

LEGISLATIVE WORKSHOP

Thursday, November 5, 2020

9:00 a.m. to 3:00 p.m.

Penticton Lakeside Resort

Participants: Board of Directors; Alternates; RDOS Management Team; CAO Group;

Electronic participation available

Masks, Face Shields and Sanitiser available at workshop, COVID-19 Meeting Protocols in effect

9:00 am	1.0	Introduction
		<ul style="list-style-type: none"> Call to Order New Member Introductions Purpose of the Workshop COVID Restrictions for Meeting Rooms Review of Workshop Agenda Confidentiality Parking Lot
9:10 am	2.0	Speakers (electronically)
	2.1	BC Information and Privacy Commissioner Michael McEvoy
	2.2	BC Ombudsperson Jay Chalke
12:00 pm		LUNCH
12:30 pm	3.0	OKANAGAN-KOOTENAY STERILE INSECT RELEASE PROGRAM Melissa Tesche & Allan Neilson
	3.1	SIR Request for Resolutions
1:30 pm	4.0	GOVERNANCE
	4.1	Legislative Structure – Committee System Review
	4.2	Decision Making Policy
	4.3	Board of Directors Survey Policy
	4.4	Board Self-Assessment Survey
2:30 pm		ADJOURN

3:00 pm	5.0	Inaugural Meeting – Regional District of Okanagan Similkameen (Separate Agenda distributed)
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3:45 pm	6.0	Inaugural Meeting – Okanagan Similkameen Regional Hospital District (Separate Agenda distributed)
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LEGISLATIVE WORKSHOP – DAY 2

Friday, November 6, 2020

9:00 a.m. to 3:00 p.m.

Penticton Lakeside Resort

Participants: Board of Directors; Alternates; RDOS Management Team;

Guests: Electronic participation available

0900 am		Legislative Workshop Reconvenes
0900 am	7.0	Procedural and Legislative Responsibilities
0900 0930	7.1 7.2	Board Procedure Ethical Leadership (Break-Out Discussion) 7.2.1 Board of Directors Code of Ethics 7.2.2 Harassment, Bullying and Discrimination Policy
1030 am		Break
10:45	8.0	Budget Policy Discussions
	8.1 8.2	Reserves – a general discussion Administration Costs
Noon		LUNCH

12:30 pm	9.0	Technology Discussion
	9.1	Board Intranet
	9.2	Cyber Security Training
	9.3	Director Web Pages
1:30 pm	10.0	Physician Recruitment
2:15 pm	11.0	Board Discussion
	11.1	Board Self-Evaluation Results
	11.2	Board Round-Table
3:00 pm		ADJOURN

Penticton Lakeside Resort Pandemic-related Meeting Rules

As part of the WorkPlace BC oversight of workplaces, different industries have committed to sector rules allowing them to open during the pandemic. Compliance with these rules by clients are important to authorization for meeting space operators to remain open.

RULES (In No Particular Priority Order)

- Physical distancing must be adhered to at all times
- Hand Sanitizer will be available and we encourage regular use
- Masks will be available at the meeting and we encourage use when moving around or within 2 meters of other guests.
- Guests must remain in their assigned seating
- No mingling between tables or switching seats
- Bussing stations have been set up for any used dishware, cutlery and glassware. Resort staff will not be clearing any used items from the tables
- Access to the coffee stations on break will be handled in groups of 6. This is to ensure no crowding. You must return to your own seat. Casual mingling and table jumping is not permitted.
- Access to the lunch table will be handled in groups of 6. This is to ensure no crowding. You must return to your own seat. Casual mingling and table jumping is not permitted.



Okanagan-Kootenay Sterile Insect Release Program
Presentations to Regional District Boards on Apportionment
November, 2020

REQUEST FOR RESOLUTIONS

BACKGROUND

In late 2019, Okanagan-Kootenay Sterile Insect Release (SIR) Program Directors, Alternate Directors, and Regional District Chief Administrative Officers held a workshop to review the apportionment of the SIR Program's annual value tax burden among the four regional districts that participate in the Program. The workshop was convened as part of a broader SIR Governance Review that the SIR Board, with the support of the participating Regional Districts, initiated to examine the potential for legislative reform and related structural changes for the Program. The workshop was also held in response to concerns raised by the Regional District of North Okanagan regarding the fairness of the current value tax apportionment method, as well as the degree of consistency between the current method and that which is prescribed in the 1990 *OKSIR Regulation*.

Based on the outcomes of the workshop, the SIR Board of Directors established a Working Group on Apportionment comprised of equal numbers of representatives from each Regional District. The Working Group was asked to study the apportionment issue, consider alternate apportionment methods, and recommend a preferred path forward.

WORKING GROUP ON APPORTIONMENT

In the spring of 2020, members of the Working Group were interviewed to better understand the range of views to consider and to identify opportunities for consensus. In July, 2020, the members came together for a workshop to share

their views and consider specific apportionment options.¹

Foundation Points

The Group was guided in its discussions by a set of foundation points that emerged from the interviews:

- > *Partnership* — Working Group members recognize and wish to strengthen the importance of the inter-regional partnership at the heart of the SIR.
- > *Broad Benefit* — Members recognize that the Program provides broad and significant benefit to all communities, residents and ecosystems throughout the service area.
- > *Equity* — Members believe that equity will be strengthened under a formula that reflects each region's relative benefit from the Program. Such a solution will take into account inter-regional differences in pome fruit acreage in addition to differences in converted assessment.
- > *Pragmatism* — Working Group members recognize that the actual dollar amount assigned to each Regional District is important to consider, cost-sharing rationale notwithstanding. Shifts in the tax burden must be pragmatic to win support.
- > *Hybrid Approach* — Members support an approach to cost-sharing that recognizes the

¹ *Summary of Workshop* paper attached.

broad community benefit provided by the Program, and that reflects the inter-regional differences in the amount of service provided. Such an approach is achieved through a hybrid formula with two apportionment factors:

- some measure of converted assessment
 - total taxable acreage (that is, the number of acres of commercial pome fruit orchards)
- > *Potential New Revenues* — The Program anticipates growth in net revenues from sales of product. How these revenues are used will be determined by the SIR Board; however, it is expected that they will help at least in part to offset future tax increases and/or lower the overall tax burden.
- > *Change Over Time* — Members recognize that each Regional District's share of total assessment and taxable acres will change every year. As these shares change, so too will the Regional District's share of the value tax burden. The members support the view that changes to the shares of tax burden should occur over time as conditions change.
- > *Service Area* — The expansion of SIR service area to include new pome fruit lands needs to be considered by the parties. In the years ahead it is expected that climate change and other factors will create commercial pome fruit opportunities in local jurisdictions that are currently outside of the service area, particularly in the North Okanagan and Shuswap regions.

Apportionment Options

The Working Group examined three apportionment options that were developed based on the foundation points. Each of the options represented a hybrid approach that allocates the value tax burden based on a combination of converted assessment base and taxable acreage. Each of the options also produced a cost-sharing outcome that would change every year in response to changes in

the service area's underlying converted assessment figures and taxable acreage totals.

WORKING GROUP RECOMMENDATIONS

By consensus, the Working Group members recommended to the SIR Board an option that would apportion the Program's annual value tax burden using a combination of:

- each Regional District's share of the previous year's converted assessment base (land and improvements) for the Program's service area as a whole, weighted at 75%
- each Regional District's share of the previous year's taxable acreage for the Program's service area, weighted at 25%

This option emerged from the Working Group's discussion as the fairest option for a number of reasons, including:

- > *Broad Benefit* — The option's use of the full converted assessment base (i.e., land and improvements) combined with the relatively high 75% weighting of this factor best takes into account the Program's broad benefit to communities, residents and ecosystems.
- > *Familiar Basis* — Full converted assessment in cost-sharing approaches is standard for all four Regional Districts. None of the participating Regional Districts uses land-only for cost allocation in any shared service.
- > *RDCO's Land Values* — A reliance on land-only converted assessment would penalize the Regional District of Central Okanagan, whose share of the service area's converted land-only assessment base is disproportionately high compared to its share of the full converted base.

Phase-In Provision

The Working Group recommended that the proposed option be phased-in over four years to ease the transition for the Regional District of Okanagan Similkameen from the current cost-sharing arrangement to the new approach.

Service Area Extension

The Working Group agreed that further work is needed to develop an approach for expanding the SIR Program's service area. Criteria need to be developed and applied to identify jurisdictions and/or lands for possible addition to the service. A mechanism for adding the new areas needs to be developed and put into effect.

- a small annual reduction, beginning in 2022, to RDOS' proportion of the Program's total converted assessment base (land and improvements)
- a small annual reduction in RDOS' proportion of total taxable acres

IMPACT OF RECOMMENDED APPORTIONMENT

The recommended approach would shift a portion of the value tax burden from the Regional Districts of Central Okanagan and North Okanagan to the Regional District of Okanagan Similkameen (Columbia Shuswap's portion would remain essentially unchanged). This shift is attributable primarily to the inclusion of taxable acreage in the apportionment formula. As the region with the largest amount of pome fruit acreage, RDOS receives more service from the Program than the other Regional Districts. The new apportionment approach is designed, in part, to reflect this difference. The decision to include the full converted assessment base in the formula also accounts for part of the shift.

Both of these assumptions reflect existing trends in the Program's service area.

REGIONAL DISTRICT SUPPORT

The legislative framework within which the SIR Program operates is prescriptive rather than permissive in nature. On the matter of apportionment, the legislation prescribes that the annual value tax burden is to be shared by participating Regional Districts on the basis of converted assessment (land only). In 2006, the Regional Districts themselves determined that

The four-year phase-in provision is intended to ease the transition for RDOS to the new model. Design of the provision is complicated by the fact that the annual amount owing from each region under the new approach would change each year in response to changes in the underlying assessment base, and changes in the number of taxable acres. The total requisition for all Regional Districts combined — held constant for the past decade at \$1.7 million — is also expected to change in the years ahead.

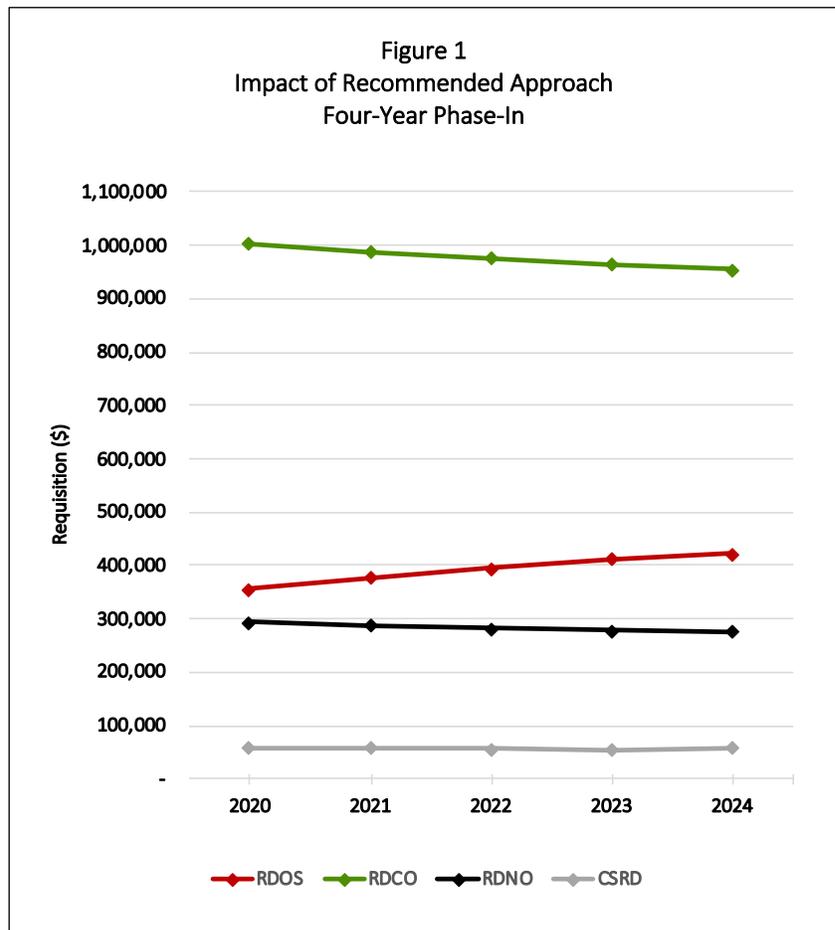


Figure 1 projects the impact of the new apportionment method on the four Regional Districts. Embedded in the figure are two key assumptions:

converted assessment (land) was no longer fair given conditions in place at that time. The Regional Districts agreed, as part of a larger restructuring initiative, to introduce a fixed proportion cost-sharing model. The conflict between the resulting fixed-proportion model, developed by the participants, and the prescribed approach in the Program's legislative framework, contributed to the decisions to undertake the Governance Review and establish the Working Group on Apportionment.²

In the absence of legislative reform, proposed changes to the Program's cost apportionment method must be endorsed by the provincial government and implemented through an Order in Council (OIC). The Ministry of Municipal Affairs and Housing has indicated that the province will respond to a request for an OIC that is supported by all four participating Regional Districts. Support in the form of Board resolutions is the suggested course of action.

REQUEST FOR RESOLUTIONS

At its meeting of October 2, 2020, the SIR Board of Directors received the recommendation of the Working Group for a new value tax burden apportionment method based on a 75-25 combination of converted assessment (land and improvements) and taxable acreage. The Board also received the Working Group's recommendations for a four-year phase-in provision, and the development of a mechanism for expanding the SIR Program service area. The Board endorsed the Working Group's full set of recommendations.

The SIR Board seeks resolutions from the Boards of the participating Regional Districts in support of the proposed apportionment changes. Figure 2 presents the specific resolutions that are being requested.

Figure 2 Requested Resolutions

The SIR Board has endorsed the recommendations of the all-party Working Group on Apportionment. The support of all participating Regional Districts is required in order to implement the recommendations. To that end, the SIR Board requests that the Board of each Regional District pass the following resolutions:

- > THAT the Regional District Board supports apportioning the annual value tax burden of the SIR Program among participating Regional Districts using a hybrid formula that determines each Regional District's annual value tax requisition on:
 - the Regional District's proportion of the previous year's converted assessment base (land and improvements) for the Program's service area as a whole, weighted at 75%
 - the Regional District's proportion of the previous year's total taxable acreage for the Program's service area as a whole, weighted at 25%
- > THAT the Regional District Board supports phasing-in the new apportionment approach over a four-year period.
- > AND THAT the Regional District Board supports a request from the four participating Regional Districts to the Ministry of Municipal Affairs and Housing for an Order in Council to implement the new apportionment approach and phase-in provision.

² *Potential for Legislative Reform* paper attached.



Okanagan Kootenay Sterile Insect Release Program
Working Group on Apportionment
August, 2020

SUMMARY OF WORKSHOP

INTRODUCTION

On July 17, 2020, the members of the *Working Group on Apportionment* met in a facilitated workshop to examine options for sharing among participating Regional Districts the annual value tax burden incurred to provide the SIR service. This paper summarizes the workshop discussions and key outcomes.

DISCUSSIONS

Mandate

The workshop began with a brief review of SIR cost recovery, which includes three major sources of revenue:

- parcel taxes paid by commercial growers
- value taxes paid by all local taxpayers, including commercial growers, throughout the service area
- sales of sterile codling moths and egg sheets to buyers outside of the service area

A fourth revenue source for the past several years has been an accumulated operating surplus which the Board has relied on in

place of tax increases to fund Program costs. Value tax revenues comprise the largest single component of cost-recovery, and account for close to 60% of all property taxes raised (parcel taxes account for just over 40%).

Members noted that the Working Group was established to address the value tax component — more specifically, the allocation of the annual value tax burden among participating Regional Districts. The parcel tax and sale-of-product revenues are outside of the Group's mandate.

Foundation Points

In the lead-up to the workshop, the SIR Program consultant interviewed each Regional District's Working Group representatives to gather ideas, identify concerns, and understand needs. Arising from the interviews was a set of foundation points to guide workshop discussions. These points were presented to participants both before and at the workshop as follows:

- > *Partnership* — Working Group members recognize and wish to strengthen the importance of the inter-regional partnership at the heart of the SIR.
- > *Broad Benefit* — Members recognize that the Program provides broad and significant benefit to all communities, residents, and ecosystems throughout the service area.
- > *Equity* — Members believe that equity will be strengthened under a formula that reflects each region's relative benefit from the Program. Such a solution will take into account inter-regional differences in pome fruit acreage, in addition to differences in converted assessment.
- > *Pragmatism* — Working Group members recognize that the actual dollar amount assigned to each Regional District is important to consider, cost-sharing rationale notwithstanding. Shifts in the tax burden must be pragmatic to win support.
- > *Hybrid Approach* — Members support an approach to cost-sharing that recognizes the broad community benefit provided by the Program, and that reflects the inter-regional differences in the amount of service provided. Such an approach is supported by a hybrid formula with two cost-apportionment factors:
 - some measure of converted assessment
 - total taxable acreage (that is, the number of acres of commercial pome fruit orchards)
- > *Potential New Revenues* — The Program anticipates growth in net revenues from sales of product. How these revenues are

used will be determined by the SIR Board; however, it is expected that they will help at least in part to offset future tax increases and/or lower the overall tax burden. This point is important to keep in mind when considering future cost-sharing impacts.

- > *Change Over Time* — Members recognize that each Regional District's share of total assessment and taxable acres will change every year. As these shares change, so too will the Regional District's share of the value tax burden. The members support the view that changes to the shares of tax burden should occur over time as conditions change.
- > *Service Area* — The expansion of the SIR service area to include new pome fruit lands needs to be considered by the parties. In the years ahead it is expected that climate change and other factors will create commercial pome fruit opportunities in local jurisdictions that are currently outside of the service area, particularly in the North Okanagan and Shuswap regions.

