

APC 101:
A guide to advisory planning commissions at the
Comox Valley Regional District

Prepared by the
Comox Valley Regional District
Legislative Services

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INTRODUCTION

Some local governments in British Columbia utilize the advisory planning commission (APC) structure to assist in the decision-making process respecting planning and land use management. The role of an APC and its members is to provide input on matters related only to land use planning and management at the local government level. That input is given as advice, and does not form policy or set direction for the local government. At the Comox Valley Regional District (CVRD), electoral area directors may choose to establish an APC in their jurisdiction for this purpose.

This guide has been developed for a number of reasons:

- To provide context for advisory planning commissions within the broader scope of planning and land use management;
- To identify the roles and responsibilities of advisory planning commissions at both the individual and collective levels;
- To provide guidance for advisory planning commission members in carrying out their duties;
- To help advisory planning commission members and the public in decipher meeting procedures; and
- To provide a direct link to relevant official community plans, zoning bylaws and other legislation.

The guide is a living document and will change as procedures and practices change to reflect current trends.

ADVISORY PLANNING COMMISSIONS

The CVRD is made up of three electoral areas and three municipalities. While the municipalities conduct their own planning and land use management, the regional district conducts the planning and land use management in all electoral areas. In each of the three electoral areas for which planning is conducted, the electoral area director may opt to establish an advisory planning commission. APC members are recruited through advertisement in the local paper and are asked to submit a letter outlining their suitability.

Bylaw

On January 27, 2009 Bylaw No. 36 being the “Advisory Planning Commission Bylaw 2009” was adopted. This bylaw is a requirement of section 898 of the *Local Government Act* and provides for:

- (a) The composition of and the manner of publicly 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.

Some of the highlights of the bylaw include:

- APCs can have appointments of between three and nine members of the public;
- Appointments are made to coincide with a directors term in office;
- APC members are volunteers and are not paid for their time;
- Meetings are to be held within one month of an application being referred to the APC;
- Recommendations from an APC must be made within 90 days of having received an application;

- The chair and secretary of each APC are chosen from within its members;
- Meeting minutes are to record members present, discussion items and most importantly recommendations from the APC to the electoral area director or the standing planning committee of the board;
- Expenses such as venue rentals, postage and other general costs shall be reimbursed or paid for by the regional district;
- A \$25.00 stipend shall be paid to the recording secretary for each set of meeting minutes; and
- Commissions are to consider and make recommendations respecting the following:
 - o Land use;
 - o The preparation and adoption of an official community plan; or
 - o The preparation and adoption of a proposed bylaw or permit that may be enacted or issued under part 26 of the *Local Government Act*.

For clarification of matters contained in the advisory planning commission bylaw, please contact the manager of legislative services at the regional district.

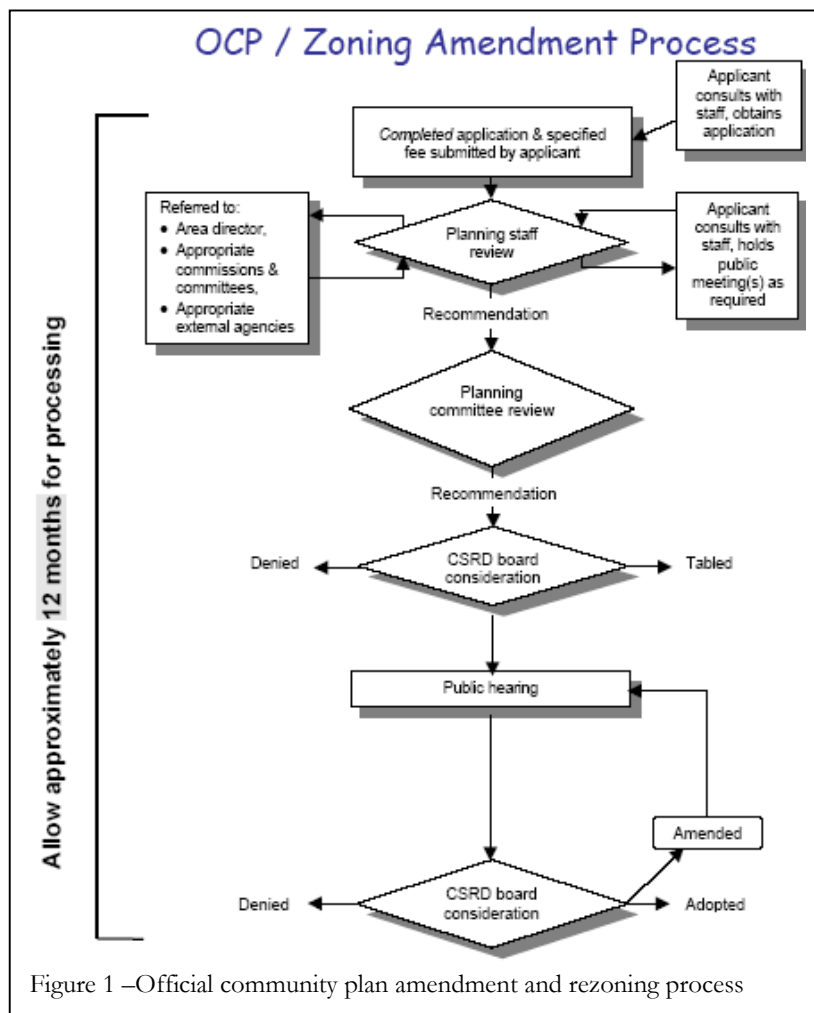


Figure 1 –Official community plan amendment and rezoning process

Planning and land use management

APCs play an important role in the planning and land use management process. To understand that role and to be as effective as possible in the process, it is important that the overall context of planning and land use management is provided.

