REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Electoral Area "D" Service and Boundary Configuration Committee
Agenda

Wednesday June 9, 2021

Via WebEx
https://rdos.webex.com/rdos/onstage/g.php?MTID=ed4f2785e43dde01fc3c480c49bdadddc

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A. CALL TO ORDER

B. RECEIPT OF MAY 27, 2021 MEETING NOTES

1. Notes

C. ELECTION

1. Process

D. ORIENTATION

1. Committee Guidelines
2. Conflict of Interest Policy
3. Code of Ethics Policy
4. Discrimination, Bullying and Harassment Policy
5. Procedure Bylaw
6. Privacy/Freedom of Information

E. NEXT MEETING

Tuesday June 29, 2021 - RFP Evaluation

F. ADJOURNMENT

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Electoral Area "D" Service and Boundary Configuration Committee

MEETING NOTES

Thursday, May 27, 2021

COMMITTEE MEMBERS PRESENT:

Bob Daly
David Forst
Eleanor Walker
Kerrie MacLean
Kurt Hiebert
M. Kay Medland
Matt Taylor
Myleen Mallach
Phyllis Radchenko
Vi Creasy

EX-OFFICIO COMMITTEE MEMBERS PRESENT:

Electoral Area "D" Director R. Obirek

GUEST PRESENT:

David Van Ommen

STAFF PRESENT:

C. Malden, Manager of Legislative Services
J. Zaffino, Manager of Finance
D. Francisco, Manager of Information Services
C. Ozaraci, Administrative Assistant

A. WELCOME AND INTRODUCTIONS

Committee members, guests and staff went round table for introductions.

Director Obirek thanked all committee members for their participation in the process.

The Manager of Legislative Services advised that two meetings would take place in the coming weeks, the first being a meeting to provide orientation and election of a Chair and Vice Chair; and a second meeting to evaluate consultant submissions through the Request for Proposal Process. A discussion on formalizing a regular meeting schedule for the remainder of the study is to be initiated by the newly elected Chair.

B. COMMITTEE GUIDELINES

This item was moved to the meeting of June 9, 2021 to allow more time for introductions and general questions.

C. REQUEST FOR PROPOSAL (RFP)

The Manager of Legislative Services advised the committee of the proposed schedule for posting the RFP for bid and asked that the committee direct their attention to two specific areas of the document, being the proposed timeline for the RFP process and the criteria weighting proposed for use during evaluation of submissions.

Questions ensued with respect to Appendix 'A' Terms of Reference, and the committee was advised that the Terms of Reference had been developed by the Ministry and Regional District staff prior to being adopted by the Regional District Board of Directors. Proposed amendments to the Terms would need to route back through the Ministry and the Board of Directors.

Adjustments to the criteria weighting and the date for RFP were proposed and amendments forwarded out to all committee members for confirmation following the meeting, prior to posting on BCBid, CivicInfo and the Regional District website. The deadline for submissions was set for Wednesday June 23, 2021 at 11:00 am.

Committee members were advised that they would receive electronic copies of all submissions along with the criteria ranking form for their evaluation in advance of the meeting. The committee is to convene on Tuesday June 29, 2021 at 6:00 pm to rank the submissions and formulate a recommendation to the Board of Directors to consider at their July 8, 2021 Board Meeting.

D. NEXT MEETINGS

- Orientation and Election of Chair/Vice Chair -Wednesday June 9, 2021 at 6:00 pm
- Evaluation of RFP submissions - Tuesday June 29, 2021 at 6:00 pm

E. ADJOURNMENT

The meeting adjourned at 7:44 pm.

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 5, 2020

RE: Chair/ Vice-Chair Election Process

DUTIES AND RESPONSIBILITIES OF CHAIR

The Chair is responsible to ensure the following:

- consistent communication with all committee members occurs
- order and respectful conduct is maintained throughout the process
- all items on a meeting agenda are addressed
- that the study process transpires in a timely and orderly fashion
- that public participation and feedback is accounted for in the meetings

During the absence of the Chair, the Vice Chair has all the responsibilities of the Chair and is subject to all rules applicable to the Chair.

If the Chair and the Vice Chair are not present at a meeting of the committee, the members present may elect an acting Chair who, during that meeting, has all the responsibilities of the Chair and is subject to all rules applicable to the Chair.

ELECTION OF CHAIR / VICE CHAIR

For the purposes of elections under this section, each member present at the meeting has one vote in each election for an office.

1. The Manager of Legislative Services will declare nominations open for the position of Chair for the Electoral Area "D" Services and Boundary Configuration Committee.
2. Each nomination will require a mover and seconder. The Member nominated will be asked if they are willing to let their name stand for the position.
3. The Manager of Legislative Services will call for additional nominations until, after three calls, there are no further nominations from the Floor.
4. Once nominations close, Nominees will be allowed up to 3 minutes to present their platform to the Committee, in the order of nomination.
5. Each Member shall have one vote, with each vote to have equal weight. Members will vote using an electronic method, a link to which will be sent in advance. Members will anonymously register their vote.
6. A simple majority of the committee is required to elect a Chair. Should there be more than two Nominees for the position, and if on the first ballot a Chair is not elected by a majority

of the Committee, the Nominee with the lowest number of votes shall be dropped and a second ballot will be initiated. This process will continue until a Member is elected.

7. In the event of two consecutive tie votes, the election shall be determined by toss of a coin.

8. Following the vote, the Manager of Legislative Services will announce the name of the Chair resulting from the secret ballot.

9. Unsuccessful candidates for Chair are eligible to stand for Vice Chair, if nominated.

10. Following the election of the Chair, the Manager of Legislative Services shall conduct the election of the Vice-Chair with the same rules applied to elect a Chair, with the exception that candidates will be permitted a maximum of 2 minutes to address the Committee.

11. Following the election of a Vice-Chair, the Manager of Legislative Services shall turn the meeting over to the Chair to proceed with the remainder of the agenda.

Electoral Area "D" Services & Boundary Configuration Committee

Operational Guidelines

Purpose and Scope of the Committee 1
Committee Operational Guidelines 1
I. Committee Structure 1
II. Committee Meetings 3
III. Open and Inclusive Communications 4
IV. Committee Tasks 5
Appendix 'A' - Terms of Reference 6

Purpose and Scope of the Committee

The committee is responsible for working with a consultant and Regional District project manager to *guide* the research, analysis and public discussion based on the attached terms of reference for the study. The committee is an objective fact-finding body; individual members of the committee should ensure that any expression of their personal opinions do not detract from the ability of the committee to function as a neutral and credible conduit for information to the community.

This includes the following tasks:

- guide the preparation of a study including analysis of community issues, by a consultant with BC local government expertise;
- guide the local process of community discussion and debate of the implications of servicing improvement and boundary options;
- promote a process that is inclusive and provides appropriate information to enable members of the communities to make informed decisions;
- maintain objectivity and a perspective that is unbiased and does not reflect preferred outcomes while overseeing the study and community participation processes;

Committee Operational Guidelines

I. Committee Structure

The committee structure and the level of formality by which meetings and tasks are considered and planned will depend upon the unique needs of the participants and communities undertaking the study process. The Regional District Manager of

Legislative Services will provide advice to the committee on process and conduct as well as legislative and reporting requirements.

Chair
The Chair's role is to ensure that order and respectful conduct is maintained throughout committee meetings, that all items on a meeting agenda are addressed, and that the study process as a whole transpires in a timely and orderly manner. The Regional District Procedure Bylaw is in effect for all committees. A vice-chair may also be appointed to act in the absence of the Chair.

The committee must also ensure that it is able to address committee business and not get side-tracked by endless debate. The Chair will play a positive role by maintaining order and ensuring that the committee is able to complete its tasks, but at the same time being sensitive to the need for public participation at particular times.

The Chair should introduce the agenda at the beginning of each meeting and communicate clearly to the members of the community who are in attendance the time when there will be opportunities for questions and feedback.

Recording Secretary
Regional District staff will assume this role. The availability of committee meeting agendas, minutes, and video recordings for examination by interested members of the public increases the transparency of the study process. Minutes and Agendas will be made available at the Regional District corporate office, the Area "D" Office and on RDOS Regional Connections. The minutes will not be expansive; they will simply record the general topics of discussion and any specific items agreed upon.

Treasurer
The committee will be working with a consultant, holding public meetings, and presenting information in various formats, which are all tasks that will incur costs to be covered by a provincial grant administered by the Regional District. Additional funds, if required, may be committed by the Electoral Area Director. Regional District staff will track these costs and a budget will be posted and maintained on the RDOS Regional Connections site.

