



Agenda No:

7.3

Mtg. Date: January 25, 2016

TO: Regional Board
FROM: Brian Reardon
Chief Administrative Officer
DATE: January 18th, 2016
SUBJECT: REQUEST FOR DIRECTION – SYSTEMATIC REVIEW OF RDCO BYLAWS

Regional Board Report

Purpose: To seek direction from the Board to systematically review all RDCO Bylaws over the next 12 to 18 months.

Executive Summary:

The question of how some services came into effect in the Regional District of Central Okanagan has been raised by members of the Board a number of times over the past few years. A clear understanding of the authority to provide a service and more importantly to recover costs associated with the delivery of a service in a regional district is absolutely essential.

Under the former *Municipal Act* and up until approximately mid 2000 under the *Local Government Act* the authority to provide regional district services was very prescriptive and required a Provincial Order In Council (OIC) and/or a Provincial Statutory Letters Patent (SLP) in order to be valid. Since August, 2000 and certainly since the adoption of the Community Charter in 2004 the Provincial legislation has become less restrictive and provides local governments the authority to decide for themselves which services to provide to their electorate.

Unless there has been a change in the participants, scope of the service, cost sharing or cost recovery methods those OIC's and SLP's are still in affect and are valid under the "continuation of Regional Districts" provisions of the legislation. When one or more of the aforementioned changes need to occur then a "Service Conversion and Amendment Bylaw" is brought forward for the Board's consideration and approval.

Now is a good time to review all pertinent Regional District Bylaws and update them with proper references to the newly enacted *Local Government Act*, Section 1 [RSBC 2015].

RECOMMENDATION:

THAT the Board direct staff to systematically bring forward all Regional District Bylaws for review over the next 12 to 18 months.

Respectfully Submitted:

Implications of Recommendation:

General: Regional District Services are provided under various authorities having different effect. Having a clear understanding of the authorities in each regional district service is an essential building block to continued support in providing those services.

Background:

The Central Okanagan Regional District currently provides 83 different services. Some of these services are statutory in nature and do not require service establishment Bylaws; some services still rely on the original authority granted by the Province through an Order In Council and/or a Statutory Letters Patent; and some services have a service establishment bylaw duly adopted in accordance with the provisions under **PART 10** – *Regional Districts: Service Structure and Establishing Bylaws* of the *Local Government Act*.

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Unless there has been a change in the participants, scope of the service, cost sharing or cost recovery methods those OIC's and SLP's are still in affect and are valid under the "continuation of Regional Districts" provisions of the *Local Government Act*. When one or more of the aforementioned changes need to occur then a "Service Conversion and Amendment Bylaw" is brought forward for the Board's consideration and approval.

In addition to service establishment bylaws we have numerous regulatory, procedural, legislative, and land use bylaws that deal with matters such as Building Inspections, Bylaw Enforcement, Board Procedures, Delegation of Board Authority, and Land Use Zoning amongst others. It total we have hundreds of active bylaws in effect at the Regional District of Central Okanagan.

The scope of this review will include all RDCO Bylaws however the primary focus will be on service establishment bylaws along with key regulatory, procedural, legislative and land-use bylaws. A secondary focus will be applied to all other bylaws currently in effect.

Due to the breadth and volume of current Regional District Bylaws a pragmatic, systematic approach of forwarding 2 or 3 bylaws in a mini workshop format to the Board on a regular basis is favoured over reviewing all of these bylaws at one major workshop. Staff would identify those bylaws that are in urgent need of review and updating, bringing them forward first, then bring forward groups of bylaws, logically bundled over the next 12 to 18 months.

In a mini workshop format existing bylaws would be forwarded to the Board attached to a staff report providing a detailed analysis and a staff recommendation on what the proposed action(s) should be. At the Board meeting a high level PowerPoint presentation would be provided that summarizes the evaluation process, its findings and proposed action(s).

We believe this systematic approach will expedite the bylaw review process for the Board.

Each bylaw would be reviewed with a relevancy and SWOT analysis lens using the suggested bylaw evaluation matrix below:

Bylaw Evaluation Process		
Bylaw Purpose	What is the purpose of the bylaw? Is the purpose clear? Has the purpose changed?	Commentary
Bylaw Scope	What is the scope of the bylaw? Is the current mandate & scope aligned?	Commentary
Bylaw Participants	Who are the service participants? Can partners become participants?	Commentary
Bylaw Goals	Do they support the current Board vision? Are the goals measurable? Are the results meetings expectations?	Commentary
Bylaw Cost Sharing	What is the current cost sharing formula? What are the cost recovery methods? Are any changes required?	Commentary
Bylaw Governance	How is the service governed? Who provides the current service? Is it working?	Commentary
Bylaw Review Process	Agreement on regular service reviews? Potential conflicts/overlaps examined? SWOT analysis highlights are?	Commentary

Financial Considerations:

A bylaw review committee would be struck at the administrative level and rely on the subject matter experts, the managers and Directors overseeing the service to which the Bylaw applies to provide details and assist with the presentation to the Board. This is considered a 2016 – 2017 work plan item using existing staff resources.

Organizational Issues:

The bylaw review committee would be comprised of three staff members who are proficient in effective bylaw development, implementation and review. This administrative committee would conduct a series of meetings with the subject matter experts to which the bylaw applies and work in a team setting to research, write and present the final report to the Board.

This initiative will require a short start-up period before a steady supply of bylaw reviews are ready for Board consideration. Should this initiative be supported by the Board at this meeting we expect the mini bylaw workshops would commence in the second quarter of 2016.

External Implications:

The bylaw review initiative will have minimal external implications however it will demonstrate the Board is taking a pro-active and professional approach in keeping its bylaws current, relevant and clear.

Alternative Recommendation:

THAT the Board not support this bylaw review initiative at this time.