



Making a difference...together

SALT SPRING ISLAND COMMUNITY ECONOMIC DEVELOPMENT COMMISSION

Notice of Meeting on **Thursday, June 15, 2017 at 4:00 PM**
Portlock Park Portable, 145 Vesuvius Bay Rd, Salt Spring Island, BC

Wayne McIntyre
Janice Harkley
Laura Patrick

Darryl Martin
Francine Carlin

Bruce Cameron
Holly MacDonald

Randy Cunningham
Curt Firestone

(r) regrets

AGENDA

1. Approval of Agenda

2. Adoption of Minutes

That the Community Economic Development Commission meeting minutes of May 18, 2017 be adopted as circulated.

3. Delegation/Presentation

3.1 Opportunity Salt Spring – Deirdre Rowland, C Me Communications

4. Director, Chair and Commissioner Reports

4.1 Commissioner Reports Listed for Information Purposes:

- Rural Accelerator Project – Commissioner MacDonald
- opportunitySaltSpring.ca – Commissioner Carlin

5. Outstanding Business

- 5.1 Notice of Motion by Commissioner Firestone- Dragon Fly Commons
- 5.2 Worker Housing – Update by Commissioner Patrick
- 5.3 Rural Dividend budget as of May 31, 2017
- 5.4 Progress report on ETGI

6. New Business

- 6.1 Open Meeting Rules and Electronic Exchanges
- 6.2 Finance Committee – mid-year Financial review and planning

7. Next Meeting

8. Adjournment

To ensure quorum, advise Tracey Shaver 250 537 4448 if you cannot attend.



Making a difference...together

**Minutes of the Regular Meeting of the
Salt Spring Island Community Economic Development Commission
Held Thursday May 18, 2017, in the Portlock Park Meeting Room, 145 Vesuvius Bay Road,
Salt Spring Island, BC**

DRAFT

Present: CRD Director: Wayne McIntyre
Commission Members: Darryl Martin (Chair), Randy Cunningham, Holly MacDonald, Francine Carlin, Curt Firestone, Janice Harkley, Laura Patrick
Staff: Dan Ovington, Manager, Salt Spring Island Electoral Area; Recording Secretary Tracey Shaver.
Absent: Bruce Cameron

Chair Martin called the meeting to order at 4:00 pm.

1. Approval of Agenda

MOVED by Commissioner Martin, **SECONDED** by Director McIntyre,
That the Salt Spring Island Economic Development Commission agenda of May 18, 2017
be amended and approved as follows: Bring Item 5.6 and 5.5 forward in the agenda to
item 2.1 and 2.2 sequentially; addition of Item 4.3 Report Submissions and Item 6.2
Parking Ambassador Pilot Project.

CARRIED

2. Adoption of Minutes of April 20, 2017

MOVED by Commissioner Cunningham, **SECONDED** by Commissioner MacDonald,
That the Salt Spring Island Economic Development Commission Minutes of April 20, 2017
be amended and approved by removing the word "quickly" from the motion in Item 6.5.

CARRIED

2.1 Worker Housing

Commissioner Laura Patrick and Gwen Patrick provided a power point presentation
on recent survey results obtained from local employers regarding how the shortage
of affordable housing effects the island economy.

Commissioner Carlin arrived at 4:12 pm

Preliminary data was collected from 18 employers; representing 925 permanent and
199 seasonal employees. Participating employment sectors so far included
restaurants, health services, agriculture, SD 64, financial services, tourism and retail.

Data collection will continue and preliminary actions such as uniting the voice of
employers was suggested. Discussion of results lead into related input from Jeff
Knutson, Islands Savings Branch Manager and Peter Grove local area Islands
Trustee.

Highlighted points of interest

- Housing quality, affordability and seasonal availability
- Strong real estate market has investors turning over homes which don't
always stay in the rental pool

- What is a living wage on Salt Spring?
- Lack of qualified employee hiring pool leads to high turnover
- Need for community laundry and shower facilities
- Need for diversity in housing options
- Employee health impacted by lack of stable housing
- Several affordable housing projects in process; not ready this year
- Water supply; change building code, water catchment
- Build housing for current needs or building to increase population

MOVED by Commissioner MacDonald, **SECONDED** by Commissioner Cunningham,
That the Salt Spring Island Economic Development Commission make a delegation request
to the Salt Spring Island Local Trust Committee to emphasize the need to legalize year
round use of secondary cottages to ease the current housing shortage.

CARRIED

2.2 Rural Accelerator

Commissioner MacDonald referred to written report highlighting the May 23, 2017
graduation of the Food and Beverage group who are the first to participate in the
Rural Accelerator Project. Next session group will be Green Business.

3. Delegation/Presentation- none registered

4. Director, Chair and Commissioner Reports

- 4.1 Director McIntyre** - due to time constraints the Director deferred report
- 4.2 Chair Martin** due to time constraints the Chair deferred report
- 4.3** Staff request that Commissioners submit written reports be a week in advance for
inclusion in agenda packages.
- 4.4 Commissioner Carlin** provided a brief update on the progress of the Destination
Management Organization project. Stakeholders are meeting on May 25, 2017 to
learn about funding models from Destination BC.
- 4.5 Commissioner MacDonald** reported on some collaboration opportunities with
VIATEC, Salt Spring Library, Salt Spring Forum and Salt Spring Digital.
- 4.6 Commissioner Firestone** reported Tour de Iles event on June 23-25; trip
reservations anticipated to be online next week.

5. Outstanding Business

5.1 Letter of Support for Produce Centre funding application

Staff reported the Rural Dividend Grant program changed some of the requirements
and if the Farmland Trust amends their application it will be forwarded to the CRD
Board to review before giving support.

5.2 Temporary road closure proposal re: Cycling- Administration Report on Transportation Commission decision

Staff reported that at the last Transportation Commission meeting consideration was given to a request to close a portion of the road in front Centennial Park for a cycling event. The Transportation Commission did not support the request to close the road and made the following comments:

- Adding congestion to an already congested area without community consultation
- No Traffic and pedestrian management and safety plan
- The request is too short notice and without proper community consultation
- Would need to petition the businesses affected to determine support

5.3 ETGI Developments: meeting held to determine how to allocate grant funding for the oversight committee to implement the ETGI plan. Tour de Iles event is intended to show support and demand for one of the ETGI initiatives to establish water transportation between islands.

5.4 www.opportunitysaltspring.ca: Commissioner Carlin referred to a written report and highlighted that the demographics of visitors to the website are under 35.

Items 5.5 and 5.6 moved forward to 2.1; 2.2

5.7 Notice of Motion by Commissioner Firestone – Dragon Fly Commons Development

MOVED by Commissioner Firestone, **SECONDED** by Commissioner Cunningham, Whereas: the Salt Spring Island Community Economic Development Commission recognizes that economic stability and growth require that workers have housing, and Whereas: Salt Spring Island has a shortage of worker housing; and Whereas: Dragonfly Commons under the leadership of Fernando and Tami dos Santos is being designed to provide lower income workers with an opportunity to either own or rent their own home; and Whereas: Island Women Against Violence is the currently designated society who will manage the rentals and the strata; and Whereas: Dragonfly Commons' project is currently under review by Islands Trust and other governmental agencies;

Therefore be it resolved: that the Salt Spring Community Economic Development Commission shares with all agencies reviewing the Dragonfly Commons' applications that this Commission recognizes that low income housing is an area of critical need on Salt Spring Island. The Commission hopes that with the need for worker housing can be met in the very near future.

The original motion was not supported as submitted

Discussion of motion was based on amending the endorsement for affordable housing units to a generic statement.

MOVED by Commissioner Cunningham, **SECONDED** by Commissioner Patrick, That consideration of item 5.7 the notice of motion by Commissioner Firestone – Dragon Fly Commons Development be deferred until the June 15, 2017 meeting.

CARRIED

6. New Business

6.1 Mid-Year Financial Review – No report

6.2 Parking Ambassadors Pilot Project

Staff reported on a request to obtain information for preliminary plans for the Chamber to organize parking ambassadors who would pass out maps to open parking areas such as the pool parking lot.

The Commission did not support the concept; instead suggestions were made for employers to have staff park outside of town, bicycle rickshaw program, maps handed out to visitors on BC Ferries suggesting parking areas if a shuttle is provided.

6.3 Motion Proposed: Shuttle Service Summer Saturdays

Brief discussion on the role of the SSI Community Economic Development Commission as a facilitator.

MOVED by Commissioner Carlin, **SECONDED** by Commissioner Cunningham, That the Salt Spring Island Community Economic Development Commission recognizes that access to the shopping areas downtown during the Saturday Market season is prohibited by congestion and lack of parking areas. The CEDC will work with stakeholder local community groups to formulate a solution for this on-going deterrent to shopping amenities. Solutions examined to include exploring the use of local parking lots and the leasing of school or other buses or vans to service those lots by transporting residents, visitors and workers to the Saturday Market and vicinity during seasonal business hours.

CARRIED

7. Next Meeting- June 15, 2017 - 4 pm at Portlock Park

8. Adjournment

MOVED by Commissioner Cunningham, **SECONDED** by Commissioner Patrick, That the meeting adjourn at 6:25 pm.

CHAIR

SENIOR MANAGER

Commissioner Report – Rural Business Accelerator Project

Submitted by Holly MacDonald

Progress (May 2017):

- Planned sessions/provide direction :
 - May 1st – Export Navigator – provincial program to support businesses find new markets outside of their trading area (doesn't need to be international export)
 - May 8th – Food labelling and packaging – this is a session that participants asked for.
 - May 11th – Selling to Country Grocer – a session scheduled specifically for our participants. They will also learn about selling wholesale in general.
 - May 16th – Financial Basics (part 2)
 - May 23rd – Graduation event for Food & Beverage
 - Gifts provided by: Chamber of Commerce (free membership), Salt Spring Exchange (free ad and campaign), Small Business BC (\$50 voucher for training). Some food donated by Country Grocer
- Preparing for the next session focusing on Green Services (May/June – August-ish) for both mentors and participants.
 - We've been considering running a more "intensive" option for this session and may look at alternative ways of running the program due to the challenge of working through the summer.
 - The make-up of this session will be more diverse than food and beverage
- Identifying experts for the green services session. The focus will be different and we will have some other topics to focus on
- Promoting the program through our new website and social media channels
- Produce final package of materials to support the ongoing delivery of the program:
 - Participant workbook
 - Mentor guide
 - Weekly emails
 - All sessions have provided us with their presentation materials which can be used for future sessions
- Submitted Rural Dividend report to province as required
- Featured in Gulf Islands Driftwood (graduation)

Plans (June 2017):

- Redesign Green Services session. There are some topics from Food & Beverage that make no sense, so will replace with more realistic topics:
 - Project planning & management
 - Persuasive writing (proposals/grants) and educating your customer

- Relationship Management (sales)
 - What's your Brand & Market Research (different focus)
- Review different topics from Small Business BC
 - Starting a Consulting Business
 - Communicating with Confidence
- Development of additional promotional material: video, photos, powerpoint for ongoing use
- Promoting the program through our new website and social media channels (ongoing)
- Stylize final package of materials to support the potential sale/licensing of the program and upload to the web:
 - Participant workbook
 - Mentor guide
 - Weekly emails
 - All sessions have provided us with their presentation materials which can be used for future sessions
- Continue to explore the requirements for licensing the program

Items of Interest

- We shot video at the graduation event and will have footage for various marketing and PR activities.
- Offered to present at the CRD meeting (awaiting date)
- Our posts in social media continue to gain interest locally and beyond.
- Attended the "Traction" Conference for growth companies and shared the RBA model during networking discussions. People were interested and I distributed several promotional cards
- Exploring the idea of having a booth at the Vancouver Island Economic Alliance conference and potentially speaking on the topic of the RBA

Issues:

- Our Project Manager has had to leave the project for personal reasons. We will have to recruit to replace her and this will set us back at least 6 weeks. We likely won't start the next session until at least July 15th.

CEDC Opportunity Salt Spring – Progress Report: May 11 to 31, 2017

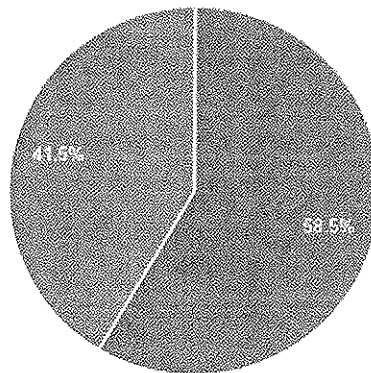
Opportunity Salt Spring Website Stats:

May 11 to May 31, 2017:

- Page views: 258
- Users: 89
- Pages view per visit: 1.98

Insights: New visitors: 58.5%: Returning visitors 41.5%

■ New Visitor ■ Returning Visitor

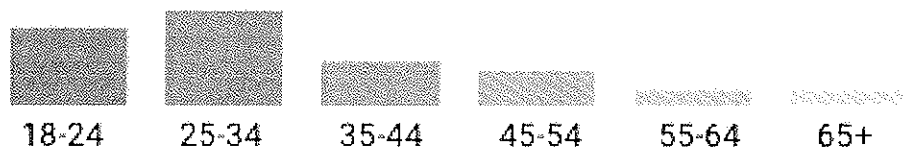


Users: Age demographics: identical to last report

Age

100% of total sessions

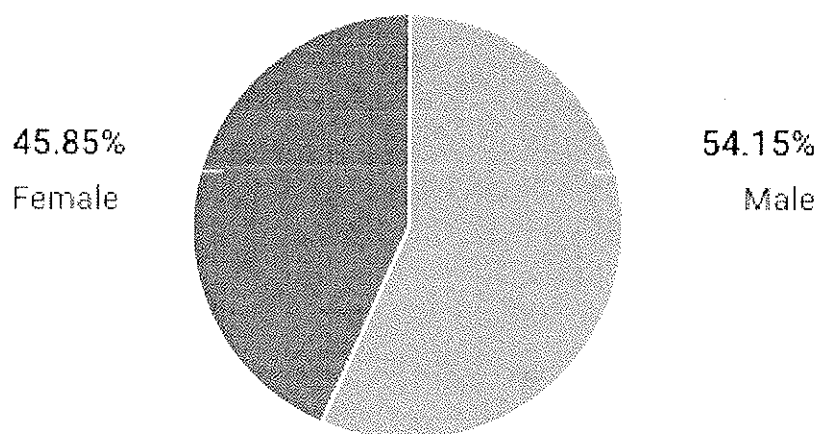
27.50% 33.50% 15.50% 12.50% 5.50% 5.50%



Gender: Last update 46% female & 54% male

Gender

100% of total sessions



Twitter stats May 31:

- Current followers: 22
- Following: 20
- Posts: 21

Six new followers were added recently.