Spokesperson
The Chair is generally the spokesperson for the committee.

Ex-Officio members
The Electoral Area Director, and their alternate are ex officio members of the committee. The study process is intended to be community-led, and an ex-officio

member will participate in an advisory capacity rather than a decision-making capacity. Ex-officio members will assist the committee and the Regional District to ensure that the process is carried out in an open and transparent manner.

ii. Committee Meetings

Meetings will be conducted in accordance with Regional District policies and bylaws
Each committee member needs to know and understand the Regional District Code of Ethics Policy, the Conflict of Interest Policy, and Harassment, Discrimination and Bullying Policy. Persons appointed by the Regional District to a board, committee, commission, panel, task force, or other body are asked to sign the Member Statement agreeing to adhere to the policies. Committee members must carefully review the policies and consider them during committee meetings and in their interaction with the public and RDOS staff and directors.

As a general principle, the open meeting rules of local governments apply and, as this a regional district advisory committee, the Regional Procedure Bylaw will apply as it does to other committees.

All meetings will be open to the public
Open meetings contribute to an inclusive study process. An open process ensures that the community can focus on the results of the study rather than on the study process. This will enable the community to make informed decisions about incorporation based on sound and factual information.

All meetings will be open to the public to provide transparency of the study process. The evaluation of consultant proposals, which may be include proprietary information, would be a reasonable exception and will be conducted in camera, and then reported out in public after a decision is made by the RDOS Board of Directors.

The committee should ensure that the public are notified about the time and location of meetings. At a minimum, the committee should announce the date and place of the next meeting at the end of each meeting. Developing a regular meeting schedule at specific days and times can also facilitate public involvement in the process.

Opportunity for public involvement and questions

As community interest in the study process is expected to be high, the committee may wish to consider routinely providing an opportunity at the end of each meeting for questions/comments from the members of the public who are in attendance. For the first few meetings, it is suggested that the committee accept written questions to the committee with answers to be provided by a specified time (e.g., within one month or two weeks). All communications, correspondence, questions & answers will be posted on the RDOS Regional Connection page routinely.

Once the consultant has developed a work plan with the assistance of the committee, the committee can explain to the public when various topics will be addressed and the related opportunities for public involvement and questions. Information meetings dedicated to answering questions from members of the community can also be scheduled midway and at the end of the process.

Build an Agenda

An agenda will be prepared by the recording secretary and distributed along with relevant documentation to each committee member prior to each meeting. The agenda will be posted at the entrances to the meeting room or on a board in clear sight for members of the community who are in attendance when meetings are held in person. A copy of the agenda will be made available on the Regional District Regional Connections site in advance of online and in person meetings.

Decision-making

The committee will strive towards consensus on all major issues; however, if full consensus cannot be reached, a simple majority vote is required in accordance with legislation and the Regional District Procedure Bylaw. Generally, committee members should view themselves as process managers, not decision-makers, and therefore favour consensus rather than votes as the method of working and moving the process forward.

iii. Open and Inclusive Communications

The business of the committee should be conducted in an open, respectful and inclusive manner between committee members, between the committee and the public, and with the local government.

Information should be made available to all members of the committee concurrently,

whether it is provided by the consultant or RDOS administration. Concurrently generally means being forwarded by email, fax, mail, or drop-off at a specific pre-determined location within a 36-hour period.

Minutes, agendas, and agenda items will be forwarded by email, to each committee member in advance of the meeting.

Minutes and agendas will be available at the RDOS Corporate Office, the Area "D" office, and on RDOS Regional Connections. Committee members may post these documents on community bulletin boards or other publicly accessible locations if desired.

iv. Committee Tasks

The following is a rough guideline of the order of tasks to be completed:

1. Review the draft request for proposal (RFP) for procuring a consultant with local government expertise. The RFP will have been developed by RDOS administration in conjunction with the Ministry.
2. Review committee orientation materials. Set the committee structure and calendar for future meetings.
3. Review proposals and provide recommend to the RDOS Board for a consultant based on the Regional District evaluation matrix and Ministry staff comments.
4. Meet with the selected consultant and provide feedback on consultant's proposed work plan.
5. Provide recommendation to the Board for adoption of the consultant's work plan and budget.
6. Provide recommendation to the RDOS Board at the completion of the study.

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

POLICY NO: **P0530-00.02**

SUBJECT: **CONFLICT OF INTEREST**

Effective Date Amendment	**Board Resolution**	**Administered By**
January 20, 2005	B24/05	CAO & Board Chair
September 20, 2019	Administrative Review	

CONFLICT OF INTEREST

For Director Members of the Regional District of Okanagan-Similkameen, Appointees to Boards, Committees, Commissions and Task Forces (hereby collectively referred to as "Members"):

A conflict of interest exists where:

- a committee member is a director, member or employee of an organization seeking a benefit from the Regional District of Okanagan-Similkameen upon which the committee will make a recommendation;

- the committee member has a direct or indirect pecuniary interest in the outcome of committee deliberations.

A conflict of interest does not exist if:

- the pecuniary interest of the member is a pecuniary interest in common with members of the Regional District generally, or

- the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter.

Where a conflict of interest exists, members:

- Are not entitled to participate in the discussion of the matter or to vote on a question in respect of the matter;

- Must declare to the committee that a conflict exists; and

- Must declare themselves and exit from the meeting during consideration of the issue to which the conflict relates.

The member's declaration of a conflict and their exit from and return to the meeting shall be noted in the minutes.

Perceived Conflict of Interest:

Where a perceived conflict of interest might exist, the member may note that a perception of conflict might exist but need not declare a conflict and exit the meeting if in the member's view there is no actual conflict of interest.

Directorship Review:

Where in the opinion of a committee member is in a conflict of interest and has not so declared, the committee may ask for a review of the matter by the Chief Administrative Officer. The matter, if unresolved, may then be referred to the Board for review.

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BOARD POLICY

POLICY: Code of Ethics

AUTHORITY: Board Resolution No. B24/05 dated January 21, 2005.
Administrative Review April 15, 2015
Administrative Review September 20, 2019

POLICY STATEMENT

The citizens of the Regional District of Okanagan-Similkameen are entitled to have fair, honest and open local government that has earned the public's full confidence for integrity. In keeping with the Regional District's Principles and Corporate Values, the Regional District seeks to maintain and enhance the quality of life for all Regional District residents through effective, responsible and responsive government.

PURPOSE

To outline standards of conduct expected of all Regional District representatives.

DEFINITIONS (IF REQUIRED)

Member means an elected or appointed Director of the Regional District, an appointee to a board, committee, commission, panel, task force or other body of the Regional District.

RESPONSIBILITIES

Members commit to ensure that:

- public business is conducted with integrity, in a fair, honest and open manner;
- they respect one another, the public and staff and recognize the unique role and contribution each person has in making the Regional District a better place to work and live;
- their conduct in the performance of their duties and responsibilities with the Regional District be above reproach; and
- the decision-making processes be accessible, participatory, understandable, timely, and just, in addition to satisfying the requirements of applicable enactments.

PROCEDURES

1. **Act in the Public Interest**

   Recognizing that the Regional District seeks to maintain and enhance the quality of life for all Regional District residents through effective, responsive and responsible government, Members will conduct their business with integrity, in a fair, honest and open manner.

2. Comply with the Law

Members shall comply with all applicable federal, provincial, and local laws in the performance of their public duties. These laws include, but are not limited to: *the Constitution Act, the Provincial Human Rights Code, the Criminal Code, the Community Charter and the Local Government Act;* laws pertaining to financial disclosures and employer responsibilities; and relevant Regional District bylaws and policies.

3. Conduct of Members

The conduct of Members in the performance of their duties and responsibilities with the Regional District must be fair, open and honest. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members, Regional District staff or the public.

4. Respect for Process

Members shall perform their duties in accordance with the policies and procedures and rules of order established by the Regional District governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Regional District by Regional District staff. Members of committees shall be aware of the mandate of their respective committee and act in accordance with it.

5. Conduct of Public Meetings

Members shall prepare themselves for public meetings, listen courteously and attentively to all public discussions before the body and focus on the business at hand. They shall not interrupt other speakers, make personal comments not germane to the business of the body or otherwise disturb a meeting.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated circumstances.

