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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JULY 13, 2022

SUBJECT **Bylaws 4507 and 4508: Establishment of Local Community Commission for Salt Spring Island**

ISSUE SUMMARY

To create an elected body with a scope of authority over specified island-wide services for Salt Spring Island, known as a local community commission.

BACKGROUND

The Electoral Area Director for Salt Spring Island in consultation with a group of Salt Spring Island residents, has requested the Capital Regional District (CRD) advance the creation of a local community commission (“LCC”) for Salt Spring Island. An LCC is a type of regional district commission with delegated authority over specified local services, comprised of elected, rather than appointed, membership. The purpose of this LCC proposal is to broaden CRD elected oversight and administration of certain delegated local services, make decision-making regarding these services more locally transparent and reflective of the broad public interest, and to consolidate the fragmented nature of CRD service delivery through appointed, individual commissions.

Bylaw No. 4507, “Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022”, has been prepared to allow consideration of the establishment of a new LCC for Salt Spring Island (Appendix A). To create the LCC, Bylaw No. 4507 must be introduced and given three readings by the Board, before being referred to the Ministry for approval and to electors for assent by referendum. The referendum question must be approved by the CRD Board to be placed on the ballot during the upcoming general voting day on October 15, 2022. If the electors are in favour, the bylaw may be adopted by the CRD Board and an election for the four public members of the LCC will be held in 2023 in accordance with the *Local Government Act* (“LGA”). After the LCC members are elected, CRD would adopt Bylaw No. 4508 and take steps to dissolve the other commissions who currently have delegated authority over the services intended to be administered by the LCC.

Proposed Bylaw No. 4508 sets out the scope of delegated authority over the services overseen by the proposed LCC. The scope of the LCC includes island-wide services currently overseen by existing commissions, such as parks and recreation, transportation, economic development, and liquid waste disposal. The scope also includes services currently overseen by staff and the EA Directors, including street lighting, determination of compensation of livestock injury by dogs, and the approval of grant-in-aid applications. The LCC would also have an advisory role to review and recommend budgets for SSI contribution services that receive CRD funding, including the arts contribution service, the public library service, and the search and rescue service. The full list of proposed services are included in Bylaw No. 4507 attached as Appendix A. Area-specific services, such as wastewater and water services, would continue to be overseen by commissions comprised of ratepayers from these service areas.

Should the Salt Spring Island community wish to expand the scope of services or dissolve the LCC in future, a referendum or Alternative Approval Process would be necessary to amend or repeal the LCC establishing bylaw, unless the Inspector of Municipalities consented to waiving the elector asset process, which is an alternative in section 244 of the *Local Government Act*.

The creation of an LCC will not alter the Salt Spring Island Electoral Area's relationship with Islands Trust, which is responsible for the local planning function under the *Islands Trust Act*, RSBC 1996, c 239.

ALTERNATIVES

Alternative 1

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

1. Bylaw No. 4507, "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022", be introduced and read a first, second, and third time;
2. That CRD staff be directed to implement the elector approval process by way of referendum;
3. That Kristen Morley be appointed Chief Election Officer with the power to appoint one or more Deputy Chief Election Officer(s);
4. That the wording of the referendum question for the purposes of the ballot shall be as follows:

Are you in favour of the Capital Regional District (CRD) Board adopting Bylaw No. 4507, "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022", authorizing the establishment of a local community commission for the Salt Spring Island Electoral Area, to be comprised of four elected commissioners and the Electoral Area Director, to oversee and advise on economic development, wastewater disposal, community parks and recreation, small craft harbour facilities, transit and transportation, street lighting, grants-in-aid, compensation for livestock injured by dogs, and the contribution services for arts, public library, and search and rescue?

YES or NO?

5. That general voting be held on Saturday, October 15, 2022, with Advance Voting opportunities held on dates and voting places to be determined by the Chief Election Officer;
6. That the synopsis of Bylaw No. 4507, attached as Appendix B, be approved for advertising purposes.
7. That Bylaw No. 4508, "Salt Spring Island Local Community Commission Delegation Bylaw No. 1, 2022", be introduced and read a first, second, and third time.

Alternative 2

The Electoral Areas Committee recommends to the Capital Regional District Board that this matter not proceed.

IMPLICATIONS

Governance Implications

Creation of an LCC, with an elected membership, is the highest form of delegated government contemplated in an electoral area under the *Local Government Act*. An LCC permits Salt Spring Island to elect individuals who will oversee certain local services giving the electoral area delegated authority over its services rather than having decisions made by the Board.

The LCC would be comprised of 5 members, one of which is the Electoral Area Director for SSI, and four other commissioners that would be elected by residents on Salt Spring Island. Elections for LCC members follow the same requirements as Director elections under the *LGA*. If approved, the first election would take place in late spring of 2023. In subsequent years, LCC members would be elected at the time of the General Local Election. The LCC will elect a Chair and Vice-Chair annually from its commissioners. Each LCC member has one vote. The EA Director has the same status and authority as all other members of the LCC on services delegated to the LCC. By legislation, only the EA Director is entitled to sit and vote at the Regional Board. On referral by the Regional Board, the LCC can make recommendations to the Director; however, the LCC cannot fetter the discretion of the Director on issues not delegated to the LCC.”

