

# **Enhancing the Tools for Problem Solving in Regions**

Report of the Regional District Task Force – January 2010

## LETTER FROM THE TASK FORCE CHAIR

This report tackles a number of challenging issues facing regional districts and provides several recommendations for moving forward. Regional districts have always been incubators of innovation and this report provides new ideas for building on this legacy by encouraging more resilient services, greater harmony among jurisdictions and enhanced citizen representation.

As Chair of the Regional District Task Force (Task Force), I am pleased to thank my fellow Task Force members for their dedication and hard work on this project. Task Force members invested a significant amount of time and were both passionate and thoughtful in considering each other's views.

The Task Force would like to thank our partners in this task, namely, the Union of British Columbia Municipalities (UBCM) and the Ministry of Community and Rural Development. We would also like to extend our sincere appreciation to Peter Adams who guided us through this process. And a heartfelt thanks to all of the regional district boards, individual members and chief administrative officers who participated throughout our consultation process and provided invaluable context and feedback on our work -- this process of review was invaluable and we couldn't have done it without you.

It was a pleasure to work with the Task Force in meeting the objectives set out in the Joint Statement of Understanding in 2008. It is with great satisfaction that I submit this report on behalf of the Task Force to the UBCM and the Province.

## TABLE OF CONTENTS

Executive Summary.....	4
Origin and Purpose.....	7
BC's Regional District System.....	7
The Work and Process of the Task Force.....	8
Perspectives and Analysis.....	9
Tools and Approaches.....	10
Recommendations.....	18
Appendix A - Joint Statement of Understanding.....	20

## EXECUTIVE SUMMARY

The Regional District Task Force (Task Force) was created by the Union of British Columbia Municipalities (UBCM) in 2008 to consider issues and challenges facing regional districts (RDs) and to identify possible solutions and strategies to address these issues and challenges. The Task Force was formally launched at the 2008 UBCM convention through a *Joint Statement of Understanding* between the Ministry of Community and Rural Development and UBCM (see Appendix A). Task Force members came to the table from small and larger communities, electoral areas (EAs) and municipalities with both rural and urban geographies.

From the outset, the Task Force recognized that regional districts are a federation of municipalities and electoral areas and are a durable and established form of local government. The Task Force found that RDs are able to meet the unique and changing circumstances of particular regions, to capture economies of scale, and ensure local choice in assigning functions and services.

However, the Task Force also recognized that RDs continue to face some specific and sometimes complex challenges. For instance, in some regions, it may be difficult to establish services at the most efficient scale or that distribute costs fairly. Changing demographics over the past 40 years have also affected RDs (e.g. causing and exacerbating urban/rural fringe issues and putting pressures on RD structures; increasing demands on EA directors). As well, frictions among governments – whether rural, municipal, regional or provincial – can turn healthy debate over different perspectives into a barrier to effective performance at some board tables.

Through the spring and summer of 2009, the Task Force explored, researched and analyzed a variety of practical issues relating to services, governance and relations between jurisdictions. As RDs are federations of municipalities and EAs which govern to provide vital services to rural areas, sub-regions and across entire regions, the Task Force found that the challenges that arise often relate to issues of representation/ accountability, effective planning and service delivery or relations between members. As the Task Force made progress on developing directions and approaches, checking in with RD administrators and elected officials to confirm preliminary directions became an important component of the Task Force's work.

Opportunities for providing feedback and comment on the direction and approaches of the Task Force included: a one day workshop on July 28, 2009 where it heard from all 27 RDs; distribution of a progress report to all UBCM delegates and a presentation and comment session at the 2009 UBCM convention; a month long survey process that engaged regional district representatives; and consultation with some RD chief administrative officers (CAOs). This feedback confirmed:

- As a whole the RD system works well and does not require major modification or radical solutions. However, there is a need for:
  - Greater awareness, understanding and use of the range of tools currently available to RDs.

- Some new tools and approaches, and some refinement of existing tools, to address specific challenges.
- BC's diversity calls for a variety of services and methods of delivery. RD issues are interconnected and are part of a governmental system, yet the challenges grow from complex individual circumstances. Sometimes province wide solutions will be effective; in many cases providing a range or menu of tools and approaches may be more effective.
- Given the diversity of the challenges in each of the 27 RDs, each tool and approach need not be applicable in every RD to be worthwhile.

The Task Force developed a range of different tools and approaches to improve the performance of RDs under the headings below:

1. Participation in RD partnership services
2. Service review and withdrawal
3. Role of delegation in service delivery
4. RDs and the Province: more effective land use decisions ("RD/Crown")
5. Municipal/EA fringe area planning
6. Incorporation and restructuring of municipalities
7. Appointment of alternate EA directors
8. Single EA director
9. Internal structure of RDs
10. Appointment of municipal directors

The tools and approaches developed by the Task Force build on the strengths and benefits of the RD system, work to solve practical problems and address specific challenges in regions. The tools developed by the Task Force seek to generate real "on the ground" outcomes when implemented and can be organized around three key themes:

- **more resilient service partnerships** (includes topics such as participation in regional district partnership services, service review and withdrawal and the role of delegation in service delivery)
- **greater harmony among jurisdictions** (includes topics such as RD/Crown, municipal/EA fringe area planning and incorporation and restructuring of municipalities)
- **enhancing citizen representation** (includes topics such as appointment of alternate EA directors, single EA director, internal structure of RDs, and appointment of municipal directors).

