

MUNICIPAL DISTRICT OF BIGHORN NO. 8

Minutes of the Special meeting of Council held at 9:00 a.m. on Wednesday, March 31 , 2010 in the Council Chambers, MD office, with the following persons present:

COUNCIL:

DENE COOPER	REEVE
HUGH PEPPER	COUNCILLOR
MARIA DUNKI	DEPUTY REEVE
PAUL ADAMS	COUNCILLOR
PAUL RYAN	COUNCILLOR

ADMINISTRATION:

MARTIN BUCKLEY	CHIEF ADMINISTRATIVE OFFICER
NATALIE GERMANN	EXECUTIVE ASSISTANT

The item on the agenda for the Special Meeting was as follows:

- Bylaw 3/10, to amend Council Procedural bylaw #03/10 – second and third reading

Notice of the Special meeting had been given in accordance with Municipal Government Act requirements.

CALL TO ORDER

Reeve Cooper called the meeting to order at 9:00 a.m.

G. BYLAWS

Council discussed Draft Bylaw 3/10, being a bylaw amend Council Procedural bylaw #09/02, at length.

1. Moved by Councillor Ryan that the following amendments be made to Bylaw 03/10:

-after the wording “Bylaw 09-02 is amended by the following:”, change the wording in Bylaw 03/10 to read as follows:

- (a) Change Preamble to read “Being a Bylaw of the Municipal District of Bighorn No. 8 for...”
- (b) Wherever it appears in Bylaw 09-02, delete “Municipal Secretary”, and replace with “Executive Assistant”,
- (c) Section 2, Definitions is amended by:
 - i. Replacing Section 2(x) with the following:

“Public Hearing” means a Council or Committee meeting held for purposes of hearing matters as prescribed by the Municipal Government Act or other legislation.

- ii. Adding the following definitions in alphabetically order within the Section:

“Person” means an individual, partnership, association, body corporate, trustee,

Reeve
Cooper called
mtg. to order
at 9:00 am.

R: 93/10
Amendments
to Bylaw
03/10.

executor, administrator or legal representation.

“Technical Documents” means any assessment, report or survey prepared by a Person other than the Applicant or his/her legal representation and includes but is not limited to:

1. Engineering reports;
2. Consultants’ studies;
3. Environmental impact assessments (prepared in accordance with the relevant Provincial legislation);
4. Geotechnical investigations;
5. Groundwater evaluations;
6. Ground/slope stability reports;
7. Flood risk assessments;
8. Traffic impact assessments;
9. Historical surveys;
10. Utility master plans; and
11. Other similar documentation.

iii. Relabeling the provisions within the Section accordingly.

- (d) Section 3(5) is changed to read “...by an affirmative vote of the majority of...”.
- (e) Section 4(7) is changed to read “Council may, by resolution, cancel or postpone any Meeting.”
- (f) Section 4(8) is deleted in its entirety; Section 4(9) is re-numbered to Section 4(10); and new Sections 4(8) and 4(9) are inserted to read as follows:

“(8) Notice of Regular Meetings of Council and Committees are deemed to be given by:

- a) annual notice in the M.D.’s quarterly newsletter,
- b) posting on the MD’s website, or
- c) posting within the MD’s Office.

(9) For changes to the date, time or place of a scheduled Regular Meetings of Council or Committees, the Chief Administrative Officer or his/her designate shall ensure the notice is given in accordance with Municipal Government Act requirements, and is:

- a) Issued at least twenty-four (24) hours prior to the Meeting date;
- b) posted on the MD’s website,
- c) posted on the front entrance to the MD’s Office; and
- d) personally delivered, faxed or e-mailed to each Council Member or Committee Member requiring notice of the change in accordance with the Municipal Government Act.”

(g) Section 5(3)(a) is amended by removing the reference to “Public Hearings” and shall read:

“Items must be received by the Executive Assistant no later than 12:00 noon, the Wednesday before the Council meeting.”

- (h) Section 5(3)(b) is deleted in its entirety.
- (i) Section 5(5) is changed to read "...by the Presiding Officer or a majority vote of Council..."
- (j) Section 9 General is re-numbered as Section 10 General.
- (k) Section 9(10) is deleted in its entirety.
- (l) A new Section 11, Public Hearing Procedures, is added to read as follows:

“

11. PUBLIC HEARING PROCEDURES

- (1) If there is an inconsistency between the provisions of this Part dealing with Public Hearings and the general provisions of this Bylaw, the provisions of this Section shall prevail as they relate to Public Hearings.

