

**MUNICIPALITY OF CROWSNEST PASS  
IN THE PROVINCE OF ALBERTA**

**BYLAW NO. 1020, 2018**

**BEING** a Bylaw of the Municipality of Crowsnest Pass, in the Province of Alberta, to establish the Crowsnest Pass Agricultural Service Board and set forth the duties and responsibilities thereof.

**WHEREAS** Section 3 of the *Agricultural Service Board Act*, RSA 2000, c. A-10, authorizes the establishment of an agricultural service board to advise municipalities on agricultural matters;

**AND WHEREAS** Section 14 of the *Agricultural Pests Act*, RSA 2000, c. A-8, and Section 14 of the *Soil Conservation Act*, RSA 2000, c. S-15, and Section 19 of the *Weed Control Act*, RSA 2008, c. W-5-1 authorize a council to establish an appeal body;

**AND WHEREAS** Section 203 of the *Municipal Government Act*, RSA 2000, c. M-26 authorizes council to delegate, by bylaw, its powers, duties and functions under any other enactment to a council committee;

**AND WHEREAS** Section 146 of the *Municipal Government Act*, authorizes the establishment of council committees to advise the council;

**AND WHEREAS** the Council for the Municipality of Crowsnest Pass considers it expedient to establish an agricultural service board to act as an appeal body for the *Agricultural Pests Act*, the *Soil Conservation Act*, and the *Weed Control Act*;

**NOW THEREFORE**, the Council of the Municipality of Crowsnest Pass, duly assembled, does hereby enact as follows:

**PART 1 - SHORT TITLE**

1. This Bylaw shall be cited as the "Agricultural Service Board Bylaw".

**PART 2 - DEFINITIONS**

2. In this Bylaw:

- (a) **"Acts"** mean the *Agriculture Service Act*, RSA 2000, c. A-10, the *Agricultural Pests Act*, RSA 2000, c. A-8, the *Soil Conservation Act*, RSA 2000, c. S-15 and *Weed Control Act*, RSA 2008, c. W-5-1, as amended from time to time and all regulations thereto;
- (b) **"Board"** means the Crowsnest Pass Agricultural Service Board;
- (c) **"CAO"** means the Chief Administrative Officer for the Municipality of Crowsnest Pass, and his/her duly authorized delegate(s);
- (d) **"Code of Conduct"** means the Council and Committees Code of Conduct Bylaw, being Bylaw No. 1008, 2018;

(e) **"Council"** means the duly elected council of the Municipality of Crowsnest Pass;

(f) **"Councillor"** means a member of Council;

(g) **"Member"** means a member of the Board;

(h) **"Municipality"** means the Municipality of Crowsnest Pass;

(i) **"Minister"** means the Minister determined under the current *Alberta Government Organization Act* as the Minister responsible for the Acts.

3. All other terms used in this Bylaw shall have the meaning as assigned to them by the Acts, to the extent that said meaning differs from the ordinary meaning of such terms.

### **PART 3 - ESTABLISHMENT**

4. The Crowsnest Pass Agricultural Service Board is hereby established to exercise the duties, powers, and functions as prescribed by this Bylaw.

### **PART 4 - FUNCTIONS AND DUTIES OF THE BOARD**

5. The Board has the following duties:

(a) to report to Council on soil loss or deterioration, serious weed infestation or otherwise seriously impaired agricultural productivity in accordance with the *Agricultural Service Board Act*;

(b) to hear and determine appeals in accordance with the *Agricultural Pests Act*;

(c) to hear and determine appeals in accordance with the *Soil Conservation Act*; and

(d) to hear and determine appeals in accordance with the *Weed Control Act*.

6. Additionally, the Board has the following duties under the *Agricultural Service Board Act*:

(a) to act as an advisory body and to assist the Council and the Minister, in matters of mutual concern;

(b) to advise on and to help organize and direct weed and pest control and soil and water conservation programs;

(c) to assist in the control of animal disease under the *Animal Health Act*;

(d) to promote, enhance and protect viable and sustainable agriculture with a view to improving the economic viability of the agricultural producer; and

- (e) to promote and develop agriculture and environmental policies to meet the needs of the Municipality.

## **PART 5 - APPOINTMENT**

- 7. All Members shall be appointed by resolution of Council at the organizational meeting of Council.
- 8. The Board shall consist of the following Members:
  - (a) five Members from the public-at-large who must be adult residents of the Municipality; and
  - (b) three Councillors.
- 9. Members must include persons who are familiar with agricultural concerns and issues and who are qualified to develop policies consistent with the *Agricultural Service Board Act*.
- 10. Each Member shall hold office for a term. The following terms of appointment shall apply:
  - (a) Members from the public-at-large shall be appointed for three year terms; and
  - (b) Councillors shall be appointed for one year terms.
- 11. Terms of office shall begin and expire as follows:
  - (a) for Members from the public-at-large, terms of office shall begin on January 1 of the year of the appointment and end on December 31 at the expiry of the term of office; and
  - (b) for Councillors, terms of office shall begin after the Organizational Meeting of the year of appointment and end at the next Organizational Meeting.
- 12. Members may be reappointed for consecutive terms.

## **PART 6 - RESIGNATION**

- 13. Any Member may resign at any time upon providing written notice to the Chair and the CAO.

