



Notice of Meeting and Meeting Agenda Governance Committee

Wednesday, October 7, 2015

11:00 AM

6th Floor Boardroom

COMMITTEE MEMBERS:

DIRECTORS: D. Blackwell (Chair), R. Windsor (Vice Chair), S. Brice, V. Derman, B. Desjardins, D. Howe, B. Isitt, C. Plant, N. Jensen (Board Chair, ex-officio)

1. Approval of Agenda

2. Adoption of Minutes

2.1. 15-1016 Minutes of the September 2, 2015 Governance Committee

Recommendation: That the minutes of the September 2, 2015 Governance Committee meeting be adopted as circulated.

Attachments: [Minutes](#)

3. Chair's Remarks

4. Presentations/Delegations

5. Committee Business

5.1. 15-1067 Board Chair and Vice Chair Election Procedures

Recommendation: That the Governance Committee recommend to the Capital Regional District Board:

1. That Bylaw No. 4044, "Capital Regional District Board Procedures Bylaw, 2012, Amendment Bylaw No. 4, 2015" be introduced and read a first and second time;
2. That Bylaw No. 4044 be read a third time; and
3. That Bylaw No. 4044 be adopted.

Attachments: [Staff Report Board Election Procedures](#)
[Appendix A Board Election Procedures](#)
[BL4044 Board Procedures Amendment BL4](#)

6. New Business

7. Adjournment

Meeting Minutes
Governance Committee

Wednesday, September 2, 2015

1:30 PM

6th Floor Boardroom

Present:

Directors: D. Blackwell (Chair), R. Windsor (Vice Chair) (1:44 pm), S. Brice, B. Desjardins, D. Howe, B. Isitt (1:43 p.m.), N. Jensen (Board Chair, ex-officio)

Staff: R. Lapham, Chief Administrative Officer; S. Santarossa, Corporate Officer; S. Hallatt, Manager, Aboriginal Initiatives; P. Perna, Committee Clerk (Recorder)

Also Present: Director M. Alto

Absent: Directors V. Derman and C. Plant

The meeting was called to order at 1:30 p.m.

1. Approval of Agenda

MOVED by Director Desjardins, **SECONDED** by Director Brice,
That the September 2, 2015 Governance Committee Agenda be approved as amended to move item 5.3 ahead of item 5.2.

CARRIED

2. Adoption of Minutes

2.1. 15-880 Minutes of the April 1, 2015 Governance Committee Meeting

MOVED by Director Desjardins, **SECONDED** by Director Brice,
That the minutes of the April 1, 2015 Governance Committee be adopted as presented.

CARRIED

3. Chair's Remarks

The Chair remarked that she was happy to be back and also is pleased with the new microphone system.

4. Presentations/Delegations

There were no presentations or delegations.

5. Committee Business

5.1. 15-883 Special Task Force on First Nations Engagement - Status Update

S. Hallat provided an update on the work of the Task Force and noted they are on track to meet with all local First Nations by the end of the year.

Director M. Alto, was also in attendance as chair of the Task Force to provide further information and noted that more work needs to be done. The Task Force will bring forward recommendations on how the work should continue in 2016.

Staff was requested to provide a similar update at the next TTAC meeting.

**MOVED by Director Howe, SECONDED by Director Brice
That the Governance Committee receive this report for information.
CARRIED**

5.3. 15-909 Corporate Response to Board Strategic Priorities - Verbal Update

R. Lapham provided a verbal update on the corporate response to the Board Strategic Priorities to address the identified priorities.

*Director Isitt arrived at 1:43 p.m.
Director Windsor arrived at 1:44 p.m.*

R. Lapham advised that some of these priorities will be directed out to committees and, on the advocacy side, the governance committee may decide to address those items or direct them to a task force or working group.

**MOVED by Director Desjardins, SECONDED by Director Brice,
That the Corporate Response to Board Strategic Priorities verbal report be received for information.
CARRIED**

5.2. 15-908 Upcoming Meetings at UBCM - Verbal Reports

1. First Nations Participation on CRD Board
2. Affordable Housing
3. Biodiversity and Ecosystem Health
4. Climate Change
5. Regional Transportation Service

R. Lapham provided a verbal update on the meeting requests that have been made for the upcoming annual UBCM Convention in Vancouver. He provided some details for each topic and which ministers they hope to meet with on those topics.