As a result of the analysis and feedback received, the Task Force makes the following recommendations:

1. The Task Force recommends a number of tools and approaches to enhance problem solving in regions (see Table 1 on page 16 for a complete list).
2. The Task Force recommends that the Province, UBCM and RD partners develop targeted legislation where necessary to implement the tools and approaches.
3. The Task Force recommends that the Province, UBCM and RD partners pilot some of the new voluntary tools and approaches with willing RDs.

4. The Task Force recommends developing enhanced educational and advisory materials for some of the tools and approaches.
5. The Task Force recommends that UBCM and the Ministry work together to further identify ways to engage Provincial agencies and other interests to work towards a clarified and harmonized RD/Crown land use decision making process.
6. The Task Force recommends that the Province consider the Task Force consultation finding that a number of RD elected officials are requesting an “RD Charter”.
7. The Task Force recommends that the Province continue to explore how RD effectiveness, accountability and efficiency might be enhanced by making minor legislative changes to increase flexibility and remove restrictions and impediments.

## ORIGIN AND PURPOSE

The Regional District Task Force was created by UBCM to consider the issues and challenges facing regional districts and to identify possible solutions and strategies to address these issues and challenges. The Task Force consists of the following members who represent a range of small and large communities, electoral areas and municipalities:

- Robert Hobson - Chair, Regional District of Central Okanagan, Councillor, City of Kelowna (Chair of Task Force), and Past President of the UBCM
- Harry Nyce – Chair, Kitimat Stikine Regional District and President of the UBCM
- Al Richmond - Chair, Cariboo Regional District
- Frank Leonard - Mayor, District of Saanich
- Sharon Gaetz - Mayor, City of Chilliwack
- Susie Gimse - Director, Squamish Lillooet Regional District and Councillor, Village of Pemberton
- Hans Cunningham - Director, Central Kootenay Regional District
- Rhona Martin - Director, Columbia Shuswap Regional District

In October 2007, the UBCM and the then Minister of Community Services discussed the issue of improving the functioning of regional districts. In turn, at the 2008 UBCM Convention, the Task Force was formally launched through a *Joint Statement of Understanding* between then Minister Blair Lekstrom and then UBCM President Susan Gimse (see Appendix A). The Task Force has worked collaboratively with the support of both the Ministry of Community and Rural Development (“Ministry”) and UBCM. The Task Force did not have the objective of developing a “Regional District Charter”; instead, members have come to the table to discuss tangible and practical solutions to difficult challenges facing RDs.

## BC’S REGIONAL DISTRICT SYSTEM

The Task Force recognizes that RDs are an integral part of BC’s local government landscape through which effective *governance* and *service delivery* are provided. More specifically, RDs serve the following three key purposes:

- They act as regional governments to regions by providing key services and activities for the entire region;
- They provide a political and administrative framework for joint/inter-local government service delivery, and;
- They act as local governments for EAs.

A fundamental attribute of the RD system is its federated nature. This enables RDs to focus on integration and the joint delivery of services through partnerships among members, thereby allowing RDs to adapt and customize service delivery to fit an amazing variety of different needs and geographic

scales. The Task Force also understands, however, that because of its federated nature, there will always be different perspectives and some tension in RDs, no matter what enhancements are made.

Although developed over 40 years ago, the RD system continues to be seen as a unique and effective governance model because it can: provide for inexpensive rural government; achieve economies of scale in service delivery; provide an effective framework for inter-municipal cooperation; and adapt to different areas of the province. Also, over the years, a number of reports relating to RD issues have been undertaken (such as the RD review in 1999 and the Task Force on Community Opportunities in 2006) and a significant amount of legislative change has taken place to ensure that the system continues to function well.

However, the Task Force also recognizes that RDs continue to face some specific, sometimes complex, challenges. For instance, in some regions, it may be difficult to establish services at the appropriate scale to achieve efficiencies or distribute costs most fairly (e.g. lack of regional services; disputes over who participates in sub-regional services). Changing demographics over the past 40 years also affect RDs (e.g. causing or exacerbating urban/rural fringe issues and putting pressures on RD structures; increasing demands on EA directors). As well, frictions among governments – whether municipal, regional or provincial – can turn healthy debate based on different perspectives into a barrier to effective functioning at some board tables.

## **THE WORK AND PROCESS OF THE TASK FORCE**

The Task Force began by identifying practical issues relating to EA governance, municipal-rural fringe and Provincial-RD relationships. The Task Force then produced issue papers on specific topics under these themes and met a number of times over a period of six months to discuss the issues in depth. This stage of idea generation and discussion was followed by another five to six months of consultation.

