

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 02, 2022**

SUBJECT **Bylaw No. 4453, “Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022”**

ISSUE SUMMARY

To present a bylaw to continue the Victoria Family Court and Youth Justice Committee as a delegated commission.

BACKGROUND

In 2019, the Board directed staff to work collaboratively with the Victoria Family Court and Youth Justice Committee (the “Committee”) on a review of the Committee’s mandate, governance, finances and communications. In November 2020, the CRD Board received the review. It directed staff provide it to all service participants, report on restructuring options, and consult further.

On January 21, 2021, service participants were provided with the report and informed of upcoming consultations. On January 27 and February 3, 2021, CRD engaged with the Committee on recommendations and potential governance and structure options. Based on feedback, on February 26, 2021, CRD staff provided a list of mandatory and recommended changes to the Committee’s governance and structure. Staff requested the Committee indicate by motion interest in implementing change.

The Committee did this on April 21, 2021. It formed its own working groups to make further recommendations. On June 2, 2021, the Board directed staff draft a delegated commission bylaw and provide it to the Committee for feedback. Also in June, Committee Chair Cynthia Day wrote to the Provincial Attorney General asking whether there were objections to CRD undertaking a delegated bylaw for the Committee.

On August 23, 2021, CRD staff provided a draft bylaw and a reporting letter to the Committee (Appendix “A”), which on September 22, 2021, the Committee referred to its working groups. It also adopted its working group recommendations made over the summer months.

In October, the Committee received a response from Ministry of Attorney General Acting Assistant Deputy Minister Paul Craven (Appendix “B”) confirming that the Ministry did not have any comment on the changes to the governance structure of the Committee, provided it complies with the provisions of the *PCA* and *YCJA*. He referred the Committee to guidance on regional district committees and delegation and stated the Ministry could not provide legal advice.

On November 17, 2021 the Committee adopted its working groups’ recommendations on the draft bylaw and its review of requirements of CRD’s policies, procedures, and applicable legislation and passed the following resolution:

THAT the Victoria Family Court and Youth Justice Committee adopt the recommendations of the Procedures, Policies, and Community Charter Working Group as outlined in the Working Group’s October 28, 2021 Report to the VFC&YJ Committee, specific to:

1. Formalizing Meetings: Complying with Community Charter, holding meetings that are open to the public and provisions for closed meetings, Steering committee purpose and function, adoption of CRD’s procedure bylaw (with reasonable variations) including guidelines pertaining to minutes, agendas, and meeting and speaking times.

2. Follow existing CRD policies. Members of the VFCYJ committee will follow the Capital Regional District Commission Handbook 2020 and CRD Bylaw 3828, CRD Procedures Bylaw (with reasonable variations) to ensure compliance with privacy, safety, information management, and expenses. Importantly, the VFCYJ committee will comply with all laws regarding the Freedom of Information and Protection of Privacy Act, the corporate policy and procedure regarding a respectful workplace, debate and conduct.

AND THAT, the Chair of the VFCYJ Committee send a letter to the CRD Board and Staff providing the wording of the Committee’s resolution and including a copy of the Work Group’s Report, dated October 28, 2021

It requested CRD provide a written version of an oral opinion that the draft bylaw was consistent with the PCA and YCJA, to address concerns some members had as a result of the A/ADM’s letter. Staff provided written confirmation to the Committee that the proposed bylaw was consistent with the legislation. Attached at Appendix “C” is the Committee’s January 10, 2022 letter confirming the motions cited above and including the notes of the working group.

On January 19, 2022, the Committee at its Annual General Meeting affirmed its September and November adoptions and recommendations, as well as decided to centralize its finances in the CRD after becoming a delegated commission.

Incorporation of Committee’s Feedback

As a result of feedback, some edits have been made to Bylaw No. 4453 (Appendix “D”). These include refining the Committee’s duties in section 20 to match the wording of the PCA; inserting “advocacy”, to clarify it as a Committee function; stating that school districts may appoint individuals other than trustees (consistent with past practice); and clarifying that an annual meeting to elect officers must be held within the first two months of the year, rather than limiting it to a specific week or date.

