

Alternative Regional District Models

Rather than *municipal* status, there are some options under the *regional district model* that might be considered in terms of addressing the weaknesses identified earlier in the report. These options do not involve creating a municipality; electoral area status would continue, and the CVRD would continue to be the main service provider in the area. However, the alternatives would have some variation over the current CVRD system.

Under provincial legislation, several variations are possible with continued electoral area status.

- A local community commission
- A management committee of citizens (including the CVRD directors for the area)
- A commission of CVRD directors from the affected area
- Enhanced regional district service base, mainly with reduced improvement district presence
- Reorganized electoral area boundaries

Note that these are not all mutually exclusive responses; more than one could be used. For example, the conversion of improvement districts to CVRD service areas is possible under all these alternatives (though perhaps most prominent under the “enhanced regional district service” model).

Local community commission

A local community commission (LCC) is a formal body of the regional district that is designed to manage and administer regional district services in small communities. The purpose is to have a local body take over the day-to-day management of regional district services and thus be more independent than a regular part of an electoral area. An LCC reports to the regional board, and while it can have delegated management and administration authority, an LCC can’t adopt a bylaw; only the regional board can do that.

Section 838 of the Local Government Act sets out the rules and requirements for an LCC. They include:

- The regional board must adopt a bylaw establishing an LCC.
- The electors in the affected area must approve of creating an LCC in a formal referendum.
- The province must approve of the LCC’s creation.
- An LCC is a five-person body. Four are elected by voters in the commission area; the fifth is the electoral area director.
- An LCC can’t be dissolved by the regional board without the approval of the province and, usually, voters in the affected area.

In order for the LCC to work effectively, the regional board should let the LCC decide on policies and services and then implement the commission’s recommendations. The LCC model would not work well if the board does not let it operate as independently as possible.

Local community commissions were intended to serve small, more remote communities (two characteristics found in the four existing LCCs in the province). This model is a poor candidate for South Cowichan for several reasons.

- The area has a far larger population than was the target of the legislation.
- It spans a large geographic area, not the “small community” concept envisaged by the legislation.
- The area is not in the least remote (in addition to its own substantial population, it is close to a number of other, larger cities).
- The extent of shared services requires a more comprehensive, multi-community approach, not the narrower limitations of an LCC for one small community of the area.
- Finally, when viewed from the perspective of the whole South Cowichan area, a five-person LCC is not dramatically different than the current three-person collective of the CVRD electoral area directors.

It is difficult to believe that the Province would allow a local community commission for the large, populated area of South Cowichan, and this alternative should be excluded from serious consideration.

Management committee

The CVRD Board could create a management committee to administer its services. In accordance with the Local Government Act, members of a management committee are appointed by the regional board, but it is possible for them to appoint people selected by the community itself. Note that the concept here is a committee with a broader array of service and policy responsibilities, and more formal administrative capacities, than usually used by regional districts for single-purpose advisory bodies like an Official Community Plan committee.

The Regional Board could delegate various day-to-day administration powers to a management committee, though the power to adopt bylaws must stay with the board. Each year the committee proposes a budget and the board adopts the bylaw to implement it. Unlike a local community commission, there is no statutory requirement for the composition of a management committee, so membership is extremely flexible. In the end, it is up to the regional board to appoint members, but the selection of members could be by local election or by direct appointment or a mixture of the two, and members do not need to meet any particular requirement. A management committee is created, and can be terminated, solely by the regional board; no other approval is required.

A management committee structure might offer certain advantages over the current model.

- It would provide a vehicle for South Cowichan residents to help plan community services and policies from the perspective of the whole South Cowichan area, not just from their own corner of it. It would bring to one table a set of different viewpoints to help guide decisions about the community.
- It could reduce the impacts of inconsistencies between service area boundaries and jurisdiction boundaries. For example, some fire and water service areas cross electoral area boundaries.
- It would reduce the burden on each electoral area director. This may not be much of an issue in small, low population electoral areas, but it can be a significant issue in large, populous areas, where the numerous meetings, extensive research, and other duties can impose severe time burdens on a director.

Some aspects of this model, however, are not so positive.

