



THE COMMUNICATOR

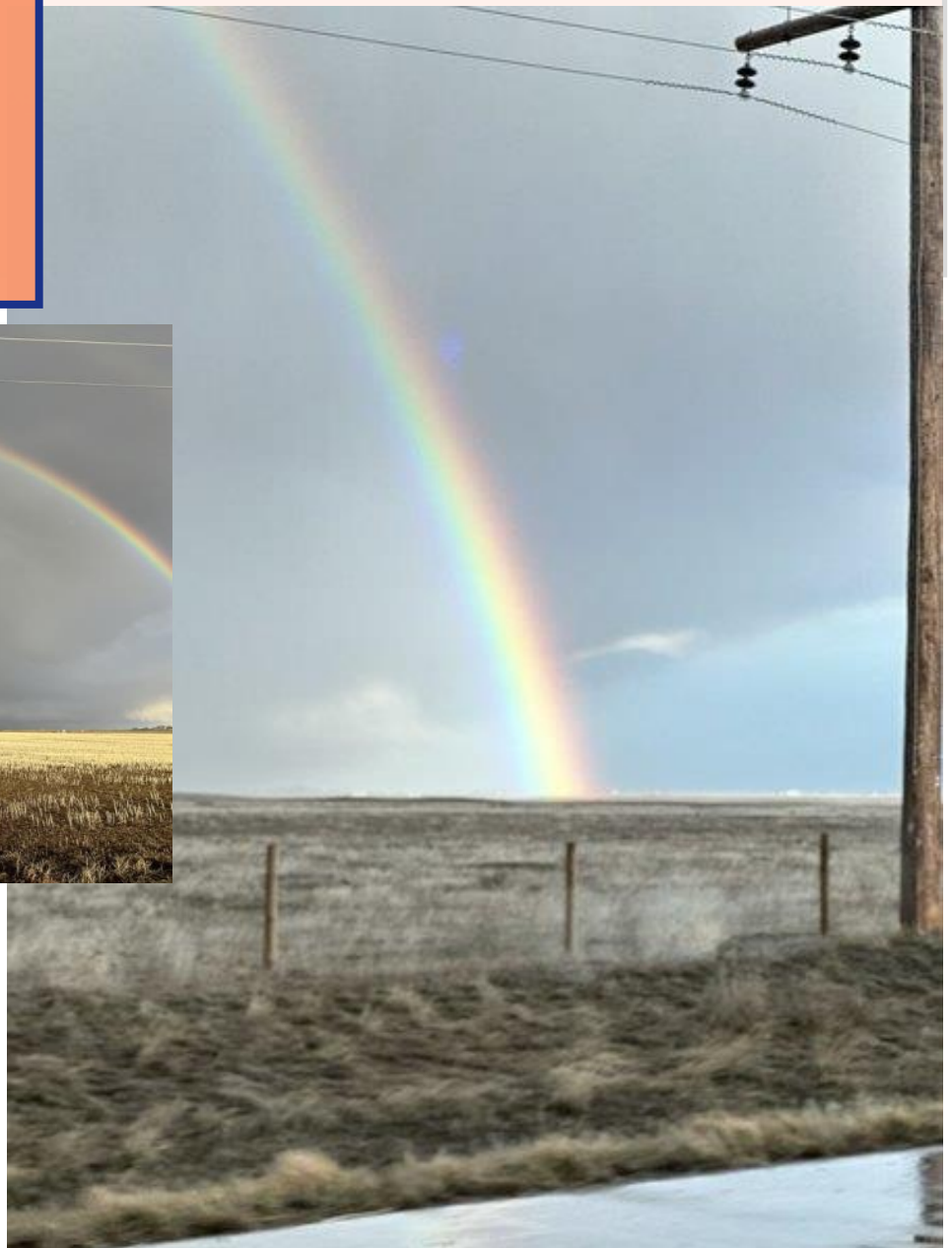
Alberta Development Officers Association (AdoA)

August 2024

Summer Issue

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Photos Rachelle Fiset

Words from the Editor

Heat and housing, seems to be all the chatter these days.

When I was a young girl, I loved the heat. We would sunbathe in the yard without sunscreen to ensure a nice tan and occasionally put peroxide in our hair so we could have the beautiful blond hair like the ladies on Baywatch. However, we generally got orange hair and early aging out of those days. Now, as a slightly older woman, air conditioning is my best friend and I can't imagine life without it. Who else is thinking Christmas?



