

THE TOWN OF THE CITY OF DAWSON

BYLAW #07 – 02

A bylaw to establish a Planning Board and to provide rules governing the proceedings of Planning Board and the transaction of the business of Planning Board.

WHEREAS Section 179 of the *Municipal Act*, (R.S.Y. 2002), provides that council may by bylaw delegate any of its powers, duties or functions to a board

WHEREAS Section 191(1) of the *Municipal Act*, (R.S.Y. 2002), provides that council may by bylaw establish boards and their functions

WHEREAS Section 191(2) of the *Municipal Act*, (R.S.Y. 2002), provides that council may by bylaw

- (a) prescribe the qualifications and terms of office of the members of a board
- (b) prescribe how the chair and members of the board are to be appointed
- (c) prescribe how the chair and members of the board are to conduct meetings and the procedure for their voting on any matter
- (d) regulate attendance at meetings
- (e) provide for the appointment and duties of officers and employees to assist the board
- (f) prescribe conflict of interest rules for the direction of the board

WHEREAS Council has previously delegated certain of its powers, duties and functions related to zoning and historical control to a board

WHEREAS Council is desirous of updating the bylaw by which those powers, duties and functions were previously delegated

NOW THEREFORE, pursuant to the provisions of the Municipal Act of the Yukon Territory, the Council of the Town of the City of Dawson, in open meeting assembled, HEREBY ENACT AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "Planning Board Bylaw".

DEFINITIONS

2. In this bylaw:

- (1) Whenever the singular, masculine or feminine is used in this bylaw it shall be considered as if plural, feminine or masculine has been used where the context of the bylaw so requires.
- (2) "ADMINISTRATION" means the employees of the City.
- (3) "CHAIRPERSON" means the Chairperson or presiding officer who presides over Planning Board meetings
- (4) "CITY" means the Town of the City of Dawson.
- (5) "CLERK" means the Development Officer or designate appointed in accordance with Section 187 of the *Municipal Act*.
- (6) "COMMITTEE OF THE WHOLE" means a committee of the whole Planning Board where no bylaw or resolution, apart from the resolution necessary to revert back to an open meeting or the resolution to go in camera, may be passed.
- (7) "COUNCIL" means the duly elected council of the City of Dawson.
- (8) "IN CAMERA" means a meeting closed to the public as authorized by section 213(3) of the *Municipal Act*.
- (9) "MEETING" means a duly constituted regular or special meeting of Planning Board where municipal business is conducted or issues are discussed.
- (10) "MEMBER" means a member of Planning Board, duly appointed and continuing to hold office.
- (11) "MOTION" means a standard terminology used by Planning Board to describe the original statement whereby business is brought before a meeting, and may also mean resolutions.
- (12) "*MUNICIPAL ACT*" means Chapter 154 of the Revised Statutes of the Yukon, 2002.
- (13) "PERSON" means a reference in discourse to the speaker, the person spoken to, or another person capable of having legal rights and duties.

STRUCTURE

3. Council shall by resolution appoint up to nine (9) members to the Planning Board. Members shall be residents of the City of Dawson.
4. Terms shall be of a two year period and shall be staggered so that the terms of members end in alternate years.
5. Where a member of the Planning Board has failed to attend three (3) regular Board meetings without the consent of the Board, Council may revoke the appointment of such member by resolution.
6. (a) Where a member of the Planning Board becomes a member of Council during his or her term as Board member, his or her membership of the Board shall terminate simultaneously.

(b) Members of Council or employees of the City shall not qualify for appointment to the Planning Board.
7. At the first regular meeting following October 31st in any year, Planning Board shall appoint a Chair for a term not exceeding one year.

