



REGIONAL DISTRICT of Fraser-Fort George

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REPORT FOR CONSIDERATION

TO: Chair and Directors

FROM: Maureen Connelly, General Manager of Legislative and Corporate Services

DATE: November 8, 2024

SUBJECT: Proposed Amendment to Regional Board Procedure Bylaw No. 3267, 2022

SUMMARY: Purpose: Consider First Three Readings of Amendment Bylaw No. 3368, 2024

Attachments:

1. Regional Board Procedure Bylaw No. 3267, 2022
2. Proposed Amendment Bylaw No. 3368, 2024

Previous Reports: Item No. 11.1.4, October 2024

RECOMMENDATION(S):

1. THAT the report dated November 8, 2024 regarding "Proposed Amendment to Regional Board Procedure Bylaw No. 3267, 2022" be received for information.
2. THAT Regional Board Procedure Bylaw No. 3267, 2022, Amendment Bylaw No. 3368, 2024 be now introduced and given first, second and third readings.

ENTITLEMENT	HOW VOTE COUNTED
All 1 Director/1 vote	Majority
All 1 Director/1 vote	Majority

ISSUE(S):

At the October meeting, the Board considered first three readings of proposed "Regional Board Procedure Bylaw No. 3267, 2022, Amendment Bylaw No. 3368, 2024" and postponed the motion to the November 21 Board meeting pending receipt of information regarding the potential liability and legal implications of not recording votes in opposition, including any legal precedent where a Board decision has been overturned as a result of votes in opposition not being recorded.

Corporate Services Administration through consultation with legal counsel has been advised that there is no legal risk or liability likely to result from recording minutes without identifying the names of those members voting in opposition.

It would be in order for the Board to consider the motion that was postponed at the October Board meeting to grant first, second and third reading to the proposed amendment bylaw.

RELEVANT POLICIES:

Local Government Act, Section 225 and 236:

- requires that a board must establish, by bylaw, the general procedures to be followed by the board and board committees in conducting their business
- requires advance public notice be given describing the proposed changes to the procedure bylaw in general terms
- requires the officer position assigned the responsibility of corporate administration (i.e. Corporate Officer) to ensure the following:

- that accurate minutes of the meetings of the board and board committees are prepared and that the minutes, that bylaws and other records of the business of the board and board committees are maintained and kept safe; and
- that access is provided to records of the board and board committees, as required by law or authorized by the board.

Regional Board Procedure Bylaw No. 3267, 2022:

- regulates the proceedings of the Regional Board and its Committees

STRATEGIC PRIORITIES ALIGNMENT:

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Indigenous and Intergovernmental Partnerships | <input type="checkbox"/> Organizational Strength and Adaptability | <input type="checkbox"/> Quality Community Services | <input type="checkbox"/> Environmental Stewardship and Climate Action |
| <input type="checkbox"/> Awareness and Engagement | <input checked="" type="checkbox"/> Statutory or Routine Business | | |

SERVICE RELEVANCE:

N/A

FINANCIAL CONSIDERATION(S):

There are no financial implications to amending Regional Board Procedure Bylaw No. 3267, 2022.

OTHER CONSIDERATION(S):

The recording of Board and Committee meeting minutes is a statutory requirement and important for providing transparency in decision making and governance.

DECISION OPTIONS:

1. Approve recommendations.
 - Statutory notice would be provided and Regional Board Procedure Amendment Bylaw No. 3368, 2024 will be returned to the Board for consideration of adoption at the December meeting.

Other Options:

2. Do not approve recommendations:
 - provide additional amendments to Regional Board Procedure Bylaw No. 3267, 2022.
3. Postpone decision and provide direction to Administration on the additional information required.

COMMENTS:

Local government legislation is not prescriptive in specifying the manner in which votes of Board members must be recorded in meeting minutes. The only legislative provision that is directly applicable to how minutes are recorded generally is section 236 of the *Local Government Act*, which states that regional districts must establish an officer position that has as one of its duties ensuring that accurate minutes of the meetings of the Board and committees are prepared.

In summary, the Board has the authority to establish its own meeting procedures. It is optional to record the names of members voting in opposition and it is not a legislative requirement. In discussion with legal counsel, it was further noted that the practice of recording the names of directors in opposition may be useful in the case of a reconsideration process of a resolution of the Board. Given that for a Board member to move to reconsider a matter they must have voted with the majority on the original motion.

To assist in providing clarity and transparency to the public of the Board's decisions, the minutes may include the total number for and against each question. Should the current procedure continue, this would identify more accurately how a decision was carried and may include an indication of voting entitlements (i.e. weighted votes, participant, etc.) where required.

Proposed Amendment Bylaw No. 3368, 2024, attached to this report, amends various sections of the Procedure Bylaw to require that votes in opposition to a motion be recorded in the meeting minutes except at the request of a Director that their vote not be recorded. Subject to the amendment bylaw receiving first three readings, statutory notice would be provided to inform the public of the proposed changes and that the Board will consider adoption of Amendment Bylaw No. 3368, 2024 at their December meeting.

Respectfully submitted,

“M.Connelly”

Maureen Connelly
General Manager of Legislative and Corporate Services

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