

TO: CITY MANAGER 2003 October 23
FROM: DIRECTOR PLANNING AND BUILDING Our File: 1750-20
SUBJECT: **GVTA (TRANSLINK) GOVERNANCE**
PURPOSE: To respond to the 2003 September 16 draft recommendations of the GVTA (TransLink) Governance Task Force.

RECOMMENDATIONS:

1. **THAT** Council forward the recommendations contained within Section 2.3 of this report to the GVTA (TransLink) Governance Task Force.
2. **THAT** Council forward a copy of this report to all municipal councils of the GVRD as the City of Burnaby's response to the draft recommendations of the GVTA Governance Task Force for information purposes.

REPORT

1.0 BACKGROUND

The GVRD struck the GVTA Governance Task Force in 2000. At the end of 2000, the Task Force recommended broader representation on the GVTA Board. However, those recommendations were not forwarded to the Province because a governance review was also being undertaken at that time by the Auditor General.

In 2002, the Task Force was reconvened to consider governance once again following the release of the Auditor General's recommendations, the GVTA's 2001 financial consultation process, and the 2001 transit strike.

At its regular meeting of 2002 June 24, Council adopted a report which presented a comparative review of a full range of both appointed and elected GVTA governance models. These models had been suggested by various groups for consideration by the GVTA Governance Task Force. This report concluded that both a "larger" (20 member¹) Board option and the "appointed/elected" Board option should be advanced to the GVTA Task Force for a review of their feasibility and advisability as GVTA Governance options. The

¹ The GVTA Board currently has 15 Directors - 12 locally appointed and 3 vacant Provincial seats.

criteria used in the evaluation which lead to this recommendation has been included in **Appendix 'A' (attached)** for reference. This report also recommended that Council reserve its final recommendation until such time as the Task Force had developed and analysed their own set of options.

The GVTA Governance Task Force presented their revised draft recommendation to expand the number of locally appointed GVTA Directors from 12 to 15 (by eliminating the three vacant Directors seats appointed by the Province) at the 2003 September 20 meeting of the Council of Councils. It should be noted that any change to the existing governance structure of the GVTA would likely require an amendment to the GVTA Act and therefore the final authority on this issue continues to reside with the Province.

The purpose of this report is to compare the governance options recommended by Burnaby Council on 2002 June 24 to the draft Task Force recommendations presented to the 2003 September 20 Council of Councils. Moreover, this report puts forward a final recommendation to the GVTA Task Force for the consideration of Council.

2.0 THE RECONVENED GVTA TASK FORCE

2.1 Task Force Membership

It should be noted that as some of the reconvened Task Force members were not returned to office in the 2002 municipal election, the composition of the Task Force is now as follows:

- Mayor Marlene Grinnell (Langley City), *Task Force Chair* and *GVTA Director*
- Mayor Ralph Drew (Village of Belcarra), *GVRD Director*
- Councillor Marvin Hunt (City of Surrey), *GVRD Chair* and *GVTA Director*
- Mayor Doug McCallum (City of Surrey), *GVTA Chair* and *GVRD Director*
- Mayor Barbara Sharp (City of North Vancouver), *GVRD* and *GVTA Director*
- Johnny Carline, *CAO, GVRD ex officio*²
- Pat Jacobsen, *CEO, GVTA ex officio*
- Dan Doyle, *Deputy Minister, Ministry of Transportation* observer

In this reorganization of the membership of the Task Force, all of the current members were previously members with the exception of Councillor Marvin Hunt, the new GVRD Chair. Moreover, it should also be noted that the members of the

² By virtue of the office or position.

Task Force previously representing Vancouver (2) and New Westminster (1) were not replaced, effectively shifting the balance of representation on the Task Force in favour of the suburban municipalities.

2.2 Comparison of Recommendations (GVTA Board Options)

As the GVTA Task Force has recommended an “appointed” Board, no further consideration is being given to the “appointed/elected” hybrid Board option previously suggested for the consideration of the Task Force. **Table 1** (on page 3) compares the “larger” (20 member) appointed Board option recommended by Burnaby Council to the “expanded” (15 member) appointed Board option recommended by the GVTA Task Force.

