



**ORGANIZATIONAL MEETING OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA**

Thursday, January 30, 2025, 5:30 p.m.

3rd Floor - Poplar Room

315 Jespersen Ave

Spruce Grove, AB T7X 3E8

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		<b>Pages</b>
<b>1.</b>	<b><u>CALL TO ORDER</u></b>	
<b>2.</b>	<b><u>AGENDA</u></b>	
<b>3.</b>	<b><u>BUSINESS ITEMS</u></b>	
3.1	Committee Code of Conduct - 2025 Subdivision and Development Appeal Board and Community Standards Appeal Committee	Lindsay O'Mara 2
3.2	C-1271-23 - Subdivision and Development Appeal Board Bylaw - 2025 Review	Lindsay O'Mara 24
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## REQUEST FOR DECISION

**MEETING DATE:** January 30, 2025

**TITLE:** Committee Code of Conduct - 2025 Subdivision and Development Appeal Board and Community Standards Appeal Committee

**DIVISION:** Strategic and Communication Services

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### **SUMMARY:**

Council has established C-1106-20 - Committee Code of Conduct Bylaw for Council Committees which establishes ethical standards that ensure consistent and uniform expectations for public members. Public members sitting on Council Committees shall, on an annual basis, review and sign the Committee Code of Conduct.

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### **PROPOSED MOTION:**

A motion is not required.

### **BACKGROUND / ANALYSIS:**

C-1106-20 - Committee Code of Conduct Bylaw established a standardized code of conduct for all Council Committees that are governing, quasi-judicial, or advisory in nature. Council Committees can be known as a 'board', 'commission', 'committee', 'tribunal', or 'task force'.

As members of a quasi-judicial Council Committee, members of the Subdivision and Development Appeal Board and Community Standards Appeal Committee are asked to review the Code of Conduct and become familiar with the subject matter within. The Code is consistent with the principles of transparent and accountable government and ensures that members share a common understanding of acceptable and ethical conduct.

It is the expectation of all committee members to review the Committee Code of Conduct Bylaw and sign Schedule 'A' Committee Code of Conduct Declaration, thereby affirming their understanding, acceptance of, and adherence to the Committee Code of Conduct Bylaw.

**OPTIONS / ALTERNATIVES:**

Once appointed, Committee members must affirm a declaration to uphold the Code of Conduct.

**CONSULTATION / ENGAGEMENT:**

n/a

**IMPLEMENTATION / COMMUNICATION:**

Once signed, the declaration will be retained by Administration for the year. Committee members must sign the declaration annually.

**IMPACTS:**

n/a

**FINANCIAL IMPLICATIONS:**

n/a

**THE CITY OF SPRUCE GROVE**

**BYLAW C-1106-20**

**COMMITTEE CODE OF CONDUCT BYLAW**

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-26 and amendments thereto, a council may, by bylaw, establish a code of conduct governing the code of conduct of members of council committees and other bodies established by the council who are not councillors;

WHEREAS, council wishes to establish a code of conduct for Quasi-judicial Bodies established pursuant to the *Municipal Government Act*, RSA 2000 cM-26 and amendments thereto;

AND WHEREAS, the establishment of a code of conduct for Committee Members is consistent with the principles of transparent and accountable government; and

AND WHEREAS, a code of conduct ensures that Committee Members share a common understanding of acceptable and ethical conduct;

NOW THEREFORE, the Council for the City of Spruce Grove, duly assembled hereby enacts as follows:

**1. BYLAW TITLE**

1.1 This bylaw is called "Committee Code of Conduct Bylaw".

**2. DEFINITIONS**

2.1 "Administrative Liaison" means the member of Administration appointed by the City Manager to provide support and guidance to the Committee.

2.2 "Advisory Body" means a Committee established by Council to provide advice to Council on matters referred by Council.

2.3 "Committee Chair" means the Committee Member who provides leadership and direction to the Committee and presides over the Committee meetings.

2.4 "City" means the municipal corporation of the City of Spruce Grove in the Province of Alberta.

- 2.5 “Committee” means a Council appointed Governing Body, Advisory Body, or Quasi-judicial Body whether known as a board, commission, committee, tribunal or task force.
- 2.6 “Committee Member” means members of the public who are appointed to sit on a Committee for a defined term.
- 2.7 “Confidential Information” means information that a Committee Member has a legal duty not to disclose. It also includes information that is not public, and the disclosure of which could reasonably harm the interests of individuals or organizations, including the City. Confidential Information does not include information that has previously been made publicly available.
- 2.8 “Conflict of Interest” means any situation including, but not limited to a pecuniary (financial), occupational, or familial situation in which a Committee Member’s objectivity, judgement or ability to act in the best interests of the Committee or the community may be affected or appear to be affected. The interests of Immediate Relatives of a Committee Member are also considered to be in the interests of the Committee Member.
- 2.9 “Council” means the Council of the City of Spruce Grove elected pursuant to the *Local Authorities Election Act*, RSA 2000 cL-21.
- 2.10 “Gift” means gifts, gratuities, cash, promotional items, entertainment, prizes, hospitality, use of assets or property, or anything of value (cash or in kind) from anyone who has business or is seeking business with the City, or who conducts activities that are regulated by the City, or who has interests that may be substantially affected by the actions of the City.
- 2.11 “Governing Body” means a Committee established by Council to provide oversight on matters referred by Council and to make decisions on behalf of Council.
- 2.12 “Immediate Relative” means a Committee Member’s spouse or adult interdependent partner, a Committee Member’s sibling, a Committee Member’s children, the parents of a Committee Member, and the parents of a Committee Member’s spouse or adult interdependent partner.
- 2.13 “Quasi-judicial Body” means a tribunal which holds hearings to resolve disputes, regulate activities, adjudicate on matters and determine legal rights and benefit.

