

TOWN OF WAINWRIGHT
BYLAW NO. 2019 – 03

A BYLAW OF THE TOWN OF WAINWRIGHT TO ESTABLISH A JOINT
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

WHEREAS Section 627 of the *Municipal Government Act*, R.S.A. 2000, Chapter M- 26, as amended, authorizes municipalities to enter into an agreement to establish a joint subdivision and development appeal board (JSDAB);

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

- 1.1 "Act" means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended from time to time;
- 1.2 "Council" means the Council of each Municipality;
- 1.3 "Development Authority" means the IMPC established by the Town of Wainwright, the Municipal District of Wainwright, the Village of Irma, the Village of Chauvin, and the Village of Edgerton;
- 1.4 "Member" means a member of the JSDAB;
- 1.5 "Secretary" means the person(s) appointed to act as secretary for an appeal occurring in their jurisdiction;
- 1.6 "Subdivision Authority" means the IMPC established by the Town of Wainwright, the Municipal District of Wainwright, the Village of Irma, the Village of Chauvin, and the Village of Edgerton;
- 1.7 "Staff" means a member of each municipality's planning department or planning consultant.
- 1.8 "Appellant" means a person who, pursuant to the Act, has served a notice of appeal on the Joint Subdivision and Development Appeal Board.

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. JSDAB ESTABLISHMENT

- 2.1 The JSDAB is hereby established.
- 2.2 The Municipal District of Wainwright shall be the managing partner of the JSDAB; they will track the mandatory training of all members and invoice the participating municipalities on the training costs based on the cost sharing formula: 35% Town of Wainwright, 35% Municipal District of Wainwright, 10% Village of Irma, 10% Village of Chauvin, and 10% Village of Edgerton).
- 2.3 The JSDAB shall hear all appeals from decisions made by the Town of Wainwright, the Municipal District of Wainwright, the Village of Irma, the Village of Chauvin, and the Village of Edgerton.
- 2.4 The JSDAB has all the powers, duties and responsibilities of a Subdivision Development Appeal Board under the Act and the *Subdivision and Development Regulations* passed pursuant to the Act.
- 2.5 The JSDAB shall operate in accordance with the Policies and Procedures attached hereto as Schedule "A".

3. MEMBERSHIP

- 3.1 The JSDAB shall maintain a pool of six Members, consisting of at least 4 public members and no more than 2 councillors. This pool will be available to be appointed to each individual appeal.

4. JSDAB SECRETARY

- 4.1 Managing partner of the JSDAB will provide the secretary for the board.
- 4.2 The responsibilities of the Secretary are as follows:
- a) ensure that all statutory requirements of the JSDAB are met,
 - b) inform all affected parties of the appeal hearing in accordance with the Act;
 - c) inform all statutory parties of the appeal hearing in accordance with the Act;
 - d) compile all necessary documentation for distribution to the Members;
 - e) attend all JSDAB appeal hearings;
 - f) provide services for the recording of the proceedings of the JSDAB and for retention of exhibits including all written submissions to the JSDAB;
 - g) prepare the JSDAB hearing minutes including the names and addresses of all parties making representations to the JSDAB;
 - h) communicate decisions of the JSDAB to the affected parties in accordance with the Act; and
 - i) such other matters as the JSDAB may direct.

5. MEMBER REMUNERATION

- 5.1 Members shall be entitled to such remuneration and travel expenses as set out in the Council Remuneration Policy of the municipality in which the appeal occurs.

6. GENERAL

- 6.1 The fee for an appeal will be the fee as set by each municipality.
- 6.2 JSDAB Hearings will be held at the municipality office in which the appeal occurs.

7. JSDAB COSTS


- 7.1 All JSDAB costs and expenses, including the costs of holding the hearing and any legal fees the ISAB may incur, shall be the responsibility of the municipality in which the appeal occurs.
- 7.2 All mandatory training costs will be shared on the formula as set out in 2.2 of this bylaw.

8. REPEALS

- 8.1 Bylaw 2018-10 is hereby repealed.

READ a First Time in Council this 16th day of July, A.D., 2019.


Mayor


Chief Administrative Officer

READ a Second Time in Council this 6 day of August, A.D., 2019.


Mayor


Chief Administrative Officer

READ a Third Time in Council and Finally Passed this 6 day of August, A.D., 2019.


Mayor


Chief Administrative Officer

**JOINT SUBDIVISION & DEVELOPMENT APPEAL BOARD
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 ***Municipal Government Act***.
- 1.2 "Appellant" means a person who, pursuant to the Act, has served a notice of appeal on the Joint Subdivision and Development Appeal Board.
- 1.3 "Board" means the JSDAB.
- 1.4 "In Camera" means a meeting of the Board which is held in private pursuant to Section 197 of the Act.
- 1.5 "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 Board's business.
- 1.6 "Secretary" means the person(s) appointed by Town of Wainwright, the Municipal District of Wainwright, the Village of Irma, the Village of Chauvin, or the Village of Edgerton to act as secretary for an appeal occurring in their municipality.
- 1.7 "Staff" means a member of the Town of Wainwright, the Municipal District of Wainwright, the Village of Irma, the Village of Chauvin, and the Village of Edgerton's planning department or planning consultant.

2. APPLICATION

- 2.1 These Policies and Procedures shall apply to all meetings of the Board.
- 2.2 Procedure is a matter of interpretation by the Chair.

