

**DISTRICT OF LAKE COUNTRY**

**PUBLIC ART ADVISORY COMMISSION BYLAW 480, 2004**

**CONSOLIDATED VERSION**

*(Includes amendment as of April 18, 2006)*

This is a consolidated copy to be used for convenience only. Users are asked to refer to the District of Lake Country Soil Regulation Bylaw as amended from time to time to verify accuracy and completeness.

<i>Amending Bylaw No.</i>	<i>Summary of Amendments</i>	<i>Adoption</i>
585	Deleting and replacing Section 3 (a). Deleting and replacing Section 3(c). Deleting and replacing Section 3(d).	Apr. 18, 2006

**DISTRICT OF LAKE COUNTRY**

**BYLAW 480**

**CONSOLIDATED FOR CONVENIENCE ONLY**

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**A BYLAW TO ESTABLISH A PUBLIC ART ADVISORY COMMISSION FOR THE  
DISTRICT OF LAKE COUNTRY AND TO DELEGATE CERTAIN POWERS, DUTIES  
AND FUNCTIONS TO THE COMMISSION**

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Pursuant to Section 143 of the Community Charter, a Council may establish and appoint a commission to operate services;

Pursuant to Section 154 of the Community Charter a local government may, by bylaw, delegate its powers, duties and functions to another body established by the council;

Council wishes to delegate, except as limited by the Community Charter, certain powers, duties and functions respecting the Public Art Advisory Commission;

The Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. Definitions

In this bylaw, unless the context otherwise requires:

- (a) “Clerk” means the municipal clerk of the District;
- (b) “Commission” means the Public Art Advisory Commission established by this bylaw;
- (c) “Council” means the municipal Council of the District of Lake Country;
- (d) “District” means the municipality of the District of Lake Country;

2. Establishment of Commission

There is hereby established a Commission respecting Public Art which shall be known as the “District of Lake Country Public Art Advisory Commission”.

### 3. Membership

Amended  
Apr. 18/06



(a) The Commission will be composed of two (2) Councillors and a minimum of eight (8) members to a maximum of fourteen (14) members.

Amended  
Apr. 18/06



(b) Members of the Commission shall be appointed by Council resolution.

(c) Initial appointments of eight (8) members shall expire December 31, 2005.

Amended  
Apr. 18/06



(d) Following the initial appointments provided for herein, and commencing January 1, 2006, appointment of each member shall be:

- Four (4) members to a one (1) year term;
- Five (5) members to a two (2) year term; and
- Five (5) members to a three (3) year term.

(e) Where a member resigns or otherwise ceases to be a member of the Commission, Council may appoint another qualified person to complete the balance of the term of the former member.

(f) No District of Lake Country staff will be regular voting members of the Commission.

### 4. Mandate of the Commission

The Public Art Advisory Commission would serve to meet the following duties and responsibilities:

(a) The Commission will spearhead or support specific projects that promote art, culture, and heritage.

(b) The Commission will provide advice to Council on matters referred to them by Council.

(i) Matters referred will be of a policy nature or with respect to planning and development of art, culture, heritage areas and facilities.

(ii) Referrals will not likely involve matters of an operational nature.

(c) The Commission will liaise with other community groups, such as the Ward Community Associations, Museum Association or special interest groups who are dealing with art, cultural, or heritage matters concerning public property or events that may be of interest and benefit to the community as a whole.

(d) To co-ordinate the display of art works in the Municipal Hall and other public places in co-operation with the District;

(e) To advise Council through the Development Services Department on the creation of design guidelines for the aesthetic quality and features of development within Lake Country.

(f) To advise Council on aesthetic features and design guidelines for individual development applications at the request of the Director of Development Services.

(g) To advise Council on the acquisition of public art, either through donation or fundraising.

- (h) To complete special projects related to public art or aesthetic concerns for the District of Lake Country, such as creating a banner, or establishing guidelines for signage.