Table 1
Comparison of Recommended
Board Options

	CITY OF BURNABY RECOMMENDATION (2003 June 24)	GVTA TASK FORCE RECOMMENDATION (2003 Sept 16)
Number of Directors	20 (19 municipal & 1 Provincial)	15 (15 municipal & no Provincial)
Representation	municipal	4 sub-regions proposed (see Table 2)
Degree of local municipal representation	high	medium
Burnaby representative	permanent	likely 4 of every 5 years
Voting weighted by population	Yes - and also by other factors including growth concentration area, transit service hours and lane km's of MRN)	No
Alternates permitted	Yes	No
Timing of Appointment or Election	annually	annually
Eligibility	limited to members of Council	limited to Mayors and GVRD Directors
How are they appointed or elected?	appointed by municipal councils (limited to members of Council)	appointed by sub-regions
GVRD Chair sits on the GVTA Board	current practice but not required	required (compulsory nomination by sub-region)
Who appoints Chair?	selected from the members of the GVTA Board by the members of the GVTA Board of Directors	selected from the members of the GVTA Board by the members of the GVTA Board of Directors

The Task Force did recommend that the existing three vacant GVTA Director positions appointed by the Province be filled with local representatives. This would effectively increase the number of locally appointed Directors on the GVTA Board from 12 to 15. Moreover, the Task Force has suggested that the Directors be appointed according to the revised four (4) sub-regional areas shown in **Table 2**. This system of sub-regional representation would see Burnaby moved from the “Northeast Sector” to the “Burrard Peninsula”.

Table 2
Proposed GVTA Board Sub-regions

Sub-region	Communities	# of GVTA Directors	2002 Population	Distribution of Directors (anticipated)	Pop'n per Director	Change in Pop'n per Director
Burrard Peninsula	Vancouver Electoral Area "A" Burnaby New Westminster	5	577,772 8,679 205,955 57,603 <u>850,009</u>	Vancouver . . 3 at-large 2	1 per ~170,000	decrease by ~13%
NE Sector	Pitt Meadows Coquitlam Port Coquitlam Port Moody Maple Ridge Anmore Belcarra	3	15,755 120,967 55,793 25,545 68,527 1,426 716 <u>288,729</u>	at-large 3	1 per ~96,000	decrease by ~50%
North Shore	North Van City North Van District West Van Lion's Bay Bowen Island	2	47,893 85,720 42,778 1,425 3,158 <u>180,974</u>	at-large 2	1 per ~90,000	decrease by ~50%
South of the Fraser	Richmond Surrey Langley City White Rock Langley Township Delta	5	174,617 376,757 24,682 19,408 90,997 101,226 <u>787,687</u>	Richmond . . . 1 Surrey 2 at-large 2	1 per 160,000	decrease by ~20%
Totals		15	3 municipalities with 6 permanent seats and 9 other seats at-large		1 per 141,000	decrease by ~20%

Note: The existing distribution of GVTA Directors is summarized in **Appendix “B” attached.**

2.3 Outstanding Issues

Based on a review of the current Task Force recommendations the following outstanding issues have been identified.

- **Existing Relationship to the GVRD or Board of the GVRD:** While the GVRD now has three Boards³, one Company⁴ and several GVRD Committees⁵, the GVTA Board operates with considerable independence to the GVRD Board. Under the terms of the GVTA Act, the GVTA is only required to seek ratification from the GVRD Board for the GVTA’s Strategic Transportation Plan, increases in the GVTA’s borrowing limit and increases to certain GVTA funding sources (property taxes, toll charges, parking taxes or vehicle levies). This arms-length relationship has lead some to believe that the actions of the GVTA are often out-of-step with the objectives of the GVRD’s Livable Region Strategic Plan (eg. TransLink’s current 10-year Outlook/Three-year Financial Plan process is now proceeding while the GVRD’s LRSP review is still pending).

