

BYLAW NO 4/14

**A BYLAW OF THE TOWN OF HANLEY TO AMEND A BYLAW OF THE
TOWN OF HANLEY TO PROVIDE FOR ENTERING INTO AN AGREEMENT
WITH OTHER MUNICIPALITIES FOR THE PURPOSE OF ESTABLISHING A
DISTRICT DEVELOPMENT APPEALS BOARD**

The Council of the Town of Hanley, in the Province of Saskatchewan enacts as follows:

- 1) The terms of the agreement, as amended, are defined in Schedule “A” attached to and forming part of this bylaw.

SEAL

Mayor

Administrator

MEMORANDUM OF AGREEMENT
WATERWOLF PLANNING DISTRICT DEVELOPMENT APPEALS BOARD AGREEMENT

This Memorandum of Agreement is made this _____ day of _____, 2014

Between:

WaterWolf District Planning Commission Municipality members interested in belonging to the WaterWolf Planning District Development Appeals Board

Whereas the municipalities appended to this agreement have voluntarily and collectively intend to establish a DISTRICT DEVELOPMENT APPEALS BOARD (hereinafter referred to as the "Board"), to hear and decide appeals received pursuant to *The Planning and Development Act, 2007*.

The "WaterWolf Planning District Development Appeals Board" is established pursuant to Section 214(3) of *The Planning and Development Act, 2007*.

1. COMPOSITION OF THE BOARD

- a) The Board shall consist of five (5) members residing in the WaterWolf Planning District, including currently sitting councilors, but shall not include currently sitting members of the WaterWolf District Planning Commission Executive Board. Pursuant to section 215(2) and (3) of *The Planning and Development Act 2007*, councilors from a single municipality shall not form a majority of the Board and councilors shall not hear an appeal in the municipality in which they serve. Members will be selected through an application process and will be appointed by the WaterWolf District Planning Commission Executive Board.
- b) Candidates will be selected based on their ability to demonstrate an aptitude in:
 - Assessing information and make objective decisions;
 - Dealing with complex situations;
 - Providing rational solutions to complex problems;
 - General knowledge of the WaterWolf Planning District;
 - Understanding the WaterWolf Planning District's Zoning Bylaws and *The Planning and Development Act, 2007*; and
 - Having a working knowledge of quasi-jurisprudence or administrative law.

2. TERM OF OFFICE

- a) The term of appointment for each member to the Board shall be two years from the date of appointment. In order to maintain Board continuity, no less than two members shall be appointed for one year terms in the initial formation of the Board.

- b) If a board member resigns within a term, the secretary will advertise for a call of nominations and the board will appoint the replacement for the remainder of the term.

3. SECRETARY OF THE BOARD

- a) The WaterWolf District Planning Commission Executive board will appoint a secretary and an assistant secretary for the WaterWolf Planning District Development Appeals Board.
- b) The secretary for the WaterWolf Planning District Development Appeals Board shall be an employee of a municipality which is a member of the WaterWolf District Planning Commission or an employee of the WaterWolf District Planning Commission, excluding executive board members of the planning commission.
- c) The Council of the municipality employing the secretary for the District Development Appeals Board must agree to the selection and use of their employee for the position.
- d) The appointment of a secretary to the Board shall be reviewed every two years.
- e) In the case where an appeal is from the municipality in which the secretary is an employee, or the WaterWolf employee is the development officer, the assistant secretary will perform the necessary duties for that appeal.

4. BOARD AND SECRETARY REMUNERATION AND EXPENSE

- a) The expenses of the Board members and the Secretary incurred to attend authorized training session shall be shared equally by the parties of this agreement. Rate of remuneration shall be in accordance with clause 4. c herein.
- b) The cost of the Board and Secretary to sit to hear appeals and for the Secretary to process and serve the necessary documents involved with an appeal or involved with the general operation of the Board shall be the responsibility of the municipality in which the appeal was made. Rate of remuneration shall be in accordance with clause 4. c herein.
- c) 1) "hourly remuneration" of \$30.00 per hour; and
2) "meal allowance" of \$15.00 per meal; and
3) "travel allowance" of \$0.45 per kilometre traveled
Hourly remuneration rates shall apply during meetings, hearings, training and other functions of the Board but shall not apply during periods of travel.

5. POWERS, DUTIES, AND RESPONSIBILITIES OF BOARD AND SECRETARY

- a) The members of the Board shall choose a Chairperson from amongst themselves.
- b) Meetings and hearings of the Board are at the call of the Secretary in consultation with the Chairperson of the Board.
- c) The Board may; subject to the approval of the Council of the municipality, in which the appeal was made, appoint consultants that may be necessary to assist in the discharge of its responsibilities, and the above mentioned municipality is responsible for any costs incurred by the Board with respect to those appointments.

- d) Subject to other provisions of *The Planning and Development Act, 2007*, the Board may adopt rules and procedures to be followed in carrying out its functions.
- e) The Board shall comply with any rules of procedures prescribed by the Lieutenant Governor in Council pursuant to section 216(5) of *The Planning and Development Act, 2007*.
- f) The Board shall conduct itself in a fair and impartial manner.
- g) No member of a Board may hear or vote on any decision that relates to a matter with respect to which the member has a pecuniary interest as described in section 2(2) of *The Planning and Development Act, 2007*.
- h) The Board shall act within the authority of *The Planning and Development Act, 2007*.
- i) A majority of the sitting members of the Board constitutes a quorum for the purposes of a sitting or hearing or conducting business of the Board.
- j) The Board shall hear appeals, as far as possible, in the order in which the appeals stand in the list, but the Board may adjourn or expedite the hearing of any appeal where the Board considers it appropriate to do so.
- k) The Board shall hold their hearings within the boundaries of the municipalities.
- l) Pursuant to Section 225(1) of the *Planning and Development Act, 2007* the Board shall render its decision in writing, together with reasons for the decision, within 30 days after the conclusion of the hearing.

6. TERM OF AGREEMENT

- a) This agreement shall come into force and be effective upon the signing and sealing of the municipalities to this agreement. This agreement shall not take effect for any municipality signing this agreement that has not adopted a Zoning Bylaw pursuant to the Planning and Development Act until the date Municipal Affairs approves the Zoning Bylaw for that municipality.
- b) Any municipality may withdraw from the agreement or join the agreement by giving written notice to the secretary by December 31st of any year; January 1st of the next year is when the changes will take effect.
- c) Any municipality that is a party to this agreement, that terminates its membership with the WaterWolf District Planning Commission, must withdraw from this agreement within 90 days, by giving written notice to the secretary of the Board. The municipality may remain a member of the Board if, within 90 days of their membership termination, the WaterWolf District Planning Commission Executive Board and the municipality agree to terms of their continued participation in the Board.

7. AMENDMENT

The agreement may be amended at any time by approval of two-thirds of the municipalities to the agreement.

8. AGREEMENT EXECUTION

The parties hereby agree to this Memorandum of Agreement:

1. by having their authorized officials sign "Appendix "A"; and
2. by affixing their official seals to Appendix "A"; and
3. by dating Appendix "A"; and
4. by mailing a signed, sealed, and dated copy of Appendix "A" to the WaterWolf District Planning Commission