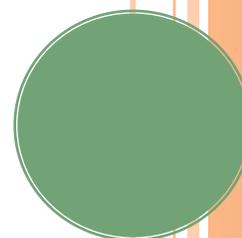




**CITY OF NELSON**

Guide to  
**COUNCIL COMMITTEES,  
COMMISSIONS AND BOARDS**



## Council Committees

Council has authority under the *Community Charter* to establish committees of Council or municipal commissions for varying purposes. Under the *Local Government Act* a Council that has adopted a Zoning Bylaw must establish a Board of Variance and may also establish an Advisory Planning Commission to advise Council on land use matters. See **Appendix A**.

## Statutory

A Statutory Committee is a committee established pursuant to a specific enabling statute in the legislation, and serves in an arms-length capacity on behalf of or in cooperation with, the municipality. The City of Nelson does not currently have any Statutory Committees of Council.

## Advisory

### Standing

Standing Committees are an advisory body to Council established by the Mayor to undertake matters the Mayor considers best dealt with by Committee. Standing Committees require that at least half the members be members of Council. Nelson City Council currently has not established any Standing Committees.

### Select

Select Committees are established by Council resolution to which Council may appoint citizens to consider or inquire into a matter and report findings and opinion to Council. At least one member of a select committee must be a Council member. Council will generally establish a short term Select Committee to inquire into a specific issue within a limited time period. Once the committee reports its findings and opinions to Council, they will have concluded their work and will be disbanded. Nelson City Council currently has not established any Select Committees.

### Other

Council may establish other Committees outside of those legislated under the *Community Charter* by municipal bylaw. For the current list of Council Committees, Commissions and Boards as well as Council Portfolios see **Appendix B**.

## Expectations

Council committees are created to provide an opportunity for members of the public to work collaboratively and provide advice on matters referred to them by Council. As they are created by Council and conduct business on Council's behalf, committees are intended to be

- accountable and responsive to Council leadership and direction;
- open and transparent by observing legislated meeting protocol and conducting their business in public meetings;
- collaborative in nature, respectful and flexible.

As committees and their members are representatives of the City of Nelson, when speaking in public, members must distinguish whether they are speaking as a member, a representative of another agency or community group, or as an individual. As a general rule, it is the Chair of a committee that speaks publicly on behalf of the committee, when and where appropriate. Council has created policy pertaining to its Committees, Commissions and Boards (see **Appendix C**).

## Mandate

A committee is established and its members are appointed by Council to consider, investigate or take action on certain matters referred by Council and report its finding or recommendations to Council for further action. When a committee is established, either a bylaw or Terms of Reference (TOR) for the committee is approved by Council to outline their specific role on behalf of Council. Generally this means that Council has formed a committee to consider or inquire into any matter mandated in the bylaw or as specified in the Terms of Reference and will generally advise on matters that are referred to them by Council. Any change to the Terms of Reference requires a resolution by Council or an amendment to the bylaw.

## Resources

Each Committee of Council is provided the services of a recording secretary for administrative support, and/or a staff liaison for technical support to ensure meetings are conducted in an open and transparent manner and the mandate of the committee is fully supported on behalf of Council. Once a committee is created, the City Manager may direct a staff member to act as liaison for the committee. Council may also appoint a Council member as a Council representative to the committee with alternate Councillors appointed also.

The committee is to work within their mandate with the administrative, technical and liaison support provided by the City. Requests for further City resources, including additional staff support or work required by other departments, may be made available with direction from the City Manager and Council. Committees do not direct staff liaison nor can they request other staff resources. Any staff related requests must go through the City Manager.

## **Membership**

Each committee is distinguished by their membership, whether this includes members of the community at large, or representatives from various organizations. Council endorses the size and composition of the membership through the Bylaw; Terms of Reference and by appointment of the individual members. When an individual applies and is appointed by Council to participate on a particular committee, their role is to represent the community as a whole. This member has one vote on the committee when in attendance at a meeting.

If the committee's bylaw or Terms of Reference appoints a particular organization as a member, an individual of that organization will participate on the committee as a representative and will have one vote on the committee when in attendance at a meeting. It is important for members to distinguish their role on a committee and to participate accordingly in the mandate provided by Council. Council members are usually appointed to a Committee as non-voting liaison members unless otherwise stipulated per bylaw or Terms of Reference.

## **Conflict of Interest**

Conflict of interest provisions are intended to protect the integrity of the committee's decision-making processes and are not optional. To determine if a member has a conflict of interest, consideration must be made regarding whether or not the member's judgment may be impaired by a potential personal benefit from a decision of the committee.

If there is a conflict of interest the committee member declares a conflict at the meeting, prior to the discussion of the agenda item. The member must excuse themselves from the meeting and return only once the committee has voted and moved on to another item of business. The member is also to avoid influencing other committee member opinions at the meeting or away from it. The minutes of the meeting will show the declaration of a conflict by the committee member, and also that the member was absent for the duration of the discussion and the vote.

