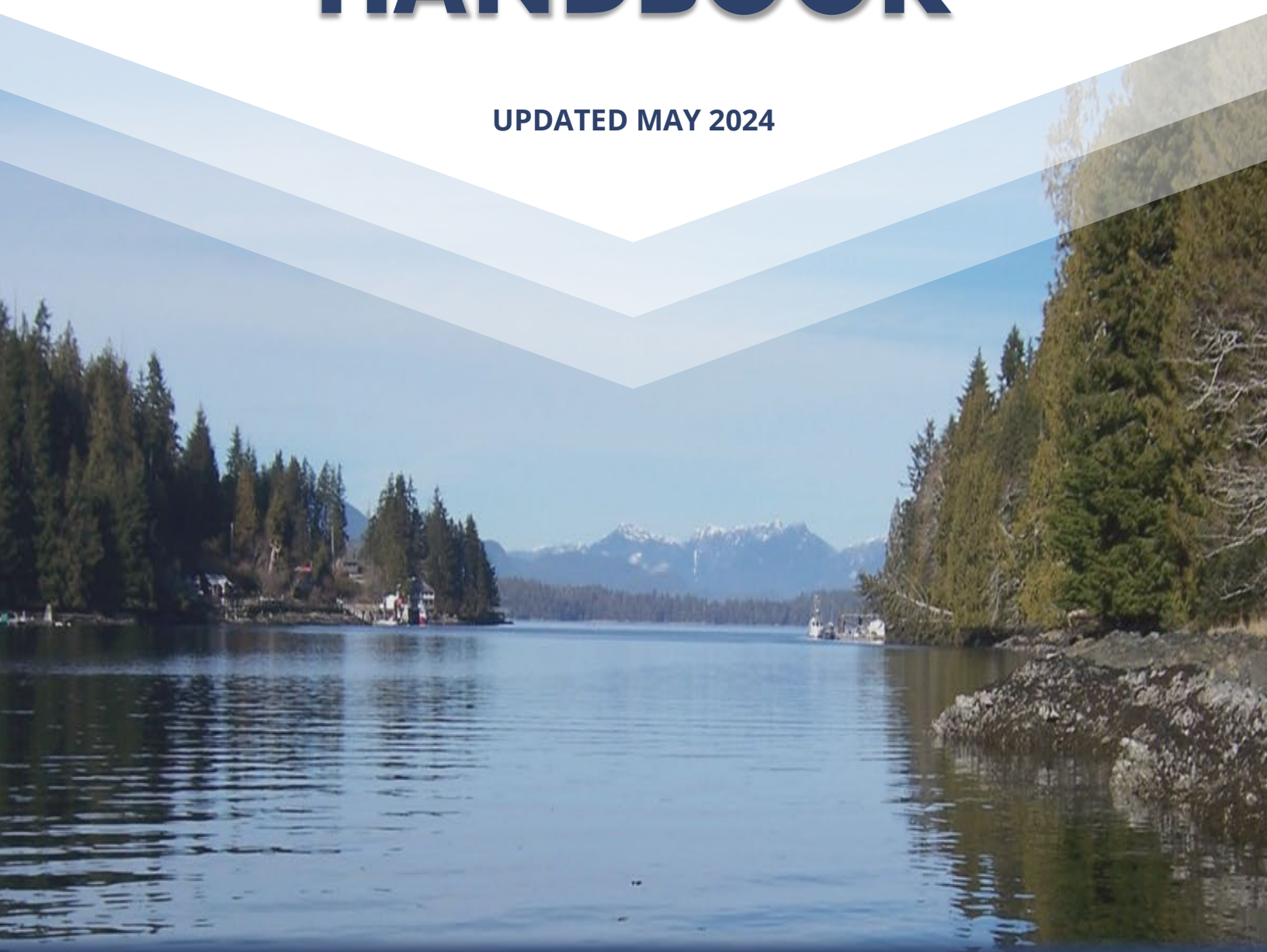


ADVISORY PLANNING COMMISSION HANDBOOK

UPDATED MAY 2024



ALBERNI-CLAYOQUOT
REGIONAL DISTRICT

Table of Contents

ALBERNI-CLAYOQUOT REGIONAL DISTRICT ELECTED OFFICIALS.....	2
ALBERNI-CLAYOQUOT REGIONAL DISTRICT STAFF LIST.....	2
BOARD OF VARIANCE.....	2
ADVISORY PLANNING COMMISSIONS	2
AGRICULTURE ADVISORY COMMITTEE.....	2
PURPOSE OF THE ADVISORY PLANNING COMMISSION HANDBOOK	3
ADVISORY PLANNING COMMISSIONS	3
SECTION 461 - EXTRACT FROM THE LOCAL GOVERNMENT ACT:	3
Regional District’s Advisory Planning Commission Bylaw No. A1045.....	4
DUTIES OF THE ADVISORY PLANNING COMMISSIONS	6
CODE OF CONDUCT.....	6
CONFLICT OF INTEREST	6
APC MEETINGS.....	7
WHAT IS A ZONING BYLAW?.....	7
REZONING PROCEDURE	8
DEVELOPMENT PERMIT PROCEDURE	9
DEVELOPMENT VARIANCE PERMIT APPLICATIONS	9
OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATIONS	10
SHORT TERM VACATION RENTAL	10
TEMPORARY USE PERMIT PROCEDURE	11
SUBDIVISION PROPOSALS	11
PARK LAND DEDICATION.....	12
PARCEL FRONTAGE WAIVER APPLICATION.....	12
CROWN LEASE REFERRALS.....	12
AGRICULTURAL LAND COMMISSION	12
POPULATION AND VOTING STRENGTHS.....	13
MEETING MINUTE TEMPLATE.....	14
CODE OF CONDUCT POLICY	15
CONFLICT OF INTEREST POLICY.....	25

ALBERNI-CLAYOQUOT REGIONAL DISTRICT ELECTED OFFICIALS

John Jack, Chairperson	Chief Councillor, Huu-ay-aht First Nations
Debbie Haggard	Vice-Chair, Councillor, City of Port Alberni
Bob Beckett	Director, Electoral Area “A” (Bamfield)
Fred Boyko	Director, Electoral Area “B” (Beaufort)
Vaida Siga	Director, Electoral Area “C” (Long Beach)
Penny Cote	Director, Electoral Area “D” (Sproat Lake)
Susan Roth	Director, Electoral Area “E” (Beaver Creek)
Mike Sparrow	Director, Electoral Area “F” (Cherry Creek)
Sharie Minions	Mayor, City of Port Alberni
Marilyn McEwen	Mayor, District of Ucluelet
Tom Stere	Councillor, District of Tofino
Moriah Cootes	Councillor, Uchucklesaht Tribe Government
Kirsten Johnsen	Member of Council, Toquaht Nation
Levana Mastrangelo	Executive Legislator, Yuuʔuʔifʔath Government

ALBERNI-CLAYOQUOT REGIONAL DISTRICT STAFF LIST

A current staff listing may be found on the Alberni-Clayoquot Regional District website at [District Staff List \(acrd.bc.ca\)](https://www.acrd.bc.ca).

BOARD OF VARIANCE

Bob Cole (Chairperson)	Appointed by the Board of Directors
Gary Haggard	Appointed by the Board of Directors
Bob Haynes	Appointed by the Board of Directors

ADVISORY PLANNING COMMISSIONS

There are 6 Advisory Planning Commissions with up to 11 members on each Commission. If you require a list of your Advisory Planning Commission, the Planning Department will supply you with this information.

AGRICULTURE ADVISORY COMMITTEE

There are 7 members on the Agriculture Advisory Committee. If you require a list of these members, the Planning Department will supply you with this information.

PURPOSE OF THE ADVISORY PLANNING COMMISSION HANDBOOK

This handbook has been prepared to act as a resource to assist the Advisory Planning Commissions (APCs) in achieving a greater understanding of their role and responsibilities in planning applications and initiatives. Although the Commissions have no decision-making power, their comments and recommendations to the Board of Directors can influence decisions and policies. On behalf of the Alberni-Clayoquot Regional District Board of Directors and staff, we would like to thank you for volunteering as an APC member. Your time and commitment to our region is greatly appreciated.

