

I, Brian Reardon, Director of Corporate Services for the Regional District of Central Okanagan, do hereby certify that the following pages comprises a true and correct copy of Bylaw No. 1229 which was adopted by the Regional Board on the 28<sup>th</sup> day of January, 2008 and has been consolidated to include amending Bylaw No. 1288-2008 and 1419-2018.

Dated at Kelowna, B.C. this  
8<sup>th</sup> day of June, 2018

  
B. Reardon, Director of Corporate Services

## REGIONAL DISTRICT OF CENTRAL OKANAGAN

### BYLAW NO. 1229 – CONSOLIDATED

---

Being a bylaw to establish Advisory Planning Commissions

---

WHEREAS the Regional Board of the Regional District of Central Okanagan is desirous of establishing Advisory Planning Commissions under the provisions of the *Local Government Act*.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

#### **Cited**

1. This bylaw may be cited as the “Regional District of Central Okanagan Advisory Planning Commissions Bylaw No. 1229, 2008”.

#### **Mandate**

2.
  - a) The mandate of the Advisory Planning Commission (APC) is to provide the Board, it's Committees and staff advice on policy changes for consideration of the Board on Regional Planning related issues with an emphasis on how those issues might impact the community. The APC will consider and advise on matters referred to it, including land use issues, the preparation and adoption of official community plans and proposed bylaws or permits under Part 26 of the Local Government Act.
  - b) All suggestions and recommendations submitted by the APC shall be duly considered by the Area Director and Regional Board.

#### **Establishment**

3. Two (2) Advisory Planning Commissions are hereby established for the following areas as established on Schedule “A”:
  - a) Central Okanagan West Electoral Area
  - b) Central Okanagan East Electoral Area

4. a) All Advisory Planning Commissions shall be comprised of not less than three (3) or more than eight (8) members of which two thirds shall be a resident of the Electoral Area established for the Advisory Planning Commission. A Director of the Regional District, officer or employee is not eligible to be a member of the Advisory Planning Commission, but may attend meetings of the Commission in a resource capacity.
- b) All appointments to an Advisory Planning Commission must be appointed by resolution of the Regional Board on advice of the electoral area directors for said area. Staff recommendations will be submitted to the Board for review and approval. Regional District staff shall advertise in the local paper soliciting for members to said Advisory Planning Commission. Members shall be selected on the basis of their demonstrated interest, regional location, demographic representation, participation in planning issues, community matters, academic and/or technical qualification, availability, work experience, knowledge and professional expertise.
- c) All members of the APC shall be appointed for a four (4) year term. A member may be reappointed to serve a maximum of two (2) consecutive four (4) year terms. Such appointments shall be made so that no more than three (3) members' terms end in the same year.
- d) A member who is absent from three (3) consecutive meetings shall be declared to have resigned, except for reasons of illness or leave of absence from the Commission.
- e) A vacancy created by a death, resignation or absence shall be reported to the Regional Board by the Chair of the Commission. The Regional Board shall appoint a replacement for the unexpired term of the former member.

Bylaw No. 1419  
and 1288

### **Rules of Procedure**

5. a) Each Commission must meet annually in January at an inaugural meeting held at the Regional District offices.
- To call the meeting to order and elect a Chair, during which the past Secretary shall preside;
  - To elect a Vice Chair and Secretary.
  - To establish a meeting schedule (time and date) and a meeting place for the year.
- b) Each Commission shall meet as per the established schedule, providing there is sufficient material, after the inaugural meeting as determined by the schedule.
- c) The Commission shall meet for a special meeting at the call of the Chair or in his or her absence, the Vice Chair or three (3) members.
- d) Should the Commission require the services of a recording secretary, the Regional District will pay that person a fee of up to \$100.00 per meeting. A recording secretary cannot be a member of the Commission.
- e) Notice of a meeting together with an agenda and all available information shall be delivered to each APC member with copies to the Director of Development Services seven (7) days prior to the meeting.

The Notice of Meeting shall be posted at the Regional District office seven (7) days prior to the meeting and the agenda placed on the Regional District website after the meeting material has been delivered to the APC members.

- f) An applicant for an amendment to a plan, bylaw, or issue of a permit shall be notified seven (7) days prior to the meeting at which meeting the Commission will consider their application.
- g) A quorum of an APC is a majority (1/2) of the total Commission membership and is required for the purpose of conducting business of the Commission.

### **Conduct of Meetings**

- 6. The Chair or in his/her absence, the Vice Chair shall preside at all meetings and shall be guided by the following:
  - a) The order of business shall be established by the agenda except that additional items may be added to the agenda by a majority vote of those members present.
  - b) All decisions of the Commission shall be made by majority vote of all members present, a member who abstains from voting will be deemed to have voted in the affirmative and on a tie vote the question shall be defeated.
  - c) When a Commission is considering an amendment to a plan, bylaw or issue of a permit the applicant is entitled to attend the meeting of the Commission and be heard.
  - d) When a Commission is considering an amendment initiated by the Regional District and not a third party, the secretary may conduct a telephone poll or solicit e-mails from Commission members in response to the referral. The secretary shall record the comments and votes of the Commission members, which are to be included in the next set of minutes following the referral.
  - e) Except as otherwise provided for in this bylaw, meetings of the APC must be open to the public.
  - f) If a Commission member attending a meeting of the APC considers that he or she is not entitled to participate in the discussion of a matter or to vote on a question in respect of a matter because the Commission member has a direct or indirect pecuniary interest in the matter or for any other reason, the member must declare this and state the general nature of why he or she considers this to be the case.
  - g) After making the declaration in accordance with Section 6(f), the Commission member:
    - i) Must not take part in the discussion of the matter and is not entitled to vote on any question in respect of the matter;
    - ii) Must immediately leave the meeting or the part of the meeting during which the matter is under consideration, and;
    - iii) Must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.
  - h) When the Commission member's declaration is made under section 6(f)
    - i) The person recording the minutes of the meeting must record the member's declaration, the reasons given for it, and the time of the member's departure from the meeting room, and if applicable, the member's return, and;

- ii) The person presiding at the meeting must ensure that the member is not present at the meeting at the time of any vote on the matter;

### **Minutes**

- 7. Minutes shall be taken by the Secretary or Recording Secretary of all meetings of the Commission and shall;
  - a) Record the motion and voting on all resolutions;
  - b) Be signed by the Chair and the Secretary of the APC as the true record of the decisions;
  - c) Be distributed and secured at the Regional District office.
  - d) Be subject to correction, if required, at the next meeting of the Commission;
  - e) Be made available to the public after adoption.

### **Remuneration**

- 8. Members shall serve without remuneration, but may be paid reasonable and necessary expenses that were directly out of the performance of their duties. Regional Board Policy defines these expenses, which are amended from time to time.

### **Repeals**

- 9.
  - a) That Bylaw No. 943 cited as the Regional District Of Central Okanagan Advisory Planning Commission Bylaw No. 943, 2001, be repealed;
  - b) That Bylaw No. 1032, 2003 cited as the Regional District Of Central Okanagan Advisory Planning Commission Amendment Bylaw No 1032, 2003, be repealed;
  - c) That Bylaw No. 1210, 2007 cited as the Regional District Of Central Okanagan Advisory Planning Commission Amendment Bylaw No. 1210, 2007, be repealed.

Schedule "A"

Regional District of Central Okanagan Advisory Planning Commissions Bylaw No. 1229, 2008

