

# REGIONAL DISTRICT OF KITIMAT-STIKINE

## Bylaw No. 565

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### **A Bylaw to establish a Joint Community Advisory Committee and Advisory Planning Commission to cover the unincorporated area of Dease Lake pursuant to Sections 795 and 898 of the *Local Government Act***

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**WHEREAS** the board of directors of the Regional District of Kitimat-Stikine deems it desirable to establish a Community Advisory Committee to advise the regional board of concerns in community services within the unincorporated area of Dease Lake; and

**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 relating to community planning within the unincorporated area of Dease Lake;

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

#### **Part 1 - Interpretation**

##### Interpretation

1. In this Bylaw unless the context otherwise requires:

“**APC**” means the Advisory Planning Commission for Dease Lake;

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

“**CAC**” means the Community Advisory Committee for Dease Lake;

“**Cause**” means, for the purpose of section 11, 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 (including a First Nations government or band) or public authority;

“**Community planning**” means land use, planning and development matters under Part 26 of the *Local Government Act* referred to in section 898(2) of the *Local Government Act*.

“**Community services**” means services that are provided or that may be provided by or on behalf of the regional district within Dease Lake.

“**Dease Lake**” means all that part of Electoral Area F shown outlined on the map attached to this bylaw as Schedule “A”.

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

## **Part 2 - Community Advisory Committee**

### Community Advisory Committee Established

2. The board establishes a commission to be known as the CAC.

### Purpose

3. The purpose of the CAC is to provide advice and recommendations to the regional board and the Electoral Area Director regarding matters relating to community services within Dease Lake.

### Appointment

4. Members of the CAC shall be appointed by the board.

### Membership of CAC

5. The CAC shall consist of a maximum of eight persons of whom:
  - (a) Six (6) shall be resident electors from within Dease Lake; and
  - (b) one shall be appointed following recommendation of the Tahltan First Nation in accordance with section 7;
  - (c) one shall be the Electoral Area Director.

### Electoral Area Director Participation on CAC

6. The Electoral Area Director representing Dease Lake shall be a non-voting member who shall be entitled to attend all meetings of the CAC.

### Tahltan Representation

7. The Tahltan First Nation may recommend a person for appointment to the CAC referred to in section 5(b).

### Tenure of Membership

8. The term of office for members of the CAC shall be two (2) years, commencing from the date of appointment, or such other later date specified by the board in the resolution making the appointment.

### Selection of Chair

9. The CAC shall at its first meeting each year select a Chair and Vice Chair from among its members, provided that the Electoral Area Director shall not be eligible to be appointed Chair or Vice Chair of the CAC.

### Powers of Chair

10. (a) The Chair shall conduct meetings of the CAC and, in his or her absence, the Vice Chair shall conduct meetings;

- (b) Where neither the Chair nor the Vice Chair are present, the members of the CAC present at a meeting may elect an Acting Chair to conduct the meeting;
- (c) The Chair shall, from time to time, advise the board on matters dealing with by the CAC.

#### Removal of CAC Members

- 11. The board of the regional district may by resolution adopted by 2/3 of the members of the board, remove a member of the CAC at any time for:
  - (a) absence from three or more consecutive meetings of the CAC for a reason other than short term illness or other unavoidable reason of a temporary nature; or
  - (b) cause.

#### Replacement of CAC Members

- 12. Upon the resignation, death or removal of a member of the CAC during a term of office, the board shall appoint a new member by resolution.
- 13. Appointments to the CAC as a result of resignation or death or removal from office may be made at any time as the occasion arises.
- 14. A new member appointed under section 13 shall hold office during the remainder of the term of the member that has been replaced.

#### Meetings

- 15. Meetings shall be called by the Chair of the Commission when items are referred to the CAC by the board.
- 16. The CAC shall meet for the dispatch of its business and otherwise regulate its meetings as it deems fit.
- 17. The Chair shall, at the request of the regional district Administrator, summon a meeting of the CAC upon seven (7) days' notice.

#### In Camera Meetings

- 18. Meetings of the CAC, or portions of such meetings, may be held in camera where the CAC 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*.

#### Report

- 19. The CAC shall submit to the board a report outlining the activities of the CAC, on or before December 31 of each year, and otherwise as requested by the board or as the CAC considers advisable.

### Recommendations

20. Recommendations of the CAC shall be forwarded to the board for consideration and shall generally contain the following information:
- (1) the date, time and place of the meeting;
  - (2) members of the CAC present;
  - (3) other persons present during the meeting;
  - (4) items dealt with by the CAC;
  - (5) delegations that made representations to the CAC;
  - (6) minutes of CAC deliberations including the mover and seconder of each motion;
  - (7) CAC recommendations in relation to each item dealt with as follows:
    - (a) recommended for approval with reasons stated;
    - (b) recommended for approval subject to conditions, with conditions stated;
    - (c) recommended for denial with reasons stated.