Other recommendations are not actioned at this time. These include reduction of CRD appointees (which can be used to represent the Juan de Fuca, and to provide voting positions to community organizations, First Nations, and other groups), extended terms for officers (as historically a one year term has been used), creation of a “past Chair” position by bylaw (which is not considered necessary as the Committee may create any officer position by resolution), and other items that may best be dealt with by the Committee moving forward rather than having those items incorporated into a governance bylaw. Should issues arise or further changes become recommended, these can be reviewed at the one year anniversary of the proposed Bylaw No. 4453 and changes can be enacted through an amending bylaw.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4453, “Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022”, be read a first, second, and third time;
2. That Bylaw No. 4453 be adopted.
3. That staff be directed to advise service participants of Bylaw No. 4453.

Alternative 2

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

IMPLICATIONS

Committee’s Actions Post-Review

The Committee has taken steps to resolve identified issues. Its annual report has been shortened; its website operates and contains key documents and background information; its agendas include specific times for resource members to present; it is attempting to limit speaking times, keep speakers on topic, and run orderly meetings; 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. Its priority for 2022 is to work on its strategic plan, refocusing on its mandate as the region’s youth justice and family court advocacy committee.

It continues to struggle with administration and procedure. It will benefit with guidance in agendas, minutes, attendance, working with and documenting motions, and running online meetings. Support from CRD’s Corporate Services and other staff will likely resolve these issues in time.

Staffing & Financial Implications

No additional costs are expected. It is expected that the Committee will continue to implement changes to meeting procedures and practices and will work with its officers and CRD staff over the next year. Legislative and Legal Services are expected to have additional regular staff in 2022 who may absorb any additional workload. Corporate Services and the Finance department will assist in implementing supports. Legal Services will draft a sponsorship agreement for the Committee’s grants program, assist with any modifications to the Constitution and Terms of Reference if required; and on an ongoing basis, be the point of contact for invoices for the Committee and inquiries.

On becoming a delegated commission, the Committee has resolved to transfer its funds to CRD’s Finance department, to be held for the service. Invoices and receipts will be forwarded to Legal Services for review and Finance for payment in accordance with purchasing policies.

Impact on Appointments and Recruitment

CRD’s Corporate Services department will send a letter every two years to service participants reminding them of the need to appoint qualified individuals to the Committee and conduct recruitment for CRD positions. The CRD would also follow up on non-attendance.

Impact on the Committee’s Constitution and Terms of Reference

While the Committee’s Constitution and Terms of Reference are not necessary under the new governance structure, given it has operated with these generally since inception, these documents can be retained if made consistent with the commission bylaw.

Impact on Capital Region Action Team for Sexually Exploited Youth

The Capital Region Action Team for Sexually Exploited Youth (CRAT) is an unincorporated association run by a CRD-appointee to the Committee. Its funds are held by Oak Bay, and it runs programming in schools, presently on hold during the COVID-19 pandemic. It continues to receive about \$1,500 per year from the service. Under the delegated commission bylaw, the decision for how much funding CRAT receives would be made by the Committee as part of its delegated authority to select “board approved committees” for youth and family micro-grants.

CONCLUSION

Staff have prepared a delegated commission bylaw, based on best practices and incorporating certain Committee feedback. This structure is compliant with the legislated status of the committee. Going forward, staff will provide ad hoc assistance to the Committee to help its meeting processes and educate members on policies and procedures.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4453, “Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022”, be read a first, second, and third time.
2. That Bylaw No. 4453 be adopted.
3. That staff be directed to advise service participants of Bylaw No. 4453.

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

ATTACHMENTS

Appendix A: Correspondence with VFC&YJC and its recommendations

Appendix B: October 2021 Letter to VFC&YJC from A/ADM Paul Craven

Appendix C: January 10, 2022 Letter from C. Day enclosing adopted motions and AGM-adopted resolution from Finance Working Group

Appendix D: Redlined Draft Bylaw No. 4453, showing modifications

Appendix E: Bylaw No. 4453, “Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022”