

## BYLAW NO. 18/021

### A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD

**WHEREAS** Section 627(1) of the Municipal Government Act, RSA 2000, c. M-26 requires Council to establish a Subdivision and Development Appeal Board;

**NOW THEREFORE**, the Council of the Regional Municipality of Wood Buffalo, duly assembled, enacts as follows:

#### **Short Title**

1. This Bylaw may be referred to as the “Subdivision and Development Appeal Board Bylaw”.

#### **Definitions**

2. In this Bylaw:
  - (a) “Act” means *Municipal Government Act*, RSA 2000, c. M-26, as amended or replaced from time to time.
  - (b) “Board” means the Subdivision and Development Appeal Board of the Regional Municipality of Wood Buffalo established pursuant to this Bylaw.
  - (c) “Clerk” means a designated officer appointed by Council to act as Clerk to the Subdivision and Development Appeal Board or their delegate.
  - (d) “Council” means the municipal council of the Regional Municipality of Wood Buffalo.
  - (e) “Development Authority” means the persons appointed by bylaw to perform the function of a development authority under the Act.
  - (f) “Member” means a Member of the Subdivision and Development Appeal Board duly appointed pursuant to this Bylaw.
  - (g) “Minister” means the Minister of the Government of Alberta responsible for the setting and approving of training under the Subdivision and Development Appeal Board Regulation, AR 195/2017, as amended or replaced from time to time.
  - (h) “Municipality” means the Regional Municipality of Wood Buffalo.
  - (i) “Regulation” means the Subdivision and Development Regulation, A.R. 43/2002, as amended or replaced from time to time.

- (j) “Subdivision Authority” means a person appointed by bylaw to act as the Subdivision Authority.
- (k) All other terms used in this Bylaw shall have the meaning assigned to them by the Act to the extent that the meaning differs from the ordinary meaning of such terms.

### **Establishment of a Board**

- 3. Council establishes a Board, and the Board shall perform such functions as may be assigned to it in accordance with the Act.

### **Board Members**

- 4. Subject to section 7, the Board shall be composed of a maximum of seven (7) members appointed from the public-at-large.
- 5. Council shall appoint Members by resolution.
- 6. All Members shall be residents of the Municipality.
- 7. Despite sections 4 and 5, Council may appoint Members on a temporary basis:
  - (a) who are not residents of the Municipality; or
  - (b) resulting in more than seven (7) members on the Board,
  - (c) for the purpose of hearing an appeal if there are extraordinary circumstances or if there are insufficient Members to form a quorum.
- 8. Members shall not be:
  - (a) an employee of the Municipality;
  - (b) a person who carries out subdivision or development powers, duties and functions on behalf of the Municipality; or
  - (c) a member of the Municipal Planning Commission.
- 9. A member of a panel is a Member appointed to the Board for all purposes under this Bylaw.

### **Panels**

- 10. Members of the Board may meet in panels of at least three (3) Members.
- 11. One or more panels may meet simultaneously.

12. A panel may perform the same functions as the Board, and a decision of a panel is deemed to be a decision of the Board.
13. A panel must elect a presiding officer who has all of the powers and responsibilities of the Chairperson under section 25 for dealing with the matter which the panel was formed to address.

### **Term of Office**

14. Council shall appoint Members for a three (3) year term from the date of the resolution, up to a maximum of six (6) consecutive years.
15. If:
  - (a) a Member begins to hear an appeal; and
  - (b) the Member's term is scheduled to expire before the conclusion of an appeal;

the Member's term is extended automatically and without further resolution of Council until the Board has issued its decision and is no longer seized with the matter.

### **Resignation by Member or Removal by Council**

16. A Member may resign by providing signed, written notice to the Clerk.
17. The resignation of a Member is effective on the date it is received by the Clerk, even if a later date is set out in the letter of resignation.
18. Council may revoke the appointment of a Member only if Council forms the opinion on reasonable grounds that the Member has breached the Municipality's Council Code of Conduct Bylaw.
19. Subject to section 15, a Member may not be removed, or rendered ineligible for re-appointment, by reason only of the content of any Board decision in which the Member concurred.

### **Chairperson, Vice-Chairperson, and Rules of Procedure**

20. At the first meeting of the Board in each calendar year, the Board shall elect one (1) Member to serve as Chairperson and one (1) Member to serve as Vice-Chairperson for the duration of the calendar year.
21. The Chairperson and the Vice-Chairperson may be re-elected to their positions, up to a maximum of two (2) terms.
22. The Vice-Chairperson shall fulfill the responsibilities of the Chairperson in the absence of the Chairperson.

