



Notice of Meeting and Meeting Agenda Governance Committee

Wednesday, April 3, 2024

9:30 AM

6th Floor Boardroom
625 Fisgard St.
Victoria, BC V8W 1R7

M. Little (Chair), S. Goodmanson (Vice Chair), S. Brice, C. Coleman, B. Desjardins, G. Holman,
P. Jones, K. Murdoch, D. Murdock, S. Tobias, C. Plant (Board Chair, ex officio)

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

1. Territorial Acknowledgement

2. Approval of Agenda

3. Adoption of Minutes

3.1. [24-344](#) Minutes of the February 7, 2024 Governance Committee Meeting

Recommendation: That the minutes of the Governance Committee meeting of February 7, 2024 be adopted as circulated.

Attachments: [Minutes - February 7, 2024](#)

4. Chair's Remarks

5. Presentations/Delegations

The public are welcome to attend CRD Board meetings in-person.

Delegations will have the option to participate electronically. Please complete the online application at www.crd.bc.ca/address no later than 4:30 pm two days before the meeting and staff will respond with details.

Alternatively, you may email your comments on an agenda item to the CRD Board at crdboard@crd.bc.ca.

6. Committee Business

6.1. [24-350](#) Freedom of Information and Protection of Privacy Act (FOIPPA) 2023 Overview

Recommendation: There is no recommendation. This report is for information only.

Attachments: [Staff Report: Freedom of Information and Protection Privacy Act 2023 Overview](#)
[Appendix A: 2023 FOI Request Metrics Tables 1- 4](#)

6.2. [24-358](#) Update to Implications Section of Staff Reports

Recommendation: There is no recommendation. This report is for information only.

Attachments: [Staff Report: Update to Implications Section of Staff Reports](#)
 [Appendix A: Climate Implications Guidance Document](#)
 [Appendix B: First Nations Implications Guidance Document](#)
 [Appendix C: Equity, Diversity and Inclusion Implications Guidance Document](#)

6.3. [24-349](#) Board Code of Conduct Bylaw - Complaint Process Flowchart

Recommendation: The Governance Committee recommends to the Capital Regional District Board:
That the CRD Board Code of Conduct Bylaw Complaint Process Flowchart attached as
Appendix B be approved.

Attachments: [Staff Report: Board Code of Conduct Bylaw - Complaint Process Flowchart](#)
 [Appendix A: Bylaw No. 4605](#)
 [Appendix B: Board Code of Conduct – Complaint Process Flowchart](#)

6.4. [24-345](#) Board Chair Voting Rights on Standing Committees

Recommendation: There is no recommendation. This report is for information only.

Attachments: [Staff Report: Board Chair Voting Rights on Standing Committees](#)

6.5. [24-353](#) Previous Minutes of Other CRD Committees and Commissions for Information

Recommendation: There is no recommendation. The following minutes are for information only.
a) Accessibility Advisory Committee Meeting - October 17, 2023
b) Accessibility Advisory Committee Meeting - November 21, 2023
c) Accessibility Advisory Committee Meeting - January 16, 2024

Attachments: [Minutes: AAC - October 17, 2023](#)
 [Minutes: AAC - November 21, 2023](#)
 [Minutes: AAC - January 16, 2024](#)

7. Notice(s) of Motion**8. New Business****9. Adjournment**

The next meeting is June 5, 2024.

To ensure quorum, please advise Jessica Dorman (jdorman@crd.bc.ca) if you or your alternate cannot attend.

Meeting Minutes

Governance Committee

Wednesday, February 7, 2024

9:00 AM

6th Floor Boardroom
625 Fisgard St.
Victoria, BC V8W 1R7

PRESENT

Directors: M. Little (Chair), S. Goodmanson (Vice Chair), S. Brice, C. Coleman, B. Desjardins (EP), G. Holman (EP), P. Jones, K. Murdoch, D. Murdock (9:03 am), S. Tobias (EP), C. Plant (Board Chair, ex officio)

Staff: T. Robbins, Chief Administrative Officer; K. Morley, General Manager, Corporate Services; C. Hauff, Senior Manager, Technology and Digital Transformation; A. Orr, Senior Manager, Corporate Communications; Z. Gray, Manager Website and Multimedia Development, Corporate Communications; M. Lagoa, Deputy Corporate Officer; J. Dorman, Committee Clerk (Recorder)

EP - Electronic Participation

The meeting was called to order at 9:01 am.

1. Territorial Acknowledgement

Director Coleman provided a Territorial Acknowledgement.

2. Approval of Agenda

MOVED by Director Coleman, **SECONDED** by Director Brice,
That the agenda for the February 7, 2024 Governance Committee meeting be approved.
CARRIED

3. Adoption of Minutes

3.1. [24-117](#) Minutes of the December 6, 2023 Governance Committee Meeting

MOVED by Director Brice, **SECONDED** by Director Murdock,
That the minutes of the Governance Committee meeting of December 6, 2023 be adopted as circulated.
CARRIED

4. Chair's Remarks

Chair Little spoke about the item's on today's agenda and the importance of the Board Code of Conduct.

5. Presentations/Delegations

There were no presentations or delegations.

6. Committee Business

6.1. [24-025](#) 2024 Governance Committee Terms of Reference

K. Morley presented Item 6.1. for information.

Discussion ensued on the following:

- Accessibility Advisory Committee reporting structure

6.2. [24-060](#) 2024 Appointments Advisory Committee

**MOVED by Director Plant, SECONDED by Director Coleman,
The Governance Committee recommends to the Capital Regional District Board:
That the membership of the Appointments Advisory Committee for 2024 include
Governance Committee Chair Little and the following two committee members:
Director Goodmanson, and Director Brice.
CARRIED**

6.3. [24-146](#) CRD Engagement Practices and Platforms

A. Orr presented Item 6.3. for information

Discussion ensued on the following:

- provincial mandates and municipality participation
- open-source model
- product development

6.4. [24-153](#) Board Code of Conduct - Draft Bylaw Review

K. Morley spoke to Item 6.4.

Discussion ensued on the following:

- preliminary steps to direct resolution
- complaint filing period and investigation timeline
- signing commitment and statement of commitment
- application and limitations of remedies and sanctions
- release of information and protection of personal information
- public complaint process

MOVED by Director Plant, **SECONDED** by Director Murdoch,

The Governance Committee recommends to the Capital Regional District Board:

1. That staff be directed to finalize the Board Code of Conduct Bylaw inclusive of the terms set out in the draft attached at Appendix A, and;
2. That the Board Code of Conduct go directly to the Regional Board for readings and adoption at the March Board meeting.

MOVED by Director Plant, **SECONDED** by Director Brice,

That the main motion be amended to add "3. Direct staff to modify bylaw Section 18 to reference Board Chair and CAO as the parties to whom a Board Member may submit a complaint."

CARRIED

The question was called on the main motion as amended:

1. That staff be directed to finalize the Board Code of Conduct Bylaw inclusive of the terms set out in the draft attached at Appendix A, and;
2. That the Board Code of Conduct go directly to the Regional Board for readings and adoption at the March Board meeting.
- 3.. Direct staff to modify bylaw Section 18 to reference Board Chair and CAO as the parties to whom a Board Member may submit a complaint.

CARRIED

Motion Arising 1:

MOVED by Director Plant, **SECONDED** by Director Murdoch,

Staff bring forward a document for Directors to sign to show their acceptance and support for the Code of Conduct following adoption of the bylaw.

CARRIED

OPPOSED: Jones

Motion Arising 2:

MOVED by Director Plant, **SECONDED** by Director Coleman,

That staff develop an annual reporting out mechanism for the committee to review and conduct a review of this bylaw after the first year and report back to the Governance Committee.

MOVED by Director Murdoch, **SECONDED** by Director Plant,

That the motion arising be amended to strike the word "annual".

CARRIED

OPPOSED: Coleman

The question was called on the motion arising as amended:
That staff develop a reporting out mechanism for the committee to review and conduct a review of this bylaw after the first year and report back to the Governance Committee.

CARRIED

Motion Arising 3:

MOVED by Director Murdoch, **SECONDED** by Director Goodmanson,
That staff be directed to include a separate one-page summary of the Board Code of Conduct for easy Board reference.

MOVED by Director Plant, **SECONDED** by Director Coleman,
That the motion arising be amended to replace the word "summary" with "flowchart".

CARRIED

OPPOSED: Holman

The question was called on the motion arising as amended:
That staff be directed to include a separate one-page flowchart of the Board Code of Conduct for easy Board reference.

CARRIED

Director Tobias left the meeting at 10:50 am.

7. Notice(s) of Motion

There were no notice(s) of motion.

8. New Business

There was no new business.

9. Adjournment

MOVED by Director Murdock, **SECONDED** by Director Murdoch,
That the February 7, 2024 Governance Committee meeting be adjourned at 10:53 am.

CARRIED

CHAIR

RECORDER

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, APRIL 03, 2024**

SUBJECT **Freedom of Information and Protection of Privacy Act (FOIPPA) 2023 Overview**

ISSUE SUMMARY

The purpose of this report is to provide an annual year-end update on the key metrics of Freedom of Information (FOI) requests received in 2023 and provide an overview of privacy-related activities led by the Privacy and Information Services Division in 2023.

BACKGROUND

The *Freedom of Information & Protection of Privacy Act* (the Act) requires all public bodies to be accountable to the public and to protect personal privacy by providing a right of access to records in the custody or control of a public body, including records containing personal information about the applicant.

Access (FOI) Requests for 2023

In 2023, the Capital Regional District (CRD) processed 284 requests for information under the Act, increasing by 36 requests or approximately 13% over last year. The Planning and Protective Services Department and Building Inspection Division continue as the service areas most subject to FOI requests. The average size of each request increased from previous years, as has the overall complexity and effort required to process each request.

Records retrieved are categorized by department under the following themes:

Planning and Protective Services (249 Requests):

- **Building Inspection** (201 requests) – building and property inspection records;
- **Bylaw Enforcement** (41 requests) – animal control incidents, complaint files (including audio-visual files), permits and inspection records;
- **Fire Incidents** (1 request) – Fire Department incident response records;
- **Regional Housing** (5 requests) – Committee records, planning & policy, funding and grant records;
- **JdF Planning** (1 request) – Committee meeting records, reports, statistics, and surveys.

Corporate Services (6 requests) – contracts, agreements, bylaws and related records.

Executive Services and Human Resources (6 requests) – Board and committee meeting records and correspondence, personnel records.

Integrated Water Services (8 requests) – watershed protection, waste management, water servicing, electronic vehicles and related records.

Parks & Environmental Services (13 requests) – Wildlife and environmental resource

management, strategic planning records about parks and trails, video surveillance footage from recreational facilities.

Finance & Technology (2 requests) – Financial service records.

In 2023, Privacy and Information Services staff processed an unprecedented number of audio-visual files (both audio and video recordings), including 348 videos. Most of these records were responsive to bylaw enforcement FOI requests, which is a new trend in FOI work.

In previous years, the only video files that were commonly requested and released are video surveillance footage from CRD facilities, usually requested to support police/RCMP investigations. Typically, such footage is not severed, as in these cases, requesting law enforcement agencies have legal authority to receive unredacted surveillance footage records.

This new trend reflects society's increased use of mobile devices, including camera and audio recording technology, coupled with increased file storage and file sharing options. This shift resulted in a higher accumulation, storage, and use of these rich media file formats as records, including for personal use, and within organizations. For bylaw complaints, it is becoming commonplace for the public to collect and submit audio and video evidence of bylaw incidents and issues for an investigation file. Parties to an investigation are often aware, or suspect, that audio/video evidence exists and subsequently request these record types through the FOI process.

In FOI work, audio-visual files are complex to redact and are significantly more time-consuming to process compared to written records, electronic documents, photos, and other file types. Privacy and Information Services is quickly adapting to meet this new demand, learning new technology and innovating processes to properly redact, annotate, and release these requested digital formats in compliance with the Act. Given that many public bodies do not have the capability (i.e., required tools and/or technical knowledge) to address audio-visual files yet, we may be leaders in this area.

Request metrics are further broken down in the Tables in Appendix A. Tables 1 and 2 outline the type of requestors and the number of requests broken down by CRD department area. The effort required to address each request varies significantly based on the scope and nature of what the applicant is looking for. Table 3 sets out the cumulative total number of pages staff reviewed and released over the year. This metric does not include other forms of processed records, including audio-video files. Table 4 outlines how many requests were subject to fees, how much was issued in fee estimates compared to how much was collected in fee payments, how many of the requests involving fees were commercial applicants compared to non-commercial applicants (i.e. individuals) and how many requests were not processed due to fees.

Privacy Impact Assessments (PIAs) - In 2023, Privacy and Information Services staff worked on over 54 PIAs, compared to 35 PIAs in 2022. Several PIAs carried over from 2022, of which a few are still in progress. As PIAs have been mandatory since November 2021, corporate training, communications, and practices continue to raise awareness throughout the organization. Besides volume increases, in 2023, staff experienced increases in the complexity, depth and scope of PIA work through numerous information technology (IT) and system upgrades and corporate change initiatives. Many legacy IT systems and processes, which never initially went through the PIA process, are now being assessed due to a major system upgrade or change.

PIAs completed in 2023 can be categorized under the following themes:

- **Public or Internal Stakeholder Consultation and Surveys** (18 PIAs) – Employee engagement survey, arts & culture community engagement, electronic water station booking form, Magic Lake community issues assessment, Housing Agreement Program (HAP) engagement project, 2023 resident survey (Malatest), volunteer satisfaction survey, Indigenous relations coaching program questionnaire, First Nations Relations Forum of All Councils feedback, Project portfolio management survey (internal), Accessibility feedback form (internal), CRD Evolves Survey (internal), Annual survey on climate action progress.
- **New or Updates to Corporate Technologies & Major Change Initiatives** (25 PIAs) – Video surveillance systems changes or updates, corporate safety systems for Prismatic and ProTELEC Checkmate software, SharePoint collaboration sites (various), First Due (Fire Departments records management software), water billing web tool, M365 Teams Presence, PlayBuilder lesson planning software, SuccessFactors (Human Resource Information System, HRIS), Propulso (Royal Oak golf course visitor use), JIRA project management software, telecommunications and automation drone, archaeology field mapping application.
- **Internal Projects** (10 PIAs) – United Way campaign, Alternative Work Options, Equity, Diversity & Inclusion working group, routine disclosure of environmental hazard data, environmental stewardship & protection webinars (LiveGreen), Google street view image capture and mapping of CRD trails, employee recognition through Kudos and E-Cards.
- **Provincial / Multi-Jurisdictional Partnerships or Projects** (2 PIAs) – Extreme Heat Information Portal (CRD and GeoBC), Homeless Individuals and Families Information System project (HIFIS, involving CRD, BC Housing, other various parties).
- **External Studies and Research** (1 PIA) – Western Painted Turtle identification and monitoring.

PIAs can differ greatly across initiatives which require them. The time and effort required to write, review, and complete a PIA heavily depends on the scope, scale and complexity of an initiative. Key considerations include the type and sensitivity of the information involved, the initiative's privacy impacts and mitigation requirements, the physical, technical and security measures used, the processes, systems and stakeholders involved, and timing. Large initiatives may require multiple PIAs to address the different components or may require multiple years to complete. Business areas lack the privacy subject matter expertise to complete PIAs on their own and need guidance for their initiatives to be privacy compliant, which the PIA process provides. Further, PIAs for technology initiatives may also require input and review by Information Technology staff, particularly security.

Initiatives involving a service provider or external stakeholder typically include the third party/parties in the PIA process. Components of the assessment may require external input, such as the technical security measures used to protect information collected and stored by a third party. The process helps apprise service providers of the CRD's obligations under FOIPPA.

PIAs are often time sensitive for the program area submitting them for review, which is challenging for the Manager, FOI and Privacy since they have concurrent FOIs and PIAs to

manage and complete, along with other responsibilities. This is resulting in PIAs which cannot be completed before an initiative is implemented, or some PIAs are not completed, though certain FOIPPA requirements, like collection notice statements on surveys, are still addressed. A risk-based approach is taken in this regard, and a new senior privacy analyst FTE position has been approved for 2024, to further support this work.

Privacy Management Program (PMP) and Training – Privacy and Information Services provides regular mandatory FOI and privacy training for all CRD employees, which must be completed within six months of employment. In 2023, Privacy and Information Services trained approximately 134 employees, over seven training sessions.

Privacy Breach Reporting – In 2023, Privacy and Information Services were notified of six privacy incidents; none of which resulted in any significant harm to affected individuals, and all were quickly remediated. Two privacy-related complaints involved the Office of the Information and Privacy Commissioner (OIPC) for BC. The CRD was upheld in the first complaint review, while the second complaint has not yet been reviewed by an OIPC investigator.