## **Reporting to Council**

Recommendations of the committee must be adopted by Committee motion prior to presentation to Council. The the committee Chairperson reports to Council on behalf of the Committee. To make a presentation before Council at a regular meeting, the request is made to the Deputy Corporate Officer by submitting the report or presentation in written form. The report must clearly state any requests being made of Council and any recommended Council resolutions for further action. Generally a report to Council will include background on the purpose of the report, facts or information, the findings or conclusions from the information (if required), and the recommendations of the committee.

# Committee Procedures

The agenda is the key to a successful meeting. All members should have the opportunity to review all meeting documents and become familiar with the agenda items prior to the meeting. This is also essential for the recording secretary in order to properly prepare the minutes in advance of the meeting and be familiar with the business at hand. The addition of late items to the agenda is strongly discouraged for this purpose.

## **a. Minutes**

Minutes form the historical record of meetings of committees and focus generally on factual information, decisions and actions taken by the group. Well organized and recorded minutes keep members, Council, and the general public informed on the business of the committee. Similar to meetings of Council, minutes of committee meetings are prepared by the recording secretary and finalized by the Committee Chair. The minutes are not intended to be transcripts or a verbatim account of the meeting, rather they are meant to reflect the business items identified on the agenda, any motions that arise from the business, the committee support or non-support of a motion, and an explanation of the business conducted. Electronic copies of the minutes will be forwarded to members for approval and submitted to the Deputy Corporate Officer for submission to Council at the next Regular scheduled Council meeting. Once approved by Council the minutes are uploaded to the City's website.

## **b. Meeting Procedures**

It is the responsibility of the Chair to preside over each meeting, guided by the Agenda, to ensure that the items of business on the agenda are clearly introduced and considered prior to moving on to the next item.

## **c. Voting**

All committee members play a role in ensuring that committee meetings run smoothly and in a way that allows the group to reach decisions fairly. The following are a few general things to remember:

- Conflict of interest must be declared as soon as topic is introduced;
- Members are not able to abstain from voting;
- Members do not debate any applicants, staff or members of the public;
- A tie vote is a defeat and members are assumed to have voted in favour of a resolution unless they indicate opposition;
- Only the names of those opposed to a motion will be recorded in the minutes;
- The chair votes on all resolutions, and does not vote only to break a tie;
- Liaison members (staff or Councillors) do not vote, and cannot therefore move or second motions.

## Open Meetings

All meetings are open to the public as outlined in the *Community Charter*. Although open, the public does not usually address the committee unless they are a scheduled delegation on the meeting agenda, an applicant, or they are authorized by the committee.

There are only very few reasons in the *Community Charter* that would require a committee to close a meeting. If a committee believes an item should be discussed in a closed meeting, they must obtain permission of the Deputy Corporate Officer to do so prior to the meeting who will indicate the related provision in the legislation so that the Recording Secretary can record the minutes appropriately.

## Special Meetings

A special meeting may be called by the Chairperson or at the request of any three members of the Committee. Notice of the day, hour, and place of special meeting must be given at least three days prior to the meeting by sending a copy of the notice to each member of the Committee and by posting a copy of the notice for the public.

## Committee Working Groups

The Committee may appoint working groups / sub-committees to deal with any special matters coming within the scope and jurisdiction of the Committee. Any sub-committee that is created will report to the Committee at a regular committee meeting, and the minutes will reflect any action that may arise from the verbal/written report that requires a vote of the committee.

## Quorum

Quorum is the minimum number of members who must be present in order for a meeting to proceed. Quorum is routinely stipulated per bylaw or Terms of Reference however in general the majority of the committee membership represents a quorum. If there is no quorum within 15 minutes of the specified time of the meeting, the meeting will be adjourned to the next scheduled meeting date once the names of the members present, and those absent, have been recorded.

## What to expect at a Committee Meeting

The elected Chair presides over the business as set out in the meeting agenda and will work with the recording secretary and staff liaison throughout the meeting to ensure the collective decisions of the group, and any related public input, is recorded.

### 1. Call to Order

At this time, the Chair will welcome the members, any guests and members of the public to the committee meeting, and provide any news or regrets from those unable to attend.

## **2. Approval of Agenda**

When a committee adopts the Agenda at each meeting, the committee sets out the order in which specific items will be considered. It is at this time that any changes to the Agenda may be made, followed by a 'motion' to approve the agenda.

## **3. Minutes**

To ensure the minutes of previous meetings prepared by the recording secretary can be finalized, the committee is asked if there are any errors or omissions in the draft that was included for review with the agenda package. The minutes are then 'adopted' by the committee which finalizes them for the public record.

## **4. Committee Business**

The committee will discuss its business as indicated on the Agenda, ensuring that any specific items that have been identified are covered. The agenda may identify the need to discuss business from previous meetings as well as any new business. The committee may also allow for open discussion and provide time to discuss a future meeting. If the discussion is moving away from the business at hand, the Chair may intervene to draw attention back to the Agenda.

## **5. Making Motions**

Throughout the meeting, the recording secretary will record any "motions" that reflect particular actions the committee would like to take. These motions are recorded in the minutes and become recommendations to Council for

Making a 'motion' involves three basic steps:

1. A member making the motion – "I move that ..."
2. Another member seconding the motion – "I second the motion that ..."
3. The Chairperson restates the motion as a question –  
"Member x has moved that...."

