

**AGRICULTURAL ADVISORY COMMISSION
BYLAW NO. 2492, 2016**

**REGIONAL DISTRICT OF CENTRAL KOOTENAY
AGRICULTURAL ADVISORY COMMISSION BYLAW NO. 2492, 2016**

A bylaw to establish and regulate an Agricultural Advisory Commission pursuant to Section 461 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 Agricultural Advisory Commission Bylaw No. 2492, 2016**”.

Establishment

2. The Agricultural Advisory Commission for portions of Electoral Areas ‘A –Wynndel’, Electoral Area ‘B’ and Electoral Area ‘C’, herein referred to as the Creston Valley Agricultural Advisory Commission, is hereby established. The Commission will become active as members are duly appointed.

Composition

3. The Commission shall be comprised of a maximum of eight (8) members appointed by the Regional Board.

Representation from each of the four commodity groups (fruit, beef, grain and dairy) should be sought for appointment. Appointments shall be representative of all three participating Electoral Areas; with membership comprised of two (2) representatives from Electoral Area ‘A’, and three (3) representatives from Electoral Areas ‘B’ and ‘C’ respectfully.

Qualifications for Appointment

- 4.1 Eligibility for appointment to a commission shall be in accordance with Section 461 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. The term of appointment of each member shall coincide to expire with the term of office of the Electoral Area Director(s) unless otherwise appointed.
- 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 participating 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 Creston Valley Agricultural Advisory Commission (CVAAC).

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 Agricultural Advisory Commission

7. The Board or the Directors of the applicable Electoral Areas may refer matters respecting the preparation and adoption of a community plan and/or land use bylaw, a proposed permit enacted or issued under Part 14 of the Local Government Act; or applications initiated under the Agricultural Land Commission Act to the Agricultural Advisory Commission in order that it may make recommendations to the Board or Directors of the applicable Electoral Areas on those matters pertaining to agricultural lands and/or activities. The commission may also serve to assist in the implementation of the Agricultural Area Plan and in the development of other land use, water and drainage directives.

Chair and Secretary

- 8.1 The Agricultural Advisory 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 Agricultural Advisory 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 Agricultural Advisory 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 at least four (4) 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 Agricultural Advisory Commission shall observe the following rules of procedure in the calling of and conduct in its meetings:

Inaugural Meeting

- (a) The Agricultural Advisory 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(s) for which the Agricultural Advisory 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 Agricultural Advisory Commission.

Special Meetings

- (d) The Chair of the Agricultural Advisory Commission or any two appointed members may summon a special meeting of the Agricultural Advisory 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 Agricultural Advisory 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 Agricultural Advisory 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, the issuance of a permit, or response to a referral from the Province are processed in a timely manner, the Chair of the Agricultural Advisory Commission or the Secretary, shall contact the applicant as soon as a referral is received and invite the applicant to meet with the Agricultural Advisory 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 Planning Department 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 Agricultural Advisory Commission, by resolution or as may be determined by the Chair of the Agricultural Advisory Commission, may invite person(s) to attend Agricultural Advisory Commission meetings.

- (i) No person or group of persons who wish to appear before the A Agricultural Advisory 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 Agricultural Advisory 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 Agricultural Advisory 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 Agricultural Advisory 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 Agricultural Advisory Commission, 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 Agricultural Advisory Commission, and by the Secretary or person taking the Minutes;
- (iii) be distributed within one week after the meeting to the Agricultural Advisory 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.
- (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 Agricultural Advisory Commission is to provide the Board, other committees and RDCK staff advice on land use matters as they pertain to agricultural land and agricultural activity within participating Electoral Area(s). In addition the Agricultural Advisory Commission may provide comment on applications initiated under the *Agricultural Land Commission Act*.
- 11.2 The Agricultural Advisory 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 Agricultural Advisory 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;
 - Soil Removal and Deposit Permits;
 - Applications under the *Agricultural Land Commission Act*;

- Temporary Industrial and Commercial Use Permits; and
- Regional Strategic Plans

11.4 The Agricultural Advisory Commission will take into consideration the following when making its recommendations:

- The effect of the proposal on the agricultural potential of the subject property;
- The effect of the proposal on adjacent Agricultural Land Reserve (ALR) properties, or lands under agricultural use;
- The effect of the proposal on the area's water resources, including ground water;
- The effect of the proposal on agricultural movement of farm equipment or instruments for effective use of agricultural land or transport of agricultural product; and/or
- The effect of the proposal on other matters pertaining to agricultural land use, activity or the agricultural community.

11.5 While the Board may consider the recommendation(s) arising from the Agricultural Advisory Commission, the Board retains ultimate responsibility for making the decision relative to the recommendation(s).

11.6 It shall be the duty of the Agricultural Advisory 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 The members of an Agricultural Advisory 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.

12.2 All accounts for expenses incurred by the Agricultural Advisory Commission shall be authenticated by or on behalf of the Agricultural Advisory 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.

12.3 The charging of expenses arising from the activities of the Agricultural Advisory Commission shall be taken from the respective budget of the Advisory Planning Commission budgets for each of the participating Electoral Area(s) as representative of the membership of the Commission.

Conflict of Interest


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

READ A FIRST TIME this 18th day of February, 2016..

READ A SECOND TIME this 18th day of February, 2016.

READ A THIRD TIME this 18th day of February, 2016.

ADOPTED this 17th day of March, 2016.


Chair


Corporate Officer



I hereby certify that this is a true and correct copy of "Regional District of Central Kootenay Agricultural Advisory Commissions Bylaw No. 2492, 2016".

Corporate Officer