ADVISORY PLANNING COMMISSIONS

The provincial *Local Government Act* sets out the procedures under which Regional Districts operate. The authority to establish an Advisory Planning Commission is contained in Section 461 of the Act and the Regional District's Advisory Planning Commission Bylaw No. A1045 provided below. Although it is not compulsory to have APCs, many Regional Districts choose to do so. In the Alberni-Clayoquot Regional District (ACRD), they provide invaluable local input into planning decisions and are heavily relied upon by both the Regional Board and Planning staff.

There are 6 electoral areas within the Alberni-Clayoquot Regional District. Each area has its own Advisory Planning Commission consisting of 5 to 11 members. At least two-thirds of the Commission members must be residents of the electoral area that the Commission represents. Regional Board Directors, Alternate Directors, or staff members are not eligible to sit on an Advisory Planning Commission although they may attend the meetings in a resource capacity. APC members serve as volunteers but in some circumstances may be reimbursed for expenses.

APC members are appointed by the Board of Directors. Each member appointed is expected to serve a two-year term although their term can be reduced if circumstances affecting their abilities to participate change.

SECTION 461 - EXTRACT FROM THE LOCAL GOVERNMENT ACT:

Section 461 – Advisory Planning Commission

- (1) A council may, by bylaw, establish an advisory planning commission to advise council on all matters respecting land use, community planning or proposed bylaws and permits under Divisions 4 to 14 of this Part and section 546 that are referred to the commission by the council.
- (2) A board may, by bylaw, establish an advisory planning commission for one or more electoral areas or portions of an electoral area to advise the board, or a director of the board representing the electoral area, on all matters referred to it by the board or by that director 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 this Part.
- (3) The bylaw establishing an advisory planning commission must provide for
 - (a) the composition of and the manner of appointing members to the commission,
 - (b) the procedures governing the conduct of the commission, and
 - (c) the referral of matters to the advisory planning commission.
- (4) At least 2/3 of the members of an advisory planning commission must be residents of the municipality or the electoral area.
- (5) The following are not eligible to be a member of an advisory planning commission, but may attend a meeting of the commission in a resource capacity:

- (a) a council member,
 - (b) a regional district director,
 - (c) an employee or officer of the local government,
 - (d) an approving officer.
- (6) The members of an advisory planning commission must serve without remuneration but may be paid reasonable and necessary expenses that arise directly out of the performance of their duties.
- (7) If an advisory planning commission is established, minutes of all of its meetings must be kept and, on request, made available to the public.
- (8) If the advisory planning commission is considering
- (a) an amendment to an official community plan or a bylaw, or
 - (b) the issue of a permit,
- the applicant for the amendment or permit is entitled to attend meetings of the commission and be heard.

Regional District’s Advisory Planning Commission Bylaw No. A1045

A BY-LAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS IN ELECTORAL AREAS “A”, “B”, “C”, “D”, “E” AND “F” OF THE REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

The Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts as follows:

1. Title

This by-law may be cited as the "Regional District of Alberni-Clayoquot Advisory Planning Commission By-law No. A1045, 2002".

2. Interpretation

In this by-law:

- (i) “Board” or “Regional Board” means the Board of Directors of the Regional District of Alberni Clayoquot;
- (ii) “Commission” means Bamfield Advisory Planning Commission, Beaufort Advisory Planning Commission, Long Beach Advisory Planning Commission, Sproat Lake Advisory Planning Commission, Beaver Creek Advisory Planning Commission and Cherry Creek Advisory Planning Commission;
- (iii) “Director” means a municipal Director or an electoral area Director elected pursuant to the *Local Government Act*, and includes an alternate director when acting on behalf of a Director;
- (iv) “Meeting” means a meeting of an advisory planning commission;
- (v) “Member” means a member of an advisory planning commission appointed by the Regional Board;
- (vi) “Regional District” means the Regional District of Alberni-Clayoquot.

3. Establishment and Names of Commissions

In accordance with the *Local Government Act*, the Regional Board hereby establishes Advisory Planning Commissions for the following areas:

- (i) all of Electoral Area “A” (Bamfield) to be known as Bamfield Advisory Planning Commission
- (ii) all of Electoral Area “B” (Beaufort) to be known as Beaufort Advisory Planning Commission;
- (iii) all of Electoral Area “C” (Long Beach) to be known as Long Beach Advisory Planning Commission;
- (iv) all of Electoral Area “D” (Sproat Lake) to be known as Sproat Lake Advisory Planning Commission;

- (v) all of Electoral Area “E” (Beaver Creek) to be known as Beaver Creek Advisory Planning Commission;
- (vi) all of Electoral Area “F” (Cherry Creek) to be known as Cherry Creek Advisory Planning Commission;

4. Power of Commissions

Commissions are hereby empowered to advise the Board or their respective electoral area Director on all matters referred to them relating to:

- (i) the preparation and adoption of community plans or amendments thereto;
- (i) the preparation and adoption of rural land use by-laws or amendments thereto;
- (ii) proposed by-laws or permits, that may be enacted or issued under Part 26 of the *Local Government Act*;
- (iii) any other planning-related matters that have been referred to them by the Board or by the Director for their respective electoral areas.

5. Composition of Commissions

- (i) The members of each commission shall be appointed by resolution of the Board.
- (ii) Each commission shall consist of not less than five and not more than eleven members.
- (iii) Subject to subsection 6 below, any person, other than a corporation, who is qualified as an elector within the meaning of the *Local Government Act* is eligible for appointment to a commission, provided that at least two-thirds of the members of each commission shall be residents of the electoral area which that commission represents.

6. Ineligibility for Appointment to Commissions

A council member, board director, alternate director, employee or officer of the Regional District, or an Approving Officer, is not eligible to be a member of an advisory planning commission but may attend at a meeting of a commission in a resource capacity.

7. Terms of Appointment of Commission Members

- (i) Commission members shall hold office for two years, with one-half the members of each commission being appointed on alternate years.
- (ii) Appointments to a commission shall be made annually by the Regional Board. Any member whose term has expired may be reappointed for a further term.
- (iii) The Board shall have the power, by an affirmative vote of not less than two-thirds of all members thereof, to replace any member of a commission at any time and such an appointment shall be for the unexpired term of office of the member being replaced.

8. Public Notice of Meetings

At least twenty-four hours before a commission meeting, advance notice of the time, place and date of the meeting shall be given by way of a notice posted on the notice board at the Regional District Office.

9. Rules and Regulations Governing Meetings

- (i) Each commission shall at its first regular meeting each year appoint a chairman and a secretary from among its members. The chairman and secretary shall hold office for one year or until successors have been appointed.
- (ii) At all meetings, a majority of the members of the commission shall constitute a quorum.
- (iii) Each commission shall keep minutes of all its meetings. These minutes shall be filed in the Regional District Office and made available to the public upon request.
- (iv) Each commission may adopt rules for its procedures not inconsistent with the provisions of this by-law or with the Regional District of Alberni-Clayoquot Procedures By-law or with the *Local Government Act*.
- (v) Commission meetings shall be open to the public except for matters authorized by the *Local Government Act* to be dealt with in-camera.
- (vi) Where a commission is considering an amendment to a plan or by-law, or the issuance of a permit, the applicant for the amendment or permit is entitled to be heard at the meeting.
- (vii) Each commission may invite non-members to attend meetings in a resource capacity.

- (viii) A commission's report and advice to the Board shall be in writing accompanied by its recommendations and such other information as the circumstances require, or that the commission may deem necessary.

10. Remuneration

Commission members shall serve without remuneration, but they may be paid reasonable and necessary expenses that arise directly out of the performance of their duties.

11. Repeal

By-law No. A1032, cited as the "Regional District of Alberni-Clayoquot Advisory Planning Commission By-law No. A1032, 2000", is hereby rescinded.

12. This By-law shall come into force and take effect upon the adoption thereof.

Read a first time this 24th day of April 2002.

Read a second time this 24th day of April 2002.

Read a third time this 24th day of April 2002.

Reconsidered and adopted this 24th day of April 2002.

DUTIES OF THE ADVISORY PLANNING COMMISSIONS

APC members advise the electoral area Directors on planning matters referred to them for review. These include preparation and review of community plans and amendments, rezoning applications, temporary use permit applications, parcel frontage waiver applications, development variance permit applications, form and character development permit applications, and in some circumstances, aspects of subdivision proposals and Crown lease referrals.

