

**TOWN OF REDCLIFF
BY-LAW NO. 1143/97**

A BY-LAW OF THE TOWN OF REDCLIFF to establish the **Redcliff Municipal Planning Commission** and prescribe its role and responsibilities.

WHEREAS the Municipal Government Act 1994 CM-26.1 S 197; 1995 C24 S23 provides that **Council** may by By-law establish a **Municipal Planning Commission**;

1. SHORT TITLE

- 1.1 This By-law may be cited as the **Town of Redcliff Municipal Planning Commission By-law**.

2. ENACTMENT

- 2.1 **THE COUNCIL OF THE TOWN OF REDCLIFF IN THE PROVINCE OF ALBERTA DULY ASSEMBLED HEREBY ENACTS AS FOLLOWS:**

3. INTERPRETATION

- 3.1 In this By-law the following terms (unless the context specifically requires otherwise) shall have the following meanings:
- 3.1.1 **Act** means the Municipal Government Act, as amended from time to time.
 - 3.1.2 **Council** means the Municipal Council of the Town of Redcliff.
 - 3.1.3 **Development** shall be defined as outlined in the current Land Use By-law of the Town of Redcliff.
 - 3.1.4 **Development Application** means an application for development made to the Town in accordance with the Town of Redcliff Land Use By-Law for the purpose of obtaining a Development Permit.
 - 3.1.5 **Development Officer** means a person appointed to the office of Development Officer pursuant to this By-law or the Municipal Planning Commission.
 - 3.1.6 **Development Permit** means a document which authorizes development pursuant to the Land Use By-law and which may include plans, drawings, specifications or other documents.
 - 3.1.7 **Land Use By-law** means a by-law of the Town of Redcliff to regulate, control or prohibit the use and development of land and buildings within the Town of Redcliff in accordance with the provisions of the Municipal Government Act, RSA 1994.
 - 3.1.8 **Member** means a member of the Municipal Planning Commission of the Town of Redcliff.

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3.1.9 **Municipal Planning Commission, Planning Commission or Commission** means the Redcliff Municipal Planning Commission established by Council pursuant to the Act, and constituted and empowered by Council pursuant to Town of Redcliff By-laws, as amended, or a By-law substituted therefor.

3.1.10 **Municipality** means the geographic area situated within the corporate boundaries of the Town of Redcliff.

3.1.11 **Secretary** shall mean the Municipal Manager or the individual the Municipal Manager has directed to perform the secretarial duties of the Commission.

3.1.12 **Subdivision & Development Appeal Board** means a board established by Council pursuant to the Act.

3.1.13 **Town** shall mean the Municipal Corporation of the Town of Redcliff.

4. COMMISSION RESPONSIBILITIES

4.1 The **Commission** shall perform the functions, and exercise the development powers and duties as outlined in the current **Land Use By-law** of the **Town** and amendments thereto.

5. LIMITATIONS

5.1 The **Commission** shall have no power to spend money, to make any purchases on behalf of the **Town**, or to obligate or bind the **Town** in any manner whatsoever.

5.2 Any recommendations made by the **Commission** regarding general planning issues shall be forwarded to **Council**.

5.3 The **Commission** shall have no power in matters concerning selection, rates of pay, fringe benefits or other matters pertaining to the welfare of staff. The **Commission** may however address related operational concerns and or issues, in writing, through the Municipal Manager and/or through **Council**.

5.4 The **Commission** shall restrict its request for information to information required to make sound planning decisions relating to matters within its jurisdiction.

6. COMMUNICATIONS

6.1 The **Commission** shall provide a copy of meeting minutes to the **Council** on a regular basis.

6.2 The **Commission** may make presentations to **Council** regarding planning and **development** related issues.

6.3 The **Commission** shall ensure original minutes and correspondence of **Commission** and sub-committee meetings are kept safe at the **Town's** municipal office.

