# AGENDA

# CITIZENS' ASSEMBLY STANDING COMMITTEE
Monday, April 8, 2019, 8:30 a.m. to 10:30 a.m.
To be Held in Committee Room No. 2

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1. **Approval of Minutes**
   - February 20, 2019
   - March 1, 2019

2. **Draft Terms of Reference – Discussion**

3. **Other Business**

### ⋯ ADJOURNMENT ⋯

Attachments:
- Overview of Steps in an Amalgamation Study
- Amalgamation Article – Saanich News

# DRAFT for Discussion

Terms of Reference – Citizens' Assembly between the District of Saanich and the City of Victoria

## Terms of Reference

The following Community Opinion Question was included on the ballot for the 2018 General and Local School Board Elections:

***"Are you in favour of spending up to $250,000 for establishing a Citizens' Assembly to explore the costs, benefits and disadvantages of the amalgamation between the District of Saanich and the City of Victoria?"***

## 1.0    City of Victoria and District of Saanich Objectives

The municipalities of Saanich and Victoria have adopted an innovative and transparent public process to support the completion of an analysis of the costs, benefits and disadvantages of the amalgamation between the District of Saanich and the City of Victoria.  The Citizens' Assembly (the "Assembly") process is expected to be a deliberative one, providing the residents of Victoria and Saanich with the opportunity to directly and actively participate in evaluating the case for the municipalities' amalgamation.

The Assembly is expected to be an impartial advisory body that is tasked with representing the residents of Victoria and Saanich in investigating the costs, benefits and disadvantages of the amalgamation between the District of Saanich and the City of Victoria.  In doing so, the Assembly will exemplify the highest standards of transparency, accountability and citizen engagement in reaching detailed recommendations to the respective municipal Councils.

In establishing the Assembly, the municipalities have three objectives:
- To learn about the costs, benefits and disadvantages of the amalgamation between the District of Saanich and the City of Victoria including shared and contrasting values, concerns and needs of residents of Victoria and Saanich regarding neighbourhoods, change, growth, service delivery, governance, capital and infrastructure needs, land use planning and strategic and regulatory frameworks.
- To fully understand the costs, benefits and disadvantages of the amalgamation between the District of Saanich and the City of Victoria including residents' vision for the future of their respective community and potentially an amalgamated City.

- To provide local residents with an unprecedented opportunity to explore the future of Saanich.

## 2.0 Guiding Principles for the Citizens' Assembly

2.1 **Openness and Transparency** – The Assembly will regularly share its learning and deliberations with the public.

2.2 **Accountability and Legitimacy** – The Assembly will work within a defined mandate and budget on behalf of the residents of Saanich and Victoria. The Assembly will deliver its Final Report directly to the respective municipal Councils.

2.3 **Effective Representation** – The Assembly will be charged with the responsibility of representing the needs and interests of the residents of Victoria and Saanich. The members of the Assembly will be selected to broadly represent the demographics of the municipalities.

2.4 **Accessibility** – The Assembly will provide reasonable supports to address barriers that may prevent a member of the Assembly from participating successfully.

2.5 **Independence** – The Assembly will have full independence to determine how to best fulfill its mandate.

2.6 **Well-informed** – The Assembly will deliver sound recommendations in its Final Report. The Assembly's recommendations will be informed by a range of perspectives and sources of expertise.

2.7 **Balance** – The Assembly will consider a diversity of voices and perspectives in its deliberations.

2.8 **Collaborative decision-making** – The Assembly will work towards consensus when drafting their recommendations, while also respecting and documenting differing perspectives among its members.

2.9 **Respect** – The Assembly will strive to be conscientious and fair-minded in their deliberations and in their consultations with the residents of Victoria and Saanich.

## 3.0 Mandate of the Citizens' Assembly

The Assembly is tasked by the City of Victoria and the District of Saanich to learn about the needs and interests of local residents, examine the full basket of implications of creating a new, amalgamated municipal structure, and advise the respective Councils on whether or not the municipalities should proceed towards amalgamation.