7. Communication

Subject to paragraph 10, Members shall share with the body of which they are a member all substantive information that is relevant to a matter under consideration by them which they may have received from sources outside of the public decision-making process. Prior to doing so, Members shall discuss the information with the Chief Administrative Officer so as to ensure that the appropriate procedure is followed in the decision-making process.

8. Conflict of Interest

All Regional District directors shall be aware of their responsibilities under the *Local Government Act* and shall fulfil the requirements of section 787.1(1) of that Act and Division 6 of Part 4 of the *Community Charter*. All other Members shall act in accordance with the Regional District's *Conflict of Interest Policy*.

9. Gifts and Favours

All Regional District directors shall be aware of their responsibilities under the *Local Government Act* and shall fulfil the requirements of section 787.1(1) of that Act and sections 105 and 106 of the *Community Charter*. All other Members shall not accept any money, property, position or favour of any kind whether to be received at the present or in the future, from a person having, or seeking to have dealings with the Regional District, save appropriate refreshments or meals, except where such a gift or favour is authorized by law, or where such gifts or favours are received as an incident of the protocol, social obligation or common business hospitality that accompany the duties and responsibilities of the member. A member may participate in Regional District programs open to the public and may purchase Regional District property or goods offered for public sale.

10. Confidential Information

Members shall respect the confidentiality of information concerning property, personnel or legal affairs of the Regional District and of information provided by a third party to the Regional District on a confidential basis. They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.

11. Use of Public Resources

Members shall not use Regional District resources not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

12. Advocacy

Members shall represent the official policies or positions of the Regional District to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Members shall expressly state the views are their own and do not represent the views of the Regional District. Members shall not use Regional District letterhead for personal matters.

13. Policy Role Members

Members shall respect and adhere to the Regional District Management staff structure of government as practiced in the Regional District of Okanagan-Similkameen. In this structure, the Regional District Board makes policy decisions and the Regional District Management staff implements those with appropriate advice, information and analysis.

Members, therefore, shall not interfere with the administrative functions of the Regional District or with the professional duties of the Regional District staff; nor shall they impair the ability of staff to implement Regional District policy decisions.

14. Positive Work Place Environment

Members shall treat other members, the public and Regional District staff with respect and shall be supportive of the personal dignity, self-esteem and well-being of those with whom they come in contact with during the course of their professional duties.

15. Implementation

The Regional District's Code of Ethics is intended to be self-enforcing. Members should view the Code as a set of guidelines that express collectively the standards of conduct expected of them. It, therefore, becomes most effective when Members are thoroughly familiar with the Code and embrace its provisions.

For this reason, the Code of Ethics will be provided to candidates for Regional District Directorship and applicants to committees. Persons elected to Regional District Directorship or appointed to a body by the Regional District will be requested to sign the Member Statement affirming they have read and understand the Regional District's Code of Ethics.

16. Compliance and Enforcement

The Regional District's Code of Ethics expresses standards of ethical conduct expected for Members. Members themselves have the primary responsibility to assure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of the Regional District.

The Regional District may impose sanctions on Members whose conduct does not comply with the Regional District's standards, such as motions of censure and rescission of committee and other appointments.

To ensure procedural and administrative fairness, Members who are accused of violating any provision of the Code of Ethics shall have a minimum of one week, or the time between two consecutive meetings, whichever is greater, to prepare his or her case to respond to the allegations. Before considering a sanction, the Regional District must ensure that the member has;

1. received a written copy of the case against him or her;
2. a minimum of one week, or the time between two consecutive meetings, whichever is greater, to prepare a defence against the allegations; and
3. an opportunity to be heard.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Regional District decision.

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BOARD POLICY

POLICY: Harassment, Bullying & Discrimination Policy

AUTHORITY: Board Resolution No. B337/10 dated July 8, 2010.

AMENDED: Board Resolution March 19, 2015[i]

POLICY STATEMENT:

The Regional District of Okanagan Similkameen will promote a positive and professional work environment where all are entitled to a workplace free of harassment, bullying and discrimination. Employees must not engage in bullying, harassment or discriminatory conduct and must report if they experience or witness this conduct. The Regional District has no tolerance for and will investigate all alleged claims to ensure all parties and their respective interests are considered. An effective remedy will be provided when an allegation is determined to be valid. All complaints of harassment, bullying or discrimination will be held in the strictest confidence amongst the parties.[1]

PURPOSE:

The purpose of this Policy is to eliminate harassment, bullying or discrimination based conflicts and provide a fair and equitable means of achieving resolution should they occur.[1]

APPLICATION:

This Policy applies to all Regional District of Okanagan Similkameen workers, including employees, volunteers and Directors.

PRINCIPLES:

1. Nothing in this Directive is intended to discourage or prevent an individual from pursuing a complaint by other legal or legislative avenues.

2. Where there is any conflict between the policies and procedures outlined in this Regional District Policy and the policies and procedures set forth in a collective agreement adopted by the Regional District of Okanagan Similkameen, or the policies and procedures set forth in a statute of the Provincial or Federal Government, the collective agreement or the statute shall supersede this policy.

3. All employees, volunteers and Directors of the Regional District of Okanagan Similkameen share responsibility for creating and maintaining an environment that is free of harassment, bullying and discrimination. This policy also applies to conduct through social media and electronic communications.[1]

4. The potential for harassment, bullying or discrimination[1] increases in relationships where a person has power over another person. In particular:

(1) Individuals who have authority over another are responsible for ensuring that they do not abuse their power.

(2) Disciplinary or corrective measures may also be taken:
   a. against any manager who is aware of a harassment, bullying or discriminatory[1] situation and who fails to take corrective action;
   b. anyone who interferes with the resolution of a complaint by threats, intimidation or retaliation; or
   c. anyone who files a complaint that is frivolous or in bad faith.

5. Confidentiality by all parties is a cornerstone of this process. In particular:

(1) Information about a case will be disclosed only to those individuals who are involved in the process.

(2) Exceptions to confidentiality may result from disclosures that suggest that an individual is at risk of serious physical harm.

6. Fairness for all parties involved in a complaint is essential. In particular:

(1) Representatives or support persons may accompany the parties or witnesses during any procedure in this Directive.

(2) Complainants and respondents will be informed about the procedure being used, the role of the person implementing the procedure, the outcome of the complaint, and any disciplinary, corrective or remedial action taken.

(3) All parties will be given equal opportunity to present evidence in support of their positions and to defend themselves against allegations. Investigations will include interviews of the complainant, respondent and any witnesses that have primary knowledge of the allegations.[1]

(4) Employees are expected to cooperate with investigators and provide details of the incidents witnessed or experienced.[1]

(5) Respondents will be informed of the allegations against them and will be given an opportunity to reply to them, before the case is decided.

(6) Retaliation against any individual involved in a complaint is prohibited. Such retaliation constitutes grounds for disciplinary action.

(7) Complaints made in bad faith constitute grounds for disciplinary action. This does not include complaints that are made in good faith and not sustained.

(8) Where a complaint is found to have been made in bad faith, the Regional District of Okanagan Similkameen, in its discretion, will take remedial action.

DEFINITIONS:

Bill 14 – Bullying (as defined by WorksafeBC)[1]

(a) Includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but

(b) Excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Complainant. A complainant is an individual who reports an alleged instance of harassment, bullying[1] or discrimination.

Complaint Made in Bad Faith. This is a complaint that is known by the complainant to be false and/or a complaint that is made for a purpose other than gaining a satisfactory remedy. This definition does not include complaints made in good faith and not sustained.

Discrimination. Discrimination is includes any act, behaviour, or practice that may be intentional or unintentional, that has either the purpose or effect of imposing burdens, obligations, disadvantages, or preferences, only on individuals or groups identified by a prohibited ground. Examples of identification on a prohibited ground include the discrimination against another person because of that person's race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age.

Harassment. Harassment includes verbal or physical behaviour that is discriminatory in nature, based upon another person's race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age. Harassment also includes discriminatory behaviour, directed at an individual, which could reasonably be expected to cause substantial distress in that person and serves no legitimate work-related purpose. Harassment is usually an ongoing process, but may be a one-time event.

Examples of Harassment include but are not limited to:

(1) Physical threats or intimidation, including but not limited to: assault, punching or unwelcome physical contact such as touching, patting pinching or punching.

(2) Unwelcome words, gestures, actions or practical jokes, the reasonable anticipated consequence of which is to humiliate alarm or abuse another person.

(3) Distributing or displaying pornographic or other offensive or derogatory pictures or material unfit for family viewing.

