

**CITY OF COLD LAKE
BYLAW #621-BD-18**

**A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, TO
ESTABLISH THE COLD LAKE SUBDIVISION AND DEVELOPMENT APPEAL
BOARD**

PURSUANT to section 627(a) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, Council must pass a bylaw to establish the subdivision development appeal board or enter into an agreement with one or more municipalities to establish an intermunicipal subdivision and development appeal board; and whereas section 146 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a council may pass bylaws for the establishment and function of council committees and other bodies and their procedures;

WHEREAS Council wishes to establish a subdivision and development appeal board for the City of Cold Lake;

NOW THEREFORE pursuant to the authority of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the City of Cold Lake duly assembled, enacts:

SECTION 1 - TITLE

- 1.1 This Bylaw shall be cited as the "Cold Lake Subdivision and Development Appeal Board Bylaw".

SECTION 2 - DEFINITIONS

In this Bylaw:

- 2.1 "Act" means the *Municipal Government Act*, RSA 2000, c M-26, as amended.
- 2.2 "Board" means Cold Lake Subdivision and Development Appeal Board as provided for in the Bylaw;
- 2.3 "City" means the municipal corporation of the City of Cold Lake, or the geographical area falling within the municipal boundaries of the City of Cold Lake, as the context requires.
- 2.4 "Clerk" means a person appointed to the position of clerk of the Board pursuant to this Bylaw;
- 2.5 "Council" means the Mayor and Members of Council of Cold Lake;
- 2.6 "Organizational Meeting of Council" means the annual organizational meeting of Council as set out in the Cold Lake Procedural Bylaw;

SECTION 3 - ESTABLISHMENT

- 3.1 A Board is hereby established pursuant to section 627(a) of the *Act*.

SECTION 4 - MANDATE

- 4.1 The mandate of the Board is to hear appeals of the City subdivision authority pursuant to section 678(2)(b) of the *Act* and appeals of the City development authority pursuant to section 685 of the *Act*.

SECTION 5 - BOARD MEMBERSHIP

- 5.1 Council shall appoint at least five (5) persons as members of the Board.
- 5.2 The following persons may not be appointed as members of the Board:
- 5.2.1 a City employee;

- 5.2.2 a person who carries out subdivision or development powers, duties and functions on behalf of a municipality;
- 5.2.3 a member of the Municipal Planning Commission.
- 5.3 Council shall ensure there are at least five (5) persons appointed to the Board at all times by appointing new members by resolution of Council, as needed.
- 5.4 All persons appointed as members of the Board shall be residents of the City of Cold Lake and shall remain members of the Board only during such time as they continue to be residents of the City of Cold Lake, unless Council passes a resolution stating otherwise.
- 5.5 A member of the Board shall complete all training and qualification requirements accordance with the *Subdivision and Development Appeal Board Regulation*, Alta Reg 195/2017.

SECTION 6 – BOARD MEMBER TERM OF OFFICE

- 6.1 The term of office for Board members shall be for a maximum of two (2) years,
 - 6.1.1 commencing on the date of the Organizational Meeting of Council, unless there is a vacancy or Council has provided otherwise by resolution, and
 - 6.1.2 expiring on the date of the Organizational Meeting of Council in the year of the expiry of the term, unless Council has provided otherwise by resolution.
- 6.2 Council may reappoint any member of the Board to additional term(s) should Council deem such reappointment to be in the best interests of the City and the Board.
- 6.3 In the event of a vacancy occurring prior to completion of the appointed term, the person appointed to fill the vacancy shall hold office for the remainder of the term for the position in which the vacancy has arisen. Completion of the unexpired term shall not be considered a full term appointment.
- 6.4 Council may, with reason; request the resignation of any member of the Board at any time prior to the expiry date of the member's term of office.
- 6.5 Any member may resign from the Board at any time upon sending a written notice to the Clerk advising of the resignation and the effective date.

SECTION 7 – CHAIRPERSON AND VICE-CHAIRPERSON

- 7.1 At the first meeting of the Board, and annually thereafter at a meeting of the Board, a Chairperson of the Board shall be elected by a vote of a simple majority of those members of the Board present.
- 7.2 A member may be re-elected to the position of Chairperson.
- 7.3 The Chairperson may resign from their role at any time upon sending a written notice to the Clerk advising of the resignation and the effective date.
- 7.4 The duties of the Chairperson shall consist of:
 - 7.4.1 presiding at the regular and special meetings of the Board;
 - 7.4.2 direction and control of the operation of the Board;
 - 7.4.2 direct consultation with the Clerk;
 - 7.4.3 such other duties as per the *Act*.
- 7.5 The Chairperson may delegate any of the powers, duties and functions of the Chairperson to any other member of the Board.

