

AGENDA
COUNCIL COMMITTEE MEETING
MUNICIPAL DISTRICT OF PINCHER CREEK
February 12, 2019
9:00 am

1. Approval of Agenda
2. Closed Meeting Session
 - Public Works Call Log – FOIP Section 16
 - RCMP Enhanced Policing – FOIP Section 21 (9:15 am)
3. Beaver Mines Regional Water Supply – Contract Update
 - Letter from MPE Engineering Ltd, dated February 7, 2019
4. Chinook Intermunicipal Subdivision and Development Appeal Board (CISDAB)
 - Procedural Guidelines
 - Agreement
 - Bylaw
5. Round Table Discussion
6. Adjournment

M.D. of Pincher Creek
1037 Herron Avenue
Pincher Creek, AB T0K 1W0

February 7, 2019
File: N:\1770-010-00.L28

Attention: Sheldon Steinke
Chief Administrative Officer

Dear Mr. Steinke:

**Re: Beaver Mines Regional Water Supply
Contract Update**

Below is a summary of the requirements for substantial and total performance of the work, the remaining work to be completed, and the steps moving forward to close out the project.

Substantial performance is obtained by the Contractor once the infrastructure can be used for the intended purpose. The prerequisites for substantial performance include, but are not limited to the following:

- Initial commissioning has been completed,
- Piping has been pressure tested, disinfected, and flushed,
- Contract deficiencies that impact operations have been corrected.

Prior to issuing substantial performance, the MD and MPE will complete a review of the work with the Contractor to ensure the prerequisites have been met. Once substantial performance of the work is granted to the Contractor, the MD is responsible for the care, custody, and control of the infrastructure. The warranty period also begins after substantial performance is issued.

Total Performance of the Work is obtained by the Contractor once all contract items have been completed. These work items are often completed after substantial performance has been awarded and include, but are not limited to the following:

- Final cleanup,
- Site restoration,
- Operation and maintenance manuals,
- Record drawings.

Poor weather over the winter limits both Contractors' ability to successfully complete final clean-up and site restoration. These work items will be completed once weather permits. MPE has had discussions with both Contractors regarding current issues and will be working with them to remedy the issues in the interim.

The following table outlines the remaining critical tasks to be completed prior to scheduling a review for substantial performance of the work on Contracts 1 and 2.

Remaining Critical Items for Substantial Performance of the Work	
Task	Notes / Critical Path
Contract 1 - Pipeline	
1. Pressure Testing of pipeline between the Booster Station and Beaver Mines.	<ul style="list-style-type: none"> • Dependent on completion of Castle River crossing and Item #3. • Approval for Castle River crossing received September 11, 2018. • Crossing not completed until early December due to: <ul style="list-style-type: none"> ○ General Contractor mobilized off site. ○ Poor October/November weather. ○ Subcontractor schedule. • Fair weather in December and January allowed for pressure testing of all piping up to the Booster Station to be completed. • Freezing temperatures have delayed further pressure testing between the Booster Station and Beaver Mines.
2. Flushing and disinfection of all piping.	<ul style="list-style-type: none"> • Dependent on completion of Castle River crossing and Item #3. • Freezing temperatures have delayed further flushing between the Booster Station and Beaver Mines.
Contract 2 - Mechanical	
3. Booster Station Commissioning.	<ul style="list-style-type: none"> • Completed mid-January. • Minor deficiencies require correction.
4. Beaver Mines Metering Station Commissioning.	<ul style="list-style-type: none"> • Dependent upon Item #1 and Item #2.
5. Hydrostatic testing and disinfection of Treated Water Reservoir.	<ul style="list-style-type: none"> • Dependent upon Item #1 and Item #2.
6. Final Systems start-up (coordination of all facilities).	<ul style="list-style-type: none"> • Dependent upon Item #3, Item #4 and Item #5. • Systems start-up is a coordination of all communication and alarms between facilities.
7. Completion of Metering Station and Reservoir Access Road.	<ul style="list-style-type: none"> • Construction delayed in September due to proposed Fire Hall plans. • Revised road location determined based on correspondence with the MD and Pincher Creek Emergency Services Commission. • Poor weather and frozen ground conditions have limited the Subcontractor's ability to continue construction.

MPE does not have the ability to control and/or govern a Contractor's schedule and subcontractor scheduling. MPE requests Contractors to submit schedules for review and provide comments based on discussions with the MD. The ability to successfully schedule the work and remedy issues/concerns brought forward by MPE and the MD is a collaborative effort with the Contractor. A successful approach to communication is vital and continues to affect Client/Contractor relations through the end of the project and into future collaborations.

The contract documents for Contracts 1 and 2 include a “Damages for Delay” clause. The clause is enforceable when the Contractor fails to meet the contract time(s). The clause allows for liquidated damages to be applied to the Contractor. The sum of the applied liquidated damages must be a fair estimate of the actual damages (demonstrable cost) incurred by the MD (Owner). As the Owner’s Representative, MPE requires direction from the MD on whether or not to proceed with enforcing the “Damages for Delay” clause.

MPE has made the Contractors aware of the “Damages for Delay” clause at numerous construction meetings. MPE will not proceed with invoking the clause until formal direction has been received from the MD. MPE recommends that further discussions take place to ensure that the MD is aware of all the consequences of such actions, intended and unintended.

If you have any questions or require clarification, please contact the undersigned.

Yours truly,

MPE ENGINEERING LTD.



Gavin Nummi, P. Eng.
Project Engineer

:gn

cc: Keith Schenher, Alberta Transportation

Chinook Intermunicipal
Subdivision and Development
Appeal Board

**PROCEDURAL
GUIDELINES**

April 2019

TABLE OF CONTENTS

PART A: THE BOARD AND PANELS	1
General	1
Intermunicipal SDAB Composition	1
Bias and Pecuniary Interest.....	1
The Panel.....	2
The Panel Chair.....	2
Roles of the Panel.....	3
Responsibilities of the Panel	3
Panel Conduct at the Hearing	4
Communications with the Panel	4
PART B: COORDINATOR.....	5
Role of the Appeal Coordinator	5
PART C: CLERKS.....	6
Assembling a Panel to Hear an Appeal.....	6
Responsibilities of the Clerk	8
PART D: HEARING PROCEDURES	9
Commencing Appeals.....	9
Withdrawing An Appeal	9
Scheduling a Hearing.....	9
Preliminary Matters	10
Evidence	11
The Appeal Exhibit Package	11
Requirements for Materials being Submitted.....	11
Submissions at the Hearing.....	12
Participating in a Hearing	12
The Public Nature of the Hearing.....	14
Conduct During the Hearing.....	14
PART E: AFTER THE HEARING	15
Decisions of the Panel	15
Retention of Evidence	15
Distribution of Panel Decisions	15
Appeal of Panel Decisions	15