Specifically, the Assembly will:

3.1 Identify common aspirations for good local governance to provide a basis for evaluating amalgamation and status quo.

3.2 List the issues which the Assembly believes needs to be satisfactorily resolved for amalgamation to merit consideration.

3.3    Detail recommendation(s) concerning the amalgamation of Victoria and Saanich, including any conditions that need to be satisfied if an amalgamation was to proceed.

3.4    List issues and recommendations for addressing identified issues with regard to the implementation and the integration of the municipalities should the Assembly recommend amalgamation.

In satisfying their mandate and developing recommendations, the Assembly will be expected to consider and analyze (at a minimum) the following:

3.5    Assets and liabilities of Saanich and Victoria including any related impacts on local rate payers resulting from amalgamation.

3.6    Cultural and land use priorities and differences of the two municipalities and any anticipated impacts arising from amalgamation.

3.7    Balance of the issues of economy of scale with community identity and representation.

3.8    Clear delineation of advantages and disadvantages for the respective municipality in considering amalgamation versus those accruing solely to a combined municipality arising from amalgamation.

3.9    Comparison of corporate structures and approaches to governance of the two municipalities and the anticipated impacts (positive and negative) arising from amalgamation.

3.10   All analysis and recommendations of the Assembly are informed and mindful of the ongoing work with local First Nations of reconciliation.

3.11   Consideration of benefits and costs of amalgamation over both the short and long terms (i.e. Over 5 year, 20 year, 50 year horizons).

3.12   Consideration of impacts (positive and negative) at the neighbourhood level not only for the broad community.

3.13   Consideration of the congruency and alignment of strategic and political priorities of the municipalities (as expressed in Strategic Plans, Official Community Plans and other significant strategic and plan documents).

3.14   Status and strategies of capital and infrastructure replacement reserves including the analysis of anticipated impacts on an amalgamated municipality.

3.15   Variations in levels of service of the two municipalities including the development of clear recommendations on aligning service levels in an amalgamated municipality.

3.16   If full amalgamation of Victoria and Saanich is <u>not</u> recommended by the Assembly, commentary from the Assembly on other opportunities for service integration is considered part of the Assembly's mandate.

3.17   If full amalgamation of Victoria and Saanich <u>is</u> recommended by the Assembly, commentary and recommendations from the Assembly on the integration of full municipal operations (both in the short and longer term) is expected as part of the Assembly's mandate.

In meeting is mandate and the expectations outlined in the Terms of Reference the Assembly will, to the greatest extent possible, represent the consensus view of the members.  Minority views of Assembly members and community members can be included in the Citizens' Assembly's Final Report.


## 4.0    Constraints on the Citizens' Assembly

The Assembly will enjoy wide latitude, subject to the processes and mandate laid out in the Terms of Reference, in its ability to make recommendations to Victoria and Saanich regarding the costs, benefits and disadvantages of the amalgamation between the District of Saanich and the City of Victoria.  Recommendations must include a final Yes/No recommendation to the respective Councils on proceeding towards a Referendum on amalgamation.  The Councils of Saanich and Victoria will have the final authority to accept, modify or reject specific recommendations from the Assembly subject to the processes and mandate laid out in the Terms of Reference.

## 5.0    Schedule of the Citizens' Assembly

The Citizens' Assembly will convene during 6-10 full-day Saturday sessions beginning in 2019, and concluding in 2020. Additional meetings of the Assembly may be scheduled at the discretion of the Chair. The Citizens' Assembly will also host multiple public roundtable meetings in their municipality during the course of their session's schedule, with one of the meetings to discuss the technical report, which will be open to all local residents.

The Assembly at the start of their process will set and define their schedule:


## 6.0    Reporting and Communications of the Citizens' Assembly

The Citizens' Assembly will communicate regularly about its work to the public, Municipal Councils and to the joint municipal working group as outlined below.

