

**TOWN OF WEMBLEY
BY-LAW NO. 769
Intermunicipal Subdivision and Development Appeal Board Bylaw**

A BYLAW OF THE TOWN OF WEMBLEY IN THE PROVINCE OF ALBERTA, TO ESTABLISH AN INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD FOR THE COUNTY OF GRANDE PRAIRIE NO. 1, TOWN OF BEAVERLODGE, TOWN OF SEXSMITH, AND TOWN OF WEMBLEY.

WHEREAS: Section 627 of the Municipal Government Act, RSA 2000, c. M-26, and amendments thereto, authorizes a municipality to enter into an agreement with one or more municipalities to establish an Intermunicipal Subdivision and Development Appeal Board; and

WHEREAS: the agreement must provide for the function, duties, procedures and conduct of the Intermunicipal Subdivision and Development Appeal Board and its members; and

WHEREAS: the Council of the Town of Wembley deems it necessary to establish an Intermunicipal Subdivision and Development Appeal Board to hear subdivision and development appeals within the municipal boundaries of the County of Grande Prairie No. 1, Town of Beaverlodge, Town of Sexsmith, and Town of Wembley;

NOW THEREFORE, under the authority of the Municipal Government Act, the Council of the Town of Wembley, in the Province of Alberta, hereby enacts as follows:

INTERPRETATION

1. This Bylaw may be cited as the "Intermunicipal Subdivision and Development Appeal Board Bylaw".
2. Headings in this Bylaw are for reference purposes only.
3. Words in the masculine gender will include the feminine gender whenever the context so requires and vice versa.
4. Words in the singular shall include the plural or vice versa whenever the context so requires.

ESTABLISHMENT

5. The Council of the Town of Wembley is hereby authorized to enter into an agreement with the County of Grande Prairie No. 1, Town of Beaverlodge, and Town of Sexsmith to establish an Intermunicipal Subdivision and Development Appeal Board and provide for the following:

5.1 The hearing of subdivision and development appeals within the boundaries of the

- participating municipalities;
- 5.2 The function and duties of the Intermunicipal Subdivision and Development Appeal Board, and;
- 5.3 The procedure and conduct of the Intermunicipal Subdivision and Development Appeal Board and its members.

SEVERABILITY

- 6. Every provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions shall be severed and the remainder provisions shall remain valid and enforceable.

REPEAL

- 7. Bylaw 709 and amendments thereto are hereby rescinded.

EFFECTIVE DATE

- 8. This Bylaw shall come into force and effect on the third and final reading thereof.

Read for the FIRST time this 9th day of September 2024.

Read a SECOND time this 9th day of September 2024.

Read a THIRD time and finally passed this 9th day of September 2024.

XXXXXXXXXXXX

Kelly Peterson
Mayor

XXXXXXXXXXXX

Noreen Zhang
Chief Administrative Officer

ATTACHMENTS

Schedule A – ISDAB Agreement between County of Grande Prairie, Towns of Beaverlodge, Sexsmith and Wembley

SCHEDULE "A"

AN AGREEMENT DATED THIS ___ DAY OF _____, 2024.

BETWEEN:

COUNTY OF GRANDE PRAIRIE NO. 1

"County"

- and -

TOWN OF BEAVERLODGE

"Beaverlodge"

and

TOWN OF SEXSMITH

"Sexsmith"

and

TOWN OF WEMBLEY

"Wembley"

(Hereinafter collectively referred to as the "Participating Municipalities")

COUNTY OF GRANDE PRAIRIE NO. 1, TOWN OF BEAVERLODGE, TOWN OF SEXSMITH and TOWN OF WEMBLEY INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGREEMENT

WHEREAS Section 627 of the Municipal Government Act, RSA 2000, Chapter M-26, and amendments thereto, authorizes municipalities to enter into an agreement to establish an Intermunicipal Subdivision and Development Appeal Board; and

WHEREAS the Councils for the respective Municipalities have determined that it is appropriate to establish an Intermunicipal Subdivision and Development Appeal Board for the purposes of hearing appeals from decisions made by the subdivision authority and development authority of each respective municipality;

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 Participating Municipalities agree as follows:

DEFINITIONS

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Attachment: Schedule A: ISDAB Agreement between County of Grande Prairie, Towns of Beaverlodge, Sexsmith and Wembley

1. **"Act"** means the Municipal Government Act, RSA 2000, c. M-26 and amendments thereto.
2. **"Agreement"** means the Intermunicipal Subdivision and Development Appeal Board Agreement dated _____, 2024.
3. **"Appellant"** means a person who, pursuant to the Act, has filed a notice of appeal with the Intermunicipal Subdivision and Development Appeal Board.
4. **"Board"** means the ISDAB.
5. **"Clerk"** means the person appointed by the Council of the County to act as Clerk for the ISDAB.
6. **"Closed Session"** means a meeting of the Board which is closed to the public pursuant to s.197 of the Act.
7. **"Council"** means the individual Councils of the County, Beaverlodge, Sexsmith, and Wembley.
8. **"Intermunicipal Subdivision and Development Appeal Board" ("ISDAB")** means the appeal board established by the Participating Municipalities by this Agreement pursuant to s. 627 and 628 of the Act.
9. **"Member"** means a member of the ISDAB.
10. **"Participating Municipalities"** means the County of Grande Prairie No.1, Town of Beaverlodge, Town of Sexsmith and Town of Wembley.
11. **"Regulations"** means the Matters Related to Subdivision and Development Regulation, Alberta Regulation 84/2022 and amendments thereto.
12. All other terms used in this Agreement shall have meanings as assigned in the Act.