Current Cost-Sharing Approach

Workshop participants were reminded of the cost-sharing approach that has been in place since 2010. This approach allocates the total value tax burden each year in accordance with fixed percentages for each of the participating Regional Districts, as shown in the accompanying pie chart (see next page). The percentages were set based on each Regional District's share of the total converted *land* assessment base that was in place in 2006. The percentages — or shares of value tax burden — have been fixed since 2010, and have not changed as a result of changes in converted assessment values or any other factor that

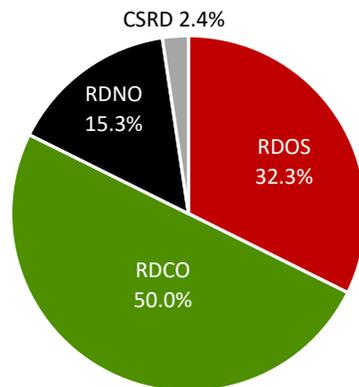
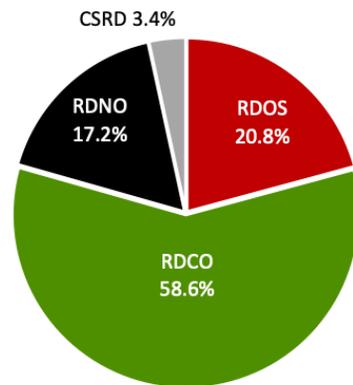
have occurred over time. The "fixed" nature of the approach is the defining feature of the current cost-sharing arrangement.

Options to Consider

Workshop participants reviewed the three options that were presented in the *Apportionment Options* paper prepared for the workshop. All three of the options represent a hybrid approach that allocates the value tax burden based on a combination of a converted assessment base and taxable acreage.

> **Option 1 — 50-50
Converted Assessment (L + I)
Taxable Acreage**

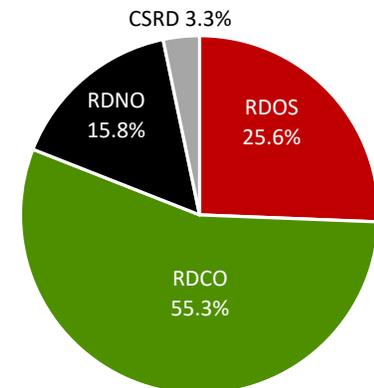
This option allocates cost based on each Regional District's share of the previous year's full converted assessment base (land and improvements), and the region's share of the prior year's total number of taxable acres.¹ The option places equal weight on assessment and acreage.



As the pie chart illustrates, Option 1 shifts a considerable amount of the tax burden from the Regional Districts of Central Okanagan (RDCO), North Okanagan (RDNO), and Columbia Shuswap (CSRD) to the Regional District Okanagan Similkameen (RDOS). The total amount owed by each Regional District every year changes in response to changes in assessment and acreage.

> **Option 2 — 75-25
Converted Assessment (L + I)
Taxable Acreage**

As with Option 1, Option 2 uses each Regional District's share of the previous year's full converted assessment base (land and improvements), and the region's share of the prior year's total number of taxable acres. Unlike the previous option, however, Option 2 places more weight on converted



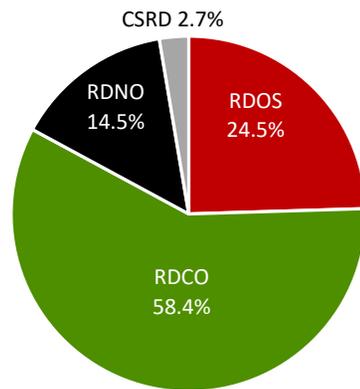
assessment than taxable acreage. This weighting reflects the importance of the Program's broad benefit to residents, communities, and ecosystems throughout the entire service area. The pie chart shows a shift to RDOS, but not as significant a shift as in Option 1. The total amount owed by RDOS and each of the other Regional Districts every year changes in response to changes in assessment and acreage.

¹ The timing of BC Assessment's release of the revised assessment rolls relative to the Regional Districts' budget deadlines means that annual

cost-sharing must be determined based on the prior year's assessment figures. For a similar reason, the prior year's acreage must be used.

> **Option 3 — 75-25
Converted Assessment (*Land*)
Taxable Acreage**

This difference between Option 3 and Option 2 is the type of converted assessment base used to allocate costs (in combination with taxable acreage). Whereas Option 2 uses the full base of *land and improvements*, Option 3 uses the more selective base of *land* only. This difference helps to further moderate the shift in tax burden to RDOS, as shown in the pie chart. The total amount owed by each of the Regional Districts every year changes in response to changes in assessment and acreage, as is the case under all options.



The three options do not constitute the full, definitive set of cost-sharing options available. They do, however, reflect the key points raised by the Working Group representatives in the interviews that were conducted in advance of the workshop. In their use of converted assessment and taxable acreage, the options capture the desire for a hybrid approach that recognizes the Program's broad community benefit, and that reflects the inter-regional differences in the amount of service provided. The options also produce cost-sharing outcomes that change every year in response to changes in the service area's underlying converted assessment figures and taxable acreage totals.

Phase-In

Working Group members acknowledged that the financial impact on RDOS associated with the options is not insignificant. Members discussed the idea of phasing in the impact as a way to ease the transition from the current cost-sharing arrangement to a new model.

Service Area

The issue of service area was examined as the final discussion point. It was noted that each participating Regional District determines for itself, in conjunction with its own local jurisdictions, which municipalities and electoral areas, and how much of each, are included in the SIR Program service area. RDCO has historically taken the view that all local jurisdictions and all lands throughout the Regional District should be included. RDOS, RDNO, and CSR have chosen instead to limit Program participation to municipalities and electoral areas — or portions thereof — that had commercial orchards at the Program's inception.

In a cost apportionment system based at least in part on annual converted assessment, the amount of territory in each Regional District that is included in the SIR service area influences the amount each Regional District pays toward the service.

Working Group members noted that ongoing climate change is expected to make additional parts of the North Okanagan and Columbia Shuswap regions suitable for pome fruit commercial orchards. Members agreed on the importance of working with the Regional Districts and — as necessary — the Ministry of Municipal Affairs and Housing to ensure that lands with commercial pome fruit potential that meet specific criteria are

brought into the Program. Allowing pome fruit operations to develop on such lands, outside of the current service area, would put the entire Program at risk.

OUTCOMES

The Working Group reached consensus on a preferred cost-sharing approach, a cost-sharing phase-in provision, and the need for further work on the issue of service area.

Preferred Cost-Sharing Approach

By consensus, the Working Group members identified Option 2 as the cost-sharing approach to recommend to the SIR Board. For clarity, Option 2 is a hybrid approach that allocates the SIR Program's annual value tax burden on a combination of:

- each Regional District's share of the previous year's converted assessment base (land and improvements) for the service area as a whole, weighted at 75%
- each Regional District's share of the previous year's taxable acreage for the service area, weighted at 25%

Option 2 emerged from group discussion as the fairest — and, thus, preferred — option for a number of reasons, including:

- > *Broad Benefit*— The Option's use of the full converted assessment base (i.e., land *and* improvements) combined with the relatively high 75% weighting of this factor best takes into account the Program's broad benefit to communities, residents, and ecosystems.

- > *Familiar Basis* — Full converted assessment in cost-sharing approaches is standard for all four Regional Districts. None of the participating Regional Districts uses land-only for cost allocation in any shared service.
- > *RDCO's Land Values* — A reliance on land-only converted assessment would penalize RDCO, whose share of the service area's converted land assessment base is disproportionately high compared to its share of the full converted base.

Phase-In Provision

The Working Group agreed to the suggestion of a four-year phase-in provision. Design of this provision is complicated by the fact that the annual amount owing from each Regional District under the new hybrid approach would change each year over the four-year period, even if only slightly, in response to changes in the underlying assessment base and number of taxable acres. The total amount owing by all Regional Districts — an amount that has been held constant since 2011 — is also expected to change, even if only slightly.

A separate *Technical Paper on Phase-in*, prepared for Regional District staff, outlines the detailed methodology that would be used to determine the actual amounts owing by the Regional Districts each year during the phase-in period.

Service Area Extension Mechanism

The Working Group agreed that further work is needed to develop a mechanism for expanding the SIR Program's service area.² Specifically:

² The issue of service area expansion falls outside of the Group's mandate.

- GIS and other information need to be gathered from the Regional Districts and other sources to properly map the Program's current service area
- criteria need to be developed and applied to identify jurisdictions and/or lands for possible addition to the service area
- a mechanism for adding new areas needs to be developed and put into effect

> **Criteria**

The Working Group spent some time discussing criteria to identify potential changes to the service area. For starters, members felt strongly that jurisdictions, or portions thereof, that are currently included in the service area should not be permitted to withdraw from the area.

Members also suggested that jurisdictions, or portions thereof, with the agricultural conditions necessary to host commercially-viable pome fruit orchards should be considered for inclusion in the service area, but only when such areas are:

- contiguous or in close proximity to the existing area
- not separated from the existing service area by a mountain range or other feature that would effectively impede codling moth migration
- able to be serviced by SIR field staff

> **Mechanism**

Further thought needs to be given to the development of an

effective mechanism for making the additions to service area. One possibility would involve using Regional District establishing bylaws, guided by intra- and inter-regional memoranda of understanding (MOUs), to compel jurisdictions to join the service (or add lands, as the case may be) once criteria for expansion have been met.

Another possibility would involve working with the Ministry of Municipal Affairs and Housing to include jurisdictions (in whole or in part) through regulation.

NEXT STEPS

Based on the information in this paper, SIR's General Manager will prepare a Working Group report with recommendations to the SIR Board. If endorsed by the Board, the recommendations will be presented for consideration to the Boards of the participating Regional Districts. Each Regional District will be asked to provide a resolution in support of the recommended approach and the phase-in period. These resolutions will be submitted by the SIR Board to the Ministry of Municipal Affairs and Housing with a request for an Order in Council to implement the new approach.³

The suggested further work on service area additions will need to be discussed with, and subsequently directed by, the SIR Board.

³ It may be the case that the phase-in period is implemented using a memorandum of understanding involving the four Regional Districts.



Okanagan-Kootenay Sterile Insect Release Program
 Governance Workshop — Discussion Paper
 October 4, 2019

POTENTIAL FOR LEGISLATIVE REFORM

INTRODUCTION

On October 4, 2019, the SIR Board Directors, Alternate Directors, regional district Chief Administrative Officers (CAOs), and SIR Program staff will be meeting in the second governance workshop to consider cost apportionment methods, and to examine the potential for legislative reform. A briefing note with optional methods on cost apportionment has been provided to attendees. This *Discussion Paper* deals with the issue of legislative reform.

The *Paper* begins with a review of the SIR Program's existing legislative framework, including its strengths and shortcomings. The *Paper* then explores the fundamental question concerning decision-making authority over key elements of the Program's structure. The *Paper* ends with a comment on next steps.

EXISTING FRAMEWORK

The SIR Program's existing legislative framework is set out in the *Governance Manual* that was distributed to stakeholders before the first governance workshop. The main features of the framework are as follows:

- *Municipal Enabling and Validating Act (MEVA)* — The provincial MEVA gives authority to the participating regional districts to establish, through regional district establishing bylaws, a sterile insect release program. The MEVA stipulates that the regional districts must create a separate SIR Board to provide the service on the regional districts' behalf. In addition, the MEVA gives Cabinet the authority to make regulations (i.e., Orders in Council) to

direct the governance, finance, and operations of the Program.

- *Order in Council 124 (1990)* — This Order in Council (OIC), titled *OKSIR Regulation*, is the principal and most comprehensive regulation that has been created to date. It prescribes methods of cost-recovery and cost-sharing for the Program, and gives explicit authority to the SIR Board and its agents to enter onto property to release sterile insects, and to address instances of infestation.
- *Order in Council 396 (1992)* — This regulation gives the SIR Board natural person powers. This provision, combined with the authorities in the *OKSIR Regulation*, provides the Board with powers to determine the Program budget, take and be subject to legal action, hire employees, and enter into legal agreements.
- *Establishing Bylaws* — Using the authority granted by the MEVA, each of the participating regional districts passed an establishing bylaw in 1989 to formally establish the Program as a regional district service. The bylaws have been amended several times in the years since to reflect changing conditions.

Strengths

The existing legislative framework, rooted in the MEVA, was developed to provide for the establishment and operation of a service aimed at addressing an inter-regional issue — that is, an issue that crosses regional district boundaries. From the perspective of the SIR Board, the framework has a number of strengths:

- *Enforcement* — Program staff (on behalf of the Board) have the authority to enter onto private property to release sterile insects, prevent infestation from occurring, and clear wild moths. This authority is critical to the efficacy of the Program.
- *Annual Budget* — The SIR Board has the authority to set and approve the Program's annual budget. The participating regional districts apply the parcel tax and value tax rates to raise the necessary funds; however, the regional districts act in these matters at the direction of the SIR Board.
- *Service Area & Governance* — The participating regional districts have the authority, through their respective establishing bylaws, to determine structural issues that are not addressed in the provincial government's MEVA or OICs. For example, each regional district may determine which local jurisdictions within the regional district are included in the service. As well, through coordinated establishing bylaw amendments, the regional districts may determine the composition of the voting Board.

Shortcomings

The elected officials, managers, scientists, and fruit growers who worked to create the SIR Program in the late 1980s believed that the Program would result in the complete eradication of the codling moth from the Okanagan, Similkameen, southern Shuswap, and Central Kootenay regions.¹ The Program was, accordingly, viewed as and designed to be a limited-term service, put in place to eliminate a single pest.

The legislative framework that was created for the Program reflected, in part, the limited-term nature of the service. Key structural elements related to service scope, service finance, and service governance, were prescribed based on conditions in place at the time. Little thought was given to the need for flexibility to accommodate future changes

in conditions, simply because the Program was not expected to function once the goal of eradication had been achieved.

The legislative framework also reflected the Program's early dependency on funding from other orders of government. Both the provincial and federal governments provided capital funding to construct the rearing facility, and project funding for several years thereafter to address specific operating needs.²

The legislative framework may have been well-suited to a limited-term service dependent on senior government funding. For a program, however, that is long-term in nature, and that has evolved beyond the need for senior government support, the framework presents a number of shortcomings. Consider the following points:

- *Program Scope* — The MEVA identifies the SIR Program as a service that relies on sterile insect technology (SIT) to combat a single pest (i.e., the codling moth). Service participants have limited authority to use other forms of pest control, and have no authority to target invasive species other than the codling moth. Program stakeholders recognize that, as a result of climate change and the increased trade in agrifood products, new pests have emerged to threaten pome fruit orchards and other crops. The SIR Program may be ideally-positioned to address these threats using a range of control methods other than, or in addition to, SIT. The prescriptive legislation, however, does not allow the participating regional districts to direct the Program towards these other fronts.
- *Service Withdrawal* — The legislation is silent on the issue of service withdrawal, either by a participating regional district, or by a local jurisdiction within a regional district. No jurisdiction, to be clear, has raised the possibility of withdrawal for some time.

¹ Regional District Central Kootenay was a participant until 2007.

² Funding from other orders of government effectively ended in 2007.

Withdrawal has, however, been a serious issue in the past, and could arise again.

- *Regional District Approval* — On certain matters the SIR Board requires the approval of the participating regional districts. It is not clear in the legislation, however, what level of approval is required in different instances. In the absence of clear guidance, the SIR Board and regional districts must assume that unanimity among regions is needed in every case. On some issues unanimity may, indeed, be the best course. Requiring it in every instance, however, could be problematic.
- *Cost Recovery* — The legislation prescribes that service costs must be funded using a combination of property parcel taxes charged to growers, and property value taxes charged to all property owners (i.e., general taxpayers). Based on legal advice, and with the unanimous support of the regional districts, the SIR Board recently pursued multi-year supply contracts related to a third revenue source — namely, sales of excess codling moths produced at the SIR rearing facility. It is not clear whether the Program under its current legislation would be able to further develop commercial opportunities in the event that, at some future point, participants wished to pursue sales-of-product revenues more aggressively.
- *Cost Sharing* — The legislation prescribes how the portion of Program cost that is funded through the property value tax is to be shared among regional districts. The *OKSIR Regulation* states that costs must be apportioned on the basis of converted assessment (land only). In 1990, the choice of this particular assessment base was considered by the province to be equitable. In 2006, the regional districts themselves determined that converted assessment (land) was no longer fair, based on conditions in place at that time. The regional districts agreed, as part of a larger re-

structuring initiative, to introduce a fixed-proportion cost-sharing model.³ The conflict between this 2006 model, developed by the participants, and the prescribed approach in the province's *Regulation*, contributed to the decision to undertake the current Governance Review.

AUTHORITY TO DECIDE

The SIR Program enjoys considerable support as an innovative, effective, and environmentally-sensitive service in the control of a destructive invasive species. Ongoing appeals by industry for assistance with other pests, coupled with recent revenue figures from sales of excess product, suggest that the Program remains important throughout the Okanagan and Similkameen Valleys, and into the Shuswap.

The shortcomings in the SIR legislation speak to the prescriptive nature of the framework, a lack of flexibility, and the inability of the participating regional districts to determine for themselves important matters of scope, finance, and governance. The Governance Review is being undertaken to identify possible changes that could be pursued in order to allow the Program to evolve, and continue to succeed, in response to changing needs and opportunities. A fundamental question to consider in this context is:

- Who should have the authority to decide key matters of scope, finance, and governance?

Provincial Government

The regional districts could take the position that the province should retain the authority to make key decisions on structure. Continued provincial control would not preclude the possibility for change; however, it would — arguably — make change difficult to achieve. Provincial control may be preferred, therefore, if participants wished to:

- keep the Program focused on the use of SIT to combat a single pest (i.e., the codling moth)

³ Fixed proportions were determined using the converted land values in place in 2006. The proportions have been used since.