(4) Continually making someone the brunt of practical jokes or sarcastic, belittling remarks that cause awkwardness or embarrassment.

(5) Unwelcome invitations or requests, whether indirect or explicit.

(6) Intimidation/Bullying, including cyber bullying.[1]

(7) Condescension or patronizing that undermines self-respect.

(8) Targeting someone for differential treatment that has no reasonable basis and that imposes disadvantages on the individual.

Investigating Officer. Means the person who is charged with investigating a formal complaint.

Non-Harassing Behaviours. Behaviours that are reasonably enacted, such as those listed below, are not consistent with the definition of harassment:

(1) Day to day management/supervisory functions and activities such as work assignments, performance management and discipline.

(2) Assessment of work performance, even if adverse.

(3) Demands for work excellence or a reasonable quality of work performance.

Respondent. Means a person who is accused of harassment or discrimination.

Representative. Means a person engaged by the complainant or respondent to protect their interests.

Sexual Harassment. This is a form of discrimination based on the prohibited ground of sex. Unwelcome conduct of a sexual nature constitutes harassment when there is unwanted sexual attention, sexual communications, sexual solicitation or other sexually orientated remarks or behaviour by a person or a group who knows, or ought reasonably to know, that such conduct is unwanted or unwelcome. Behaviour may be repeated or persistent or may be a single serious incident.

Examples of behaviour that may constitute sexual harassment will normally involve a pattern of behaviour that includes, but is not limited to one or more of the following:

(1) touching, patting or physical contact.

(2) leering, staring or the making of sexual gestures.

(3) demands for sexual favours, with or without work related consequences.

(4) verbal abuse or threats.

(5) unwanted inappropriate sexual invitations.

(6) physical assault of a sexual nature.

(7) unwanted questions or comments of a sexual nature.

(8) practical jokes of a sexual nature.

Time Limits. Time limits in this Directive refer to those found in the collective agreement and describe the maximum time usually allowed to complete a procedure. Although every effort will be made to comply with the time limits specified, failure to meet a time limit will not negatively impact the process. Time limits for requesting an appeal will only be extended under exceptional circumstances.

Worker. Includes:

(a) a person who has entered into or works under a contract of service, written or oral, express or implied, whether by way of manual labour or otherwise;

(b) a member of a fire brigade working with or without remuneration, when serving a municipality or a regional district, or

(c) a board or commission having the management or conduct of work or services on behalf of the Regional District.

AUTHORITY:

The Board shall:

(1) make such revisions, additions or deletions to the Harassment, Bullying and Discrimination[1] Policy as may be required. Any significant changes shall be discussed with Employees.

The Board Chair shall:

(1) decide on the appropriate action to address complaints regarding elected officials, volunteers and the Chief Administrative Officer (CAO).[1]

The CAO shall:

(1) review the policy annually and present any suggested changes to the Board. Any significant changes shall be discussed with all workers.

(2) decide on the appropriate action to address complaints against employees.

The Human Resources Department shall:

(1) fully inform newly appointed workers of the Policy.

(2) provide training on an ongoing basis.

(3) ensure that all allegations and inquiries relating to harassment, bullying or discrimination[1] are investigated.

(4) if acceptable to the parties attempt, without prejudice, to offer mediation or recommend a facilitator to facilitate a resolution.

(5) ensure that a concluding report resulting from a formal investigation as outlined in this Policy is written.

The Workers shall:

(1) be aware of the Harassment, Bullying[1] & Discrimination Policy and comply with it.

(2) report incidents of harassment, bullying or discrimination, including cyber bullying, witnessed or experienced.[1]

(3) give consideration to addressing the situation in an informal environment to stop the behaviour.

(4) accept responsibility for their own behaviour.

(5) offer support to a known victim of harassment, bullying[1] or discrimination.

(6) not indirectly support the harasser by ignoring what is happening.

PROCEDURES:

1. Complainants should make every attempt to informally resolve the situation.

2. Formal complaints or inquiries concerning the harassment, bullying or discrimination[1] towards any worker shall be made in writing to the CAO, applicable Department Manager, or Manager of Human Resources. Complaints regarding the CAO or elected officials shall be made to the Chair and, in this case, the Chair shall fulfill the obligations of the investigating officer in subsequent sections.

3. All complaints or inquiries will be treated as confidential.

4. The Human Resource department will keep a written record of investigations, including findings.[1]

5. A copy or summary of any written complaint received is to be provided as soon as is reasonably possible to the respondent with a requirement to provide a written answer to the complaint.

6. If there remains a disagreement between the parties, the Manager of Human Resources, or other facilitator mutually acceptable to the parties, can, with both party's consent, try to facilitate, without prejudice, communication between the parties so that agreement on a resolution of the complaint can be reached. This process involves:

   (1) If possible or necessary, separating the parties in their workplace.

   (2) Discussing separately with both persons the options open to them.

   (3) Ensuring separately that both parties want to participate in the process.

(4) Facilitating communication between the parties so that they can reconcile differences and agree on a solution.

7. Complainants and/or respondents who believe that a matter has not been addressed using the steps above may request a formal investigation in writing to the Manager of Human Resources. The Manager of Human Resources shall then determine the appropriate technique, which may include an independent investigator to investigate:

   (1) All complaints or inquiries concerning the harassment, bullying or discrimination[1] towards an employee.

   (2) On his/her own initiative, or by order of the CAO, the conduct of an employee where he/she determines an investigation is warranted.

   (3) Write and submit to the CAO or Chair a report of the complaint(s) and the circumstances.

8. The CAO or Chair shall summarize the findings of the investigation in written or oral form and forward and/or present to the respondent and the complainant his/her findings on the appropriate remedial action to be taken.

9. Where the CAO or Chair determines the conduct referred to him/her does breach the Harassment Directive, the CAO or Chair may take disciplinary action in accordance with the normal progressive discipline system.

10. The respondent, if found to be in contravention of this Policy by the CAO or Chair, shall have the opportunity to appeal the findings of the CAO or Chair in accordance with the following:

    (1) Union workers will use the process outlined in the BCGEU employment agreement.

    (2) Exempt workers will appeal to the RDOS Board Chair.

    (3) CAO, Directors and Volunteers will appeal to the RDOS Board.

11. The CAO or Chair may, in isolation of any disciplinary measures specified, take corrective action to protect the complainant and return him or her to a productive working environment.

12. Appropriate corrective actions will be taken within a reasonable period of time.[1]

FURTHER ACTION

1. It is recognized that following an outcome, support may be required for other staff within a department or who have been involved in an investigation and this will be provided as appropriate.

2. If it is concluded that there is no case of harassment to answer, but that there are problems with a working relationship and certain interventions may be necessary, then an action plan should be agreed upon between the parties and the Human Resources Manager.

3. All individuals should be offered the opportunity for a de-briefing or counseling as appropriate.

[i] Policy amended March 19, 2015 by Board resolution

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2789, 2021

A bylaw to regulate the meetings of the Board of the Regional District of Okanagan-Similkameen and the conduct thereof.

WHEREAS pursuant to the *Local Government Act*, the Regional District of Okanagan-Similkameen must, by bylaw, provide for the procedure that is to be followed for the conduct of its business and the business of its select and standing committees, including the manner by which resolutions may be passed and bylaws adopted;

AND WHEREAS pursuant to the *Local Government Act*, the Regional District of Okanagan-Similkameen must, by bylaw, provide for advance public notice respecting the time, place and date of board and committee meetings;

NOW THEREFORE the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

1.0 GENERAL

1.1 The provisions of this bylaw govern the proceedings of the Board and all standing, select and other committees of the Board, as applicable.

1.2 In cases not provided for under this bylaw, the Board may determine the appropriate rules of procedure, or may follow the most current version of Robert's Rules of Order, so long as those rules are applicable in the circumstance and are not inconsistent with the provisions of this bylaw or with any Provincial Act.

1.3 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Regional Board of the Regional District of Okanagan-Similkameen, as amended, revised, consolidated, or replaced from time to time.

1.4 The headings used in this bylaw are for convenience of reference only. They do not form part of this bylaw and are not to be used in the interpretation of this bylaw.

1.5 If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by reason of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.

1.6 The bylaw may not be amended or repealed and substituted unless notice of the proposed amendments is given to each Director at least five days before the meeting at which the amendment is to be introduced.

1.7 The provisions of this bylaw governing meetings of the Board apply, with the necessary changes as indicated in a Terms of Reference or Committee bylaw, to standing and select committees, and commissions. When in question, this bylaw shall prevail.

