



STAFF REPORT

DATE: August 11, 2020 **FILE:** 0550-04 Board

TO: Chair and Directors
Electoral Areas Services Committee

FROM: David Leitch
Chief Administrative Officer

RE: VOTING RIGHTS – ELECTORAL AREA MATTERS

PURPOSE

To consider the matter of voting rights (entitlements) for directors with respect to matters that are directly and exclusively related to specific electoral areas.

EXECUTIVE SUMMARY

At its July 22, 2020 meeting the Committee reviewed two agenda items for which they felt there had not been any discussion between staff and individual directors prior to the reports being presented to the Committee. As a consequence, the following motion was deferred pending further information being provided on the matter of director voting rights:

Anderson/Whalley: EASC 135/20

THAT as a standard practice staff consult with the Director from the area on matters directly and exclusively related to that rural area.

The voting rules applicable to regional districts are complex but may be generally summarized as follows:

- Where an item is part of general administration or falls outside the parameters of a service, the entire Board is entitled to vote.
- Where an item falls within the parameters of an established service, only the service participants are entitled to vote unless there is only a single participant in the service, in which case the entire Board is entitled to vote.

Although there are many services provided by the Regional District exclusively within the electoral areas, most of those services are provided as single-participant services. As noted above, the entire Board is entitled to vote in such cases. Where an issue falls within the realm of Part 14 [*Planning and Land Use Management*] of the *Local Government Act* or is within the purview of the electoral area administration service, only the electoral area directors are entitled to vote. The two reports that inspired the July 22 resolution (Cortes Island community hall and Quadra Island community hall contracts) are both single participant services that require the vote of the entire Board.

With respect to motion that was deferred, it is worth noting that the practice being recommended may run counter to Director Code of Conduct Bylaw 2018 which limits the interaction between

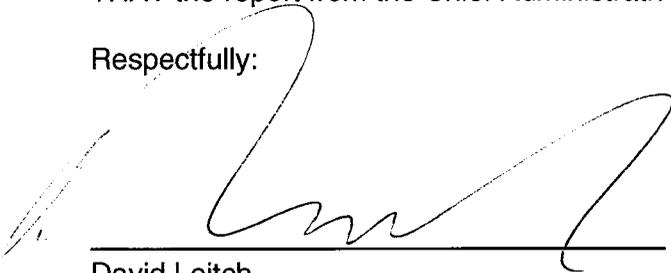
staff and directors. In addition, s.242 of the *Local Government Act* states that "a person must not interfere with, hinder or obstruct a regional district officer or employee in the exercise or performance of his or her powers, duties or functions. Creating a policy that requires staff to consult with individual directors on service contracts and agreements before they may be brought forward for consideration by the Board or a committee extends well beyond the current level of delegated authority.

In the absence of specific authority being provided under statute or bylaw there exist numerous questions in relation to governance, liability, qualified immunity and director indemnification that would need to be considered in detail should the policy under consideration by the Committee be presented for the Board's approval.

RECOMMENDATION

THAT the report from the Chief Administrative Officer be received.

Respectfully:

A handwritten signature in black ink, appearing to read 'David Leitch', written over a horizontal line.

David Leitch
Chief Administrative Officer

Prepared by: T. Yates, Corporate Services Manager