PART A: THE BOARD & PANELS

General

1. The Board is an independent quasi-judicial tribunal. Within the mandate of the *Municipal Government Act, RSA 2000, c M-26*, as amended and the Intermunicipal Subdivision and Development Appeal Board (SDAB) Bylaw, as amended, the Board controls its own process and procedure at all times.
2. The Board has established a process as set out in these Guidelines that will better enable the Board to effectively and efficiently decide appeals. The Board may, however, deviate from these Guidelines when hearing a particular appeal with or without notice to the parties.
3. All proper names/references shall have the same meaning as defined in the Intermunicipal Subdivision and Development Appeal Board Bylaw.
4. The municipalities may establish an Advisory Committee to review this Procedures Guideline and other matters pertinent to the Board's function.

Intermunicipal SDAB Composition

1. The SDAB Members shall be comprised of persons from the participating municipalities.
2. Appointments to the SDAB shall be made by resolution approved from time to time by the Councils of the participating municipalities. All resolutions shall be submitted to the Oldman River Regional Services Commission (ORRSC), who will maintain a SDAB Member register with current contact information.
3. If a participating municipality decides not to appoint their own individual member to the Board, the municipality may still access the SDAB Members to assemble a panel for a hearing.
4. If a vacancy occurs, the SDAB will continue to operate with the existing appointed Board members until such time as a new person is appointed to the SDAB.

Bias and Pecuniary Interest

1. All Board members must consider perceived influence or bias and conduct themselves in an impartial manner based on the principles of judicial fairness.
2. If a Board member's presence may affect the deliberations on the appeal or affect the outcome in any way, the member should consider making a declaration and excluding themselves from further discussion. This declaration should be noted for the record.
3. A Board member must listen to the appeal with an open mind and without being influenced by factors outside of the evidence and arguments of the parties participating in the appeal.
4. A Board member with a financial interest in the appeal should also declare this interest and exclude him or herself from the hearing. The conflict of interest rules under section 172 of the *Municipal Government Act* should be used as a guideline for a SDAB member.

5. If a Board member is challenged prior to or at a hearing, the panel will recess to consider the information in closed session and will make a determination regarding the Board member's ability to participate in the hearing and the reason for or against shall be recorded for the record.

The Panel

1. The Board hears appeals in groups called Panels. A decision of the Panel is a decision of the Board.
2. Panels of the Board have a minimum number of members. This minimum number of members is called the "quorum".
3. More than one Panel may be convened at any one time and Board Members of the SDAB may participate as a member of more than one Panel at the same time.
4. Members of the Board will be listed on the ORRSC website (www.orrsc.com) and participating municipalities may list the Board member names on their web or social media sites.
5. Any concern about the makeup of a Panel for a particular appeal must be raised as soon as possible or at the beginning of the hearing.
6. A Panel, in consultation with the Coordinator/Clerk, will set the date for the hearing to continue or provide some procedural directions. Once a Panel starts hearing the merits of an appeal, that Panel will remain the same throughout the hearing.
7. Where possible, a Panel convened for a hearing should consist of the appointed members from the municipality in which the appeal is held and with the remainder of the Panel to be from the regional pool.
8. No more than one elected official may sit on a Panel to hear an appeal.
9. If for any reason a member of the Panel cannot continue to participate in a hearing, the hearing may proceed without that member but only if enough other members are present to still achieve quorum. If not, the hearing will be adjourned and may be re-heard by a new Panel.
10. The deliberation by a panel regarding the decision are to be held in closed session.

The Panel Chair

1. The Panel members shall elect one of themselves as Panel Chair (Chair) for the purpose of a hearing. The Chair may be a member from the municipality in which the appeal is located.
2. The Chair shall be responsible to ensure the Panel carries out the responsibilities in accordance with the provision of the *Municipal Government Act* and the SDAB bylaw.
3. The Chair has the authority to conduct a hearing as they determine suitable, but shall act on the principles of unbiasedness, impartiality, and judicial fairness.
4. The Chair may call a recess to allow members to read materials, rest after a long series of presentations, take time for meals or personal needs of the Panel, or to settle down the meeting participants after a contentious presentation or if someone must be removed from the hearing.

5. Prior to adjourning, the Chair should ensure that the other members of the Panel have adequate facts to develop the reasons for their decisions and to formulate the decision.
6. The chair or his designate is responsible for signing the decision of the Panel.

Roles of the Panel

1. Panel members should be careful not to speak out of turn and shall speak at the direction of the Chair.
2. All Panel members need to be aware of their potential for or perception of conflict of interest and bias. If the impression is created that the member might benefit directly or indirectly from the ruling of the SDAB or that there has been a previous association with a party to the appeal, the member should not participate in the hearing.
3. The Panel should not see itself as solving people's problems. It is not an advocate and should not be perceived as such. This restriction also applies to providing any advice that may relate to the issues of the case. Any advisory function should be handled by informed professionals, which may include the municipal staff.
4. The role of any SDAB member is to participate in the hearing process and to help ensure that decisions are made in a fair, impartial, and timely manner.

Responsibilities of the Panel

1. Before the hearing, Panel members **must be**:
 - a) informed about their legislative and quasi-judicial responsibilities;
 - b) familiar with the relevant provincial legislation and policy including but not limited to the Alberta Land Stewardship Act, South Saskatchewan Regional Plan, Municipal Government Act and the Subdivision and Development Regulation;
 - c) familiar with the applicable municipal plans, policies and bylaws including but not limited to the municipal development plan, area structure plans, area redevelopment plans, land use bylaw and the SDAB bylaw; and
 - d) familiar with exhibit package as circulated before the hearing, and review the material to become familiar with the circumstances of the case.
2. Before the hearing, Panel members **must not**:
 - a) speak with the appellant or any other parties prior to the appeal (the SDAB member may only advise people contact the clerk and to attend the hearing in order to make their views known);
 - b) discuss the item being appealed with anyone, including other SDAB members, outside the hearing;
 - c) conduct independent research including site visits; or
 - d) form a conclusion prior to attending the hearing.
3. Panel members should refrain from discussing appeals with municipal staff except within the context of the open hearing.
4. The Panel members must be present for the entire hearing of a specific appeal. Members cannot be substituted for other members during the hearing. Members should ensure that they do not leave

the hearing room during the hearing and any member who leaves during the hearing may not return or participate in the decision in any way, if the hearing has continued without the member.

