

BYLAW 1516/20
AGRICULTURAL APPEAL BOARD BYLAW
STURGEON COUNTY, MORINVILLE, ALBERTA

A BYLAW OF STURGEON COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE AGRICULTURAL APPEAL BOARD

WHEREAS, section 14 of the *Agricultural Pests Act*, RSA 2000 c. A-8, requires the establishment of a committee to hear appeals respecting notices issued under section 12 of the Act;

AND WHEREAS, section 7 of the *Soil Conservation Act*, RSA 2000 c. S-15 requires the establishment of a committee to hear appeals respecting notices issued under section 4 of the Act;

AND WHEREAS, section 19 of the *Weed Control Act*, RSA 2008 c. W-5.1 requires the establishment of a panel to determine appeals of an inspector's notices, a local authority's notices, or debt recovery notices issued under the Act;

AND WHEREAS, the Council of Sturgeon County considers it expedient to establish a single Agricultural Appeal Board to hear appeals under the *Agricultural Pests Act*, the *Soil Conservation Act*, and the *Weed Control Act*;

NOW THEREFORE, the Council of Sturgeon County, in the Province of Alberta, duly assembled, enacts as follows:

1. Title

1.1. This Bylaw may be referred to as the "Agricultural Appeal Board Bylaw".

2. Purpose

2.1. The purpose of this Bylaw is to establish the mandate and functions of the Agricultural Appeal Board.

3. Definitions

3.1. In this Bylaw:

- (a) "Administration" means the County Commissioner and/or his designates.
- (b) "Appellant" means the person who has served written notice of an appeal to the Clerk of the Board.
- (c) "Board" means the Agricultural Appeal Board.
- (d) "Clerk" means the person appointed by the County Commissioner to act as Clerk of the Board.

- (e) "Council" means the Council of Sturgeon County.
- (f) "County" means Sturgeon County.
- (g) "County Commissioner" means the Chief Administrative Officer of the County.
- (h) "Member" means a member of the Board.
- (i) "Presiding Officer" means the Member "in charge" of a hearing who acts as the spokesperson for the Board to open and close a hearing and give instructions to the parties.

4. Establishment and Mandate

- 4.1. The Agricultural Appeal Board is established.
- 4.2. The mandate of the Board is to:
 - (a) Hear and decide appeals of an inspector's notice issued under the *Agricultural Pests Act*;
 - (b) Hear and decide appeals of an officer's order under the *Soil Conservation Act*; and
 - (c) Hear and decide appeals of an inspector's notice, a local authority's notice, or a debt recovery notice under the *Weed Control Act*.

5. Membership

- 5.1. Members appointed by Council to the Agricultural Service Board, with the exception of the Junior Member, are hereby appointed as members of the Agricultural Appeal Board.
- 5.2. All appointed Members may participate in hearings respecting appeals filed under the *Agricultural Pests Act* and the *Soil Conservation Act*. Members who are Councillors shall not participate in hearings regarding appeals filed under the *Weed Control Act*.
- 5.3. A person who is an employee of the County may not be a Member of the Board.
- 5.4. Members shall be residents of Sturgeon County.

6. Meeting Procedure

- 6.1. Quorum shall be a majority of members of the Board.
- 6.2. Prior to each hearing, the Members shall elect a Presiding Officer to chair the hearing.
- 6.3. A Member who is for any reason unable to attend the whole or part of an appeal hearing shall not participate in the deliberations or decision of the Board on that appeal.

- 6.4. The Board may deliberate and make its decisions in meetings closed to the public.
- 6.5. Hearings shall be audio recorded and recordings shall be retained in accordance with the County's Corporate Records Structure.

7. Member Conduct

- 7.1. Councillors who are Members of the Board shall be subject to the Council Code of Conduct Bylaw.
- 7.2. Members of the Board who are not Councillors shall be subject to the Board and Committee Public Member Code of Conduct Bylaw.

8. Decisions

- 8.1. The Board shall issue its decision in writing together with reasons for the decision.
- 8.2. The decision of the majority of the Members is deemed to be the decision of the Board.
- 8.3. An order, approval, notice, or other things made, given, or issued by the Board shall be signed on its behalf by the Presiding Officer or the Clerk.

9. Clerk

- 9.1. The County Commissioner shall designate a member of Administration to serve as Clerk of the Board.
- 9.2. The Clerk shall receive notices of appeal, schedule hearings, send notices related to hearings, keep an accurate record of the proceedings of the Board, and communicate decisions to the affected parties.
- 9.3. The Board's files, including signed decisions and agenda packages of the Board, shall be retained in accordance with the County's Corporate Records Structure and any other governing legislation.
- 9.4. The Clerk shall provide an orientation to the whole Board at the first hearing of each calendar year, which shall include a review of this Bylaw, the Public Member Code of Conduct Bylaw, and the Board and Committee Public Member Remuneration Policy.

10. Appeal Fees

- 10.1. Appellants must pay fees as established in the Fees and Charges Bylaw and payment must accompany a written notice of appeal in order to be accepted by the Clerk.
- 10.2. The appeal fee shall be refunded to the Appellant if the Board decides in the Appellant's favour.

11. Remuneration

11.1. Councillors who are Members of the Board shall be eligible to receive remuneration in accordance with the Elected Official Remuneration Policy.

11.2. Members of the Board who are not Councillors shall be eligible for remuneration in accordance with the Board and Committee Public Member Remuneration Policy.

12. Effective Date

12.1. This Bylaw shall come into force and take effect on January 1, 2021.

Read a first time this 13th day of October, 2020.

Read a second time this 24th day of November, 2020.

Read a third time this 24th day of November, 2020.

"Original Signed"

Alanna Hnatiw
MAYOR

"Original Signed"

Reegan McCullough
COUNTY COMMISSIONER (CAO)

November 30, 2020

DATE SIGNED

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.