



**Date:** January 21, 2014  
**To:** Daniel Sailland, Chief Administrative Officer  
**From:** Sheena Fraser, Manager of Administrative Services  
**Subject:** *Acting Mayor Schedule*

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**Note:** This report was originally presented at the Regular Council Meeting No. 1351, held Tuesday, January 21, 2014 and was tabled until this Special Meeting of Council as per the direction of Council.

### **PURPOSE**

The purpose of this report is to provide Council with options for consideration regarding the schedule for acting Mayor in anticipation of the resignation of Mayor Sturdy and to seek Council's direction.

### **BACKGROUND AND COMMENTS**

At the Village of Pemberton Regular Council Meeting No. 1350, held Tuesday, January 7, 2014, Mayor Sturdy advised Council of his intent to step down from the position of Mayor and that he would be providing further comment on this at the Regular Council meeting scheduled for February 4<sup>th</sup>.

Section 124 of the *Community Charter* requires a Council to establish a Procedure Bylaw that sets out the general procedures by which Council and its committee's must conduct their business. It also establishes under subsection 124 (2) (f) that Council must also "*establish the procedure for designating a person under section 130 (designation of member to act in place of the mayor)*".

Section 130 of the *Community Charter* states as follows:

- (1) *The council must, in accordance with its applicable procedure bylaw, provide for the designation of a councillor as the member responsible for acting in the place of the mayor when the mayor is absent or otherwise unable to act or when the office of mayor is vacant.*
- (2) *If both the mayor and member designated under subsection (1) are absent from a council meeting, the members present must choose a member to preside.*
- (2) *The member designated under subsection (1) or chosen under subsection (2) has the same powers and duties as the mayor in relation to the applicable matter.*

Section 9 of the Village of Pemberton Procedure Bylaw No. 656, 2011 establishes the procedure for the appointment of Acting Mayor as follows:

- i. Annually in December, Council must from amongst its members designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- ii. Each Councillor designated under section 9(1) must fulfill the responsibilities of the Mayor in his or her absence.
- iii. If both the Mayor and the member designated under section 9(1) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting.
- iv. The member designated under section 9(1) or chosen under section 9(3) has the same powers and duties as the Mayor in relation to the applicable matter.

In this regard, as per the Procedure Bylaw Council must establish the acting mayor schedule based on a four month rotation that starts each December. The period of time by which each Councillor is assigned has traditionally been set alphabetically except when a Council member has known in advance that they may not be available during that time. In this case, the schedule has been adjusted at the time it is set to accommodate planned for absences. This has only happened once or twice in staff's recollection.

At this time, the 2014 schedule was established by resolution at the November 19, 2013 Regular Council meeting and is as follows:

DECEMBER – FEBRUARY	Ted Craddock
MARCH – MAY	Alan LeBlanc
JUNE – AUGUST	James Linklater
SEPTEMBER – NOVEMBER	Mike Richman

## **DISCUSSION**

As Mayor Sturdy will be stepping away from his duties as Mayor Council must consider if the current schedule as established will provide coverage as required. Should that be the case, then the current rotation as presented above and which has been adopted by resolution and ensures compliance of the Council Procedure Bylaw is how Council should proceed.

Should it be determined that it would be appropriate to consider changing the rotation or alternatively giving consideration to appointing a member of Council as acting mayor until the next general election the Council Procedure Bylaw will need to be amended.

In this regard, there are two amendment options for consideration:

- a) Amend Section 9 (i) of the Procedure Bylaw by removing reference to the month by which the rotation must start as follows:

“Council must from amongst its members designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.”

This would allow for the start date of the rotation schedule to be adjusted as needed and could accommodate a change in the rotation for the duration of this year. Consideration could be given to adjusting the current rotation so that each member of Council is provided the opportunity to serve as acting mayor for a two and a half month period effective the date of Mayor Sturdy’s resignation.

- b) Amend the Council Procedure Bylaw to revise clause 9 (i) as above and add in a clause to allow a Council to appoint an acting mayor to serve out the term.

Currently the Procedure Bylaw establishes that the Acting Mayor is designated on a “rotating basis”. As such, at this time it is not possible to appoint one member of Council to be the acting mayor for the remainder of the year as it would contradict the “rotation” requirement in the bylaw. If this is the desired approach section 9 of the Council Procedure Bylaw would be amended and the following clause could be considered:

“Despite Section 9 (i), in the event that the Mayor resigns within a general election year or takes a leave of absence longer than \_\_\_\_\_ months, Council may appoint a member of Council to serve as the member responsible for acting in the place of the Mayor until the next general election or the end of the leave of absence.”

Should Council determine that amending the Procedure Bylaw is the best course of action, pursuant to Section 124 (3) of the *Community Charter* notice of Council’s intent to amend it will be required prior to First, Second and Third Readings.

### **COMMUNICATIONS**

As per Section 124 (3) of the *Community Charter* Notice that Council will be considering an amendment the Procedure Bylaw must be issued in compliance with Section 94 (public notice). As such, a notice will be placed once a week for two (2) consecutive weeks in the local newspaper, as well as at the Village Notice Boards, on the Village Website and advertised through the ENEWS.

