

NO: R177

COUNCIL DATE: December 7, 2020

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **November 30, 2020**

FROM: **General Manager, Corporate Services**

FILE: **0540-20**

SUBJECT: **2021 Committee Appointments**

RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information;
2. Direct staff to begin advertisement for recruitment of public volunteer members to the Standing and Select Committees as provided in this report;
3. Appoint one Council member to the Surrey Public Library Board; and
4. Appoint three Council members to the Parcel Tax Roll Review Panel.

INTENT

The purpose of this report is to seek Council's endorsement to appoint one member of Council to the Surrey Public Library Board and three members of Council to the Parcel Tax Roll Review Panel; and to seek Council direction to begin advertisement for recruitment of public volunteer members for Select Committees as outlined in this report.

BACKGROUND

On an annual basis, Council approves various committee appointments comprised of members of the public and Council members. The category of committees includes the following:

- Standing Committees;
- Select Committees;
- Statutory Committees; and
- Task Forces.

A review of the specific committees under each of the above categories and action that will be taken by staff on behalf of Council is discussed in the subsequent section of this report.

DISCUSSION

Standing Committees

Standing Committees provide a more informal forum in which members of Council can meet to receive information from members of the public and staff and address high level strategic, budget, or policy decisions. In accordance with Section 141 of Community Charter (Appendix "V"), appointments to standing committees are made by the Mayor, and at least half of the members must be council members.

There are currently four standing committees as follows:

- Finance Committee;
- Audit Committee;
- Parks, Recreation and Culture Committee; and
- Investment and Innovation Impact Committee.

The Parks, Recreation and Culture Committee ("PRCC"), is comprised of 4 Council members, 3 members of the public, and 1 Surrey Schools Trustee. The remaining standing committees are comprised exclusively of Council members.

Staff will begin recruitment for applications to fill vacant public volunteer positions for the PRCC as directed by the Mayor.

Select Committees

Section 142 (1) of the Community Charter states that *"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."*

Select committees are created to provide information, advice, and recommendations for consideration by Council and staff on specific issues of civic concern. These committees are made up of citizen representatives appointed by Council and one or two Council members appointed by the Mayor, as per their respective Terms of Reference. They include:

- Agriculture and Food Policy Advisory Committee;
- Environmental Sustainability Advisory Committee; and
- Social Equity and Diversity Committee.

The current Select Committees and their terms of reference are attached as Appendix "I". Unless otherwise directed by Council, staff will commence the recruitment process for applications to fill vacant public volunteer positions.

Statutory Committees

Statutory Committees are also known as boards, commissions, or panels and are established by various legislation and serve in cooperation with the municipality.

There are currently three Statutory Committees as follows:

1. Surrey Public Library Board (SPLB);
2. Parcel Tax Roll Review Panel (PTRRP); and
3. Surrey Heritage Advisory Commission (SHAC).

In accordance with the *Community Charter, Council Procedure By-law, 2004, No. 15300*, and the *Library Act*, it is requested that Council appoint Council members to the following Statutory Committees:

- Surrey Public Library Board – Appoint one Council member for a one-year term ending December 31, 2021.
- Parcel Tax Roll Review Panel – Appoint three Council members for a term ending October 31, 2022.

With respect to SHAC, and in accordance with Section 9 of the *Surrey Heritage Advisory Commission Establishment By-law, 1997, No. 13282* (Appendix “II”), the Mayor may appoint one member of Council to SHAC.

Task Forces

Task Forces can be established by Council or by the Mayor to pursue specific projects and issues. Task Forces investigate a defined issue during a specific time period, report their findings and make recommendations to Council. Once their work is complete, the Task Force is disbanded.

There are currently two Council established Task Forces as follows:

1. Public Engagement Task Force: Established by Council on December 3, 2018; and
2. Truck Parking Task Force: Established by Council on December 3, 2018.

There is currently one Mayor’s Task Force as follows:

1. Mayor’s Task Force on New and Innovative Revenue Generation: Established by the Mayor on January 13, 2020

The terms for each of the above noted Task Forces are scheduled to terminate on December 31, 2020.

Legal Services Review

Legal Services has reviewed this report and has no concerns.

SUSTAINABILITY CONSIDERATIONS

The recommendations of this report support the objectives of the City's Sustainability Charter 2.0. In particular, the 2021 Council committee appointments support the Sustainability Charter 2.0 theme of Inclusion, Ecosystems and Education and Culture. Specifically, the appointments support the following Desired Outcome ("DO"):

- Diversity and Accessibility DO1: Surrey welcomes, includes embraces and values the diversity of people who live here;

- Natural Areas, Biodiversity and Urban Forest Do3: All development enhances, or minimizes the impacts on Surrey's lush tree canopy and natural environment, and avoids encroachment into natural areas, habitat features and parks; and
- Learning Do1: Surrey has a culture of learning, with a broad range of diverse learning opportunities available and accessible to meet the needs of all residents.

CONCLUSION

The adoption of the recommendations of this report will allow Council to conduct City business in relation to various City Committees. Council appointment to these positions will enhance Council's ability to support the current and future economic, social and environmental well-being of its residents.

Rob Costanzo
General Manager, Corporate Services

Appendix "I": Terms of Reference for Select Committees – AFPAC, ESAC, SECD

Appendix "II": Section 9 of the "*Surrey Heritage Advisory Commission Establishment By-law, 1997, No. 13282*"

Appendix "III": *Library Act*

Appendix "IV": Section 204 of the *Community Charter*

Appendix "V": Section 141 of the *Community Charter*

AGRICULTURE AND FOOD POLICY ADVISORY COMMITTEE

TERMS OF REFERENCE

1. Mandate

The purpose of the Agriculture and Food Policy Advisory Committee (AFPAC) is to establish liaison and maintain communication between the agricultural community and the City on agricultural and food security issues.

2. Role

The Agriculture and Food Policy Advisory Committee will:

- (a) Advise and assist City Council in developing a proactive plan to sustain the agricultural community and improve agricultural viability within Surrey with assistance from the Agricultural Land Commission and the Ministry of Agriculture;
- (b) Work in conjunction with staff regarding submissions to other levels of government;
- (c) Make recommendations on all aspects of the agricultural community, including land use, food systems and economic development matters;
- (d) Review and comment from the agricultural viability perspective on issues, plans and specific development applications referred by staff or Council;
- (e) Promote awareness and education of agricultural and food issues in Surrey;
- (f) Promote increased access to healthy, local food for all residents of Surrey;
- (g) Promote opportunities for Agri-tourism, and associated value-added agriculture in partnerships with private businesses, non-profit groups, and volunteers;
- (h) Promote urban food projects and make recommendations on policies and regulations that create a just and sustainable food system; and
- (i) Review the objectives of the Agriculture and Food Policy Advisory Committee every year, and to recommend changes, if any.

3. Membership

- (a) The Committee will consist of twelve (12) voting members, as follows:
 - A minimum of five (5) volunteer 'farming representatives' ('farming representative' is defined as a farmer who derives at least 75% of his/her income from farming);

- A maximum of five (5) volunteer representatives from other agricultural and food sectors, such as from a diversity of commodity groups, food advocacy groups, agriculture processing and food distribution and marketing sectors; and
 - Two (2) members of City Council, appointed annually by the Mayor. One of these members must be appointed to serve as the Chair of the Committee. The other member may be appointed to serve as the Vice Chairperson of the committee.
- (b) The Committee may also include one (1) representative from the Environmental Sustainability Advisory Committee (ESAC) as a voting member. If a member from ESAC is appointed to AFSAC then the Committee will consist of thirteen (13) voting members.
- (c) Volunteer members will be appointed or re-appointed to the Committee for a term of two (2) years, except as otherwise determined by Council.
- (d) Volunteer members may serve for up to three (3) terms on the Committee, except as otherwise determined by Council.
- (e) The Vice Chairperson will be either:
- An appointed member of Council; or
 - A committee member selected from the Committee membership at the first meeting of each term.
- The Vice Chairperson will preside at any meeting where the chair is absent.
- (f) The Committee membership will include four (4) non-voting members:
- A representative from the Ministry of Agriculture.
 - A staff member from the Engineering Department.
 - A staff member from the Planning & Development Department.
 - A staff representative from the Agricultural Land Commission.

4. General Terms and Code of Conduct

- (a) **Decorum and Debate:** Committee members must devote the necessary time and effort to prepare for meetings, arrive at meetings on time, provide feedback in keeping with the Committee mandate, and be respectful of others' thoughts and opinions.
- (b) **Authority and Reporting:** The Committee and its members will not represent themselves as having any authority beyond that delegated in the Terms of Reference (ToR) approved by Mayor and Council.

- (c) **Media / Social Media:** Members of the Committee are not permitted to speak to the media as representatives of the Committee. Committee members must strive to convey the public interest and remember that they represent the City of Surrey; this means that they must be consistent with the City's position on specific issues.