2.0 CITATION

2.1 This bylaw may be cited for all purposes as the **Board Procedure Bylaw No. 2789, 2021.**

3.0 DEFINITIONS

3.1 In this bylaw:

"Audio and video recording devices" means any equipment enabling the recording and/or transmission of sound and/or visual images;

"Board" means the Board of Directors of the Regional District of Okanagan-Similkameen, and the Okanagan Similkameen Regional Hospital District;

"Chair" means, where the context requires, the Chair of the Board elected pursuant to the *Local Government Act* or the person appointed as the Chair, or other person presiding at a meeting of the Board or Committee;

"Chief Administrative Officer" means the individual appointed by the Regional Board as the Chief Administrative Officer of the Regional District of Okanagan-Similkameen;

"Closed Meeting" means a meeting closed to the general public or employees, as deemed appropriate with items to be discussed as set out in the *Community Charter;*

"Commission" means group of people appointed by the Board for a particular advisory function

"Corporate Officer" means the individual appointed by the Regional Board as the Officer assigned the responsibility of corporate administration of the Regional District of Okanagan-Similkameen or their designate;

"Delegation" means an individual or group of people addressing the Board regarding any matter that falls within the jurisdiction of the Board, but does not include those speaking to a bylaw for which a public hearing has been held or is scheduled;

"Director" means a member of the Board, whether as a municipal Director under section 198 of the *Local Government Act*, or an electoral area Director under section 199 of the *Local Government Act*,

"Executive" means the Chair and Vice Chair of the Board, and the Chief Administrative Officer;

"Member" means a Director of the Board or a person appointed to a committee or commission, as the context requires;

"Public Notice Posting Place" means the notice board at the Regional District administration office;

"Quorum" means the minimum number of members present for a meeting to conduct substantive business.

"Regional District" means the Regional District of Okanagan-Similkameen;

"Regional District administration office" means the Regional District of Okanagan-Similkameen office located at 101 Martin Street, Penticton, British Columbia;

"Select Committee" means a committee established by the Board to consider or inquire into any matter and report its findings and opinion to the Board. Persons who are not directors may be appointed by the Board; at least one member of the committee must be a director;

"Special meeting" means any meeting other than a statutory, regular, or adjourned meeting;

"Standing Committee" means a committee established by the Chair for matters the Chair considers would be better dealt with by committee. Persons who are not directors may be appointed by the chair; at least one member of the committee must be a director;

"Vice-Chair" means, where the context requires, the Vice Chair of the Board elected pursuant to the *Local Government Act* or the person appointed as Vice Chair at a meeting of the Board or committee.

3.2 Unless otherwise defined in this bylaw, words used herein shall have the meanings defined in the *Interpretation Act, Community Charter* or the *Local Government Act*, as applicable.

4.0 REGIONAL BOARD MEETINGS

Inaugural Meeting

4.1 An inaugural Board meeting shall be held in accordance with the *Local Government Act*.

Election of Chair/Vice Chair

4.2 The Board shall elect a Chair from among its directors at the inaugural meeting pursuant to the *Local Government Act*. The Chair shall fulfill those obligations placed upon this position by legislation and by approved board policy.

(1) The Corporate Officer shall call for nominations for the position of Chair of the Board and shall do so three (3) times. At the close of nominations, if more than one candidate has been nominated, those candidates or their representatives shall be allowed a maximum of three (3) minutes to address the Board.

(2) In the event that there are more than two candidates in any such election and no candidate receives a clear majority of votes (i.e. 50% plus one vote) on the first ballot, the candidate receiving the least number of votes shall be deleted and a

second ballot shall be taken. Further ballots shall be taken as necessary, repeating the procedure of deleting the candidate that in each preceding ballot received the least number of votes, until a candidate with a clear majority emerges.

(3) Only those ballots that indicate an officially nominated candidate shall be counted towards the election and be used to determine a clear majority.

(4) In the event of a tie vote on the last ballot, the election shall be determined by the flip of a coin.

(5) Voting shall be by secret ballot.

(6) Notwithstanding subsection (5), a director may phone the Corporate Officer or their designate to cast their vote, if participating remotely and electronic hardware and software are not available. The Corporate Officer shall maintain the secrecy of the ballot.

(7) Following declaration of the successful candidate by the Chief Administrative Officer, the Corporate Officer must destroy or delete the ballots cast in that election.

4.3 An election of Vice-Chair shall then be conducted pursuant to subsections above.

4.4 If the office of Chair or Vice Chair becomes vacant, the members shall elect another Chair or Vice Chair from amongst its membership as soon as reasonably possible after the vacancy occurs.

Schedule of Meetings

4.5 Regular Board and Committee meetings shall be held on the dates each year established by a resolution of the Board prior to December 31 of the preceding year. At the discretion of the Board Chair and Vice Chair, a meeting of the Board of Directors may be cancelled or postponed, providing two consecutive meetings are not cancelled.

4.6 Notification of a cancelled or postponed meeting must be provided to the Corporate Officer at least 48 hours before the scheduled meeting, and the Corporate Officer must advise all Board members via email, text message, phone call, or other electronic means and the public by posting a notice on the Public Notice Posting Place.

Location of the Board Meetings

4.7 All Board meetings shall take place within the Regional District administrative office.

4.8 Notwithstanding subsection 4.7, at the discretion of the Chair and Vice Chair, Regional Board meetings may take place at other locations. The change in location must be advertised in accordance with the *Local Government Act*.

Notice of Regular Board and Committee Meetings

4.9 The annual schedule of regular Board and Committee meetings, established pursuant to subsections 4.5 and 4.6 of this bylaw, shall be available to the public through posting on the Public Notice Posting Place, and notice of the availability of the Schedule shall be

advertised by January 15 of each year in accordance with the public notice provisions set out in the *Local Government Act*.

4.10 At least 48 hours before a regular Board or Committee meeting, the Corporate Officer must give notice of the meeting agenda, including confirmation of the time, place, and date, by:

(a) Posting the agenda on the Public Notice Posting Place at the Regional District office;
(b) Leaving copies of the agenda at a public counter at the Regional District office for distribution to members of the public as requested; and
(c) Providing an electronic copy to each member of the Regional Board;
(d) When providing an electronic copy is not possible, a paper version shall be provided.

4.11 In addition to subsection 4.10, the Corporate Officer may post agendas in another medium.

Notice of Special Meetings

4.12 At least five (5) days before a Special meeting, the Corporate Officer must give notice of the meeting, including the time, place, and date, and a general description of the purpose of the meeting, in the same manner as provided for meeting agendas in section 4.10 of this bylaw.

4.13 Each copy of a notice of a special meeting must be signed by the Chair or the Chief Administrative Officer.

4.14 Notwithstanding sections 4.12 and 4.13, notice of a special meeting may be waived by unanimous vote of all Regional Board members.

Electronic Meetings

4.15 Provided the conditions set out in Regional District Electronic Meetings Regulation 271/2005 are met:

(a) a Special meeting may, upon authorization of the Chair, be conducted by means of electronic or other communication facilities;
(b) a member of the Board or Committee who is unable to attend at a Board or Committee meeting, may, upon authorization of the Chair, participate in the meeting by means of electronic or communication facility.

4.16 The facilities must enable the meeting's participants to hear, or watch and hear, each other.

4.17 The facilities must enable the public to hear, or watch and hear, except for any part of the meeting that is closed to the public, the meeting at the specified place, and a designated Regional District officer must be in attendance at the specified place.

4.18 Nothing in this bylaw shall be construed to guarantee any Director or member electronic access to a meeting. Equipment failure or other occurrence that prevents or limits

electronic participation shall not result in meeting adjournment unless the failure results in loss of quorum.

Use of Audio and Video Recording Devices

4.19 No person shall use or operate any audio or video recording device at a closed meeting without consent of the Chair.

5.0 PUBLIC ATTENDANCE AT REGIONAL DISTRICT MEETINGS

Meetings to be Open to the Public

5.1 Unless a meeting or part of a meeting is authorized to be closed to the public by the *Community Charter* or other Provincial legislation, all meetings of the Board, Committees and Commissions shall be open to the public.

Closed Meetings

5.2 In accordance with section 117(1) of the *Community Charter*, Closed Meeting agenda documents must not be photocopied, shared or otherwise distributed by any recipient.

