

**Agenda Item: D.9**

Request for Decision

|  |  |
| --- | --- |
| **Title** | **Bylaw 1516/20 – Agricultural Appeal Board Bylaw – Second and Third Reading** |
|  |  |
| **Proposed Motion** | 1. That Council give second reading of Bylaw 1516/20 as amended. 2. That Council give third reading of Bylaw 1516/20. |
|  |  |
| **Administrative**  **Recommendation** | Administration recommends that Council give second and third readings of Bylaw 1516/20 to establish the Agricultural Appeal Board. |
|  |  |
| **Previous Council Direction** | October 13, 2020 Regular Council Meeting  Motion 465/20: That Council give first reading of Bylaw 1516/20. |
|  |  |
| **Report** | **Background Information**  2019 Council Committees Review   * In 2019, Council directed Administration to conduct a review of the Council Committees structure and to provide recommendations to Council on how the structure could be improved. * The 2019 Council Committees Review Report, which was presented to Council on November 12, 2019, identified that section 21 of the existing Council Committees Bylaw 1381/16 authorizes each Council Committee to prepare a Terms of Reference document for recommendation to Council. However, section 145 of the *Municipal Government Act* (MGA) requires that Council Committee terms of reference be established by bylaw, not by Council resolution.   Establishment of an Agricultural Appeal Board   * Section 1(1)(f) of the MGA defines a “Council Committee” as a committee, board, or other body established by Council under the MGA but does not include an assessment review board or a subdivision and development appeal board. * Currently, Bylaw 1381/16, the Council Committees Bylaw, establishes the Agricultural Pest Act Appeal Committee, the Soil Conservation Act Appeal Committee, and the Weed Control Act Appeal Committee. * As these Committees are established under the *Agricultural Pests Act*, the *Soil Conservation Act*, and the *Weed Control Act*, respectively, and not under the MGA, they are not considered Council Committees and therefore cannot be included in a Council Committees Bylaw.   Bylaw 1516/20 – A Bylaw to Establish an Agricultural Appeal Board   * Administration is presenting Bylaw 1516/20 to establish a single Agricultural Appeal Board, for Council’s consideration for second and third readings. In preparing the Bylaw, Administration consulted with legal counsel, as well as reviewing the bylaws of Agricultural Appeal Boards in comparable municipalities including Rocky View County, Foothills County, and Mackenzie County. * The Bylaw does not fundamentally amend the intent or function of Appeal Committees created under the existing Council Committees Bylaw, but does provide additional detail regarding the mandate, function, and procedures of the Board similar to other appeal boards including the Assessment Review Board and the Subdivision and Development Appeal Board. * By convention, members of the Agricultural Service Board are appointed to the agricultural appeal committees. Administration recommends that this practice continue, and the Bylaw is worded to incorporate this convention, with the exception of the Junior Member who is not recommended to be appointed to the new Agricultural Appeal Board. * The existing appeal committees established under the Council Committees Bylaw 1381/16 will be repealed with the passing of the new Council Committees Bylaw, which will be proposed to be passed at the same meeting as Bylaw 1516/20.   Proposed Amendment Since First Reading   * Administration recommends an amendment to section 5.1 of the Bylaw, clarifying that the membership of the Agricultural Appeal Board is the same as the Agricultural Service Board, with the exception of the Junior Member. * Administration also recommends an amendment to section 6.5 of the Bylaw to clarify that hearings shall be audio recorded and that recordings shall be retained in accordance with the County’s Corporate Records Structure.   External Communication  No external communication is planned.  Relevant Policy/Legislation/Practices:   * *Municipal Government Act*, section 145 * *Agricultural Pests Act* * *Soil Conservation Act* * *Weed Control Act* * Council Committees Bylaw 1381/16 |
|  |  |
| **Implication of Administrative Recommendation** | Strategic Alignment:  **Strong Local Governance and Regional Leadership** – Conducting a thorough review of the Council Committee structure and providing recommendations to Council for improvement contributes to strong local governance and creates opportunities for the public to be involved in local decision-making.  Organizational:  Legislative Services will implement Council’s direction.  Financial:  None. |
|  |  |
| **Alternatives Considered** | Council could amend Bylaw 1516/20 before passing it. |
|  |  |
| **Implications of Alternatives** | Organizational:  The implications are dependent on the amendments proposed.  Financial:  None. |
|  |  |
| **Follow up Action** | 1. Obtain Mayor and CAO signatures on the Bylaw (Legislative Services, November 2020). 2. Post the Bylaw to the County website and circulate to Agricultural Appeal Board members (Legislative Services, December 2020). |
|  |  |
| **Attachment(s)** | 1. Bylaw 1516/20 – Agricultural Appeal Board Bylaw – Redline with proposed amendments 2. Bylaw 1516/20 – Agricultural Appeal Board Bylaw as amended |
|  |  |
| **Report Reviewed by:** | Jesse Sopko, Director, Corporate Services  Reegan McCullough, County Commissioner – CAO |

**Strategic Alignment Checklist**

**Vision:** *Sturgeon County: a diverse, active community that pioneers opportunities and promotes initiative while embracing rural lifestyles.*

**Mission:** *Provide quality, cost effective services and infrastructure to meet the diverse needs of the Sturgeon County community, while improving competitiveness and sustainability.*

|  |  |  |  |
| --- | --- | --- | --- |
| **Focus Areas** | **Not consistent** | **N/A** | **Consistent** |
| **Planned Growth and Prosperity** |  |  |  |
| *We encourage varied and integrated enterprises that enhance our strong economic*  *base, while balancing the needs of the community and natural environment.*  *(Strategic Plan and MDP pg. 36)* |  |  |  |
| * *Supports a strong thriving business environment to strengthen our economic foundation* |  |  |  |
| * *Plans for responsible growth through the MDP and regional growth plan.* |  |  |  |
| * *Manages growth for current and future developments through:*   + *transparent bylaws, policies and processes to enable responsible land development* |  |  |  |
| * + *targeting growth around existing and identified future growth areas* |  |  |  |
| **Maintain and Enhance Strong Communities** |  |  |  |
| *We are committed to a safe and viable community, where our residents are*  *provided with access to opportunities and quality of life.*  *(Strategic Plan and pg. 27 MDP)* |  |  |  |
| * *Provides access to programs and services that have a positive impact on residents’ quality of life* |  |  |  |
| * *Provides access to safe and reliable infrastructure assets* |  |  |  |
| * *Supports the safety of people and property* |  |  |  |
| **Strong Local and Regional Governance** |  |  |  |
| *We promote consistent and accountable leadership through collaborative and*  *transparent processes (Strategic Plan and pg. 27 MDP)* |  |  |  |
| * *Provides effective leadership and management consistent with Strategic Plan, MDP, master plans, bylaws, policies, community engagement* |  |  |  |
| * *Considers fiscal stability and sustainability* |  |  |  |
| * *Fosters collaborative intergovernmental partnerships* |  |  |  |
| **Community Identity & Spirit** |  |  |  |
| *We will build upon our strengths, where together we will create an inclusive, caring community (Strategic Plan and MDP pg. 27)* |  |  |  |
| * *Promotes and/or enhances residents’ identification with Sturgeon County* |  |  |  |
| * *Support and/or collaborate with voluntary organizations in the region* |  |  |  |
| **Environmental Stewardship** |  |  |  |
| *We foster a healthy environment and minimize our impact on ecosystems. (Strategic Plan and MDP pg. 27)* |  |  |  |
| * *Plans and partnerships that minimize environmental impact on natural areas* |  |  |  |
| * *Provides awareness of environmental issues impacting the County* |  |  |  |