ADVISORY MEMBERS

8. The Planning Board may appoint such advisory members to the Board as deemed advisable by the Board, and such advisory member shall:
 - (a) be full members of the Board with participation in all Board meetings
 - (b) be appointed to a term not exceeding one year, but may be reappointed to succeeding terms.
 - (c) not have a vote in Board meetings

DUTIES AND RESPONSIBILITIES

9. The Planning Board shall hear all matters referred to the Board pursuant to Zoning and Historical Control Bylaw #97-25 and updates thereof.
10. If after two consecutive meetings the Planning Board is unable to make a decision on any matter referred to the Board , the Board shall advise Council of the matter under consideration and shall inform Council that no conclusive decision was reached.

APPLICATION

11. The following rules shall be observed and shall be the rules and regulations for the order and conduct of business in all regular or special meetings of Planning Board, all in-camera meetings of Planning Board and all committee of the whole meetings.
12. Unless otherwise provided in the *Municipal Act* or this bylaw, The Scott, Foresman Robert's Rules Of Order Newly Revised, 1990/9th Edition as revised from time to time shall apply.

CONTROL AND CONDUCT OF MEETING

13. Subject to the *Municipal Act*, the chairperson shall preside over the conduct of the meeting and:
 - (1) shall maintain order and preserve the decorum of the meeting;
 - (2) shall decide points of order without debate or comment other than to state the rule governing;
 - (3) shall determine which member has the right to speak;
 - (4) shall rule when a motion is out of order; and
 - (5) may call a member to order.
14. When the chairperson is called upon to decide a point of order or practice, the point shall be stated clearly and without unnecessary comment, except to cite the rule or authority applicable to the case.
15. The chairperson may step down from the chair for the purpose of taking part in the debate, in which another member may be called to take the chair.
16. When any person, including a member, is addressing Planning Board, that person shall:
 - (1) not shout or immoderately raise his voice, or use profane, vulgar or offensive language;
 - (2) not speak on matters other than the matter before Planning Board;
 - (3) not comment on any person, staff, or member of Planning Board; and

- (4) obey the rules of procedure of the Planning Board
- 17. If any person, member or officer acts contrary to section 8, that person, member or officer shall be immediately censured by the chairperson.
- 18. When a person, member or officer has been admonished by the chairperson, it shall be recorded in the minutes of the meeting of Planning Board
- 19. If any person, member or officer acts contrary to section 8 twice in a meeting of Planning Board the person, member or officer shall, on the order of the chair, be excluded from the meeting and from council chambers.
- 20. No exclusion of a member shall be for more than the meeting in progress.
- 21. A member called to order by the chairperson shall immediately cease speaking.

Rules of Order Governing Planning Board Meetings

- 22. Fifty percent of the members of the City Planning Board shall constitute a quorum at any meeting
- 23. The Chair, or in his or her absence, the Acting Chair, shall vote only to break a tie but shall be counted as one member for the purposes of quorum.
- 24. If a quorum of Planning Board is not present within thirty (30) minutes after the time fixed for a regular or special meeting of Planning Board, the Clerk shall ensure the names of the Planning Board members present are recorded and Planning Board shall stand adjourned until the next regular or special meeting.
- 25. If a member of Planning Board arrives late at a regular or special meeting, no prior discussion shall be reviewed for that member's benefit except with the unanimous consent of all members present at the meeting.

Conflict of Interest

- 26. (1) Members are disqualified from being members of Planning Board where,
 - (a) being a shareholder, officer or director of a corporation, other than a society, that has dealings or contracts with

the municipality, they vote at a meeting of the Planning Board on any question in relation to the corporation, or participate in the consideration of the question by the Planning Board, or

- (b) being a member, shareholder, officer, or employee of a society that has dealings or contracts with the municipality, they do not declare their relationship to the society or not-for-profit corporation in a Planning Board meeting before voting on or participating in the consideration by Planning Board of any question in relation to the society, or
 - (c) being a party to dealings or a contract with the municipality, or being a member of a partnership that has dealings or a contract with the municipality, they vote at a meeting of the Planning Board on any question in relation to the dealings or contract, or participate in the Planning Board's consideration of the question.
- (2) If a Planning Board member has declared a conflict of interest in a matter before Planning Board, the Planning Board member shall leave the meeting room while discussion and voting on the matter takes place. The members' withdrawal shall be recorded in the minutes.

