

NEW AND RETURNING ELECTED OFFICIALS ORIENTATION

Presented by:

Jacquie Hill, Manager, Legislative Services / Corporate Officer

INTRODUCTION

Purpose of the presentation:

- Introduce the Directors' Dashboard
<https://www.rdn.bc.ca/directors-dashboard>
- Overview of statutory roles and responsibilities
- Provide legislative framework
- Refresher for re-elected

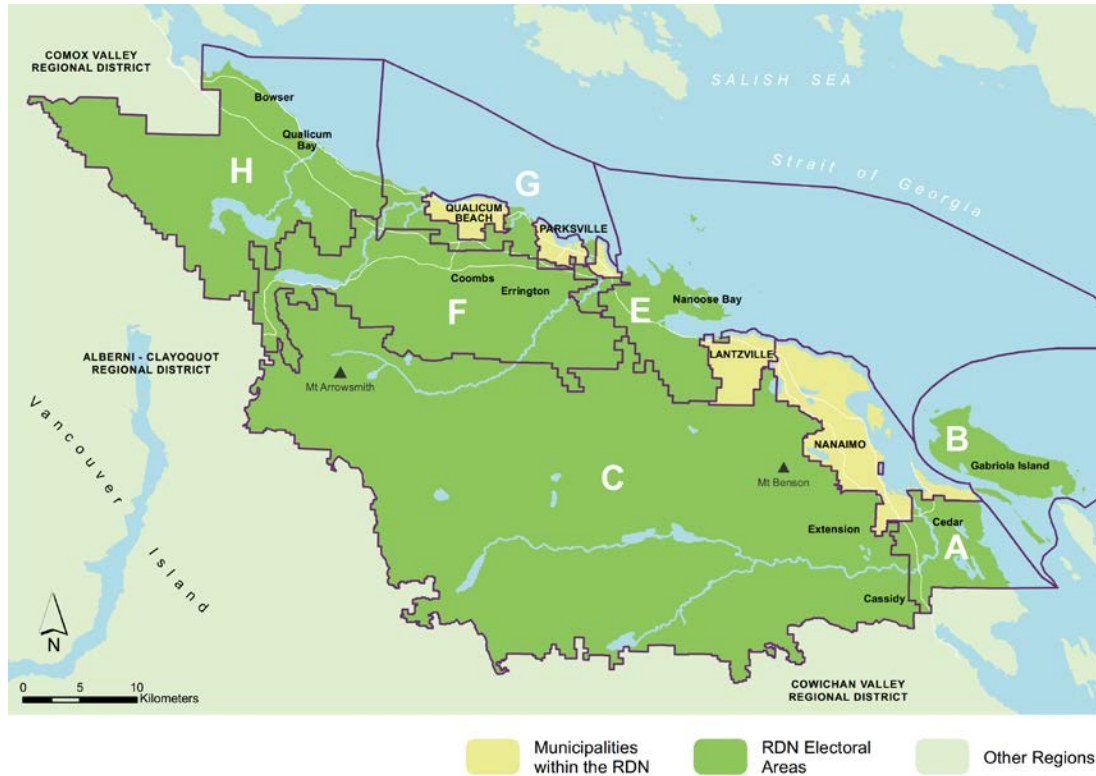
DIRECTORS' DASHBOARD

- <https://www.rdn.bc.ca/directors-dashboard>
 - Secure area for Regional District of Nanaimo Directors only

REGIONAL DISTRICTS: Introduction

- Created by letters patent in the late 1960s
 - RDN Incorporation – August 24, 1967
- Board is a legislative body with members representing specific areas that exist within the Regional District boundaries
 - Municipalities (appointed by Council)
 - Unincorporated electoral areas (elected)
- Hierarchy of Authority
 - *Local Government Act and Community Charter*
 - Procedure Bylaw
 - Parliamentary Rules of Order (eg. Robert's Rules of Order)