- rely on parcel and value tax revenues to fund the bulk of service costs, and limit the potential for (and risks associated with) other sources
- rely on the 1990 prescribed method of cost-apportionment for the value tax requisition
- ensure that unanimity among participating regional districts is required for all decisions that require regional district approval

Continued provincial control over key structural matters would be achieved by leaving the existing legislative framework in place. Any structural changes that service participants wished to make would need to be presented as requests to the Ministry of Municipal Affairs and Housing. If supportive, the Ministry would need to approach Cabinet to pass Orders in Council pursuant to the MEVA.

Continued provincial control could also be achieved by petitioning the province to remove the SIR Program from the local government arena, and place it under a provincial agency. This alternative was raised in the discussion at the first governance workshop, but did not appear to receive support from stakeholder representatives in attendance. It is also considered unlikely that the province would support the option.

Regional Districts

A transfer of greater decision-making authority to the regional districts would allow service participants to collectively determine, within broad parameters, the following types of matters:

- changes to the Program's scope to target other pests, in addition to the codling moth, using a variety of control methods
- the degree to which non-tax revenue sources should be pursued to fund the service
- the method for apportioning the value tax requisition among regional districts

If the regional districts wished to achieve greater decision-making authority over structure, some form of legislative change at the provincial level would be required. The province could, for example, create special-purpose, SIR legislation to set out the authorities of the SIR Board and the regional districts. The legislation could set out the levels of regional district approval required in different cases, and outline default voting rules to guide inter-regional decisions. Certain decisions, it is anticipated, would require unanimous approval, whereas others could be made on a weighted basis, as set out in the legislation. The regional districts could be given authority under the legislation to determine all other matters.⁴

The province could, alternatively, create legislation to provide for and govern all inter-regional services. The SIR Program is an example of an inter-regional service, established to address a specific issue — the codling moth — that can only be addressed at an inter-regional scale. There are other issues that transcend regional boundaries, and that could either only be addressed on an inter-regional basis, or that would be most effectively addressed at an inter-regional scale.

It is anticipated that interest in inter-regional approaches will increase over time to manage shared resources (e.g., watersheds, airsheds), capture economies of scale, combat common threats, or meet other shared needs. New legislation to provide for these types of services could set out inter-regional voting rules, dispute resolution processes, and all other terms required to help regional districts collaborate with one another. The SIR Program could be put forward as a test case for a new legislative initiative.

Finally, the province could turn to the existing *Local Government Act*. This *Act* is a permissive and relatively flexible piece of legislation that is used already to provide regional services. The legislation provides service participants with broad authority to define service scope, customize service governance, and determine their preferred cost-

⁴ In discussions with Ministry officials, the option of special-purpose legislation has been rejected.

recovery and cost-sharing methods. Service review provisions allow participants to amend these structural elements in response to changing circumstances.

The *Act* does not set out a framework specifically for *inter*-regional services. The *Act* does, however, provide tools that could be explored by regional districts, working together, to provide the SIR Program, and to structure other *inter*-regional arrangements. For example:

- *Local Government Corporations* — Section 265 of the *Act* could be explored as a way for two or more regional districts to create and become shareholders in an SIR local government corporation. The corporation's Articles of Incorporation and/or Members' Agreement could be used to define service scope, outline the structure and authority of the corporation's Board of Directors, set out voting rules, and identify the preferred methods of cost-recovery and cost-sharing. Importantly, the same tools could be used to specify the issues that required shareholder (i.e., regional district) approval, as well as the level of approval needed in any particular case, and the method for achieving approval.
- *Cabinet Regulations* — Section 296 of the *Act* allows Cabinet to confer powers to regional districts that are not conferred under other sections of the legislation. This section could be explored as a way to retain the SIR Board's current authority to enter onto property for the purpose of releasing moths, preventing infestation, and clearing infestation that has occurred.

NEXT STEPS

Shared services involving a variety of local governments can be difficult to structure and difficult to change. This observation applies to *intra*-regional services in which electoral areas and municipalities participate; it also applies to *inter*-regional services, such as the SIR Program, involving more than one regional district.

This *Discussion Paper* has outlined the Program's existing legislative framework and its shortcomings. The *Paper* has made the point that legislative reform may be required for the Program to evolve in response to changing circumstances, needs, and opportunities. Effort would be required by Program participants to identify the types of structural changes desired to the Program's scope of service and funding model, and to elements of the Program's governance. Before identifying possible changes for study, however, it is important for the participants to tackle the question of decision-making authority as it relates to structure. Should such authority rest as it does today with the province, or should it be held by the participating regional districts working together?

This question, which lies at the heart of the *Discussion Paper*, will be put forward for consideration at the October 4, 2019, workshop. The discussion at the workshop will help to determine next steps related to potential legislative reform.

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: 5 November 2020
RE: Legislative Structure – For Information Only

HISTORY

It's a healthy activity for a Board of Directors to review its governance processes from time-to-time to determine the structure best suited to deliver informed decisions. Since its adoption in 2009, it has been the practice of the Board to review the Legislative Structure in the year following the election. In the 2011 and 2015 reviews, the Board ratified the select-committee structure on the premise that there was a benefit to have all Members, both rural and urban, at their committee meetings. It kept the urban members informed of Regional District business and the rural members believed they benefited from the urban perspective in their decision-making.

In addition to their Select Committees, the Board has 15 Ad Hoc Committees to which they appoint members, Advisory Planning Commissions, Recreation Commissions, Water System Commissions and the Olalla Community Commission.

On 4 July 2019, the Board reviewed the feasibility of creating an Electoral Area Committee and the creation of an administration staff position for the 2020 Budget. Following discussion, the Board supported the continuation of the select-committee system, on the basis of the following principles.

ANALYSIS

ALTERNATIVE 1 - Select Committee System

The Select Committee System was adopted to address five primary goals.

- 1.1 A better informed Board.
- 1.2 To provide the opportunity for more meaningful public/ stakeholder/ expert input.
- 1.3 To provide more informal access to elected officials for the public.
- 1.4 To provide wider public exposure to municipal issues earlier in the process.
- 1.5 To offer a simpler, quicker, more interactive decision making process for the Board.

1.1 Better Informed Board

Section 193 of the British Columbia *Local Government Act* (the "Act") provides that the Regional District is a corporation and S. 194 of the Act provides that the Board of the regional

district is the governing body and that the power, duties and responsibilities of the regional district are vested in the Board. The manner in which a Board exercises their authority is through bylaw or resolution. Local Government deals with a diverse range of issues and as the leaders of the corporation, it is critical to its success that the decision-makers be equally well informed on all issues that come before them.

By keeping all committee meetings on one day, by compressing the agendas and deleting superfluous items, by pre-distributing briefing reports to all members of the Board and by having all interested Parties available, the Select Committee System seems to provide that opportunity for the administrative perspective, public perspective and political perspective to meld together to allow the Committee the opportunity to make an informed recommendation to Board.

By the time an issue gets to the formality of a Board meeting, the members should have the information they need to debate the issue amongst themselves and make a decision. The system seems to have been successful in providing that opportunity and comfort to the Members.

1.2 More Meaningful Input

The Select Committee System was intended to offer the public/ stakeholders or experts more access to the decision making process. The Regional District has many ways of informing and involving citizens but it was seen that it would be beneficial for Board Members to review preliminary information, answer questions and talk informally directly with the stakeholders, staff and each other. This serves to ensure that the pertinent information is out on the table unfiltered and positions can be discussed. It has also become the vehicle we use to bring delegations that require more than the traditional 10 minutes allowed for delegations at a Board meeting.

1.3 Access to Elected Officials

A premise of the Select Committee System is that our nine electoral area members and the ten municipal members appointed by their councils to the Board are elected to represent all of the citizens of the Regional District and, unless absolutely essential, should not fragment or pass off this responsibility to appointed bodies. All members of the Board are responsible for voting on the services in which they participate and all should have access to the information sharing that occurs at Committee meetings.

The members of the Board have considered and debated many significant issues under this system. The participation of the media at Committee meetings has been mixed, but it should be a goal to increase the exposure of our citizens to not only have the results of the Committee debate but gain insight as to why decisions are made. It is believed that the Select Committee System has met its intended purpose to keep all members of the Board equally informed of local issues, but promoting exposure for the public to the Board through the Committee System could be enhanced.

Further, this is a large, diverse Region and having all 19 Members in the room at one time provides a diversity of opinion and an opportunity for advocacy in an informal atmosphere that seems beneficial for our ratepayers.

1.4 Wider Public Exposure To Issues Earlier in the Process

A goal of the current legislative structure was to expose issues to our citizens and Board Members earlier in the decision-making process. It had been possible prior to the introduction of the Select Committee System for a significant issue to be bounced around between administration and a Director for a significant period of time before the public, or other Members, became aware that the issue was being debated and that vital public perspective was lost, until a recommendation showed up at the Board for a decision. The Select committees are now the entrance point for many significant issues that will need a Board decision.

1.5 A Simpler, Quicker, Decision-Making Process

One intention of the Select Committee system is to provide better service to our citizens by shortening and simplifying the process, while at the same time providing the public more access to their elected representatives and providing better, more consolidated information upon which the Board could make a decision. The system allows entry into the decision-making process every 1st and 3rd Thursday of each month and those wishing the Board's attention know they can receive it at these times. While the Committee System has a built-in review period between a file coming to Committee and the Board addressing the Committee recommendation at their next meeting, it does provide the opportunity for urgent issues to proceed right to the Board Table that same day.

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: 5 November 2020

RE: Informed Decision-Making

The 2018 – 2022 Board of Directors has talked about Governance and Decision-making on a number of occasions; and we do it regularly through various forums, such as strategic planning, legislative workshops and committee meetings. Sorting out the representative/ oversight/ stewardship role of the Board is important, as are discussions on “Which hat are we wearing” and clarifying the governance/administrative dichotomy. The Regional District has subscribed to the “Informed Decision” problem solving process for over a decade and we conducted a Request-for-Decision Process Kaizen in 2016, setting out the steps we take to get an issue from point of entry to point of decision.

Things that make you go “hmmm”; or, Keeping an Open Mind

Elected officials are required to keep an “open mind” and have various process constraints in their decision-making role. Sunshine laws, what constitutes a meeting, conflict of interest, personal and corporate bias, transparency, protection of privacy and Freedom of Information are only a few of the factors each board member must be aware of.

In addition to information received today from the Ombudsperson and the Privacy Commissioner, of specific interest to the Board will be the role of Advisory Bodies and Constituencies.

Commissions:

- The Board has clearly defined the role of Commissions as advisory and we’re continuing to work out processes. Some of our Commissions continue to struggle with the “advisory” part of the role and, similarly the organization has some details to work out, like staff/commission relationships, how to ensure Commission recommendations come to the attention of the Board and how we report back.
- Further discussion may be beneficial on “what role does an elected official have on a Commission”?
- Should a member be steering discussion at Commissions or simply be there as an advocate or observer?

- How does a Board Member retain their objectivity and “open-mind” at the Board Meeting if they’ve participated or directed a recommendation from a Commission; or should they?

Electoral Area Director:

- How does an electoral area director represent their constituency while staying at a governance level and wear their “corporate” hat?
- Should a Director have influence on an administrative recommendation prior to it reaching a Committee/Commission or the Board?

Municipal Director:

- Which “hat” does a municipal member wear at the Board Table?

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD POLICY

POLICY: **DECISION-MAKING GUIDELINES**

AUTHORITY: Board Resolution # _____ dated _____

DECISION-MAKING GUIDELINES

POLICY STATEMENT

The Regional District of Okanagan-Similkameen has determined a benefit to adopting the 'informed consent' decision-making model. While acknowledging that time constraints often make consensus or unanimous agreement unavailable, the Board believes the process associated with the 'simple majority' system of decision-making has weaknesses, in that it inhibits transparency and may fail to provide the opportunity for all members to support implementation of a decision for the following reasons:

- They were not offered full information or adequate research on the issue, or an explanation of why their colleagues voted in a certain manner;
- They felt their views were not fully heard and debate was limited;
- That the process failed to acknowledge and respect diverse opinions;
- That the planning, implementation and monitoring of the decision was weak.

PURPOSE

1. To provide a universal understanding of the fundamental process the Board will use to make decisions in the best interests of the Corporation.
2. To identify the information required to enable the Board to make informed decisions.
3. To promote transparency in decision-making.
4. To provide clear direction for District employees for the implementation of Board policy.
5. To set out objective decision-making criteria.

DEFINITIONS

6. Administration - includes all employees and officers of the Regional District of Okanagan-Similkameen as defined in all collective agreements and employment bylaws.
7. Board – means the Board of Directors for the Regional District of Okanagan Similkameen.

8. CAO - means the Chief Administrative Officer of the Regional District of Okanagan Similkameen.
9. Committee – means a Board or Committee created by the corporation by Bylaw.
10. Confidential Information - while the classification of information as “confidential” is a matter of discretion, whether labelled as confidential or not, disclosure of information will not constitute a breach of the Board Oath unless that information is of an inherently confidential nature such as:
 - (1) personal data of employees or others.
 - (2) records related to internal policies and practices which, if disclosed, may prejudice the effective performance of a corporate operation.
 - (3) records of a financial nature reflecting information given or accumulated in confidence.
 - (4) files prepared in connection with litigation and adjudicative proceedings.
 - (5) preliminary reports of consultants, policy drafts and internal communications which, if disclosed, may prejudice the effective operation of the corporation or impugn the reputation of any person.
 - (6) any report prepared for the Board is to be released only by the Board.
 - (7) information regarding the acquisition or disposal of land, until it becomes a matter of public record.
11. Corporation - means the Regional District of Okanagan-Similkameen.
12. SMT – means the Senior Management Team of the corporation, chaired by the CAO.

RESPONSIBILITIES

13. Board of Directors shall:
 - (1) Adopt the Board Decision-making policy and any amendments thereto.
 - (2) Review the policy annually.
14. The Chief Administrative Officer shall:
 - (1) Ensure the Decision-Making Policy is added to the agenda of the annual Legislative Workshop for review.
 - (2) Recommend changes to the decision-making process.
 - (3) Ensure the Decision-making policy is implemented and that administration complies with the information requirements of the policy.
 - (4) Assist the Board with the interpretation of the policy.
 - (5) Assign the issues to the appropriate administrative resource.
15. The Senior Management Team shall:

Review administrative reports being prepared for an agenda and ensure that they present fairly all alternative solutions to the issue and the spectrum of information necessary for the Board to make a decision.

PROCEDURES

16. Agenda Submissions

1. All items requiring a Board decision should initially appear on a Committee agenda. The CAO is authorized to place an item directly on a Board Agenda if the issue is considered to have a level of importance and urgency that requires this attention.
2. Reports to Committee should be initially researched by Administration and submitted in Administrative Report format, meaning the issue should be clearly identified, reference materials are disclosed, a brief summary of the issue is provided, all options for resolving the item are identified and analysed, and there is a clear administrative recommendation. All Administrative submissions are subject to the discretion of the CAO.
3. Committees' are designed to provide a forum where the administrative, public and political perspectives of the issue are discussed. Committees are advisory in nature, having no decision-making authority.
4. A Committee may receive a report for information, refer a report to administration for additional information or make a recommendation to the Board. When requesting additional information, Committee should be specific in the information they require. All referrals must go through the CAO.
5. When Committee is of the opinion they have enough information to send a recommendation to the Board, the minutes of the Committee meeting summarizing the discussion shall go on a Board agenda with the Committee recommendation.
6. By the time the issue is placed on the Board agenda, the Board should have enough information to debate the issue and make a decision. Should the debate identify additional information is necessary, the matter may be referred back to Administration for research and re-entry. If the Board requires additional public input or the matter has strategic direction implications, the Board may choose to refer the matter back to Committee. The CAO shall assign the staff necessary to assist the Board with the information required or to initiate the processes necessary for the matter to be resolved.
7. New issues entered at either the Committee or Board should be referred to Administration for report.
8. Draft Committee and Board agendas will be prepared by the Senior Management Team. It is not the role of the Senior Management Team to decide what issues go onto an agenda; they simply facilitate the delivery of the item to Committee for discussion and ensure the issue is placed

POLICY: Board and Chair Evaluation Policy

PURPOSE:

1. Determine Board Member comfort with their ability to fulfill their role and identify potential training targets.
2. Measure how the Board functions as a governance body and test how the Board interacts with senior management.
3. Provide a systematic and ongoing method of assisting board members in assessment of the Board's function, scope of operation and responsibilities.
4. Provide a systematic and ongoing method of assisting board members in assessment of the Chair's performance.
5. Provide a statistical indication of where the Board or Chair may have opportunities for improvement.

AUTHORITY:

6. Board Resolution _____

POLICY:

7. Board Members hold positions of privilege. It is their obligation to discharge their duties in a manner that recognizes a fundamental commitment to the wellbeing of RDOS, their fellow board members and have regard for the integrity and success of the Corporation.
8. It is the policy of the RDOS that, in order to meet the set responsibilities and obligations to the Board's goals and objectives, the Board shall develop a system of annually assessing the function and performance of the Board, and the Chair, to identify opportunities for improvement.

DEFINITIONS AND INTERPRETATIONS:

9. "Board" means the Board of Directors for the Regional District of Okanagan Similkameen.
10. "CAO" means the Chief Administrative Officer of the RDOS, duly appointed by resolution of the Board of Directors.
11. "Chair" means the person elected as Chairperson of the Board of Directors for the RDOS.
12. "RDOS" means the Regional District of Okanagan Similkameen.
13. "Governance" means the process of exercising corporate leadership by the policy-making authority on behalf of the organization as a whole in terms of its purpose, control, and future.

14. "Member" means an individual member of the Board of Directors.
15. Where there is any conflict between the policies and procedures adopted by the RDOS or Bylaws of the RDOS, policies and procedures set forth in a collective agreement adopted by the Board, or policies and procedures set forth in a statute of the Provincial or Federal Government, the bylaws, collective agreement or statute shall supersede such other policies.

