

DATE OF MEETING OCTOBER 4, 2021

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

SUBJECT COUNCIL POLICY RE: APPOINTMENTS TO THE BOARD OF DIRECTORS OF THE REGIONAL DISTRICT OF NANAIMO

OVERVIEW

Purpose of Report

To provide Council with information regarding the “Appointments to the Board of Directors of the Regional District of Nanaimo” policy which guides Council when appointing Municipal Directors to the Regional District of Nanaimo Board.

Recommendations

That Council repeal Council Policy Number COU-138 (Appointments to the Board of Directors of the Regional District of Nanaimo) and appoint Municipal Directors based on Section 198 of the *Local Government Act* which is at the pleasure of Council from amongst its members;

AND

That Council appoint the following eight (8) members of Council (insert names here) as Municipal Directors to the Regional District Board, and appoint (insert name here) as the Alternate, for a term ending 2022-OCT-14, with votes to correspond as follows:

- The Mayor – 5 votes
- The four “appointed” Councillors with the highest number of votes received at the election to be allocated 5 votes each; and
- The three remaining “appointed” Councillors to be allocated 4 votes each.

BACKGROUND

Under Section 198(1) of the *Local Government Act*, Council is required to appoint eight Council members as Municipal Directors to the Regional District of Nanaimo Board. In the past, Municipal Directors have been appointed based on the “Appointments to the Board of Directors of the Regional District of Nanaimo” policy (see Attachment B). As part of the Policy Renewal Project, Council asked that this policy be reviewed as it is currently outdated and some of the policy language is vague.

DISCUSSION

As noted in the background section of the report, the existing policy, which outlines how Municipal Directors are appointed to the Board, is outdated. For example, the policy, which was adopted in 1999, states that seven directors are appointed and collectively they have 34 votes. It also outlines how those seven members are to be appointed, which is based on a combination of experience and voter confidence. The term experience is slightly vague as it could mean previous experience as a Regional Director or could relate to the number of years on Council.

Voter confidence is also somewhat unclear but its applicability was based on who received the most votes during the election.

Over the years as Nanaimo's population increased, the number of appointments to the Regional District Board also increased to eight. The ninth member is appointed as alternate. Given this increase, the existing policy outlining how to select the appointments may no longer be useful. In addition, not having a policy gives Council more flexibility in how it wishes to select those appointments.

With the above in mind, staff is recommending that Council repeal the existing Council policy and that Municipal Director appointments going forward be at the pleasure of Council from amongst its members as outlined in Section 198(1) of the *Local Government Act*. This option provides the most flexibility for Council as appointments would not necessarily have to be based on who received the most votes. Not having a policy also allows for flexibility on the length of term. Council would have the option of doing appointments yearly, or longer, (up to the term of Council).

Option two would see Council continuing to appoint its Municipal Directors based on a Council policy, which has been updated, should Council choose this as an option. The new policy (Attachment A) has the number of Municipal Directors and votes updated. It also clearly states that Municipal Directors would be appointed based on the Council members with the highest number of votes received at the election and the term "voter confidence" has been replaced with "Council confidence". This would assist in giving Council more flexibility to choose who is appointed. Experience has also been clarified to reflect previous experience as a Municipal Director appointed to the Board.

Once Council has selected its preferred option for appointing Municipal Directors, Council would need to pass a resolution appointing eight Municipal Directors, and an Alternate, for a term ending on 2022-OCT-14 and specify how many votes would be assigned to each Municipal Director. For ease, the formula put forward for determining the number of votes would be based on the number of votes received during the election. This formula could apply to either option.

OPTIONS

Option 1:

That Council repeal Council Policy Number COU-138 (Appointments to the Board of Directors of the Regional District of Nanaimo) and appoint Municipal Directors based on Section 198 of the Local Government Act, which is at the pleasure of Council from amongst its members.

AND

That Council appoint the following eight (8) members of Council (insert names here) as Municipal Directors to the Regional District Board, and appoint (insert name here) as the Alternate, for a term ending 2022-OCT-14, with votes to correspond as follows:

- The Mayor – 5 votes
- The four "appointed" Councillors with the highest number of votes received at the election to be allocated 5 votes each; and
- The three remaining "appointed" Councillors to be allocated 4 votes each.

Under this option:

- Council would not be bound to a Council policy and could appoint Municipal Directors at the pleasure of Council from amongst its members as outlined in Section 198 of the *Local Government Act*.
- Provides the most flexibility for Council
- Longer appointment terms could be implemented.

Option 2

That Council endorse the Municipal Director Appointments to the Regional District of Nanaimo Board policy as attached to the October 4, 2021 report by the Deputy City Clerk.

AND

That Council appoint the following eight (8) members of Council (insert names here) as Municipal Directors to the Regional District Board, and appoint (insert name here) as the Alternate, for a term ending 2022-OCT-14, with votes to correspond as follows:

- The Mayor – 5 votes
- The four “appointed” Councillors with the highest number of votes received at the election to be allocated 5 votes each; and
- The three remaining “appointed” Councillors to be allocated 4 votes each.

Under this option:

- Council would continue to appoint its Municipal Directors based on a Council policy.
- Council would generally make the appointments based on the eight Council members with the highest number of votes received at the election.
- Is more restrictive

SUMMARY POINTS

- Under Section 198 of the *Local Government Act*, Council is required to appoint eight Council members as Municipal Directors to the Regional District of Nanaimo Board.
- A Council Policy has been utilized as a guide when making Municipal Director appointments
- The existing policy is outdated and needs either to be replaced or repealed.

ATTACHMENTS:

Attachment A – Municipal Director Appointments to the Regional District of Nanaimo Board Policy (NEW)

Attachment B – Appointments to the Board of Directors of the Regional District of Nanaimo Policy (EXISTING)

Submitted by:

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Concurrence by:

Sheila Gurrie,
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