

## STAFF REPORT

**TO:** Executive Committee

**FROM:** Randy Alexander  
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**MEETING:** November 5, 2019

**FILE:** 0360-20-SWMSC

**SUBJECT:** Solid Waste Management Select Committee Terms of Reference

## RECOMMENDATION

1. That the Solid Waste Management Select Committee's Terms of Reference be retained in substance but amended to replace references to the Regional Solid Waste Advisory Committee with the Solid Waste Management Plan Monitoring Advisory Committee.

## SUMMARY

At the July 23, 2019 Board meeting, the following motion was adopted:

'It was moved and seconded that the Regional District of Nanaimo Board review the Terms of Reference of the Solid Waste Management Select Committee.'

Options for future governance of the Solid Waste service are presented.

## BACKGROUND

### *History of the Current Solid Waste Management Select Committee*

The *Environmental Management Act* requires that all regional districts prepare and submit a Solid Waste Management Plan (Plan) to the provincial government. Final Plans are approved by the Minister of Environment and Climate Change Strategy after sufficient public and stakeholder consultation has taken place. The Regional District of Nanaimo's (RDN) first Plan was prepared in 1988 and was subsequently updated in 1996 and 2004. The current update of the Plan began in December 2013 and was approved by the RDN Board in July 2018; it is currently before the Minister of Environment and Climate Change Strategy for approval.

During the development of the Plan the Province required a public committee, the Regional Solid Waste Advisory Committee (RSWAC – the “Advisory Committee”). The Advisory Committee was dissolved in 2018 when the Plan was approved by the Board. A public committee is also required by the Province during implementation of the Plan, the Solid Waste Management Plan Monitoring Advisory Committee (SWMPMAC – the “Monitoring Committee”), constituted in August 2018. The

Monitoring Committee is comprised of a Chair and Vice Chair appointed by the Board Chair, one representative from the Solid Waste Management Select Committee ("Select Committee), up to 15 members representing a diversity of community interests and up to 12 members representing agencies including First Nations, federal, provincial, municipal and the RDN.

Although the Select Committee is not a requirement of the Province, the Select Committee was established by the RDN to act as a liaison between the Board and the Advisory Committee during Plan development. The original 2014 Terms of Reference for the Select Committee noted: *"Review of the Select Committee structure and continuation of the Select Committee will be re-considered for plan monitoring subsequent to the Minister of the Environment's approval of the updated Plan"*.

In December 2015, the Select Committee discussed the complexity and importance to the community of solid waste services, the relationship between planning for future program delivery, and on-going operations. As a result, the Select Committee recommended amendments to the Terms of Reference to add the responsibility of providing advice and recommendations to the Board regarding solid waste service operations, in addition to that of the Plan review process. Subsequently, in 2016 the Board adopted the current Terms of Reference (Attachment 1) which includes these revisions.

The Select Committee currently provides the liaison between the Monitoring Committee and the Board and all reports relating to solid waste go through the Select Committee. Under the Monitoring Committee's Terms of Reference (Attachment 2), recommendations of the Monitoring Committee are directed to the Select Committee for consideration before being directed to the Board. The Regional Board is the final authority on decisions. This reporting structure is outlined in the Plan currently before the Minister. Should there be changes to the reporting structure, the Ministry should be advised.

Following the Board direction to review the Select Committee Terms of Reference, four options are presented for consideration: 1) maintain the Select Committee as it currently exists but amend the Terms of Reference to replace references to the Advisory Committee with the Monitoring Committee; 2) amend the Select Committee Terms of Reference revising the committee composition; 3) dissolve the Select Committee, or 4) expand the mandate of the Select Committee and re-name it to reflect the extended scope.

***Option 1: Maintain the Select Committee as it currently exists but amend the Terms of Reference to replace references to the Advisory Committee with the Monitoring Committee***

This option retains the status quo with no substantive changes made to the current Terms of Reference for the Select Committee, with the exception of updating the context and replacing references to the Advisory Committee with the Monitoring Committee, due to the fact the Board approved the Plan in 2018, the Advisory Committee was dissolved at that time, and the Monitoring Committee was constituted. Attachment 3 provides a revised draft Terms of Reference that replaces the Advisory Committee with the Monitoring Committee.