It is the policy of the City of Surrey to encourage clear and effective communication with all Committee members, stakeholders and members of the public. Any use of social media must, as with all other forms of communication meet tests of credibility, privacy, authority and accountability.

- (d) **Professionalism:** Committee members who engage in activities regarding the City of Surrey or Committee initiatives / projects and promotions are expected to maintain a respectful, constructive, professional tone that maintains the brand consistency of the City of Surrey.
- (e) **Confidentiality:** All new Committee members are required to sign a copy of the "Volunteer Services Confidentiality Agreement" as part as their general orientation. All returning Committee members have previously signed a copy of the agreement and are expected to honour and uphold the provisions as outlined within the Agreement.
- (f) **Surrey Residency Requirement:** all Committee volunteers must reside in the City of Surrey. In the event that a Committee member's primary place of residence changes to another municipality during the term of an appointment, the member must notify the Chair and Administrative Assistant regarding change of address.

Depending on the length of appointment term remaining, the Committee member may be asked to step down, thus creating a vacancy. Vacancies will be filled through advertisement placed in local newspapers, social media and on the website; applications received will be reviewed by Council.

- (g) **Conflict of Interest:** City policy regarding conflict of interest applies to all Committee members.

A conflict of interest exists if a Committee member is a director, member or employee of an organization seeking to benefit from the City or if the Committee member has a direct or indirect pecuniary (financial) interest in the outcome of committee deliberations. Committee Members who have a conflict of interest with a topic being discussed must declare that they have a conflict of interest, describe the nature of the conflict and leave the room prior to any discussions and must refrain from voting thereon.

Committee members are not permitted to directly or indirectly benefit from their participation on the Committee during their tenure and for a period of twelve (12) months following the completion of their term(s).

5. Meetings

- (a) Meetings will be held at the call of the Chair.

- (b) Quorum for a meeting of the Committee is one half (1/2) of the voting members plus one (1) member. Any member who is absent from three (3) meetings of the Committee without reason satisfactory to the Committee may be removed from the Committee.
- (c) Minutes of meetings of the Committee will be recorded by the Legislative Services Department and be forwarded by the City Clerk to a Regular Council meeting as information and, where recommendations are included in the minutes, for consideration by City Council.

6. Annual Work Plan

- (a) From a strategic approach, Select Committees are expected to identify a concise set of annual targets and objectives to be submitted to Council for endorsement each November for the following calendar year. The Annual Work Plan must be in line with the ToR and must outline specific targets as to what the Committee plans to achieve while supporting the work, priorities and underlying principles of the City of Surrey.
- (b) The agreed upon Work Plan will be executed by the Committee, with the reasonable assistance of support staff, and must contribute to the overarching goals of the City of Surrey and align with themes identified in the Sustainability Dashboard.

7. Amending, Modifying, or Varying Terms of Reference

- (a) Any request for amendment, modification or variation to these ToR can be enacted either by way of a Committee recommendation to Council or through specific resolution of Mayor and Council.
- (b) In the event that Council endorses the requested change, the relevant resolution number and date of amendment will be recorded on the master ToR document.

8. Staff Assistance

- (a) Staff assistance will be provided to the Committee, as necessary, by:
 - Staff of the Planning and Development Department;
 - Staff of the Engineering Department;
 - Staff of the Investment & Intergovernmental Relations Department;
 - Staff of the Sustainability Office; and Other staff as required.

ENVIRONMENTAL SUSTAINABILITY ADVISORY COMMITTEE

TERMS OF REFERENCE

1. Mandate

- (a) The purpose of the Environmental Sustainability Advisory Committee is to promote public education and awareness by reporting on environmental issues brought forward by the community

2. Role

The Environmental Sustainability Advisory Committee will:

- (a) Provide assistance to Council with advice, comments and information on environmental issues referred by Council to the Environmental Sustainability Advisory Committee;
- (b) Receive and comment on issues related to the natural and built environment of the City that are brought to the attention of the Environmental Sustainability Advisory Committee by the citizens of Surrey, and to bring such issues to Council's attention;
- (c) Support the work of Council by advising them on environmental issues raised by the Environmental Sustainability Advisory Committee;
- (d) Promote public education and awareness of environmental issues;
- (e) Liaise with other civic Committees to avoid duplication and to have a free flow of communication;
- (f) Carry out policy analysis and development for the City, when called upon to do so; and
- (g) Make recommendations to City Council, as necessary.

3. Membership

- (a) The Committee will consist of twelve (12) voting members, as follows:
 - Ten (10) volunteer members who are City of Surrey residents with experience and expertise in environmental matters (these residents do not need to be representatives of particular agencies, organizations or interest groups).
 - Two (2) members of City Council, appointed annually by the Mayor. One of these members must be appointed to serve as the Chair of the Committee. The other member may be appointed to serve as the Vice Chairperson of the committee.

- (b) The Committee may also include one (1) representative from the Agriculture and Food Security Advisory Committee (AFSAC) as a voting member. If a member from AFSAC is appointed to ESAC then the Committee will consist of thirteen (13) voting members.
- (c) Volunteer members will be appointed or re-appointed to the Committee for a term of two (2) years, except as otherwise determined by Council.
- (d) Volunteer members may serve for up to three (3) terms on the Committee, except as otherwise determined by Council.
- (e) The Vice Chairperson will be either:
 - An appointed member of Council; or
 - A committee member selected from the Committee membership at the first meeting of each term.

The Vice Chairperson will preside at any meeting where the chair is absent.

4. **General Terms and Code of Conduct**

- (a) **Decorum and Debate:** Committee members must devote the necessary time and effort to prepare for meetings, arrive at meetings on time, provide feedback in keeping with the Committee mandate, and be respectful of others' thoughts and opinions.
- (b) **Authority and Reporting:** The Committee and its members will not represent themselves as having any authority beyond that delegated in the Terms of Reference (ToR) approved by Mayor and Council.
- (c) **Media / Social Media:** Members of the Committee are not permitted to speak to the media as representatives of the Committee. Committee members must strive to convey the public interest and remember that they represent the City of Surrey; this means that they must be consistent with the City's position on specific issues.

It is the policy of the City of Surrey to encourage clear and effective communication with all Committee members, stakeholders and members of the public. Any use of social media must, as with all other forms of communication meet tests of credibility, privacy, authority and accountability.

- (d) **Professionalism:** Committee members who engage in activities regarding the City of Surrey or Committee initiatives / projects and promotions are expected to maintain a respectful, constructive, professional tone that maintains the brand consistency of the City of Surrey.
- (e) **Confidentiality:** All new Committee members are required to sign a copy of the "Volunteer Services Confidentiality Agreement" as part as their general orientation. All returning Committee members have previously signed a copy of the agreement and are expected to honour and uphold the provisions as outlined within the Agreement.

- (f) Surrey Residency Requirement: all Committee volunteers must reside in the City of Surrey. In the event that a Committee member's primary place of residence changes to another municipality during the term of an appointment, the member must notify the Chair and Administrative Assistant regarding change of address.

Depending on the length of appointment term remaining, the Committee member may be asked to step down, thus creating a vacancy. Vacancies will be filled through advertisement placed in local newspapers, social media and on the website; applications received will be reviewed by Council.

- (g) Conflict of Interest: City policy regarding conflict of interest applies to all Committee members.

A conflict of interest exists if a Committee member is a director, member or employee of an organization seeking to benefit from the City or if the Committee member has a direct or indirect pecuniary (financial) interest in the outcome of committee deliberations. Committee Members who have a conflict of interest with a topic being discussed must declare that they have a conflict of interest, describe the nature of the conflict and leave the room prior to any discussions and must refrain from voting thereon.

Committee members are not permitted to directly or indirectly benefit from their participation on the Committee during their tenure and for a period of twelve (12) months following the completion of their term(s).

5. Meetings

- (a) Meetings will be held at the call of the Chair.
- (b) Quorum for a meeting of the Committee is one half (1/2) of the voting members plus one (1) member. Any member who is absent from three (3) or more meetings of the Committee per year without reason satisfactory to the Committee may be removed from the Committee.
- (c) Minutes of meetings of the Committee will be recorded by the Legislative Services Department and be forwarded by the City Clerk to a Regular Council meeting as information and, where recommendations are included in the minutes, for consideration by City Council.

6. Annual Work Plan

- (a) From a strategic approach, Select Committees are expected to identify a concise set of annual targets and objectives to be submitted to Council for endorsement each November for the following calendar year. The Annual Work Plan must be in line with the ToR and must outline specific targets as to what the Committee plans to achieve while supporting the work, priorities and underlying principles of the City of Surrey.

- (b) The agreed upon Work Plan will be executed by the Committee, with the reasonable assistance of support staff, and must contribute to the overarching goals of the City of Surrey and align with themes identified in the Sustainability Dashboard.

7. Amending, Modifying, or Varying Terms of Reference

- (a) Any request for amendment, modification or variation to these ToR can be enacted either by way of a Committee recommendation to Council or through specific direction of Mayor and Council.
- (b) In the event that Council endorses the requested change, the relevant resolution number and date of amendment will be recorded on the master ToR document.