We also generated views on these three tweets:

- InDro Robotics SSI – shout out: May 15
- Salt Spring Digital event: May 24
- Small Business BC Webinars: May 26

Notable engagement that accounted for over 2,000 impressions

OppSaltSpring @OpportunitySSI	Impressions	232
Wow - congrats. We're very proud of you	Total engagements	4
#opportunityssi #saltspring https://twitter.com/IndustryUAVs/status/864243995903262720 ...	Likes	2
	Retweets	1

Tweet Activity



OppSaltSpring @OpportunitySSI
Salt Spring Digital is holding their monthly #social at the SSI Legion till 8:30pm tonight! Meet your fellow techies! #SaltSpring
pic.twitter.com/AUoBqgJsIP

Impressions	260
Total engagements	7
Retweets	2
Media engagements	2
Likes	1

Tweet Activity

OppSaltSpring @OpportunitySSI

We've launched @SmallBusinessBC Webinars!

Register via: <http://opportunitiesaltspring.ca/webinar-registration/> ... Topics to grow your business!
#opportunityssi #saltspring

Impressions 1,525

Total engagements 5

Retweets 2

Link clicks 2

Likes 1

Facebook Stats









































The CEDC Facebook page has 173 local users and we are now up to 182 likes on Facebook as a platform, up from 171.

The most recent five posts from May 11 to May 31 generated the following:

- Users reached: 775

This was largely due to a steady stream of posts focussed not only on CEDC/RBA but also promoting community organizations on our feed.

Posts during that timeframe:

05/30/2017 6:15 pm		Wow! More applications than expected. Interested in being a me			25		2		1
05/29/2017 12:33 pm		Don't forget that the Rural Development Fund closes May 31st. "The			36		2		1
05/26/2017 10:27 am		We've launched Small Business BC Webinars on our website! Sa			80		3		5
05/24/2017 11:13 am		Congratulations to the RBA participants graduating from the prog			73		57		4
05/23/2017 1:33 pm		In case you missed it! The Rotary Club of Salt Spring Island held			204		7		8
05/19/2017 12:43 pm		Interesting topic coming up at the The Salt Spring Forum http://s			43		3		2
05/19/2017 8:39 am		News and highlights from our Public Meeting (May 18th). In case			37		1		2
05/18/2017 11:03 am		Applications for the Green Services session of our Rural Busine			277		1		5

Sample Facebook Post:



Salt Spring Community Economic Development Commission

Published by Deirdre Rowland (P) · May 26 at 10:27am · 🌐

We've launched Small Business BC Webinars on our website! Salt Spring businesses can register now via: <http://opportunitysaltspring.ca/webinar-registration/> ... Topics include Word Press, writing a Business Plan, Market Research and how to grow your business! #opportunityssi #saltspring

Webinar Registration - Opportunity Salt Spring

Ever dream of an island lifestyle where you have a healthy balance between work and play? Searching for a place to call home where family and nature are in tune and work is a pleasure? Like the idea of a creative community that collaborate for sustainable and marketable business? Look no further tha...

OPPORTUNITYSALTSPRING.CA

80 people reached

Boost Post

👍 Like

💬 Comment

➦ Share



👤 Randy Cunningham, Peter Grove and 3 others

What we did:

- Promoted CEDC by posting photos from the RBA graduation,
- Announced new webinars via the Opportunity website and cross-referenced Small Business BC who re-tweeted and expanded our outreach.
- Supported community groups like the Rotary Club (Shred Day), Salt Spring Digital, the Salt Spring Forum;
- Highlighted news from the CEDC public meeting
- Announced the upcoming RBA green services cohort

What we are and will be doing:

- Continuing to highlight economic indicators for the island
- Updating website content and images
- Adding a new "Live+Work+Play" page in *About Salt Spring*
- Continue generate interest via social media for the remainder of June
- Continue tracking and monitoring user traffic

Rural Dividend Budget

<u>Revenue:</u>			
Grant	72,080	May 31/17	Remaining
CEDC	11,020	15,790	56,290
In-kind	7,000	2,414	8,606
Sub-Total	90,100	21,211	68,979
<u>Operating Expenses:</u>			
Project Manager	21,700	(11,404)	10,296
Consulting (Comm. MacDonald/Carlin In-kind)	7,000	(2,917)	4,083
Marketing and Promotion:			-
Advertising	5,000	(1,090)	3,910
Web content	2,500	(2,300)	200
Mentors	13,500		13,500
Printing	1,000		1,000
Travel and meeting costs	9,000	(1,815)	7,185
Training costs:			-
Small Business BC	17,400	(500)	16,900
Workshops	10,000	-	10,000
Mentor training and support	3,000	(1,096)	1,904
Sub-total	90,100	(21,121)	68,979
Total		0	68,979

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, SEPTEMBER 14, 2016**

SUBJECT EMAIL EXCHANGES BETWEEN CRD DIRECTORS

ISSUE

To provide information to the CRD Board about the legislative provisions that relate to email exchanges between Directors.

BACKGROUND

At its meeting of August 10, 2016, the CRD Board passed a resolution directing staff to provide the Board with the provisions of the *Local Government Act* ("LGA") that relate to email exchanges between Directors.

LGA and Community Charter

There are no provisions of the *LGA* that deal directly with Directors' use of email.

While the *LGA* remains the main source of authority for regional districts, provisions of the *Community Charter* also apply to regional districts and consistent rules apply to officials in municipalities and regional districts. There are also no provisions of the *Community Charter* that deal directly with Directors' use of email. Although email is not dealt with directly in the legislation, there are provisions that impact use of email by elected officials.

The *Community Charter* and *Local Government Act* both contain divisions that relate to board process (the relevant sections are set out at Appendix A). These sections build from the same fundamental starting point: the business of local government bodies must be conducted in open meetings that have been advertised in advance to the public (s. 89 of the *Community Charter* and s. 225 of the *LGA*). The provisions are intended to promote transparency and accountability in decision-making and build public trust in the process. Members of the public are provided with advance notice of meeting dates and agenda content and are able to attend meetings to follow the discussion and even request to speak to items in accordance with procedural rules.

In the context of email or electronic communication, the issue is whether an email exchange (or other instant messaging exchange) constitutes a "meeting" that must be advertised and open to the public. The term "meeting" is not defined in the legislation. Court decisions have commented on the definition of "meeting" and have established criteria or factors to consider in determining whether a gathering or other exchange between elected officials is actually a "meeting." These criteria are discussed and summarized in a report on open meetings published by the Office of the Ombudsperson, attached as Appendix B (pgs. 8 – 10). In relation to electronic meetings, the Ombudsperson report notes the following (pg. 11):

If members of a local government are, through electronic communications, advancing matters within their jurisdiction, all of the rules about open meetings apply. For example, the content of instant messaging and group emails between local government members, whether the emails are sent from or to public or private accounts, may unwittingly transition from topics that do not need to be discussed in an open meeting to matters that must be discussed in an open meeting. Local governments need to be conscious that all meetings

of council members, not simply those that take place in an official setting, are subject to the open meeting requirements.

Although the application of the definition of “meeting” to a given set of facts may be debatable and subject to different interpretations, Directors should be aware of these principles and apply common sense to avoid using email to materially advance the business of the Board.

Freedom of Information and Protection of Privacy Act (“FIPPA”)

FIPPA applies to all records under the custody or control of the CRD. Under *FIPPA*, members of the public may request access to records held by the CRD, including work-related emails sent to or received from the CRD email accounts and the personal email accounts of elected officials.

CONCLUSION

Although the legislation governing local governments in BC does not directly address email communications between elected officials, it does establish several fundamental principles that impact communication between Directors outside of the formal meeting setting. CRD Directors should be aware that the rules that apply to formal CRD meetings – such as the open meeting provisions and meeting notice requirements – also apply to email exchanges that could be considered meetings, owing to the scope and nature of the exchange. Directors should also be aware that CRD-related email correspondence is governed by *FIPPA* and subject to disclosure through the CRD records management and freedom of information request process.

RECOMMENDATION(S)

That the Capital Regional District Board receive this report for information.

Submitted by:	Brent Reems, MA, LLB, Senior Manager Legislative & Information Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

BR

Attachments: Appendix A (*Community Charter*, Part 4, Division 3 and *Local Government Act*, Part 6, Division 5)
Appendix B (*Open Meetings: Best Practices Guide for Local Governments*)

Appendix A

Community Charter

Part 4, Division 3 — Open Meetings

General rule that meetings must be open to the public

89 (1) A meeting of a council must be open to the public, except as provided in this Division.

(2) A council must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

Meetings that may or must be closed to the public

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (c) labour relations or other employee relations;
- (d) the security of the property of the municipality;
- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (g) litigation or potential litigation affecting the municipality;

(h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act* ;

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

(l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];

(m) a matter that, under another enactment, is such that the public may be excluded from the meeting;

(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

(o) the consideration of whether the authority under section 91 [*other persons attending closed meetings*] should be exercised in relation to a council meeting.

(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

(a) a request under the *Freedom of Information and Protection of Privacy Act* , if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;

(c) a matter that is being investigated under the *Ombudsperson Act* of which the municipality has been notified under section 14 [*Ombudsperson to notify authority*] of that Act;

(d) a matter that, under another enactment, is such that the public must be excluded from the meeting;

(e) a review of a proposed final performance audit report for the purpose of providing comments to the auditor general on the proposed report under section 23 (2) of the *Auditor General for Local Government Act* .

(3) If the only subject matter being considered at a council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

Other persons attending closed meetings

91 (1) If all or part of a meeting is closed to the public, the council may allow one or more municipal officers and employees to attend or exclude them from attending, as it considers appropriate.

(2) If all or part of a meeting is closed to the public, the council may allow a person other than municipal officers and employees to attend,

(a) in the case of a meeting that must be closed under section 90 (2), if the council considers this necessary and the person

(i) already has knowledge of the confidential information, or

(ii) is a lawyer attending to provide legal advice in relation to the matter, and

(b) in other cases, if the council considers this necessary.

(3) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

Requirements before meeting is closed

- 92 Before holding a meeting or part of a meeting that is to be closed to the public, a council must state, by resolution passed in a public meeting,
- (a) the fact that the meeting or part is to be closed, and
 - (b) the basis under the applicable subsection of section 90 on which the meeting or part is to be closed.

Application of rules to other bodies

- 93 In addition to its application to council meetings, this Division and section 133 [*expulsion from meetings*] also applies to meetings of the following:
- (a) council committees;
 - (b) a municipal commission established under section 143;
 - (c) a parcel tax roll review panel established under section 204;
 - (d) a board of variance established under Division 15 of Part 14 of the *Local Government Act* ;
 - (e) an advisory body established by a council;
 - (f) a body that under this or another Act may exercise the powers of a municipality or council;
 - (g) a body prescribed by regulation.

Local Government Act

Part 6, Division 5 — Board Proceedings

Regular and special board meetings

219 (1) A board must meet

(a) regularly in accordance with its bylaw under section 225
[procedure bylaws], and

(b) as it decides and as provided in this Act.

(2) A special board meeting is a board meeting other than a statutory, regular or adjourned meeting.

Calling of special board meetings

220 (1) The corporate officer must call a special meeting

(a) on request of the chair, or

(b) on request of any 2 directors.

(2) The corporate officer must call a special meeting by notice that

(a) states the general purpose and the date, hour and place of the meeting, and

(b) is mailed at least 5 days before the date of the meeting to each director at the address given by the director to the corporate officer for that purpose.

(3) The notice of any special meeting referred to in subsection (2) may be waived by a unanimous vote.

(4) In the case of an emergency, notice of a special meeting

(a) may be given, with the consent of the chair and 2 directors, less than 5 days before the date of the meeting, and

(b) need not be given in writing.

Electronic meetings and participation by members

221 (1) If permitted under subsection (3), a board meeting or a board committee meeting may be conducted by means of electronic or other communications facilities.

(2) Members of the board who are participating under this section in a meeting conducted in accordance with subsection (1) are deemed to be present at the meeting.

(3) The Lieutenant Governor in Council may make regulations permitting meetings under subsection (1) and prescribing conditions, limits and requirements respecting such meetings.

Regulations establishing special rules for dealing with urgent issues

222 (1) The minister may, by regulation applicable to one or more regional districts, make provision for obtaining and counting votes of the directors on urgent issues and adopting resolutions and bylaws on those issues without the necessity of holding a board meeting.

(2) Regulations under subsection (1) may establish rules respecting the following:

- (a) mechanisms for submitting urgent issues to the directors;
- (b) the manner in which votes will be submitted by the directors;
- (c) the counting of votes and subsequent ratification by the board of the resolutions and bylaws.

(3) A board member participating in a vote under subsection (1) is deemed to be present at a board meeting and a resolution or bylaw adopted under that subsection is deemed to have been adopted at a board meeting.

Minutes of board meetings and committee meetings

223 (1) Minutes of board meetings must be

- (a) legibly recorded,
- (b) certified as correct by the designated regional district officer, and

(c) signed by the chair or other member presiding at the meeting or at the next meeting at which they are adopted.

(2) Minutes of a board committee meeting must be

(a) legibly recorded, and

(b) signed by the chair or other member presiding at the meeting.

Meetings and hearings outside regional district

224 (1) If authorized under subsection (2), the following meetings, hearings and other proceedings may be held, and all powers, duties and functions may be exercised in relation to those proceedings, outside the boundaries of the regional district:

(a) board meetings;

(b) board committee meetings;

(c) other public meetings conducted by or on behalf of the board or a board committee;

(d) board hearings that are required by law or authorized by an enactment;

(e) board proceedings in which a person is entitled under this Act to make representations to the board.

(2) A board may do either or both of the following:

(a) by bylaw, provide that meetings, hearings or other proceedings referred to in subsection (1) may be held outside the boundaries of the regional district;

(b) by resolution in a specific case, allow a meeting, hearing or other proceeding to be held outside the boundaries of the regional district.

Procedure bylaws

225 (1) A board must, by bylaw, do the following:

(a) establish the general procedures to be followed by the board and by board committees in conducting their business, including the manner by which resolutions may be passed and bylaws adopted;

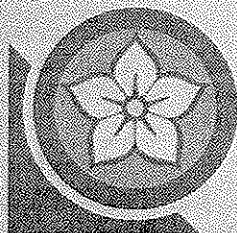
(b) provide for advance public notice respecting the date, time and place of board and board committee meetings and establish the procedures for giving that notice;

(c) identify places that are to be public notice posting places for the purposes of the application of section 94 [*requirements for public notice*] of the *Community Charter* to the regional district.

