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**REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD  
MEETING OF WEDNESDAY, OCTOBER 16, 2019**

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**SUBJECT**    **Family Court Committee continued operations during review**

**ISSUE**

Providing details on the operation of the Victoria Family Court and Youth Justice Committee (the "Committee") during a period of review

**BACKGROUND**

On September 11, 2019, the CRD Board directed staff to work collaboratively with the executive of the Committee, a family court committee enabled under the *Provincial Court Act* (BC), on a review of the Committee's mandate, governance, finances and communications. This review was expected to be completed by the end of the first quarter in 2020. The focus of this review is not on the merits of the work of the Committee, which is not in question, but rather the scope of the current service and its role within the structure of the CRD and its member local governments and electoral areas. The Committee provides resources and assistance to the Provincial and Supreme Court, youth and aboriginal justice initiatives, and youth at risk services in the Capital Region.

Inquires arose regarding how the Committee may carry on business during the review. As was made clear by the CRD's Corporate Officer, in the context of the Committee's establishing bylaw, only the CRD Board has the power to make grants to third party organizations, and would do so as a grant-in-aid. The Committee has a history of issuing grants, which have been characterized by its Chair as the contracting out of the work of the Committee, which is staffed by elected officials and uncompensated volunteers.

The *Local Government Act* states, in the absence of an explicit delegation by bylaw, that the only body capable of providing assistance is the regional board acting as a whole (LGA, s. 263(1)(c)), and is limited. The Board may not provide assistance to an "industrial, commercial or business undertaking" (LGA, s. 273).

The Committee's establishing bylaw states:

**POWERS**

7. In providing the extended service established by this bylaw, the Regional District shall without limiting the generality of Section 1:

- (a) participate in and share in the cost of a Family Court Committee under this bylaw;
- (b) on behalf of the electoral areas of Sooke and Langford appoint a member from each of the electoral areas to serve on the Family Court Committee appointed under Section 4 of the *Provincial Court Act*.
- (c) to provide funding for Board approved committees whose purpose is related to juvenile justice issues.

[Inserted by BL 2795]

The only "Board approved committee" is the Capital Region Action Team for Sexually Exploited Youth (CRAT). The Committee's service establishing bylaw was changed specifically to allow for the Board to provide a regular source of funding to CRAT, pulled from the requisition for the



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Committee. The establishing bylaw does not delegate a general grant making function to the Committee.

Staff were requested to report back on options for the Committee to continue its work until the review was completed.

## **ALTERNATIVES**

### **Alternative 1:**

That this report be received for information.

### **Alternative 2:**

That staff be directed to report back with additional information.

## **IMPLICATIONS**

### **INTERIM GRANT/ASSISTANCE FUNCTION**

In the interim, sponsorship and grant agreements which the Committee approves of should be referred to the Board for approval out of the existing budget. Such applicants for funding could be considered as a grant-in-aid.

Relating to its meetings and other programming, the Committee may continue business as usual.

### **GRANT TO WEST SHORE "START THE CONVERSATION" EVENT**

At its September 11, 2019 meeting, the CRD Board approved a sponsorship of up to \$1,600 to support an October 10, 2019 mental health conference, per a break-down provided by the Committee's Chair, Cynthia Day (student transportation, eight \$50 honorariums, printing materials, five t-shirts, and a \$500 honorarium for the youth organizer for a total of \$1,501.60). Discussions were had on whether or not this would come out of the general corporate requisition, which may be used on occasion to provide assistance or whether it would come out of the existing Committee budget.

This money may properly come out of the Committee's budget, as it has been approved by the Board. The actual administration and provision of the funds may be handled by the Committee's members for ease of administration.

## **CURRENT STATUS OF REVIEW**

Corporate Services is conducting a document review for records relating to the Committee's mandate, governance, finances, and communications, internally and externally. A *Freedom of Information and Protection of Privacy Act* (BC) request has been filed with the Province for its records relating to Order in Council 1821/1987, which originally set out the membership and requirement for the regional board to appoint members to a family court committee; as well as a request for records relating to the 1998 approval of the service establishing bylaw by the Inspector of Municipalities. Documents relating to the inclusion of CRAT as a Board approved committee have been located, along with staff notes and local government correspondence from the time. Further records relating to the mandate, governance, finances, and communications of the



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committee are being sought.

Once a document review is complete, CRD's Corporate Officer will plan a meeting with the Committee to collaboratively discuss its mandate, governance, finances, and communications. Corporate Services will take input from the Committee as well as the Finance & Governance Committee of the CRD, before reporting back to the CRD Board with the results of the review and any options.

**CONCLUSION**

The Committee must provide grant or sponsorship funding requests to the CRD. Other business may continue as usual during the term of the review.

**RECOMMENDATION**

That this report be received for information.

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