

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 113

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A BYLAW TO ESTABLISH AN ADVISORY PLANNING COMMISSION FOR THE  
GAMBIER ISLAND AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND  
THE *ISLANDS TRUST ACT*

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The Gambier Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gambier Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. **Establishment**

There is established an Advisory Planning Commission (APC) for all that area of the Local Trust Area to advise the Trust Committee on all matters respecting land use, community planning, or proposed bylaws and permits, pursuant to the *Local Government Act* that are referred to it by the Local Trust Committee.

2. **Appointment of Members**

(a) The APC shall consist of not more than nine members. At least 2/3 of the members of the APC must be residents of the Local Trust Area.

(b) For the purpose of application of subsection 2 (a) the following definition shall apply:

“**resident**” means a person who:

(i) is a citizen of Canada or is lawfully admitted to Canada for permanent residence,

(ii) must be an individual who is age 18 or older,

(iii) has resided within the Gambier Island Local Trust area for at least six months in the last year, and

(iv) makes his or her home in *the Gambier Island Local Trust Committee area* and to which, whenever absent, the individual intends to return.

(c) The Trust Committee must, by resolution, appoint a member to a term not exceeding two years.

(d) The Trust Committee may, by resolution, remove a member at any time.

- (e) Where a member resigns or an appointment is otherwise terminated, the Trust Committee may appoint a member to serve the balance of the term of the appointment.
- (f) The members must during the first meeting of a calendar year, from among the members elect a Chairperson, and a Deputy Chairperson to act in the place of the Chairperson in the absence of the Chairperson.
- (g) The Deputy Chairperson shall, in the absence of the Chairperson, serve as described in Section 3(b).
- (h) In the event that the Chairperson resigns or the Chairperson position is otherwise terminated, the APC shall write to the Trust Committee to advise them and the Trust Committee shall appoint an interim Chairperson who shall serve until a Chairperson is elected in accordance with Section 2(e).

### **3. Roles**

#### (a) Secretary

- (1) The Trust Committee must appoint a Secretary to the APC.
- (2) The Secretary is to:
  - i) assist the Chairperson, as required, in arranging meetings of the APC;
  - ii) ensure that proper notification of meetings is given in compliance with this bylaw;
  - iii) keep legible minutes of all meetings;
  - iv) provide copies of all minutes and recommendations of the APC to the Local Trustees and the Secretary of the Islands Trust;
  - v) maintain financial records and conduct financial transactions with the Islands Trust; and
  - vi) maintain an annual record book of approved minutes to be available to the public upon request and shall provide a copy of minutes when requested upon receipt of a sum of money sufficient to pay the cost of copying those minutes.

#### (b) Chairperson

- (1) The Chairperson is to:
  - i) receive referrals from the Trust Committee and, in response, decide when and where APC meetings shall be held;
  - ii) ensure proper conduct of all APC meetings in accordance with the requirements of this Bylaw and the principles of procedural fairness;
  - iii) rule on the existence of a conflict or potential conflict of interest of an APC member when requested to do so; and
  - iv) sign the minutes certifying that they are true and correct after they have been approved by the APC.

#### **4. Referrals to the Commission**

- (a) The Trust Committee may by resolution, refer an application for an amendment to the community plan, a bylaw, or a permit, pursuant to the *Local Government Act*, or may refer a proposed bylaw or permit to the Chairperson of the APC with a request for a recommendation.
- (b) The APC must meet, when there is a need to consider a referral, at a duly constituted meeting as defined under this Bylaw and as called by the Chairperson.
- (c) The APC shall select at its first meeting, a regular monthly meeting day to consider referrals.
- (d) In the event that no referral is received by the Secretary at least 7 calendar days prior to the date of the next regular APC meeting, then no meeting need be held.
- (e) A meeting of the APC on any particular referral must be held not more than 30 days after the date of receipt of that referral unless the Trust Committee has requested a response by an earlier specified date.
- (f) The Trust Committee may refer a plan or bylaw amendment or permit that has been partially processed and seen at the application stage by the APC for additional recommendations if it feels changes to the application warrant the review. In these cases the APC may be asked to respond in a briefer than normal time period.

- (g) The Chairperson may call an extraordinary meeting after consultation with the Secretary and all other members of the APC to deal with any matter for which a quick response is requested.
- (h) Although APC recommendations on referrals must be received by the Trust Committee, the recommendations do not bind the decisions of the Trust Committee.

## **5. Notice of Meeting**

- (a) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each APC member at least 5 calendar days prior to the regularly scheduled meeting.
- (b) The Secretary must confirm by telephone or note, the date and time of any extraordinary meetings with each member of the APC.
- (c) The Secretary must ensure that an applicant for a plan or bylaw amendment or a permit is notified of the date, time and place of an APC meeting at which their application will be discussed at least five calendar days prior to the meeting.
- (d) The Secretary must ensure the Local Trustees are notified of each APC meeting at least five days prior to the day of the meeting.
- (e) Where a matter upon which an APC recommendation has been made is referred back to the APC for further comment within a limited time period, the Secretary must notify the Trust Committee of an extraordinary meeting. The Secretary may invite the applicant if further information is required at least 2 days prior to the meeting unless the applicant agrees to a lesser notice.

## **6. Conduct of Meeting**

- (a) All deliberations of the APC must take place in a meeting, and all APC meetings must be open to the public.
- (b) A quorum of the APC is the lesser of four members, or 50% of those appointed.
- (c) The Chairperson is to convene the meeting and may adjourn it from time to time.
- (d) Applicants of an amendment to a plan or bylaw or a permit must be afforded the first opportunity to present their proposal and to answer any questions asked by APC members.

- (e) If an applicant or their agent fails to appear and was duly notified as required by this Bylaw, the APC may proceed to reach its recommendation in the applicant's absence.
- (f) At the request of any member of the APC, the Chairperson must invite any elected official, staff or resource person present at the meeting to comment on the matters before the APC.
- (g) The APC must not receive development proposals and other applications directly from applicants.
- (h) The APC must not consult directly with other government agencies.

**7. Notice of Recommendation**

- (a) If the Local Trustees did not attend an APC meeting, they may require a verbal report from the Chairperson.
- (b) The Secretary must ensure minutes of each meeting of the APC be recorded and approved by the APC at its subsequent meeting.
- (c) The Secretary must ensure a completed referral form recording the response of the APC and a copy of the draft minutes are submitted to the Trust Committee and Islands Trust office within seven calendar days of the meeting.
- (d) A recommendation of the APC may be in the form of recorded commentary, in the form of minutes or in the form of a resolution, provided that all dissenting opinions are also recorded.

**8. Transition**

Gambier Island Trust Committee Bylaw No. 58 cited for all purposes as the "Gambier Island Local Trust Committee Advisory Planning Commission Bylaw, 1997", is repealed.

- 9. This Bylaw may be cited as the "Gambier Island Local Trust Committee Advisory Planning Commission Bylaw, 2010".

READ A FIRST TIME THIS	6th	DAY OF	October	, 2010
READ A SECOND TIME THIS	6th	DAY OF	October	, 2010
READ A THIRD TIME THIS	6th	DAY OF	October	, 2010

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
19th DAY OF October , 2010

ADOPTED THIS 28th DAY OF October , 2010

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SECRETARY

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CHAIRPERSON