APPLICATION:

16. This policy applies to the Board and the Chair.

RESPONSIBILITIES:

The Board shall:

17. Govern the RDOS consistent with its Board Mandate, Bylaws, and Guiding Principles.
18. Provide a means of meeting self-improvement requirements for the Board and the Chair.
19. Consider any amendments to the Policy recommended by the Corporate Services Committee.

Individual Board Members shall:

20. Participate in all surveys developed to evaluate the Board's operation and processes, the Board and the Chair.
21. Commit to self-improvement and professional development opportunities necessary to fulfill their role or position on the Board.
22. Function within their expertise and utilize their strengths to the benefit of RDOS and the organization as a whole.

The Corporate Services Committee shall:

23. Administer the Board & Chair Evaluation Policy and be the repository for results of all surveys.
24. Maintain the confidentiality of survey results.

The CAO shall:

25. Assist the Corporate Services Committee with the distribution of survey forms and administering the review of survey results.

CRITERIA:

26. The Board Evaluation System will address the areas of critical importance to the success of the RDOS and should include the following:
- **Governance:** Appraisal of the Board's success in focusing the organization on achieving the Corporate Vision and the Decision-making model;
 - **Stewardship:** Surveying the effectiveness of the Boards oversight of the structure and processes of the Regional District;
 - **Ethical Leadership:** Evaluates the Board's conduct and ethics;
 - **Accountability:** Assesses the Board's performance and its oversight/interaction of the CAO's organizational effectiveness;

METHODOLOGY:

27. The RDOS shall conduct an evaluation of the Board/ Board Chair, either electronically or physically, in survey format on an annual basis

PROCEDURE:

The Corporate Services Committee shall:

Board Evaluation Survey:

28. Identify the competencies required for the Board to govern the corporation successfully.
29. Develop a survey tool to allow the Members to measure the Board's success against the competencies, and review those questions annually.
30. Instruct the CAO to distribute the survey in Nov./Dec. of each year for participation by all Members.
31. This survey is attributable. Survey participants shall be advised to identify themselves on the survey and file the completed survey for analysis and report.
32. The CAO, or his designate, shall provide the Corporate Services Committee with an analysis and report on the results of the Survey, both quantitative and qualitative, in-camera at the first appropriate Corporate Services Committee Meeting.
33. Information obtained or disclosed during the evaluation process shall be confidential to the Board and will not be used or disclosed except as defined per the Policy.
34. The Survey shall identify the competencies required for the Chair to lead the Board successfully.

ADMINISTRATIVE REPORT

TO: Legislative Workshop

FROM: B. Newell, Chief Administrative Officer

DATE: November 6, 2020

RE: Board Procedure Bylaw

Purpose:

To discuss amendments to the Board Procedure bylaw.

Reference:

Local Government Act [Section 225](#)

Bylaw No. 2620 (consolidated) – current board procedure bylaw

Business Plan Objective:

Objective 2.2.1 By continuously improving bylaws, policy and process within the organization
Objective 4.2.1 By assisting the Board to operate in an effective manner

Background:

As directed in the *Local Government Act*, a board must adopt a procedure bylaw that establishes the procedures to be followed by the board and committees in conducting business, provides for advance public notice of meetings, and identifies the public notice place.

The Regional District of Okanagan Similkameen uses a cascading system of rules. Anything setting out procedure in an Act takes precedent; and we rely on the *Local Government Act* and *Community Charter* for much of our procedural foundation. The current procedure bylaw was adopted in 2013 and amended three times in subsequent years, most recently to comply with changes to the *Local Government Act* regarding the date for inaugural meetings. The Bylaw follows the Act in priority and, while we duplicate some of our more commonly used rules, it is not the intent to copy the Act into a Bylaw. If we can't find what we're looking for in an Act or the Procedure Bylaw, we use Roberts Rules of Order. It is appropriate to review the bylaw from time to time for clarity and to ensure it remains current and relevant.

The 2018 – 2022 Board of Directors has discussed Bylaw No. 2789 at the February 21, 2019 Corporate Services Committee and again at the November 7, 2019 Legislative Workshop.

Analysis:

Intentions for a procedure bylaw should be clarity and ease of use. Over the past year questions have arisen, from time to time, regarding procedural matters about which the current procedure

bylaw is silent. Accordingly, procedure bylaws from other regional districts were referenced to research best practice.

Proposed changes include:

- Adding the procedure for Planning application delegations;
- Clarifying Board member responsibilities regarding closed meetings;
- Clarifying the application of the Procedure Bylaw to committees and commissions and the Okanagan Similkameen Regional Hospital District Board;
- Adding Schedules that provide detail on specific topics such as Privilege, Points of Order, Conflict of Interest, Motions, and Reconsideration;
- Notice of special meeting must be provided at least five days in advance (to comply with Local Government Act).

Since the onset of the Public Health Emergency for the COVID-19 corona virus that has resulted in electronic board and committee meetings, and the cyber attack on the Regional District's computer system, the proposed bylaw has been modified with the following additional changes:

- Notification of cancelled or postponed meetings may be provided by other means than email message;
- Paper agenda packages may be provided when electronic copies are not possible;
- Removal of requirement that the meeting chair must convene the meeting at the location specified on the agenda or notice of meeting;
- Closed meetings may be recorded with consent of the Chair;
- Removal of reference to meetings being recorded for the purpose of taking minutes;
- Addition of reference to Public Health Orders.

Next Steps

Board Members may have additional points they would choose to put forward for discussion with their colleagues; or, following the self-evaluation, Members may identify procedural issues that could be added or removed.

Once tidied up, the Bylaw amendment will be brought forward in the typical fashion for discussion and adoption.

Respectfully submitted:

"Christy Malden"

C. Malden, Legislative Services Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2789, 2019

A bylaw to regulate the meetings of the Board of the Regional District of Okanagan-Similkameen and the conduct thereof.

WHEREAS pursuant to the *Local Government Act*, the Regional District of Okanagan-Similkameen must, by bylaw, provide for the procedure that is to be followed for the conduct of its business and the business of its select and standing committees, including the manner by which resolutions may be passed and bylaws adopted;

AND WHEREAS pursuant to the *Local Government Act*, the Regional District of Okanagan-Similkameen must, by bylaw, provide for advance public notice respecting the time, place and date of board and committee meetings;

NOW THEREFORE the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

1.0 GENERAL

- 1.1 The provisions of this bylaw govern the proceedings of the Board and all standing, select and other committees of the Board, as applicable.
- 1.2 In cases not provided for under this bylaw, the Board may determine the appropriate rules of procedure, or may follow the most current version of Robert's Rules of Order, so long as those rules are applicable in the circumstance and are not inconsistent with the provisions of this bylaw or with any Provincial Act.
- 1.3 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Regional Board of the Regional District of Okanagan-Similkameen, as amended, revised, consolidated, or replaced from time to time.
- 1.4 The headings used in this bylaw are for convenience of reference only. They do not form part of this bylaw and are not to be used in the interpretation of this bylaw.
- 1.5 If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by reason of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.
- 1.6 The bylaw may not be amended or repealed and substituted unless notice of the proposed amendments is given to each Director at least five days before the meeting at which the amendment is to be introduced.

1.7 The provisions of this bylaw governing meetings of the Board apply, with the necessary changes as indicated in a Terms of Reference or Committee bylaw, to standing and select committees, and commissions. When in question, this bylaw shall prevail.

2.0 CITATION

2.1 This bylaw may be cited for all purposes as the **Board Procedure Bylaw No. 2789, 2020**.

3.0 DEFINITIONS

3.1 In this bylaw:

“Audio and video recording devices” means any equipment enabling the recording and/or transmission of sound and/or visual images;

“Board” means the Board of Directors of the Regional District of Okanagan-Similkameen, and the Okanagan Similkameen Regional Hospital District;

“Chair” means, where the context requires, the Chair of the Board elected pursuant to the Local Government Act or the person appointed as the Chair, or other person presiding at a meeting of the Board or Committee;

“Chief Administrative Officer” means the individual appointed by the Regional Board as the Chief Administrative Officer of the Regional District of Okanagan-Similkameen;

“Closed Meeting” means a meeting closed to the general public or employees, as deemed appropriate with items to be discussed as set out in the *Community Charter*;

“Commission” means group of people appointed by the Board for a particular advisory function

“Corporate Officer” means the individual appointed by the Regional Board as the Officer assigned the responsibility of corporate administration of the Regional District of Okanagan-Similkameen or their designate;

~~“Commission” means group of people appointed by the Board for a particular advisory function~~

“Delegation” means an individual or group of people addressing the Board regarding any matter that falls within the jurisdiction of the Board, but does not include those speaking to a bylaw for which a public hearing has been held or is scheduled;

“Director” means a member of the Board, whether as a municipal Director under section 198 of the *Local Government Act*, an electoral area Director under section 199 of the *Local Government Act*,

“Executive” means the Chair and Vice Chair of the Board, and the Chief Administrative Officer;

“Member” means a Director of the Board or a person appointed to a committee or commission, as the context requires;

“Public Notice Posting Place” means the notice board at the Regional District administration office;

“Quorum” means the minimum number of members present for a meeting to conduct substantive business.

“Regional District” means the Regional District of Okanagan-Similkameen;

“Regional District administration office” means the Regional District of Okanagan-Similkameen office located at 101 Martin Street, Penticton, British Columbia;

“Select Committee” means a committee established by the Board to consider or inquire into any matter and report its findings and opinion to the Board. Persons who are not directors may be appointed by the Board; at least one member of the committee must be a director;

“Special meeting” means any meeting other than a statutory, regular, or adjourned meeting;

“Standing Committee” means a committee established by the Chair for matters the Chair considers would be better dealt with by committee. Persons who are not directors may be appointed by the chair; at least one member of the committee must be a director;

“Vice-Chair” means, where the context requires, the Vice Chair of the Board elected pursuant to the *Local Government Act* or the person appointed as Vice Chair at a meeting of the Board or committee.

- 3.2 Unless otherwise defined in this bylaw, words used herein shall have the meanings defined in the *Interpretation Act*, *Community Charter* or the *Local Government Act*, as applicable.

4.0 REGIONAL BOARD MEETINGS

Inaugural Meeting

- 4.1 An inaugural Board meeting shall be held in accordance with the *Local Government Act*.

Election of Chair/Vice Chair

- 4.2 The Board shall elect a Chair from among its directors at the inaugural meeting pursuant to the *Local Government Act*. The Chair shall fulfill those obligations placed upon this position by legislation and by approved board policy.

- (1) The Corporate Officer shall call for nominations for the position of Chair of the Board and shall do so three (3) times. At the close of nominations, if more than one candidate has been nominated, those candidates or their representatives shall be allowed a maximum of three (3) minutes to address the Board.

- (2) In the event that there are more than two candidates in any such election and no candidate receives a clear majority of votes (i.e. 50% plus one vote) on the first ballot, the candidate receiving the least number of votes shall be deleted and a second ballot shall be taken. Further ballots shall be taken as necessary, repeating the procedure of deleting the candidate that in each preceding ballot received the least number of votes, until a candidate with a clear majority emerges.
- (3) Only those ballots that indicate an officially nominated candidate shall be counted towards the election and be used to determine a clear majority.
- (4) In the event of a tie vote on the last ballot, the election shall be determined by the flip of a coin.
- (5) Following declaration of the successful candidate by the Chief Administrative Officer, the Corporate Officer must destroy or delete the ballots cast in that election.

4.3 An election of Vice-Chair shall then be conducted pursuant to subsections above.

4.4 If the office of Chair or Vice Chair becomes vacant, the members shall elect another Chair or Vice Chair from amongst its membership as soon as reasonably possible after the vacancy occurs.

Schedule of Meetings

4.5 Regular Board and Committee meetings shall be held on the dates each year established by a resolution of the Board prior to December 31 of the preceding year. At the discretion of the Board Chair and Vice Chair, a meeting of the Board of Directors may be cancelled or postponed, providing two consecutive meetings are not cancelled.

4.6 Notification of a cancelled or postponed meeting must be provided to the Corporate Officer at least 48 hours before the scheduled meeting, and the Corporate Officer must advise all Board members via email, text message, phone call, or other electronic means and the public by posting a notice on the Public Notice Posting Place.

Location of the Board Meetings

4.7 All Board meetings shall take place within the Regional District administrative office.

4.8 Notwithstanding subsection 4.7, at the discretion of the Chair and Vice Chair, Regional Board meetings may take place at other locations. The change in location must be advertised in accordance with the *Local Government Act*.

Notice of Regular Board and Committee Meetings

4.9 The annual schedule of regular Board and Committee meetings, established pursuant to subsections 4.5 and 4.6 of this bylaw, shall be available to the public through posting on the Public Notice Posting Place, and notice of the availability of the Schedule shall be advertised by January 15 of each year in accordance with the public notice provisions set out in the *Local Government Act*.

- 4.10 At least 48 hours before a regular Board or Committee meeting, the Corporate Officer must give notice of the meeting agenda, including confirmation of the time, place, and date, by:
- (a) Posting the agenda on the Public Notice Posting Place at the Regional District office;
 - (b) Leaving copies of the agenda at a public counter at the Regional District office for distribution to members of the public as requested; and
 - (c) Providing an electronic copy to each member of the Regional Board;
 - (e)(d) ~~When providing an electronic copy is not possible, a paper version shall be provided.~~
- 4.11 In addition to subsection 4.10, the Corporate Officer may post agendas in another medium.

Notice of Special Meetings

- 4.12 At least ~~48 hours~~ five (5) days before a Special meeting, the Corporate Officer must give notice of the meeting, including the time, place, and date, and a general description of the purpose of the meeting, in the same manner as provided for meeting agendas in section 4.10 of this bylaw.
- 4.13 Each copy of a notice of a special meeting must be signed by the Chair or the Chief Administrative Officer.
- 4.14 Notwithstanding sections 4.12 and 4.13, notice of a special meeting may be waived by unanimous vote of all Regional Board members.

Electronic Meetings

- 4.15 Provided the conditions set out in Regional District Electronic Meetings [Regulation 271/2005](#) are met:
- (a) a Special meeting may, upon authorization of the Chair, be conducted by means of electronic or other communication facilities;
 - (b) a member of the Board or Committee who is unable to attend at a Board or Committee meeting, may, upon authorization of the Chair, participate in the meeting by means of electronic or communication facility.
- 4.16 The facilities must enable the meeting's participants to hear, or watch and hear, each other.
- 4.17 The facilities must enable the public to hear, or watch and hear, except for any part of the meeting that is closed to the public, the meeting at the specified place, and a designated Regional District officer must be in attendance at the specified place.
- 4.18 ~~The member presiding at a Board or Committee meeting must convene the meeting from the location specified on the agenda or notice of meeting.~~
- 4.19 Nothing in this bylaw shall be construed to guarantee any Director or member electronic access to a meeting. Equipment failure or other occurrence that prevents or limits

electronic participation shall not result in meeting adjournment unless the failure results in loss of quorum.

Use of Audio and Video Recording Devices

- 4.20 No person shall use or operate any audio or video recording device at a closed meeting without consent of the Chair.
- 4.21 ~~Notwithstanding subsection 4.20 the person responsible for corporate administration or designate may record Regional District of Okanagan-Similkameen Board or Committee Meetings for the purpose of taking meeting minutes.~~

5.0 PUBLIC ATTENDANCE AT REGIONAL DISTRICT MEETINGS

Meetings to be Open to the Public

- 5.1 Unless a meeting or part of a meeting is authorized to be closed to the public by the *Community Charter* or other Provincial legislation, all meetings of the Board, Committees and Commissions shall be open to the public.

Closed Meetings

- 5.2 Closed Meeting agenda documents must not be photocopied, shared or otherwise distributed by any recipient.
- 5.3 The content of Closed Meeting Board or Committee deliberations shall not be released or announced publicly unless specific authorization to do so has been given by Board resolution adopted at a duly constituted meeting by a majority of the directors present.
- 5.4 A Board member who cannot, or will not, abide by the requirements of this section concerning the release of confidential information is expected to:
- a) Disclose that director's inability or intention to the Board before the discussion of the matter begins at the Board meeting; and
 - b) Immediately leave the Board meeting or that part of it during which the matter is under consideration

Visitors and Delegations to the Board

- 5.5 A delegation shall only address the Board during a meeting if that person is providing a report or presentation that has been scheduled to the agenda for the meeting, or if the Board has passed a resolution by two-thirds member vote to hear from that person at that time.
- 5.6 A delegation who wishes to have a report or presentation scheduled to a Board meeting agenda shall request the same through the Corporate Officer. The request shall be processed in accordance with the Regional District of Okanagan-Similkameen Board and Committee Delegation Policy.
- 5.7 The Board is not obligated to deal with any matter presented by a delegation at the meeting to which it is presented.

Delegations where Applications are Before the Board for Consideration

- 5.8 Where an application is before the Board for consideration, a delegation consisting of either the applicant, the designated agent of the applicant, or both, may address the Board, for a period not to exceed five (5) minutes, under one of the following circumstances ~~if in attendance~~ and a public hearing is not a requirement of the application:
- a) where a motion has been moved to deny an application; ~~the Chair of the Board shall permit a delegation.~~
 - b) where a motion has been moved to add conditions prior to approval of ~~the an~~ application.
 - c) where a decision by the CAO, or their delegate, is being reconsidered in accordance with the Regional District's *Chief Administrative Officer Delegation Bylaw*.
 - d) ~~where the Board deems it beneficial; a motion to hear from a delegation is passed by with a 2/3 Corporate vote, a delegation may be permitted to answer questions with respect to the application.~~
- 5.9 Delegations under section 5.8 may address the Board in any one of the following forms:
- a) attendance at the board meeting by the applicant or their appointed representative.
 - b) written correspondence received by the Corporate Officer no later than 9 a.m. on the day an application is to be considered by the Board.
 - c) teleconference, subject to the following:
 - i) ~~i)~~ a request for this form of address is received by the Regional District no less than 2 days prior to consideration by the Board;
 - ii) ~~ii)~~ contact information for the delegation is provided to the Regional District no less than two (2) days prior to consideration by the Board;
 - iii) ~~iii)~~ The delegation is prepared to connect with the Regional District at the time designated on the board agenda (NOTE: after two (2) attempts to connect with a delegation during a board meeting, the Chair may deem a delegation to be not in attendance).

