

ADVISORY PLANNING COMMISSION ORIENTATION MANUAL

REGIONAL DISTRICT OF CENTRAL KOOTENAY PLANNING SERVICES

*A GUIDE TO ASSIST
ADVISORY PLANNING
COMMISSION
MEMBERS ON THEIR
ROLE AND
RESPONSIBILITIES*

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Introduction

This manual is intended to provide information to assist members of Advisory Planning Commissions (APCs) in the Regional District of Central Kootenay (RDCK) with carrying out their duties. It should be used in conjunction with the *RDCK Advisory Planning Commission Bylaw No. 1477, 2003* and as a companion document to applicable Regional District land use bylaws and Provincial legislation.

As APC members, citizens have the opportunity to learn about their communities and to engage in dialogue and debate about the various issues and possibilities that they face, while, at the same time helping to implement a vision for their community's future.

Background

What is an APC?

An APC is an independent body composed of local residents that act in an advisory capacity with regard to proposed land use bylaws or permits, providing recommendations on such matters to the RDCK Board and staff, as well as the local area director. The RDCK can create an APC for one or more electoral areas, or portions of an electoral area. APCs are authorized to make decisions based on what has been delegated to them by the Board. They do not formulate regulations or policy, though they may be asked to review and provide advice on such matters.

Legislation and Policy

Pursuant to Part 26, Section 898 of the Local Government Act, Advisory Planning Commissions in the RDCK are established and regulated by the Regional District of Central Kootenay Advisory Planning Commissions Bylaw No. 1477, 2003.

A copy of this bylaw, along with relevant section excerpts from the Local Government Act and the Community Charter are included as Schedules A, B, E and F at the end of this manual.

The Role of an APC in Planning

The role of an APC is to review and provide advice to the RDCK Board and staff, and the local area director on various land use issues. This may include participation in community wide planning processes or site specific permit applications. Advisory Planning Commissions are referred items that fall under Part 26 of the Local Government Act.

Mandate

The mandate of an APC is to provide advice and recommendations to the RDCK Board and staff, as well as local area directors on regional planning policy with a specific focus on how these issues might affect an entire electoral area.

Planning Commissions receive their authorities, responsibilities and instructions from the Board of the RDCK upon adoption of resolution(s) and bylaw(s). These may be amended or repealed at the discretion of the Board.

Planning Commissions consider a wide range of issues related to the following items:

- Community Planning (Official Community Plans and Zoning);
- Community Plan and Zoning Amendments;
- Development Permits;
- Development Variance Permits;
- Board of Variance;
- Site Specific Floodplain Exemptions;
- Temporary Industrial and Commercial Use Permits; and
- Regional Strategic Plans.

Referrals that do not fall under Part 26 of the *Local Government Act* may also be referred to an APC at the discretion of the local area director. Review and advice on such referrals should be directed to the local area director and not the RDCK Board, as they fall outside of the mandate of an APC. Such referrals may include the following:

- Subdivision (note: the RDCK is not the approval authority)
- Accretion
- Agricultural Land Reserve Applications
- Soil Removal and Deposit Permits
- Crown Referrals
- Notice of Works (Mines) Referrals; and
- Building Permits (BC Building Code)

Membership

Planning Commissions provide opportunity for citizens to become actively involved in their communities and to provide in-depth consideration of planning issues. To ensure that APCs are representative of the community the RDCK Board endeavors to include citizens that are broadly representative of the electoral area.

The area directors submit the names of APC candidates for consideration to the RDCK Board. The Board Directors consider a number of characteristics in selecting persons for appointment including:

1. Representation of a cross-section of the community with respect to opinions, insights and geographic location;
2. Skills and technical expertise useful in the planning process;
3. Experience, timely insight and enthusiasm; and
4. Representation of community and/or community interest groups.

Composition

APCs in Areas 'A- Wynndel/East Shore – Kootenay Lake', 'B', 'C', 'D', 'E', 'F', 'G', 'I', 'J – Lower Arrow/Columbia' and 'K – the Arrow Lakes' can have up to 15 appointed members.

In Electoral Areas 'H – The Slocan Valley' (Slocan Lake North) and 'H – The Slocan Valley' (South of Slocan Lake) commissions have a maximum of 7 members.

Appointments

At least two-thirds of the members of an APC must reside in the electoral area. Terms of appointment are up to 4 years, subject to re-appointment (or for the term of the local area director). Members hold their positions until a successor has been appointed.

Absenteeism

A member is deemed to have resigned if he/she is absent for 3 consecutive meetings or 5 meetings out of the 12 regular meetings in a calendar year. It is recognized that APCs may hold more, or less than 12 meetings in a year depending on the number of referrals that they receive.

Vacancy

If a vacancy occurs as the result of the death or resignation of a member, the RDCK Board appoints a replacement member as soon as possible to complete the former member's unexpired term.

Roles & Responsibilities of APC Members

Within their mandate APCs have the following roles and responsibilities:

- Responding to issues referred by the RDCK Board and the local area director;
- Listening to, and reporting on the community's views;
- Gathering relevant facts, information and opinions;
- Educating and raising the awareness of the Board, the local area director, and staff on specific issues;

- Offering long-term insight relating to the evolution of the community; and
- Providing advice and recommendations to the RDCK Board and staff, as well as the local area director.

The planning process generally describes the various activities and methods by which local governments develop policies and bylaws such as Official Community Plans (OCPs), Zoning Bylaws, and Subdivision Bylaws to govern the evolution of their communities.

The RDCK Board has final decision-making authority. However, an APC is responsible for giving advice and acting as the citizens' voice in the planning process. While an APC's role is only advisory, it involves a unique set of responsibilities and is critical to the success of the planning program.

