



## **CITY OF FORT SASKATCHEWAN AGENDA**

### **Regular Council Meeting Tuesday, October 13, 2015 – 6:00 P.M. Council Chambers – City Hall**

- 6:00 P.M.**
1. **Call to Order** Mayor Katchur
  2. **Approval of Minutes of September 8, 2015 Regular Council Meeting** (attachment)
  3. **Delegations**  
*Those individuals in attendance at the meeting will be provided with an opportunity to address Council regarding an item on the agenda, with the exception of those items for which a Public Hearing is required or has been held. Each individual will be allowed a maximum of five (5) minutes.*
  4. **Unfinished Business**
  5. **New Business**
    - 5.1 Family & Community Support Services Board Appointment Brenda Molter (attachment)
  6. **Bylaws**
    - 6.1 Bylaw C21-15 – Subdivision & Development Appeal Board  
Bylaw – 3 readings Brenda Molter (attachment)
  7. **Notice of Motion**
  8. **Adjournment**



**CITY OF FORT SASKATCHEWAN**  
**MINUTES**  
**REGULAR COUNCIL**  
**Tuesday, September 8, 2015 - 6:00 P.M.**  
**Council Chambers – City Hall**

**Present:**

Members of Council:

Mayor Gale Katchur  
Councillor Birgit Blizzard  
Councillor Sheldon Bossert  
Councillor Frank Garritsen  
Councillor Stew Hennig  
Councillor Arjun Randhawa  
Councillor Ed Sperling

Administration:

Kelly Kloss, City Manager  
Troy Fleming, General Manager, Infrastructure & Community Services  
Brenda Rauckman, General Manager, Corporate & Protective Services  
Brenda Molter, Director, Legislative Services  
Jen McEwen, Acting Director, Communications & Marketing  
Josie Krokis, Director, Protective Services  
Reade Beaudoin, Digital Media Coordinator  
Sheryl Exley, Recording Secretary

**1. Call to Order**

Mayor Katchur called the regular Council Meeting of September 8, 2015 to order at 6:00 p.m.

**2. Approval of Minutes**

**R155-15**      MOVED BY Councillor Bossert that the minutes of the August 25, 2015 regular Council Meeting be adopted as presented.

In Favour:      Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa,  
                         Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

**3. Delegations**

The following individuals were in attendance to speak in favour of Councillor Bossert's Notice of Motion to explore the feasibility of utilizing the old Health Care Centre site for a hospice:

- Avril Frost
- Leo Genier
- Zen Lefebvre

**4. Review of Community Standards Bylaw Order to Comply**

Presented by: Josie Krokis, Director, Protective Services

Resident, Mr. Dick Easton was in attendance to explain the grounds of his appeal.

**R156-15** MOVED BY Councillor Bossert that Council confirm the July 28, 2015 Order to Comply for the property located at 9605 – 101 Street, with a new compliance date of September 24, 2015.

**R157-15** MOVED BY Councillor Sperling that Council Resolution #156-15 be amended by replacing the date of September 24, 2015 with the date of October 6, 2015.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa,  
Birgit Blizzard, Ed Sperling

Against: Sheldon Bossert

CARRIED

Council Resolution #156-15 was approved, as amended.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa,  
Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

**5. Unfinished Business**

**5.1 Bylaw C18-15 - ATCO Gas Distribution System Franchise Agreement - 2nd & 3rd reading**

Presented by: Brenda Rauckman, General Manager, Corporate & Protective Services

**R158-15** MOVED BY Councillor Blizzard that Council give second reading to Bylaw C18-15 authorizing the City of Fort Saskatchewan to enter into a natural gas distribution system franchise agreement with ATCO Gas and Pipelines Ltd.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa,  
Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

**R159-15** MOVED BY Councillor Blizzard that Council give third reading to Bylaw C18-15 authorizing the City of Fort Saskatchewan to enter into a natural gas distribution system franchise agreement with ATCO Gas and Pipelines Ltd.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa,  
Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