Electronic Participation at Meetings

- 27. Except for an in-camera meeting at which electronic participation is not permitted, a member may participate in a meeting by electronic means or other communication facility and be considered to be in attendance at the meeting. The member must provide notice, including a telephone number where the member can be reached, to the Clerk prior to 4:30 p.m. on the day of the meeting. Three members of Planning Board must be physically present to constitute a quorum.
- 28. If technological problems prevent participation, the member shall be marked absent.
- 29. If communications are lost during the meeting and the member cannot be reconnected, the minutes will reflect when the member left the meeting.
- 30. Agenda packages shall be delivered to members participating electronically by weekend courier or electronically, whichever is the most efficient and least expensive method of doing so, as determined by the Clerk

31. Delegations may participate electronically if they can arrange to do so at no cost to the City.

Regular Meetings

32. The Planning Board shall hold its regular meetings on the second and fourth Tuesdays of each month in council chambers at City Hall. All regular meetings shall be scheduled from 7:00 pm to 9:00 pm. Planning Board may, by resolution, extend the hours of a regular meeting by two periods of thirty (30) minutes duration. If Planning Board has not passed a resolution for adjournment prior to 10:00 pm, then the chairperson shall declare the meeting adjourned.
33. When the day fixed for a regular meeting of Planning Board falls on a legal holiday, the meeting shall be held on the following business day, which is not a legal holiday.
34. Planning Board may, by resolution, postpone or cancel a regular meeting of Planning Board.
35. Planning Board shall hold a minimum of one regular meeting of Planning Board per month.

Agendas

36. Notice for each meeting shall be given in the form of an agenda not less than forty-eight (48) hours prior to the time of the meeting.
37. With the exception of the delegations section of the agenda, no business other than that stated in the regular meeting agenda shall be transmitted at that meeting unless a resolution therefore is passed unanimously by all members present.
 - (1) An amendment to the delegations section of the agenda may be made by a resolution passed by a majority of all members present.
38. A copy of the notice and all documents pertaining to the business listed on the agenda referred to in section 27 shall be:
 - (1) placed in each member of Planning Board's in box to be picked up by the member of Planning Board;
 - (2) posted in the city offices and post office; and
 - (3) upon request, sent to the local media.

39. Documents pertaining to the business listed on the agenda shall be made available to the public at the meeting on the day and date specified and shall not be made available prior to such time.
40. Notwithstanding section 30, documents pertaining to the business listed on the agenda may be made available to the press on an embargoed basis at 12:00 noon on the day and date of the said meeting.
41. Upon the Planning Board meeting being called to order by the Chairperson, the following shall be the order of business on the agenda unless otherwise determined by unanimous consent of the members present at the meeting:
 - (1) Call to Order
 - (2) Adoption of Agenda
 - (3) Delegations
 - (4) Business Arising from Delegations
 - (5) Adoption of Minutes
 - (6) Business Arising from Minutes
 - (7) Applications
 - (8) Reports
 - (9) Unfinished Business
 - (10) New Business
 - (11) Correspondence
 - (12) Information
 - (13) Adjournment

Delegations

42. Persons or delegations addressing Planning Board shall state their name and the purpose of their presentation.
 - (1) Delegates to regular meetings of Planning Board may speak to any item that is on the regular meeting agenda.
43. The chairperson may limit the time of speaking to five (5) minutes for any individual or delegation appearing before Planning Board.
44. Upon being recognized, a member may direct questions to a delegate or to administration, but at no time shall a Planning Board member, a delegation or administration enter into a debate during the delegation section of the agenda.
45. Upon the request of the chairperson, any person disrupting the proceedings of Planning Board shall be removed from council chambers.

Special Planning Board Meetings

46. The Chairperson, or any two Planning Board members, may call Special Meetings as deemed necessary, provided that twenty-four (24) hours notice be given to all Board members prior to the meeting.
47. Notice of special meetings of Planning Board shall be given by the Clerk at least twenty-four (24) hours before the time of the meeting on a form attached to this bylaw as Schedule "A".