A Chairperson and Secretary is appointed annually from among the APC members. Either Regional District planning staff or the Secretary are responsible for keeping records and minutes of the meetings and forwarding them to their Director and APC members. APC meeting minutes and recommendations must be in writing. An example of the APC meeting minutes format is provided in Appendix 'A'. After they have been received by planning staff, copies are kept in the Regional District office where they are available to the public for inspection.

CODE OF CONDUCT

As outlined in the ACRD *Code of Conduct Policy* provided in Appendix 'B', in undertaking their duties, APC members are expected to conduct themselves with professionalism, and adhere to procedural rules while providing well-considered input to the ACRD Board, staff, and electoral area Director. The *Code of Conduct Policy* intends to guide Board and Committee/Commission members in the performance of their duties, particularly as related to governance principles, interpersonal relations, public-facing communications, and ethical dilemmas that may arise in the course of their activities.

CONFLICT OF INTEREST

Conflicts can occur between a member and their personal relationships, interests, business, or property. When a conflict of interest arises, an APC member should declare to the APC a conflict exists and state the reason why, then remove themselves from the meeting during consideration of the issue or application and not attempt to influence the vote. The conflict of interest guidelines are outlined in the ACRD *Conflict of Interest Policy* provided in Appendix 'C'.

APC MEETINGS

Meetings are held on a monthly basis as long as there are applications in that electoral area prepared by staff for APC review. If there are no applications, there will not be a meeting unless staff or the area Director has other issues or land use policy projects to discuss. Meeting agenda packages will be emailed to each member along with a personal Zoom Webinar link to participate in the meeting electronically, if preferred. Paper copies of the meeting packages are also available in person at the ACRD office. Notices of meetings are posted on our website at www.acrd.bc.ca.

Anyone whose application is to be reviewed by an APC has the right to attend and be heard at the APC meeting. Planning staff will notify the applicant of the date, time, and Zoom Webinar links or the location of the meeting. Members of the public are welcome to attend but do not provide input unless invited by the Commission to speak.

Following the Covid-19 pandemic, the ACRD has adopted virtual hybrid meetings, enabling participants to connect to APC meetings by web conference or conference call. Meetings are now typically held virtually using Zoom Conferencing streamed from the Alberni-Clayoquot Regional District boardroom, allowing in person attendance as well. In person meetings may also be held in the Electoral Area. ACRD planning staff will be discussing APC meeting procedures with members and will be seeking input on meeting format and location to ensure that participation and inclusivity for all members is prioritized. Meetings are generally scheduled as follows however dates and times often vary.

APC	DAY	TIME	PLACE
"A" Bamfield	Thursdays	5:30 pm	Hybrid – ACRD Boardroom and Zoom
"B" Beaufort	Varies depending on availability	7:00 pm	Hybrid – ACRD Boardroom and Zoom
"C" Long Beach	Mondays	7:00 pm	Hybrid – ACRD Boardroom and Zoom
"D" Sproat Lake	Mondays	7:00 pm	Hybrid – ACRD Boardroom and Zoom
"E" Beaver Creek	Mondays or Tuesdays	7:00 pm	Hybrid – ACRD Boardroom and Zoom
"F" Cherry Creek	Mondays or Tuesdays	7:00 pm	Hybrid – ACRD Boardroom and Zoom

Note: The Board meetings are typically held on the second and fourth Wednesday of every month.

WHAT IS A ZONING BYLAW?

A Zoning Bylaw regulates and implements land use planning policies outlined in the Official Community Plans (OCPs), and regulates how land, buildings, and other structures may be used. Zoning in the ACRD is regulated by Zoning Bylaw No. 15, which applies to all 6 Electoral Areas in the ACRD: 'A' - Bamfield, 'B' - Beaufort, 'C' - Long Beach, 'D' - Sproat Lake, 'E' - Beaver Creek, and 'F' - Cherry Creek. The Zoning Bylaw does not apply to those parts of the ACRD that are located within the City of Port Alberni, District of Tofino, District of Ucluelet, Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation and Yuułu?it?atḥ Government lands. A copy of the Zoning Bylaw is available on our website at acrd.bc.ca/zoning-bylaw.

Each property in the ACRD is assigned a specific zone or zoning district as described in the Zoning Bylaw. These zones help support the appropriate land uses and densities set out in the OCP, protect the natural and built environment, promote standards of development for health, safety, and the welfare of the public, and maintain order in the use of land within the community.

REZONING PROCEDURE

Rezoning is the process of changing the zoning of a property. The property owner or applicant can apply to have a property rezoned by an amendment to the Zoning Bylaw to obtain a different use or density that is not permitted under the current zone. The proposal must be consistent with the Official Community Plan or an amendment to the OCP will be required at the same time.

Once an application and all required information is received, a report and a specific zoning amendment bylaw is prepared by ACRD staff, then presented to the relevant electoral area APC for review. A recommendation is presented at a future Board of Directors Meeting for consideration by the Board of Directors. The bylaw is considered by the Board a first time at this meeting. Following this meeting, the documentation package is forwarded to all relevant technical agencies such as Island Health, Provincial Ministries, First Nations along with a referral request for their consideration of the proposal. The public input process starts at this time.

The *Local Government Act* was updated in 2023 to remove the ability for local governments to hold public hearings for rezonings that are consistent with the policies and objectives of the area OCP and that relate to housing. Where a public hearing cannot be held for a housing development, notification of the hearing is sent to all owners and occupiers of properties within 100 metres of the subject property, a notice of first reading date is posted on the development sign on the subject property, and two advertisements are placed in the local newspaper. Any public correspondence received on the application is compiled and presented to the Board when they consider the rezoning application at a subsequent meeting and consider the bylaw for first, second, and third readings.

If a rezoning includes an amendment to the OCP or a development that does not relate to housing, a public hearing would be held. The public hearing provides an opportunity for anyone interested and/or affected by the proposal to provide their comments and/or concerns either in-person or electronically by Zoom. The hearing is typically chaired by the electoral area Director and is attended by ACRD Planning staff along with the applicant. Copies of the technical agency referral responses and any other written correspondence received relating to the proposal are provided at this meeting. The public hearing is advertised by neighbour notification sent to all owners and occupiers of properties within 100 metres of the subject property, a public hearing notice posted on the development sign on the property, and two advertisements placed in the local newspaper.

Following public hearing, Planning staff will prepare a report and minutes of the hearing. These documents along with the bylaw are then forwarded to a second Board meeting where the bylaw would be considered for second and third readings.

If applicable, any recommendations and/or requirements must be fulfilled by the applicant prior to the adoption of the bylaw. When all items have been addressed, the bylaw will be forwarded to a third Board meeting where the bylaw would be considered for adoption.

Further rezoning information can be found on our website at acrd.bc.ca/process.

DEVELOPMENT PERMIT PROCEDURE

An Official Community Plan may designate areas of land as Development Permit Areas (DPAs) for protection of the natural environment and eco systems, protection for development from hazardous conditions, or establish objectives for the form and character of development. Each electoral area designates different DPAs. There are currently 4 DPA categories: Foreshore & Riparian Areas Protection, Natural Hazard Areas Protection, Coastal Protection, and Form and Character.

The approval of all development permit applications has been delegated to the General Manager of Planning & Development. A staff report is prepared for internal review and the General Manager will issue the permit if the development permit guidelines have been satisfied. A copy of development permits issued by the Regional District is provided to the Area Director.

Once the permit is issued, a Notice of the Development Permit is forwarded to the Victoria Land Title Office for registration onto the Certificate of Title for the subject property. The development permit remains registered to the subject property throughout ownership changes and is valid for 2 years.

Development permit information is available on our website at acrd.bc.ca/process. Summaries of development permit requirements and the geographic boundaries of each development permit area can be found in the maps of each electoral area OCP at acrd.bc.ca/ocp.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

A development variance permit is a permit that varies a regulation of a bylaw. Included in these regulations are building setbacks from property lines and water features, and height restrictions. Property features such as topography, rock, wetlands, and creeks can impact the available building envelope on a piece of land. Previous development of neighbouring properties can also pose a challenge when planning construction. In these cases, the property owner has the option to apply to the ACRD for a development variance permit. A variance cannot be issued to increase/decrease permitted density or change permitted uses on a piece of land. A variance is very specific, is registered to the property certificate of title, applies only to the particular project that is proposed and remains with the property through ownership changes.

