



Bylaw 21-2020

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

BEING A BYLAW OF THORHILD COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD FOR THORHILD COUNTY

WHEREAS Section 627 of the *Municipal Government Act, R.S.A. 2000, Chapter M-26* as amended requires that a Municipal Council must establish by Bylaw, a Subdivision and Development Appeal Board.

NOW THEREFORE the Council of Thorhild County, duly assembled, enacts as follows.

1. Title

- 1.1. This Bylaw may be cited as the "Subdivision and Development Appeal Board Bylaw".

2. Definitions

The following words and phrases mean:

- 2.1. "Act" means the *Municipal Government Act, R.S.A. 2000*, as amended.
- 2.2. "Board" means the Subdivision and Development Appeal Board of Thorhild County established to pursuant to this Bylaw.
- 2.3. "Clerk" means the individual appointed by Council as Clerk of the Subdivision and Development Appeal Board in accordance with the *Act* and this Bylaw;
- 2.4. "Council" means the Council of Thorhild County.
- 2.5. "County" means Thorhild County.
- 2.6. "Development Authority" means the authority established by the Approving Authorities and Municipal Planning Commission Bylaw to exercise development powers and duties on behalf of the County.
- 2.7. "Member" means a member of the Subdivision and Development Appeal Board appointed pursuant to this Bylaw.

- 2.8. "Public Member" means a member which is a resident of Thorhild County and not a member of Council.
- 2.9. "Subdivision Authority" means the persons established under the Approving Authorities and Municipal Planning Commission Bylaw to perform the functions of a Subdivision Authority under the *Act*.

3. Establishment of the Board

- 3.1. The Subdivision and Development Appeal Board of Thorhild County is hereby established.

4. Membership and Term

- 4.1 The Board shall consist of five (5) Members who shall be residents of Thorhild County.
 - 4.1.1 One (1) appointment shall be a member of Council and one (1) appointment shall be an alternate member of Council
 - 4.1.2 Four (4) Public Member appointments.
 - 4.1.3 The Reeve of Thorhild County is not an ex-officio member of the Board.
- 4.2 No person who is serving on; or an administrative staff of; the Development Authority; or of the Subdivision Authority for the County shall be appointed to the Board.
- 4.3 A Council Member and alternate member of Council shall be appointed to the Board by Council at the annual Organizational Meeting of Council. Their appointments shall become effective immediately unless otherwise specified by Council and for a specific time period.
- 4.4 Where a member of Council is appointed as a Member of the Board, their appointment shall terminate upon them ceasing to be a member of Council
- 4.5 Council may remove and replace any Member of the Board at any time prior to the expiry date of the Member's term of office.
- 4.6 Any Member of the Board may resign at any time upon sending written notice to Chair.
- 4.7 Any Public Board Member who ceases to be a resident of Thorhild County must notify the Chair in writing and will cease to be a Member of the Board.
- 4.8 If a Member misses three (3) consecutive hearings without the authorization of the Board, the Member is disqualified, and the position becomes vacant.
- 4.9 In the event of a vacancy, Council may, by resolution, appoint a new Member to serve for the remainder of the vacating Member's term.
- 4.10 All Public Member vacancies shall be advertised to request formal submission of applications from individuals holding an interest in the Board.

4.11 A Member of the Board must not participate in a hearing unless the Member has successfully completed mandatory training in accordance with the Regulations made pursuant to the *Act*.

4.12 A Member of the Board must participate in further training opportunities offered.

5. Chair

5.1. At the first meeting of the Board, of each calendar year, the Members at that meeting, shall elect one Member as Chair and one Member as Vice Chair who shall act in the absence of the Chair.

5.2. A Member may be re-elected to the position of Chair or Vice Chair.

5.3. In the absence of the Chair or Vice Chair, the Members present shall appoint an acting Chair to serve in this capacity during such absence.

5.4 The Chair shall sign the records of proceedings and decisions of the Board.

6. Quorum

6.1. A quorum of the Board shall be three Members of the Board.

6.2. A Member of the Board who is for any reason, unable to attend the whole or a part of any hearing of an appeal, shall not participate in the deliberations or decision of the Board upon that appeal.

7. Clerk of the Subdivision and Development Appeal Board

7.1. The position of Clerk of the Board is hereby established as the designated officer responsible for managing all administrative matters for the Board.

7.2. Council will by resolution appoint an individual to the position of Clerk.

7.3. No person may be appointed as Clerk of the Board unless that person has successfully completed a mandatory training program in accordance with the Regulations made pursuant to the *Act* and shall maintain current training.

