

BYLAW 1524/20
ESTABLISHMENT OF A MUNICIPAL PLANNING COMMISSION
STURGEON COUNTY, MORINVILLE, ALBERTA

A BYLAW OF STURGEON COUNTY, ALBERTA FOR THE PURPOSE OF ESTABLISHING A MUNICIPAL PLANNING COMMISSION.

WHEREAS, section 626 of the *Municipal Government Act*, R.S.A. 2000 c. M-26 and amendments thereto, authorize Council to establish a Municipal Planning Commission;

AND WHEREAS, the Council of Sturgeon County has deemed it desirable to create a council committee to support development and subdivision decision making;

NOW THEREFORE, the Council of Sturgeon County, in the Province of Alberta, duly assembled, hereby enacts ~~this Municipal Planning Commission Bylaw~~ as follows:

1. Title

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

2. Purpose

2.1. The purpose of this Bylaw is to establish the mandate, membership, functions, and procedures of the Municipal Planning Commission.

3. Definitions

In this Bylaw:

3.1. “Act” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time;

3.2. “Administrative Representative” means the County employee assigned by the CAO to provide administrative support to the Commission;

3.3. “CAO” means the County Commissioner or his/her designates;

3.4. “Commission” means the Municipal Planning Commission established by this bylaw; ~~as defined by County bylaw, as amended or repealed and replaced from time to time.~~

3.5. “Council” means the Council of Sturgeon County; ~~Council;~~

3.6. “County” means Sturgeon County; ~~and~~

3.7. “Land Use Bylaw” means the County’s Land Use Bylaw, as amended or repealed and replaced from time to time; ~~and;~~

~~3.7.~~3.8. “Members” mean the members of the Commission.

4. Establishment, Membership and Structure

4.1. The Municipal Planning Commission is established.

4.2. The Commission shall be comprised of five (5) members of Council appointed by resolution of Council during the annual Council Organizational Meeting, or at another meeting of Council should Council wish.

- 4.3. Members shall not concurrently be a member of the County's Subdivision and Development Appeal Board;
- 4.4. A Member's term shall commence at the first Commission meeting after the Council Organizational Meeting (or if appointed at a Council meeting other than an Organizational Meeting, the first Commission meeting after that Council meeting) and shall hold office until the earlier of:
- (a) The first Commission meeting after the next Council Organizational Meeting;
 - (b) The date the Member resigns;
 - (c) The date the Member ceases to be a Councillor; or
 - (d) The date the Member is removed from the Commission by a resolution of Council.

~~4.3.4.5.~~ Three (3) ~~voting M~~members of the Commission shall constitute a quorum for the making of all decisions.

~~4.4.~~ ~~In the event quorum is not reached during a meeting of the Commission, the CAO may sit as an ad hoc voting member of the Commission for that meeting.~~

~~4.5.4.6.~~ The Commission Chairperson and Vice Chairperson shall be appointed by Council at ~~their~~ its annual Organizational Meeting from amongst the ~~M~~members of the Commission.

~~4.6.4.7.~~ ~~The Development Officer shall serve as a non-voting advisor to the Commission and shall attend all meetings.~~

5. Terms of Reference

~~5.1.~~ ~~Unless otherwise scheduled and advertised as such, meetings shall be held on the first and third Tuesday of each month.~~

~~5.2.5.1.~~ The Chairperson shall preside over meetings of the Commission and in the Chairperson's absence, the Vice Chairperson shall preside. If both the Chairperson and Vice Chairperson are absent, the Members present shall elect a Member to preside over the meeting.

~~5.2.~~ ~~The Commission shall ensure that any decision on an application for subdivision and/or development if approved is consistent with the Act, applicable provincial legislation, the Municipal Development Plan, any applicable Area Structure Plan and in compliance with the regulations and provisions of the Land Use Bylaw.~~ The Commission shall ensure that any decision on an application for subdivision and/or development, if approved is pursuant to the Commission's jurisdiction under the provincial legislative framework (including the Act, the Subdivision and Development Regulation AR 43/2002, and the Edmonton Metropolitan Growth Plan Ministerial Order No. MSL: 112/17) and the municipal legislative framework (including the applicable statutory plans, the Land Use Bylaw and relevant policies). Further:

5.2.1. The Commission's authority for rendering decisions on development applications is in accordance with the Development ~~Approval~~ Authority Bylaw as amended or repealed and replaced from time to time; ~~and~~.