If the GVTA were to become a Board of the GVRD then there would likely be significant improvement in: increasing accountability to the region’s electorate and municipal councils; ensuring more equitable municipal representation across the region; and coordinating transportation decisions with the LRSP and Provincial transportation investments. Arguably this new relationship to the GVRD may be unpopular with the members of the Gateway Council (based on their previous comments to the Task Force) and may have some impact on the GVTA Board’s operational effectiveness. However, on balance it would appear that there would be a significant improvement over the sometimes adversarial existing relationship between the GVRD Board and the GVTA Board. *In view of the above, it is recommended that the Task Force give serious consideration to establishing the GVTA Board as a Board of the GVRD.*

³ Greater Vancouver Regional District (GVRD), Greater Vancouver Sewage and Drainage District (GVS & DD), and Greater Vancouver Water District (GVHC)

⁴ Greater Vancouver Housing Corporation

⁵ Corporate and Intergovernmental, Finance, Housing, Labour Relations Bureau, Planning and Environment, Regional Parks, Sewage and Drainage, Small Communities, Solid Waste, Water

This recommendation is consistent with Port Coquitlam’s recent Council resolution which was forwarded to Council at its meeting of 2004 October 20 for its information, “... *that TransLink become a function of the Greater Vancouver Regional District similar to other established functions such as, Greater Vancouver Water District, and Greater Vancouver Sewer District with respective appointed Committees reporting to the Greater Vancouver Regional District;*”

- **Number and Distribution of Board Members:** Burnaby is currently in the “Northeast Sector” sub-region (see **Appendix “B” attached**) where the overall representation to population ratio is about 1:184,000. With a population of 205,955, Burnaby should, under the current arrangement, have permanent representation on the GVTA Board. However, in practice, Burnaby has only had a representative on the GVTA Board about four (4) out of every five (5) years.

Under the Task Force’s current proposal, Burnaby would be shifted to the “Burrard Peninsula” sub-region, where the ratio of population per Director would be 1:170,000 (as shown in **Table 2**). However, in all other sub-regions, the population per Director has been more significantly decreased:

- ▶ a decrease of 50% for both “North Shore” (proposed to be 1:90,000) and “NE Sector” (proposed to be 1:96,000); and
- ▶ a decrease of 20% for “South of the Fraser” (proposed to be 1:160,000).

Under the current Task Force proposal (as shown in **Table 2**), Burnaby would remain without a permanent seat and would likely continue to have a representative about four (4) out of every five (5) years. Moreover, the proposed ratios of representation by population work against the growth “concentration area” defined by the LRSP by increasing the representation of the outer suburban areas of the region. It should be noted that under the Task Force proposal, the city of Richmond with a population of 174,617 would have a permanent seat on the Board and Surrey with a population of 376,757 would have 2 seats (or 1 per 188,000). It is inconceivable that the region’s third largest city occupying a central location within the Growth Concentration Area with a vital interest in transportation matters would not have a permanent seat on the Board.

It is still believed that the size of the GVTA Board should be increased beyond the 15 Directors currently proposed by the Task Force to increase accountability, increase public acceptance, and increase municipal representation.

*Although there is some logic to include Burnaby with the other urban municipalities in the "Burrard Peninsula" sub-region, the revised system of four (4) sub-regions currently proposed by the GVTA Task Force needs to be adjusted to ensure more equitable representation to population ratios throughout the region. If expanded to include twenty (20) directors the ratio of representation would be increased to one (1) Director per 105,000. As shown in **Table 3** this would increase the number of permanent Director seats on the GVTA Board from three (3) municipalities with six (6) permanent seats to five (5) municipalities with eleven permanent seats (11).*

Under the 20 Director Board proposal, permanent seats would be assigned to those municipalities having more than the average population per Director on a region wide basis (i.e. 1 per each 105,000 shown in Table 3 for 2003). This ratio and resulting number of permanent seats would be reviewed on an annual basis at the time the GVTA Board is appointed. This would result in Burnaby having one (1) permanent seat and being able to appoint a second Director once its population has a 6 per cent increase and reaches the needed population ratio. In the interim, the City would likely be able to appoint a second at-large Director every second year if the at-large Director for the Burrard Peninsula was rotated on the basis of the remaining population. Although North Vancouver and Langley Township are now slightly below the 1 per 105,000 threshold for a permanent seat, the annual review of the threshold would ensure that they would be assigned a permanent seat at such time as their proportional population warranted.