Planning and land use management in British Columbia is governed by part 26 of the *Local Government Act*. This legislation requires that official community plans (OCPs) and zoning bylaws be established to guide and regulate development. As such, the CVRD has adopted a number of OCPs and zoning bylaws for its electoral areas. From time to time, applications to amend OCPs or rezone properties are made to the regional district, and the board of directors must determine whether or not to approve the applications. There are many resources available to the

board in making its decisions, including best practices from other jurisdictions, common knowledge and personal history, comments from external agencies and reports from professional planners at the

regional district. The reports from regional district planners most often incorporate comments from external agencies, best practices and recommendations from advisory planning commissions. Figure 1 illustrates the typical OCP amendment and rezoning process.

The board may also seek opinion from external agencies and advisory planning commissions about other processes that require board consideration including the approval of development permits in environmentally sensitive areas, development variance permits and floodplain relaxations. Other types of applications, including those made to the Agricultural Land Commission, may be addressed in a similar manner.

Roles and responsibilities

It is important that the roles and responsibilities of APC members are clearly understood as advisory planning commissions are important factors in the planning and land use management process. As mentioned earlier, the recommendations of advisory planning commissions are incorporated into planning staff reports and may be considered by the board as a whole.

Timely and effective response

One of the most important roles that an APC has is to respond to applications in a timely manner and to be effective in the response. The advisory planning commission bylaw requires that an APC meets within 30 days of being referred a planning application. Following this, the APC must respond to the application within 90 days. The response must be in the form of a recommendation within a set of minutes and clarify that the commission:

- Supports the application (with stated reasons if appropriate);
- Supports the application subject to possible conditions (with stated reasons if appropriate); or
- Does not support the application (with stated reasons if appropriate).

This should address the various positions that an advisory planning commission may have on an application. Additional information may be requested from the regional district although due to timing and resource constraints, the commission should expect to make recommendations based on the initial staff report it receives.

Individual members

Advisory planning commission members have very specific roles and responsibilities. In particular, members must attend APC meetings and be familiar with agenda items in order that they can participate in discussions about the applications. Members must also be respectful of other members and the public in their deliberations. Additionally, members must be aware of real or perceived conflicts of interest during their discussions. As a public official, APC members are subject to the same rules of ethical conduct as municipal councillors or electoral area directors and therefore must excuse themselves from meetings when that member has a direct or indirect pecuniary interest in a matter under consideration. A member must also declare a conflict if he or she has some other, non-pecuniary type of interest that places the person in a conflict position. The Ministry of Community Services provides further detail about ethical conduct and conflict of interest on its website at:

http://www.cserv.gov.bc.ca/lgd/gov_structure/community_charter/governance/ethical_conduct.htm

A membership statement is included in appendix 'G' and is required annually by all APC members.

Chair responsibilities

At the first meeting of each year, the APC shall choose, from among its members, a chair. In addition to being a member of the APC, the chair is tasked with conducting meetings in a fair and effective manner and also coordinating requests from applicants and the public to address the advisory planning commission at its meetings.

There are many resources available that describe how to be an effective chair. The following are some brief guidelines that may assist in carrying out the duties of the chair:

1. **An effective chair commits to the position:** The role of chair can be time-consuming and challenging and it is important that the chair understands the commitments involved prior to accepting the role. An effective chair needs to make the time to understand issues before they are discussed in a meeting. A chair also needs to commit to providing an environment that is fair to all parties.
2. **An effective chair has knowledge of and interest in the organization and its goals:** The chair of an APC must understand the process the regional district follows in its planning and land use management. The chair should also be aware of how the organization's process relates to goals and regulations that are contained in official community plans and zoning bylaws.
3. **An effective chair exhibits leadership and develops collaboration in an open and fair manner:** The chair must guide fellow commission members through the variety of processes put before the commission. Objectives and decisions are sometimes difficult to achieve and the chair must clearly direct how the results are met, but not necessarily what the results are. The chair should also bring disparate views together so that a more rounded perspective can be developed. Every member of the commission has important views and will aid in the decision-making process. The chair needs to recognize that all viewpoints need to be considered, regardless of political representation or any special interests.
4. **An effective chair motivates peers and encourages participation:** The chair should seek out and identify members who do not actively participate in meetings. Too often, more aggressive members dominate a meeting, which can leave some participants feeling intimidated. Additionally, those participants leave the meeting feeling unappreciated because they have not been heard. The effective chair needs to recognize this and balance discussion at meetings.
5. **An effective chair develops connections between the organization and the community:** Advisory planning commissions are an effective way to discuss planning and land use management issues at a local level with people who are immediately affected. The chair can facilitate discussion and support for the APC activities and the regional district as a whole by developing ties with neighbourhood groups, the business community and individuals.
6. **An effective chair adheres to strict ethical standards:** As the chair of a public group, ethical standards must be followed so that discrimination and harassment do not occur. An easy way to achieve this is to set out ground rules of individual conduct at meetings and establish the type of language allowed in order that a positive and respectful working environment can exist. By having the group endorse a code of conduct at the outset of a discussion or meeting, the chair will be much more successful in addressing inappropriate behaviour. As an example, the CVRD board of directors uses the following code of conduct in its meetings:

- Discussions at the board and committee meetings will be focused on the issues and the facts;
- The diverse perspectives of each director, as they reflect the interests of their own communities, will be respected;
- Strong disagreements and conflicts will be seen as a natural part of board and committee work;
- Directors can expect courteous behaviour from each other;
- No director will speak publicly in a way that denigrates the regional district, other directors or staff;
- Assumptions will not be made about what a particular director means when they speak. Each director has a responsibility to ask for clarification
- Disagreements will not be taken personally, nor made personal;
- Directors have the right and responsibility to speak publicly, and explain their position, and agreement or disagreement with the overall board's decision;
- Directors, when speaking at board and committee meetings, and publicly, will avoid inflammatory language. They are expected to speak in an objective manner

While the guidelines above will assist in conducting effective meetings, the regional district does recommend that current and prospective chairs seek a one- or two-day workshop to enhance their skills. Contact the CVRD legislative services branch at 250-334-6000 for more information on appropriate workshops.

