

Title: SDAB Meeting Procedures

Policy No: 6006

Effective Date: Nov 13, 2018

Motion Number: 11.18.629

Supersedes Policy No: (None)

Review Date: Nov 13, 2021



Purpose: To establish guidelines on the recording of proceedings of the Subdivision and Development Appeal Board (SDAB) meetings.

DEFINITIONS

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

Appellant means a person or persons who, pursuant to the Act, has served a notice of appeal on the Subdivision and Development Appeal Board.

Chairperson means the Member who is appointed to preside over the Subdivision and Development Appeal Board meeting.

Land Use Bylaw (LUB) means Greenview’s current Land Use Bylaw, as amended.

Member means a member of the Subdivision and Development Appeal Board duly appointed by Council pursuant to the Subdivision and Development Appeal Board Bylaw.

Subdivision and Development Appeal Board means the subdivision and appeal board established to hear and make decision on appeals as established by the Subdivision and Development Appeal Board Bylaw.

Subdivision and Development Appeal Board Secretary (“Secretary”) means the person appointed to the position established under the Subdivision and Development Appeal Board Bylaw.

POLICY

Council will establish procedural guidelines to ensure proper records of proceedings are kept.

1. All notifications for meetings for the Subdivision and Development Appeal Board will be conducted as required within the Act or Municipal Bylaws.
2. If a member cannot attend a meeting, that member is obligated and responsible to notify Administration of their absence so it can be determined if a quorum will be present to hold a meeting.
3. Meetings are open to the general public.
4. Deliberations are closed to the general public.

5. A "Record of Proceedings" will be kept of each meeting, which will outline the attendance, facts, and happenings that lead to the Board's position.
6. The Board's final decision must be rendered within the time limits as set out in the Act and Municipal Bylaws, and will be recorded as part of the "Record of Proceedings".
7. The "Record of Proceedings" will be signed by the Chairperson. It is not necessary for the "Record of Proceedings" to be adopted at a subsequent meeting.
8. The "Record of Proceedings" will be filed on the appropriate land file with all supporting documentation.
9. Quorum will consist of a majority of Board Members.

PROCEDURE

1. At the start of the Subdivision and Development Appeal Board hearing, a Chairperson shall be elected by vote of the majority of the members. A member may be re-elected to the position of Chairperson. The Chairperson shall preside at this meeting of the Subdivision and Appeal Board.
2. A Vice-Chairperson shall be elected at the same time and under the same rules as the Chairperson. A member may be re-elected to the position of Vice-Chairperson. The Vice-Chairperson shall preside at the meetings of the Subdivision and Appeal Board in place of the Chairperson if the Chairperson, for any reason, does not preside at the meeting.
3. Each member of the Board will be given the opportunity to disqualify themselves from hearing the case, if they believe there is a conflict of interest or pecuniary interest.
4. Each appellant will be asked if they have any objection of the membership on the Board hearing their case and reasons. Any affected Board members will then decide if they will choose to hear the matter.
5. The advertisement procedure will be reviewed. The method(s) of advertising the Subdivision and Development Appeal hearing will be delivered.
6. The Secretary introduces the case and reads the letter of appeal submitted to the Board.
7. The Chairperson will outline the procedure to be followed including:
 - a. Recognition of all persons by the Chairperson;
 - b. Each presenter shall identify themselves, their organization (if any), and their legal location;
 - c. If a presenter becomes repetitive, they may be limited by the Chairperson;
 - d. Questions by the members of the Subdivision and Development Appeal Board may be directed through the Chair;
 - e. Cross-examination will be provided at the discretion of the Chairperson;
 - f. No questions will be permitted from the floor;
 - g. No audio or video recording of the Hearing will be permitted; and
 - h. Breaks within the Hearing will be called at the discretion of the Chairperson.
8. Registration of a person wishing to submit a presentation may be required if it appears there may be several presenters.

9. The Development Officer will explain the background of the appeal.
10. Comments received from referral agencies will be reviewed and presented by the Secretary.
11. Each Appellant will be called upon to explain why they have appealed the decision. The order of presentations will be based on the order the appeals were received by Greenview. The Board members will be allowed to ask questions of any or all of the appellants or to direct any other person to answer the question. Those against the appeal may also be allowed to cross-examine each of the appellants at the discretion of the Chairperson.
12. Any written presentations that have been received by Greenview before the advertised deadline that are in favour of the appeal may be read by the Secretary, at the discretion of the Chairperson.
13. Any additional speakers that wish to speak in favour of the appeal will then be given the opportunity to present their case. Following any speaker, the Board members are given an opportunity to ask questions or to direct any other person to answer the question. Those speaking against the appeal may also be given the opportunity to cross-examine each speaker at the discretion of the Chairperson.
14. Any written presentations that have been received by Greenview before the advertised deadline that are against the appeal may be read by the Secretary, at the discretion of the Chairperson.
15. Any speakers that wish to speak against the appeal will then be given the opportunity to present their case. Following any speaker, the Board members are given an opportunity to ask questions. Each of the appellants may be allowed to cross-examine each of the speakers at the discretion of the Chairperson.
16. Each of the appellants will be given the opportunity to summarize their case and answer any questions the Board may ask.
17. The Chairperson will then ask each appellant if they feel they had their opportunity to state their case. The Chairperson would then bring the Public Hearing to an end by explaining that a written decision will be made within 15 days.
18. The Chairperson declares the Hearing closed. No further submission will be entertained.