

BYLAW NO. 713/09

**BEING A BYLAW OF MACKENZIE COUNTY TO
AUTHORIZE AN AGREEMENT WITH THE TOWN OF HIGH LEVEL
TO ESTABLISH AN INTERMUNICIPAL MUNICIPAL PLANNING COMMISSION
FOR THE INTER-MUNICIPAL DEVELOPMENT PLAN AREA**

WHEREAS:

The Councils for the Town of High Level and Mackenzie County have enacted the Town of High Level and Mackenzie County Inter-municipal Development Plan;

The Town of High Level and Mackenzie County Inter-municipal Development Plan establishes an IDP Area;

The Town of High Level and Mackenzie County have agreed to establish an inter-municipal planning commission;

Section 626 of the *Municipal Government Act*, R.S.A. 2000, as amended, authorizes a municipality to enter into an agreement with a municipality to establish an inter-municipal planning commission; and

The proposed bylaw shall be advertised in the May 20, 2009 and May 27, 2009 editions of the High Level Echo;

A public hearing shall be held on June 17, 2009 at 7:00 p.m. at the Town Hall, High Level, Alberta.

**NOW THEREFORE, the Council of Mackenzie County in the Province of Alberta,
DULY ASSEMBLED ENACTS AS FOLLOWS:**

1. This Bylaw may be cited as the Town of High Level and Mackenzie County Inter-municipal Planning Commission Bylaw.
2. The document entitled "Town of High Level and Mackenzie County Inter-municipal Planning Commission Agreement", attached to and forming part of this bylaw as Schedule "A", is adopted.
3. This bylaw shall come into force and take effect upon the date of third reading and signing by both Mackenzie County and the Town of High Level Council.

READ a first time this 20th day of April, 2009.

READ a second time this 17th day of June, 2009.

READ a third time and finally passed this 17th day of June, 2009.

(original signed)

Greg Newman
Reeve

(original signed)

William Kostiw
Chief Administrative Officer

AN AGREEMENT DATED THIS 30 DAY OF OCTOBER, A.D. 2009,
BETWEEN

THE TOWN OF HIGH LEVEL

(the "Town")

and

MACKENZIE COUNTY

(the "County")

(hereinafter collectively referred to as the "Municipalities")

**THE TOWN OF HIGH LEVEL AND MACKENZIE COUNTY
INTERMUNICIPAL PLANNING COMMISSION AGREEMENT**

WHEREAS the Municipalities have adopted an Inter-municipal Development Plan ("IDP") which includes reference to an "IDP Area" as shown in Schedule "A";

AND WHEREAS Section 626 of the Municipal Government Act, R.S.A. 2000, c.M-26, as amended, authorizes municipalities to enter into an agreement to establish an inter-municipal planning commission;

AND WHEREAS both Councils for the Municipalities have determined that it is appropriate to establish an inter-municipal planning commission to be the Subdivision Authority and the Development Authority pertaining to applications relating to lands located within the IDP Area and to make decisions in relation to connections for water service in a service area pursuant to an agreement between the municipalities for regional service sharing (the "Regional Service Sharing Agreement");

NOW THEREFORE, in consideration of the premises and mutual terms, conditions and covenants to be observed and performed by each of the parties hereto, the Municipalities agree as follows:

1. DEFINITIONS

- a) "Act" means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended from time to time;
- b) "Appellant" means a person who, pursuant to the Act, has served a notice of appeal on the Inter-municipal Subdivision and Development Appeal Board.
- c) "Council" means the Council of either Municipality;

- d) "Development Authority" means the IMPC established by Mackenzie County and the Town of High Level to exercise development powers and duties in the IDP Area;
- e) "IDP" means the Town of High Level and Mackenzie County Inter-municipal Development Plan adopted on July 30, 2009 by the Town of High Level Bylaw No. 881-09 and on 17th of June, 2009 by Mackenzie County Bylaw No. 712/09;
- f) "IDP Area" means those lands as depicted on Schedule "A" which is part of this Agreement;
- g) "Inter-municipal Planning Commission" ("IMPC") means the inter-municipal planning commission established by the Municipalities by this Agreement pursuant to Section 626 of the Act;
- h) "Inter-municipal Subdivision and Development Appeal Board" ("ISDAB") means the appeal board established by the Municipalities by an agreement pursuant to Sections 627 and 628 of the Act;
- i) "Member" means a member of the IMPC;
- j) "Regional Service Sharing Agreement" means the agreement entered on September 5, 2009 between the Town of High Level and Mackenzie County for regional service sharing;
- k) "Secretary" means the person(s) appointed to act as secretary for the IMPC;
- l) "Service Area" means the service area defined in the Regional Service Sharing Agreement in article 3.1 and as shown in Schedule "B" to that agreement;
- m) "Subdivision Authority" means the IMPC established by Mackenzie County and the Town of High Level to exercise subdivision powers and duties in the IDP Area;
- n) "Staff" means a member of the Town's or the County's planning department or planning consultant;
- o) "Water Infrastructure" has the meaning set out in article 1.1(ww) of the Regional Service Sharing Agreement; and
- p) "Water Service" has the meaning set out in article 1.1(zz) of the Regional Services Sharing Agreement.