The application, including a report and application documents will be submitted to the electoral area APC and Director for their review and recommendation to the Board of Directors. The application is then forwarded to the Regional Board of Directors' meeting for their first consideration.

If the variance is supported by the Board, notification including details of the variance is sent by mail, and sometimes by hand delivery, to all property owners and occupants within 100 metres of the subject property. This is the public's opportunity to provide feedback, positive or negative, to the ACRD planning staff and Board members. If the variance is not supported by the Board, the applicant is notified and given the opportunity to amend their application and present their case at a following Board meeting. If the Board continues to oppose the variance, it is denied at this meeting.

The development variance permit, along with a memorandum and any input received from the public, is forwarded to the Board for their second (and sometimes third) consideration. The Board considers issuing the permit taking into consideration the public input received. If the Board chooses to support the variance at this time, Planning staff forwards the completed development variance permit to the Victoria Land Title Office for registration onto the subject property.

Further information can be found on our website at acrd.bc.ca/process

OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATIONS

The Official Community Plans were developed by the Planning Department in conjunction with the area Director and Advisory Planning Commission members as well as consultation through open houses with members of the general public, area residents and property owners, and technical agencies such as the Vancouver Island Health Authority, Provincial Ministries, and First Nations. Throughout the OCP development process, all stakeholders provided valuable direction and vision for future development of each of the electoral areas.

As the OCPs were developed on a broad community scale, it is sometimes necessary to make amendments based on individual development proposals on specific properties. These amendments may be required to facilitate subdivision, business development, and or community services. This is where an application for an amendment to an Official Community Plan would be required.

Once an application and all required information is received, a report and a specific zoning amendment bylaw is prepared by ACRD staff, then presented to the relevant electoral area APC for review. A recommendation is presented at a future Board of Directors Meeting for consideration by the Board of Directors. The bylaw is given first reading at this meeting. Following first reading, the documentation package is forwarded to all relevant technical agencies including Island Health, Provincial Ministries, and First Nations, along with a referral request for their consideration of the proposal. A public hearing is scheduled at this time.

The public hearing provides an opportunity for anyone interested and/or affected by the proposal to provide their comments and/or concerns. Notification of the hearing is sent to all owners and occupiers of properties within 100 metres of the subject property. Notice of public hearing is posted on the subject property as well as placed as an advertisement in the local newspaper. The hearing is typically chaired by the electoral area Director and is attended by ACRD planning staff along with the applicant. Copies of the technical agency referral responses and any other written correspondence received related to the proposal are provided at this meeting.

Following public hearing, the Planning Department will prepare a report and minutes of the hearing. These documents along with the bylaw are then forwarded to a second Board meeting where the bylaw will receive second and third readings. If applicable, any recommendations and/or requirements must be fulfilled by the applicant prior to the adoption of the bylaw. When all items have been addressed, the bylaw will be forwarded to a third Board meeting where it will be adopted.

Further information is available on our website at acrd.bc.ca/process

SHORT TERM VACATION RENTAL

A short-term vacation rental (STR) is the use of a dwelling unit for a temporary commercial accommodation for less than a month. In 2018, the Board of Directors adopted a policy to consider Temporary Use Permit (TUP) applications to allow STRs in areas where zoning does not permit them. A business license is not required. These permits can be applied for through the ACRD and, if issued, permit a STR to operate on the property for up to three years. The adopted policy can be found at acrd.bc.ca/str.

TEMPORARY USE PERMIT PROCEDURE

A Temporary Use Permit (TUP) is a type of permit issued by the ACRD after approval from the Board of Directors that allows a short-term use on a property that would otherwise not be zoned for that use. A TUP can be issued up to 3 years and renewed once for another 3 years for all properties within a OCP area.

Once an application and all required information is received, a report is prepared by ACRD staff, then presented to the relevant electoral area APC and the Board of Directors. The application will need to appear before the Board of Directors twice before it is issued, the first time to be considered, and the second time to be issued or denied. During the first meeting the application is presented, the Board of Directors may choose to either consider issuing the TUP or deny it. If the Board passes a resolution to consider issuing a TUP, notice is given to all neighbouring property owners and residents within 100m and placed in the community newspaper, giving the public an opportunity to comment. During the second meeting the application is presented, the Board of Directors will either issue or deny the permit. A public information meeting may also occur prior to the issuance of a TUP, if deemed necessary by the APC or Board of Directors.

In evaluating a TUP application, the ACRD may include conditions to a TUP and how the conditions for which the use may be carried. Conditions could include that the use must be clearly temporary or seasonal in nature, must not alter the residential appearance of the property, use of the buildings, area, and hours of use to be used, the availability of owner or caretaker, the form and character of the rental, and environmental protection.

Further information can be found on our website at acrd.bc.ca/process

SUBDIVISION PROPOSALS

Subdivision is the process of altering legal property boundaries, usually dividing the property into smaller independent lots. This process may include several steps such as ALR approval, rezoning, official community plan amendment, development variance permit, development permit, and/or minimum parcel frontage waiver. If any of these steps are necessary, it will be mandatory for them to be completed and approved prior to subdivision approval. Provision and/or proof of potable water and septic capabilities are also crucial when considering subdivision. It is recommended that applicants confirm these requirements can be met prior to submitting applications for subdivision or other related developments.

Subdivision applications are made directly to the Ministry of Transportation and Infrastructure (MoTI) and referred back to the ACRD. ACRD staff will review the subdivision application and prepare a planning report. Planning staff will ensure it complies with all ACRD bylaws and then provide comments and recommendations to the Ministry's Provincial Approving Officer for their decision-making process as the authority in subdivision approval outside of municipalities. Subdivision applications are not referred to the APC and do not require Board approval. Although in some cases, additional applications are required to complete a subdivision application, including a parcel frontage waiver application and/or parkland dedication or cash-in-lieu, which require a review from the relevant electoral area APC and the Board of Directors.

Subdivision information can be found on our website at acrd.bc.ca/process

PARK LAND DEDICATION

Section 510 of the *Local Government Act* requires park land dedication for subdivisions where 3 or more additional lots would be created, where the new lots are smaller than 2 hectares (5 acres), or where the parcel proposed to be subdivided was itself created by subdivision within the past five years. Where an Official Community Plan contains policies respecting location and type of future parks, the local government may determine whether the owner must provide park land or cash in lieu. To meet its parkland needs, a Regional District has the authority to require the dedication of up to 5% of the total land area being proposed for subdivision or 5% of the assessed market value of the property as cash-in-lieu to be dedicated for future park land acquisition. Applications will be presented to the relevant electoral area APC, then to the Board of Directors for consideration with a full staff report.

PARCEL FRONTAGE WAIVER APPLICATION

The lot frontage required for a subdivision must not be less than 10% of the perimeter of the lot in accordance with the Zoning Bylaw. For proposed subdivisions which do not meet the road frontage requirements, an application for a parcel frontage waiver is required. Applications will be forwarded to the relevant electoral area APC, then to the Board of Directors for consideration with a full staff report.

CROWN LEASE REFERRALS

Crown Land is managed by the Province for a wide range of purposes to provide opportunities for sustainable economic development, recreation and protection of sensitive ecosystems. Applications to request permission for the use of Crown Land in British Columbia may be submitted for a variety of uses including agriculture, aquaculture, commercial and industrial uses, and recreation and tourism. Applications for land tenures are made directly to the [Front Counter BC](#) office. The Province will refer the proposal to all affected agencies including the ACRD. Planning staff will review the application and prepare a report to ensure it complies with all ACRD bylaws and provide comments and recommendations. In some cases, applications may require approval from the Board of Directors and may also be submitted the APC for review.

AGRICULTURAL LAND COMMISSION

The Provincial government adopted the Land Commission Act in 1973 to protect prime farmland from incompatible development. The Agricultural Land Commission (ALC) was created to administer the Act and the Agricultural Land Reserve (ALR) was established. The ALC is an independent body appointed by the Province.