*Under the prevailing proposal and as a minimum change the distribution of the five (5) proposed seats for the Burrard Peninsula sub-area as shown in **Table 2** should be prescribed as Vancouver three (3), Burnaby (1) and one (1) at-large. Under such an arrangement, Vancouver would have a minimum of one (1) Director per 193,000 for a total of three (3), Burnaby would have a minimum of one (1) Director per 206,000 for a total of one (1). The one (1) other Director would have representation on an at-large basis for a total of one (1).*

Table 3
 Proposed 20 Director GVTA Board

Sub-region	Communities	# of GVTA Directors	2002 Population	Distribution of Directors (anticipated)	Pop'n per Director	Change in Pop'n per Director
Burrard Peninsula	Vancouver Electoral Area "A" Burnaby New Westminster	8	577,772 8,679 205,955 <u>57,603</u> <u>850,009</u>	Vancouver 5 Burnaby . 1 at-large .. 2	1 per ~106,000	decrease by ~45%
NE Sector	Pitt Meadows Coquitlam Port Coquitlam Port Moody Maple Ridge Anmore Belcarra	3	15,755 120,967 55,793 25,545 68,527 1,426 <u>716</u> <u>288,729</u>	Coquitlam 1 at-large .. 2	1 per ~96,000	decrease by ~50%
North Shore	North Van City North Van District West Van Lion's Bay Bowen Island	2	47,893 85,720 42,778 1,425 <u>3,158</u> <u>180,974</u>	at-large .. 2	1 per ~90,000	decrease by ~50%
South of the Fraser	Richmond Surrey Langley City White Rock Langley Township Delta	7	174,617 376,757 24,682 19,408 90,997 <u>101,226</u> <u>787,687</u>	Richmond 1 Surrey . . . 3 at-large .. 3	1 per 113,000	decrease by ~43%
Totals		20	5 municipalities with 11 permanent seats and 10 other seats at-large		1 per 105,000	decrease by ~40%

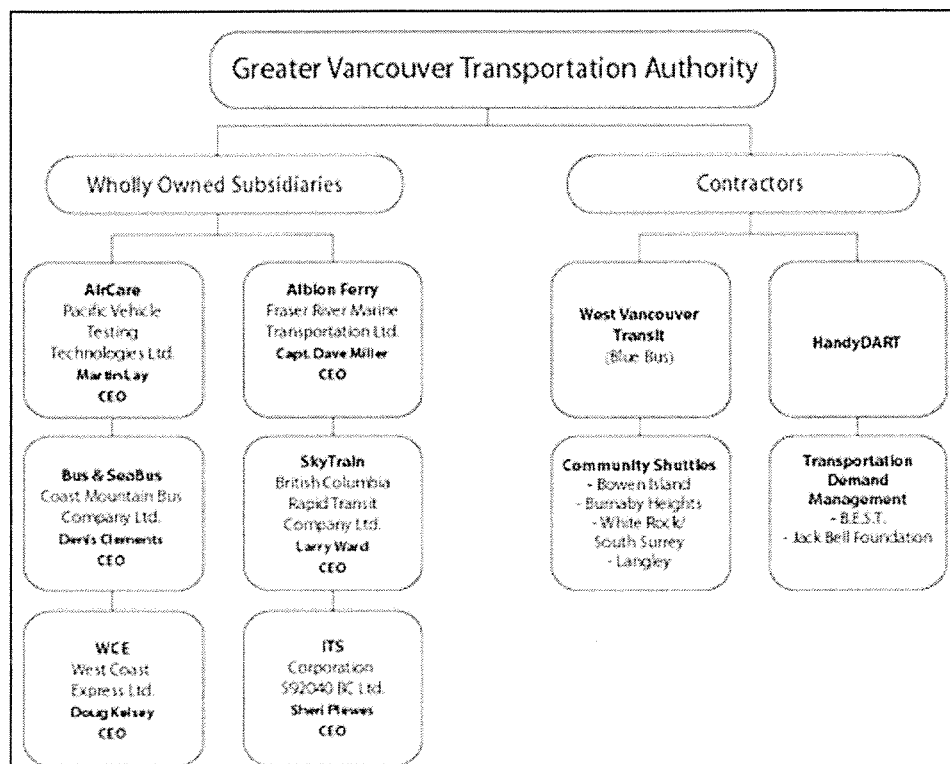
- **Weighted Votes:** The issue of weighted votes does not appear to be discussed in the Task Force’s draft report of 2003 September 16. This is unfortunate as weighted votes are a mechanism that the GVRD Board has used successfully to reinforce the notion of accountability to the public as a proxy for representation by population. *Therefore, it is recommended that the Task Force consider including the option of weighted votes to the provisions of the GVTA Board.*
- **Alternates:** The current Task Force proposal does not allow for alternates citing the steep learning curve, the need for long-range regional decisions, and the benefits of continuity. However, these issues all come into play on the GVRD Board as well, but in the latter case alternates are permitted. Moreover, there have been several cases on the GVTA Board where the lack of alternates has been an issue by virtue of health reasons or conflicting responsibilities as a result of current “dual duty” role of the GVTA Directors/GVRD Directors and/or Mayors. *Therefore, it is recommended that the GVTA Task Force reconsider their position on the issue of alternates, particularly if the number of GVTA Directors is held at 15.*
- **Eligibility:** The current Task Force proposal continues to restrict eligibility of GVTA Directors to Mayors and GVRD Directors. This does not address the issue of Directors being strained under “double duty”. Moreover, by allowing all members of Council to be eligible to serve as a GVTA Director, the pool of potential Directors would be increased allowing each Council to select their representative Director(s) who has the requisite knowledge, interest and availability to fulfill the responsibilities of the role. *Therefore, it is recommended that the Task Force consider modifying GVTA Director eligibility so that all members of Council could be given consideration for the role of GVTA Director.*
- **Subsidiary Boards:** As shown in **Figure 1**, the GVTA has a number of subsidiary operating companies (Coast Mountain Bus Company, SkyTrain, West Coast Express, etc.). The GVTA Act does require that the GVTA Board appoint the boards and chairs of their subsidiaries.⁶ However, the GVTA Act does not appear to prescribe that the directors of the subsidiary boards be elected or non-elected representatives.