Once the motion has been 'moved' and understood by all members, a discussion may follow prior to the Chair requesting a vote. When asked to vote, the Chair will "Call the Question" by repeating the motion and asking committee members whether they are in favour or opposed. The recording secretary will then record the outcome of the vote as either "carried" or "defeated."

## **6. Working Together**

The work completed on behalf of Council through committees, commissions and Boards while established under varying conditions and for a variety of purpose, is recognized as having made many contributions to the City of Nelson over a number of years. Working together, committee members are dedicated to providing a benefit to City policies, operations or services, and advise accordingly on issues as directed by Council.

## COMMUNITY CHARTER

### CHAPTER 26 [SBC 2003]

[includes 2014 Bill 17, c. 14 & Bill 21, c. 19 amendments (effective May 29, 2014)]

## Part 5: Division 4 Committees, Commissions and Other Bodies

### Standing committees of council

- 141.** (1) The mayor must establish standing committees for matters the mayor considers would be better dealt with by committee and must appoint persons to those committees.
- (2) At least half of the members of a standing committee must be council members.
- (3) Subject to subsection (2), persons who are not council members may be appointed to a standing committee.

2003-26-141.

### Select committees of council

- 142.** (1) A council may establish and appoint a select committee to consider or inquire into any matter and to report its findings and opinion to the council.
- (2) At least one member of a select committee must be a council member.
- (3) Subject to subsection (2), persons who are not council members may be appointed to a select committee.

2003-26-142.

### Municipal commissions

- 143.** (1) A council may establish and appoint a commission to do one or more of the following:
- (a) operate services;
  - (b) undertake operation and enforcement in relation to the council's exercise of its authority to regulate, prohibit and impose requirements;
  - (c) manage property and licences held by the municipality.
- (2) *Repealed.* [2012-29-50 (B.C. Reg. 170/2013)]

(REP)  
May  
30/13

2003-26-143; 2003-52-544; 2012-29-50 (B.C. Reg. 170/2013).

### Authority to rescind appointment

- 144.** The authority to appoint under this Division includes the authority to rescind the appointment at any time and appoint another person in place of the person whose appointment was rescinded.

2003-26-144.

### Application of procedure rules to other bodies

- 145.** (1)

*COMMUNITY CHARTER*

Subject to subsection (2), the rules established by procedure bylaw respecting the taking of minutes at council committee meetings apply to meetings of other bodies referred to in section 93 [*application of open meeting rules to other bodies*].

- (2) The rules referred to in subsection (1) do not apply
- (a) if a procedure bylaw provides for other procedures for the taking of minutes by one or more bodies referred to in that subsection,
  - (b) if the body is exempted by regulation, or
  - (c) to the extent they are modified by regulation.

2003-26-145.

**LOCAL GOVERNMENT ACT**  
CHAPTER 323 [RSBC 1996]

[includes 2015 Bill 23, c. 23 amendments (effective May 14, 2015)]

**Advisory planning commission**

- (AM) 898. (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 2, 7, 9 and 11 of this Part that are referred to it by the council.  
Jan 01/01
- (AM) (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.  
Jan 01/01
- (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) A council member, board director, employee or officer of the local government, or an approving officer, is not eligible to be a member of an advisory planning commission, but may attend at a meeting of the commission in a resource capacity.
- (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.
- (REP) (7) *Repealed.* [1999-37-202]  
Sep 28/99
- (8) If an advisory planning commission is established, minutes of all of its meetings must be kept and, on request, made available to the public.
- (9) If the commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend meetings of the commission and be heard.

RS1979-290-955; 1985-79-8; 1987-14-19; 1999-37-202; 2000-7-147.

**Establishment of board of variance**

- (AM) 899. (1) A local government that has adopted a zoning bylaw must, by bylaw, establish a board of variance.  
Jan 01/01
- (AM) (2) If the population of a municipality is 25 000 or less, the board of variance for the municipality is to consist of 3 persons appointed by the council.  
Mar 27/03
- (AM) (3) If the population of a municipality is more than 25 000, the board of variance for the municipality is to consist of 5 persons appointed by the council.  
Mar 27/03
- (4) A board may establish one or more boards of variance, but, if more than one board of variance is established, the bylaw establishing them must specify the area of the regional district over which each board of variance is to have jurisdiction and those areas must not overlap.
- (5)

