

**SUMMER VILLAGE OF SUNBREAKER COVE  
MUNICIPAL PLANNING COMMISSION  
BY-LAW NO. 137-18**

**A BYLAW OF THE SUMMER VILLAGE OF SUNBREAKER COVE IN THE PROVINCE OF ALBERTA TO ESTABLISH A MUNICIPAL PLANNING COMMISSION.**

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26 provides that a municipal council may establish a Municipal Planning Commission by bylaw;

NOW THEREFORE the Council of the Summer Village of Sunbreaker Cove, duly assembled, enact as follows:

**1.0 Title**

1.1 This Bylaw shall be known as the “Municipal Planning Commission Bylaw”.

**2.0 Definitions**

2.1 In this Bylaw:

- a) “Act” means the Municipal Government Act, R.S.A. 2000, Chapter M- 26;
- b) “Chief Administrative Officer” (“CAO”) means the Summer Village Manager or designate;
- c) “Commission” means the Municipal Planning Commission established under paragraph 3.1;
- d) “Commission Recorder” means the person appointed to the position established under paragraph 7.2;
- e) “Council” means the Council of the Summer Village of Sunbreaker Cove;
- f) “Development Officer” means one of the persons appointed to the position of Development Officer pursuant to the current Summer Village of Sunbreaker Cove Land Use Bylaw;
- g) “Development Permit” means a document that is issued under the Land Use Bylaw that authorizes a development;
- h) “Land Use Bylaw” means the Summer Village of Sunbreaker Cove Land Use Bylaw #99-13, as amended or replaced from time to time;
- i) “Member” means a member of the Commission appointed by Council;
- j) “Secretary to the Commission” means the person appointed to the position established under paragraph 6.2;
- k) “Summer Village” means the Summer Village of Sunbreaker Cove.

2.2 Terms not specifically defined have the same definition as provide in the Act.

**3.0 Establishment and Membership**

3.1 The Municipal Planning Commission for the Summer Village is hereby established.

- 3.2 The Commission is a Development Authority for the Summer Village in accordance with the Act, the Land Use Bylaw and Summer Village's Development Authority Bylaw No. 33-95.
- 3.3 The Commission shall consist of three (3) Members, including:
  - a) one (1) members of Council; and
  - b) the remaining two (2) positions shall be appointed by Council or a member pulled from the public-at-large who is a ratepayer in the Summer Village and is not in conflict with the hearing.
- 3.4 No Member of the Commission shall:
  - a) be employed as a Development Officer with the Summer Village; or
  - b) sit as a member of the Summer Village's Subdivision and Development Appeal Board.

#### **4.0 Terms of Office**

- 4.1 Council will appoint Members of Council to the Commission, by resolution at the Council Organizational Meeting for a term of one (1) year.
- 4.2 Where a member of Council is appointed as a Member, his/her appointment shall terminate upon him or her ceasing to be a member of Council.

#### **5.0 Chairperson**

- 5.1 The Chairperson shall be appointed by Council each year at the Organizational Meeting held prior to August 31<sup>st</sup>.
- 5.2 A member may be re-elected to the position of Chairperson.
- 5.3 The Chairperson shall preside over all Commission meetings.

#### **6.0 Secretary to the Commission**

- 6.1 The position of designated officer for the limited purpose of carrying out the function of the Secretary to the Commission is hereby established.
- 6.2 The Chief Administrative Officer of the Summer Village or his/her designate shall be the Secretary to the Commission and will:
  - a) attend all meetings of the Commission;
  - b) prepare the Commission decisions;
  - c) issue all duly signed Commission decisions;
  - d) carry out such other administrative functions and duties as may be assigned by the Commission.
  - e) compile and provide agenda and meeting packages to Members and make available to the public;
  - f) maintain orientation materials for new members;
  - g) notify all Members of all Commission meetings;

- h) prepare and maintain a file of Commission meetings minutes;
- i) attend all meetings of the Commission; and
- j) record the minutes of the meetings.