## **6. New Business**

### **6.1 Draft Growth Study**

Presented by: Troy Fleming, General Manager, Infrastructure & Community Services

**R160-15** MOVED BY Councillor Hennig that Council move in-camera at 7:05 p.m.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

**R161-15** MOVED BY Councillor Sperling that Council return to open session at 7:26 p.m.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

**R162-15** MOVED BY Councillor Hennig that Council accept the Draft Growth Study provided in-camera as information, and direct Administration to circulate the document as per the schedule provided in-camera, which includes a public release on September 10, 2015.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

**R163-15** MOVED BY Councillor Hennig that Council direct Administration to proceed with public engagement once the Draft Growth Study has been provided to Strathcona County.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

## **7. Bylaws**

None.

## **8. Notice of Motion**

### **8.1 Hospice**

**R164-15** MOVED BY Councillor Bossert that Administration explore the feasibility of utilizing the land or a portion of land at the old Health Care Centre site for a hospice, and further that the land not be put on the market until a feasibility review is complete.

In Favour: Sheldon Bossert

Against: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa,  
Birgit Blizzard, Ed Sperling

DEFEATED

## **8.2 Municipal Election Campaign Donations**

**R165-15**

MOVED BY Councillor Randhawa that Council direct the Mayor to write a letter to the Minister of Municipal Affairs and Premier of Alberta that:

1. Fort Saskatchewan calls for amendments to the Local Authorities Election Act to eliminate corporate and union donations for all local election candidates;
2. Should the Legislature move to limit corporate and union contributions for all local elections, that the Province level the playing field by introducing tax credit eligibility for local elections;
3. Restrictions on contributions and related disclosure requirements be the same for third party advocacy groups/individuals as they are for municipal candidates; and
4. The letter be submitted on behalf of City of Fort Saskatchewan Council by October 1, 2015.

In Favour: Stew Hennig, Arjun Randhawa, Sheldon Bossert, Ed Sperling

Against: Gale Katchur, Frank Garritsen, Birgit Blizzard

CARRIED

## **9. Adjournment**

**R166-15**

MOVED BY Councillor Hennig that the regular Council Meeting of September 8, 2015 adjourn at 8:19 p.m.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa,  
Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

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Mayor

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Director, Legislative Services

## CITY OF FORT SASKATCHEWAN

### Family & Community Support Services Board Appointment

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**Motion:**

That Council approve the appointment of Brandon Harel-Watson to the Family & Community Support Services Board for the balance of a two-year term commencing October 14, 2015 and expiring on December 31, 2016.

**Purpose:**

To appoint a public-at-large member to the Family & Community Support Services Board.

**Background:**

The City of Fort Saskatchewan has recently received two public-at-large resignations from the Family & Community Support Services Board, Sharina Prasad and David McDermott. As a result of these resignations, the Application Review Committee is recommending the appointment of Brandon Harel-Watson to the Family & Community Support Services Board. The vacancies were posted on the City's website and one application was received.

The Application Review Committee, consisting of Councillor Sheldon Bossert, as well as a representative and administrative liaison from the Family & Community Support Service Board conducted an interview on October 7, 2015.

**Alternatives:**

1. That Council approve the appointment of Brandon Harel-Watson to the Family & Community Support Services Board.
2. That Council not approve the appointment of Brandon Harel-Watson to the Family & Community Support Services Board, and advise how they wish to proceed.

**Recommendation:**

That Council approve the appointment of Brandon Harel-Watson to the Family & Community Support Services Board.