The number of privacy breaches that occur annually is relatively low, and generally manageable, but could be very impactful on workload should a large incident occur, involving sensitive personal information. Privacy staff coordinate closely with IT security on areas of common interest, including PIAs, risk management, incident management, policies, training, and support.

Alignment with Board & Corporate Priorities

Access to information and privacy impact assessments fall under the Community Need for Open Government. These activities also support legislative compliance, transparency and business systems and processes in the Corporate Plan and are important for good governance.

CONCLUSION

The number of FOIs and PIAs has continued to grow in 2023. It is anticipated that this trend will continue in both areas, especially with respect to PIAs given the objectives of the recent IT Strategic Plan. Further work is planned in 2024 to create publicly accessible data categories for certain record types (i.e., building inspection, environmental hazard data) in support of open government.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Kelsey Dupuis, Manager, FOI & Privacy
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: 2023 FOI Request Metrics Tables 1 - 4

Table 1 – Types of Requestors

Type of Requestor	Requests by Year		
	2023	2022	2021
Individuals	156	134	172
Realtors	81	66	24
Law Firms	11	23	10
Other Commercial/Businesses	14	12	12
Associations and Societies	5	2	2
Federal/Provincial*	6	5	5
Local Governments*	3	4	13
RCMP and Police	7	1	0
Media	1	1	1
Total	284	248	239

**These account for consultation requests submitted by government bodies under FOIPPA. Consultation requests require similar administration and processing efforts to other FOIs for reporting purposes.*

Table 2 – Requests by Department

Requests by Department	Requests by Year		
	2023	2022	2021
Planning and Protective Services	244	213	192
Parks and Environmental Services	13	12	15
Executive Services	6	6	8
Corporate Services	6	7	5
Finance & Technology	2	0	4
Integrated Water Services	8	4	4
Capital Regional Housing Corp / Regional Housing	5	6	11
Total	284	248	239

Table 3 – Summary of Documentation Released

Year	Requests	Pages Reviewed	Pages Released	Average Review	Average Release	30 Day Extension
2023	284	14,306*	10,355	50	36	8
2022	248	8,730	6,344	35	26	2
2021	239	10,771	7,679	45	32	0

** This figure does not include 348 audio-video records that were also reviewed in 2023 .*

Table 4 – Summary of Fee Estimates Issued and Fees Collected

Year	Requests	Total Requests with Fees	Total Fee Estimates Issued	Total Fees Collected (Paid)	Total Commercial Requests (Paid Fees)	Total Non-Commercial Requests (Paid Fees)	Total Requests Abandoned (Not Paid)
2023	284	7	\$2,110.80	\$349.79	1	3	3
2022	248	8	\$3,002.05	\$1134.99	2	3	3
2021	239	5	\$1,042.59	\$562.59	3	1	1

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, APRIL 03, 2024**

SUBJECT **Update to Implications Section of Staff Reports**

ISSUE SUMMARY

To present new Climate, First Nations, and Equity, Diversity, and Inclusion Guidance documents to support staff report writers in completing these implication sections in the staff report template.

BACKGROUND

The CRD Board's 2023-2026 Board Priorities includes the Governance initiative 5b to "*Strengthen Board decision-making frameworks to include First Nations reconciliation, equity, diversity and inclusion, and climate action lenses.*" These three new implication sections were introduced to the staff report template in late 2023. At this time, divisional leads in Climate Action (CA), First Nations Relations (FNR), and People, Safety & Culture (PSC) came together with Legislative Services to discuss how to provide effective guidance to staff on how to address these new and emerging implications that are increasingly affecting the decisions and work that the CRD is undertaking.

The Executive Leadership Team (ELT) approved the development of tools to assist staff in undertaking the relevant considerations and assessments that would allow report writers to highlight for Committees and the Board the potential implications associated with each of these areas. The three guidance documents on Climate, First Nations, and Equity, Diversity and Inclusion are attached as Appendices A, B and C to this report and described further below. These new implication sections will be considered and utilized by report writers along with other implications currently used in staff reports, including Environmental, Intergovernmental, Social and Financial.

IMPLICATIONS

The Climate Implications Guidance document (Appendix A) provides guidance to staff as they consider climate change implications (mitigation and adaptation) for staff reports and resulting projects. The guide identifies relevant CRD targets and strategies, policies, and technical resources to support climate-informed planning processes. It is intended to be a living document that will consider and implement user feedback over time.

The First Nations Implications Guidance document (Appendix B) assists staff in identifying and addressing First Nations implications related to project planning, implementation and staff reports. It provides overarching principles to promote positive relations with First Nations, provides guidance for incorporating a First Nations lens, offers examples of how First Nations' implications that can be addressed in staff reports, and provides relevant resources.

The Equity, Diversity and Inclusion (EDI) Implications Guidance document (Appendix C) establishes common definitions of the terms equity, diversity, inclusion and accessibility, provides examples of types of CRD work which may benefit from applying an EDI lens, and prompts staff report writers to consider specific ways that an EDI lens may be applied to considerations such

as the overall staff report, project design, engagement, impacts, communications, accessibility and feedback. It is intended to be a living document that will be revised in the future based on user feedback and as the organization develops in its EDI journey.

Alignment with Board & Corporate Priorities

The guidance documents support staff with understanding and implementing the Board's priorities related to climate action, First Nations reconciliation, and EDI, and how to reference these considerations in staff reports.

To meaningfully demonstrate that these lenses are being applied, it will be critical that project planning considers these factors well before a staff report is written. Offering foundational guidance and training to report writers will support the integration of these implications into projects early enough in the planning process to be meaningful.

In recognition of the complexity of these implications, training will be provided to staff and ELT on navigating the new guidance documents. Expectations related to the new implications sections will be rolled out with a post on our internal intranet site for staff, CRD Central, and several training sessions will be offered through the staff training calendar. The guides will not eliminate the need for staff to consult with divisional leads in CA, FNR, and PSC on specific projects or initiatives but they will hopefully provide a common baseline of understanding in these priority areas and bring a level of consistency to how these implications are addressed in staff reports.

CONCLUSION

Three new implications sections have been added to the staff report template: Climate, First Nations, and Equity, Diversity & Inclusion (EDI). The newly developed implications guidance documents will provide support for staff and the Executive Leadership Team (ELT) to identify and address these priority considerations across project planning and implementation and when writing staff reports. Additional support will be provided through targeted training for staff and ELT.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Chris Neilson, MBA, CPHR, Senior Manager Human Resources & Corporate Safety
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Climate Implications Guidance Document
Appendix B: First Nations Implications Guidance Document
Appendix C: Equity, Diversity and Inclusion Implications Guidance Document

Climate Implications Guidance Document

Climate Action Program | March 2024

This document provides guidance to CRD staff as they consider climate change implications for staff reports and resulting projects. It identifies relevant CRD targets and strategies, policies, technical resources to support climate-informed planning processes.

This is intended to be a living document that considers and implements user feedback. Please contact the CRD Climate Action Program (climateaction@crd.bc.ca) with any questions or comments about this guide.

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Introduction to this Tool

In 2019, the Capital Regional District (CRD) Board declared a Climate Emergency. In 2021, the Board renewed the CRD's Climate Action Strategy (CAS) which includes an overarching goal to integrate climate action priorities into decision making processes across the organization. This was re-affirmed in the 2023 – 2026 Board Priorities which includes a governance initiative (5b) to: “strengthen Board decision-making frameworks to include a climate action lens (along with First Nations reconciliation and equity, diversity, and inclusion)”. In response, staff must consider climate change implications (mitigation of emissions and adaptation to climate impacts) in the planning and development of CRD projects and policies. This information should be included in the ‘Climate Action’ implications section of staff reports. This guidance document has been developed to assist staff with identifying and addressing climate change implications in their **project** planning and implementation.

PROJECT– Any study, plan, policy, or capital project can use this document

Prior to proceeding, staff should review the following section to ensure understanding of the two components to climate action: **mitigation** and **adaptation**.

Resources and tools listed in this document can all be found on the [Climate Action SharePoint](#). Additional assistance can be provided by CRD Climate Action team members.

OVERVIEW: Climate Change Implications

The first step to implementing a climate lens is to establish whether the project has implications for climate change. This may include impacts on climate mitigation, climate adaptation, or both. These concepts are defined below and examples of projects with implications for each are provided.

MITIGATION involves measures to reduce or prevent the emission of greenhouse gases (GHGs) into the atmosphere.

ADAPTATION involves taking a risk management approach to prepare for, anticipate, withstand, respond to, and recover from climate change related impacts.

When should I consider **Climate Mitigation** Implications?

Projects should consider climate mitigation implications if they reduce, prevent, or modify regional GHG emissions. This includes (but is not limited to) projects that:

- Impact on corporate or regional energy systems (electricity, natural gas, propane, district energy),
- Involve fuel-burning equipment or vehicles,
- Divert waste,
- Preserve natural assets.

When should I consider **Climate Adaptation** Implications?

Climate adaptation can be understood as the process of adjusting to the current and future effects of climate change. CRD projects should consider climate adaptation implications if they will be impacted by climate-related events, or if they support or reduce the resiliency of the region in the face of climate related impacts. This includes (but is not limited to):

- Projects that are exposed to or affected by climate or weather events.
- Projects with shoreline related work, infrastructure or planning projects, projects relating to water, storm water or wastewater management, work related to outdoor public spaces, conservation / acquisition / remediation of natural assets, and long-term studies or master planning reports.

While climate mitigation and adaptation are defined as distinct concepts above, they often overlap in practice. Examples of actions that meet both goals are illustrated in Figure 1:

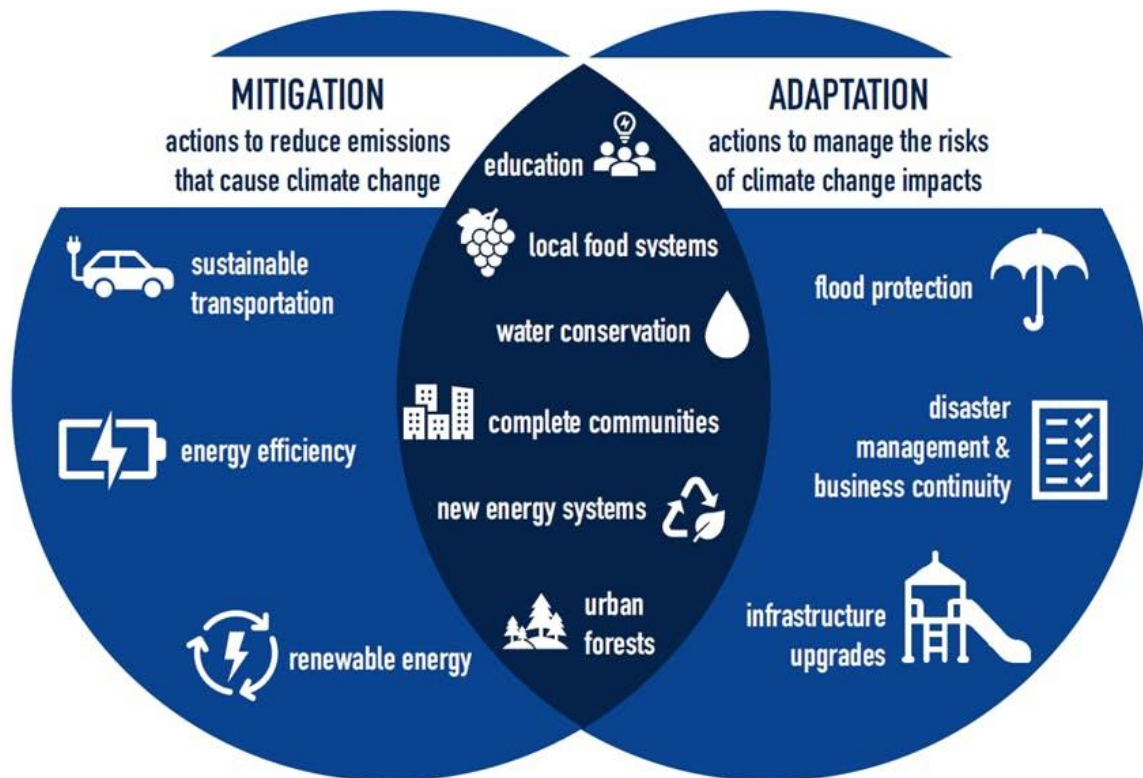


Figure 1: Examples of actions that address climate mitigation, climate adaptation, or both.

Please review this document in full to determine whether your project should consider implications for climate mitigation, climate adaptation, or both.

OVERVIEW: CRD Climate Action Strategy & Board Priorities

In 2021, the Board renewed its five-year Climate Action Strategy with six goal areas that provides a clear path forward for how the CRD, under its service mandates, will show leadership on climate action, both for the CRD's corporate operations and for its community-focused services. The six goal areas of the Climate Action Strategy are listed in Figure 2:

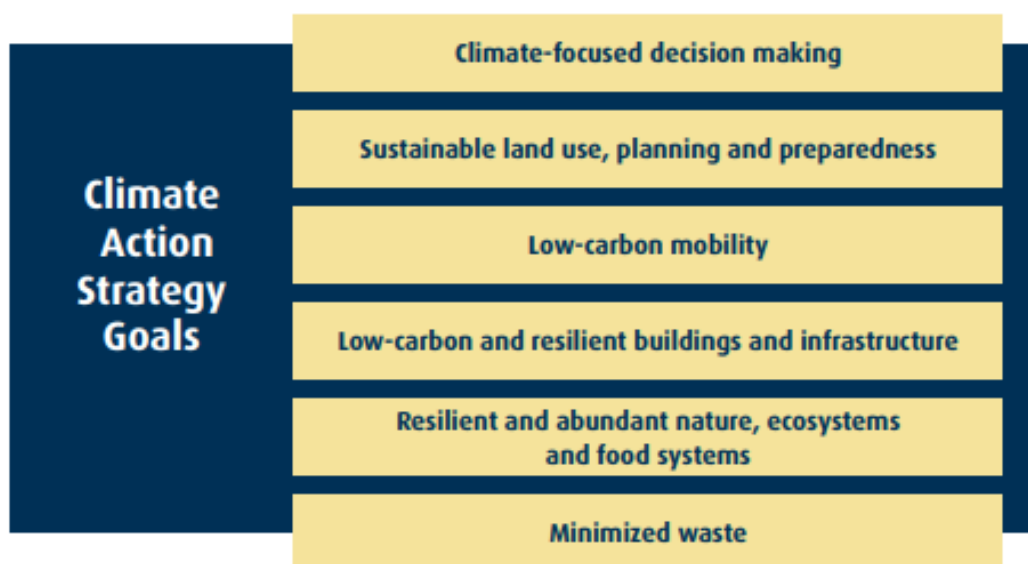


Figure 2: The six Climate Action Strategy goal areas

The Climate Action Strategy includes 126 actions with various departmental/divisional responsibilities for completion through 2025. Review the action summary for your department to determine the relevant goal(s), action(s), and sub-action(s) from the CRD Climate Action Strategy using the links provided below. For a complete list of all actions and sub-actions, see Appendix C of the [Climate Action Strategy](#).

Department Action Summaries

- [Corporate Services](#)
- [Executive Services](#)
- [Finance & Technology](#)
- [Integrated Water Services](#)
- [Parks & Environmental Services](#)
- [Planning & Protective Services](#)

Board Priorities and Corporate Plan

Several of the 2023-2026 [Board Priority Initiatives](#) include strong directives related to climate action:

- **Transportation 1b:** Support investments, expansion, and equitable access to active and low carbon transportation.
- **Climate Action & Environment 3c:** Increase resilience, community and adaptation planning to address climate related risks and disasters.
- **Climate Action & Environment 3d:** Support energy efficient and low carbon buildings across the region.
- **Governance 5b:** Strengthen Board decision-making frameworks to include First Nations reconciliation, equity, diversity and inclusion, and climate action lenses.

Staff are encouraged to review the relevant sections of the [CRD 2023 – 2026 Corporate Plan](#) for additional climate action related initiatives (many of which align with the Climate Action Strategy).

If your project aligns with any of the goal(s), action(s) and/or sub-action(s) outlined in the CRD Climate Action Strategy or the Board Priorities/Corporate Plan, include this information in the "*Alignment with Existing Plans & Strategies*" and "*Alignment with Board & Corporate Priorities*" sections of your staff report.

Note: The CRD Climate Action Strategy overlaps with other CRD strategic plans. Specific departments may have other strategic plans that are connected to this which should be highlighted.

OVERVIEW: CRD Emissions Reductions Targets

The CRD has developed corporate and regional GHG emissions targets as part of our commitment to reducing GHG emissions in the capital region (see Figure 3). These targets are outlined in detail in the CRD Climate Action Strategy.

These targets support global efforts to limit global temperature increases to within 1.5°C above pre-industrial levels. Projects that directly or indirectly reduce or modify GHG emissions in the capital region influence whether we are successful in achieving these targets.