The consultation process began in July 2009 when the Task Force held a one-day consultation workshop. Attendees included municipal and EA directors from all 27 regional districts, as well as many RD CAOs. This session allowed the Task Force to “check-in” with RD representatives about its work to date and allowed participants to share their experiences and consider how the Task Force’s proposals may contribute to tangible improvement within their regions and communities.

In September 2009, the Task Force distributed a progress report to all UBCM delegates and hosted a policy session on their work at the 2009 UBCM convention. Again, the Task Force heard feedback from respondents in the audience, although this time the speakers were nearly all EA directors. Following the UBCM convention, a survey was distributed to all RD chairs and CAOs, providing them with one more opportunity to comment. While the response rate to the survey was modest, some of the respondents started to reflect in greater detail on how these ideas and proposals might be applied in their regions. As a final measure, a number of RD CAOs were consulted in order to get feedback on the technical details of the ideas and proposals.



All of the feedback given over the course of the consultation has been considered and in some cases incorporated into the final recommendations. The recommendations, which are discussed further below (see “recommendations” on page 18), mark the completion of the work of the Task Force.

## **PERSPECTIVES AND ANALYSIS**

A number of consistent themes emerged throughout the analysis and consultation process. Notably, it was clear that a large majority of people believed that the RD system works well as a whole, and does not require major modifications or radical solutions. However, there is a need for greater awareness and understanding (and therefore use) of the range of tools currently available to RDs. There is also a need for some new tools and approaches and some refinement of existing tools to address specific challenges. Other themes that emerged are listed below.

- Both the strength and the challenge of RDs is the variety of perspectives and interests that need to be considered - citizen, community group, RD board, municipal, EA, Provincial, etc. Although each of these groups has different interests, they also share common interests and the RD system allows them to find common ground.
- BC is a province with great diversity -- different regions with varying needs and aspirations require different services and methods of delivery. RD issues and challenges are interconnected and are part of a system, yet they often grow from complex, individual circumstances. So, sometimes province-wide solutions will be effective. However, in many cases, providing a range of tools and approaches from which RDs can “self-select” their preferred approach may be more effective and consistent with the history and nature of the RD system.
- Given the diversity of the 27 RDs, each tool and approach need not be applicable in every RD for it to be worthwhile. Some tools and approaches will only be relevant in addressing certain issues in some regions (e.g. some RDs face issues related to EA governance and therefore, require tools that can address such governance challenges, while others may require a different set of tools to overcome service delivery challenges).
- Not all challenges facing RDs are the same. For example, the topic of RD/Crown covers issues that span across a wide range of provincial agencies, engage a range of vital economic interests, and affect some local governments more intensively than others. As a result, a variety of approaches and processes might be needed to work through such issues and find solutions.
- New tools and approaches are only as good as their implementation, and in order to be effective they need to be adapted to the different experiences of a range of RDs.

The Task Force recognizes that it could not explore nor address every issue facing RDs. It also acknowledges that it could not cover the full range of issues that result from the many and varied points of interaction between members of RDs and the Province.

## TOOLS AND APPROACHES

The Task Force identified the following ten key issues and developed a number of potential approaches or tools under each:

1. Participation in RD partnership services
2. Service review and withdrawal
3. Role of delegation in service delivery
4. RDs and the Province: more effective land use decisions (“RD/Crown”)
5. Municipal/EA fringe area planning
6. Incorporation and restructuring of municipalities
7. Appointment of alternate EA directors
8. Single EA director
9. Internal structure of RDs
10. Appointment of municipal directors

The range of approaches developed by the Task Force to help address each of the ten issues varies. Some will require legislation, others are improvements on existing tools and legislation, while others aim to promote better understanding and will likely involve advisory material and best practices. The emphasis is on tools which will provide tangible benefits to citizens. This includes efficient services, more accountable and representative government and greater harmony between jurisdictions.

The Task Force concluded that in some instances province-wide approaches may be appropriate; in others cases region specific solutions may be the answer. Generally, the Task Force concluded that the diversity of BC’s regions requires a variety of approaches and tools to maximize those different opportunities and address the varied challenges; the adaptability to work where and as needed is essential. Each of the ten issues and associated tools and approaches are discussed further below (see Table 1 for a summary).

### **Resilient Service Partnerships**

RDs effectively and fairly deliver hundreds of inter-local and regional services to their communities. Aside from a small number of required services, RDs are able to add to their inventory of responsibilities through local choice and in response to their region’s unique circumstances. Further, RDs are able to design service governance structures that work for their needs (although they may not be fully aware of this scope). However, the voluntary and consensual approach can be challenging. The Task Force identified three distinct topic areas under the realm of “resilient service partnerships” –facilitating effective service delivery, delegation, and service review and withdrawal.