2.14 “Record” means a record of information in any form including books, documents, maps, drawings, photographs, letters, vouchers and papers, sound recordings, videotapes, electronic files, electronic mail transmissions, word processing files, databases and spreadsheets, and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records.

### **3. GENERAL**

3.1 The Committee Code of Conduct:

- (a) sets out clear expectations for the behavior and ethical conduct of Committee Members;
- (b) provides guidance to Committee Members regarding the standard conduct they are expected to exercise in their duties as appointed Committee Members; and
- (c) provides a mechanism for responding to alleged breaches of the Committee Code of Conduct.

3.2 This bylaw applies only to members of the public appointed to Committees. Councillors appointed to a Committee shall abide by the Council Code of Conduct Bylaw.

3.3 Committee Members shall not assume that any unethical activities not covered by or specifically prohibited by this bylaw, or by any legislation are therefore condoned. If in doubt about actions they may be contemplating, Committee Members are encouraged to seek advice from the Committee Chair or the Administrative Liaison.

3.4 Committee Members shall affirm a declaration to uphold the Code of Conduct, attached as Schedule “A”.

### **4. ADHERENCE TO LEGISLATION**

4.1 Committee Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.

**5. REPRESENTING THE CITY**

5.1 When representing the City, Committee Members shall:

- (a) recognize that the function of a Committee is, at all times, service to their community and the public;
- (b) act honestly and in good faith, while promoting the public interest and advancing the mandate of the Committee;
- (c) exercise their duties in an impartial manner while making objective decisions, rather than subjective decisions based on bias or prejudice; and
- (d) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency.

**6. RESPECTFUL INTERACTIONS**

6.1 Committee Members shall:

- (a) treat fellow Committee Members, Councillors, Administration and the public with respect and courtesy;
- (b) act in a diligent manner including preparing for, attending and making an earnest effort to actively participate in meetings;
- (c) conduct themselves in a professional and transparent manner, and shall refrain from engaging in conduct that is disruptive to the meeting;
- (d) treat each other fairly, recognizing and valuing the diversity among Committee Members; and
- (e) communicate and work with fellow Committee Members in an open and honest manner, while promoting a spirit of cooperation by listening to and respecting those opinions that may differ.

**7. CONFIDENTIAL INFORMATION**

7.1 Committee Members shall not:

- (a) use Confidential Information acquired during their appointment for their personal use or gain, or the personal use or gain of any other person; nor
  - (b) disclose Confidential Information, verbal or written, unless the Committee Member is authorized to do so by law.
- 7.2 Committee Members shall report any unauthorized disclosure or access of Confidential Information to the Administrative Liaison as soon as the Committee Member becomes aware such an incident has occurred.
- 7.3 Ethical guidelines related to Confidential Information apply in perpetuity.

## **8. CONFLICTS OF INTEREST**

- 8.1 Committee Members shall avoid Conflicts of Interest, or any situations that could give rise to a potential or perceived Conflicts of Interest.
- (a) Where a Committee Member believes they have a Conflict of Interest, they shall declare the Conflict of Interest and the general nature thereof.
  - (b) If a Committee Member is not certain whether there is a real or perceived Conflict of Interest, they shall bring it forward to the Committee.
  - (c) It is the responsibility of every Committee Member who is aware of a real or perceived Conflict of Interest on the part of a fellow Committee Member to raise the issue for clarification, first with the Committee Member in question, and if still unresolved, with the Committee Chair.
  - (d) The Committee will determine by majority vote if a Conflict of Interest exists. The Committee Member potentially in conflict shall be absent from the discussion and shall not vote on the issue of whether a Conflict of Interest exists.
  - (e) Where a Committee Member has declared a Conflict of Interest in a matter or a majority of the Committee has voted that a Conflict of Interest exists for a specific Committee Member in a matter, the affected Committee Member shall leave the meeting room for the duration of any discussion on the matter, abstain from participating in



any discussion on the matter, not attempt to influence the outcome, and shall not vote on the matter.

**9. IMPROPER USE OF INFLUENCE**

9.1 Committee Members shall not:

- (a) use their position to secure special privileges, Gifts, favours or exemptions for themselves or any other person or organization; nor
- (b) use their position to advance their personal interests or the interests of any person or organization with whom or with which they are associated.

**10. ACCEPTANCE OF GIFTS**

10.1 Committee Members must not accept Gifts that would, to a reasonable member of the public, appear to be in gratitude for influence or to induce influence.

10.2 Committee Members may accept Gifts that normally accompany the responsibilities of their Committee duties and are received as a result of protocol or social obligation, provided the Gift does not exceed \$300.00.

10.3 Gifts received by a Committee Member on behalf of the City or the Committee as a matter of official protocol which have significance or historical value for the City shall be left with the Administrative Liaison when the Committee Member is no longer a member of the Committee.

**11. COMMUNICATING ON BEHALF OF THE CITY OR COMMITTEE**

11.1 Committee Members shall not communicate to the media on behalf of the City.

11.2 Governing Bodies and Quasi-judicial Bodies

- (a) Only the Committee Chair may communicate with the media on behalf of the Committee.

11.3 Advisory Bodies

- (a) Committee Members shall not communicate with the media on behalf of the Committee.
- (b) All official information and recommendations from a Committee will be communicated by the Chair to Council, unless a Committee Member has been authorized by the Chair to communicate to Council.
- (c) Any decisions of Council based on Committee recommendations will be communicated to the public and media on behalf of Council by the Mayor or by the City's Corporate Communication's department.

## **12. USE OF SOCIAL MEDIA**

- 12.1 If posting on social media regarding Committee or City related matters, Committee Members shall state clearly that they are speaking strictly for themselves and not for the Committee or the City.

