

**BYLAW 23-001
OF
LAC LA BICHE COUNTY**

**A BYLAW OF LAC LA BICHE COUNTY TO ESTABLISH THE WEED CONTROL APPEAL PANEL,
AGRICULTURAL APPEAL COMMITTEE AND THE SOIL CONSERVATION APPEAL COMMITTEE.**

WHEREAS the *Agricultural Pests Act*, RSA 2000 c. A-8, requires the establishment of a committee to hear appeals respecting notices issued under the Act;

AND WHEREA, the *Soil Conservation Act*, RSA 2000 c. S-15 requires the establishment of a committee to hear appeals respecting notices issued under the Act;

AND WHEREAS the *Weed Control Act*, SA 2008 c. W-5.1 requires the establishment of an independent panel to determine appeals of an inspector's notices, a local authority's notices, or debt recovery notices issued under the Act;

AND WHEREAS the Council of Lac La Biche County considers it expedient to establish an Agricultural Appeal Committee to hear appeals under the *Agricultural Pests Act*, a Weed Control Appeal Panel to hear appeals under the *Weed Control Act*, and a Soil Conservation Appeal Committee to hear appeals under the *Soil Conservation Act*.

NOW THEREFORE the Council of Lac La Biche County, duly assembled, enacts as follows:

Title

1 This bylaw is called the "Agricultural Appeal Committees Bylaw".

Definitions

2 In this bylaw, the following words and phrases shall have the following meanings:

- (a) "Agricultural Pests Act" means the *Agricultural Pests Act*, RSA 2000, Chapter A-8;
- (b) "Chief Administrative Officer" means the person appointed by Council as the Chief Administrative Officer pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26;
- (c) "Committee" means the Weed Control Appeal Panel, the Agricultural Appeal Committee or the Soil Conservation Appeal Committee established under this Bylaw;
- (d) "Council" means the Council of Lac La Biche County;
- (e) "Councillor" means an elected official of Lac La Biche County and includes the Mayor;

- (f) “Member” means a Member of a Committee appointed by Council;
- (g) “Member at Large” means a Member of the Committee appointed by Council and who is not a Councillor;
- (h) “Presiding Officer” means the person who presides over a hearing in accordance with this Bylaw.
- (i) “Soil Conservation Act” means the *Soil Conservation Act*, RSA 2000, Chapter S-15; and
- (j) “Weed Control Act” means the *Weed Control Act*, SA 2008, Chapter W—5.1.

The Weed Control Appeal Panel Establishment and Membership

- 3(1)** The Weed Control Appeal Panel of Lac La Biche County is hereby established.
- (2)** The function and duties of the Weed Control Appeal Panel are to hear and decide on appeals received by Lac La Biche County pursuant to the *Weed Control Act*.
- (3)** The Panel shall consist of five Members at Large who are not on Council or the Agricultural Service Board. Panel Members must have significant agricultural or legal background.

Agricultural Appeal Committee Establishment and Membership

- 4(1)** The Agricultural Appeal Committee of Lac La Biche County is hereby established.
- (2)** The function and duties of the Agricultural Appeal Committee are to hear and decide on appeals received by Lac La Biche County pursuant to the *Agricultural Pests Act*.
- (3)** The Committee shall consist of three Members, which may be entirely of Members at Large, entirely of Council members independent of the Agricultural Service Board or a combination of Members at Large and Council members not on the Agricultural Service Board.

Soil Conservation Act Appeal Board Establishment and Membership

- 5(1)** The Soil Conservation Act Appeal Committee of Lac La Biche County is hereby established.
- (2)** The function and duties of the Soil Conservation Appeal Committee are to hear and decide on appeals received by Lac La Biche County pursuant to the *Soil Conservation Act*.
- (3)** The Soil Conservation Appeal Committee shall consist of all members of the Agricultural Service Board.

Term of Office

- 6(1)** Council will, by resolution at the annual Organizational Meeting of Council or when a vacancy becomes available, appoint members to the Weed Control Appeal Panel, the Agricultural Appeal Committee and Soil Conservation Act Appeal Committee for a term of one year, to begin at the start of the calendar year.

