should you have further questions on the FCC funding service, please contact Steven Carey, the CRD's Manager, Legal Services, at the direct line: 250-360-3128 or by e-mail: [scarey@crd.bc.ca](mailto:scarey@crd.bc.ca).

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Lapham', with a stylized flourish at the end.

Robert (Bob) Lapham, MCIP, RPP  
Chief Administrative Officer

cc: Colin Plant, Chair, Capital Regional District Board  
Kristen Morley, General Manager, Corporate Services and Corporate Officer

Attachment: Bylaws No. 2560, 2590, 2795 and 3048





May 30, 2019

VIA EMAIL

Robert Lapham, CRD CAO  
Carolyn Jenkinson, Manager of Executive Administration, and  
Board Chair, Colin Plant  
Capital Regional District  
625 Fisgard Street  
Victoria, BC V8W 1R7

Dear CAO Lapham, Board Chair Plant and Manager of Executive Administration,

Thank you for your letter regarding funding for CRAT and Victoria Family Court & Youth Justice Committee. Your letter and attachment will be shared with the committee.

I am disappointed to receive your letter (May 27, 2019, due to the email addresses being outdated) without first being asked to meet to discuss the matter. For some time, I have been trying to establish a better connection between the Victoria Family Court Committee and the CRD. We have not been included in CRD committee reviews, which I can only assume is because of the more limited role of the CRD – our membership is appointed by all 13 municipalities, 3 School Districts AND the CRD. The CRD appointments have historically been made from applicants identified by the Victoria Family Court & Youth Justice Committee based on their having special knowledge, experience and interest in the circumstances for youth and families who may come into contact with the justice system. We have only put forward those persons that have a proven record of attendance and knowledge.

I would like to know how this came to your attention and what specific concerns have been raised. Two new members have raised some concerns, but I want to be sure that I know exactly what the concerns are so that the committee can fully address them.

For the last several years I have provided power point presentations as the full annual report is large and to respect the limited time available to the Board. Due to no one agency hosting our files, and the chair and secretary generally maintaining the history of the committee alone, we have kept our founding documents (Constitution, Terms of Reference, and significant historical reports) within the annual report. I began my tenure with the committee in 2003 in an effort to understand the role and value of the committee. In 2009 I undertook to review the terms of reference and the constitution in order to address questions of procedure and to be more effective. All member agencies had input and letters were circulated to ensure that we were fully supported in our mandate and procedures.

The vice-chair has been appointed through elections and Board resolutions annually, with Kerrie Reay having been gone for at least three terms. It would appear that you referenced our website to identify membership, which is being redone due to the vice-chair position (and other aspects) being in an area of the webpage that could not be

edited. Our new website should be complete this summer and will allow for better distribution of information and collecting input.

The elected and CRD Board approved Executive is:

Chair, Councillor Day	<a href="mailto:cday@colwood.ca">cday@colwood.ca</a>	Colwood Appointment
Vice-Chair, Andrew Kerr	<a href="mailto:akerr018@gmail.com">akerr018@gmail.com</a>	Victoria Appointment
Treasurer, Bill McElroy	<a href="mailto:bill@mcelroys.ca">bill@mcelroys.ca</a>	CRD Appointment

We work very hard to ensure that we have permission to share the email addresses of members and that they are correct prior to distributing them to the CRD. This is because it can be very difficult to change a listing once it has been posted on the website (I recently noticed that the CRD website was out of date and was confirming that we had all the necessary permissions prior to distributing our listing). I believe our secretary, Ms. Marnie Essery has sent you our latest approved membership list.

Our treasurer is Bill McElroy, and the elected chair of CRAT. CRAT operated independently when I first joined Family Court in 2003. CRAT now works closely with the Victoria Family Court & Youth Justice Committee, meeting separately and operating as a subcommittee (with mostly resource agency members), and reporting out monthly and through our Annual Report. This reduces the work required by CRAT and supports both youth at risk and families.

As a committee mandated by provincial and federal legislation, I have done my best to operate in an open and accountable way. I attach the committee's 3 year strategic plan developed last year. We have used our funding to achieve our mandate which is to be aware of the circumstances for youth and families who may come into contact with the justice system. Some of our projects may be carried out by a wide variety of agencies through application to us, but all are used to inform the committee and form the basis for our reports to the Ministries, Agencies, CRD Board, Municipal Councils and School Boards. The appointed membership has approved all expenditures and the annual report has all projects listed including their budgets and sources of funding.

For your consideration and comparison - The City of Vancouver (<https://vancouver.ca/your-government/children-youth-and-families-advisory-committee.aspx>) notes the following on their website, under the subject of 'Collaboration':

*"Works co-operatively with other agencies whose activities affect constituent communities, including initiating and developing relevant projects"*

This is clearly one of the things we do via our small 'grants', although 'grant' might not be the right word, it is perhaps more properly a 'contracting out' of some of our work. For example, Restorative Justice in the CRD was launched (2004 if memory serves) with both VFCYJC funding assistance and endorsement (support letters) to allow for the development of training materials and to train RJ trainers at several stages. More than 100 volunteers now provide Restorative Justice Support throughout the CRD.