## **13. USE OF MUNICIPAL ASSETS AND SERVICES**

- 13.1 Committee Members shall not use any City resources, property, equipment, services, technology, information or supplies to advance their personal interests or the interests of any person or organization with whom or with which they are associated.
- 13.2 Committee Members shall only use City resources, property, equipment, technology, supplies and Records in performance of their duties as a Committee Member.
- 13.3 Committee Members shall return to the Administrative Liaison any resources, property, equipment, technology, supplies and Records upon completion of their term.

## **14. COMPLAINTS PROCESS**

- 14.1 Any Committee Member, member of Council, or person who has witnessed or identified conduct by a Committee Member that they reasonably believe, in good faith, is in contravention of this bylaw may address the prohibited conduct by:

- (a) advising the Committee Member that their conduct violates this bylaw and by encouraging the Committee Member to correct their conduct;
- (b) requesting the Chair assist in holding an informal discussion with the Committee Member regarding the alleged complaint to resolve the issue;
  - (i) if the Chair is the subject of a complaint, the assistance of the Vice-Chair may be requested.
- (c) submitting, in writing, a formal complaint to the Mayor setting out the facts giving rise to the allegation of wrong-doing of a Committee Member.
  - (i) The Mayor may appoint an independent third party investigator to assess the complaint and make a recommendation to Council whether or not an investigation is warranted.
  - (ii) Council shall consider the alleged breaches or the conclusions of an investigation in a closed meeting of Council.

## **15. COMPLIANCE AND ENFORCEMENT**

15.1 Sanctions that may be imposed on a Committee Member by Council, upon finding that a Committee Member has contravened this bylaw may include:

- (a) a letter of reprimand addressed to the Committee Member;
- (b) requesting the Committee Member issue a letter of apology; or
- (c) suspension or removal of the Committee Member from their appointed Council Committee.

## **16. SEVERABILITY**

16.1 Every provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions

shall be severed and the remainder provisions shall remain valid and enforceable.

**17. EFFECTIVE DATE**

17.1 This bylaw shall come into force and effect when it receives third reading and is duly signed.

First Reading Carried 9 March 2020

Second Reading Carried 23 March 2020

Third Reading Carried 23 March 2020

Date Signed 20 April 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**SCHEDULE "A"**

**COMMITTEE CODE OF CONDUCT DECLARATION**

**I certify** that I have read, understand, and agree to the terms set forth in the City's Committee Code of Conduct Bylaw in its entirety.

**I further certify** that I have received a copy of the Committee Code of Conduct Bylaw.

**I acknowledge** that as a Committee Member I am expected to be professional and to demonstrate a high standard of conduct at all times.

**I further acknowledge** that a violation of the Committee Code of Conduct Bylaw may result in my removal from the Committee.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Name (Please Print)

The personal information on this form is being collected in accordance with section 33(c) of the *Freedom of Information and Protection of Privacy (FOIP) Act*, and will be used to support the conduct and responsibilities of Committees. The personal information will be managed in compliance with the privacy provisions of Part 2 of the *Freedom of Information and Protection of Privacy Act*. If you have any questions concerning the collection and use of this personal information, please contact the FOIP Coordinator at 780-962-2611.

# Committee Code of Conduct

# Purpose of a Code of Conduct

- Supports the principles of transparent and accountable government
- Ensures Board Members understand expectations for acceptable and ethical conduct

# Code of Conduct – General Overview

- Applies to Public Members of Committees and Boards
- Expectations for Respectful Interactions
- Confidential Information
- Conflicts of Interest
- Influence and Acceptance of Gifts
- Social Media and Communications
- Complaint Process



# Respectful Interactions

- Treating all participants with fairness, respect, and courtesy
- Participating in hearings
- Listening to other opinions

# Confidential Information

- Board members may be privy to confidential information.
- Expectation to not disclose
- Expectation to not use for personal gain

# Conflicts of Interest

- Board members shall avoid conflicts of interest, both real and perceived.
- If you have a conflict of interest, advise the Board of it and excuse yourself from the hearing.
- If you are not sure, raise it with the Board.

# Influence and Acceptance of Gifts

- Board members shall not:
  - use their position for favours, privileges, or gifts; or
  - use their position to advance personal interests
- Board members cannot accept gifts that could be seen as gratitude or an attempt to gain influence
- Board members may accept gifts as a result of protocol or social obligation, up to \$300.00

# Social Media and Communications

- Posting on social media about the City or Committee matters – make sure you state clearly that you are speaking for yourself
- Communications from the Committee - SDAB/CSAC are quasi-judicial – only the Chair is authorized to communicate with the media.

# Complaints and Enforcement

- Complaints can be made by Board members, Councillors, or others
- Complaints may be informal (directed to the Chair) or formal (directed to the Mayor)
- Sanctions may be imposed by Council if a Board member is in breach.

# Questions





## REQUEST FOR DECISION

**MEETING DATE:** January 30, 2025

**TITLE:** C-1271-23 - Subdivision and Development Appeal Board Bylaw - 2025 Review

**DIVISION:** Strategic and Communication Services

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### **SUMMARY:**

The Subdivision and Development Appeal Board is established by C-1271-23 - Subdivision and Development Appeal Board Bylaw under the *Municipal Government Act*. The bylaw prescribes the functions and duties of the members. An overview of the bylaw will be provided to the members.

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### **PROPOSED MOTION:**

A motion is not required.

### **BACKGROUND / ANALYSIS:**

The Subdivision and Development Appeal Board (SDAB) is a quasi-judicial body created under s. 627 of the *Municipal Government Act*. C-1271-23 - Subdivision and Development Appeal Board Bylaw sets out the SDAB's terms of reference and general procedures for hearings.