### **Facilitating Effective Service Delivery**

RDs can be effective in achieving efficiencies and fairness in the delivery of services. However, participation in partnership services can sometimes be difficult to achieve. Partnership services have both municipalities and EAs participating, usually at a sub-regional scale. If participation is difficult to achieve, such services may not be provided or may not be provided at the most suitable scale -- the

scale at which the service area most closely matches with the beneficiaries of the service (e.g. so that there are no “free riders” and; so that economies of scale can be achieved). The reasons for not achieving agreement vary (e.g. for some services, geography may make even distribution of benefits impractical; for “soft” services, the nature of benefits may be difficult to define; for others, electors and directors may differ on the balance of costs and benefits).

Difficulties in finding agreement on partnership services can create tensions in RD board relations. Left unaddressed, this issue can raise calls for requiring a particular type, scope or scale of service. In response, the Task Force considered different ways to encourage development of effective service partnerships, including:

- Promote more effective use of existing service *design* tools – greater customization of service partnerships could better accommodate participants’ interests and reduce barriers to effective service partnerships.
- Provide more scope in obtaining electors *approval* – explore authority to obtain electors’ approval other than by the “default” of an electors’ vote in each individual participating area.
- Provide explicit authority for *Strategic Services Plans* (SSP) - the SSP is a tool that would allow the RD to set-out a strategic framework for RD services. Once established, the SSP would allow for greater ease in creating service benefiting areas undertaking long term capital borrowing, more flexibility in how the services are managed and potentially additional powers.

### **Service Review and Withdrawal**

RDs have been able to undertake a review of services at any time. However, since 2001, a participant in an RD service has been able to request a formal statutory review of the terms and conditions of the service. Withdrawal from most services is now possible where the terms of participation remain unsatisfactory after a service review (with some exceptions). Service reviews are appropriate where the original shared vision for a service has changed, where the scope of the service no longer reflects the objectives of all partners, or where the terms and conditions of participation are no longer equitable. Lack of an opportunity to review service arrangements can result in tension and conflict between partners that can sour intergovernmental relationships. As such, regular service reviews are considered good practice for RDs.

Most statutory service review processes have reached full or partial agreement on the issues and Ministry surveys show a high level of satisfaction with various aspects of the process (in the 70-80% range). Despite this success, the Task Force has identified the following concerns with the current process in some cases:

- The reasons for initiating a service review are considered “frivolous” or inappropriate by some of the parties. For example, the review may be prompted by a disagreement over a specific service management decision rather than a desire to change the fundamentals of the service or the service establishment bylaw.
- A service review is initiated in order to highlight other, unrelated, points of difference between the parties rather than to address significant concerns with the specific services identified.

- There are no statutory timelines for completion of service reviews. This has the potential to leave open a service review for a significant period of time. In addition, even if agreement has been reached regarding new terms and conditions for the service, there is no obligation for the RD to implement the changes in a timely fashion.

In response, proposed solutions considered by the Task Force include:

- Promote added rigor around issue identification - Provincial guidelines to advise on the level of detail and analysis needed to support the stated “reasons” for a service review and;
- Establish legislative timelines for the review process to be completed, with the ability to extend by agreement.

### **The Role of Delegation in Service Delivery**

Delegation of responsibilities for the operation and administration of RD services to committees and commissions can contribute to effective governance and service delivery in EAs and at the regional and sub-regional scale. For example, delegation to a committee of EA and municipal interests can assist in managing fringe planning issues by providing a forum to bring those interests to the table and by encouraging harmonized decision-making. Delegation can also be used to enhance EA governance and service delivery by providing for delegation of a wide range of operational and administrative decisions to a committee for EAs.

Delegation authority is not “wide open” for either municipalities or RDs; limits on delegation are important for maintaining the appropriate balance between administrative effectiveness and decision-making accountability. While delegation is a very valuable tool, when it is done ineffectively it can lead to confusion, concerns about “losing power”, blurred accountability and potential conflict.

While the experience is different in different RDs, it appears that the authority to delegate service authority to RD committees or commissions is neither frequently used nor used to its full authority (i.e. the bodies are advisory rather than operational decision-makers). The Task Force believes the opportunities for effective delegation may not have been fully realized. Therefore, the Task Force considered the following two approaches:

- Promote best practices - enhancing advisory materials on delegation may provide a first step in ensuring that RD boards take full advantage of the benefits of delegation.
- Undertake further work to consider in what areas there might be a benefit to targeted additional scope for delegation.

### **Greater Harmony between Jurisdictions**

RDs are a federation of municipalities and EAs. Much of the progress an RD board achieves relies on RD members collaborating and cooperating with each other, and at times with the province. The Task Force considered a number of topics related to greater harmony between municipalities and EAs, including fringe area planning and governance, the process of incorporating and restructuring of municipalities, and reviewing of the internal structure of RD boards. The Task Force also considered the interface between RDs and the Province and how to reach more effective land use decisions.