Our process has been to have committee members who propose an activity fill out a priorities application form, a subcommittee reviews the application and asks any questions they feel the committee would need answered, the application is forwarded with a recommendation and reasoning to the full committee at a regularly scheduled meeting and the committee makes a motion regarding the initiative. The process has been the same for more than 15 years, and all applications are treated in the same way, regardless if they are from an outside agency proposing a partnership initiative, or from a subcommittee suggesting a valuable workshop or special initiative.

After input from resource agencies dealing with numerous reports of youth to youth sexually harmful behavior, we used some of our funding to create the 'Children Who Display Sexually Harmful Behavior Report', done in collaboration with the Mary Manning Centre and Pacific Centre Family Services Association (2010). "A meeting of stakeholders working with youth who display sexually harmful behaviours was held at the University of Victoria on December 8, 2010. Attended by practitioners, policy makers and researchers, the meeting afforded an opportunity to review current research literature and jointly undertake analysis of gaps in service and issues that cross the fields of forensics, policy, school-based counsellors, and youth service providers. The aim of the meeting was to increase knowledge and inform planning to protect children."

Youth Mental Health has been the subject of AVICC & UBCM resolutions developed by the Victoria Family Court & Youth Justice Committee since it was identified in 2003 by Esquimalt Councillor Dr. Basil Boulton, (Millennium Report). Workshops were held, a pilot project was developed, meetings with Advanced Education, School Districts, the Premier's office and others all led up to the highly successful Belmont Youth Clinic – a much touted example of a successful school based, professional, youth health resource. A consultant was hired to help layout the proposal and incorporate feedback from stakeholder groups.

The eventual expansion of VIHA services was achieved with the support of the Saanich Peninsula Local Action Team, who helped develop a model standalone Youth Clinic in Sidney where the Schools didn't have access to a space like the Belmont Clinic. Our assistance provided the opportunity to gather statistics (a one-month project) to ensure the survival of the Peninsula Youth Clinic when issues arose with the sessional funding needed for the Dr's. The statistics made the case to the province that the clinic was a workable model, and the clinic is operating now with provincial support. Youth advocates ensured the clinic's success through word of mouth advertising and cards they designed (with VFCYJC support) and provided to youth, listing available resources. The research included indigenous input and cultural sensitivity and reduced the barriers for indigenous youth. The Youth Clinic will be presenting their follow up report to the committee in June with a written report and presentation.

It is my belief that there should be nothing done about youth and families without youth and families. To meet that goal, we must have presentations and meetings outside of our normal monthly meetings. If we moved our meetings to a time and place where youth and families could attend, we would likely not get the input we need from the resource agencies. If we only meet during the day, then it is unlikely that youth and families can attend. Therefore, both are required.

As an appointing agency, I believe the CRD is responsible for approving the CRD appointments and for ratifying the election of the executive from among those appointed by all agencies. The funding for the committee comes from all municipalities through approval at the CRD Board, which I believe was envisioned as a fair way for all municipalities to meet their legislated duty to have a Family Court Committee that meets at least four times per year in the most cost-effective manner. The CRD has been unable to provide meeting space, administrative assistance or support. The City of Victoria provides meeting space and parking, as do other municipalities from time to time. We hire our secretary to record the minutes and maintain our email account. We are in the process of signing an agreement to update our website which we expect to help maintain the history and communications of the committee.

The committee encourages members to report out to their appointing agencies in person to ensure that the circumstances for youth and families is known and questions regarding our committee can be answered. Both our North Saanich and our View Royal appointments have commented in the past that they felt that their Council's were often unaware of the issues and challenges being faced by youth and families (Dunstan Brown, Ron Mattson). Some agencies have chosen not to have those presentations, in which case the annual report provides the required information as to our budget, operations and observations.

As reported in our 2018 Annual Report, we have worked closely with MP's through the All-Party Parliamentary Group Committee to End Modern Slavery and Human Trafficking, and we were recognized with a Certificate of Appreciation from Arnold Viersen, MP and member of the All-Party Group, for our support of M-47 addressing the health affects of violent pornography on children. Further initiatives of this All-Party Group are underway. The money made from Human Trafficking surpasses the impact of illicit drugs and this is a major contributor to Gang proliferation.