Recording secretary

In addition to the annual appointment of a chair for each advisory planning commission, a recording secretary must be appointed from among the APC members. The recording secretary is responsible for recording the minutes at each commission meeting and submitting the minutes to the regional district. It is important to note that the recording secretary is a member of the APC and should continue to be an active participant during meetings in addition to taking minutes.

The content requirements of APC minutes can be found in the commission bylaw and are generally as follows:

- (a) Date, time and location of the meeting;
- (b) Members of the advisory planning commission, both present and absent;
- (c) Other persons present for the duration of the meeting (i.e. electoral area director, planning staff member);
- (d) Delegations who have made representation to the advisory planning commission;
- (e) Recommendations clearly stating support, conditional support or non-support for an application; and
- (f) The mover and seconder of each recommendation recorded.

Further details on commission minutes and how the regional district board of directors addresses recommendations are contained later in this guide.

The role of recording secretary requires a few important steps prior to a meeting. Those steps include:

- Reviewing the agenda to become familiar with the discussion items;

- Showing up at the meeting location five or 10 minutes before the start of the meeting to be prepared; and
- Recording the relevant details of the meeting, as noted above.

A minutes template is available to assist in recording minutes of advisory planning commission meetings and is also included in appendix 'E'.

PROCEDURES

The regional district has a set of procedures it follows in working with and providing support for advisory planning commissions. This guide provides an overview of those procedures.

Meeting coordination (dates, times, advertising)

At the beginning of each year, the commission members and electoral area director determine meeting dates based on practicality and availability. Generally, the commission decides to hold meetings on the same day of the same week of each month, for example, the first Tuesday of each month. Also, the commission chooses a meeting location, which may vary among a number of places to allow a more broad representation of the electoral area and access from the public to the commission.

When the commission has chosen its meeting dates and times, the CVRD will book the meeting dates and times with the various venues. The regional district will also post the meeting dates, times and locations to its website calendar.

Agendas and discussion items

One of the most important aspects of advisory planning commissions is the meeting agenda. As the commissions are tasked with considering planning and land use management applications and then making recommendations to the regional district on those matters, the meeting agenda is the sole mechanism by which a commission can provide its comments. As such, the construction of commission agendas is key to enabling a commission to provide comment, and subsequently, it is imperative that commissions provide recommendations that are useful to and can be implemented by the regional district.

Agenda construction

The three ways in which planning and land use management matters can be included on an advisory planning commission agenda are as follows:

1. Referred to the commission by the regional district board of directors;
2. Referred to the commission by the planning committee; or
3. Referred to the commission by the electoral area director for the area.

The regional district will provide some background information on each application for the APC to consider. Staff seeks to provide as much information as possible to each application although due to limitations, including from a resource, information or jurisdiction perspective, commissions should be prepared to make recommendations at their meetings based on the initial staff reports provided.

Agendas are collated and published on average 10 days prior to the meeting date. In most cases, hardcopies of the complete agenda package are mailed to commission members' homes, however an

electronic copy of the agenda can be emailed to members who would prefer that. Sending electronic versions is preferable from an operational and environmental perspective, and the CVRD will reimburse commission members for reasonable office supply costs incurred, such as for paper and ink cartridges. Commission members who are interested in receiving electronic agendas (and then printing only those pages they are interested in) should contact the CVRD legislative services branch for further information. Another option is that commission members who have their own laptop computers can receive an electronic version of the agenda, save that to their hard drive and then bring their laptop to commission meetings.

Action items

It is important that APCs recognize their role in the planning and land use management process as supporting the decisions that are made by electoral area directors and the board of directors. Therefore, a commission is most effective when its recommendations can be acted upon or considered by the board or a board committee in making a decision. For example, recommendations should do one of the following:

- Support an application, with stated reasons;
- Support an application subject to various conditions, with stated reasons; or
- Deny an application, with stated reasons.

Further, the following template can be used for recommendations:

THAT the John Doe application to rezone property at 1234 Main Street be supported for the following reasons:

- *Proposed development is environmentally sustainable; and*
- *The zoning is in accordance with the local area plan.*

By wording recommendations in a set of commission minutes in a clear and concise manner, the electoral area director, planning committee or the board can readily determine the views of the commission and choose to incorporate those views in its decision-making process.

It is also important to note that any information about an application that a commission wishes to convey to the regional district be contained in a recommendation. Where commission minutes report on a discussion rather than provide recommendations, it is not always clear what the commission's position is, which may lead to misunderstandings about the issues. And to ensure commissions act in a democratic fashion, it must be clear to anyone reviewing commission minutes that a majority of commission members supported the statements. By recording only a discussion, the statements of one individual can be reported rather than reporting a commission-approved recommendation.

Public attendance at meetings

All APC meetings are open to the public and there is no provision for those meetings to be closed. Any information that is distributed to commissions on meeting agendas is public. Meeting times and dates are published on the regional district website.

Minutes

As stated earlier, the minutes of advisory planning commission meetings are the means by which commissions record their activities and also submit recommendations to the regional district to assist in

the planning and land use management decision-making process. The content requirements of minutes are noted in the recording secretary section of this guide.

Minutes, in a draft form, are to be submitted to the regional district as soon as possible after the commission meeting. Regional district staff members format commission minutes and then submit those minutes to the next planning committee for its consideration. Commission minutes are also utilized in preparing staff reports regarding planning and land use management applications.

At a planning committee meeting, any electoral area director may request the other directors to consider and vote on a commission recommendation. If the committee votes to support a commission recommendation, and that recommendation is supported by the board of directors, the regional district can then act upon the recommendation and carry out its actions.