Housing, the hot topic for some time. There's a lot of mixed feelings among landowners and proposed landowners and I am one of them. However, I went on the bus tour in Edmonton at the APPI conference and we saw a lot of homes that were altered to become multi-unit dwellings and areas that allowed a condo in amongst the single-family dwellings and I will say that the ones that we saw on the tour were lovely. The multi-unit dwellings were just as nice or better than many of the single-

family dwellings in the area.

I was reading an article on globalnews.ca about the Singapore housing model and its comparison to the BC Builds model which is in progress. The model uses public land to create housing for middle income households where the rent is no more than 30% of their income. Apparently, this model has been quite successful in Singapore. There were a couple interesting rules in the Singapore model that made me think. One of them is that the buildings are designed to create interaction between the residents. I think this is wonderful. When you know your neighbours it can be a great community support system, especially with young families, it takes a village. The other one that was thought provoking is the ethnic integration policy which ensures that there is an ethnic mix in a community. However, if you want to sell your home, you must sell it to someone that is the same race which can be challenging I'm sure.

According to the WOWA market report for housing in Alberta, there has been a 9.3 per cent increase in the cost of buying a home over the past year on average. Red Deer is the hot spot with a 22% increase, good news for the sellers.

In 2023 there was approximately 36022 new homes started in Alberta but this is low in comparison to 2006 when there were approximately 48962 new homes started in Alberta due to the energy boom.



The date is September 25 to 27, the meet and greet is on Tuesday, September 24 at the conference hotel, Best Western Premiere Hotel located at 1316-33 St NE, Calgary. The committee will be set up in a couple of the guest suites to get you registered while you enjoy some drinks and snacks.

This year the conference is being hosted by the ADOA because its our 40th anniversary and its going to be a great time. We have organized top notch speakers, beautiful hotel, and scrumptious meals. Remember to bring your best 80's outfit for the banquet! There may be prizes!

The charity we chose for this year is Alberta Dreams. One of the reasons we chose this charity is because it covers the entire province. Alberta Dreams helps fulfill the dreams of Alberta children with severe chronic or life-threatening illnesses. As always, we are asking for donations of silent auction items to support this great charity. In addition, there will be a 50/50 draw started on the Monday, September 23 and being drawn on Friday, September 27 as we wrap up the conference.

The 2025 conference location is not quite confirmed, but will be a surprise announcement at this years conference. We are looking for municipalities to host the 2026 and 2027 conference so please talk to your Council and let's make a plan. There is lots of help from the committee if you would like to host, please come and chat with us.

Alberta Development Officers Association General Bylaw of the Association BYLAW # 1-2024

1. NAME

- 1.1. The name of the society is the “Alberta Development Officers Association” also known as the “ADOA”

2. PURPOSE

- 2.1. to promote and advance the status of persons engaged in the field of Municipal Development;
- 2.2. to encourage the exchange of ideas and experiences among the members;
- 2.3. to encourage standards of performance for the members;
- 2.4. to co-operate with government and other agencies to upgrade the quality of service of members through continuing education;
- 2.5. to work with government and other agencies in identifying issues in administering existing legislation and promoting necessary amendments; and
- 2.6. the Association is not organized for profit and no part of the earnings shall be used to benefit any member or officer except as compensation for services rendered or for necessary expenses actually incurred and which are approved by the Executive Committee.

3. DEFINITIONS

- 3.1. **“Act”** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and amendments thereto;
- 3.2. **“Annual General Meeting (AGM)”** means a general meeting of the Members in Good Standing, required by the Association to be held annually;
- 3.3. **“Association”** means the Alberta Development Officers Association (ADOA);
- 3.4. **“Association Year”** means the period of time from the close of an Annual General Meeting until the close of the next succeeding Annual General Meeting;
- 3.5. **“Audit”** means an official inspection of an individual or organization’s accounts by an independent body;
- 3.6. **“Board”** means the Board of Directors of the Association

