



## **Regional District of Central Kootenay Commission Handbook**

### **Introduction**

This Handbook provides information to Commission members about their roles and responsibilities describes requirements and processes and offers some helpful suggestions to assist Commissioners in fulfilling their obligations to both the Regional District and their local community as effectively and efficiently as possible. As a Commissioner, you are part of a team that governs the delivery of a service to your community.

### **Commission Overview**

The *Local Government Act* provides regional district boards with the power to establish Commissions to undertake the day-to-day business of a service. In addition, the Commission plays an important role as an advisory body to the Board in meeting the present needs and setting future goals for the development, wellbeing and enjoyment of the community. The Regional District has established Commissions to assist in the provision of recreation, water, economic development, planning and parks services. Some Commissions are delegated authority for a single purpose while others oversee multiple services.

The membership is appointed by the Board and, in most cases, is comprised of the Board Director(s) who are stakeholders in the service (Directors representing the municipality(s) and/or electoral areas paying for the service) and volunteers from within the service area to ensure that the vision and interests of the community are well represented. Depending upon the nature of the service, some Commissions may require broader community representation or expertise and, in such cases, may include representation from specific community associations or agencies, for instance, school boards. The Commission's bylaw sets out the membership requirements, nomination process, eligibility / qualifications and terms and delegates certain authorities, responsibilities and duties to the Commission. Any actions outside of the authorities identified must be forwarded as recommendations to the Board for consideration and ratification prior to any action being taken. It is important to note that a Commission does not have the authority to adopt bylaws, sign agreements or bind the Board in any way.

The Commission must operate the service in a manner that is fiscally responsible within its annual budget, is publicly accountable and represents the interests of the community. This is accomplished through business meetings which are open to the public and formally structured using parliamentary rules of order.

As a Commissioner, your authority extends only to the limits of the mandate described in the establishment bylaw. However, you have the same responsibility to the public as an elected official – *both are subject to the principles of 'public accountability' and 'lawfulness' in the conduct of affairs* - and can be held personally liable for intentional failure to operate within the law. This is discussed later under 'Conflict of Interest'.

### **Role of the Chair**

At the first meeting in each year, the Commission must elect, or in some cases appoint, a Chair from amongst its membership. If the Chair is unable to attend a duly convened meeting, or must leave during the meeting, an Acting Chair must be elected to preside for that meeting or for the portion of the meeting that the Chair is absent.

While anyone can be nominated, there are certain aspects of the position that require a level of ability, commitment, knowledge and objectivity, as the Chair is responsible for facilitating the business of the local service area, conducting the meetings and maintaining order.

The Chair is involved in agenda preparation, provides focus for meeting discussions, ensures everyone who wishes to speak gets an opportunity to do so, that rules of procedure are applied and encourages a positive and respectful atmosphere.

The Chair:

- Ensures that a quorum is present (a meeting cannot proceed without a quorum; the service establishment bylaw defines the Commission quorum)
- Calls the meeting to order at the prescribed time
- Announces the business in the order outlined in the agenda (some flexibility is permitted if deemed appropriate, for example, to allow consideration of a related matter)
- Recognizes members speaking and controls the speaking order (members ask permission to speak and are recognized by the Chair before doing so)
- Initiates or encourages discussion on matters, disallowing frivolous motions, curbing digression and bringing issues to a closure
- States the motions and may provide summaries of issues to clarify motions
- Calls the vote, identifies the mover and that the motion was seconded, and announces the outcome 'passed' or 'defeated'
- Expedites the business of the meeting
- Enforces rules of order and matters of decorum
- Declares the meeting adjourned

## **Role of the Secretary**

At the first meeting in each year, the Commission must elect, or in some cases appoint, a Secretary from amongst its membership. The Secretary, in consultation with the Commission Chair, is responsible for the preparation of Commission agendas, which are typed and circulated to the members in advance of each meeting.