Within the ALR, agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are controlled. The ALR includes private and public lands that may be farmed, forested, or vacant. The ALR takes precedence over but does not replace other legislation and bylaws that may apply to the land. Most development applications received for properties within the ALR require approval of the ALC prior to Regional District approval.

The types of applications include subdividing land within the ALR, non-farm uses of land in the ALR, placement or removal of soil or fill applications, or applications to include land into the ALR. All

applications to the ALC are now done electronically. ALC applications are not referred to the area APC and are instead considered by the ACRD's Agricultural Advisory Committee.

Further information can be found on our website at acrd.bc.ca/process and acrd.bc.ca/agriculture

POPULATION AND VOTING STRENGTHS

AREA	2021 CENSUS POPULATION	# OF DIRECTORS	VOTING STRENGTH****
City of Port Alberni	18,259	2	10
District of Tofino	2,516	1	2
District of Ucluelet	2,066	1	2
Area "A" Bamfield	256	1	1
Area "B" Beaufort	531	1	1
Area "C" Long Beach	875	1	1
Area "D" Sproat Lake	1,843	1	2
Area "E" Beaver Creek	2,946	1	2
Area "F" Cherry Creek	1,977	1	1
Huu-ay-aht First Nations*	104	1	1
Yuułuʔiłʔatḥ Government*	321	1	1
Uchucklesaht Tribe**	10	1	1
Toquaht Nation***	27	1	1
Alberni-Clayoquot Regional District Totals	33,521	14	23

* On April 1, 2012, the Huu-ay-aht First Nations and Yuułuʔiłʔatḥ Government joined the ACRD Board of Directors as full voting members.

** On February 12, 2014, the Uchucklesaht Tribe Government joined the ACRD Board.

*** On October 1, 2016, the Toquaht Nation joined the ACRD Board.

Individual First Nations' population totals were collected from census information relating to specific Treaty Lands. The numbers do not include members that live in other areas of the Regional District.

****Population figures used only to determine voting strength and Director representation are certified by the Minister of Municipal Affairs.



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

LONG BEACH ADVISORY PLANNING
COMMISSION MEETING MINUTES
ELECTORAL AREA "C" – LONG BEACH

Minutes of the *<Electoral Area>* Advisory Planning Commission meeting held *<Month> <Day>*, *<Year>* at *<time>* in person at the ACRD Board Room *<or place>* and electronically via Zoom videoconferencing.

IN ATTENDANCE:

Director:

Alternate Director:

APC Members Present:

Staff:

Agenda items: *<Owner name, agent name, application #>*

Members of the public: *<#>*

1. The meeting was called to order at *<time>*.
2. *<Staff member>* introduced the *<application file number>*. *<applicant &/or agent names>* added additional comments.
3. Items discussed included: *<brief description of topics discussed>*
4. *Motion to support the application by <APC member>, seconded by <APC member>. All in favour. Carried.*
5. *<Staff member>* introduced the *<application file number>*. *<applicant &/or agent>* added additional comments.
6. Items discussed included: *<brief description of topics discussed>*
7. *Motion to support the application by <APC member>, seconded by <APC member>. All in favour. Carried.*
8. **(add additional applications if necessary)**
9. General conversation surrounding: *<brief description of topics discussed>*
10. Motion to adjourn the meeting by *<APC member>* at *<time>*.

Minutes taken by: _____
<Name & position>

Reviewed by: _____
<Name, APC> Secretary

CODE OF CONDUCT POLICY

Policy Issued by: Board of Directors
Date Adopted: April 12, 2023

PREAMBLE

Being a Member of the Board or an appointed member of Committees or Commissions of the Alberni-Clayoquot Regional District (ACRD), answerable to the public, comes with standards of ethical behaviour that are different than the standards that may be found in one’s other roles in the community. The standards set out in this *Code of Conduct Policy* (the “Policy”) are a guide to assist Board members (and members of Committees/Commissions) in the performance of their duties, particularly as related to governance principles, interpersonal relations, public-facing communications, and ethical dilemmas that may arise in the course of their activities.

This Policy does not cover every possible situation which Board, Committee, or Commission members may face so it is important that actions are in harmony with the spirit and intent of this Policy.

PURPOSE OF THE CODE

Members of the Board and its Committees and Commissions represent the interests of the public in the processes of their local government. As such, they are entrusted with upholding the bylaws and policies of the ACRD as well as all applicable provincial and federal laws. The purpose of this Policy is to set the expectation that members adhere to the standards set out in this Policy while carrying out their duties and functions as members of the Board, and as members of the various bodies to which they have been elected/appointed, including in their interactions with other local governments, higher orders of government and First Nations.

APPLICATION AND SCOPE

This Policy applies to every Member of the Board, Committees or Commissions of the Board. It applies to all interactions of Board and Committee/Commission Members in relation to ACRD matters whether in duly constituted meetings, interactions with staff, the press, or the public, and in their use of social media. It is intended to govern and apply to relations and conduct between and among members of the Board, Committees, Commissions, and staff.

As such, only members of the Board, Committees, Commissions, and staff shall have standing to file complaints under this Policy.

Complaints filed under this Policy must be rooted in demonstrable violations. Complaints that are deemed by an independent Third-Party Investigator to have been filed frivolously, vexatiously, or out of a motivation to politically or personally discredit or harm a respondent shall in and of themselves constitute a violation of this Policy.

In recognition of the fact that members of Committees and Commissions serve at the pleasure of the Board, breaches of this policy by members of Committees or Commissions may result in termination of their appointments.

PRINCIPLES OF THE CODE

Recognizing that the ACRD seeks to maintain and enhance the quality of life for all residents through effective, responsive, and responsible government, members will conduct their business with integrity and in a fair, honest, and open manner. Further, this Policy is founded on the principles of **Integrity**, **Respect**, **Accountability**, and **Leadership and Collaboration**.

For clarity, these principles are defined as follows:

Integrity means conducting oneself honestly and ethically. Conduct under this principle is demonstrated by being open and truthful in all local government dealings, protecting confidentiality where necessary, behaving in a manner that promotes public confidence, avoiding actual or perceptions of conflicts of interest or unethical conduct, ensuring actions are consistent with the Board's shared principles, values, policies and bylaws, demonstrating ethical principles during both open and closed meetings, in public and on social media, and expressing sincerity when correcting or apologizing for any errors or mistakes made while carrying out official duties.

Respect means having due regard for others' perspectives, wishes, rights and personal dignity; it also means displaying deference to the offices of local government, staff, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating respect for others and the role, importance, and significance of the local government.

Accountability means an obligation and willingness to accept responsibility or to account for one's actions. Conduct under this principle is demonstrated when members, individually and collectively, accept responsibility for their actions and decisions.

Leadership and Collaboration means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when members encourage one another to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

POLICY

1. COMPLY WITH THE LAW

1.1 This Code of Conduct Policy is intended to be developed, interpreted, and applied in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the ACRD, the common law, and any other legal obligations which apply to members individually or to the Board as a collective.

1.2 Additionally, members agree to refrain from any conduct that could be perceived as discriminatory on the basis of Indigenous identity, race, religion, colour, ancestry, political belief, age, gender identity or expression, marital status, family status, place of origin, physical or mental disability, sex, sexual orientation, lawful source of income, or conviction for a criminal offence or summary conviction offence that is unrelated to the employment or intended employment of a person.

2. CONDUCT OF MEMBERS

The conduct of members in the performance of their duties and responsibilities with the ACRD must align with the four “principles” identified under “*Principles of the Code*” as follows:

2.1 Integrity is demonstrated by the following conduct:

- (a) Members will be truthful, honest, and open in all dealings, including those with other members, staff, and the public.
- (b) Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by the Board.
- (c) Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- (d) Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
- (e) Members will behave in a manner that promotes public confidence in all of their dealings.

2.2 Respect is demonstrated through the following conduct:

- (a) Members will treat every person with dignity, understanding, and respect.
- (b) Members will show consideration for every person’s values, beliefs, experiences and contributions to discussions.
- (c) Members will demonstrate awareness of their own conduct, and consider how their words or actions may be, or may be perceived as, unwelcome, offensive, or demeaning.
- (d) Members will not engage in behaviour that is indecent, insulting, or abusive. This behaviour may include verbal slurs such as racist remarks, unwanted physical contact, or other aggressive actions that are harmful or threatening.

