

REGIONAL DISTRICT OF KITIMAT-STIKINE

Bylaw No. 585

A bylaw to establish an Advisory Planning Commission to cover the unincorporated area of Lakelse Lake, Portion of Electoral Area C, pursuant to section 898 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 Lakelse Lake;

NOW THEREFORE the Board of Directors 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 Lakelse Lake;

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

“**Cause**” means, for the purpose of Part 3, 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 26 of the *Local Government Act* referred to in section 898(2) of the *Local Government Act*.

“**Lakelse Lake**” 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 Lakelse Lake, Portion of Electoral Area C, of the Regional District of Kitimat-Stikine to be known and described as the Lakelse Lake Advisory Planning Commission.

Part 3 - Implementation and Membership

1. The Lakelse Lake Advisory Planning Commission shall be appointed by the Board to represent the area of Lakelse Lake.

2. Duties of the Advisory Planning Commission:
 - a) The APC shall advise the Regional Board and the Board's representatives on planning matters within the area of Lakelse Lake.
 - b) The APC shall advise the Regional Board on all matters referred to the Commission by the Board or by the Electoral Area Director and on such other planning matters as the APC deems important to Lakelse Lake development.
 - c) 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:
 - a) The APC shall be comprised of a maximum of seven members. The members of the APC shall serve without remuneration.
4. Appointments to the Commission
 - a) The APC shall consist of a minimum of four residents from Lakelse Lake who shall be appointed by a resolution of the Board.
 - b) In recognition of the seasonal residential development and regional significance, up to 1/3 of the members may be non-residents of Lakelse Lake or Electoral Area C and may include seasonal residents.
 - c) 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 two 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 898(9) 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) The APC shall meet for the dispatch of business, otherwise, regulate its meetings as it deems fit. The Chair may, at the request of the Regional District Administrator, summon a meeting of the APC upon seven days notice.
 - b) 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.

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 Lakelse Lake, Electoral Area C, of the Regional District of Kitimat-Stikine as from the date of adoption.

14. This bylaw may be cited as the "Kitimat-Stikine Lakelse Lake Advisory Planning Commission Bylaw No. 585, 2010."

READ a first time this _____ 26th _____ day of _____ March _____, 2010.

READ a second time this _____ 26th _____ day of _____ March _____, 2010.

READ a third time this _____ 26th _____ day of _____ March _____, 2010.

ADOPTED this _____ 26th _____ day of _____ March _____, 2010.

Chair

Treasurer/ Deputy
Administrator

Certified a true copy of Bylaw
No. 585, 2010, as adopted

Administrator