5. Only those Panel members present during the entire length of the discussion, pertaining to a matter being considered at a hearing, shall participate in the decision deliberations.
6. The decision of the majority of the Panel members present at a meeting shall be deemed to be the decision of the whole Subdivision and Development Appeal Board.
7. The Panel members participating in an appeal decision will try to reach a decision by consensus, and in the case where consensus cannot be reached, a decision shall be made in favor of the majority of the members.

Panel Conduct at the Hearing

1. Panel members must be respectful and yield the operation of the hearing to the Panel Chair and may ask questions during the hearing only with the permission of the Chair.
2. At the hearing, Panel members should:
 - a) follow fair procedure and act in accordance with the rules of natural justice;
 - b) take notes to ensure that issues or evidence provided in the hearing is addressed in findings of fact, the reasons for the decision, or the decision; and
 - c) hear from all parties in a hearing in a fair, open, and objective manner.
3. Panel members are expected to listen attentively to each individual case and to understand the perspective presented.
4. The Panel shall attempt to create an atmosphere where all parties feel they have been dealt with in a considerate and respectful manner.

Communications with the Panel

1. All submissions and other communications with the Panel before the hearing shall be directed to the Clerk.
2. The Clerk shall contact Panel members as necessary before, during and after a hearing.
3. The Panel shall not communicate with the parties involved regarding the merits of an appeal outside of the hearing.
4. After the hearing closes, the Panel shall not accept any further submissions.
5. Parties should ensure that any submissions made to the Panel are copied to all of the parties involved in the appeal. Any response from the Panel through the Clerk will be shared with all other parties and will be made available to the public.
6. Panel members must not discuss an appeal outside of the hearing. All inquiries shall be directed to the Clerk and any response provided by the Clerk is informational only, is not a decision of the Panel, and is not legal or other advice.

PART B: COORDINATOR

Role of the Appeal Coordinator

1. Oldman River Regional Services Commission will assign a Coordinator to the Board to handle administrative duties of the Board.
2. The Coordinator shall assign a Clerk(s) to a specific appeal.
3. The Coordinator shall keep a master list of all qualified Board members, their contact information and training status.
4. The Coordinator shall monitor the activity of the Board in the form of a yearly report to the ORRSC Executive and upon establishment to an Advisory Committee. The report should include, but is not limited to:
 - a) the number of appeals,
 - b) the Board members participating in appeals,
 - c) Board members not able to attend hearings, and
 - d) Board members who fail to attend hearings.
5. The Coordinator is responsible for preparing the final invoicing and master file for the municipality. The master file shall include a copy of the appeal letter/form, the notice(s), the complete exhibit package, the decision and the record of proceedings.
6. Where the municipality is providing their own Clerk, the Coordinator will contact the municipality regarding the hearing and invoice the municipality for Panel costs.

PART C: CLERKS

Assembling a Panel to Hear an Appeal

1. The authority to assemble a Panel to hear a particular appeal may be designated to either Coordinator or Clerk assigned to a particular appeal.
2. The Clerk is to choose duly appointed members from the SDAB for hearings with the following guidelines for composition of a Panel:
 - a) as a first step, if there is a Board member(s) from the municipality in which the appeal originates, the Clerk shall contact and confirm their availability to participate in the hearing. If they are unavailable, subsection 2(b) applies;
 - b) as a second step, the Clerk shall contact Board members who live in closest physical proximity to the municipality in which the appeal originates, expanding the distance until the Panel is filled.
3. Each participating municipality through their SDAB bylaw will have determined the number of SDAB members that constitutes a Panel and its quorum. The Clerk shall have regard to Chart 1 which summarizes this information across the participating municipalities.

Responsibilities of the Clerk

1. The Clerk is responsible to report any changes in Board member contact information to the Coordinator.
2. The duties of the Clerk before the hearing include:
 - a) ensure that the appeal has been properly filed;
 - b) coordinate the date, time and venue of the hearing;
 - c) contact members to ensure quorum;
 - d) prepare a notice of hearing and ensure that the appropriate people are informed of appeal (including the appellant, affected persons, and anyone else identified in the land use bylaw and Subdivision and Development Regulation) at least 5 days prior to hearing;
 - e) prepare an exhibit package;
 - f) prepare an agenda for the hearing;
 - g) ensure that all relevant documents and materials are available for public inspection;
 - h) answer any questions of the applicant, appellant, Panel, municipality or public; and
 - i) set up any equipment/materials needed in the SDAB meeting room.
3. The duties of the Clerk at the hearing include:
 - a) circulate a sign in sheet among the gallery;
 - b) provide administrative assistance to the Panel;
 - c) assist the Chair and Panel in the organization and function of the hearing;
 - d) ensure quorum of the SDAB for the hearing;
 - e) announce the appeal at the commencement of the hearing;
 - f) record names of speakers;
 - g) mark submitted exhibits;
 - h) take notes of the appeal; and
 - i) record the attendance and absences of SDAB Panel members.
4. The duties of the Clerk after the hearing include:
 - a) prepare a draft SDAB's decision(s) for the Panel review, edits, and Chair signature;
 - b) circulate the decision in accordance with the notice of hearing and ensure that the appropriate people are informed of the decision (including the appellant, affected persons, municipality, referral agencies, those that spoke at the hearing etc.); and
 - c) prepare and sign a record of proceedings for the appeal file.
5. The Clerk is responsible for keeping track of all expenses related to the appeal and submitting an invoice to the municipality in which the appeal originates.

PART D: HEARING PROCEDURES

Commencing Appeals

1. An appeal is commenced by filing a notice of appeal form or letter and paying the applicable filing fee of the municipality in which the appeal originates.
2. There are strict timelines for launching an appeal. Appeals must be submitted within 21 days, for stop orders, subdivision or development appeals, and notice or deemed refusal by the Subdivision or Development Authority. Appellants are encouraged to file as soon as possible within the appeal period.
3. The notice of appeal form should be filled out completely, including a summary of the reasons for the appeal.
4. A person can file an appeal on their own behalf or can authorize an agent, lawyer or other representative to do so on their behalf.
5. If a person is filing an appeal on behalf of someone else, this must be stated in the notice of appeal form. The “appellant” in the notice of appeal form is the person who has the right to appeal, and the “agent” in that form is the person filing on the appellant’s behalf.
6. If a person is representing someone else, they may be asked to provide written authorization from the person they represent. This applies to any person acting as a representative of an individual, company, society, community association or any other organization.
7. The municipality shall stamp the letter or notice of appeal as being received on the date it is delivered.
8. Appeals received by the municipality will then either:
 - a) request a list of SDAB Members from the Coordinator, so the municipality may Clerk the hearing themselves; or
 - b) request that Appeal Coordinator provide ORRSC Clerk services.