It is expected the level of formal planning skills, and/or training of members of a commission will vary, yet it is their individual skills and experiences relating to the community that make Planning Commissions an effective conduit for public participation in local planning processes. The information and analysis that APCs generate are a special combination of subjective and objective observations that only community members could bring to the discussion.

In many cases, the RDCK Board is asking the Commission to conduct complex examinations usually associated with people trained in the planning profession. For this reason, RDCK staff may act as a resource to provide assistance and information as appropriate.

Planning Commission members should look at a variety of characteristics (the OCP of an electoral area will provide an outline of characteristics that must be considered) when they are weighing the various data relating to a particular planning initiative or issue. These characteristics include:

- Community benefits and costs, both short and long-term;
- Consistency and coordination;
- Fairness;
- Legal soundness;
- Overall community interest; and
- Flexibility.

1) Community Benefits and Costs

Issues that appear before the APC should be examined in terms of their benefits and costs for the community, including both short- and long-term characteristics.

While some proposals appear favorable because they meet an immediate need or problem, the long-term effects must also be considered when developing recommendations that will

influence the community for years to come. The OCP defines the community's long-term vision and goals, and will be the primary guide to examining this long term 'fit'.

2) Consistency and Coordination

The planning projects forwarded to APCs will invariably have an impact on the land use characteristics, and overall quality of life, for the community. Land use planning is complex, dealing with the interrelationships and connectivity between land uses and the community that utilizes them.

A community benefits from a diverse mix of land uses that are compatible and efficiently connected with each other. Developments or land uses that do not compliment each other, or even negatively affect each other, can create conflicts that potentially weaken the community. These conflicts can include: aesthetics impacts, loss or reduction of economic potential or feasibility, social or 'community' impacts, reduced health or environmental quality. An APC is expected to keep these interrelationships in mind so that a level of consistency and coordinated land use can be achieved for the community, as prescribed by documents such as the community's OCP.

3) Fairness

As representatives of the entire community, APC members should be continually aware of the obligation to be fair in the allocation of benefits and burdens. All issues before an APC must be treated equitably. Reasons for decisions should be identified, and they must deal objectively with the merits of the issue in terms of planning, and not based on personal biases.

4) Legal Soundness

The Regional District is legally limited in its ability to control and regulate private land. Its jurisdiction is primarily set out in the Local Government Act. As such, APC members should be generally aware of these limits so that their focus and recommendations do not exceed the jurisdictional limits of the RDCK. This not only ensures that an APC's recommendations are legally sound, but it allows their discussions to be focused on the aspects of an issue that fall within the influence and powers of the RDCK. Additionally, the desires of an APC, comprised of its recommendations, will more likely be achievable and opportunities will not have been lost by focusing on aspects of an issue that are outside of the RDCK's legal jurisdiction.

5) Overall Community Interest

APC members represent the entire community of the electoral area, not a particular group or special interest. Therefore community interest must be the dominant basis for decisions.

6) Flexibility

Planning Commissions should consider the scope of the planning issue at hand when developing recommendations. Specifically, plans and recommendations should be no more definite or detailed than information permits. Overly definitive or detailed plans based on limited information could result in the need for frequent and extensive amendments.

For example, when amending or developing an OCP that will provide the general vision and direction for the community, the discussion should not be focused on the design of a specific site or property because that level of detail would be inappropriately too narrowly focused.

APC Member Conduct

In undertaking their duties, APC members are expected to conduct themselves with professionalism, providing well-considered and timely responses to the RDCK Board and staff, and the local area director as appropriate. Members should endeavour to carry out their work effectively, efficiently and creatively, while maintaining actual and perceived separation from influences that could disrupt thoroughness, balance and objectivity in recommendations. This becomes increasingly important when they reflect upon how individual development proposals fit into established policies such as adopted Official Community Plans (OCP).

Planning Commissions play an important role in advising the RDCK Board and helping to develop the future direction of the region and the communities within the electoral area. While it is expected that all members will conduct themselves appropriately and adhere to procedural rules, they should be aware of the inherent public oversight, and ensure that they use discretion when discussing personal views associated with items before the commission. Members should be aware that the public deserves and expects their actions to be conducted with fairness, objectivity, and the avoidance of conflicts of interest.

Members frequently have social, professional, or business contacts with people who have interest in applications before the Commission. Such contacts may be the source of relevant information, but they should not be permitted to influence a member's decision-making before deliberations begin.

Members must exercise care in responding to and reporting any external contacts related to pending matters. Any contact with people directly or indirectly associated with an application should be reported in the commission's formal record, and a member must reject any information that cannot be verified and made publicly accessible.

Connecting with the Community

The Public

The Regional District is an important force in building and supporting communities and their services. Therefore, as part of a system of open and effective dialog between the District and the public, it is important for APCs to engage the community, and provide a mechanism for the public to receive and submit information for use in planning decisions. An effective APC is both a source of information for the public, and a conduit for the public to inform the Board of community interests.

Planning Commissions most often connect with the public through individual APC members talking informally to people in the community. There are however, other more organized ways such as hearing presentations from citizens at APC meetings. If a person or group wishes to make a presentation to an APC, they must obtain written approval from the Chair prior to attending the meeting.

All APC meetings are open to the public, with the exception of those meetings, or parts of meetings closed to the public for the purposes of discussing matters specified in Part 4, Division 3, Section 90 (1) and (2) of the *Community Charter*. The decision to close a meeting is made in the open meeting by the APC and the reason for closing the meeting is disclosed to all participants.

In accordance with the *Local Government Act*, applicants are invited to attend APC meetings. If the application is outside of Part 26 of the *Local Government Act*, an APC is not required to invite the applicant to a meeting, as the matter falls outside of the RDCK's decision-making authority.