- 3.7. **“Bylaw”** means the General Bylaw of the Alberta Development Officers Association, and amendments thereto;
- 3.8. **“Conference”** means an annual assembly of the Members of the Association;
- 3.9. **“Development Officer and/or Authority”** means a person, municipal planning commission, joint municipal planning commission, or anybody appointed as a Development Authority and/or Development Officer pursuant to a municipal bylaw adopted in accordance with the Act;
- 3.10. **“Executive” or “Executive Officers”** means collectively, those rectors of the Association who are appointed as Executive Officers of the Board;
- 3.11. **“Executive Assistant”** means a person hired by the Board to provide support services to the Board, and/or the Association, as deemed appropriate by the Board;
- 3.12. **“Fiscal / Membership Year”** means from January 1 to December 31 of each calendar year;
- 3.13. **“Good Standing”** means, with reference to a Member, any Member whose fees for the Association Year have been paid and who is not otherwise disqualified from membership in the Association;
- 3.14. **“Member”** means an Active Member, Associate Member and Corporate Member;
- 3.15. **“Member, Active”** means any person employed by a municipality, or is a member of a Planning Commission or Joint Municipal Planning Commission, who is designated by an urban or rural municipality as the “Development Authority” or “Development Officer”, for the purposes of exercising the rights and duties of the Development Authority as provided for under the Land Use Bylaw;
- 3.16. **“Member, Associate”** means an employee of a Municipality or Government which may or may not be located in Alberta, that does not necessarily have the rights and duties of a “Development Authority” or Development Officer;
- 3.17. **“Member, Associate – Corporate”** means a company or organization that supports rural and urban planning whether as consultants or otherwise but is not an employee of a rural or urban municipality who receive benefits from that municipality. These members shall not be permitted to solicit their business during any conference, their membership will be terminated by the ADOA Executive should this occur.
- 3.18. **“Municipality”** means municipality as defined by the Municipal Government Act;
- 3.19. **“Notice to Reader Financial Statement”** means an unaudited financial statement;
- 3.20. **“Returning Officer”** means a person who is not seeking election to the Board and

who is appointed by the Nominating Committee;

- 3.21. **“Societies Act”** means the Societies Act, Revised Statutes of Alberta 2000, Chapter S-14, and amendments thereto;
- 3.22. **“Special Meeting”** means a meeting of the Members called to deal with Association business between each Annual General Meeting of the Association;
- 3.23. **“Special Resolution”** means a resolution passed at an Annual General Meeting or a Special Meeting of the Association for the purposes of this Bylaw in accordance with the Societies Act.

4. MEMBERSHIP

The membership of the Associations shall consist of the following:

- 4.1. Any person who performs the duties of a Development Officer in the Province of Alberta, upon written application, payment of the required membership fees (as established from time-to-time), and receives approval by the Membership Committee, shall become an Active Member of the Association.
- 4.2. Any person at the discretion of the Membership Committee, according to criteria established from time-to-time by the Board, may become an Associate Member.
- 4.3. Any Active Member who, in any Association year ceases to perform the duties of a Development Authority/Officer in a Municipality, may at the discretion of the Membership Committee become an Associate Member of the Association.
- 4.4. Except as otherwise provided in this Bylaw, an Active Member in Good Standing shall have full voting privileges and shall be eligible for election to the Board.
- 4.5. Except as otherwise provided for in this Bylaw, an Associate Member in Good Standing shall only have voting privileges for the election of the Board. No more than two (2) Associate Members in Good Standing are eligible for election to the Board at one time and will hold voting privileges as a member of the Board.
- 4.6. Any Member wishing to withdraw from membership with the Association may do so by serving written notice to the Board through the Executive Assistant or the Membership Committee. Such withdrawal shall become effective upon receipt of notification or at the end of the current Association year when the person became a Member, whichever comes first.
- 4.7. Active Members, Associate Members, Associate Corporate Members and employees of municipalities with Active Members, and employees of companies and organizations that are Associate Corporate Members, if in Good Standing, shall be eligible to participate in Association events and receive benefits open to Members of the Association. Employees of Active Member municipalities and employees of companies and organizations that are Associate Corporate

Members, and that do not perform the duties of a Development Officer or Development Authority, shall not have voting privileges.

5. MEMBERSHIP FEES

- 5.1. Membership fees shall be determined at the Annual General Meeting of the Association, as needed.
- 5.2. All membership fees are invoiced on January 1st of each year.
- 5.3. Where a Member is in arrears of payment of fees on the last day of April of the current year, such person shall cease to have membership but may obtain reinstatement to membership upon by the Membership Committee. Upon application for reinstatement, a late fee of \$25.00 will be applied in addition to the annual Membership fee.
- 5.4. All paid membership fees are non-refundable.