- While the committee could bring area-wide viewpoints and considerations to the table, the continued existence of the improvement districts ensures that there will be significant expression of views representing small-area interests. Each district can be expected to act in its own interests first and in the broader community interest second. After all, improvement district trustees are elected to represent the views of their service area members.
- The large scale of the area's services would require significant administrative resources (the area has, after all, more people than 75% of the municipalities in BC). But a separate administration for the committee would require a duplication of some of the functions already provided by the CVRD administration, so it is doubtful that the efficiencies of small organizations would be obtained in a meaningful way. Remember that all the CVRD regional and sub-regional services would still form part of the tax bill.
- Its responsibilities would be restricted to the CVRD's responsibilities, which means that while it could deal with many important community planning elements, it would not be able to exercise decisions on matters of broad service coordination and planning. In particular, those services in the improvement district sphere (fire and water, mainly) would remain beyond the committee's roles; this is also true of the provincial sphere (roads, subdivision and tax policy).
- The committee's advisory role on major policy matters means that its recommendations may or may not be approved by the elected officials. This approval is needed if the committee's recommendations are to be effective. Since the committee would not have authority at the

CVRD board level, there could be significant gaps between the committee's views and the views of the CVRD implementers – the electoral area directors.

Commission of local CVRD directors

Another type of non-statutory body (as opposed to a local community commission, which has statutory requirements) is a commission or committee of the regional district directors (the term “commission” is used here). Many regional districts use a multiple-area commission to set policies for shared services. Services commonly guided by a commission include shared sewage treatment plants and major recreation facilities like pools and arenas. In fact, South Cowichan already has just such a model for certain sub-regional services.

Purpose

The purpose of the commission would be to create a local CVRD presence for the community that is separate from the Regional Board as a whole. The commission could have a broad mandate, covering multiple CVRD services in the area. It could have a staffed office in the area, so residents would not have to travel to Duncan for most CVRD matters, though it must be noted that the distances here are quite short and it would be hard to justify a separate office. In many ways it could be the equivalent of a “South Cowichan regional district”.

It would deal with various regional district policies, services, regulations and procedures that apply in South Cowichan. Practices, duties and responsibilities would include these.

- Hold regular open meetings in the area.
- Receive applications and delegations from residents and community groups with respect to CVRD services and policies.
- Request, contract out and receive reports and information on various matters.
- Review CVRD staff reports on local matters and hear staff comments on applications.
- Direct staff to prepare draft bylaws affecting CVRD policies and regulations in the area.
- Prepare minutes of its meetings, policies and recommendations.
- Make presentations to the CVRD board on bylaws and other matters related to the South Cowichan community.

For the commission to be successful, the CVRD Board as a whole should take a “hands off” approach and give the commission the independence to work on its own as much as possible. One goal is to free the Board as a whole from having to deal with matters that affect only South Cowichan by transferring that responsibility to the commission.

Creation

The commission could be created solely by the regional board, through the adoption of a bylaw, without approval from voters or the Province. However, if the funding for the commission requires a tax rate greater than \$0.50 per \$1000, then residents must be given the opportunity to force a referendum on the funding. Note that this funding limit applies to the commission itself, not to the specific services it administers. The tax to fund the commission would be a new CVRD tax that is in addition to other CVRD taxes.

Membership and voting

Membership on the commission could be flexibly designed. At a minimum, however, it should include the South Cowichan directors on the Regional Board.

It could also include other members of the community, either selected by residents or appointed by the elected officials. One model could see the three CVRD directors themselves choose, by consensus or by vote, the other members. A second model could see the other members chosen directly by residents in some public process or election, though a potential difficulty with this is deciding whether or not a ward system should be used for these other members and, if so, what the wards are to consist of.

Realigned or reorganized electoral areas

Compared to most electoral areas in BC, the three in South Cowichan are populous yet small in geographic area. In the four decades or so since regional districts were established, the South Cowichan community's development and services patterns have evolved without much regard for the electoral area boundaries. The boundaries could be realigned or reorganized.

Realignment of electoral area boundaries

The electoral area boundaries could be realigned to follow major servicing lines. In the case at hand the fire protection boundaries are more or less the only service lines to be followed.