In their preparations and deliberations APC members have an important responsibility to the community. The matters under their consideration have direct influence on the livability of the community; making the quality of their understanding, analysis, insight, and recommendations on these items important.

The influence of a planning commission within governmental and community affairs, rests upon the quality of its recommendations. The quality of advice improves when there has been systematic accounting of circumstances, patient reflection upon the goals of the community and established public policy, discipline in the processes of deliberation, and selection of a course of action that can be effectively and efficiently implemented.

(The Planning Commissioners Guide, Processes for Reasoning Together, Allor, David, American Planning Association, 1984, p.118)

The public must be informed and listened to by the RDCK Board and staff, the local area director, and APC members throughout the planning process. Public understanding of planning initiatives is essential to effective planning and the successful implementation of subsequent plans and bylaws.

Communicating with the RDCK Board

Just as communicating with the public is important, having a strong relationship with the Board ensures that the APC is better able to gain the Board's confidence and understanding. This, in turn helps to create a more cooperative and effective working relationship through which the interests of the community can be incorporated into planning decisions.

Planning Commissions communicate with the RDCK Board through submission and receipt of formal meeting minutes. Communications on issues that fall outside of Part 26 of the *Local Government Act* may be directed through referral comments to the local area director.

Working with RDCK Staff

In order to enable Planning Commissions to fulfill their mandates and carry out their duties effectively and efficiently, RDCK staff will assist members by answering questions and providing technical research information and support as needed.

The RDCK Board and staff recognize the valuable contributions of APC members. In return, members can expect to be provided: 1) full information on issues being addressed, as well as effective staff support; 2) orientation and training; and 3) prompt feedback on the outcomes of their advice and recommendations.

Conducting APC Business

Rules of Procedure

Planning Commissions observe the following rules of procedure for meetings:

- At the first meeting of the year, APC members elect a Chair and a Vice-Chair. They also appoint a Secretary who is responsible for recording the minutes of each meeting.
- If the Chair is absent from a meeting, the Vice-Chair steps in to facilitate. In the event that both the Chair and Vice-Chair are absent, the Secretary will appoint an acting Chair to preside over the meeting;
- Meetings are held in the electoral area for which an APC was established unless otherwise determined;
- If a special meeting is called, APC members are notified in writing at least 2 days in advance of the time, place, and purpose of the meeting;
- Upon written request, a delegation can be invited to attend an APC meeting;
- Applicants are invited to attend APC meetings (provided their application falls under Part 26 of the *Local Government Act*);
- Once a meeting is scheduled, APC members are notified of the date and copies of the agenda and staff report are delivered to them for their review.

Quorum

Quorum is the majority of appointed members. A meeting cannot proceed without quorum.

Minutes

Minutes are taken of all APC meetings. They must:

- Record the mover and seconder of, and the voting on all resolutions;
- Be reviewed and signed by the Chair and the Secretary;

- Be distributed to members, the Planning Department, and the Assistant Board Secretary within 1 week after the meeting;
- Be available to the public upon request; and
- Record all recommendations arising from the meeting. Recommendations for Board consideration are listed on a separate page attached to the minutes.

Meeting Conduct

It is the responsibility of all APC members and particularly the Chair (or the Vice Chair in the absence of the Chair) to ensure that meetings are run effectively and in accordance to the following rules of conduct:

- All members should prepare in advance for the business of the meeting;
- The agenda should specify any business to be discussed at the meeting. All relevant reports and information should be clearly referenced and/or attached;
- Agendas and minutes should be prepared in a consistent format;
- Discussion should be directed so as to ensure all agenda items receive equal attention and consideration;
- Decisions are made by majority vote. They should be made and recorded by the traditional procedure of Motion – Secunder –Discussion – Vote. Voting is conducted by a show of hands unless otherwise determined by the members. Each member has 1 vote. If a member abstains from voting it is deemed a vote in the affirmative. A dissenting vote is recorded in the minutes as ‘opposed’. In cases where members’ votes are equally for or against the question, the question is negated;
- The area director, staff, or members of the public are not eligible to vote, but may attend meetings in a resource capacity and may engage in discussions prior to the vote;
- Recommendations shall contain a clear and specific identification of the reasons for the decision;
- All members will receive fair and equal treatment; and
- Meetings will adjourn on time.

Conflict of Interest

Procedures for conduct where a conflict of interest exists are prescribed in the *Community Charter* - Part 4, Division 6. A conflict of interest exists where an APC member or his/her family,

employer, and/or business associate has a direct or indirect pecuniary interest in the outcome of commission deliberations.

The following excerpt from the UBCM Advisory Service Fact Sheet Series No. 15: Conflict of Interest describes some typical scenarios relating to conflicts of interest:

Conflicts often occur between the member's public duty and his or her personal, business or property interests. The courts treat personal, business or property interests of a spouse, child, parent, partner, client (or in some cases, a corporation) of the member the same way they treat the interests of the member. If the member is in any way involved in a matter before Council that actually advances (or appears to advance) any of these interests, a conflict may arise.

By keeping key examples in mind, it should be easier for the member to recognize a conflict.

Business Interests

A member has a conflict of interest if he or she votes on a matter that helps his or her own business, or hinders the competition.

Property Interests

If a member votes on a land use bylaw that makes his or her own property subdividable, or more or less valuable in any way, a conflict arises.

Family Interests

If a member votes on a matter that is to the benefit or disadvantage of a spouse, child or parent, as in increasing salary or increasing or decreasing property values, a conflict arises.