The targets for corporate versus regional GHG emissions have specific reporting boundaries that are defined by GHG accounting guidelines. If your project or policy impacts GHG emissions in the capital region, use the table below to determine which boundary they fall within.

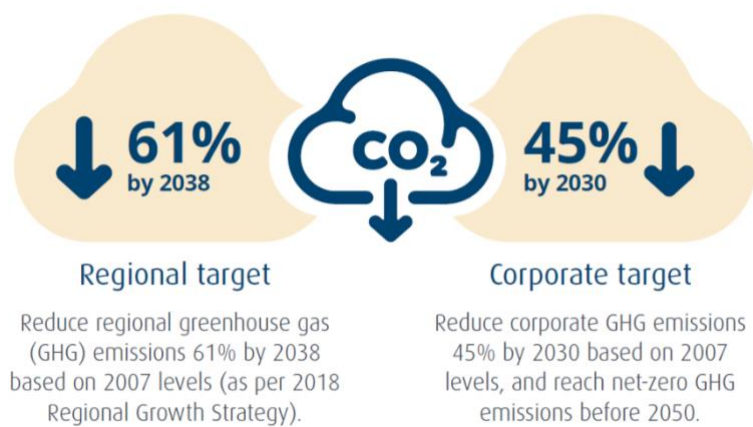


Figure 3: CRD's regional and corporate GHG emissions reduction targets

Table 1: CRD Corporate and Regional GHG Emissions Reporting Boundaries

CRD Corporate Emissions	CRD Regional Emissions
<p><u>2023 emissions:</u> 2,956 t CO₂e Completed annually.</p> <p>This GHG inventory includes all energy consumed by CRD buildings, facilities, infrastructure, vehicles and equipment. Some contracted services such as waste hauling and transfer are also included.</p> <p>Note: Hartland Landfill and Capital Region Housing Corporation operational emissions are excluded from this inventory (as per provincial guidelines) but are captured in the Regional Emissions Inventory.</p>	<p><u>2022 emissions:</u> 1.86m t CO₂e Completed every two years.</p> <p>This GHG inventory represents the best available information for emissions from the community. Following the GPC BASIC + protocol, the scope of emissions includes stationary energy (e.g., buildings, construction, energy industry), transportation, waste, industrial process and product use, agriculture, forestry, and other land use.</p>

OVERVIEW: CRD Climate Action Policies

There are currently three (3) CRD Climate Action Policies that apply to corporate projects to apply a 'climate lens' and support corporate GHG emission reductions. The boundaries for each of these policies are defined below. If the project falls within any of these policy boundaries, review the links provided in Table 2 to ensure that the project complies with the given policy. Include this information under the "Climate Change Implications" section of your staff report.

Table 2: CRD's Climate Action Policies

Policy	Description
Green Fleet Policy	Applies to vehicle purchases of all types.
Green Building Policy	Applies to any new construction and all major retrofits. Please use the pre-screening checklist in Schedule 1 of the policy to determine if the project qualifies as a major retrofit.
Carbon Price Policy	Applies to all options analyses that use life-cycle cost analysis involving the following assets and operations: fleet purchases, new buildings, building retrofits, fuel-burning equipment and energy purchases. This policy should also be used in situations where the project manager is interested in incorporating an internal cost of carbon during project planning. For additional information, please review the Carbon Price FAQ .

If you require assistance with the Climate Action Policies, please contact Keegan Hardy, CRD Corporate Energy Specialist, kjhardy@crd.bc.ca.

GUIDANCE: Examples in CRD Staff Reports

A 'climate lens' will need to be integrated into a project at multiple stages of project delivery. Integrating the climate lens **as early as possible** will help projects to become more resilient, environmentally friendly, and contribute positively to climate change mitigation and adaptation efforts.

Key tasks in each project stage are categorized below, with basic examples provided in italics. Additional information for each of these tasks are further detailed in the appendices of this document.

Project Planning & Initiation

- **Identification of goals, actions, and sub-actions from the [CRD Climate Action Strategy](#) that the project supports.**
This project directly supports Action 4-3, sub-action B - "Conduct Saanich Peninsula District Energy System Expansion Study" of the Climate Action Strategy.
- **Identification of [Climate Adaptation](#) impacts to the project, and how adaptation strategies will be incorporated into the project.**
This project has been identified to be in an area of high risk due to sea level rise caused by climate change, and risks and mitigation strategies will be included in the scope of work.
- **Adherence to applicable [CRD Climate Policies](#).**
This project will be developed in accordance with the CRD Green Building Policy, and the scope of work will include all mandatory requirements of the policy.
- **Identification of the [CRD Emissions Reductions Targets](#) which the project supports, and whether any calculations will be completed in-house or externally.**
This project is estimated to save significant emissions from the CRD Corporate Inventory and will contribute towards the Corporate GHG Reduction Target. GHG reduction calculations will be completed by the consultant.
- **Identification of climate-related tasks to obtain specific incentives or grants.**
An external Climate Change Risk Assessment will need to be included in this scope of work to meet Infrastructure Canada grant requirements.

Project Design Phase

1. **Selection of equipment or options based on Climate Lens**
Through a life-cycle cost analysis, option B has been identified as having the lowest cost over a 25-year life cycle, and the lowest lifetime emissions. The recommendation is to proceed with Option B for the final design, even though it has a higher capital cost.
2. **Changes to the scope of work based on assessment of Climate impacts and supporting [CRD Climate Action Strategy](#) goals, if applicable.**
Additional design considerations to accommodate for high rainfall quantities in 2030s-2040s have been added in the updated cost estimate. This directly supports the Action 4-6, sub-action A – "Consider climate change impacts when undertaking risk

assessments associated with the water supply and wastewater systems and infrastructure management decision making and plans.”

3. Confirmation that no significant climate risks for the project.

An internal climate change risk assessment has been completed for this project, and no significant risks have been identified. Minor risks will be mitigated.

GUIDANCE: Climate Action Team

The Climate Action Team is always at your service. We are committed to providing assistance and support specifically tailored to integrate the climate lens into your initiatives. Whether you are navigating the complexities of emissions analysis, sustainability strategies, or seeking guidance on climate-conscious project development, our team is here to empower you every step of the way. Connect with us early in your planning process to ensure your projects align seamlessly with climate objectives, contributing to a sustainable and resilient future.

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250.360.3283

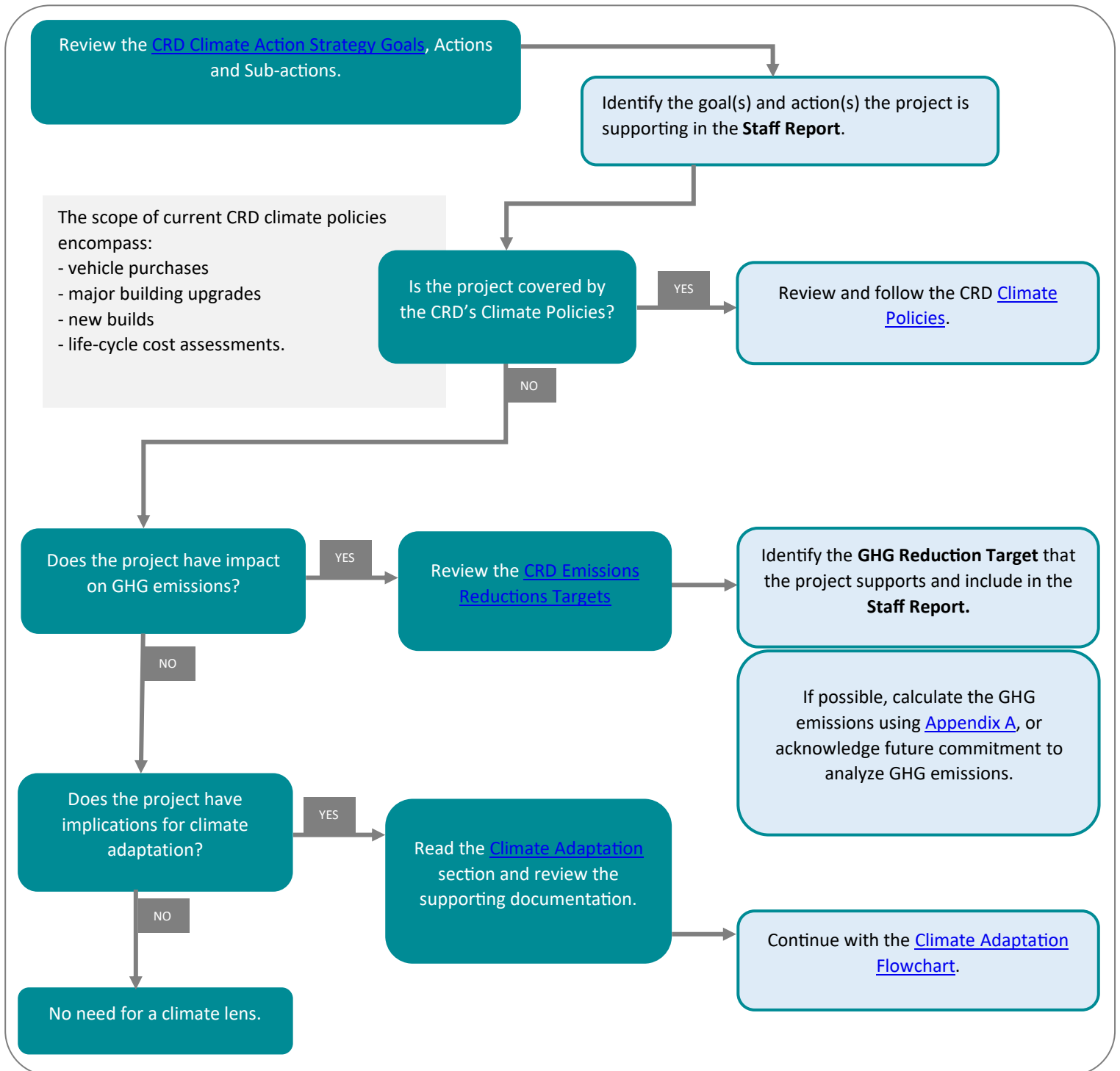
RESOURCE: Climate Action Reserve Fund (CARF)

The Climate Action Reserve Fund is a mechanism to provide seed funding for projects that support CRD's corporate climate action strategy. Climate Action Program staff work with members of the CRD Fleet and Facilities Climate Action Working Group to identify and execute projects. Generally, the scope of the fund is to conduct feasibility analysis, energy efficiency or emissions savings studies, business case analysis, and climate lens reviews and fund corporate activities and actions that align with the Climate Action Strategy.

Have an idea that needs funding? Contact climateaction@crd.bc.ca

GUIDANCE: Overall Process Flowchart

The following flowchart presents an overview of climate action tools and resources that should be reviewed. This visual guide is connected to supplementary resources within this document, along with annotations indicating when it is appropriate to incorporate language into CRD staff reports.



Appendix A: Calculating GHG Emissions

Most funding agencies necessitate GHG emissions analysis, a process that can be managed internally for simpler tasks like lighting retrofits or minor equipment swaps. However, when dealing with substantial capital projects, particularly those seeking support from federal and provincial grant programs, engaging an external consultant may be essential. It is important to note that for projects with material impacts, GHG emissions analysis should be conducted and provided to the Climate Action Service to include in annual reporting.

GHG analysis may also be included in a study, options analysis, or an energy audit prior to proceeding with major capital projects.

Non-quantifiable GHGs

In many instances, challenges arise due to limitations in data availability or the absence of clear frameworks for precise emission calculations. This is particularly evident in projects such as tree planting, recycling initiatives, land use projects, and trail widening. To address such situations, it is recommended to liaise with CRD Climate Action staff to explore alternative approaches.

GHG Emissions Inventory Scopes

GHG emissions are divided into three (3) categories: Scope 1, Scope 2, and Scope 3.

Scope 1: Emissions directly generated by owned or purchased resources
e.g., Burning natural gas, propane or other fossil fuels; fuel-powered vehicles and equipment; fugitive emissions from refrigerants; process emissions

Scope 2: Indirect emissions from the generation of purchased energy, in most cases from a utility provider.
e.g., GHG emissions associated with purchased electricity or district energy

Scope 3: All indirect emissions that are not captured by Scope 1 or 2. Also known as the embodied carbon of a material or good.
e.g., GHG emissions associated with a material or good from production to disposal, including resource extraction, any required agriculture, manufacturing, packaging, shipping, and disposal.

Calculating Scope 1 and 2 Emissions

Scope 1 and 2 emissions can be quantified within the CRD for many projects. The BC Government has produced the [2022 B.C. Best Practices Methodology for Quantifying Greenhouse Gas Emissions](#), a detailed guide on the quantifying and calculating of GHG emissions. Once a quantity of energy is known,

it can be converted to GHG emissions by using the specified emission factor for that energy type in Table 3. The **key emission factors** have been extracted from the B.C. Best Practices document and can be found below.

Note: If you do not feel comfortable completing these calculations yourself, or if wish to have your calculations reviewed, please contact the Climate Action team at climateaction@crd.bc.ca.

Calculating Scope 3 Emissions

Scope 3 emissions are more complex because standardized methodologies remain an active topic for research and development in the field. The CRD has limited resources for calculation Scope 3 emissions, so consultants are often engaged for this work. If you believe your project requires Scope 3 calculations, please reach out to the Climate Action Team for further discussion.

Table 3: Common Emission Factors

Energy Source	Emission Factor	Unit	Source	Last Updated
Electricity	11.5	t CO2e/ GWh	BC Government Grid Factors (2022)	Sept/23
Natural Gas	1.996	kg/m ³	National Inventory Report 1990 –2020 (table A6.1-1)	Sept/23
Propane	1.515	kg/L	National Inventory Report 1990 –2020 (table A6.1-4)	Sept/23
Light Fuel Oil	2.753	kg/L	National Inventory Report 1990 –2020 (table A6.1-5)	Sept/23
Heavy Fuel Oil	3.156	kg/L	National Inventory Report 1990 –2020 (table A6.1-5)	Sept/23
Diesel Fuel	2.681	kg/L	National Inventory Report 1990 –2020 (table A6.1-5)	Sept/23
Gasoline	2.307	kg/L	National Inventory Report 1990 –2020 (table A6.1-5)	Sept/23
Biodiesel	2.472	kg/L	National Inventory Report 1990 –2020 (table A6.1-14)	Sept/23

Appendix B: Understanding Climate Risks (Adaptation)

Changes to our climate are already noticeable. Extreme weather events like droughts, floods, heat waves and fires are happening more often and these changes are projected to increase in frequency and severity over the coming decades.

Climate adaptation involves **identifying and managing the risks** associated with climate change. A key question that should be asked for any project is “**What climate impacts are of concern for this project?**” Climate impacts should be considered for the entire lifetime of the planned project or policy.

Similarly, if accessing large provincial/federal capital grant funds, the project may need to utilize the federal climate lens framework for resilience: [Infrastructure Canada Climate Lens - General Guidance](#).

To support internal analysis, the **Climate Change Risk Assessment Framework** is designed to provide CRD staff with the ability to conduct their own climate change risk assessments, with the goal of embedding the outcomes in Sustainable Service Delivery Plans (SSD) and the Corporate Risk Register. Building off of the Corporate Climate Change Risk Assessment (2021), this climate change risk assessment process follows best practices, including the federal climate lens requirements.

- [Climate Change Risk Assessment Framework](#)
- [Climate Change Risk Assessment Excel Workbook](#)

Furthermore, the CRD Climate Action team has developed several reports and tools to illustrate how climate change will impact our region. These may be utilized to understand potential climate risks:

[Climate Projections for the Capital Region](#) (2024)

Highlights projected changes for temperature, precipitation, and indices of extremes due to climate change by the 2050s and 2080s in the capital region.

[Capital Region Coastal Flood Inundation Mapping Project](#) (2021)

Illustrates a comprehensive picture of coastal flooding due to rising sea levels and tsunamis.