TERM OF AGREEMENT

13. The term of this Agreement shall commence on the effective date, as outlined in the Bylaw that establishes this agreement and continue unless terminated in accordance with Section 14 herein.
14. A Participating Municipality may withdraw from the ISDAB at any time by providing one (1) year's written notice of termination to each of the other Participating Municipalities. In the event of the withdrawal of a Participating Municipality pursuant to this subsection, the ISDAB shall continue and this Agreement shall remain in full force and effect with respect to the remaining Participating Municipalities.

ESTABLISHMENT

15. The Intermunicipal Subdivision and Development Appeal Board is hereby established.
16. The ISDAB has all the powers, duties and responsibilities of a Subdivision

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Development and Appeal Board under the Act and the Regulations passed pursuant to the Act.

FUNCTION AND DUTIES

17. The ISDAB shall hear all subdivision and development appeals, as set out in Part 17, Division 10 of the Act, in accordance with the requirements of the Act and this Agreement.

MEMBERSHIP

18. The ISDAB shall consist of up to five (5) Members at large, from the Participating Municipalities, appointed by resolution of the Council for the County of Grande Prairie No.1 at its annual Organizational Meeting.
19. A written notice will be provided to the Administration of the Participating Municipalities (if any vacancy/vacancies were filled) with the names of the Members appointed following the County of Grande Prairie No. 1's annual Organizational Meeting.
20. Members shall be appointed for a term of up to four (4) years and in a manner that the expiry dates of their appointments are staggered.
21. All Members must meet the qualifications prescribed in the Act and the Regulations.
22. The County shall make reasonable efforts to attract candidates and appoint Members who are residents in each of the Participating Municipalities. Notwithstanding the foregoing, Council for the County may appoint a Member who is not a resident of any of the Participating Municipalities if:
 - 22.1. The County does not receive a sufficient number of applications from candidates who are residents of the Participating Municipalities, or;
 - 22.2. In the opinion of Council for the County the Member has particular qualifications, skills or experience which will assist the Board in determining appeals before it.
23. Council for the County may by resolution, appoint additional Members to fill a vacancy on the Board caused by an absence, retirement or resignation of a Member, to allow the Board to continue to conduct business to ensure quorum requirements are fulfilled.
24. No person shall be appointed as a Member of the ISDAB who is an employee of a Participating Municipality, carries out subdivision and development powers, duties and functions on behalf of a Participating Municipality or is a member of a municipal planning commission of a Participating Municipality.
25. Council for the County may, by resolution, remove a Member from the ISDAB at any time if:
 - 25.1. in the majority opinion of Council for the County or the majority opinion of the

Board, a Member is not performing their duties satisfactorily in accordance with this Agreement and the Act; or

- 25.2. A Member is consistently unresponsive or unavailable to participate in a hearing in order for the Clerk to achieve quorum.
26. In the event Council for the County or the Board has determined the removal of a Member is being considered, Council for the County must give the Member or the Member's representative a reasonable opportunity to be heard by Council for the County and thereafter provide the Member with a decision in writing with reasons.
27. Any Member may resign from his position on the Board by sending written notice to the Council for the County.

ISDAB MEMBER RULES OF CONDUCT

28. No Member shall participate in the hearing of any matter before the Board in which that Member has a pecuniary interest.
29. For the purposes of determining whether a Member has a pecuniary interest in the matter before the Board, all provisions of section 170 of the Act shall apply, substituting the term "Councillor" for the term "Member".
30. No Member shall participate in the hearing of any matter before the Board in which that Member has an actual or perceived bias for or against the Appellant or any parties that appear before the Board.
31. Where a Member has a pecuniary interest in the matter before the Board, or an actual or perceived bias for or against the Appellant or any parties that appear before the Board, that Member shall disclose that interest or bias to the Board and Clerk as soon as possible and remove him/herself from participating in the hearing of the appeal.
32. The Clerk shall cause a record to be made in the summary of the hearing of the Member's absence and the reasons for it.
33. Members shall:
 - 33.1. Not discuss any matter under appeal with any party to that appeal, outside of the formal hearing process;
 - 33.2. Keep discussions of the Board in Closed Session and legal advice provided to the Board confidential, except where required to disclose that information by law;
 - 33.3. Attend all Board hearings to which he or she has been assigned unless prior written notice has been received; and
 - 33.4. 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.