Where a conflict of interest exists, an APC member must:

1. Declare to the APC that a conflict exists and clearly state the reason why; and
2. Absent him/herself from the meeting during consideration of the issue to which the conflict relates and not attempt to influence the vote.

The Secretary must record in the minutes a member's declaration or statement of conflict, his/her reason for giving it, and the time of his/her departure from the meeting, as well as his/her return.

Relationships that may constitute a conflict of interest include: kinship; legal guardian; trustee; estate administrator; appointment or retainer, whether or not service was provided; consultant-ship; contracts for services; interest in real property enjoyed by a corporation, of which a commission member is an officer or board member, affected by the decisions of the commission.

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Conflict does not exist if: the pecuniary interest is in common with members of the electoral area generally; is so remote or insignificant that it cannot reasonably be regarded as to influence the member; or relates to expenses payable to 1 or more members in relation to their duties as APC members.

The Planning Commissioners Guide, Processes for Reasoning Together, Allor, David (American Planning Association, 1984, p. 77)

Schedules

Schedule A: Local Government Act, Part 26, Section 898 - Advisory Planning Commission

Advisory planning commission

898 (1) A council may, by bylaw, establish an advisory planning commission to advise council on all matters respecting land use, community planning or proposed bylaws and permits under Divisions 2, 7, 9 and 11 of this Part that are referred to it by the council.

(2) A board may, by bylaw, establish an advisory planning commission for one or more electoral areas or portions of an electoral area to advise the board, or a director of the board representing the electoral area, on all matters referred to it by the board or by that director respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted or issued under this Part.

(3) The bylaw establishing an advisory planning commission must provide for

(a) the composition of and the manner of appointing members to the commission,

(b) the procedures governing the conduct of the commission, and

(c) the referral of matters to the advisory planning commission.

(4) At least 2/3 of the members of an advisory planning commission must be residents of the municipality or the electoral area.

(5) A council member, board director, employee or officer of the local government, or an approving officer, is not eligible to be a member of an advisory planning commission, but may attend at a meeting of the commission in a resource capacity.

(6) The members of an advisory planning commission must serve without remuneration, but may be paid reasonable and necessary expenses that arise directly out of the performance of their duties.

(7) [Repealed 1999-37-202.]

(8) If an advisory planning commission is established, minutes of all of its meetings must be kept and, on request, made available to the public.

(9) If the commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend meetings of the commission and be heard.

Schedule B: Advisory Planning Commissions Bylaw No. 1477, 2003

REGIONAL DISTRICT OF CENTRAL KOOTENAY

ADVISORY PLANNING COMMISSIONS BYLAW NO. 1477, 2003

A bylaw to establish and regulate an Advisory Planning Commission pursuant to Section 898 of the *Local Government Act*.

The Board of the Regional District of Central Kootenay, in open meeting assembled, enacts as follows:

Title

1. This bylaw may be cited as the **“Regional District of Central Kootenay Advisory Planning Commissions Bylaw No. 1477, 2003”**.

Establishment

2. The Advisory Planning Commissions for Electoral Areas ‘A –Wynndel/East Shore – Kootenay Lake’, ‘B’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’, ‘H – The Slokan Valley’ (Slokan Lake North), ‘H –The Slokan Valley’ (South of Slokan Lake), ‘I’, ‘J – Lower Arrow/Columbia’ and ‘K – The Arrow Lakes’, herein referred to as the Commission(s), are hereby established. Advisory Planning Commissions for each Electoral Area will become active as members are duly appointed.

Composition

3. The Commissions are comprised of a maximum of fifteen (15) members for Electoral Areas ‘A – Wynndel/ East Shore – Kootenay Lake’, ‘B’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’, ‘I’, ‘J – Lower Arrow/Columbia’ and ‘K – The Arrow Lakes’ and a maximum of seven (7) members for each commission for Electoral Areas ‘H – The Slokan Valley’ (Slokan Lake North), ‘H –The Slokan Valley’ (South of Slokan Lake).

The Director and/or the Alternate Director of the applicable Electoral Area may attend Commission meetings in a resource capacity..

Qualifications for Appointment

- 4.1 Eligibility for appointment to a commission shall be in accordance with Section 898 of the *Local Government Act*.
- 4.2 The appointed members shall be appointed by the Board for a term commencing from the date of appointment until the date determined by the Board; in no case, later than noon of the thirty-first day of December following the completion of the tenure of the incumbent Director of each of the Electoral areas (i.e. the term of appointment of each member shall coincide to expire with the term of office of the Electoral Area Director).
- 4.3 Every person appointed to the Commission shall continue to hold office until a successor has been appointed, if the appointment of a successor has not been made at the expiration of the term of such member.
- 4.4 The Director of each of the Electoral Areas shall submit, for consideration of the Board of the Regional District of Central Kootenay, the name(s) of those person(s) the respective Director recommends to be appointed by the Board to the Advisory Planning Commission for the applicable electoral area.

Vacancy

5. A vacancy created by death or resignation shall be reported by the chair of the commission to the Board, who shall as soon as practically possible appoint a replacement for the unexpired term of the former member.

Absenteeism

6. A member who is absent, except for reasons of illness or with the leave of the Commission, from three consecutive, or five in any twelve consecutive, regular meetings of the commission is deemed to have resigned effective at the end of the third or fifth such meeting, as the case may be.

Referrals to the Advisory Planning Commission

- 7.1 The Board or the Director of the applicable Electoral Area may refer matters respecting the preparation and adoption of a community plan or a rural land use bylaw or a proposed bylaw or permit enacted or issued under Part 26 of the *Local Government Act*, to the Advisory Planning Commission in order that it may make recommendations to the Board or Director of the applicable electoral area on those matters.
- 7.2 In order to enable the Commission to perform its functions and to carry out its duties in accordance with the true intent of the purposes for which it was created, every official employed by the Regional District of Central Kootenay, shall whenever required, give to the Commission such assistance as may be reasonably required of staff without direct instruction of

the Board.