RELEVANT DOCUMENTS

There are numerous pieces of legislation that are important to advisory planning commissions. These are included in the appendix of this guide as follows:

- Appendix 'A' – Bylaw No. 36 being “Advisory Planning Commission Bylaw 2009”
- Appendix 'B' – Official Community Plan
- Appendix 'C' – Zoning Bylaw
- Appendix 'D' – Bylaw No. 1 being the “Regional District Procedure Bylaw 2008”
- Appendix 'E' – Advisory planning commission minutes template
- Appendix 'F' – Section 898 of the *Local Government Act*
- Appendix 'G' – Advisory planning commission membership statement

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 36

A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS

WHEREAS the board may establish advisory planning commissions for one or more electoral areas or portions of an electoral area pursuant to section 898 of the *Local Government Act*;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Establishment

1. (1) The board of the Comox Valley Regional District hereby establishes the legislative framework for advisory planning commissions for its electoral areas.
- (2) Subsequent to the adoption of this bylaw,
 - (a) Advisory planning commissions may be brought into effect for one or more electoral areas by the appointment of members under section 3 (membership and term of appointment); or
 - (b) The board may resolve to not implement an advisory planning commission for a particular electoral area, upon the recommendation of the electoral area director.

Function

2. (1) The function of an advisory planning commission shall be to advise the board on all matters referred to it by the board or by the electoral area director as referred to in section 898 of the *Local Government Act*.
- (2) The board, standing committee responsible for planning and land use management, or the director representing an electoral area may refer to the advisory planning commission for that electoral area, those matters referred to in section 898 of the *Local Government Act*.

Membership and term of appointment

3. (1) Each advisory planning commission shall consist of a minimum of three (3) and a maximum of nine (9) appointed members.
- (2) The regional district will provide training for prospective advisory planning commission members.
- (3) Expressions of interest from members of the public will be solicited through a public process.
- (4) The appointment of members to an advisory planning commission shall be by resolution of the board upon the recommendation of the electoral area director.
- (5) The term of office for advisory planning commission members shall commence at the time of appointment by resolution and end on the date of general local government elections or upon the resignation or removal of the electoral area director. Members may be reappointed for a further term or terms. The board may, in its sole discretion, terminate the appointment of any member at any time.
- (6) Employees, directors, alternate directors, and approving officers of the regional district may not be appointed as members of an advisory planning commission, but they may attend meetings of the commission in a resource capacity.
- (7) All members of an advisory planning commission shall serve without remuneration.

- (8) Upon resignation, death, or removal of a member during his/her term of office, the director of the electoral area may recommend a successor to the board and the board may appoint by resolution a successor upon the recommendation by the director and the successor shall hold office during the remainder of the term of the vacating member.
- (9) As a condition of appointment, each member shall acknowledge in writing his or her obligations under this bylaw, the bylaws of the regional district, and all applicable provisions of the *Community Charter* and *Local Government Act*, including but not limited to the conflict of interest requirements contained in division 6 of the *Community Charter*.
- (10) Each member shall attend each duly called meeting of the advisory planning commission. 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 commission.

Meetings

4. (1) Meetings shall be called within one month of any application referred to an advisory planning commission by the board, planning committee, or electoral area director of the regional district. The commission must consider any application referred to the advisory planning commission and a recommendation made to the board within 90 days of the date of referral to the commission, unless the application has been withdrawn. If no recommendation is made within that time, the board will consider the application without a recommendation from the commission. Nothing in this section precludes the board from considering any application at any time whether or not the application has been referred to the commission.
- (2) The secretary of the advisory planning commission shall forward copies of notices of, and agendas for, meetings of the advisory planning commission to all members of the commission, the electoral area director, and the manager of legislative services of the regional district.
- (3) A majority of an advisory planning commission shall be deemed to be a quorum.
- (4) In the event that a quorum is not present within 30 minutes after the time appointed for a meeting, the names of those present will be recorded and the meeting shall be adjourned.

Chair and secretary

5. (1) An advisory planning commission shall choose, at the first meeting in each and every year, a chair from among its appointed members.
- (2) An advisory planning commission shall choose, at the first meeting in each and every year, a secretary.
- (3) In the event the chair or secretary or both are not in attendance within 15 minutes after the time appointed for a meeting, an advisory planning commission shall appoint an acting chair and secretary or both for the duration of the meeting.

Public representation

6. The planning department shall contact an applicant for a bylaw amendment or a permit, prior to the meeting of the advisory planning commission at which the bylaw amendment or the permit is to be considered, to advise the applicant of his entitlement to appear before the advisory planning commission. The planning department will forward the information to the applicant and the applicant will contact the advisory planning chair.

Minutes and recommendations

7. (1) Minutes of the advisory planning commission shall contain the following information:
 - (a) Date, time and location of the meeting;
 - (b) Members of the advisory planning commission, both present and absent;
 - (c) Other persons present for the duration of the meeting (i.e. electoral area director, planning staff member);
 - (d) Items dealt with by the advisory planning commission;
 - (e) Delegations who have made representation to the advisory planning commission;
 - (f) Discussion of the item dealt with by the advisory planning commission;
 - (g) Recommendations stating the following:
 - (i) Item to be approved, with stated reasons; or
 - (ii) Item to be recommended subject to various conditions, with conditions stated; or
 - (iii) Item to be denied, with reasons stated;
 - (h) The mover and seconder of each recommendation recorded;
- (2) Minutes of the advisory planning commission shall be submitted to the manager of legislative services of the regional district within ten (10) days following the meeting of the advisory planning commission and are to be signed by the chair and secretary of the commission.
- (3) Minutes of the advisory planning commission shall be kept and maintained pursuant to the regional district procedure bylaw.
- (4) Recommendations shall be adopted by a majority of the advisory planning commission members present.