All other terms used in this Agreement shall have the meaning assigned to them in the Municipal Government Act, as amended from time to time.

2. **IMPC PURPOSE AND ESTABLISHMENT**

2.1 The IMPC is hereby established.

2.2 The IMPC is established as the Subdivision Authority for land in the IDP Area.

2.3 The IMPC is established as the Development Authority for land in the IDP Area.

2.4 The IMPC shall:

- a) determine all subdivision applications and development permit applications which relate to lands in the IDP Area;
- b) determine all applications for Water Service for land in the Service Area; and
- c) perform such functions as are set out in Schedule "B" to this Agreement.

2.5 The IMPC has all the powers, duties and responsibilities of a subdivision authority under the Act and the Subdivision and Development Regulations passed pursuant to the Act.

2.6 The IMPC has all the powers, duties and responsibilities of a development authority under the Act and the Subdivision and Development Regulations passed pursuant to the Act.

2.7 The IMPC shall operate in accordance with the Policies and Procedures attached hereto as Schedule "B", which is part of this Agreement.

3. **IMPC MEMBERSHIP**

3.1 The IMPC shall consist of six (6) Members who shall be appointed for a term not to exceed one (1) year, as follows:

- a) Two Town Council members appointed by resolution of Town Council;
- b) Two County Council members appointed by resolution of County Council;
- c) One member at large appointed by resolution of Town Council;
- d) One member at large appointed by resolution of County Council.

3.2. Where a member of Council is appointed as a Member, his or her appointment shall terminate upon his or her ceasing to be a member of Council.

3.3 No person who is

- a) a Town or County staff member; or
- b) a member of the ISDAB;

shall be appointed as a member of the IMPC.

3.4 The appointing municipality shall be entitled to appoint a replacement member at any time in accordance with article 3.1.

3.5 Members shall adhere to the Member Rules of Conduct set out in Schedule "A2" attached hereto.

3.6 Any Member may be removed by resolution of the appointing Council where, in the opinion of the appointing Council, the Member has contravened the standards for Member Rules of Conduct as set out in Schedule "A2" or the Member fails or refuses to adhere to the Policies and Procedures as set out in Schedule "A1".

4. IMPC SECRETARY

4.1 The County's Chief Administrative Officer shall designate a County employee to act as the Secretary for the IMPC.

4.2 The responsibilities of the Secretary are as follows:

- a) ensure that all statutory requirements of the IMPC are met,
- b) attend all meetings of the IMPC;
- c) record the minutes of the meetings including the names and addresses of all parties making representations to the IMPC;
- d) compile all necessary documentation for distribution to the Members;
- e) communicate decisions of the IMPC to the affected parties in accordance with the Act and the land use bylaw governing the land; and
- f) such other matters as the IMPC may direct.

5. MEMBER REMUNERATION

5.1 Members shall be entitled to such remuneration and travel expenses as may be

fixed from time to time by the respective Councils.

6. **GENERAL**

6.1 A person applying for a development permit or subdivision application shall pay the fees set out in the Mackenzie County Land Use Bylaw as it may be amended from time to time.

6.2 IMPC Hearings will be held at the Town's Office.

7. **IMPC COSTS**

7.1 All IMPC costs and expenses, including the costs of holding the hearing and any legal fees the IMPC may incur, shall be paid equally by the Town and the County.