CHAIR

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34. Before the commencement of an ISDAB hearing, the Members shall elect from among themselves a Chair to preside over the hearing.
35. In addition to any other duties and functions prescribed in the Act or the Regulations, the Chair:
 - 35.1. Will preside over and be responsible for the conduct of hearings;
 - 35.2. Will sign orders, decisions and documents issued by the Board;
 - 35.3. Shall ensure that all ISDAB 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 Regulations and the rules of natural justice;
 - 35.4. Is authorized to rule evidence presented at a hearing as irrelevant to the matter at issue and may direct the Members to disregard the evidence;
 - 35.5. Is authorized to accept evidence presented at a hearing if deemed relevant to the matter at issue;
 - 35.6. May limit a submission if it is determined to be repetitious.

QUORUM

36. Three (3) Members shall constitute a quorum of the Board.

ISDAB CLERK

37. The County Manager for the County shall designate one or more person(s) to act as Clerk for the ISDAB.
38. The responsibilities of the Clerk for the ISDAB are as follows:
 - 38.1. Convene a panel of Members to hear the appeal;
 - 38.2. Ensure all statutory requirements of the ISDAB are met;
 - 38.3. Inform all parties of the appeal hearing in accordance with the Act;
 - 38.4. Compile all necessary documentation for distribution to the Members and parties;
 - 38.5. Attend all ISDAB hearings;
 - 38.6. Provide services for the recording of the proceedings of the ISDAB and for retention of evidence, including all written submissions to the ISDAB;
 - 38.7. Communicate decisions of the ISDAB to all parties in accordance with the Act; and
 - 38.8. Such other matters as the ISDAB may direct.

APPEAL HEARINGS

39. The Board shall hear, consider and decide all subdivision and development appeals and Stop Order appeals (section 645 of the Act) arising within the Participating Municipalities which have been properly filed with the County in accordance with the Act.
40. The Board shall hold a public hearing respecting the appeal within 30 days from the date of receipt of the written notice of appeal.
41. The Board shall give notice of the hearing in accordance with the Act.
42. The Board shall make available for public inspection prior to the hearing all relevant documents and materials respecting the appeal.
43. The Board shall hear from parties in accordance with the Act.
44. Any documents previously submitted to a Municipality's subdivision or development authority will not be considered by the Board unless resubmitted for the appeal hearing. The author must be identified on the document.
45. The Board shall hear appeals in public, but it may at any time recess and deliberate in a Closed Session.
46. Following the close of the public hearing, the Board shall deliberate and make its decision. The Board will deliberate and make its decision in Closed Session.
47. 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.
48. Electronic or similar recording devices shall not be used during the hearing by anyone in attendance except the Clerk. 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.
49. The Board shall give a written decision together with the reasons for the decision in accordance with the Act.

CONDUCT AT HEARINGS

50. Members of the public in attendance at a hearing:
 - 50.1. Shall address the Board through the Chair;
 - 50.2. Shall maintain order and quiet; and
 - 50.3. Shall not applaud or otherwise interrupt any speech or action of the Members or any other person addressing the Board.
51. 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 assistance from a Peace Officer to remove the person.

MEMBER CONDUCT

52. A Member wishing to speak at a hearing shall obtain the approval of the Chair before speaking.
53. When a Member or member of the public is addressing the Chair, every other Member shall:
 - 53.1. Remain quiet and seated;
 - 53.2. Not interrupt the speaker except on a Point of Order;
 - 53.3. Not carry on a private conversation; and
 - 53.4. Not cross between the speaker and the Chair.

DECISIONS

54. Only Members present for the entire hearing shall participate in the making of a decision on any matter before the Board.
55. The decision of the majority of Members present at the hearing shall be deemed to be the decision of the Board. In the event of a tie vote, the appeal is lost.
56. The Board may make its decision with or without conditions in accordance with the Act.
57. If an appeal is recessed to another specific time and date only those Members present at the original hearing shall render a decision on the matter of appeal.
58. The decision is not final and binding until the decision has been signed and given in writing in accordance with the Act.

MEMBER REMUNERATION

59. Members shall be entitled to such remuneration as outlined in the County's Policy F10 – Council and Board Member Honoraria & Expense Reimbursement.

COSTS

60. The fee for an appeal will be the fee as set in the County's Schedule of Fees, Rates and Charges Bylaw. A refund of the appeal fee may be granted by the County if a withdrawal is received in writing and has been delivered to the Clerk prior to notifications of the appeal hearing being sent out.
61. All ISDAB costs and expenses, including the costs of holding the hearing and any legal or other fees the ISDAB may incur shall be paid by the respective Participating Municipality to the County on a cost-recovery basis, with the appeal fee applied to offset the cost.
62. Notwithstanding the foregoing, the County will not offset the cost so as to pay any portion of the appeal fee to the respective Participating Municipality.