The Secretary, in most cases, is a Commission member. The Secretary records the minutes of the meeting and, if need be, may request clarification on discussions or motions for the purpose of accuracy of the minutes. Likewise, the Secretary may be called upon to re-state the motion to ensure a clear understanding of what is being considered.

The role of the Secretary includes:

- Supporting the Chair in developing agendas and arranging meetings;
- Typing and arranging circulation of the agenda;
- Ensuring that a Notice of the meeting is duly posted;
- Recording, preparing and retaining the minutes of the meetings and forwarding the minutes to the RDCK for inclusion on the Board agenda
- Writing reports as needed at the request of the Commission

For your reference an Agenda template and Minutes template are provided.

## **Financial Administration**

It is advisable for a Commission to appoint a “treasurer” or liaison person to maintain contact on financial matters with the RDCK Finance Department. This responsibility could also be combined with the role of the Chair or the Secretary, the degree of involvement varies with each Commission.

Commissions spend public money and the *Local Government Act* sets out standards for lawful and accountable spending practices. Above all, Commissioners ensure that budgets are not overspent and that funds earmarked for a specific purpose are not used for another. Commissioners can be held personally liable for intentional unlawful deficits or misspent money.

The RDCK Finance Department is responsible for making sure that the financial operations of Commissions meet these standards and provides guidance and assistance in the areas of budget planning, revenue and expenditure processes and year end reporting. Through a centralized electronic accounting system the RDCK Finance Department processes and tracks the financial transactions of all RDCK Commissions ensuring that expenses are reported correctly for inclusion in year end financial statements and as a budget planning tool for the Five Year Financial Plan.

## **Agendas**

The agenda lists the items of business to be discussed at a meeting. A good agenda provides the focus and supporting documentation or information necessary to facilitate good decision-making.

A Sample agenda is included in the Handbook for your reference but generally speaking, the agenda:

- is prepared in consultation with the Commission Chair and is approved by the Chair prior to circulation to the Commission members;
- identifies the date, time and location of the meeting, Commission members, invited guests and persons making presentations;
- is arranged in a logical and consistent manner;
- includes printed background material where necessary;
- is circulated in advance to ensure that Commission members have an opportunity to familiarize themselves with the material and obtain any additional information required to ensure informed discussion.

## **Public Meeting Requirements**

Any meetings of the Commission must be held in a public place, like a community hall, that is accessible by interested members of the public. For this reason, meetings held in private homes are discouraged.

A Notice of Meeting indicating the date, time and location of the meeting may be posted in advance at a prominent location within the service area, preferably in a regular spot near the regular meeting place.

A Notice of Meeting may also be provided to the RDCK Administration Department for advance posting on the RDCK website.

## **Closed in Camera Meetings**

A “Closed in Camera Meeting” is a meeting that is closed to the public and is a form of special meeting. It is conducted in the same way as an “Open Meeting” except that:

- The subject matter may not be disclosed to the public;
- The minutes must be filed separately from the Open meeting and may not be made available to the public.

The confidentiality is intended to:

- Protect the organization, its operations, economic interest and delivery of its mandate from harm that would result from the release of certain information;
- Protect individuals when the release of certain information would be an unreasonable invasion of their personal privacy.

It is expected that the majority of Commission meetings will be Open to the public; however, there are certain areas that are deemed to justify keeping information confidential, such as but not limited to:

- The security of the property of the organization;
- Financial (and other) information that if made public could be beneficial to the competition or be detrimental to the organization;
- Disclosure of intimate, personal or financial details respecting a person;
- Acquisition or disposition of property;
- Decisions with respect to negotiations with employees;
- Litigation affecting the organization.

If In Camera discussions are required, please contact the RDCK Administration Department for proper procedures.

