

REGULAR COUNCIL MEETING – AGENDA - ADDENDUM

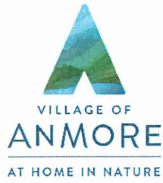
Addendum to the Agenda for the Regular Council Meeting scheduled for Tuesday, April 30, 2019 at 7:00 p.m. in Council Chambers at Village Hall, 2697 Sunnyside Road, Anmore, BC



11. Legislative Reports

(a) Infill Development Policy and Conflict of Interest

Report dated April 30, 2019 from the Manager of Development Services is attached.



VILLAGE OF ANMORE

REPORT TO COUNCIL

Date: April 30, 2019 File # 2210-01
Submitted by: Jason Smith, Manager of Development Services
Subject: Infill Development Policy and Conflict of Interest

Purpose / Introduction

The purpose of this report is to provide an update to Council on the actions being taken to resolve conflict of interest issues as it pertains to making decisions on the Infill Development Policy.

Recommended Options

That the report titled “Infill Development Policy and Conflict of Interest” and dated April 30, 2019 be received for information.

Background

At the January 8, 2019 Regular Council meeting a delegation appeared before Council to request a change to the Village’s Community Amenity Contribution target contained in the Infill Development Policy.

At that same January 8 meeting another Anmore citizen raised the concern about potential conflicts of interest that members of Council might have with regards to making decisions on infill development.

Since that time the Village has engaged with its legal representatives to determine how best to address this situation.

Discussion

Since January 8, three members of Council have stated that they will be declaring a conflict of interest pertaining to discussing and making a decision regarding changes to the Infill Development Policy.

Report/Recommendation to Council

Infill Development Policy and Conflict of Interest

April 30, 2019

This fact presents a procedural challenge, as a quorum of Council is 3 and if three members of Council declare a conflict then Council cannot achieve quorum- Without quorum Council is legally unable to make a decision.

The *Community Charter* anticipates this possibility (section 129) and provides the ability for a local government to seek a court order to have the court grant the ability for the members of Council who have declared a conflict of interest to participate in the discussion and decision making process.

The Village has pursued this option and provided the necessary documentation as part of an application to BC Supreme Court under section 129 of the *Community Charter*. A judge heard the matter and determined that public notice should be provided. The judge prescribed that the notice period must be for 30 days, and that if there are any persons opposed to this court order that they should communicate that opposition to the Village's lawyers. Details of how to submit this opposition and what is required have been provided on the Village's website.

The deadline for submissions is May 30, 2019 and it is the Village's intent that this matter will be resolved shortly thereafter and that Council discussion on this matter will take place at the first Council meeting after the order has been issued, anticipated to be June 4, 2019.

If for some reason the order is not granted the Village would then pursue, either through a request of the Ministry of Municipal Affairs and Housing or the Courts, a request to change the quorum of Council to two and have the two members of Council without a conflict of interest discuss and make a decision on the Infill Development Policy.

Other Options

This is an information report and no decision of Council is required other than to receive the report for information.

Financial Implications

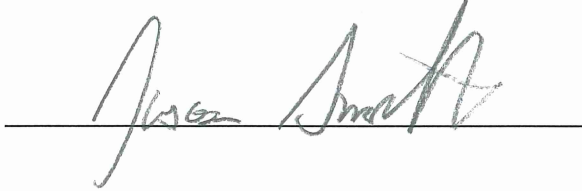
There are no financial implications with regards to this report.

Report/Recommendation to Council

Infill Development Policy and Conflict of Interest

April 30, 2019

Prepared by:

A handwritten signature in black ink, appearing to read "Jason Smith", is written over a horizontal line.

Jason Smith

Manager of Development Services

Reviewed for Form and Content / Approved for Submission to Council:

Chief Administrative Officer's Comment/Concurrence

A handwritten signature in blue ink, appearing to read "Hallum", is written over a horizontal line.

Chief Administrative Officer