(2) A procedure bylaw must not be amended unless notice of the proposed amendment is mailed to each director, at the address given by the director to the corporate officer for that purpose, at least 5 days before the meeting at which the amendment is to be introduced.

OPEN MEETINGS:

BEST PRACTICES GUIDE FOR
LOCAL GOVERNMENTS



ombudsperson
B.C.'s Independent Voice For Fairness

Special Report No. 34 | SEPTEMBER 2012
to the Legislative Assembly of British Columbia

Library and Archives Canada Cataloguing in Publication

Open meetings : best practices guide for local governments.

ISBN 978-0-7726-6606-2

1. Public meetings — British Columbia.
2. Local government — British Columbia.
3. Executive departments — Public meetings — British Columbia.
- I. British Columbia. Office of the Ombudsperson.

JF1525 P8 O54 2012

352.1409711

C2012-980153-4

Contributors

Executive Director of Investigations

Linda Carlson

Manager of Investigations

Bruce Clarke

Investigators

Linda Blackman

Carly Chunick

Zoë Jackson

Dave Murray

Brent Reems

Harry Vogt

Scott Wingrove

Other Contributors

Jonathan Lapthorne

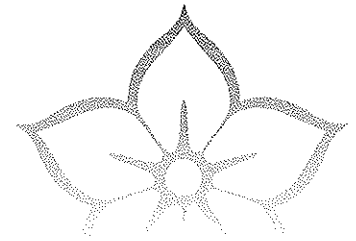
Thank You

Our office would like to thank the regional districts, cities, towns and villages who spoke to us about open and closed meetings; staff in the local government section of the Ministry of Community, Sport and Cultural Development who shared their experience; and the Union of British Columbia Municipalities which provided us an opportunity to discuss this project at its annual convention. You have all made valuable contributions to this guide.

TABLE OF CONTENTS

From the Ombudsperson	5
The Legal Framework for Open and Closed Meetings	6
Legislative History	6
Current Open Meeting Requirements for Local Governments	7
What is a Meeting?	8
The Nature of the Group	8
The Nature of the Discussion	8
The Nature of the Gathering	9
“Workshops” and “Shirt Sleeve Sessions” can be Meetings	9
Electronic Meetings	11
Recognizing Electronic Meetings	11
Holding Electronic Meetings	11
Complying with the Open Meeting Rules – Best Practices	13
Public Notice of Meetings	13
Best Practices	14
Closing a Meeting	15
Resolutions to Close a Meeting	15
Best Practices	16
Section 90 of the <i>Community Charter</i>	16
Conducting a Closed Meeting	18
Straying from Authorized Topics	18
Voting	18
Minutes	19
Best Practices	19
After a Closed Meeting	19
Release of Minutes and Other Records	20
Section 12 of FIPPA	20
Duty to Respect Confidentiality	21
Best Practices	21
Open Meeting Requirements for Improvement Districts	22
Conclusion	23
CHECKLIST	24

TABLE OF CONTENTS



FROM THE OMBUDSPERSON

Municipal law was changed to require that municipal governments hold meetings that are open to the public, in order to imbue municipal governments with a robust democratic legitimacy. The democratic legitimacy of municipal decisions does not spring solely from periodic elections, but also from a decision-making process that is transparent, accessible to the public, and mandated by law.

The Supreme Court of Canada in *London (City) v. RSJ Holdings Inc.*¹

One of the cornerstones of open and transparent government in British Columbia is the requirement for local governments to conduct meetings that are open and accessible to the public. Providing citizens with the opportunity to observe and engage their elected representatives fosters trust and confidence in decision-making processes and allows for meaningful participation and contribution from informed citizens. Open meetings act as venues for education and enable both elected officials and members of the public to make more fully informed decisions.

In the course of investigating and evaluating complaints concerning the implementation of open meeting provisions in the *Community Charter* and receiving information from local governments, we became aware of some common challenges as well as effective ways of addressing them.²

This guide grew out of an interest in sharing some of that information in order to help local governments comply with statutory requirements, to improve consistency in practice as well as to showcase the best practices for local governments to follow when fulfilling their open meeting requirements. At the heart of these best practices are the same values that the Office of the Ombudsperson strives to uphold: openness, transparency, and accountability. We promote and uphold these values because they are essential to ensuring that citizens are treated fairly and reasonably by public authorities.

This guide:

1. Outlines the history of local government open meeting laws and includes comments on the law in force today;
2. Clarifies what constitutes a “meeting” in order to assist local governments to identify the circumstances in which the open meeting laws apply;
3. Outlines best practices implemented by local governments to ensure accountability and transparency; and
4. Contains a checklist based on best practices to assist local governments in fulfilling their open meeting obligations.

I hope that the guide will help to address uncertainties surrounding the open meeting requirements in British Columbia and that it will assist local governments in following both the letter and spirit of the open meeting laws.

Kim J. Carter

Kim Carter
Ombudsperson
Province of British Columbia

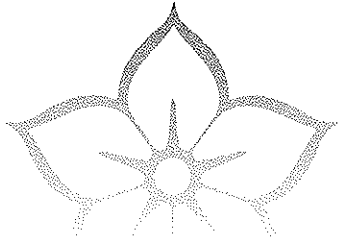
FROM THE OMBUDSPERSON



This guide grew out of an interest in sharing information to help local governments comply with statutory requirements and to showcase best practices to follow in fulfilling open meeting requirements.

¹ *London (City) v. RSJ Holdings Inc.*, 2007 S.C.C. 29 at para 38, [2007] 2 SCR 588.

² *Community Charter*, S.B.C. 2003, c. 26 (*Community Charter*).



...statutory provisions are in place that limit the circumstances under which local governments can hold closed meetings and ensure appropriate procedures are followed prior to the closure of a meeting.

THE LEGAL FRAMEWORK FOR OPEN AND CLOSED MEETINGS

There is a presumption under the *Community Charter* that meetings of local government boards and councils will be open to the public. Sometimes, in order to preserve confidentiality in respect of private matters, meetings may be closed. However, as this runs contrary to the principles of openness, transparency and accountability, statutory provisions are in place that limit the circumstances under which local governments can hold closed meetings and ensure appropriate procedures are followed prior to the closure of a meeting. This part of the guide outlines the legislative history and current laws pertaining to open and closed meetings in B.C.

Municipalities, regional districts,³ the Islands Trust⁴ and other bodies identified in section 93 of the *Community Charter* are subject to the open meeting provisions contained in Division 3 of Part 4.⁵ Throughout this guide, these entities are referred to collectively as "local governments".

Improvement districts, which include irrigation, waterworks, fire protection and dyking districts, are not subject to the open meeting provisions contained in Division 3 of Part 4 of the *Community Charter*. However this does not mean that improvement districts are under no obligation to meet openly, and at the end of this report we discuss separately the law with respect to improvement districts.

Legislative History

While historically there was no clear common law obligation for local governments to hold open meetings, for more than 130 years there have been statutory legal requirements in B.C. that local government meetings be open to the public.

The first open meeting requirement in British Columbia was introduced in the *Municipalities Act* of 1881,⁶ which was later renamed the *Municipality Act*, the *Municipal Act*, and finally the *Local Government Act* in 2000.⁷ While the wording varied slightly over time, the original open meeting requirements remained largely unchanged until 1999. They stated that:

- regular meetings must be open to the public;
- special meetings could be closed by resolution when the council determines that was in the public interest; and
- individuals could be excluded for improper conduct.

³ Division 3 of Part 4 of the *Community Charter* applies to regional districts through s 793(7) of the *Local Government Act*, R.S.B.C. 1996, c. 323.

⁴ Division 3 of Part 4 of the *Community Charter* applies to the Islands Trust Council, the executive committee, local trust committees and the trust fund board through s 11 of the *Islands Trust Regulation*, B.C. Reg. 469/2003.

⁵ The City of Vancouver is subject to a statute entitled the *Vancouver Charter* that contains open meeting requirements almost identical to those in the *Community Charter*. Accordingly, the material covered in this guide is applicable to the City of Vancouver, *Vancouver Charter*, S.B.C. 1953, c 55 ("Vancouver Charter").

⁶ *Municipalities Act*, S.B.C. 1881, c 16.

⁷ *Local Government Act*, R.S.B.C. 1996, c 323.

Bill 88, the *Local Government Statutes Amendment Act*, was passed in 1999.⁸ It set out ten circumstances where a meeting could be closed to the public⁹ and stated that a meeting must be closed where the subject matter relates to:

- a request under the *Freedom of Information and Protection of Privacy Act* if the council is designated as head of the local public body for the purposes of that Act in relation to the matter; or
- a matter that, under another enactment, is such that the public must be excluded from the meeting.¹⁰

In 2003, the *Community Charter* was passed. It repealed and replaced some sections of the *Local Government Act*, including the provisions regarding open and closed meetings. However, the content of the *Community Charter* provisions respecting open and closed meetings borrowed heavily from the *Local Government Act*. The open meeting provisions enacted in 2003 remain in force today.

Current Open Meeting Requirements for Local Governments

Subsection 89(1) of the *Community Charter* sets the general rule for local government meetings in B.C. which is that: meetings must be open to the public unless expressly authorized to be closed by the legislation. The bodies to which this rule applies are set out in section 93 and include elected councils, advisory bodies and boards of variance.

Local governments ensure the openness and accessibility of meetings in various ways. Often meetings are held at a regular time and place, in a readily accessible location such as a council chamber or other room in a public building. For interested members of the public who are unable to attend in person, local government meetings may be broadcast on local cable television, or more recently, may be streamed over the internet to allow access to proceedings from individual computers.

When any of the bodies listed in section 93 of the *Community Charter* decide to close a meeting to the public, they can only do so in accordance with section 92. Section 92 requires local governments to pass a resolution containing two things:

1. The resolution must state that a meeting or part of a meeting is to be closed; and
2. The resolution must state the reason for closing the meeting.

The circumstances under which a meeting may or must be closed are found in section 90 of the *Community Charter*. Subsection 90(1) lists 15 circumstances when a meeting may be closed, while subsection 90(2) lists five circumstances when a meeting must be closed. Only the subjects identified in section 90 may be discussed in a closed meeting, as all other topics are governed by the open meeting requirement in subsection 89(1).

While some topics may or must be discussed in a closed meeting, the actions local governments can take on the topics are limited. Specifically, subsection 89(2) prohibits voting on the reading or adoption of a bylaw during a closed meeting.

Many of these legislative requirements are straightforward and applied consistently across the province. However, some areas have resulted in inconsistent practices and could benefit from clarification.

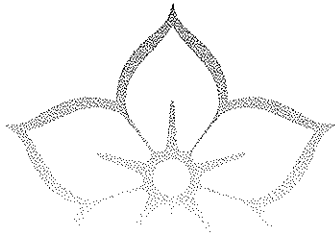
When local governments decide to close a meeting to the public, they must do so in accordance with section 92. Section 92 requires local governments to pass a resolution containing two things:

- 1. The resolution must state that a meeting or part of a meeting is to be closed; and*
- 2. The resolution must state the reason for closing the meeting.*

⁸ *Local Government Statutes Amendment Act*, S.B.C. 1999, c 37.

⁹ *Municipal Act*, R.S.B.C. 1996, c 323 s 242.2(1) [Municipal Act].

¹⁰ *Municipal Act*, s 242.2(2).



WHAT IS A MEETING?

In order to comply fully with the open meeting legislation and follow best practices, it is important to know when they apply. The *Community Charter* does not define the word “meeting” for the purposes of the open meeting requirements, so local governments are sometimes unsure about when an informal gathering is in fact a meeting subject to the open meeting requirements.

Dictionary and other definitions, while helpful, cannot always account for the context or nuances that exist within local government gatherings. In contacts with local governments, one of the most frequent challenges identified was determining the point at which a gathering becomes a meeting.

There are several factors that should be considered by local governments when they are determining whether their gathering is indeed a meeting and is subject to the open meeting requirements. The Ministry of Community, Sport and Cultural Development provides useful information on this topic on its website. It states that some courts have determined “a council meeting is any gathering to which all members of council have been invited; and that is a material part of council’s decision-making process.”¹¹ Accordingly, “[c]ouncil gatherings where all council members could be seen to be making decisions, or moving towards making decisions, would meet this two-part definition.”¹²

The Nature of the Group

The composition of any gathering is one of the two key factors in determining whether the gathering is a meeting. The presence of a quorum or the full membership of a council or other body is more likely to constitute a meeting, while a gathering of smaller groups will be less likely to constitute a meeting. Recognized groups, such as committees, are more likely to have their gatherings regarded as meetings than random congregations of elected officials. Similarly, groups that exercise a decision-making authority are more likely to have their gatherings considered meetings than groups who study issues or recommend action.

The Nature of the Discussion

The other key factor in determining whether a gathering constitutes a meeting, and is therefore subject to the open meeting requirements, is the nature of the discussion. This depends on whether a gathering involves discussing matters within a local government’s jurisdiction¹³ in a capacity that deprives the public of “the opportunity to observe a material part of the decision-making process”.¹⁴ Any real progress in the decision-making process of a matter within the local government’s jurisdiction strongly indicates that a gathering is a meeting. This does

¹¹ Ministry of Community, Sport and Cultural Development. *Community Charter-Open Meetings* online: Ministry of Community, Sport and Cultural Development http://www.cscd.gov.bc.ca/lgd/gov-structure/community_charter/governance/open_meetings.htm.

¹² Ministry of Community, Sport and Cultural Development. *Community Charter-Open Meetings* online: Ministry of Community, Sport and Cultural Development http://www.cscd.gov.bc.ca/lgd/gov-structure/community_charter/governance/open_meetings.htm.

¹³ *Southam Inc v. Hamilton-Wentworth (Regional Municipality) Economic Development Committee* (1988), 66 OR (2d) 213, 54 DLR (4th) 131 (CA) at para 135 [*Hamilton-Wentworth* cited to DLR].

¹⁴ *Southam Inc., Eade and Aubry v. Council of the Corp. of the City of Ottawa et al.*, [1991] OJ No. 3659 (QL) at para 12 (Ont Div Ct) [*Southam Inc. v. Ottawa Council*]

not necessarily mean however that if progress towards a decision is not made that the gathering is not a meeting. It may still be one if the meeting was for that purpose even though the desired progress or result was not achieved.¹⁵

The Nature of the Gathering

Where and how a meeting is conducted are less significant but relevant factors in determining whether a gathering is a meeting. Generally speaking, if a gathering shares some of the common features of a regular meeting, this may indicate that the gathering is in fact a meeting.¹⁶ For example, gatherings that occur regularly are more likely to be seen as meetings, as are gatherings that are planned in advance.