6. BOARD OF DIRECTORS

- 6.1. A Director of the Association shall be elected by the Active Members of the Association at the Annual General Meeting. Active Members in Good Standing and no more than two (2) Associate Members in Good Standing shall be eligible for election to the Board.
- 6.2. Subject to any vacancies that may occur from time-to-time, the Board shall consist of eight (8) Directors, seven (7) of which shall be elected by the Active Members of the Association and one (1) of which may be represented on the Board, as a Past President.
- 6.3. Five (5) of the members of the Board shall be Executive Officers of the Board, appointed annually by the Board and shall consist of the following positions:
 - President;
 - Vice-President;
 - Treasurer;
 - Secretary; and
 - Past President
- 6.4. The Board shall:
 - 6.4.1. have general charge and control of the affairs, funds and property of the Association;
 - 6.4.2. manage the affairs of the Association in accordance with any Bylaw(s) and/or policies of the Association, as well as any decisions of the

Members as determined at the Annual General Meeting or, at any Special Meeting of the Association;

- 6.4.3. as much as possible, have representation from various types of municipalities in the Province of Alberta;
 - 6.4.4. hold not less than four (4) meetings of the Board in each Association Year;
 - 6.4.5. have the authority to hire an Executive Assistant to the Board as required, and establish the duties to be performed by the Executive Assistant;
 - 6.4.6. have the authority to appoint the members of each Standing Committee; and
 - 6.4.7. establish and dissolve any ad hoc committee it deems necessary.
- 6.5. Each Director shall have one (1) vote at any meeting of the Board. Voting shall be by a show of hands or, as otherwise determined by the Directors present at the meeting.
- 6.6. A Director may be expelled from the Board upon receipt and consideration of a written request for expulsion from the Board by at least three (3) Active Members in Good Standing. The Board shall not consider such a request unless it contains specific reasons for the request for expulsion from the Board.

7. TERM OF OFFICE OF THE DIRECTORS

- 7.1. Each Director elected at an Annual General Meeting shall hold office for two (2) consecutive Association Years. The term of office shall commence at the close of the Annual General Meeting at which the Director was elected, until the close of the Annual General Meeting which ends the second Association Year, at which the Director was elected.
- 7.2. Three (3) Directors shall be elected at an Annual General Meeting, and four (4) Directors shall be elected at the next succeeding Annual General Meeting.

8. VACANCY ON THE BOARD

- 8.1. The Board shall have the authority to fill any vacancy (which may occur between the AGMs) on the Board by the appointment of an Active and/or Associate Member in Good Standing. The Director so appointed by the Board shall hold office for the term of the office of the Director whose vacant position is so filled.
- 8.2. A vacancy on the Board shall occur by reason of:
 - 8.2.1. a resignation;
 - 8.2.2. a death;

- 8.2.3. ceasing to be an Active or Associate Member in Good Standing; or
 - 8.2.4. expulsion pursuant to this Bylaw.
- 8.3. In the event that more than three (3) vacancies on the Board should occur and, if it is necessary for the Board to fill those vacancies prior to an Annual General Meeting in order for the Board to maintain quorum, a Special Meeting shall be called by the Board for the purpose of electing Directors to fill the vacancies on the Board. Any Director so elected shall hold the office until the expiration of the term of the Director whose vacant position is so filled.

9. EXECUTIVE OFFICERS OF THE BOARD

- 9.1. The Past President shall:
- 9.1.1. be represented by a former President and shall hold office, for a term as determined by the Executive Officers of the Board;
 - 9.1.2. represent the Association as/when required by the Board; and
 - 9.1.3. chair a Standing Committee of the Association, as determined by the Board.
- 9.2. The President shall:
- 9.2.1. be elected by vote of the majority of the Board at the first meeting of the Board following the Annual General Meeting;
 - 9.2.2. chair meetings of the Board;
 - 9.2.3. preside as the Chairperson of the Annual General Meeting of the Association and, at any Special Meeting of the Association;
 - 9.2.4. be an ex-officio member of any Standing Committee;
 - 9.2.5. represent the Association as/when required; and
 - 9.2.6. create other committees and assign their duties as deemed necessary and, as approved by the Board.
- 9.3. The Vice-President shall:
- 9.3.1. be elected by vote of the majority of the Board at the first meeting of the Board following the Annual General Meeting;
 - 9.3.2. preside at meetings of the Board in the absence of the President;