LOCAL GOVERNMENT ACT

- (AM)  
Mar  
27/03
- (ADD)  
Mar  
27/03
- (ADD)  
Mar  
27/03
- (ADD)  
Mar  
27/03
- (AM)  
Mar  
27/03
- (AM)  
Mar  
27/03  
(REP)  
Mar  
27/03
- Each board of variance in a regional district is to consist of 3 persons appointed by the board.
- (5.1) Two or more local governments may satisfy the obligation under subsection (1) by jointly establishing a board of variance by bylaw adopted by all participating local governments.
- (5.2) The bylaw in subsection (5.1) must
- (a) specify the area of jurisdiction for the board of variance, which may be all or part of the participating local governments, but must not overlap with the area of jurisdiction of any other board of variance, and
  - (b) establish rules for
    - (i) appointment and removal of members of the board of variance, and
    - (ii) appointment and removal of a chair of the board of variance, which apply in place of those established by this section and section 900.
- (5.3) As an exception to subsections (2) to (5) in relation to a board of variance established under subsection (5.1),
- (a) if a municipality is one of the participating local governments, the board of variance is to consist of
    - (i) 3 persons, if the population of the area of the jurisdiction of the board of variance is 25 000 or less, or
    - (ii) 5 persons, if the population of the area of the jurisdiction of the board of variance is more than 25 000, and
  - (b) if a municipality is not one of the participating local governments, a board of variance is to consist of 3 persons.
- (6) Subject to subsection (9) and to the rules established under subsection (5.2) (b) (i), an appointment to a board of variance is for the later of
- (a) 3 years, and
  - (b) if no successor has been appointed at the end of the 3 year period, until the time that a successor is appointed.
- (7) A person who is
- (a) a member of the advisory planning commission or of the local government, or
  - (b) an officer or employee of the local government
- is not eligible to be appointed to a board of variance.
- (8) If a member of a board of variance ceases to hold office, the person's successor is to be appointed in the same manner as the member who ceased to hold office, and, until the appointment of the successor, the remaining members constitute the board of variance.
- (9) A local government may rescind an appointment to a board of variance at any time.
- (10) *Repealed.* [2003-15-15 (g)]
- (11) Members of a board of variance must not receive compensation for their services as members, but must be paid reasonable and necessary expenses that arise directly out of the performance of their duties.
- (12) A local government must provide in its annual budget for the necessary funds to pay for the costs of the board.
- RS1979-290-961(1) to (6), (9) to (11), (13), (14); 1985-79-8; 1987-14-25; 2000-7-148; 2003-15-15.

**Chair and procedures**

- 900.** (1) The members of a board of variance must elect one of their number as chair.  
(2)

LOCAL GOVERNMENT ACT

The chair may appoint a member of the board of variance as acting chair to preside in the absence of the chair.

(AM)  
May  
29/14

- (3) A bylaw establishing a board of variance must set out the procedures to be followed by the board of variance, including the manner by which appeals are to be brought and notices under section 901 (4) or 901.1 (4) are to be given.
- (4) A board of variance must maintain a record of all its decisions and must ensure that the record is available for public inspection during normal business hours.  
RS1979-290-961(7), (8), (12), 962(10); 1985-79-8; 1987-14-25; 2014-14-37.

**Variance or exemption  
to relieve hardship**

(SUB)  
Jan  
01/04

- 901.** (1) A person may apply to a board of variance for an order under subsection (2) if the person alleges that compliance with any of the following would cause the person hardship:
- (a) a bylaw respecting the siting, dimensions or size of a building or structure, or the siting of a manufactured home in a manufactured home park;
  - (b) a bylaw under section 8 (3) (c) [*fundamental powers - trees*] of the *Community Charter*, other than a bylaw that has an effect referred to in section 50 (2) [*restrictions on authority - preventing all uses*] of that Act if the council has taken action under subsection (3) of that section to compensate or mitigate the hardship that is caused to the person;
  - (c) the prohibition of a structural alteration or addition under section 911 (5);
  - (d) a subdivision servicing requirement under section 938 (1) (c) in an area zoned for agricultural or industrial use.
- (2) On an application under subsection (1), the board of variance may order that a minor variance be permitted from the requirements of the bylaw, or that the applicant be exempted from section 911 (5), if the board of variance
- (a) has heard the applicant and any person notified under subsection (4),
  - (b) finds that undue hardship would be caused to the applicant if the bylaw or section 911 (5) is complied with, and
  - (c) is of the opinion that the variance or exemption does not
    - (i) result in inappropriate development of the site,
      - (i.1) adversely affect the natural environment,
      - (ii) substantially affect the use and enjoyment of adjacent land,
      - (iii) vary permitted uses and densities under the applicable bylaw, or
      - (iv) defeat the intent of the bylaw.
- (3) The board of variance must not make an order under subsection (2) that would do any of the following:
- (a) be in conflict with a covenant registered under section 219 of the *Land Title Act* or section 24A of the *Land Registry Act*, R.S.B.C. 1960, c. 208;
  - (b) deal with a matter that is covered in a permit under Division 9 of this Part or covered in a land use contract;
  - (b.1) deal with a matter that is covered by a phased development agreement under section 905.1 [*phased development agreements*];
  - (c) deal with a flood plain specification under section 910 (2);
  - (d) apply to a property
    - (i) for which an authorization for alterations is required under Part 27,
    - (ii) that is scheduled under section 970.1 (3) (b) or contains a feature or characteristic identified under section 970.1 (3) (c), or