- (2) A Councillor who ceases to be a Councillor automatically ceases to be a Member.
- (3) A Member at Large who ceases to be an Agricultural Service Board Member automatically ceases to be a Member.
- (4) If at any time, a vacancy occurs on the Committee, Council may appoint a person to fill that vacancy for the remainder of the term, effective the date of appointment or some other date as determined by Council.
- (5) Council may remove a Member from the Committee/Panel at any time for any reason at Council's sole discretion.
- (6) A Member may resign from the Committee by giving written notice to the Chief Administrative Officer.

Hearing Procedures and Presiding Officer

- 7(1) The Committee or Panel may establish administrative and hearing procedures, which in the opinion of the Committee/Panel, support the fulfillment of their duties, and that are in accordance with the applicable legislation and this Bylaw.
- (2) All Members shall bring administrative or procedural concerns to the attention of the Presiding Officer.
- (3) The Presiding Officer shall be a Councillor appointed to the Committee/Panel. If a Councillor is not able or eligible to participate in the hearing, the Presiding Officer shall be appointed at the commencement of the hearing from among the participating Members.
- (4) On receipt of a notice of appeal related to the *Agricultural Pests Act*, the Agricultural Appeal Committee will be convened to hear the appeal.
- (5) On receipt of a notice of appeal related to the *Weed Control Act*, the Weed Control Appeal Panel will be convened to hear the appeal.
- (6) On receipt of a notice of appeal related to the *Soil Conservation Act*, the Soil Conservation Appeal Committee will be convened to hear the appeal.
- (7) Quorum shall be a majority of Committee members.
- (8) In the event quorum is not met for a hearing, the Committee may open the hearing for the purpose of deciding to adjourn the hearing to a different date and time.
- (9) All Committee hearings are open to the public, but the Committee may deliberate and make its decisions in private.

Clerk

- 8(1) The position of Clerk is hereby established, and the Chief Administrative Officer is authorized to appoint one or more employees to the position of Clerk.

(2) The Clerk shall fulfill the duties and responsibilities prescribed in the *Agricultural Pests Act*, *Weed Control Act*, *Soil Conservation Act*, Lac La Biche County Bylaws and Policies, and any hearing procedures, which shall include but is not limited to:

- (a) receive notices of appeal;
- (b) schedule a hearing and provide notice of the hearing;
- (c) keep an accurate record of the proceedings of the Board, and
- (d) communicate decisions to the affected parties.

Decisions

9(1) The Committee/Panel shall issue a written decision with reasons in accordance with the Act.

(2) The decision of the Committee/Panel shall be signed by the Presiding Officer and if the Presiding Officer cannot sign, the decision shall be signed by a Member of the Committee that heard the appeal.

Fees

10 A notice of appeal must be accompanied by the appeal fee in order to be considered complete. The fees for filing an appeal are those prescribed in the *Weed Control Regulation, AR 19/2010*, the *Soil Conservation Act* or the *Pest and Nuisance Control Regulation, AR 148/2001*, as applicable and as amended from time to time.

Remuneration

11(1) The remuneration, traveling, and other expenses of the Members shall be in accordance with the applicable Lac La Biche County remuneration policies, as amended from time to time.

(2) Remuneration, traveling and other expenses of the Clerk shall be in accordance with Lac La Biche County policies, as amended from time to time.

Severability

12 All sections of this bylaw are separate and severable. Should any part, section, or subsection of this bylaw be deemed invalid or inoperative by any court or administrative body for any reason, the remaining parts, sections, and subsections shall remain valid and in full force and effect.

Repeal

13 Bylaw 21-020 of Lac La Biche County is hereby repealed upon this bylaw coming into effect.

Effective Date

14 This bylaw shall come into force and effect upon third reading.

THAT BYLAW 23-001 BE GIVEN FIRST READING THIS 24th DAY OF JANUARY 2023.

THAT BYLAW 23-001 BE GIVEN SECOND READING THIS 24th DAY OF JANUARY 2023.

THAT BYLAW 23-001 BE SUBMITTED FOR THIRD READING THIS 24th DAY OF JANUARY 2023.

THAT BYLAW 23-001 BE GIVEN THIRD AND FINAL READING THIS 24th DAY OF JANUARY 2023.

"Original Signed"

Mayor

"Original Signed"

Chief Administrative Officer