5. Powers and Duties of the Commission

- (a) Submit an annual plan and budget for Council approval;
- (b) Administer the annual plan and budget as approved by Council;
- (c) Advise on art, cultural and heritage matters referred to it by Council.

6. Community Charter Provisions

- (a) Matters pertaining to Commission proceedings are governed by Division 3 of Part 4, and Section 133 of the Community Charter. The relevant extracts from the Community Charter are appended to this bylaw as Schedule “A” for convenient reference.

7. Meeting Procedures

- (a) At its initial meeting the Commission shall choose from among its members a Chair, who shall preside over meetings of the Commission. The Chair shall be elected by its members on an annual basis.
- (b) The Commission may appoint, by resolution, such committees as from time to time it considers necessary. The resolution appointing a committee shall:
  - (i) prescribe the membership of the committee,
  - (ii) name the chair of the committee, or provide for election of a chair; and
  - (iii) set out the duties of the committee.
- (c) The Chair shall be responsible for the scheduling of meetings, presentation of reports to Council, when required, and be the chief liaison with staff members.
- (d) If the Chair is absent from any meeting, the remaining members present shall choose from among them an acting Chair who shall preside at that meeting.
- (e) The quorum for meetings will consist of a majority of all its members.
- (f) The Commission’s advice to Council shall be in the form of recommendations that shall be adopted by a majority of the members present at the Commission meeting.
- (g) The Commission will report to Council at least twice per year, more often if matters requiring Council approval are being considered by the Commission.
- (h) The Commission will report annually to Council in May of each year to update Council and the public as to their projects, upcoming events, how other community members may get involved and any other issues that may concern them.

- (i) Every recommendation of the Commission and its Committees shall be recorded in the minutes of the meeting at which it is adopted, and those minutes shall be provided to the Clerk within fourteen (14) days of such meeting. The Clerk shall ensure that the recommendations are placed before Council for its consideration.
- (j) The Commission shall meet as it deems necessary to plan and implement projects and/or special events, or as referrals from Council may require.
- (k) Council referrals will be dealt with, in the form of a recommendation to Council, within 30 days of the referral.
- (l) An annual public meeting, to be advertised in the local newspaper, is to be held to hear groups or individuals with ideas or concerns respecting Public Art services.
- (m) An agenda for every meeting of the Commission shall be prepared, and each meeting agenda shall be available to members not less than 5 days before the date of the meeting. A minimum of 48 hours notice to the Commission membership is required for a meeting to be scheduled and convened.
- (n) A matter, which is not on the adopted agenda for a meeting, shall not be considered at that meeting except with the approval of the majority of the Commission members present.
- (o) If there is no quorum present within 30 minutes after the time appointed for the meeting, the names of the members present shall be recorded and the meeting shall stand adjourned.
- (p) The Commission shall record its own minutes of all meetings, with budgeted clerical support provided by the District of Lake Country, and submit the minutes to the Clerk's Department for public record. The minutes shall be signed by the recording secretary and by the Chair or other member presiding at the meeting of the Commission at which the minutes are adopted.
- (q) The Commission may receive and consider representation from such individuals, groups, or organizations as it considers appropriate and consistent with the duties of the Commission.
- (r) Any officer or employee of the District may attend Commission, Committee or sub-Committee meetings in a resource capacity when requested by Council, the Commission or the Committee.
- (s) The Commission will receive organizational and administrative support from the District of Lake Country. Where practical these services will be outlined in the annual plan.

## 8. Conflict of Interest

- (a) Where a member of the Commission, or a member's immediate family, employer, business associate, or service organization has an interest in any budget or funding matter being considered by the Commission, that member shall not be present at the meeting or portion of the meeting at, or during which, the budget or funding matter is being considered.

- (b) The Secretary shall record in the Minutes the time of the member’s departure from the meeting room and, if applicable, the time of the member’s return to the meeting.
- (c) A member referred to in this Section shall not in any way, whether before, during or after the meeting, attempt to influence the voting on any question relating to the matter under consideration.
- (d) For the purposes of this section “immediate family” shall include a member’s spouse, daughter, daughter-in-law, son, son-in-law, sister, sister-in-law, brother, brother-in-law, parent, grandparent, grandson or granddaughter.