8. Staff Assistance

- (a) Staff assistance will be provided to the Committee, as necessary, by:
 - Staff of the Parks, Recreation & Culture Department;
 - Staff of the Engineering Department;
 - Staff of the Planning and Development Department; and
 - Other staff as required.

Approved by Council: December 18, 2017 (RES.17-3439)

SOCIAL EQUITY AND DIVERSITY COMMITTEE

TERMS OF REFERENCE

1. **Mandate**

- (a) The purpose of the Social Equity and Diversity Committee is to advise Council and to undertake initiatives to enhance the social well-being of the present and future residents of Surrey.

2. **Role**

The Social Equity and Diversity Committee will:

- (a) Advise and make recommendations to Council on policies, priorities, new initiatives and direction to maintain and improve the social well-being of Surrey residents;
- (b) Hear and respond to delegations by community groups, social service agencies and others and make recommendations to Council;
- (c) Advise and make recommendations to Council on the implementation of the Plan for the Social Well-Being of Surrey Residents and related plans and strategies;
- (d) Liaise, on behalf of Council, with public and private agencies including senior governments, to encourage the provision of programs and services for Surrey residents; and
- (e) Consider other social planning issues as may be referred by Council.

3. **Membership**

- (a) The Committee will consist of eleven (11) voting members, as follows:
 - Ten (10) volunteer members who are either: City of Surrey residents with experience and expertise with social policy matters; or members of agencies, organizations or interest groups that focus on social policy matters, including:
 - persons with disabilities;
 - Indigenous peoples;
 - The LGBTQ+ community;
 - Representatives from academic institutions who possess experience in social policy matters; and

- Representatives from social or community services.
 - One (1) member of City Council, appointed annually by the Mayor. The Council representative will serve as the Chair of the Committee.
- (b) Volunteer members will be appointed or re-appointed to the Committee for a term of two (2) years, except as otherwise determined by Council.
- (c) Volunteer members may serve for up to three (3) terms on the Committee, except as otherwise determined by Council.
- (d) The Vice Chairperson will be either:
- An appointed member of Council; or
 - A committee member selected from the Committee membership at the first meeting of each term.

The Vice Chairperson will preside at any meeting where the chair is absent.

4. General Terms and Code of Conduct

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- (b) **Authority and Reporting:** The Committee and its members will not represent themselves as having any authority beyond that delegated in the Terms of Reference (ToR) approved by Mayor and Council.
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- (d) **Professionalism:** Committee members who engage in activities regarding the City of Surrey or Committee initiatives / projects and promotions are expected to maintain a respectful, constructive, professional tone that maintains the brand consistency of the City of Surrey.
- (e) **Confidentiality:** All new Committee members are required to sign a copy of the "Volunteer Services Confidentiality Agreement" as part as their general orientation. All returning Committee members have previously signed a copy of

the agreement and are expected to honour and uphold the provisions as outlined within the Agreement.

- (f) **Surrey Residency Requirement:** all Committee volunteers must reside in the City of Surrey. In the event that a Committee member's primary place of residence changes to another municipality during the term of an appointment, the member must notify the Chair and Administrative Assistant regarding change of address.

Depending on the length of appointment term remaining, the Committee member may be asked to step down, thus creating a vacancy. Vacancies will be filled through advertisement placed in local newspapers, social media and on the website; applications received will be reviewed by Council.

- (g) **Conflict of Interest:** City policy regarding conflict of interest applies to all Committee members.

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Committee members are not permitted to directly or indirectly benefit from their participation on the Committee during their tenure and for a period of twelve (12) months following the completion of their term(s).

5. Meetings

- (a) Meetings will be held at the call of the Chair.
- (b) Quorum for a meeting of the Committee is one half (1/2) of the voting members plus one (1) member. Any member who is absent from three (3) or more meetings of the Committee per year without reason satisfactory to the Committee may be removed from the Committee.
- (c) Minutes of meetings of the Committee will be recorded by the Legislative Services Department and be forwarded by the City Clerk to a Regular Council meeting as information and, where recommendations are included in the minutes, for consideration by City Council.

6. Annual Work Plan

- (a) From a strategic approach, Select Committees are expected to identify a concise set of annual targets and objectives to be submitted to Council for endorsement each November for the following calendar year. The Annual Work Plan must be in

line with the ToR and must outline specific targets as to what the Committee plans to achieve while supporting the work, priorities and underlying principles of the City of Surrey.

- (b) The agreed upon Work Plan will be executed by the Committee, with the reasonable assistance of support staff, and must contribute to the overarching goals of the City of Surrey and align with themes identified in the Sustainability Dashboard.

7. Amending, Modifying, or Varying Terms of Reference

- (a) Any request for amendment, modification or variation to these ToR can be enacted either by way of a Committee recommendation to Council or through specific resolution of Mayor and Council.
- (b) In the event that Council endorses the requested change, the relevant resolution number and date of amendment will be recorded on the master ToR document.

8. Staff Assistance

- (a) Staff assistance will be provided to the Committee, as necessary, by:
 - Staff of the Planning and Development Department – Social Policy Division; and
 - Other staff as required.

*Approved by Council: December 18, 2017 (RES.17-3439)
Revised: June 24, 2019 (RES.19-1140)
February 10, 2020 (RES.20-156)*

NOTE: Statutory Committees, also known as boards, commissions or committees are established pursuant to facilitating legislation and serve at an arms-length capacity to the Council on behalf of or in cooperation with the municipality. Examples of such committees are:

- Library Board
- Board of Variance established pursuant to the *Local Government Act* (s.536);
- Parcel Tax Review Panel established pursuant to the *Community Charter* (s.204);
- **Surrey Heritage Advisory Commission established pursuant to *Local Government Act* (s.953);**

SURREY HERITAGE ADVISORY COMMISSION

Note: Surrey By-law No. 13282 was amended on December 1, 2014 to allow, at Council's discretion by resolution, an exception to the maximum terms, to allow a member to serve an additional term.

CITY OF SURREY

BY-LAW NO. 13282

As amended by By-laws: 13563, 11/02/98; 14621, 02/04/02; 14924, 02/17/03; 15100, 07/24/03; 17108, 01/25/10; 17229, 07/29/10; 17347; 01/24/11; 17666, 11/05/12; 18324, 12/01/14

A By-law to establish a Surrey Heritage Advisory Commission

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THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

WHEREAS pursuant to Section 953 of the *Local Government Act*, R.S.B.C. 1996, c.323, the Council of the City of Surrey (hereinafter called the "Council") may, by by-law, establish a community heritage commission (hereinafter called the "Commission");

AND WHEREAS the City of Surrey's heritage is an integral part of its identity; to be discovered, preserved and enjoyed;

AND WHEREAS the residents of City of Surrey have identified through the Future Surrey process the importance of "preserving and promoting our heritage sites and history";

AND WHEREAS the effective management of the City of Surrey's heritage resources requires the attention of all parties to ensure their preservation for future generations;

AND WHEREAS in the by-law establishing the Commission, there shall be set out:

- I The Name of the Commission
- II The Terms of Reference of the Commission
- III The Composition of the Commission
- IV The Manner of Appointment
- V The Procedures Governing the Operation of the Commission
- VI General Provisions

NOW, THEREFORE, the City Council of the City of Surrey (the "City"), in open meeting assembled, ENACTS AS FOLLOWS:

PART I THE NAME OF THE COMMISSION

The Commission is an advisory commission of Council and shall be known as the "Surrey Heritage Advisory Commission".

PART II THE TERMS OF REFERENCE OF THE COMMISSION

1. Purpose

The purpose of the Commission is:

- (a) to advise Council on heritage matters as outlined in its mandate;
- (b) to advise Council on heritage matters referred to it by Council; and
- (c) to provide support for heritage activities as directed or endorsed by Council.

2. Mandate

- (a) The advisory mandate of the Commission shall be:
 - (i) to advise Council on matters dealing with the creation and maintenance of a Heritage Register (as defined in the *Local Government Act*), which identifies heritage features and heritage properties and details their heritage value or heritage character;
 - (ii) to advise Council on the designation by by-law of a feature or property, in whole or in part, interior or exterior, as a City heritage site and the terms and conditions of such designation;
 - (iii) to advise Council on expenditures related to financial assistance or compensation to feature owners or property owners for maintenance or preservation of a designated heritage feature or property as authorized by By-law No. 15099;

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- (iv) to advise Council on the recognition of significant heritage features or heritage properties through the installation of markers, plaques and cairns;
 - (v) to advise Council on the recognition of individual or corporate achievements in the area of heritage preservation and awareness through the presentation of Heritage in the City Awards;
 - (vi) to review information and recommendations prepared by City staff concerning all proposed heritage preservation tools and strategies for properties and features included in the Heritage Register, and to advise Council accordingly;
 - (vii) to review information and recommendations prepared by City staff on matters related to Heritage Conservation Covenants, Heritage Conservation Areas and Heritage Revitalization Agreements (all as defined in the *Local Government Act*), and to advise Council accordingly;
 - (viii) to advise Council on all matters relating to heritage conservation as referred to the Commission by Council; and
 - (ix) to advise Council and to provide comments on the heritage aspect of development applications involving sites with heritage designations and sites on or proposed to be on the Heritage Register.
- (b) The support mandate of the Commission shall be:
- (i) to support awareness of and appreciation for the City's heritage by developing and promoting information related to the City's heritage in a variety of formats and media;
 - (ii) to support heritage activities and heritage programs undertaken by the City or community organizations in the areas of environmental preservation and interpretation, built preservation and interpretation and cultural preservation and interpretation; and
 - (iii) to support activities undertaken by the City related to awareness and preservation of significant heritage features or heritage property in the City.

