



CARIBOO REGIONAL DISTRICT
BYLAW NO. 5292

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to form and regulate the activities of Advisory Planning Commissions

WHEREAS Section 461 of the *Local Government Act*, provides for the establishment of Advisory Planning Commissions for one or more electoral areas, to advise the Board on all matters referred to it respecting land use, community planning, or proposed bylaws and permits;

AND WHEREAS the Board of the Cariboo Regional District deems it expedient to appoint an Advisory Planning Commission for each electoral area;

AND WHEREAS the Board of the Cariboo Regional District deems it necessary to make regulations to govern such Advisory Planning Commissions;

NOW THEREFORE the Board of the Cariboo Regional District, in open meeting assembled, enacts as follows:

Establishment

1. a.) This Bylaw may be cited as the “Advisory Planning Commission Bylaw No. 5292, 2020”.
- b.) Subsequent to the adoption of this bylaw, Advisory Planning Commissions (henceforth referred to as “APCs”) shall be established for each electoral area by the appointment of members under Section 2, unless the Board, by resolution, waives the requirement to implement an APC for a particular electoral area upon the recommendation of the Electoral Area Director.
- c.) An APC shall have no authority to act on any matter but shall advise and recommend to its Electoral Area Director and the Board, on such matters as outlined in Section 461 of the *Local Government Act*, or other matters as may from time-to-time be referred to it by the Board.
- d.) Nothing in this bylaw precludes the Board from considering any application at any time whether or not the application has been referred to the Advisory Planning Commission.

Member Appointment

2.
 - a.) Each APC shall consist of not less than four and not more than fourteen appointed members, at least two-thirds of whom shall be residents of the electoral area.
 - b.) Pursuant to Section 461(5) of the *Local Government Act*, 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 APC, but may attend at a meeting of the APC in a resource capacity.
 - c.) After local government general elections, APC members may be re-appointed for a further term, as per Section 3(a), with no requirement to submit a formal expression of interest.
 - d.) Members will be selected based on the following criteria:
 - i. geographically, socially, and occupationally diverse mix of residents;
 - ii. demonstrated community interest, availability, work experience, and knowledge; and
 - iii. preference should be given to citizens residing in the Electoral Area of the APC, with the exception of those with special expertise in the Electoral Area, and pursuant to member requirements under Section 2(a).
 - iv. at least one APC member should have experience with the agricultural community if possible.
 - e.) Every member of the APC shall be appointed by resolution of the Cariboo Regional District Board. These appointments shall be made upon the recommendations of the Electoral Area Director.

Membership Terms

3.
 - a.) Membership terms shall commence at the time of appointment by resolution and continue until:
 - i. the member's reappointment after a local government general election;
 - ii. 90 days after a local government election; or
 - iii. the member's appointment is rescinded, whichever occurs first.
 - b.) Members may be reappointed for a further term, or terms.
 - c.) Each member is expected to attend each duly called meeting of the APC. Any member who fails to attend three (3) consecutive meetings, unless the absence is because of

illness or injury or is with leave of the Board, will be deemed to have resigned from the APC.

- d.) Notwithstanding Section 3(a), the Board may, in its sole discretion, terminate the appointment of any member at any time, and appoint another person to serve for the remainder of the dismissed member's term of office.
- e.) Upon resignation, death, or removal of a member during his/her term of office, the Electoral Area Director may recommend a successor to the Board and the Board may appoint by resolution a successor upon the recommendation by the Electoral Area Director, and the successor shall hold office during the remainder of the term of the vacating member.

Chair and Secretary

- 4.
 - a.) An APC shall choose, at the first meeting in each and every year, a Secretary from among its appointed members. An APC may choose, at the first meeting in each and every year, a Chair from among its appointed members.
 - b.) In the event the Secretary is not in attendance within 15 minutes after the time appointed for any given meeting, an APC shall appoint an acting Secretary for the duration of the meeting. The same procedure applies to the Chair, if one has been appointed.
 - c.) Each Secretary is responsible for recording and signing minutes of meetings, as per Section 5(d), and forwarding a copy of the minutes, and of all reports, of each APC meeting to the Corporate Officer of the Cariboo Regional District.
 - d.) Where a Chair has been selected from among its members, the Chair responsibilities will include:
 - i. calling and presiding over meetings; and
 - ii. execution of documents on behalf of the APC, including the signing of minutes.
 - e.) When an APC has opted not to have a Chair, the duties under Section 4(d) shall be undertaken by the Secretary.

Meetings

5. a.) Meetings shall be called within at least 30 days of any application referred to an APC pursuant to Section 461(2) of the *Local Government Act* by the Board, (as delegated to staff), or Electoral Area Director.
- b.) The Secretary of the APC shall notify, to the best of his or her ability, any applicant(s) who have expressed a desire to attend a meeting pertaining to their application, and:
 - i. Should an applicant, as outlined above, decide to attend a meeting, the applicant is entitled to be heard
 - ii. If a meeting is to take place electronically, via conference call or other means, the applicant must be notified and able to take part, if requested, and
 - iii. If the applicant or his or her agent fails to appear and was duly notified as required by this Bylaw, the APC may proceed to reach its recommendation in his or her absence
- c.) A quorum of the APC is 50% of those appointed, and a quorum must be present in order for any given meeting to proceed. Should a quorum not be present after 30 minutes for any given meeting, names of those present are to be recorded and the meeting adjourned.
- d.) Meeting minutes of an APC shall contain the following information:
 - i. Date, time, and location of the meeting;
 - ii. Members of the APC, both present and absent;
 - iii. Other persons present for the meeting (i.e: Electoral Area Director, Planning staff member[s], applicant[s]);
 - iv. Items dealt with by the APC;
 - v. Delegations who have made representation to the APC;
 - vi. Recommendations stating the following:
 - a. Item to be approved, with stated reasons; or
 - b. Item to be recommended subject to various condition, with conditions stated; or
 - c. Item to be denied, with reasons stated;
 - vii. The mover and seconder of each recommendation recorded
- e.) Voting:
 - i. Every member of the APC, including the Secretary and Chair, if appointed, must vote on every motion unless they have declared a conflict of interest and left the meeting
 - ii. Any eligible member present who does not vote is counted as having voted in the affirmative

- f.) Copies of minutes and all reports from APC meetings must be kept by the Cariboo Regional District and, upon request, made available to the public pursuant to Section 461(7) of the *Local Government Act*.
- g.) Meetings of the APC are considered open to the public, and as such, permits the attendance of the general public, however, only the applicant is entitled to be heard.

Expenses

- 6. a.) Each Secretary shall receive an honorarium of \$25.00, upon receipt of each set of minutes, for each meeting he or she attends.
- b.) Members of an APC, with the exception of the Secretary, shall serve without any remuneration other than reasonable allowances for actual expenses incurred in the discharge of official duties as referred to them by the Board.

Repeal

- 7. Bylaw No. 5006 being the Cariboo Regional District Advisory Planning Commission Bylaw No. 5006, 2016, is hereby repealed.

READ A FIRST TIME THIS ____ day of _____, 2020.

READ A SECOND TIME THIS ____ day of _____, 2020.

READ A THIRD TIME THIS ____ day of _____, 2020.

ADOPTED THIS ____ day of _____, 2020.

Chair

Corporate Officer

I hereby certify that the foregoing is a true and correct copy of
Bylaw No. 5292, cited as the "Advisory Planning Commission Bylaw No. 5292, 2020"
as adopted by the Cariboo Regional District Board
the ____ day of _____, 2020.

Corporate Officer