Representation

8. (1) The chair or his/her delegate of the advisory planning commission may, on behalf of the advisory planning commission, make representation, either verbally or in writing, to the regional district board or the standing committee responsible for planning and land use management.
- (2) No member of the advisory planning commission shall, on behalf of the advisory planning commission, make representation, either verbally or in writing, to any member of the public, government agency or other meeting, unless they have been directed to do so by the regional district board.

Expenses

9. (1) Members of the advisory planning commission shall serve without remuneration except that any reasonable and necessary expenses that arise directly out of the performance of their duties may be reimbursed to them from the annual budget of the advisory planning commission that has received approval of the regional district board.
- (2) Advisory planning commission expenses may include hall rentals for commission meetings, postage, photocopying, other general expenses, and reasonable expenses for educational purposes.

- (3) Advisory planning commission expenses shall be reimbursed at rates provided for in the regional district remuneration bylaw.
- (4) A \$25.00 stipend will be paid to the secretary of the advisory planning commission upon receipt of each set of minutes to the manager of legislative services.

Repeal

10. Bylaw No. 2861 cited as "Advisory Planning Commission Bylaw 2006" and all amendments thereto is hereby repealed.

Citation

11. This Bylaw No. 36 may be cited for all purposes as "Advisory Planning Commission Bylaw 2009".

READ A FIRST AND SECOND TIME THIS	27TH	DAY OF	JANUARY	2009.
READ A THIRD TIME THIS	27TH	DAY OF	JANUARY	2009.
ADOPTED THIS	27TH	DAY OF	JANUARY	2009.

F. Bates

Chair

J. Warren

Manager of Legislative Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 36 being "Advisory Planning Commission Bylaw 2009" as adopted by the board of the Comox Valley Regional District on the 28th day of January, 2009.

J. Warren

Manager of Legislative Services

Official community plan documents are distributed to APC members at the beginning of each year. Electronic copies are available on the regional district website at the following locations. Amendments to the official community plan documents are incorporated to the electronic copies.

Baynes Sound (Area 'A'):

Bylaw No. 2042 being "Rural Comox Valley Official Community Plan Bylaw No. 2042, 1998"
http://www.comoxvalleyrd.ca/section_propserv/content.asp?id=283&parent=81&sub_collection=93

Lazo North (Area 'B'):

Bylaw No. 2042 being "Rural Comox Valley Official Community Plan Bylaw No. 2042, 1998"
http://www.comoxvalleyrd.ca/section_propserv/content.asp?id=283&parent=81&sub_collection=93

Puntledge – Black Creek (Area 'C')

Bylaw No. 2042 being "Rural Comox Valley Official Community Plan Bylaw No. 2042, 1998"
http://www.comoxvalleyrd.ca/section_propserv/content.asp?id=283&parent=81&sub_collection=93

Zoning bylaws are distributed to APC members at the beginning of each year. Electronic copies are available on the regional district website at the following locations. Amendments to the zoning bylaws are incorporated to the electronic copies.

Baynes Sound (Area 'A'):

Bylaw No. 2781 being “Comox Valley Zoning Bylaw 2005”

http://www.comoxvalleyrd.ca/uploadedFiles/Community_Planning/Bylaws/2781/Bylaw%202781%20Complete.pdf

Lazo North (Area 'B'):

Bylaw No. 2781 being “Comox Valley Zoning Bylaw 2005”

http://www.comoxvalleyrd.ca/uploadedFiles/Community_Planning/Bylaws/2781/Bylaw%202781%20Complete.pdf

Puntledge – Black Creek (Area 'C')

Bylaw No. 2781 being “Comox Valley Zoning Bylaw 2005”

http://www.comoxvalleyrd.ca/uploadedFiles/Community_Planning/Bylaws/2781/Bylaw%202781%20Complete.pdf

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 1

A bylaw to regulate the proceedings of the board of the Comox Valley Regional District

WHEREAS the board of the Comox Valley Regional District, pursuant to section 794 of the *Local Government Act*, must establish the general procedures to be followed by the board and by board committees in conducting their business, provide for advance public notice of board and board committee meetings, and identify public notice posting places;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Definitions

1. In this bylaw, unless the context otherwise requires, the following definitions shall apply:

Board means the governing and executive body of the Comox Valley Regional District constituted as provided in the *Local Government Act*;

Chair means the elected chair of the board pursuant to this bylaw;

Director means an elected or appointed official of the Comox Valley Regional District board of directors;

Chief administrative officer (CAO) means the senior administrative official pursuant to section 197 of the *Local Government Act*

Manager of legislative services means the officer assigned the responsibilities of corporate administration pursuant to section 198 of the *Local Government Act* and as identified in the regional district officer bylaw;

Member means a duly appointed or elected representative of the board or a board committee;

Resolution means a formal motion placed before a meeting in order that it may be debated to a conclusion;

Presiding member means the person responsible for the conduct and control of a meeting. In the case of board meetings, the chair of the board is the presiding member (unless otherwise delegated due to the absence of the chair of the board). In the case of committee meetings, the chair of the committee is the presiding member unless otherwise indicated in this bylaw or unless otherwise delegated due to the absence of the chair of the committee;

Public notice posting place means the notice board located at the offices of the Comox Valley Regional District and the regional district website; and

Website means the information resource found at an Internet address provided by the regional district.

Notice of regular board meetings

2. (1) At least 72 hours before a regular meeting of the board, the manager of legislative services must give public notice of the time, place and date of the meeting by way of a notice posted at the public notice posting place.
- (2) At least 24 hours before a regular meeting of the board, the manager of legislative services must give further public notice of the meeting by posting a copy of the draft agenda at the public notice posting place thereby making the draft agenda available to each director of the board and members of the public.

Notice of special meetings

3. Notice of special board meetings is to be provided for in accordance with section 793 of the *Local Government Act*.

Notice of committee meetings

4. At least 24 hours before a meeting of a committee, the manager of legislative services must give notice of the meeting by posting a copy of the draft agenda at the public notice posting place thereby making the draft agenda available to each committee member and members of the public.