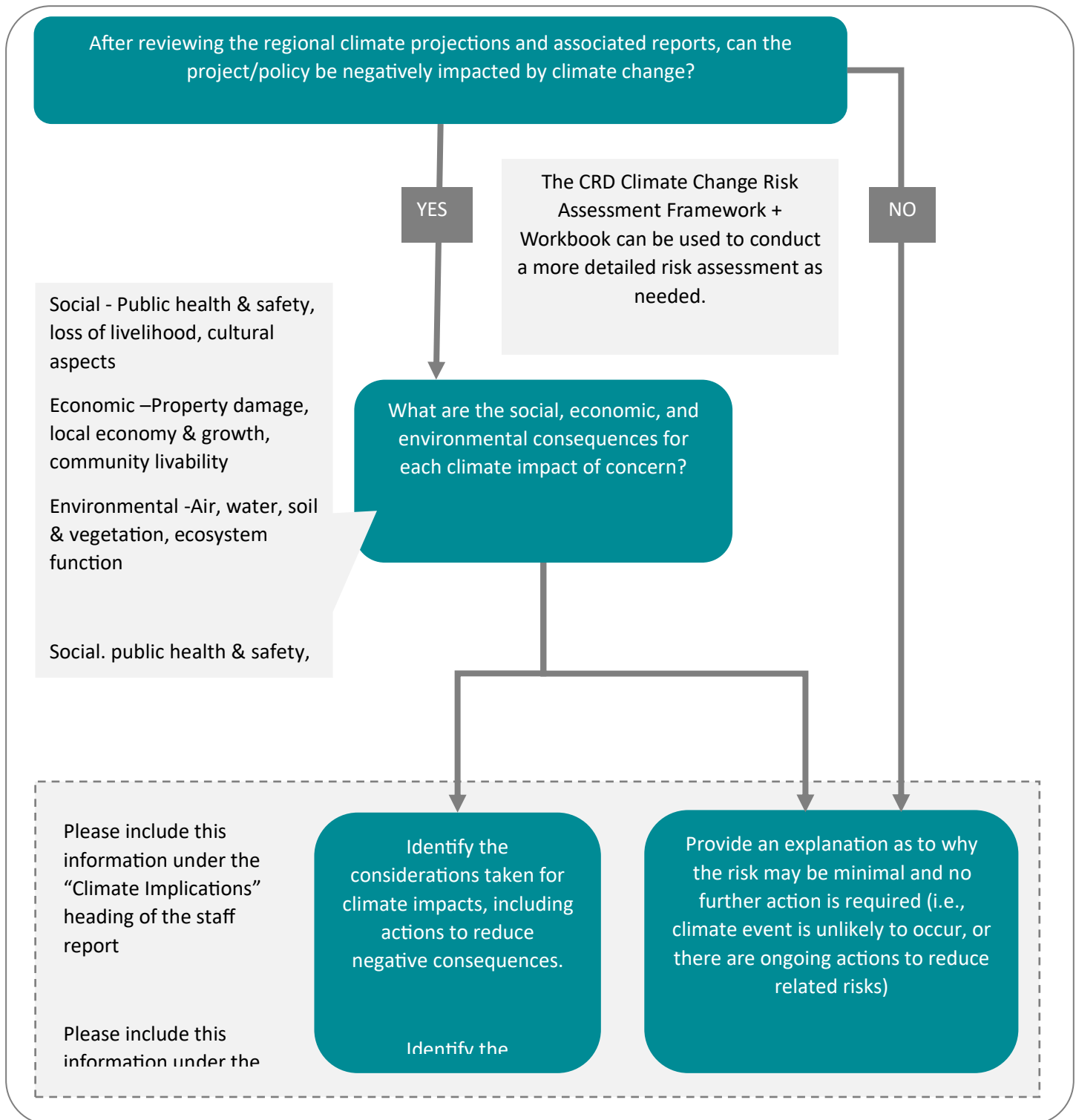
[Capital Region Extreme Heat Information Portal](#) (2024)

Hosts information and maps to help understand the region's vulnerability to extreme heat, including the impact of various socio-demographic and building-specific factors on vulnerability.

For access to the data packages (including GIS layers) of any of the above projects, please contact climateaction@crd.bc.ca.

Climate Adaptation Process Flowchart

The following flowchart presents a general overview of the reviewing a project while considering climate adaptation impacts.



First Nations Implications Guidance Document

First Nations Relations Division | March 2024

This document provides guidance to Capital Regional District (CRD) staff as they consider First Nations implications for CRD projects and staff reports. It provides principles to promote positive relations with First Nations, outlines considerations for incorporating a First Nations' lens, offers examples of how First Nations' implications can be addressed in staff reports, and provides relevant resources.

This is a living document that will be updated over time based on feedback from users and as we learn more about building respectful relationships with First Nations. Please contact the First Nations Relations Division with any questions or comments about this guide at FirstNationsRelations@crd.bc.ca.

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Introduction to this Tool

Building and strengthening positive working relationships with First Nations has been a priority of the CRD Board since 2015. The Board adopted a Statement of Reconciliation in 2018, and First Nations relations have been strategic priorities of the Board ever since.

This guidance document was developed to assist staff with identifying and addressing First Nations' implications in project planning and implementation. Use this document to apply a First Nations lens on any study, plan policy, project or initiative.

Note that every staff report is not expected to include First Nations' implications. As the CRD navigates the complexities of First Nations engagement, this guidance will provide staff with a foundation for meaningful and respectful collaboration aligned with the CRD Statement of Reconciliation.

Please contact the First Nations Relations Division with any questions or comments about this guide at FirstNationsRelations@crd.bc.ca.

PROJECT– Any study, plan, policy, or capital project can use this document

Resources and tools listed in this document can all be found on the [First Nations Relations SharePoint](#). First Nations Relations team members can provide additional assistance.

OVERVIEW: CRD's Commitment to Reconciliation

Territorial Acknowledgement

The CRD conducts its business within the traditional territories of many First Nations, including but not limited to BOKÉĆEN (Pauquachin), MÁLEXEL (Malahat), paaʔčiidʔatx (Pacheedaht), Spune'laxutth' (Penelekut), Sc'ianew (Beecher Bay), Songhees, SḶÁUTW (Tsawout), T'Sou-ke, WJOLÉLP (Tsartlip), WSIKEM (Tseycum), and xʷsepsəm (Esquimalt), all of whom have a long-standing relationship with the land and waters from time immemorial that continues to this day.

Many additional First Nations also have territory within the capital region and a relationship with the land and waters that continues today. [This map of First Nations with territory in the region](#) indicates where the colonial governments moved First Nations onto reserves; however, their traditional territories extend throughout the entire region.

CRD Board Priorities

The CRD Board Priorities envision strong relationships with First Nations based on trust and mutual respect, partnerships, and working together on shared goals. The Priorities are grounded in a recognition that 'it is important to acknowledge historic harms, overcome current inequities, and respect local Indigenous laws and culture.' Several of the [2023-2026 Board Priorities](#) are focused on relationships with First Nations:

- 4a Develop mechanisms to hear more from First Nations' governments as how they would like the CRD to approach reconciliation.
- 4b Collaborate with First Nations to build and strengthen new processes for respectful, reciprocal government-to-government decision-making and service delivery that uplift Indigenous self-determination.
- 4c Invite, respect and incorporate Indigenous leadership and traditional knowledge to enhance initiatives and strategies that support other priorities in the plan.
- 4d Support shared prosperity by enhancing economic opportunities, in partnership with First Nations.

Staff are encouraged to review the relevant sections of the [2023-2026 Corporate Plan](#) for additional First Nations relations initiatives.

Statement of Reconciliation

The CRD's boundaries span the Traditional Territories of over 20 First Nations, whose ancestors have been taking care of the land since time immemorial. The CRD believes that a positive working relationship with First Nations is good for the whole region. For the CRD to have a positive relationship with First Nations we need to acknowledge, respect and complement their Indigenous laws, customs and systems of governance. The CRD is part of a national movement towards Reconciliation with Canada's Indigenous peoples, informed by:

- The Truth and Reconciliation Commission's Calls to Action
- The United Nations Declaration on the Rights of Indigenous Peoples
- Sec. 35 of the Canadian Charter of Rights and Freedoms
- The Douglas Treaties and the BC Modern Treaty process

The CRD's path to Reconciliation focuses on three recurring themes:

- Self-Determination

The CRD acknowledges the fundamental right of self-determination to Indigenous peoples. In the spirit and intent of inclusivity, the CRD is committed to working with First Nations through the governance systems they choose. When First Nations wish to participate in our decision-making process then we will support them. The CRD will look to First Nations for leadership in understanding how to create new decision-making systems together on their Traditional Territories.

- Shared Prosperity

The CRD recognizes the gap in wealth between First Nations and settler governments. The CRD will work towards a prosperous economic future for all of its residents and believes that improving the lives of the most vulnerable citizens creates a stronger and more resilient region for everyone. The CRD will seek partnerships, share information and deliver fair and equitable services in working with First Nations on achieving their economic goals.

- Relationship with the Land and Water

The CRD recognizes the integral relationship First Nations have with the land; often the names for the people of the land and the land itself were one and the same. The CRD will work with First Nations on taking care of the land while providing space for cultural and ceremonial use, food and medicine harvesting, traditional management practices and reclaiming Indigenous place names.

About the Statement

The work of Reconciliation falls to all segments of Canadian society. The Capital Regional District (CRD) is committed to Reconciliation with Indigenous peoples. It is understood that a commitment alone is not enough, and that action is needed to show that the CRD is taking measurable steps towards a better relationship with Indigenous peoples.

This statement of commitment to Reconciliation can guide decision making for the organization for many years to come. It is understood that Reconciliation is a long-term goal with no defined end point.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is the reference framework for the CRD's commitment to Reconciliation, which aims to address activities within the scope of the CRD's authority. This statement is a work in progress which acknowledges that mistakes will be made and provides for adjustments to accommodate emergent practices.

First Nations Relations Division

The CRD's First Nations Relations (FNR) Division guides and supports CRD staff in fostering respectful relations with First Nations and contributes to building and strengthening government-to-government relationships between the CRD Board and First Nations. The First Nations Relations Division also supports the education, policy development, and organizational transformation required to integrate First Nations' aspirations and interests into CRD planning, operations, and governance.

The First Nations Relations Division provides resources and support to enhance understanding and implementation of the CRD's commitments to reconciliation. This includes organizing cultural perspectives training sessions for staff, facilitating opportunities for direct learning from local Nations, and providing advice, coaching, and support to CRD divisions and executive leadership on matters related to First Nations relations and engagement.

The First Nations Relations Division collaborates with relevant CRD divisions by sharing feedback, requests, and input received from First Nations, providing context to enhance understanding of these inputs, and works closely with divisions to encourage, support, and operationalize new approaches that integrate First Nations' aspirations. This includes collaborating with CRD divisions, leadership, and First Nations to develop and implement Memorandums of Understanding (MOUs), protocol agreements, and partnership agreements with Nations.

GUIDANCE: Principles to Promote Positive Relations with First Nations

- A diverse range of projects, plans, and initiatives can impact First Nations' interests and well-being. Integrating a 'First Nations lens' into a project as early as possible will help projects provide positive opportunities that contribute towards implementing the CRD's commitment to reconciliation.
- Don't make things up! Do not include First Nations implications in your staff report unless you have engaged the First Nations Relations Division in your project and are confident of what should be communicated. Legal, reputational, and operational risks can arise from mischaracterizing the CRD's relationship with First Nations.
- Respect timeframes and capacity constraints related to First Nations engagement. Nations have many competing priorities, small staff teams, and are often stretched to be able to respond quickly. Support their involvement by engaging early, providing sufficient and accessible information, and, where possible, supporting with capacity funding.
- Engage the First Nations Relations Division early in your project planning and implementation. Providing ample time for input from the First Nations Relations Division looks like reaching out well in advance, preferably with weeks of notice, to enable thorough consideration and collaboration amidst multiple competing priorities.
- Consult available First Nations Relations resources and incorporate the guidance into project work and staff reports. Use Indigenous spelling of the Nations' names.
- Refrain from speaking on behalf of First Nations and instead prioritize creating opportunities for First Nations to express their perspectives and needs directly.
- Refrain from implying benefits to Nations unless they have expressly stated them.
- Prioritize transparency, respect for cultural practices, inclusivity, and meaningful collaboration with First Nations.
- Foster an organizational learning culture by acknowledging errors and learning from them to inform future interactions with First Nations.

GUIDANCE: First Nations Implications

The following questions and considerations guide incorporating a First Nations' lens into staff reports and other phases of project design and implementation.

CONSIDERATION	QUESTIONS TO ASK
PROJECT/INITIATIVE INITIATION AND PLANNING	<ul style="list-style-type: none"> Does the project design (e.g., artwork, architecture, wayfinding), planning (e.g., review of background information, reports, permit applications, referral documentation, management plans, etc.) and budgeting (e.g., technical review, meetings, cultural monitors, elders) consider a First Nations' lens? Does your project include or trigger archaeological or First Nations engagement requirements? Have you included provisions for capacity funding, technical review, cultural workers' compensation, and/or honoraria, if applicable?
EXISTING INFORMATION	<ul style="list-style-type: none"> What information is already available at the CRD about whether and how the program, service or initiative is relevant to and/or impacts (positively or negatively) First Nations? Have you looked beyond your division to gather relevant information from other divisions regarding previous input that First Nations have provided to similar initiatives?
INDIGENOUS SELF-DETERMINATION	<ul style="list-style-type: none"> Do Nations consider this project an opportunity to further their Indigenous self-determination? Does the project provide any opportunities to involve the Nations in planning, operations, or decision-making? Have Board Directors and First Nations' leadership discussed the project through Government-to-Government meetings? Does the project help implement an MOU or protocol agreement with a Nation? Is the project related to a Priority Topic in an MOU Implementation Workplan? Is the project related to a request made by a Nation through treaty or reconciliation negotiations? Does the project invite, respect and incorporate Indigenous leadership and traditional knowledge?
SHARED PROSPERITY: ECONOMIC & EMPLOYMENT OPPORTUNITIES	<ul style="list-style-type: none"> How does the project contribute to First Nation communities' economic development, employment, and training opportunities? Is there an opportunity to procure services or materials from Indigenous businesses (e.g., unbundle larger contracts or encourage

	<p>vendors to provide opportunities for Indigenous employees and companies)?</p> <ul style="list-style-type: none"> • Has capacity funding been considered to support Indigenous involvement (e.g., technical reviews, traditional knowledge, or cultural representatives' participation during land-altering works)? • Are there opportunities to share resources with Nations, such as gravel or wood?
TAKING CARE OF LAND AND WATER	<ul style="list-style-type: none"> • Does the project recognize and support First Nations' integral relationship with the land and water (past, present, and future)? • Is there physical space provided for cultural and ceremonial use, food and medicine harvesting, and traditional management practices? • Have First Nations expressed interest in revitalizing and making Indigenous place names known to the public through signage, educational materials, or other means? • How does the project align with existing First Nations' land use plans or community visions for the area? • Are there opportunities for First Nations to lead or participate in stewardship initiatives?
COMMUNICATIONS	<ul style="list-style-type: none"> • Have you had initial discussions with First Nations regarding the project, and is there an ongoing plan for meaningful engagement throughout the project lifecycle? • Are there mechanisms in place to share relevant project information and updates in a timely and accessible manner? • Have you consulted the CRD First Nations Communications Framework to align communications and engagement strategies with established guidelines and protocols? Transparency and a commitment to adapting communication practices based on the preferences and guidance of the involved First Nations are encouraged. • Are you using the Indigenous spelling of the Nation's names?
RISKS & OPPORTUNITIES	<ul style="list-style-type: none"> • Are you considering legal, operational, and reputational risks for your project and the CRD due to possible First Nations concerns about your project? • Are you also thinking creatively about identifying opportunities for First Nations associated with your project? • Is there sufficient time in the project schedule to engage meaningfully with First Nations?

	<ul style="list-style-type: none"> • Is there sufficient budget to engage meaningfully with First Nations?
FEEDBACK	<ul style="list-style-type: none"> • Does the project foster a culture of continuous improvement, where feedback from First Nations is viewed as an opportunity for learning and enhancement? • How will you receive and incorporate feedback into your project planning, design, or operations if First Nations or the First Nations Relations Division raises concerns? • Does the project have adaptive risk management strategies that allow for the reassessment and adjustment of approaches based on feedback from First Nations? • If the project is not able to meet the expectations of First Nations, have you discussed with the First Nations Relations Division or other advisors to mitigate organizational and reputational/relationship risk? • How is the project prepared to pivot or modify its plans in response to changing circumstances or unforeseen challenges related to First Nations engagement?
LEARNING	<ul style="list-style-type: none"> • If First Nations are involved in your project, how will you share any learnings with CRD staff and leadership?