Procedural matters can also strongly indicate whether a gathering is a meeting. Gatherings that follow an order of proceeding, obey rules of order, have an agenda, or record minutes are more likely to be meetings, and the presence of a chair or corporate administrator is also indicative of a meeting.¹⁷

Gatherings that are held at a local government body's normal meeting place are more likely to be seen as meetings. However, even if the meeting location is irregular, gatherings in areas completely under the control of the group — such as a private meeting room — will be more likely seen to be meetings than those held in open, public settings.

A vote of any sort indicates that a gathering is in fact a meeting.¹⁸ The “heart of the matter” cannot be seen to have been decided at a gathering, shielded from the view of the public.¹⁹ Instead, local governments should allow for public discussion and consideration of the matter before holding any final vote.²⁰

“Workshops” and “Shirt Sleeve Sessions” Can Be Meetings

Some councils gather outside of scheduled meetings for training, planning, briefings or other purposes. These events can be referred to as workshops, shirt sleeve sessions, retreats, or by other terms. There can be uncertainty about whether these informal gatherings are in fact meetings that should be held in public.

It is not possible to exhaustively define workshops, shirt sleeve sessions and the other terms commonly attached to less formal gatherings or to make generalizations about whether open meeting requirements apply to them. A gathering, whether called a workshop, a shirt sleeve session or something else, can be a meeting.

¹⁵ André Marin, “Don’t Let the Sun Go Down on Me: Opening the Door on the Elton John Ticket Scandal”: Investigation into the City of Greater Sudbury Council Closed Meeting of February 20, 2008”, (ON: 2008) online: Ombudsman Ontario http://www.ombudsman.on.ca/Files/sitemedia/Documents?Newsroom?Press%20Releases/dont_let_the_sun_sudbury_04252008.pdf.

¹⁶ See, for examples, *City of Yellowknife Property Owners Assn. v. Yellowknife (City)*, [1998] NWTJ No. 74 at para 12 (NWTSC) (*City of Yellowknife*); *Hamilton-Wentworth*, *supra* note 13 at 136.

¹⁷ See, for example, *City of Yellowknife*, *Ibid.*

¹⁸ *City of Yellowknife*, *supra* note 16 at paras 17 and 19.

¹⁹ *3714683 Canada Inc. v. Parry Sound (Town)*, [2004] OJ No. 5061 at para 66 (Ont SCJ).

²⁰ *London (City) v. RSJ Holdings Inc.*, 2007 S.C.C. 29, [2007] 2 SCR 588.

WHAT IS A MEETING?

A gathering is more likely a meeting if the attendees are discussing matters that would normally form the basis of the council's business and dealing with the matters in a way that moves them toward the possible application of the council's authority.

A gathering is less likely a meeting if:

- there is no quorum of board, council or committee members present
- the gathering takes place in a location not under the control of the council or board members
- it is not a regularly scheduled event
- it does not follow formal procedures
- no voting occurs and/or
- those in attendance are gathered strictly to receive information or to receive or provide training

A gathering is more likely a meeting if:

- a quorum of council, board or committee members are present
- it takes place at the council or board's normal meeting place or in an area completely under the control of the council or board
- it is a regularly scheduled event
- formal procedures are followed
- the attendees hold a vote and/or
- the attendees are discussing matters that would normally form the basis of the council's business and dealing with the matters in a way that moves them toward the possible application of the council's authority



Electronic communication has allowed local governments an unprecedented level of flexibility and connection. Communication without the need to meet in person is now a more accessible alternative than ever before, and many local governments have embraced this accessibility to foster a stronger dialogue with their citizens. However, electronic communication also presents specific challenges to transparency and accountability, and local governments must be aware of how electronic communication relates to the open meeting requirements in the *Community Charter*.

Recognizing Electronic Meetings

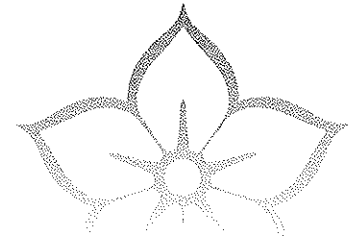
The most important thing for local governments to recognize is that the same key factors determining whether an informal gathering is a meeting also apply to electronic communications. If members of a local government are, through electronic communications, advancing matters within their jurisdiction, all of the rules about open meetings apply. For example, the content of instant messaging and group emails between local government members, whether the emails are sent from or to public or private accounts, may unwittingly transition from topics that do not need to be discussed in an open meeting to matters that must be discussed in an open meeting. Local governments need to be conscious that all meetings of council members, not simply those that take place in an official setting, are subject to the open meeting requirements.

Holding Electronic Meetings

Section 128 of the *Community Charter* which governs electronic meetings applies only to municipal councils and council committees; however, similar provisions also exist for Regional Districts²¹ and the Islands Trust.²² Section 128 states that a procedure bylaw may authorize a local government to participate in electronic meetings in two ways. First, a local government may hold a special meeting electronically. Second, a member of council or a council committee that is unable to attend a council or committee meeting may participate in the meeting electronically.

The authority to hold electronic meetings is subject to several limitations. Electronic meetings are permitted only if:

- authorized by and conducted in accordance with the applicable procedure bylaw
- facilities enable the meeting's participants to hear, or watch and hear each other
- facilities enable the public to hear, or watch and hear, the meeting and the participation of any members joining an in-person meeting by electronic means, and
- notice of a special meeting conducted by electronic means includes a description of the way in which the meeting will be conducted, as well as the place where the public may attend to hear the parts of the meeting that are open to the public



²¹ *Regional Districts Electronic Meetings Regulation*, B.C. Reg. 271/2005.

²² *Islands Trust Electronic Meetings Regulation*, B.C. Reg. 283/2009.

... it is useful for local governments to clearly outline under what circumstances and how electronic meetings will be conducted. Some local governments have decided to develop a specific bylaw to address electronic meetings, while many others have included briefer electronic meetings sections in their general procedure bylaw.

It is best practice for electronic meetings to occur only when meeting in person is impossible or impractical. For example, special meetings may need to be held with only the requisite 24 hours advance notice, and electronic communication can provide a relatively quick way to connect participants, especially in geographically larger jurisdictions where travel to a central meeting location might be difficult for some. Similarly, if a councillor, trustee or director is unable to be physically present with the group, electronic communication can allow her or him to participate in a meeting that would otherwise be missed.

Given the flexibility inherent in the general provisions outlined in section 128, it is useful for local governments to clearly outline under what circumstances and how electronic meetings will be conducted. Some local governments have decided to develop a specific bylaw to address electronic meetings,²³ while many others have included briefer electronic meetings sections in their general procedure bylaw.²⁴ The Ministry of Community, Sport and Cultural Development has provided a checklist of considerations that local governments should address when drafting their electronic meeting procedures.²⁵



²³ See, for example, City of Fort St. John, Council Policy No. 96/03, *Electronic Meetings and Participation by Members*, online: City of Fort St. John http://www.civicinfo.bc.ca/Library/Policies_and_Procedures/Elected_Officials_and_Council_Meetings/Electronic_Meetings_and_Participation_by_Members_Policy--Fort_St._John--January_2004.pdf.

²⁴ See, for example, City of Pitt Meadows, Procedure Bylaw No. 2456, 2010, *A Bylaw of the City of Pitt Meadows to set Council Procedure*, online: City of Pitt Meadows http://www.pittmeadows.bc.ca/assets/Bylaws/2456_2010_-_Procedure_Bylaw.pdf.

²⁵ Ministry of Community, Sport and Cultural Development, *Community Charter-Electronic Meetings*, online: Ministry of Community, Sport and Cultural Development http://www.cscd.gov.bc.ca/lgd/gov_structure/community_charter/governance/open_meetings.htm.

COMPLYING WITH THE OPEN MEETING RULES – BEST PRACTICES

As set out previously, the best way to ensure compliance with the open meeting rule is to regularly hold open, accessible public meetings. There are however situations where local governments must or may hold a closed meeting. In these situations, which are exceptions to the open meetings rule authorized by statute, the best way to continue to comply with both the letter and intent of that rule is to carefully consider whether a meeting needs to be closed and carefully follow all procedural rules if that is the case.

Public Notice of Meetings

Providing clear, conspicuous and adequately detailed advance public notice of meetings is an important first step in ensuring openness and transparency. While the same statutory notice requirements do not apply to all local governments, the underlying principles and best practices discussed here do.

Section 127 of the *Community Charter* sets minimum requirements with respect to notice of meetings. Section 127 applies to municipalities, and key parts of the section also apply to the Islands Trust.²⁶

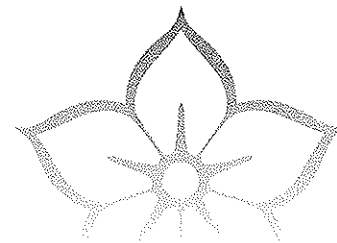
Local government bodies, including regional district boards, municipal councils and the Islands Trust Council²⁷ are required under section 124 of the *Community Charter* or section 794 of the *Local Government Act* to adopt procedures bylaws that must provide for advance public notice of the time, date and place of council, board or committee meetings. In some cases procedures bylaws must, and in other cases should, identify the places where public notices of meetings are to be posted.

Under section 127 of the *Community Charter*, municipal councils must at least once each year make available to the public a schedule of the date, time and place of regular council meetings. With one exception discussed below, section 127 requires municipal councils and the Islands Trust Council to provide at least 24 hours advance public notice of the date, time and place of special meetings. Section 127 requires that notice of special meetings be posted at the regular meeting place as well as at the public notice posting places established by bylaw. Some procedures bylaws include the local government's website as a public notice posting place. As people turn to the internet more frequently for information, it is useful for local governments to post meeting notices and agendas on their websites, regardless of whether this is required by their procedures bylaws. Some local governments have gone further by enabling members of the public to subscribe to an e-mail service through which they will receive automatic notification of all council meetings.

It should be emphasized that section 127 of the *Community Charter* also specifically requires that notice of special meetings, including those that may be closed to the public, provide a description in general terms of the meeting's purpose. Some regional districts have incorporated similar requirements into their procedures bylaws. A requirement to provide some degree of disclosure, even in instances where a meeting will be closed to the public, reflects the overarching objective of ensuring as much openness and accountability as possible in all cases.

²⁶ Section 127 (2) and (3) other than subsection 2(b) of the *Community Charter* apply to the Islands Trust under section 11(2) of the *Islands Trust Regulation*.

²⁷ Section 794 of the *Local Government Act* applies to the Islands Trust under section 11(3) of the *Islands Trust Regulation*.



In general, the spirit of the open meeting provisions will be satisfied most effectively if local governments avoid regularly scheduled closed meetings. Instead, it is preferable to close part of a regular council meeting if the subject matter being considered is or relates to one of the specific exemptions in s. 90, and there are compelling reasons to close the meeting.

As people turn to the internet more frequently for information, it is useful for local governments to post meeting notices and agendas on their websites, regardless of whether this is required by their procedures bylaws. Some local governments have gone further by enabling members of the public to subscribe to an e-mail service through which they will receive automatic notification of all council meetings.

Some local governments have demonstrated their commitment to openness in special meeting notices by providing clear and adequately detailed information about the matters to be discussed, rather than simply including a reference to the paragraph in section 90 that authorizes the closure of a meeting.

Municipal councils will sometimes hold a closed meeting immediately in advance of a regular meeting. If a council chooses to do so, a separate meeting notice in accordance with the requirements of subsection 127(2) of the *Community Charter* must be provided in the same way as for any other special council meeting. If part of a regular council meeting is closed to the public, or the closed portion of a council meeting occurs at the end of a meeting, a separate notice is not required. However, it is best practice to specify on the meeting agenda if a part of the meeting is expected to be closed to the public.

There are other considerations that should also inform a local government's decision about when to schedule a closed meeting. Section 92 of the *Community Charter* requires that before holding a closed meeting, councils and boards must pass a resolution to that effect in a public meeting. While there may be practical advantages to scheduling a closed session in advance of a regular meeting, this can be done only if the resolution to close the meeting is carried out in an open meeting. The *Community Charter* does not require the authorizing resolution to be passed immediately before the closed meeting; however, it must be done in public in advance of the meeting.

Best Practices for Providing Public Notice

Best practices with respect to notice of meetings include:

- posting meeting notices with sufficient and specific information to enable an understanding of the purpose of the meeting and the matter(s) to be discussed
- posting notices of meetings and agendas on websites in advance of meetings
- providing the option for members of the public to subscribe to an e-mail service and receive automatic notice of all meetings
- providing more than the minimum 24 hours advance notice of special meetings
- using the special authority to waive notice only when the urgency of the matter or other circumstances clearly require that action, and documenting the reasons

In general, the spirit of the open meeting provisions will be satisfied most effectively if local governments avoid regularly scheduled closed meetings. Instead, it is preferable to close part of a regular council meeting if the subject matter being considered is or relates to one of the specific exemptions in s. 90, and there is a clear rationale to close the meeting.

Subsection 127(4) allows for the waiver of notice of a special meeting by unanimous vote of all council members.²⁸ The vote to waive notice must be carried out in advance of the meeting, as waiver of the notice cannot be done retroactively. The authority to waive notice is usually used where there is an emergency and a meeting must be held without delay. However, it has also been used to discuss annual budgets and other topics, where the need to waive notice is not as clear.

²⁸ Section 11(2) of the *Islands Trust Regulation* does not extend this authority to the Islands Trust Council.

Although section 127 does not set limits on the grounds upon which notice may be waived, municipal councils should be careful to use this authority sparingly. If notice is waived, it is best practice to document the reasons for the waiver so the public is assured that notice was reasonably waived.

Closing a Meeting

The decision to close a meeting to the public should not be made hastily or without careful consideration of the principles and values that underlie the open meeting provisions in the *Community Charter*.

In many cases, there may be some uncertainty or disagreement as to whether it is appropriate or necessary to close a meeting to the public. Paragraph 90(1)(n) of the *Community Charter* authorizes the closure of a meeting to determine whether it is necessary to discuss a particular matter in a closed meeting. Use of this provision to allow discussion and debate is an effective way of ensuring that meetings are not improperly closed to the public.

Resolutions to Close a Meeting

Once a local government has decided that a subject should be discussed in a closed meeting, the procedural requirements in section 92 of the *Community Charter* must be followed. Section 92 states that a local government must pass a resolution in an open meeting before closing a meeting or part of a meeting.

This resolution must include two things and should include a third. It must state:

1. That a meeting or part of a meeting is to be closed, and
2. The reason for the decision to close the meeting.

It should also reference the specific paragraph of section 90 that authorizes the closure.