Withdrawing an Appeal

1. An appellant may withdraw an appeal at any time before the Panel issues its decision. A withdrawal of an appeal must be explicit and unconditional.
2. If the appellant withdraws the appeal before the hearing begins or after the close of the hearing, but before the Panel issues its decision, the withdrawal must be in writing. An appellant may withdraw an appeal verbally at the hearing.
3. If an appeal is withdrawn before the hearing begins, any refunds of the municipal appeal fee shall be at the discretion of the municipality in which the appeal originates.

Scheduling a Hearing

1. The municipality, in which the appeal originates, is responsible to contact the Coordinator within 2 working days when an appeal is received in their municipality.

2. Once an appeal has been received, the assigned Clerk will schedule the hearing to begin within 30 days of the receipt date. The Clerk shall consult with the municipality regarding dates, times and location for the hearing. Once the details are determined, the Clerk will convene a Panel in accordance with Part C: Clerks.
3. The Clerk is responsible for requesting and receiving pertinent information from the municipality in which the appeal originates which includes, but is not limited to:
 - a) the decision under appeal and notice of decision;
 - b) a listed of persons and agencies/departments notified of the application and decision;
 - c) the original application, diagrams, drawings and all other information which was submitted in support of the application which was used to render the decision;
 - d) any correspondence from government departments, utility companies, required referrals, affected or adjacent landowners;
 - e) relevant information from agenda packages and minutes of the meeting (approved or unapproved); and
 - f) any relevant plans, studies, or drawings that are considered by the municipality to be relevant to the matter.
4. The Clerk shall prepare and issue a notice of appeal with the location, date and time of the hearing.

Preliminary Matters:

1. Parties are encouraged to send written notice to the other parties to an appeal and to the Clerk of any preliminary matters such as:
 - a) requests for procedural directions,
 - b) notice of jurisdictional matters,
 - c) request for adjournments (with alternative dates).

This should be done as soon as possible, so that the Panel can be made aware of preliminary matters that require attention prior to the hearing.

Adjournments

2. The Panel may adjourn (suspend) hearings to continue on a later date. This may be on the Panel's own initiative or in response to a request by a party.
3. Adjournments are discretionary. When considering whether to grant an adjournment request, the Panel may consider a number of factors, including the reason for the request and the impact an adjournment might have on any of the parties involved in the appeal.
4. If a party is requesting an adjournment, that request must be made at the earliest opportunity and reasons must be provided. If the request is made before the hearing begins, it should be in writing.
5. If a party is opposing an adjournment request, reasons must be provided.

Jurisdictional Issues

6. The Panel may consider whether it has the authority to hear an appeal ("jurisdictional issues"). Examples of jurisdictional issues include:
 - a) whether the appeal was started in time, and

- b) whether the person who filed the appeal was entitled to do so.
- 7. The Panel may dedicate a time at the beginning of the hearing to determine jurisdictional issues.
- 8. The Panel may decide jurisdictional issues at any time during the appeal.

Evidence

- 1. There are rules of evidence which typically apply to court processes. The Panel is not bound by these rules of evidence. During the course of the proceedings, the Panel will determine what it considers as relevant evidence.
- 2. The Panel does not seek evidence nor advocate for any party to an appeal. The Panel relies on the evidence submitted by the parties. Each party is responsible for assembling and presenting evidence to support that party's case.
- 3. Despite the preceding clause, the Panel may request that parties submit relevant documents and materials respecting the appeal.

The Appeal Exhibit Package

- 1. All materials submitted to the Panel will be included in a document called the Exhibit Package.
- 2. Relevant hearing materials shall be included in the Exhibit package and will include:
 - a) the appeal letter,
 - b) the decision subject to the appeal,
 - c) the application,
 - d) the notice of appeal including a location diagram, and
 - e) other submissions as received.
- 3. The Exhibit Package will be forwarded by the Clerk to the applicant, appellant, members of the Panel, municipal officials, and a counter copy for the municipality prior to the hearing.
- 4. Additional submissions received after the distribution of the Exhibit Package will be made available to the parties noted in above section during the hearing.
- 5. Any submissions at the hearing should be made in a quantity as specified in the notice of appeal or copies will be provided to the Panel members only.

Requirements for Materials being Submitted

- 1. Materials filed with the Panel, whether in hard copy or electronic format, should be sequentially page numbered. Hard copy materials should be tabbed where appropriate. In the case of materials submitted electronically, sections of materials may be separated by a page containing a tab letter or number in large font where appropriate instead of tabs.
- 2. Documents that contain multiple parts, such as legal briefs and expert reports with appendices or schedules, should also be bound if they are being submitted in hard copy format in a quantity as specified in the notice of appeal.

3. All materials filed for the hearing should be clearly printed and legible. Parties are encouraged to highlight relevant passages or sections.
4. Applicants for development permits or subdivision approvals should provide legible copies of the plans on which the Development Authority or Subdivision Authority based its decision. The Panel may request that larger copies of plans be submitted for the purposes of legibility.
5. Some plans, maps or drawings are “to scale”, meaning that the size of an item on the page represents its actual size. If any plans, maps or drawings are to scale, hard copy printouts to this scale should be provided.
6. Parties are encouraged to submit their materials electronically. Electronic submissions must be in a printable format and in a format that is compatible with the Clerk’s computer systems.
7. The Exhibit Package is printed in black and white. Any materials which are in colour, such as coloured maps, plans, drawings, or photographs, should also be submitted as hard copies at the hearing.
8. At the discretion of the Clerk, large volume document submissions can be requested to be provided in printed form.

Submissions at the Hearing

1. Multiple copies of all materials provided at the hearing (including written presentations) are required. They are distributed to the Panel and other participants.
2. A minimum of 12 copies of materials provided at the hearing will be required.
3. The Panel may require additional copies of materials (beyond the 12 discussed above) to be provided, at the party’s expense.
4. All presentation materials, including written presentations, photographs, PowerPoint and other slide presentations, and any materials placed on the overhead projector or otherwise presented during the hearing, must be left with the Panel.
5. If a PowerPoint or other type of digital media presentation is made to the Panel, hard copies of the presentation must be provided at the hearing.