General Reporting
The Municipalities will develop a shared webpage that will list the members of the Assembly, a detailed agenda including all speakers and resources, and the Assembly's Terms of Reference.  Following each Assembly meeting, a brief summary of its activities and progress will be posted.

Interim Directions Document
Following its XXXX meetings, the Assembly will issue a brief directions document listing its draft values, and the issues or questions that the Assembly believes deserve further study and consideration. This document will be conveyed to the Amalgamation Study team for the purpose of shaping their research activities.

Final Report
The Assembly will deliver its report to the Municipalities no later than XXXX. The report will include a letter from the Chair, an overview of the process, and the proposed

values, identified issues and final recommendations of the Assembly. It will also include an appendix that contains copies of all materials considered by the Assembly, a list of the members of the Assembly, and a 'minority report' that documents any dissenting perspectives.

Communications
The Assembly's Chair is authorized as the exclusive spokesperson for the Assembly and will approve all public communications regarding the conduct of the Assembly unless otherwise delegated.
The Citizens' Assembly will present this report to the respective Municipal Councils, which may, at their discretion, refer the report to the respective municipalities' Staffs for comment, response and clarification, where appropriate, prior to considering the final recommendations.

# 7.0    Composition of the Citizens' Assembly

## 7.1 Recruitment Process
Members of the Citizens' Assembly will be randomly selected by Civic Lottery — a mechanism that ensures that a broad, representative cross-section of local residents and business owners are selected to participate.

Each household and business owner in the City of Victoria and the District of Saanich will receive or may request an Invitation to the Assembly and will be asked to register as a volunteer before a specified date. On the specified date, a blind draw will select members of the Assembly from the pool of registered volunteers.

## 7.2 Number of Members
The Citizens' Assembly will consist of 96 members. In order to be eligible to serve on this Citizens' Assembly, an applicant must:

- Reside within the municipal boundaries of the District of Saanich or the City of Victoria as defined by the area map. (See Map – XXXX); *or*
- Maintain a business within the City of Victoria or District of Saanich; *and,*
- Be at least 16 years of age as of September 1, 2014.

Additional qualifications:

- Business owners and property owners cannot transfer their eligibility to an employee.
- Prospective candidates may only submit their name to the civic lottery once. Multiple applications will result in the candidate's disqualification.
- All residents, business owners and property owners may volunteer to serve on the Citizens' Assembly. However, only one person per residential address (unit in building) or business address will be eligible to become a member of the Assembly.

- Employees of the City of the City of Victoria or the District of Saanich, as well as elected officials (municipal, provincial or federal), are ineligible to serve as Assembly members.
- Individuals that are members of stakeholder groups that support or do not support the amalgamation of Saanich and Victoria, are ineligible to serve as Assembly members

**7.3 Assembly Composition**

The Assembly will be composed of:
- An equal proportion of male and female members
- A proportionate number of members from five age cohorts: 16-29, 30-44, 45-64, 65+
- A proportionate number of renters, and home owners
- A proportionate number of members from the two municipalities – 55 members from Saanich, 41 members from Victoria (based on BC Statistics population data)
- At least five members who self-identify as Aboriginal

Among the 96 members, X of the spaces will be reserved as follows:
- XXXXXX
- XXXXXX

Proportions will be established based on the most recent (2011) census profile. To assist Assembly members to participate, members will be reimbursed for reasonable childcare, eldercare, and transportation costs. Assistance will also be provided to those members with differing physical or learning abilities.

The working language of the Assembly is English. Translation services are not available.

# 8.0   Roles and Responsibilities

**8.1 Roles and Responsibilities of Citizens' Assembly Members**

Members of the Assembly are expected to fulfil their duties and agree to:
- Attend each of the sessions of the Citizens' Assembly as well as public roundtable meetings.
- Work to understand and represent the varied perspectives of *all* Saanich and Victoria residents.
- Treat each other with respect and take an active role in the work of the Assembly.
- Work collaboratively to achieve a strong consensus concerning the Assembly's recommendations.