### **Part 3 Advisory Planning Commission**

21. The function of the APC is to advise the regional board on the community planning matters that are referred to the APC by the board or the Electoral Area Director.

#### Composition

22. (a) The APC shall consist of a maximum of seven (7) persons who are the same persons appointed by the board to the CAC under section 5 (a) and (b); and
- (b) For certainty, the Electoral Area Director is not a member of the APC, in accordance with section 898 of the *Local Government Act* but may attend meetings of the APC in a resource capacity.

#### Appointment

23. Appointment to the CAC under Part 2, including a replacement appointment, shall be effective as an appointment to the APC under this Part.

#### Selection of Chair

24. The Chair and Vice Chair of the APC shall be the person selected as Chair and Vice Chair respectively of the CAC and a person elected as an Acting Chair for a meeting may chair the meeting of the APC that immediately follows a meeting of the CAC.

#### Tenure of Membership

25. The term of office for members of the APC shall be the same term as that of members of the CAC set out in section 8.

### Removal of APC Members for Cause

26. A removal of a person from the CAC for cause under section 11 shall be effective as a removal of such person from the APC.

### Meetings

27. Meetings of the APC shall be conducted on the same dates and immediately following meetings of the CAC, except as provided in section 28.

### Additional Meetings

28. The Chair shall, at the request of the regional district Administrator, summon a meeting of the APC upon seven (7) days' notice, and a meeting called under this section need not follow a meeting of the CAC.

### Recommendations

29. Recommendations of the APC shall be forwarded to the regional board for consideration and shall generally contain the following information:
- (1) the date, time and place of the meeting;
  - (2) members of the APC present;
  - (3) other persons present during the meeting;
  - (4) items dealt with by the APC;
  - (5) delegations that had made representations to the APC;
  - (6) minutes of APC deliberations including the mover and seconder of each motion;
  - (7) APC recommendations in relation to each item dealt with as follows:
    - (a) recommended for approval with reasons stated;
    - (b) recommended for approval subject to conditions, with conditions stated;
    - (c) recommended for denial with reasons stated.

### Public Representation

30. Where the APC is considering an amendment to a plan or bylaw, or the issuance of a permit, the public and the applicant for the amendment or permit may attend the meeting of the APC and be heard in accordance with section 898(9) of the *Local Government Act*.

In Camera Meetings

31. 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 meeting may be held without offending an applicant's right to be heard under section 898(9) of the *Local Government Act*.

**Part 3 General**Quorum

32. A majority of the CAC or APC respectively shall be deemed to be a quorum.

Lack of Quorum

33. In the event that a quorum is not present within fifteen minutes after the time appointed for a meeting, the names of those persons present shall be recorded and the meeting postponed. A postponement of a meeting of the CAC under this section shall be deemed to be a postponement of the APC that is to immediately follow, unless otherwise decided.

Minutes

34. Minutes of meetings of the CAC and APC shall be kept by a Recording Secretary appointed by the Chair and made available to the public on request in and through the regional district office during normal business hours.

Remuneration and Expenses

35. Members of the CAC and APC shall serve without remuneration but they shall be paid reasonable and necessary expenses that arise directly out of the performance of their duties.

Rules of Procedure

36. The CAC and APC shall use, where applicable, Bourinot's Rules of Procedure.
37. A failure to follow a procedural rule in this Bylaw shall not invalidate a meeting or decision of the CAC or APC.

Voting

38. (a) Questions arising at a meeting of the CAC or APC shall be decided by a majority of the members;
- (b) The Chair may cast a vote where there is an equality of votes.

Jurisdiction of CAC and APC Not Impaired

39. Nothing in this bylaw shall prevent the board of the regional district from referring a matter:
- (a) to the CAC that is within the jurisdiction of the board; or

- (b) to the APC that is within the jurisdiction of an advisory planning commission established under the *Local Government Act*.

Severance

- 40. 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.
- 41. This bylaw shall take effect, come into force, and be binding upon all persons within Dease Lake, of the Regional District of Kitimat-Stikine as and from the date of adoption.
- 42. This bylaw may be cited as the "Kitimat-Stikine Dease Lake Community Advisory Commission Bylaw No. 565, 2008."

READ a first time this 21<sup>st</sup> day of November, 2008.

READ a second time this 21<sup>st</sup> day of November, 2008.

READ a third time this 21<sup>st</sup> day of November, 2008.

ADOPTED this 12<sup>th</sup> day of December, 2008.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Administrator

Certified a true copy of Bylaw  
No. 565, 2008, as adopted

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Administrator