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Prepared by:	Sheryl Exley Legislative Officer	Date: October 8, 2015
Approved by:	Brenda Molter Director, Legislative Services	Date: October 8, 2015
Approved by:	Trevor Harder Acting General Manager, Corporate & Protective Services	Date: October 8, 2015
Reviewed by:	Kelly Kloss City Manager	Date: October 8, 2015
Submitted to:	City Council	Date: October 13, 2015

## **CITY OF FORT SASKATCHEWAN**

### **Bylaw C21-15 Subdivision and Development Appeal Board Bylaw**

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#### **Motions:**

1. That Council give first reading to Bylaw C21-15 for the City of Fort Saskatchewan Subdivision and Development Appeal Board.
2. That Council give second reading to Bylaw C21-15 for the City of Fort Saskatchewan Subdivision and Development Appeal Board.
3. That Council provide unanimous consent to proceed with third and final reading of Bylaw C21-15 for the Subdivision and Development Appeal Board for the City of Fort Saskatchewan.
4. That Council give third reading to Bylaw C21-15 for the City of Fort Saskatchewan Subdivision and Development Appeal Board.

#### **Purpose:**

Is to update the Subdivision and Development Appeal Board (SDAB) Bylaw C21-15 in relation to refunding of appeal fees and member remuneration.

#### **Background:**

The SDAB Bylaw was previously adopted in 2011 (C11-11 attached). A review was undertaken to determine current trends and best practices related to a SDAB. Based on that research, proposed revisions have been made to the Bylaw. Primary changes include no longer refunding appeal fees, remuneration for SDAB Members, and updating a number of clauses to reflect current practices.

Sixteen municipalities in Alberta were contacted and it was determined that a majority of them do not refund appeal fees. Legislation does not require municipalities to refund SDAB appeal fees, therefore Bylaw C21-15 has been amended to reflect this as well. A significant amount of Board and administrative time is required to follow legislated requirements throughout the SDAB appeal process, therefore this amendment to the Bylaw has been included.

Based on the nature of the SDAB and the impacts of its decisions, it is important for Members to attend training which helps them to perform their duties. Proposed changes to the *Municipal Government Act* would also require mandatory training for all SDAB Members. Appeals could be received at any time throughout the year, and Hearings (scheduled during workday hours) must be held within 30 days of their receipt. SDAB statistics for 2015 show that the City has received 16 appeals, compared to 7 in 2014. Consistent with a majority of the municipalities surveyed, provision has been included in the Bylaw for SDAB Members to receive remuneration for their time attending Hearings and training.

**Financial Implications:**

If approved, there would be a financial impact of paying Board remuneration. However, if appeal fees were no longer be refunded, this would assist with offsetting remuneration costs.

**Internal Impacts:**

There would be no additional internal impacts resulting from the passing Bylaw C21-15.

**Alternatives:**

1. That Council give three readings to Bylaw C21-15 for the City of Fort Saskatchewan Subdivision and Development Appeal Board.
2. That Council not proceed with three readings of Bylaw C21-15, and advise how they wish to proceed.

**Recommendation:**

That Council give three readings to Bylaw C21-15 for the City of Fort Saskatchewan Subdivision and Development Appeal Board.

**Enclosures:**

1. Bylaw C21-15
2. Bylaw C11-11

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File No.:

Prepared by:	Brenda Molter, Director, Legislative Services	Date: October 6, 2015
Approved by:	Trevor Harder, Acting General Manager, Corporate & Protective Services	Date: October 7, 2015
Reviewed by:	Kelly Kloss, City Manager	Date: October 7, 2015
Submitted to:	City Council	Date: October 13, 2015





## CITY OF FORT SASKATCHEWAN

### SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW

#### BYLAW NO. C21-15

#### **A BYLAW OF THE CITY OF FORT SASKATCHEWAN IN THE PROVINCE OF ALBERTA TO AUTHORIZE FOR THE ESTABLISHMENT OF A SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

The Council of the City of Fort Saskatchewan, duly assembled enacts the “*Subdivision and Development Appeal Board Bylaw*” as follows:

#### 1. DEFINITIONS

For the purposes of this Bylaw, the following words shall mean:

- (a) “Act” means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 as amended or repealed and replaced from time to time;
- (b) “Appellant” means the person who may appeal to the Board in accordance with the Act;
- (c) “Applicant” means a person who made the initial development or subdivision application upon which an appeal is based, or a person authorized to act on their behalf;
- (d) “Board” means the Subdivision and Development Appeal Board established by Section 2 of this Bylaw;
- (e) “City” means the City of Fort Saskatchewan;
- (f) “Council” means the Council of the City of Fort Saskatchewan;
- (g) “Development Authority” means the Development Authority for the City established by the City’s *Development Authority Bylaw*, as amended or repealed and replaced from time to time;
- (h) “Member” means a Member of the Subdivision and Development Appeal Board appointed pursuant to this Bylaw;
- (i) “Secretary” means the position of Secretary to the Subdivision and Development Appeal Board, who will be appointed by the City Manager.
- (j) “Subdivision Authority” means the Subdivision Authority for the City of Fort Saskatchewan established by the City’s *Subdivision Authority Bylaw*, as amended or repealed and replaced from time to time.

2. ESTABLISHMENT OF AUTHORITY

A Subdivision and Development Appeal Board is hereby established.

3. MEMBERSHIP

- (a) The Board shall consist of five (5) Members.
- (b) Council shall appoint the following Members of the Board, by resolution:
  - (i) Two (2) Members of Council;
  - (ii) Three (3) public-at-large Members;
  - (iii) Two (2) alternate public-at-large Members;
  - (iv) The appointment of Members of Council to the Board terminates when they cease to be a Member of Council; and
  - (v) All public-at-large Members must be of the full age of 18 years, residents of the City for six (6) consecutive months immediately prior to application submission, and shall remain Members only during such time as they continue to be residents of the City.

4. TERM OF OFFICE

- (a) No person shall be appointed as a Member of the Board:
  - (i) who is a City employee; or
  - (ii) who carries out Subdivision or Development powers, duties and functions on behalf of the City;
- (b) Each public-at-large Member or alternate Member shall be appointed for a term of two (2) years. Each Member of Council shall be appointed for a one (1) year term at the City's annual Organizational Meeting.
- (c) Public-at-large Members shall serve no more than two (2) consecutive terms; however, such person may re-apply after an absence of one (1) year.
- (d) In the event of a vacancy, Council may by resolution, appoint a new Member to serve for the remainder of the vacating Member's term.
- (e) Any Member may be removed from the Board at the sole discretion of Council.

5. QUORUM, CHAIR AND RULES OF PROCEDURE

- (a) A quorum at any Board Hearing shall not be less than three (3) Members. The majority of the Board shall not be Members of Council.
- (b) Prior to each Hearing, the Board shall appoint a Chair who will be responsible for the conduct of the Hearing.

- (c) For those matters not covered in the Act, the Regulations thereto, or this Bylaw, the Board will determine the procedures for the conduct of the Hearings.

## 6. DUTIES OF THE BOARD

- (a) The Board shall hear Appeals from:
  - (i) a decision of the Subdivision Authority, or designate; or
  - (ii) a decision of the Development Authority, or designate.
- (b) At the Hearing on a Subdivision Appeal, the Board may hear from:
  - (i) the Applicant or any person acting on their behalf;
  - (ii) the Subdivision Authority or designate from whose order, decision or development permit the Appeal is made, or a person acting on behalf of the Subdivision Authority;
  - (iii) a person who is given notice of the Hearing and wishes to be heard, or a person acting on their behalf;
  - (iv) by a school board, in accordance with the provisions of the Act; and
  - (v) those people representing government departments if the application is required by the Subdivision and Development regulations to be referred to that department.
- (c) At the Hearing on a Development Appeal, the Board shall hear from:
  - (i) the Appellant or any other person acting on their behalf;
  - (ii) the Development Officer or designate from whose order, decision or development permit the Appeal is made, or a person acting on behalf of the Development Authority;
  - (iii) any other person who was given notice of the Hearing and who wishes to be heard, or a person acting on their behalf; and
  - (iv) any other person who claims to be affected and that the Board agrees to hear.
- (d) An order, decision or approval made, given or issued will be used by the Board as a statement of the Board, under the signature of the Secretary.
- (e) During the Hearing, should the Board desire further technical, legal, or other assistance, it may adjourn pending receipt of such information, opinion or assistance.
- (f) The granting and duration of an adjournment is at the discretion of the Board.