The current Committee is comprised of seven members appointed by the Chair. The Terms of Reference provide for a minimum of seven RDN Directors with a mix of municipal and electoral area representation, with the Board Chair appointing Committee members and Chair.

## **Option 2: Amend the Select Committee Terms of Reference revising the Committee Composition**

There are numerous permutations on how the Select Committee composition and size could be set as presented in Table 1. Each of the alternate criterion is discussed further below.

Table 1 SWMSC Committee Member Composition Options

Criterion	6 member committee	7 member committee	8 member committee	9 member committee	10 member committee
<b>POPULATION APPORTIONMENT</b>					
CoN	3.0	4.0	5.0	5.0	6.0
CoP, TQB, DoL	1.0	1.0	1.0	2.0	2.0
EA	2.0	2.0	2.0	2.0	2.0
<b>PROPERTY TAXES APPORTIONMENT (SOLID WASTE ONLY)</b>					
CoN	3.0	4.0	4.0	5.0	5.0
CoP, TQB, DoL	1.0	1.0	2.0	2.0	2.0
EA	2.0	2.0	2.0	2.0	3.0
<b>PROPERTY TAXES APPORTIONMENT and CURBSIDE UTILITY BILLING</b>					
CoN	1.0	1.0	1.0	1.0	1.0
CoP, TQB, DoL	2.0	2.0	3.0	3.0	3.0
EA	3.0	4.0	5.0	5.0	6.0
<b>BOARD APPORTIONMENT</b>					
CoN	3.0	3.0	3.0	4.0	4.0
CoP, TQB, DoL	1.0	1.0	2.0	2.0	2.0
EA	2.0	3.0	3.0	3.0	4.0
<b>VOTING STRENGTH APPORTIONMENT</b>					
CoN	3.0	4.0	4.0	5.0	5.0
CoP, TQB, DoL	1.0	1.0	2.0	2.0	2.0
EA	2.0	2.0	2.0	2.0	3.0

CoN – City of Nanaimo  
DoL – District of Lantzville

CoP – City of Parksville  
EA – Electoral Area

TQB – Town of Qualicum Beach

### Population Apportionment

Population apportionment simply weights appointment to the Select Committee based on the population of the area represented. Representation is skewed to the highest population areas and, therefore, the committee may miss considerations impacting lesser populated areas. Population apportionment should match the “voting strength apportionment” as they are both based on population, however, due to rounding differences in carrying out the calculations there are slight variations in results. This criterion of population apportionment is more precise in weighting representation by population as compared to “voting strength apportionment”.

### Property Tax Apportionment

Property tax apportionment weights committee representation based on the tax requisition for solid waste services. The curbside collection utility revenue that is received from single family residences outside of the City of Nanaimo is not included in this calculation. Representation is skewed slightly higher for the City of Nanaimo as the largest contributor to the tax requisition.

### Property Tax Apportionment and Curbside Utility Billing

Property tax apportionment and curbside utility billing represents weighting based on the cumulative total of tax requisition revenues and the RDN curbside collection utility billing. Representation is skewed to areas receiving curbside collection by the RDN. As the curbside collection is a separate and distinct function from other solid waste services functions (e.g. planning, education, illegal dumping, advocacy, regulatory), using this criterion may not balance the interests that come before the committee.

### Board Appointment

Board appointment criterion closely mirrors representation of the Board and may balance interests for discussion at the committee level.

### Voting Strength Apportionment

Voting strength criterion is based on a ratio of Board voting strength applied to a fixed number of representatives on the committee. Because voting strength is derived from area populations, it should result in representation that exactly matches “population appointment”, however it does not due to the indirect calculation that compounds rounding. This criterion is less precise than “population apportionment”.

Should the Board choose not to revise the committee composition as stated in the Terms of Reference, a revision should still proceed to replace references to the Advisory Committee with the Monitoring Committee due to the fact that when the Board approved the Plan in 2018, the Advisory Committee was dissolved and the Monitoring Committee was constituted at that time.

### ***Option 3: Dissolve the Select Committee***

The Board may choose to dissolve the Select Committee. The Select Committee is not required as part of the Ministry approved Plan. If the Committee is dissolved, all waste services reports would go to the Committee of the Whole in advance of being received by the Board.

In 2016, the Board concluded that Select Committee should remain as an ongoing committee due to the complexity and importance to the community of solid waste services, the relationship between planning for future program delivery, and on-going operations.