⁶ Section 9(3)(g)(I) Greater Vancouver Transportation Authority Act

Currently all of subsidiaries shown in **Figure 1** have:

- a three (3) director board;⁷
- the president of each subsidiary automatically appointed as a director to their board;⁸ and
- the other two (2) directors can be appointed by the GVTA Board.

However, the two (2) available directors positions on the subsidiary boards have been filled with a mix of elected and non-elected board members. Moreover this mix has not been consistent across the various subsidiary boards.



GVTA's Subsidiaries

Figure 1

⁷ The exception is the Intelligent Transportation Systems (ITS) Board which operates as more of committee of stakeholder agencies and as a result their board is much larger.

⁸ As required by the Company Act.

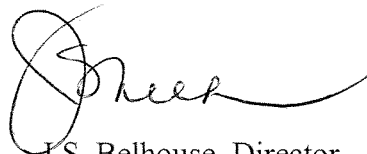
To our understanding, only two (2) of subsidiary boards now have elected officials (GVTA Directors) sitting as subsidiary board directors. GVTA Director MacLean, Mayor Pitt Meadows now sits on the board for West Coast Express and GVTA Director Grinnell, Mayor Langley City now sits on the board for the Albion Ferry. There are currently no elected officials (GVTA Directors) on the boards for Coast Mountain Bus Company, SkyTrain (BCRTC), or AirCare. It should be noted that the practice of appointing non-elected government staff to the Board of Directors for the Coast Mountain Bus Company led to considerable public frustration (i.e. lack of public accountability) during the four-month bus strike of 2001.

Previous Burnaby Council reports focussed on the relationship between the GVRD and the GVTA and the issues related to the governance of the GVTA. However, the issue of non-elected directors on the subsidiary boards of the GVTA was not given consideration previously by Burnaby Council. The Task Force is now recommending that the appointment of non-elected directors to the boards of the various GVTA subsidiaries be “endorsed” as a method of ensuring that directors are appointed to the various subsidiary boards in a consistent way. The reason given favouring non-elected directors for the subsidiary boards is that political accountability rests with the GVTA Board, therefore it is critical for subsidiary boards to possess the necessary business, customer service and transportation expertise to provide meaningful oversight of each operating company. It should be noted that a report adopted by the TransLink Board at their regular meeting of 2003 October 1 on the appointment of specific non-elected directors to the board of the ITS subsidiary stated, *“As the (GVTA) Board is aware, an independent recruitment process has been commenced to identify additional candidates for BCRTC and other GVTA subsidiary boards.”*