(ADD)  
Oct  
20/97

(ADD)  
Jun  
21/07

(SUB)  
Jan  
01/01

LOCAL GOVERNMENT ACT

- (iii) for which a heritage revitalization agreement under section 966 is in effect.
- (4) If a person makes an application under subsection (1), the board of variance must notify all owners and tenants in occupation of
- (a) the land that is the subject of the application, and
  - (b) the land that is adjacent to land that is the subject of the application.
- (5) A notice under subsection (4) must state the subject matter of the application and the time and place where the application will be heard.
- (6) The obligation to give notice under subsection (4) must be considered satisfied if the board of variance made a reasonable effort to mail or otherwise deliver the notice.
- (7) In relation to an order under subsection (2),
- (a) if the order sets a time within which the construction of the building, structure or manufactured home park must be completed and the construction is not completed within that time, or
  - (b) if that construction is not substantially started within 2 years after the order was made, or within a longer or shorter time period established by the order, the permission or exemption terminates and the bylaw or section 911 (5), as the case may be, applies.
- (8) A decision of the board of variance under subsection (2) is final.

(SUB)  
Jan  
01/01

RS1979-290-962(1), (2), (4) to (7), (9); 1985-79-8; 1987-14-26; 1989-40-161; 1990-53-12; 1992-18-90; 1992-79-7; 1994-43-69; 1994-52-109; 1997-24-9 (B.C.Reg. 354/97); 2000-7-149(b) and (c); 2003-52-384; 2007-6-22 (B.C. Reg. 190/2007).

(ADD) **Exemption to relieve hardship from early termination of land use contract**

May  
29/14

- 901.1** (1) The owner of land subject to a land use contract that a bylaw adopted under section 914.2 [*early termination of land use contracts*] will terminate may apply to a board of variance for an order under subsection (2) of this section if
- (a) the owner alleges that the timing of the termination of the land use contract by the bylaw would cause the owner hardship, and
  - (b) the application is received by the board of variance within 6 months after the adoption of the bylaw.
- (2) On an application under subsection (1), the board of variance may order that, despite the termination of the land use contract and despite any zoning bylaw, the provisions of that land use contract continue to apply in relation to the applicant for a specified period of time ending no later than June 30, 2024, if the board of variance
- (a) has heard the applicant, and
  - (b) finds that the timing of the termination of the land use contract by the bylaw would cause undue hardship to the applicant.
- (3) An order under subsection (2) does not run with the land.
- (4) If an application is made under subsection (1), the board of variance must notify all owners and tenants in occupation of
- (a) the land that is the subject of the application, and
  - (b) the land that is adjacent to land that is the subject of the application.
- (5) A notice under subsection (4) must state the subject matter of the application and the time and place where the application will be heard.
- (6) The obligation to give notice under subsection (4) must be considered satisfied if the board of variance made a reasonable effort to mail or otherwise deliver the notice.
- (7) The board of variance must make a decision on an application under subsection (1) within 6 months after the application is received by the board of variance.
- (8) A decision of the board of variance under subsection (2) is final.

**Extent of damage preventing  
reconstruction as non-conforming use**

- 902.** (1) A person may apply to a board of variance for an order under subsection (2) if the person alleges that the determination by a building inspector of the amount of damage under section 911 (8) is in error.
- (2) On an application under subsection (1), the board of variance may set aside the determination of the building inspector and make the determination under section 911 (8) in its place.
- (3) The applicant or the local government may appeal a decision of the board of variance under subsection (2) to the Supreme Court.

RS1979-290-962(1)(b), (3), (8); 1985-79-8; 1987-14-26; 1989-40-161; 1990-53-12; 1992-18-90; 1992-79-7; 1994-43-69; 1994-52-109.



# THE CORPORATION OF THE CITY OF NELSON

## 2014 - 2016 Appointments

### **EXTERNAL COMMITTEES AND BOARDS** (Council **voting** membership)

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|                                                                |           | <u>Appointee and Alternate</u> |
|----------------------------------------------------------------|-----------|--------------------------------|
| Library Board ( <i>Library Act</i> ) .....                     | (1)       | Adams (Alternate Purcell)      |
| Police Board ( <i>Police Act</i> ) .....                       | (1)       | Mayor                          |
| Regional District Central Kootenay Board .....                 | (1)       | Mayor (Alternate Dailly)       |
| RDCK Sub-Committees:                                           |           |                                |
| - Central Resource Recovery                                    |           |                                |
| - West Kootenay-Boundary Regional Hospital District Board      |           |                                |
| - Regional Parks                                               |           |                                |
| Nelson and Area Economic Development Partnership (NAEDP) ..... |           |                                |
|                                                                | (2)       | Morrison and Purcell           |
| - NAEDP Advisory Committee .....                               |           |                                |
|                                                                | Quarterly | Morrison                       |
| - NAEDP Coordinating Committee .....                           |           |                                |
|                                                                | Monthly   | Purcell                        |
| Recreation and Aquatic Commission .....                        | (M+2)     | Mayor, Morrison and Warmington |

### **EXTERNAL COMMITTEES AND BOARDS** (Council **non-voting** membership)

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|                          |     |                                |
|--------------------------|-----|--------------------------------|
| Capitol Theatre .....    | (1) | Purcell (Alternate Warmington) |
| Civic Theatre.....       | (1) | <i>As needed</i>               |
| Touchstones Museum ..... | (1) | Warmington (Alternate Purcell) |

