

REPORT TO COUNCIL



Date: February 1, 2012
File: 0615-20-08
To: City Manager
From: Environment & Land Use Planner
Subject: Agricultural Advisory Committee (AAC) - Terms of Reference (TOR) Update

Recommendation:

THAT Council receives, for information, the Report from Environment & Land Use Planner dated February 1, 2012 with respect to a revised Terms of Reference for the Agricultural Advisory Committee;

AND THAT Council approves the revised Terms of Reference for the Agricultural Advisory Committee attached as Schedule "A" to the Report of the Environment & Land Use Planner dated February 1, 2012.

Purpose:

Staff are seeking Council support for a revised Terms of Reference for the Agricultural Advisory Committee.

Background:

The importance of agriculture to our community is confirmed by the fact that over 57% of the City's 21,700 hectare land base is zoned A1 - Agriculture. That agricultural land is woven throughout our urban fabric adds significant challenge to managing this land.

The AAC came into effect in 1993 with the goal of having a stakeholder group with specific knowledge to advise Council on land use and economic development matters pertaining to agriculture and also to act as a liaison between Council and the agricultural community. Kelowna's AAC experience has proven very positive and is highly regarded by Ministry of Agriculture and ALC staff and commissioners who promote Kelowna's AAC as a model.

In the past two decades, the AAC has filled an important role to our community. In addition to providing guidance to Council, the AAC provides an opportunity for applicants to receive feedback consistent with what they are likely to here from the Agricultural Land Commission (ALC), which may result in a revised and improved proposal. The AAC also assists staff in arriving at a position on development applications and help to shape policy with respect to agriculture.

At this time City staff recommend changes to the AAC TOR to improve on this already valuable committee. The proposed TOR have been revised to better reflect the "Model Terms of Reference" for AACs established by the BC Ministry of Agriculture (see attached). The "Model TOR" provide improved guidance with respect to the mandate of the AAC and the considerations that the AAC should comment on relative to what currently exists.

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To achieve the proposed mandate, it is recognized that AAC member composition is critical. The existing TOR requires that seven members be selected from the "agricultural community at large". The revised TOR propose that the AAC composition be more representative of the city's agricultural sectors. Staff recommend that five members be appointed to represent specific sectors as described in the TOR, with the remainder from the agricultural community at large.

It is felt that the above recommendations and as detailed in the proposed TOR will add additional value to an already valuable committee. Staff expect to return to Council in mid-February with member appointment recommendations for Kelowna's new AAC.

Internal Circulation:

Office of the City Clerk

Legal/Statutory Authority:

Committees of Council are created under the Community Charter and the Local Government Act to provide an opportunity for members of the public to work together collaboratively to provide advice on matters referred to them by Council.

Existing Policy:

Terms of Reference - Revised & Endorsed by Council: October 19, 2009 (see attached).

Personnel Implications:

The AAC is supported by City staff including a staff liaison from the Land Use Management Department, along with oversight by the Manager, Environment & Land Use and Director, Land Use Management. Clerical support is provided by the Office of the City Clerk.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Financial/Budgetary Considerations:

External Agency/Public Comments:

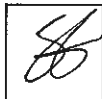
Communications Comments:

Alternate Recommendation:

Submitted by:


G. Sauer, Environment & Land Use Planner

Approved for inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Schedule "A" - Agricultural Advisory Committee Terms of Reference

Model Terms of Reference - Ministry of Agriculture, Food and Fisheries

Terms of Reference



AGRICULTURAL ADVISORY COMMITTEE

INTRODUCTION

The Agricultural Advisory Committee (AAC) advises Council on issues important to the agri-business community. The Committee advises Council on land use and economic development matters with respect to agriculture, and acts as a liaison between Council and the agricultural community.

The Agricultural Advisory Committee functions as an **Advisory Committee** of Council.

OBJECTIVES

The primary objective of the AAC is to advise on sustainable agricultural land use from a multiple bottom line (i.e. cultural, economic, environmental, and social) perspective.

The AAC may function as a working group to advise on matters affecting the agri-business community as directed by Council.