If a member of the Assembly must withdraw owing to illness or unexpected events, his or her position may be filled from the pool of applicants at the discretion of the Chair.

## 8.2 Roles and Responsibilities of the Chair

The Chair of the Citizens' Assembly will be appointed by the City of Victoria and the District of Saanich to design and host the proceedings of the Citizens' Assembly. The Chair will not be a municipal employee and is expected to remain neutral with regards to the recommendations or direction of the Assembly. The Chair, with the support of an Assembly Working Group, is charged to:

- Oversee a fair and representative member selection process.
- Develop a balanced learning program that involves residents, community organizations and experts to provide a range of perspectives.
- Follow Robert's Rules of Order in supporting respectful dialogue and deliberation amongst members leading to consensus based decisions.
- Ensure that regular updates concerning the Assembly's proceedings are made publicly available.
- Provide opportunities to inform and convey perspectives from local residents and stakeholders to Assembly members.
- Produce and deliver a Final Report concerning the Assembly's activities and recommendations to the municipal Councils.
- Exercise discretion in ensuring the integrity and sound conduct of the Assembly.

## 8.3 Roles and Responsibilities of the Advisory Working Group

A Working Group will be formed to support the work of the Citizens' Assembly. The role of the Working Group is to provide guidance to the Chair and Assembly in order to:

- Ensure that the design and conduct of the Assembly are consistent with good democratic practices.
- Ensure that the Assembly's learning program is balanced, adequate and reflects a range of reasonable perspectives.

The Working Group will not comment on the recommendations made by the Citizens' Assembly.

The members of the Working Group will be selected by the Chair and will include representatives with well-regarded expertise in local government operation, deliberative processes and governance.

## 8.4 Roles and Responsibilities of the Victoria and Saanich community

All residents of Sannich and Victoria have a role to play in assisting and ensuring the success of the Citizens' Assembly. Members of the community are encouraged to participate and:

- Attend public roundtables meetings hosted by members of the Citizens' Assembly to discuss its progress and solicit community perspectives.
- Attend occasional open sessions of the Assembly to observe its proceedings.
- Submit ideas to the Assembly website, and review regular public updates.

**8.5 Roles and Responsibilities of the City of Victoria and the District of Saanich**
The role of the municipal elected officials and staff is to support the Citizens' Assembly. The municipalities will endeavour to:
- Provide expertise and access to existing strategic, plan, financial and other documents.
- Give careful and timely consideration to the Citizens' Assembly's final report.
- Provide logistical support for Assembly activities, including venue booking, food, and additional supports as needed. The District of Saanich and City of Victoria will respect and support the independence and integrity of the Citizens' Assembly.

**9.0 Decision making of the Assembly**
It is expected that discussion, debate and decision making of the Citizens' Assembly will be undertaken in accordance with Robert's Rules of Order and that decisions of the Assembly will be based on the consensus of its members.

Divergent views are to be respected in this process including the opportunity for their expression in the Final Report of the Assembly submitted to Saanich and Victoria Councils.

# Overview of Steps in an Amalgamation Study

This document is an overview of the key activities in an amalgamation study.  It is for illustrative purposes and may not account for all the steps in an amalgamation project.  This page is meant to illustrate the connections between the activities undertaken by local governments and the Ministry.  Timelines for the project will vary depending on design and scope of each component of the project, but such a project typically takes several years.  The following page contains more details on the steps outlined below.