In practice, while resolutions consistently state that a meeting or part of it is to be closed with reference to the authorizing paragraph of section 90, the basis for the decision is not always specifically stated. Local governments should provide as much detail as possible about the basis for closing the meeting without undermining the reason for closing the meeting in the first place. This will help to limit speculation, increase public trust and enhance the credibility of the local government.

While the *Community Charter* does not stipulate that each reason for closing a meeting to the public must be included in the resolution, or even that the primary reason must be the one that is included, the courts have said it is “disingenuous” to pass a resolution to close a meeting for one stated purpose and then discuss unrelated matters in the same closed meeting.²⁹

Two positive practices should be considered when a meeting is being closed. First, it is helpful when local governments read the resolution to close the meeting aloud. This ensures that those in attendance at the open meeting are informed of the basis and the authority for the resolution.

In addition, it is useful for local governments to inform those in attendance whether council intends to reconvene in an open meeting following the conclusion of the closed meeting. If there are plans to reconvene, informing attendees of the expected

Once a local government has decided that a subject should be discussed in a closed meeting, the procedural requirements in section 92 of the Community Charter must be followed.

²⁹ *Barnett v. Cariboo (Regional District)* 2009 BCSC 471 at para 31.

duration of the closed session is also a good idea. This allows members of the public to make informed choices about whether they wish to stay and participate in the subsequent open portion of the meeting.

Best Practices (Closing a Meeting)

Best practices with respect to closing a meeting include:

- using paragraph 90(1)(n) if there is reason to question whether it is necessary to close a meeting
- providing as much detail as possible about the basis for closing the meeting without undermining the reason for closing the meeting
- including in the resolution to close a meeting a description of each distinct matter to be discussed and the authorizing provision
- reading the resolution to close a meeting aloud
- stating whether council will reconvene in an open meeting at the end of the closed session

Section 90 of the Community Charter

Most of the open meeting exceptions in section 90 are straightforward. However, some can benefit from clarification.

Subsection 90(1) lists 15 circumstances in which a council may exercise its discretion to close a meeting. The fact that those provisions are discretionary means it is not sufficient that a matter to be discussed is covered by one of the paragraphs of subsection 90(1). That is only the starting point of the decision making process. Once satisfied that the requirements of one or more of the paragraphs in subsection 90(1) are met and a closed meeting may be held, councils must then consider whether the meeting should be closed.

Generally, it will be appropriate to close a meeting where discussion of a subject in an open meeting raises a reasonable and identifiable possibility of damage to the interests of the local government, the public, or a third party.

This approach is consistent not only with legislation but the underlying principles of openness and transparency of the legislation which is that wherever possible, meetings should be open and accessible to the public.

Paragraphs 90(1)(e), (f), and (k)

These paragraphs provide conditional authority for closed meeting discussion concerning law enforcement, the provision of municipal services and land acquisition, disposition or expropriation. However, this authority may be exercised only if it is determined that discussion of the matter could reasonably be expected to harm either the conduct of the investigation, the enforcement of an enactment or the interests of the municipality. In *Local Government under the Community Charter* 4th ed., William Buholzer proposes that use of these provisions requires local governments to “first make an express determination (by resolution) that such discussion would be harmful, and then adopt a resolution to deal with the matter in the absence of the public”. The Ministry of Community, Sport and Cultural Development takes a consistent approach.

Paragraph 90(1)(g)

Paragraph 90(1)(g) authorizes the closure of a meeting to discuss subject matter that is or relates to litigation or potential litigation affecting the local government. One of the challenges is to not interpret “relates to” and “potential litigation” so broadly that it includes almost any controversial issue, as that would not advance the principles of openness and transparency.

Factors that might indicate appropriate use of this paragraph include:

- a specific threat of litigation, or
- advice from legal counsel that indicates there is a likelihood of litigation and that the local government’s interests may be prejudiced by public discussion

On the other hand, where potential for litigation appears to be remote or speculative, use of this paragraph is unlikely to be appropriate.

Paragraph 90(1)(j)

Paragraph 90(1)(j) provides the authority to close a meeting for discussion of information that would be protected in document form under section 21 of the *Freedom of Information and Protection of Privacy Act* (FIPPA) and there is a strong presumption that any information protected under FIPPA should be discussed in a closed meeting. Paragraph 90(1)(j) is an unusual provision in that it requires local governments to review whether information, if in record form, could be disclosed under section 21 of FIPPA. If the information would be protected, they must then determine whether consent has been given for the release of the information.

Section 21 of FIPPA prohibits the disclosure of information gathered for the purpose of determining tax liability or collecting a tax, as well as information that would or could reasonably be expected to harm the business or financial interests of a third party. Examples include information that would reveal trade secrets, harm the competitive position of a third party or result in any undue financial loss to any person. The prohibition on discussion does not apply however if the affected third party has consented to the disclosure.

Paragraph 90(1)(l)

Paragraph 90(1)(l) states that a meeting may be closed for discussions related to “municipal objectives, measures and progress reports”, but only if those discussions are for “the purposes of preparing an annual report under section 98”. Because authority under this paragraph is limited to discussion for the purpose of preparing an annual report, the inference is that other meetings with municipal officers and employees for discussing municipal objectives, measures and progress reports will be done openly.

Paragraph 90(1)(m)

Paragraph 90(1)(m) provides authority to close a meeting if the closure is authorized by another enactment. It was established with a view to future enactments. Currently there does not seem to be any enactment that would justify its use.³⁰

³⁰ Discussion with Ministry of Community, Sport and Cultural Development staff, 2011.

During a closed meeting, local governments should be careful to discuss only subjects authorized by the resolution to close the meeting, the prohibition against voting on the reading or adoption of bylaws and the importance of keeping detailed minutes.

Paragraph 90(1)(n)

This paragraph is used to discuss whether a meeting should be closed under another subsection of section 90. Its use is limited to that discussion and no details of specific subject matter should be debated. Once a decision has been made that a specific subject matter should appropriately be discussed in a closed meeting, councils and boards must return to an open meeting to pass a resolution to do so. It is best practice for this subsection to be the primary way that local governments debate whether it is necessary to close a meeting to discuss a specific subject matter.

Subsection 90(2)

Subsection 90(2) requires councils to discuss certain subjects in closed meetings. Those provisions are straightforward for the most part and appear to be used relatively infrequently.

Paragraph 90(2)(b)

This paragraph authorizes a closed meeting for the express purpose of “the consideration of information received and held in confidence relating to negotiations” between the various levels of government and possible third parties. Accordingly, it is necessarily used in order for legitimate and specific negotiations to be discussed. It does not appear that this provision can be used as a means of holding a private meeting with visiting provincial or federal government officials in the absence of information related to a specific negotiation.

Conducting a Closed Meeting

During a closed meeting, local governments should be careful to discuss only subjects authorized by the resolution to close the meeting, the prohibition against voting on the reading or adoption of bylaws and the importance of keeping detailed minutes.

Straying from Authorized Topics

During closed meetings, local governments should only be discussing subjects that were authorized by the resolution to close the meeting. The default presumption in subsection 89(1) is that all meetings are open to the public; the only authority to close a meeting is found in the specific paragraph(s) in section 90 identified in the resolution to close the meeting. If the conversation strays from the topic covered by the paragraph referenced in the resolution, the closed meeting may no longer be authorized. If a subject for discussion arises that is not covered by the resolution authorizing the closed meeting, local governments should table the item and discuss it when they return to an open meeting. If the subject is one requiring a confidential discussion, a new authorizing resolution may be passed in an open meeting.

Voting

Subsection 89(2) states that a local government “must not vote on the reading or adoption of a bylaw when its meeting is closed to the public”. Contraventions of this subsection are uncommon. Local governments may however vote or pass resolutions on other matters in closed meetings. These resolutions may then be

revealed during an open meeting without a discussion of the factors, considerations, or reasons behind them. In other cases the resolutions to vote on other matters may not be made public for a prolonged period of time.

Sometimes the level of confidentiality afforded by closed meetings is necessary to pass resolutions that ensure the orderly functioning of the local government. Some matters must be discussed entirely in confidence. Passing resolutions in closed meetings however, can never be used to conceal the decision-making process from the legitimate gaze of the public. Indeed, local governments should always try to provide as much information as possible about any resolutions passed during closed meetings, including when possible, the considerations on which they were based.

This may result in a spectrum of disclosure that varies from decision to decision, this is perfectly acceptable. For example, the decision-making process for some resolutions may only require the withholding of a few specific details while the general factors, considerations, and reasons could still be disclosed. On the other hand, some resolutions may require the decision-making process to be completely withheld from the public. A determination of how much to disclose should be made on a case-by-case basis keeping in mind the importance of transparency.

Minutes

Local governments should record minutes for closed meetings in at least as much detail as open meetings and may wish to keep an electronic record as well. Minutes should include a detailed description of the discussion, any specific documents considered, any motions, resolutions or votes, and any directions issued. This will not only provide a reference for attendees, but, when the minutes are eventually released, will inform members of the public and reassure them that the matter was properly discussed in a closed meeting and that procedural requirements were satisfied. Under subsection 91(3), the minutes of a meeting or part of a meeting closed to the public must record the names of all persons in attendance.

Local governments should record minutes for closed meetings in at least as much detail as open meetings.

Best Practices (Conducting a Closed Meeting)

Best practices with respect to conducting a closed meeting include:

- restricting discussion to subjects that were authorized by the resolution to close the meeting
- whenever possible, avoiding passing resolutions in closed meetings
- keeping a detailed record of closed meetings

After a Closed Meeting

Following the conclusion of a closed meeting, careful consideration should be given to the release of minutes and other records that may have been generated during the closed meeting. As much information as possible should be released in order to achieve the goal of openness, transparency and accountability without compromising the interests of the local government, the public or a third party.

Release of Minutes and Other Records

Many subjects requiring the confidentiality of a closed meeting only require it for a limited period of time. Consequently, it is important that local governments have a process in place to regularly review the information produced at closed meetings. Information that would no longer undermine the reason for discussing it in a closed meeting should be released as soon as practicable.

Some local governments have acted proactively in this regard. They have assigned responsibility to specific staff for reviewing and releasing minutes of closed meetings and related information that no longer requires confidentiality. It is not only large and well-resourced local governments that have adopted this approach; smaller local governments have done so as well.

If it is not appropriate to release all information related to a closed meeting, it may be preferable to release incomplete information rather than to wait for a time when it will eventually be proper to release all the information. Local governments should strive to release as much information as possible as often as possible, in order to demonstrate their commitment to the principles of transparency and accountability and to receive the benefit of a more informed, engaged and trusting public.

Section 12 of FIPPA³¹

Closed meeting minutes may be excluded from disclosure under section 12 of the *Freedom of Information and Protection of Privacy Act* (FIPPA).³² Section 12 allows a local government to refuse to disclose information that would reveal the substance of deliberations of a closed meeting. It should be noted that if the information in question has also been discussed at an open meeting or is at least fifteen years old, the information is not protected from disclosure under FIPPA.

The test for invoking section 12 has three parts and places the onus of proof on the public body seeking to withhold the information. First, it must be shown that a meeting was held. Second, the public body must prove that the meeting was authorized to be closed. And third, the public body must establish that the disclosure would “reveal the substance of deliberations at that meeting.”³³

Information in minutes may be withheld under section 12 if it would reveal the substance of deliberations in a closed meeting, either directly or by enabling accurate inferences to be drawn. However, local governments must still retain information that cannot be disclosed and release the remainder of the record in accordance with subsection 4(2) of FIPPA. Normally the dates, times, locations, and names of attendees will not be protected by section 12, nor will the general subjects addressed in a closed meeting. Only information that, whether by itself or when combined with other publicly available information, reveals “the substance of deliberations” will be protected.^{34 35}

³¹ For complete information on the provisions of FIPPA, please go to the Office of the Information and Privacy Commissioners’ website at <http://www.oipc.bc.ca/>.

³² *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c 165.

³³ *City of Coquitlam* (14 May 2002), Order 02-19, online: Office of the Information and Privacy Commissioner <http://www.oipc.bc.ca/orders/2002/Order02-19.pdf>.

³⁴ *Inquiry Regarding Vancouver Police Board In Camera Meeting Minutes*, Order 00-14, online: Office of the Information and Privacy Commissioner <http://www.oipc.bc.ca/orders/2000/order00-14.html>.

³⁵ The Information and Privacy Commissioner is the final authority over matters under FIPPA.

Duty to Respect Confidentiality

Section 117 of the *Community Charter* imposes an obligation on councillors to maintain confidentiality in respect of information considered in a closed meeting.³⁶ Specifically, it requires that a council member or former council member must, unless specifically authorized by council, keep in confidence information considered in a lawfully closed meeting until that information has been discussed at an open meeting or otherwise released to the public.

The obligation under section 117 must be respected regardless of any individual opinion as to whether or not a matter should have been discussed in a closed meeting. It is also important to remember that any statements in this guide that encourage the release of information generated or discussed in a closed meeting applies to local governments as a whole and not to individual council members or other elected officials.

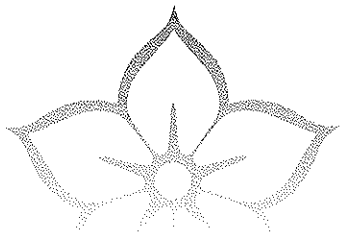
Best Practices (After a Closed Meeting)

Best practices with respect to actions after a closed meeting include:

- complying with the provisions of FIPPA
- establishing a process and assigning responsibility to specific staff for reviewing and releasing minutes of closed meetings and related information no longer requiring confidentiality
- releasing as much information as possible as often as possible once confidentiality is no longer required



³⁶ Section 117 of the *Community Charter* applies to Regional Districts under section 787.1 of the *Local Government Act*.



CURRENT OPEN MEETING REQUIREMENTS FOR IMPROVEMENT DISTRICTS

Improvement districts are not subject to the open meeting provisions contained in Division 3 of Part 4 of the *Community Charter*. In 2007, the *Local Government Act* was amended to provide the Minister with the explicit power to make those provisions apply to improvement district boards.³⁷ Although that authority has not been used to date, this does not mean that there are no legal or other obligations on improvement districts to meet openly in some circumstances.

Section 741 of the *Local Government Act* applies to improvement districts. That section requires that all annual general meetings of an improvement district be open to the public. The Act provides no discretion to close to the public all or a part of that meeting.

Section 739 of the *Local Government Act* requires the board of trustees of an improvement district to establish, by bylaw, procedures for calling and conducting meetings. The Ministry of Community, Sport and Cultural Development provides guidance to improvement districts about governance and standards, and it provides sample bylaws. A guide for improvement districts released in 2006 states:

All board meetings should be open to the public and no person should be excluded except for improper conduct. Persons other than members and officers may be excluded from a special meeting if, in the opinion of the board, the public interest so requires it. These meetings are known as “in camera” meetings and should only be used when discussing legal matters, property acquisition, or personnel matters.³⁸

Although the open meeting provisions in the *Community Charter* do not apply to improvement districts, they provide a useful guide for improvement districts to consider when developing bylaws. Establishing appropriate meeting procedures demonstrates an improvement district’s commitment to openness, transparency and accountability.