Inaugural meeting

5. (1) Pursuant to the provisions of the *Local Government Act*, the board shall meet in an inaugural meeting at such time as shall be appointed by the manager of legislative services in writing.
- (2) The presiding member of the inaugural meeting shall be the manager of legislative services until such time as the chair and vice-chair have been elected. The manager of legislative services shall only act as the presiding member for the purpose of conducting the election of chair and vice-chair. Prior to conducting the elections the manager of legislative services shall confirm that all directors have completed the oath of office or oath of allegiance as required by the *Local Government Act*.
- (3) The manager of legislative services shall announce the results of the election of the chair and vice-chair, following which the chair of the board shall assume the role of presiding member.

Election of the chair and vice-chair

6. (1) The board shall elect a chair from among its directors at the inaugural meeting pursuant to the *Local Government Act*. The chair shall fulfill those obligations placed upon this position by legislation and by approved board policy.
- (2) The manager of legislative services shall call for nominations for the position of chair of the board and will do so three (3) times. At the close of nominations, if more than one candidate has been nominated, those candidates or their representatives will be allowed a maximum of three (3) minutes to outline why he/she should be chosen for the position.
- (3) In the event that there are more than two candidates in any such election and no candidate receives a clear majority of votes (i.e. 50% plus one vote) on the first ballot, the candidate receiving the least number of votes shall be deleted and a second ballot shall be taken. Further ballots shall be taken as necessary, repeating the procedure of deleting the candidate that in each preceding ballot received the least number of votes, until a candidate with a clear majority emerges.
- (4) Only those ballots that indicate an officially nominated candidate will be counted towards the election and be used to determine a clear majority.
- (5) In the event of two tie votes the board shall pass a resolution to either determine the election of chair by the drawing of lots or start the election process over.
- (6) An election of vice-chair shall then be conducted pursuant to subsections (1) through (5) above, but the candidates will be permitted a maximum of two (2) minutes to outline why he/she should be chosen for the position.

Agenda

7. (1) The manager of legislative services shall prepare an agenda for each meeting of the board.
- (2) The chair of the board shall review and approve the agenda for each meeting of the board prior to its publication.
- (3) At any meeting the board may consider
 - (a) Addendum items; or
 - (b) Any item added to the agenda by the chair of the board or any director/member;providing that such items receive a majority vote of the directors/members present to have such items considered at the meeting.
- (4) The order of business at all regular meetings of the board shall be as per the policy of the board, which may be amended from time to time by the board.
- (5) The order of business at all committee meetings shall be as per board policy, which may be amended from time to time by the board.
- (6) Any committee of the board shall file the minutes of its meetings with the manager of legislative services immediately following a meeting of the committee (i.e. as soon as the secretary to the committee produces the minutes).

Attendance of the public at meetings

8. (1) Except where the provisions of section 90 of the *Community Charter* apply, all board meetings must be open to the public.
- (2) Before closing a board meeting or part of a board meeting to the public, the board must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter*.
- (3) This section applies to meetings of bodies referred to in section 93 of the *Community Charter*, including, without limitation:
 - (a) Select and standing committees of the board;
 - (b) The board of variance;
 - (c) The parcel tax review panel;
 - (d) Advisory planning commissions.
- (4) Despite subsection (1) the presiding member may expel or exclude from a meeting a person in accordance with section 133 of the *Community Charter*.

Regular delegations

9. (1) A delegation wishing to appear before the board shall advise the manager of legislative services no later than eleven (11) calendar days before the scheduled board meeting. The request must be in writing and stipulate the subject matter upon which the delegation wishes to speak.
- (2) The delegation appearance and the subject of the delegation will be included on the meeting agenda.
- (3) Each delegation may be afforded ten (10) minutes in which to make a presentation or a time as determined by consent of the members.
- (4) The manager of legislative services shall notify a representative of the delegation in advance of the date, time and place of the meeting.

- (5) Where the subject matter of the delegation is within the terms of reference of a board committee, the delegation will be requested to appear first before the applicable committee before the board will hear the matter. Unless the subject matter is deemed to be emergent, the issue will not be resolved by the board unless it first receives the report/minutes on the matter by the applicable committee.

Late delegations

10. (1) Any person or organization who has not appeared before an appropriate board committee and who, because of circumstances, could not have been expected to appear before a board committee or give earlier notice, may request to appear as a delegation before the board by advising the manager of legislative services prior to the board meeting.
- (2) The request must stipulate the subject matter upon which the delegation wishes to speak.
- (3) The manager of legislative services shall advise the presiding member and members of the board of the request.
- (4) The board shall, by resolution, determine if the delegation will be heard at the board meeting.
- (5) Unless the subject matter is deemed to be emergent, the issue will not be resolved by the board unless it first receives the report/minutes on the matter by the applicable committee.
- (6) Nothing in this bylaw shall be interpreted as requiring a committee composed of board delegates who have heard representations concerning land use issues at a public hearing held pursuant to the *Local Government Act* to hear further delegations or representations on the proposed bylaw or resolution which was the subject of the public hearing.

Quorum

11. (1) A quorum for a meeting of the board or committee shall be a majority of its members.
- (2) At the appointed time for the commencement of the meeting, the chair or in the absence of the chair, the vice-chair, shall ascertain that a quorum is present before proceeding to the business of the meeting. If neither the chair nor the vice-chair is present within fifteen (15) minutes after the time appointed for the meeting, the manager of legislative services or most senior staff member present shall call the meeting to order, ascertain that a quorum is present and if so, the board 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, shall have all the powers and be subject to the same rules as the chair.
- (3) Should there be no quorum present within one-half hour after the time appointed for the meeting, the manager of legislative services or most senior staff member present shall record the names of the members then present and the board shall stand adjourned until the next meeting which shall be called as soon as is practical.

