Langley City
THE PLACE TO BE

City Hall 20399 Douglas Crescent, **Langley**, BC Canada V3A 4B3
T 604.514.2800 **F** 604.530.4371 **www.city.langley.bc.ca**

File: 0410.03

September 15, 2021

Honourable Josie Osborne
Minister of Municipal Affairs

VIA Email: MAH.Minister@gov.bc.ca

Dear Minister:

Re: Appointment of Directors to Regional District Board

The following resolution was passed by the Metro Vancouver Regional District Board at its July 30, 2021 meeting:

That the MVRD Board request the Ministry of Municipal Affairs to amend the Local Government Act in section 198 [appointment and term of office for municipal directors], as necessary to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board

Metro Vancouver's background report to this motion, entitled "Municipal Director Appointment Process", is attached for reference.

At its September 13, 2021 Regular Council meeting, the Council for the City of Langley passed the following resolution:

WHEREAS the Local Government Act sets out the procedure for the appointment of directors to the regional district board;

WHEREAS section 198 of the Local Government Act states: After the first appointment under section41 (2) (e) [first board for regional district], each municipal director is to be appointed at pleasure by the council from among its members and that the Local Government Act does not stipulate any criteria in making those appointment decisions;

WHEREAS the appointment of directors to the regional district board under the Municipal Act (now Local Government Act) was changed after 2000 to "at the pleasure of Council" and that there have been no criteria constraining municipal council's appointment decision since 1965;

WHEREAS the governance structure of regional districts has been lauded as a model structure that provides for "a regional federation of autonomous partners, representing both municipal and non-municipal territory and allows each Regional District to tailor most of its individual functions, both regionally and sub-regionally, to its own evolving needs. The Regional District legislation was designed to promote inter-municipal cooperation, to provide services to non-municipal urban fringe or rural communities, and to stimulate consensus-based planning and co-ordination across regions;"[1]

WHEREAS regional districts are "part of the municipal system not separate from it. The regional district does not sit over the municipalities with the municipal units serving the region. Rather it is the reverse: the regional district exists to further the interests of its municipal members;"[2]

WHEREAS the current section 198 of the Local Government Act provides ability, accountability, autonomy, and a democratic process for each municipal council to appoint the director to the regional board that best represents the views of majority of council on regional-scale services matters;

WHEREAS the Metro Vancouver Regional District is a federation of 21 municipalities, one Electoral Area and one Treaty First Nation that collaboratively plans for and delivers regional-scale services;

WHEREAS the Metro Vancouver Regional District Board, at its July 30, 2021 meeting, passed a resolution to request the Ministry of Municipal Affairs to amend the Local Government Act in section 198 [appointment and term of office for municipal directors], as necessary to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board;

WHEREAS Metro Vancouver Regional District Board has not outlined the impetus and rationale for the proposed amendment to section 198 of the Local Government Act;

WHEREAS the proposed resolution passed by the Metro Vancouver Regional Board to amend the Local Government Act to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board would affect all regional district boards in BC and that a broad consultation with all local governments in BC is necessary and required to consider this amendment;

THEREFORE, BE IT RESOLVED THAT the Ministry of Municipal Affairs conduct a broad consultative process in partnership with the Union of British Columbia Municipalities, Lower Mainland Local Government Association, and all local governments in BC to solicit feedback with tangible and objective rationale to support the amendment to section 19 of the Local Government Act to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board; and that this motion be forwarded to Honourable Josie Osborne, Minister of Municipal Affairs, and all municipal councils in BC.

Yours truly,
CITY OF LANGLEY



Kelly Kenney
Corporate Officer

Cc BC Municipalities

Enclosure

Footnotes in Resolution:

1 40 Years: A Regional District Retrospective Summary of Proceedings, Local Government Knowledge Partnership, Ministry of Community & Rural Development, Local Government Management Association of British Columbia, 2009, https://www.uvic.ca/hsd/publicadmin/assets/docs/LGI/RetrospectiveMar2009/Summary.pdf

2 A Primer on Regional Districts in British Columbia, Ministry of Community Services, 2006, https://www.regionaldistrict.com/media/28095/Primer_on_Regional_Districts_in_BC.pdf

To: MVRD Board of Directors

From: Mayors Committee

Date: July 9, 2021 Meeting Date: July 30, 2021

Subject: **Municipal Director Appointment Process**

MAYORS COMMITTEE RECOMMENDATION

That the MVRD Board request the Ministry of Municipal Affairs to amend the *Local Government Act*, in section 198 [appointment and term of office for municipal directors], as necessary to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board.

At its July 9, 2021 meeting, the Mayors Committee considered the attached report titled "Municipal Director Appointment Process", dated June 18, 2021. The committee discussed seeking a statutory amendment to the provisions in the *Local Government A*ct to require the appointment of the Mayor or designate as the municipal director on the regional district board. The Committee subsequently adopted the recommendation as presented above in underline style.