The duties, functions, and terms of office of the members, as well as quorum requirements, the role of the Board Clerk, and the SDAB's overall mandate, are outlined within the bylaw. The provisions of the bylaw will be reviewed, and Administration will answer any questions the SDAB members may have.

### **OPTIONS / ALTERNATIVES:**

n/a



**CONSULTATION / ENGAGEMENT:**

n/a

**IMPLEMENTATION / COMMUNICATION:**

n/a

**IMPACTS:**

n/a

**FINANCIAL IMPLICATIONS:**

n/a

**THE CITY OF SPRUCE GROVE**

**BYLAW C-1271-23**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW**

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-26, as amended a municipality shall by bylaw establish a Subdivision and Development Appeal Board;

WHEREAS, pursuant to the *Municipal Government Act*, a bylaw to establish a Subdivision and Development Appeal Board must prescribe the functions and duties of the Subdivision and Development Appeal Board;

WHEREAS, pursuant to the *Municipal Government Act*, a municipality must authorize the appointment of one or more clerks of the subdivision and development appeal board and the clerk must be a designated officer;

NOW THEREFORE, the Council of the City of Spruce Grove, duly assembled, hereby enacts as follows:

**1. BYLAW TITLE**

1.1 This bylaw is called the “Subdivision Development and Appeal Board Bylaw”.

**2. DEFINITIONS**

2.1 “Act” means the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended.

2.2 “Appellant” means a person who, pursuant to the Act, has served a written Notice of Appeal on the Board.

2.3 “Board” means the Subdivision and Development Appeal Board of the City established pursuant to this bylaw.

2.4 “City” means the municipal corporation of the City of Spruce Grove in the Province of Alberta.

2.5 “City Manager” means the administrative head of the City.

2.6 “Clerk” means the City Manager or designate to act as Clerk of the Board.

- 2.7 “Council” means the Council of the City of Spruce Grove elected pursuant to the *Local Authorities Election Act*, R.S.A. 2000 c L-21, as amended.
- 2.8 “Designated Officer” means a Designated Officer as defined in the Act.
- 2.9 “Development Authority” means the Development Authority for the City established by the City’s Development Authority Bylaw, as amended.
- 2.10 “Half-Day” means an honorarium provided for attendance at a hearing date that is equal to or less than four (4) hours in length.
- 2.11 “Full-Day” means an honorarium provided for attendance at a hearing date that is more than four (4) hours in length.
- 2.12 “Member” means a Member of the Board appointed pursuant to this bylaw and who has received and completed the mandatory training.
- 2.13 “Spruce Grove” means the area within the legal boundaries of the City of Spruce Grove.
- 2.14 “Subdivision Authority” means the Subdivision Authority for the City established by the City’s Subdivision Authority Bylaw, as amended.

**3. ESTABLISHMENT**

- 3.1 A Subdivision and Development Appeal Board is hereby established.

**4. MEMBERSHIP**

- 4.1 The Board shall consist of not less than three (3) Members appointed by resolution of Council.
- 4.2 All Members shall be residents of Spruce Grove.
- 4.3 Members shall not be:
- (a) members of Council;
  - (b) the Mayor, including as ex-officio member;
  - (c) an employee of the City;

- (d) any other person who is not eligible to be a Member as set out in the Act.

## 5. **TRAINING**

- 5.1 All appointed Members shall complete mandatory training as per the Act prior to sitting at a Board hearing.

## 6. **HONORARIUM**

- 6.1 Members shall receive an honorarium as follows:

- (a) \$100 for Half-Day;
- (b) \$200 for Full-Day; and
- (c) Additional \$50 for the Chair.

- 6.2 More than one hearing may occur on a specific date, and therefore Members shall be paid an honorarium per hearing date as opposed to per hearing.

## 7. **TERM**

- 7.1 The term of office for all Members shall be not more than three (3) years.
- 7.2 A Member may serve more than one (1) term but in no event shall a Member serve more than three (3) consecutive terms.
- 7.3 Council shall be at liberty to remove and replace any Member of the Board at any time prior to the expiry date of the Member's term, and any Member of the Board may resign at any time upon sending written notice to the Clerk.
- 7.4 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.

## 8. **QUORUM**

- 8.1 A quorum at any Board hearing shall be three (3) Members.

8.2 No more than seven (7) Members shall sit at a Board hearing.

**9. ORGANIZATIONAL MEETING**

9.1 An annual organizational meeting shall be held at the beginning of each year.

**10. CHAIR AND VICE-CHAIR**

10.1 The Members of the Board shall elect from its membership on an annual basis a Chair and Vice-Chair during the annual organizational meeting.

10.2 The Chair and Vice-Chair may be re-elected for successive years as Chair and Vice-Chair.

10.3 In the event of absence or inability of the Chair to preside at a hearing, the Vice-Chair shall preside.

10.4 In the absence or inability of both the Chair and Vice-Chair to preside at a meeting, the Members present, in constituting a quorum, shall elect one of its Members to preside as Chair for that meeting.

**11. RULES OF PROCEDURE**

11.1 For those procedural matters not covered in the Act or the regulations thereto or this bylaw, the Board shall determine the procedures for the conduct of hearings.

**12. VIRTUAL PARTICIPATION IN HEARINGS**

12.1 Subdivision and Development Appeal Board hearings may occur in Council Chambers or other City meeting spaces.

12.2 The public, applicant, Appellant, respondent, and Board Members may attend virtually by electronic means at the discretion of the Clerk.

12.3 The public, applicant, Appellant, respondent, and Board Members may only attend virtually if at minimum, the virtual attendees can be heard in

the hearing room and by other virtual attendees and the attendees in the hearing room can be heard by the virtual attendees.