Participating in a Hearing

1. The usual order of presentation in a hearing when a development permit or subdivision decision is being appealed is:
 - a) Introduction by the Panel Chair,
 - b) Preliminary matters (if any),
 - c) Presentation by the Development Authority or Subdivision Authority,
 - d) Presentation by the appellant/applicant,
 - e) Presentation by the appellant,
 - f) Presentation by Government agencies,
 - g) Presentations from public gallery,
 - h) Rebuttal by the Development Authority or Subdivision Authority, and
 - i) Rebuttal by the appellant and other parties.

“Rebuttal” is the opportunity to respond to new issues which came up during the hearing and which could not have been reasonably anticipated. It is not an opportunity to raise new issues or repeat evidence and arguments that have already been made.

2. The usual order of presentation in a hearing when an enforcement order is being appealed is:
 - a) Introduction by the Panel Chair,
 - b) Preliminary matters (if any),
 - c) Presentation by the Development Authority,
 - d) Presentations in favour of the enforcement order (against the appeal),
 - e) Presentations in favour of the appeal (against the enforcement order),
 - f) Rebuttal by the Development Authority, and
 - g) Rebuttal by the appellant and other parties.
3. The Chair may decide to outline a different order of presentation if they believe there is a logical reason for doing so.
4. Panel members may ask questions of the parties at any time during the hearing.
5. Only those parties who made written or verbal submissions to the Panel before or during the hearing will be allowed to present a rebuttal.
6. There are limits on who is entitled to participate in a Panel hearing. Persons who want to participate in an appeal on the basis that they are affected by its outcome must be prepared to explain why they are affected, including providing their addresses and land locations.
7. Appeals to the Panel are hearings *de novo*. This means that the Panel can consider new evidence and arguments the Development Authority or Subdivision Authority did not consider in reaching its decision.
8. Parties are encouraged to be prepared to speak to all aspects of the proposed development or subdivision or other matter before the Panel, not just those aspects identified in the notice of appeal.
9. The Panel’s hearings are public and conducted in person in the municipality in which the appeal originates.
10. The Panel’s hearings are conducted in English. The Panel does not provide interpreters. Parties may provide their own interpreters at their own expense.
11. If a person fails to attend a scheduled hearing, the Panel may decide the appeal in that person’s absence.
12. Any concerns about the Panel’s hearing processes should be drawn to the Panel’s attention as soon as possible.
13. Only one person should speak at a time during the Panel’s hearing. The Chair will provide directions about the order of the speakers or presenters.
13. The Panel may give other directions to parties presenting during the hearing to facilitate the hearing process. These directions may include advising parties that their submissions or arguments are outside of the scope of the things the Panel can consider in the appeal.

The Public Nature of the Hearing

1. The Panel's hearings are open to the public, but are not a forum for public debate.
2. The Panel's hearings are summarized in a record of proceedings and are not recorded or transcribed.
3. No one is permitted to record, videotape, photograph or otherwise record the Panel's hearings or the Panel's hearing room without the prior permission of the Chair.
4. At the end of the parties' submissions, and at any time during the hearing, the Panel may meet privately to discuss the appeal. The Panel's discussions or deliberations regarding the outcome of the appeal are done during a private meeting.
5. The Panel may call the appeal parties back at any time before it issues its written decision, within the prescribed 15 days, to seek clarification from the parties. This will be done with notice to all of the parties in the hearing.
6. All documents, submissions, and other materials submitted to the Panel by the parties, as well as the Panel's decision, will be available to the public.

Conduct During the Hearing

1. All persons participating in the Panel's processes are required to conduct themselves with courtesy and respect. Disruptive, disrespectful or threatening behaviour will not be tolerated.
2. The Chair may direct that a person be removed from the hearing if they display disruptive, disrespectful or threatening behaviour.
3. If the person(s) refuse to leave, the Chair may call a recess and call for the proper authorities to remove the person(s) from the hearing venue.

PART E: AFTER THE HEARING

Decisions of the Panel

1. The Panel may consider its previous decisions, but it is not bound by them. Each appeal is decided based on its own merits and on the evidence, arguments, and circumstances of the case.
2. The Panel's role is to review decisions of the Development Authority or Subdivision Authority by way of a hearing *de novo*. It may uphold these decisions, reverse these decisions, or change these decisions in part.
3. The Panel's decision will be issued as soon as possible after the hearing is over, but within the required 15 days as per the *Municipal Government Act*.
4. The Panel's decision is final when it is in writing, signed, and issued. Once this has happened, the Panel has no more authority over the subject matter of the appeal.
5. The Panel does not have the jurisdiction or authority to award pecuniary or monetary awards or costs to any person, entity or organization involved in an appeal.

Retention of Evidence

1. The Coordinator/Clerk retains all documents and electronic submissions for a particular hearing and a complete copy is provided to the municipality.
2. The Panel retains physical evidence such as samples and models for at least 60 days after the decision is issued, or longer if the Panel's decision is appealed. These materials will not be returned unless a request is made at the time they are submitted.

Distribution of Panel Decisions

1. The Clerk shall send copies of Panel's decisions by mail to the appellant, the applicant, the Development Authority or Subdivision Authority, parties originally notified of the hearing and participants in the hearing who have requested a copy of the decision.

Appeal of Panel Decisions

1. The Panel's decisions may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction in accordance with the *Municipal Government Act*.
2. Upon request, the Coordinator will according to FOIPP provide an electronic copy of the exhibit package and decision to the interested party.

3. digital copies provided only.

AGREEMENT FOR CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Between

Oldman River Regional Services Commission
("Coordinator")

– and –

("Municipality")

Dated this _____ day of _____, 2019

BACKGROUND

WHEREAS, the *Municipal Government Act, RSA 2000, C M-26 (MGA)*, as amended, requires the establishment of a Subdivision and Development Appeal Board and authorizes two or more Councils to jointly establish an Intermunicipal Subdivision and Development Appeal Board to exercise that function within their municipalities;

- A. The Member Municipality wishes to partner to create one Intermunicipal Subdivision and Development Appeal Board;
- B. The Oldman River Regional Services Commission is the Coordinator for the Intermunicipal Subdivision and Development Appeal Board;
- C. The Municipality is willing to join the Chinook Intermunicipal Subdivision and Development Appeal Board.

The Parties agree as follows:

1. BYLAW, PROCEDURES AND FEES

- 1.1 The Municipality shall pass a Bylaw establishing the Intermunicipal Subdivision and Development Appeal Board and authorize the Municipality to enter into this Agreement.
- 1.2 The Municipality agrees that the "Chinook Intermunicipal Subdivision and Development Appeal Board Procedural Guidelines" document shall govern the rules and procedures of the Intermunicipal Subdivision and Development Appeal Board, which may be amended, from time to time.
- 1.3 The Municipality agrees to pay the costs associated with the Board which shall be determined by the ORRSC Executive and published in an Annual Schedule of Fees.