### **Minutes / Record of Proceedings**

The minutes record the business decisions of the Commission including recommendations, motions and actions associated with each item listed on the agenda. They are a source of information for absent Commission members, the RDCK Board and Administration as well as the public and stand as a legal record. It is important that the minutes are concise and accurate. Primarily, minutes record the decisions or actions only, however, there may be times it is desirable to capture the thought process that led to the decisions. This should be done briefly and objectively without any reference to 'who said what'.

Sample minutes are included in the Handbook for your reference but generally speaking, the minutes:

- State the name of the commission, date, time and location of the meeting and, for special meetings, the purpose of the meeting;
- List those in attendance beginning with the Chair with all others listed alphabetically by surname. Absent Commission members may be recorded separately;
- Approve the agenda as circulated and identify any additional or late items for consideration;

- Adopt the minutes of the previous meeting;
- Record motions - the name of the 'mover' of the motion and that the motion was seconded (Moved by Commissioner John / Jane Doe and seconded, And Resolved that:) as well as the action associated with the motion - whether it was 'carried or resolved', 'defeated', 'deferred' to future meeting, 'referred' to a person or body to obtain advice or additional information. In some instances – usually if a matter is contentious – the membership may request that the vote be counted (for and against) or... may request they be individually recorded as against a motion;
- State the time of meeting adjournment ;
- Must be certified correct by the Commission Chair;
- Must be filed with the RDCK Board in a timely manner with a summary of the "recommendations to the Board" listed as a separate attachment to the minutes for easy reference.

### **Quorum**

The Commission Bylaw stipulates that a quorum – the minimum number of members needed for the Commission to conduct its business – must be present.

### **Voting**

Procedures for voting are laid out in the *Local Government Act* as follows:

- All acts and matters that come before a Commission must be decided by a majority of the members present at a duly constituted meeting – a quorum must be present.
- All members of a Commission, including the Chair, have a vote on all matters. When the vote, including the vote of the person presiding, is equal, the question is defeated.
- If a Commission member is present but abstains from voting, his / her vote is considered an affirmative one.
- Any member may request his / her opposed vote to be recorded in the minutes.

### **Conflict of Interest**

The following excerpt from the UBCM Advisory Service Fact Sheet Series No. 15: Conflict of Interest describes some typical scenarios relating to conflicts of interest:

"Conflicts often occur between the member's public duty and his or her personal, business or property interests. The courts treat personal, business or property interests of a

spouse, child, parent, partner, client (or in some cases, a corporation) of the member the same way they treat the interests of the member. If the member is in any way involved in a matter before council that actually advances (or appears to advance) any of these interests, a conflict of interest may arise.

By keeping key examples in mind, it should be easier for the member to recognize a conflict:

**Business Interest** - A member has a conflict of interest if he or she votes on a matter that helps his or her own business, or hinders the competition.

**Property Interests**: If a member votes on a land use bylaw that makes his or her own property subdividable or more or less valuable in any way, a conflict arises.

**Family Interests**: If a member votes on a matter that is to the benefit or disadvantage of a spouse, child or parent, as in increasing salary or increasing or decreasing property values, a conflict arises."

**Relationships that may constitute a conflict of interest include:** kinship, legal guardian; trustee; estate administrator; appointment on retainer (whether or not a service was provided) consultant; contracts for services; interest in real property including property owned or enjoyed by a corporation of which a commission member is an officer or board member.

**Conflict does not exist if:** the pecuniary interest is in common with members of the electoral area generally; is so remote or insignificant that it cannot reasonably be regarded as to influence the member; or, relates to expenses payable to members.

Where a conflict of interest exists, the following applies to Commission Members:

- 1) Must declare to the Commission that a conflict exists
- 2) Must not participate in the discussion of the matter or vote on a question in respect to the matter
- 3) Must absent themselves from the meeting during consideration of the issue to which the conflict relates and not attempt to influence the vote (this is to be reflected in the minutes).

Commissioners should be aware that their conduct may come under scrutiny. Fairness, objectivity, the avoidance of conflict of interest situations and discretion in discussing personal views on subjects which are before the Commission should be exercised.