It was suggested to follow up at next year's UBCM to ensure we are still making our point and having an impact.

6. Motion with Notice

6.1. 15-876 Election of Chair and Vice Chair Procedures and Process - Director Desjardins

Director Desjardins spoke to the motion and it was discussed that clarity in the process of electing a Board Chair and Vice-Chair should be written into the CRD Board Procedures Bylaw; particularly how long a candidate is allowed to speak, where the counting takes place, and who is present during the count.

MOVED by Director Desjardins, **SECONDED** by Director Isitt,
That staff be directed to review the election of chair and vice chair procedures and draft any necessary amendments to the CRD Board Procedures Bylaw to clarify procedures in relation to the length of time candidates may speak and the counting of ballots, specifically the location where ballots are counted and who may be present at the count.

CARRIED

MOVED by Director Isitt, **SECONDED** by Director Windsor
That the original motion be amended by replacing "and who may be present at the count" with "and including provision for the appointment of scrutineers".

CARRIED

MOVED by Director Desjardins, **SECONDED** by Director Isitt,
That staff be directed to review the election of chair and vice chair procedures and draft any necessary amendments to the CRD Board Procedures Bylaw to clarify procedures in relation to the length of time candidates may speak and the counting of ballots, specifically the location where ballots are counted and including provision for the appointment of scrutineers.

CARRIED

6.2. 15-877 Conflict of Interest: Rules and Guidelines for Clarity - Director Desjardins

Director Desjardins spoke to the motion and questioned how long the declaration of the conflict of interest remains in place. S. Santarossa provided further clarification regarding the legislation as follows:

** the conflict will remain unless new information is presented to indicate there is no further conflict*

** must state the reason for the conflict and it must be recorded in the minutes*

Staff reported that the Province is moving ahead to explore the development of a regulation to provide greater clarity and mitigate the impact of the Schlenker decision on local government. The CRD's legal counsel will be assisting in the process.

It was noted that the report would come forward following further information from the Province.

MOVED by Director Desjardins, **SECONDED** by Director Brice,
That the Governance Committee direct staff to bring forward a report on Conflict of Interest rules and guidelines to provide clarity of declaration of conflict of interest and extent of this declaration at the committee table and board table related to specifics of declarations.

CARRIED

7. Correspondence

7.1. 15-884 Alternate Directors - Attendance at Closed Meetings

MOVED by Director Brice, **SECONDED** by Director Howe,
That the correspondence sent to the Ministry of Community Sport and Cultural Development regarding Alternate Directors - Attendance at Closed Meetings be received for information.

CARRIED

8. New Business

There was no new business.

9. Adjournment

MOVED by Director Brice, **SECONDED** by Director Howe,
That the September 2, 2015 Governance Committee meeting be adjourned at
2:10 p.m.
CARRIED

Next Meeting: TBA

CHAIR

RECORDER



Making a difference...together

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 7, 2015**

SUBJECT **Board Chair and Vice Chair Election Procedures**

ISSUE

To clarify the procedures outlined in the CRD Board Procedures Bylaw associated with the annual election of the Board Chair and Vice Chair for the CRD and Hospital District Boards.

BACKGROUND

The CRD Board Procedures Bylaw No. 3828, sets out the procedures to elect the Chair and Vice Chair of the CRD and Hospital District Boards. The elections take place annually at the December meeting of the Boards. While some of the procedures are detailed in the Procedures Bylaw, others are set in practice.

At its meeting held September 2, 2015, the Governance Committee adopted the following resolution requesting further clarification on some of the procedures to elect the Chair and Vice Chair of the Board:

“That staff be directed to review the election of chair and vice chair procedures and draft any necessary amendments to the CRD Board Procedures Bylaw to clarify procedures in relation to the length of time candidates may speak and the counting of ballots, specifically the location where ballots are counted and including provision for the appointment of scrutineers.”

The election procedures from other regional districts were reviewed and a summary of their procedures as it relates to the specific items for clarification, is attached as Appendix A.

Any changes to the election procedures of the Board Chair and Vice Chair requires an amendment to the CRD Board Procedures Bylaw. Amending Bylaw No. 4044 is attached for consideration (Appendix B).

ALTERNATIVES

Alternative 1:

That the Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4044 “Capital Regional District Board Procedures Bylaw, 2012, Amendment Bylaw No. 4, 2015” be introduced and read a first and second time;
2. That Bylaw No. 4044 be read a third time; and
3. That Bylaw No. 4044 be adopted.