## **PART 7 - DISQUALIFICATION**

- 14. A Member ceases to be a Member if:
  - (a) the Member fails to attend three consecutive regular meetings of the Board at which the Member is a voting Member, unless such absence is authorized by resolution of the Board;



- (b) the Member ceases to be a resident of the Municipality;
- (c) the Member becomes an employee of the Municipality;
- (d) in the case of a Councillor member, the Councillor ceases to be a Councillor; or
- (e) the Member is removed from the Board by a resolution of Council.

## **PART 8 - VACANCIES**

- 15. The Chair shall immediately advise Council and the CAO when there is a mid-term vacancy.
- 16. Administration shall advertise the vacancy and Council shall attempt to fill the vacancy as soon as possible.
- 17. Members appointed mid-term shall hold office for the remainder of the term unless Council provides otherwise by resolution.
- 18. In the case of a vacancy of a Councillor Member, Council may upon being notified of the vacancy, immediately appoint a Councillor Member by resolution at a meeting of Council.

## **PART 9 - REMUNERATION**

- 19. Members shall not be remunerated unless Council provides otherwise in this Bylaw.
- 20. Upon pre-approval by Council, Members may be reimbursed expenses to attend relevant training, meetings or conferences, consistent with the Municipality's policies and procedures on reimbursement.

## **PART 10 - CODE OF CONDUCT**

- 21. Members shall abide by the Code of Conduct.

## **PART 11 - ORIENTATION**

- 22. The CAO shall provide orientation materials and training to all Members.

## **PART 12 - MEETINGS**

- 23. The Board shall hold at least two meetings a year.
- 24. At the first meeting of the Board, the Members shall elect a Chair and a Vice-chair.
- 25. Board meetings shall be held in public.

26. The CAO shall provide meeting facilities for the Board.

### **PART 13 - APPEALS**

27. The Board shall convene when and as necessary to consider appeals in accordance with this Bylaw and the Acts.
28. The Board shall establish procedures for appeals in accordance with the Acts and the Board shall make such procedures available to the public.
29. The Board shall make and keep a record of any appeals, which may be in the form of a summary of the evidence presented at the appeal and shall include copies of all submissions and exhibits presented at the appeal, a copy of the notice of appeal and a copy of the decision of the Board.
30. If a notice issued under the *Agricultural Pests Act* is appealed, quorum of the Board for the appeal of that matter shall be three Members.
31. If a notice issued under the *Soil Conservation Act* is appealed, quorum of the Board for the appeal of that matter shall be five Members of which at least three Members shall be Councillor Members.
32. If a notice issued by the Municipality under the *Weed Control Act* is appealed, no Councillor Member shall participate in the appeal of that matter and quorum of the Board for the appeal of that matter shall be three Members.

### **PART 14 - DUTIES OF THE CHAIR**

33. The Chair shall
- (a) preside over the Board meeting or appeal;
  - (b) if requested, provide recommendations to Council regarding re-appointment of Members;
  - (c) assist the CAO in preparing a budget for the Council Committee, if applicable;
  - (d) attend Council on behalf of the Board.
34. If the Chair is absent or infirm, the Vice-chair shall fulfill the duties of the Chair.
35. If the Vice-chair is absent or infirm, the Members present shall appoint a temporary Chair to fulfill the duties of the Chair.

## **PART 15 - MOTIONS AND VOTING**

36. Board meetings and appeals shall be conducted in accordance with the relevant sections of the Municipality's Procedure Bylaw and in the absence of a procedure, in accordance with Roberts' Rules of Order.
37. All Members shall vote on matters before the Board for which the Members are present, in accordance with the Code of Conduct.
38. A simple majority vote of the Members present shall determine the outcome of the motion.
39. In the event of a tie vote, the motion shall be defeated.

## **PART 15 - MEETING QUORUM**

40. A quorum of the Board at a meeting of the Board shall be the three Members.

## **PART 17 - AGENDA AND MINUTES**

41. The Chair shall set the agenda for the meeting or appeal.
42. The Chair shall sign the approved minutes of the meeting or appeal.

## **PART 18 - ADMINISTRATIVE SUPPORT STAFF**

43. The CAO shall appoint one or more members of Administration to act as administrative support staff to the Board for meetings and appeals. Administrative support staff appointed to provide administrative support to the Board are not Members.
44. Administrative support staff shall ensure the Board is acting in accordance with the Acts, this Bylaw and their mandate.
45. Administrative support staff shall:
  - (a) attend all meetings and appeals;
  - (b) provide notice of each meeting and appeal as required under the Acts;
  - (c) take minutes at each meeting and appeal;
  - (d) keep the proper records for the Board;
  - (e) assist with drafting reports, advice and recommendations for Council;
  - (f) provide any other administrative support requested by the Board or the CAO.



## PART 19 - REPORTS TO COUNCIL

46. The Board shall annually provide a summary of its activities for the preceding year to Council in a form acceptable to Council containing reports and recommendations on matters such as planning, goals, annual progress reports, and substantive changes to service levels in related areas.
47. The Board shall provide written advice and recommendations to Council on issues within the Board's mandate and at the request of the Council.

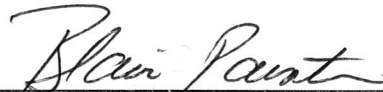
## PART 20 - ENACTMENT

48. This Bylaw shall come into force and effect when it has received third reading and has been duly signed.
49. Agriculture Service Board Bylaw 877, 2014, as amended is hereby repealed and replaced.

Read a **first** time this 18th day of December 2018.

Read a **second** time this 18th day of December 2018.

Read a **third** and final time this 18th day of December 2018.



Blair Painter  
Mayor



Patrick Thomas  
Chief Administrative Officer