### **COMMISSIONS/COMMITTEES** (established by Council; **voting** membership)

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|                                       |       | <u>Appointee and Alternate</u> |
|---------------------------------------|-------|--------------------------------|
| Cultural Development Committee.....   | (1)   | Warmington (Alternate Purcell) |
| Emergency Program Executive .....     | (M+2) | Mayor/Cherbo/Dailly            |
| Youth Centre Advisory Committee ..... | (2)   | Warmington & Morrison          |
| Nelson Housing Committee.....         | (1)   | Dailly(Alternate Cherbo)       |

### **COMMISSIONS/COMMITTEES** (established by Council; **liaison** roll)

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|                                    |     |                           |
|------------------------------------|-----|---------------------------|
| Advisory Planning Commission ..... | (1) | Dailly (Alternate Cherbo) |
|------------------------------------|-----|---------------------------|

### **STANDING COMMITTEES** (established by Mayor)

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|                           |     |              |
|---------------------------|-----|--------------|
| Grievance Committee ..... | (2) | Cherbo/Adams |
|---------------------------|-----|--------------|

### **REGIONAL LIAISONS**

|                                                   |  |                          |
|---------------------------------------------------|--|--------------------------|
| Tri Cities                                        |  | Mayor                    |
| Treaty Advisory Committee                         |  | Adams                    |
| West Kootenay Regional Airport Advisory Committee |  | Mayor (Alternate Cherbo) |

## COUNCIL PORTFOLIOS

## Appointee and Alternate

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### Arts & Culture

Capitol Theatre  
Civic Theatre Society  
Cultural Development Committee  
Library Board  
Nelson & District Arts Council  
Touchstones  
Onagawa and Kaoma

### Warmington/Purcell

Purcell (Alternate Warmington)  
*As needed*  
Warmington (Alternate Purcell)  
Adams (Alternate Purcell)  
*As needed*  
Warmington/Purcell  
*As needed*

### Economic Development, Business, Tourism and Events

Nelson and Area Economic Dev. Partnership  
Chamber of Commerce  
Nelson Business Association  
Tourism Partnership/Destination Marketing  
Nelson Electric Tramway  
Nelson Pilot's Association  
Sandpoint, ID (Municipal Partnership)

### Morrison/Adams

Morrison and Purcell  
Adams (Alternate Morrison)  
Morrison (Alternate Adams)  
*As needed*  
Cherbo  
Cherbo  
Mayor/ Cherbo

### Healthy Communities

Nelson Seniors Branch #51  
Seniors Coordinating Society  
Social Planning (SPAN)  
Nelson Housing Committee  
Nelson Committee on Homelessness (NCOH)  
Health  
Education (SD#8, Selkirk College)  
Childcare

### Daily/Cherbo

Adams/Cherbo  
Cherbo/Daily  
Daily/Cherbo  
Daily (Alternate Cherbo)  
Cherbo and Daily  
*As needed*  
*As needed*  
*As needed*

### Recreation and Youth

Youth Centre  
Sports Council  
Parks

### Morrison/Warmington

Morrison/Warmington  
Morrison (Alternate Cherbo)  
Purcell/Mayor

### Environmental

EcoSociety  
SEEDS  
Kootenay Lake Partnership Plan  
West Kootenay Transit Committee

### Purcell/Daily

Purcell (Alternate Daily)  
Daily (Alternate Purcell)  
Purcell(Alternate Daily)  
Warmington (Alternate Daily)

## THE CORPORATION OF THE CITY OF NELSON

|                 |                                                                     |             |              |
|-----------------|---------------------------------------------------------------------|-------------|--------------|
| POLICY TITLE:   | Council Committees,<br>Commissions and Boards<br>(See 2 appendices) | POLICY NO:  | 0550.00.001  |
| EFFECTIVE DATE: | November 3, 2014                                                    | SUPERSEDES: | July 9, 2012 |
| APPROVAL:       | Council                                                             | PAGE:       | 1 of 6 pages |

### POLICY:

Pursuant to the *Community Charter*, and in accordance with the City of Nelson Council Procedure Bylaw, Council has authority to establish Committees and Commissions. The City's Council Procedure Bylaw governs the duties, meetings, notice, attendance, agendas, minutes and conduct of these Committees and Commissions. Each year Council appoints members to its Committees and Commissions to provide professional advice and make recommendations to Council and City staff for consideration.

### PURPOSE:

The work completed on behalf of Council through its Committees and Commissions is recognized as having contributed significantly to the City of Nelson over a number of years. Council recognizes the value of the impartial and objective advice received from its Committees and Commissions. In recognition of the challenges and inherent restrictions facing Committee and Commission members, this policy aims to

- provide clarity to members
- develop consistency among the City's Committees and Commissions
- guide the appointment process
- stipulate the appropriate conduct for members to ensure assessments and recommendations are made in a conscientious and ethical manner.