9. Title

- (a) This bylaw may be cited as “District of Lake Country Public Art Advisory Commission Bylaw 480, 2004”.

READ A FIRST TIME this 6th day of April, 2004.

READ A SECOND TIME this 6th day of April, 2004.

READ A THIRD TIME this 6th day of April, 2004.

ADOPTED this 20th day of April, 2004.

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Mayor

\_\_\_\_\_  
Clerk

I hereby certify the foregoing to be a true and correct copy of Bylaw 480, 2004 cited as “District of Lake Country Public Art Advisory Commission Bylaw 480, 2004” as adopted by Municipal Council on the 20th day of April, 2004.

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Dated at Lake Country, B. C.

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Clerk

## Schedule "A" to Bylaw 480, 2004

**Part 4: Division 3 – Open Meetings****General rule that meetings must be open to the public**

- 89.** (1) A meeting of a council must be open to the public, except as provided in this Division.
- (2) A council must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

2003-26-89.

**Meetings that may or must be closed to the public**

- 90.** (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:
- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
  - (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
  - (c) labour relations or other employee relations;
  - (d) the security of the property of the municipality;
  - (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
  - (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
  - (g) litigation or potential litigation affecting the municipality;
  - (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
  - (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
  - (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
  - (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];
  - (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
  - (n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);
  - (o) the consideration of whether the authority under section 91 [*other persons attending closed meetings*] should be exercised in relation to a council meeting.
- (2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:
- (a) a request under the *Freedom of Information and Protection of Privacy Act*, if

- the council is designated as head of the local public body for the purposes of that Act in relation to the matter;
- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
  - (c) a matter that is being investigated under the *Ombudsman Act* of which the municipality has been notified under section 14 [*ombudsman to notify authority*] of that Act;
  - (d) a matter that, under another enactment, is such that the public must be excluded from the meeting.
- (3) If the only subject matter being considered at a council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

2003-26-90.

**Other persons attending closed meetings**

91. (1) If all or part of a meeting is closed to the public, the council may allow one or more municipal officers and employees to attend or exclude them from attending, as it considers appropriate.
- (2) If all or part of a meeting is closed to the public, the council may allow a person other than municipal officers and employees to attend,
- (a) in the case of a meeting that must be closed under section 90 (2), if the council considers this necessary and the person
    - (i) already has knowledge of the confidential information, or
    - (ii) is a lawyer attending to provide legal advice in relation to the matter, and
  - (b) in other cases, if the council considers this necessary.
- (3) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

2003-26-91; 2003-52-538.

**Requirements before meeting is closed**

92. Before holding a meeting or part of a meeting that is to be closed to the public, a council must state, by resolution passed in a public meeting,
- (a) the fact that the meeting or part is to be closed, and
  - (b) the basis under the applicable subsection of section 90 on which the meeting or part is to be closed.

2003-26-92.

**Application of rules to other bodies**

93. In addition to its application to council meetings, this Division and section 133 [*expulsion from meetings*] also applies to meetings of the following:
- (a) council committees;
  - (b) a municipal commission established under section 143;
  - (c) a parcel tax roll review panel established under section 204;
  - (d) a board of variance established under section 899 of the *Local Government Act*;
  - (e) an advisory body established by a council;
  - (f) a body that under this or another Act may exercise the powers of a municipality or council;
  - (g) a body prescribed by regulation.

2003-26-93.

**Expulsion from meetings**

- 133.** (1) If the person presiding at a council meeting considers that another person at the meeting is acting improperly, the person presiding may order that the person is expelled from the meeting.
- (2) If a person who is expelled does not leave the meeting, a peace officer may enforce the order under subsection (1) as if it were a court order.

2003-26-133.