2. DEFINITIONS

In this Agreement, unless the context provides otherwise, the following words or phrases shall have the following meanings:

“Appellant” means the person who may file an appeal to the Board from decisions of a Subdivision Authority or Development Authority in accordance with the *Municipal Government Act*.

“Board” means the Chinook Intermunicipal Subdivision and Development Appeal Board established by bylaw.

“Board Member” means an appointed member of the Chinook Intermunicipal Subdivision and Development Appeal Board appointed by Council and who has obtained provincial training and certification.

“Chinook Intermunicipal Subdivision and Development Appeal Board (SDAB)” means the Board appointed to hear appeals on subdivision and development established in accordance with *Municipal Government Act* s. 627 (1)(b).

“Clerk” means the person or persons who has completed training and is certified by the province and authorized to act as the administrative clerk for the Intermunicipal Subdivision and Development Appeal Board by the member municipality within which the appeal is held.

“Coordinator” means the Oldman River Regional Services Commission (ORRSC).

“Municipality” means is a municipality who has signed this Agreement.

3. MUNICIPALITY RESPONSIBILITIES

- 3.1 The Municipality shall be entitled to participate in the Intermunicipal Subdivision and Development Appeal Board once it enters into the Agreement and passes a Bylaw in the form attached as Schedule “A”.
- 3.2 The Municipality will pay a yearly fee to ORRSC for administering the Intermunicipal Subdivision and Development Appeal Board which shall be determined by the ORRSC Executive and published in an Annual Schedule of Fees.
- 3.3 The Municipality may select and appoint individual(s) to be a Board member(s) to be available to sit on a Panel for the Intermunicipal Subdivision and Development Appeal Board. If a vacancy on the Board occurs at any time, the Municipality who appointed the individual may appoint a new individual to fill the vacancy for the remainder of that term.
- 3.4 Any costs incurred to advertise and select a Board member(s) are the responsibility of the Municipality.
- 3.5 If the Municipality is required to hold an Appeal Hearing, the Municipality is responsible to pay all costs related to the hearing, including both Board member costs and hearing costs. The fees for the Board member costs shall be determined by the ORRSC Executive and published in an Annual Schedule of Fees. Board member costs include but are not limited to:
 - a) Board member per diems,
 - b) mileage,

- c) meal allowance, etc.
- 3.6 The Municipality is responsible to provide a Clerk for the appeal hearing, which may be municipal staff or an ORRSC SDAB Clerk. In addition to Clerk costs, the Municipality shall be responsible for hearing costs including but are not limited to:
 - a) materials,
 - b) postage,
 - c) facility and /or equipment rental,
 - d) meal allowance,
 - e) mileage, etc.
- 3.7 If legal services are required for issues that relate to a specific appeal, the Municipality is responsible for engaging legal counsel of behalf of the SDAB Panel and are responsible for paying all costs associated with the legal services required.
- 3.8 The Municipality will make every reasonable effort to ensure information will be or is intended to be used to make a decision on an appeal is both complete and accurate, as per the Procedural Guidelines approved for the Appeal Board.

4. COORDINATOR RESPONSIBILITIES

- 4.1 The Coordinator will coordinate services for the Municipality and may assign any responsibilities to an ORRSC Clerk as deemed necessary.
- 4.2 The Coordinator shall keep a master list of all qualified Board members, their contact information and training.
- 4.3 The Coordinator is responsible for ensuring the Intermunicipal Subdivision and Development Appeal Board members receive training in accordance with the *Municipal Government Act* and associated regulations.
- 4.4 The Coordinator is responsible to assign a Panel of Board members (in consultation with the affected Municipality) to the SDAB, as described in the *Municipal Government Act* and in the Municipality's Intermunicipal Subdivision and Development Authority Bylaw.
- 4.5 The Coordinator will be responsible to manage the payment of Board member costs related to the Intermunicipal Subdivision and Development Appeal Board and will invoice the Municipality in accordance with the Annual Schedule of Fees.

5. TERM

- 5.1 The term of this Agreement shall be deemed as indefinite, provided, however, this Agreement may be terminated as follows:
 - a) by mutual consent, in which case, this Agreement will be terminated effective the date of the mutual consent and ORRSC will be entitled to payment of fees, on a pro rata basis, to the effective date of termination;
 - b) without cause or mutual consent, by delivery of a ONE (1) year notice of termination by either party, in which case ORRSC will be entitled to payment of fees and expenses.

6. DISPUTE RESOLUTION

- 6.1 All claims, disputes, and other matters arising out of this Agreement or relating to a breach thereof may, upon agreement of both parties, be referred to either:
- a) Mediation – voluntary, no risk, non-binding process bringing the parties to a resolution. The mediator will be appointed upon the agreement of both parties; or
 - b) Arbitration – upon the agreement of both parties, be referred to a single arbitrator under the *Arbitration Act*, and if so referred, the decision of the arbitrator shall be final, conclusive and binding upon the parties. If the parties are not able to agree on an arbitrator, the Alberta Court of Queen’s Bench shall select one. All costs associated with the appointment of the arbitrator shall be shared equally unless the arbitrator determines otherwise in accordance with the *Arbitration Act* of Alberta.

7. INDEMNIFICATION

- 7.1 The Municipality agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Oldman River Regional Services Commission, its Board, Executive, Director and Employees against all damages, liabilities or costs arising out of the coordination of an appeal, an appeal or disputes related an appeal.
- 7.2 The Municipality is solely responsible for the Appeal and compliance with the outcome of the Appeal.
- 7.3 In the furnishing of any services by the Coordinator, the Coordinator shall not assume any responsibility, obligations or duties in respect to the services.

8. NOTICES

- 8.1 Any notices or other correspondence required to be given to any party to this agreement shall be deemed to be adequately given if delivered to the Municipality.

9. FORCE MAJEURE

- 9.1 Each party reserves the right, at its option, either to suspend or cancel this Agreement, in whole or in part, at any time, without incurring any costs or damages whatsoever, where such suspension or cancellation is caused by force majeure, including, but not limited to, acts of God, the public enemy of the government, strikes or other labour disputes, fires, floods, freight embargoes, unusually severe weather or other contingencies beyond the control of either party.

10. SINGULAR AND MASCULINE

- 10.1 Words importing the singular number shall include the plural number and vice versa and words importing one gender only in this Agreement shall include all genders and words importing parties or persons in this Agreement shall include individuals, partnerships, corporations, and other entities, legal or otherwise.