Chair and Secretary

- 8.1 The Advisory Planning Commission shall, at its first meeting in each calendar year, elect from amongst its appointed members a Chair and a Vice-Chair to act in the absence of the Chair.
- 8.2 The Advisory Planning Commission shall cause proper records to be kept of its proceedings, and shall appoint a member to be responsible for the duties of the Secretary.
- 8.3 In case the Advisory Planning Commission Chair does not attend within thirty minutes after the time appointed for a meeting, the Vice-Chair shall take the chair and call the members to order, or if the Vice-Chair is absent, the Secretary shall appoint an Acting Chair who shall preside during the meeting or until the arrival of the Chair or Vice-Chair. Such person appointed as Acting Chair has all the powers and is subject to the same rules as the Chair or the Vice-Chair.

Quorum

- 9.1 Quorum shall be a majority of the appointed members.
- 9.2 Should there be no quorum present within thirty minutes after the time appointed for the meeting, the Secretary shall record in the minute book the names of the members present at the expiration of such thirty minutes and the meeting shall stand adjourned until the next meeting.

Rules of Procedure

10. The Commission shall observe the following rules of procedure in the calling of and conduct in its meetings:

Inaugural Meeting

- (a) The Advisory Planning commission shall, at its first meeting in each calendar year, as the first order of business, call to order the meeting and select of a chair from amongst the appointed members, during which the secretary shall preside. The selection of a vice-chair shall follow.

Regular Meetings

- (b) Except as otherwise provided, all meetings shall be held within the Electoral Area for which the Advisory Planning Commission was established.
- (c) Meetings may be held beyond the boundaries of the said Electoral Area only upon adoption of a resolution at an earlier meeting or as may be determined by the Chair of the Advisory Planning Commission.

Special Meetings

- (d) The Chair of the Advisory Planning Commission or any two appointed members may summon a special meeting of the Advisory Planning commission by giving at least two days notice in writing to each appointed member, stating the time, place and purpose for which the meeting is called.

Public Attendance

- (e) All meetings of the Advisory Planning Commission shall be open to the public, with the exception of those meetings or parts of meetings closed to the public for the purposes of discussing matters within Section 90 of the Community Charter.

Closed meetings shall be determined by the Advisory Planning Commission by Resolution in open meeting and must disclose the basis under which Section 90 of the Community Charter is applicable.

Schedule and Notice of Meetings

- (f) To ensure that applications for amendment to a plan or bylaw, or the issue of a permit are processed in a timely manner, the Chair of the Commission or the Secretary of the Advisory Planning Commission, shall contact the applicant as soon as a referral is received and invite the applicant to meet with the Advisory Planning Commission within the referral period specified on the referral documents.
- (g) Notice of a meeting, together with the agenda and available staff reports for the meeting, shall be delivered to each member with copies to the Assistant Board Secretary as soon as scheduled to allow posting of a notice in accordance with any applicable Regional District of Central Kootenay Procedures Bylaw.

Delegation

- (h) The Advisory Planning Commission, by resolution or as may be determined by the Chair of the Advisory Planning Commission, may invite person(s) to attend Advisory Planning Commission meetings.
- (i) No person or group of persons who wish to appear before the Advisory Planning commission may do so unless he/she or they have first notified the Chair in writing and the Chair approves the delegation.

Conduct of Meeting

- (j) The Chair or, in his/her absence, the Vice-chair, shall preside at all meetings, and shall be guided by the following rules:

- (i) The order of business shall be as set out in the agenda, except that items may be added to the agenda by majority vote of the members present.
- (ii) Each appointed member shall have one (1) vote.
- (iii) All questions before an Advisory Planning Commission shall be decided by a majority vote of the votes cast.
- (iv) Dissenting votes, upon request by the member who so voted, shall be recorded as opposed.
- (v) All appointed members, including the presiding member, may vote on the question before the Advisory Planning Commission.
- (vi) In all cases where the votes of appointed members present are equal for and against the question, the question shall be negated.
- (vii) An appointed member who abstains from voting shall be deemed to have voted in the affirmative.
- (viii) Voting shall be conducted by a simple show of hands unless otherwise determined by a majority of the appointed members.
- (ix) The Director, Alternate Director, an employee or officer of the Regional District of Central Kootenay are not eligible to vote on questions before the Advisory Planning Commission, but may attend in a resource capacity and participate in discussion prior to the vote.
- (x) The Chair shall generally conduct the meeting in accordance with the Rules of Procedure applicable to the Committee of the Whole Board.

Minutes

- (k) Minutes shall be taken of all meetings of the Commission(s), and shall
 - (i) record the mover and seconder of, and the voting on all resolutions;
 - (ii) be reviewed and signed by the Chair as a true record of the decisions of the Commission, and by the Secretary or person taking the Minutes;
 - (iii) be distributed within one week after the meeting to the Commission members, the Planning Department and the Assistant Board Secretary;
 - (iv) Minutes, upon being forwarded to the Board, shall be open for inspection by any person at all reasonable times. Copies of minutes shall be made available to the public upon request at the fee specified by any applicable Regional District of Central Kootenay Photocopy Fees Bylaw.

- (v) Recommendations arising from meetings shall be embodied within the minutes; however, recommendations for Board consideration shall be listed on a separate page and attached as the last page of the minutes so forwarded.