PART III THE COMPOSITION OF THE COMMISSION

- 3. The Commission shall consist of a total of six members, of which up to two members may be members of Council. The Commission may also have an alternate member appointed to the Commission to sit as a voting member.
- 4. In making appointments, Council may consider the interests, skills and expertise necessary to carry out the Commission's mandate.
- 5. In making appointments, Council may consider a balance of technical expertise and knowledge of the community.

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6. All of the citizen appointees of Commission shall be resident electors (as defined by the *Local Government Act*) of the City.

PART IV THE MANNER OF APPOINTMENT

7. Prior to the appointment of the members of the Commission, the City Clerk shall, on behalf of Council, advertise for citizens interested in serving on the Commission.
8. Council shall review the applications and shall appoint the members of the Commission by resolution of Council.
9. The Mayor may appoint up to two members of Council to attend Commission meetings, to vote on motions of the Commission and to provide liaison between the Commission and the Council.

PART V THE PROCEDURES GOVERNING THE OPERATION OF THE COMMISSION

10. Term of Appointment

- (a) The term of appointment of a member/alternate of the Commission shall be for two years dating from January 1st to December 31st two years later.
- (b) A member/alternate of the Commission shall not serve more than three consecutive terms, provided however, that after at least one year out of office that member may be re-appointed.
- (c) Notwithstanding Section 10.(b), the Commission, by Recommendation to Council may request that Council, by Resolution, provide for an exception to the maximum term to allow a Member to serve an additional term.
- (d) All appointed members/alternate shall remain members until their successors have been appointed.
- (e) In the event of the resignation or death of an appointed member, Council shall appoint a new member to fill such vacancy for the unexpired balance of the term of the incumbent.

11. Chair

- (a) One member of City Council shall be appointed annually by the Mayor to serve as the Chair of the Commission.
- (b) The Commission shall select a vice-Chair from among its members on an annual basis.

12. Meetings

- (a) The Commission shall meet regularly.
- (b) The Chair and City staff shall prepare the agendas for the Commission meetings.
- (c) The Legislative Services Department shall record the minutes of the meetings of the Commission and submit the minutes to Council for its information.
- (d) The Commission shall submit its recommendations to Council for Council's consideration and approval, accompanied by the Commission's records and any other information that the Commission may consider relevant.
- (e) The Chair, or any three members, may call a special meeting by giving three days' written notice to all members, stating the purpose of the meeting.
- (f) A quorum for the meeting shall be a majority of the members of the Commission. A recommendation of a quorum shall be considered that of the full Commission.
- (g) Council shall be advised of any member who misses three consecutive meetings or three meetings within a six month period. Council shall consider the impact of the absences and shall fill the vacancy by reappointing the member or appointing a new member to fill the balance of the unexpired term.
- (h) Meetings of the Commission shall be conducted in accordance with the procedures set out in Part 17 of the Council Procedure By-law, 1999, No. 13600, as amended.

13. Budget

- (a) The Commission shall submit to the Finance, Technology & Human Resources Department for Council's consideration and approval a proposed budget of its anticipated expenditures and revenues for the next fiscal year by September 30th of each year.
- (b) The Commission budget may include an amount for heritage preservation and maintenance grants for designated heritage features or heritage properties as authorized by City of Surrey Heritage Sites Financial Assistance By-law, 2003, No. 15099.
- (c) Any grants recommended for approval by the Commission must receive a 2/3 majority vote of Council, in accordance with s. 183.1 of the "*Local Government Act*".

Expenditures

- (d) Attendance at conferences and related travel must be approved by Council, and expenses approved for payment must not exceed City policy.
- (e) Expenditures of the Commission may include expenditures for items such as recognition projects, memberships, subscriptions, supplies, and projects/events necessary to fulfill

its mandate. Minor expenditures, up to and including \$2,500 shall be approved by the Commission and referred to the City Clerk to authorize payment.

- (f) The Commission, with Council's approval, may solicit and receive funds for special projects relevant to its mandate. In such cases, a separate budget shall be established by the Commission and approved by Council to manage such funds.

14. Staff Support and Attendance

- (a) Technical, administrative and advisory information, services and support shall be provided to the Commission by City staff as required.
- (b) The Legislative Services Department shall designate an Administrative Assistant to provide administrative support.
- (c) The Parks, Recreation & Culture Department shall designate a professional liaison who shall attend meetings of the Commission and shall provide liaison and support services to the Commission as outlined in Section 16 (d), as required.
- (d) The Planning and Development Department shall designate a professional liaison who shall attend meetings of the Commission and shall provide liaison and support services to the Commission as outlined in Section 16 (e), as required.
- (e) The Engineering Department shall designate a professional liaison who shall attend meetings of the Commission as required and shall provide liaison and support services to the Commission as outlined in Section 16 (f), as required.

15. Roles

- (a) The Council representative shall:
 - (i) provide liaison between the Commission and Council;
 - (ii) speak to Commission recommendations at Council meetings to augment information for Council decisions; and
 - (iii) have the power to vote on motions of the Commission.
- (b) The Chair shall:
 - (i) liaise with the Administrative Assistant for the preparation of agendas for meetings;
 - (ii) liaise with the Administrative Assistant for the coordination and facilitation of support services required of City staff;
 - (iii) send correspondence on behalf of the Commission;
 - (iv) send invitations or announcements on behalf of the Commission;

-
- (v) liaise with representatives of other heritage commissions and societies;
 - (vi) chair Commission meetings to ensure the efficient conduct of Commission business; and
 - (vii) review the minutes of Commission and authorize the forwarding of the unapproved minutes to Council.
- (c) The City Clerk shall designate an Administrative Assistant (the "Administrative Assistant") to:
- (i) record the minutes of the regular meetings of the Commission;
 - (ii) prepare minutes of regular Commission meetings and forward the minutes to Council;
 - (iii) liaise with the Chair to prepare and distribute agendas for meetings;
 - (iv) prepare the correspondence of the Commission and keep records related to the activities of the Commission;
 - (v) advertise vacancies on the Commission;
- (d) The General Manager, Parks, Recreation & Culture Department shall designate an appropriate liaison to:
- (i) facilitate Commission efforts to increase public awareness of and appreciation for the City's built, natural and cultural heritage;
 - (ii) advise and inform the Commission and liaise with the Engineering Department (Facilities Management Division) on maintenance standards and preservation works related to designated heritage public properties or park sites operated or managed by the Parks, Recreation & Culture Department;
 - (iii) preserve, arrange and provide public access to records and documents related to Surrey's heritage inventory and Heritage Register; and
- (e) The General Manager, Planning and Development Department, shall designate an appropriate liaison to:
- (i) maintain the Heritage Register and provide information and recommendations on properties and features proposed to be included in the Register;
 - (ii) liaise with the Administrative Assistant;
 - (iii) advise the Commission on the status of development applications involving sites with heritage designation and sites on or proposed to be on the Heritage Register and liaise with staff to ensure that the recommendations as adopted by Council with respect to the protection of the heritage sites, buildings, or trees are implemented; and

LIBRARY ACT
CHAPTER 264 [RSBC 1996]

[includes 2018 Bill 24, c. 23 amendments (effective May 31, 2018)]

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PART 1 – Introductory Provisions

Definitions

(AM)
Jan
01/04

1. In this Act:

"aboriginal government" means an aboriginal organization exercising governmental functions;

"elector" has the meaning it has in the *Local Government Act*;

"electoral participating area" means an area that

(SUB)
Aug
30/00

(a) is within a service area for the service of participation in a regional library district under Part 3 of this Act, and

(b) is all or part of an electoral area as defined in the *Local Government Act*;

"integrated public library system" means an integrated public library system the operation of which is continued under section 60;

"library board" means,

(a) in Part 2, the library board of a municipal library,

(b) in Part 3, the library board of a regional library district,

(c) in Part 4, the library board of a public library association, and

(d) in Part 5, a library board referred to in paragraph (a), (b) or (c),

and includes

(e) a federated library board in sections 46 to 48, 50, 51 and 53 to 55, and

(f) an integrated public library system in sections 46 to 51;

"library federation" means a federation established by agreement under section 49;

"municipal library" means a library established under section 3;

"net taxable value of land and improvements" means net taxable value of land and improvements for hospital district purposes under section 26 (3) of the *Hospital District Act*;

(SUB)
Jan
01/04

"newspaper" has the meaning it has in the *Community Charter*;

"population" means the population determined under section 22;

"public library" includes a municipal library, a regional library district, a public library association and an integrated public library system;

"public library association" means a public library association continued under section 31;

"regional library district" means a regional library district established under section 14.