- 12.4 During deliberations, a Board Member attending virtually shall confirm no one else is present in their location who is able to hear the deliberations discussion.
- 12.5 Virtual public participation procedures for verbal and written submissions are as follows:
  - (a) Persons interested in making a verbal submission as part the hearing shall contact the Clerk prior to 12:00 noon the day of the hearing to register to speak virtually.
  - (b) Those who register shall be provided the information to access the hearing by virtual means.
- 12.6 Persons interested in providing a written submission may provide the Clerk with their written submission prior to 12:00 noon of the Wednesday preceding the hearing. Written submission received prior to 12:00 noon of the Wednesday preceding the hearing will become public information and be included in the agenda package. The Board will also accept written submissions during the hearing.
- 12.7 If a presenter wishes to provide visual submissions such as photos, graphics, or PowerPoint slides, they shall do so by written submission.

### **13. FUNCTIONS AND DUTIES**

- 13.1 The Board shall hear appeals from a decision of the Subdivision Authority or the Development Authority.
- 13.2 The granting and duration of an adjournment is at the discretion of the Board.
- 13.3 Where in the opinion of the Board an adjournment is warranted, the Board may request technical information, legal opinions, or other assistance, and may adjourn the hearing for this purpose.
- 13.4 The Chair:
  - (a) Shall be responsible for the conduct for the hearing;

- (b) May limit a submission if it is determined to be repetitious or in any manner inappropriate; and
  - (c) Shall, when a hearing is tabled or adjourned and a time is not fixed for its continuation, announce that notice of the continuation of the meeting shall be sent to those persons leaving their name and address with the Clerk. Thereafter, only those persons leaving their name and address shall be entitled to notice of the continuation of the hearing.
- 13.5 Once the hearing is closed, the Board shall not hear or consider any additional verbal or written evidence.
- 13.6 After hearing the appeal, the Board shall deliberate and reach its decision in private. In arriving at its decision, the majority vote of those Members present shall constitute the decision of the Board.
- 13.7 In the event of a tie vote of the Board, an appeal shall be deemed to be denied.
- 13.8 A decision of the Board is not final until notification of the decision is given in writing.
- 13.9 A Member who, for any reason, is unable to attend the whole of the hearing of an appeal shall not participate in the Board's deliberations or the decision made by the Board on that appeal.
- 13.10 If a Member has a direct or indirect pecuniary interest in any matter before the Board, or if a Member is aware of any reason which may likely lead them to entertain a bias when hearing any matter, the Member shall declare such interest or likelihood of bias to the Board and shall abstain from discussion or voting upon such matter, and such abstention shall be recorded in the minutes.

**14. CLERK OF THE BOARD**

- 14.1 The position of a Designated Officer for the limited purpose of carrying out the functions of the Subdivision and Development Appeal Board Clerk is hereby established.
- 14.2 The City Manager or designate shall be the Clerk of the Board.

14.3 The powers and duties of the Clerk shall be to carry out all obligations imposed upon the Clerk pursuant to the Act and regulations thereunder.

**15. SIGNING AUTHORITY**

15.1 An order, decision, approval, notice, or other thing made or given by the Board may be signed on behalf of the Board by the Clerk.

15.2 The Clerk shall not sign an order, approval, or decision made by the Board unless the order, approval, or decision has been first approved in writing:

- (a) by the Chair or other Member of the Board who presided over the hearing to which the order, approval, or decision relates; or
- (b) in the absence or inability to act of the person who chaired or presided over such hearing, any other Member of the Board who was present at such hearing.

**16. FEES**

16.1 On filing an appeal, the Appellant shall pay to the City the fee set out in the City's Development Fees and Fines Bylaw, as amended.

**17. SEVERABILITY**

17.1 Every provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions shall be severed and the remainder provisions shall remain valid and enforceable.

**18. EFFECTIVE DATE**

18.1 This bylaw comes into force and effect on January 1, 2024.

**19. REPEAL OF BYLAW C-1225-22**

19.1 Bylaw C-1225-22 is hereby repealed.



First Reading Carried	25 September 2023
Second Reading Carried	25 September 2023
Third Reading Carried	25 September 2023
Date Signed	26 September 2023

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

UNCERTIFIED COPY



## REQUEST FOR DECISION

**MEETING DATE:** January 30, 2025

**TITLE:** Nomination and Election of Chairperson and Vice-Chairperson - 2025 Subdivision and Development Appeal Board

**DIVISION:** Strategic and Communication Services

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### **SUMMARY:**

The Subdivision and Development Appeal Board (SDAB) Bylaw requires the members of the Board to elect from its membership a Chairperson and Vice-Chairperson.

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### **PROPOSED MOTION:**

A motion is not required.

### **BACKGROUND / ANALYSIS:**

Section 10.1 of C-1271-23 - Subdivision and Development Appeal Board Bylaw requires the members of the Board to, during the annual organizational meeting, elect from its membership a Chairperson and Vice-Chairperson. The Chairperson and Vice-Chairperson may be re-elected for successive years.

The SDAB Clerk will call for nominations for the Chairperson and then the Vice-Chairperson. SDAB members can self-nominate. If only one person is nominated for each position, they will be declared elected Chairperson or Vice-Chairperson by acclamation, as applicable. If more than one person is nominated, the SDAB will vote and elect the Chairperson and/or Vice-Chairperson, as applicable. The election will be held by secret ballot.

Upon election of the Chairperson and Vice-Chairperson, Administration will turn over the Organizational Meeting to the Chairperson. Administration will support the Chairperson in continuing to follow the Organizational Meeting Agenda as approved by the Board.