Alternative 2:

That the staff report be referred back to staff for further review.

Alternative 3:

That the report be received for information.

IMPLICATIONS

CRD Board Procedures Bylaw No. 3828 sets out procedures to elect the Chair and Vice Chair of the CRD and Hospital District Boards. Other details relating to these procedures such as allowing candidates to speak and destroying the ballots after the vote, have been established over the years, are set in practice and are not currently included in the Procedures Bylaw.

Amendment Bylaw No. 4044 clarifies the following procedures in relation to the election of the Board Chair and Vice Chair:

Nominations:

Nominations do not need to be seconded but the candidate must consent to the nomination. This is the current practice of the Board. A provision is also included in Bylaw 4044 to allow a candidate who is unable to be present at the meeting to put their name forward for consideration provided they have previously consented to their nomination in writing and it is provided to the Corporate Officer.

Speaking to Nomination:

The CRD's current practice is, with the agreement of the Board, to allow candidates to speak to their nomination. A time limit is not currently defined. Most regional districts limit the time for these speeches to two or three minutes. Bylaw 4044 provides for a time limit of up to four minutes which is in keeping with the time set for delegations to address the Board. For those candidates not present, the nominator may deliver a prepared speech on the candidate's behalf.

Distribution & Counting of Ballots

The current practice as outlined in the Procedures Bylaw is to conduct the vote by secret ballot and similar to all other regional districts, it is recommended that this practice remain in place. Bylaw 4044 provides that the Corporate Officer and the Deputy Corporate Officer or designate will distribute and count the ballots following the candidate speeches. The ballots will be placed in a ballot box and once all of the ballots have been collected, the Corporate Officer and Deputy will move to a separate room to count the ballots.

Scrutineers

Currently only the Corporate Officer and Deputy are present at the counting of the ballots and the other regional districts do not include provision for scrutineers. Following the count, the Corporate Officer only advises the Chief Administrative Officer of the candidate that has received a majority of the votes and the actual number of votes is not revealed unless the Board adopts a resolution to do so. At the request of the Governance Committee to include provision for the appointment of scrutineers, Bylaw 4044 provides that the CRD's legal counsel act as a scrutineer. Following an election year when a judicial justice appointed under the *Provincial Court Act* is present to administer the oaths of office, that individual could act as a scrutineer and observe the counting of the vote. Having a third party, independent of a candidate, act as a scrutineer would preserve the confidentiality of the vote unless the Board, by resolution, requests the numbers to be revealed for that particular election.

Following the declaration of the elected candidate, the ballots shall be destroyed by Board resolution. This is in keeping with current practice.

CONCLUSION

The CRD Board Procedures Bylaw No. 3828, sets out the procedures to elect the Chair and Vice Chair of the CRD and Hospital District Boards. While some of the procedures are detailed in the Procedures Bylaw, others are set in practice and the proposed amendments to the CRD Board Procedures Bylaw will clarify the procedures in relation to the election of the Chair and Vice Chair.

RECOMMENDATION

That the Governance Committee recommend to the Capital Regional District Board:

1. That Bylaw No. 4044 “Capital Regional District Board Procedures Bylaw, 2012, Amendment Bylaw No. 4, 2015” be introduced and read a first and second time;
2. That Bylaw No. 4044 be read a third time; and
3. That Bylaw No. 4044 be adopted.

Submitted by:	Sonia Santarossa, MA, Senior Manager Legislative & Information Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

SS

Attachments – Appendix A - Summary of other Regional District Procedures
Appendix B – Bylaw No. 4044