- 9.3.3. preside at Annual General Meeting and Special Meeting in the absence of the President;
 - 9.3.4. represent the Association as/when required in the absence of the President; and
 - 9.3.5. be an ex-officio member of standing committees.
- 9.4. The Secretary shall:
- 9.4.1. be elected by vote of the majority of the Board at the first meeting of the Board following the Annual General Meeting;
 - 9.4.2. notify the appropriate Directors and Members as required, of meetings of the Board, the Annual General Meeting, and any Special Meeting as required;
 - 9.4.3. prepare an agenda for, attend, and keep a record of the proceedings of any meetings of the Board, the Annual General Meeting and any Special Meetings;
 - 9.4.4. record all motions, resolutions, decisions, and any other proceedings of meetings of the Association, and maintain custody of the records on behalf of the Association;
 - 9.4.5. keep a record of all documents or incorporation of the Association, all bylaw(s) and policies and, the proceedings of all meetings of the Board, the Annual General Meeting and any Special Meeting of the Association;
 - 9.4.6. have joint custody, along with the Executive Assistant of the ADOA, and use of the Association seal, as and when required; and
 - 9.4.7. liaise and coordinate with the Executive Assistant, an effective method of ensuring that correspondence of the Association is appropriately distributed and, that required responses are provided as necessary.
- 9.5. The Treasurer shall:
- 9.5.1. be elected by majority vote of the Board at the first meeting of the Board following the Annual General Meeting;
 - 9.5.2. delegate the Executive Assistant to collect and deposit, in the name of the Association, all monies of the Association, in an account or accounts, in an accredited Canadian financial institution, as the Board, from time-to-time, may determine;
 - 9.5.3. disburse and account for the funds of the Association under the direction of the Board;

- 9.5.4. arrange or delegate the Executive Assistant to arrange for a Notice to Reader Financial Statement prepared by a qualified individual(s) as agreed upon by the Board and in accordance with Section 12.3 of this Bylaw; and
- 9.5.5. have available all financial records of the Association for inspection by any Active Member of the Association, at the Annual General Meeting or, at any time upon receiving reasonable notice and making suitable arrangements.

10. STANDING COMMITTEES OF THE ASSOCIATION

- 10.1. The Board shall have the authority to appoint Directors and/or Members to each Standing Committee.
- 10.2. Standing Committees of the Association shall include Membership, Bylaw & Policy Development, Communications, Conference Liaison and Education.
- 10.3. The Membership Committee shall:
 - 10.3.1. be chaired by a Director, as appointed by the Board at the first meeting of the Board following the Annual General Meeting;
 - 10.3.2. be responsible for reviewing and approving all applications for membership to the Association, in accordance with the criteria for membership as approved by the Board;
 - 10.3.3. liaise with the Executive Assistant to the Board to maintain a membership list (with information as deemed appropriate by the Board); to maintain and update the membership list on an annual basis; and to have membership information available to all registered Members of the Association; and
 - 10.3.4. review and present recommendations for revisions or changes to the application for membership to the Association, as and when required.
- 10.4. The Bylaw & Policy Committee shall:
 - 10.4.1. be chaired by a Director, as appointed by the Board at the first meeting of the Board following the Annual General Meeting;
 - 10.4.2. be responsible for ensuring compliance with, and maintenance of, any bylaw(s) and/or policies of the Association;
 - 10.4.3. receive, review, prepare, and provide recommendations with respect to proposed changes or revisions to the bylaw(s) and/or policies that may be submitted by Active and/or Associate Members of the Association;

- 10.4.4. review the bylaw(s) and policies of the Association on a regular basis to ensure accuracy and adequacy; and
 - 10.4.5. be responsible for establishing any new bylaw(s) and/or policies appropriate to the ADOA.
- 10.5. The Education Committee shall:
- 10.5.1. be chaired by a Director, as appointed by the Board at the first meeting of the Board following the Annual General Meeting;
 - 10.5.2. consist of a minimum of two (2) Directors or other Members of the Association as deemed appropriate and as appointed by the Board;
 - 10.5.3. be responsible for the research and review of the educational needs and standards of the Members for the purpose of maintaining and upgrading qualifications of Development Officers/Authorities in the Province of Alberta;
 - 10.5.4. liaise with appropriate educational institutions and provide recommendations to the Board regarding proposed courses and revisions to the standards of education curriculum Development Officers/Authorities; and
 - 10.5.5. accept subsidy applications and provide recommendations to the Board for approval in accordance with the Education Subsidy Policy.
- 10.6. The Communication Committee shall:
- 10.6.1. be chaired by a Director, as appointed by the Board at the first meeting of the Board following the Annual General Meeting;
 - 10.6.2. be responsible for researching and ensuring appropriate communication of the business and information of the Association to the Members; and
 - 10.6.3. review and provide recommendations for appropriate forms of communication for the Board's consideration and approval.
- 10.7. The Conference Liaison Committee shall:
- 10.7.1. Be chaired by the Treasurer as appointed at the first meeting of the Board following the Annual General Meeting;
 - 10.7.2. Send welcome emails to the hosting Municipality along with a copy of the Conference Policy, the conference checklist, lessons learned from previous years, information on budget, speakers and survey results;
 - 10.7.3. Advance the ADOA financial contribution as approved by the Board;

- 10.7.4. Communicate with conference committee and Executive Assistant on a regular basis to ensure timelines, budget and other obligations are met;
- 10.7.5. Provide the Board with ongoing updates on the progress of the conference committee; and
- 10.7.6. Arrange for the conference committee to meet with the Board at the hosting Municipality at least three (3) months prior to the conference.

