



Regional Board Report

Request for Decision

Approved for Board Consideration

Brian Reardon, CAO

To: Regional Board
From: Karen Needham, Corporate Officer
Date: February 10, 2022
Subject: Board Procedures Bylaw Update

Voting Entitlement: *All Directors – Unweighted Corporate Vote – Simple Majority – LGA 225*

Purpose: To review proposed updates for a new board procedures bylaw.

Executive Summary:

At the October 25, 2021, regular meeting, the Board approved their 2022 Regular meeting schedule with changes to the schedule of regular meetings. With the annual schedule updated to include both the monthly Monday and Thursday regular meetings, and new legislation regarding electronic meetings, the Board requested that staff report back with the appropriate procedure bylaw changes.

A full review of the existing Board Procedure Bylaw No.1278 was undertaken to consider not only the amendments related to regular meetings, electronic meetings, and electronic participation, but also to ensure alignment with current and best procedure bylaw practices. Generally, the proposed new bylaw includes two categories of changes; those reflecting a minor change in language or an addition for clarity, and those that introduce more substantive changes with new language, new sections, and new criteria.

The focus of the review was to enhance what exists today by updating to current practices and adding new information and procedures where appropriate. Proposed changes are being presented for discussion and input from the Board prior to finalizing a new procedures bylaw. Should the Board wish to support the proposed bylaw changes as presented in the attached draft, the recommendation below would be to finalize a new bylaw for reading consideration.

Recommendation(s):

THAT the Regional Board support the proposed changes for a new board procedures bylaw as outlined in the report from the Corporate Officer dated February 10, 2022;

AND THAT staff be requested to prepare a new board procedures bylaw for reading consideration.

Respectfully submitted by:



Karen Needham, Corporate Officer

Reviewed & approved by:



Corie Griffiths, Director of Corporate Services

Attachment(s):

1. Board Procedures Bylaw No. 1278
2. Table of Proposed Bylaw Changes
3. Proposed DRAFT Bylaw
4. Regional Board Presentation

Strategic Plan Alignment:

Priorities: n/a

Values: Good Governance, Transparency, Resiliency

Background:

As a foundation for good governance, a procedure bylaw is a legislatively required policy tool for all regional districts and municipalities in B.C. The meeting procedures that are established in each bylaw are unique to each local government to reflect local practices and preferences. and are intended to set expectations for participation, and provide consistency, transparency, and accountability in the processes of public decision-making.

Since the beginning of the COVID-19 pandemic, the RDCO and other local governments have had to adapt to ensure the business of the district continued, and that meetings, and participation in meetings of the Board and committees, were open to the public. The shift to electronic meetings, electronic participation and live streaming made possible through Ministerial Orders during the health pandemic, has resulted in new legislation introduced in September 2021. In the legislation related to meetings, the Board must, through a procedure bylaw, determine whether electronic meetings and participation will be permitted at the regional level. As the current procedures bylaw was adopted in 2010, the opportunity to update and introduce a new procedures bylaw is both timely and appropriate.

Discussion

The proposed new bylaw has been drafted using information on legislative requirements and best practices found in the Procedures Bylaw Guide published jointly by LGMA and the Ministry of Municipal Affairs in 2020; by engaging with local government colleagues and legal providers on the new electronic meeting legislation; and by reviewing other local government procedure bylaws.

The draft bylaw includes several additions related to meetings, meetings procedures, and committees that reflect current practices and/or requirements under the legislation with the intention of providing further clarity. All proposed changes to the existing bylaw have been captured in the summary of proposed amendments found in attachment 1 to the report.

The following are some of the key policy considerations introduced in the proposed draft bylaw:

Part 3 Meetings

Regular Meetings

The time and location sections were updated to include regular meetings held on Mondays at 7pm and Thursdays at 8:30am, with notice of regular meetings now provided through the annual schedule, rather than per meeting. In practice, the Governance and Services committee has been meeting as a committee of the whole when required, so a new section was added to Part 7 to further clarify this meeting type. A terms of reference for the Governance and Services committee, either as a committee of the whole, or a standing committee, is recommended to further clarify scheduling and business items the Board would like to consider during a G&S committee meeting.