#### **7.0 Quorum and Meetings**

- 7.1 A quorum of the Commission is two (2) Members.
- 7.2 The Commission will meet as required to carry out its functions and duties in accordance with the Act and the Land Use Bylaw.
- 7.3 Only those Members present at a meeting of the Commission shall have a vote on any matters before it.
- 7.4 Any Member who is unable to attend the whole of the presentation of any matter at any Commission meeting, shall not participate in the deliberations or the decision made by the Commissions.
- 7.5 All Members present shall vote on every matter placed before the Commission unless a Member has a pecuniary interest or is otherwise required by the Act or this Bylaw to abstain.
- 7.6 Any Member who has a pecuniary interest, whether direct or indirect, with respect to any matter before the Commission, shall declare his/her interest, shall abstain from discussion and voting on the matter, and will have his/her interest and abstention recorded in the minutes of the proceedings.
- 7.7 The majority vote of the Members present at a duly constituted meeting shall be the decision of the Commission.
- 7.8 In the event of a tie vote, the decision shall be deemed to be decided in the negative.
- 7.9 The Commission may deliberate and make its decisions in meetings closed to the public.
- 7.10 The Commission shall conduct its meetings in accordance with the Act and, unless otherwise specified within this Bylaw, the Summer Village's Procedural Bylaw, as amended or replaced from time to time.
- 7.11 An order, decision, approval, notice, Development Permit or other thing made, given or issued by the Commission is not final until notification of the decision is signed in accordance with paragraph 6.2 (c) and issued in writing.

#### **8.0 Termination or Resignation of Appointment**

- 8.1 At any time, by resolution, Council may terminate the appointment of any Member of the Commission who:
  - a) Misses three (3) consecutive regular meetings or any three (3) out of five (5) meetings of the Commission unless the absence is caused by illness or is authorized by resolution of the Commission;
  - b) Uses information gained through his or her position as a Member to gain a pecuniary benefit; or
  - c) Conducts himself or herself in a manner that Council considers to be inappropriate;

or for any other reason that Council deems appropriate.

8.2 In the event a vacancy occurs on the Commission, Council will appoint a new Member to serve the remainder of the existing term.

#### **9.0 Fees and Expenses**

9.1 Members of Council appointed to the Commission may be entitled to remuneration, travel and other expenses in accordance with Council Policy Remuneration and Benefits and the Reimbursement of Expenses.

#### **10.0 Responsibilities**

10.1 All newly appointed Members shall participate in MPC orientation; existing Members may attend the MPC orientation at their discretion.

10.2 The Commission is authorized to exercise those development powers and duties assigned to it by the Land Use Bylaw, in accordance with the Act.

10.3 At the request of Council, the Commission may advise and assist Council to achieve orderly, economical and beneficial development, use of land and patterns of human settlement and to maintain and improve the quality of the physical environment within which the patterns of settlement are situated in the Summer Village.

10.4 The Commission will carry out other functions and duties as may be assigned by Council from time to time.

10.5 The Commission may make procedural rules as are necessary for the conduct of its business that are consistent with this Bylaw, other Summer Village bylaws, and the Act.

10.6 No recording of hearing procedures will be permitted on any device including, but not limited to, cell phones, tablets, tape recorders, etc.

10.7 No person shall be permitted to wear a hat during the hearing procedures including, but not limited to, board members, staff, delegates, or public in attendance.

#### **11.0 Effective Date and Repeals**

11.1 This Bylaw repeals Bylaw #123-18 and shall come into force and effect when it receives third reading and is duly signed.

Read for a first time this 13<sup>th</sup> day of December, 2018.

Read for a second time this 13<sup>th</sup> day of December, 2018.

Read for a third and final time this 13<sup>th</sup> day of December, 2018.

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Teresa Beets, Mayor

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Phyllis Forsyth, CAO