GUIDANCE: Examples of First Nations' Implications in a CRD Staff Report

This section outlines common CRD projects, plans and initiatives that have First Nations implications, *with basic staff report examples provided in italics.*

CRD PROJECT, PLAN OR INITIATIVE	FIRST NATIONS IMPLICATIONS
ANYTHING REQUIRING A CROWN PERMIT OR REGULATORY AUTHORIZATION	<p>Acquiring a Crown permit or regulatory authorization involves consultation and requires that regulatory referrals be sent to First Nations.</p> <p><i>As required before obtaining a provincial permit to proceed with this project, staff will send a regulatory referral out to all First Nations with interests in this location, requesting their input and feedback on the project. Staff will use the Consultative Areas Database to determine which First Nations to reach out to, document and respond to any concerns from the Nations, and provide a summary of feedback and any accommodation measures to the provincial ministry.</i></p>
PROJECTS INVOLVING LAND ACQUISITION	<p>First Nations were moved onto small reserves through colonization and lost access to their ancestral lands. Many Nations are actively seeking to get their land back. The CRD Board has directed staff to notify First Nations before acquiring new land for Regional Parks. Please check with First Nations Relations Division staff regarding other types of land acquisition, as similar notifications may also be required.</p> <p><i>Prior to finalizing a land acquisition, staff will notify First Nations with interests in the area regarding CRD's proposed acquisition of this property. Any input from the Nations will be brought to the Board for consideration of the next steps.</i></p>
LAND ALTERING WORKS/GROUND DISTURBANCE	<p>Whenever the CRD undertakes ground disturbance, the Protection and Conservation of Heritage Sites policy (ADM83) applies, in order to implement the BC Heritage Conservation Act, strengthen collaborative relationships, and promote cooperative management of archaeological sites and areas of cultural importance to First Nations. Nations frequently request cultural representatives to be present during land-altering works funded through the project budget.</p> <p><i>The project team is working closely with First Nations Relations Division to bring land altering works to involved First Nations prior to project implementation, to support collaboration with the Nations regarding heritage conservation and to support provincial permitting as required. This work will help mitigate risks of operational delays, enabling project schedules and budgets to stay on track.</i></p> <p><i>Project budget includes funding for First Nations' cultural workers to be</i></p>

	<p><i>present during ground disturbance.</i></p>
<p>STRATEGIC PLANS & MANAGEMENT PLANS</p>	<p>First Nations are interested to incorporate recognition of their perspectives, rights and interests into CRD management plans and strategic plans and have requested that they are involved early to contribute to the development of these plans. First Nations are governments, thus any engagement needs to be separate from a public engagement process.</p> <p><i>A consultant has been brought on to develop and lead the First Nations engagement for this strategic plan, in close coordination with the lead division and First Nations Relations staff. First Nations engagement is happening in advance of the public engagement process, and with a long timeframe to facilitate respectful and meaningful engagement. Capacity funding will be offered to involve First Nations to support their review of the Strategic Plan. Opportunities for First Nations input, and involvement will include in-person meetings, online meetings, written submissions, or other formats as requested by specific Nations.</i></p>
<p>LAND USE PLANS AND REFERRALS</p>	<p>Development proposals in the Juan de Fuca (JDF) Electoral Area are referred out to First Nations as part of the CRD land use referral process.</p> <p><i>The CRD-Pacheedaht First Nation Memorandum of Understanding (2024) includes Land Use Referrals as a priority topic for collaboration. As per the process outlined in the MOU Implementation Workplan, JDF Land Use Planning staff have engaged with Pacheedaht regarding this proposed development and have incorporated the Nation's feedback into the recommended approach.</i></p>
<p>TAKING CARE OF LAND AND WATER</p>	<p>Co-creating new and collaborative approaches to taking care of land and water is a priority for many First Nations. Requests for co-management arrangements are common. Much of CRD service delivery has implications related to land and water, and by extension to the ability of First Nations to access land for harvesting, hunting, food security, ceremonial purposes, housing, economic development, or other purposes.</p> <p><i>The intertidal harbours inventory is actively partnering with marine stewardship staff from X and Y First Nations. The Nation's staff have provided input on priority geographic locations and are accompanying CRD staff for the field work.</i></p> <p><i>Stormwater quality monitoring is of high interest to First Nations as it impacts their ability to harvest shellfish. CRD staff meet regularly with X and Y Nations to share information and document feedback.</i></p> <p><i>The ecological restoration program will focus on restoring species that are of importance for cultural and medicinal purposes, as has been requested</i></p>

	<p><i>through dialogue with involved Nations. The restoration project is in an area of cultural heritage sensitivity, so cultural representatives from the Nation will be onsite during the plantings.</i></p> <p><i>The proponent of this potential wind project in the Watershed has reached out to First Nations with interests in the area. As an initial step, one Nation has requested access to the watershed to conduct environmental assessment and monitoring related to the proposed project. Staff are working with the Nation to facilitate this.</i></p> <p><i>X Nation has requested that their Guardians ride along with CRD Regional Park Rangers, to jointly patrol and monitor their territory. As an initial step towards this goal, Regional Parks is offering a training for Indigenous Guardians on topics that are co-developed with the Nation. This will support the relationship building needed to facilitate next steps and deeper collaboration.</i></p>
GOVERNANCE & DECISION-MAKING	<p>First Nations are requesting to be involved in decisions impacting their territories.</p> <p><i>This project is a priority topic for X Nation, as outlined in the Government-to-Government MOU priority topics for collaboration. A letter sent by the Nation's elected Chief to the CRD Board outlines the Nation's interests and concerns in relation to this project and has informed the recommended approach.</i></p>
ECONOMIC OPPORTUNITIES / PROCUREMENT	<p>Economic opportunities are a priority of local First Nations, and it is a Board priority to enhance economic opportunities in partnership with First Nations. Any procurement is an opportunity to do so. The procurement policy was updated in 2022 to enable greater procurement from Indigenous businesses. The South Island Indigenous Business Directory provides a growing list of local Indigenous businesses.</p> <p><i>The RFP has been unbundled in order to support increased procurement from Indigenous businesses, and the RFP encourages vendors to outline steps being taken to support Indigenous partnerships and employment. Doing so supports the Board Priority of shared prosperity through enhancing economic opportunities in partnership with First Nations.</i></p> <p><i>The project budget includes funds to commission an art piece by a local First Nation.</i></p> <p><i>The preferred vendor has a joint venture with X First Nation, and a commitment to involving Indigenous employees as part of project implementation.</i></p>
HOUSING	<p>Housing is a priority of all Nations in the region. Populations are growing,</p>

	<p>and housing on reserves is over-crowded.</p> <p><i>Staff will reach out to First Nations regarding this affordable housing initiative and will engage in dialogue about how CRHC can support the affordable housing needs of Indigenous peoples.</i></p> <p><i>Funding was provided to support this Indigenous-led housing initiative, in alignment with the Board priority of supporting shared prosperity.</i></p>
EMPLOYMENT	<p>Many First Nations have expressed that employment for their members is a key priority. Supporting Indigenous employment is also important from an Equity, Diversity and Inclusion perspective. Prospective Indigenous employees may be members of local First Nations or part of the broader urban Indigenous population in the region. A recent Indigenous Employment Scoping Project outlined several recommendations for next steps. All divisions can play a role in enhancing cultural safety and promoting Indigenous employment.</p> <p><i>The RFP scoring criteria encourage vendors to hire Indigenous employees and/or businesses.</i></p> <p><i>Project staff will participate in a cultural safety awareness workshop to identify steps that can be taken towards cultural safety in the workplace.</i></p> <p><i>Division staff will participate at First Nations' career fairs, to build awareness of CRD initiatives and to recruit Indigenous employees.</i></p>
SHARING RESOURCES	<p>Resource sharing with First Nations as resources are made available through CRD works has included logs for firewood, logs for carving, gravel for Nation-led infrastructure projects, and deceased eagles for ceremonial purposes.</p> <p><i>First Nations have requested the sharing of trees for firewood as well as carving and cultural purposes. The trees taken down as part of project implementation will be made available to First Nations. The project budget will cover the cost of delivering the logs.</i></p>

RESOURCES: First Nations Relations Division Support

[The First Nations Relations Division SharePoint](#) provides resources and contact information. Many resources are listed here for your convenience. Beyond the provided materials, we encourage you to delve into additional readings, engage in community discussions, and seek firsthand knowledge to enrich your understanding of the unique histories, traditions, and perspectives of each First Nation. Taking this proactive step fosters relationships built on genuine understanding and respect.

First Nations Relations Team

Manager, First Nations Relations	250-360-3156
Manager, Archaeology	250-360-3622
First Nations Relations Advisor	250-360-3640
Administrative Support Clerk	250-360-3236

Training

- Cultural Perspectives training. See HR Learning and Development Calendar.
- Archaeology, Heritage Site Conservation, and Chance Find Management training. Any staff who puts a shovel in the ground is strongly recommended to take Chance Find training, and anyone leading projects involving land-altering works is advised to take the broader archaeology training. See the HR Learning and Development Calendar or contact the Archaeology Manager directly.
- Check with HR or the First Nations Relations Division regarding upcoming training opportunities.
- The First Nations Relations Division supports and facilitates opportunities for staff to learn directly from First Nations in the community and on the land, wherever possible. This includes site visits and gatherings involving staff and First Nations representatives related to heritage conservation, the role of cultural workers, ecosystem restoration, park management planning, and more.

Resources

- [Map of First Nations with territory within the region](#)
- First Nations [Community Profiles](#), with links to the Nations' websites
- [CRD Territorial Acknowledgement Guide](#)
- [First Nations Relations Communications Framework](#)
- [Working with Indigenous Elders Guidance Document](#)
- [Cultural Honoraria Policy and Guidelines](#)
- [Procurement Policy](#)
- [South Island Indigenous Business Directory](#)

- [Conservation and Protection of Heritage Sites Policy](#) (please note this is not publicly available and that we are working on revisions to align the policy with upcoming changes to the Heritage Conservation Act as well as feedback from First Nations)
- [Archaeological Chance Find Guidelines](#) (not public)
- [Special Task Force on First Nations Relations Final Report](#), contains the CRD Statement of Reconciliation
- Indigenous Employment Project [Summary Report](#); [Findings and Recommendations Report](#); [Wise Practices Report](#)
- [First Nations Feedback on the Interim Regional Parks and Trails Strategic Plan](#), June 2023
- 2023 [Forum of All Councils Summary Report](#)

The First Nations Relations Division shares context, resources and learning opportunities around days such as Red Dress Day, Indigenous Peoples Day and Truth and Reconciliation Day.

The [FNR Division SharePoint](#) page also provides links to external learning resources. If you have recommendations for additional resources, please send them to the First Nations Relations team.

Equity, Diversity and Inclusion (EDI) Guidance Document

People, Safety & Culture | March 2024

This document provides guidance to CRD staff as they consider Equity, Diversity and Inclusion (EDI) implications for staff reports and resulting projects. Note that it is not expected that every staff report and project will include EDI Implications.

This is intended to be a living document that considers and implements user feedback. Please contact the People, Safety & Culture division (edi@crd.bc.ca) with any questions or comments about this guide.

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Introduction to this Tool

This document provides guidance to CRD staff regarding how to implement an equity, diversity and inclusion (EDI) lens as they develop programs, projects, services and initiatives for the public as well as internally to the CRD. Specifically, the Guidance provides information about how to complete the “EDI Implications” section of a staff report.

Note that it is not expected that every staff report will include EDI Implications. Be thoughtful and intentional when considering EDI implications to ensure that the efforts are meaningful and effective.

This is intended to be a living document, with the expectation that it will evolve and change over time. Please contact the People, Safety & Culture division at edi@crd.bc.ca with any questions or comments about this guide.

OVERVIEW: Context

The purpose of a staff report is to provide essential information in a concise format to the CRD Board, Committees and Commissions so they can make informed decisions. The EDI Implication section of staff reports provides an opportunity to highlight any considerations related to equity, diversity and inclusion which would assist the Board in decision making.

Board Priorities

Several of the 2023-2026 [Board Priority Initiatives](#) include strong directives related to Equity, Diversity and Inclusion:

- **Governance 5b:** Strengthen Board decision-making frameworks to include First Nations reconciliation, equity, diversity and inclusion, and climate action lenses.
- **Governance 5c:** Develop an understanding of, and accountability for, equity, diversity and inclusion across CRD decision-making bodies.
- **Governance 5d:** Foster greater civic participation among diverse community members.

Corporate Plan

The Corporate Plan includes the following Commitment to Equity, Diversity & Inclusion:

At the CRD, we are committed to creating an inclusive workplace culture that celebrates the uniqueness of individuals – where differences are recognized, appreciated and responded to in ways that fully respect each person’s background, lived experiences, talents and strengths. We value equity, diversity, and inclusion and are committed to listening, learning and evolving on this journey to improve the sense of belonging for everyone at the CRD.

Staff are encouraged to review the relevant sections of the [2023 – 2026 Corporate Plan](#) for

additional EDI-related initiatives.

If your project aligns with any of the goal(s), action(s) and/or sub-action(s) outlined in the CRD Board Priorities/Corporate Plan, include this information in the "*Alignment with Existing Plans & Strategies*" and "*Alignment with Board & Corporate Priorities*" sections of your staff report.

OVERVIEW: Key Definitions

The following definitions can be used to create a common understanding of the meaning of the terms equity, diversity, inclusion and accessibility.

Equity

Equity is about treating individuals according to their diverse needs in a way that enables everyone to participate, perform, and engage to the same extent. Whereas equality treats everyone the same regardless of their circumstances, equity acknowledges that individuals may require different levels of support or resources to achieve the same outcomes and takes into account historical and systemic barriers to power and access, striving to level the playing field and promote fairness for all.

Diversity

Diversity refers to the variety of unique dimensions, qualities, characteristics that an individual possesses, and the mix that occurs in a community or a group of people. It extends beyond just visible attributes like race and ethnicity to include factors such as race, ethnicity, language, age, gender identity and expression, sexual orientation, culture, religion, belief system, marital and family status, socioeconomic status, physical and intellectual abilities, mental health, work status, life experiences and thinking style.

Inclusion

Inclusion creates an environment which embraces, respects, accepts and values diversity. With inclusion, all individuals have a sense of belonging and are recognized as valued and contributing members of society.

GUIDANCE: Applying an EDI Lens - Examples

By applying an EDI lens to the work of the CRD, we can generate better solutions by incorporating diverse perspectives and removing barriers. This approach fosters the development of a workplace that is more welcoming to all individuals, while also promoting greater accountability and engagement with the public.

The following are some examples of types of CRD work which may benefit from applying an EDI lens.

Note that it is not expected that every staff report will include EDI Implications. Be thoughtful and intentional when considering EDI implications to ensure that the efforts are meaningful and effective.

- **Policies** – Analyzing the impact of policy positions and processes on diverse and equity-seeking individuals and groups, with a view to identifying and reducing or eliminating barriers to service access where possible.
- **Programs** - Consideration of how diversity factors in the demographics within the populations that the project seeks to reach or serve can inform program design, outreach and delivery.
- **Service Delivery** – Ensuring that delivery of services takes into consideration the needs of diverse individuals and groups and that front-line service workers have received EDI training so they are better able to respond to emerging needs.
- **Public Engagement Initiatives** – Development of an outreach plan that specifically targets diverse groups, use of multiple methods for obtaining information or engaging with the public, and leveraging community networks to reach diverse groups.
- **Communications** – Considerations include using clear, plain inclusive language; communicating key messages in languages other than English if/when needed; using diverse representation in images and symbols; and identifying ways to reach specific populations who may be at risk of not otherwise receiving communications materials.
- **Research** – Identifying and mitigating any assumptions, biases or systemic barriers underlying research methodology and subjects, composition of research team and participation of diverse individuals and groups in conducting research.
- **Grants, Funding and Procurement** – Ensuring equitable access to grants, funding opportunities, and the procurement process, including considerations related to accessibility of the application process and supporting underserved or underrepresented individuals or groups.
- **Buildings** – Identifying opportunities and constraints related to inclusive design, accessibility, gender inclusivity and cultural considerations for facility design and renovation.

GUIDANCE: EDI Considerations

Consideration	Questions to Ask
Overall	<p>Are you using inclusive language in your staff report (whether or not your report includes EDI Implications)?</p> <p>See inclusive language references in Additional Resources section for further information.</p>
Design	<p>Equity: In what ways does the design of this program, service or initiative increase equitable access by removing barriers?</p> <p>Diversity: In what ways does the design of this program, service or initiative intentionally increase representation and/or participation of diverse people?</p> <p>Inclusion: In what ways does the design of this program, service or initiative foster a sense of belonging for diverse people?</p>
Engagement	<p>How are you including the voices and perspectives of diverse individuals as part of your invested party or interest holder engagement? What groups of people are impacted by this initiative? Why would they benefit from knowing about the initiative or process?</p> <p>Whose voices or perspectives have you not heard from, and why? What are potential barriers to participation and how will you identify and address them?</p> <p>Additional guidance from Corporate Communications regarding Engagement: Explain the objective (what you want to achieve) through public engagement as well as what the promise to the public is for each objective. Refer to the engagement decision tree and IAP2 Spectrum of Participation for guidance.</p>
Impacts	<p>How will this program, service or initiative differently affect particular individuals and communities, in relation to different aspects of their identities? Consider: race, ethnicity, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical disability, mental disability, sex, gender identity or expression, sexual orientation, age, class, socioeconomic status, and any other relevant aspects of identity.</p> <p>How will the program, service or initiative be responsive to emerging unintended consequences as they may arise?</p>
Communications	<p>What language, images or messages associated with this program, service or initiative could be used to cultivate inclusion?</p>

	<p>Are there any language, images or messages that reinforce stereotyped narratives or dominant cultural norms? If so, how will these be assessed and remediated?</p> <p>Is there a need for communications materials (i.e. safety information, posters, brochures, etc.) to be translated into languages other than English?</p>
Accessibility	<p>What accessibility considerations need to be addressed to ensure equitable access for all people?</p> <p>In what ways does this program, service or initiative meet or exceed accessibility regulatory requirements?</p>
Feedback	<p>How will you receive and incorporate feedback if there are concerns related to equity, diversity and inclusion?</p>

Note: This Guidance chart was adapted from the University of British Columbia's [Activating Inclusion Toolkit](#) "Using an Equity and Anti-Racism Lens in Decision Making", UBC Equity & Inclusion Office, November 2023.