1994-31-1; 2000-7-191, Sch, 225; 2003-52-156.

Purposes of this Act

2. The purposes of this Act are

(a) to encourage the extension and use of public library service throughout British Columbia,

(b) to enable the delivery of public library service in British Columbia by

(i) providing for the establishment and operation of municipal libraries, regional library districts and library federations, and

(ii) allowing existing public library associations and integrated public library systems to continue to operate, and

(c) to support improvements in public library service.

LIBRARY ACT

1994-31-2.

PART 2 – Municipal Libraries

How a municipal library is established

- (REP)
Jan
01/04
3. (1) A municipality may, by bylaw, establish a municipal library.
(2) A municipal library may be established under subsection (1) in a municipality served by a public library association, but only if the association has requested the municipality to assume responsibility for providing library service in the municipality.
(3) *Repealed.* [2003-52-157]
- 1994-31-3; 2003-52-157.

Role and status of the library board

4. (1) A municipal library is to be managed by a library board called the "*[insert name of municipality]* Public Library Board".
(2) The members of the library board and their successors in office are a corporation with the powers and duties given in this Part.
- 1994-31-4.

How the library board is appointed

- (AM)
Dec
03/99
5. (1) The municipal council must appoint the members of the library board at the first meeting of the municipal council after the coming into force of the bylaw establishing the municipal library.
(2) The library board is to consist of an uneven number of members, not fewer than 5 or more than 13, selected as follows:
(a) one from the municipal council;
(b) the remainder from people who are residents or electors of the municipality and who are not members of the municipal council or employees of the municipality or library board.
- (AM)
May
31/18
- (3) All subsequent regular appointments are to be made each November at the first regular meeting of the municipal council.
(4) Before selecting anyone under subsection (2) (b), the municipal council must invite applications for membership by publishing a notice in a newspaper.
(5) A vacancy arising during the term of an appointment is to be filled, for the remainder of the term, by an appointment made at the first meeting of the municipal council after the vacancy arises.
(6) If an appointment is not made at the time specified in this section, the appointment must be made as soon as convenient.
- 1994-31-5; 1999-38-45; 2018-23-50.

Term of office

6. (1) The member appointed to the library board from the municipal council holds office for one year, or for the remainder of the year for which the appointment is made.
(2) One half of the members first appointed to the library board under section 5 (2) (b) hold office for a term of one year, and the others hold office for a term of 2 years.
(3) All subsequent regular appointments under section 5 (2) (b) are for terms of 2 years.
(4) A member is eligible for reappointment, but no member may serve for more than 8 consecutive years.

LIBRARY ACT

- (5) The term of office of a member continues until a successor is appointed unless the member is removed for cause.
- (6) On receiving a report from the library board, the municipal council may remove a member of the library board for cause, including if the member
 - (a) fails to attend 3 consecutive regular meetings of the library board without its written approval,
 - (b) becomes an employee of the municipality or of the library board, or
 - (c) ceases to be a resident or elector of the municipality.

1994-31-6.

Election of chair and vice chair

7.
 - (1) The library board must elect a chair and a vice chair at its first meeting in each year after appointments are made to the library board.
 - (2) If the chair is not present at a meeting of the library board, the vice chair has all the powers of the chair and is subject to all rules applicable to the chair.
 - (3) If neither the chair nor the vice chair is present at a meeting of the library board, the members present may elect an acting chair who has, during the meeting, all the powers of the chair and is subject to all rules applicable to the chair.

1994-31-7.

Regular and special meetings of library board

8.
 - (1) The library board must meet at regular intervals at least 6 times a year.
 - (2) A majority of all the members of the library board is a quorum.
 - (3) The chair or any 2 members may call a special meeting of the library board by notifying, in writing, the other members at least 2 days before the meeting and stating in the notice the purpose of the meeting.

1994-31-8.

General powers and duties of library board

9. The library board
 - (a) may make rules for managing its business and for regulating the use of its facilities and services by the public,
 - (b) may appoint any committees of its members that it considers necessary to carry out its business,
 - (c) must appoint a chief librarian,
 - (d) may hire and dismiss employees, enter into collective agreements with employees and set the terms of their employment, including fixing their remuneration and duties,
 - (e) may lease land or buildings for library purposes, but only with the prior approval of the municipal council,
 - (f) may acquire personal property for library purposes and dispose of personal property,
 - (g) may contract, for a term of not more than 5 years, for professional or other services for library purposes,
 - (h) may sue and be sued,
 - (i) may have a common seal and may alter or change it, and

LIBRARY ACT

- (j) must prepare an annual report in the form approved by the minister and must send copies of the report to the minister.

1994-31-9.

Budget and financing

10. (1) On or before March 1 in each year, the library board must prepare and submit to the municipal council its annual budget for providing library service in the municipality.
- (2) The municipal council must approve, with or without amendment, the budget submitted to it under subsection (1).
- (3) At the request of the library board, the municipal council may approve an amendment to the approved budget.
- (4) The municipal council must include in the municipality's annual budget a sum sufficient to finance the library board's approved budget.
- (5) The municipality must pay to the library board the sum included in the annual budget and the payments must be made on the dates scheduled by the library board and the municipality.

1994-31-10; 1998-34-280.

(SUB)
Sep
23/98

Expenditures and financial statements

11. (1) The library board has, subject to the approved budget, exclusive control over the expenditure of
- (a) all money provided by the municipal council for library purposes,
- (b) all money given to the library board,
- (c) the revenue derived from any source, including
- (i) fees,
- (ii) fines, and
- (iii) money recovered by the library board for detention, damage or loss of library materials, and
- (d) all money received by the library board under an agreement to provide library service.
- (2) The library board must provide to the municipality annual financial statements that have been audited in the same manner and at the same time as the financial statements of the municipality.

1994-31-11.

Powers and duties of chief librarian

12. The chief librarian
- (a) has general supervision and direction of the municipal library and its staff,
- (b) is the secretary to the library board, and
- (c) has the powers and duties the library board assigns to the chief librarian from time to time.

1994-31-12.

**Abolition of municipal library and
dissolution of library board**

(SUB)
Jan
01/04
(SUB)
Jan
01/04

- 13.** (1) A municipal council may only abolish a municipal library by bylaw adopted with the assent of the electors.
- (2) On adoption of a bylaw under subsection (1), the library board is dissolved.
- (3) When the library board is dissolved, the assets of the library board are vested in the municipality and any liabilities or obligations of the library board are assumed by the municipality.

1994-31-13; 2000-7-191, Sch.; 2003-52-158.

PART 3 – Regional Library Districts

How a regional library district is established

14. (1) Two or more municipalities and one or more regional districts each representing one or more electoral participating areas may, by bylaw, enter into an agreement to request the Lieutenant Governor in Council to establish a regional library district.
- (2) When the agreement is executed, the parties must send a copy to the minister for presentation to the Lieutenant Governor in Council.
- (3) After receiving the agreement, the Lieutenant Governor in Council may establish a regional library district comprising
- (a) the area within each municipality that is a party to the agreement, and
 - (b) the electoral participating areas of each regional district that is a party to the agreement.

1994-31-14.

Role and status of the library board

15. (1) A regional library district is to be managed by a library board called the "[insert name] Regional Library District Board".
- (2) The members of the library board and their successors in office are a corporation with the powers and duties given in this Part.

1994-31-15.

How the library board is appointed

16. (1) The library board is to consist of a representative of each municipality and regional district that is a party to the agreement to establish the regional library district.
- (SUB) Dec 03/99 (2) A municipal council must, by resolution,
- (a) appoint one of its members to be a member of the library board, and
 - (b) appoint another of its members as an alternate member to serve on the library board if the member appointed under paragraph (a) is absent or unable to act.
- (SUB) Dec 03/99 (3) If there is more than one electoral participating area in the regional library district, the regional district board must, by resolution,
- (a) appoint from among the directors of the electoral participating areas a member of the library board, and
 - (b) appoint another of the directors of the electoral participating areas as an alternate member to serve on the library board if the member appointed under paragraph (a) is absent or unable to act.
- (SUB) Dec 03/99 (4) If there is only one electoral participating area in a regional library district,
- (a) the director of the electoral participating area is a member of the library board, and
 - (b) the alternate director of the electoral participating area is the alternate member on the library board if the director of the electoral participating area is absent or unable to act.

1994-31-16; 1999-38-46.