11. GOVERNING LAW

11.1 This Agreement shall be deemed to have been made in accordance with the laws of the Province of Alberta. The Courts of Alberta shall have sole and exclusive jurisdiction over any dispute or lawsuit between the parties.

12. INTERPRETATION

12.1 The headings in the Agreement are for ease of reference only and shall not affect the meaning or the interpretation of this Agreement.

13. SUCCESSORS

13.1 This Agreement shall inure to the benefit of and be binding upon the Parties and, except as herein before provided, the successors and assigns thereof.

14. ENTIRE AGREEMENT

14.1 This Agreement is the whole agreement between the parties and may not be modified, changed, amended or waived except by signed written agreement of the parties.

15. COUNTERPART

15.1 This Agreement may be executed in any number of counterparts by the parties. All counterparts so executed shall have the same effect as if all parties actually had joined in executing one and the same document.

16. EFFECTIVE DATE

16.1 This Agreement becomes effective April 1, 2019.

The parties to this Agreement have affixed their corporate seals signed by the hands of their proper officers.

OLDMAN RIVER REGIONAL SERVICES COMMISSION

PER: _____
Director

PER: _____
Chair

"MUNICIPALITY"

PER: _____
Chief Administrative Officer

PER: _____
Mayor/Reeve

Schedule "A"
Subdivision and Development Appeal Board Bylaw

(Municipality)
IN THE PROVINCE OF ALBERTA

**CHINOOK INTERMUNICIPAL SUBDIVISION AND
DEVELOPMENT APPEAL BOARD
BYLAW NO. _____**

A BYLAW OF THE (MUNICIPALITY) IN THE PROVINCE OF ALBERTA TO ESTABLISH AN INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD;

AND WHEREAS the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* as amended from time to time requires the municipality to adopt a bylaw to establish a Municipal Subdivision and Development Appeal Board or an Intermunicipal Subdivision and Development Appeal Board;

AND WHEREAS the Council of the (Municipality) wishes to join other area municipalities to establish the Chinook Intermunicipal Subdivision and Development Appeal Board;

AND WHEREAS the Chinook Intermunicipal Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of a Subdivision Authority or a Development Authority in accordance with the South Saskatchewan Regional Plan (SSRP), the *Municipal Government Act (MGA)*, the Subdivision and Development Regulation, the local Land Use Bylaw and statutory plans;

NOW THEREFORE, the Council of the (Municipality) in the Province of Alberta duly assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as the Chinook Intermunicipal Subdivision and Development Appeal Board Bylaw.

2. AUTHORIZATION

Pursuant to section 627(1)(b) of the *MGA*, this bylaw hereby authorizes the municipality to enter an agreement with the other participating municipalities to establish the Chinook Intermunicipal Subdivision and Development Appeal Board.

3. DEFINITIONS

Appellant means the person who may file an appeal to the Board from decisions of a Subdivision Authority or a Development Authority in accordance with the *MGA*.

Board means the Chinook Intermunicipal Subdivision and Development Appeal Board established pursuant to this bylaw.

Board Member means an appointed member of the Chinook Intermunicipal Subdivision and Development Appeal Board appointed in accordance with this bylaw and who has obtained provincial training and certification.

Board Panel means the group of appointed Board Members actively sitting to hear and decide on an appeal at an appeal hearing.

Chair means the person elected from the Board panel members sitting to hear an appeal to act as the person who presides over the hearing and the procedures.

Chief Administrative Officer (CAO) means the individual appointed to the position for the municipality in accordance with the *MGA*.

Clerk means the person or persons who has completed training and is certified by the province and authorized to act as the administrative clerk for the Intermunicipal Subdivision and Development Appeal Board by the member municipality within which the appeal is held.

Conflict of Interest means both Common Law Bias and Pecuniary Interest.

Council means the Council of the (Municipality).

Development Authority has the same meaning as in the *MGA*.

Hearing means a public meeting convened before the Board acting as a quasi-judicial body to hear evidence and determine the facts relating to an appeal of decisions of a Subdivision Authority or a Development Authority, prior to the Board making a decision on the matter subject to the appeal.

Municipality means the municipal corporation of the (Municipality) together with its jurisdictional boundaries, as the context requires.

Panel Member means an individual Board member participating in the group panel to hear an appeal.

Participating municipality means a municipality in the Province of Alberta who has entered into an agreement with other municipalities, as referred to in Section 2 of this bylaw, to establish the Chinook Intermunicipal Subdivision and Development Appeal Board.

Procedural guidelines means the policies, processes and administrative matters applicable to the filing of an appeal and conducting a hearing, and the roles, duties and conduct of Board members and Clerks.

Subdivision Authority has the same meaning as in the *MGA*.

Subdivision and Development Appeal Board has the same meaning as in the *MGA*.

Quorum means the minimum number of Board panel members required to hear an appeal.

Municipal Government Act (MGA) means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, as amended from time to time.

Chinook Intermunicipal Subdivision and Development Appeal Board means the Board established by agreement to act as the Subdivision and Development Appeal Board.

(Municipality)

All other terms used in this Bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

4. APPOINTMENT OF THE BOARD

- (1) The Board is comprised of the member representative(s) as appointed by the participating municipalities.
- (2) A municipality may participate in the Chinook Intermunicipal Subdivision and Development Appeal Board without appointing individual representative(s) by utilizing the appointed Board Members of the other participating member municipalities to act on the municipality's behalf as its appeal body.
- (3) For each member municipality appointing individual Board Member representative(s) to the Chinook Intermunicipal Subdivision and Development Appeal Board, the appointment shall be made by resolution of Council. Appointed Board Members from a municipality shall consist of no more than three (3) members, with no more than one (1) being an elected official and the other two (2) being non-elected officials who are persons at large. If two (2) or less persons are appointed as members, they must be non-elected persons at large.
- (4) For those member municipalities appointing individual representative(s) to the Board, the remaining composition of the Board Panel Members shall be the appointed members from the other municipalities of the Chinook Intermunicipal Subdivision and Development Appeal Board.
- (5) Appointments to the Chinook Intermunicipal Subdivision and Development Appeal Board shall be made for a term of not more than three years. Reappointments must coincide with the successful completion of the mandatory provincial refresher training course to be taken every three (3) years.
- (6) Board Members may be appointed for a two (2) or three (3) year term, at the discretion of the municipality, for the purpose of establishing a staggered expiration of terms amongst the Board Members.
- (7) A Board Member may resign from the Chinook Intermunicipal Subdivision and Development Appeal Board at any time by providing written notice to the municipality to that effect.
- (8) Where Council has appointed a Board Member representative(s) for the municipality, Council may remove its individual appointed Board Member representative(s) at any time if:
 - a) in the opinion of Council, a Board Member is not performing his/her duties in accordance with the MGA, this Bylaw or the rules of natural justice,
 - b) a Board Member is absent for more than three (3) consecutive hearings to which he/she has been assigned to sit on the Board Panel without reasonable cause, or
 - c) a Board Member has participated in a matter in which that Board Member has a Conflict of Interest, contrary to the provisions of this Bylaw.