7. APPEALS

- (a) A person shall Appeal to the Board in the manner provided in the Act.
- (b) At the time of submitting the Notice of Appeal, the Appellant shall pay the fee in accordance with the City's *Fees & Charges Bylaw*.
- (c) In the event that an Appeal is abandoned by the Appellant, the Board shall not be obliged to hold the Hearing as required, unless another Notice of Appeal has been served upon the Board, and the appropriate fee has been paid in accordance with the Act and this Bylaw.

8. DUTIES OF THE CHAIR

- (a) The Chair shall be responsible to ensure that all provisions required under the Act are carried out by the Board.
- (b) The Chair shall be empowered to rule if evidence presented to the Board at a Hearing is irrelevant, and shall direct Members of the Board to disregard the evidence.
- (c) A submission may be limited if it is determined by the Chair to be repetitious or irrelevant.
- (d) The Chair shall advise when a Hearing has adjourned and whether a continuation should be necessary. Once the time and date have been fixed, notice of the Hearing continuation will be provided to the affected parties, and to those leaving their contact information with the Secretary.

9. DUTIES OF THE SECRETARY

- (a) On behalf of the Board, the Secretary shall receive any Appeals which have been served upon the Board.
- (b) The Secretary shall prepare an agenda and record the minutes for each Hearing of the Board.
- (c) As required, the Secretary shall carry out duties as may be directed by the Board. An order, decision, approval, notice or other thing made or given by the Board shall be signed by the Secretary on the Board's behalf.

10. CONFLICT OF INTEREST

- (a) Any Member of the Board who has a pecuniary interest in a matter being considered by the Board shall comply with the provisions of the Act.
- (b) Any Member of the Board, who fails to comply with Section 10(a) above, is disqualified from remaining a Member of the Board.

## 11. REMUNERATION AND EXPENSES

- (a) Remuneration for Members attending Hearings or Board-related training shall be consistent with remuneration for Members of Council.
- (b) Expenses and mileage for Members of the Board shall be reimbursed for those Members who have attended Board-related training.

## 12. MEMBER AND GENDER REFERENCES

All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

### 13. SEVERABILITY

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.

14. REPEAL

Upon passing of Bylaw C21-15, Bylaw C11-11 and all amendments thereto are hereby repealed.

15. EFFECTIVE DATE

This Bylaw becomes effective upon third and final reading.

READ a first time this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

READ a second time this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

READ a third and passed this day of 2015.

MAYOR

DIRECTOR, LEGISLATIVE SERVICES

Date Signed: \_\_\_\_\_



**CITY OF FORT SASKATCHEWAN**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW**

**BYLAW NO. C11-11**

**WHEREAS**, Section 627 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended or repealed and replaced from time to time requires Council to establish a Subdivision and Development Appeal Board;

**NOW THEREFORE**, the Council of the City of Fort Saskatchewan, duly assembled enacts as follows:

This Bylaw is cited as the City of Fort Saskatchewan "Subdivision and Development Appeal Board Bylaw".