6.0 RULES OF PROCEDURE AT BOARD MEETINGS

Agenda Preparation and Order of Proceedings

- 6.1 Prior to each meeting of the Board, the Corporate Officer shall prepare an agenda for approval by the Executive, of all items to be considered by the Board at the meeting.

6.2 Once released, the agenda is considered to be in the possession of the Board and a late item may be approved for addition to an agenda by the Board by a two-thirds vote of the Board at the meeting.

6.3 The agendas for all regular Regional Board meetings shall contain the following matters where there are items pertaining to them:

- Adoption of Agenda
- Consent Agenda
- Delegations
- Department Reports (listed by Department)
- Other Business
- Closed Session
- Adjournment

The Board may, by resolution, establish a specific period of time in which the order or content of the agenda may be adjusted for the purpose of investigating potential changes to increase the efficiency or effectiveness in the conducting of business. Upon expiry of the specified term, the Board must either revert back to the order determined in this bylaw, or amend the bylaw to reflect changes.

6.4 Notwithstanding Section 6.3, the order in which business on the Agenda shall be dealt with may vary by consensus of the Directors present.

6.5 No Board meeting may start or continue past 5:00 p.m. unless the Board passes a majority resolution to start or continue that meeting past that time.

6.6 During discussion, members of the Board may make motions, pose inquiries and make suggestions upon being recognized by the Chair. Items of new business which are not included in the agendas and are of a complex nature or that may affect existing Regional District bylaws and policies shall be introduced as a "Notice of Motion" for placement on an agenda for a future meeting. Other items of new business which are not of a complex nature, and do not require a motion may be accepted as verbal reports from any member of the Board and noted under Other Business.

6.7 Any director may give a notice of motion to the Board by:

- (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 director being acknowledged by the chair and the notice of motion being read to the meeting, include it in the minutes of that meeting as a 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 nine working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting.

6.8 Notwithstanding section 6.6, the requirement for a notice of motion for a matter of new business may be waived by a two-third vote of the Board when a matter is deemed time sensitive.

Quorum

- 6.9 Quorum is the majority of members of the Board.
- 6.10 As soon after the time specified for a meeting as there is a quorum present, the Chair, if present, must take the chair and call the meeting to order. Where the Chair is absent, the member designated in accordance with this bylaw to act in the Chair's place for that meeting must take the chair and call the meeting to order.
- 6.11 If a quorum is present, but neither the Chair nor the member designated in accordance with this bylaw to act in the Chair's place for that meeting is present within 15 minutes of the time specified for the meeting, the Chief Administrative Officer, or their designate shall call the meeting to order and the members of the Board present shall choose one among them to preside at the meeting.
- 6.12 If there is no quorum of the Board present within 15 minutes of the time specified for the Board meeting, the Chief Administrative Officer or their designate shall record the names of the members present and those absent and shall adjourn the meeting to the next regular scheduled meeting.

Voting at Meetings

- 6.13 When debate on a matter is closed and the Board is ready to vote, the Chair must put the matter to a vote by asking who is in favour of the question and then who is opposed.
- 6.14 Once the Chair has put the question to a vote, voting shall be by show of hands, by verbal confirmation, or by electronic vote, if facilities are so provided, and a member of the Board shall not cross or leave the room, make a noise or other disturbance, or interrupt the voting procedure except to raise a point of order.
- 6.15 After the Chair has put the question to a vote, a member of the Board shall not speak to the question or make a motion concerning it. The Chair's decision as to whether a question has been finally put is conclusive.
- 6.16 Should the votes on a question, other than an appeal of a decision of the Chair on a point of order, be equal for and against, the motion is defeated.
- 6.17 Whenever a vote of the Board is taken, the Chair must state the names of those members voting in the negative, and those names must be entered into the record. The Chair must declare the result of the voting by stating whether the motion is carried or is defeated.
- 6.18 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.

Conduct and Debate at Meetings

- 6.19 A member shall speak at a meeting only after being recognized by the Chair, except to raise a point of order in accordance with Schedule 'A'
- 6.20 A Member shall address other members by their title and their surname, as applicable (for example, Chair _____ or Vice-Chair _____ or Director _____).
- 6.21 No member shall interrupt another member who is speaking, except to raise a point of order, and members shall at all times use respectful language and shall not use offensive gestures or signs.
- 6.22 A member may make a motion to move the question being debated at a meeting at any time during the debate. This motion requires a seconder and must be adopted by a two-thirds vote.
- 6.23 Members may be limited to speaking twice only in connection with a single question, by the Chair, except to reply to debate on a substantive motion which the member has made.
- 6.24 Despite section 5.1 of this bylaw, the Chair at a meeting may expel and exclude from any meeting a person, including another member, whom the Chair considers is engaging in inappropriate conduct.

Motions Generally

- 6.25 The Board or Committee may debate and vote on a motion only if it is first made by one member and then seconded by another.
- 6.26 The following motions are neither amendable nor debatable:
- (a) to table the main motion;
 - (b) to postpone the main motion, either indefinitely or to a specified time;
 - (c) to move the question; or
 - (d) to adjourn.
- 6.27 If so requested by a member, the Board or Committee must vote separately on each distinct part of a question that is under consideration at a meeting.
- 6.28 A resolution must be in written form.
- 6.29 The Chair of the Board meeting may read, or have a staff member read, the proposed resolution and may then request a motion that the resolution be introduced or delayed until such time as it may be dealt with.

Amendments Generally

- 6.30 A Regional Board member may, without notice, move to amend a motion that is being considered at a Regional Board meeting.
- 6.31 A proposed amendment must be produced in writing by the mover if requested by the Chair.
- 6.32 A proposed amendment must be decided or withdrawn before the motion being considered on the main question is put to a vote.
- 6.33 An amendment may be amended once only.
- 6.34 A motion to amend that has been defeated by a vote of the Regional Board cannot be proposed again.

7.0 BOARD MINUTES

- 7.1 Minutes of the proceedings of the Board must be legibly recorded, certified as correct by the Chief Administrative Officer, and signed by the Chair or other member presiding.
- 7.2 Subject to section 7.3 of this bylaw, the adopted minutes of the proceedings of the Board must be available to the public. Excerpts from draft minutes may be provided upon request.
- 7.3 Section 7.2 of this bylaw does not apply to minutes of a Board meeting, or part of a meeting, from which persons were excluded pursuant to section 5.1 of this bylaw.

8.0 BYLAWS

Copies of Proposed Bylaws to the Board Members

- 8.1 A proposed bylaw may be introduced at a Board meeting only if a copy of it has been made available to each Board member and the Chief Administrative Officer at least 48 hours prior to the Board meeting, or if all Regional Board members unanimously agree to waive this requirement.
- 8.2 Notwithstanding subsection 8.1, procedure bylaws shall be dealt with in accordance with the *Local Government Act* section 225.

Form of Bylaws

- 8.3 A bylaw must be printed, have a distinguishing name and a distinguishing number, and must be divided into relevant sections.

Reading Consideration of Proposed Bylaws

- 8.4 The Board must consider a proposed bylaw at a Board meeting either:
 - (a) separately when directed by the Chair or requested by another Board member; or

- (b) jointly with other proposed bylaws in the sequence determined by the Chair providing the voting entitlement and weighting is the same for all bylaws under consideration.
- 8.5 The Chair of the Board meeting may read, or have the Chief Administrative Officer read, a synopsis of each proposed bylaw or group of bylaws and may then either request a motion or read a motion which has already been submitted that the proposed bylaw or group of bylaws be given appropriate readings.
- 8.6 A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Local Government Act*.

Bylaws Must be Signed

- 8.7 After a bylaw is adopted and signed by the Corporate Officer and the Chair of the meeting at which it was adopted, the Corporate Officer must have it placed in the Regional District's records for safekeeping and endorse upon it:
 - (a) the Regional District's corporate seal; and
 - (b) the dates of its readings, adoption and any required approvals that have been obtained.

9.0 COMMITTEES

Establishment of Committees (LGA)

- 9.1 The Chair may establish standing committees and the Board may establish select committees in accordance with the provisions of the *Local Government Act*.
- 9.2 The Board may establish other committees in accordance with the provisions of the *Local Government Act*.

Duties of Standing Committees

- 9.3 Standing Committees must consider, inquire into, report on, and make recommendations to the Regional Board about any of the following:
 - (a) matters that are related to the general subject indicated by the name of the committee;
 - (b) matters that are assigned by the Board;
 - (c) matters that are assigned by the Chair.

Duties of Select Committees

- 9.4 Select Committees must consider, inquire into, report on, and make recommendations to the Board about matters referred to the committee by the Board, as soon as possible, unless a date and time is established by the Board.

General Duties of Committees and Commissions are as follows:

- 9.5 All committees and commissions are considered to be advisory in nature.
- 9.6 No committee or commission has the power to pledge the credit of the Board or commit the Board to any particular action.
- 9.7 No member of a committee or commission shall give specific direction to any staff member. The responsibility of giving specific direction to administration shall reside with the full Board at a duly assembled meeting, unless otherwise delegated to the Chief Administrative Officer.
- 9.8 The minutes of each committee or commission, along with that committee's recommendation to the Board, shall be submitted to the Board for adoption at the next meeting of the Board.
- 9.9 Notwithstanding procedures contained within this bylaw, local community commissions may be established and operate pursuant to provisions in the *Local Government Act*.

Attendance of Non-Commission Members at Commission Meetings

- 9.10 The Board members who are not members of a commission may attend the meetings of the commission.
- 9.11 Unless a meeting or part of a meeting of a commission is authorized to be closed to the public by the *Community Charter*, all meetings of commissions shall be open to the public.
- 9.12 Delegations wishing to address a commission meeting regarding an issue that falls under the terms of reference for said commission shall contact the chair of the commission to make appropriate arrangements. The commission shall, in open meeting, determine by 2/3 vote whether to permit the delegation to address the commission.

Minutes of Committee and Commission Meetings

- 9.13 Whenever a vote of committee or commission is taken, the chair must state the names of those members voting in the negative, and those names must be entered into the record. The chair must declare the result of the vote by stating whether the motion is carried or is defeated.
- 9.14 Minutes of the proceedings of a committee or commission meeting must be legibly recorded, certified as correct by the Corporate Officer or recording secretary, in the case of advisory committees and commissions, and signed by the Chair of the meeting upon adoption.
- 9.15 Minutes of all committees and commissions must be forwarded to the Corporate Officer for inclusion on the Board agenda.

9.16 The adopted minutes of the proceedings of Committees and Commissions must be available to the public upon adoption in open meeting, in accordance with the requirements of the *Local Government Act*.

Quorum at Committee and Commission

9.17 Unless otherwise stated in the terms of reference or establishing bylaw of the committee or commission as adopted by the Board, the quorum for a committee or commission is a majority of all of its members.

Ex-Officio attendance

9.18 A Board member who is attending a meeting of a committee or commission of which they are not a member may participate in a discussion only with the permission of the majority of all members of the committee or commission.

9.19 A Board member who is attending a meeting of a committee or commission of which they are not a member must not vote on a question.

9.20 Section 6 [Rules of Procedure at Board Meetings]. of this bylaw applies to a committee or commission meeting, in the same manner as it does in relation to a Board meeting, where applicable.

10.0 Public Health Orders

10.1 Where a Public Health Order has been issued regarding public meetings or gatherings, the Public Health Order shall prevail.

10.0 Schedules

This bylaw contains the following schedules:
Schedule A Point of Order & Privilege
Schedule B Reconsideration
Schedule C Conflict of Interest

12.0 REPEAL

12.1 Regional District of Okanagan-Similkameen Procedures Bylaw No. 2620, 2013, together with all amendments to it, is hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME this ____ day of ____.

ADOPTED BY AT LEAST 2/3 OF THE VOTE this ____ day of ____.

RDOS Board Chair

Corporate Officer

Schedule A - Point of Order and Privilege

Point of Order

Any member who believes that the Chair has not enforced the rules may call attention to it by making a Point of Order, or raise a question of order. The point of order must be raised immediately even if it means interrupting a speaker or the Chair.

The Chair is to stop proceedings, and call for that member to rise and state their point of order. The Chair may then make a ruling on whether the point is well taken or not well taken, stating their reasons. Alternatively, the Chair may break for parliamentary ruling, make a brief inquiry for parliamentary inquiry while at the table or put the matter to the Board for vote. If the Board reaches a decision by vote, the original matter is no longer subject to appeal.

Three possible statements a Chair may make:

1. "That is not a point of order" - It is most likely a statement of opinion or similar and should be dealt with quickly.
2. I will accept your point of order and therefore ..." - In this instance the chair will continue the meeting according to the correct procedure, having had attention drawn to a breach or irregularity.
3. "I do not accept your point or order" - In this case the chair may continue with the meeting as if there had been no interruption.

Examples of valid points of order:

- the speaker is not speaking to the motion.
- the speaker is repeating the same points he has already made.
- the motion contravenes our by-laws.
- the specific facts the speaker is giving are incorrect. (Note: this is not a statement of opinion, but of fact and assumes the person raising the point of order can validate the point)
- the speaker's time limit has expired.
- the language the speaker is using is offensive.
- the meeting no longer has a quorum.

Examples which are not valid points of order:

- that's not true.
- I disagree with that.
- I want to explain why I said that.
- the speaker shouldn't be allowed to say that.
- how long do we have to listen to this?
- I can't hear what the speaker is saying.

Standard Characteristics of a Point of Order:

- Takes precedence over any pending question out of which it may arise
- Does not require a seconder
- Is not debatable, unless the Chair consents to allow the calling member to explain their point. If the Chair submits the point to a vote, debate may take place in the same way as an appeal.
- Is not amendable
- Can not be reconsidered
- Is ruled on by the Chair, unless the Chair is in doubt and puts it to a vote, or their ruling is appealed.

An appeal:

- Must be seconded
- Is debatable unless related to indecorum or a transgression of the rules of speaking
- Is not amendable
- Is determined by majority or tie vote
- May be reconsidered

In an ordinary meeting, it is not desirable to raise a point of order on minor irregularities of a purely technical character if it is obvious no ones rights are being infringed upon and no harm is done to regular business.

Privilege

A matter of privilege includes reference to any of the following motions:

- a. to fix the time to adjourn;
- b. to adjourn;
- c. to recess;
- d. to raise a question of privilege of the Board; and
- e. to raise a question of privilege of a member of the Board.

A matter of privilege must be immediately considered when it arises at the Board meeting.

For the purposes of order, a matter of privilege listed above has precedence over those matters listed after it.

A member may say "I would like to move a matter of privilege and request that we fix the time of 4:00 p.m. to adjourn the meeting."

Schedule B - Reconsideration

- 1.1 A motion to reconsider may be made by a member who voted on the prevailing side provided the motion is made at the same meeting at which the vote sought to be reconsidered was taken.
- 1.2 Without limiting the authority of a board to reconsider a matter, the chair may require the board to reconsider and vote again on a matter that was the subject of a vote.
- 1.3 In exercising the power under subsection 1.2 above, the chair may return the matter for reconsideration at the same board meeting as the vote took place, or at the meeting of the board following the original vote.
- 1.4 On a reconsideration, the board
 - i. must deal with the matter as soon as convenient, and
 - ii. on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
- 1.5 If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.
- 1.6 No resolution shall be reconsidered more than once on the same question, nor shall a vote to reconsider be reconsidered. (RROO)
- 1.7 A matter may not be reconsidered if
 - i. it has had the approval of the electors or the assent of the electors and was subsequently adopted by the board, or
 - ii. there has already been a reconsideration under this section in relation to the matter, or
 - iii. It has been acted on by an officer, employee or agent of the Regional District.

Schedule C - Conflict of Interest

If a Board member considers that he or she is not entitled to participate in the discussion of a matter and to vote on a question in respect of a matter because of a conflict of interest, they shall conduct themselves in accordance with the law, including with the provisions of the *Community Charter* and *Local Government Act*.

The *Community Charter* provides a procedure for Board Members to disclose conflicts of interest in public, leave the meeting and refrain from attempting to influence the voting on the question and is extracted, in part below, for the Board's convenience.

The *Community Charter* sets out disclosure of conflict and restrictions on participating as follows:

- 100** (1) This section applies to council (Board for RD's) members in relation to
- (a) council meetings,
 - (b) council committee meetings, and
 - (c) meetings of any other body referred to in section 93 [*application of open meeting rules to other bodies*].
- (2) If a council member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has
- (a) a direct or indirect pecuniary interest in the matter, or
 - (b) another interest in the matter that constitutes a conflict of interest,
- the member must declare this and state in general terms the reason why the member considers this to be the case.
- (3) After making a declaration under subsection (2), the council member must not do anything referred to in section 101 (2) [*restrictions on participation*].
- (4) As an exception to subsection (3), if a council member has made a declaration under subsection (2) and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may
- (a) return to the meeting or attend another meeting of the same body,
 - (b) withdraw the declaration by stating in general terms the basis on which the member has determined that he or she is entitled to participate, and
 - (c) after this, participate and vote in relation to the matter.
- (5) For certainty, a council member who makes a statement under subsection (4) remains subject to section 101 [*restrictions on participation if in conflict*].
- (6) When a declaration under subsection (2) or a statement under subsection (4) is made,
- (a) the person recording the minutes of the meeting must record:
 - (i) the member's declaration or statement,
 - (ii) the reasons given for it, and

- (iii) the time of the member's departure from the meeting room and, if applicable, of the member's return, and
- (b) unless a statement is made under subsection (4), the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

101 (1) This section applies if a council member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 100.

