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## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, APRIL 14, 2021

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### **SUBJECT**     **AGMs and Nomination Procedures for Local Service Committees & Commissions**

#### **ISSUE SUMMARY**

The holding of annual general meetings (AGMs), including the nomination and polling of attendees for commission appointments, is impractical due to the current COVID-19 health orders excluding members of the public from attending in-person meetings.

#### **BACKGROUND**

In 2020, the Capital Regional District (CRD) Board responded to the challenges presented by COVID-19 and the health orders of the day by passing two separate resolutions dealing with AGMs and the nomination procedure for local service area committees and commissions.

On July 8, 2020, the CRD Board gave the following direction:

*Permit local area services and protective services to hold 2020 Annual General Meetings electronically when available meeting space cannot physically accommodate all area ratepayers, and conduct their election process for new committee members by way of mail-in ballot.*

Following that direction, a mail-in ballot process was completed for the following 6 local service areas:

- Lyall Harbour – Boot Cove Water Local Service Committee
- Magic Lake Estates Water and Sewer Committee
- Skana Water Service Committee
- Surfside Park Estates Water Local Service Committee
- Sticks Allison Water Local Service Committee
- Wilderness Mountain Water Service Commission

On September 9, 2020, the CRD Board revised its direction following growing concerns with the cost and staff capacity to administer mail-in ballots for the remaining 15 committees and commissions required to hold AGMs in 2020, as follows:

*That for the balance of 2020, new appointments for local service area committee and commissions shall be done by the Board based on Electoral Area Director recommendation and not through the Annual General Meeting process, except for those committees and commissions that currently have a mail-in ballot process underway.*

The Province of British Columbia is currently experiencing a third wave of COVID-19 which will continue to make the AGM process challenging. While local government meetings are an exception to the order for no indoor gatherings, members of the public are not permitted to attend those meetings in-person. AGMs are typically large gatherings as they are open to all ratepayers

in a local service area. Elections of new members are usually done by secret ballot which is not feasible in an electronic meeting format. Therefore, staff recommend waiving the bylaw requirement to hold AGMs for local service area committees and commissions in 2021 and that nominations for new members to those committees and commissions be received by the Electoral Area (EA) Director and forwarded to the CRD Board for appointment.

A table of the local service committee and commissions that hold an AGM where nominations are received is attached as Appendix A.

## **ALTERNATIVES**

### *Alternative 1*

The Electoral Areas Committee recommends to the Capital Regional District Board:

1. That the bylaw requirement that CRD local service committees and commissions hold Annual General Meetings be waived for 2021.
2. That new appointments to local service committees and commissions be made by the CRD Board based on the Electoral Area Director recommendation for 2021.

### *Alternative 2*

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

## **IMPLICATIONS**

### *Annual General Meeting*

The bylaws for local service committees and commissions require that an annual general meeting be held, however the Board may waive the bylaw requirement by resolution until such time as the bylaws can be formally amended. At the AGM, nominations for new members of the Committee or Commission are accepted, and if required, attendees are polled prior to the names being forwarded to the CRD Board for appointment. The bylaws require that notice be given in writing stating when the AGM will be held and that nomination of new members will be conducted.

In practice, the agendas for AGM include the following items:

- Adoption of previous AGM Minutes
- Annual report for previous fiscal year
- Nominations for new appointments

For AGMs that are waived in 2021, notice of AGM cancellation will still be distributed to ratepayers in accordance with the current bylaw requirement for providing notice of the AGM.

### *Mail-in Balloting*

In accordance with the July 8, 2020 Board direction, mail ballot processes were completed for the six local services identified in this report. Concerns over cost, response rate and amount of work for staff resulted in a Board resolution in September 2020 allowing EA Directors to make nominations to the Board on appointments as an alternative to mail-in ballots.

### *Nomination Procedure*

Current appointment processes for those CRD commissions that do not have a requirement to hold an AGM involve advertising upcoming vacancies locally, then the commission reviews and

shortlists applications and makes a recommendation for appointment to the EA Director. The EA Director then forwards the selected nominee(s) to the Board for appointment.

It is proposed that committees and commissions that are required to hold AGMs follow a similar appointment process as outlined above. For those local service committees and commissions that do not meet on a regular schedule, review of applications and selections may be done by the EA Director without a committee or commission recommendation.

In the future, staff will be reviewing the value of holding AGMs and whether to update the nomination procedure to be more aligned with other CRD committees and commissions.

### **CONCLUSION**

Due to COVID-19, the bylaw requirement to hold local service committee and commission AGMs will be waived for 2021 and that recommendations for new appointments will be by recommendation of the EA Director to the CRD Board.

### **RECOMMENDATION**

The Electoral Areas Committee recommends to the Capital Regional District Board:

1. That the bylaw requirement that CRD local service committees and commissions hold Annual General Meetings be waived for 2021.
2. That new appointments to local service committees and commissions be made by the CRD Board based on the Electoral Area Director recommendation for 2021.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

### **ATTACHMENT(S)**

Appendix A: Local Service Committees and Commissions with AGMs

Appendix B: Staff Report September 9, 2020