**1. DEFINITIONS**

For the purposes of this Bylaw, the following words shall mean:

- (a) "Act" means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 as amended or repealed and replaced from time to time ;
- (b) "Appellant" means the person who may appeal to the Board in accordance with the Act;
- (c) "Applicant" means a person who made the initial development or subdivision application upon which an appeal is based, or a person authorized to act on their behalf;
- (d) "Board" means the Subdivision and Development Appeal Board established by Section 2 of this Bylaw;
- (e) "City" means the City of Fort Saskatchewan;
- (f) "Council" means the Council of the City of Fort Saskatchewan;
- (g) "Development Authority" means the Development Authority for the City established by the City's *Development Authority Bylaw*, as amended or repealed and replaced from time to time;
- (h) "Member" means a Member of the Subdivision and Development Appeal Board appointed pursuant to this Bylaw;
- (i) "Subdivision Authority" means the Subdivision Authority for the City of Fort Saskatchewan established by the City's *Subdivision Authority Bylaw* as, as amended or repealed and replaced from time to time .

**2. ESTABLISHMENT OF AUTHORITY**

A Subdivision and Development Appeal Board is hereby established.

**3. MEMBERSHIP**

- (a) Council shall appoint Members of the Board by resolution.
- (b) The Board shall consist of five (5) Members, as follows:
  - (i) Two (2) Members of Council;
  - (ii) Three (3) Members of the public-at-large;
  - (iii) Council shall also appoint, by resolution, two (2) alternate Members of the public-at-large;
  - (iv) The appointment of members of Council to the Board terminates when he ceases to be a member of Council; and

- (v) All Members of the public-at-large must be of the full age of 18 years, Canadian citizens or landed immigrants, residents of the City for six (6) consecutive months immediately prior to application submission and shall remain Members only during such time as they continue to be residents of the City.

4. TERM OF OFFICE

- (a) No person shall be appointed as a Member of the Board:
  - (i) who is a City employee; or
  - (ii) who carries out Subdivision or Development powers, duties and functions on behalf of the City;
- (b) Each public-at-large Member, or alternate Member shall be appointed for a term of two (2) years. Each Council Member shall be appointed for a one (1) year term at the City's annual Organizational Meeting.
- (c) Board Members shall serve no more than two (2) consecutive terms; however, such person may re-apply after an absence of one (1) year.
- (d) If any Member of the Board is absent from three (3) consecutive regular meetings, Council may, upon recommendation of the Board, declare the position vacant and fill the position.
- (e) In the event of a vacancy, Council may, by resolution, appoint a new Member to serve for the remainder of the vacating Member's term.
- (f) Any Member of the Board may be removed from the Board at the sole discretion of Council.

5. QUORUM, CHAIR AND RULES OF PROCEDURE

- (a) A quorum at any Board meeting will not be less than three (3) Members for hearing and deciding appeals. The majority of the Board shall not be Members of Council.
- (b) At the first meeting following the City's annual Organizational meeting, the Board, by resolution, shall appoint a Chairman who will be responsible for the conduct of the meetings.
- (c) In the absence of the Chairman, the Members present will appoint an Acting Chairman to serve in this capacity during such absence.
- (d) For those matters not covered in Part 17 of the *Municipal Government Act*, the Regulations thereto, or this Bylaw, the Board will determine the procedures for the conduct of the hearings.

6. DUTIES OF THE BOARD

- (a) The Board shall hear appeals from:
  - (i) a decision of the Subdivision Authority, or designate; or
  - (ii) a decision of the Development Authority, or designate.
- (b) At the Public Hearing on a Development Appeal; the Board shall hear:
  - (i) the Appellant or any other person acting on their behalf;
  - (ii) the Development Officer or designate, from whose order, decision or development permit the appeal is made, or a person acting on behalf of the Development Authority;
  - (iii) any other person who was given notice of the Hearing and who wishes to be heard, or a person acting on their behalf; and



- (iv) any other person who claims to be affected and that the Board agrees to hear.
- (c) At the Public Hearing on a Subdivision Appeal, the Board is not required to hear from any person other than:
  - (i) the Applicant or any person acting on their behalf;
  - (ii) the Subdivision Authority or designate, from whose order, decision or development permit the appeal is made, or a person acting on behalf of the Subdivision Authority;
  - (iii) a person who is given notice of the Hearing and wishes to be heard, or a person acting on their behalf; and
  - (iv) those persons representing government departments if the application is required by the Subdivision and Development regulations to be referred to that department.
- (d) An order, decision or approval made, given or issued by the Board will be used by the Board as a statement of the Board under the signature of the Secretary.
- (e) The granting and duration of an adjournment is at the discretion of the Board.
- (f) During the hearing, should the Board desire further technical information, legal opinions or other assistance, it may adjourn the hearing pending receipt of such information, opinion or other assistance.