7.2 The Commission will have no power to borrow money or enter into contracts of behalf of the Town or the County.

IN WITNESS WHEREOF, the Municipalities have executed this Agreement as evidenced as by the duly authorized signatures below:

TOWN OF HIGH LEVEL

MACKENZIE COUNTY

Per: 

Mayor

Per: 

Reeve

Per: 

Chief Administrative Officer

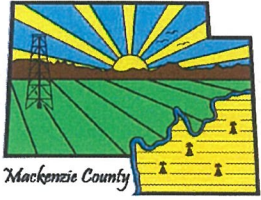
Per: 

Chief Administrative Officer

SCHEDULE "A"

INTERMUNICIPAL DEVELOPMENT PLAN AREA

Mackenzie County



Schedule A Inter-Municipal Development Plan

Town of
High Level

Bushe River
Indian Reserve
#207

Legend

- Inter-Municipal Development Plan Area
- Inter-Municipal Development Plan Area

SCHEDULE "A1"

INTERMUNICIPAL PLANNING COMMISSION POLICIES AND PROCEDURES

1. DEFINITIONS

- 1.1 Unless otherwise specified herein, all terms shall have the meaning assigned to them in the Agreement or, where not specified in the Agreement, in the Act.
- 1.2 "Agreement" means the Inter-municipal Planning Commission Agreement dated OCTOBER 30, 2009.
- 1.3 "Applicant" means a person who, pursuant to the Act, has applied for a subdivision or a development permit.
- 1.4 "Commission" means the IMPC.
- 1.5 "In Camera" means a meeting of the Commission which is held in private pursuant to Section 197 of the Act.
- 1.6 "Point of Order" means the raising of a question by a Member with the view of calling attention to any departure from the Policies or Procedures, or the customary modes or proceedings in debate, or in the conduct of the Commission's business.
- 1.7 "Secretary" means the person(s) appointed by the County to act as secretary for the Inter-municipal Planning Commission (IMPC).
- 1.8 "Staff" means a member of the Town's planning department, a member of the County's planning department or a planning consultant.

2. APPLICATION OF POLICIES AND PROCEDURES

- 2.1 These Policies and Procedures shall apply to all:
 - a) applications for subdivision approval or development permits for land within the IDP Area;
 - b) applications for Water Service for land within the Service Area; and
 - c) meetings of the IMPC.
- 2.2 Any matter of meeting procedure which is not herein provided for shall be determined according to the most current edition of Robert's Rules of Order.
- 2.3 Procedure is a matter of interpretation by the Chair.

- 2.4 In the event of a conflict between the provisions of these Policies and Procedures and Roberts Rules of Order, the provisions of these Policies and Procedures shall prevail.

3. CHAIR

- 3.1 The Members appointed by the respective municipalities shall select a Chair for a period of one year.
- 3.2 The Chair:
- a) shall ensure that all Commission meetings are conducted in a fair and impartial manner, in accordance with the rules of natural justice;
 - b) is authorized to rule that evidence presented at a meeting is irrelevant to the matter at issue and may direct the Members to disregard the evidence, and
 - c) may limit a submission if he/she determines it to be repetitious.

4. QUORUM

- 4.1 A quorum shall consist of four Members, comprised of two Members appointed by the Town and two Members appointed by the County.

5. APPLICATION FOR SUBDIVISION OR DEVELOPMENT

- 5.1 An Applicant for subdivision approval or a development permit for land in the IDP area shall submit to the municipality in which the land is located:
- a) submit an application in the form required by the municipality in which the land is located; and
 - b) pay the fee established by the municipality to that municipality in accordance with its bylaws.
- 5.2 Upon receipt of the application, the municipality that receives the application shall forward a copy of the application to the Secretary of the Commission and to the other municipality.
- 5.3 The staff of the municipality that receives the application shall:
- a) review the application in accordance with its bylaws,

- b) prepare a report evaluating the application; and
 - c) send a copy of the report to the Commission and to the other municipality at least one week before the date the Commission is scheduled to decide the application.
- 5.4 The staff of either municipality may attend the Commission meeting at which an application for subdivision approval or an application for a development permit is heard.
- 5.5 The Commission shall determine the application for subdivision approval or the application for a development permit in accordance with the Act, the Subdivision and Development Regulation and the bylaws of the municipality in which the land is located.
- 5.6 The Secretary of the Commission shall notify the Applicant of the decision of the Commission in accordance with that municipality's bylaws.
- 5.7 The decision of the Commission may be appealed to the ISDAB in accordance with the provisions of the Act. The appeal to the ISDAB shall be governed by the provisions of the Intermunicipal Subdivision and Development Appeal Board Agreement entered between the Town and the County on OCTOBER 30, 2009.