(2) The council member must not

- (a) remain or attend at any part of a meeting referred to in section 100 (1) during which the matter is under consideration,
- (b) participate in any discussion of the matter at such a meeting,
- (c) vote on a question in respect of the matter at such a meeting, or
- (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

(3) A person who contravenes this section is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Conflict of Interest Exceptions Regulation B.C. Reg. 91/2016 states:

For the purposes of section 104 (1) (e) [*exceptions from conflict restrictions*] of the Act [*Community Charter*], a pecuniary interest in relation to a representative in the nature of a specified interest that arises as a result of

- (a) the representative being appointed by a governing body to the board of the entity, and
- (b) the representative
 - (i) attending any part of a meeting during which the specified interest is under consideration by the following:
 - (A) the governing body;
 - (B) a committee of the governing body;
 - (C) any other body referred to in section 93 [*application of rules to other bodies*] of the Act,
 - (ii) participating in any discussion of the specified interest at such a meeting, or
 - (iii) voting on a question in respect of the specified interest at such a meeting is prescribed.

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2789, 2019

A bylaw to regulate the meetings of the Board of the Regional District of Okanagan-Similkameen and the conduct thereof.

WHEREAS pursuant to the *Local Government Act*, the Regional District of Okanagan-Similkameen must, by bylaw, provide for the procedure that is to be followed for the conduct of its business and the business of its select and standing committees, including the manner by which resolutions may be passed and bylaws adopted;

AND WHEREAS pursuant to the *Local Government Act*, the Regional District of Okanagan-Similkameen must, by bylaw, provide for advance public notice respecting the time, place and date of board and committee meetings;

NOW THEREFORE the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

1.0 GENERAL

- 1.1 The provisions of this bylaw govern the proceedings of the Board and all standing, select and other committees of the Board, as applicable.
- 1.2 In cases not provided for under this bylaw, the Board may determine the appropriate rules of procedure, or may follow the most current version of Robert's Rules of Order, so long as those rules are applicable in the circumstance and are not inconsistent with the provisions of this bylaw or with any Provincial Act.
- 1.3 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Regional Board of the Regional District of Okanagan-Similkameen, as amended, revised, consolidated, or replaced from time to time.
- 1.4 The headings used in this bylaw are for convenience of reference only. They do not form part of this bylaw and are not to be used in the interpretation of this bylaw.
- 1.5 If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by reason of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.
- 1.6 The bylaw may not be amended or repealed and substituted unless notice of the proposed amendments is given to each Director at least five days before the meeting at which the amendment is to be introduced.

1.7 The provisions of this bylaw governing meetings of the Board apply, with the necessary changes as indicated in a Terms of Reference or Committee bylaw, to standing and select committees, and commissions. When in question, this bylaw shall prevail.

2.0 CITATION

2.1 This bylaw may be cited for all purposes as the **Board Procedure Bylaw No. 2789, 2020**.

3.0 DEFINITIONS

3.1 In this bylaw:

“Audio and video recording devices” means any equipment enabling the recording and/or transmission of sound and/or visual images;

“Board” means the Board of Directors of the Regional District of Okanagan-Similkameen, and the Okanagan Similkameen Regional Hospital District;

“Chair” means, where the context requires, the Chair of the Board elected pursuant to the Local Government Act or the person appointed as the Chair, or other person presiding at a meeting of the Board or Committee;

“Chief Administrative Officer” means the individual appointed by the Regional Board as the Chief Administrative Officer of the Regional District of Okanagan-Similkameen;

“Closed Meeting” means a meeting closed to the general public or employees, as deemed appropriate with items to be discussed as set out in the *Community Charter*;

“Commission” means group of people appointed by the Board for a particular advisory function

“Corporate Officer” means the individual appointed by the Regional Board as the Officer assigned the responsibility of corporate administration of the Regional District of Okanagan-Similkameen or their designate;

~~“Commission” means group of people appointed by the Board for a particular advisory function~~

“Delegation” means an individual or group of people addressing the Board regarding any matter that falls within the jurisdiction of the Board, but does not include those speaking to a bylaw for which a public hearing has been held or is scheduled;

“Director” means a member of the Board, whether as a municipal Director under section 198 of the *Local Government Act*, an electoral area Director under section 199 of the *Local Government Act*,

“Executive” means the Chair and Vice Chair of the Board, and the Chief Administrative Officer;

“Member” means a Director of the Board or a person appointed to a committee or commission, as the context requires;

“Public Notice Posting Place” means the notice board at the Regional District administration office;

“Quorum” means the minimum number of members present for a meeting to conduct substantive business.

“Regional District” means the Regional District of Okanagan-Similkameen;

“Regional District administration office” means the Regional District of Okanagan-Similkameen office located at 101 Martin Street, Penticton, British Columbia;

“Select Committee” means a committee established by the Board to consider or inquire into any matter and report its findings and opinion to the Board. Persons who are not directors may be appointed by the Board; at least one member of the committee must be a director;

“Special meeting” means any meeting other than a statutory, regular, or adjourned meeting;

“Standing Committee” means a committee established by the Chair for matters the Chair considers would be better dealt with by committee. Persons who are not directors may be appointed by the chair; at least one member of the committee must be a director;

“Vice-Chair” means, where the context requires, the Vice Chair of the Board elected pursuant to the *Local Government Act* or the person appointed as Vice Chair at a meeting of the Board or committee.

3.2 Unless otherwise defined in this bylaw, words used herein shall have the meanings defined in the *Interpretation Act*, *Community Charter* or the *Local Government Act*, as applicable.

4.0 REGIONAL BOARD MEETINGS

Inaugural Meeting

4.1 An inaugural Board meeting shall be held in accordance with the *Local Government Act*.

Election of Chair/Vice Chair

4.2 The Board shall elect a Chair from among its directors at the inaugural meeting pursuant to the *Local Government Act*. The Chair shall fulfill those obligations placed upon this position by legislation and by approved board policy.

- (1) The Corporate Officer shall call for nominations for the position of Chair of the Board and shall do so three (3) times. At the close of nominations, if more than one candidate has been nominated, those candidates or their representatives shall be allowed a maximum of three (3) minutes to address the Board.

- (2) In the event that there are more than two candidates in any such election and no candidate receives a clear majority of votes (i.e. 50% plus one vote) on the first ballot, the candidate receiving the least number of votes shall be deleted and a second ballot shall be taken. Further ballots shall be taken as necessary, repeating the procedure of deleting the candidate that in each preceding ballot received the least number of votes, until a candidate with a clear majority emerges.
- (3) Only those ballots that indicate an officially nominated candidate shall be counted towards the election and be used to determine a clear majority.
- (4) In the event of a tie vote on the last ballot, the election shall be determined by the flip of a coin.
- (5) Following declaration of the successful candidate by the Chief Administrative Officer, the Corporate Officer must destroy or delete the ballots cast in that election.

4.3 An election of Vice-Chair shall then be conducted pursuant to subsections above.

4.4 If the office of Chair or Vice Chair becomes vacant, the members shall elect another Chair or Vice Chair from amongst its membership as soon as reasonably possible after the vacancy occurs.

Schedule of Meetings

4.5 Regular Board and Committee meetings shall be held on the dates each year established by a resolution of the Board prior to December 31 of the preceding year. At the discretion of the Board Chair and Vice Chair, a meeting of the Board of Directors may be cancelled or postponed, providing two consecutive meetings are not cancelled.

4.6 Notification of a cancelled or postponed meeting must be provided to the Corporate Officer at least 48 hours before the scheduled meeting, and the Corporate Officer must advise all Board members via email, text message, phone call, or other electronic means and the public by posting a notice on the Public Notice Posting Place.

Location of the Board Meetings

4.7 All Board meetings shall take place within the Regional District administrative office.

4.8 Notwithstanding subsection 4.7, at the discretion of the Chair and Vice Chair, Regional Board meetings may take place at other locations. The change in location must be advertised in accordance with the *Local Government Act*.

Notice of Regular Board and Committee Meetings

4.9 The annual schedule of regular Board and Committee meetings, established pursuant to subsections 4.5 and 4.6 of this bylaw, shall be available to the public through posting on the Public Notice Posting Place, and notice of the availability of the Schedule shall be advertised by January 15 of each year in accordance with the public notice provisions set out in the *Local Government Act*.

- 4.10 At least 48 hours before a regular Board or Committee meeting, the Corporate Officer must give notice of the meeting agenda, including confirmation of the time, place, and date, by:
- (a) Posting the agenda on the Public Notice Posting Place at the Regional District office;
 - (b) Leaving copies of the agenda at a public counter at the Regional District office for distribution to members of the public as requested; and
 - (c) Providing an electronic copy to each member of the Regional Board;
 - (e)(d) ~~When providing an electronic copy is not possible, a paper version shall be provided.~~
- 4.11 In addition to subsection 4.10, the Corporate Officer may post agendas in another medium.

Notice of Special Meetings

- 4.12 At least ~~48 hours~~ five (5) days before a Special meeting, the Corporate Officer must give notice of the meeting, including the time, place, and date, and a general description of the purpose of the meeting, in the same manner as provided for meeting agendas in section 4.10 of this bylaw.
- 4.13 Each copy of a notice of a special meeting must be signed by the Chair or the Chief Administrative Officer.
- 4.14 Notwithstanding sections 4.12 and 4.13, notice of a special meeting may be waived by unanimous vote of all Regional Board members.

Electronic Meetings

- 4.15 Provided the conditions set out in Regional District Electronic Meetings [Regulation 271/2005](#) are met:
- (a) a Special meeting may, upon authorization of the Chair, be conducted by means of electronic or other communication facilities;
 - (b) a member of the Board or Committee who is unable to attend at a Board or Committee meeting, may, upon authorization of the Chair, participate in the meeting by means of electronic or communication facility.
- 4.16 The facilities must enable the meeting's participants to hear, or watch and hear, each other.
- 4.17 The facilities must enable the public to hear, or watch and hear, except for any part of the meeting that is closed to the public, the meeting at the specified place, and a designated Regional District officer must be in attendance at the specified place.
- 4.18 ~~The member presiding at a Board or Committee meeting must convene the meeting from the location specified on the agenda or notice of meeting.~~
- 4.19 Nothing in this bylaw shall be construed to guarantee any Director or member electronic access to a meeting. Equipment failure or other occurrence that prevents or limits

electronic participation shall not result in meeting adjournment unless the failure results in loss of quorum.

Use of Audio and Video Recording Devices

- 4.20 No person shall use or operate any audio or video recording device at a closed meeting without consent of the Chair.
- 4.21 ~~Notwithstanding subsection 4.20 the person responsible for corporate administration or designate may record Regional District of Okanagan-Similkameen Board or Committee Meetings for the purpose of taking meeting minutes.~~

5.0 PUBLIC ATTENDANCE AT REGIONAL DISTRICT MEETINGS

Meetings to be Open to the Public

- 5.1 Unless a meeting or part of a meeting is authorized to be closed to the public by the *Community Charter* or other Provincial legislation, all meetings of the Board, Committees and Commissions shall be open to the public.

Closed Meetings

- 5.2 Closed Meeting agenda documents must not be photocopied, shared or otherwise distributed by any recipient.
- 5.3 The content of Closed Meeting Board or Committee deliberations shall not be released or announced publicly unless specific authorization to do so has been given by Board resolution adopted at a duly constituted meeting by a majority of the directors present.
- 5.4 A Board member who cannot, or will not, abide by the requirements of this section concerning the release of confidential information is expected to:
- a) Disclose that director's inability or intention to the Board before the discussion of the matter begins at the Board meeting; and
 - b) Immediately leave the Board meeting or that part of it during which the matter is under consideration

Visitors and Delegations to the Board

- 5.5 A delegation shall only address the Board during a meeting if that person is providing a report or presentation that has been scheduled to the agenda for the meeting, or if the Board has passed a resolution by two-thirds member vote to hear from that person at that time.
- 5.6 A delegation who wishes to have a report or presentation scheduled to a Board meeting agenda shall request the same through the Corporate Officer. The request shall be processed in accordance with the Regional District of Okanagan-Similkameen Board and Committee Delegation Policy.
- 5.7 The Board is not obligated to deal with any matter presented by a delegation at the meeting to which it is presented.

Delegations where Applications are Before the Board for Consideration

- 5.8 Where an application is before the Board for consideration, a delegation consisting of either the applicant, the designated agent of the applicant, or both, may address the Board, for a period not to exceed five (5) minutes, under one of the following circumstances ~~if in attendance~~ and a public hearing is not a requirement of the application:
- a) where a motion has been moved to deny an application; ~~the Chair of the Board shall permit a delegation.~~
 - b) where a motion has been moved to add conditions prior to approval of ~~the an~~ application.
 - c) where a decision by the CAO, or their delegate, is being reconsidered in accordance with the Regional District's *Chief Administrative Officer Delegation Bylaw*.
 - d) ~~where the Board deems it beneficial; a motion to hear from a delegation is passed by with a 2/3 Corporate vote, a delegation may be permitted to answer questions with respect to the application.~~
- 5.9 Delegations under section 5.8 may address the Board in any one of the following forms:
- a) attendance at the board meeting by the applicant or their appointed representative.
 - b) written correspondence received by the Corporate Officer no later than 9 a.m. on the day an application is to be considered by the Board.
 - c) teleconference, subject to the following:
 - i) a request for this form of address is received by the Regional District no less than 2 days prior to consideration by the Board;
 - ii) contact information for the delegation is provided to the Regional District no less than two (2) days prior to consideration by the Board;
 - iii) The delegation is prepared to connect with the Regional District at the time designated on the board agenda (NOTE: after two (2) attempts to connect with a delegation during a board meeting, the Chair may deem a delegation to be not in attendance).

6.0 RULES OF PROCEDURE AT BOARD MEETINGS

Agenda Preparation and Order of Proceedings

- 6.1 Prior to each meeting of the Board, the Corporate Officer shall prepare an agenda for approval by the Executive, of all items to be considered by the Board at the meeting.

6.2 Once released, the agenda is considered to be in the possession of the Board and a late item may be approved for addition to an agenda by the Board by a two-thirds vote of the Board at the meeting.

6.3 The agendas for all regular Regional Board meetings shall contain the following matters where there are items pertaining to them:

- Adoption of Agenda
- Consent Agenda
- Delegations
- Department Reports (listed by Department)
- Other Business
- Closed Session
- Adjournment

The Board may, by resolution, establish a specific period of time in which the order or content of the agenda may be adjusted for the purpose of investigating potential changes to increase the efficiency or effectiveness in the conducting of business. Upon expiry of the specified term, the Board must either revert back to the order determined in this bylaw, or amend the bylaw to reflect changes.

6.4 Notwithstanding Section 6.3, the order in which business on the Agenda shall be dealt with may vary by consensus of the Directors present.

6.5 No Board meeting may start or continue past 5:00 p.m. unless the Board passes a majority resolution to start or continue that meeting past that time.

6.6 During discussion, members of the Board may make motions, pose inquiries and make suggestions upon being recognized by the Chair. Items of new business which are not included in the agendas and are of a complex nature or that may affect existing Regional District bylaws and policies shall be introduced as a "Notice of Motion" for placement on an agenda for a future meeting. Other items of new business which are not of a complex nature, and do not require a motion may be accepted as verbal reports from any member of the Board and noted under Other Business.

6.7 Any director may give a notice of motion to the Board by:

- (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 director being acknowledged by the chair and the notice of motion being read to the meeting, include it in the minutes of that meeting as a 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 nine working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting.

6.8 Notwithstanding section 6.6, the requirement for a notice of motion for a matter of new business may be waived by a two-third vote of the Board when a matter is deemed time sensitive.

Quorum

- 6.9 Quorum is the majority of members of the Board.
- 6.10 As soon after the time specified for a meeting as there is a quorum present, the Chair, if present, must take the chair and call the meeting to order. Where the Chair is absent, the member designated in accordance with this bylaw to act in the Chair's place for that meeting must take the chair and call the meeting to order.
- 6.11 If a quorum is present, but neither the Chair nor the member designated in accordance with this bylaw to act in the Chair's place for that meeting is present within 15 minutes of the time specified for the meeting, the Chief Administrative Officer, or their designate shall call the meeting to order and the members of the Board present shall choose one among them to preside at the meeting.
- 6.12 If there is no quorum of the Board present within 15 minutes of the time specified for the Board meeting, the Chief Administrative Officer or their designate shall record the names of the members present and those absent and shall adjourn the meeting to the next regular scheduled meeting.

Voting at Meetings

- 6.13 When debate on a matter is closed and the Board is ready to vote, the Chair must put the matter to a vote by asking who is in favour of the question and then who is opposed.
- 6.14 Once the Chair has put the question to a vote, voting shall be by show of hands, by verbal confirmation, or by electronic vote, if facilities are so provided, and a member of the Board shall not cross or leave the room, make a noise or other disturbance, or interrupt the voting procedure except to raise a point of order.
- 6.15 After the Chair has put the question to a vote, a member of the Board shall not speak to the question or make a motion concerning it. The Chair's decision as to whether a question has been finally put is conclusive.
- 6.16 Should the votes on a question, other than an appeal of a decision of the Chair on a point of order, be equal for and against, the motion is defeated.
- 6.17 Whenever a vote of the Board is taken, the Chair must state the names of those members voting in the negative, and those names must be entered into the record. The Chair must declare the result of the voting by stating whether the motion is carried or is defeated.
- 6.18 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.

Conduct and Debate at Meetings

- 6.19 A member shall speak at a meeting only after being recognized by the Chair, except to raise a point of order in accordance with Schedule 'A'
- 6.20 A Member shall address other members by their title and their surname, as applicable (for example, Chair _____ or Vice-Chair _____ or Director _____).
- 6.21 No member shall interrupt another member who is speaking, except to raise a point of order, and members shall at all times use respectful language and shall not use offensive gestures or signs.
- 6.22 A member may make a motion to move the question being debated at a meeting at any time during the debate. This motion requires a seconder and must be adopted by a two-thirds vote.
- 6.23 Members may be limited to speaking twice only in connection with a single question, by the Chair, except to reply to debate on a substantive motion which the member has made.
- 6.24 Despite section 5.1 of this bylaw, the Chair at a meeting may expel and exclude from any meeting a person, including another member, whom the Chair considers is engaging in inappropriate conduct.