Notice of Public Hearing

- (2) The Chief Administrative Officer or his/her designate shall ensure that notice of the Public Hearing is given in accordance with the Municipal Government Act.
- (3) The advertised notice of the Public Hearing must allow for not less than fifteen (15) days for Technical Documents and written submissions in support of the subject application, proposal, resolution or bylaw to be provided to the MD.
- (4) Technical Documents and other written submissions which are not in support of an application shall be provided to the M.D. not less than seven (7) days prior to the Public Hearing.
- (5) The notice of Public Hearing must contain the following information:
 - a) A statement of the general purpose of the proposed bylaw, resolution and Public Hearing,
 - b) The address or location where a copy of the proposed bylaw, resolution and any other document pertaining to it and to the Public Hearing may be inspected,
 - c) In the case of a bylaw or resolution, an outline of the procedure to be followed by anyone wishing to file a petition in respect of it,
 - d) The date, time and place where the Public Hearing will be held,
 - e) The date by which any Technical Documents or other written submissions for the Public Hearing are to be delivered to the Chief Administrative Officer or his/her designate, and
 - f) The address to which any Technical Documents or other written submissions are to be sent.

Presentation Materials

- (6) The use of maps, videos, slides, Power Point and other media are permitted. All materials submitted for the Public Hearing become property of the MD as exhibits to the Public Hearing.
- (7) All presentation materials submitted to the MD for a Public Hearing including Technical Documents and written submissions must have the name of the individual(s) or group submitting the document clearly printed on the first page of the document.



Technical Documents and Written submissions for Public Hearings

- (8) Technical Documents and other written submissions received in accordance with the Public Hearing procedures shall be included in the Administrative Report.
- (9) Technical Documents and other written submissions in support of an application shall be submitted to the Chief Administrative Officer or his/her designate not less than fifteen (15) days prior to the Public Hearing.
- (10) All Technical Document and other written submissions submitted for the purpose of a Public Hearing will be made available for inspection to the public upon receipt by the MD.
- (11) The MD, in its sole discretion, may circulate any Technical Documentation and written submissions to any internal or external department or agency it deems appropriate.
- (12) Council may, in its sole discretion, accept Technical Documentation and other written submissions at the Public Hearing on whatever terms or conditions Council deems appropriate including, but not limited to, an adjournment of the Public Hearing to another date.
- (13) Anyone intending to submit any Technical Documentation or other written submission at the Public Hearing shall ensure that there are not less than fifteen (15) hard copies available for distribution at the Public Hearing.
- (14) Technical Documents shall be submitted in both hard copy format as well as electronic format compatible with the MD's computer software.
- (15) The Chief Administrative Officer or his/her designate shall date stamp all Technical Documents and other written submissions submitted for the Public Hearing on the date that the documentation is received by the MD.

Petitions and Written submissions

- (16) Petitions and written submissions received in accordance with the Public Hearing procedures shall be included in the Administrative Report.
- (17) Persons signing petitions are deemed to have had their position advanced by the petition and they may not speak unless they remove their names from the petition prior to the start of the Public Hearing.
- (18) Any matter required to be brought to Council by way of petition must be in compliance with the Municipal Government Act.
- (19) Individuals or groups who want to submit written submissions to Council for the Public Hearing may deliver a hard copy of the written submission to the Chief Administrative Officer no later than the Wednesday preceding the Public Hearing.
- (20) All petitions and written submissions submitted for the purpose of a Public Hearing will be made available for inspection to the public upon receipt by the MD.
- (21) With Council's approval, an individual or group may submit written submissions as part of

WJC

their presentation at the Public Hearing by providing not less than fifteen (15) copies of their written submissions to Council at the start of their presentation

Presentations to Council

- (22) Persons addressing Council shall give their name, location of residence, an indication of whether they are speaking on their own behalf or for another person or for a group, and address the Chair when responding to questions of providing information.
- (23) A person may authorize another individual to speak on his/her behalf if:
 - a) Such authorization is in writing, or
 - b) The person being spoken for is present at the Public Hearing.
- (24) Persons speaking on their own behalf or on behalf of their family may speak for a maximum of five (5) minutes. Persons speaking as spokesperson for a group or petition may speak for a maximum of ten (10) minutes