- 5.2.2. The Commission's authority for rendering decisions on subdivision applications is in accordance with the Subdivision ~~Approval~~ Authority Bylaw as amended or repealed and replaced from time to time.
- 5.3. The Commission shall hold meetings when and as necessary to consider applications or other matters within its jurisdiction, in accordance with the Act.
- ~~5.3.5.4.~~ Only those ~~M~~members of the Commission present at the time of a vote during a meeting of the Commission shall be permitted to vote on any matter before it.
- ~~5.4.5.5.~~ The decision of the majority of the ~~M~~members present at a meeting duly convened shall be deemed to be the decision of the whole Commission. If there are an equal number of votes for or against the resolution, the resolution is defeated.
- ~~5.5.5.6.~~ The Commission may make rules as are necessary for the conduct of its meetings and its business that are consistent with the Act, ~~r~~-applicable provincial legislation, and this Bylaw, ~~the Procedures Bylaw, and the Municipal Development Plan as amended or repealed and replaced from time to time.~~
- ~~5.6.5.7.~~ The Commission has no authority to make financial decisions on behalf of the County. Any matter before the Commission that contemplates financial considerations must be presented to Council for decision prior to a decision being made within the jurisdiction of the Commission.
- ~~5.7.5.8.~~ Commission meetings shall be held in public; however, pursuant to section 197(2.1) of the Act, the Commission may deliberate and make its decisions in meetings closed to the public.
- 5.9. The Commission may make orders, decisions and issue notices with or without conditions.
- ~~5.8.5.10.~~ When required by the Act, the Commission must give its decision in writing together with reasons.
- 5.11. The Chairperson, Vice Chairperson or CAO or Administrative Representative are hereby authorized to sign decisions letters on behalf of the Commission. All other instruments for endorsement, easements, caveats, development permits and other documents which may be required to conduct the business of the Commission may be signed by the CAO or Administrative Representative.
- 5.12. The Commission is not obliged to entertain delegations. However, the Commission may choose to receive either written or oral submissions from any person who claims to be affected by a decision the Commission is considering, and that the Commission agrees to hear, or a person acting on behalf of that person.
- 6. Member Conduct**
- ~~5.9.6.1~~ Members of the Commission shall be subject to the Council Code of Conduct Bylaw.
- ~~6.7. Administrative Representative~~
- ~~6.1.7.1.~~ The CAO shall designate a member of Administration to provide administrative

support to the Board and this person shall be referred to as Administrative Representative.

7.2. The Administrative Representative shall:

7.2.1.Ensure that all statutory requirements for the Commission are met;

7.2.2.Prepare the Commission agenda and the agenda package for distribution;

7.2.3.Record meeting minutes;

7.2.4.Ensure that Commission meetings are audio recorded and that recordings are retained in accordance with the County’s Corporate Records Structure;

7.2.5.Ensure the Commission’s files, including signed minutes and agenda packages of the Commission, are retained in accordance with the County’s Corporate Records Structure and any other governing legislation;

7.2.6.Provide orientation to the whole Commission at the first meeting following the Organizational Meeting of Council (or so soon thereafter as may be practical), which shall include a review of this Bylaw; and

7.2.7.Undertake and complete such other tasks as the Commission may direct.

~~6.2.7.3.~~ The Administrative Representative is authorized to delegate the duties provided above.

~~7.8.~~ **Remuneration**

8.1 Members shall receive remuneration in accordance with the Elected Official Remuneration Policy.

~~8.9.~~ **Repeal General**

~~8.1.9.1.~~ Schedule I of Bylaw 960/02 and any amendments thereto (Bylaw 1200/09) Bylaw 1337/14 is repealed.

~~8.2.9.2.~~ ~~That~~ This Bylaw shall come into force and takes effect on January 1, 2021, upon the date of third reading and signing in accordance with Section 213 of the *Municipal Government Act*, R.S.A. 2000 c.M-26, and amendments thereto.

~~8.3.9.3.~~ If any portion of this Bylaw is declared invalid by a Court of competent jurisdiction, the invalid portion is severed and the remainder of the Bylaw is deemed valid.

Read a first time this __ day of _____, ____.

Read a second time this __ day of _____, ____.

Read a third time this __ day of _____, ____.

Alanna Hnatiw
MAYOR

Reegan McCullough
COUNTY COMMISSIONER

DATE SIGNED