

VILLAGE OF HUSSAR BYLAW NUMBER # 560-24

BEING A BYLAW TO ESTABLISH A DEVELOPMENT AUTHORITY AND MUNICIPAL
PLANNING COMMISSION FOR THE VILLAGE OF HUSSAR IN THE PROVINCE OF
ALBERTA.

WHEREAS the Municipal Government Act R.S.A. 2000, Chapter M-26 requires a municipality to establish a Municipal Planning Commission to exercise powers and duties of a Development Authority by bylaw;

NOW THEREFORE the Council of the Village of Hussar in the Province of Alberta, duly assembled, hereby enacts as follows:

1. SHORT TITLE

1.1. This bylaw is called the "Municipal Planning Commission Bylaw".

2. DEFINITIONS

2.1. In this bylaw:

- a) "Act" means the Municipal Government Act R.S.A. 2000, Chapter M-26, as amended from time to time;
- b) "Chief Administrative Officer" or "CAO" means the Chief Administrative Officer of the Village of Hussar appointed by Council;
- c) "Council" means the duly elected Council of the Village of Hussar;
- d) "Development Authority" means the Development Officer and the Municipal Planning Commission, and Council;
- e) "Development Officer" means the Development Officer of the Village of Hussar;
- f) "Member" means a member of the Municipal Planning Commission appointed pursuant to this bylaw;
- g) "Municipal Planning Commission" means the Municipal Planning Commission as established by this bylaw;
- h) "Pecuniary Interest" means a pecuniary interest as defined by section 170(1) of the Act;
- i) "Secretary" means an employee of the Village of Hussar assigned to act as the Municipal Planning Commission Secretary.

3. APPOINTMENT OF DEVELOPMENT OFFICER

3.1. Council may, by resolution, appoint one or more Development Officers.

4. ESTABLISHMENT AND RESPONSIBILITIES OF THE MUNICIPAL PLANNING COMMISSION

- 4.1. The Municipal Planning Commission of the Village of Hussar is hereby established.
- 4.2. The Municipal Planning Commission shall decide the development permit applications and review other matters referred to the Municipal Planning Commission pursuant to the Land Use Bylaw.
- 4.3. In addition to the powers and duties authorized by this bylaw, the Municipal Planning Commission may provide advice to Council on any planning matter.

5. MUNICIPAL PLANNING COMMISSION MEMBERSHIP AND TERM

- 5.1. The Municipal Planning Commission shall be comprised of a minimum of three (3) and a maximum of five (5) voting Members.
 - a) a maximum of two (2) Members shall be public Members appointed to the Municipal Planning Commission by resolution of Council; and
 - b) Three (3) members of Council shall be appointed by resolution of Council.
- 5.2. In the case that no public Members are available, the Municipal Planning Commission will consist of three (3) members of Council.
- 5.3. Council may appoint an alternate member of Council to act when any of the Council members of the Municipal Planning Commission are unable to attend a meeting.
- 5.4. No person who is a member of the Subdivision and Development Appeal Board or any municipal employees shall be appointed as a Member of the Municipal Planning Commission.
- 5.5. Council members on the Municipal Planning Commission shall be appointed at the annual organizational meeting for a one-year term. Any member of Council's appointment to the Municipal Planning Commission terminates upon ceasing to be a member of Council.
- 5.6. Public Members, where possible, shall be appointed at the annual organizational meeting of Council for a term not more than 1 year, so long as not more than one public Member's term expires in any one year.
- 5.7. To be eligible to serve as a public Member on the Municipal Planning Commission, a person must:
 - a) be a resident of Village of Hussar;
 - b) be at least eighteen years of age.
- 5.8. New Members appointed to the Municipal Planning Commission shall commence their term on January 1 and end on December 31.
- 5.9. Any vacancy caused by death, retirement, or resignation of a Member will be filled by Council resolution at the next available regular meeting of Council.

5.10. A person is disqualified from remaining a Member of the Municipal Planning Commission if such person is absent from three consecutive meetings, unless that absence is caused by illness or is authorized in advance by the chair (the sufficiency of such reasons to be determined by the chair in their sole discretion), or if the Member fails to meet the eligibility requirements set out in this bylaw.

5.11. Council may remove a Member at any time.

6. APPOINTMENT OF CHAIR AND VICE CHAIR

6.1. The Municipal Planning Commission shall elect one Member as chair and one Member as vice-chair at the first annual meeting.

