

AN AGREEMENT DATED THIS 17 DAY OF SEPTEMBER, 2018
BETWEEN:

COUNTY OF GRANDE PRAIRIE NO. 1

"County"

- and -

TOWN OF WEMBLEY

"Wembley"

- and -

TOWN OF SEXSMITH

"Sexsmith"

- and -

TOWN OF BEAVERLODGE

"Beaverlodge"

- and -

VILLAGE OF HYTHE

"Hythe"

(Hereinafter collectively referred to as the "Municipalities")

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

WHEREAS Section 627 of the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, 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 Municipalities agree as follows:

1. DEFINITIONS

- a. **"Act"** means the *Municipal Government Act*, RSA 2000, c. M-26 as amended from time to time.
- b. **"Appellant"** means a person who, pursuant to the Act, has filed a notice of appeal with the Intermunicipal Subdivision and Development Appeal Board.
- c. **"Council"** means the individual Councils of The County, Wembley, Sexsmith, Beaverlodge and Hythe.
- g. **"Intermunicipal Subdivision and Development Appeal Board" ("ISDAB")** means the appeal board established by the Municipalities by this Agreement pursuant to s. 627 and 628 of the Act.
- h. **"Member"** means a member of the ISDAB.
- i. **"Clerk"** means the person appointed by the Council of The County to act as Clerk for the ISDAB.
- j. **"Quorum"** means three (3) members of the ISDAB to act at a hearing.

All other terms used in this Agreement shall have the meaning assigned to them in the "Act".

2. ESTABLISHMENT

- a. The Intermunicipal Subdivision and Development Appeal Board is hereby established.
- b. The ISDAB has all the powers, duties and responsibilities of a Subdivision Development and Appeal Board under the Act and the Subdivision and Development Regulations passed pursuant to the Act.
- c. The ISDAB Procedures as set out in Schedule "A" are incorporated into and shall form part of this Agreement.

3. FUNCTION AND DUTIES

- a. 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.

4. MEMBERSHIP

- a. The ISDAB shall consist of five (5) Members at large appointed by resolution of the Council for the County of whom no more than one can be a Member of Council of a participating Municipality.
- b. Council for the County shall make reasonable efforts to attract candidates and appoint Members who are resident 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:
 - i. The County does not receive a sufficient number of applications from candidates who are residents of the participating Municipalities, or;
 - ii. 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.
- c. Up to three (3) Members may be appointed by resolution of the Council for the County as alternate Members to fill a vacancy on the Board caused by an absence, retirement or resignation of a Member at large, to allow the Board to continue to conduct business to ensure quorum requirements are fulfilled.
- d. 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.
- e. In the event a Member vacancy occurs on the Board, it may be filled by resolution of the Council for the County to hold office for the remainder of the term of the vacated Member position.
- f. Council for the County may, by resolution, remove a Member from the ISDAB at any time if:
 - i. 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;
 - ii. A Member is absent for more than three (3) consecutive meetings of the Board without reasonable excuse.
- g. 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.

- h. Council for the County may, by resolution, appoint additional Members to the ISDAB for a specific short period of time, as the Council for the County sees fit, in order to ensure that the ISDAB will have a quorum for a meeting and/or a hearing.
- i. Members shall adhere to the Member Rules of Conduct as set out in Schedule "B" to this Agreement.
- j. Members are expected to participate in any training offered by the Municipalities or the Province, to assist them in carrying out their duties as Members of the ISDAB.

5. TERM OF OFFICE

- a. The term of office for Members shall be four (4) years. Regardless of the date of appointment, the expiry of the term of office for all Members will be December 31 in the year of the general municipal elections.
- b. Members may be reappointed by Council for the County for one or more additional terms subject to their written application to do so in accordance with the advertised request for Board Members.
- c. Any Member may resign from his position on the Board by sending written notice to the Chair of the Board and Council for the County.
- d. The Chair and Vice Chair may resign from their positions on the Board by sending written notice to Council for the County.

6. ISDAB CLERK

- a. The Chief Administrative Officer for the County shall designate one or more person(s) to act as Clerk for the ISDAB.
- b. The responsibilities of the Clerk for the ISDAB are as follows:
 - i. ensure all statutory requirements of the ISDAB are met,
 - ii. inform all statutory parties of the appeal hearing in accordance with the Act;
 - iii. inform all affected parties of the appeal hearing in accordance with the Act;
 - iv. compile all necessary documentation for distribution to the Members;

- v. attend all ISDAB appeal hearings;
- vi. provide services for the recording of the proceedings of the ISDAB and for retention of exhibits, including all written submissions to the ISDAB;
- vii. prepare the minutes for the ISDAB hearing, including the names and addresses of all parties making representations to the ISDAB;
- viii. communicate decisions of the ISDAB to the affected parties in accordance with the Act; and
- ix. such other matters as the ISDAB may direct.