REGIONAL DISTRICT OF NANAIMO



Quick Facts:

- Established in 1967
- One of 27 RDs in BC
- 207,000 hectares
- 170,367 residents
- 4 Member Municipalities
- 7 Electoral Areas
- 19 Board Members
- \$138 Million Operating Budget
- \$84 Million Capital Budget
- 107 Distinct Service Areas
- 718 Employees

REGIONAL DISTRICTS: Introduction

- May provide “any service that the board considers necessary or desirable for all or part of the regional district” (s. 332(1) LGA)
- Regional District Services
 - Most must be formally established by bylaw
 - Often operate in defined service areas
 - Must be self-financing: the cost of the service, including costs of administrative and liabilities arising from the service are costs of the service

REGIONAL DISTRICTS: Introduction

- Three types of service needs regional districts are designed to meet:
 - Provision of basic local government services to unincorporated electoral areas
 - Provision of sub-regional services across groups of municipalities and electoral areas (sub-regions)
 - Provision of regional services throughout entire region to all jurisdictions

A full range of services with varying cost sharing relationships

Regional

- Administration
- Community Grants
- Liquid Waste Management
- Solid Waste Facilities & Collection
- Regional Hospital District
- Regional Planning
- Regional Parks
- Watershed Protection



Sub-Regional

- Animal Control
- Building Inspection
- Bylaw Enforcement
- Electoral Area Planning
- Emergency 911

Sub-Regional

- Emergency Planning
- Port Theatre Contribution
- Recreation/Arena/Pool
- Regional Library
- Restorative Justice
- Wastewater Facilities
- Search & Rescue
- Transit Services

Local Services

- Community Parks
- Fire Protection
- Noise Control
- Street Lighting
- Water & Sewer Utilities

REGIONAL DISTRICTS: Introduction

- Regional Districts manage certain administrative functions for the province:
 - Coordinate and process (through the Municipal Finance Authority) local government capital borrowing requests
 - Serve as Regional Hospital Districts to raise capital funds for hospital facilities in their areas

Our Governance Model

Board: sets vision, develops strategies, formulates policy

Board of Directors: Chair is Chief Executive Officer

Committees & Commissions: standing, select, advisory provide advice to the Board

Staff implement direction of the Board

BOARD / STAFF RELATIONS

The Board Can Expect From Staff

- Implementation of Board decisions
- Expeditious response to Board resolutions
- Addresses all elected officials consistently
- Keeps Board informed
- Maintains a positive relationship with media
- Comply with Board and Administrative Policy
- Provides comprehensive advice to Board
 - Clear recommendations
 - Considers community, administrative strategic plan & financial implications
 - Realistic options

BOARD / STAFF RELATIONS

Staff (and the Region!) Needs from the Board

- Provide clear direction
- Read staff reports with an open mind
- Request additional information when required
- Make decisions
- Freely disagree with the contents of staff reports but do not criticize the professionalism of the staff who produced the reports
- Delegate responsibility where appropriate through bylaws, policies or reports
- Adequately resource to fulfill tasks
- Make clear policy decisions
- Support staff

COMMITTEE STRUCTURE

- Regional Districts have broad powers to use boards, commissions, and committees to assist in policymaking, administration, and the delivery of services
 - Typically exist to assist the Board in its decision-making
 - Are advisory in nature and provide recommendations to Board
- RDN Standing Committees (Recommendations to Board)
 - Committee of the Whole
 - Electoral Area Services Committee
 - Executive Committee

COMMITTEE STRUCTURE

- RDN Select Committees (Recommendations to Board)
 - Community Grants Committee
 - Oceanside Services Committee
 - Regional Parks and Trails Select Committee
 - Solid Waste Management Select Committee
 - Transit Select Committee