7.4. No employee of the County who carries out the powers, duties or functions of Development Authority or Subdivision Authority shall be appointed as Clerk of the Board.

7.5. The Clerk shall have responsibilities and duties including the following:

7.5.1. The Clerk shall receive notices of appeal, schedule hearings, send notices related to hearings.

7.5.2. Makes and keeps a record of the Board proceedings which may be in the form of a summary of the evidence presented at a hearing.

7.5.3. Ensures statutory notices and decisions of the Board are provided to

such persons as the *Act* requires.

- 7.5.4. Compiles and provides agenda and meeting packages to Members and make available to the public.
- 7.5.5. Communicates decisions of the Board to affected parties.
- 7.5.6. The Clerk shall carry out such other duties as may be designated by the Board from time to time.

8. Meetings

- 8.1. The Board shall meet at such intervals as are necessary to consider and decide appeals filed with it in accordance with the requirements of the *Act*.
- 8.2. The Board shall have prepared and maintain a file of written minutes of the business transacted at all meetings and hearings of the Board. These minutes may be in the form of a summary of the activities undertaken, together with the motions made, at the meetings and hearings.
- 8.3. For those matters not covered in the *Act* or the regulations, or this Bylaw, the Board shall determine the procedures for the conduct of hearings.

9. Functions and Duties

- 9.1. The Board shall hear appeals from a decision of the Subdivision Authority or the Development Authority as per the *Act*.
- 9.2. The Chair
 - 9.2.1. shall be responsible for the conduct of the meeting.
 - 9.2.2. may limit a submission if it is determined to be repetitious or in any manner inappropriate, and
 - 9.2.3. shall, when a hearing is tabled or adjourned and a time is not fixed for its continuation, announce that notice of the continuation of the meeting shall be sent to those persons leaving their name and address with the secretary. Thereafter only those persons leaving their name and address shall be entitled to notice of the continuation of the hearing.
- 9.3. Where in the opinion of the Board, the Board may request technical information, legal opinions, or other assistance.
- 9.4. The granting and duration of an adjournment is at the discretion of the Board.
- 9.5. After hearing the appeal, the Board shall deliberate and reach its decision in closed session. In arriving at its decision, the majority vote of those Members present shall constitute the decision of the Board.
- 9.6. A decision of the Board is not final until notification of the decision is given in writing and signed on its behalf by the Chair.
- 9.7. If a Member has a direct or indirect pecuniary interest in any matter before the

Board, or if a member is aware of any reason which may likely lead him to entertain a bias when hearing any matter, the Member shall declare such interest or likelihood of bias to the Board and shall abstain from discussion or voting upon such matter, and such abstention shall be recorded in the Minutes.

10. Decisions

- 10.1 The decision of the majority of the members of the Board present at a hearing shall be deemed to be the decision of the whole Board. In the event of a tied vote of the Board, the appeal is lost.
- 10.2 The Board must give its decision in writing together with reasons for the decision within 15 days of the conclusion of the public hearing.

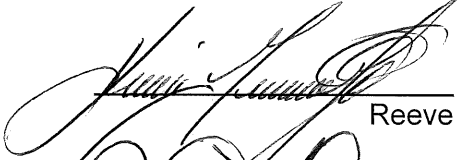
11. Fees and Expenses

- 11.1 The fees and expenses of the Members of the Subdivision and Development Appeal Board shall be established in Council Policy.


12. Transitional Provisions, Repeal and Effective Date

- 12.1 Any member of the Board, at the time of this Bylaw coming into force, is deemed to be a Member of the Board.
- 12.2 Bylaw 06-2018 of Thorhild County is hereby repealed.
- 12.3 The adoption of this Bylaw is effective upon the date of the passing of the third and final reading of this Bylaw.

FIRST READING THIS 21nd DAY OF SEPTEMBER, 2020

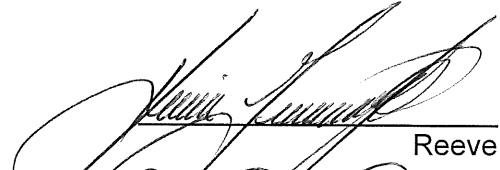



Reeve



Chief Administrative Officer

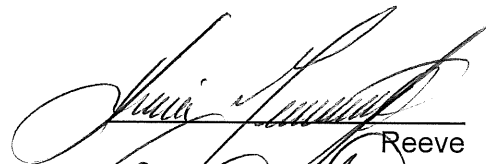
SECOND READING THIS 13TH DAY OF OCTOBER, 2020




Reeve


Chief Administrative Officer

THIRD AND FINAL READING THIS 13TH DAY OF OCTOBER, 2020



Reeve


Chief Administrative Officer