7. MEMBER REMUNERATION

- a. Members shall be entitled to such remuneration, travelling and other expenses, as may be fixed from time to time by Council for the County.

8. ADMINISTRATION

- a. The fee for an appeal will be the fee as set by the Council of the County from time to time. 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.
- b. ISDAB Hearings will be held at the County Administration Building or other such location as determined by the County and advertised in accordance with the Act from time to time.
- c. The County will provide the administrative resources for ISDAB Hearings.

9. ISDAB COSTS

- a. All ISDAB costs and expenses, including the administrative costs of holding the hearing and any legal or other fees the ISDAB may incur shall be paid by the respective Municipality to the County on a cost-recovery basis, with the appeal fee applied to offset the cost.
- b. Notwithstanding the foregoing, the County will not offset the cost so as to pay any portion of the appeal fee to the respective Municipality.

10. GENERAL

- a. Headings in this Agreement are for reference purposes only.
- b. Words in the masculine gender will include the feminine gender whenever the context so required and vice versa.

- c. Words in the singular shall include the plural or vice versa whenever the context so requires.
- d. This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

IN WITNESS WHEREOF, the Municipalities have executed this Agreement as evidenced by the duly authorized signatures below

COUNTY OF GRANDE PRAIRIE NO. 1 TOWN OF WEMBLEY

Per: _____ Per: _____
Reeve Mayor

Per: _____ Per: _____
Chief Administrative Officer Chief Administrative Officer

TOWN OF SEXSMITH

Per: _____
Mayor

Per: _____
Chief Administrative Officer

TOWN OF BEAVERLODGE

Per: _____
Mayor

Per: _____
Chief Administrative Officer

VILLAGE OF HYTHE

Per: _____
Mayor

Per: _____
Chief Administrative Officer

SCHEDULE "A"

INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD
PROCEDURES

1. DEFINITIONS

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*, RSA. 2000, Chapter M-26, as amended (the "Act").

- 1.1. **"Agreement"** means the Intermunicipal Subdivision and Development Appeal Board Agreement dated September 17th, 2018.
- 1.2. **"Appellant"** means a person who, pursuant to the Act, has filed a notice of appeal with the Intermunicipal Subdivision and Development Appeal Board.
- 1.3. **"Board"** means the ISDAB.
- 1.4. **"In Camera"** means a meeting of the Board which is closed to the public pursuant to s.197 of the Act.
- 1.6. **"Clerk"** means the person(s) appointed to act as Clerk for the ISDAB.
- 1.7. **"Staff"** means an employee of the County, Wembley, Sexsmith, Beaverlodge or Hythe, as the case may be.

2. APPLICATION

- 2.1 These procedures shall apply to all meetings of the Intermunicipal Subdivision and Development Appeal Board.

3. TRAINING

- 3.1 All Members shall receive training as ISDAB Members in accordance with the requirements of the Act.
- 3.2 The ISDAB may retain legal counsel to provide training or advice before, during or after a hearing as the case may be.

4. PANEL AND CHAIR

- 4.1 When a hearing is required, the panel of Members to hear the appeal will be appointed by the Clerk of the ISDAB based on Member availability and experience.
- 4.2 The Clerk will use his/her best efforts to appoint to the panel a Member residing in the Municipality from which the appeal originated.

- 4.3 Annually at the Organizational Meeting, Council for the County will appoint one Member to serve as Chair of the ISDAB and one Member to serve as Vice Chair of the ISDAB.
- 4.4 The Chair shall be responsible for the conduct of the hearing and for ensuring the hearing is 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.
- 4.5 If the Chair is absent for any reason from a hearing, the Vice Chair shall preside.

5. QUORUM

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

6. DECISIONS

- 6.1 Only Members present for the entire hearing shall participate in the making of a decision on any matter before the Board. The Clerk shall not participate in the making of a decision on any matter before the Board.
- 6.2 The decision of the majority of Members present at the meeting shall be deemed to be the decision of the whole Board. In the event of a tie vote, the appeal shall be denied.
- 6.3 The Board may make its decision with or without conditions in accordance with the Act.
- 6.4 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 of the matter.
- 6.5 An order, decision, approval, notice or other thing made, given or issued by the Board shall be signed by the Chair or Vice Chair or their designate.