## **Freedom of Information & Protection of Privacy Requests**

The RDCK Freedom of Information Officer responsible for the Regional District and its Boards, Committees, Commissions, Panels, Agencies or Corporations and can be contacted at:

Dawn Attorp  
General Manager of Corporate Administration  
Regional District of Central Kootenay  
Box 590, 202 Lakeside Drive  
Nelson, BC V1L 5R4  
Ph: 250-352-6665 Fax: 250-352-9300  
Email: [dattorp@rdck.bc.ca](mailto:dattorp@rdck.bc.ca)

Though FOI requests to Commissions are rare, it may be advisable to assign an executive member the task of coordinating requests with the RDCK FOI Officer.

### **FOI Request Procedure**

- The Commission receives a written request for access to records. The request must be in writing and may be a letter, a fax, email or a completed FOI form.
- The Commission makes a copy of the request.
- The original request is forwarded to the RDCK FOI Officer.
- The request is logged, assigned a file number and the RDCK FOI Officer requests all records required for the review. (Note that good record-keeping and file management is vital to the Commission in locating records).
- Commission forwards the original files to the RDCK FOI Officer.
- The RDCK FOI Officer then reviews all records to determine if the records will be released completely, partially or withheld.
- The RDCK FOI Officer sends out the appropriate response.
- The original files are returned to the Commission.



## **COMMISSION NAME** **SAMPLE MEETING AGENDA**

Day, Date, Time  
Meeting Place  
Address

### **COMMITTEE MEMBERS**

Chair (Name)

Commissioner (Full Name)  
Commissioner (Full Name)  
Commissioner (Full Name)  
Commissioner (Full Name)

### **INVITEES**

Name, Representing  
Topic:

**1.A.**

### **CALL TO ORDER**

Chair \_\_\_\_\_ called the meeting to order at \_\_\_\_\_.

**1.B.**

### **ADOPTION OF THE AGENDA**

**MOVED** by Commissioner \_\_\_\_\_ and seconded,  
And Resolved:

The agenda for the \_\_\_\_\_ meeting be adopted  
as circulated.

**2. APPROVAL OF THE MINUTES**

MOVED by Commissioner \_\_\_\_\_ and seconded,  
And Resolved:

The minutes of the \_\_\_\_\_ meeting held  
\_\_\_\_\_ be approved.

**3. CHAIR'S REPORT**

i) The Chair's Report dated \_\_\_\_\_ from  
\_\_\_\_\_, re: \_\_\_\_\_ has been  
received.

**Recommendation:**

**MOVED** by Commissioner \_\_\_\_\_ and seconded,  
And Resolved that it be **recommended** to the Board that:

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**4. TREASURER'S REPORT**

i) The Treasurer's Report dated \_\_\_\_\_ from  
\_\_\_\_\_, re: \_\_\_\_\_ has been  
received.

**Recommendation:**

**MOVED** by Commissioner \_\_\_\_\_ and seconded,  
And Resolved that it be **recommended** to the Board that:

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**5. GENERAL REPORTS**

**5a COMMISSIONERS' REPORTS -**

- i) Reports from the following Commissioners' have been received as follows:

**Recommendation:**

**MOVED** by Commissioner \_\_\_\_\_ and seconded,  
And Resolved that it be **recommended** to the Board that:

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6. **CORRESPONDENCE**

i) Correspondence dated \_\_\_\_\_ from  
\_\_\_\_\_, re: \_\_\_\_\_ has been  
received.

**Recommendation:**

**MOVED** by Commissioner \_\_\_\_\_ and seconded,  
And Resolved that it be **recommended** to the Board that:

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7. **NEW BUSINESS**

8. **ADJOURNMENT**

**MOVED** by Commissioner \_\_\_\_\_ and seconded,  
And Resolved:

The meeting be adjourned at \_\_\_\_\_.