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ADVISORY COUNCIL REGULATION, BC REG. 156/2014

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SECHELT INDIAN GOVERNMENT DISTRICT ADVISORY COUNCIL REGULATION

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Continuation of Advisory Council

1 (1) The Sechelt Indian Government District Advisory Council is continued as an advisory body to the District Council.

(2) The members of the Advisory Council are the 5 persons elected in accordance with this regulation.

Election of Advisory Council members

2 (1) Elections for Advisory Council members must be

(a) held at the same time as general local elections under the *Local Government Act*, and

(b) conducted in accordance with Part 3 *[Electors and Elections]* of that Act.

(2) For the purposes of applying section 51 *[non-resident property electors]* of the *Local Government Act* to elections under this regulation, a person who holds a leasehold interest in real property located in the Sechelt Indian Government District that is registered

(a) as contemplated by section 27 (1) *[land registry]* of the *Sechelt Indian Band Self-Government Act* (Canada), or

(b) under the *Land Title Act*

is to be considered a registered owner of the real property.

(3) Members of the Advisory Council are to be elected as follows:

(a) one member at large is to be elected by persons who are electors of the Sechelt Indian Government District;

(b) one member is to be elected for each of the following 4 areas of the Sechelt Indian Government District by persons who are electors of the applicable area:

(i) Sechelt Band Lands (Tsawcome) No. 1;

(ii) Sechelt Band Lands (Sechelt) No. 2;

(iii) Sechelt Band Lands (Suahbin) No. 19;

(iv) Sechelt Band Lands (Cokqueneets) No. 23.

(4) A candidate for an election under subsection (3) (a) must be an elector of the Sechelt Indian Government District, and a candidate for an election under

subsection (3) (b) must be an elector of the applicable area referred to in that subsection.

(5) The following apply for the purposes of elections under this section:

(a) the Advisory Council must appoint election officials;

(b) the District Council must exercise the powers and duties of the council of a municipality under Part 3 of the *Local Government Act*;

(c) the Advisory Council may make recommendations to the District Council respecting to the conduct of elections under this regulation.

(6) The term of office for a member of the Advisory Council is from January 1 in the year following the elections in which the member was elected to December 31 in the year of the next elections under this section.

Chair of Advisory Council

3 (1) The members of the Advisory Council must elect one of their number to be the chair.

(2) In the absence or inability to act of the chair, the members present at a meeting must elect one of their number to act as chair of that meeting.

Expenses of Advisory Council

4 (1) A member of the Advisory Council may receive compensation for his or her services from the District Council in an amount determined by the District Council, together with reimbursement of actual expenses necessarily incurred in the discharge of official duties.

(2) The Advisory Council may receive from the District Council, and may expend, the amounts necessary to defray the expenses of the Advisory Council, including expenses for the holding of elections for its members.

Duties of Advisory Council

5 (1) The Advisory Council is responsible for the following:

(a) planning the servicing program for the Sechelt Indian Government District;

(b) estimating the costs of the servicing program referred to in paragraph (a);

(c) recommending a servicing program, including the proposed financing for it, to the District Council;

(d) receiving and considering petitions under section 6 relating to the provision of a service in the Sechelt Indian Government District.

(2) The Advisory Council may recommend servicing programs for all or part of the Sechelt Indian Government District.

(3) In addition to the duties referred to in subsection (1), the Advisory Council may consider and make recommendations on any other matter relating to the administration of the Sechelt Indian Government District that the District Council requests the Advisory Council to consider.

Petition for services

6 (1) Any 10 persons, each of whom is either

(a) a person who holds a leasehold interest referred to in section 2 (2), or

(b) a person who is not such a leaseholder but is a resident of the Sechelt Indian Government District,

may submit a petition to the Advisory Council asking that a service be provided to the Sechelt Indian Government District or to one area of it.

(2) In order to be valid, a petition must

(a) describe in general terms the service that is proposed, and

(b) have the names and residential addresses of the petitioners set out in full.

(3) If a petition asks that a service be provided to one area only of the Sechelt Indian Government District, the petition is not valid unless

(a) it is signed by 2/3 of the leaseholders referred to in subsection (1) (a) liable to be specially charged in relation to the service,

(b) the signatories are the leaseholders of parcels having a total assessed value of at least 1/2 of the total assessed value of all parcels liable to be specially charged in relation to the service, and

(c) for each signatory, the petition includes a description of the parcel of which the petitioner is the leaseholder.

(4) The sufficiency and validity of a petition to the Advisory Council must be determined by a majority of the Advisory Council, whose decision is final and binding.

(5) For the purpose of determining the validity and sufficiency of a petition, the Advisory Council must consider the situation as it existed on the day the petition was presented to the Advisory Council.

(6) If a person who is a leaseholder referred to in subsection (1) (a) is a petitioner, but does not appear by the last authenticated real property assessment roll to be the leaseholder of the applicable property,

(a) the person is deemed to be the leaseholder for the purposes of this section if that person's leasehold interest in the property is proved to the satisfaction of the majority of the Advisory Council, and

(b) if paragraph (a) applies and the person who appears by the last authenticated real property assessment roll to be the leaseholder is also a petitioner on the same petition, that person's name must be disregarded in determining the sufficiency of the petition.

(7) For the purposes of this section, if 2 or more persons are leaseholders of the same parcel, those persons

(a) are to be considered as one leaseholder only, and

(b) are not entitled to petition unless a majority of them concur.