



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.

Conduct of Meeting

The Chair or, in his/her absence, the Vice-chair, shall preside at all meetings, and shall be guided by the following rules:

- The order of business shall be as set out in the agenda, except that items may be added to the agenda by majority vote of the members present.
- Each appointed member shall have one (1) vote.
- All questions before an Commission shall be decided by a majority vote of the votes cast.
- Dissenting votes, upon request by the member who so voted, shall be recorded as opposed.
- All appointed members, including the presiding member, may vote on the question before the Commission.
- In all cases where the votes of appointed members present are equal for and against the question, the question shall be negated.
- An appointed member who abstains from voting shall be deemed to have voted in the affirmative.

- Voting shall be conducted by a simple show of hands unless otherwise determined by a majority of the appointed members.
- The Director, Alternate Director, an employee or officer of the Regional District of Central Kootenay are not eligible to vote on questions before the Commission, but may attend in a resource capacity and participate in discussion prior to the vote.
- The Chair shall generally conduct the meeting in accordance with the Rules of Procedure applicable to the Committee of the Whole Board.

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.

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.

A Commission member will not disclose to any person, firm, corporation or other legal entity, confidential information for any purpose other than the purposes of the Regional District. Except as required by law a Commission member will not disclose or use for any purposes other than those of the Regional District the private affairs of the Regional District or any other information that they may acquire during the course of their tenure as member of a Regional District Commission.

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:

Anitra Winje
Manager of Administrative Services
Regional District of Central Kootenay
Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4
Ph: 250-352-8166 Fax: 250-352-9300
Email: awinje@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.



REGIONAL DISTRICT OF CENTRAL KOOTENAY

[NAME OF COMMISSION] AGENDA

[Time]
[Day], [Date]
[Location]

COMMISSION MEMBERS

Director [Last Name]	[Electoral Area/Municipality]
Director [Last Name]	[Electoral Area/Municipality]
Director [Last Name]	[Electoral Area/Municipality]
Director [Last Name]	[Electoral Area/Municipality]

STAFF

[Name of Staff]	[Title]
[Name of Staff]	[Title]
[Name of Staff]	[Title]
[Name of Staff]	[Title]

DELEGATION

[Name of Delegation]	[Name of Organization]	[Agenda Item]
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1. ADOPTION OF AGENDA

MOVED by: _____ and seconded,
AND Resolved that:

The Agenda for the [Date], [Year] [Name of Commission] meeting, be adopted as circulated.

2. RECEIPT OF MINUTES

Moved by: [Commission Member] and seconded,
AND Resolved that:

The [Date], [Year] [Name of Commission] minutes be received.

3. DELEGATE

- 3.1 [Name of Delegate], from [Name of Organization] will present [Description] to the Commission.

4. [AGENDA ITEM]

4.1 [Reports #1] - *Only need sub-categories if there are multiple reports, otherwise details can go under Agenda Item.*

- i) The Commission Report dated [Date], [Year] from [Authors Name], [Title], re: [Subject of Report], has been received.

Moved by: [Commission Member] and seconded,
AND Resolved that:

[Resolution]

4.2 [Reports #2] - *Only need sub-categories if there are multiple reports, otherwise details can go under Agenda Item.*

- i) The Commission Report dated [Date], [Year] from [Author's Name], [Title], re: [Subject of Report], has been received.

Moved by: [Commission Member] and seconded,
AND Resolved that:

[Resolution]

5. NEW BUSINESS

5.1 [New Business Item #1]

- j) The Commission Report dated [Date], [Year] from [Authors Name], [Title], re: [Subject of Report], has been received.

Moved by: [Commission Member] and seconded,
AND Resolved that:

[Resolution]

5.2 [New Business Item #2]

- i) The Commission Report dated [Date], [Year] from [Authors Name], [Title], re: [Subject of Report], has been received.

Moved by: [Commission Member] and seconded,
AND Resolved that:

[Resolution]

***If a recommendation is to be forwarded to the Board of Directors, the motion should read:**

Moved by: [Commission Member] and seconded,
AND Resolved that it be recommended to the Board that:

***The In Camera portion of the agenda can be deleted if there are no In Camera items.**

6. IN CAMERA

6.1 MEETING CLOSED TO THE PUBLIC

Moved by: [Commission Member] and seconded,
AND Resolved that:

In the opinion of the Board - and, in accordance with Section 90 of the *Community Charter* – the public interest so requires that persons other than DIRECTORS, ALTERNATE DIRECTORS, DELEGATIONS AND STAFF be excluded from the meeting;

AND FURTHER, in accordance with Section 90 of the *Community Charter*, the meeting is to be closed on the basis(es) identified in the following Subsections:

(For In Camera you will select the portion of Section 90 of the *Community Charter* that applies to your agenda items.)