5.3 In accordance with section 117(2) of the *Community Charter*, the content of Closed Meeting Board or Committee deliberations shall not be released or announced publicly unless specific authorization to do so has been given by Board resolution adopted at a duly constituted meeting by a majority of the directors present.

5.4 A Board member who cannot, or will not, abide by the requirements of this section concerning the release of confidential information is expected to:

a) Disclose that director's inability or intention to the Board before the discussion of the matter begins at the Board meeting; and
b) Immediately leave the Board meeting or that part of it during which the matter is under consideration

Visitors and Delegations to the Board

5.5 A delegation shall only address the Board during a meeting if that person is providing a report or presentation that has been scheduled to the agenda for the meeting, or if the Board has passed a resolution by two-thirds member vote to hear from that person at that time.

5.6 A delegation who wishes to have a report or presentation scheduled to a Board meeting agenda shall request the same through the Corporate Officer. The request shall be processed in accordance with the Regional District of Okanagan-Similkameen Board and Committee Delegation Policy.

5.7 The Board is not obligated to deal with any matter presented by a delegation at the meeting to which it is presented.

Delegations where Applications are Before the Board for Consideration

5.8 Where an application is before the Board for consideration, a delegation consisting of either the applicant, the designated agent of the applicant, or both, may address the Board, for a period not to exceed five (5) minutes, under one of the following circumstances and a public hearing is not a requirement of the application:

a) where a motion has been moved to deny an application.

b) where a motion has been moved to add conditions prior to approval of an application.

c) where a decision by the CAO, or their delegate, is being reconsidered in accordance with the Regional District's *Chief Administrative Officer Delegation Bylaw*.

d) a motion to hear from a delegation is passed by a 2/3 Corporate vote.

5.9 Delegations under section 5.8 may address the Board in any one of the following forms:

a) attendance at the board meeting by the applicant or their appointed representative.

b) written correspondence received by the Corporate Officer no later than 9 a.m. on the day an application is to be considered by the Board.

c) teleconference, subject to the following:

i) a request for this form of address is received by the Regional District no less than 2 days prior to consideration by the Board;

ii) contact information for the delegation is provided to the Regional District no less than two (2) days prior to consideration by the Board;

iii) The delegation is prepared to connect with the Regional District at the time designated on the board agenda (NOTE: after two (2) attempts to connect with a delegation during a board meeting, the Chair may deem a delegation to be not in attendance).

6.0 RULES OF PROCEDURE AT BOARD MEETINGS

Agenda Preparation and Order of Proceedings

6.1 Prior to each meeting of the Board, the Corporate Officer shall prepare an agenda for approval by the Executive, of all items to be considered by the Board at the meeting.

6.2 Once released, the agenda is considered to be in the possession of the Board and a late item may be approved for addition to an agenda by the Board by a two-thirds vote of the Board at the meeting.

6.3 The agendas for all regular Regional Board meetings shall contain the following matters where there are items pertaining to them:

Adoption of Agenda
Consent Agenda
Delegations
Department Reports (listed by Department)
Other Business
Closed Session
Adjournment

The Board may, by resolution, establish a specific period of time in which the order or content of the agenda may be adjusted for the purpose of investigating potential changes to increase the efficiency or effectiveness in the conducting of business. Upon expiry of the specified term, the Board must either revert back to the order determined in this bylaw, or amend the bylaw to reflect changes.

6.4 Notwithstanding Section 6.3, the order in which business on the Agenda shall be dealt with may vary by consensus of the Directors present.

6.5 No Board meeting may start or continue past 5:00 p.m. unless the Board passes a majority resolution to start or continue that meeting past that time.

6.6 During discussion, members of the Board may make motions, pose inquiries and make suggestions upon being recognized by the Chair. Items of new business which are not included in the agendas and are of a complex nature or that may affect existing Regional District bylaws and policies shall be introduced as a "Notice of Motion" for placement on an agenda for a future meeting. Other items of new business which are not of a complex nature, and do not require a motion may be accepted as verbal reports from any member of the Board and noted under Other Business.

6.7 Any director may give a notice of motion to the Board by:

(a) Providing the Corporate Officer with a written copy of such motion during a meeting of the Board and the Corporate Officer shall, upon the director being acknowledged by the chair and the notice of motion being read to the meeting, include it in the minutes of that meeting as a notice of motion and shall add the motion to the agenda of the next regular board meeting, or to the agenda of a special board meeting scheduled for that purpose; or

(b) Providing the Corporate Officer with a written copy of such motion, no later than nine working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting.

6.8 Notwithstanding section 6.6, the requirement for a notice of motion for a matter of new business may be waived by a two-third vote of the Board when a matter is deemed time sensitive.

Quorum

6.9 Quorum is the majority of members of the Board.

6.10 As soon after the time specified for a meeting as there is a quorum present, the Chair, if present, must take the chair and call the meeting to order. Where the Chair is absent, the member designated in accordance with this bylaw to act in the Chair's place for that meeting must take the chair and call the meeting to order.

6.11 If a quorum is present, but neither the Chair nor the member designated in accordance with this bylaw to act in the Chair's place for that meeting is present within 15 minutes of the time specified for the meeting, the Chief Administrative Officer, or their designate shall call the meeting to order and the members of the Board present shall choose one among them to preside at the meeting.

6.12 If there is no quorum of the Board present within 15 minutes of the time specified for the Board meeting, the Chief Administrative Officer or their designate shall record the names of the members present and those absent and shall adjourn the meeting to the next regular scheduled meeting.

Voting at Meetings

6.13 When debate on a matter is closed and the Board is ready to vote, the Chair must put the matter to a vote by asking who is in favour of the question and then who is opposed.

6.14 Once the Chair has put the question to a vote, voting shall be by show of hands, by verbal confirmation, or by electronic vote, if facilities are so provided, and a member of the Board shall not cross or leave the room, make a noise or other disturbance, or interrupt the voting procedure except to raise a point of order.

6.15 After the Chair has put the question to a vote, a member of the Board shall not speak to the question or make a motion concerning it. The Chair's decision as to whether a question has been finally put is conclusive.

6.16 Should the votes on a question, other than an appeal of a decision of the Chair on a point of order, be equal for and against, the motion is defeated.

6.17 Whenever a vote of the Board is taken, the Chair must state the names of those members voting in the negative, and those names must be entered into the record. The Chair must declare the result of the voting by stating whether the motion is carried or is defeated.

6.18 Where a member who is present when a vote is taken abstains from voting, that Member shall be deemed to have voted in the affirmative.

Conduct and Debate at Meetings

6.19 A member shall speak at a meeting only after being recognized by the Chair, except to raise a point of order in accordance with Schedule 'A'

6.20 A Member shall address other members by their title and their surname, as applicable (for example, Chair _____ or Vice-Chair _____ or Director _____).

6.21 No member shall interrupt another member who is speaking, except to raise a point of order, and members shall at all times use respectful language and shall not use offensive gestures or signs.

6.22 A member may make a motion to move the question being debated at a meeting at any time during the debate. This motion requires a seconder and must be adopted by a two-thirds vote.

6.23 Members may be limited to speaking twice only in connection with a single question, by the Chair, except to reply to debate on a substantive motion which the member has made.

6.24 Despite section 5.1 of this bylaw, the Chair at a meeting may expel and exclude from any meeting a person, including another member, whom the Chair considers is engaging in inappropriate conduct.

Motions Generally

6.25 The Board or Committee may debate and vote on a motion only if it is first made by one member and then seconded by another.

6.26 The following motions are neither amendable nor debatable:

(a) to table the main motion;
(b) to postpone the main motion, either indefinitely or to a specified time;
(c) to move the question; or
(d) to adjourn.

6.27 If so requested by a member, the Board or Committee must vote separately on each distinct part of a question that is under consideration at a meeting.

6.28 A resolution must be in written form.

6.29 The Chair of the Board meeting may read, or have a staff member read, the proposed resolution and may then request a motion that the resolution be introduced or delayed until such time as it may be dealt with.

Amendments Generally

6.30 A Regional Board member may, without notice, move to amend a motion that is being considered at a Regional Board meeting.

6.31 A proposed amendment must be produced in writing by the mover if requested by the Chair.

6.32 A proposed amendment must be decided or withdrawn before the motion being considered on the main question is put to a vote.

6.33 An amendment may be amended once only.

6.34 A motion to amend that has been defeated by a vote of the Regional Board cannot be proposed again.

7.0 BOARD MINUTES

7.1 Minutes of the proceedings of the Board or Committee shall not record the Mover or Seconder of a motion, but shall record the name of any Director who votes in opposition of a motion.