The role of the Chairperson supports the order of proceedings during a hearing to ensure all parties have a fair opportunity to present their cases and be heard. Administration supports the Chairperson by providing a document outlining the proceedings a hearing is to follow. This document is a guideline to help ensure all parties involved are offered the opportunity to make their presentation and answer any questions Board member may have.

In the absence of the Chairperson, the Vice-Chairperson will step into the role for that hearing.

**OPTIONS / ALTERNATIVES:**

n/a

**CONSULTATION / ENGAGEMENT:**

n/a

**IMPLEMENTATION / COMMUNICATION:**

Administration will support the Chairperson and Vice-Chairperson in learning and understanding their roles and how to conduct a hearing following the procedures.

**IMPACTS:**

Proper governance process and hearing procedure will be followed with the election of a Chairperson and Vice-Chairperson.

**FINANCIAL IMPLICATIONS:**

n/a



## REQUEST FOR DECISION

**MEETING DATE:** January 30, 2025

**TITLE:** Subdivision and Development Appeal Board Procedures - 2025  
Chairperson's Notes

**DIVISION:** Strategic and Communication Services

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### **SUMMARY:**

Subdivision and Development Appeal Board hearings must meet procedural requirements imposed by the *Municipal Government Act*, SDAB bylaw, other legislation, and common law rules of procedural fairness. The Chairperson's notes outline the hearing's order of proceedings that meet legislated procedural requirements and the City's procedural process.

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### **PROPOSED MOTION:**

THAT the format of the Chairperson's notes be approved as presented.

### **BACKGROUND / ANALYSIS:**

C-1271-23 - Subdivision and Development Appeal Board (SDAB) Bylaw requires that the Board determine the procedures for the conduct of hearings for those procedural matters not covered in the Act, the regulations, or the SDAB bylaw. Prior to each hearing, the SDAB Clerk prepares the "Chairperson's Notes" which outline the process the hearing will follow.

The Chairperson's notes outline the hearing process and the Chair requests confirmation of the hearing process from those in attendance to ensure all those in attendance have a fair hearing process.

The confirmation of the Chairperson's notes outlining the hearing process meets the requirement of the bylaw to determine the conduct of the hearing.

**OPTIONS / ALTERNATIVES:**

n/a

**CONSULTATION / ENGAGEMENT:**

n/a

**IMPLEMENTATION / COMMUNICATION:**

The Chairperson's notes are circulated prior to a hearing along with the Board package to all confirmed Board members attending a scheduled hearing. The Chairperson's notes are shared with the sitting Board members so that all have an insight into the hearing process.


**IMPACTS:**

The Chairperson's notes support the proper governance processes and hearing procedures.

**FINANCIAL IMPLICATIONS:**

n/a



	<b>Chair Statements</b>	<b>Additional Statements/Matters</b>
<b>CALL TO ORDER</b>	I call this meeting of the Subdivision and Development Appeal Board to Order.	
<b>CHAIR INTRODUCTION</b>	My name is _____ and I will Chair this hearing. All questions and comments shall be directed through me.	
<b>RECORDINGS STATEMENT</b>	<p>I would like to advise that the hearing is recorded for accuracy of the Record of Proceedings.</p> <p>The recording will be destroyed 7 months after the hearing has been closed. No other recordings are permitted.</p> <p>Please ensure your cell phones and other devices are turned off or are on silent.</p>	
<b>PURPOSE OF SDAB</b>	<p>The <i>Municipal Government Act</i> grants certain rights of appeal to the Subdivision and Development Appeal Board for development permit decisions made by a Development Officer.</p> <p>The principal task of the Subdivision and Development Appeal Board is to determine the facts of the case before it, to decide what relevant provisions of the <i>Municipal Government Act</i>, Municipal Development Plan, Area Structure Plan, or Land Use Bylaw are applicable, and then to render a decision accordingly.</p> <p>On an appeal of a development permit, the Subdivision and Development Appeal Board may confirm, revoke or vary the decision or any condition of the Development Authority.</p> <p>A written decision will be given within fifteen days of closing this hearing.</p>	


	Chair Statements	Additional Statements/Matters
<p><b>CLERK INTRODUCTION</b></p>	<p>The Chair acknowledges _____, Clerk to the Subdivision and Development Appeal Board.</p> <p>It is the practice of the Board to have the Clerk participate in private discussions with the Board. Although _____ attend with the Board, they are not a decision maker.</p>	
<p><b>CLERK OBJECTIONS</b></p>	<p>Does anyone present have any objections to the role of the Clerk?</p> 	<ul style="list-style-type: none"> <li>• If there is an objection, ask for the reasons for the objection.</li> <li>• Then ask the Clerk for his/her response to the objection.</li> <li>• Final word to the objector, then call a caucus to determine what you will do with the Clerk participating in private and in-camera discussions.</li> </ul>

	Chair Statements	Additional Statements/Matters
<b>BOARD MEMBER INTRODUCTION</b>	Will the Board members please introduce themselves?	
<b>SDAB ADMINISTRATIVE STAFF INTRODUCTION</b>	The Board's Recording Secretary is _____.	<b>Optional:</b> <b>The Board's Legal Counsel is: _____</b>
<b>CITY ADMINISTRATION INTRODUCTION</b>	<p>Attending from City of Spruce Grove Administration is:</p> <ul style="list-style-type: none"> <li>• _____ (name and title)</li> </ul> <p>The Development Officer is separate from the Subdivision and Development Appeal Board and does not participate in private discussions with the Board.</p>	