SCOPE OF WORK

The AAC will provide advice to Council on matters relating to agriculture and agri-business in the City of Kelowna including:

- Applications initiated under the Agricultural Land Commission (ALC) Act, which are to be considered by Council.
- Applications to amend the Official Community Plan and Zoning Bylaw where the subject property is within or adjacent to the Agricultural Land Reserve (ALR).
- Applications to amend the Official Community Plan and Zoning Bylaw Amendments where the subject property is zoned agricultural or is adjacent to an agriculturally zoned parcel.
- Assisting with the comprehensive review of the following documents as they relate to agriculture and agri-business matters of the City of Kelowna:
 - Bylaws;
 - Official Community Plan;
 - Neighbourhood and Comprehensive Development Plans;
 - Farm 'Edge' Policies;
 - Culture and Heritage Plans;
 - Park and Recreation Plans; and
 - Transportations Plans.
- Working with Council, at Council's request, on submissions related to agricultural issues with other levels of government.
- Other matters as referred by Council.

CRITERIA

In reviewing applications, plans, proposals or issues as listed above, the AAC will consider the following:

- Existing relevant policies and regulations (e.g. ALC Act & Regulations, OCP, Agriculture Plan);
- The effect of the proposal on the agricultural potential of the subject property;
- The effect of the proposal on adjacent ALR properties and surrounding agricultural production;

- The effect of the proposal on intergenerational equity;
- The effect of the proposal on water resources and transportation issues;
- A rating of the priority or impact of the applications on the maintenance of the ALR;
- Where appropriate, possible alternatives to the proposal; and
- The identification of issues relating to the protection of the ALR land specific to the application, including the use of appropriate buffering techniques aimed at enhancing land use compatibility.

MEMBERSHIP

In order to provide representation from the agricultural community, the membership of the Committee shall consist of seven (7) voting members derived as follows:

- One (1) member of each of the following commodity groups, associations or interests:
 - greenhouse and nursery products;
 - tree fruits;
 - wine/grapes;
 - livestock/animal husbandry; and
 - agricultural processing and/or distribution (including farm retail sales).
- Two (2) members from the agricultural community at large and with direct agricultural interest and expertise. Examples include agricultural finance, or academia.
- Two (2) alternates may be appointed to replace regular members unable to attend Committee meetings. Alternates will be chosen from the agricultural community at large.
- Where insufficient members can be identified to represent the specific commodity groups, associations or interests identified above, additional members may be appointed from the community at large.

QUALIFICATIONS

The following are considered to be minimum qualifications to serve on the Committee:

- resident of the City of Kelowna;
- understanding of the agricultural planning framework and planning instruments including, but not limited to Kelowna's Official Community Plan, Zoning and other bylaws with respect to agricultural land use, Local Government Act, and Agricultural Land Commission Act;
- commitment to the AAC's mandate and available to attend most AAC meetings;
- ability to objectively review complex applications and planning considerations; and
- access to a computer and an e-mail address in order to receive and respond to communications and information including meeting packages.

APPOINTMENT AND TERM

Members shall be appointed by Council for a three year term, to run concurrent with the Council term.

Council may, at any time, remove any member of the Committee and any member of the Committee may resign at any time upon sending written notice to the Chairperson of the Committee.

Committee members who are absent for three consecutive meetings shall forfeit their appointment, unless such absence is authorized by resolution of the Committee.

Members of the Committee shall serve without remuneration.

In the event of a vacancy occurring during a regular term of office, the vacancy may be filled for the remainder of that term upon resolution of Council.

The Committee may appoint sub-committees to deal with any special matters coming within the scope and jurisdiction of the Committee. Any sub-committee so created will report to the Committee.

CHAIR

Unless appointed by Council the Committee shall elect a Chairperson and if applicable Vice-Chair, annually. In the absence of the Chairperson and Vice Chairperson, the Committee may elect an Acting Chairperson from those members present at that meeting.

The Chair and Vice Chair shall be provided a training session by the City on procedures for Committees of Council.

MEETING PROCEDURES

The Chairperson shall call meetings of the Committee on a monthly basis unless there are no items to be reviewed in a particular month. All meetings will be held on the second Thursday of each month, in City Hall.

The Committee will recognize that each meeting requires a significant commitment of staff resources and meetings should therefore be held when there are clear items of business to address in accordance with the scope of work.

A special meeting may be called by the Chairperson, at the request of any three Committee members, or the **Director, Land Use Management**. Notice of the day, hour, and place of special meeting shall be given at least three days prior to the meeting, by providing a copy of the notice for each member of the Committee and the Office of the City Clerk for posting.

Unless otherwise authorized by the *Community Charter* or City of Kelowna Council Procedure Bylaw No. 9200 as amended, or replaced from time to time, all meetings will be held in open session and in a location accessible to the public.

