

REGIONAL DISTRICT OF KITIMAT-STIKINE

Bylaw No. 687

A bylaw to establish an Advisory Planning Commission to cover the unincorporated area of Greater Terrace within Portion of Electoral Area C, pursuant to Section 461 of the Local Government Act.

WHEREAS the board of directors of the Regional District of Kitimat-Stikine deems it desirable to establish an Advisory Planning Commission to advise the Regional Board on matters related to community planning within the unincorporated area of Greater Terrace;

NOW THEREFORE the board of the Regional District of Kitimat-Stikine, in open meeting assembled enacts as follows:

Part 1 – Interpretation

1. In this Bylaw unless the context otherwise requires:

“**APC**” means the Advisory Planning Commission for Greater Terrace;

“**Board**” means the board of the Regional District of Kitimat-Stikine;

“**Cause**” means, for the purpose of Part 6, a conflict of interest, conviction for an offence under the Criminal Code or other criminal statute, breach of a regulatory enactment relating to public office or other misconduct that the Board considers to be of a serious nature in relation to the affairs of the Regional District, other government or public authority;

“**Community planning**” means land use, planning and development matters under Part 14 of the *Local Government Act* referred to in section 461 (2) of the *Local Government Act*.

“**Greater Terrace**” means that part of Electoral Area C shown outlined on the map attached to this bylaw as Schedule “A”.

“**Electoral Area Director**” means the electoral area director representing Electoral Area C of the regional district.

Part 2 - Establishment

1. An Advisory Planning Commission is hereby established for the unincorporated area of Greater Terrace, Portion of Electoral Area C of the Regional District of Kitimat-Stikine to be known and described as the Greater Terrace Advisory Planning Commission (APC).

Part 3 - Implementation and Membership

1. The Greater Terrace Advisory Planning Commission shall be appointed by the regional board to represent the Greater Terrace area of unincorporated Electoral Area C.
2. Duties of the Advisory Planning Commission:
 - a) The function of the APC is to advise the regional board and the board's representative on community planning matters referred to the APC by the board or by the Electoral Area Director.
 - b) Nothing in this bylaw shall prevent the board of the Regional District from referring a matter to the APC that is within the jurisdiction of an advisory planning commission established under the Local Government Act.
3. Composition of the Commission:

The APC shall consist of a maximum of ten (10) persons of whom:

- a) eight (8) shall be residents of the Greater Terrace area;
 - b) one (1) shall be appointed following recommendation from the Kitselas First Nation in accordance with section 4 b);
 - c) one (1) shall be appointed following recommendation from the Kitsumkalum First Nation in accordance with section 4 c);
 - d) the eight residents shall be appointed to represent the following sub-areas of the Greater Terrace planning area
 - 1) One representative from the Old Remo/Old Remo Road
 - 2) One representative from the New Remo/Amsbury
 - 3) Two representative from Lakelse Lake
 - 4) One representative from Highway 16 East
 - 5) One representative from Terrace North
 - 6) One representative from Braun's Island
 - 7) One representative from Old Lakelse Lake Road/Jackpine Flats
 - e) For certainty, the Electoral Area Director is not a member of the APC, in accordance with Section 461 (5) of the Local Government Act but may attend meetings of the APC in a resource capacity.
4. Appointments to the Commission
 - a) Members of the APC shall be appointed by a resolution of the board.
 - b) In recognition of Kitselas' traditional territory within the Greater Terrace planning area, the Kitselas First Nation may recommend a person for appointment to the APC referred to in section 3 b)

- c) In recognition of Kitsumkalum traditional territory with the Greater Terrace planning area, the Kitsumkalum First Nation may recommend a person for appointment to the APC referred to in section 3 c)
 - d) A Regional District Board Director, employee or officer of the local government or an approving officer is not eligible to be a member but may attend a meeting of the APC in a resource capacity.
5. Tenure of Membership:
- a) Members of the APC shall be appointed to office for three years commencing from the date of appointment or such other later date as specified by the board in the resolution making the appointment.
 - b) APC appointments arising out of resignation or death may be made at any time as the occasion arises which shall be made for the duration of the unexpired term or such other later date as specified by the board in the resolution making the appointment.
6. Removal of APC Members for Cause:
- a) If any member of the APC is continuously absent except because of illness or other unavoidable reason of a temporary nature from three consecutive meetings of the APC, his or her appointment may be rescinded by the board.
 - b) The board may by resolution remove a member of the APC at any time for cause.
7. Selection of Chair:
- a) The APC shall at the first meeting in the year select a Chair and a Vice-Chair from among its members. The Chair shall preside at all meetings and regulate the order of business during the meetings.
8. Powers of the Chair
- a) The Chair shall conduct meetings of the APC and in his or her absence, the Vice-Chair shall conduct meetings.
 - b) Where neither the Chair nor the Vice-Chair is present, the members of the APC present at the meeting may elect an Acting Chair to conduct the meeting.
 - c) The Chair of the APC shall appoint the Recording Secretary for the Commission whose duty shall be to prepare and retain custody of the Minutes of the Commission.

- d) The Chair shall, from time to time, advise the Board on behalf of the APC on such matters coming within the scope of the Commission's duties.
9. Quorum:
- a) The quorum necessary for the transaction of the business of the APC shall be a majority of the members.
10. In Camera Meetings:
- a) Meetings of the APC or portions of such meetings may be held in camera where the APC adopts a resolution to hold the meeting in camera and specifies the basis on which the meeting or part of the meeting is to be held in camera in accordance with Section 90 of the Community Charter, and where such a meeting may be held without offending an applicant's right to be heard under section 461 (8) of the Local Government Act.
11. Procedure:
- a) All proceedings of the APC shall be conducted in accordance with Bourinot's Rules of Procedure and questions arising at any meeting of the Commission shall be decided by a majority of votes. In case of an equality of the votes, the Chair of the APC shall exercise a casting vote.
12. Meetings:
- a) Meetings shall be called by the Chair of the Commission when items are referred to the APC by the board
 - b) The APC shall meet for the dispatch of its business and otherwise, regulate its meetings as it deems fit
 - c) The Chair may, at the request of the Regional District Administrator, summon a meeting of the APC upon 4 days' notice.
 - d) APC Members may participate electronically in regular Commission meetings where the individual, for a valid reason acceptable to a majority of the members present, is unable to attend in person.
 - e) Meetings of the APC shall be held in the Regional District office unless an alternate location for a meeting is recommended by the Chair of the APC.
13. Severance:
- a) If any section of this bylaw is found to be invalid by a court of competent jurisdiction, that section of the bylaw may be severed from the bylaw without affecting the validity of the remainder of the bylaw.
 - b) This bylaw shall take effect, come into force and be binding upon all persons within the unincorporated portions of the Greater Terrace

planning area in Electoral Area C, of the Regional District of Kitimat-Stikine as from the date of adoption.

- 14. That the “Regional District of Kitimat-Stikine Greater Terrace Advisory Planning Commission Bylaw No. 310, 1991” be rescinded in its entirety.
- 15. This bylaw may be cited as the “Kitimat-Stikine Greater Terrace Advisory Planning Commission Bylaw No. 687, 2017.”

READ a first time this 24th day of February, 2017.

READ a second time this 24th day of February, 2017.

READ a third time this 24th day of February, 2017.

ADOPTED this 24th day of February, 2017.

Chair

Administrator

Certified a true copy of Bylaw
No. 687, 2017, as adopted

Administrator