³⁷ *Local Government Act*, *supra* Note 7, s 739.1.

³⁸ *Ministry of Community Services, Improvement District Manual* (BC: 2006), online: Ministry of Community, Sport and Social Development http://www.cscd.gov.bc.ca/lgd/gov_structure/library/improvement_district_manual.pdf.

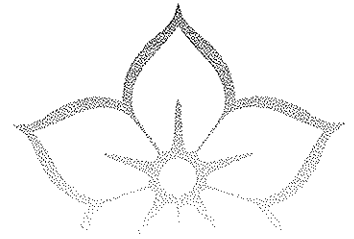
CONCLUSION

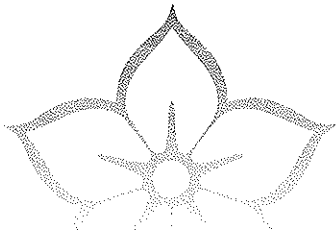
Local governments across Canada are moving towards more open and transparent decision-making. The open meeting provisions in the *Community Charter* support open government by guaranteeing, with specified exceptions, that the public can attend meetings of local governments. Open meetings advance the democratic process by providing the public with an understanding of the considerations underlying local government actions and by allowing members of the public to observe the performance of their elected officials. They facilitate citizen participation in the policy development and decision-making processes and serve to build public trust and confidence in local government.

To assist local governments to follow appropriate practices in those specific and limited circumstances when they believe it is necessary to close a meeting, included on the following page is a CHECKLIST of what needs to be taken into account.



CONCLUSION





CHECKLIST

Before Closing Meetings

Yes No

- | | | |
|--|--------------------------|--------------------------|
| 1. Has notice of this meeting been posted in advance on your website and other public locations? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Was the meeting agenda posted in advance with sufficient detail to enable members of the public to determine the matters to be discussed? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If this is a special meeting, did the notice include general information about matters to be discussed? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Is closure of this meeting necessary? [Use <i>Community Charter</i> paragraph 90(1)(n) to address any doubt.] | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Is closure of this meeting authorized under section 90? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Does the resolution to close the meeting include: | | |
| • a statement to the effect that the meeting will be closed? | <input type="checkbox"/> | <input type="checkbox"/> |
| • a description of the basis for closing the meeting including a description of each distinct matter to be discussed? | <input type="checkbox"/> | <input type="checkbox"/> |
| • the paragraph(s) under section 90 authorizing or requiring the closure of the meeting? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Was the resolution to close the meeting read aloud? | <input type="checkbox"/> | <input type="checkbox"/> |

During Closed Meetings

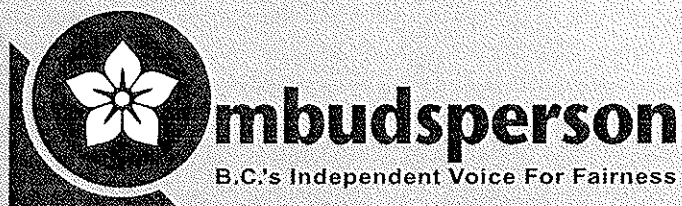
Yes No

- | | | |
|--|--------------------------|--------------------------|
| 8. Was discussion in closed meetings limited to the topics stated in the authorizing resolution? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Were no votes held on the reading or adoption of bylaws during a closed meeting? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Were minutes of the closed meeting recorded and retained? | <input type="checkbox"/> | <input type="checkbox"/> |

After Closed Meetings

Yes No

- | | | |
|---|--------------------------|--------------------------|
| 11. Will minutes and other records be reviewed and released once confidentiality is no longer required? | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|



MAILING ADDRESS: Office of the Ombudsperson | PO Box 9039 Stn Prov Govt | Victoria BC V8W 9A5

TELEPHONE: General Inquiries Victoria: 250 387-5855 | Toll Free: 1 800 567-3247

FAX: 250 387-0198 | **OR VISIT OUR WEBSITE AT:** <http://www.bcombudsperson.ca>



Making a difference...together

BYLAW NO. 3828

CAPITAL REGIONAL DISTRICT BOARD PROCEDURES BYLAW, 2012

(as amended by Bylaw No. 3951, 3999, 4024, 4044 & 4129)

**A bylaw to regulate the proceedings
of the Capital Regional District Board**

For further details, please contact the Capital Regional District,
Legislative and Information Services Department, 625 Fisgard St., PO Box 1000, Victoria BC V8W 2S6
T 250-360-3128, F 250-360-3130, www.crd.bc.ca

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3828
REGIONAL DISTRICT PROCEDURES BYLAW**

Contents

BYLAW NO. 3828	1
CAPITAL REGIONAL DISTRICT BOARD	1
PROCEDURES BYLAW, 2012	1
PART 1 – INTRODUCTION	4
DEFINITIONS	4
APPLICATION OF RULES OF PROCEDURE	5
SUSPENSION OF RULES OF PROCEDURE	5
PART 2 – BOARD MEETINGS	5
INAUGURAL MEETING	5
ELECTION OF CHAIR AND VICE CHAIR	6
MEETINGS AND ADJOURNMENT	7
QUORUM	7
NOTICE OF REGULAR MEETINGS	8
NOTICE OF SPECIAL MEETINGS	8
NOTICE OF COMMITTEE MEETINGS	8
NOTICE OF COMMISSION MEETINGS	8
AGENDA	8
PART 3 – BOARD PROCEEDINGS	9
DELEGATIONS	9
PRESENTATIONS	10
ORDER OF PROCEEDINGS AND BUSINESS	10
MINUTES	11
CORRESPONDENCE	11
ATTENDANCE OF PUBLIC AT MEETINGS	12
CLOSED MEETINGS	12
USE OF VIDEO RECORDING DEVICES	12
CHAIR AND PRESIDING OFFICERS	13
RULES OF ORDER	13
MOTIONS	13
RECONSIDERATION OF AN ADOPTED BYLAW, RESOLUTION OR PROCEEDING	14
DEBATE AND CONDUCT	15
VOTING	16
PART 4 – COMMITTEES AND COMMISSIONS	16
BOARD STANDING COMMITTEES	16
ADVISORY COMMITTEES	17
SELECT COMMITTEES	17
COMMISSIONS	17
ELECTRONIC PARTICIPATION AT COMMISSION MEETINGS	17
ATTENDANCE AT COMMITTEE MEETINGS	18
COMMITTEE REPORTS	18
QUORUM	18
VOTING AT MEETINGS	18

OPERATION	19
PART 5 – COMMITTEE OF THE WHOLE.....	19
PROCEDURES FOR COW MEETINGS	19
PART 6 – BYLAWS.....	19
PART 7 – RESOLUTIONS.....	20
PART 8 – GENERAL	20

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3828

**A BYLAW TO REGULATE THE PROCEEDINGS
OF THE CAPITAL REGIONAL DISTRICT BOARD**

The Board of the Capital Regional District enacts as follows:

PART 1 – INTRODUCTION

Definitions

1. In this Bylaw:

“Board” means the governing and executive body of the CRD;

“Chair” means the Chair or Vice Chair of the CRD elected pursuant to section 792 of the *Local Government Act* or other person presiding at a meeting of the Board or committee, as the context requires;

“Committee” means a standing, advisory, select, or other committee of the Board, but does not include Committee of the Whole or a local service committee or a service committee;

“Commission” means a commission established by the Board under section 176(1)(g) of the *Local Government Act* and a local service committee and a service committee established by the Board.

“Corporate Officer” means the officer of the CRD assigned the corporate administration responsibilities of section 198 of the *Local Government Act*, and includes that officer’s designate;

“COW” means the Committee of the Whole Board;

“CRD” means the Capital Regional District;

“CRD Offices” means the CRD located at 625 Fisgard Street, Victoria, BC;

“CRD Website” means the information resource found at an internet address provided by the CRD;

“Delegation” means an individual or an organization addressing the Board, a committee or commission about a specific item on the agenda of a meeting;

“Member” means a Member of the Board, whether a municipal director or an electoral area director, and includes their alternates if acting in the place of a Member;

“Presenter” means a person(s) or organization(s) invited by the CRD to make a presentation to the Board. It also includes a request to speak by a First Nations Elder or Chief and a federal, provincial or local government elected official.

(Bylaw No. 4024)

“Public Notice Posting Place” means the notice board, whether electronic or not, located in the front foyer of the CRD offices and the CRD Website; and, in the case of a Commission, means a consistent local public location designated by the Commission;

“Vice Chair” means the Member elected as Vice pursuant to section 792 of the *Local Government Act*.

Application of Rules of Procedure

2. (1) The provisions of this Bylaw govern the proceedings of the Board, COW, all standing and select committees of the Board and all commissions, as applicable.
- (2) In cases not provided for under this Bylaw, The Newly Revised Robert's Rules of Order, 11th edition, 2011, apply to the proceedings of the Board, COW, committees and commissions to the extent that those rules are:
 - (a) applicable in the circumstances; and
 - (b) not inconsistent with provisions of this Bylaw, the *Local Government Act* or the *Community Charter*.
- (3) No provision of this bylaw relating to the procedure of the Board shall be altered unless notice of the proposed amendment is given in accordance with section 794 of the *Local Government Act*.

Suspension of Rules of Procedure

3. Except for those provisions of this Bylaw that are statutorily mandated, the rules of procedure contained in this Bylaw may be suspended for a temporary time period specified by the Board with a 2/3 vote of those Members present.

PART 2 – BOARD MEETINGS

Inaugural Meeting

4. (1) The Board shall meet in an inaugural meeting during the month of November at such time as shall be advised by the Corporate Officer in writing.

(Bylaw No. 4129)
- (2) The presiding officer of the inaugural meeting shall be the Chief Administrative Officer until such time as the Chair has been elected.

- (3) The Chief Administrative Officer shall announce results of elections and confirm that new Members have completed the Oath of Office set out in the *Local Government Act*, following which the Chair shall be elected from among the Members of the Board.

Election of Chair and Vice Chair

5.
 - (1) The Chief Administrative Officer shall call for nominations for Chair and conduct a vote by secret ballot in which the person receiving a majority vote of those Members present shall be elected Chair. Each Member shall have only one vote. If only one candidate is nominated for an office, that candidate shall be declared elected by acclamation. The call for nominations for the office of Vice Chair shall be called by the Chair.
 - (2) Nominations do not need to be seconded and a candidate must consent to the nomination.
 - (3) If a candidate is not present at the meeting, his or her written consent to the nomination must be provided to the Corporate Officer at the meeting.
 - (4) At the close of nominations, if more than one candidate has been nominated, each candidate will be given a maximum of four (4) minutes to address the Board in favour of his/her candidacy in the order of his/her nomination. If a candidate is not present at the meeting, he or she may have their nominator deliver a prepared speech on his or her behalf not to exceed three minutes in duration.
 - (5) At the conclusion of the candidates' speeches, the Corporate Officer and Deputy Corporate Officer or designate will circulate a ballot box in which the completed ballots will be placed. When all of the ballots have been collected the Corporate Officer will remove the ballot box to a separate room and the ballots will be counted in accordance with subsection (6).
 - (6) The counting of the ballots will be conducted by the Corporate Officer together with the Deputy Corporate Officer or designate. Either the CRD's legal counsel or a judicial justice appointed under the *Provincial Court Act* will be present to observe the counting of the ballots.
 - (7) Following the counting of the ballots, the Corporate Officer shall advise the Chief Administrative Officer of the candidate that has received a majority of the votes.
 - (8) The number of votes received by each candidate will not be disclosed to the Board unless a resolution requiring disclosure is passed.
 - (9) In the event that there are more than two candidates for the election of Chair or Vice Chair and if no person receives a majority of the votes of those Members present, the candidate receiving the least number of votes shall be eliminated and subsequent ballots shall be taken until one candidate receives the majority of votes of those Members present; unless there is a tie between the two candidates with the least votes of those Members present, in which case, subsequent ballots shall be taken until one candidate receives the least number of votes of those Members present and is eliminated. If the tie for the least number of votes of those Members present continues after three elections have been held, the candidate who shall be eliminated will be decided by a lot between

the candidates as outlined in section 5(3). The voting on subsequent ballots will then proceed without the eliminated candidate until one candidate receives the majority of votes of those Members present.

- (10) In the event of a tie vote for the most votes of two (2) or more candidates, the candidates who are tied remain in the election. If a definitive election result cannot be declared after three (3) elections have been held, then the majority vote shall be deemed to be determined by a lot between the candidates as follows:
 - (a) the names of the candidates shall be written on separate pieces of paper and placed in a container;
 - (b) the Corporate Officer shall be asked to withdraw one paper; and
 - (c) the candidate whose name is on the withdrawn paper shall be declared elected.
- (11) Once a candidate has been declared elected, the ballots shall be destroyed by way of a Board resolution.
- (12) Following the election of the Chair, the CRD Board shall elect one of its Members to be Vice Chair. The procedure for determining the Member to be elected Vice Chair shall be as set out in sections 5(1) to (11) for electing the Chair of the Board.

(Bylaw No. 4044)

Meetings and Adjournment

6. Regular meetings shall be held at the CRD Board Room, 625 Fisgard Street, Victoria, BC on the second Wednesday of the month commencing at 1:30 pm unless otherwise determined by resolution of the Board.
- 6.1 Regular and special meetings shall be adjourned no later than three (3) hours from the scheduled start time of the meeting unless the Board resolves to proceed beyond that time by an affirmative vote of the majority of the members present.

(Bylaw No. 3951)

Quorum

7. (1) The quorum for a meeting of the Board shall be a majority of all the Members.
- (2) At the appointed time for commencement of the meeting, the Chair or, in his/her absence, the Vice Chair, shall ascertain that a quorum is present before proceeding to the business of the meeting. If neither the Chair nor the Vice Chair is present within fifteen (15) minutes after the time appointed for a meeting, the Corporate Officer shall call the Members to order, ascertain that a quorum is present and, if so, the Board shall appoint an Acting Chair who shall preside during the meeting or until the arrival of the Chair or Vice Chair. Such person appointed as Acting Chair shall have all the powers and be subject to the same rules as the Chair.
- (3) If a quorum has not been made within sixteen (16) minutes after the appointed time, the Corporate Officer shall record the names of the Members then present and the Board

shall stand adjourned until the next meeting date or until another meeting shall have been called in accordance with this bylaw or to such time as the Chair shall appoint.