7. APPEAL HEARINGS

- 7.1 The Board shall consider and decide all subdivision and development appeals and s. 645 Stop Order appeals which have been properly filed with the County in accordance with the Act.
- 7.2 The Board shall hold a public hearing respecting the appeal within thirty (30) days from the date of receipt of the written notice of appeal.
- 7.3 The Board shall give notice of the hearing in accordance with the Act.

- 7.4 The Board shall make available for public inspection prior to the hearing all relevant documents and materials respecting the appeal.
- 7.5 The Board shall hear from parties in accordance with the Act.
- 7.6 Letters 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 of the letter must be identified on the document.
- 7.7 The Board shall hear appeals in public, but it may at any time recess and deliberate *in camera*.
- 7.8 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.
- 7.9 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.
- 7.10 The Board shall give a written decision together with the reasons for the decision in accordance with the Act.

8. HEARING PROCEDURE

- 8.1. 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.
 - 8.1.1. If the Appellant indicates his/her presence to speak to the appeal, then the Chair will outline the public hearing procedures.
 - 8.1.2. The Clerk will confirm that the notice of appeal has been provided to all parties in accordance with the Act.
 - 8.1.3. The Chair will ask if anyone objects to any Member hearing the appeal.
 - 8.1.4. A member of Staff will introduce the appeal and present the administrative report outlining the background to the appeal.
 - 8.1.5. The Chair shall call upon the Appellant to present his/her appeal submission.
 - 8.1.6. After identifying him/herself, the Appellant will be requested to present his/her appeal within a reasonable time period.

- 8.1.7. The Chair shall then call upon any persons in attendance at the hearing who are entitled to be heard by the Board under the Act and who wish to speak in favour of the appeal.
- 8.1.8. 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.
- 8.1.9. The Chair shall then call upon any persons in attendance at the hearing who are entitled to be heard by the Board under the Act and who wish to speak in opposition to the appeal.
- 8.1.10 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.
- 8.1.11. The Chairperson shall then call upon the appellant and those persons in attendance at the public hearing who spoke in favor 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.
- 8.1.12. After a presentation is concluded, any Member may ask the presenter relevant questions.
- 8.1.13. After all presentations from the public have been completed, any Member may ask Staff relevant questions.
- 8.1.14 Following the public presentation and Member questions, the Chair shall close the hearing.
- 8.1.15. The Board may, at any time, modify or adjust the foregoing procedure as required to comply with the Act and the rules of natural justice.

8.2. **Presentation Materials**

- 8.2.1. 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.
- 8.2.2. Written submissions shall be received by the Clerk at least three (3) days in advance of the commencement of the hearings. Notwithstanding the foregoing, the Board retains the discretion to accept late submission where deemed appropriate.

8.3. **Introduction of Speakers**

8.3.1. 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.

8.3.2. A person who does not identify him/herself will not be given the opportunity to address the Board.

8.4. Following the close of the public portion of the hearing, the Board shall deliberate and make its decision. The Board may deliberate and make its decision *in camera*.

9. **CONDUCT AT HEARINGS**

9.1 Members of the public in attendance at a hearing:

9.1.1. shall address the board through the Chair;

9.1.2. shall maintain order and quiet; and

9.1.3. shall not applaud or otherwise interrupt any speech or action of the Members or any other person addressing the Board.

9.2 The Chair may order a member of the public who disturbs or acts improperly at a hearing by words or actions be removed. The Chair may request assistance from a Peace Officer to remove the person.

10. **MEMBER CONDUCT**

10.1 A Member wishing to speak at a hearing shall obtain the approval of the Chair before speaking.

10.2 When a Member or member of the public is addressing the Chair, every other Member shall:

10.2.1. remain quiet and seated;

10.2.2. not interrupt the speaker except on a Point of Order;

10.2.3. not carry on a private conversation; and

10.2.4. not cross between the speaker and the Chair.

SCHEDULE "B"

ISDAB MEMBER RULES OF CONDUCT

1. No Member shall participate in the hearing of any matter before the Board in which that Member has a pecuniary interest.
2. For the purposes of determining whether a Member has a pecuniary interest in the matter before the Board, all provisions of s. 170 of the Act shall apply, substituting the term "Member" for the term "Councillor".
3. 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.
4. 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 a Board Member in the hearing of the appeal.
5. Members shall:
 - 5.1. not discuss any matter under appeal with any party to that appeal, outside of the formal hearing process;
 - 5.2. keep *in camera* discussions of Board and legal advice provided to the Board confidential, except where required to disclose that information by law;
 - 5.3. attend all Board hearings to which he or she has been assigned unless prior written consent has been received from the Chair; and
 - 5.4. 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.