Motions Generally

- 6.25 The Board or Committee may debate and vote on a motion only if it is first made by one member and then seconded by another.
- 6.26 The following motions are neither amendable nor debatable:
- (a) to table the main motion;
 - (b) to postpone the main motion, either indefinitely or to a specified time;
 - (c) to move the question; or
 - (d) to adjourn.
- 6.27 If so requested by a member, the Board or Committee must vote separately on each distinct part of a question that is under consideration at a meeting.
- 6.28 A resolution must be in written form.
- 6.29 The Chair of the Board meeting may read, or have a staff member read, the proposed resolution and may then request a motion that the resolution be introduced or delayed until such time as it may be dealt with.

Amendments Generally

- 6.30 A Regional Board member may, without notice, move to amend a motion that is being considered at a Regional Board meeting.
- 6.31 A proposed amendment must be produced in writing by the mover if requested by the Chair.
- 6.32 A proposed amendment must be decided or withdrawn before the motion being considered on the main question is put to a vote.
- 6.33 An amendment may be amended once only.
- 6.34 A motion to amend that has been defeated by a vote of the Regional Board cannot be proposed again.

7.0 BOARD MINUTES

- 7.1 Minutes of the proceedings of the Board must be legibly recorded, certified as correct by the Chief Administrative Officer, and signed by the Chair or other member presiding.
- 7.2 Subject to section 7.3 of this bylaw, the adopted minutes of the proceedings of the Board must be available to the public. Excerpts from draft minutes may be provided upon request.
- 7.3 Section 7.2 of this bylaw does not apply to minutes of a Board meeting, or part of a meeting, from which persons were excluded pursuant to section 5.1 of this bylaw.

8.0 BYLAWS

Copies of Proposed Bylaws to the Board Members

- 8.1 A proposed bylaw may be introduced at a Board meeting only if a copy of it has been made available to each Board member and the Chief Administrative Officer at least 48 hours prior to the Board meeting, or if all Regional Board members unanimously agree to waive this requirement.
- 8.2 Notwithstanding subsection 8.1, procedure bylaws shall be dealt with in accordance with the *Local Government Act* section 225.

Form of Bylaws

- 8.3 A bylaw must be printed, have a distinguishing name and a distinguishing number, and must be divided into relevant sections.

Reading Consideration of Proposed Bylaws

- 8.4 The Board must consider a proposed bylaw at a Board meeting either:
 - (a) separately when directed by the Chair or requested by another Board member; or

- (b) jointly with other proposed bylaws in the sequence determined by the Chair providing the voting entitlement and weighting is the same for all bylaws under consideration.
- 8.5 The Chair of the Board meeting may read, or have the Chief Administrative Officer read, a synopsis of each proposed bylaw or group of bylaws and may then either request a motion or read a motion which has already been submitted that the proposed bylaw or group of bylaws be given appropriate readings.
- 8.6 A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Local Government Act*.

Bylaws Must be Signed

- 8.7 After a bylaw is adopted and signed by the Corporate Officer and the Chair of the meeting at which it was adopted, the Corporate Officer must have it placed in the Regional District's records for safekeeping and endorse upon it:
 - (a) the Regional District's corporate seal; and
 - (b) the dates of its readings, adoption and any required approvals that have been obtained.

9.0 COMMITTEES

Establishment of Committees (LGA)

- 9.1 The Chair may establish standing committees and the Board may establish select committees in accordance with the provisions of the *Local Government Act*.
- 9.2 The Board may establish other committees in accordance with the provisions of the *Local Government Act*.

Duties of Standing Committees

- 9.3 Standing Committees must consider, inquire into, report on, and make recommendations to the Regional Board about any of the following:
 - (a) matters that are related to the general subject indicated by the name of the committee;
 - (b) matters that are assigned by the Board;
 - (c) matters that are assigned by the Chair.

Duties of Select Committees

- 9.4 Select Committees must consider, inquire into, report on, and make recommendations to the Board about matters referred to the committee by the Board, as soon as possible, unless a date and time is established by the Board.

General Duties of Committees and Commissions are as follows:

- 9.5 All committees and commissions are considered to be advisory in nature.
- 9.6 No committee or commission has the power to pledge the credit of the Board or commit the Board to any particular action.
- 9.7 No member of a committee or commission shall give specific direction to any staff member. The responsibility of giving specific direction to administration shall reside with the full Board at a duly assembled meeting, unless otherwise delegated to the Chief Administrative Officer.
- 9.8 The minutes of each committee or commission, along with that committee's recommendation to the Board, shall be submitted to the Board for adoption at the next meeting of the Board.
- 9.9 Notwithstanding procedures contained within this bylaw, local community commissions may be established and operate pursuant to provisions in the *Local Government Act*.

Attendance of Non-Commission Members at Commission Meetings

- 9.10 The Board members who are not members of a commission may attend the meetings of the commission.
- 9.11 Unless a meeting or part of a meeting of a commission is authorized to be closed to the public by the *Community Charter*, all meetings of commissions shall be open to the public.
- 9.12 Delegations wishing to address a commission meeting regarding an issue that falls under the terms of reference for said commission shall contact the chair of the commission to make appropriate arrangements. The commission shall, in open meeting, determine by 2/3 vote whether to permit the delegation to address the commission.

Minutes of Committee and Commission Meetings

- 9.13 Whenever a vote of committee or commission is taken, the chair must state the names of those members voting in the negative, and those names must be entered into the record. The chair must declare the result of the vote by stating whether the motion is carried or is defeated.
- 9.14 Minutes of the proceedings of a committee or commission meeting must be legibly recorded, certified as correct by the Corporate Officer or recording secretary, in the case of advisory committees and commissions, and signed by the Chair of the meeting upon adoption.
- 9.15 Minutes of all committees and commissions must be forwarded to the Corporate Officer for inclusion on the Board agenda.

9.16 The adopted minutes of the proceedings of Committees and Commissions must be available to the public upon adoption in open meeting, in accordance with the requirements of the *Local Government Act*.

Quorum at Committee and Commission

9.17 Unless otherwise stated in the terms of reference or establishing bylaw of the committee or commission as adopted by the Board, the quorum for a committee or commission is a majority of all of its members.

Ex-Officio attendance

9.18 A Board member who is attending a meeting of a committee or commission of which they are not a member may participate in a discussion only with the permission of the majority of all members of the committee or commission.

9.19 A Board member who is attending a meeting of a committee or commission of which they are not a member must not vote on a question.

9.20 Section 6 [Rules of Procedure at Board Meetings]. of this bylaw applies to a committee or commission meeting, in the same manner as it does in relation to a Board meeting, where applicable.

10.0 Public Health Orders

10.1 Where a Public Health Order has been issued regarding public meetings or gatherings, the Public Health Order shall prevail.

10.0 Schedules

This bylaw contains the following schedules:
Schedule A Point of Order & Privilege
Schedule B Reconsideration
Schedule C Conflict of Interest

12.0 REPEAL

12.1 Regional District of Okanagan-Similkameen Procedures Bylaw No. 2620, 2013, together with all amendments to it, is hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME this ____ day of ____.

ADOPTED BY AT LEAST 2/3 OF THE VOTE this ____ day of ____.

RDOS Board Chair

Corporate Officer

Schedule A - Point of Order and Privilege

Point of Order

Any member who believes that the Chair has not enforced the rules may call attention to it by making a Point of Order, or raise a question of order. The point of order must be raised immediately even if it means interrupting a speaker or the Chair.

The Chair is to stop proceedings, and call for that member to rise and state their point of order. The Chair may then make a ruling on whether the point is well taken or not well taken, stating their reasons. Alternatively, the Chair may break for parliamentary ruling, make a brief inquiry for parliamentary inquiry while at the table or put the matter to the Board for vote. If the Board reaches a decision by vote, the original matter is no longer subject to appeal.

Three possible statements a Chair may make:

1. "That is not a point of order" - It is most likely a statement of opinion or similar and should be dealt with quickly.
2. I will accept your point of order and therefore ..." - In this instance the chair will continue the meeting according to the correct procedure, having had attention drawn to a breach or irregularity.
3. "I do not accept your point or order" - In this case the chair may continue with the meeting as if there had been no interruption.

Examples of valid points of order:

- the speaker is not speaking to the motion.
- the speaker is repeating the same points he has already made.
- the motion contravenes our by-laws.
- the specific facts the speaker is giving are incorrect. (Note: this is not a statement of opinion, but of fact and assumes the person raising the point of order can validate the point)
- the speaker's time limit has expired.
- the language the speaker is using is offensive.
- the meeting no longer has a quorum.

Examples which are not valid points of order:

- that's not true.
- I disagree with that.
- I want to explain why I said that.
- the speaker shouldn't be allowed to say that.
- how long do we have to listen to this?
- I can't hear what the speaker is saying.

Standard Characteristics of a Point of Order:

- Takes precedence over any pending question out of which it may arise
- Does not require a seconder
- Is not debatable, unless the Chair consents to allow the calling member to explain their point. If the Chair submits the point to a vote, debate may take place in the same way as an appeal.
- Is not amendable
- Can not be reconsidered
- Is ruled on by the Chair, unless the Chair is in doubt and puts it to a vote, or their ruling is appealed.

An appeal:

- Must be seconded
- Is debatable unless related to indecorum or a transgression of the rules of speaking
- Is not amendable
- Is determined by majority or tie vote
- May be reconsidered

In an ordinary meeting, it is not desirable to raise a point of order on minor irregularities of a purely technical character if it is obvious no ones rights are being infringed upon and no harm is done to regular business.

Privilege

A matter of privilege includes reference to any of the following motions:

- a. to fix the time to adjourn;
- b. to adjourn;
- c. to recess;
- d. to raise a question of privilege of the Board; and
- e. to raise a question of privilege of a member of the Board.

A matter of privilege must be immediately considered when it arises at the Board meeting.

For the purposes of order, a matter of privilege listed above has precedence over those matters listed after it.

A member may say “I would like to move a matter of privilege and request that we fix the time of 4:00 p.m. to adjourn the meeting.”

Schedule B - Reconsideration

- 1.1 A motion to reconsider may be made by a member who voted on the prevailing side provided the motion is made at the same meeting at which the vote sought to be reconsidered was taken.
- 1.2 Without limiting the authority of a board to reconsider a matter, the chair may require the board to reconsider and vote again on a matter that was the subject of a vote.
- 1.3 In exercising the power under subsection 1.2 above, the chair may return the matter for reconsideration at the same board meeting as the vote took place, or at the meeting of the board following the original vote.
- 1.4 On a reconsideration, the board
 - i. must deal with the matter as soon as convenient, and
 - ii. on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
- 1.5 If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.
- 1.6 No resolution shall be reconsidered more than once on the same question, nor shall a vote to reconsider be reconsidered. (RROO)
- 1.7 A matter may not be reconsidered if
 - i. it has had the approval of the electors or the assent of the electors and was subsequently adopted by the board, or
 - ii. there has already been a reconsideration under this section in relation to the matter, or
 - iii. It has been acted on by an officer, employee or agent of the Regional District.

Schedule C - Conflict of Interest

If a Board member considers that he or she is not entitled to participate in the discussion of a matter and to vote on a question in respect of a matter because of a conflict of interest, they shall conduct themselves in accordance with the law, including with the provisions of the *Community Charter* and *Local Government Act*.

The *Community Charter* provides a procedure for Board Members to disclose conflicts of interest in public, leave the meeting and refrain from attempting to influence the voting on the question and is extracted, in part below, for the Board's convenience.

The *Community Charter* sets out disclosure of conflict and restrictions on participating as follows:

- 100** (1) This section applies to council (Board for RD's) members in relation to
- (a) council meetings,
 - (b) council committee meetings, and
 - (c) meetings of any other body referred to in section 93 [*application of open meeting rules to other bodies*].
- (2) If a council member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has
- (a) a direct or indirect pecuniary interest in the matter, or
 - (b) another interest in the matter that constitutes a conflict of interest,
- the member must declare this and state in general terms the reason why the member considers this to be the case.
- (3) After making a declaration under subsection (2), the council member must not do anything referred to in section 101 (2) [*restrictions on participation*].
- (4) As an exception to subsection (3), if a council member has made a declaration under subsection (2) and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may
- (a) return to the meeting or attend another meeting of the same body,
 - (b) withdraw the declaration by stating in general terms the basis on which the member has determined that he or she is entitled to participate, and
 - (c) after this, participate and vote in relation to the matter.
- (5) For certainty, a council member who makes a statement under subsection (4) remains subject to section 101 [*restrictions on participation if in conflict*].
- (6) When a declaration under subsection (2) or a statement under subsection (4) is made,
- (a) the person recording the minutes of the meeting must record:
 - (i) the member's declaration or statement,
 - (ii) the reasons given for it, and

- (iii) the time of the member's departure from the meeting room and, if applicable, of the member's return, and
- (b) unless a statement is made under subsection (4), the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

- 101** (1) This section applies if a council member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 100.
- (2) The council member must not
- (a) remain or attend at any part of a meeting referred to in section 100 (1) during which the matter is under consideration,
 - (b) participate in any discussion of the matter at such a meeting,
 - (c) vote on a question in respect of the matter at such a meeting, or
 - (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.
- (3) A person who contravenes this section is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Conflict of Interest Exceptions Regulation B.C. Reg. 91/2016 states:

For the purposes of section 104 (1) (e) [*exceptions from conflict restrictions*] of the Act [*Community Charter*], a pecuniary interest in relation to a representative in the nature of a specified interest that arises as a result of

- (a) the representative being appointed by a governing body to the board of the entity, and
- (b) the representative
 - (i) attending any part of a meeting during which the specified interest is under consideration by the following:
 - (A) the governing body;
 - (B) a committee of the governing body;
 - (C) any other body referred to in section 93 [*application of rules to other bodies*] of the Act,
 - (ii) participating in any discussion of the specified interest at such a meeting, or
 - (iii) voting on a question in respect of the specified interest at such a meeting is prescribed.

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BOARD POLICY**

POLICY: Code of Ethics

AUTHORITY: Board Resolution No. B24/05 dated January 21, 2005.
Administrative Review April 15, 2015
Administrative Review September 20, 2019

POLICY STATEMENT

The citizens of the Regional District of Okanagan-Similkameen are entitled to have fair, honest and open local government that has earned the public's full confidence for integrity. In keeping with the Regional District's Principles and Corporate Values, the Regional District seeks to maintain and enhance the quality of life for all Regional District residents through effective, responsible and responsive government.

PURPOSE

To outline standards of conduct expected of all Regional District representatives.

DEFINITIONS (IF REQUIRED)

Member means an elected or appointed Director of the Regional District, an appointee to a board, committee, commission, panel, task force or other body of the Regional District.

RESPONSIBILITIES

Members commit to ensure that:

- public business is conducted with integrity, in a fair, honest and open manner;
- they respect one another, the public and staff and recognize the unique role and contribution each person has in making the Regional District a better place to work and live;
- their conduct in the performance of their duties and responsibilities with the Regional District be above reproach; and
- the decision-making processes be accessible, participatory, understandable, timely, and just, in addition to satisfying the requirements of applicable enactments.

PROCEDURES

1. Act in the Public Interest

Recognizing that the Regional District seeks to maintain and enhance the quality of life for all Regional District residents through effective, responsive and responsible government, Members will conduct their business with integrity, in a fair, honest and open manner.

2. Comply with the Law

Members shall comply with all applicable federal, provincial, and local laws in the performance of their public duties. These laws include, but are not limited to: *the Constitution Act, the Provincial Human Rights Code, the Criminal Code, the Community Charter and the Local Government Act*; laws pertaining to financial disclosures and employer responsibilities; and relevant Regional District bylaws and policies.

3. Conduct of Members

The conduct of Members in the performance of their duties and responsibilities with the Regional District must be fair, open and honest. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members, Regional District staff or the public.

4. Respect for Process

Members shall perform their duties in accordance with the policies and procedures and rules of order established by the Regional District governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Regional District by Regional District staff. Members of committees shall be aware of the mandate of their respective committee and act in accordance with it.

5. Conduct of Public Meetings

Members shall prepare themselves for public meetings, listen courteously and attentively to all public discussions before the body and focus on the business at hand. They shall not interrupt other speakers, make personal comments not germane to the business of the body or otherwise disturb a meeting.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated circumstances.

7. Communication

Subject to paragraph 10, Members shall share with the body of which they are a member all substantive information that is relevant to a matter under consideration by them which they may have received from sources outside of the public decision-making process. Prior to doing so, Members shall discuss the information with the Chief Administrative Officer so as to ensure that the appropriate procedure is followed in the decision-making process.

8. Conflict of Interest

All Regional District directors shall be aware of their responsibilities under the *Local Government Act* and shall fulfil the requirements of section 787.1(1) of that Act and Division 6 of Part 4 of the *Community Charter*. All other Members shall act in accordance with the Regional District's *Conflict of Interest Policy*.

9. Gifts and Favours

All Regional District directors shall be aware of their responsibilities under the *Local Government Act* and shall fulfil the requirements of section 787.1(1) of that Act and sections 105 and 106 of the *Community Charter*. All other Members shall not accept any money, property, position or favour of any kind whether to be received at the present or in the future, from a person having, or seeking to have dealings with the Regional District, save appropriate refreshments or meals, except where such a gift or favour is authorized by law, or where such gifts or favours are received as an incident of the protocol, social obligation or common business hospitality that accompany the duties and responsibilities of the member. A member may participate in Regional District programs open to the public and may purchase Regional District property or goods offered for public sale.