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (c) labour relations or other employee relations;
- (d) the security of the property of the municipality;
- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (g) litigation or potential litigation affecting the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

6.2 RECESS OF OPEN MEETING

Moved by: [Commission Member] and seconded,
AND Resolved that:

The Open Meeting be recessed in order to conduct the Closed In Camera meeting.

6.3 IN CAMERA ITEMS RELEASED TO THE PUBLIC

Moved by: [Commission Member] and seconded,
AND Resolved that:

The following resolutions from the In Camera meeting of [Date], [Year] be released in Open meeting.

[In Camera Resolution]

7. NEXT MEETING

The next [Name of Commission] meeting is scheduled for [Date], [Year] at [Time].

8. ADJOURNMENT

Moved by: _____ and seconded,
AND Resolved that:

The [Name of Commission] meeting be adjourned at [Time].

***If there are recommendations that need to go to the Board of Directors please add them to the list below and forward to Anitra Winje to be put on the Board agenda.**

RECOMMENDATION(S) TO THE BOARD OF DIRECTORS

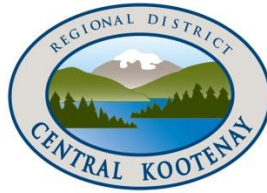
1. *[List of Items]*

THE FOLLOWING ITEMS ARE PROVIDED FOR CONVENIENCE ONLY AND WILL BE CONSIDERED AT ITS APPROPRIATE MEETING AS STATED.

Future [Name of Commission] Meetings

1. *[List of Items]*

NOTE: The Commission agenda can be used to conduct the meeting and are to be applied to the minutes for the meeting.



REGIONAL DISTRICT OF CENTRAL KOOTENAY

[NAME OF COMMISSION] IN CAMERA AGENDA

[Time]

[Day], [Date]

[Location]

COMMITTEE MEMBERS

Director [Last Name]

[Electoral Area/Municipality]

Director [Last Name]

[Electoral Area/Municipality]

Director [Last Name]

[Electoral Area/Municipality]

Director [Last Name]

[Electoral Area/Municipality]

STAFF

[Name of Staff]

[Title]

[Name of Staff]

[Title]

[Name of Staff]

[Title]

[Name of Staff]

[Title]

DELEGATION

[Name of Delegation]

[Name of Organization]

[Agenda Item]

9. CALL TO ORDER

Chair [Name] called the meeting to order at [Time].

10. ADOPTION OF THE AGENDA

Moved by: [Comission Member] and seconded,
AND Resolved that:

The agenda for the [Date], [Year] Closed *In Camera* be adopted as circulated.

11. [AGENDA ITEM]

3.1 [Reports #1] - Only need sub-categories if there are multiple reports, otherwise details can go under Agenda Item.

- j) The Commission Report dated [Date], [Year] from [Authors Name], [Title], re: [Subject of Report], has been received.

Moved by: [Commission Member] and seconded,
AND Resolved that:

[Resolution]

3.2 [Reports #2] - Only need sub-categories if there are multiple reports, otherwise details can go under Agenda Item.

- k) The Commission Report dated [Date], [Year] from [Author's Name], [Title], re: [Subject of Report], has been received.

Moved by: [Commission Member] and seconded,
AND Resolved that:

[Resolution]

***If a recommendation is to be forwarded to the Board of Directors, the motion should read:**

Moved by: [Commission Member] and seconded,
AND Resolved that it be recommended to the Board that:

12. IN CAMERA ITEMS TO BE RELEASED TO THE PUBLIC

Moved by: [Commission Member] and seconded,
AND Resolved that:

The following resolution(s) be moved into the Open Commission meeting:

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13. RECESS

Moved by: _____ and seconded,
AND Resolved that:

The meeting be recessed at [Time].

***If there are recommendations that need to go to the Board of Directors please add them to the list below and forward to Anitra Winje to be put on the Board agenda.**

RECOMMENDATION(S) TO THE BOARD OF DIRECTORS

1. [List of Items]

THE FOLLOWING ITEMS ARE PROVIDED FOR CONVENIENCE ONLY AND WILL BE CONSIDERED AT ITS APPROPRIATE MEETING AS STATED.

Future [Name of Commission] Meetings

1. [List of Items]