Recognizing that policy decisions are often made at the subsidiary board level, and without elected officials present at this level, the public would likely continue to perceive a lack of accountability. Moreover, the requisite skills described above should be housed within the staff of each operating company. *Therefore, it is recommended that the size of the subsidiary boards be increased beyond three (3) and that all Directors (with the exception of the President of the operating company itself) on the subsidiary boards be appointed elected officials to increase public accountability at the subsidiary board level. The ITS Board could remain open to the appointment of staff as this company currently operates as more of a technical committee than a board.*

3.0 CONCLUSION

The GVTA Governance Task Force has been challenged with a difficult task and has received widely varied input in response to the question of how to improve the governance of the GVTA. However, if the objectives of changing the governance of the GVTA are to include increasing accountability to the regions electorate and municipal councils; ensuring equitable municipal representation across the region; coordinating transportation decisions with the LRSP and Provincial transportation investments; and increasing the Board's operational effectiveness, then significant change is required. Having reviewed the 16 September 2003 draft report of the GVTA Governance Task Force, the recommendations contained within Section 2.3 of this report are being forwarded for the consideration of Council as Burnaby's final recommendations to the GVTA Governance Task Force as ways to effectively meet the objectives as stated above.



J.S. Belhouse, Director
PLANNING AND BUILDING

DAC:sa

Attachments(2)

cc: City Clerk
Director Finance
Director Engineering

Appendix "A"
 Supporting Evaluation Criteria
 and Their Measurement
 Used in the 2002 June 24 Council Report

CRITERIA	MEASUREMENT
Principle: Accountability	
to the regional electorate	degree of direct representation
	degree of public acceptance
to the municipal Council and local citizens	responsiveness to local plans and issues
Principle: Local Representation	
equitable municipal representation across the region	number of member municipalities with a direct voice
	larger municipalities (including Burnaby) having a permanent seat
	size of voice should be weighted by population and other factors (eg. transit, lane kilometres of MRN roads and location within growth concentration area)
Principle: Regional Land Use / Transportation Planning	
coordinated decision making process (LRSP and supporting transportation decisions)	degree of policy and implementation interaction between GVRD and GVTA
	ability of both Boards to coordinate directions and understand the regional implications of each others' actions
coordination with Provincial investments	degree of policy and implementation interaction between GVRD/GVTA and the Province
Principle: Operational Effectiveness	
jurisdictional complexity	ease of public understanding of the roles (GVRD, GVTA and operating subs)
Board efficiency	ability to make timely decisions
	ability to achieve regional objectives in the face of differing local values
	Board members' (Directors') work load

Appendix "B"
Current GVTA (TransLink) Board Representation
by Sub-Region

Sub-region	Communities	# of GVTA Directors	2002 Population	Distribution of Directors (practice)	Pop'n per Director
Vancouver	Vancouver Electoral Area "A"	3	577,772 <u>8,679</u> <u>586,451</u>	<u>Vancouver</u> . . . 3	1 per ~195,000
NE Sector	Pitt Meadows Burnaby New Westminster Coquitlam Port Coquitlam Port Moody Maple Ridge Anmore Belcarra	3	15,755 205,955 57,603 120,967 55,793 25,545 68,527 1,426 716 <u>552,287</u>	at-large 3	1 per ~184,000
North Shore	North Van City North Van District West Van Lion's Bay Bowen Island	1	47,893 85,720 42,778 1,425 <u>3,158</u> <u>180,974</u>	at-large 1	1 per ~181,000
South of the Fraser	Richmond Surrey Langley City White Rock Langley Township Delta	4	174,617 376,757 24,682 19,408 90,997 <u>101,226</u> <u>787,687</u>	<u>Richmond</u> . . . 1 <u>Surrey</u> 2 at-large 1	1 per 197,000
At-large	-	1	-	at-large 1	-
Totals		12	3 municipalities with 6 permanent seats and 6 other seats at-large		1 per 175,600