2.3 Accountability is demonstrated through the following conduct:

- (a) Members will be responsible for the decisions that they make and be accountable for their own actions, behaviour and conduct and the collective actions of the Board, Committee, or Commission on which they serve.
- (b) Members will listen to and consider the opinions and needs of the community in all decision-making and allow for appropriate opportunities for discourse and feedback.
- (c) Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

2.4 Leadership and Collaboration is demonstrated through the following conduct:

- (a) Members will behave in a manner that builds public trust and confidence in the local government, including considering the different interests of the people who make up the community.
- (b) Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of a decision, but once a decision has been made, all members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.

(c) Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.

(d) As leaders of their communities, members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.

(e) Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, staff, and the public.

(f) Members will recognize the importance of the role of the Chair of meetings and treat that person with respect at all times.

3. RESPECT FOR PROCESS

All meetings will be conducted in a manner consistent with the ACRD *“Procedures Bylaw No. A1075, 2012”* (as amended from time to time) and will provide adequate and substantive opportunity for persons to state their position on any matter before the assembly. Members shall perform their duties in accordance with the policies, procedures, and rules of order governing the deliberation of public policy issues established by the Board, including the provision of meaningful involvement of the public, and implementation of policy decisions of the Board by ACRD staff.

4. CONDUCT OF PUBLIC MEETINGS

4.1 Members shall prepare themselves for meetings; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall not interrupt other speakers and delegates, make personal comments not germane to the business of the body, nor otherwise disturb a meeting.

4.2 Members shall be respectful of a process that facilitates the fulsome presentation of and debate on varying perspectives, understanding that the intent of debate and dialogue is to achieve, where possible, a consensus that encapsulates the best parts of various points of view that are presented in the discussion. Members shall also, per Section 21 (J)(i)(5) of ACRD *“Procedures Bylaw No. A1075, 2012”*, be respectful of the Board’s time when engaging in debate and discussion.

5. STATUTORY AND OTHER PUBLIC HEARINGS

5.1 In the context of Statutory or other Public Hearings, Board members shall keep an open mind on the matters being discussed and refrain from expressing their intentions on how they will vote or making any statements which would indicate they have a closed mind on a matter until the Statutory or Public Hearing has concluded.

5.2 Debate and discussion on the merits of the matter that was the subject of the Public Hearing shall take place in an open Board meeting.

5.3 Following a Statutory or Public Hearing, Board members will not intentionally, directly, or indirectly through others, solicit new information while the matter that is the subject of the Statutory or Public Hearing is still under consideration by the ACRD, although the Board always reserves to itself the right to ask staff for any technical information related to the matter.

6. TRANSPARENCY AND INFORMATION SHARING

Wherever possible, members will share with staff and the Board or fellow Committee/ Commission members, in as timely a manner as possible, any substantive information which they may have received from sources outside of the public decision-making process if that information is relevant to a matter that is under consideration.

7. CONFIDENTIAL INFORMATION

Members shall respect the confidentiality of information concerning, but not limited to, the property, business, operational, personnel or legal affairs of the ACRD. Information that is discussed in meetings that are closed to the public under Section 90 of the *Community Charter* is to be kept confidential and shall not be publicly disclosed nor publicly discussed or referred to in any manner without Board authorization. Members further agree that any and all ACRD confidential information will not be used to advance their personal, financial or other private interests.

8. USE OF PUBLIC RESOURCES

Members shall not use public resources not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

9. COMMUNICATIONS – SOCIAL MEDIA

9.1 In their use of social media, Members must not post personal comments or status updates that reflect negatively on the integrity of the ACRD’s organization or on the competence or motivations of other Directors or Committee/Commission members, or staff.

9.2 With respect to major decisions which would precipitate or necessitate a formal Press Release, members will use caution reporting Board decision-making by way of their social media profiles and websites before the ACRD has released the formal communication first.

9.3 Members will refrain from using or permitting the use of their social media accounts for purposes that include:

(a) defamatory remarks, obscenities, profane language or sexual content;

(b) negative statements disparaging other Directors, Committee/Commission members or staff or calling into question their professionalism;

(c) content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of Indigenous identity, race, religion, colour, ancestry, political belief, age, gender identity or expression, marital status, family status, place of origin, physical or mental disability, sex, sexual orientation, lawful source of income, or conviction for a criminal offence or summary conviction offence that is not related to the employment or intended employment of a person.

(d) per Section 5 above, statements that indicate a closed mind in relation to a matter that is to be the subject of a Statutory or other Public Hearing; or,

(e) promotion of illegal activity.

9.4 Members must regularly monitor their social media accounts and immediately take measures to deal with the publication of messages, comments, or other postings by others that violate the terms of this Policy.

10. COMMUNICATIONS – INTERACTIONS WITH THE PUBLIC AND MEDIA

10.1 Members acknowledge that the Board Chair is the primary and/or official spokesperson for the ACRD. As such, Members must not purport to speak on behalf of the ACRD or the Board unless expressly authorized to do so.

10.2 When speaking for themselves as individuals, Members will include “in my opinion” or use a similar disclaimer to ensure it is expressly clear they are speaking or communicating only for themselves and not on behalf of either the ACRD or the Board as a whole.

10.3 In an effort to promote the integrity of and respect for the collective and democratic decision-making process, Members will communicate accurately the decisions of the Board, Committees, or Commissions, even if they disagree with the majority decision.

10.4 When discussing publicly the positions taken by other Members during a vote on a matter, Members will refrain from making disparaging comments about the integrity, motivation, or competence of other Members.

11. CONFLICT OF INTEREST

11.1 Members shall be aware of and act in accordance with ACRD *Conflict of Interest Policy 2017* and the provisions of Part 4 – Division 6 of the *Community Charter* with respect to matters of potential conflict of interest.

(a) Members are expected to be aware of appearances and strive to conduct themselves in a manner that upholds or increases the public trust by taking steps to reduce or eliminate the possible appearance of a conflict of interest;

(b) Members are expected to make decisions that benefit the community. They are to be free from undue influence and not act, or appear to act, in a manner that would result in financial gain or other benefits for themselves, family, friends or business interests;

(c) In addition to conflicts of interest which may result in personal benefit, members are also expected to be aware of potential conflicts with regard to their other roles within the community, including matters which may create a benefit, advantage, or value for any outside organization in which they are involved as a Director or member, unless the interest is held “in common with electors of (the ACRD) generally” per Section 104 (1) (a) of the *Community Charter* or other permitted legal exceptions.

11.2 For further clarity, examples of conflict that may be encountered by members include, but are not limited to:

(a) Obligation to others: members must not place themselves in a situation where they may be under obligation to someone who has business dealings with the ACRD and who would benefit from special consideration or treatment;

(b) Special advantage/disadvantage: when members can gain special advantage because of their position or when the ACRD is disadvantaged as a result of the other interests of members;

(c) Discounts/Rebates: Members may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the ACRD unless those suppliers offer the same discount/rebates to the general public.

12. GIFTS AND FAVOURS

Specifically with respect to ACRD Board members, the receipt and reporting of gifts and personal benefits is dealt with under sections 105 and 106 of the *Community Charter*.

Ultimately, the interpretation of those sections is a matter for the courts. However, this Policy is intended to provide additional guidance to Board members.

12.1 Members must not accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest. To assist in avoiding that situation, members shall not accept gifts or personal benefits from business or commercial enterprises having a value that exceeds the amounts prescribed in section 106 of the *Community Charter*.

12.2 In the event that gifts as described in Section 12.1 are received, a member must, per Section 106 (2) of the *Community Charter*, file with the Corporate Officer, as soon as reasonably practicable, a disclosure statement indicating the nature of the gift or benefit.

12.3 Members who are in receipt of cultural gifts from First Nations which are valued at more than the amount as described in Section 106 (1) of the *Community Charter* shall surrender these gifts to the Corporate Officer, and those gifts shall become the property of the ACRD.

12.3 For clarity, the following are not considered gifts or personal benefits:

- (a) Compensation authorized under section 105 (2) (a) and (b) of the *Community Charter*;
- (b) Reimbursement for out-of-pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event or in connection with authorized travel;
- (c) A lawful contribution made to a Board Member who is a candidate for election conducted under the *Local Government Act*; and
- (d) A random draw prize at an event attended by a Board Member.