### **IMPACT ON BUDGET, POLICY, STAFFING**

There have been some legal costs, yet to be determined, associated with review of options for consideration to ensure compliance with legislation.

The cost of placing the notices will be at minimum \$340.

### **LEGAL CONSIDERATIONS**

Legal review has been provided with respect to the options presented.

### **ALTERNATIVE OPTIONS**

Options have been presented above.

### **POTENTIAL GOVERNANCE CONSIDERATIONS**

Consideration of options related to the role of acting Mayor meets with Village Strategic Priority No. 2: Good Governance in which the Village is committed to citizen engagement, being an open and accountable government and to fiscal responsibility.

### **RECOMMENDATIONS**

**THAT** Council provide direction to staff.

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Sheena Fraser  
Manager of Administrative Services

### **CHIEF ADMINISTRATIVE OFFICER REVIEW**

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Daniel Sailland, Chief Administrative Officer

THE CORPORATION OF THE VILLAGE OF PEMBERTON

BYLAW No. 754 , 2014

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Being a bylaw to amend the Village of Pemberton Building Bylaw No. 694, 2012

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**WHEREAS** Council may amend its Building Bylaw from time to time;

**AND WHEREAS** the Council of the Village of Pemberton deems it necessary to amend the Building Bylaw to allow for a farm building exemption.

**NOW THEREFORE** the Council of the Corporation of the Village of Pemberton in open meeting assembled **ENACTS AS FOLLOWS:**

1. **CITATION**

This Bylaw may be cited for all purposes as “Village of Pemberton Building Bylaw (Farm Building Exemption) Amendment No. 754, 2014.”

2. **VILLAGE OF PEMBERTON BUILDING BYLAW NO. 694, 2013 IS AMENDED AS FOLLOWS:**

a) Section 2 (Definitions) is amended by adding the following:

**“Farm Building”** means a building or part thereof, which does not contain a residential occupancy or a **Medical Marihuana Production Facility** and which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feed. For the purposes of this exemption, the farm building must be designed for “low human occupancy” as defined in the National Farm Building Code of Canada and the land must be classed as “farm” under the *Assessment Act*.

**“Low Human Occupancy”** means a density of less than one person per 40 square meters (430 square feet).

**“Marihuana”** means the substance referred to as “Cannabis (marihuana)” in sub-item 1(2) of Schedule II to the *Controlled Drug and Substances Act*.

**“Medical Marihuana Production Facility”** means a facility, licensed by the Federal Government under the *Marihuana for Medical Purposes Regulation(MMPR)*, used solely for the production, manufacturing, processing, testing, packaging, and shipping of marijuana and marijuana products for medical purposes.

**“National Farm Building Code”** means the most current National Farm Building Code of Canada as adopted, amended or re-enacted from time to time.

b) Sections 8.2 through 8.7 are amended by removing the word “Municipality” and replacing it with **“building official”**.

c) Section 9.1.4 is amended as follows:

9.1.4 two (2) copies of a site plan prepared by a British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (RSIS) showing:

d) Section 10.1.4 is amended as follows:

10.1.4 a site plan prepared by a British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (RSIS) showing:

e) Amended by adding the following as Section 22:

## **22. FARM BUILDINGS**

22.1 ***Farm buildings*** shall be designed and built in conformance with the ***National Farm Building Code***.

22.2 Every ***owner*** shall ensure that all construction complies with the ***National Farm Building Code***, this Bylaw and other applicable enactments respecting safety.

22.3 An application for a ***farm building*** permit shall:

22.3.1 be made in the form prescribed by the ***building official***, signed by the ***owner***, or a signing officer if the ***owner*** is a corporation and include a description of the project and a description of the proposed use of the building;

22.3.2 include a copy of all title searches made within thirty (30) days of the date of the application; a copy of all covenants, Statutory Right-of-Ways, easements etc., registered against the property.

22.3.3 a site plan prepared by a British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (RSIS) showing:

22.3.3.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;

22.3.3.2 the legal description and civic address of the parcel;

22.3.3.3 the location and dimensions of all statutory rights of way, easements and setback requirements;

22.3.3.4 the location and dimensions of all existing and proposed ***buildings*** or ***structures*** on the parcel;

22.3.3.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village's land use regulations establish siting requirements related to flooding;

22.3.3.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the Village's land use regulations establish siting requirements related to minimum floor elevation; and

22.3.3.7 the location, dimension and gradient of parking and driveway access;

22.3.4 Scaled construction drawings showing floor plans of the proposed building with the proposed uses of all areas, a cross-section of building showing proposed heights and confirmation that the building meets all the required design loads as per the **National Farm Building Code**.

22.3.5 Include the application fee set out in Schedule 'A'.

f) Section numbering 22-26 be changed to 23-27.

g) Section 5 of Schedule 'A' be amended by adding the following:

(m) Farm Building Permit Administration Fee \$150.00.

**READ A FIRST TIME** this 21<sup>st</sup> day of January, 2014.

**READ A SECOND TIME** this 21<sup>st</sup> day of January, 2014.

**READ A THIRD TIME** this 4<sup>th</sup> day of February, 2014.

**ADOPTED** this 11<sup>th</sup> day of February, 2014.

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Ted Craddock  
Acting Mayor

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Sheena Fraser  
Corporate Officer