6. APPLICATION FOR WATER SERVICE

- 6.1 The Town and the County agreed that the water services will be provided when sufficient demand is established meaning that there is a minimum of twenty residential requests, or twenty light industrial requests, or combination of both, or a request from a major development.
- 6.2 An Applicant for Water Service in the Service Area shall:
- a) submit an application to the County;
 - b) shall pay an application fee as established by the County's Fee Schedule Bylaw;
 - c) provide an estimate of the water consumption requirements.
- 6.3 Upon receipt of an application, the County shall forward a copy of the application to the Secretary of the Commission and to the Town.
- 6.4 Upon receipt of an application for Water Service, Town staff shall:
- a) review the application and the estimated water need in light of the capacity of the Town Water Infrastructure;

- b) prepare a report evaluating the application for Water Service; and
 - c) send a copy of the report to the Commission and to the County at least one week before the date the Commission is scheduled to decide the application.
- 6.6 The Commission shall determine the application for Water Service based upon the following criteria:
- a) the Commission shall not approve an application for Water Service if the Town Water Infrastructure does not have the capacity to fulfill the expected water need.
 - b) the Commission shall give priority to the existing legal uses in the IDP Area and in the Service area.
- 6.7 The Secretary of the Commission shall notify the Applicant of the decision of the Commission regarding Water Service within 15 day's of the Commission's decision.
- 6.8 The decision of the Commission regarding Water Service is not appealable.
- 6.9 The County shall ensure that:
- a. all Applicants approved for Water Service meet the current provincial and municipal codes, regulations, standards and other requirements and conditions as may be placed by the Inter-municipal Planning Commission for any approval requiring Water Service; and
 - b. all Applicants shall meet design, construction and inspection standards, and development agreement conditions.

7. DECISIONS

- 7.1 Only Members present for the entire Commission meeting shall participate in the making of a decision on any matter before it.
- 7.2 The decision of the majority of Members present at the meeting shall be deemed to be the decision of the whole Commission.
- 7.3 In the event of a tie vote, the application shall be denied.
- 7.4 The Commission may make its decision with or without conditions, in accordance with Act.

- 7.5 If a hearing is recessed for any reason following the submission of evidence, the hearing may be recessed to the next scheduled meeting or to a scheduled meeting. However, only those Members present at the original hearing shall render a decision on the matter.

8. MEETINGS

- 8.1 The Commission shall consider and decide all subdivision and development applications which have been properly filed in accordance with the Act and all applications for Water Service which have been properly filed in accordance with this Agreement.
- 8.2 For applications for subdivision and development permits, the Commission shall hold a public meeting respecting the application within the time specified in the County's bylaws for meetings of its Municipal Planning Commission.
- 8.3 The Commission shall give notice of the meeting in accordance with the County's bylaws.
- 8.4 The Commission shall hear from parties in accordance with the rules of natural justice.
- 8.5 The Commission shall hold its meetings in public, but it may at any time recess and deliberate in private.
- 8.6 If the Commission desires at the meeting to request further technical information, legal opinions, or other assistance, it may recess the meeting pending receipt of such information.
- 8.7 Electronic or similar recording devices shall not be used during the meeting by anyone in attendance except the Secretary.
- 8.8 The Commission shall make and keep a written record of its proceedings which may be in the form of a summary of the evidence presented at the meeting.
- 8.9 The Commission shall give a written decision together with the reasons for the decision within 15 days after concluding the meeting.
- 8.10 The Commission as Subdivision Authority shall,
- a) exercise subdivision powers and duties outlined in the Act and the Town's Land Use Bylaw on behalf of the Town and the County's Land Use Bylaw on behalf of the County;

- b) approve subdivisions, with or without conditions, in accordance with the Town's Land Use Bylaw or the County's Land Use Bylaw;
- c) for greater certainty, but not so as to restrict the foregoing, ensure that
 - (i) orders, decisions, approvals, notices or other things are duly signed;
 - (ii) subdivision conforms to the provisions of the Act and the Subdivision and Development Regulation and:
 - A) Town's Land Use Bylaw, the Municipal Development Plan and the Area Structure Plans for land within the Town; and
 - B) County's Land Use Bylaw, the Municipal Development Plan and the Area Structure Plans for land within the County.
- d) The Chair and the CAO or Designated Officer of the respective municipalities shall have the signing authority for the Inter-municipal Planning Commission for the development matters.