RESOURCE: Additional Guides

[CRD Corporate Writing Style Guide](#)

[Words Matter - Guidelines on Using Inclusive Language in the Workplace \(gov.bc.ca\)](#)

[A Way with Words and Images: Suggestions for the Portrayal of People with Disabilities \(Canada.ca\)](#)

RESOURCE: Further Assistance

Please contact the People, Safety & Culture division at edi@crd.bc.ca for additional assistance or with any questions or comments about this guide.

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, APRIL 03, 2024**

SUBJECT **Board Code of Conduct Bylaw – Complaint Process Flowchart**

ISSUE SUMMARY

To review a one-page flowchart on the process for filing complaints under Bylaw No. 4605, “Capital Regional District Board Code of Conduct Bylaw No. 1, 2024”,

BACKGROUND

On December 13, 2023, the CRD Board endorsed the development of a Code of Conduct bylaw and provided staff with direction on the provisions to be included.

On February 14, 2024, the CRD Board endorsed finalization of a draft Code of Conduct Bylaw and directed it be brought back for adoption at the March Board meeting. The Board further endorsed the following motion arising at the Governance Committee:

- *That staff be directed to include a separate one-page flowchart of the Board Code of Conduct for easy Board reference.*

On March 13, 2024, the CRD Board gave three readings and adopted Bylaw No. 4605, “Capital Regional District Board Code of Conduct Bylaw, No. 1, 2024” (Appendix A).

The purpose of this report is to bring forward the one-page flowchart outlining the CRD Board Code of Conduct Bylaw complaint process, attached as Appendix B.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:
That the CRD Board Code of Conduct Bylaw Complaint Process Flowchart attached as Appendix B be approved.

Alternative 2

That the CRD Board Code of Conduct Bylaw Complaint Process Flowchart be referred back to staff for additional information based on Governance Committee direction.

IMPLICATIONS

Complaint Process Flowchart

Part 2 of the Code of Conduct Bylaw sets out the process for resolving complaints, including investigation, adjudication, final decision, and post-decision release of reports. The flowchart is structured to illustrate the four distinct phases of the complaint process: preliminary assessment; informal resolution; formal resolution, and final determination. The goal is that most complaints will be dealt with in the first two stages and will rarely progress to a formal resolution. Where there

is an opportunity for early resolution identified in the bylaw, it is identified in the flowchart as a path to close the complaint. The flowchart also identifies relevant time periods that correlate to specific steps in the process.

The flowchart starts off in the Preliminary Steps section with the witness of a potential code breach. Once a potential code breach is observed, the Complainant should attempt to resolve the issue directly with the Respondent to which the complaint is either resolved or unresolved. If a complaint is unresolved at this stage, a written complaint may then be submitted to the Chief Administrative Officer (CAO) and CRD Board Chair. Upon receipt of the complaint, which must be received within 60 days of a breach, the CAO and CRD Board Chair will conduct an initial assessment to determine if the complaint progresses onto the next section. During the initial assessment, the CAO and CRD Board Chair will assess the complaint against a strict criterion and if one of those criteria is met then the complaint may be rejected, closed or sent back to the Complainant to address the missing criteria. If a complaint progresses through the initial assessment, it will be referred to the Informal Resolution stage.

The Informal Resolution section is the next section on the flowchart and starts with the determination of a complaint as to whether it is a prospect for Informal Resolution. This determination is made by a Solicitor at their discretion. If the Complainant and/or Respondent declines to participate in the Informal Resolution process at any point, the complaint will go directly to Formal Resolution, bypassing the Informal Resolution process entirely. On the other hand, if the Solicitor determines the complaint can proceed through the Informal Resolution process, the Solicitor can attempt to reach a resolution and has the option of enlisting the assistance of the CRD Board Chair, CRD Vice-Chair, a Mediator, or any staff who may be able to assist. If a complaint can be resolved during the Informal Resolution process, it will then be closed. However, if a complaint cannot be resolved by the Informal Resolution process, it will be referred to the Formal Resolution process.

The Formal Resolution section is the third section on the flowchart and begins with a Formal Resolution Investigation by a Third-Party Investigator. Next, the Investigator will investigate the complaint and provide a written report on the findings and remedy, if applicable. From the start of the Informal Resolution process to when the Investigator provides a written findings report there is a 90-day period for completion. The findings report will first be sent to the Respondent and then 48 hours later, to the CRD Board. After the Respondent and CRD Board have received the findings report, the complaint will progress into the Final Determination section.

The Final Determination section starts off with the CRD Board having 30 days to consider the findings report received in the Formal Resolution section. At this point, the Respondent has the opportunity to address the Board. Once the Board has considered the report and any submissions from the Respondent, it will render a decision and impose a remedy, if applicable. Within 30 days of the Board rendering a decision and imposing a remedy, if applicable, the Board must release a summary of the decision to the public. Once the report has been released, the complaint will then be closed.

The flowchart is meant to be a quick reference tool to supplement the long-form description of the process as set out in the bylaw. Directors should refer to the bylaw itself for a more comprehensive understanding of the complaint resolution process.

Communication Plan

Following Board approval of the Complaint Process Flowchart, it will be distributed along with the Board Code of Conduct Bylaw and the Member Statement of Commitment to all CRD elected officials who are subject to the requirements of the bylaw.

The Corporate Officer will collaborate with committee and commission staff on the best method for bringing forward the new bylaw and supporting materials to their elected members attention.

CONCLUSION

On March 13, 2024, the CRD Board adopted the Board Code of Conduct Bylaw No. 4605 and approved the Member Statement of Commitment. The Governance Committee requested the development of a one-page flowchart outlining the complaint process in the Code of Conduct Bylaw as a quick reference. The CRD Board Code of Conduct Complaint Process Flowchart attached as Appendix B to this report, will form part of the package that is distributed to all CRD elected officials who are subject to the requirements of the bylaw.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:
That the CRD Board Code of Conduct Bylaw Complaint Process Flowchart attached as Appendix B be approved.

Submitted by:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw No. 4605

Appendix B: Board Code of Conduct – Complaint Process Flowchart

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4605

A BYLAW TO REGULATE THE CONDUCT OF BOARD MEMBERS

WHEREAS

- A. Board Members are charged with serving their community and must therefore uphold the highest standards of ethical behaviour in order to maintain the public's trust and confidence in local government;
- B. It is to the benefit of the community for Board Members to conduct themselves and their business in accordance with the guiding principles of integrity, accountability, leadership, respect, transparency and collaboration; and
- C. A Code of Conduct bylaw establishes shared standards and expectations with respect to the conduct expected of Board Members.

NOW THEREFORE, the Board of the Capital Regional District in open meeting assembled hereby enacts as follows:

PART ONE – ETHICAL CONDUCT

Division 1 – Interpretation and Application

Citation

- 1. This Bylaw may be cited as “Capital Regional District Board Code of Conduct Bylaw No. 1, 2024”.

Definitions

- 2. In this Bylaw:

“**Board**” means the Board of the Capital Regional District;

“**Board Member**” means all Directors and Alternate Directors of the Regional District, Municipal Elected Officials appointed to a Regional District committee or commission, and members of the Local Community Commission on Salt Spring Island;

“**CAO**” means the Chief Administrative Officer for the Regional District;

“**Chair**” means the Chair of the Capital Regional District Board;

“**Corporate Officer**” means the Corporate Officer appointed by the Board pursuant to section 236 of the *Local Government Act*;

“Executive Leadership Team” means the CAO, Chief Financial Officer, the Corporate Officer, or a General Manager for the Regional District;

“FIPPA” means the *Freedom of Information and Protection of Privacy Act* (British Columbia);

“Investigator” means the investigator appointed in section 24;

“Municipal Elected Official” means a Mayor or Councillor duly elected in a municipality of the Regional District appointed to serve on a CRD committee or commission;

“Regional District” means the Capital Regional District;

“Solicitor” means the Regional District’s external solicitor;

“Staff” means an officer or employee of the Regional District, but does not include contractors;

“Vice-Chair” means the Vice-Chair of the Capital Regional District Board.

Interpretation

3. (1) This Bylaw is to be interpreted broadly and in a manner that is consistent with the *Local Government Act* and the *Community Charter*.
- (2) The intention of the Board in enacting this Code is not to stifle Board Members or to limit their ability to fully perform the governmental and advocacy functions that their position entails, with all the vigour, flair and freedom that is typical of a well-functioning democratic institution, but instead to guide Board Members to undertake those functions in a manner that accords with sound ethical principles.
- (3) The foundational principles in section 4 are to inform the interpretation of the substantive provisions of this Bylaw and shall not form stand-alone basis for complaints.
- (4) Nothing in this Bylaw is intended to preclude Board Members, prior to the filing of a complaint, from speaking to each other in order to resolve matters which may otherwise be captured by this Bylaw.

Foundational Principles

4. (1) Responsible conduct is based on the following foundational principles:
 - (a) Integrity: Board Members are keepers of the public trust, and they must uphold the highest standards of ethical behaviour including by acting lawfully, being free from undue influence, and making decisions that benefit the community;

- (b) Accountability: Board Members are trusted to act competently, diligently and responsibly and be accountable to the public for their actions and decisions;
- (c) Leadership: Board Members must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour, including by demonstrating behaviour that builds and inspires the public's trust and confidence in the Regional District;
- (d) Respect: Board Members must conduct themselves in a respectful manner and be courteous and civil with each other and others;
- (e) Transparency: Board Members must conduct their duties in an open and transparent manner, except where this conflicts with their duties to protect confidential information; and
- (f) Collaboration: Board Members shall seek to collaborate whenever possible and appropriate, as the social fabric of communities and the wellbeing of residents depends on solid and sustainable community partnerships.

Application

- 5. (1) This Bylaw applies to all Board Members, inclusive of their actions in their capacity as members of the Board, committees, and other Regional District discretionary appointments.
- (2) Unless otherwise provided, this Bylaw does not apply to a Board Member's conduct in their personal life, except to the extent that such conduct brings the reputation of the Regional District into disrepute or reasonably undermines public confidence in local governance.
- (3) For clarity, the provisions of this Bylaw apply to a Board Member's use of personal and professional social media accounts.
- (4) In the event of a conflict between this Bylaw and another Regional District Bylaw or policy governing Board Member conduct, this Bylaw prevails.

Division 2 – Conduct Regulations

Comply with all Laws

- 6. (1) Board Members shall comply with all applicable federal, provincial and municipal laws in the performance of their public duties, including but not limited to:
 - (a) the *Local Government Act*;
 - (b) the *Community Charter*;

- (c) *FIPPA*;
- (d) the *Financial Disclosure Act*; and
- (e) all bylaws and policies of the Regional District.

General Conduct

- 7. (1) Board Members shall not:
 - (a) engage with others, including Staff, members of the public and other Board Members, in a manner that is abusive, bullying, intimidating or derogatory; or
 - (b) use their office to attempt to gain personal or financial benefits for themselves or their family members, friends or business interests.

Respect for Process

- 8. Board Members shall perform their duties in accordance with the policies, procedures and rules of order established by the Board from time to time.

Interactions with Staff

- 9. (1) Board Members shall not:
 - (a) interfere with, hinder, or obstruct Staff in the exercise or performance of their roles, responsibilities, powers, duties, or functions in accordance with section 153 of the *Community Charter*, nor impair the ability of Staff to implement the Board's policy decisions;
 - (b) request or require that Staff undertake personal or private work for or on behalf of a Board Member; or
 - (c) request or require that Staff engage in political activities, or subject them to reprisal of any kind for refusing to engage in such activities.
- (2) If a Board Member is unsure where to direct a question or inquiry regarding a departmental issue or other work-related item, or regarding a personal item that requires interactions with the regulatory functions of the Regional District, they shall direct the question or inquiry to the CAO or to someone on the Executive Leadership Team.

Interactions with the Public and Media

- 10. (1) Board Members shall not publicly:
 - (a) misrepresent a decision of the Board, even if they disagree with that decision; or

- (b) make disparaging comments about other Board Members.
- (2) When presenting their individual opinions and positions on matters that are within the Board's jurisdiction, Board Members shall take all reasonable measures to ensure that, unless they are the designated spokesperson on a matter, they clearly state that their opinions and positions represent their own personal views and not those of the Board or the Regional District.
- (3) For opinions and positions presented on a social media account, subsection (2) may be satisfied through a statement on the Board Member's profile.

Conduct of Meetings

- 11. (1) Board Members shall conduct themselves with decorum at meetings, including by:
 - (a) complying with all conduct provisions set out in Bylaw No. 3828, "Capital Regional District Board Procedures Bylaw, 2012";
 - (b) adequately preparing for meetings;
 - (c) using respectful language;
 - (d) not using offensive gestures or signs;
 - (e) listening courteously and attentively to all discussions before the body, and focusing on the business at hand;
 - (f) not making comments not germane to the business of the body;
 - (g) not interrupting other speakers, except to raise a point of order; and
 - (h) not otherwise interfering with the orderly conduct of a meeting.

Handling of Confidential Information

- 12. (1) Board Members shall keep information and records prohibited from release under section 117 of the *Community Charter* in strict confidence.
- (2) Without limiting the generality of subsection (1), Board Members shall not disclose:
 - (a) information or records concerning the property, personnel, legal affairs, or other information of the Regional District distributed for the purposes of, or considered in, a closed Board meeting;
 - (b) resolutions or Staff report contents from a closed meeting of the Board unless and until a Board decision has been made for the information to become public; or

- (c) details on the Board's closed meeting deliberations or how individual Board Members voted on a question in a closed meeting.
- (3) Board Members shall not use confidential information to advance, directly or indirectly, their own personal, financial or other private interests.

Conflict of Interest

- 13. (1) Board Members shall not participate in discussion of a matter, or vote on a question in respect of that matter, if they have a conflict of interest.
- (2) In respect of each matter before the Board, Board Members shall:
 - (a) assess whether they have a conflict of interest; and
 - (b) determine whether it is necessary to seek independent legal advice at their own cost, except where the CAO approves the cost, with respect to any situation that may result in a conflict of interest.
- (3) If a Board Member believes that they have a conflict of interest in respect of a matter in a Board or committee meeting, the Board Member shall:
 - (a) prior to the matter's consideration, notify the Chair of the meeting that they have a conflict of interest, stating in general terms why they consider that to be the case;
 - (b) leave any meeting if the matter is discussed and not return until the discussion has ended or voting has been concluded;
 - (c) refrain from discussing the matter with any other Board Member publicly or privately; and
 - (d) refrain from attempting in any way to influence the voting on any question in respect of the matter.

Gifts

- 14. (1) Board Members shall not accept a gift or personal benefit, except in accordance with section 105 of the *Community Charter*.
- (2) Board Members shall disclose a gift or personal benefit, received in accordance with section 105 of the *Community Charter*, as per section 106 of the *Community Charter*.

Use of Public Resources

- 15. (1) Board Members shall not use resources provided to them by the Regional District, including but not limited to:

- (a) Staff time;
 - (b) equipment;
 - (c) technology;
 - (d) supplies;
 - (e) facilities; or
 - (f) other property,
- for personal gain or election-related purposes.
- (2) Board Members shall not undertake municipal election campaign related activities at the Regional District office or on other premises owned by the Regional District during regular working hours unless such activities are organized by the Regional District.

PART TWO – INVESTIGATION, COMPLIANCE AND ENFORCEMENT

Division 1 – Implementation and Preliminary Steps

Implementation

16. (1) As an expression of the standards of conduct for Board Members expected by the Regional District, this Code is intended to be self-enforcing.
- (2) This Code is most effective when Board Members are thoroughly familiar with it and embrace its provisions. For this reason, this Bylaw shall be provided as information to candidates for the Board.
- (3) On adoption of this Code, and thereafter at the start of each Board term following the General Local Election, Board Members will sign a statement of commitment acknowledging they have read and understood the Code.

Preliminary Steps

17. If a Board Member believes that they have observed another Board Member engaging in conduct that would breach this Bylaw, they must attempt to resolve the complaint directly with the other Board Member, if possible, prior to submitting a complaint under section 18.