- The central eastern boundary of Electoral Area C (Shawnigan Lake) could be extended further east into Mill Bay to align with the boundary between the Mill Bay fire area and the Shawnigan fire area. This would be a relatively minor change and would become even less important as development in the rest of Mill Bay proceeds.
- Cobble Hill (Area C) presents a much more serious issue because most of Area C's population lies within the Mill Bay fire area and the less populated northern half is served by the Cowichan Bay department. Merging the southern part of Cobble Hill with the Mill Bay electoral area would not only produce a very large population for the merged area (close to 8,000) but it would also force a decision about what to do with the remaining northern part of Cobble Hill. Should it remain its own electoral area, with a small population, or be merged into Area D (Cowichan Bay)?
- The other problem with realigning Cobble Hill's electoral area boundary is that the fire area boundary splits the Braithwaite water improvement district. This means using the fire boundary as an electoral area boundary solves the split fire area by splitting a water area, which is not much of a solution.

On balance, the realignment of the Shawnigan Lake-Mill Bay boundary to match the fire boundary is perhaps the only practical application of this option, and it would not really solve a particularly notable problem of any kind. It would have no noticeable effect on the important community issues voiced by residents during this study.

Amalgamated electoral areas

Two, or all three, of the electoral areas could be merged into one. If all three were amalgamated, the new one would be the most populous electoral area in the province.

Ordinarily it would have only one director on the CVRD Board, but the Province could arrange for it to have more (as it did for the Westside, near Kelowna, before that community opted for municipal status). It is reasonable to assume that the only way this option could gain support would be if the new area has multiple directors. Clearly, the capacity of one director to serve the needs of 10-16,000 people would be strained too much to be effective. It would also mean a *reduction* of South Cowichan's role on the CVRD Board, since there are now three directors from South Cowichan.

There should be an odd number of directors under any such plan, since an even number could result in split votes on important policies for the area; this rules out four directors. And since it is difficult to support an increase from three to five, as the CVRD Board would be significantly affected by such a weighted representation from South Cowichan, the most likely number is three directors -- the same as now.

Having one large electoral area could provide several benefits for the community.

- It would enhance the concept of South Cowichan as a single, unified community by eliminating not just the separating lines on the map but also by advancing the standardization of some regulations, like community plans. It would encourage the sense of "whole community" among residents.
- It would broaden the sharing of benefits from growth and development among the whole South Cowichan area, since there would be one amalgamated tax base rather than three distinct ones.

- It could enhance the focus of the CVRD Board on South Cowichan matters. For example, rather than one director (one of 15 on the Board) proposing a regulation or policy for just one part of South Cowichan, the matter would be brought forward by three directors (20% of the Board's members). For comparison, a 3-director electoral area would have the same number of seats on the Board as North Cowichan.
- It could lead to more harmony among the (assumed) three directors, since all would be answerable to the same electorate and represent the same constituency. However, this is only a solution if disharmony is perceived as a problem, and there is no evidence of that. In addition, there would be no requirement that they vote with each other on the Board, so disagreements on votes on South Cowichan matters could still result.
- It could reduce the variation in the property taxes from community to community, though probably in a very minor way (after all, there is little variation now anyway).

It is important to note that having a single, multi-director electoral area would not expand the powers of the CVRD to manage growth and development, enforce bylaws, or improve policing or roads. The range of powers would remain as it is now, though the willingness to use them could be affected by a change to shared, multiple directorship for South Cowichan.

Also, the creation of a multi-director electoral area could place a strain on regional district administration. There is a chance that the unified-area directors, feeling that their role is closer to independent municipal status than ordinary electoral area status, could ask for policies and programmes that a municipality would otherwise initiate. This would require additional administration efforts of the part of the Regional District, and other directors may take exception to this use of shared resources by one area.

Restructured services

There are several modifications to how services are provided that could be considered in the context of addressing concerns over local government policies, finances and service standards.

Reduced improvement districts

There are 11 improvement districts in South Cowichan -- 3 fire districts and 8 water districts. Improvement districts have some limitations in finances and powers (though they have some strengths, too, in volunteerism and self-reliance). Some or all could become local service areas (LSA) of the CVRD. Each LSA could have its own rates, assets and liabilities.

Switching to a regional district LSA would offer these advantages.