Notice of Regular Meetings

8. At least seventy-two (72) hours before a regular meeting of the Board, the Corporate Officer must give public notice of the time, place and date of the meeting by way of a notice and agenda posted at the Public Notice Posting Place.

Notice of Special Meetings

9. (1) Except where notice of a special meeting is waived by a unanimous vote of all Members under section 793(4) of the *Local Government Act*, before a special meeting of the Board, the Corporate Officer shall:
 - (a) at least twenty-four (24) hours in advance, give notice of the general purpose, time, place and date of the meeting by way of a notice posted at the Public Notice Posting Place; and
 - (b) at least five (5) days before the date of the meeting, mail to each Member the notice of the general purpose, time, place and date of the meeting.
- (2) Despite section 9(1), in the case of an emergency, notice of a special meeting may be given in accordance with section 793(5) of the *Local Government Act*.

Notice of Committee Meetings

10. (1) At least seventy-two (72) hours before a regular meeting of a committee or COW, excluding a commission, public notice must be given of the time, place and date of the meeting by way of a notice posted at the Public Notice Posting Place.
- (2) At least twenty-four (24) hours before a special meeting of a committee or COW, excluding a commission, public notice must be given of the time, place and date of the meeting by way of a notice posted at the Public Notice Posting Place.

Notice of Commission Meetings

11. (1) At least seventy-two (72) hours before a regular meeting of a commission, public notice must be given of the time, place and date of the meeting by way of a notice posted in a consistent public location in the area served by the commission.
- (2) At least twenty-four (24) hours before a special meeting of a commission, public notice must be given of the time, place and date of the meeting by way of a notice posted in a consistent public location in the area served by the commission.

Agenda

12. (1) The Corporate Officer, under the direction of the Chair, shall prepare an agenda and, if necessary, a supplementary agenda for each meeting of the Board and shall circulate a copy of the agenda of every regular meeting to each Member at least four (4) days before the meeting. At any meeting other than a special meeting, the Chair may add items of

an emergent or time sensitive nature to the agenda with the consent of the Members.

- (2) At a meeting, a Member may, at the time adoption of the agenda is being considered, propose to place an additional item of an emergent or time sensitive nature on the agenda. The item must be added to the agenda only if the resolution is adopted by at least two thirds of the votes cast.

PART 3 – BOARD PROCEEDINGS

Delegations

13. (1) The Board may, by resolution, allow a delegation to address the meeting in person on the subject of an agenda item, provided written application on a prescribed form has been received by the Corporate Officer no later than 4:30 pm two (2) calendar days prior to the meeting. Each address shall be limited to four (4) minutes unless a longer period is agreed to by 2/3 vote of those Members present. The order of speakers will be based on the order in which the request was received. The Corporate Officer may determine the number of copies of any written submissions to be provided by each delegation to the Board. Each delegation shall provide the number of copies as determined by the Corporate Officer, for distribution at the time of the delegation's appearance.
 - (a) As an alternative to addressing a meeting as a delegation, a person may submit their comments in writing to the Corporate Officer for circulation to Members in advance of the next meeting.
- (Bylaw No. 3951)*
- (2) Where written application has not been received as prescribed in section 13(1), an individual or delegation may address the meeting if approved by a unanimous vote of the Members present.
 - (3) Any video presentations used as part of a delegation's address to the Board will count toward the time limit permitted for the delegation.
 - (4) If a delegation has registered to address a meeting but is no longer able to attend the meeting, a different delegation will not be permitted to address the meeting in substitution.
 - (5) The Board shall not permit a delegation to address a meeting of the Board regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a prerequisite to the adoption of the bylaw.
 - (6) The Board shall not permit a delegation to address a meeting of the Board regarding a matter to be dealt with as a grievance under a collective agreement, or that is within the exclusive mandate of the Greater Victoria Labour Relations Association Board.
 - (7) The subject matter upon which a delegation wishes to speak must:
 - (a) be within the jurisdiction of the Board; and

- (b) be within the terms of reference of the Committee or Commission for which the delegation wishes to appear.
- (8) The Chair may deny any delegation the right to address a meeting if, in the Chair's opinion, the spokesperson or any Member of the delegation:
 - (a) immoderately raises his or her voice, or uses profane, vulgar or offensive language, gestures or signs; or
 - (b) addresses issues not contained within the written application of the individual or delegation.

Presentations

- 14. (1) The CRD may, with the Chair's approval, invite a person, persons, or organization(s) to make a presentation to the Board. Time permitting, the Corporate Officer shall include the subject of the presentation and the designated speaker on the meeting agenda.
- (2) With the Chair's approval, the Corporate Officer shall include a request to speak by a presenter on the meeting agenda.
- (3) All presentations shall be limited to 10 minutes unless a longer period is approved by a majority vote of those Members present.

(Bylaw No. 4024)

Order of Proceedings and Business

- 15. (1) The order of business at all regular meetings shall be as follows:
 - 1. Approval of Agenda
 - 2. Adoption of Minutes of Previous Meeting
 - 3. Report of the Chair
 - 4. Presentations/Delegations
 - 5. Reports of Committees
 - 6. Correspondence
 - 7. Administration Reports
 - 8. Bylaws and Resolutions
 - 9. Motions for Which Notice Has Been Given
 - 10. New Business
 - 11. Motion to close the meeting in accordance with the applicable provisions of the *Community Charter*
 - 12. Adjournment
- (2) The order of business at all special meetings shall be as follows:
 - 1. Approval of Agenda
 - 2. Presentations/Delegations
 - 3. Special Meeting Matters

4. Motion to close meeting in accordance with the applicable provisions of the *Community Charter*
 5. Adjournment
- (3) The order of business at all closed meetings whether regular or special shall be as follows:
1. Approval of Agenda
 2. Approval of Minutes of Previous Closed Meeting
 3. Closed Meeting Matters
 4. Rise and Report
 5. Adjournment
- (4) A change to the prescribed order of business of other than a special meeting may be ordered by the Chair or by the Board, with unanimous consent.

Minutes

16. (1) Minutes of all proceedings of the Board shall be kept by the Corporate Officer; such minutes to be concise and to detail proceedings of the Board. The minutes shall be legibly recorded, certified as correct by the Corporate Officer, and signed by the Chair, Vice Chair, or the person presiding at such meeting or at the next meeting at which they are adopted.
- (2) Minutes of proceedings of standing and select committees, and commissions shall be legibly recorded and signed by the Chair, or Member presiding.
- (3) Subject to section 16(4), and in accordance with sections 97(1)(b) and (c) of the *Community Charter*, minutes of the proceedings of the Board or of a body referred to in section 17(2) must be open for public inspection at the CRD Offices, Legislative Services, during their regular office hours and may be posted to the CRD website.
- (4) Section 16(3) does not apply to minutes of a Board meeting or a meeting of a body referred to in section 17(2) for that part of the meeting from which persons were excluded under section 90 of the *Community Charter*.

Correspondence

- 16.1 (1) Following consultation with the Chair or other person who is to preside at the applicable meeting, the Corporate Officer may place correspondence from another government or government agency that requests an action from the Board, on the agenda of the next convenient Board meeting, or on an agenda of the meeting of a committee or commission whose mandate or terms of reference includes the requested action, together with any report from Regional District staff that the Chair or the Chief Administrative Officer consider advisable.
- (2) Any other correspondence to the Board not accounted for in section 16.1(1), including but not limited to written comments received pursuant to section 13(a), may be placed on the meeting agenda at the request of the Chair or such other person who is to preside at the meeting where the correspondence is to be considered, or by way of Notice of Motion made in accordance with section 22(6).

(Bylaw No. 3951)

Attendance of Public at Meetings

17. (1) Except where the provisions of section 90 of the *Community Charter* apply, all Board meetings must be open to the public. Before a meeting or part of a meeting is closed to the public, the Board must pass a resolution in the public meeting in accordance with section 92 of the *Community Charter*.
- (2) The requirement in section 17(1) applies to meetings of bodies referred to in section 93 of the *Community Charter* including, without limitation:
- (a) Advisory Commissions
 - (b) Advisory Committees
 - (c) a Commission established under s. 176(1)(g) of the *Local Government Act*
 - (d) Board of Variance
 - (e) Parcel Tax Review Panel
 - (f) Select Committees
 - (g) Standing Committees
 - (h) Committee of the Whole
 - (i) a body that under the *Local Government Act* or another *Act* may exercise the powers of the CRD or its Board
- (3) Despite section 17(1), the Chair may expel or exclude a person from a Board meeting or meeting of a body listed in section 17(2) of this Bylaw in accordance with section 133 of the *Community Charter*.

Closed Meetings

- 18 (1) No Member shall disclose to the public the proceedings of a closed meeting, unless a resolution has been passed at the closed meeting to allow disclosure.
- (2) As soon as practicable, the Corporate Officer shall review and determine whether to seek a resolution of the Board for the release of closed minutes and related information that would no longer undermine the reason for discussing it in a closed meeting.
- (3) Minutes of a closed meeting shall be kept in the same manner as a regular meeting but shall not be filed with the minutes of regular meetings.
- (4) The Board must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

Use of Video Recording Devices

19. (1) The Chair shall preserve order and decorum at a meeting and at his/her discretion may require that any video recording devices be placed in a designated location while being used and remain in that location during the course of the meeting. This applies to the Chairs of Board, Committee, Commission and COW meetings.

Chair and Presiding Officers

20. (1) The Chair, if present, shall preside at meetings of the Board. Any Member of the Board may preside at a COW.
- (2) The Vice Chair shall preside in the absence of the Chair or when the Chair vacates the chair.
- (3) In the event that neither the Chair nor the Vice Chair is able to take the chair, the presiding officer shall be such person, as the Board may choose.
- (4) The Chair shall preserve order and decorum and shall rule on all points of order, stating his/her reasons and the authority for ruling when making a ruling. The ruling of the Chair shall be subject to an appeal to the Board without debate.
- (5) (a) If an appeal be taken from the decision of the Chair, the question "Shall the Chair be sustained?" shall be put forthwith and decided without debate by a simple majority of the Members present (exclusive of the Chair) and in the event of the votes being equal, the question shall pass in the affirmative. The names of the Members of the Board voting for or against the question shall be recorded in the minutes.
- (b) If the Chair refuses to put the question "Shall the Chair be sustained?", the Board shall forthwith appoint the Vice Chair or, in his/her absence, one of the Members, to preside temporarily in lieu of the Chair. The Vice Chair, or Member so appointed, shall proceed in accordance with paragraph 20(5)(a).
- (6) The Chair shall vote at the same time as the other Members of the Board.

Rules of Order

21. (1) The Chair's ruling on a point of order shall be based on rules of order as stated in section 2 herein.
- (2) All questions shall be decided by a vote on motion.
- (3) The Chair shall have the discretion to call the question on completion of debate and the Chair shall then advise that the debate is closed. Following closure of debate no Member shall speak further to the question.

Motions

22. (1) Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result.
- (2) The Chair may divide a motion containing more than one subject if the Chair feels this would produce a fairer or clearer result and the same shall be voted on in the form in which it is divided.
- (3) A motion to adjourn the meeting or to adjourn the debate shall always be in order.

- (4) An amendment to a motion does not require notice. Only one amendment to an amendment shall be allowed at one time and the same shall be dealt with before the amendment is decided. Amendments must be strictly relevant to the main motion and not alter in a material way or be contrary to the principle embodied in the main motion.
- (5) Any Member desiring to bring before the Board any new matter, other than a point of order or privilege, shall do so by way of motion; provided, however, that any new matter of major import, which may require further information than could or would normally be available to the Board at such meeting, may be referred to a Board Standing Committee agenda by the Chair, or may be ruled by the Chair as a notice of motion and shall be dealt with as provided by section 22(6).
- (6) Any Member may give notice of a motion to the Board by either of the following methods:
 - (a) providing the Corporate Officer with a written copy of such motion during a meeting of the Board, and the Corporate Officer shall, upon the Member being acknowledged by the Chair and the notice of motion being read to the meeting, include it in the minutes of that meeting as notice of motion and shall add the motion to the agenda of the next regular Board meeting, or to the agenda of a special Board meeting scheduled for that purpose; or
 - (b) providing the Corporate Officer with a written copy of such motion, no later than seven working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting.
- (7) Despite section 22(6), the notice of motion shall be added to the agenda in accordance with section 12(2).

Reconsideration of an Adopted Bylaw, Resolution or Proceeding

- 23. (1) The Chair may require a matter to be reconsidered in accordance with Section 219 of the *Local Government Act* and if it has not been acted on by an officer, servant or agent of the Board.
- (2) The Chair may state his/her reasons to the Board. The Corporate Officer shall record in the Minute Book the reasons, suggestions or amendments of the Chair.
- (3) The Board shall, as soon as convenient, consider the reasons and either reaffirm or reject the bylaw, resolution or proceeding, and if rejected, it is deemed repealed and is of no force or effect.
- (4) The rejected bylaw, resolution or proceeding shall not be reintroduced to the Board for six (6) months, except with the unanimous consent of the Board.
- (5) The conditions which apply to the passage of the original bylaw, resolution or proceeding apply to its rejection.

Debate and Conduct

- 24
- (1) Debate shall be strictly relevant to the question before the meeting and the Chair shall warn speakers who violate this rule.
 - (2) No Member shall speak until recognized by the Chair.
 - (3) Every Member desiring to speak shall address himself to the Chair. No Member shall interrupt a person speaking except to raise a point of order.
 - (4) A matter of privilege (a matter dealing with the rights or interests of the Board as a whole or of a Member personally) may be raised at any time and shall be dealt with forthwith before resumption of business.
 - (5) Members speaking at a Board meeting:
 - (a) must use respectful language;
 - (b) must not use offensive gestures or signs;
 - (c) must speak only in connection with the matter being debated; and
 - (d) must adhere to the rules of procedure established under this Bylaw and to the decisions of the Chair and the Board in connection with the rules and points of order.
 - (6) If a Member does not adhere to section 24(5) or the Chair considers the Member to be acting improperly, the Chair may order the Member to leave the Member's seat.
 - (7) A Member may speak to a question, or speak in reply, for no longer than fifteen (15) minutes unless the majority of the votes of the Board support a time extension.
 - (8) A Member may speak more than once in connection with the same question only if:
 - (a) every other Member has spoken, or has had the opportunity to speak; and
 - (b) if the Member has already spoken for fifteen (15) minutes, the Member who wishes to speak a second time may request to do so by making a motion that must be approved by at least two-thirds of the votes cast by the Board.
 - (9)
 - (a) a Member may not speak for longer than a total time of fifteen (15) minutes unless the Member has done so in accordance with sections 24(7) and (8); and
 - (b) a Member speaking for a second time under section 24(8) shall speak for a maximum of five (5) minutes only.
 - (10) The conflict of interest guidelines (*disclosure of conflict and restrictions on participation*) shall be in accordance with section 100 of the *Community Charter*.