12.4 For the purposes of this Policy, the value of each gift or personal benefit shall be determined by its replacement cost, i.e., the retail cost to replace the item.

13. MANDATORY LEAVE OF ABSENCE

13.1 In accordance with Part 4 Division 6.1 of the *Community Charter*, (and as referenced in Section 205 (1) of the *Local Government Act*), where a member of the Board is formally charged with an offence under the *Criminal Code of Canada* or an indictable offence under the *Controlled Drugs and Substances Act (Canada)*, they must give written notice to the Board of the offence with which the Member is charged and the date of the charge, and take a Mandatory Leave of Absence from all Board duties, including attendance at Board meetings and involvement in Committees, Commissions, or other liaison positions to which they have been appointed, and no longer represent the ACRD at events, conferences, or seminars until the matter is resolved in the courts.

(a) In recognition of the principle of the “presumption of innocence”, a Director who takes a Mandatory Leave of Absence per 13.1 above will continue to be entitled to full remuneration as described in ACRD *Board Remuneration, Expenses, and Benefits Bylaw No. A1090, 2022* for the duration of the leave.

(b) In the event that a Director takes a Mandatory Leave of Absence under 13.1 above, it is understood that the Alternate Director (as provided for in Sections 200-201 of the *Local Government Act*) shall take on the responsibilities of the Director for the duration of the Director’s absence from active duty.

14. POLICY ROLE OF MEMBERS

14.1 Members shall respect and adhere to the Board-Chief Administrative Officer (“one- employee”) structure of governance as practiced in the ACRD. In this structure, the Board determines the policies and direction of the ACRD with advice, information and analysis provided by staff and Committees, Commissions, and the public as warranted.

14.2 Members will generally direct inquiries regarding operational and departmental issues or questions to the CAO and, where appropriate, to the manager of the appropriate department (with a copy to the CAO), and refrain from contacting any other staff directly unless the communication is minor and for the purpose of seeking administrative clarity.

14.3 In interactions with staff in anticipation of the development of a report to be presented to the Board or Committee/Commission, either on operational or policy matters, Members shall refrain from lobbying for a particular approach to the matter that will be the subject of the report, and shall encourage staff to present the report objectively, and based on their best professional judgement.

14.4 Members will not engage in debate with staff; they will be respectful of staff input and advice and, while free to disagree with the substance of such advice, will not question either the integrity, motivation, or competence of staff in the performance of their duties.

14.5 Members will not interfere, or attempt to interfere, with the administrative or operational functions of the ACRD or with the professional duties of staff, nor shall they impair, or attempt to impair, the ability of staff to implement Board policy decisions.

15. POSITIVE WORKPLACE ENVIRONMENT

15.1 Members shall treat each other, the public, and staff with respect and shall be supportive of the personal dignity, self-esteem, and well-being of those with whom they come in contact with during the course of their professional duties. Members shall be aware of and act in accordance with the ACRD’s *Workplace Bullying and Harassment Policy Statement* (Jan 22, 2014).

15.2 In the furtherance of a positive workplace environment, and in the interest of transparency for the public, Members agree that all substantive discussion or debate on policy matters will be conducted at duly constituted Board and Committee/Commission meetings. Members will refrain from “caucusing” or otherwise predetermining their positions or votes in informal meetings, by email, or through any other means of communication outside of debate in duly constituted meetings.

16. BREACHES, COMPLAINT HANDLING, AND DISCIPLINARY ACTION

16.1 Board and Committee/Commission Members must abide by the requirements of this Policy and shall endeavour to resolve disputes in good faith, recognizing that interpersonal rancor does not facilitate good governance or trust in local government.

16.2 An alleged breach of this Policy may be submitted by a Board or Committee/Commission Member or staff. Complaints shall be submitted simultaneously in writing to the Board Chair and the CAO within six (6) months of the last alleged breach. The CAO or their delegate will – as soon as practicable - provide a summary of the complaint and name of the complainant(s) to the respondent(s).

16.3 Complaints regarding the conduct of a Director seeking re-election will not be accepted in the period from the first day of the nomination period to the general voting day. (a) In the event that a complaint is filed prior to the first day of the nomination period but remains unresolved by the start of and through the campaign period, the investigation will continue into the next term of the Board, unless

either the complainant or respondent do not seek or fail to gain re-election.

16.4 In the event that the Board Chair is the subject of or is otherwise a party or witness to the complaint, the complaint shall be addressed to the Vice-Chair and CAO. In the event that both the Board Chair and Vice-Chair are the subject of or otherwise a party or witness to the complaint, the complaint shall be submitted to the CAO who will determine if the complaint should be forwarded to the Board's legal counsel. In the event that the CAO is the complainant or otherwise a party or witness to the complaint, any reference to the CAO shall be read to mean the Acting/Deputy CAO or the CAO's delegate.

16.5 In receipt of a complaint under section 16.2, the Board Chair, (or Vice-Chair as per Section 16.4) and the CAO shall make every effort to help the parties resolve the complaint informally through discussions between the Complainant(s) and the Respondent(s). The strongest possible preference shall be given to an informal resolution wherever possible. If an informal resolution is not achieved within thirty (30) days of receipt of the complaint, an independent third party identified and agreed upon between the Complainant(s) and Respondent(s) who has the necessary professional skills, knowledge and experience to investigate the complaint (the "Third-Party Investigator") shall be appointed.

16.6 Both the Complainant(s) and Respondent(s) shall each have the right to recommend three (3) names as a Third-Party Investigator, from which lists a Third-Party Investigator may be mutually agreed upon by both parties. If the parties cannot agree on the choice of the Third-Party Investigator, the District's Solicitor will select this person.

16.7 The Third-Party Investigator must conduct a preliminary assessment of the complaint. Within (30) days of their appointment, the Investigator will determine whether to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond the jurisdiction of the Policy or unlikely to succeed. If the complaint is determined to be unfounded, the Third-Party Investigator shall also have the power to find that the complaint is vexatious or frivolous, and per the "Scope" of the Code above, such a finding will itself constitute a breach of this Policy on the part of the Complainant(s).

16.8 If the Third-Party Investigator determines to continue the investigation, the Third-Party Investigator shall:

- (a) Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process, natural justice, and procedural fairness;
- (b) Provide, within ninety (90) days of their appointment, a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Policy, to the Board Chair, (or Vice-Chair as per Section 16.4), the CAO (or their delegates), and,
- (c) Provide recommendations in the Report as to the appropriate resolution of the complaint. Sanctions that may be imposed on a Board Member or Committee/Commission member upon a finding that they have breached this Policy may include but are not limited to:
 - i. dismissal of the complaint;
 - ii. public censure;
 - iii. a letter of reprimand addressed to the Member;
 - iv. the publication of a letter of reprimand or letter of apology and the Member's response;
 - v. re-orientation to this Policy and its purpose;
 - vi. suspension or removal of the appointment of the Member as Acting or Vice Chair;
 - vii. suspension or removal from some or all internal and external Board committees and bodies to which the Board has the right to appoint members;

- viii. removal from Committee/Commission membership;
- ix. restricting the Member from attending events as a representative of the Board;
- x. imposing further limits related to travel or expenses beyond those set out in the ACRD's corporate policies;
- xi. requiring the return of ACRD property provided for convenience;
- xii. limiting access to certain ACRD facilities or staff;
- xiii. any other sanction the Board deems reasonable and appropriate in the circumstances, provided that the sanction does not prevent a Member from fulfilling the legislated duties of a Director and the sanction is not contrary to provincial legislation.

(d) The Third-Party Investigator may make further recommendations in the Report, the implementation, and costs of which may be allocated to the respondent or the ACRD at the discretion of the Board:

- (i) counselling and/or coaching;
- (ii) a requirement to attend remedial education and training; or
- (iii) any such other recommendations as are deemed appropriate in the judgment of the Third-Party Investigator.

16.9 Under Section 16.8 (c) (i), the Investigator may also decide to dismiss the complaint and further find it to have been filed vexatiously and frivolously. Such a finding shall constitute a breach of this Policy on the part of the Complainant(s).

16.10 The Board Chair (or Vice-Chair per Section 16.4) shall provide a report or a summary of the findings of the investigation to the Board.