When members are appointed

LIBRARY ACT

(AM)
May
31/18

- 17.** (1) Each municipal council and each regional district board must appoint its representative and alternate representative at the first meeting of the municipal council or regional district board after the regional library district is established under section 14 (3).
- (2) All subsequent regular appointments must be made each November at the first meeting of the municipal council or regional district board.
- (3) A vacancy arising during the term of an appointment is to be filled, for the remainder of the term, by an appointment made at the first meeting of the municipal council or regional district board after the vacancy arises.
- (4) If an appointment is not made at the time specified in this section, the appointment must be made as soon as convenient.

1994-31-17; 2018-23-51.

Term of office

- 18.** (1) A member of the library board holds office for a term of one year, or for the remainder of the year for which the appointment is made.
- (2) A member is eligible for reappointment, but no member may serve for more than 8 consecutive years.
- (3) The term of office of a member continues until a successor is appointed unless the member is removed for cause.
- (4) A municipal council or regional district board may remove its representative on the library board for cause, including if the representative fails to attend 3 consecutive regular meetings of the library board without the written approval of the library board.

1994-31-18.

Election of chair and vice chair

- 19.** (1) The library board must elect a chair and a vice chair at the first meeting in each year.
- (2) If the chair is not present at a meeting of the library board, the vice chair has all the powers of the chair and is subject to all rules applicable to the chair.
- (3) If neither the chair nor the vice chair is present at a meeting of the library board, the members present may elect an acting chair who has, during the meeting, all the powers of the chair and is subject to all the rules applicable to the chair.

1994-31-19.

Regular and special meetings of library board

- 20.** (1) The library board must meet at regular intervals at least 4 times a year.
- (2) A majority of all the members of the library board is a quorum.
- (3) The chair or any 2 members may call a special meeting of the library board by notifying, in writing, the other members at least 5 days before the meeting and stating in the notice the purpose of the meeting.

1994-31-20.

General powers and duties of library board

- 21.** The library board
- (a) may make rules for managing its business and for regulating the use of its facilities and services by the public,

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- (b) may appoint any committees of its members that it considers necessary to carry out its business,
- (c) must appoint a chief librarian,
- (d) may hire and dismiss employees, enter into collective agreements with employees and set the terms of their employment, including fixing their remuneration and duties,
- (e) may acquire land and lease or construct buildings for library purposes,
- (f) may dispose of land or buildings,
- (g) may acquire personal property for library purposes and dispose of personal property,
- (h) may contract, for a term of not more than 5 years, for professional or other services for library purposes,
- (i) may sue and be sued,
- (j) may have a common seal and may alter or change it, and
- (k) must prepare an annual report in the form approved by the minister and must send copies of the report to the minister.

1994-31-21.

How population is determined

- 22.** (1) For the purposes of sections 23 and 24, the minister is to determine the population of an area by compiling the population figures for the most recent year for which figures are available for that area.
- (2) In determining population the minister may take into account any changes in the boundaries of an area and may use
- (a) information or estimates provided by the Minister of Finance,
 - (b) information in the most recently available Census of Canada, and
 - (c) other information the minister considers relevant.

(AM)
Apr
01/04

1994-31-22; 2003-54-27.

Voting on expenditures

- 23.** (1) On questions involving the expenditure of money,
- (a) each member of the library board has one vote, plus one additional vote for each complete 1 000, after the first 1 000, of the population of the municipality represented by the member or of the electoral participating areas of the regional district represented by the member, and
 - (b) a majority of the weighted votes cast decides those questions,
- unless a proposal is adopted under subsection (2).
- (2) If at least 2/3 of the municipalities and regional districts represented on the library board adopt a proposal on the number of votes each representative on the library board has on questions involving the expenditure of money, the proposal binds all the municipalities and regional districts represented on the library board.
- (3) A proposal adopted under subsection (2) may be changed or cancelled by a resolution adopted by at least 2/3 of the municipalities and regional districts represented on the library board.

1994-31-23.

Sharing the cost of library service

(AM)
Jan
01/04

- 24.** (1) In this section, "**converted value of land and improvements**" means the converted value of land and improvements within the meaning of the *Community Charter*.
- (2) The cost of providing library service must be apportioned
- (a) 1/2 on the basis of the converted value of land and improvements of each municipality and of the electoral participating areas of each regional district, represented on the library board, and
- (b) 1/2 on the basis of the population of each municipality and of the electoral participating areas of each regional district, represented on the library board, unless a proposal is adopted under subsection (3).
- (3) If at least 2/3 of the municipalities and regional districts represented on the library board adopt a proposal on apportioning the cost of providing library service, the proposal binds all the municipalities and regional districts represented on the library board.
- (4) A proposal adopted under subsection (3) may be changed or cancelled by a resolution adopted by at least 2/3 of the municipalities and regional districts represented on the library board.

1994-31-24; 1999-37-247; 2000-7-191, Sch.; 2003-52-159.

Budget and financing

(AM)
Mar
10/16

- 25.** (1) In each year the library board must prepare and approve a budget for providing library service in the next financial year.
- (2) Before March 1 of the year for which the budget is approved, the library board must provide a copy of the budget to each of the municipalities and regional districts represented on the library board.
- (3) The approved budget must show the share of the cost of providing library service that was apportioned under section 24 to each of the municipalities and regional districts represented on the library board.
- (4) The secretary to the library board must provide to each of the municipalities and regional districts represented on the library board a certificate of the amount shown under subsection (3) in the budget for that municipality or regional district.
- (5) Each municipality and regional district represented on the library board must pay the amounts certified under subsection (4) to the library board in equal instalments on March 1, June 1, September 1 and December 1 of each year.
- (6) The library board may borrow money needed to meet its current expenditures if the amount borrowed
- (a) is not more than 50% of the revenue the library board is to receive from all sources in the current year to cover those expenditures, and
- (b) is repaid when the anticipated revenue is received.

1994-31-25; 1998-34-281; 2016-5-44, Sch 6.

Expenditures and financial statements

- 26.** (1) The library board has, subject to the approved budget, exclusive control over the expenditure of
- (a) all money provided to it for library purposes by the municipalities and regional districts represented on the library board,
- (b) all money given to the library board,
- (c) the revenue derived from any source, including
- (i) fees,

LIBRARY ACT

- (ii) fines, and
- (iii) money recovered by the library board for detention, damage or loss of library materials, and
- (d) all money received by the library board under an agreement to provide library service.
- (2) The library board must
 - (a) prepare annual financial statements to be audited by the auditors appointed by the library board, and
 - (b) provide a copy of the audited financial statements to the municipalities and regional districts represented on the library board.

1994-31-26.

Powers and duties of chief librarian

- 27.** The chief librarian
- (a) has general supervision and direction of the regional library district and its staff,
 - (b) is the secretary to the library board, and
 - (c) has the powers and duties the library board assigns to the chief librarian from time to time.

1994-31-27.

Extension of regional library district

- 28.** (1) A municipality or regional district may, by bylaw, enter into an agreement with the library board to extend the regional library district to include the municipality or the electoral participating areas within the regional district.
- (2) When the agreement is executed, the parties must send a copy to the minister for presentation to the Lieutenant Governor in Council.
- (3) When the agreement is approved by the Lieutenant Governor in Council, the area within the municipality or the electoral participating areas within the regional district, as the case may be, become part of the regional library district.
- (4) At its first meeting after the agreement is approved or as soon afterward as convenient, the municipal council or the regional district board that entered into the agreement must appoint its representative as a member of the library board under section 16 (2) or (3).

(AM)
Dec
03/99

1994-31-28; 1999-38-47.

Withdrawal from regional library district

- (SUB)
Jan
01/04
- 29.** (1) A municipality or regional district may withdraw from a regional library district only by bylaw adopted with the assent of the electors.
- (2) No vote to obtain assent may be taken after October 1 in any year.
- (3) If a bylaw under subsection (1) is adopted, the municipality or regional district must send a copy of the bylaw to the minister for presentation to the Lieutenant Governor in Council.
- (4) If the Lieutenant Governor in Council approves of the municipality or regional district withdrawing from the regional library district, the area within the municipality or the electoral participating areas within the regional district ceases to form part of the regional library district on January 1 after the date of approval.
- (5)

(SUB)
Jan
01/04

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If the Lieutenant Governor in Council approves of the municipality or regional district withdrawing from the regional library district, the library board may enter into an agreement with the municipality or regional district to transfer to it a reasonable share of library assets, including library materials.

(AM)
Mar
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- (6) If the share of library assets is not agreed on by January 1 after the date of approval, the library board must submit the matter for determination by one arbitrator appointed under the *Arbitration Act* and that Act applies to the dispute.

1994-31-29; 2000-7-191, Sch.; 2003-52-160; 2011-25-481, Sch. (B.C. Reg. 131/2012).