#### 7. APPEALS

- (a) A person shall appeal to the Board in the manner provided in the Act.
- (b) At the time of service of the Notice of Appeal, the Appellant shall pay to the City, a fee calculated in accordance with the City's current *Fees & Charges Bylaw*.
- (c) Appeal fees shall be returned in accordance with the City's current Fees & Charges Bylaw.
- (d) In the event that an appeal is abandoned by the Appellant, the Board shall not be obliged to hold the public hearing referred to in the Act unless another Notice of Appeal has been served upon the Board in accordance with the Act.

#### 8. DUTIES OF THE CHAIRMAN

The Chairman:

- (a) shall be responsible to see that all things required to be carried out by the Board under the Act are carried out in accordance with the provisions of the Act;
- (b) shall be empowered to rule if evidence presented is irrelevant to the matter in issue and to direct the Members to disregard the evidence;
- (c) may limit a submission if it is determined to be repetitious or irrelevant; and
- (d) shall, when a hearing is adjourned and time is not fixed for its continuation, announce that notice of continuation of the meeting will be sent to those persons leaving their name and address with the Recording Secretary. Only those persons leaving their name and address will be entitled to notice of the continuation of the hearing.

#### 9. DUTIES OF THE SECRETARY

- (a) The office of the Secretary to the Board is established and shall be filled by an employee of the City, unless otherwise resolved by resolution.
- (b) The Secretary of the Board shall receive, on behalf of the Board, appeals which have been served upon the Board.



- (c) The Secretary shall carry out such duties as may be designated by the Board from time to time. An order, decision, approval, notice or other thing made or given by the Board shall be signed on its behalf by the Secretary of the Board.

10. DUTIES OF THE RECORDING SECRETARY

- (a) The office of the Recording Secretary to the Board is established and shall be filled by an employee of the City, unless otherwise resolved by resolution.
- (b) The Recording Secretary shall cause to be kept minutes of each meeting of the Board and shall prepare an agenda for each meeting of the Board.

11. CONFLICT OF INTEREST

- (a) Any Member of the Board who has a pecuniary interest in a matter being considered by the Board shall comply with the provisions of Sections 169 through 173 of the Act.
- (b) Any Member of the Board, who fails to comply with Section 11 (a) above, is disqualified from remaining a Member of the Board.

12. REMUNERATION AND EXPENSES

Council may by resolution set the level of remuneration for expenses to be paid to Members.

13. NUMBER AND GENDER REFERENCES

All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

14. SEVERABILITY

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.

15. REPEAL

Bylaw No. C23-95 and all amendments thereto are hereby repealed.

16. EFFECTIVE DATE

This Bylaw becomes effective upon third and final reading.

READ a first time this	26 <sup>th</sup>	day of	April	A.D. 2011.
READ a second time this	10 <sup>th</sup>	day of	May	A.D. 2011.
READ a third and finally passed this	10 <sup>th</sup>	day of	May	A.D. 2011.

CITY OF FORT SASKATCHEWAN			
APPROVED		DATE	INTL
Dir. Leg. Svcs.	Legal & Form.	May 11 2011	VM
Dep't	Content	May 13/11	RD
City Mgr.	Principle	May 16/11	20

  
MAYOR

  
DIRECTOR, LEGISLATIVE SERVICES

Date Signed: May 11, 2011