Mandate

- 11.1 The mandate of the Advisory Planning Commission is to provide the Board, other Committees and the staff advice on policy or policy changes for consideration by the Board, on regional planning-related issues with emphasis on how these issues might affect the entire electoral area.
- 11.2 The Advisory Planning Commission receives its authorities, responsibilities and instructions from the Board upon adoption by the Board of resolution(s) and bylaw(s) consistent with the intent of the various planning related sections of the *Local Government Act*.
- 11.3 The Advisory Planning Commission will consider a wide range of issues regarding the following items:
- Community Planning (Official Community Plans and Zoning);
 - Community Plan and Zoning Amendments;
 - Development Permits;
 - Development Variance Permits;
 - Board of Variance;
 - Site Specific Floodplain Exemptions;
 - Temporary Industrial and Commercial Use Permits; and
 - Regional Strategic Plans
- 11.4 While the Board may consider the recommendation(s) arising from the Advisory Planning Commission, the Board retains ultimate responsibility for making the decision relative to the recommendation(s).
- 11.5 It shall be the duty of the Advisory Planning Commission to bring to the attention of the Board by means of a written communication to the Secretary of the Board, any matters coming within the scope of the duties and the powers reposed in the Commission.

Annual Budget

- 12.1 No later than October 31st in each year, the Advisory Planning Commission shall cause to be placed before the Regional Board a statement showing in detail an estimate of the amount which the Advisory Planning Commission considers to be necessary to meet the expenses of the Advisory Planning Commission during the ensuing year and, until an appropriation has been made by the Regional board to meet the expenses of the Advisory Planning Commission, it shall not incur expenses in that year beyond an amount equivalent to one-quarter of the appropriation made for a similar purpose in

the previous year, and the expenditures of the Advisory Planning Commission for all purposes shall be kept within the sum appropriated by the Regional Board for the expenses of the Advisory Planning Commission.

- 12.2 The members of an advisory planning commission must serve without remuneration, but may be paid reasonable and necessary expenses that arise directly out of the performance of their duties, and the reasonableness and necessity of such expenses shall be to the satisfaction of the Chair.
- 12.3 All accounts for expenses incurred by the Advisory Planning Commission shall be authenticated by or on behalf of the Advisory Planning Commission and after being so authenticated all such accounts shall be passed to the Regional Board for approval before payment in the same manner as other accounts of the Regional District are passed through for payment.

Conflict of Interest

13. Where any member of the Advisory Planning Commission or his/her family, employer, business associates has any conflict of interest with any matter being considered by the Advisory Planning Commission that member shall absent himself from all aspects of that consideration.

Repealed Bylaws

14. The following bylaws are hereby repealed:

Advisory Planning Commission for Electoral Area A Bylaw No. 18, 312, 477, 627 and 852
Advisory Planning Commission for Electoral Area B Bylaw No. 19 and No. 175
Advisory Planning Commission for Electoral Area C Bylaw No. 20 and No. 858
Advisory Planning Commission for Electoral Area D Bylaw No. 21 and No. 315
Advisory Planning Commission for Electoral Area E Bylaw No. 20 and No. 743
Advisory Planning Commission for Electoral Area F Bylaw No. 23 and No. 697
Advisory Planning Commission for Electoral Area G Bylaw No. 24
Advisory Planning Commission for Electoral Area H Bylaw No. 697 and No. 1036
Advisory Planning Commission for Electoral Area I Bylaw No. 26, 102, 345 and No. 1166
Advisory Planning Commission for Electoral Area J Bylaw No. 27, 52, 106 and No. 1029
Advisory Planning Commission for Electoral Area K Bylaw No. 28, 744 and No. 1194

READ A FIRST TIME this 25th day of January, 2003.

READ A SECOND TIME this 25th day of January, 2003.

READ A THIRD TIME this 25th day of January, 2003.

August, 2013

ADOPTED this 25th day of January, 2003.

"H. Cunningham"

Chair

"C. McGowan"

Secretary

I hereby certify that this is a true and correct copy of "**Regional District of Central Kootenay Advisory Planning Commissions Bylaw No. 1477, 2003**".

Schedule C: Advisory Planning Commissions Agenda Template

REGIONAL DISTRICT OF CENTRAL KOOTENAY
ELECTORAL AREA '___' ADVISORY PLANNING COMMISSION
AGENDA

Date: Date
Time: Time
Location
Address

MEMBERS PRESENT:

<i>Name</i>	Chair
<i>Name</i>	Vice-Chair
<i>Name</i>	Member
<i>Name</i>	Member
<i>Name</i>	Member
<i>Name</i>	RDCK Director, Area '___'

MEMBERS ABSENT:

<i>Name</i>	<i>Position</i>
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STAFF:

<i>Name</i>	<i>Position</i>
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GUESTS:

<i>Name</i>	<i>Organization, Title</i>
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1. **CALL TO ORDER** (*Secretary at the inaugural meeting, Chair thereafter*)

2. **SELECTION OF A CHAIR** (*Only for the first meeting of each year*)

MOVED by _____, seconded by _____ and resolved that:

The Chair of the Electoral Area '___' Advisory Planning Commission for the calendar year 200_*be* *name*

3. **SELECTION OF A VICE CHAIR** (*Only for the first meeting of each year*)

MOVED by _____, seconded by _____ and resolved that:

The Vice-chair of the Electoral Area '___' Advisory Planning Commission for the calendar year 200_*be* *name*

4. **ADOPTION OF AGENDA**

MOVED by _____, seconded by _____ and resolved that:

The Agenda for the *date* meeting, be adopted as circulated.

5. **ADOPTION OF MINUTES**

MOVED by _____, seconded by _____ and resolved that:

The Minutes of the *date* meeting, be adopted as circulated.

