

HORNBY ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 158

A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS FOR THE HORNBY ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

The Hornby Island Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area in the Province of British Columbia, pursuant to the *Islands Trust Act*, enacts as follows:

1. Establishment

- a) The Hornby Island Local Trust Committee may appoint one or more Advisory Planning Commissions to advise the Local Trust Committee on all matters referred by the Local Trust Committee 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 Part 14 of the *Local Government Act*.

2. Appointment of Members

- a) The Local Trust Committee may, by resolution, appoint up to seven members to an Advisory Planning Commission (APC) to serve a two-year term, and may reappoint those members for a subsequent two-year term.
- b) At least two thirds of APC members must be residents of the Local Trust Area.
- c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.
- d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

- a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson and a Secretary, during the first meeting after their appointment.
- b) The Chairperson will:
 - i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;
 - ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;
 - iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.
 - iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;
 - v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.
- c) The Deputy Chairperson will:

- i) Undertake the duties listed in 3b) above, in the Chairperson's absence.
- d) The Secretary will:
 - i) Assist the Chairperson, as needed, to arrange meetings;
 - ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;
 - iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the Islands Trust office; ensure minutes are approved by the APC at a subsequent meeting; and provide copies of adopted minutes to the public upon request;
 - iv) Inform the Local Trust Committee of the resignation of any APC member, within thirty (30) days of the resignation.

4. Referrals

- a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.
- b) A meeting on any particular referral must be held not more than (40) days after the date of receipt of that referral unless the Local Trust Committee has, by resolution, requested a response by an earlier specified date or authorized the referral to be considered at a later date.
- c) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- a) The Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.
- b) If the APC has been referred an application, the Islands Trust must ensure that the applicant is notified of the date, time and place of the meeting at which their application will be discussed, at least five (5) calendar days prior to the meeting.
- c) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.
- d) The Secretary must post the notice of meeting indicating the date, time, and place of any APC meeting at least five (5) calendar days prior to the meeting on a bulletin board that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

- a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.
- b) A quorum is the lessor of three members or 50% of those appointed.
- c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.
- d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.

- e) At the request of any APC member, the Chairperson must invite an elected official, Islands Trust staff, or member of the public present at the meeting to comment on the matters before the Commission.
- f) The APC must not receive development proposals or other applications directly from applicants.
- g) The APC must not consult directly with other government agencies or organizations.
- h) If the Chairperson considers that another person at the meeting is acting improperly and in a manner that is disrupting the deliberations of the APC, the Chairperson may order that person expelled from the meeting.

7. Notice of Recommendation

- a) All APC recommendations shall be recorded as part of the meeting minutes, and may be recorded as resolutions, provided that, where requested by any member, all dissenting opinions are also recorded.
- b) Draft minutes will be forwarded directly to the Islands Trust Office within (7) days of an APC meeting.
- c) Upon receipt of draft minutes, Islands Trust staff will conduct a review and revise the minutes insofar as to ensure that the draft minutes can be published in accordance with the Islands Trust policies and provincial legislation.
- d) If the Local Trustees did not attend an APC meeting, they may request a verbal report from the Chairperson at a subsequent meeting of the Local Trust Committee.

8. Transition

- a) Hornby Island Local Trust Committee Bylaw No. 89 cited as "Hornby Island Trust Committee Advisory Planning Commission Bylaw, 1987", is repealed.

9. Citation

- a) This Bylaw may be cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019".

READ A FIRST TIME THIS	5 TH	DAY OF	APRIL	, 2019
READ A SECOND TIME THIS	5 TH	DAY OF	APRIL	, 2019
READ A THIRD TIME THIS	5 TH	DAY OF	APRIL	, 2019
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	17 TH	DAY OF	APRIL	, 2019
ADOPTED THIS	24 TH	DAY OF	MAY	, 2019

SECRETARY

CHAIRPERSON