Regular meetings

12. (1) Regular meetings of the regional district board of directors must take place within the offices of the Comox Valley Regional District unless the location is changed by resolution of the board.
- (2) Prior to January 15 of each year the chair of the board shall establish a schedule of board and standing committee meetings for the year.

Debate

13. (1) Debate on any matter shall be strictly relevant to the agenda topic and/or proposed resolution currently before the meeting and the presiding member shall warn speakers who violate this rule and if necessary, rule them out of order.
- (2) No director/member shall speak until recognized by the presiding member.
- (3) Every director/member desiring to speak shall address the presiding member.
- (4) No director/member shall interrupt a person speaking except to raise a point of order.
- (5) A point of order may be raised if the procedural rules appear to have been broken.
- (6) Where a point of order is raised:
 - (a) the chair shall suspend debate on the matter currently before the meeting;
 - (b) the person raising the point of order shall define the procedural matter under which the point of order has been raised;
 - (c) the chair shall determine whether the point of order is sustained or overruled;
 - (d) if the point of order is ruled overruled, the debate resumes on the matter previously suspended;
 - (e) if the point of order is sustained, the chair directs the appropriate corrective action;
- (7) Any director/member may appeal any decision of the chair (this is commonly referred to as challenging the decision of the chair) and where this happens:
 - (a) The chair shall suspend debate on the matter currently before the meeting and ask the director/member appealing the decision to clarify the reasons for the appeal;
 - (b) The chair shall explain his or her reasons for the initial decision;
 - (c) The chair then allows for a brief discussion regarding the appealed decision;
 - (d) The chair then puts the appeal to a vote and following the vote announces the result;
 - (e) A majority vote against the chair's decision is required to reverse it. This means that a tie vote sustains the chair's decision.
- (8) The presiding member shall have the discretion to call the question on completion of debate and the presiding member shall advise that the debate is closed. Following closure of debate no members shall speak further on the question.
- (9) The presiding member is afforded the courtesy of briefly speaking to each and any resolution before the board in a summary fashion. If the comments by the presiding member initiates further discussion, and the presiding member desires to take part in the debate, the vice-chair shall be asked by the presiding member to chair the portion of the meeting until the debate is concluded and should the vice-chair fail to do so, the presiding member shall appoint one of the members to preside until the debate is concluded.
- (10) The presiding member shall at all times conduct the manner and order of speaking so that all sides of a question may be as fully presented as the circumstances warrant and shall ensure that each director/member is allowed an opportunity to speak. When two or more directors/members desire to speak, the presiding member shall name the director/member who shall be first heard.

- (11) Any director may discuss or debate a matter pertaining to the policy governing a service even where the electoral area or municipality that the person represents is not a participating area in that service.

Chief Administrative Officer

14. The presiding officer shall, prior to asking for debate on a resolution, ask the CAO if he/she has any comments on the matter before the board. The CAO may speak directly to the matter or may defer that opportunity to one of his/her staff members currently in the meeting room.
15. Where the CAO has reason to believe that circumstances have changes since placing the matter on the agenda, the CAO may explain those circumstances and ask that the matter be withdrawn from consideration at this time. The presiding officer shall place that recommendation before the board and ask that the resolution be considered.
16. All questions to the administration shall be directed through the presiding member to the CAO who will determine which member of his/her administration ought to respond.

Motions

17. (1) Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result.
- (2) The presiding member may divide a motion containing more than one subject if the presiding member feels this would produce a fairer or clearer result and the same shall be voted on in the form in which it is divided.
- (3) A motion to terminate the meeting or to terminate the debate shall always be in order but should the resolution fail the same member may not present it again during that meeting.
- (4) Written motions may or may not be provided in advance to the members.
- (5) Any motion shall be addressed to the subject matter currently before the board.
- (6) With the consent of the board, the motion may be withdrawn at any time before decision or amendment.
- (7) When the presiding member is of the opinion that a motion offered to the members is contrary to this bylaw or relates to matters beyond the powers of the members, the presiding member may inform the members immediately, giving reasons for that opinion, and the presiding member may request the support of his/her decision by the members by resolution.
- (8) A motion to refer the subject matter to a committee, until it is decided, shall preclude all amendment of the main question.
- (9) The first person entitled to speak in any debate is the member who proposed the motion.
- (10) Except when a motion to terminate or adjourn has been made, a member may make a motion to table but shall not debate the content of the motion that is the subject of the tabling motion, however, the tabling motion itself is debatable. A motion to table can only be made when some other emergent matter must be considered prior to the motion being considered and must have the matter brought back before the board during the same meeting at which the motion to table is made.
- (11) Other than in respect of a motion to postpone to a time within the same meeting, members may debate a motion to postpone.
- (12) A motion to refer or postpone a matter must state the time and date at which the referred or postponed matter is to be further considered.

Amendments

18. (1) No members shall move any motion to amend that negates the purpose of the main motion.
- (2) Members shall withdraw or decide any amendment to a motion before the main motion is put to a vote.
- (3) Only one amendment shall be allowed at one time to an amendment and an amendment once negated by the board cannot be proposed a second time. Amendments must be strictly relevant to the main motion and not alter in a material way or be contrary to the principal embodied in the main motion. An amendment to a motion does not require notice.
- (4) If the amendment to a motion is:
 - (a) Carried, the previous motion is then voted on as amended; or
 - (b) Defeated, the previous motion is again before the members.
- (5) Amendments shall be put in the reverse order to that in which they were made, that is to say, the last amendment shall be voted on first.