8.11 The Commission as Development Authority shall,

- a) exercise development powers and duties outlined in the Act and the Town's Land Use Bylaw on behalf of the Town and the County's Land Use Bylaw on behalf of the County;
- b) when considering applications for non-agricultural uses in the IDP Plan Area, consider conformance to the IDP, the appropriate municipality's Land Use Bylaw and compatibility to adjacent agricultural and country residential uses;
- c) when considering applications for highway commercial development in the IDP Plan Area, consider:
 - i) access to Water Service, sewage collection systems;
 - ii) the relationship between the proposed land use and the highway corridor;
 - iii) the integrity of the highway and its safe operation;
 - iv) for development permit applications in the vicinity of the highway entrances to the Town, the appearance of the proposed development;

- d) when considering development applications, consider
 - i) the future use and possible protection of natural areas; and
 - ii) the impact of the proposal on the IDP Plan Area's air, rail and road transportation systems;
- e) issue development permits, with or without conditions, in accordance with the Town's Land Use Bylaw and the County's Land Use Bylaw;
- f) for greater certainty, but not so as to restrict the foregoing, ensure that
 - (i) orders, decisions, approvals, notices or other things are duly signed;
 - (ii) land use and development conforms to the provisions of the:
 - A) Town's Land Use Bylaw, the Municipal Development Plan and the Area Structure Plans for land within the Town; and
 - B) County's Land Use Bylaw, the Municipal Development Plan and the Area Structure Plans for land within the County.
- g) The Chair and the CAO or Designated Officer of the respective municipalities shall have the signing authority for the Inter-municipal Planning Commission for the subdivision matters.

8.12 The Inter-Municipal Planning Commission shall also perform the following functions:

- a) monitor the progress of the IDP, including the volume and nature of land use activity such as area structure plans; land use bylaw changes; land development proposals; subdivision applications and development permit applications; and other related land use activities;
- b) review proposed amendments to the IDP and to make recommendations to the two Councils on proposed amendments;
- c) review proposed annexations by the Town and prepare a recommendation to both Councils;
- d) review proposed amendments to other statutory plans and land use bylaws that may impact lands within the IDP Plan Area and prepare a recommendation to both Councils; and
- e) review and make recommendations on development proposals outside the IDP Plan Area within the Service Sharing Area that are of interest to the County and the Town.

9. **MEETING PROCEDURE**

9.1 At meetings, the following procedure will typically be followed:

- a) The Chair for the meeting will call for a motion to go into public meeting and ask if the Applicant is present to speak to the application.
- b) If the Applicant indicates his/her presence to speak to the application, then the Chair will outline the public meeting procedures.
- c) The Secretary will confirm that notice of the application has been provided to all parties in accordance with the relevant bylaws.
- d) The Chair will ask if anyone objects to any Member hearing the application.
- e) A member of Staff of the municipality in which the land is located will introduce the application and present that municipality's administrative report outlining the background to the application. If no such staff member is present, the Secretary will read the municipality's administrative report into the record.
- f) The Chair shall call upon the Applicant to present his/her application submissions.
- g) After identifying him/herself, the Applicant will be requested to present his/her submission within a reasonable time period.
- h) The Chair shall then call upon any persons in attendance at the meeting who are entitled to be heard by the Commission under the Act and who wish to speak in favour of the application.
- i) After identifying themselves, persons or representatives of any group or persons, in favour of the application may address the Commission in turn. The Commission reserves the right to abbreviate repetitious oral submissions. Individuals may speak for a maximum of five minutes. One spokesperson per petition or group may speak for a maximum of ten minutes.
- j) The Chair shall then call upon any persons in attendance at the meeting who are entitled to be heard by the Commission under the Act and who wish to speak in opposition to the application.
- k) After identifying themselves, persons or representatives of any group or persons, in opposition of the application may address the Commission in turn. The Commission reserves the right to abbreviate repetitious oral submissions. Individuals may speak for a maximum of five minutes. One

spokesperson per petition or group may speak for a maximum of ten minutes.

- 1) 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.
 - m) After a presentation is concluded, any Member may ask the presenter relevant questions.
 - n) After all presentations from the public have been completed, any Member may ask Staff, if present, relevant questions.
 - o) Following the public presentation and Member questions, the Chair shall close the public portion of the meeting.
- 9.2 Following the close of the public portion of the meeting, the Commission shall deliberate and make its decision. The Commission may deliberate and make its decision In Camera.