10. Confidential Information

Members shall respect the confidentiality of information concerning property, personnel or legal affairs of the Regional District and of information provided by a third party to the Regional District on a confidential basis. They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.

11. Use of Public Resources

Members shall not use Regional District resources not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

12. Advocacy

Members shall represent the official policies or positions of the Regional District to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Members shall expressly state the views are their own and do not represent the views of the Regional District. Members shall not use Regional District letterhead for personal matters.

13. Policy Role Members

Members shall respect and adhere to the Regional District Management staff structure of government as practiced in the Regional District of Okanagan-Similkameen. In this structure, the Regional District Board makes policy decisions and the Regional District Management staff implements those with appropriate advice, information and analysis.

Members, therefore, shall not interfere with the administrative functions of the Regional District or with the professional duties of the Regional District staff; nor shall they impair the ability of staff to implement Regional District policy decisions.

14. Positive Work Place Environment

Members shall treat other members, the public and Regional District staff with respect and shall be supportive of the personal dignity, self-esteem and well-being of those with whom they come in contact with during the course of their professional duties.

15. Implementation

The Regional District's Code of Ethics is intended to be self-enforcing. Members should view the Code as a set of guidelines that express collectively the standards of conduct expected of them. It, therefore, becomes most effective when Members are thoroughly familiar with the Code and embrace its provisions.

For this reason, the Code of Ethics will be provided to candidates for Regional District Directorship and applicants to committees. Persons elected to Regional District Directorship or appointed to a body by the Regional District will be requested to sign the Member Statement affirming they have read and understand the Regional District's Code of Ethics.

16. Compliance and Enforcement

The Regional District's Code of Ethics expresses standards of ethical conduct expected for Members. Members themselves have the primary responsibility to assure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of the Regional District.

The Regional District may impose sanctions on Members whose conduct does not comply with the Regional District's standards, such as motions of censure and rescission of committee and other appointments.

To ensure procedural and administrative fairness, Members who are accused of violating any provision of the Code of Ethics shall have a minimum of one week, or the time between two consecutive meetings, whichever is greater, to prepare his or her case to respond to the allegations. Before considering a sanction, the Regional District must ensure that the member has;

1. received a written copy of the case against him or her;
2. a minimum of one week, or the time between two consecutive meetings, whichever is greater, to prepare a defence against the allegations; and
3. an opportunity to be heard.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Regional District decision.

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BOARD POLICY**

POLICY: Harassment, Bullying & Discrimination Policy

AUTHORITY: Board Resolution No. B337/10 dated July 8, 2010.

AMENDED: Board Resolution March 19, 2015ⁱ

POLICY STATEMENT:

The Regional District of Okanagan Similkameen will promote a positive and professional work environment where all are entitled to a workplace free of harassment, bullying and discrimination. Employees must not engage in bullying, harassment or discriminatory conduct and must report if they experience or witness this conduct. The Regional District has no tolerance for and will investigate all alleged claims to ensure all parties and their respective interests are considered. An effective remedy will be provided when an allegation is determined to be valid. All complaints of harassment, bullying or discrimination will be held in the strictest confidence amongst the parties.¹

PURPOSE:

The purpose of this Policy is to eliminate harassment, bullying or discrimination based conflicts and provide a fair and equitable means of achieving resolution should they occur.¹

APPLICATION:

This Policy applies to all Regional District of Okanagan Similkameen workers, including employees, volunteers and Directors.

PRINCIPLES:

1. Nothing in this Directive is intended to discourage or prevent an individual from pursuing a complaint by other legal or legislative avenues.
2. Where there is any conflict between the policies and procedures outlined in this Regional District Policy and the policies and procedures set forth in a collective agreement adopted by the Regional District of Okanagan Similkameen, or the policies and procedures set forth in a statute of the Provincial or Federal Government, the collective agreement or the statute shall supersede this policy.
3. All employees, volunteers and Directors of the Regional District of Okanagan Similkameen share responsibility for creating and maintaining an environment that is free of harassment, bullying and discrimination. This policy also applies to conduct through social media and electronic communications.¹
4. The potential for harassment, bullying or discrimination¹ increases in relationships where a person has power over another person. In particular:

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- (1) Individuals who have authority over another are responsible for ensuring that they do not abuse their power.
 - (2) Disciplinary or corrective measures may also be taken:
 - a. against any manager who is aware of a harassment, bullying or discriminatory¹ situation and who fails to take corrective action;
 - b. anyone who interferes with the resolution of a complaint by threats, intimidation or retaliation; or
 - c. anyone who files a complaint that is frivolous or in bad faith.
5. Confidentiality by all parties is a cornerstone of this process. In particular:
- (1) Information about a case will be disclosed only to those individuals who are involved in the process.
 - (2) Exceptions to confidentiality may result from disclosures that suggest that an individual is at risk of serious physical harm.
6. Fairness for all parties involved in a complaint is essential. In particular:
- (1) Representatives or support persons may accompany the parties or witnesses during any procedure in this Directive.
 - (2) Complainants and respondents will be informed about the procedure being used, the role of the person implementing the procedure, the outcome of the complaint, and any disciplinary, corrective or remedial action taken.
 - (3) All parties will be given equal opportunity to present evidence in support of their positions and to defend themselves against allegations. Investigations will include interviews of the complainant, respondent and any witnesses that have primary knowledge of the allegations.¹
 - (4) Employees are expected to cooperate with investigators and provide details of the incidents witnessed or experienced.¹
 - (5) Respondents will be informed of the allegations against them and will be given an opportunity to reply to them, before the case is decided.
 - (6) Retaliation against any individual involved in a complaint is prohibited. Such retaliation constitutes grounds for disciplinary action.
 - (7) Complaints made in bad faith constitute grounds for disciplinary action. This does not include complaints that are made in good faith and not sustained.
 - (8) Where a complaint is found to have been made in bad faith, the Regional District of Okanagan Similkameen, in its discretion, will take remedial action.

DEFINITIONS:**Bill 14 – Bullying** (as defined by WorksafeBC)¹

- (a) Includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but
- (b) Excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Complainant. A complainant is an individual who reports an alleged instance of harassment, bullying¹ or discrimination.

Complaint Made in Bad Faith. This is a complaint that is known by the complainant to be false and/or a complaint that is made for a purpose other than gaining a satisfactory remedy. This definition does not include complaints made in good faith and not sustained.

Discrimination. Discrimination includes any act, behaviour, or practice that may be intentional or unintentional, that has either the purpose or effect of imposing burdens, obligations, disadvantages, or preferences, only on individuals or groups identified by a prohibited ground. Examples of identification on a prohibited ground include the discrimination against another person because of that person's race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age.

Harassment. Harassment includes verbal or physical behaviour that is discriminatory in nature, based upon another person's race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age. Harassment also includes discriminatory behaviour, directed at an individual, which could reasonably be expected to cause substantial distress in that person and serves no legitimate work-related purpose. Harassment is usually an ongoing process, but may be a one-time event.

Examples of Harassment include but are not limited to:

- (1) Physical threats or intimidation, including but not limited to: assault, punching or unwelcome physical contact such as touching, patting pinching or punching.
- (2) Unwelcome words, gestures, actions or practical jokes, the reasonable anticipated consequence of which is to humiliate alarm or abuse another person.
- (3) Distributing or displaying pornographic or other offensive or derogatory pictures or material unfit for family viewing.
- (4) Continually making someone the brunt of practical jokes or sarcastic, belittling remarks that cause awkwardness or embarrassment.
- (5) Unwelcome invitations or requests, whether indirect or explicit.
- (6) Intimidation/Bullying, including cyber bullying.¹

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- (7) Contescension or patronizing that undermines self-respect.
 - (8) Targeting someone for differential treatment that has no reasonable basis and that imposes disadvantages on the individual.

Investigating Officer. Means the person who is charged with investigating a formal complaint.

Non-Harassing Behaviours. Behaviours that are reasonably enacted, such as those listed below, are not consistent with the definition of harassment:

- (1) Day to day management/supervisory functions and activities such as work assignments, performance management and discipline.
- (2) Assessment of work performance, even if adverse.
- (3) Demands for work excellence or a reasonable quality of work performance.

Respondent. Means a person who is accused of harassment or discrimination.

Representative. Means a person engaged by the complainant or respondent to protect their interests.

Sexual Harassment. This is a form of discrimination based on the prohibited ground of sex. Unwelcome conduct of a sexual nature constitutes harassment when there is unwanted sexual attention, sexual communications, sexual solicitation or other sexually orientated remarks or behaviour by a person or a group who knows, or ought reasonably to know, that such conduct is unwanted or unwelcome. Behaviour may be repeated or persistent or may be a single serious incident.

Examples of behaviour that may constitute sexual harassment will normally involve a pattern of behaviour that includes, but is not limited to one or more of the following:

- (1) touching, patting or physical contact.
- (2) leering, staring or the making of sexual gestures.
- (3) demands for sexual favours, with or without work related consequences.
- (4) verbal abuse or threats.
- (5) unwanted inappropriate sexual invitations.
- (6) physical assault of a sexual nature.
- (7) unwanted questions or comments of a sexual nature.
- (8) practical jokes of a sexual nature.

Time Limits. Time limits in this Directive refer to those found in the collective agreement and describe the maximum time usually allowed to complete a procedure. Although every effort will be made to comply with the time limits specified, failure to meet a time limit will not negatively impact the process. Time limits for requesting an appeal will only be extended under exceptional circumstances.

Worker. Includes:

- (a) a person who has entered into or works under a contract of service, written or oral, express or implied, whether by way of manual labour or otherwise;
- (b) a member of a fire brigade working with or without remuneration, when serving a municipality or a regional district, or
- (c) a board or commission having the management or conduct of work or services on behalf of the Regional District.

AUTHORITY:

The Board shall:

- (1) make such revisions, additions or deletions to the Harassment, Bullying and Discrimination¹ Policy as may be required. Any significant changes shall be discussed with Employees.

The Board Chair shall:

- (1) decide on the appropriate action to address complaints regarding elected officials, volunteers and the Chief Administrative Officer (CAO).¹

The CAO shall:

- (1) review the policy annually and present any suggested changes to the Board. Any significant changes shall be discussed with all workers.
- (2) decide on the appropriate action to address complaints against employees.

The Human Resources Department shall:

- (1) fully inform newly appointed workers of the Policy.
- (2) provide training on an ongoing basis.
- (3) ensure that all allegations and inquiries relating to harassment, bullying or discrimination¹ are investigated.
- (4) if acceptable to the parties attempt, without prejudice, to offer mediation or recommend a facilitator to facilitate a resolution.

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- (5) ensure that a concluding report resulting from a formal investigation as outlined in this Policy is written.

The Workers shall:

- (1) be aware of the Harassment, Bullying¹ & Discrimination Policy and comply with it.
- (2) report incidents of harassment, bullying or discrimination, including cyber bullying, witnessed or experienced.¹
- (3) give consideration to addressing the situation in an informal environment to stop the behaviour.
- (4) accept responsibility for their own behaviour.
- (5) offer support to a known victim of harassment, bullying¹ or discrimination.
- (6) not indirectly support the harasser by ignoring what is happening.

PROCEDURES:

1. Complainants should make every attempt to informally resolve the situation.
2. Formal complaints or inquiries concerning the harassment, bullying or discrimination¹ towards any worker shall be made in writing to the CAO, applicable Department Manager, or Manager of Human Resources. Complaints regarding the CAO or elected officials shall be made to the Chair and, in this case, the Chair shall fulfill the obligations of the investigating officer in subsequent sections.
3. All complaints or inquiries will be treated as confidential.
4. The Human Resource department will keep a written record of investigations, including findings.¹
5. A copy or summary of any written complaint received is to be provided as soon as is reasonably possible to the respondent with a requirement to provide a written answer to the complaint.
6. If there remains a disagreement between the parties, the Manager of Human Resources, or other facilitator mutually acceptable to the parties, can, with both party's consent, try to facilitate, without prejudice, communication between the parties so that agreement on a resolution of the complaint can be reached. This process involves:
 - (1) If possible or necessary, separating the parties in their workplace.
 - (2) Discussing separately with both persons the options open to them.
 - (3) Ensuring separately that both parties want to participate in the process.

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- (4) Facilitating communication between the parties so that they can reconcile differences and agree on a solution.
7. Complainants and/or respondents who believe that a matter has not been addressed using the steps above may request a formal investigation in writing to the Manager of Human Resources. The Manager of Human Resources shall then determine the appropriate technique, which may include an independent investigator to investigate:
 - (1) All complaints or inquiries concerning the harassment, bullying or discrimination¹ towards an employee.
 - (2) On his/her own initiative, or by order of the CAO, the conduct of an employee where he/she determines an investigation is warranted.
 - (3) Write and submit to the CAO or Chair a report of the complaint(s) and the circumstances.
 8. The CAO or Chair shall summarize the findings of the investigation in written or oral form and forward and/or present to the respondent and the complainant his/her findings on the appropriate remedial action to be taken.
 9. Where the CAO or Chair determines the conduct referred to him/her does breach the Harassment Directive, the CAO or Chair may take disciplinary action in accordance with the normal progressive discipline system.
 10. The respondent, if found to be in contravention of this Policy by the CAO or Chair, shall have the opportunity to appeal the findings of the CAO or Chair in accordance with the following:
 - (1) Union workers will use the process outlined in the BCGEU employment agreement.
 - (2) Exempt workers will appeal to the RDOS Board Chair.
 - (3) CAO, Directors and Volunteers will appeal to the RDOS Board.
 11. The CAO or Chair may, in isolation of any disciplinary measures specified, take corrective action to protect the complainant and return him or her to a productive working environment.
 12. Appropriate corrective actions will be taken within a reasonable period of time.¹

FURTHER ACTION

1. It is recognized that following an outcome, support may be required for other staff within a department or who have been involved in an investigation and this will be provided as appropriate.
2. If it is concluded that there is no case of harassment to answer, but that there are problems with a working relationship and certain interventions may be necessary, then an action plan should be agreed upon between the parties and the Human Resources Manager.

3. All individuals should be offered the opportunity for a de-briefing or counseling as appropriate.

ⁱ Policy amended March 19, 2015 by Board resolution

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 5, 2020

RE: Physician Recruitment

ISSUE:

Should the Regional Hospital District (RHD) broaden their mandate to include funding for physician recruitment?

BACKGROUND:

During discussions around the 2019 Business Plan, the Board indicated that access to healthcare providers in the South Okanagan and Similkameen was of interest, and that they would like to explore Regional District participation in physician recruitment.

Throughout 2019 and 2020, regional conversations around access to primary care were spearheaded by the South Okanagan Similkameen Division of Family Practice (SOSDFP). SOSDFP is a membership corporation for primary care providers covering the same geographic area as the regional district and supports a full-service physician network, team-based care, long-term care, maternity care and many more healthcare functions. They are also very involved in physician recruitment.

While SOSDFP was investigating which factors motivated physicians to choose one location to practice over another, they found that—among other variables—professional support was a key factor. If a young doctor can locate in a community that has clinic space available; doesn't require a capital investment; has other providers in the clinic to assist with advice and patient support; and if they can focus on being a physician rather than a business owner, they may prefer that solution.

Through the Ministry of Health and Health Authorities, Primary Care Networks (PCNs) and Urgent and Primary Care Centres (UPCCs) are being initiated and established throughout the province to meet the conditions that are attractive to general practitioners.

In late 2019 and again in 2020, the SOSDFP presented to the Regional Hospital District Board of Directors on how financial participation by the RHD in future primary care clinics could lessen the implementation time. The delegation also suggested that five clinics would be beneficial in the RDOS geographic area. In addition to the Ponderosa Primary Care Centre one more in Penticton, Summerland, Oliver/Osoyoos, Keremeos and Princeton were identified, although with possible varied contributions and operating models.

IHA representatives Carl Meadows, Executive Director of Clinical Operations, Acute and Community Care, South Okanagan and Joanna Harrison, Executive Director of Long Term Care, Seniors Specialized Care Transformation presented to the RHD, as well.

The Bigger Picture

The initial focus of this project was to investigate what the Regional District could do to assist in the recruitment of physicians to our area. The shortage of family doctors in the Regional District is prevalent and increasing. According to the SOSDFP, there are more than 12,000 citizens in the region without access to a general practitioner. Further, of those GPs currently seeing patients, 1/3 are expected to retire within the next five years. Physician recruitment is competitive and other regions are very involved.

Physician recruitment or retention is not a skill that a local government would typically have, nor is the matter typically within our purview. However, the lack of access to family physicians and nurse practitioners becomes a quality of life issue for our citizens. Staff has relied on the Division of Family Practice for their expertise.

ALTERNATIVES:

1. That the RHD contribute financially to the development of Primary Care Clinics.
2. That the RHD leave physician recruitment to IHA and SOSDFP

ANALYSIS:

The Board must discuss the following questions:

1. Is physician recruitment still important to the citizens of the South Okanagan-Similkameen and does it remain a priority?

2. If so, how does the Board offer funding support?

Just like there are varying operating models, there are different options for funding Primary Care Centres.

a. Hospital Facility Designation

The Regional Hospital District may raise and contribute funds to hospital facilities designated as such by the Ministry of Health.

b. Foundation Partnership Grants

The Regional Hospital District may explore the option of creating a Foundation Partnership Grant Program and contribute funds on an annual basis. Contributions for capital could only be to fund projects designated by the Ministry as a hospital.

Operationally, the Cariboo-Chilcotin RHD has established a physician recruitment program and allocates an annual sum within their budget to fund it. They're currently out for proposals to retain a contractor to perform the function for them. Other regional hospital districts have established a budget to fund eligible community foundations or non-profits who can apply for funding to support physician recruitment.

c. Hybrid of the above or alternative funding mechanism.

If the Board is interested in more involvement in physician recruitment by raising funds for primary care clinics, or setting up an operational support program, they may want to do it intentionally, consistently and in a holistic, participatory manner with other players more experienced in the business.