OLD BUSINESS

4. **AGENDA ITEM**

Discussion

MOVED by _____, seconded by _____ and resolved that:

The Board of the Regional District of Central Kootenay be advised that:

for the motion
Abstaining
Opposing

NEW BUSINESS

5. **APPLICATION (*Application number*)**

Delegation – *Names*

Discussion

MOVED by _____, seconded by _____ and resolved that:

The Board of the Regional District of Central Kootenay be advised that:

for the motion
Abstaining
Opposing

6. **ADJOURNMENT**

Schedule D: Advisory Planning Commissions Minutes Template

REGIONAL DISTRICT OF CENTRAL KOOTENAY
ELECTORAL AREA '___' ADVISORY PLANNING COMMISSION
MINUTES

Date: Date
Time: Time
Location
Address

MEMBERS PRESENT:

<i>Name</i>	Chair
<i>Name</i>	Vice-Chair
<i>Name</i>	Member
<i>Name</i>	Member
<i>Name</i>	Member
<i>Name</i>	RDCK Director, Area '___'

MEMBERS ABSENT:

<i>Name</i>	<i>Position</i>
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STAFF:

<i>Name</i>	<i>Position</i>
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GUESTS:

<i>Name</i>	<i>Organization, Title</i>
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1. **CALL TO ORDER** (Time)
2. **SELECTION OF A CHAIR** *(Only for the first meeting of each year)*
 MOVED by _____, seconded by _____ and resolved that:
 The Chair of the Electoral Area '___' Advisory Planning Commission for the calendar year 200_ be *name*
3. **SELECTION OF A VICE CHAIR** *(Only for the first meeting of each year)*
 MOVED by _____, seconded by _____ and resolved that:
 The Vice-chair of the Electoral Area '___' Advisory Planning Commission for the calendar year 200_ be *name*
4. **ADOPTION OF AGENDA**
 MOVED by _____, seconded by _____ and resolved that:
 The Agenda for the *date* meeting, be adopted as circulated.
5. **ADOPTION OF MINUTES**
 MOVED by _____, seconded by _____ and resolved that:
 The Minutes of the *date* meeting, be adopted as circulated.

OLD BUSINESS

4. **AGENDA ITEM**
 Discussion
 MOVED by _____, seconded by _____ and resolved that:

The Board of the Regional District of Central Kootenay be advised that:

APC recommendation to the Board

- # for the motion
- # Abstaining
- # Opposing

NEW BUSINESS

5. **APPLICATION (Application number)**

Delegation - Names

Summary of information provided by the delegation

Discussion

Summary of discussion, information provided by APC members and reasons supporting the motion of the APC below. If discussion is lengthy it may be beneficial to summarize the discussion by topic or contributing member.

MOVED by _____, seconded by _____ and resolved that:
The Board of the Regional District of Central Kootenay be advised that:

- # for the motion
- # Abstaining
- # Opposing

6. **ADJOURNMENT (Time)**

CERTIFIED CORRECT

Chair

Secretary

RECOMMENDATIONS ARISING OUT OF THE *date* ADVISORY PLANNING COMMISSION MEETING

RECOMMENDATION 1

That the Board of the Regional District of Central Kootenay be advised that:
Quote the APC recommendation.

RECOMMENDATION 2

That the Board of the Regional District of Central Kootenay be advised that:
Quote the APC recommendation.

Schedule E: Community Charter, Part 4, Division 6 – Conflict of Interest

Division 6 – Conflict of Interest

Disclosure of conflict

100 (1) This section applies to council members in relation to

- (a) council meetings,
- (b) council committee meetings, and
- (c) meetings of any other body referred to in section 93
[application of open meeting rules to other bodies].

(2) If a council member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has

- (a) a direct or indirect pecuniary interest in the matter, or
- (b) another interest in the matter that constitutes a conflict of interest,

the member must declare this and state in general terms the reason why the member considers this to be the case.

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

(4) As an exception to subsection (3), if a council member has made a declaration under subsection (2) and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may

- (a) return to the meeting or attend another meeting of the same body,
- (b) withdraw the declaration by stating in general terms the basis on which the member has determined that he or she is entitled to participate, and
- (c) after this, participate and vote in relation to the matter.

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

(6) When a declaration under subsection (2) or a statement under subsection (4) is made,

- (a) the person recording the minutes of the meeting must record
 - (i) the member's declaration or statement,
 - (ii) the reasons given for it, and
 - (iii) the time of the member's departure from the meeting room and, if applicable, of the member's return, and
- (b) unless a statement is made under subsection (4), the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

Restrictions on participation if in conflict

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

(2) The council member must not

- (a) remain or attend at any part of a meeting referred to in section 100 (1) during which the matter is under consideration,
- (b) participate in any discussion of the matter at such a meeting,
- (c) vote on a question in respect of the matter at such a meeting,
- or
- (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

(3) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Restrictions on inside influence

102 (1) A council member must not use his or her office to attempt to influence in any way a decision, recommendation or other action to be made or taken

(a) at a meeting referred to in section 100 (1) [*disclosure of conflict*],

(b) by an officer or an employee of the municipality, or

(c) by a delegate under section 154 [*delegation of council authority*],

if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

(2) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Restrictions on outside influence

103 (1) In addition to the restriction under section 102, a council member must not use his or her office to attempt to influence in any way a decision, recommendation or action to be made or taken by any other person or body, if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

(2) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Exceptions from conflict restrictions

104 (1) Sections 100 to 103 do not apply if one or more of the following circumstances applies:

(a) the pecuniary interest of the council member is a pecuniary interest in common with electors of the municipality generally;

(b) in the case of a matter that relates to a local service, the pecuniary interest of the council member is in common with other persons who are or would be liable for the local service tax;

(c) the matter relates to remuneration, expenses or benefits payable to one or more council members in relation to their duties as council members;

(d) the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter;

(e) the pecuniary interest is of a nature prescribed by regulation.