### **Fringe Area Planning and Governance**

For the purposes of this discussion, fringe areas are areas at the edge of the jurisdictional boundary between municipal and RD (EA) land use authority. Under the *Local Government Act*, both municipalities and RDs (for EAs) are empowered to develop community plans (e.g. OCP), zoning and other planning tools for their respective areas. For the most part, the legislative authorities and requirements are the same for both municipalities and RDs, although for adopted regional growth strategies (RGS), municipalities are required to adopt a regional context statement, and EA plans must be consistent with the RGS.

Ideally, planning between the municipal and RD jurisdictions in the urban fringe would be highly integrated, with complementary planning objectives and processes, land use designations and servicing standards. Regional growth strategies are a key mechanism by which integrated and complementary land use planning frameworks for fringe areas can be achieved. In the absence of an RGS, there are nevertheless some good examples across the province of collaborative planning efforts in fringe areas.

However, most fringe areas do not have shared agreements, protocols or other collaborative planning efforts in place. Where there is inadequate fringe area planning, it can result in conflict between neighbours and poor planning outcomes. At its most extreme, conflict between RD EA interests and municipalities can spill over into other areas of shared involvement (e.g. services), and can also result in provincial involvement (e.g. boundary extensions). This type of conflict is most evident in localities experiencing rapid growth and development pressures. Poor land use planning outcomes (sprawl, pressure on infrastructure and other services, inadequate land supply for specific uses) may result.

In response, the Task Force considered the following tools and approaches:

- The Province support effective planning and other management of fringe areas by: providing advice and support to assist municipal and RD jurisdictions in developing an approach to managing fringe areas; more explicitly aligning those of its activities which are related to fringe areas (e.g. boundary extension processes); and further consideration of EA planning “opt out” provisions and their implications for fringe area planning.
- Local governments increase the level of communication, cooperation or integration between the jurisdictions in a fringe area, using some or all of the following tools: establish a joint municipal-RD ‘fringe area committee’ or “joint advisory planning commission” to review planning and other matters within the ‘fringe area’; develop a municipal-RD agreement to manage fringe area planning; or undertake joint collaborative planning, based on the idea that each jurisdiction would make decisions only with the approval of the other jurisdiction (“cross-acceptance”).

### **Incorporation and Restructuring of Municipalities**

Experience with incorporation has shown that BC’s system is stable and successful especially when compared with other provinces and internationally where restructure of local governments is frequent. Close to fifty unincorporated communities have successfully made this transition to municipal status since the inception of RDs and there have been no instances of municipalities seeking

“disincorporation”. These incorporations encompass a wide range of communities and circumstances demonstrating the flexibility in the municipal model to accommodate local needs and conditions. While the fundamentals are strong, improvements can always be made. The Task Force found that approaches are needed to find the appropriate balance for encouraging communities that are ready to take on the responsibilities of greater self government to incorporate and to look at alternative governance approaches within the RD structure for those that are not ready. But those approaches cannot undermine the fundamentals of the system (i.e. incorporation, yes – but not at all costs). Therefore, the Task Force focused on how the transition to incorporation might be better managed. Specifically, the Task Force considered the following two approaches:

- Promote greater understanding “up front” in the incorporation process of what it means for communities to be ready to incorporate (e.g. supporting the RD board so that they are better able to manage incorporation issues and implications).
- Provide a partnership approach between the Province and local governments to help address many community-specific incorporation concerns (e.g. assist communities in understanding how the incorporation customization tools can be used to effectively respond to community-specific issues).

### **Regional Districts and the Province: more effective land use decisions (“RD/Crown”)**

Regional district and provincial authorities form an intricate framework of legislation, planning and regulations for land use and development. Many provincial ministries and agencies and local governments make decisions about Crown land and private land in rural areas.

In some sectors, respective land use responsibilities of the Province and local governments are clear (e.g. mines). In some other sectors, both local and provincial governments have land use decision-making responsibility (e.g. agricultural land). In still others, both jurisdictions have significant interests in the outcome of activities on certain lands or the impact of decisions about those lands. Tensions can become heightened between jurisdictions when there are inter-related authorities or interests. Lack of clarity can result in disillusionment on the part of local government and the province. It can also lead to frustration on the part of citizens and developers about the certainty, timeliness and efficiency of the process. In response, the Task Force concluded that the keys to more effective land use decisions where both provincial and local governments have an interest are to increase clarity of jurisdictional authority (as the initial step), as well as to clarify process, and harmonize decision-making.

### **Enhancing Citizen Representation**

Rapid and uncoordinated population growth in rural areas can put pressure on both the RD and the EA director for more services and greater representation. In some cases, structure change through a boundary extension or incorporation is a viable solution. In other cases, however, structure change is more contentious and difficult to effect. Tensions at the board can become exacerbated when population change is not reflected in RD board composition (e.g. in the weighted vote, in the number of directors, etc.). The Task Force considered a number of issues related to citizen representation including: the internal structure of RDs; the appointment of municipal directors and EA alternates; and representation by a single EA director.