7.2 Minutes of the proceedings of the Board must be legibly recorded, certified as correct by the Corporate Officer, and signed by the Chair or other member presiding.

7.3 Subject to section 7.3 of this bylaw, the adopted minutes of the proceedings of the Board must be available to the public. Excerpts from draft minutes may be provided upon request.

7.4 Section 7.2 of this bylaw does not apply to minutes of a Board meeting, or part of a meeting, from which persons were excluded pursuant to section 5.1 of this bylaw.

8.0 BYLAWS

Copies of Proposed Bylaws to the Board Members

8.1 A proposed bylaw may be introduced at a Board meeting only if a copy of it has been made available to each Board member and the Chief Administrative Officer at least 48 hours prior to the Board meeting, or if all Regional Board members unanimously agree to waive this requirement.

8.2 Notwithstanding subsection 8.1, procedure bylaws shall be dealt with in accordance with the *Local Government Act* section 225.

Form of Bylaws

8.3 A bylaw must be printed, have a distinguishing name and a distinguishing number, and must be divided into relevant sections.

Reading Consideration of Proposed Bylaws

8.4 The Board must consider a proposed bylaw at a Board meeting either:

(a) separately when directed by the Chair or requested by another Board member; or
(b) jointly with other proposed bylaws in the sequence determined by the Chair providing the voting entitlement and weighting is the same for all bylaws under consideration.

8.5 The Chair of the Board meeting may read, or have the Chief Administrative Officer read, a synopsis of each proposed bylaw or group of bylaws and may then either request a motion or read a motion which has already been submitted that the proposed bylaw or group of bylaws be given appropriate readings.

8.6 A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Local Government Act*.

Bylaws Must be Signed

8.7 After a bylaw is adopted and signed by the Corporate Officer and the Chair of the meeting at which it was adopted, the Corporate Officer must have it placed in the Regional District's records for safekeeping and endorse upon it:

(a) the Regional District's corporate seal; and
(b) the dates of its readings, adoption and any required approvals that have been obtained.

9.0 COMMITTEES

Establishment of Committees

9.1 The Chair may establish standing committees and the Board, may establish select committees in accordance with the provisions of the *Local Government Act*.

9.2 The Board may establish other committees in accordance with the provisions of the *Local Government Act*.

Duties of Standing Committees

9.3 Standing Committees must consider, inquire into, report on, and make recommendations to the Board about any of the following:

(a) matters that are related to the general subject indicated by the name of the committee;
(b) matters that are assigned by the Board;
(c) matters that are assigned by the Chair.

Duties of Select Committees

9.4 Select Committees must consider, inquire into, report on, and make recommendations to the Board about matters referred to the committee by the Board, as soon as possible, unless a date and time is established by the Board.

General Duties of Committees and Commissions are as follows:

9.5 All committees and commissions are considered to be advisory in nature.

9.6 No committee or commission has the power to pledge the credit of the Board or commit the Board to any particular action.

9.7 No member of a committee or commission shall give specific direction to any staff member. The responsibility of giving specific direction to administration shall reside with the full Board at a duly assembled meeting, unless otherwise delegated to the Chief Administrative Officer.

9.8 The minutes of each committee or commission, along with that committee's recommendation to the Board, shall be submitted to the Board for consideration at the next meeting of the Board.

9.9 Notwithstanding procedures contained within this bylaw, local community commissions may be established and operate pursuant to provisions in the *Local Government Act*.

Attendance of Non-Commission Members at Commission Meetings

9.10 The Board members who are not members of a commission may attend the meetings of the commission.

9.11 Unless a meeting or part of a meeting of a commission is authorized to be closed to the public by the *Community Charter*, all meetings of commissions shall be open to the public.

9.12 Delegations wishing to address a commission meeting regarding an issue that falls under the terms of reference for said commission shall contact the chair of the commission to make appropriate arrangements. The commission shall, in open meeting, determine by 2/3 vote whether to permit the delegation to address the commission.

Minutes of Committee and Commission Meetings

9.13 Whenever a vote of a committee or commission is taken, the chair must state the names of those members voting in the negative, and those names must be entered into the record. The chair must declare the result of the vote by stating whether the motion is carried or is defeated.

9.14 Minutes of the proceedings of a committee or commission meeting must be legibly recorded, certified as correct by the Corporate Officer or recording secretary, in the case of advisory committees and commissions, and signed by the Chair of the meeting upon adoption.

9.15 Minutes of all committees and commissions must be forwarded to the Corporate Officer for inclusion on the Board agenda. Commission meeting minutes containing recommendations which may impact resources, work plans or may require further legislative or legal research shall not be included on the consent agenda but placed in their entirety on the regular agenda within the appropriate department section for introduction and discussion.

9.16 The adopted minutes of the proceedings of Committees and Commissions must be available to the public upon adoption in open meeting, in accordance with the requirements of the *Local Government Act*.

Quorum at Committee and Commission

9.17 Unless otherwise stated in the terms of reference or establishing bylaw of the committee or commission as adopted by the Board, the quorum for a committee or commission is a majority of all of its members.

Ex-Officio attendance

9.18 A Board member who is attending a meeting of a committee or commission of which they are not a member may participate in a discussion only with the permission of the majority of all members of the committee or commission.

9.19 A Board member who is attending a meeting of a committee or commission of which they are not a member must not vote on a question.

9.20 Section 6 [Rules of Procedure at Board Meetings] of this bylaw applies to a committee or commission meeting, in the same manner as it does in relation to a Board meeting, where applicable.

10.0 Public Health Orders

10.1 Where a Public Health Order has been issued regarding public meetings or gatherings, the Public Health Order shall prevail.

11.0 Schedules

This bylaw contains the following schedules:
Schedule A Point of Order & Privilege
Schedule B Reconsideration
Schedule C Conflict of Interest

12.0 REPEAL

12.1 Regional District of Okanagan-Similkameen Procedure Bylaw No. 2620, 2013, together with all amendments to it, is hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME this 1st day of April, 2021.

ADOPTED BY AT LEAST 2/3 OF THE VOTE this 1st day of April, 2021.

RDOS Board Chair

Corporate Officer

Schedule A - Point of Order and Privilege

Point of Order

Any member who believes that the Chair has not enforced the rules may call attention to it by making a Point of Order, or raise a question of order. The point of order must be raised immediately even if it means interrupting a speaker or the Chair.

The Chair is to stop proceedings, and call for that member to rise and state their point of order. The Chair may then make a ruling on whether the point is well taken or not well taken, stating their reasons. Alternatively, the Chair may break for parliamentary ruling, make a brief inquiry for parliamentary inquiry while at the table or put the matter to the Board for vote. If the Board reaches a decision by vote, the original matter is no longer subject to appeal.

Three possible statements a Chair may make:

1. "That is not a point of order" - It is most likely a statement of opinion or similar and should be dealt with quickly.

2. I will accept your point of order and therefore ..." - In this instance the chair will continue the meeting according to the correct procedure, having had attention drawn to a breach or irregularity.

3. "I do not accept your point or order" - In this case the chair may continue with the meeting as if there had been no interruption.

Examples of valid points of order:

- the speaker is not speaking to the motion.
- the speaker is repeating the same points he has already made.
- the motion contravenes our by-laws.
- the specific facts the speaker is giving are incorrect. (Note: this is not a statement of opinion, but of fact and assumes the person raising the point of order can validate the point)
- the speaker's time limit has expired.
- the language the speaker is using is offensive.
- the meeting no longer has a quorum.

Examples which are not valid points of order:

- that's not true.
- I disagree with that.
- I want to explain why I said that.
- the speaker shouldn't be allowed to say that.
- how long do we have to listen to this?
- I can't hear what the speaker is saying.

Standard Characteristics of a Point of Order:

- Takes precedence over any pending question out of which it may arise
- Does not require a seconder
- Is not debatable, unless the Chair consents to allow the calling member to explain their point. If the Chair submits the point to a vote, debate may take place in the same way as an appeal.
- Is not amendable
- Can not be reconsidered
- Is ruled on by the Chair, unless the Chair is in doubt and puts it to a vote, or their ruling is appealed.

An appeal:

- Must be seconded
- Is debatable unless related to indecorum or a transgression of the rules of speaking
- Is not amendable
- Is determined by majority or tie vote
- May be reconsidered

In an ordinary meeting, it is not desirable to raise a point of order on minor irregularities of a purely technical character if it is obvious no ones rights are being infringed upon and no harm is done to regular business.