	Chair Statements	Additional Statements/Matters
<p><b>ADOPTION OF AGENDA</b></p>	<p>Are there any additions/deletions/changes to the Agenda?</p> <p>May I have a motion to adopt the agenda as proposed/as amended? All in favour?</p> <p>Carried.</p>	<p>A seconder is not needed for this motion.</p>
<p><b>READING OF THE APPEAL</b></p>	<p>Will the Board Clerk please read the appeal?</p>	
<p><b>PRELIMINARY MATTERS</b></p>	<p>Will the Clerk please advise if there are any preliminary matters that must be addressed by the Board?</p>	<p>Preliminary matters can include jurisdictional questions, quorum concerns, written postponement requests that have been submitted in advance of the meeting.</p>

	Chair Statements	Additional Statements/Matters
<p><b>POSTPONEMENT REQUESTS?</b></p>	<p>Are there any persons present who are requesting a postponement of the Hearing to a different date? If so, please step forward.</p> <p></p> <p>Hearing none, we will now proceed with the hearing.</p> <p></p>	<ul style="list-style-type: none"> <li>• If there is a request for a postponement, then ask the individual for the reasons for the postponement. Ask the individual to limit comments to the request for postponement only.</li> <li>• Then ask other affected parties for their response to the postponement request.</li> </ul> <p>Final word to the objector, then call a caucus to determine what you will do with the postponement request.</p>
<p><b>BOARD DISCLOSURE</b></p>	<p>Do any of the Board Members wish to disclose any information or conflicts at this time?</p>	<ul style="list-style-type: none"> <li>• If a Board member wishes to disclose, the member will state their information.</li> <li>• The Board may wish to go in camera to discuss.</li> </ul>




	Chair Statements	Additional Statements/Matters
<p><b>BOARD OBJECTIONS</b></p>	<p>Does anyone affected by this appeal object to any of the present Board Members hearing this appeal?</p> <p>If <b>no</b>:</p> <p>Please note for the record that no one affected has objections to any of the present Board Members hearing this appeal.</p> <p>If <b>yes</b>:</p> 	<ul style="list-style-type: none"> <li>• If there is an objection, ask for the reasons for the objection.</li> <li>• Then ask the Member for his/her response to the objection.</li> <li>• The Board may wish to go in camera to discuss.</li> </ul>

**HEARING  
PROCESS**

The hearing process will be as follows:

1. The **Development Officer** will make a presentation first;
  - a. There will be an opportunity for the Board to ask questions for clarification;
  - b. Then others may ask questions, through the Chair;
2. The **Appellant** will then make a presentation;
  - a. There will be an opportunity for the Board to ask questions for clarification;
  - b. Then others may ask questions, through the Chair;
3. The **Applicant** will then make a presentation;
  - a. There will be an opportunity for the Board to ask questions for clarification;
  - b. Then others may ask questions, through the Chair;
4. The Board will then hear from anyone in the audience who wishes to speak:
  - a. There will be an opportunity for the Board to ask questions for clarification;
5. The Board Clerk will read into the record any written submissions received;
6. If deemed necessary by the Chair, the hearing will recess for a few minutes;
7. Upon reconvening there will be an opportunity for the Board to ask questions for clarification;
8. Brief summaries or closing comments will follow:
  - a. First, the Development Officer will have an opportunity for closing comments;
  - b. Then other parties will have an opportunity for closing comments;
  - c. Then the Applicant will have an opportunity for closing comments;
  - d. Then the Appellant will have an opportunity for closing comments.

	<b>Chair Statements</b>	<b>Additional Statements/Matters</b>
	<p>The Board's decision will be issued in writing within 15 days following the close of the hearing.</p> <p>The purpose of the appeal hearing is for the Appellant and affected parties to provide the Board with information in relation to the appeal.</p> <p>The Board must base its decision on the information presented today and the planning merits. Affected persons will be given an opportunity to speak. Please ensure that all comments are directed through the Chair. We would ask that comments be respectful of the process and others and succinct; if another person has already made a point, simply state that you agree with the point.</p>	
<p><b>WRITTEN SUBMISSIONS</b></p>	<p>If any presenter is referring to a written document, including maps, photographs or a report, a copy of those documents must be left with the Board. If you are reading from a written statement, please provide a copy to the Board Clerk as this will assist the Board Clerk in preparing the minutes, and the Board in making its decision.</p>	
<p><b>CONFIRM HEARING PROCESS</b></p>	<p>Does anyone have any concerns with the process I have outlined?</p> <p>Please note for the record that no concerns with the process as outlined have been presented.</p>	

	Chair Statements	Additional Statements/Matters
<p><b>EXHIBITS</b></p>	<p>The Clerk has prepared an agenda package containing all information received in advance of this hearing. Does everyone present have a copy of the Agenda?</p> <p>If <b>no</b>:   Get the information to the person who doesn't have it.</p> <p>If <b>Yes</b>: Proceed</p>	
<p><b>EXHIBITS</b></p>	<p>Are there any objections to the Board marking documents in the agenda as exhibits?</p> <p>If <b>yes</b>:  Determine what the objection is.</p> <p>If <b>no</b>: Proceed.</p>	