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7. CONFIDENTIALITY

- 7.1 The **Commission** shall withhold the following information, within the possession of the **Town** unless its disclosure is required by this or any other enactment or by an order of the court or its disclosure is consented to by the person to whom the information relates:
- 7.1.1 commercial information, the disclosure of which would:
 - i) likely prejudice the commercial position of the person who supplied it,
 - ii) reveal a trade secret
 - iii) likely prejudice the **Town's** ability to carry out its activities or negotiations, or
 - iv) allow the information to be used for improper gain or advantage;
 - 7.1.2 information that is subject to obligations of confidence, the disclosure of which would:
 - i) likely prejudice the future supply of similar information or advice,
 - ii) likely prejudice the **Town's** ability to carry out its activities or negotiations,
 - iii) place **Commission Members**, Councillors, or employees of the **Town** at risk of improper pressure or harassment,
 - iv) breach legal professional privilege, or
 - v) prejudice measures protecting health and safety;
 - 7.1.3 personal information, including personnel information, unless its disclosure:
 - i) is for the purpose for which the information was obtained or for a consistent purpose,
 - ii) is required so that the **Town** can carry out its duties and functions, or
 - iii) is in a statistical or other form so that the name of persons are not revealed or made identifiable;
 - 7.1.4 information of a deliberative kind and draft reports that are likely to be released to the public in a final form in due course except when the information or draft report is placed before a meeting held in public;
 - 7.1.5 information the disclosure of which could prejudice security and the maintenance of the law;
 - 7.1.6 information about assessments and taxes, except as provided in this or any other enactment;
 - 7.1.7 information placed before a meeting that is closed to the public, except when the information is later placed before a meeting held public;
 - 7.1.8 information that is prohibited from being released by this or any other enactment.

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8. ESTABLISHMENT AND COMPOSITION

- 8.1 The **Commission** for the **Town** is hereby established.
- 8.2 The **Commission** shall consist a minimum of three (3) and a maximum of seven (7) **Members** as follows:
- i) One (1) employee or municipal official of the **Town**, and
 - ii) A maximum of six (6) residents of the Town of Redcliff who shall not be employees or municipal officials of the **Town** or members of **Council**.
- 8.3 A person who is the **Development Officer** or a member of the **Subdivision and Development Appeal Board** shall not be appointed to the **Commission**.
- 8.4 Each **Member** of the **Commission** shall be appointed by resolution of **Council**.
- 8.5 A **Member** may be reappointed but only by resolution of **Council**.
- 8.6 A vacancy on the **Commission** may only be filled by resolution of **Council**.

9. REMUNERATION

- 9.1 **Members** of the **Commission** shall hold office without remuneration.
- 9.2 A **Member** may make submissions to **Council** or as established by policy of **Council** for **Commission** related **Development** expenses.

10. TERMINATION OF APPOINTMENTS

- 10.1 Subject to Section 10.2 (ii) below, the rules of conduct relating pecuniary interest contained in the **Act**, as amended from time to time, shall be deemed to apply to **members** of the **Commission**.
- 10.2 **Council** may by resolution terminate the appointment of any **Member** if:
- (i) the **Member** is absent from more than three (3) consecutive meetings of the **Commission**;
 - (ii) the **Member** uses information gained through appointment to gain a pecuniary benefit in respect of any matter in which he has a pecuniary interest, or;
 - (iii) the **Member** otherwise conducts himself in a manner that **Council** considers to be improper.
- 10.3 A **Members** appointment shall automatically terminate if the **Member** ceases to reside within the corporate boundary of the Town of Redcliff or if the **Member** becomes an employee of the **Town** and is not appointed as an employee or municipal official by resolution of **Council**.

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10.4 The appointment of a **Member** may at any time be revoked by resolution of **Council**

11. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

11.1 The **Commission** shall at its first regular meeting held in the month of January in each year, elect, by a majority vote of the **Members** present, one **Member** for the office of Chairman and one **Member** for the office Vice-Chairman.

11.2 The Vice-Chairman shall preside over any business before the **Commission** in the event of the absence or inability of the Chairman to act.

11.3 In the event of the absence or inability to act of the Chairman and Vice- Chairman at a meeting of the **Commission**, the **Members** present shall elect, by a majority vote, a **Member** to act as Chairman at that meeting.

11.4 The **Member** appointed as the "employee" or "municipal official" of the **Town** shall not hold the position of Chairman or Vice Chairman.

12. QUORUM

12.1 Majority of the appointed **Members** shall constitute a quorum at any meeting of the **Commission**.

12.2 Only those **Members** present during the entire length of the discussion pertaining to a matter being considered at a meeting of the **Commission** shall have a vote on the matter.

13. MEETINGS

13.1 The **Commission** may, at any meeting which all **Members** are present decide by motion to hold regular meetings. That motion shall state the day, hour and place of every such meeting and no notice of any such meeting is necessary.

13.2 Special Meetings of the **Commission** may be established through either of the following processes:

- i) Written requests for the calling of a special meeting may be made to the **Secretary** by an applicant for a **development application**, only upon full completion and payment of the **development application**, and an administration fee of \$150.00. Upon receiving the request and all fees being paid, the **Secretary** shall initiate a request for a special meeting. The **Secretary** shall firstly contact the **Chairman** advising him/her of the request and ask the **Chairman** for a preferred date and time for the meeting and provide the **Chairman** with the details of the application in hand.

The **Secretary** shall then poll, via telephone, each **Member** providing them with the proposed agenda item(s) and pose the question of whether they agree to the meeting on the suggested date and time. If a two thirds (2/3) majority of the **Members** agree to the request, the meeting shall be deemed to be called.