Disestablishment of regional library district by agreement

- 30.** (1) The municipalities and regional districts represented on the library board may, by bylaw, enter into an agreement for disestablishing the regional library district and winding up the library board.
- (2) When an agreement under subsection (1) is executed, the parties must send a copy to the minister for presentation to the Lieutenant Governor in Council.
- (3) An agreement under subsection (1) has no effect until it is approved by the Lieutenant Governor in Council.
- (4) The Lieutenant Governor in Council may approve the disestablishment of the regional library district and, in the order or any subsequent order, may provide for winding up the library board on any terms and conditions the Lieutenant Governor in Council considers advisable.

1994-31-30.

PART 4 – Public Library Associations

Existing public library associations continued

- 31.** (1) A public library association that was incorporated before, and provided library service until, August 26, 1994 is continued, and the association may continue to provide library service in the locality for which it was formed.
- (2) A public library association has the powers and duties given to a library board under this Part.

1994-31-31.

Who can become a member

- 32.** On application and subject to the rules of the public library association, the following are eligible to become members of a public library association:
- (a) residents in the locality for which the association was formed;
- (b) residents in an area in which library service is provided by the association by agreement.

1994-31-32.

Who cannot vote or hold office

- 33.** No member under 18 years of age and no employee of a public library association is eligible to be elected to hold office in, or to vote at meetings of, the association.

1994-31-33.

Continuation and role of the library board

- 34.** (1) The board of management of a public library association is continued as the library board of the association.
- (2) The library board is responsible for managing the library of the public library association and for exercising and performing on behalf of the association the powers and duties given in this Part.

1994-31-34.

Composition of the library board

- 35.** (1) The library board is to consist of
- (a) not fewer than 5 or more than 9 members, elected by the members of the public library association from among themselves, and
- (b) any person appointed to be a member of the library board by a municipal council or regional district board under subsection (2).
- (2) A local government that provides assistance to the public library association by way of a grant may
- (a) appoint a representative from the council or from the directors of the participating areas to be a member of the library board for the financial year in which the grant or contribution is made, and
- (b) dismiss the appointee, with or without cause, and appoint another.

1994-31-35; 1998-34-282; 2000-7-191, Sch, 226; 2003-52-161.

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Elections and term of office of members

- 36.** (1) Elections to the library board must be held each January or as soon afterward as is convenient.
- (2) In the first election after August 26, 1994,
- (a) if the number of elected members is even, 1/2 of them hold office for a term of one year, and the others hold office for a term of 2 years, and
 - (b) if the number of elected members is uneven, a bare majority of them hold office for a term of one year, and the others hold office for a term of 2 years.
- (3) All subsequent elections are for terms of 2 years.
- (4) A member is eligible for re-election or reappointment to the library board, but no member may serve for more than 8 consecutive years.
- (5) The term of office of an elected member continues until a successor is elected.
- (6) A vacancy arising during the term of office of an elected member is to be filled, for the remainder of the term, by an appointment made by the library board at the first meeting after the vacancy arises or as soon afterward as is convenient.
- (7) The library board
- (a) may remove an elected member for cause, including if the member fails to attend 3 consecutive regular meetings of the library board without its written approval, and
 - (b) must remove an elected member who ceases to be eligible to hold office in or to be a member of the public library association.

1994-31-36.

Election of chair and vice chair

- 37.** (1) The library board must elect a chair and a vice chair at the first meeting after the elections to the library board and annually after that.
- (2) If the chair is not present at a meeting of the library board, the vice chair has all the powers of the chair and is subject to all rules applicable to the chair.
- (3) If neither the chair nor the vice chair is present at a meeting of the library board, the members present may elect an acting chair who has, during the meeting, all the powers of the chair and is subject to all rules applicable to the chair.

1994-31-37.

Regular and special meetings of library board

- 38.** (1) The library board must meet at regular intervals at least 6 times a year.
- (2) A majority of all the members of the library board is a quorum.
- (3) The chair or any 2 members may call a special meeting of the library board by notifying, in writing, the other members at least 2 days before the meeting and stating in the notice the purpose of the meeting.

1994-31-38.

General powers and duties of library board

- 39.** The library board
- (a) may make rules for holding meetings of the public library association and for managing the association,

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- (b) may make rules for managing the business of the board and for regulating the use of its facilities and services by the public,
- (c) may appoint any committees of its members that it considers necessary to carry out its business,
- (d) must appoint a chief librarian,
- (e) may raise funds to support the public library association,
- (f) may hire and dismiss employees, enter into collective agreements with employees and set the terms of their employment, including fixing their remuneration and duties,
- (g) may lease land or buildings for library purposes or dispose of land or buildings acquired before August 26, 1994, but only with the prior approval of the minister,
- (h) may acquire personal property for library purposes and dispose of personal property,
- (i) may contract, for a term of not more than 5 years, for professional or other services for library purposes,
- (j) may sue and be sued in the name of the public library association,
- (k) may have a common seal and may alter or change it,
- (l) must prepare an annual report in the form approved by the minister and must send copies of it to the minister, and
- (m) must maintain a record of the members of the public library association.

1994-31-39.

Budget, expenditures and financial statements

- 40.** (1) In each year the library board must prepare and approve a budget for providing library service.
- (2) The library board has, subject to the approved budget, exclusive control over the expenditure of
- (a) all money raised by or grants or contributions provided to the public library association,
 - (b) all money given to the public library association,
 - (c) the revenue derived from any source, including
 - (i) fees,
 - (ii) fines, and
 - (iii) money recovered by the library board for detention, damage or loss of library materials, and
 - (d) all money received by the public library association under an agreement to provide library service.
- (3) The library board must
- (a) prepare annual financial statements in accordance with generally accepted accounting principles,
 - (b) provide a copy of the financial statements for inspection by the members of the public library association at or before the annual general meeting, and
 - (c) provide a copy of the financial statements to any municipality or regional district that is eligible under section 35 to make an appointment to the library board.

1994-31-40.

Powers and duties of chief librarian

- 41.** The chief librarian
- (a) has general supervision and direction of the library and its staff,
 - (b) is the secretary to the library board and to the public library association, and
 - (c) has the powers and duties the library board assigns to the chief librarian from time to time.

1994-31-41.

Request to municipality to take over library

- 42.** (1) A public library association may, by a vote of at least 1/2 of the members present at an annual meeting of the association or at a special meeting of the association called for the purpose, request the municipality in which the library of the association is located to assume responsibility for providing library service in the municipality.
- (2) No request may be made under subsection (1) after October 1 in any year.

1994-31-42.

Dissolution if municipal library established or regional library district established or extended

- 43.** (1) If, after receiving a request under section 42 from a public library association, a municipality adopts a bylaw under section 3 establishing a municipal library, the association is dissolved as soon as the bylaw takes effect.
- (2) If, after an agreement is made under section 14 or 28, a municipality or part of a regional district in which the library of a public library association is located becomes part of a regional library district, the association is dissolved as soon as the agreement takes effect.

1994-31-43.

Dissolution of public library association by minister

- 44.** The minister may, by order, dissolve a public library association on the date specified in the order if
- (a) the association, by a vote of at least 1/2 of the members present at an annual meeting of the association or at a special meeting of the association called for the purpose, requests the minister to dissolve the association,
 - (b) the association has fewer than 50 voting members,
 - (c) the library board has not met for 6 months or has not provided library service for 6 months, or
 - (d) the library board has not complied with this Act or the regulations.

1994-31-44.

Transfer of assets on dissolution

- 45.** (1) When a public library association is dissolved under section 43 or 44, its assets are vested in and its liabilities and obligations are assumed by
- (a) the municipality in which the library of the association is located, or
 - (b) the regional district in which the library of the association is located if the library is not located in a municipality.

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- (2) The minister may direct the Registrar of Companies to cancel the certificate of incorporation of a public library association as of the date of its dissolution under section 43 or 44.

1994-31-45.

PART 5 – General

Free basic public library service

46. (1) A library board must not charge for
- (a) admission to any part of a building used for public library purposes, or
 - (b) using library materials on library premises.
- (2) A library board must allow residents and electors of any area served by the library board to do the following free of charge:
- (a) borrow library materials that are normally lent by the library and that belong to prescribed categories of library materials;
 - (b) use reference and information services as the library board considers practicable.
- (3) A library board may charge fees for services not required to be provided free of charge under this section, including for the use of services described in subsection (2) by anyone who is not a resident or elector of an area served by the library board.

1994-31-46.

Enforcement of library rules

47. A library board may
- (a) impose fines for breaches of the library rules,
 - (b) suspend library privileges for breaches of the library rules, or
 - (c) exclude from the library anyone who behaves in a disruptive manner or damages library property.

1994-31-47.