11. QUORUM OF THE BOARD

- 11.1. A quorum of the Board shall be five (5) Directors of the Board present at any meeting of the Board, except where there are more than four (4) vacancies on the Board, the remaining Directors shall then constitute a quorum for the purposes of calling a Special Meeting for the appointment of Directors to fill the vacant positions.

12. FINANCIAL RESPONSIBILITIES

- 12.1. The Fiscal Year of the Association shall be from January 1 to December 31 of each calendar year.
- 12.2. The signing officers of the Association for financial purposes shall be the Treasurer along with either the President or the Secretary.
- 12.3. A Notice to Reader Financial Statement of the Association, for the preceding Fiscal Year, shall be prepared by a qualified individual yearly and an audited financial statement prepared by a certified professional accountant or equivalent every 5 years, or as determined by the Board. The financial statement shall be presented to the Members at the Annual General Meeting by the Treasurer of the Association.
- 12.4. For the purposes of carrying out its objectives, the Association may borrow, raise or secure monies in such a manner as deemed appropriate by the Board. However, this power shall be exercised only under the authority and direction of the Association and, in no case, shall debentures be issued without the authorization of the Association. Issuance of debentures shall be approved by Special Resolution of the Association.
- 12.5. Unless authorized at any meeting and, after notice of the same has been given, no Member of the Association shall receive remuneration for any services.
- 12.6. Any expenses incurred by a Member on behalf of the Association shall be reimbursed at the discretion of the Board.
- 12.7. The Board shall establish an appropriate rate of remuneration for expenses incurred for the conduct of business by the Board, the Executive Assistant, or any Member of the Association, as approved by the Board.

13. ANNUAL CONFERENCE

- 13.1. A Conference shall be held annually at a place in Alberta decided upon by the Members, on a date to be fixed by the Board.
- 13.2. Notice of the Conference shall be provided to each Member of the Association, at least forty-five (45) days prior to the Conference.

14. MEETINGS

14.1. Annual General Meeting:

- 14.1.1. An Annual General Meeting of the Association shall be held by the Association during the annual Conference, at a time and place as designated by the Board.
- 14.1.2. Any Member in Good Standing may vote in person at the Annual General Meeting.
- 14.1.3. Committee reports shall be presented to Members of the Association at the Annual General Meeting by the Board of Directors and, the Chairman of each of the respective Standing Committees of the Association.
- 14.1.4. A quorum at an Annual General Meeting shall be a minimum of forty (40) Members in Good Standing or, as determined by a vote of the Members in Good Standing at the Annual General Meeting.
- 14.1.5. Voting at the Annual General Meeting shall be by a show of hands or ballot, or by determination of the Members in Good Standing present at the Annual General Meeting, except for Special Resolutions as set out in Section 18 of this Bylaw.
- 14.1.6. The election of Directors shall occur at the Annual General Meeting.

14.2. Board Meetings:

- 14.2.1. The Board shall meet no less than four (4) times in each Association Year and, at any other such times and intervals as are necessary to consider and decide on matters of the Association.
- 14.2.2. A Board Meeting may be called by the President, the Vice President acting on behalf of the President or, by a majority of the Board of Directors.
- 14.2.3. In the absence of the President and the Vice-President at a duly called meeting, a Chairperson shall be appointed by the members present at that meeting.
- 14.2.4. Notice of a Board Meeting shall be given, and an agenda shall be

distributed to the Directors, within a reasonable time frame prior to the meeting.

14.2.5. Where a Director is absent from a Board meeting(s):

14.2.5.1. the Director requiring absence from three (3) or more consecutive meetings shall submit to the Board, a written request stating the reason(s) for the absence; and

14.2.5.2. the Secretary, acting on the direction of the Board, will provide a response in writing, stating the position of the Board regarding the request for leave of absence.

14.2.6. A Director missing or absent from three (3) or more meetings of the Board without due cause shall be subject to expulsion from the Board. In the event a Director is expelled, the Board may fill the vacancy in accordance with Section 8 of this Bylaw.