Division 2 – Complaint Intake

Complaint Procedure

18. (1) Subject to section 17, a Board Member may submit a complaint to the Chair and CAO.
- (2) A complaint must be in writing, must be submitted within 60 days of the alleged breach, and must include, with sufficient detail:
 - (a) the name of the complainant;
 - (b) the name of the respondent Board Member(s);
 - (c) the conduct that the complainant alleges was in breach of the Code;
 - (d) the date of the alleged conduct;
 - (e) the parts of the Code the alleged conduct breached;
 - (f) the basis for the complainant's knowledge of the conduct; and
 - (g) whether there was any attempt to resolve the complaint informally under section 17.
- (3) A complaint may be accepted notwithstanding that it does not comply with every requirement in subsection (2), if the Chair and CAO determines that there has been substantial compliance or if the circumstances otherwise warrant acceptance.
- (4) A complaint submitted outside the time limits set out in subsection (2) must be rejected.
- (5) In an election year, a complaint submitted within 90 days of the general voting day must be accepted and held in abeyance until after the new Board has taken office, at which time the complaint shall only proceed if it relates to a Board Member who was re-elected in that election year or in the case of a Board Member that is a municipal director is reappointed to the Board.
- (6) For certainty, if the Board Member who is the subject of a complaint held in abeyance pursuant to subsection (5) is not re-elected or re-appointed to the Board, the complaint must be rejected.

Preliminary Assessment

19. (1) On receipt of a complaint, the Chair and CAO shall conduct a preliminary assessment of the complaint or forward the complaint to the Solicitor to conduct a preliminary assessment.

- (2) If the Chair, CAO, or Solicitor determines that any of the following circumstances apply, they must notify the complainant and respondent Board Member in writing that the complaint will be closed, stating the reasons for the closure:
 - (a) the complaint is not with respect to a breach of this Bylaw;
 - (b) the complaint is frivolous, vexatious, or not made in good faith;
 - (c) the complaint would be more appropriately addressed through another process;
 - (d) the complaint is not in compliance with section 18(2) and the respondent Board Member will be prejudiced by the complainant's failure to comply;
 - (e) the complaint concerns the same subject matter as a previous complaint that has already been accepted under this section, and it is not necessary to expand that original complaint or add the new complainant;
 - (f) the complainant wishes to withdraw the complaint, and it would be appropriate to allow the complaint to be withdrawn;
 - (g) the complaint was submitted by a Board Member, and the Board Member ought to have first attempted to resolve the complaint informally under section 17; or
 - (h) there are no possible grounds on which to conclude that a violation of this Bylaw has occurred.
- (3) In completing the preliminary assessment, the Solicitor may request further information from the complainant before determining whether there are sufficient grounds to believe that a breach of this Bylaw may have occurred.
- (4) If the Solicitor receives multiple complaints concerning the same matter, the Solicitor must proceed with the first complaint accepted, but may expand the complaint and/or add complainants for the purpose of seeking resolution of the complaint.

Criminal Conduct

20. (1) If, at any stage in the complaint procedure, the CAO, Corporate Officer, Solicitor or Investigator determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code*, or learns that there is an ongoing police investigation into the conduct that gave rise to the complaint, then they must immediately refer the matter to the appropriate authorities and suspend any investigation into the complaint until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to the Board, the complainant, and the respondent Board Member.

- (2) For certainty, a complaint must be suspended while the Board Member is on a mandatory leave of absence under section 109.3(1) of the *Community Charter*, and may be re-commenced only once the mandatory leave of absence ends pursuant to section 109.3(1)(b) of the *Community Charter*.

Disqualification Proceedings

- 21. (1) If, at any stage in the complaint procedure, the CAO, Corporate Officer, Solicitor or Investigator determines that:
 - (a) the subject-matter of the complaint is being addressed in a disqualification proceeding commenced under section 111 of the *Community Charter*; or
 - (b) the complainant could commence a disqualification proceeding under section 111 of the *Community Charter* in relation to the matter that is the subject of the complaint;

the complaint must immediately be suspended until the proceeding under subsection (a) has concluded or the time-period within which the complainant could commence a proceeding under subsection (b) has expired.
- (2) If a complaint has been suspended under subsection (1), it may be re-commenced upon the conclusion of a disqualification proceeding, or the time-period within which a disqualification proceeding could be filed has expired, if:
 - (a) the Board Member who is subject to the complaint has not been disqualified from office by the British Columbia Supreme Court; and
 - (b) it would be in the public interest to do so.

Division 3 – Resolution Procedures & Investigations

Informal or Formal Resolution

- 22. (1) After a complaint is accepted under section 19(1),
 - (a) the Corporate Officer or CAO must refer the complaint to the Solicitor, if not already referred under section 19(1), for a determination under subsection (b); and
 - (b) the Solicitor must then determine whether the complaint requires a formal investigation or whether the complaint may be resolved informally.
- (2) When determining whether the complaint may be resolved informally, the Solicitor:

- (a) may consider culturally appropriate or transformative or restorative justice approaches, and may engage a third-party mediator or facilitator to assist for this purpose; and
 - (b) shall give strong preference to the informal resolution process where possible.
- (3) The complainant or respondent Board Member may decline to participate in an informal resolution at any time.

Informal Resolution

- 23. (1) Where the Solicitor has determined that the complaint may be resolved informally, the Solicitor may, at their discretion, either attempt to resolve the complaint directly, or refer the complaint to the Chair, unless the complaint is against the Chair, in which case the complaint will be referred to the Vice-Chair of the Board.
- (2) Where the Solicitor has referred the complaint in subsection (1), the Chair or Vice-Chair, as the case may be, may agree to assist in resolving the complaint directly.
- (3) Where the Chair, Vice-Chair or a third-party mediator or facilitator is engaged to assist in the informal resolution of a complaint, they shall assess the suitability for settlement or resolution on an ongoing basis and may decline to assist at any point.
- (4) If the complaint is resolved informally by someone other than the Solicitor, the person assisting in resolving the complaint must notify the Solicitor in writing of the terms of the resolution, upon receipt of which, the Solicitor must close the complaint.
- (5) If the person assisting in the informal resolution of a complaint declines to assist, the complainant or respondent Board Member declines to participate, or 30 days has passed since the determination in section 22(1)(b) was made by the Solicitor to resolve the complaint informally, then the complaint shall be referred in accordance with section 24.

Referral to Third-Party Investigator

- 24. (1) If the Solicitor determines that the complaint requires a formal investigation under section 22(1)(b), or in the event that informal resolution is unsuccessful, they shall refer the complaint to a neutral and independent third-party Investigator to conduct an investigation and notify the complainant and respondent Board Member of the referral.
- (2) The Investigator shall, at all times during an investigation, have the power to:
 - (a) dismiss a complaint on a preliminary basis as set out in section 19; and
 - (b) attempt to resolve the complaint informally if the Investigator considers it appropriate in the circumstances.

- (3) The Investigator, once retained, may only be dismissed for cause.

Formal Resolution

- 25. (1) Once retained, the Investigator shall deliver the complaint to the respondent Board Member, along with a request that the respondent Board Member provide a written response to the complaint, together with any submissions that the respondent chooses to make, within 10 days, subject to the Investigator's discretion to reasonably extend the timeline.
- (2) The Investigator may, at their discretion, deliver the respondent Board Member's written response and submissions to the complainant and request a reply in writing within 10 days, subject to the Investigator's discretion to reasonably extend the timeline.
- (3) The Investigator may:
 - (a) speak to anyone relevant to the complaint;
 - (b) request disclosure of documents relevant to the complaint, including closed meeting minutes; and
 - (c) access any record in the custody or control of the Regional District, within the meaning of *FIPPA*, with the exception of records subject to solicitor-client privilege.
- (4) The Investigator has discretion to conduct the investigation as they see fit but must ensure that the investigation complies with the rules of procedural fairness and natural justice required in the circumstances of the complaint.

Confidentiality

- 26. (1) The CAO, Corporate Officer, Solicitor and Investigator must make all reasonable efforts to process and investigate complaints in a confidential manner.
- (2) The Investigator and every person acting under the Investigator's instructions must preserve confidentiality with respect to all matters that come into the Investigator's knowledge in the course of any investigation or complaint, except as otherwise required by law.
- (3) Board Members must make all reasonable efforts to keep complaints and all matters pertaining to complaints under this Bylaw, at any stage, confidential, except as otherwise provided in this Bylaw.

Obstruction

- 27. (1) A Board Member must not obstruct any person in relation to the administration of this Bylaw or the investigation of a complaint.

- (2) Without limitation, the following shall constitute obstruction:
 - (a) uttering of threats or undertaking any reprisal against any person involved in the complaint;
 - (b) destruction of relevant records or documents; and
 - (c) refusal to cooperate with the Investigator.

Frivolous and Vexatious Complaints

- 28. Any Board Member who is found to have obstructed any person contrary to section 27, or who makes a complaint that is subsequently found to have been made in a deliberately frivolous, vexatious or malicious manner, or otherwise made in bad faith, will be subject to appropriate disciplinary action, which may include, but is not limited to the sanctions and remedies as described in section 31.

Division 4 – Adjudication and Reporting

Final Determination by Investigator

- 29. (1) The Investigator must conclude the investigation and make a determination regarding the alleged breach within 90 days of referral under section 23(1), unless the Investigator determines that doing so is not practicable, in which case the Investigator must notify the complainant and respondent Board Member of the delay and provide a revised decision date, which may be extended by periods of up to 30 days at a time on provision of written notice to the complainant and respondent Board Member.
- (2) If, after reviewing all the material information, the Investigator determines that a Board Member did not violate this Bylaw, then the Investigator shall:
 - (a) prepare a written investigation report providing reasons for their determination, which shall include a determination of whether the complaint was submitted frivolously, vexatiously or in bad faith;
 - (b) deliver a summary of the investigation report to the complainant; and
 - (c) deliver a copy of the investigation report to the respondent Board Member and the Board.
- (3) If, after reviewing all the material information, the Investigator determines that a Board Member did violate this Bylaw, then the Investigator shall:
 - (a) prepare a written investigation report providing reasons for their determination, which must include:

- (i) a summary of the factual findings of the Investigator;
 - (ii) an application of this Bylaw, and any other applicable law, to the facts;
 - (iii) a recommendation of the appropriate sanction, subject to subsection (iv);
and
 - (iv) if applicable, a determination of whether the respondent Board Member took all reasonable steps to avoid the breach or whether the breach was trivial, inadvertent or due to an error in judgment made in good faith, in which case the Investigator may recommend that no sanction be imposed;
- (b) notify the complainant that the investigation is complete and inform them that the investigation report, or a summary thereof, will be subsequently released by the Board in accordance with section 30(4);
 - (c) deliver a copy of the investigation report to the respondent Board Member;
and
 - (d) 48 hours after the delivery of the investigation report to the respondent Board Member, deliver a copy of the investigation report to the Board.
- (4) The Investigator may choose to distribute the investigation report to the Board under this section through the Corporate Officer.

Final Determination by the Board

- 30. (1) The Board must, within 30 days of the Investigator's delivery of the investigation report, decide on the appropriate measures, if any, that are warranted by a breach of this Bylaw.
- (2) Prior to making any decision regarding the findings and recommendations set out in the investigation report, the respondent Board Member must be provided with an opportunity, in person and in writing, to comment to the Board on the Investigator's determinations and recommendations.
- (3) An investigation report may be considered in a closed meeting, if the circumstances warrant and there is a valid reason to close the meeting under section 90 of the *Community Charter*.
- (4) Within 30 days of receiving the investigation report under section 29(2)(c) or section 29(3)(d), the Board must, subject to the Regional District's obligations under *FIPPA*, release to the public the investigation report, or a summary thereof, along with a summary of the Board's decision, if applicable.

Remedies

31. (1) The Board may impose the following remedies for a violation of this Bylaw:
- (a) a letter of reprimand from the Board, addressed to the respondent Board Member;
 - (b) a request from the Board that the respondent Board Member issue a letter of apology;
 - (c) the publication of the letters contemplated in subsections (a) and (b), along with the respondent Board Member's response, if any;
 - (d) directions to the CAO regarding the method of providing documents that contain confidential information to the respondent Board Member;
 - (e) a recommendation that the respondent Board Member:
 - (i) attend specific training or counselling;
 - (ii) complete a specified number of volunteer hours; or
 - (iii) make a charitable donation of a specified or unspecified amount to a particular charity;
 - (f) limitations on access to certain Regional District facilities;
 - (g) prohibition from representing the Regional District at events and/or attending conferences or seminars;
 - (h) suspension or removal of the respondent Board Member from the position of chair or vice-chair on committees;
 - (i) suspension or removal of the respondent Board Member from committees;
 - (j) public censure of the respondent Board Member; or
 - (k) any other sanction recommended by the Investigator, so long as that sanction is within the authority of the Board.
- (2) The Board must consider the following factors when determining whether to impose a remedy on a Board Member:
- (a) the degree and nature of the conduct;
 - (b) whether the contravention was a single or repeated act;
 - (c) whether the Board Member knowingly contravened this Bylaw;

- (d) whether the Board Member took steps to mitigate or remedy the contravention;
 - (e) the Board Member's history of other contraventions; and
 - (f) if applicable, the Investigator's finding that the respondent Board Member took all reasonable steps to avoid the breach, or that the breach was trivial or done inadvertently or because of an error in judgment.
- (3) When the Board imposes a remedy pursuant to subsection(1), it may include secondary remedies to take effect on a date set by the Board in the event that the Board Member fails to comply.

Division 5 – Post-Decision Matters

Reimbursement of Costs

32. (1) For clarity, the reimbursement rules set out in this section apply despite any other indemnification bylaw or policy.
- (2) A Board Member may make a request to the Board for reimbursement of the costs of legal advice and representation in responding to the formal complaint process outlined in this Bylaw.
- (3) If appropriate, after considering all of the circumstances, the Board may resolve to reimburse legal fees reasonably incurred by a Board Member, provided that all of the following are met:
- (a) the Board Member has not previously been found to have breached this Bylaw;
 - (b) the Board Member has not previously been reimbursed under this section;
 - (c) the amount claimed does not exceed \$10,000; and
 - (d) the Board Member did not engage in dishonest, grossly negligent, or malicious conduct.