### DEFINITIONS:

In addition to the regulation contained in the City of Nelson Council Procedure Bylaw, the following definitions are applicable in this policy:

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Council Committee   | means any committee formed by Council for any purpose other than a Statutory Committee                                                                                                                                                                                                                                                                                                                              |
| Statutory Committee | means a board, commission, Standing or Select Committees established pursuant to a specific enabling statute and includes a Library Board established pursuant to the <i>Library Act</i> , a Policy Board established pursuant to the <i>Police Act</i> , a commission including a Parks Commission and a Recreation Commission established pursuant to the <i>Local Government Act</i> or <i>Community Charter</i> |
| Staff Liaison       | means the staff member assigned by the City Manager to assist a Committee in a non-voting; advisory and resource capacity                                                                                                                                                                                                                                                                                           |

## Council Committees & Commissions Policy

Recording Secretary means the staff member assigned by the City Manager to act as the recording secretary and assists in preparing agendas and minutes for the Committee meetings.

### PROCEDURE:

#### 1. Diversity

Membership of Committees shall be diverse and broadly reflective of the community. The Bylaw and/or Terms of Reference for each Committee and Commission may specify the desired experience, knowledge/education, and expertise required from members. Statutory Committees shall be governed by Terms of Reference or bylaw and Council Committees shall be governed by bylaw.

#### 2. Term

The Bylaw and/or Terms of Reference for each Committee may specify the number of members to be appointed as well as the term to be served and any rotation of members. An appointee may not serve more than six consecutive years on a Committee unless designated otherwise by statute. This allows for a combination of continuity and fresh input. In the event that no suitable replacement can be found for such appointee, Council may opt to waive this rule and extend the length of service for one further year. An appointee who has served six consecutive years may be eligible for re-appointment after one year of absence.

#### 3. Appointment process

- a) Appointments will be advertised through a broad spectrum of advertising sources (including but not limited to the local newspaper, City newsletter, digital advertising, the City website) so that all citizens who are interested in serving on a Committee will be given an opportunity to apply.
- b) Vacancies that become available during the year will be advertised as described in 3(a).
- c) Appointments will be made in January of each year unless otherwise indicated.
- d) Applications received will be reviewed and discussed in a closed meeting of Council. Council may opt to interview any applicants being considered for appointments prior to making any selections. Final appointments will be made public at the following Regular Council meeting.
- e) Committee and Commissions members are required to serve without pay and shall adhere to the attached Code of Conduct and sign the attached "Oath of Confidentiality" upon appointment.

#### 4. Applications for membership

- a) Applicants are required to submit the attached "Community Service Application" form together with a covering letter and resume to the City by the stipulated deadline
- b) Members of Committees and Commissions whose terms have expired and who desire to be reappointed shall indicate this in writing to Council.

## Council Committees & Commissions Policy

- c) All applications for membership on Committees shall be held in confidence when submitted to the City.
- d) Council will consider the following factors when reviewing applications:
  - Length of time an individual has served
  - Number of new applications received
  - Mix of experience desired on the Committees
  - Committee stability and membership continuity
  - Any pertinent information from the staff liaison to the Committee (such as past contribution / attendance of the individual seeking reappointment)
  - Preference will be given to resident electors of the City
  - Appointees may not be relatives of Council members or senior management staff (mother, father, sister, brother, spouse or children).

### 5. Attendance

Unless otherwise stated in the Committee Bylaw or Terms of Reference, any member who is absent from three (3) consecutive regular meetings without leave of absence from the Committee Chair or without reason satisfactory to the Committee shall cease to be a member of the committee. The vacant position on the Committee shall be advertised and filled as soon as possible.

### 6. Resignations

- a) At the request of a Committee or at Council's discretion a member may be asked to resign for reasons of malfeasance or any other good and sufficient cause.
- b) A member wishing to resign from the Committee/Commission is asked to provide a letter of resignation to the Chair.

### 7. Council Liaison and Role

- a) *Appointed Member of Committee:*
  - Appointed as voting member by Council
  - Attends Committee meetings
  - Represents Council at meetings
  - Reports to Council after meetings
- b) *Liaison Member of Committee:*
  - Appointed as non-voting member by Council
  - Attends Committee meetings
  - Represents Council at meetings
  - Reports to Council after meetings
- c) *Observer to Committee:*
  - No appointment to Committee
  - Attend meetings as an observer
  - No reporting requirement

**8. General Conduct**

When conducting business or interacting with members of City Council, the media, the public or staff, Committee members shall act in a manner that:

- a) fulfils the mandate and Terms of Reference of the Committee;
- b) respects due process and the authority of the Chair (or Alternate Chair) during meetings, and respects the role of the Chair as spokesperson for the Committee
- c) demonstrates respect for fellow members, Council, the public and City staff
- d) respects and gives fair consideration to diverse and opposing viewpoint
- e) demonstrates due diligence in preparing for meetings, special occasions, or other Committee related event
- f) demonstrates professionalism, transparency, accountability and timeliness in completing any tasks or projects undertaken by the committee
- g) conforms with all relevant legislation, bylaws, policies and guidelines, including respecting the confidentiality of In-Camera items
- h) contributes in a meaningful manner, offering constructive comments to Council, staff and fellow committee members.