| Saanich and Victoria (Municipalities) | Ministry of Municipal Affairs and Housing (MAH) |
|---|---|
| **Councils** come to agreement on the framework for the project | |
| **Staff jointly** draft terms of reference (TOR) and submit for **Councils'** consideration | *Optional: Share TORs for review by Ministry staff prior to council considering them* |
| **Councils** agree on TOR for project | |
| **Councils** submit **request for funding to Minister** | |
| | **Minister** considers request for funding<br><br>If yes, **MAH** creates contribution agreement |
| **Municipalities** undertake request for proposals (RFP) for Consultant(s) | |
| **Municipalities** select members of Citizens' Assembly | **MAH** notify area First Nations (can be done with municipalities) |
| **Municipalities** launch, and they/their consultants undertake component projects – e.g.<br>a) Citizens' Assembly<br>b) Technical report on impacts of structural, administrative, and service changes<br>c) Other reports/engagement with key interests (as desired)<br>d) Transition plan | **MAH** coordinates requests for information from consultants regarding Provincial programs as required<br><br>**MAH** coordinates the Provincial Commitment of Restructuring Assistance (assistance if votes are in favour) |
| **Municipalities** share findings and they/their consultants undertake public consultation with their residents | |
| **Councils** decide on whether to request that the **Minister consider ordering** votes on amalgamation | |
| | If **Minister** supports ordering the votes, then Ministerial Orders for each municipality are issued |
| **Municipalities** hold assent votes | |
| | If the outcomes of the votes are yes, **MAH starts** drafting of legislative instruments<br><br>**Minister** puts forward Letters Patent for **Government** consideration.  If Letters Patent are issued, then **Municipal** transition plan kicks in |
| **Municipalities** starts implementation of their transition plan in advance of incorporation of new municipality<br>**A Municipality** runs Election of First Council<br>Incorporation of the new municipality | |

| **Examples of considerations for a Project Framework** | **Leads: Municipalities** |
|---|---|
| Typically, a framework will contain high-level information on the purpose, principles of engagement, timelines, governance, roles and methodologies; this may be used by councils to guide their work. | |

| **Examples of content for Terms of Reference (TOR)** | **Leads: Municipalities,** with MAH input (if desired) |
|---|---|
| Name of project(s), Proponents | Goals for each component of the project(s) |
| Roles and responsibilities for various participants, including elected officials | Steps in each component of the project(s) |
| How decisions are made (e.g., project governance) | What is in scope and what is out of scope? |
| Budget – including who is going to administer the study grant and which municipality will run the RFP | Work breakdown including sequencing and scheduling of events |
| How the work is going to be done (methodology etc.)? | What are the deliverables for each phase of the project? |

| **Councils submit request for funding to Minister** | **Leads: Municipalities** |
|---|---|
| Reasons for/details on the project (e.g., project framework, budget and any other pertinent information) | |
| Overview of work done to date | TOR |

| **MAH Provincial Funding Review** | **Lead: MAH** |
|---|---|
| Is there adequate engagement of the public? | Request additional documents as required |
| Is there an adequate resource plan? | Is there room in the program budget and does it meet the requirements of the regulation? |
| If the study grant is approved by the **Minister, MAH staff** will draft a contribution agreement | |

| **Selection of consultants** | **Leads: Municipalities** |
|---|---|
| As per municipal procurement procedure | |

*Municipalities may opt to run the following three "projects" plus any additional reports or engagement concurrently or separately*

| **Citizens' Assembly** | **Leads: Municipalities** |
|---|---|
| Creation of per agreed steps outlined in the TOR | Clear methodology for the selection of participants |
| Assignment of municipal representatives | Clear scope of duties and purpose |

| **Examples of content for Technical Study** | **Leads: Municipalities** |
|---|---|
| Creation of agreed steps outlined in the TOR | Comparison of the two organizations |
| Analysis of anticipated impacts on services, governance and assumptions about service delivery including arrangements | Analysis of anticipated impacts on other local governments (e.g., CRD) |

| **Examples of content for Transitional Plan** | **Leads: Municipalities** |
|---|---|
| Name of Chief Election Officer for election of first council | Procedures for holding joint council meetings (i.e., from issuance of Letters Patent to incorporation of a new municipality) |
| How will the name of the new municipality be selected? | Principles of HR management |
| Name of interim corporate officer for the new municipality | Provisions for the continuation of services and governance for residents |