- Better access to grants. Regional districts are eligible for infrastructure grants, whereas improvement districts aren't, for all practical purposes.
- Lower borrowing rates. Regional districts borrow at lower rates through the Municipal Finance Authority, whereas improvement districts must borrow directly from the Province, at higher rates.
- Economies of scale: For smaller improvement districts, it can be cumbersome and expensive to meet the reporting and monitoring requirements set out in provincial regulations. Regional districts are large enough that the costs of meeting the requirements can be spread across a much larger service base. Examples include water quality monitoring and lower insurance rates.
- Service coordination: Improvement districts are essentially limited to one or two services, whereas regional districts have much broader powers and are better able to coordinate the planning of community services. For example, under the current model, zoning is up to the regional district but water for the zoned area may be up to an improvement district. If this water area were a regional district LSA, the same body would deal with both zoning and water.

While the fire improvement districts are very large and serve thousands of properties each, thereby gaining economies of scale, some of the water districts are very small and may be good candidates for conversion to regional district service areas.

In addition, there may be merit in considering the amalgamation of adjacent water districts. For example, Cobble Hill and Braithwaite water districts abut one another. Since larger districts may afford more economies of scale and more opportunities for service integration, the idea of reducing the number of improvement districts through amalgamation (rather than conversion to LSAs) may warrant more detailed examination.

Subdivision approval authority

The approval of subdivisions is an important part of growth management, and in electoral areas this power rests with the Province (usually a Ministry of Transportation staff member). Since concerns over growth management was voiced by residents as a significant issue in South Cowichan, and since the other main growth management tools -- zoning and the Official Community Plan -- rest with the CVRD, people have asked whether the CVRD could also get subdivision approval powers.

Provincial legislation allows for this shift from the Province to a regional district, but only with provincial approval. To date, this approval has not been given to any regional district. The principal reason is that subdivision creates roads, and since responsibility for maintaining and fixing roads in electoral areas rests with the Province, as does legal liability for roads, it is understandable that the Ministry of Transportation is reluctant to give approval to a party that won't bear the responsibility for roads. (In a municipality, of course, the same body that approves subdivisions -- the municipality -- is also responsible for the roads that are created.)

In the end, there is a case to be made for expanding the growth management powers of regional districts by giving them subdivision approval authority, but it must be balanced off against the protection of the Province's interests and risks.

Fire protection boundaries

There are several adjustments to the current fire protection boundaries that merit consideration.

- There are awkward boundaries for fire protection at Arbutus Ridge, where the northern part lies within the Cowichan Bay department and the southern part lies within the Mill Bay department. The Cowichan Bay response vehicles would have to drive into, then out of, the Mill Bay coverage area to respond to a call in the northern part of the development. This awkward alignment has led to the establishment of an automatic mutual aid system for this area. This could be remedied by formally expanding the Mill Bay coverage area to include all of Arbutus Ridge.
- Similarly, there is an automatic mutual aid arrangement between two departments for the Kingburne Drive area. A formal extension of the Mill Bay department could rationalize this.
- There are several existing developed areas that lie outside a fire protection district, including Ingot Drive.
- There are several areas facing development applications or rezoning that are not within a fire protection area. This includes over 300 dwellings proposed for the area between Thain Road and Kingburne Drive, and virtually all of the 3220-unit Bamberton proposal.
- Note that if the Bamberton development proceeds, there will need to be a restructuring of fire protection in the area whether or not a municipality is created, because the development boundaries do not line up with fire protection boundaries: the John's Creek area (Prospect Road, Inlet Drive, and Glen Lane) is covered by the Mill Bay department; the southern, waterfront part of Bamberton is in the Malahat department area; and the northern part of Bamberton is not covered by any fire department.

Summary of alternative regional district models

The options under the current model would have varying but generally limited effects in terms of addressing the concerns about community policies and services that have been voiced by residents.

None would have the impacts of creating a municipality, since that option would see a significant shift in local decision powers to a purely South Cowichan body, whereas options within the current model would still leave a number of important responsibilities to more remote bodies.