**9. Confidentiality**

Appointed members should recognize that their membership on the Committee provides them with information that could be used or be seen to be used to their own advantage. The members must respect the confidentiality of all information that could be used or seen to be used for the advantage of some organizations until that information is made known to the public.

**10. Conflict of Interest**

Committee members shall be diligent to avoid any conflict of interest, and also any action that could be perceived as a conflict of interest. Determining a conflict or perceived conflict can be difficult, and members should err on the side of caution to protect the reputation of themselves, their families or organizations, the committee and the City.

In the performance of his or her duties, a member of a Committee shall not:

- a) place him or herself in a position where the member is under obligation to any person who might benefit from special consideration or favor; or who might seek preferential treatment in any way
- b) accord preferential treatment to relatives or to organizations in which the member, his or her child, parent or spouse, have an interest, financial or otherwise
- c) deal with an application to the City for a grant, award, contract, permit or other benefit involving the member or his or her immediate relative
- d) place his or herself in a position where the member could derive any direct benefit or interest from any matter about which he/she can influence decisions
- e) benefit from the use of information acquired during the course of his or her official duties which is not generally available to the public.

**11. Conflict of Interest - Exists**

Where a Committee member believes he or she has a conflict or perceived conflict of interest in a particular matter, he or she shall:

- a) prior to any consideration of the matter, disclose his or her interest and the general nature thereof
- b) leave the room for the duration of time that the matter is being considered
- c) not take part in the discussion or the vote on any question or recommendation in respect of the matter
- d) not attempt in any way whether before, during or after the meeting to influence the voting on any such question or recommendation.

**12. Conflict of Interest - Quorum**

Where the number of members who, by reason of conflict, are disqualified from participating in a meeting is such that the remaining members are not of sufficient number to constitute a quorum, then the remaining number of members shall be deemed to constitute a quorum provided such number is not less than three.

**13. Complaints about Conduct, Confidentiality and Conflict of Interest**

Complaints about a Committee member who is deemed to be in contravention of Sections 8, 9 or 10 of this policy shall be investigated provided the complaint is made in writing, is signed and sets out reasonable and probable grounds of the allegation. The complaint shall be submitted to the City Manager who may refer the complaint to Council in a closed meeting. Council has sole discretion to determine:

- a) whether there has been no contravention of the Code of Conduct; or
- b) whether a contravention occurred although the member took all reasonable measures to prevent it; or
- c) that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith; or
- d) that a complaint warrants further investigation with a report back from staff; or
- e) that the member has contravened the Code of Conduct and should be removed from the Committee by resolution of Council.

**14. Orientation**

Upon appointment Committee members shall be provided with an orientation including but not limited to:

- a) copies of relevant Bylaws, Policies, Terms of Reference and any other related documents
- b) schedule of meeting dates
- c) introduction to Committee members, staff liaison and recording secretary.

**15. Authority**

The Committees role is to provide recommendations to Council and has no direct authority to commit or engage the City except as specifically provided by statute or bylaw.

## Council Committees & Commissions Policy

### **16. Recommendations and Minutes**

- a) Recommendations made by Committees must be adopted by a Committee motion prior to presentation to Council. The staff liaison or the Council representative shall provide a report on the recommendation to Council on behalf of the Committee. Council shall be informed of decisions and recommendations prior to release to the Media and public.
- b) Minutes of all Committee meetings shall be provided to Council at the next Regular or In Camera Council meeting as applicable.

### **17. Appendices to this Policy**

- a) Oath of Confidentiality
- b) Community Service Application form



**CITY OF NELSON**

**City of Nelson**  
**COMMUNITY SERVICE**  
**APPLICATION**

APPLICATION for membership on the

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City Board, Commission or Committee

If asked, I would be willing to serve on another Board or Commission     YES  NO

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Length of Residency: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Alternate Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

List your educational background

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State your occupational background

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Describe your involvement in the community

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Describe your leadership role and/or any special expertise you have which would be applicable to the position for which you are applying

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Describe why you are interested in serving in this position

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Appointment to a Board, Commission or Committee will require your consistent attendance at regularly scheduled meetings.

Are you available for:

Evening meetings?

Daytime meetings?

Other

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Please submit this application together with your resume to:

Nelson City Council  
Office of the Mayor  
Suite 101, 310 Ward Street  
Nelson BC V1L 5S4  
Fax: 250.352.2131

Or by Email to [volunteers@nelson.ca](mailto:volunteers@nelson.ca)



**CITY OF NELSON**

# City of Nelson

## OATH OF CONFIDENTIALITY

I, \_\_\_\_\_ of the

\_\_\_\_\_ Committee / Commission

Do promise and swear that I will, to the best of my knowledge and ability, fulfill the terms of my position with the City of Nelson and will respect and maintain the Confidentiality of the information that I become aware of through my appointment to this Committee / Commission of Council.

Sworn and Affirmed by me at Nelson, B.C. on \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Signature of person taking oath

\_\_\_\_\_  
Signature of person administering Oaths for the City of Nelson