COMMITTEE STRUCTURE

- RDN Advisory Committees / Commission (Recommendations to EASC or Select Committee, then Board)
 - Agricultural Advisory Committee
 - Climate Action Technical Advisory Committee
 - Electoral Area F Governance and Services Study Committee
 - Fire Services Advisory Committee
 - Solid Waste Management Plan Monitoring Advisory Committee
 - Liquid Waste Management Plan Monitoring Committee
 - Oceanside Services Recreation Grants Sub-Committee
 - Electoral Area A Parks, Recreation and Culture Commission
 - Parks and Open Space Advisory Committees (all Electoral Areas, except A)
 - Regional Parks and Trails Strategic Plan Advisory Sub-Committee
 - Transit Redevelopment Plan Sub-Committee

BOARD PROCEDURES

Procedure Bylaw

- General procedures to be followed by Board and Committees in conducting business
- Mandatory bylaw
 - Minutes and certification
 - Notice of meetings
 - Public notice posting places
 - Schedule of meetings
 - Delegations to Board
- Robert's Rules of Order
 - General rules and customs for meetings
 - Purpose is so meetings are fair and efficient
 - Provide guidance for the Board when Procedure Bylaw is silent on issue

BOARD PROCEDURES

Powers must be exercised at a Meeting

- An act or proceeding of a regional district board is not valid unless it is authorized or adopted by bylaw or resolution at a board meeting (S. 122 CC; s. 226 LGA)
- Need quorum

STATUTORY RESPONSIBILITY - Chair

The Board Chair (s. 216 LGA)

- The chair is the head and chief executive officer of the regional district
- In addition to the chair's powers and duties as a board member, the chair has the following duties:
 - to see that the law is carried out for the improvement and good government of the regional district;
 - to communicate information to the board;
 - to preside at board meetings when in attendance;

STATUTORY RESPONSIBILITY - Chair

Board Chair Duties (con't)

- to recommend bylaws, resolutions and measures that, in the chair's opinion, may assist the peace, order and good government of the regional district in relation to the powers conferred on the board by an enactment;
- to direct the management of regional district business and affairs; and
- to direct the conduct of officers and employees in accordance with sections 239 [chair to direct and inspect officers and employees] and 240 [suspension of officers and employees].
- *These duties are undertaken primarily through the CAO in accordance with his employment agreement and the Board's policies and bylaws*

BOARD PROCEDURES

Board Agenda Format

- Call to Order
- Territorial Acknowledgement
- Approval of the Agenda
- Adoption of Minutes
- Invited Presentations
- Delegations - Items not on the Agenda
- Correspondence
- Unfinished Business
- Committee Minutes
- Consent Agenda (This heading used for Board agenda only)
- Items Removed from the Consent Agenda (This heading used for Board agenda only)
- Committee Recommendations (Items not on the Consent Agenda)
- Reports
- Bylaws – With no Accompanying Report
- Business Arising from Delegations and Correspondence
- Motions for Which Notice Has Been Given
- New Business
- In Camera
- Adjournment

OPEN AND CLOSED MEETINGS

- All Board meetings must be open to the public except as permitted under section 90 of the *Community Charter*
- Before holding a closed meeting, the Board must state by resolution passed in a public meeting that the meeting will be closed and the basis for closing it under s. 90

OPEN AND CLOSED MEETINGS

Section 90(1) CC meeting *may* be closed

- Personal information (i.e., appointments, awards)
- Labour / employee relations
- Security of property
- Acquisition, disposition, expropriation of land or improvements
- Law enforcement
- Litigation or potential litigation
- Administrative tribunal hearing
- Solicitor-client privileged information
- Matters harmful to third party business interests
- Provision of a proposed service
- Consideration of whether the meeting should be closed

OPEN AND CLOSED MEETINGS

Section 90(2) meeting *must* be closed

- A request under FOI
- Provincial/Federal negotiations
- Ombudsperson Investigation
- Other enactment requires
- Auditor General performance report

OPEN AND CLOSED MEETINGS

Duty to Respect Confidentiality (s. 117 CC)

- Board members must keep confidential any records held in confidence or any information considered at a lawfully closed board or committee meeting unless the Board decides to release the information
- If the regional district suffers a loss or damage for a member breaching, unless inadvertence, the member may be sued for damages

BOARD PROCEDURES

When is a Meeting a Meeting?