3. CHAIR

- 3.1 When a hearing is required the members appointed by the respective municipalities shall select a Chair for the hearing.
- 3.2 The Chair:
 - a) shall ensure that all Board hearings are conducted in a fair and impartial manner, in accordance with the rules for such hearings as set out in the Act and the rules of natural justice;
 - b) is authorized to rule that evidence presented at a hearing 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 Three Members shall constitute a quorum of the Board. Public Members will be the majority of the quorum (ie. 2 public member, 1 councillor).

5. DECISIONS

- 5.1 Only Members present for the entire Board meeting shall participate in the making of a decision on any matter before it.
- 5.2 The decision of the majority of Members present at the meeting shall be deemed to be the decision of the whole Board.
- 5.3 In the event of a tie vote, the appeal shall be denied.

- 5.4 The Board may make its decision with or without conditions in accordance with Act.
- 5.5 If an appeal is recessed for any reason following the submission of evidence, the appeal 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.

6. APPEAL HEARINGS

- 6.1 The Board shall consider and decide all subdivision and development appeals which have been properly filed in accordance with the Act.
- 6.2 The Board shall hold a public hearing respecting the appeal within the requirements of the Act from the date of receipt of the written notice of appeal.
- 6.3 The Board shall give notice of the hearing in accordance with the Act.
- 6.4 The Board shall make available for public inspection prior to the hearing all relevant documents and materials respecting the appeal.
- 6.5 The Board shall hear from parties in accordance with the Act.
- 6.6 Letters previously submitted to the Development Authority or Subdivision Authority will not be considered by the Board unless resubmitted for the appeal hearing. The author of the letter must be identified on the document.
- 6.7 The Board shall hear appeals in public, but it may at any time recess and deliberate in private.
- 6.8 If the Board desires at the hearing of the appeal, to request further technical information, legal opinions, or other assistance, it may recess the hearing pending receipt of such information.
- 6.9 Electronic or similar recording devices shall not be used during the hearing by anyone in attendance except the Secretary. Such electronic recordings are for ensuring the accuracy of the minutes and will be destroyed once the minutes are adopted.
- 6.10 The Board 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 hearing.
- 6.11 The Board shall give a written decision together with the reasons for the decision following the requirements of the Act after concluding the hearing.

7. HEARING PROCEDURE

- 7.1 At appeal hearings, the following procedure will typically be followed:
- a) The Chair for the meeting will call for a motion to go into public hearing and ask if appellant is present to speak to the appeal.
 - b) If the appellant indicates his/her presence to speak to the appeal, then the Chair will outline the public hearing procedures.
 - c) The Secretary will confirm that notice of the appeal has been provided to all parties in accordance with the Act.
 - d) The Chair will ask if anyone objects to any Member hearing the appeal.
 - e) A member of Staff will introduce the appeal and present the administrative report outlining the background to the appeal.
 - f) The Chair shall call upon the appellant to present his/her appeal submissions.
 - g) After identifying him/herself, the appellant will be requested to present

his/her appeal within a reasonable time period.

- h) The Chair shall then call upon any persons in attendance at the Public Hearing who are entitled to be heard by the Board under the Act and who wish to speak in favour of the appeal.
- i) After identifying themselves, persons or representatives of any group or persons, in favour of the appeal may address the Board in turn. The Board 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 Public Hearing who are entitled to be heard by the Board under the Act and who wish to speak in opposition to the appeal.
- k) After identifying themselves, persons or representatives of any group or persons, in opposition of the appeal may address the Board in turn. The Board 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.
- l) The Chairperson shall then call upon the appellant and those persons in attendance at the public hearing who spoke in favour of the appeal for any rebuttal to the points raised by those who spoke in opposition to the appeal. Rebuttal comments are restricted to addressing new points raised by those who spoke in opposition to the appeal.
- 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 relevant questions.
- o) Following the public presentation and Member questions, the Chair shall close the public hearing.

- 7.2 Following the close of the public hearing, the Board shall deliberate and make its decision. The Board may deliberate and make its decision In Camera.

Petitions and Letters

- 7.3 Persons signing such 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.
- 7.4 Individuals who have submitted a letter may only address the Board on new non-repetitious information not contained in the letter.
- 7.5 With the Board's approval, an individual or group may submit written submissions as part of their presentation at the public hearing, by providing fifteen (15) copies of same to the Board at the start of their presentation.

Presentation Materials

- 7.6 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 Board as exhibits to the public hearing.

Introduction of Speakers

- 7.7 Persons addressing the Board 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.

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

8. CONDUCT AT HEARINGS

- 8.1 Members of the public in attendance at a hearing:
- a) shall address the Board 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 Board.
- 8.2 The Chair may order a member of the public who disturbs or acts improperly at a hearing by words or actions be expelled. The Chair may request the assistance from the County Community Peace Officers to remove the person.

9. MEMBER CONDUCT

- 9.1 A Member wishing to speak at a hearing shall obtain the approval of the Chair before speaking.
- 9.2 When a Member or member of the public is addressing the Chair, every other Member shall:
- a) remain quiet and seated;
 - b) not interrupt the speaker except on a Point of Order;
 - c) not carry on a private conversation; and
 - d) not cross between the speaker and the Chair.
- 9.3 When a Member is addressing the Board, he/she shall:
- a) not speak disrespectfully of Her Majesty the Queen, her official representatives or her government,
 - b) not use offensive words in referring to a Member, an official of the Municipalities or a member of the public;
 - c) not reflect on a vote except when moving to rescind and when so doing, shall not reflect on the motives of the Members who voted for the motion, or the mover of the motion;
 - d) not shout or immediately raise his/her voice or use profane, vulgar, or offensive language or disturb the hearing; and
 - e) assume personal responsibility for any statement he/she quotes to the Board or upon request of the Board, shall give the source of the information