(Municipality)

Chinook Intermunicipal Subdivision and Development Appeal Board Bylaw No. 2019-00

5. COMPOSITION

- (1) The Board Members of the Chinook Intermunicipal Subdivision and Development Appeal Board shall meet in Panels, and two (2) or more Panels may meet simultaneously. The Panels have all the powers, duties and responsibilities of the Subdivision and Development Appeal Board.
- (2) For the purpose of this Bylaw, the Board Panel formed from the appointed members of the Chinook Intermunicipal Subdivision and Development Appeal Board to hear an appeal, shall normally be composed of not less than (insert number) persons, with no more than one (1) being an elected official.
- (3) (insert number) Board Members constitute a quorum of the Board Panel.
- (4) If a vacancy of an appointed Board member representative from a municipality shall occur at any time, the municipality may appoint another person to fill the vacancy by resolution of Council.
- (5) In the absence of the municipal appointed member representative(s) of the municipality in which the appeal originates being available to sit on a Panel, then the appointed Panel Member representative(s) from the other municipalities of the Chinook Intermunicipal Subdivision and Development Appeal Board shall form the composition of the Board Panel to hear and decide on a matter of appeal on behalf of the municipality.
- (6) Board Panel Members of the Chinook Intermunicipal Subdivision and Development Appeal Board shall not be members of a Municipal Subdivision Authority or Development Authority or municipal employees of the municipality in which the appeal is located.
- (7) A person appointed as a Board Member in accordance with this Bylaw must successfully complete and maintain the mandatory provincial training and certification prior to sitting on a Panel to hear an appeal.

6. COSTS AND REMUNERATION

- (1) Board Members may be entitled to reasonable remuneration for time and expenses relating to participating on a Board Panel.
- (2) Costs related to appeal hearings and the remuneration to Board Members shall be provided as specified in the intermunicipal agreement of the participating members of the Chinook Intermunicipal Subdivision and Development Appeal Board.

7. DUTIES OF THE INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- (1) The Chinook Intermunicipal Subdivision and Development Appeal Board shall hold hearings as required pursuant to the *Municipal Government Act* on a date to be determined by the Board.
- (2) The Board, and those Members who sit as a Board Panel hearing an appeal, shall govern its actions and hearings in respect of the processes and procedures as outlined in the Procedural Guidelines.

(Municipality)

Chinook Intermunicipal Subdivision and Development Appeal Board Bylaw No. 2019-00

- (3) A Board Member may only participate in an appeal hearing if they have successfully completed the mandatory provincial training prior to the appeal hearing date.
- (4) The Board Panel may, at its discretion, agree to adjournments in respect of the processes and procedures as outlined in the Procedural Guidelines.
- (5) A Board Panel hearing an appeal shall appoint a Chair to preside over the proceedings prior to the commencement of the hearing.
- (6) An order, decision or approval made, given or issued by the Board Panel and under the signature of the Chair, or a Board Member acting as a designate, is the decision of the Board.
- (7) The Board Members shall conduct themselves in a professional, impartial and ethical manner and apply the principles of administrative justice and judicial fairness.
- (8) The Board Members shall consider and act in respect of the Chinook Intermunicipal Subdivision and Development Appeal Board Procedural Guidelines.
- (9) The Board does not have the jurisdiction or authority to award pecuniary or monetary awards or costs to any persons, entity or organization involved in an appeal.

8. APPEAL FILING

- (1) An appeal shall be filed in writing by an appellant, in accordance and in the manner prescribed in the *MGA*, to the municipality and include the payment of the applicable municipal appeal fee.
- (2) If there is a question about the validity of an appeal being filed, the Board Panel must convene the appeal hearing in accordance with the *MGA* to establish jurisdiction and then it may decide on the matter of validity. It shall be the responsibility of the Board Panel to make the determination of whether the appeal is valid.
- (3) In the event an appeal is abandoned or withdrawn in writing by the appellant, the Board Panel shall not be obliged to hold the appeal hearing referred to in the *MGA* unless another notice of appeal has been served upon the Board in accordance with the *MGA*.

9. CLERK RESPONSIBILITIES AND DUTIES

- (1) Council shall by resolution appoint a Clerk as a designated officer, or sub-delegate to its CAO the authority to appoint a Clerk or Clerks, for the specific purposes of providing administrative assistance to the Board in fulfilling its legislative duties.
- (2) The appointed Clerk shall attend all meetings and hearings of the Chinook Intermunicipal Subdivision and Development Appeal Board held in that member municipality, but shall not vote on any matter before the Board.
- (3) A person appointed as a Clerk to assist the Chinook Intermunicipal Subdivision and Development Appeal Board in accordance with this bylaw must have successfully completed the mandatory provincial training prior to assisting the Board in its legislative duties.

(Municipality)

Chinook Intermunicipal Subdivision and Development Appeal Board Bylaw No. 2019-00

- (4) The Clerk, acting for the Board, shall accept on behalf of the Board appeals which have been filed with the municipality in relation to a decision of the Subdivision Authority or the Development Authority.
- (5) The Clerk of the Board shall keep records of appeals and proceedings for the municipality in which the appeal has been filed, as outlined in the Procedural Guidelines.

10. ADMINISTRATIVE

- (1) **Singular and Masculine** – Words importing the singular number shall include the plural number and vice versa and words importing one gender only in this Bylaw shall include all genders and words importing parties or persons in this Bylaw shall include individuals, partnerships, corporations, and other entities, legal or otherwise.
- (2) **Severability** – Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

11. ENACTMENT

- (1) This bylaw shall come into effect upon third and final reading thereof.
- (2) This Bylaw rescinds Bylaw No. (), being the former municipal Subdivision and Development Appeal Board Bylaw, and any amendments thereto.

READ a **first** time this _____ day of _____, 2019.

Mayor/Reeve –

Chief Administrative Officer –

READ a **second** time this _____ day of _____, 2019.

Mayor/Reeve –

Chief Administrative Officer –

READ a **third** time and finally PASSED this _____ day of _____, 2019.

Mayor/Reeve –

Chief Administrative Officer –