A gathering is more likely a meeting if:

- A quorum of board or committee members are present
- It takes place at the at the board's normal meeting place or in an area completely under the control of the 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 board's business and dealing with the matters in a way that moves them toward the possible application of the board's authority

Voting on Resolutions and Bylaws

- All Directors – One Vote
 - Establishing bylaws
 - Regulatory bylaws
 - Establishing general policy
 - Services where there is only one participant
- All Directors – Weighted Vote
 - Annual budget; Financial plan
 - Agreements; Land acquisition
 - Fees & charges bylaws/policy
 - Administrative or operational decisions for services with everyone as a participant
- Participants – One Vote
 - Electoral area planning, zoning bylaws, OCP bylaws, growth mgmt. resolutions
- Participants – Weighted
 - Administrative or operational decisions for services with only those who are participants

RDN Voting Structure - for weighted votes

Jurisdiction: (Voting Unit: 2,500 population)	Population 2021 Census	Number of Directors (voting strength/5)	Voting Strength
Nanaimo	99,863	8	40
Parksville	13,642	2	6
Lantzville	3,817	1	2
Qualicum Beach	9,303	1	4
Electoral Areas:			
A	7,804	1	4
B	4,500	1	2
C	3,730	1	2
E	7,010	1	3
F	8,216	1	4
G	8,109	1	4
H	4,373	1	2
Totals:	170,367	19	73

MOTIONS

A motion:

- Is a proposal to take some action
- Must be worded in the affirmative
- The general form is “I move that...”

Steps in a Motion

1. Member makes motion
2. Another member seconds the motion
3. Chair states the motion
4. Members debate the motion
5. Chair puts the question to a vote
6. Chair announces the result of the vote

TYPES OF MOTIONS

- Main (first) motion

- First motion moved is the main motion
- Can be introduced only when there is no other pending business

- Secondary motions

- Made while the main motion is pending:
 - To amend a motion
 - To table a motion to a later time in the meeting
 - To defer (postpone) a motion to a later date and time
 - To refer the motion to committee or staff for information/advice
 - To postpone definitely/indefinitely
 - Call the question

AMENDING A MOTION

- To modify the wording of a pending motion
 - Must be relevant to the main motion and not materially change its purpose
 - Can be introduced only when there is no other pending business
- Make a motion to amend by
 - Inserting or adding certain words
 - Striking out (deleting) certain words
 - Striking out certain words and inserting other words (substituting)
- Don't do “friendly” amendments

NOTICE OF MOTION

- The process of advising a meeting in advance that you intend to move a particular motion at the next meeting or a particular meeting
- Any member may serve notice of motion on the Board
 - During the new business portion of meeting
 - With Chair's consent at any other time during consideration of a related matter
 - By providing the Corporate Officer with a written copy of the notice of motion for inclusion on the agenda no later than six (6) working days prior to the scheduled meeting

PARLIAMENTARY PROCEDURE

FRASIER – A CLIP ON PARLIAMENTARY PROCEDURE

- <https://www.youtube.com/watch?v=vbilNSO7A4s>

CONFLICT OF INTEREST

Conflicts of Interest Section 100 to 104 CC

- Pecuniary Interests (Monetary)
 - Direct or indirect
- Non-Pecuniary Interests and Bias

Declaration of Conflict

- Applies to Directors on Board and Committees and other bodies
- Responsibility of member to be aware and declare
- Declare then legal advice – no conflict can participate

CONFLICT OF INTEREST

If a Director has declared a conflict of interest they must not:

- Remain or attend at any part of a meeting during which the matter is under consideration
- Participate in any discussion of the matter at such a meeting
- Vote on a question in respect of the matter at such a meeting, or
- Attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter

CONFLICT OF INTEREST

Failure to declare a conflict of interest

- Pecuniary interest – results in disqualification from office except where there was an inadvertent error in judgment made in good faith
- Non-pecuniary interest – results in nullification of Director's vote and possibly the bylaw or resolution

CONFLICT OF INTEREST

Examples

- Employer/employee relationships
- Professional/client relationships
- Business or land interests
- Contractual relationships
- Family relationship
- Lawsuit
- Friendship
- Campaign contributions
- Directorship on a Society or Corporate Board

CONFLICT OF INTEREST

Exceptions from Conflict Restrictions

A conflict of interest does not apply in the following circumstances:

- Pecuniary interest in common with electors generally
- Voting on matters relating to remuneration, expenses or benefits payable to members in relation to their duties
- Pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter

STATUTORY DUTIES & DISQUALIFICATION

Failure to Comply with Statutory Duties – Disqualification

- LECFA filing requirements – timing and correctness
- Section 100 to 103 CC – conflict of interest, including use of inside and outside influence
- Section 105, 106 CC – failure to disclose protocol or social obligation gifts or benefits having a value greater than \$250 or a total value from a single source greater than \$250 in a 12-month period (may only accept gifts or benefits connected to the performance of the duties of office)
- Section 107 CC – failure to disclose or report contracts with the local government to the corporate officer. This obligation applies for six months after an elected official ceases to hold office

STATUTORY DUTIES & DISQUALIFICATION

Failure to Comply with Statutory Duties – Disqualification (con't)

- Section 108 CC – using insider information for pecuniary interest
- Section 110 CC – failure to take oath of office
- Section 191 CC – voting on a bylaw or resolution authorizing an unlawful expenditure or investment
- Section 204 LGA - failure to attend meetings for sixty (60) consecutive days or four consecutive regularly scheduled board meetings, whichever is the longer time period, unless the absence is due to illness or injury, or with the leave of the board

FIPPA

WHAT ELECTED OFFICIALS NEED TO KNOW

- The purposes of the *Freedom on Information and Protection of Privacy Act* (FIPPA) are to protect privacy and to make public bodies more accountable. It applies to all records in the custody or under the control of the public body
- Officers of a public body who have access to personal information must not disclose personal information unless authorized by FIPPA. The term “officers” in FIPPA includes Regional District Directors
- Personal information includes all recorded information about an identifiable individual with the exception of their name and business contact information
- Controlling access to the personal information in your care is essential to protecting the information in the custody and control of the public body

FIPPA

WHAT ELECTED OFFICIALS NEED TO KNOW

Best Practices

- Adopt a 'clean desk' policy regarding records containing personal information
- Emails and other documents generated in your work could be the subject of an FOI request
 - Keep personal email separate from municipal/regional district business
 - Do not use your personal email account to conduct municipal/regional district business
- Take reasonable security measures to prevent unauthorized access, use, disclosure, modification or destruction of personal information
 - Keep personal information under lock and key when not in use
 - Do not leave laptops or other mobile devices unattended in motor vehicles
 - Encrypt personal information stored electronically on laptop computers, USB drives or other mobile devices
 - Use passwords or secure folders to protect electronic documents containing personal information
 - Do not share contact lists
- Do not collect personal information you do not need
- Contact the Regional District FOI and Privacy Officer if you have any questions or concerns about collection, use, disclosure, retention or security of personal information

FIPPA

WHAT ELECTED OFFICIALS NEED TO KNOW

Elected Officials should not:

- Leave a document containing personal information on their desk, in their car, in their home or other areas where others may have access to it
- Discuss the personal information of others in open areas, such as reception areas and hallways
- Disclose an individual's personal information during a public meeting without the individual's written consent