Voting

25. (1) Voting rules will be in accordance with the *Local Government Act*.
- (2) On any question where the numbers of votes, including the vote of the person presiding, are equal, the question is defeated.
- (3) Where a Member who is present when a vote is taken abstains from voting, that Member shall be deemed to have voted in the affirmative.
- (4) Whenever a vote of the Board is taken, after the vote is taken the Chair must then state the names of those Members voting in the negative, and the Corporate Officer must enter those names in the minutes.

PART 4 – COMMITTEES AND COMMISSIONS

Board Standing Committees

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) An elected representative and alternate from each of the Songhees Nation and the Esquimalt First Nation Councils may be appointed to a committee established for the purposes of the Core Area Liquid Waste Management Plan.
- (Bylaw No. 3999)*
- (3) The general duties of Board Standing Committees shall be as follows:
- (a) To consider and report to the Board from time to time or whenever desired by the Board and as often as the interest of the CRD may require, on all matters referred to them by the Chair of the Board, or coming within their purview, and to recommend such action by the Board in relation thereto as they, the Committee, deem necessary or expedient.
- (b) To carry out the instructions of the Board expressed by resolution in regard to any matter referred by the Board to any Committee for immediate action thereon, but in such cases the instruction of the Board shall be specific and the Committee shall report its action in detail at the next regular or other meeting of the Board thereafter as specified in the instructions of the Board. Advisory Committees.

Advisory Committees

27. (1) The Board, or Board Standing Committees, may establish an Advisory Committee to provide advice and recommendations to the Board, or to a Board Standing Committee, on matters determined to be within approved terms of reference or within a specific resolution of the Board.
- (2) Members of an Advisory Committee shall be appointed by the Board, a Board Standing Committee, or the appointments may be delegated by the Board to the Chair.
- (3) Persons who are not Members may be appointed to an Advisory Committee but each Advisory Committee should include at least one (1) Member of the Board.
- (4) The term of any person who is appointed to an Advisory Committee who is not a Member of the Board shall not exceed three (3) years.

Select Committees

28. (1) The Board may establish a Select Committee to consider or inquire into any matter dealing with a specific subject or issue referred to it by the Board and report its findings, opinions and recommendations to the Board, following its consideration and inquiry. Select Committees must have terms of reference approved by the Board.
- (2) The Select Committee will cease to exist once it has reported its findings, opinions and recommendations to the Board.
- (3) The Board may delegate to the Chair the establishment of a Select Committee and the appointment of its Members.

Commissions

29. (1) The Board may establish a Commission regarding a CRD service within the authorities delegated to it and as mandated by the Board by bylaw.

Electronic Participation at Commission Meetings

- 29.1 (1) A member of a Commission may participate in a regular or special meeting by means of electronic or other communication facilities that:
- (a) enable the meeting's participants to hear, or watch and hear, each other;
- (b) except for a meeting that is closed to the public, enable the public to hear, or watch and hear, the member participating by electronic or other communication facilities.
- (2) The person presiding at the Commission meeting must not participate electronically.

- (3) A person participating in a Commission meeting electronically is deemed to be present at the meeting as though they were physically present.
- (4) The recording secretary shall record in the minutes the persons present including those participating electronically.
- (5) No more than one person at one time may participate electronically.
- (6) The person wishing to participate in a Commission meeting electronically must advise the Corporate Officer at least 24 hours in advance of the meeting;
- (7) If more than one person wishes to participate electronically at a Commission meeting, the Corporate Officer will by lot choose the person who is entitled to participate electronically.
- (8) Electronic participation will only be permitted where existing technical facilities at the location of the Commission meeting accommodate electronic participation.

(Bylaw No. 3951)

Attendance at Committee Meetings

- 30. Members of the Board who are not Members of a Committee may attend meetings of that Committee and may take part in any discussion or debate by permission of a majority of the Committee Members present but may not vote.

Committee Reports

- 31. A Standing or Select Committee of the Board may report to the Board at any regular meeting or shall report as required by the Board.

Quorum

- 32. The quorum in a Standing or Select Committee shall be a majority of the persons appointed to the Committee.

Voting at Meetings

- 33. (1) On a vote in a Committee each person shall have only one (1) vote.
 - (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.

Operation

34. No Committee or Commission will operate outside of its expressed mandate or terms of reference without prior approval of the Board.

PART 5 – COMMITTEE OF THE WHOLE

Procedures for COW Meetings

35. (1) The Board may resolve to sit as a COW at any time.
- (2) The Chair may appoint another Member to preside over the COW who shall maintain order therein and report the proceedings thereof to the Board.
- (3) The rules of the Board shall be observed in COW as far as may be applicable. Motions shall be seconded and the names of Members shall not be recorded in case of a division. Divisions in COW shall be decided by a show of hands. A motion in COW to rise without reporting, or that the Chair of the Committee do leave the Chair, shall always be in order and shall take precedence over any other motion. A motion to rise without reporting, if affirmed shall be considered as disposing of the matter before the Committee in the negative.
- (4) When all matters referred to the COW have been considered, a motion to rise and report shall be adopted. The Committee may report progress and ask leave to sit again if the matter before it has not been disposed of. On the Committee rising, the Chair shall report to the Board and an adoption of the report shall be moved.
- (5) Discussion in COW shall be strictly relevant to the item or clause under consideration.

PART 6 – BYLAWS

36. (1) Bylaws shall be passed by the following stages:
- (a) Introduction and first reading shall be decided by the motion "that Bylaw No. _____ be introduced and read a first time". The question shall be decided without amendment or debate.
- (b) Second Reading - Debate on second reading shall be limited to the general principle of the bylaw.
- (c) Despite sections 36(1)(a) and (b), every proposed bylaw may be introduced and given first and second readings at the same meeting by one motion for all two readings.
- (d) Third Reading - A bylaw may be amended at third reading and passed upon the motion "that Bylaw No. _____ (as amended or as presented) be read a third time".
- (e) Adoption - Not less than one clear day after third reading, the bylaw shall be adopted upon the motion "that Bylaw No. _____ be adopted", unless the Board

adopts the bylaw in accordance with subsection (2) and section 794(3) of the *Local Government Act*.

- (2) A bylaw that does not require approval, consent or assent under the *Local Government Act* or any other Act before it is adopted may be adopted at the same meeting at which it passes third reading, so long as the motion for adoption receives at least two thirds of the votes cast.
- (3) A copy of every bylaw shall be endorsed by the Corporate Officer with a record of the stages through which it has proceeded and shall be kept among the records of the Board. A copy of every adopted bylaw signed, sealed and where necessary bearing evidence of registration by the Inspector of Municipalities shall be kept with the records of the Board.

PART 7 – RESOLUTIONS

- 37. A resolution may be introduced at a Board meeting only if a written copy is given to each Member before consideration unless the Board waives this requirement.

PART 8 – GENERAL

- 38. The rules of the Board shall be observed in proceedings of the Capital Regional Hospital District Board and Standing and Select Committees of the Board as far as may be applicable.
- 39. The following bylaw is repealed: Bylaw No. 3708, "Capital Regional District Board Procedures Bylaw, 2010", and any amendments thereto.
- 40. This Bylaw may be cited as "Capital Regional District Board Procedures Bylaw, 2012".

READ A FIRST TIME THIS	14 th	day of	November,	2012
READ A SECOND TIME THIS	14 th	day of	November,	2012
READ A THIRD TIME THIS	14 th	day of	November,	2012
ADOPTED THIS	14 th	day of	November,	2012

Original signed by Geoff Young
CHAIR

Original signed by Sonia Santarossa
CORPORATE OFFICER

3.3 Staff Role

Depending on the service provided, the role of staff in working with commissions includes:

- Providing information and professional advice regarding the management and administration of the service
- • Assisting the commission in following Board policies, procedures and directions.
- Assisting the Chairperson in developing agendas, arranging meetings and promoting effective commission functioning
- Implementing projects and initiatives of the commission where authority has been delegated by the Board

To a significant extent, for the purposes of administration of the service, the commission acts on behalf of the CRD Board under the authority the Board has delegated to the commission. The day-to-day operation is carried out by CRD staff.

4.0 COMMISSION MEETINGS

- Meetings will be held and conducted in accordance with the procedures set out in the Commission Bylaw and the CRD Board Procedures Bylaw.

→ 4.1 Notice Requirements

Regular Meetings: Notice must be posted at least 72 hours before a regular meeting in a consistent public location in the area served by your Commission. Notice includes information regarding the date, time and location of the meeting. An agenda page may be also be posted. In addition to this, it is recommended that the Commission identify the location and dates of your meetings at the start of the year.

Special Meetings: Notice must be posted at 24 hours before a special meeting in the same consistent public location in the area served by your Commission.

4.2 *Quorum*

A quorum of your appointed members must be present in order to have a duly constituted meeting. Your bylaw will specify what the quorum is. In most cases it is a majority of the members appointed to the commission. Decisions cannot be made in the absence of a quorum. A recording secretary must also be present to record the minutes.

4.3 *Voting*

A commissioner has only one vote. No multiple voting powers or proxy voting powers are permitted. The *Local Government Act* does not permit you to abstain from voting. An abstention is deemed to be a vote in the affirmative.

4.4 *Meetings Are Open to the Public*

All meetings should take place in a location accessible by the public and are open to the public unless your commission is permitted under its bylaw to close a portion of their meeting to the public. A meeting can only be closed to the public if the item to be discussed falls within s. 90 of the *Community Charter*. There are specific requirements around this so it is recommended that you contact Legislative & Information Services for guidance.

4.5 *Role of the Chair*

The role of the Chair is as to collaborate with staff or the secretary to establish the meeting agenda. At the meeting, the Chair is responsible for presiding over the meeting and ensuring meeting procedures are followed. This includes following the prescribed agenda, keeping track of speakers and motions.

In the absence of the Chair, the Vice Chair assumes the duties of the Chair.

REVENUE AND EXPENSE REPORT - MAY [2017]

SSI ELECTORAL AREA - ECON DEVELOPMENT

1001-100685 - SSI ECONOMIC DEVELOPMENT REVENUE

REVENUE

	Original Budget	Revised Budget	May Actuals	YTD Encumbered	Total	Budget Remaining -- \$	%
429000 - Interest Income	510.00	510.00	-	-	-	510.00	100.00
430000 - Grant in Lieu- Federal	36.00	36.00	-	-	36.12	(0.12)	(0.33)
486000 - Requisition- Municipal Electoral Area- O	30,000.00	30,000.00	-	-	-	30,000.00	100.00
490000 - Surplus	22,056.00	22,056.00	-	-	22,055.63	0.37	-
REVENUE TOTAL	52,602.00	52,602.00	0	0	22,091.75	30,510.25	58.00
1001-100685 - SSI ECONOMIC DEVELOPMENT REVENUE TOTAL	52,602.00	52,602.00	0	0	22,091.75	30,510.25	58.00

1001-100686 - SSI ECONOMIC DEVELOPMENT EXPENSES

EXPENSE

	Original Budget	Revised Budget	May Actuals	YTD Encumbered	Total	Budget Remaining -- \$	%
503130 - Contract for Services	-	-	-	-	1,250.00	(1,250.00)	-
506010 - Insurance - Public Liability	100.00	100.00	-	-	-	100.00	100.00
506050 - Insurance - Group Accident	80.00	80.00	-	-	-	80.00	100.00
506090 - Insurance - Service Contract	10.00	10.00	-	-	-	10.00	100.00
514030 - Advertising	510.00	510.00	-	-	-	510.00	100.00
514060 - Program Development	39,872.00	39,872.00	5,000.00	-	6,987.50	32,884.50	82.48
514420 - Memberships & Professional Dues	-	-	-	-	100.00	(100.00)	-
514480 - Planning Costs	1,800.00	1,800.00	-	-	-	1,800.00	100.00
514880 - Meeting Expenses	800.00	800.00	130.21	-	527.11	272.89	34.11
514970 - File <i>Web design and Maintenance</i>	4,500.00	4,500.00	-	-	-	4,500.00	100.00
530010 - Alloc.- Finance & Corporate Services	1,600.00	1,600.00	133.33	-	666.65	933.35	58.33
530450 - Alloc. - SSI EA Management	3,330.00	3,330.00	277.50	-	1,387.50	1,942.50	58.33
EXPENSE TOTAL	52,602.00	52,602.00	5,541.04	0	10,918.76	41,683.24	79.24
1001-100686 - SSI ECONOMIC DEVELOPMENT EXPENSES TOTAL	(52,602.00)	(52,602.00)	(5,541.04)	0	(10,918.76)	(41,683.24)	79.24

REVENUE AND EXPENSE REPORT - MAY [2017]



Making a difference...together

SSI ELECTORAL AREA - ECON DEVELOPMENT TOTAL	0	0	(5,541.04)	11,172.99	0	11,172.99	(11,172.99)	0
SSIEDEV.RE TOTAL	0	0	(5,541.04)	11,172.99	0	11,172.99	(11,172.99)	0

Program Development Operating Reserve (conditional upon receiving Rural Dividend Grant)

Strategic Plan					
	2016	2017	2018	2019	2020
Beginning Balance					
Revenue					
Transfer from Operating Budget					
Transfer to Operating Budget (bx.083.3701.85 surplus return)	0	0	13,034	35,734	58,834
Rural Dividend Grant					
Rural Dividend Operating Budget	40,082	30,010	22,700	22,600	22,500
Transfer from Operating Budget	72,080	9,862			
Subtotal	11,020	4,500			
	123,182	44,372	22,700	22,600	22,500
Project Funds					
Economic Coord Contracts - Darlene G (bx.083.3701.85)	(12,726)				
Economic Coord Contracts - C Me Comm (bx.083.3701.86)	(13,225)				
Website Development (bx.083.3702)	(8,900)				
Rural Accelerator (bx.083.3703)	(83,100)				
Salt Spring in the City	(3,000)				
ETGI - Chamber of Commerce	(2,000)				
Misc	(231)				
Tour de Iles (Jan. 12/17)	(5,000)				
SS National Art Prize (Jan 12/17 and Feb. 16/17)	(6,250)				
Destination Development	(12,000)				
Subtotal	(123,182)	(31,338)	0	0	0
Balance	0	13,034	35,734	58,834	103,164

Transfer of budgeted amount for web based on going marketing, content creation, and social media

\$1,988 additional contract work; \$6,100 for web-based ongoing marketing content creation, and social media

No funds expended. Estimate only.