APPENDIX A

Summary of Regional District Procedures Election of Board Chair and Vice Chair

Regional District	How Vote is Conducted	Candidate Speaking Time	Location of Count	Who Conducts the Count	Scrutineers	Votes Revealed
Alberni-Clayoquot	Secret ballot	3 minutes	n/a	n/a	n/a	n/a
Cariboo	Secret ballot	Yes – no time specified	n/a	n/a	n/a	n/a
Central Coast	n/a	n/a	n/a	n/a	n/a	n/a
Central Kootenay	Secret ballot	2 minutes	Separate room	Corporate Officer with Chief Financial Officer or Chief Administrative Officer	No	Number of votes only revealed by Board resolution
Central Okanagan	Secret ballot	2 minutes	n/a	Corporate Officer and Deputy or designate	No	Yes
Columbia Shuswap	Secret ballot	3 minutes	n/a	n/a	n/a	n/a
Comox	ballot	3 minutes	n/a	Manager Legislative Services	n/a	n/a
Cowichan Valley	ballot	n/a	n/a	Corporate Officer	n/a	n/a
East Kootenay	Secret ballot	2 minutes	n/a	Corporate Officer and Chief Financial Officer	n/a	Yes
Fraser Valley	n/a	n/a	n/a	n/a	n/a	n/a
Kitimat-Stikine	Secret ballot	n/a	n/a	n/a	n/a	n/a
Metro Vancouver	Secret ballot	n/a	n/a	Corporate Secretary with Treasurer or Corporate Solicitor	n/a	No
Kootenay Boundary	Secret ballot	Yes – time not specified	n/a	n/a	n/a	n/a

Nanaimo	n/a	n/a	n/a	n/a	n/a	n/a
North Okanagan	n/a	n/a	n/a	n/a	n/a	n/a
Okanagan-Similkameen	ballot	3 minutes	n/a	n/a	n/a	n/a
Peace River	Secret ballot	2 minutes	n/a	n/a	n/a	No
Powell River	Secret ballot	n/a	n/a	Administrator	n/a	No
Skeena-Queen Charlotte	Secret ballot	2 minutes	n/a	Secretary	n/a	n/a
Squamish-Lillooet	Secret ballot	n/a	n/a	Secretary	n/a	n/a
Strathcona	Secret ballot	3 minutes	Separate room	n/a	n/a	Number of votes only revealed by Board resolution
Thompson-Nicola	Secret ballot	n/a	n/a	n/a	n/a	n/a

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4044

A BYLAW TO AMEND BYLAW 3828, "CAPITAL REGIONAL DISTRICT BOARD
PROCEDURES BYLAW, 2012"

WHEREAS, Bylaw 3828, regulates the proceedings of the Capital Regional District Board;

The Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Bylaw No. 3828, "Capital Regional District Board Procedures Bylaw, 2012" is amended as follows:

a) By adding the following subsections to section 5 "Election of Chair and Vice Chair":

- "(2) Nominations do not need to be seconded and a candidate must consent to the nomination;
- (3) If a candidate is not present at the meeting, his or her written consent to the nomination must be provided to the Corporate Officer at the meeting;
- (4) At the close of nominations, if more than one candidate has been nominated, each candidate will be given a maximum of four (4) minutes to address the Board in favour of his/her candidacy in the order of his/her nomination. If a candidate is not present at the meeting, he or she may have their nominator deliver a prepared speech on his or her behalf not to exceed three minutes in duration.
- (5) At the conclusion of the candidates' speeches, the Corporate Officer and Deputy Corporate Officer or designate will circulate a ballot box in which the completed ballots will be placed. When all of the ballots have been collected the Corporate Officer will remove the ballot box to a separate room and the ballots will be counted in accordance with subsection (6).
- (6) The counting of the ballots will be conducted by the Corporate Officer together with the Deputy Corporate Officer or designate. Either the CRD's legal counsel or a judicial justice appointed under the *Provincial Court Act* will be present to observe the counting of the ballots.
- (7) Following the counting of the ballots, the Corporate Officer shall advise the Chief Administrative Officer of the candidate that has received a majority of the votes.
- (8) The number of votes received by each candidate will not be disclosed to the Board unless a resolution requiring disclosure is passed.
- (11) Once a candidate has been declared elected, the ballots shall be destroyed by way of a Board resolution."

b) By renumbering subsection 5(2) as 5(9) and renumbering subsection 5(3) as 5(10).

c) By amending subsection 5(4) by renumbering it as subsection 5(12) and deleting the words "as set out in sections 5(1)(2) and (3)" and replacing them with the words "as set out in sections 5(1) to (11)."

2. This Bylaw may be cited as "Capital Regional District Board Procedures Bylaw, 2012, Amendment Bylaw No. 4, 2015".

READ A FIRST TIME THIS	day of	2015
READ A SECOND TIME THIS	day of	2015
READ A THIRD TIME THIS	day of	2015
ADOPTED THIS	day of	2015

CHAIR

CORPORATE OFFICER