### **Internal Structure of Regional Districts**

The variables in the internal structure of an RD include voting unit, voting strength, the divisor, number of directors, and EA boundaries. For most RDs, the internal structure has not been reviewed since they were created over 40 years ago. In some areas, population growth and development patterns have made EA boundaries and voting units outdated, therefore, not providing for fair representation for citizens of municipalities or EAs. If there has been change to the internal structure of an RD, it has most likely occurred as a consequence of municipal incorporation (i.e. elimination or merger of EAs). This situation suggests that a review of the elements comprising the internal structure may be warranted in some RDs. The Task Force considered the following approaches, which are not mutually exclusive:

- Continue with the current process of review of internal structure arising from municipal structure change (i.e. incorporation or major restructure); and
- In the absence of municipal structure change, a particular RD and the province could work together to undertake a comprehensive review.

### **Appointment of Municipal Director**

Each municipal director is appointed to the RD board by the municipal council from among its members. Municipal directors can be appointed for a term of up to three years and can be replaced at any time.

Existing legislation does not prevent (nor does it explicitly permit), a municipality from utilizing a method of double-direct appointment under which the electorate, at the time of municipal elections, also “elects” which municipal councillor(s) should be appointed to the RD board. The decision made by the electorate is not binding on the Council, but municipalities who use this method have chosen to abide by the choices made by the electorate. Currently, only two municipalities use the double-direct model: Saanich and Victoria.

On this particular issue, the Task Force considered the following approaches: raising the profile of the existing voluntary system; and enabling double-direct in legislation, if required.

### **Appointment of Alternate Electoral Area Directors**

When the RD system was designed, the candidate who received the second highest number of votes in an EA election was declared the alternate EA director. If the EA director was acclaimed, he/she could appoint an alternate. In 1968, legislation was amended so that EA alternates were no longer elected. Since that time, EA directors have been required to appoint an alternate. However, the *Local Government Act* does not currently provide direction as to what happens if an EA director does not appoint an alternate.

The alternate must have the qualifications necessary to be nominated as a director and receive the written approval of two electors in the EA. The alternate is responsible for acting in place of the director during the director’s absence and has all of the authority of the director, including voting at the board table and participating fully in discussions and development reviews.

In the current system, alternates are accountable to the EA director who appoints them, not to the electorate. An alternate EA director, however, is not obliged to vote in a manner consistent with the director’s views, although the appointment of the alternate is at the “pleasure” of the director. There

have been examples where differences in votes cast by the alternate and the EA director have caused confusion and delays in decisions. In light of these issues, the Task Force considered ways in which the process for appointing EA alternates might be improved, including the following tools and approaches:

- Promote voluntary guidelines/application process and best practices – For example, a best practice could recommend that a candidate for office as EA director declare who he/she would appoint as an alternate before running.
- Provide RDs greater authority to appoint alternates under the following type of circumstances:
  - If an EA director has not appointed an alternate within a specified period of time, then the RD board can (or must) do so.
  - If an EA director has resigned and no alternate has been appointed the RD can appoint an alternate.

### Single Electoral Area Director

EAs in an RD are each represented by one EA director. The single EA director is an effective and cost efficient means of representation for EAs in most of the Province. However, the single director can be challenged by a heavy work load, the difficulties of representing diverse interests in the community and dealing with a wide range of complex issues. Depending on the circumstances in the particular EA, an alternative to the single EA director may be helpful.

Two voluntary approaches were considered by the Task Force: an EA body and a multi-director model. For the EA body, three or five representatives would be elected to the EA body (normal election rules would apply -- e.g. 3 year term) who would then in turn appoint one of themselves as a representative to the RD board. For the multi-director model, two or three EA directors representing one EA would be elected to the RD board (electing two or three EA directors depends on the population and voting unit, and as such, merging EAs may be necessary). While both of these approaches could be targeted tools to address particular pressures in particular circumstances, the Task Force recommends the multi-director model for further exploration.

**Table 1 – Summary of Task Force Issues and Approaches**

Issues	Approaches
<b>More Resilient Service Partnerships</b>	
Participation in RD partnership services	<ul style="list-style-type: none"> <li>• Promote more effective use of service design tools</li> <li>• Explore whether it is possible to provide more scope in obtaining elector approval</li> <li>• Provide explicit authority for Strategic Services Plans</li> </ul>
Service review and withdrawal	<ul style="list-style-type: none"> <li>• Provide guidelines to advise on the level of detail needed to initiate a service review</li> <li>• Establish legislative timelines for the review process to be completed</li> </ul>



