

COUNTY OF WETASKIWIN NO. 10 Municipal Policy & Procedures Manual	FUNCTION: 6000 PLANNING AND DEVELOPMENT SERVICES
	SECTION: 6300 DEVELOPMENT CONTROL

APPEAL HEARING PROCEDURES POLICY #6303

PURPOSE

To provide a fair hearing for members of the public by the Subdivision and Development Appeal Board.

POLICY STATEMENT

Appeal Hearing “members” shall be:

- appointed by resolution of Council.

Notice of an appeal hearing will be given as required by the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1 section 679 and 686 (3). Procedures outlined herein conform to sections 680(1) and 687(1) of the Act.

PROCEDURES

1. At the appointed time the Chairman will call the Appeal Hearing to order.
2. The Chairman asks the Secretary to the Board to announce the purpose of the Hearing.
3. The Secretary to the Board announces the purpose of the Hearing:
 - as per the notice of advertising
 - giving reference to any file numbers, legal descriptions, names, etc.
 - the need for anyone planning to speak to the appeal hearing to be on the list compiled by County staff prior to the hearing
4. The Chairman introduces self and members of Board, notes any absences, and ask if any person objects to any member hearing and will make a decision on such objection if any.
5. If an objection is made, the Chairman asks objector to state case briefly. The Chairman may recess the hearing, if requested, to give the challenged member time to consider the objection. The Appeal Board members reconvene and the challenged member will announce his intention to either excuse himself or indicate his intention to participate, along with reason(s) for the decision. Challenged member either leaves or stays.

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6. If no objection, or once the challenge has been resolved, the Chairman explains the procedure for the hearing (as outlined in the Appendix) to those attending. If necessary, the Chairman may advise those attending that limits have been set on the amount of time a person has to speak to the proposal.
7. (Optional) The Chairman explains the general procedure for the hearing as outlined in "Appendix A" and informs the public of any time limit for speakers that may have been established and that if the members consider that any person providing information at a hearing should do so under oath, the persons will be asked:
"Do you (name) swear that the information you are about to provide is true, so help you God?"
and the person will respond "I do".
8. The Chairman asks County staff or other resource persons to come to the podium, to introduce themselves, present their report to the hearing and to respond to any questions from the Board.
9. The Chairman asks the Secretary to the Board to read any written submissions submitted to the Board with respect to the appeal. Letters written in support of the applicant shall be read first, followed by letters written by those in support of the appellant or who are opposed to the proposal. Where the Board has received a large volume of correspondence, much of what is repetitive, the Chairman may present a summary of the correspondence and indicate that the names of each person who submitted a letter will be recorded in the minutes.
10. The Chairman will ask
 - a) the applicant(s) (one at a time) to speak and permit the members of the Board to ask questions
 - b) the supporter(s) (one at a time) of the Applicant to speak and permit the members of the Board to ask questions.
11. The Chairman will ask
 - a) the Appellant(s) (one at a time) to speak and permit the members of the Board to ask questions
 - b) the supporter(s) (one at a time) of the Appellant to speak and permit the members of the Board to ask questions.
12. The Chairman will ask if any other person(s) present wishes to speak and will permit the members of the Board to ask them questions.
13. The Chairman asks for persons on the list who have not yet had an opportunity to speak to the proposal, and invites any such person to speak to the proposal at this time.
14. The Chairman asks
 - a) the Applicant(s) (one at a time) to summarize their case
 - b) the Appellant(s) (one at a time) to summarize their case
 - c) if any of the other speakers wish to summarize their case
15. The Chairman asks if the members of the Board have any further questions to ask.

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16. The Chairman asks those in attendance whether they are satisfied that the hearing has been conducted in a fair manner, and that they have been given the opportunity to speak to the proposal. If any person indicates dissatisfaction with the process, the Chairman may allow further input according to the same order, i.e. applicant/supporters, appellant/supporters, others.
17. The Chairman, in closing, indicates that:
 - a) members of the Board must consider only the information provided at the hearing in reaching a decision,
 - b) the Board must provide a decision on the appeal in writing, and that the decision must contain reasons for the decision made,
 - c) the decision will be mailed to those notified of the hearing, and those persons who have left their name and mailing address, at the earliest possible date, and
 - d) pursuant to s.197 of the Act, the Board may deliberate and make its decision on the matter in private.
18. The Chairman will declare the appeal hearing closed and will ask the public to leave in order that the Board may review the information presented at the hearing to reach a decision. Section 197 of the Municipal Government Act states *"A municipal planning commission, subdivision and development appeal Board may deliberate and make its decisions in meetings closed to the public."*
19. The Secretary to the Board will record the decision and the reasons for it and will provide written notification of the decision, at the earliest possible date, to those persons who have left their name and mailing address and those persons who were notified of the hearing.

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“APPENDIX A”

Procedure for Appeal Hearing

1. The Chairman will call the Appeal Hearing to order.
2. The Chairman asks the Secretary to the Board to announce the purpose of the Hearing:
 - as per the notice of advertising
 - giving reference to any file numbers, legal descriptions, names, etc.
 - the need for anyone planning to speak to the appeal hearing to be on the list compiled by County staff prior to the hearing.
3. The Chairman introduces self and members of Board.
4. The Municipal Officer(s) and/or Resource Person will speak first to outline facts and present an opinion.
5. The Chairman asks the Secretary to the Board to read any correspondence the municipality has received both in support and against the proposal.
6. The Applicant(s) will then state their case, one at a time.
7. Supporters of the Applicant will then state their case.
8. The Appellant(s) will then state their case.
9. Supporters of the Appellant will then state their case.
10. Each Applicant will be given the opportunity to summarize their case.
11. Each Appellant will be given the opportunity to summarize their case.
12. Others, including appointed Officials and/or Resource Person(s), will be given the opportunity to summarize their case.
13. The Chairman will declare the appeal hearing closed and will ask the public to leave in order that the Board may review the information presented at the hearing to reach a decision.
14. The Secretary to the Board will record the decision and the reasons for it and will provide written notification of the decision, at the earliest possible date, to those persons who have left their name and mailing address and those persons who were notified of the hearing.

Note 1: Since many persons present may wish to speak, the Chairman may ask that each speaker not repeat matters or information raised by others, except to express support and keep presentations short.

Note 2: Only Appeal Hearing members may ask questions during the Hearing. If any person(s) wishes to ask questions of a speaker, they must ask the Appeal Board members to ask the question on their behalf and the members will only ask the question if they feel or wish to have an answer in order to undertake their consideration.

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