SECTION 8 - REMUNERATION AND EXPENSES

- 8.1 Members of the Board shall receive a per diem in accordance with the City of Cold Lake Policy No. 123-AD-10, Council Honorarium and Per Diem Policy.

- 8.2 The Chairperson may make a formal request to Council on behalf of any member of the Board for remuneration and reimbursement of any traveling and living expenses where Council requests a member attend a conference, seminar or other meeting outside of the jurisdiction of the City. Council shall be under no obligation to reimburse or remunerate any member. Remuneration and/or reimbursement shall be at the sole discretion of Council.

SECTION 9 – HEARINGS

- 9.1 The Board shall meet as required to consider and decide appeals filed with the Board in accordance with the requirements set out in the *Act*.
- 9.2 The time and location of the hearings shall be determined by the Chairperson in consultation with the Clerk having regard to the time periods set out in the *Act*.
- 9.3 A quorum for meetings of the Board shall be a simple majority of the voting members of the Board who are present at the Board meeting. In the event of a tie, the motion shall be lost.
- 9.4 A decision of the Board members present at a hearing is the decision of the whole Board.
- 9.5 Hearings shall be held in accordance with the requirements set out in the *Act*.
- 9.6 The Board may make rules as are necessary for the conduct of its meetings and its business that are consistent with this Bylaw, the City of Cold Lake Procedural Bylaw, other applicable City Bylaws including, but not limited to, the City's Land Use Bylaw, and the *Act*.
- 9.7 A Record of Hearing and Board Order for all hearings shall be
- 9.7.1 recorded and kept by the Clerk;
 - 9.7.2 signed by the Chairperson (or acting Chairperson, if applicable);
 - 9.7.3 filed with the Office of the CAO within 10 days of the hearing.
- 9.8 The Board may advise Council with respect to the making of policies as the Board deems necessary from time to time, provided such policies are not inconsistent with the powers herein conferred.

SECTION 10 – CLERK

- 10.1 The Chief Administrative Officer shall appoint the Clerk of the Board (hereafter the "Clerk").
- 10.2 The Clerk may further delegate any of the powers, duties or functions of the Clerk to another employee of the City.
- 10.3 The duties of the Clerk shall consist of:
- 10.3.1 attendance at all hearings of the Board;
 - 10.3.2 recording the Record of Hearing and Board Order in accordance with the provisions of this Bylaw and as directed by the Board;
 - 10.3.3 preparation of and providing an agenda to the Board;
 - 10.3.4 ensuring all notices and decisions of the Board are provided to such persons as the *Act* requires;
 - 10.3.5 making available such documents and materials to the public prior to a hearing as is required by the *Act*;
 - 10.3.6 performance of all duties prescribed by the *Act*;
 - 10.3.7 performance of all other duties as assigned by the Board.
- 10.4 The Clerk shall complete all training and qualification requirements accordance with the *Subdivision and Development Appeal Board Regulation, Alta Reg 195/2017*.

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SECTION 11 – REPEAL

11.1 City of Cold Lake Bylaw No. 327-BD-08, and Bylaw No. 402-BD-10 are hereby repealed.

SECTION 12 – ENACTMENT

12.1 This Bylaw shall come into full force and effect at the beginning of the day it receives third and final reading.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 23rd day of January, A.D. 2018, on motion by Deputy Mayor Buckle.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 13th day of February, A.D. 2018, on motion by Councillor Grau.

**CARRIED
UNANIMOUSLY**

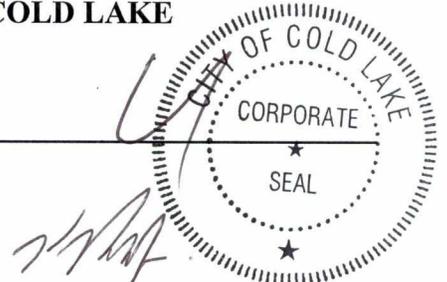
THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 13th day of February, A.D. 2018, on motion by Deputy Mayor Buckle.

**CARRIED
UNANIMOUSLY**

Executed this 27 day of February, 2018

CITY OF COLD LAKE

MAYOR



CHIEF ADMINISTRATIVE OFFICER