Overview of Options Under the Current Local Governance Model

	Local community commission	CVRD management committee	CVRD director's commission	Electoral area realignment	Amalgamated electoral areas	Reduced improvement districts	Subdivision approval power for CVRD
Political aspects							
S. Cowichan seats on CVRD Board	Not affected	Not affected	Not affected	Not affected	1, 2, or 3 (up to Province)	Not affected	Not affected
Autonomy for S. Cowichan residents	Improved (for CVRD services)	Improved somewhat	Improved somewhat	Not affected	Possibly weakened	Weakened (for imp. district residents)	Weakened
Budget approval for most local services	CVRD Board + some imp districts [^]	CVRD Board + some imp districts [^]	CVRD Board + some imp districts [^]	CVRD Board + some imp districts [^]	CVRD Board + some imp districts [^]	CVRD Board	CVRD Board + some imp districts [^]
Provincial approval required for option	Yes	No	No	Yes	Yes	Yes	Yes
More local service authority (roads, policing, etc)	No	No	No	No	No	No	Yes (just subdivision approval)
More financial flexibility	Possibly (but limited)	No	No	No	No	No	No
Local referendum required	Yes	No	No	No	No	No	No
Likelihood of implementation	Virtually nil	Up to local directors, then CVRD Board	Up to local directors, then CVRD Board	Up to Province (with CVRD input)	Up to Province (with CVRD input)	Up to Province and CVRD	Up to Province and CVRD
Issues voiced by residents							
Influence on policing levels	Not affected	Not affected	Not affected	Not affected	Not affected	Not affected	Not affected
Bylaw enforcement	Possibly enhanced*	Possibly enhanced*	Possibly enhanced*	Not affected	Not affected	Not affected	Not affected
Regulation of activities on water	Possibly enhanced*	Possibly enhanced*	Possibly enhanced*	Not affected	Not affected	Not affected	Not affected
Parks and recreation	Possibly enhanced*	Possibly enhanced*	Possibly enhanced*	Not affected	Not affected	Not affected	Not affected
Local tools for growth mgmnt	Not affected	Not affected	Not affected	Not affected	Not affected	Not affected	Enhanced
Local control of subdivision	Not affected	Not affected	Not affected	Not affected	Not affected	Not affected	Enhanced
Road maintenance and standards	Not affected	Not affected	Not affected	Not affected	Not affected	Not affected	Not affected
Drainage and ditches	Not affected	Not affected	Not affected	Not affected	Not affected	Not affected	Not affected
Watershed protection	Not affected	Not affected	Not affected	Not affected	Not affected	Not affected	No change
Local water systems	Not affected	Not affected	Not affected	Not affected	Not affected	Not affected	Enhanced coordination
Service planning and coordination	Not affected	Not affected	Not affected	Not affected	Not affected	Slightly improved	Slightly improved
Farm land protection	Not affected	Not affected	Not affected	Not affected	Not affected	Not affected	Not affected
Access to grants	Not affected	Not affected	Not affected	Not affected	Not affected	Slightly improved	No change

[^] Improvement district budgets are set by trustees but require provincial approval

* Depends on priorities set by commissioners and directors; budgets need approval of whole CVRD Board

The options under the current model -- that is, options that would see the CVRD as the main local government -- could address some of the community weaknesses and service issues observed in South Cowichan and voiced by residents. ***However, the main issues -- policing, roads, growth management, watershed protection, service planning, and so on -- would not be affected by the options in any meaningful way, or at all.*** One -- subdivision approval powers for the CVRD -- would be more substantive, at least in terms of growth management, but so far the Province has not allowed the transfer of this responsibility to a regional district, so this remains largely a theoretical option.

All of the options would still require reliance on the Regional District Board for approval of important functions like zoning bylaws, community plan bylaws, and the budget allocations for bylaw enforcement, parks and recreation, and long term service planning.

While amending the current model could increase South Cowichan's influence on the CVRD Board, the options would still leave approval of bylaws and budgets up to the Regional Board. This means that for South Cowichan to get the full benefits of the options, there would have to be acceptance by the Board that South Cowichan is to be accorded a certain level of autonomy even though the Board as a whole not only still votes on South Cowichan matters but also shares in the responsibility for any obligations associated with South Cowichan in the CVRD's name. This acceptance could prove difficult to maintain over the long term.

The options under the current CVRD model would also maintain the Province's role in policing and road maintenance standards.

Compared to changing to municipal status, these options under the current model should be viewed as fine tuning. Where municipal status would see a major shift in autonomy and obligations to the local community, the options discussed here would offer minor changes to certain limited aspects of local policy making. In the event that municipal status is not pursued any further, these options should be considered as a way to improve both the delivery of local services and the process for setting community policies and regulations for residents of South Cowichan.