READ A FIRST TIME THIS

13th day of March, 2024

READ A SECOND TIME THIS

13th day of March, 2024

READ A THIRD TIME THIS


13th day of March, 2024

ADOPTED THIS

13th day of March, 2024



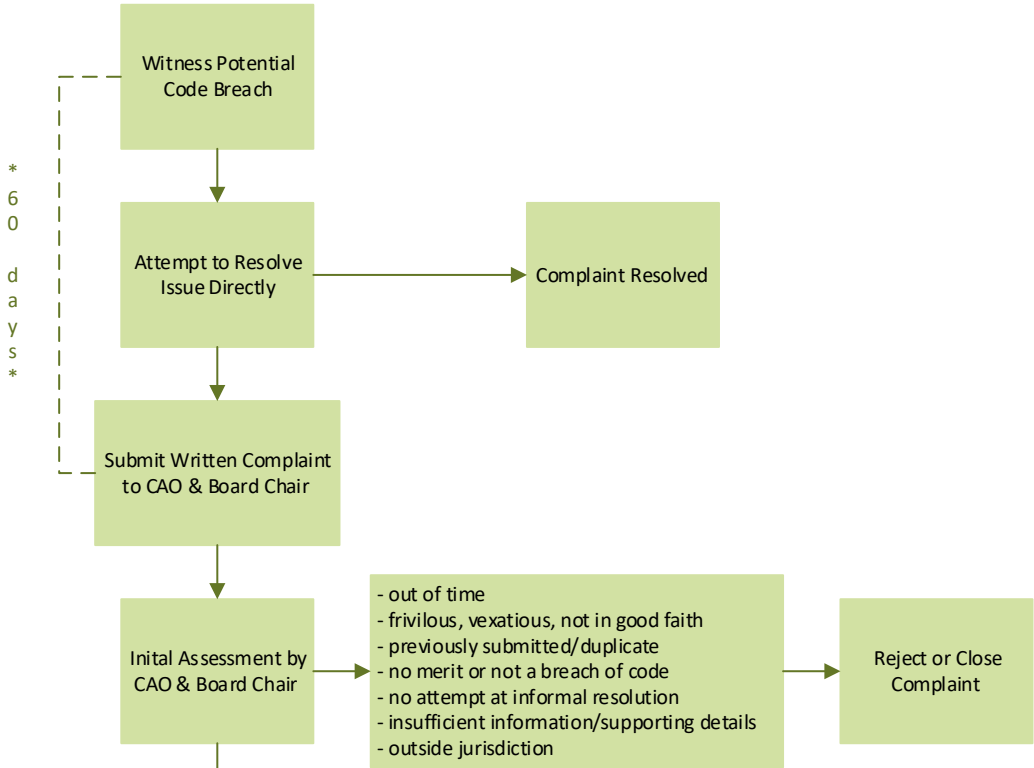
CHAIR



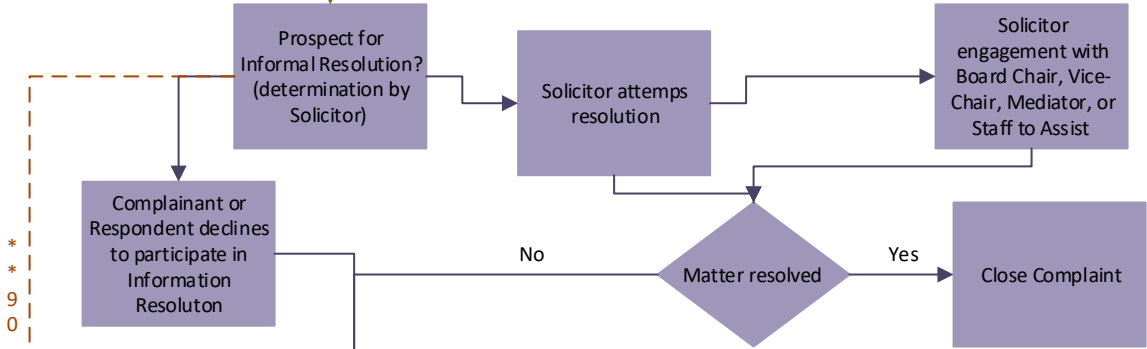
CORPORATE OFFICER

Preliminary Steps

Complaint must be received within 60 days of the breach



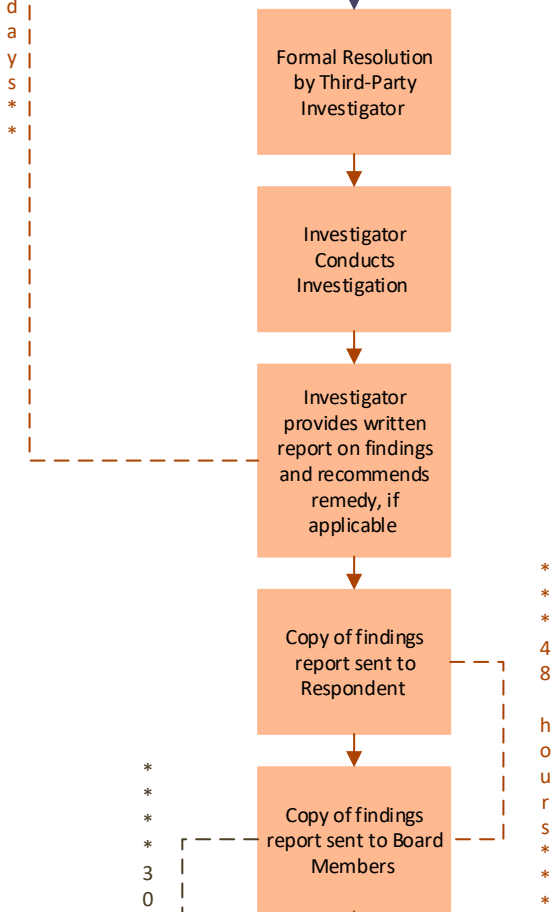
Informal Resolution



Formal Resolution

** Investigation must be completed within 90 days of the start of the Informal Resolution process**

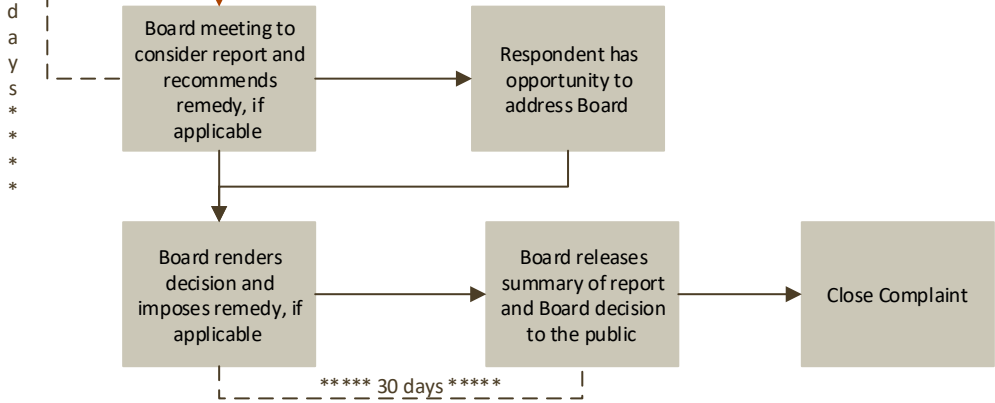
48 hours after the Respondent has received the findings report, it is sent to the Board



Final Determination

****Within 30 days of receiving the findings report, the Board must consider the report and recommend remedies, if applicable****

*****Within 30 days of the Board rendering a decision and imposing the remedy, the summary of report and decision is to be made public*****



**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, APRIL 03, 2024**

SUBJECT Board Chair Voting Rights on Standing Committees

ISSUE SUMMARY

To provide information on the Board Chair's voting rights as an ex-officio Member on Board Standing Committees.

BACKGROUND

On February 14, 2024, the CRD Board carried the following motion with notice from the Electoral Areas Committee:

That staff report to CRD Governance Committee regarding the implications and process for amending the Board Procedures Bylaw so that the CRD Board Chair participates in the Electoral Areas Committee on a voice without vote basis.

Board standing committees are established by the Board Chair to consider matters that would be better dealt with by committee. After consideration of a matter, the committee makes recommendations to the Board for final consideration. The CRD Board's meeting practice is to consider the committee recommendation first; however, the Board has no obligation to move or vote in favour of the committee's recommendation. The Board may amend the committee recommendation further, or may instead endorse the staff report recommendation or one of the report alternatives, or may raise an entirely new alternative motion for consideration.

The *CRD Board Procedures Bylaw* enables the Chair to vote on all standing committee matters. At Section 33. (2):

- 33. (2)(a) *The Chair shall be a Member of all Committees and entitled to vote on all matters.*
- (b) *Despite section 33(2)(a) the Chair, when in attendance, may be counted as one Member for the purpose of constituting a quorum.*

The ability for the CRD Board Chair to participate as ex-officio on all Board Standing Committees is consistent with the *Local Government Act*:

218 (2) The chair may establish standing committees for matters the chair considers would be better dealt with by committee and may appoint persons to those committees.

The *CRD Board Procedures Bylaw* on the matter of Board Standing Committees echoes the provisions of the *Local Government Act* and states:

- 26. (1) The Chair may establish a Board Standing Committee as a regular permanent committee whose mandate will be in relation to a CRD service*

or potential service.

(2) *The Chair shall appoint only Board Members to a Board Standing Committee with the following exceptions:*

- (a) Unless the authorizing legislation or Letters Patent for the Board Standing Committee defines its membership; and*
- (b) Where a Board Standing Committee Terms of Reference allow a First Nation Member to participate.*

The Terms of Reference for all CRD Board Standing Committees share the following clauses:

2.0 b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 b) All Board members are permitted to participate in standing committee meetings, but not vote, in accordance with the CRD Board Procedures Bylaw.

IMPLICATIONS

The Newly Revised Robert's Rules of Order (RRO) apply to the proceedings of the Board and its committees to the extent that they are not inconsistent with the *Local Government Act*, *Community Charter*, and *Board Procedures Bylaw*. Under RRO, an ex-officio member of a committee, "*has the same rights as the other committee members but is not obligated to attend meetings of the committee and is not counted in determining the number required for a quorum.*" The drafting of section 33 of the *CRD Board Procedures Bylaw*, while not specifically calling the position ex-officio is consistent with ex-officio standing.

Regional District bylaws, policies and procedures must not conflict with provincial legislation. As the power for establishing standing committees and appointing Board Members to those committees is within the purview of the elected Board Chair, it is not possible for the CRD Board Procedure Bylaw or standing committee terms of reference to limit the Board Chair's power that are prescribed by *Local Government Act* section 218(2). The decision to establish, make appointments, and vote on Board standing committee matters is up to the Board Chair who is elected annually each November.

While in theory it is possible to change the *CRD Board Procedure Bylaw* with an amending bylaw to eliminate section 33(2)(a) and (b) (which spell out the power of the Board Chair to vote at standing committees), there is no point in doing so when the Board Chair retains the power to decide which committees to convene any given year and to assign membership of those committees. Without sections 33(2)(a) and (b) the Chair can still choose to appoint themselves to any standing committee with full membership rights, including voting.

CONCLUSION

Staff were directed to report to the Governance Committee regarding the implications and process for amending the *CRD Board Procedures Bylaw* so that the CRD Board Chair participates in the Electoral Areas Committee on a voice without vote basis. The *Local Government Act* section 218(2) prescribes the power of the Board Chair to establish standing committees and appoint

persons to those committees. Regional District bylaws, policies and procedures must not conflict with provincial legislation. Procedure bylaws can expand upon the powers conferred by legislation, but cannot restrict them. As the power for establishing standing committees and appointing Board Members is within the purview of the elected Board Chair, it is not possible for the *CRD Board Procedure Bylaw* or standing committee terms of reference to limit the Board Chair's ability to vote at Electoral Areas Committee if the Chair chooses to appoint themselves as a committee member.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer



Making a difference...together

Minutes of the Accessibility Advisory Committee meeting, held October 17, 2023 at 1:00 pm, 6th Floor Boardroom, 625 Fisgard Street, Victoria BC

PRESENT:

Committee Members: T.Bolt, J. Briante (EP), J. Coughlin, P. Danforth, M. Essery (EP), G. Goodwin, J. Parr, P. Pokorny, G. Robinson, E. Syring, R. Welland

Staff: C. Neilson, Senior Manager, Human Resources; M. Lagoa, Deputy Corporate Officer; S. Orr, Senior Committee Clerk (Recorder)

EP – Electronic Participation

The meeting was called to order at 1:16 pm.

1. Territorial Acknowledgement

C. Neilson provided the Territorial Acknowledgement.

2. Approval of Agenda

**MOVED by J. Coughlin, SECONDED by P. Danforth,
That the agenda be approved as circulated.
CARRIED**

3. Presentations/Delegations

There were no presentations or delegations.

4. Special Meeting Matters

4.1. Introductions

Introductions of the committee members and staff were made.

4.2. Orientation

C. Neilson and M. Lagoa presented CRD committee orientation materials.

4.3. Terms of Reference

The Accessibility Advisory Committee Terms of Reference were received by the committee for information.

5. Adjournment

**MOVED by T. Bolt, SECONDED by J. Parr,
That the October 17, 2023 Accessibility Advisory Committee
meeting be adjourned at 2:52 pm.
CARRIED**

Chair

Committee Clerk



Making a difference...together

Minutes of the Accessibility Advisory Committee meeting, held November 21, 2023 at 1:00 pm, 6th Floor Boardroom, 625 Fisgard Street, Victoria BC

PRESENT:

Committee Members: P. Danforth (Chair), T. Bolt (Vice Chair), J. Briante (EP), J. Coughlin, M. Essery (EP), G. Goodwin, J. Parr, P. Pokorny, G. Robinson, E. Syring, R. Welland

Staff: C. Neilson, Senior Manager, Human Resources; Z. Gray, Manager Website and Public Engagement; M. Lagoa, Deputy Corporate Officer; S. Orr, Senior Committee Clerk (Recorder)

EP – Electronic Participation

The meeting was called to order at 1:07 pm.

1. Territorial Acknowledgement

C. Neilson provided the Territorial Acknowledgement.

2. Election of Chair

C. Neilson called for nominations of Chair of the Accessibility Advisory Committee for 2024.

T. Bolt nominated P. Danforth. P. Danforth accepted the nomination.

C. Neilson called for nominations a second time.

C. Neilson called for nominations a third and final time.

Hearing no further nominations, C. Neilson declared P. Danforth Chair of the Accessibility Advisory Committee by acclamation.

3. Election of Vice Chair

Chair Danforth called for nominations of Vice Chair of the Accessibility Advisory Committee for 2024.

M. Essery nominated T. Bolt. T. Bolt accepted the nomination.

Chair Danforth called for nominations a second time.

Chair Danforth called for nominations a third and final time.

Hearing no further nominations, Chair Danforth declared T. Bolt Vice Chair of the Accessibility Advisory Committee by acclamation.

4. Approval of Agenda

**MOVED by J. Coughlin, SECONDED by P. Danforth,
That the agenda for the November 21, 2023 Accessibility
Advisory Committee be approved as circulated.
CARRIED**

5. Adoption of Minutes

**MOVED by J. Coughlin, SECONDED by P. Danforth,
That the minutes of the Accessibility Advisory Committee
meeting of October 17, 2023 be adopted as circulated.
CARRIED**

6. Chairs Remarks

Chair Danforth welcomed everyone in attendance.

7. Presentations/Delegations

There were no presentations or delegations.

8. Committee Business

8.1. Communications and Engagement Initiatives

Z. Gray spoke to Item 8.1. and provided a PowerPoint presentation.

Discussion ensued regarding:

- website testing process
- accessibility of website related to visual and hearing impairments
- digital strategies related to accessible software

8.2. Support and Leadership Resources – Staffing Update

C. Neilson spoke to Item 8.2.

Discussion ensued regarding employment opportunities and recruitment.

8.3 CRD Accessibility Plan

C. Neilson spoke to Item 8.3.

Discussion ensued regarding:

- clarification of the relationship between the Capital Region Housing Corporation and the Capital Regional District
- old housing builds and new housing initiatives
- accessibility initiatives budget
- street lighting responsibilities
- Disability Alliance of BC grant opportunities

9. Notices of Motion

There were no notices of motion.

10. New Business

There was no new business.

11. Adjournment

**MOVED by J. Parr, SECONDED by R. Welland,
That the November 21, 2023 Accessibility Advisory Committee
meeting be adjourned at 2:09 pm.
CARRIED**

Chair

Committee Clerk



Making a difference...together

Minutes of the Accessibility Advisory Committee meeting, held January 16, 2024 at 1:00 pm, 6th Floor Boardroom, 625 Fisgard Street, Victoria BC

PRESENT:

Committee Members: P. Danforth (Chair), T. Bolt (Vice Chair), J. Briante, J. Coughlin, M. Essery, G. Goodwin, J. Parr, P. Pokorny, G. Robinson, E. Syring, R. Welland

Staff: C. Neilson, Senior Manager, Human Resources; E. Sinclair, Senior Manager, Regional and Strategic Planning; T. Moss, Manager, Visitor Experience and Stewardship; S. Orr, Senior Committee Clerk; J. Dorman, Committee Clerk (Recorder)

EP – Electronic Participation

The meeting was called to order at 1:01 pm.

1. Territorial Acknowledgement

Chair Danforth provided the Territorial Acknowledgement.

The Committee recessed at 1:02 pm.

The Committee reconvened at 1:12 pm.

2. Introduction of Governance Committee Liaison

C. Neilson introduced Marie-Terese Little who will be the Liaison to the Accessibility Advisory Committee.

3. Approval of Agenda

**MOVED by J. Coughlin, SECONDED by M. Essery,
That the agenda for the January 16, 2024 Accessibility Advisory
Committee be approved as circulated.
CARRIED**

4. Adoption of Minutes

**MOVED by M. Essery, SECONDED by R. Welland,
That the minutes of the Accessibility Advisory Committee meeting
of November 21, 2023 be adopted with the following amendment:
8.3. discussion replace “Disability Association of BC” with
“Disability Alliance of BC”
CARRIED**

5. Chairs Remarks

Chair Danforth thank the committee for their participation in the meeting today and spoke about the continued participation of committee members.

The Committee recessed at 1:16 pm.
The Committee reconvened at 1:20 pm.

6. Presentations/Delegations

There were no presentations or delegations.

7. Committee Business

7.1. Department Presentations on Accessibility

C. Neilson spoke to Item 7.1.

7.1.1. CRD Regional Parks

T. Moss spoke to Item 7.1.1. and provided a PowerPoint presentation.

Discussion ensued on the following:

- accessible parks and trails including individualized information surrounding accessibility
- definition of parks interpreters
- park and trail accessibility suggestions

7.1.2. CRD Regional and Strategic Planning

E. Sinclair spoke to Item 7.1.2 and provided a PowerPoint presentation.

Discussion ensued on the following:

- access inclusion during planning
- lived and diverse experience
- floating bus stops
- BC Transit Accessibility Advisory Committee

7.2. Support and Leadership Resources – Staffing Update

C. Neilson spoke to Item 7.2.

7.2.1. CRD Accessibility Plan (Draft)

C. Neilson spoke to Item 7.2.1.

Discussion ensued on the following:

- CRD Stakeholders, tenants, employees and the public
- omission of people with speech and language disabilities in types of disabilities

8. Notices of Motion

There were no notice(s) of motion.

9. New Business

There was no new business.

10. Adjournment

**MOVED by M. Essery, SECONDED by T. Bolt,
That the January 16, 2024 Accessibility Advisory Committee
meeting be adjourned at 2:36 pm.
CARRIED**

Chair

Committee Clerk