Agreements

48. (1) Subject to subsection (2), a library board may enter into a written agreement to cooperate in the provision of library services with one or more of the following:
- (a) another library board;
 - (b) a municipality;
 - (c) a regional district;
 - (d) an aboriginal government;
 - (e) a board of school trustees;
 - (e.1) a francophone education authority as defined in the *School Act*;
 - (f) an institution under the *College and Institute Act*;
 - (g) the board of governors of a university;
 - (h) the minister;
 - (i) a prescribed body.
- (2) Before entering into an agreement under subsection (1), the library board of a municipal library must obtain the approval of the municipality that established the municipal library.
- (3) An agreement under this section may provide as follows:
- (a) for the appointment of one or more members to the library board of a municipal library by a municipality, regional district or aboriginal government that enters

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- into the agreement with that library board;
- (b) for the appointment of one or more members to the library board of a public library association by an aboriginal government that enters into the agreement with that library board.
- (4) Members appointed by agreement under this section are additional to those appointed to the library board under any other provision of this Act and members appointed under this section may vote at meetings of the library board.
 - (5) An agreement under this section must be consistent with this Act and the regulations.
 - (6) A library board may spend money available from its budget for the purposes of an agreement under this section.

1994-31-48; 1997-52-49.

Library federations

- 49. (1) Two or more library boards may enter into a written agreement to establish a library federation.
- (2) An agreement under subsection (1) has no effect until it is approved by the minister.
- (3) An agreement under subsection (1) must include terms
 - (a) establishing a plan for the cooperative provision of library service,
 - (b) establishing a federated library board,
 - (c) establishing a procedure for adopting bylaws,
 - (d) establishing requirements for membership in the library federation,
 - (e) relating to the budget of the library federation, and
 - (f) providing for disestablishing the library federation, distributing its assets and assigning its liabilities.
- (4) A federated library board has the power and capacity of a corporation under the *Interpretation Act* and, in addition, may acquire and dispose of real property.

1994-31-49.

Unserviced areas

- 50. (1) The minister may provide library service to individuals and communities that, in the minister's opinion, are unable to obtain public library service.
- (2) For the purpose of subsection (1), the minister may enter into an agreement with a library board, including an agreement under which a library board extends free library service to residents of a reserve as defined in the *Indian Act* (Canada).

1994-31-50.

Director of public library service

- 51. (1) The minister must designate as director of public library service a person who is appointed under the *Public Service Act* and is a qualified librarian.
- (2) The director of public library service is responsible, under the direction of the minister, for administering this Act and promoting the improvement and extension of public library service throughout British Columbia.
- (3) Without limiting subsection (2), the director of public library service may
 - (a) apportion money annually appropriated by the Legislature for grants to help library boards and to help public bodies that are engaged in promoting library service and

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- improving library service,
 - (b) impose conditions for the payment of grants, and
 - (c) refuse or reduce a grant to a library board or public body that does not comply with a condition imposed under paragraph (b).
- 1994-31-51.

Advisory bodies

- 52.** (1) The minister may establish one or more bodies to advise the minister on matters relating to this Act.
- (2) The minister may appoint, or provide for the manner of appointment of, the members of a body established under this section and may set the terms of reference for those bodies.
- (3) The members of any body established under this section are entitled to be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred by them in performing their duties under this Act, and may be paid for their services an amount determined by the Lieutenant Governor in Council.
- 1994-31-52.

Conflict of interest

- 53.** (1) A member of a library board who has a direct or indirect pecuniary interest in a matter considered at a meeting of the library board
- (a) must declare that he or she has a pecuniary interest in the matter,
 - (b) must not take part in the discussion and is not entitled to vote on any question respecting the matter,
 - (c) must leave the meeting, and
 - (d) must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question respecting the matter.
- (2) Subsection (1) does not apply
- (a) if the matter relates to expenses payable to one or more members of the library board in relation to their duties as members, or
 - (b) if the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter.
- (3) A person who contravenes subsection (1) is disqualified from continuing to hold office as a member of the library board unless the contravention was done through inadvertence or because of an error in judgment made in good faith.
- 1994-31-53.

Protection against lawsuits

- 54.** (1) No action for damages may be brought against an existing or former member, officer or employee of a library board or against a person acting under the direction of the library board for
- (a) anything said or done or omitted to be said or done in the performance or purported performance of a duty or the exercise of a power, or
 - (b) any alleged neglect or default in the performance or purported performance of a duty or exercise of a power.
- (2) No action for the debts or obligations of a library board may be brought against an existing or former member, officer or employee of a library board or a person acting under the

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- direction of the library board.
- (3) Subsections (1) and (2) do not provide a defence if
 - (a) the member, officer, employee or person acting under the direction of the library board has, in relation to the conduct that is the subject of the action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct, or
 - (b) the cause of action is libel or slander.
 - (4) This section does not absolve a library board from vicarious liability for anything said or done or omitted to be said or done by, or for any neglect or default of, an individual referred to in subsection (1), for which the library board would have been vicariously liable had this section not been in force.

1994-31-54.

Reimbursement of expenses

- 55. (1) The members of a library board are not entitled to be paid by the library board for their services but may be reimbursed by it for reasonable travelling and out of pocket expenses, including child care expenses, necessarily incurred by them in performing their duties under this Act.
- (2) A library board may not reimburse a member for any expenses if another body reimburses the member for the expenses or pays the expenses.

1994-31-55.

Power to make regulations

- 56. The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

1994-31-56.

PART 6 – Transitional Provisions

Existing municipal libraries

57. The following libraries are deemed to have been established under section 3 as municipal libraries and this Act applies to them:
- (a) any library that was established by a municipality before August 26, 1994 as the library for that municipality;
 - (b) any library that was deemed, by the *Library Act*, R.S.B.C. 1979, c. 235, to be a municipal public library.

1994-31-57.

Existing regional library districts

58. (1) In this section "**regional library district**" means
- (a) Fraser Valley Regional Library District,
 - (b) Okanagan Regional Library District, or
 - (c) Vancouver Island Regional Library District.
- (2) The Lieutenant Governor in Council may, by regulation,
- (a) require any regional district within a regional library district to participate, by bylaw, in the regional library district for the purpose of replacing the school districts or parts of school districts within the regional district that form part of the regional library district,
 - (b) designate a service area of the regional district to replace those school districts or parts,
 - (c) specify a period within which a bylaw must be adopted by a regional district to accomplish the purpose set out in paragraph (a), and
 - (d) provide for any other matter necessary to accomplish the purpose set out in paragraph (a).
- (3) A regional library district, as modified under subsection (2), is deemed to have been established under section 14 and this Act applies to the regional library district.

1994-31-58.

Existing federated public library system

59. A federated public library system that was established before, and continued until, August 26, 1994 is deemed to have been established under section 49 of this Act as a library federation and this Act applies to that federated public library system.

1994-31-59.

Existing integrated public library system

60. A regional district that was operating an integrated public library system as a local service before August 26, 1994 may continue to operate the system, subject to this Act and to the terms and conditions contained in letters patent or any bylaws respecting that system.

1994-31-60.

No power to establish integrated public library system

61. (1) A regional district that was given the power to establish and operate an integrated public library system as a local service and that did not establish an integrated public library system before August 26, 1994 may not establish or operate an integrated public library system.
- (2) Despite subsection (1) and the repeal of section 788 (1) (f) of the *Municipal Act*, R.S.B.C. 1979, c. 290, by section 66 of the *Library Act*, S.B.C. 1994, c. 31, a regional district that, before August 26, 1994, exercised the power referred to in that subsection by way of a contribution to the cost of library service may continue to exercise the power in that way, subject to this Act and the terms and conditions contained in letters patent or any bylaws respecting the service.

1994-31-61.

Existing regional district service to provide libraries

62. Despite the amendment of section 788 (1) (e) of the *Municipal Act*, R.S.B.C. 1979, c. 290, by section 66 of the *Library Act*, S.B.C. 1994, c. 31, a regional district that exercised the power to provide libraries as a local service may continue to exercise that power by way of a contribution to the cost of library service, subject to this Act and the terms and conditions contained in letters patent or any bylaws respecting the service.

1994-31-62.

COMMUNITY CHARTER

CHAPTER 26 [SBC 2003]

[includes 2020 Bill 10, c. 1 amendments (effective March 5, 2020)]

Parcel tax roll review panel

- 204.** (1) Before a parcel tax is imposed for the first time, a parcel tax roll review panel must consider any complaints respecting the parcel tax roll and must authenticate the roll in accordance with this Division.
- (2) For the purposes of this Division, the council must
- (a) appoint at least 3 persons as the members of the parcel tax roll review panel,
 - (b) establish the time and place for the sitting of the panel, and
 - (c) have advance notice of the time and place published in accordance with section 94 [*public notice*].
- (3) At least 14 days before the date set for the sitting of the parcel tax roll review panel, the collector must mail to the owner of every parcel of land that is to be taxed a notice stating
- (a) the service in relation to which the parcel tax is to be imposed,
 - (b) the taxable area or the taxable frontage, if applicable,
 - (c) the time and place of the first sitting of the review panel, and
 - (d) that the parcel tax roll is available for inspection at the municipal hall during its regular office hours.

2003-26-204.

COMMUNITY CHARTER

COMMUNITY CHARTER

CHAPTER 26 [SBC 2003]

[includes 2020 Bill 10, c. 1 amendments (effective March 5, 2020)]

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.