Issues	Approaches
The role of delegation in service delivery	<ul style="list-style-type: none"> <li>• Promote best practices</li> <li>• Explore nature of delegation to determine if there are areas that might benefit from additional scope</li> </ul>
<b>Greater Harmony between Jurisdictions</b>	
RD/Crown	<ul style="list-style-type: none"> <li>• Clarify jurisdiction and linkages between provincial and local land use decisions</li> <li>• Harmonize – i.e. apply a principled framework to guide harmonization and cooperation of provincial and local land use decisions</li> </ul>
Municipal/EA fringe area planning	<ul style="list-style-type: none"> <li>• Provincial support for effective planning and other management of fringe areas (e.g. advice to RDs in developing approach to manage fringe areas)</li> <li>• Improve communication, cooperation and integration between jurisdictions (e.g. joint advisory planning commission)</li> </ul>
Incorporation and restructuring of municipalities	<ul style="list-style-type: none"> <li>• Promote greater understanding upfront of the implications of incorporation</li> <li>• Address place-specific barriers to incorporation by using customization tools</li> </ul>
<b>Enhancing Citizen Representation</b>	
Internal structure of RDs	<ul style="list-style-type: none"> <li>• Continue with the current approach of reviewing internal structure upon structure change (e.g. review RD voting unit when new municipality incorporates)</li> <li>• The RD or the Province(at the request of the RD) could initiate a comprehensive review of internal structure</li> </ul>
Appointment of municipal directors	<ul style="list-style-type: none"> <li>• Raise the profile of the existing system (i.e. voluntary and non-binding use of double-direct)</li> <li>• Explore possibility of explicitly enabling voluntary use of double-direct in legislation, if necessary</li> </ul>
Appointment of alternate EA directors	<ul style="list-style-type: none"> <li>• Promote voluntary guidelines and best practices for EA appointments</li> <li>• Under limited circumstances, the RD could appoint an EA alternate</li> </ul>
Single EA director	<ul style="list-style-type: none"> <li>• Explore further the multi-director model. The multi-director model consists of 2-3 EA directors representing a single EA at the RD board.</li> </ul>

## RECOMMENDATIONS

The Task Force was established in 2008 with a mandate to explore practical solutions to challenges in regions. Over the course of analyzing the issues and consulting with stakeholders, a number of key themes emerged -- encouraging more resilient service partnerships, greater harmony among jurisdictions and enhanced citizen representation. This report provides considerable analysis and a range of tools and approaches that will build on these themes and on the strengths of the RD system. The Task Force is making the following recommendations to carry forward and implement the work done to date:

1. **The Task Force recommends a number of tools and approaches to enhance problem solving in regions.** The Task Force work focused on understanding regional problems and issues and designing potential tools and approaches to assist in these circumstances. The Task Force specifically highlighted the need for new, innovative tools (e.g. the Strategic Service Plan) and ways to enhance time tested tools that are already available (e.g. delegation authority). The Task Force recommends all of the tools and approaches described in the table above.

The Task Force recognizes successful implementation will require further development and refinement of the approaches and tools and recommends a multi-pronged approach:

- targeted legislative change;
- selected pilot projects on the ground, and;
- enhanced advisory and educational material.

Each of these elements forms the basis of a distinct recommendation and as such, they are discussed further below.

2. **The Task Force recommends that the Province, UBCM and RD partners develop targeted legislation where necessary to implement the tools and approaches.** Implementation for some new and enhanced tools will require targeted modifications to legislation or regulations, necessitating continued collaboration of the Province, UBCM, and regional partners. The pilot projects recommended below will form an important element of this process and as such, should occur in tandem (as much as possible) with the development of any proposed changes to legislation.
3. **The Task Force recommends that the Province, UBCM and RD partners pilot some of the new voluntary tools and approaches with willing RDs.** To maximize the benefits of some of the new tools, they should be tested on the ground. The Task Force recommends that the Province and UBCM canvass individual regions to determine interest in and the applicability of selected Task Force approaches and tools with the view of initiating selected pilot projects that will assist in refinement of any proposed legislative changes.
4. **The Task Force recommends developing enhanced educational and advisory materials for some of the tools and approaches.** The Task Force recognizes that the pragmatic solutions it has discussed are incremental additions to existing tools already available within the RD system. Over the course

of exploring different issues, the Task Force discovered a number of innovative practices. It became clear to the Task Force that enhanced educational and advisory materials (e.g. additions to the Regional District Toolkit) are needed to raise awareness of the flexibility and alternatives already available to address regional issues. The Task Force recommends the Province, UBCM and RD partners enhance the current educational and advisory materials (i.e. best practices) to highlight topics such as delegation, incorporation, fringe-area planning and service design customization.