Bylaws

19. (1) Unless the board otherwise resolves:
 - (a) Before the board considers any proposed bylaw, the manager of legislative services shall provide each member with a copy of the proposed bylaw; and
 - (b) The board may not consider a proposed bylaw unless it is on the agenda.
- (2) The board adopts a bylaw when all approvals and procedures required by statute prior to adoption have been followed and the board has given the following readings to the bylaw:
 - (a) First and second readings;
 - (b) Third reading; and
 - (c) Adoption.

Resolutions

20. Any member may make a resolution on the topic currently under discussion providing that he/she has been so recognized by the chair.

Minutes

21. (1) Minutes of board meetings must be kept in accordance with section 236 of the *Local Government Act*. For purposes of section 236(b) of the *Local Government Act* the designated officer is the manager of legislative services.
- (2) Minutes of committee meetings must be kept in accordance with section 237 of the *Local Government Act*.
- (3) The results of each vote on a motion shall be recorded in the minutes and if requested the nature of a member's vote shall be recorded.

- (4) The following shall be contained in the minutes of board and committee meetings:
 - (a) The committee or board name, date and location of the meeting;
 - (b) The time the meeting is called to order and the time the meeting terminates;
 - (c) A list of the directors/members and staff members in attendance; and
 - (d) Resolutions that are debated upon and the results of the vote for each resolution.

Committees

22. (1) Prior to January 15 of each year the chair of the board may:
 - (a) Establish standing committees for the coming year; and
 - (b) Appoint members to those committees;pursuant to section 795 of the *Local Government Act* and in accordance with board policy.
- (2) The general duties of standing committees shall be as per the terms of reference approved from time to time by the board.
- (3) In the event the chair of the board has not established standing committees for the year, the standing committees of the previous year shall continue to exist until otherwise directed by the chair of the board.
- (4) Select committees shall be established by resolution of the board pursuant to section 795 of the *Local Government Act* and in accordance with board policy.
- (5) Unless specified by committee or commission establishing bylaws, voting on motions at all committee and commission meetings shall be in accordance with section 791 of the *Local Government Act* and committee members who are not regional district directors shall be entitled to one vote per person.
- (6) Directors who are not members of a committee may attend a meeting of that committee and may take part in any discussion or debate by permission of a majority of the committee members but may not vote.

Committee procedures

23. All committees of the board shall be governed by committee terms of reference that shall outline the operating principles and guidelines for all committee. The terms of reference is in addition to any requirements under this bylaw.

Rules of order

24. Where a procedural matter is not covered by this bylaw, the matter shall be placed before the board as a resolution drafted by the manager of legislative services, with the prior approval of the chair and vice-chair to present the resolution to the board to resolve the procedural matter.

Severability

25. If any provision of this bylaw is found to be invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

Repeal

26. Bylaw No. 2991 being “Regional District Procedure Bylaw 2007” and all amendments thereto are hereby repealed.

Citation

27. This Bylaw No. 1 may be cited as “Comox Valley Regional District Procedure Bylaw No. 1, 2008”.

READ A FIRST AND SECOND TIME THIS	28TH	DAY OF	OCTOBER	2008.
READ A THIRD TIME AS AMENDED THIS	28TH	DAY OF	OCTOBER	2008.
ADOPTED THIS	28TH	DAY OF	OCTOBER	2008.

F. Bates
Chair

J. Warren
Manager of Legislative Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1 being “Comox Valley Regional District Procedure Bylaw No. 1, 2008” as adopted by the board of the Comox Valley Regional District on the 28th day of October 2008.

J. Warren
Manager of Legislative Services

Minutes of the meeting of the Electoral Area 'LETTER' (NAME) advisory planning commission held on DATE in the LOCATION, located at ADDRESS, CITY, B.C., commencing at TIME

PRESENT:

Chair	FIRST and LAST NAME
Members (list alphabetical by last name) NOTE: All APC members must be accounted for, whether present or absent)	FIRST and LAST NAME
	FIRST and LAST NAME
	FIRST and LAST NAME
	FIRST and LAST NAME

ABSENT: Members (delete if all members present) FIRST and LAST NAME

ALSO PRESENT: Electoral Area Director FIRST and LAST NAME
 Staff support (if present) FIRST and LAST NAME

Agenda Items

Minutes of Advisory Planning Commission Meeting

Last Name of “mover”/ Last name of “seconder”: THAT the minutes of the Electoral Area 'LETTER' (NAME) advisory planning commission meeting held on DATE be received.
 CARRIED/DEFEATED

Rezoning Application – FILE NUMBER (APPLICANT NAME/LOCATION)

Mover / Seconder: “THAT the FILE NUMBER (APPLICANT NAME / LOCATION) application to rezone property at LOCATION be supported for the following reasons:

- i. REASON NO. 1; and
- ii. REASON NO. 2.

CARRIED/DEFEATED

Next Meeting Date

The next Electoral Area 'LETTER' (NAME) advisory planning commission meeting is scheduled for DATE at the LOCATION commencing at TIME.

New Business (delete if there is no new business. If there is new business, identify the matter with a brief heading, in bold, and then record any motions as above)

Termination

Mover / Secunder: THAT the meeting terminate.

CARRIED

Time: TIME

Recording Secretary:

Chair:

Name

Name

Section 898 of the *Local Government Act* chapter 323

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.

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Advisory Planning Commission Membership Statement

Section 3(7) of Bylaw No. 2861 being “Advisory Planning Commission Bylaw 2006” requires that all advisory planning commission members sign and commit to the following statement:

I, _____,

of _____, B.C.,

having been formally appointed to the Electoral Area “___” (_____) advisory

planning commission for the _____ calendar year by the regional district board of directors, do

hereby commit to the obligations placed upon me by the “Advisory Planning Commission Bylaw,

2006”. I also commit to the applicable provisions of the *Community Charter* and the *Local Government Act*,

including but not limited to the conflict of interest requirements contained in division six of the

Community Charter.

Signed this _____ day of _____ 2009 in _____, B.C.

Advisory Planning Commission Member