Privilege

A matter of privilege includes reference to any of the following motions:

a. to fix the time to adjourn;
b. to adjourn;
c. to recess;
d. to raise a question of privilege of the Board; and
e. to raise a question of privilege of a member of the Board.

A matter of privilege must be immediately considered when it arises at the Board meeting.

For the purposes of order, a matter of privilege listed above has precedence over those matters listed after it.

A member may say "I would like to move a matter of privilege and request that we fix the time of 4:00 p.m. to adjourn the meeting."

Schedule B - Reconsideration

1.1 A motion to reconsider may be made by a member who voted on the prevailing side provided the motion is made at the same meeting at which the vote sought to be reconsidered was taken.

1.2 Without limiting the authority of a board to reconsider a matter, the chair may require the board to reconsider and vote again on a matter that was the subject of a vote.

1.3 In exercising the power under subsection 1.2 above, the chair may return the matter for reconsideration at the same board meeting as the vote took place, or at the meeting of the board following the original vote.

1.4 On a reconsideration, the board

i. must deal with the matter as soon as convenient, and
ii. on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.

1.5 If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.

1.6 No resolution shall be reconsidered more than once on the same question, nor shall a vote to reconsider be reconsidered. (RROO)

1.7 A matter may not be reconsidered if

i. it has had the approval of the electors or the assent of the electors and was subsequently adopted by the board, or
ii. there has already been a reconsideration under this section in relation to the matter, or
iii. It has been acted on by an officer, employee or agent of the Regional District.

Schedule C - Conflict of Interest

If a Board member considers that he or she is not entitled to participate in the discussion of a matter and to vote on a question in respect of a matter because of a conflict of interest, they shall conduct themselves in accordance with the law, including with the provisions of the *Community Charter* and *Local Government Act*.

The *Community Charter* provides a procedure for Board Members to disclose conflicts of interest in public, leave the meeting and refrain from attempting to influence the voting on the question and is extracted, in part below, for the Board's convenience.

The *Community Charter* sets out disclosure of conflict and restrictions on participating as follows:

100 (1) This section applies to council (Board for RD's) members in relation to
(a) council meetings,
(b) council committee meetings, and
(c) meetings of any other body referred to in section 93 *[application of open meeting rules to other bodies]*.

(2) If a council member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has
(a) a direct or indirect pecuniary interest in the matter, or
(b) another interest in the matter that constitutes a conflict of interest,
the member must declare this and state in general terms the reason why the member considers this to be the case.

(3) After making a declaration under subsection (2), the council member must not do anything referred to in section 101 (2) *[restrictions on participation]*.

(4) As an exception to subsection (3), if a council member has made a declaration under subsection (2) and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may
(a) return to the meeting or attend another meeting of the same body,
(b) withdraw the declaration by stating in general terms the basis on which the member has determined that he or she is entitled to participate, and
(c) after this, participate and vote in relation to the matter.

(5) For certainty, a council member who makes a statement under subsection (4) remains subject to section 101 *[restrictions on participation if in conflict]*.

(6) When a declaration under subsection (2) or a statement under subsection (4) is made,
(a) the person recording the minutes of the meeting must record:
(i) the member's declaration or statement,
(ii) the reasons given for it, and

(iii) the time of the member's departure from the meeting room and, if applicable, of the member's return, and

(b) unless a statement is made under subsection (4), the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

101 (1) This section applies if a council member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 100.

(2) The council member must not

(a) remain or attend at any part of a meeting referred to in section 100 (1) during which the matter is under consideration,

(b) participate in any discussion of the matter at such a meeting,

(c) vote on a question in respect of the matter at such a meeting, or

(d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

(3) A person who contravenes this section is disqualified from holding office as described in section 108.1 *[disqualification for contravening conflict rules]* unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Conflict of Interest Exceptions Regulation B.C. Reg. 91/2016 states:

For the purposes of section 104 (1) (e) *[exceptions from conflict restrictions]* of the Act[*Community Charter*], a pecuniary interest in relation to a representative in the nature of a specified interest that arises as a result of

(a) the representative being appointed by a governing body to the board of the entity, and

(b) the representative

(i) attending any part of a meeting during which the specified interest is under consideration by the following:

(A) the governing body;

(B) a committee of the governing body;

(C) any other body referred to in section 93 *[application of rules to other bodies]* of the Act,

(ii) participating in any discussion of the specified interest at such a meeting, or

(iii) voting on a question in respect of the specified interest at such a meeting is prescribed.

The Freedom of Information and Protection of Privacy Act

As the name suggests, the *Freedom of Information and Protection of Privacy Act* (the *"Act"* has two main purposes

1. ***Freedom of Information***
   To make public bodies more open and accountable by providing the public with a legislated right of access to government records, and

2. ***Protection of Privacy***
   To protect an individual's right to personal privacy by prohibiting the unauthorized collection, use or disclosure of that personal information by public bodies. The *Act* protects the personal privacy of individuals by restricting the collection, use and disclosure of personal information. Disclosure of personal information, even to other public bodies, is strictly limited under Part 3 of the *Act*.

Guidelines for Accessing Records

The *Freedom of Information and Protection of Privacy Act* sets out several fundamental rights for accessing information, including:

- the right of the general public to access records in the custody of public bodies;
- the right of an individual to access personal information about themselves, and to request correction of such personal information; and
- the right to expect that public bodies will not engage in the unauthorized collection, use or disclosure of personal information.

The Regional District and by extension, its committees and commissions, is considered a public body under the *Act*.

What is covered by the *Act*?

All records on which information is recorded are covered by the *Act*. This includes correspondence, email, reports, forms, handwritten notes, drawings, contracts, etc. Please feel free to contact your FIPPA Head (Christy Malden, Manager of Legislative Services (250) 490-4146 if you are uncertain about specific materials)

Some records may (or must) be restricted from access by the general public, including, but not limited to:

- policy advice or recommendations;
- legal advice;
- disclosure harmful to law enforcement;
- disclosure harmful to the financial or economic interests of a public body;
- disclosure harmful to individual or public safety;
- information that will be published or released within 60 days;
- disclosure harmful to business interests of a third party;
- disclosure harmful to personal privacy;
- information being considered in confidence.

❖ ***The FIPPA Head will determine which records may or must be restricted.***

Collection of Personal Information

The Regional District of Okanagan Similkameen may only collect personal information:

- that it has clear authority to collect (i.e. expressly authorized under an *Act* or information that is collected for the purposes of law enforcement), or

- where collection is directly related to and is necessary for operating a program or activity of the Regional District. Personal information can be used only for the reasons it was originally obtained; multiple and inconsistent uses of information are restricted by the *Act*.
- the following statement is to be included on all documents (ie surveys) requesting personal information:
    - *Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the Freedom of Information and Protection of Privacy Act (British Columbia) ("FIPPA"). Any personal information you provide to us is collected, used and disclosed in accordance with FIPPA*
    - *Should you have any questions about the collection, use or disclosure of this personal information please contact:*
      Manager of Legislative Services
      Regional District of Okanagan-Similkameen
      101 Martin Street
      Penticton, BC
      Phone: 250-492-0237

❖ ***If personal information is not needed, do not collect it.***

The security of personal information is one of the most important privacy-related issues that the Regional District has to deal with. In accordance with the *Act,* reasonable security arrangements must be established and maintained to protect personal information against unauthorized access, collection, use, disclosure or disposal.

The Public Body
The public body receiving a request for access to records has what is called a "duty to assist" under the *Act*. This means the public body must make every reasonable effort to assist the applicant and to respond without delay — openly, accurately and completely.

What does this mean to me, as a committee or commission member?
As a member of a Board committee or commission you are subject to the requirements of the *Act,* and may be required to produce records relating to RDOS business which may be in your possession, or confirm that no records exist in your possession.

As a member of a Board committee you may receive email or correspondence from members of the community which include their email, phone numbers, addresses and signatures. These are all forms of personal information which you would not forward on or publish.

If the committee were to conduct a survey or poll of residents, all documents which a member of the community is required to complete would require the statement above, outlining the reasons for collection of personal information.

As committee members you may view Requests for Proposals, Quotations or formal consultant's submissions from time to time. Often those documents contain proprietary information, which must not be released.

If you receive a request for access to any records, or if you have questions about FIPPA, please contact us at the RDOS Office:

Christy Malden (250) 490-4146 or Gillian Cramm (250) 490-4145