| Provincial Commitment of Restructuring Assistance | Lead: MAH |
|---|---|
| After a draft of technical report is provided to MAH, the Province will consider scope of Assistance (i.e., both financial and non-financial) and send it to councils | |

| Public Engagement | Leads: Municipalities |
|---|---|
| Municipalities share results from reports as per the TOR and the provincial commitment of restructuring assistance | |

| Request for votes on amalgamation | Leads: Municipalities |
|---|---|
| **Councils** submit a joint request for votes on amalgamation to the Minister, providing evidence that supports their request (e.g., outcomes from public engagement, Citizens' Assembly, technical report and transition plan) | |

| Legislative Instruments | **Lead: MAH,** with Local Government staff participation (both municipalities and the CRD) |
|---|---|
| Review of existing regulations, legislation and Letters Patent | Drafting of Letters Patent for the new municipality, amending letters patent (CRD), regulation and legislation as required |
| Discussing provisions for the Letters Patent, including creation of local area services - municipal staff to identify service names, geography and the related bylaws to be referenced in the Letters Patent for the new municipality | |

Shellie Gudgeon, president of Amalgamation Yes, predicts the citizens assembly studying the pros and cons of amalgamation Saanich with Victoria will start in the early fall of 2019. (Wolf Depner/News Staff)

# Amalgamation advocate predicts citizens assembly in place by late spring

## Shellie Gudgson promises Amalgamation Yes won't participate in assembly

WOLF DEPNER / Jan. 16, 2019 5:15 a.m. / LOCAL NEWS / NEWS

Details remain sparse, but the public can expect to learn more about plans for a citizens' assembly to study the pros and cons of amalgamating the District of Saanich with the City of Victoria.

"There isn't anything to share on this right now, but there will be an update released soon with the upcoming council agenda," said Megan Catalano, a spokesperson with the District of Saanich.

Saanich has scheduled a regular council meeting Jan. 21 and a committee-of-the-whole meeting for Jan. 28.

**RELATED: Voters in Saanich and Victoria support creation of citizens' assembly on amalgamation**

Almost 67 per cent of voters in Victoria and almost 57 per cent of voters in Saanich on Oct. 20 voted in favour of the non-binding referendum question on their election ballot: "[are] you in favour of spending up to $250,000 for establishing a Citizens' Assembly to explore the costs, benefits, and disadvantages of the amalgamation between the District of Saanich and the City of Victoria?"

Almost three months later, a spokesperson for Amalgamation Yes predicts that the pace of the process will pick up.

Shellie Gudgeon, president of Amalgamation Yes, said she expects Saanich and Victoria to jointly outline a draft timeline, budget and terms of

references in the coming days, which the respective councils would then approve in principle following a preliminary review.

"A final plan of action for an [assembly] would then be presented to and approved by each [council]," she said. "The [province] would make an announcement to confirm formal support of the process, timing and financial parameters."

Saanich and Victoria would then issue a joint request-for-proposal to select an independent "facilitator" to lead the membership selection process, as well as meetings, deliberations, and report preparation.

"Timing is uncertain as to whether the [assembly] could be constituted by late spring or commence in early fall of 2019," she said.

**RELATED: Citizens' assembly on amalgamation could cost Saanich up to $250,000**

Gudgeon said the entire process should be as unbiased as possible.

"Other than establishing the [terms of references], elected officials and affected staff should be removed from the process entirely," she said. "Ideally, sessions would be recorded to have a

record and to hold the successful facilitator to account, but no affected staff or elected official would be involved."

This commitment to fairness and transparency also extends to Amalgamation Yes itself. "As previously committed, to avoid any concern of bias or conflict of interest, leaders of Am Yes will not serve as members of the [assembly] but will monitor the process as it evolves," said Gudgeon.

"We remain convinced that to respect the will of the voters and to realize the potential of our urban region wherein our municipalities share common interests, a comprehensive, innovative and independent review of the current state of municipal governance is necessary."

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