Unless otherwise authorized by the Committee, the public shall only address the Committee when they are a scheduled delegation on the Committee meeting agenda.

A majority of the Committee members, four (4), shall represent a quorum. A meeting shall not proceed if a quorum cannot be achieved. Members must make a reasonable effort to notify the staff liaison at least two (2) working days before the meeting if they are unable to attend.

The order of business is to be set out in an agenda package and provided to the Committee members in advance of the meeting date. Items for the agenda will be forwarded electronically to the Office of the City Clerk at least seven complete working days prior to the meeting date for agenda preparation and posting for the public. Minutes of the meetings will be prepared by the Office of the City Clerk and signed by the Committee Chair, or Acting Chair for the meeting for which the minutes pertain. Originals of the minutes will be forwarded to the Office of the City Clerk for safekeeping.

Committee members have a responsibility to make decisions based on the best interests of the City-at-large.

Conflict of Interest

Committee members must abide by the conflict of interest provisions of the *Community Charter* and City of Kelowna Council Procedure Bylaw No. 9200 as amended, or replaced from time to time. Members who have a direct or indirect pecuniary interest in a matter under discussion are not permitted to participate in the discussion of the matter or to vote on a question in respect of the matter. They must declare their conflict and state the general nature of their conflict, and then leave the meeting or that part of the meeting where the matter is under discussion. The member's

declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect of the matter.

Voting

All Committee members, including the Chair, vote on every question unless they have declared a conflict and left the meeting.

Members who do not indicate their vote, or have left the meeting without declaring a conflict, are counted as having voted in favour of the question.

If the votes are equal for and against, the question is defeated.

Comments in Public or to the Media

When speaking in public or to the media on an issue, Committee members must distinguish whether they are speaking as a member, a representative of another agency or community group, or as an individual. Committee members must convey the public interest and remember that they represent the Corporation of the City of Kelowna.

REPORTING TO COUNCIL

Where appropriate, recommendations of the Committee should be adopted by a motion of the Committee prior to an application being considered by Council. The Committee will report their recommendations to the **Land Use Management Department** who shall forward the Committee recommendations to Council as part of a comprehensive report on the development proposal or bylaw.

The Committee will provide a status report to Council annually. This report should include a record of work conducted and an indication of the associated costs attached to the Committee's work including staff resources.

The Committee Chairperson will, accompanied by the staff liaison, report to Council on behalf of the Committee.

BUDGET

The routine operations and any special initiatives of the Committee will be funded by allocations within the Community Sustainability Division budget.

STAFF SUPPORT

The **Land Use Management Department** shall provide support for the Committee to undertake work assigned by Council within the Committee's scope of work. Support functions may include the following:

- Forwarding all agenda items to the **Office of the City Clerk** at least seven working days prior to the meeting date for agenda preparation and posting as a public notice;
- distributing the agenda packages to Committee members;
- receiving all correspondence, and preparing correspondence and reports on behalf of the Committee;
- reviewing and returning draft minutes to the **Office of the City Clerk** to finalize prior to adoption by the Committee; and
- maintaining a list of outstanding issues for Committee action in accordance with the Committee's scope of work and Council's direction.

The Office of the City Clerk shall provide clerk support for the Committee. Support functions include the following:

- organizing and preparing the meeting agendas, in conjunction with the Chair & staff liaison;
- receiving and organizing all agenda-related presentation materials and/or hand-outs prior to the meeting date for inclusion in the agenda package;
- posting all meeting notices and agendas for the public in accordance with the statutory timelines;
- taking and preparing draft minutes, and providing the final minutes to the City Clerk and staff liaison;
- maintaining the records of the Committee, including posting and filing of minutes for the public record; and
- forwarding the Committee's meeting agendas and minutes electronically for circulation to all Council members

The Office of the City Clerk, in conjunction with the staff liaison, shall initiate recommendations to Council for Committee appointments and maintain an updated list of appointees, including the date they were appointed.