Petitions and Letters

- 9.3 Persons signing petitions are deemed to have had their position advanced by the petition and accordingly they may not speak unless they remove their names from the petition.
- 9.4 Individuals who have submitted a letter may only address the Commission on new non-repetitious information not contained in the letter.
- 9.5 With the Commission's approval, an individual or group may submit written submissions as part of their presentation at the public meeting, by providing eight (8) copies of same to the Commission at the start of their presentation.

Presentation Materials

- 9.6 The use of slides, maps, videos, and Power Point presentations are permitted, and these materials along with any written submissions become the property of the Commission as exhibits to the public meeting.

Introduction of Speakers

- 9.7 Persons addressing the Commission shall give their name, location of residence, and indication as to whether they are speaking on their own behalf or for another person or for a group, and address the Chair when responding to questions or

providing information.

- 9.8 A Person who does not identify him/herself will not be given the opportunity to address the Commission.

10. **CONDUCT AT MEETINGS**

- 10.1 Members of the public in attendance at a meeting:

- a) shall address the Commission through the Chair;
- b) shall maintain order and quiet; and
- c) shall not applaud or otherwise interrupt any speech or action of the Members or any other person addressing the Commission.

- 10.2 The Chair may order a member of the public who disturbs or acts improperly at a meeting by words or actions be expelled.

11. **MEMBER CONDUCT**

- 11.1 A Member wishing to speak at a meeting shall obtain the approval of the Chair before speaking.

- 11.2 When a Member or member of the public is addressing the Chair, every other Member shall:

- i) remain quiet and seated;
- ii) not interrupt the speaker except on a Point of Order;
- iii) not carry on a private conversation; and
- v) not cross between the speaker and the Chair.

12. **DISSOLUTION OF THE IMPC**

- 12.1 The IMPC shall be dissolved when the Town of High Level and Mackenzie County Inter-municipal Development Plan is repealed in accordance with its provisions.

SCHEDULE "A2"

IMPC MEMBER RULES OF CONDUCT

1. For the purpose of this Schedule:
 - a) the following terms shall have the same meaning as in Section 169 of the Act:
 - "Corporation"
 - "Director"
 - "Distributing Corporation"
 - "Officer"
 - "Shareholder"
 - "Voting Rights"
 - "Voting Shares"
 - "Spouse"
 - b) the term "Member's Family" shall have the same meaning as the term "Councillor's Family" under Section 169 of the Act.
2. No Member shall participate in the hearing of any matter before the Commission in which that Member has a pecuniary interest.
3. A Member has a pecuniary interest in a matter if:
 - a) The matter could monetarily affect the Member or an employer of the Member; or
 - b) The Member knows or ought to know the matter could monetarily affect the Member's family.
4. A Member is monetarily affected by a matter if the matter monetarily affects:
 - a) The Member directly;
 - b) A distributing corporation in which the Member beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the Member is a director or officer; or
 - c) Each Corporation, other than a distributing corporation, in which the person is a shareholder, director or officer;
 - d) A partnership or firm of which the Member is a member.
5. For the purposes of determining whether a Member has a pecuniary interest in

the matter before the Commission, the provisions of Section 170(3) of the Act shall apply, substituting the term "Member" for the term "Councillor".

6. Where a Member has a pecuniary interest of the matter before the Commission, that Member shall:
 - a) Disclose the nature of the pecuniary interest to the Chair and Secretary of the Commission;
 - b) Abstain from participating in the hearing of the matter;
 - c) Abstain from any discussion of voting on the matter;
 - d) Be absent from the room in which the appeal is heard, except to the extent that the Member is entitled to be heard before the Commission as an appellant or a person affected by the matter before the Commission.
7. Where Council becomes aware of a breach of these provisions by a Member of the Commission, the Council shall review the facts of the case and make a determination as to whether the Member, in the opinion of Council, has breached pecuniary interest provisions of this Schedule.
8. Where, after its review pursuant to Section 7, Council determines that a breach of the pecuniary interest provisions has occurred, Council may remove the Member from the Commission.
9. A Member of the Commission shall:
 - a) Not discuss any matter under appeal with any party to that appeal, outside of the formal hearing process;
 - b) Keep in-camera discussions of Commission and the Committees, and any legal advice provided to the Commission or Committees confidential, except where required to disclose that information by law;
 - c) Attend all Commission and Committee hearings to which he or she has been assigned unless prior written consent has been received from the Chair; and
 - d) Participate in the deliberation and decision making process on all matters to which he or she has been assigned and has attended the public hearing for.
10. Where the appointing Council has reasonable grounds to believe that a Member has breached any of the provisions of Section 9, Council may remove that Member from the Commission.