Public Hearing Procedures

- (25) The Chairperson will call for a motion to go into Public Hearing and ask if anyone is present to speak to the proposed bylaw or resolution.
- (26) If a person indicates their presence to speak to the proposed bylaw or resolution, then the Chairperson will outline the Public Hearing procedures.
- (27) The Chief Administrative Officer or his/her designate will confirm the Public Hearing has been advertised in accordance with applicable legislation.
- (28) A member of Administration will introduce the proposed bylaw or resolution and present the Administrative report.
- (29) The Chairperson shall call upon the applicant to present his/her application.
- (30) Extensions of time limits for any verbal presentations may be granted by a majority vote of Council based on the following:
 - a) The issue or bylaw under discussion is deemed by Council to be contentious or complex, and
 - b) the allocated time is not sufficient in the opinion of Council to give the matter due consideration, and
 - c) The granting of an extension of time will not prejudice the rights of other presenters to their allocated presentation time as prescribed in this Bylaw.
- (31) After identifying him/herself, the Applicant will be requested to present his/her application within a twenty (20) minute time period.
- (32) The Chairperson shall then call upon any Persons in attendance at the Public Hearing who wish to speak in favour of the application.
- (33) After identifying themselves, persons or representatives of any group or persons, in favour of



the application may address Council in turn. Council reserves the right to abbreviate repetitious oral submissions. Individuals may speak for a maximum of five (5) minutes. One spokesperson per petition or group may speak for a maximum of ten (10) minutes.

- (34) The Chairperson shall then call upon any Persons in attendance at the Public Hearing who wish to speak in opposition to the application.
- (35) After identifying themselves, persons or representatives of any group or persons, in opposition of the application may address Council in turn. Council reserves the right to abbreviate repetitious oral submissions. Individuals may speak for a maximum of five (5) minutes. One spokesperson per petition or group may speak for a maximum of ten (10) minutes.
- (36) The Chairperson shall then call upon the Applicant and those Persons in attendance at the Public Hearing who spoke in favour of the application for any rebuttal to the points raised by those who spoke in opposition to the application. Rebuttal comments are restricted to addressing new points raised by those who spoke in opposition to the application.
- (37) After a presentation is concluded, any Councillor may ask the presenter relevant questions.
- (38) After all presentations from the public have been completed, any Councillor may ask Administration relevant questions.
- (39) Following the public presentation and Councillor questions, the Chairperson shall adjourn or close the Public Hearing.
- (40) If no Person from the public identifies themselves to address Council, Council may hear an introduction of the matter from Administration. Council may ask relevant questions. Following Council's questions, the Chairperson may then close the Public Hearing.
- (41) A statutory Public Hearing must be closed:
- a) before second reading of the bylaw, or
 - b) before Council votes on the resolution.
- (42) After the close of the Public Hearing, Council may debate the proposed bylaw or resolution and may:
- a) Amend the bylaw or resolution,
 - b) pass the bylaw or resolution, or
 - c) defeat the bylaw or resolution.
- (43) Where a Public Hearing on a proposed Bylaw or resolution is held, a Councillor:
- a) must abstain from voting on the Bylaw or resolution if the Councillor was absent from all of the Public Hearing, and
 - b) may abstain from voting on the Bylaw or resolution if the Councillor was only absent from a part of the Public Hearing. ”
- (l) Section 11, Date of Commencement, is re-numbered to Section 12, Date of Commencement.
- (j) Schedule "A", change C. Meeting Notes/Community Minutes to C. Councillors' Reports.



(k) Schedule "C" is deleted in its entirety.

2. This Bylaw shall come into force and take effect upon the date of third reading thereof.

R: 94/10
Bylaw 03/10
1st reading.

Moved by Councillor Adams that Council give second reading to Bylaw 03/10, as amended.

CARRIED

R: 95/10
Bylaw 03/10
2nd reading.

Moved by Councillor Pepper that Council give third and final reading to Bylaw 3/10.

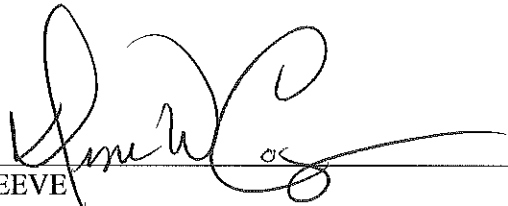
CARRIED

R: 96/10
March 31,
2010 Special
Council
Meeting
adjourned.

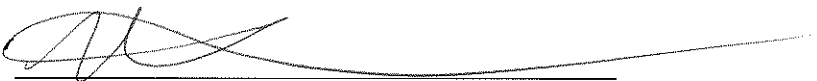
ADJOURNMENT

Moved by Councillor Adams that the March 31, 2010 Special Council Meeting be adjourned at 11:05 am.

CARRIED



REEVE



EXECUTIVE ASSISTANT