This matter is now before the Board for its consideration.

Attachment

"Municipal Director Appointment Process", dated June 18, 2021

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metrovancouver
SERVICES AND SOLUTIONS FOR A LIVABLE REGION

ATTACHMENT

To: Mayors Committee

From: Chris Plagnol, Corporate Officer

Date: June 18, 2021 Meeting Date: July 9, 2021

Subject: **Municipal Director Appointment Process**

RECOMMENDATION

That the Mayors Committee receive for information the report dated June 18, 2021, titled "Municipal Director Appointment Process".

EXECUTIVE SUMMARY

BC's regional districts are each governed by a board of directors which is composed of municipal directors, Treaty First Nations directors, and electoral area directors representing their local jurisdictions. As set out in the *Local Government Act*, the electoral area director is elected to the board, while the other directors are appointed. The decision to appoint rests with the municipal council or the treaty first nation governing body. The Act does not stipulate any criteria in making those appointment decisions, such as the Mayor should be the default appointment. To do so would require a statutory amendment to the *Local Government Act*.

PURPOSE

To outline the process and procedures related to the appointment of municipal directors to the Metro Vancouver board.

BACKGROUND

At its meeting of May 26, 2021, the Mayors Committee discussed the process by which directors, particularly Mayors or their designates, are appointed to the regional district board, and adopted the following resolution:

> *That the Mayors Committee direct staff to review the process and procedures for Mayor or their designate and Director appointments and report back.*

This report provides for the committee's consideration information on the municipal director appointment process.

REGIONAL DISRICT GOVERNANCE

The 27 regional districts in BC are modeled as a federation composed of municipalities, electoral areas, and Treaty First Nations, each of which has representation on the regional district board. The board is the governing body of the regional district, and is ultimately responsible for the services provided and the actions taken. This board is composed of one or more directors appointed from each member municipal council and each Treaty First Nation governing body, and of one or more directors elected from each electoral area, based on the population of the jurisdiction represented.

Metro Vancouver's Boards

In Metro Vancouver's case, the MVRD board represents 21 municipalities, one Electoral Area and one Treaty First Nation, composed of 40 directors as follows:

- 38 municipal directors
- 1 treaty first nation director
- 1 electoral area director

It is important to note that in addition to the MVRD Board, Metro Vancouver is also governed by 3 other boards. The *GVS&DD Act* provides that the GVS&DD board comprises those persons who are directors for each jurisdiction within the GVS&DD on the MVRD board, together with the electoral area director. The *GVWD Act* contains a similar provision. Finally, the *MVHC Articles of the Company* stipulate that the directors for the MVHC board will mirror those appointed to the MVRD board.

Appointment Process

The *Local Government Acts* sets out the procedure for the appointment of directors. For municipal directors, section 198 of the Act states:

> After the first appointment under section 41 (2) (e) [*first board for regional district*], each municipal director is to be appointed at pleasure by the council from among its member.

There is a significant phrase in this section and that is that each municipal director is to be appointed at pleasure by the council from among its members. This means that the decision to appoint (or remove) municipal directors rests entirely with the municipal council (as does the appointment of Alternate Directors, which is not addressed in this report). The Act does not stipulate any criteria in making those appointment decisions, such as the Mayor or Mayor's designate should be the default appointment, followed by councillors.

Since 1965, the *Municipal Act* (now *Local Government Act*) stipulated that municipal directors were appointed annually (after 2000, this provision was changed to "at the pleasure of council"). And since 1965, there have been no criteria constraining municipal council's appointment decision.

Electoral area directors and treaty first nation directors follow different provisions. The electoral area director is directly elected for a four-year term until the next general local election, as set out in section 199 of the Act. The treaty first nation director is appointed by the nation's governing body and does not follow the "at pleasure" provision described above, but rather the term is set in accordance with section 254 of the Act.

If the MVRD Board wishes to make changes to the appointment process presented above, the next step would be to seek legislative change to the *Local Government Act*. In this case, the statutory change would affect all regional district boards in BC. The Ministry would have to consider the effect of this more global change, and may restrict this provision to Metro Vancouver only and/or conclude that the same amendment is appropriate for other regional district boards.

ALTERNATIVES

This is an information report. No alternatives are presented.

FINANCIAL IMPLICATIONS

Directors appointed to the regional district board are remunerated in accordance with the Remuneration Bylaw. The process to appoint directors to the board does not affect the remuneration budget.

CONCLUSION

The process to appoint directors (municipal directors, treaty first nation directors, and electoral area directors) to regional district boards is prescribed by the *Local Government Act*. While the electoral area directors are directly elected to the boards, the municipal directors and treaty first nation directors are appointed by their municipal council and governing body respectively. The Act does not stipulate that the municipal director appointment must be the Mayor or the Mayor's designate. As such, to introduce any appointment selection criteria for municipal directors would require a statutory amendment. This information is brought forward for the committee's information.

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