5. **The Task Force recommends that UBCM and the Ministry work together to further identify ways to engage Provincial agencies and other interests to work towards a clarified and harmonized RD/Crown land use decision making process.** The Task Force found that embedded within the RD/Crown issue are different interests, perspectives, authorities and diverse geographies. The Task Force found that the RD/Crown issue requires focused work on specific sectors or regions with commitment of additional interests (i.e. First Nations, sector specific representatives, and related provincial Ministries and other agencies). The Task Force recognizes that this could require further work on a specific sector or region that would benefit from a clarified and harmonized land use decision making process.
6. **The Task Force recommends that the Province consider the Task Force consultation finding that a number of RD elected officials are requesting an “RD Charter”.**  
Over the course of consulting on the work of the Task Force, some individuals expressed their desire for an RD Charter. As this was not within the mandate of the Task Force, subsequent consultation asked for more clarity about what specific issues an RD Charter would have addressed that were not included in the work of the Task Force. While there was not a significant response or clarity provided, the Task Force would like to bring this finding to the attention of the Province.
7. **The Task Force recommends that the Province continue to explore how RD effectiveness, accountability and efficiency might be enhanced by making minor legislative changes to increase flexibility and remove restrictions and impediments.** Task Force consultations indicated that there may be some processes, rules or powers that apply to municipalities but not to RDs. For example, a municipality has explicit authority to seek community opinion on a question by holding a non-binding referendum but for RDs, this authority is limited to questions relating to services.

## APPENDIX A – Joint Statement of Understanding



### JOINT STATEMENT OF UNDERSTANDING ON THE UBCM REGIONAL DISTRICT TASK FORCE

Between the  
MINISTRY OF COMMUNITY DEVELOPMENT  
And the  
UNION OF BRITISH COLUMBIA MUNICIPALITIES (UBCM)

#### WHEREAS:

Regional Districts play an important role in governance and service delivery in British Columbia regions and communities;

It is recognized that there are tensions between municipal and electoral members over land use planning, services, cost sharing and boundaries and that these tensions often impede decisions and actions benefiting the region as a whole;

It is recognized by Regional Districts, rural communities and the Province that there are unique challenges in providing governance for rural, unincorporated areas;

It is recognized that effective responses to the most critical challenges facing British Columbia -- building strong regional and local economies, managing climate change, transportation, water quality, affordable housing, and community safety and emergency preparedness-- require effective inter-local cooperation at the regional scale and collaboration between the Province and local government;

The UBCM has created a Regional District Task Force to engage in a process to articulate the challenges and problems facing Regional Districts and to identify possible solutions and strategies to address those problems;

The Regional District Task Force has identified interests in developing further understanding in three specific subject areas: electoral area governance; municipal-rural interests in areas at the fringe of municipalities; and relationships between provincial and regional district jurisdictions; and


UBCM and the Ministry of Community Development believe that a more complete understanding of challenges and opportunities will be achieved by working collaboratively and sharing their respective expertise.

#### THEREFORE THE PARTIES HAVE THE FOLLOWING UNDERSTANDING:

1. UBCM and the Ministry of Community Development agree on a set of principles guiding the local government system including:
  - *Respect for local autonomy of local government:* Local government is recognized as an order of government as reflected in governing legislation.
  - *Respect for provincial jurisdiction:* Local governments have responsibilities to citizens of their communities and regions and the Province has responsibilities to the citizens of BC as a whole.
  - *Accountability to citizens:* Local governments are accountable to the citizens of their regions and communities.


- *Respect for regional differences:* It is accepted that this is a diverse province and that different regions have different challenges and opportunities. One solution will not serve all regions well.
  - *Respectful relations between local governments:* Relationships between all local governments should be based on respect and characterized by openness, dialogue, respect for interests and use of alternative dispute resolution tools to deal with irreconcilable differences.
  - *Flexibility to provide critical services at various scales:* Regional Districts need to have the ability to deal with issues at various scales -- local; sub-regional; regional; and extra-regional -- to deal with an ever changing and complex context.
2. The UBCM and the Ministry of Community Development recognize that effective responses to the most critical challenges facing British Columbia -- building strong regional and local economies, managing climate change, transportation, water quality, affordable housing, and community safety and emergency preparedness-- require effective inter-local cooperation at the regional scale and collaboration between the Province and local government.
  3. UBCM and the Ministry of Community Development will collaborate and share their respective expertise to achieve a more complete understanding of challenges and opportunities facing regional districts.
  4. UBCM members will bring practical and on the ground knowledge of the subject areas of interest.
  5. The Ministry will contribute understanding and expertise on the broader local government framework.
  6. The Task Force will conduct an in depth analysis of the issues, challenges and opportunities facing all Regional Districts.
  7. The Task Force will use a jointly agreed upon analytical framework and will focus on three specific subject areas: electoral area governance; municipal-rural interests in areas at the fringe of municipalities; and relationships between Provincial and Regional District jurisdictions.
  8. The Task Force will engage UBCM members and experienced municipal and regional district administrators with practical, on the ground experience to gain a complete understanding of the regional issues.
  9. The Ministry will contribute resources, provide expertise, share information respecting broader provincial interests and goals and provide a connection to other Provincial Government perspectives and programs.

**SIGNED on behalf of the Ministry of Community Development**

  
 Honourable Blair Lekstrom  
 Ministry of Community Development

Date September 23, 2008

**SIGNED on behalf of the Union of British Columbia Municipalities**

  
 Susan Gimse  
 President

Date September 23, 2008