No business other than that stated in the notice for such special meeting shall be transacted at that meeting unless ALL MEMBERS of the Planning Board are present and a resolution therefore is passed UNANIMOUSLY.

48. Special Meetings of Planning Board shall not exceed a duration of three hours.

Committee of the Whole

49. Planning Board may, by resolution, go into the committee of the whole at any time during a regular or special meeting of Planning Board.
50. In addition to section 41, a meeting other than a regular or special meeting of Planning Board, to which all members of Planning Board are invited to consider but not decide on matters of the City's business, is a meeting of the committee of the whole.

In Camera Meeting

51. Planning Board may, by resolution, close a meeting to the public if;
 - (1) the matter to be discussed is a matter contemplated by section 213(b) of the *Municipal Act*.
52. There shall be a limit of one (1) item of business conducted at each in camera meeting.
53. In camera meetings shall not exceed a duration of thirty (30) minutes.
54. Planning Board shall not pass resolutions or bylaws at an in-camera meeting.

Minutes

55. The Clerk shall ensure that minutes of all proceedings of Planning Board in regular or special meetings of Planning Board are recorded in accordance with Bylaw #07-02 and

- (1) are legibly recorded; and
 - (2) when adopted, certified as correct; and
 - (3) when adopted, signed by the chairperson presiding at the meeting.
56. Minutes shall be recorded of all proceedings of Planning Board in meetings closed to the public.
57. Except for minutes of in-camera meetings held pursuant to Section 213 of the *Municipal Act*, copies of the minutes shall be open for inspection by any person and that person may make copies of them on the payment of a fee set out in the City of Dawson Fee Schedule Bylaw.
58. When a matter dealt with at an in-camera meeting is no longer confidential, as resolved by Planning Board, the minutes for that matter shall be received without debate in a regular or special meeting of Planning Board, after which they shall be open for inspection and copying by any person in accordance with Section 48.
59. At every regular meeting of Planning Board the minutes of the previous regular meeting and any special meeting held more than forty-eight (48) hours prior to the current meeting shall be considered for adoption.
60. The Clerk shall forward one copy of the Minutes of each meeting to Council.

Resolutions

61. A resolution introduced at a regular or special Planning Board meeting shall have a distinguishing number.

Applications

62. All applications shall be approved by a resolution.
63. All applications to be considered at a meeting must be presented in full and final format to the Development Officer at least four (4) working days prior to the meeting in order to be included on the agenda.
64. No amendments made after the four (4) day notice period may be considered at the meeting and no amendments may be made to the application at a meeting.

65. If an application is not approved by resolution at a meeting the Planning Board must present the reasons why and these reasons must be recorded within the minutes. The Clerk must inform the proponent of the application of the reasons within five (5) working days of the meeting.

REPEAL

66. (1) Bylaw #82-12 is hereby repealed
(2) Bylaw #84-11 is hereby repealed
(3) Bylaw #06-16 is hereby repealed.

COMING INTO FORCE

67. This bylaw shall come into full force and effect upon the final passing thereof.

READ A FIRST TIME THIS 6th DAY OF MARCH, 2007.

READ A SECOND TIME THIS 20TH DAY OF MARCH, 2007.

READ A THIRD TIME AND FINALLY PASSED THIS 3Rd DAY OF APRIL, 2007.

ORIGINALS SIGNED BY:

Diana Andrew
DEPUTY MAYOR

Paul Moore
CAO

Planning Board Procedures Bylaw #07-02

SCHEDULE "A"

NOTICE OF SPECIAL MEETING

This is to inform you that a special meeting of Planning Board has been requested.

DATE OF MEETING: _____

PLACE OF MEETING: _____

TIME OF MEETING: _____

PURPOSE OF MEETING: _____

MEETING REQUESTED BY: _____

MEETING REQUESTED AT: _____

DATE MEETING REQUESTED: _____

Clerk

Date