16.11 When the report or a summary of the findings of the investigation is presented to the Board, the Board will determine based on the recommendations of the Third-Party Investigator, what measures will be taken to remedy the matter, if any. Subject to the Board's duty of procedural fairness towards the respondent, the implementation of the recommendations made under Section 16.8 (c) shall be binding on the Board. If there are costs incurred, they will be borne by the ACRD.

16.12 Where a Director has been found by the Third-Party Investigator to have breached this Policy, and irrespective of any other recommendations in the Investigator's Report, the remuneration to which that Director would otherwise be entitled shall be impacted as described in Section 3 of ACRD *Board Remuneration, Expenses, and Benefits Bylaw No. A1090, 2022*. (a) For clarity, while remaining subject to the Board's duty of procedural fairness towards the respondent, the reduction in remuneration should apply in every instance where the Third-Party Investigator has determined there has been a breach, including a breach as determined under Section 16.9 above.

16.13 The District will retain all Reports confidentially in compliance with the Freedom of Information and Protection of Privacy Act.

16.14 Where a Member alleges a breach of this Policy by another member, all Members shall refrain from commenting on such allegations at open meetings, or generally make any public comment on such a complaint pending the conclusion of the Report and any decision of the Board on the Report.

16.15 Any reference to a time period in this Section 16 may be extended by the Board Chair, CAO, or their delegates, third party investigator if circumstances warrant, but the highest priority shall be given to a timely investigative process and resolution of any complaint.

17. NO REPRISAL OR RETALIATION

17.1 The Board and the ACRD will not tolerate threats or acts of reprisal or retaliation against any complainant, witness, respondent, or staff responsible for implementing and carrying out the objectives or requirements of this Policy and procedure, who in good faith:

(i) makes a complaint under this Policy;

(ii) identifies or opposes a practice or conduct that they reasonably believe to constitute a violation of this Policy;

(iii) implements or participates in an investigation, proceeding or hearing of any kind under this Policy;

17.2 Members shall not take or threaten to take any act of reprisal or retaliation against a complainant, witness, respondent, or staff, or any other person responsible for implementing and carrying out the objectives or requirements of this Policy and procedure in good faith.

17.3 Any individual covered by this Policy who is found to have engaged in any reprisal or retaliation in violation of this Policy will be subject to appropriate disciplinary action, which action may include, and is not limited to, the sanctions and remedies described above or the termination of employment for just cause, as applicable

APPENDIX 'C'

CONFLICT OF INTEREST POLICY

Policy Issued by: ACRD Board of Directors

Date Adopted: October 25, 2017

1.0 PURPOSE

In order to maintain impeccable governance of and strong public confidence in the Alberni-Clayoquot Regional District, persons elected to office and serving on Board appointed committees and commissions must be free of conflict and from personal interest when carrying out their duties and exercising their authority.

This Policy is intended to establish guidelines to identify conflict of interest and potential conflict of interest for Members and to define responsibilities of and steps for Members and those supporting them in relation to conflict of interest.

The facts of each situation will be unique and will need to be considered when determining if a

Member is in a conflict of interest situation. Accordingly, an overriding principle of this policy is that the Board approaches each situation openly, with a complete examination of the facts and without premature judgement, giving each Member support in making his or her own determination of conflict of interest.

It is important to recognize that there is nothing improper if a Member is in a conflict of interest situation so long as that Member conducts himself or herself appropriately in relation to the matter that gives rise to the conflict of interest.

2.0 POLICY

The Alberni-Clayoquot Regional District is committed to impeccable governance and stewardship that protects the interests of the ACRD and the communities it serves. Each Member commits to removing himself or herself from decisions or deliberations in which that Member has a conflict of interest. This policy is not a substitute for qualified legal advice based upon a full examination of the facts and circumstances surrounding a matter.

2.1 APPLICATION

This policy applies every Member of the Board, committee, or commission of the Board.

2.2 RESPONSIBILITY

Members are responsible to:

- Familiarize themselves with the legislation applicable to conflict of interest and this policy including the meaning and nature of conflict of interest and the actions to take in circumstances of conflict of interest;
- Not ignore/ leave unaddressed a violation (discussing, voting after declared conflict) by any Member; and
- Follow this policy and the provisions of the *Community Charter* and its regulations as they relate to conflict of interest.

The CAO is responsible to:

- Provide orientation to the Board in relation to conflict of interest;
- Bring attention to the Board Chair or Vice Chair any matters that may come to the attention of the CAO in relation to a potential conflict of interest for a Member; and
- Support the direction of the Board in relation to any conflict situation.

3.0 DEFINITIONS

The definitions related to Conflict of Interest contained in this policy are presented for convenience and general awareness only. They are not definitive and legal advice should be sought where appropriate. Members must be vigilant in familiarizing themselves with their obligations of office including relating to conflict of interest.

The Board: The Board of Directors of the Alberni-Clayoquot Regional District.

Member: A member of the ACRD Board or any of its Committees or Commissions.

Conflict of Interest: A conflict of interest is a situation in which an individual may have competing interests or loyalties. A conflict of interest will still exist where an outcome may affect (either negatively or positively) both interests.

Pecuniary Conflict of Interest: A conflict of interest in which the Board member has a direct or indirect financial interest in the matter.

Non-pecuniary Conflict of Interest: A type of interest that places the person in a conflict position without direct or indirect financial interest for the Member. This could include any benefit or detriment affecting relatives, close friends, or associates of a member who is in conflict. Examples may include a

rezoning application by a relative or close personal friend or a competitor business to one operated by a relative or close friend.

Exemptions to a Conflict of Interest include:

- A pecuniary interest in common with electors of the municipality generally, also referred to as a “community of interest”. An example is a Board member who is a property owner and a ratepayer in a water system while voting on a water rates bylaw;
- The remuneration of elected officials;
- An interest so “remote or insignificant” that it “cannot reasonably be regarded as likely to influence the member;” and
- Any other exemption established by legislation, regulation, or the common law.

4.0 PROCEDURES

- Each Member must evaluate a matter being considered by the Board or committee against his/her own interests to determine if a conflict of interest exists;
- A Member may approach the Chief Administrative Officer to discuss a matter in which s/he may be in a conflict of interest for the purposes of complying with this policy;
- Where a Member considers that he or she may be in a conflict of interest on a matter and wishes to determine if it is appropriate to participate, he or she should obtain a legal opinion either directly at his/her own cost or, for an ACRD Board Director, in accordance with the ACRD Board Policy on Legal Advice for Potential Conflict of Interest;
- Where a Member considers that he s/he may be in a conflict of interest on a matter and does not want to obtain a legal opinion, s/he should not participate in the matter;
- Where a Member considers that he s/he is in a conflict of interest, the Member must in accordance with Section 101 of the *Community Charter*:
- Declare that he or she is in a conflict of interest in the matter;
- Describe the general nature of conflict;
- Not take part in discussion relating to the matter nor vote on the matter;
- Immediately after declaring the conflict of interest, leave the meeting while the matter is being discussed;
- Not attempt to influence the vote on the matter; and
- Refrain from any discussions with other Members or with staff in any venue on the matter (before or after making formal declaration of the conflict of interest);
- Not re-engage in the matter in any way unless the Member, following legal advice, determines that he or she is not in conflict; and
- Before or after declaring a conflict of interest on a matter, in relation to that matter, the Member must obtain a legal opinion if he or she wishes to reverse a prior declaration of conflict of interest on a matter.
- Members are encouraged to engage one another directly in relation to possible conflicts of interest for matters going before the Board or committee.
- Members must respectfully inquire at a meeting of the Board or Committee if he or she believes another Member has a conflict of interest (and has not declared the conflict) regarding a matter being considered by the Board or one of its Committees.

5.0 REFERENCES / POLICY INTEGRATION

Ministry of Community, Sport, and Cultural Development, “Ethical Conduct” and references therein.

- ACRD Board Policy on Legal Advice for Potential Conflict of Interest
- Part 4: Division 6 – Conflict of Interest of the *Community Charter* (attached for convenience, current as at 2017 October 20)

- Conflict of Interest Exceptions Regulation 91/2016 to the *Community Charter* (attached for convenience, current as at 2017 October 20)