23. If the Chairperson ceases to be a Member of the Board, the Vice-Chairperson shall assume the role of Chairperson until the end of the calendar year.
24. If neither the Chairperson nor Vice-Chairperson are present at a meeting, the Members in attendance at the meeting shall elect an Acting Chairperson for the meeting.
25. The Acting Chairperson shall fulfill the responsibilities of the Chairperson in the absence of the Chairperson or Vice-Chairperson.
26. The Chairperson shall:
  - (a) chair all meetings of the Board;
  - (b) govern the conduct of all meetings; and
  - (c) ensure that orders, decisions, and other documents issued by the Board are signed.
27. A quorum for the Board is a majority of the Members of the Board.
28. Board hearings shall be held as required at the times and places determined by the Clerk.
29. The Board may make policies and procedures as are necessary for the conduct of its meetings and hearings provided that the policies and procedures are consistent with this Bylaw and the Act.

### **Compliance and Member Conduct**

30. Members must comply with the Council Code of Conduct Bylaw for the Municipality.
31. Members must comply with the policies and procedures prescribed by the Board.

### **Meetings and Business**

32. The Board shall:
  - (a) hear all appeals received resulting from a decision of the Subdivision Authority or Development Authority;
  - (b) perform such functions as may be required to it under the Act and the Regulations; and
  - (c) perform such functions as are assigned to it from time to time by Council under the Act and the Regulations.

### **Clerk**

33. The Clerk for the Board is appointed as a designated officer.
34. Council shall appoint the Clerk for the Board by resolution of Council.
35. The Clerk for the Board shall serve as Clerk at the pleasure of Council.
36. The Clerk may establish a delegate to act on their behalf provided that the delegate has fulfilled the training requirements pursuant to section 0 of this Bylaw.
37. The Clerk shall:
  - (a) prepare an agenda for each meeting of the Board and shall ensure that a record of each meeting of the Board is kept;
  - (b) cause to be published all policies and procedures established by the Board in a manner readily accessible by the public;
  - (c) make arrangement for the retention of records of all decisions of each Board in accordance with the Records Retention and Disposal Bylaw of the Municipality;
  - (d) retain and instruct independent legal counsel for the Board;
  - (e) consult with Members on matters affecting the Board;
  - (f) oversee all administrative and budget matters for the Board, and report on those matters as required; and
  - (g) carry out such other duties as may be designated by the Board or Council from time to time.

### **Training**

38. An individual must successfully complete a training program set or approved by the Minister before being appointed as a Clerk.
39. Every three (3) years a Clerk must successfully complete a refresher training program set or approved by the Minister.
40. A Member must successfully complete a training program set out or approved by the Minister before participating in any hearing as a Member of the Board.
41. Every three (3) years a Member must successfully complete a refresher training program set or approved by the Minister.

## **Remuneration**

42. Remuneration for Members of the Board shall be:
- (a) Member:
    - i) \$164 for up to four hours in any day;
    - ii) \$290 for four hours up to eight hours in any day;
    - iii) \$427 for over eight hours in any day.
  - (b) Chair:
    - i) \$219 for up to and four hours in any day;
    - ii) \$383 for four hours up to eight hours in any day;
    - iii) \$601 for over eight hours in any day.
43. Members will be remunerated for:
- (a) participating in statutorily mandated training, including time required for travel outside of the Municipality to attend the training; and
  - (b) time spent at hearings and decision making.
44. Members will be reimbursed, in accordance with the Municipality's Employee Policy, for out of pocket expenses incurred for required travel outside of the Municipality to attend statutorily mandated training.

## **Appeal Fees**

45. The fee to be charged for any matter coming before the Board shall be as set out in the Land Use Bylaw as established by Council from time to time.

## **Severability**

46. Every provision of this Bylaw is independent of all other provisions and it is the intention of Council that 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.

**Coming Into Force**

47. Upon this Bylaw coming into effect, Bylaw 95/033 as amended is hereby repealed.

48. This Bylaw comes into effect on the day it is passed.

READ a first time this 11<sup>th</sup> day of December, 2018.

READ a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

READ a third time and final time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

SIGNED and PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Legislative Officer