Should the Select Committee be dissolved, the Monitoring Committee Terms of Reference should be amended to revise the reporting structure to the Committee of the Whole and the Ministry of Environment and Climate Change Strategy should be advised.

### ***Option 4: Expand the mandate of the Select Committee and re-name it to reflect its extended scope.***

The Board may choose to expand the mandate of the existing Select Committee to include a broader range of areas including water, liquid waste, and other environmental matters, in addition to solid waste. Such an expanded committee could be re-named the Environmental Services Committee.

Some of the benefits of instituting an expanded committee might be more frequent meetings and more public involvement and participation in these matters. Broadening the committee mandate could result in reduced workload Committee of the Whole.

In terms of challenges associated with an expanded committee of this nature, instituting a new committee structure with a broader mandate would result in fewer matters going to the Committee of the Whole, since issues relating to water, liquid waste, and other environmental matters would flow directly to the Environmental Services Committee. As well, while agenda items have at times temporarily slowed for the Select Committee, once the Plan is approved by the Minister of Environment Climate Change Strategy it is probable there will be several complex items to be addressed, necessitating more meetings on solid waste matters.

With respect to the question of opportunities for public involvement in water and waste issues, the Drinking Water and Watershed Protection, Solid Waste and Liquid Waste programs all have advisory committees that provide a mechanism for public involvement and input. These Committees report to the Board through the Committee of the Whole.

For purposes of comparison across regions, it does not appear that other regional districts currently have committees substantially similar to the suggested Environmental Services Committee, although the Capital Regional District had an Environmental Services Committee with a similar mandate until recently. That Committee was active until the fall of 2018 with jurisdiction over solid waste, liquid waste, stormwater, watershed management, climate action strategy, environmental and sustainability matters and biodiversity. The Committee was subsequently changed to become the Parks and Environment Committee (an amalgamation of the Regional Parks Standing Committee and the Environmental Standing Committee). It is primarily responsible for regional parks and land, solid waste, environmental protection and climate action.

In summary, broadening the Select Committee mandate might better balance the workload of the Committee of the Whole, provide an effective mechanism for reviewing reports and increase public participation in these areas. On the other hand, a committee with a broadened mandate would result in a large proportion of the current work of the Committee of the Whole being redirected to a smaller committee. Such a change to the workflow might have implications for efficiency and impact on the extent of Directors' involvement in detailed discussions of these matters.

## **ALTERNATIVES**

1. The Board retain the existing Solid Waste Management Select Committee's Terms of Reference in substance but amend them to replace references to the Regional Solid Waste Advisory Committee with the Solid Waste Management Plan Monitoring Advisory Committee.
2. The Board amend the Solid Waste Management Select Committee Terms of Reference including 1) replacing the Regional Solid Waste Advisory Committee with the Solid Waste Management Plan Monitoring Advisory Committee; and, 2) revising the composition of the Solid Waste Management Select Committee; or
3. The Board dissolve the Solid Waste Management Select Committee; and,
  - a. Revise the Solid Waste Management Plan Monitoring Advisory Committee Terms of Reference due to the change in reporting structure; and,
  - b. Advise the Ministry of Environment and Climate Change Strategy of the change.
4. The Board expand the mandate of the Solid Waste Management Select Committee and re-name it to reflect its extended scope.
5. The Board provide alternative direction to staff.

## FINANCIAL IMPLICATIONS

There are no financial implications associated with any of the proposed options.

## STRATEGIC PLAN IMPLICATIONS

People and Partnerships - Improve the governance and awareness of RDN activities for citizens throughout the Region.

Environmental Stewardship - Achieve the 90% waste diversion target as per the Solid Waste Management Plan.

The Select Committee provides Board Directors the opportunity to discuss future options for waste management, disposal and facility development in greater detail and make recommendations that align with target of reaching 90% waste diversion in the RDN.



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October 25, 2019



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October 25, 2019

Reviewed by:

- P. Carlyle, Chief Administrative Officer

## Attachments

1. Solid Waste Management Select Committee Terms of Reference 2016
2. Solid Waste Management Plan Monitoring Committee Terms of Reference 2018
3. Draft Amended Solid Waste Management Select Committee Terms of Reference 2019