Electronic Participation

With the addition of electronic meeting legislation, this Part in the procedure bylaw has been updated to propose permitting electronic participation in Regular, Special, and Committee of the Whole meeting types with the addition of related criteria for consideration. There are no proposed limits to the number of board members attending a meeting electronically, however, a decision of the board to limit electronic participation for each meeting could be introduced. Some local governments have introduced limits per year/individual, others have chosen to limit the number attending electronically on a first come first serve basis and still others have chosen not to permit electronic participation unless in specific circumstances.

Electronic Meetings

An electronic meeting is one in which the Chair and members of the Board attend a meeting electronically and not in-person. Electronic meetings require additional meeting notice that includes a specified place where the public will be provided access to see and/or hear the open meeting. The proposed change would expand electronic meetings from only Special to include Regular and Committee of the Whole while maintaining the language which requires that an electronic meeting be held only under direction of the Board Chair. This provides the Chair with the ability to direct electronic meetings at any time, but also during times of local emergency and those related to other events.

Part 5 Meeting Procedures

This part of the procedure bylaw provides guidance to the Chair and members of the board and helps to communicate generally the way a regional board meeting will be conducted. The meeting procedures have been updated to align with best practices, by adding new sections and clarifying language where appropriate. The information in the attached summary of changes provides an overview of each new section.

This part of the draft bylaw does follow RDCO current practice in most instances, with some proposed changes related to the Order of Business. The resulting agenda item descriptions provide further clarification and invite further discussion with the Board for certainty. The proposed changes for both the order and conduct of business found in this Part of the proposed bylaw helps in the management of board meetings from agenda preparation to meeting adjournment and ensure the expectations of the board are met.

Part 7 Committees and Commissions

Generally, the sections of Part 7 have not changed, however, the grouping and order in which the information is provided, and some requirements related to the terms of reference and electronic participation, have been introduced. A section on the Committee of the Whole (COTW) has been added, and the section on Standing committees has been enhanced, with both electronic participation and

electronic meetings permitted. For all other committees, electronic participation is limited, while electronic meetings are not contemplated.

Terms of Reference

The proposed draft bylaw requires the Board to approve a terms of reference for all select and advisory committees, with approval of the Chair for COTW or Standing Committees. Further, to ensure all advisory committees have the opportunity to provide feedback, it is proposed that the Board review the terms of reference a minimum of every four years following a local government election.

(Committee) Electronic Participation

All committees are permitted to allow members to participate electronically with a proposed limit. It is being proposed that participation does not exceed a number equal to, or greater than, quorum. This policy statement further supports participation in local government, ensuring that each committee can utilize technology when/if needed, and permitting the Board to set a terms of reference that reflects the objective and scope of each committee. As written in the draft bylaw, the Board can further limit electronic participation in a terms of reference, however, this could be changed to provide the Board with complete authority for electronic participation, with no limit except as determined in the terms of reference.

Next Steps

Corporate Services has identified several bylaws and policies for future review, however, currently, those closely aligned to the proposed procedure bylaw have been prioritized. These include the Board Public Hearing Policy and Board Delegation Policy, and a new policy related to Board Correspondence.

Considerations:

Financial

Updated audio visual equipment has been budgeted to improve the in person and electronic meeting experience in the Woodhaven Boardroom.

Legal/Statutory Authority:

Local Government Act

- s. 225(1) [Procedure bylaws] – requires the board establish general meeting procedures by bylaw
- s.225(2) [Procedure bylaws] – requires notice be provided to members of the Board at least 5 days before the meeting
- s.221 [Electronic meetings and participation by members] provides authority for Board members to participate and conduct meetings electronically

Regional District Electronic Meetings Regulation B.C. Reg. 271/2005

- requires that the Board policy discussion and direction must be made through a procedures bylaw to permit electronic participation and electronic meetings

Alternate Recommendation

THAT the Regional Board receive the Board Procedures Bylaw Update report from the Corporate Officer dated February 10, 2022 for information;

AND THAT the Regional Board convene a future Governance and Services Committee meeting for a policy discussion on procedures for Regional Board meetings.

Considerations not applicable:

Organizational/External