Endorsed by Council: December 18, 2000

Revised & Endorsed by Council: August 26, 2002

Revised & Endorsed by Council: November 18, 2002

Revised & Endorsed by Council: October 19, 2009

Revised: February 8, 2012

Endorsed by Council:

MODEL TERMS OF REFERENCE

Role or Purpose

- The purpose of the Agricultural Advisory Committee is to advise the (regional district / municipality) on agricultural issues within the (region / community) including:

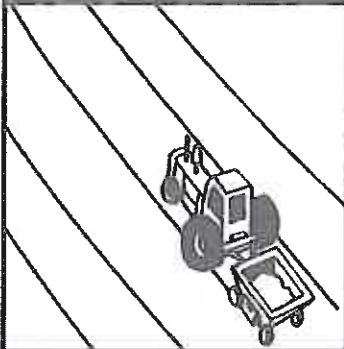
(Choose and add other items as appropriate)

- ◆ applications initiated under the Agricultural Land Commission Act (ALCA) and Soil Conservation Act (SCA)
 - ◆ applications to amend official community plans and bylaws
 - ◆ assisting with comprehensive reviews or development of:
 - ◆ bylaws;
 - ◆ official community plans;
 - ◆ agricultural area plans
 - ◆ farm 'edge' policies
 - ◆ park and recreation plans; and
 - ◆ transportation plans;
 - ◆ major development proposals with potential impact on agriculture;
 - ◆ irrigation, drainage and other water management issues; and
 - ◆ effectiveness of noxious insect and weed control regulations and programmes.
- In the review of ALCA and SCA applications and bylaw amendments, the Committee shall comment on the following:
 - ◆ the effect of the proposal on the agricultural potential of the subject property;
 - ◆ the effect of the proposal on adjacent ALR properties and surrounding agricultural production;
 - ◆ the effect of the proposal on water resources and transportation issues;
 - ◆ a rating of the priority or impact of the application on the maintenance of the ALR;
 - ◆ where appropriate, possible alternatives to the proposal; and
 - ◆ the identification of issues relating to the protection of the ALR lands specific to the application, including the use of appropriate buffering techniques aimed at enhancing land use compatibility.

(Additional suggested roles of the Committee)

- The Agricultural Advisory Committee may also make recommendations on:
 - ◆ raising awareness of agriculture;
 - ◆ enhancing an understanding of agriculture's role in the local and /or regional economy;
 - ◆ addressing competition for the agricultural land base;
 - ◆ examining legislation to identify improvements to support agriculture;
 - ◆ improving opportunities for joint funding of drainage and irrigation works;
 - ◆ reporting on the impacts of park and recreation proposals on agriculture; and
 - ◆ identifying and effecting change regarding the impact of transportation and utility corridors on agriculture.

AGRICULTURAL
ADVISORY
COMMITTEES



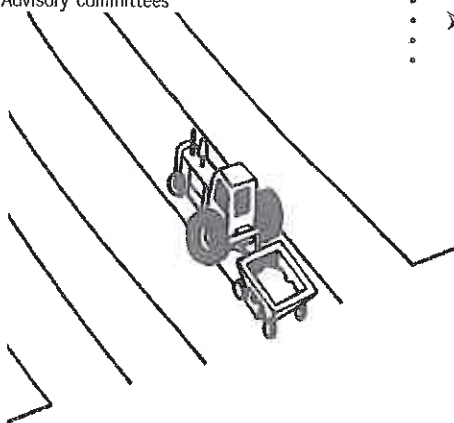
A link to your farm
community



BRITISH
COLUMBIA

Ministry of Agriculture, Food and Fisheries

The Model Terms of Reference have been drawn from the Agricultural Land Commission Document: *Planning for Agriculture - Resource Materials* which developed the Model Terms of Reference from a review of existing Terms of Reference of several operating Agricultural Advisory Committees



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Membership

- The Committee shall consist of () members appointed by the (*regional district / municipality*)* representing a diversity of commodity groups, the processing and distribution sectors and a member of (*council or the regional board*).

* Committee members may be recommended by a Farmers' Institute or other local agricultural organizations.

- Appointments to the Committee will be for () years.
- The Chair (and Deputy Chair or provision to appoint an Acting Chair in the Chair's absence) shall be elected from the Committee membership at the first meeting of each year. The Chair shall be entitled to vote at all meetings.

Meeting Procedures

- The Committee shall meet (...*frequency*)
(Optional items may include whether or not meetings are open to the public and where they shall be held.)
- At all meetings () members shall constitute a quorum.
- Executive and secretarial support for the Committee will be provided by
- An agenda for the Committee will be prepared by (*specify*) and mailed to Committee members one week in advance of their meeting.
- The Committee will report to (*specify*)
- Committee members having a priority interest in an application or who are personally affected by an application /applicant must step aside from the discussion and subsequent vote on that particular matter.