I recently attended the two-day training 'Gang Reduction through informed Practice'(GRIP) organized by Mobile Youth Services (MYST) and Safer Schools Together and presented by Rob Rai, Director of School & Community Connections, Surrey School District and by Dr. Keiron McConnell, international expert in this field and member of the Surrey Mayors Task Force on Gangs. A report on this important training will be brought forward to the Victoria Family Court & Youth Justice Committee due to accelerating Gang activity in Victoria with non-traditional at-risk youth targeted through social media and affiliation with a Northern California Prison Gang, the Nortinos. The GRIP goals are: 1. Create a positive shift in the attitude of youth in regarding anti-social behavior, negative peer groups, criminality and youth gangs; 2. Create a reduction in risk factors with youth, while augmenting protective factors; 3. Create a positive shift in behaviors with youth in all five social development domains; individual, family, peer, school and community. This is a major issue that is happening right on the CRD's doorstep.

Youth Gangs are present in Centennial Square and have taken to calling themselves the 'Cen Ten's'. They are affiliated with Nortinos and are actively recruiting on social media and in the Burnaby and Prince George Youth Containment Centres. We continue to hear from our resource agencies that youth may have 50 or more interactions with police before a single charge is laid, and that programs may only be available to them once a formal charge is laid. Resource agencies are juggling group dynamics and may consider this in determining where youth are held in order to reduce negative peer influences. It remains a major concern of the committee that there are no youth containment options on the island, and that community and family connections are at risk when youth must be contained on the mainland.

None of the goals of the Victoria Family Court & Youth Justice Committee can be achieved in isolation. With CRD support, we hope to continue to bring together all areas of the region, all resource agencies, all school districts, and all Ministries to share information and bring about positive change for youth and families. I welcome your direction on how to proceed in the most appropriate way, the Priorities Application has been in use by the committee for at least 15 years and if a different way of working is required, we most assuredly want to follow all the right processes.

The committee has many hard-working dedicated advocates with special skills and experience and I would hate for them to be discouraged from making their contributions to a better regional community. I look forward to meeting with you to find the best way forward.

Yours truly,

Cynthia Day  
Chair, Victoria Family Court & Youth Justice Committee

Attachment: VFCYJC Strategic Plan  
Cc: VFCYJC Executive  
VFCYJC Steering Committee



## **Victoria Family Court and Youth Justice Committee**

Three-Year Strategic Plan

2018-2021

### **Mission:**

To facilitate connections between municipal and First Nations governments, school districts, service providers, and the broader community in order to educate and advocate on the challenges and shortfalls facing youth and families who may come into contact with the justice system.

### **Vision:**

Families and youth have access to timely and appropriate supports within their communities so that they may achieve their full potential.

### **Goals:**

1. Increase awareness of the issues facing families and youth involved with the justice system and raise the profile of the Victoria Family Court and Youth Justice Committee.
  - a. Identify gaps in services.
  - b. Support youth initiatives.
2. Pursue and promote meaningful reconciliation with the Indigenous community.
  - a. Committee members participate in Cultural Competency Training
  - b. Acknowledge and compact the over-representation of Indigenous people in the justice system.
3. Advocate for policies and initiatives that improve outcomes for families and youth who may come in contact with the justice system.
  - a. Give a platform to youth/ amplify youth voices.
4. Support equity of access to resources across the region.
  - a. Help other organizations leverage their resources in support of families and youth.
5. Facilitate collaboration between community service providers and governance bodies in the interest of better supporting youth and families.





**Annual Financial Statements 2017-2018**  
 (for the period December 1, 2017 to November 30, 2018)

**Opening Balance December 1, 2018:** **\$ 30,499.39**

**Expenses:**

Lunches	\$ 3,457.91	
Secretarial	\$ 3,175.00	
Office Supplies (See Note 2)	\$ 874.73	
Grants: (See Note 3)	\$ 18,150.00	
Travel Advance:	\$ 1,000.00	
Total Expenses:		\$ 26,657.64

**Revenue:**

Interest:	\$ 17.00	
Annual Grant CRD	\$ 14,364.00	
Travel Advance Return	\$ 1,000.00	
Total Revenue:		\$ 15,383.49

**Closing Balance November 30, 2018:** **\$ 19,225.24**

Note 1: Accounts kept on a cash basis.

Note 2: Office supplies includes costs for Strategic and Communications plans

Note 3: Grants

Metchosin Foundation:	\$ 250	
Cornerstone Youth	\$ 1,500	
Sidney Youth Clinic	\$12,400	
Reimagining Masculinities	\$ 3,000	
CRAT	\$ 1,000	
Total:		\$18,150

We have reviewed these financial statements and the accompanying documentation and confirm that they are a fair representation of the financial position of the Victoria Family Court and Youth Justice Committee.

A handwritten signature in blue ink, appearing to read "Bill Warburton".

Bill Warburton, Member, Audit Committee

Date: December 19, 2018

A handwritten signature in blue ink, appearing to read "Andy McKinnon".

Andy McKinnon, Member, Audit Committee

Date: December 19, 2018