14.3. Special Meetings:

14.3.1. Special Meetings shall be called upon:

14.3.1.1. instruction from the President, or any two (2) Executive Officers of the Board; or

14.3.1.2. receipt of a written request signed by twenty-five percent (25%) of the Members in Good Standing.

14.3.2. Each Member of the Association shall receive notification of a Special Meeting by the Secretary or the Executive Assistant, at least twenty-one (21) days in advance of the meeting date. Such notification shall include the reasons for the meeting and an agenda.

14.3.3. Voting at a Special Meeting shall be by a show of hands or as determined to be appropriate by the Members in Good Standing present at the Special Meeting.

14.3.4. Decisions shall be by the vote of the majority of the Members in Good Standing present for the vote, except for Special Resolutions as set out in Section 18 of this Bylaw.

14.3.5. The quorum at a Special Meeting shall be twenty (20) Members in Good Standing, or as determined by a vote of the Members in Good Standing present at the Special Meeting.

14.3.6. In the event of an election held at a Special Meeting for the purposes of Section 8, the provisions of Section 15 of this Bylaw respecting elections

held at an Annual Conference shall also apply to an election held at a Special Meeting.

15. ELECTION TO THE BOARD

- 15.1. A returning officer shall be appointed by the Nomination Committee to conduct the election of Directors prior to the Annual General Meeting.
- 15.2. Voting for an election of Directors to the Board shall be by ballot.
- 15.3. Any Active Member in Good Standing and/or no more than two (2) Associate Members in Good Standing shall be eligible for election to the Board. A municipal planning commission or a joint municipal planning commission, which is an Active Member in Good Standing, and which is represented by an individual as provided in Section 3.15 of this Bylaw, shall be eligible for election to the Board as represented by that individual.
- 15.4. The candidate, for the purposes of election to the Board, receiving the most votes as a member of the Board, shall be declared as elected to the board.

16. BYLAWS

- 16.1. Bylaws may be rescinded, altered, or added only by an amendment carried as a Special Resolution and as defined in Section 3.23 of this Bylaw.
- 16.2. Bylaw amendments shall be presented for consideration at an Annual General Meeting or at a Special Meeting as called by the Board from time-to-time.
- 16.3. A motion to amend a Bylaw may be submitted prior to an Annual General Meeting or a Special Meeting only by the Bylaw & Policy Committee or, by a minimum of three (3) Members of the Association, in Good Standing.
- 16.4. In the case of a motion to amend a Bylaw which is not submitted by the Bylaw & Policy Committee:
 - 16.4.1. the proposed amendment which is the subject of the motion shall be submitted to the Chairman of the Bylaw & Policy Committee for the Committee's consideration, at least sixty (60) days prior to the Annual General Meeting; or
 - 16.4.2. the subject of which has not been submitted to the Chairman of the Bylaw & Policy Committee at least sixty (60) days prior to the Annual General Meeting, that motion shall be tabled until the next succeeding Annual General Meeting unless the Bylaw & Policy Committee recommends that the motion be dealt with at the Annual General Meeting, or any other time as determined by the Board.
- 16.5. The Secretary, or the Executive Assistant, shall notify each Member in Good

Standing of the proposed motion to amend a Bylaw, at least twenty-one (21) days prior to the Annual General Meeting.

- 16.6. In the case of a proposed amendment to a Bylaw which is not submitted by the Bylaw Review Committee, the member(s) proposing the amendment shall submit the proposed amendment to the Bylaw Review Committee Chairman. The Secretary or the Executive Assistant, shall provide the required notification to the Active Members in Good Standing, at least twenty-one (21) days prior to the Annual General Meeting notwithstanding, that the proposed motion is not submitted by the Bylaw Review Committee.
- 16.7. The Bylaw & Policy Committee shall advise the persons who have submitted the proposed amendment, of the Committee's recommendation respecting the proposed amendment.
- 16.8. Notwithstanding Section 16.4 of this Bylaw, in the case where:
 - 16.8.1. the Bylaw & Policy Committee submits a motion to amend a Bylaw and the required twenty-one (21) days notification to the Members in Good Standing has not been given; or
 - 16.8.2. a proposed amendment has not been submitted to the Bylaw & Policy Committee Chairman, pursuant to Section 16.4 of this Bylaw, but the Bylaw Review Committee has recommended that the motion be considered; then

a motion containing the proposed amendment shall be approved as a Special Resolution upon a vote in accordance with Section 18 of this Bylaw.