6.2. In the event of absence or the inability of the chair to preside at a meeting, the vice-chair shall preside.

6.3. In the event of absence or inability of both the chair and the vice-chair to preside at a meeting, the Members present shall elect one of its Members to preside as chair for that meeting by a majority vote, so long as quorum has been met.

7. ROLE OF THE CAO AND SECRETARY

7.1. The CAO shall appoint a Secretary who shall:

- a) notify all Members for the holding of each Municipal Planning Commission meeting;
- b) ensure notice of the meeting is given to all affected parties and the agenda is advertised at least 24 hours in advance of the meeting on the Village of Hussar website;
- c) provide an agenda package to Members at least two working days prior to the meeting for which the agenda is prepared;
- d) record, distribute and maintain a file of the written minutes of such meetings in accordance with the provisions of this bylaw; and
- e) carry out such other administrative duties as required.

7.2. The CAO shall act as the liaison to the Commission, and the Development Officer will provide technical advice to the Commission.

8. QUORUM

8.1. Three (3) voting Members shall constitute a quorum. Or a simple majority.

9. OPERATION AND CONDUCT OF BUSINESS

9.1. The Municipal Planning Commission shall hold such meetings as are necessary to fulfill the Commission's responsibilities.

9.2. Only those Members present at a Municipal Planning Commission meeting shall vote on any matter before it.

- 9.3. The decision of the majority of the Members present at a meeting duly convened shall be deemed to be the decision of the whole Commission.
- 9.4. In the event of a tie vote, a motion shall be deemed to be defeated.
- 9.5. The chair shall:
 - a) maintain order and decorum and may, if necessary, call a Member to order;
 - b) determine who has a right to speak;
 - c) ensure all Members who wish to speak to a motion have spoken;
 - d) ensure that the Members are ready to vote, and subsequently call the vote;
 - e) rule when a motion is out of order; and
 - f) ensure persons in the gallery maintain quiet order and may, if necessary, provide for the removal of those who do not comply.
- 9.6. Members shall not communicate individually on matters relating to an application on the Municipal Planning Commission agenda with any persons prior to the meeting.
- 9.7. The Municipal Planning Commission, at its sole discretion, is not required to hear any representations from the public with respect to any matter over which it makes a decision or representation.
- 9.8. Where the Municipal Planning Commission or the CAO deems it desirable, they may request any person or persons to attend meetings in an advisory capacity.
- 9.9. When a Member has a Pecuniary Interest with respect to an application under consideration, the Member must disclose the nature of the Pecuniary Interest prior to any discussion on the matter, abstain from voting on the matter, and leave the room in which the meeting is being held until discussion and voting on the matter are concluded.
- 9.10. When a Member does not vote on a matter pursuant to 9.9, the abstention and reasons therefore shall be recorded in the minutes.
- 9.11. After hearing all submissions, the Municipal Planning Commission may deliberate and reach its decisions in a meeting closed to the public.
- 9.12. A motion to table must include the reason and time within the current meeting to which the matter is to be tabled. A motion to table is not debatable.
- 9.13. A motion to postpone must include the reason for postponement and a specific time when the matter shall be considered. A motion to postpone is debatable and is decided by a majority vote of the Municipal Planning Commission.

10. COMMISSION MEETING RECORDS

- 10.1. Minutes shall be prepared for every Municipal Planning Commission meeting and contain the following:
 - a) the date, time and location of the meeting;

- b) the names of all the Municipal Planning Commission Members present;
- c) the name(s) of anyone other than a Member who participated in the meeting; and
- d) any motions made at the meeting, along with the results of the vote on the motion.

10.2. Motions receiving a unanimous vote shall be recorded in the minutes as "carried unanimously" or "defeated unanimously".

10.3. In the case of a split vote, motions shall be recorded in the minutes as "carried" or "defeated, and the names of those Members who voted for and against the motion shall be recorded.

10.4. Questions and debate shall not be recorded in the minutes.

10.5. Minutes of the meeting shall be adopted by motion at the next meeting convened.

11. REMUNERATION

11.1. Members will receive remuneration as established by resolution of the Council.

12. SEVERABILITY

12.1. Every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

13. ENACTMENT/TRANSITION

13.1. Bylaw 435-98 is hereby repealed.

13.2. This Bylaw takes effect on the date of the third and final reading.

READ A FIRST TIME THIS 12 DAY OF September, 2024.

READ A SECOND TIME THIS 12 DAY OF September, 2024.

READ A THIRD TIME AND PASSED THIS 12 DAY OF September, 2024.


MAYOR


CHIEF ADMINISTRATIVE OFFICER