The **Secretary** shall document the response from each **Member** polled and those results shall be held in confidence in order to protect the anonymity of the **Members'** choice, and be released only upon request by the **Commission**, at the special meeting or if the request for the meeting is unsuccessful, at the next regular meeting of the **Commission**.

In the event the meeting is called and a quorum is not reached at the requested meeting, a refund for \$100.00 shall be made to the applicant who made the request. The balance remaining shall be deemed an administrative fee for the polling of the members.

- ii) For purposes other than a request from an applicant to expedite an application the **Chairman** may (at no cost) advise the **Secretary** to initiate a request for a special meeting. He/she shall provide the **Secretary** with a preferred date and time for the meeting, and provide details of the agenda item(s) to be discussed. The **Secretary** shall then poll, via telephone, each **Member** providing them with the proposed agenda item(s) and pose the question of whether they agree to the meeting, for the purpose requested, on the suggested date and time. If a two thirds (2/3) majority of the members agree to the request, the meeting shall be deemed to be called. The **Secretary** shall document the response from each **Member** polled and those results shall be held in confidence in order to protect the anonymity of the **Members'** choice, and be released only upon request by the **Commission**, at the special meeting or if the request for the meeting is unsuccessful, at the next regular meeting of the **Commission**.
- iii) No business other than the business stated in the request and outlined to each **Member** in the telephone poll, shall be discussed or considered at any special meeting.

13.3 The **Commission** shall meet at regular intervals to undertake the duties assigned to it by **Council** under this By-law and any resolution of **Council** pursuant to this By-law.

13.4 The conduct of the meetings shall be determined by the Chairman who may:

- (i) set procedural rules from time to time;
- (ii) permit delegations to appear before the **Commission**;
- (iii) rule on any other matter as deemed fit.

In every case the Chairman shall first obtain a majority vote from the **Members** present.

13.5 The **Commission** may consult or obtain information from any person, advisor or consultant who is not a **Member** thereof. It may request such person, advisor or consultant to attend its meeting or meetings.

13.6 The meetings of the **Commission** shall normally be held in public. The **Commission** may, based on reasons it seems fit, hold a meeting closed to the public.

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- 13.7 The **Commission** may deliberate and make its decisions in meetings closed to the public, however when a meeting is closed to the public no resolution may be passed at the meeting, except a resolution to revert to a meeting held in public.

14. DECISIONS

- 14.1 The **Commission** may make its decisions, recommendations and issue notices with or without conditions in accordance with the **Act**, this By-law and the **Land Use By-law**.
- 14.2 The Chairman when present, and every **Member** present shall vote on every matter.
- (i) Unless, in a specific case the Chairman or **Member** is excused by resolution of the **Commission** from voting, or
 - (ii) Unless disqualified from voting by reason of pecuniary interest.
- 14.3 The decisions of the **Commission** shall be by simple majority vote of the **Members** present. No seconder is required to make a motion of the **Commission**.
- 14.4 Any resolution in which there is an equality of votes shall be deemed to be decided in the negative.
- 14.5 The secretary shall, whenever a recorded vote is demanded (in advance of the vote) by a **Member**, record in the minutes the name of each **Member** present and whether the **Member** voted for or against the matter.
- 14.6 Minutes of each meeting shall be confirmed at each subsequent meeting of the **Commission**. The last page of the minutes of each meeting shall be signed by the Chairman or presiding **Member** and the Secretary.
- 14.7 The Chairman or such other person authorized by the **Commission** for the purpose shall sign all notices of decisions, correspondence on recommendations and other documents on behalf of the **Commission** relating to any responsibilities of the **Commission**.
- 14.8 Any document that has been signed by the Chairman or the authorized person shall be deemed to have been signed on behalf of and with the approval of the **Commission**.

15. SECRETARY

- 15.1 The **Secretary** shall attend all meetings of the **Commission** and shall keep all minutes, documents and records of the **Commission** safe in the Municipal Office of the **Town**.
- 15.2 The **Development Officer** shall prepare an agenda for each meeting of the **Commission** and prior to each meeting, shall arrange to deliver a copy of the agenda to each **Member** of the **Commission**, and to its technical advisors.
- 15.3 The **Secretary** shall conduct the correspondence of the **Commission** and provide it with such administrative services as required.
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16. REPEAL

16.1 By-law Number 929/91 known as the Municipal Planning Commission By-law is hereby repealed upon this By-law coming into effect.

This By-Law shall come into force following third reading and signing.

Finally read this **24th** day of **November** A.D., **1997**.

Signed and finally passed this **25th** day of **November** A.D., **1997**



G.E.O.



MUNICIPAL SECRETARY