

BYLAW NO. 33-19

LEDUC COUNTY

A BYLAW OF LEDUC COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH AN INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD AND RESCIND BYLAW NO. 13-18.

WHEREAS

Section 627(1) of the Municipal Government Act enacts that Council must pass a bylaw for the establishment of a Subdivision and Development Appeal Board;

Section 627(1)(b) authorizes the municipality to enter into an agreement with one or more municipalities to establish an intermunicipal subdivision and development appeal board;

Leduc County and the Village of Warburg jointly wish to establish an Intermunicipal Subdivision and Development Appeal Board.

NOW THEREFORE THE COUNCIL OF LEDUC COUNTY, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1.0 Short Title

The short title of this Bylaw shall be the "Intermunicipal Subdivision and Development Appeal Board (ISDAB)".

2.0 Definitions

2.1 In this bylaw the following terms shall have the meanings shown:

- (a) "*Act*" means the Municipal Government Act;
- (b) "*Applicant*" means a person who applies for subdivision approval or development permit;
- (c) "*Appellant*" means a person who appeals to the Intermunicipal Subdivision and Development Appeal Board in accordance with the Act;
- (d) "*Board*" means the Intermunicipal Subdivision and Development Appeal Board as established by virtue of this Bylaw;
- (e) "*Clerk*" means a designated officer appointed as clerk to carry out the duties and functions of the Intermunicipal Subdivision and Development Appeal Board as required under Section 627 of the Act;
- (f) "*Council(s)*" means the municipal council of the municipality.
- (g) "*Member*" means a member of the Intermunicipal Subdivision and Development Appeal Board.
- (h) "*ISDAB*" means the Intermunicipal Subdivision and Development Appeal Board.
- (i) "*Partner Municipality*" means all those municipalities who enters into an agreement to jointly establish an Intermunicipal Subdivision and Development Appeal Board and who enacts a bylaw substantially in the form of this bylaw.

3.0 Establishment of an Intermunicipal Subdivision and Development Appeal Board

- 3.1 Leduc County jointly establish an Intermunicipal Subdivision and Development Appeal Board to exercise the functions and duties prescribed in the Act and in this Bylaw.

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4.0 Jurisdiction of the Board

- 4.1 The Board shall have jurisdiction to exercise the functions of an intermunicipal subdivision and development appeal board under the provisions of the *Municipal Government Act* in respect of appeals made by taxpayers of a partner municipality.

5.0 Panels of Intermunicipal Subdivision and Development Appeal Board

- 5.1 Where a hearing is to be held in respect of an appeal, the panel has any or all the powers, duties and responsibilities of the Intermunicipal Subdivision and Development Appeal Board.
- 5.2 Unless an order of the Minister authorizes otherwise, the panel must not have more than one councillor as a member.
- 5.3 The following persons may not be appointed as members of an intermunicipal subdivision and appeal board:
- (a) an employee of the municipality;
 - (b) a person who carries out subdivision or development powers, duties and functions on behalf of the municipality;
 - (c) a member of a municipal planning commission
- 5.4 The Board shall consist of five (5) members who shall be appointed by resolution of its respective Council as follows:
- Four public members; and
 - One member of council.
- 5.5 All members shall be appointed for a three (3) year term by their respective Council.
- 5.6 A vacancy on the Board may be filled by resolution of their respective Council at any time. If a council member of the Board ceases to be a councillor, he/she also ceases to be a member of the Board and in such case Council may appoint a new member of council to the Board.

6.0 Chair

- 6.1 The members of the panel established shall select a Chair from amongst themselves who will:
- (a) preside over and be responsible for the conduct of hearings;
 - (b) vote on matters submitted to the Board unless otherwise disqualified;
 - (c) sign orders, decisions and documents issued by the Board; and
 - (d) delegate any of the powers, duties or functions of the chair to another board member.

7.0 Quorum

- 7.1 A quorum of the Board shall be three (3) members one of those present which must be a member of Council.

8.0 Qualification of Members

- 8.1 A member of an intermunicipal subdivision and development appeal board may not participate in a hearing of the Board unless the member is qualified to do so in accordance with the Act.

9.0 Clerk

9.1 In accordance with Section 627.1(1) of the *Municipal Government Act*, Leduc County Council appoints any one of the following qualified Clerks to the Board:

- Leduc County Legislative Coordinator
- Leduc County Manager

A partner municipality may appoint an Acting Clerk(s) to perform clerk duties provided they have successfully completed the training as prescribed by the Minister.

9.2 The Clerk must successfully complete all training prescribed by the Minister.

9.3 The Clerk will not receive additional remuneration.

9.4 The Clerk is authorized to enter into agreements on behalf of the Board with other non-partner municipalities to provide intermunicipal subdivision and development appeal board services.

9.5 The Clerk shall assist the Board in fulfilling its mandate.

9.6 The Clerk will be the liaison with partner municipalities in collecting appeals and act as coordinator for Leduc County and the Intermunicipal Subdivision and Development Appeal Board.

10.0 Partner Municipality

10.1 Each partner municipality will be entitled to participate in the Board once it passes a bylaw as prescribed by the *Municipal Government Act* and enters into an agreement with Leduc County.

10.2 Each partner municipality is responsible:

- (a) to select and appoint individuals to be a board member to sit on the Board;
- (b) to ensure each board member successfully completes training as prescribed by the Minister;
- (c) for costs incurred to advertise, select board members and training costs for their board members;
- (d) to pay an equal portion of costs for insurance and any other general costs to establish and maintain the Board. This will include legal services if they are required to facilitate the administration of the Board.

10.3 If a vacancy on the Board occurs at any time, the partner municipality may appoint a new individual to fill the vacancy for the remainder of the term, subject to successful completion of training requirements.

11.0 Hearings

11.1 Hearings will be held at such time and as determined by the Clerk and be held at the Leduc County Centre.

11.2 The Board shall hold hearings as frequently as necessary to consider and decide on appeals lodged in accordance with the requirement of the Act.

12.0 Decision and Voting

12.1 All members must vote on all matters before the Board unless a pecuniary interest or a conflict of interest is declared.

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12.2 The majority vote of those members present and voting constitutes the decision of the Board.

13.0 Rules of Order

13.1 The Board will conduct hearings in accordance with:

- (a) the express provisions of the *Municipal Government Act* and related regulations;
- (b) principles of natural justice and procedural fairness; and
- (c) policies and procedures approved by the Board.

14.0 Notice of Decisions & Record of Hearing

14.1 After the hearing of a complaint, the clerk shall:

- (a) under direction of the Chair, assist with the preparation of the decision or order of the Board and the reasons for the decision in compliance with the *Municipal Government Act*; and
- (b) arrange for the order or decision of the Board to be signed; and distributed in accordance with the requirements under the *Municipal Government Act*.

14.2 The Clerk will maintain a record of the hearing in accordance with the *Municipal Government Act*.

15.0 Reimbursement of Costs

15.1 Leduc County shall pay for the administrative costs associated with the operation of the Intermunicipal Subdivision and Development Appeal Board. Recovery of costs from Partner Municipalities will be as set out in the agreements established.

DONE AND PASSED in open Council assembled in Nisku, in the Province of Alberta, this 26th day of November, A.D. 2019.

Read a first time this 26th day of November, A.D. 2019

Read a second time this 26th day of November, A.D. 2019

Read a third time with the unanimous consent of the Council Members present and finally passed this 26th day of November, A.D. 2019.



MAYOR



COUNTY MANAGER