

THE PARTIES AGREE AS FOLLOWS:

Definitions:

1. In this agreement:

- (a) "Act" means *The Planning and Development Act, 2007*;
- (b) "Affiliated Municipalities" means the parties to this agreement;
- (c) "commission" means the district planning commission established pursuant to clause 2(b);
- (d) "district" means the _____ 'Planning District' established pursuant to clause 2(a);
- (e) "minister" means the minister to whom the administration of the Act is assigned.

Establishment of Planning District & District Planning Commission

2. Subject to sections 98 and 99 of the Act, the Affiliated Municipalities hereby agree to the establishment of:

- (a) a planning district:
 - (i) to be known as the _____ 'Planning District'; and
 - (ii) to consist of those portions of the Affiliated Municipalities outlined on the plan attached as Schedule "A" to this agreement; and
- (b) a district planning commission consisting of those persons appointed to the commission pursuant to section 3.

Members of Commission

3. (1) The commission will consist of one council member appointed by each Affiliated Municipality in accordance with clause 97(b)(i) of the Act.

(2) Within 30 days of this agreement coming into force in accordance with section 10, each Affiliated Municipality will appoint a council member to the commission.

(3) A member of the commission appointed pursuant to subsection (2) holds office until the end of the calendar year in which the member is appointed and is eligible for reappointment.

(4) On or before the 30th day of November in the calendar year in which members are appointed pursuant to subsection (2), and on or before the 30th day of November in each

calendar year thereafter, each Affiliated Municipality will appoint a council member to the commission with the term of the member to begin on January 1st of the following year.

- (5) A member of the commission appointed pursuant to subsection (4) holds office:
 - (a) for a term of one year;
 - (b) until the member's successor is appointed.
- (6) A member of the commission appointed pursuant to subsection (4) is eligible for reappointment.
- (7) The office of a member of the commission becomes vacant if a member:
 - (a) ceases to be a council member of the Affiliated Municipality that appointed the member;
 - (b) resigns or dies; or
 - (c) fails to fulfill his or her duties under a conflict of interest policy or code of conduct established by the commission pursuant to subsection 6(2).
- (8) Within 30 days of the office of a member of the commission becoming vacant pursuant to subsection (7), the Affiliated Municipality whose council member ceased to hold office must appoint a council member to fill the vacancy for the remainder of the term for that office.
- (9) Subject to clause 5(b), if an Affiliated Municipality does not appoint a member of the commission as required pursuant to subsections (2), (4) or (8), the commission may appoint a person to fill that vacancy and such appointment is hereby deemed to be an appointment by the Affiliated Municipality.
- (10) Within 30 days of making an appointment pursuant to subsection (9), the commission will provide written notice of the appointment to all Affiliated Municipalities.
- (11) The commission may designate one of the members of the commission as chairperson and one other member as vice-chairperson of the commission.
- (12) If the chairperson is absent or is unable to act or if the office of chairperson is vacant, the vice-chairperson may exercise all the powers and will perform all the duties of the chairperson.
- (13) An Affiliated Municipality will pay for any remuneration and expenses of the person it appoints to the commission at rates established by the Affiliated Municipality.

(14) A person appointed as a member of the commission pursuant to subsection (9) will be entitled to receive remuneration and expenses from the commission payable at rates established by the commission.

(15) A payment made by the commission under subsection (14) will be a debt due and owing to the commission by the Affiliated Municipality on whose behalf the commission made an appointment pursuant to subsection (9).

Powers of Commission

4. (1) A majority of the members of the commission constitutes a quorum of the commission for the transaction of business, and, in the event of an equality of votes on any matter before the commission, the chairperson or person acting as the chairperson has a casting vote.

(2) The commission may regulate its own procedure and business.

(3) The commission may establish procedures for the Affiliated Municipalities that permit the holding of joint public hearings respecting adoption, amendment or repeal of an official community plan or zoning bylaw.

(4) The commission may appoint any consultants or employees that may be necessary for the exercise of any of its powers or the performance of any of its duties and fix their remuneration.

(5) The commission may appoint advisory committees consisting of one or more of the members of the commission or any other person, and, subject to subsection 3(13), fix their remuneration.

(6) The commission may avail itself of the services of an officer or employee of an Affiliated Municipality with the consent of that municipality.

Duties of Commission

5. The commission may:

(a) assist an Affiliated Municipality in the preparation of a zoning bylaw or any other bylaw authorized by the Act;

(b) review:

(i) any proposed zoning bylaw or amendment to a zoning bylaw submitted to it pursuant to subsection 103(2) of the Act; or

(ii) any existing zoning bylaw or bylaw passed pursuant to the Act;

- (c) after a review pursuant to clause (b), submit to the Affiliated Municipality suitable amendments to the bylaw with a recommendation that they be passed;
- (d) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the residents of the district and any adjacent area in determining the solution to problems or matters affecting the development of any part of the district;
- (e) suggest to any council of an Affiliated Municipality ways and means of financing works to be carried out by public authorities over a specified period;
- (f) investigate and study proposed subdivisions or developments within and adjacent to the district and submit to the appropriate Affiliated Municipality reports and recommendations in that respect; and
- (g) identify the social and economic implications of the commission's recommendations.