Should a vacancy occur in a commissioner’s term, the *Local Government Act* does permit alternatives to a general election provided they are set out in the LCC bylaw. Bylaw No. 4507 permits voting by mail, a less costly alternative to a general election; as well as appointment by the CRD Board after a public solicitation process and consultation with the current LCC. Both options would save the local community the cost of a by-election in certain circumstances, while also retaining the ability to hold a by-election based on costs, length of the remaining term, and other factors of importance to the community.

Given the wide scope of authority assigned to the LCC under the establishing bylaw, staff recommend that the LCC commissioners be remunerated for their services. On adoption of the LCC establishing bylaw, staff would bring forward amendments to the Board Remuneration and Travel Expense Policy to include remuneration for the LCC members, prior to starting the election process for the commissioners.

If the LCC wishes to make changes to its establishing bylaw in future, it requires elector approval, unless the Inspector of Municipalities waives this requirement. While the LCC is proposed to have a wide scope of authority over many island-wide services, the LCC is still subject to the same restrictions as other commissions with respect to the powers of the Regional Board including the adoption of bylaws or approval of budgets.

The level of delegation proposed for the LCC is set out in the draft delegation bylaw, Bylaw No. 4508, “Salt Spring Island Local Community Commission Delegation Bylaw No. 1, 2022”. Bylaw 4508 is not subject to elector approval, but is recommended for three reading by the Board, with adoption held pending adoption of the LCC bylaw and election of its membership.

If the LCC is established, the existing Salt Spring Island Liquid Waste Commission, Transportation Commission, and Parks and Recreation Commission, and Economic Sustainability Commission will be dissolved, with the current scope of authority falling to the LCC.

A number of other commissions with varying levels of delegated authority are already in place on Salt Spring Island, and throughout the CRD. CRD has authority under the *LGA* to create commissions that are delegated the powers, duties and functions of the Regional Board. One fundamental difference is that a non-LCC commission has appointed, rather than elected, membership, giving additional flexibility relating to appointments, and costly elections can be avoided. A benefit of a non-LCC commission is that its membership can be structured in creative ways defined by bylaw, to ensure its members provide a full range of community representation, such as including representation from interested First Nations, public authorities, community groups, or individual residents of a sub-local area. This is not possible with an LCC where the commissioners are elected and remunerated. That said, unlike an LCC, a traditional delegated commission created by bylaw may be altered or amended without an elector approval process. The process of elector assent to create the LCC and election of LCC commissioners does allow the maximum level of community input into creating a commission.

Financial Implications

There will be added administration and legislative services support if an LCC is established. An LCC will have commissioner remuneration and expenses and costs related to technological requirements. Capital upgrades may be required for SSI meeting facilities to facilitate public participation by webcasting and to allow for electronic meetings. It is anticipated that some of the legislative and administration support costs will be offset by dissolving some of the existing Commissions, however it is expected that there will be a significant increase in the activity of the LCC with respect to the additional number of other services included in their oversight.

The preliminary estimate for additional staffing, elections, remuneration, equipment, software and establishing an election and equipment replacement reserves are outlined below. Some of these costs are one-time costs and others are ongoing costs. LCC ongoing costs will be pro-rated depending on the timing of an election in 2023.

Costs	One-Time	Ongoing
1.2 FTE		\$106,110
Election	\$60,000	
Election reserve		\$15,000
Commissioner remuneration		\$40,000
Tablets	\$10,000	
Software		\$2,500
Transfer to equipment replacement reserve		\$5,000
Sub-total	\$70,000	\$168,610

Service Delivery Implications

The LCC will have purchasing authority in conjunction with the authority already delegated to staff by the Regional Board. It will also oversee approvals of grants-in-aid currently delegated to the Chief Financial Officer and Chief Administrative Officer, on the recommendation of the Electoral Area Director.

CONCLUSION

The creation of a local community commission for Salt Spring Island will permit greater elected representation for the electoral area and greater involvement in the administration of island-wide services, with the potential for elected members to advise on other on-island services or issues. The creation of such a commission is subject to elector assent or referendum vote.

RECOMMENDATION

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

1. Bylaw No. 4507, “Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022”, be introduced and read a first, second, and third time;
2. That CRD staff be directed to implement the elector approval process by way of referendum;
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YES or NO?

5. That general voting be held on Saturday, October 15, 2022, with Advance Voting opportunities held on dates and voting places to be determined by the Chief Election Officer;
6. That the synopsis of Bylaw No. 4507, attached as Appendix B, be approved for advertising purposes.
7. That Bylaw No. 4508, “Salt Spring Island Local Community Commission Delegation Bylaw No. 1, 2022”, be introduced and read a first, second, and third time.

Submitted by:	Karla Campbell, MBA, BPA, Senior Manager, Salt Spring Island Electoral Area
Concurrence:	Steven Carey, B.Sc, J.D., Acting General Manager, Corporate Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

- Appendix A: Bylaw No. 4507, “Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022”
- Appendix B: Synopsis of Bylaw No. 4507
- Appendix C: Bylaw No. 4508, “Salt Spring Island Local Community Commission Delegation Bylaw No. 1, 2022”