

BYLAW NO. 943-14

**BEING A BY-LAW OF
MACKENZIE COUNTY
IN THE PROVINCE OF ALBERTA**

ESTABLISHMENT OF AN AGRICULTURAL APPEAL BOARD

WHEREAS, the Weed Control Act, Soil Conservation Act, Agricultural Pests Act and amendments thereto empower a local authority to appoint a committee to hear and determine appeals,

NOW THEREFORE, the Council of Mackenzie County, duly assembled, enacts as follows:

Section 1 Definitions

1.1. The following words and phrases mean:

- (a) **Act** – the Municipal Government Act, and amendments thereto.
- (b) **Appellant** – the person who has served written notice of an appeal to the Secretary of the Board from a notice issued under the Weed Control Act, Soil Conservation Act, Agricultural Pests Act.
- (c) **Board** – the Agricultural Appeal Board established pursuant to this Bylaw.
- (d) **Council** – the duly elected Council of Mackenzie County.
- (e) **Members at Large** – are the members of the Board who are not Councillors for the municipality.
- (f) **Municipality** – Mackenzie County.
- (g) **Secretary** – the person appointed by Council to act as Secretary of the Board.
- (h) All other terms used in this Bylaw shall have the meaning assigned to them by the Act.

Section 2 **Establishment of the Board and Membership**

- 2.1 The Board is hereby established and shall consist of three Councillors. A Councillor appointed to the Board shall not be a member of the Agricultural Service Board.
- 2.2 The Councillor's appointment to the Board shall terminate upon that person ceasing to be a member of Council or otherwise ineligible to serve as a member of the Board, subject to the provisions of this Bylaw and the Act.
- 2.3 Members of the Board may be appointed to coincide with Agricultural Service Board member appointments, or as required, subject to this Bylaw.
- 2.4 Subject to other provisions of this Bylaw, Council may appoint one (1) member of Council as an alternate member of the Board if a member of the Board appointed by Council pursuant to this Bylaw is unable to participate as a member of the Board.

Section 3 **Appeal Fees**

- 3.1 Appellants may be charged an appeal fee to cover the cost associated with an appeal in accordance with the Fee Schedule Bylaw.
- 3.2 The appeal fee shall be refunded to the appellant if the Board rules in favour of the appellant.

Section 4 **Remuneration**

- 4.1 The members of the Board shall be entitled to remuneration, travel and living expenses as set forth in the municipality's bylaw providing for Honourariums and Related Expense Reimbursement for Councillors and Approved Committee Members.

Section 5 **Quorum**

- 5.5 Two members of the Board shall constitute a quorum.

Section 6 **Absent Board Members**

- 6.1 A member of the Board who is for any reason unable to attend the whole or part of an appeal hearing, shall not participate in the deliberations or decision by the Board upon that appeal.
- 6.2 In the event of the absence or inability of the Chairman of the Board to act as Chairman, the Vice-Chairman of the Board shall act as Chairman.

Section 7 Chairman and Vice-Chairman

- 7.1 The Board shall elect a Chairman and Vice-Chairman from among themselves.
- 7.2 The Chairman and Vice-Chairman shall hold office for the duration of their appointment to the Board or until such time as their written resignation from those positions.

Section 8 Duties

- 8.1 The Board shall:
- a. decide upon all appeals referred to it by the Secretary of the Board related to the issuance of a notice under the Weed Control Act, Soil Conservation Act, Agricultural Pests Act.
 - b. perform other such duties as described or implied in this bylaw or as may be assigned to it by Council.

Section 9 Signing Authority

- 9.1 An order, decision, approval, notice or other things made, given or issued by the Board shall be signed on its behalf by the Chairman, Vice-Chairman or Secretary.

Section 10 Decisions

- 10.1 The Board shall issue its decision upon an appeal in writing together with reasons for the decision pursuant to the provisions of the Act.
- 10.2 The decision of the majority of the Members of the Board present at a meeting duly convened is deemed to be the decision of the whole Board.

Section 11 Special Meeting

- 11.1 Upon receipt of a notice of appeal duly filed pursuant to the provisions of the Act and of this Bylaw, the Secretary may convene a special meeting of the Board to consider what persons are affected by the appeal and should be notified thereof. The Secretary of the Board shall call such a meeting not less than six days prior to the date of the public hearing. The Board is allowed to hold a special meeting to:
- a. Determine who should be notified of the Board hearing; and

- b. Determine if any Members of the Board are unable to attend the hearing due to absence or pecuniary interest.

Section 12 Public Hearing

- 12.1 The hearing of the appeal pursuant to the Act shall be held in public and all persons who wish to attend shall be entitled to do so.
- 12.2 The Board shall meet for the hearing of appeals as frequently as is necessary or as specified in the relevant Act and in any event within thirty (30) days of receipt of a notice of appeal duly filed pursuant to the Act.

Section 13 Secretary of the Board

- 13.1 The Council shall appoint a Secretary to the board who may be an employee of the municipality.
- 13.2 The Secretary shall attend all meetings and hearings of the Board, but shall not vote on any matters before the Board.

13.3 Functions of the Secretary:

The Secretary shall:

- a. perform such functions as may be necessary to ensure that the Board is in full compliance with its duties under the Act and this Bylaw.
- b. attend all meetings of the Board and shall keep the following records with respect thereto:
 - a. minutes of all meetings and hearings,
 - b. all applications,
 - c. records of all notices of hearings and or persons to whom they were sent,
 - d. copies of all written presentations to the Board,
 - e. notes as to each representation,
 - f. names and addresses of those making presentations at the hearing,
 - g. decision of the Board,
 - h. reasons for the decision of the Board,
 - i. vote of the Members of the Board on the decision,
 - j. records of all notices of decision and of persons to whom they were sent,
 - k. all notices, decisions and orders made on appeal from the decisions of the Board, and
 - l. such other matters as the Board may direct or the Secretary may determine.

- c. notify all Members of the Board of the arrangements for the holding of each hearing and other meetings of the Board,
- d. make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
 - i. all applications, notices, and decisions related to the appeal; and
 - ii. written notice of appeal from individuals who believe that they are affected by the decision, order, or notice.

READ a first time this 11th day of March, 2014.

READ a second time this 11th day of March, 2014.

READ a third time and finally passed this 11th day of March, 2014.

(original signed)

Bill Neufeld
Reeve

(original signed)

Joulia Whittleton
Chief Administrative Officer