(2) Despite sections 100 to 103, if a council member

(a) has a legal right to be heard in respect of a matter or to make representations to council, and

(b) is restricted by one or more of those sections from exercising that right in relation to the matter,

the council member may appoint another person as a representative to exercise the member's right on his or her behalf.

Restrictions on accepting gifts

105 (1) A council member must not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the member's performance of the duties of office.

(2) Subsection (1) does not apply to

(a) a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office,

(b) compensation authorized by law, or

(c) a lawful contribution made to a member who is a candidate for election to a local government.

(3) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the

contravention was done inadvertently or because of an error in judgment made in good faith.

Disclosure of gifts

106 (1) This section applies if

(a) a council member receives a gift or personal benefit referred to in section 105 (2) (a) that exceeds \$250 in value, or

(b) the total value of such gifts and benefits, received directly or indirectly from one source in any 12 month period, exceeds \$250.

(2) In the circumstances described in subsection (1), the council member must file with the corporate officer, as soon as reasonably practicable, a disclosure statement indicating

(a) the nature of the gift or benefit,

(b) its source, including, if it is from a corporation, the full names and addresses of at least 2 individuals who are directors of the corporation,

(c) when it was received, and

(d) the circumstances under which it was given and accepted.

(3) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Disclosure of contracts with council members and former council members

107 (1) If a municipality enters into a contract in which

(a) a council member, or

(b) a person who was a council member at any time during the previous 6 months,

has a direct or indirect pecuniary interest, this must be reported as soon as reasonably practicable at a council meeting that is open to the public.

(2) In addition to the obligation under section 100 [*disclosure of conflict*], a council member or former council member must advise the corporate officer, as soon as reasonably practicable, of any contracts that must be reported under subsection (1) in relation to that person.

(3) A person who contravenes subsection (2) is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Restrictions on use of insider information

108 (1) A council member or former council member must not use information or a record that

(a) was obtained in the performance of the member's office, and

(b) is not available to the general public,

for the purpose of gaining or furthering a direct or indirect pecuniary interest of the council member or former council member.

(2) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Court order for person to give up financial gain

109 (1) If a council member or former council member has

(a) contravened this Division, and

(b) realized financial gain in relation to that contravention,

the municipality or an elector may apply to the Supreme Court for an order under this section.

(2) Within 7 days after the petition commencing an application under this section is filed, it must be served on

(a) the council member or former council member, and

(b) in the case of an application brought by an elector, the municipality.

(3) On an application under this section, the Supreme Court may order the council member or former council member to pay to the municipality an amount equal to all or part of the person's financial gain as specified by the court.

(4) In the case of an application made by an elector, if the court makes an order under subsection (3), the municipality must promptly pay the elector's costs within the meaning of the Supreme Court Civil Rules.

(5) The court may order that costs to be paid under subsection (4) may be recovered by the municipality from any other person as directed by the court in the same manner as a judgment of the Supreme Court.

(6) Except as provided in subsection (4), the costs of an application are in the discretion of the court.

Schedule F: Community Charter, Part 4, Division 3 – Open Meetings

Division 3 — Open Meetings

General rule that meetings must be open to the public

89 (1) A meeting of a council must be open to the public, except as provided in this Division.

(2) A council must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

Meetings that may or must be closed to the public

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

(b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;

(c) labour relations or other employee relations;

(d) the security of the property of the municipality;

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

(g) litigation or potential litigation affecting the municipality;

(h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

(l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];

(m) a matter that, under another enactment, is such that the public may be excluded from the meeting;

(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

(o) the consideration of whether the authority under section 91 [*other persons attending closed meetings*] should be exercised in relation to a council meeting.

(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

(a) a request under the *Freedom of Information and Protection of Privacy Act*, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a

provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;

(c) a matter that is being investigated under the *Ombudsperson Act* of which the municipality has been notified under section 14 [*ombudsperson to notify authority*] of that Act;

(d) a matter that, under another enactment, is such that the public must be excluded from the meeting.

(e) a review of a proposed final performance audit report for the purpose of providing comments to the auditor general on the proposed report under section 23 (2) of the *Auditor General for Local Government Act*.

(3) If the only subject matter being considered at a council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

Other persons attending closed meetings

91 (1) If all or part of a meeting is closed to the public, the council may allow one or more municipal officers and employees to attend or exclude them from attending, as it considers appropriate.

(2) If all or part of a meeting is closed to the public, the council may allow a person other than municipal officers and employees to attend,

(a) in the case of a meeting that must be closed under section 90 (2), if the council considers this necessary and the person

(i) already has knowledge of the confidential information,
or

(ii) is a lawyer attending to provide legal advice in relation to the matter, and

(b) in other cases, if the council considers this necessary.

(3) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

Requirements before meeting is closed

92 Before holding a meeting or part of a meeting that is to be closed to the public, a council must state, by resolution passed in a public meeting,

- (a) the fact that the meeting or part is to be closed, and
- (b) the basis under the applicable subsection of section 90 on which the meeting or part is to be closed.

Application of rules to other bodies

93 In addition to its application to council meetings, this Division and section 133 [expulsion from meetings] also applies to meetings of the following:

- (a) council committees;
- (b) a municipal commission established under section 143;
- (c) a parcel tax roll review panel established under section 204;
- (d) a board of variance established under section 899 of the *Local Government Act*;
- (e) an advisory body established by a council;
- (f) a body that under this or another Act may exercise the powers of a municipality or council;
- (g) a body prescribed by regulation.