

Role and Implications of Alternate Unelected Electoral Area Directors

**Al Richmond, Chair, UBCM Ad-Hoc Committee on
Alternate Unelected Electoral Area Directors**

**UBCM Electoral Area Directors Forum
January 31, 2018**



Presentation Overview

- Background / Context to Discussion Paper
- UBCM Ad-Hoc Committee
- Problem Identification / Options Considered
- Proposed Course of Action
- Discussion and Direction
- Next Steps

Background / Context

- March 2017 CEO/CAO Forum
- Delegates identify challenges when alternate 'unelected' electoral area director takes on a long-term role at the board table due to the extended absence of an EA director

Background / Context

- Forum delegates ask UBCM to review the scope of the problem and determine if any potential solutions.
- Issue raised at April 2017 UBCM Executive meeting.

Background / Context

- Forum request reiterates concerns already already raised in resolutions 2016-B71 and 2014-B104 (pg. 9)
- UBCM Executive agrees to establish an ad-hoc committee to “discuss the issue” and “identify possible courses of action”

UBCM Ad-Hoc Committee

- Ad-Hoc Committee struck
- terms of reference deliberately narrow and specific
- membership comprises staff and elected representation

UBCM Ad-Hoc Committee

Committee members (2017):

- Al Richmond, UBCM Past President (Chair), Cariboo RD
- Wendy Booth, First Vice President, East Kootenay RD
- Art Kaehn, UBCM Electoral Area Representative, Fraser-Fort George RD
- Janis Bell, CAO, Cariboo RD/Paul Gipps, CAO, Fraser Valley RD
- Jim Martin, CAO, Fraser-Fort George RD
- John MacLean, CAO, Kootenay Boundary RD/Cariboo RD

UBCM Ad-Hoc Committee

- First meeting – June 26, 2017
- Problem statement defined as follows:

Alternates are not elected. And when you have an unelected person sitting at a board table for an extended period of time, making decisions on behalf of a group of residents, this becomes extremely challenging and goes against basic democratic principles.

UBCM Ad-Hoc Committee

- four options identified and considered at a second meeting in December 2017 :
 - a. Remove the legislative requirement to appoint an alternate
 - b. If an alternate is appointed, the alternate must be an elected official. The alternate could be a councillor, or other EA director.

UBCM Ad-Hoc Committee

- c. In the absence of an electoral area director or an 'elected' alternate, the board would be responsible for making decisions.
- d. Amend the legislation to trigger a by-election within a reasonable period of time (i.e. 6 months) in the case of illness or injury.

UBCM Ad-Hoc Committee

- Discussion of four options highlighted on pages 4-8 of the discussion paper
- Specific questions posed after each option in an effort to generate discussion and comment
- Committee's proposed direction noted after each option based on the analysis provided.

Options Considered

a. **Remove the legislative requirement to appoint an alternate**

- for majority of RDs, no problem with alternates, why remove the requirement to appoint?
- municipal alternates are elected officials, should there be consistency with EA alternates?
- is it appropriate that an 'unelected' appointed alternate has the same powers as an elected director?
 - contrary to basic democratic principle of elected representation

Options Considered

- Committee debated whether alternates were necessary based on today's technology
- technology is not always available nor is it a solution for an EA director who is physically not able to participate.

Options Considered

Discussion questions (pg. 5)

- i. Should the legislative requirement to appoint alternates be removed? If so, why? If not, why?*

- ii. If there is agreement that alternates should continue to be appointed; what stipulations should be put on that appointment? (e.g. elected/unelected; setting a defined term for an alternate to serve; triggering a by-election)*

Options Considered

Committee consensus:

*Alternates are still needed;
constituents need to have their
interests represented.*

Options Considered

b. If an alternate is appointed, the alternate must be an elected official. (i.e. another EA director)

- removes concerns about 'unelected' serving BUT creates its own challenges for elected officials serving two sets of constituents.

Options Considered

Discussion questions (pg. 6)

- i. Is there support for requiring alternates to be sitting elected officials? And if so, should those 'elected' alternates be members of the same regional district as the electoral area director?*
- ii. What are the implications of having another elected official, from the same regional district, serving as the alternate?*
- iii. How important is it to create legislative parity between municipal and electoral area directors on the regional district by requiring alternates to be elected officials?*

Options Considered

Committee consensus:

Alternates should be elected officials.

Time limit should be set recognizing challenges of serving two sets of constituents.

Options Considered

c. In the absence of an electoral area director or an 'elected' alternate, the board would be responsible for making decisions.

- while the board has authority to make decisions, those collective decisions become more challenging the longer an EA director is absent or where an alternate is serving in the electoral area that will be directly affected by the decision.

(see pg. 6 scenario – FVRD)

Options Considered

Discussion questions pg. 7

- i. Depending on the decision to be made by the board, would there be a comfort level in proceeding to let the remaining board members make decisions in the absence of the EA director or their (elected) alternate?*

- ii. Should there be a set time period for which an (elected) alternate can serve for an absent director?*

Options Considered

d. Amend the legislation to trigger a by-election within a reasonable period of time (i.e. 6 months) in the case of illness or injury.

- present legislation permits an ‘unelected’ alternate to serve the remainder of an EA director term unless the director appoints a new alternate or the EA director resigns to trigger a by-election.
- Question – Is the alternate, really an alternate under these circumstances ?

Options Considered

Answer – No!

- unelected alternate has the authority to “act in all matters” for the absent EA director.
- longer term alternates – principles of transparency, accountability and elected representation get called into question. Alternate is serving on who’s behalf?
- lack of legal clarity around ability to reprimand / censure an alternate for inappropriate behaviour - they are not elected officials do the same rules apply?

Options Considered

Discussion questions pg. 7

i. Should there be legislative amendments to address the “illness or injury” reference that prevents disqualification of a director?

ii. Is there support for setting a time limit (i.e. six months) for an (elected) alternate to serve before a by-election is automatically triggered, regardless of the illness or injury exemption?

Proposed Course of Action

Committee proposes two policy directions:

- 1. That the legislative requirement for appointing alternates remain in place, but that amendments be made to require alternate electoral area directors to be elected officials.***
- 2. That a time limit be placed on how long an alternate can serve in the absence of an electoral area director before triggering a by-election.***

Proposed Course of Action

- ensures democratic principle of “elected representation”
- creates parity with municipal alternates
- continues to provide for alternates - but by setting a time limit – alternate serves in a temporary, time limited capacity
- elected representation is paramount

Proposed Course of Action

UBCM Executive - Feedback on Discussion Paper

Two other possible courses of action suggested:

- remove EA director remuneration after 3 months – get to resignation & by-election sooner
- elect an EA director and an alternate – two names on ballot

Regional District Experiences

Let's hear from those regional districts
that have experienced challenges
and are seeking assistance.

Discussion/Direction

1. What are your thoughts on the proposed course of action offered by the Ad-Hoc Committee?
2. Are there other options / solutions that should be considered?

We want to hear your comments!



Next Steps

1. Ad-Hoc Committee will report back to the February UBCM Executive meeting with your feedback / direction.
2. Ad-Hoc Committee will report back to the March CAO-CAO Forum so they are aware of UBCM's action in response to their 2017 Forum request.

Concluding Remarks

Thank you for taking the time to provide your input!

Thank you to the Ad-Hoc Committee members:

Al Richmond, Wendy Booth, Art Kaehn,
Paul Gipps, Jim Martin, John MacLean

Discussion/Direction

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