<p><b>EXHIBITS</b></p>	<p>Does anyone present have any written information that has not previously been submitted to the Board that they wish to submit?</p> <p>If <b>Yes:</b>   Ask the person to send to the Clerk for distribution to everyone. Then, ask everyone else (Development Officer, Applicant/Appellant, etc.), if they need time to review it. Once they have reviewed, ask if they have any objection to the Board accepting this information.</p> <p>If <b>No:</b></p> <p>If there is no objection, mark it and proceed</p>	<ul style="list-style-type: none"><li>• The remedy for an objection on new documents is an adjournment.</li><li>• If a person objects, the Chair should advise that the Board will need to consider the objection, but if the Board determines that the materials are relevant, the Board can provide the objecting party with time to review and respond.</li><li>• The Chair should ask how much time would be needed (and can suggest a time, eg., if it is a small document, they can say "would 15 minutes be enough?"), and then ask all parties about their position on the requested adjournment time.</li><li>• If it is a few minutes, the Chair can direct an adjournment. If it is longer than a few minutes, the Chair should see if the members wish to caucus to discuss the adjournment. Then return and advise the parties.</li></ul>
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	Chair Statements	Additional Statements/Matters
<p><b>DEVELOPMENT OFFICER PRESENTATION</b></p>	<p>I would now ask that the <b>Development Officer</b> for the City of Spruce Grove, Karen Majeau, to step forward to the presenter's table and proceed with your presentation.</p> <p>Does the Board have any questions of the Development Officer?</p> <p>Does anyone else have questions of the Development Officer?</p>	
<p><b>APPELLANT PRESENTATION</b></p>	<p>I would now ask that the <b>Appellant</b> to step forward to the presenter's table, state your name and proceed with your presentation.</p> <p>Does the Board have any questions of the first Appellant?</p> <p>Does any else have any questions of the first Appellant?</p>	<p>In the case of multiple appellants, state that the appellants will be heard in the following order:</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> </ol>
<p><b>APPLICANT PRESENTATION</b></p>	<p>I would now ask that the <b>Applicant</b> to step forward to the presenter's table, state your name and proceed with your presentation.</p> <p>Does the Board have any questions of the Applicant?</p> <p>Does any else have any questions of the Applicant?</p>	



	Chair Statements	Additional Statements/Matters
<p><b>CALL FOR OTHERS TO SPEAK TO APPEAL</b></p>	<p>Is there anyone in the audience who wishes to speak to this appeal?</p> <p>To each <b>presenter</b>:</p> <p>Would you please come forward to the presentation table and print your name on the sheet provided.</p> <p>Please introduce yourself to the Board and outline how you are affected.</p> <p>Thank you. You may now make your presentation.</p> <p>Do Board Members have any questions of this presenter?</p>	<p>If there are several people in attendance who wish to speak to the appeal, it is recommended that the Board hears from those in favour of the appeal first, and then those who are opposed to the appeal.</p>
<p><b>READ INTO RECORD ADDITIONAL INFORMATION</b></p>	<p>I will call on the Board Clerk to read for the record additional submissions in relation to the appeal, if there are any.</p>	<p>The Board Clerk may read this in word for word, or indicate that only a summary is being provided orally and that the affected parties may review the written submissions.</p>
<p><b>RECESS (WHEN APPLICABLE)</b></p> <p><b>ONLY CALL IF NEEDED</b></p>	<p>The hearing will now recess for a few minutes.</p>	<ul style="list-style-type: none"> <li>If a recess is called regarding the addition of new information, retire into another room to discuss.</li> </ul>

	Chair Statements	Additional Statements/Matters
<p><b>CALL THE MEETING BACK TO ORDER</b></p>	<p>I call this meeting of the Subdivision and Development Appeal Board back to Order.</p>	
<p><b>BOARD QUESTIONS</b></p>	<p><input type="checkbox"/> Does the Board have any further questions for clarification for the <b>Development Officer</b>?</p> <p><input type="checkbox"/> Does the Board have any further questions for clarification for the <b>Appellant</b>?</p> <p><input type="checkbox"/> Does the Board have any questions for clarification for the <b>Applicant</b>?</p> <p><input type="checkbox"/> Does the Board have any further questions for <b>any other person</b>?</p>	
<p><b>OTHER QUESTIONS</b></p>	<p>To the audience:</p> <p><input type="checkbox"/> Does any other person who has presented have any questions for clarification of any other presenter? If so, please come forward to the presenter's table and direct your questions through the Chair.</p>	

	Chair Statements	Additional Statements/Matters
<p><b>FINAL COMMENTS</b></p>	<p><input type="checkbox"/> Would the <b>Development Officer</b> like to come forward to make any brief, final comments?</p> <p><input type="checkbox"/> Would any other person from the <b>audience who has made presentations</b> like to come forward to make any brief, final comments?</p> <p><input type="checkbox"/> Would the <b>Applicant</b> like to come forward to make any brief, final comments?</p> <p><input type="checkbox"/> Would the <b>Appellant</b> like to come forward to make any brief, final comments?</p>	
<p><b>FAIR HEARING</b></p>	<p>Do the persons who have made representations feel that you have had a sufficient opportunity to present your evidence and argument to the Board?</p> <p>If <b>yes</b>: proceed</p> <p>If <b>no</b>:</p> <div style="display: flex; align-items: center; gap: 10px;">   </div>	<ul style="list-style-type: none"> <li>• If there is a concern with the hearing process, then ask the objector for the reasons for the concern.</li> <li>• Then ask other presenter if they have any concern with the hearing process.</li> <li>• Objector must be given final word.</li> <li>• Request that the Board move in camera to determine how to address the concern to the hearing process.</li> </ul>

	Chair Statements	Additional Statements/Matters
	<p>Before I close the hearing, I would like to ask the Board members if they would like a brief recess to discuss any matters.</p> 	<ul style="list-style-type: none"> <li>• Call a caucus to determine what you will do with the matters.</li> </ul>
	<p>Is the Board satisfied with the amount of information they have received?</p> 	<ul style="list-style-type: none"> <li>• Call a caucus to determine what you will do with the amount of information you received.</li> </ul>
<p><b>HEARING CONCLUSION</b></p>	<p>I would now like to advise that the Hearing is now closed. The Board has ceased to hear any further submissions of any kind.</p>	

Appeal No: \_\_\_\_\_

	<b>Chair Statements</b>	<b>Additional Statements/Matters</b>
<b>DECISION REMINDER</b>	In accordance with Provincial legislation, the Board is required to hand down a decision within 15 days from the date of today's hearing. No decision is binding on the Board until it issues a written decision.	