Conflict of Interest & Code of Conduct

- 6. (1) No member of the commission may hear or vote on any decision that relates to a matter with respect to which he or she has a pecuniary interest as defined in subsection 2(2) of the Act.
- (2) The commission may establish:
 - (a) a conflict of interest policy for its members in addition to the rule set out in subsection (1); and
 - (b) a policy respecting a code of conduct for its members.

Annual Operating Budget

- 7. (1) On or before the 1st day of December in each year, the commission will prepare and submit to each Affiliated Municipality, for consideration and approval, an annual operating budget for the commission's next fiscal year.
- (2) The operating budget submitted pursuant to subsection (1) will include:
 - (a) the remuneration of any consultants, officers and employees hired or appointed by the commission pursuant to subsection 4(4);
 - (b) the amounts, if any, that the commission expects to pay to members of the commission pursuant to subsection 3(14);
 - (c) the amounts, if any, that the commission expects to pay to members of advisory committees pursuant to subsection 4(5); and

- (d) any other expenses necessarily incurred by the commission or by advisory committees in carrying out their functions.
- (3) On or before the 31st day of December in each year, each Affiliated Municipality will:
- (a) consider the operating budget submitted to it pursuant to subsection (1);
 - (b) pass a resolution approving or disapproving the proposed operating budget; and
 - (c) advise the commission in writing of its decision regarding approval of the operating budget.
- (4) The operating budget submitted pursuant to subsection (1) will become the commission's operating budget for the next fiscal year if it is approved by a majority of the Affiliated Municipalities.
- (5) If the operating budget submitted pursuant to subsection (1) is not approved by a majority of the Affiliated Municipalities, the commission must immediately prepare a revised operating budget and submit the revised operating budget to the Affiliated Municipalities for approval pursuant to subsection (3), with such changes to subsection (3) as may be necessary.
- (6) Each Affiliated Municipality will pay a *per capita* share of the commission's approved operating budget provided that no Affiliated Municipality will contribute less than \$500 per fiscal year.
- (7) For the purposes of subsection (6), the population of an Affiliated Municipality will be its population in the most recent federal census.
- (8) An Affiliated Municipality's share of the commission's approved operating budget will be:
- (a) due by the 31st day of January in that fiscal year; and
 - (b) as of the 31st day of January in that fiscal year, a debt due and owing by an Affiliated Municipality to the commission.

Adoption & Amendment of Official Community Plan

8. (1) The commission will prepare an official community plan for the district in accordance with section 102 of the Act.
- (2) The commission will submit the official community plan prepared pursuant to subsection 102(1) of the Act to the Affiliated Municipalities for adoption.

(3) Pursuant to subsection 102(3) of the Act, the Affiliated Municipalities will adopt the official community plan in accordance with the Act.

(4) The Affiliated Municipalities may amend the official community plan for the district in accordance with the Act.

(5) If an Affiliated Municipality fails to adopt the official community plan submitted to it in accordance with subsection 102(3) of the Act, the Affiliated Municipality may cease to be affiliated with the district in accordance with clause 102(6)(b) of the Act.

(6) If an Affiliated Municipality fails to adopt an amendment to the official community plan submitted to it in accordance with subsection 102(7) of the Act, the provisions of clause 102(8)(b) of the Act will apply.

Zoning Bylaw

9. Pursuant to section 103 of the Act and concurrent with adoption of an official community plan pursuant to subsection 102(3) of the Act, each Affiliated Municipality will pass, in accordance with the Act, a zoning bylaw consistent with the official community plan.

Coming into Force

10. This agreement comes into force when the minister:

(a) approves the agreement pursuant to section 98 of the Act; and

(b) issues an order establishing the district pursuant to section 99 of the Act.

Counterpart

11. This agreement may be signed in counterpart.

Amendment

12. Subject to section 98 of the Act, this agreement may be amended at any time by the approval of two-thirds of the Affiliated Municipalities.

Termination of Affiliation of Municipality

13. (1) Subject to subsection (2), an Affiliated Municipality may terminate:

(a) its affiliation with the district; and

(b) its obligations under this agreement;

by applying to the minister pursuant to section 106 of the Act.

(2) An Affiliated Municipality must provide the commission with 30 days' written notice of its intention to apply to the minister to terminate its affiliation with the district.

(3) Upon termination of an Affiliated Municipality's affiliation with the district pursuant to section 106 of the Act:

(a) the Affiliated Municipality has no further obligations under this agreement;

(b) the Affiliated Municipality forfeits any payments made to the commission in respect of the commission's operating budget; and

(c) any debts owed to the commission by the Affiliated Municipality pursuant to subsections 3(15) and 7(8) remain debts due and owing to the commission and are not affected by the termination of this agreement.

IN WITNESS WHEREOF the parties have signed this agreement on the day and year first above written.