17. NOMINATIONS

- 17.1. The Board shall appoint a Nominating Committee at the annual Organizational Board Meeting.
- 17.2. The Nominating Committee shall submit to the Secretary, or the Executive Assistant, a written report containing the names of the person(s) nominated along with:
 - 17.2.1. verification that the person(s) nominated are Active and/or Associate Members in Good Standing; and
 - 17.2.2. certification that each nominee has accepted the nomination.
- 17.3. The Nominating Committee shall appoint a person who is not seeking election on the Board, as the returning officer.
- 17.4. Any Member in Good Standing may nominate another Active Member and/or Associate Member in Good Standing as a candidate for election to the Board.

- 17.5. A nomination shall:
- 17.5.1. be made in writing;
 - 17.5.2. provide a brief bio of themselves;
 - 17.5.3. be signed by three (3) Members in Good Standing and the nominee; and
 - 17.5.4. be submitted prior to the Annual General Meeting.
- 17.6. Should the Board not receive enough nominations prior to the Annual General Meeting, any Member in Good Standing may nominate another Active Member and/or Associate Member in Good Standing as a candidate to the Board by a nomination from the floor during the Annual General Meeting.
- 17.7. The candidates receiving the majority of votes shall be declared as elected to the Board. In the event of a tie, a revote shall occur.

18. SPECIAL RESOLUTION

- 18.1. A Special Resolution pursuant to this Bylaw shall be considered only where:
- 18.1.1. more than twenty-one 21 days' notice has been duly provided to the Members in Good Standing specifying the intention of the proposed resolution and a minimum of forty Members in Good Standing are present when the vote is called; or
 - 18.1.2. less than twenty-one (21) days' notice has been given to the Active Members in Good Standing and all of the Active Members in Good Standing are present for the vote.
- 18.2. A majority vote in the affirmative is required to be provided in order for a Special Resolution to be considered passed.

19. GENERAL

- 19.1. The Board may make decisions as necessary to conduct business on behalf of the Association.

20. REPEAL OF PREVIOUS BYLAWS

- 20.1. This Bylaw repeals Bylaw #1-2022.

21. EFFECTIVE DATE

- 21.1. This Bylaw shall come into effect as of the date of passing by the Members in Good

Standing.

ADOA LEGAL CORNER with:



BROWNLEE LLP
Barristers & Solicitors

Crafting Smart Land Use Bylaws: A Blueprint for Better Enforcement

Ensuring effective municipal enforcement begins long before any construction or contravention begins. Effective planning and development enforcement stems, in part, from meticulous drafting of the Land Use Bylaw (“LUB”). As mandated by section 640(1) of the *Municipal Government Act* (“MGA”), all municipalities are obligated to adopt an LUB, which establishes rules and regulations for development within their jurisdiction.

The LUB serves a critical function by offering statutory remedies that can endure various complex enforcement scenarios. Well drafted LUBs ensure orderly, efficient and sustainable development that maintains a high quality of life for ratepayers, and protects the public good while ensuring proper development and economic opportunity via clearly defined rules and regulations. Drafting bylaws is challenging and we recommend that the final product is reviewed by legal counsel to ensure quality and legal enforceability.

Clear and Effective Drafting Language

The use of clear and effective language is essential to the enforceability of any LUB. The easier it is to read a LUB, the greater its efficacy. Use simple language, short sentences and the active voice. Draft provisions chronologically when there are multiple steps moving from general to specific. For example, when considering provisions for making an application for a permit, begin by outlining the information that must be provided for all applications, such as the application form or the certificate of title. Then outline more specific information that may be required, based on the specific type of application.

Organize the LUB in a clear and consistent manner that is easy to understand. Each section in an LUB should consist of cohesive subject matter. Limit the number of subsections incorporated in provisions, with subsections and paragraphs restricted to one or two sentences. Internal references to sections and subsections should be reviewed for consistency throughout the bylaw, and avoided where possible.

Ensure all defined terms are necessary, clearly defined and consistent. Do not define terms that are not used in the LUB. Terms that are already defined in relevant legislation should mirror the legislation. The best way to do this is to either copy the definition from the legislation or define the term by referencing the relevant legislation. Using already defined terms from legislation is useful because legislators have considered the term and, in some cases, the Courts have judicially considered the term. Where terms are intricately linked to specialized knowledge, it may be necessary to consult experts to ensure the accuracy and efficacy of definitions. In some LUBs,

defined terms are capitalized or italicized – this is not necessary but if your LUB uses this tool, check it is used consistently.

Ensuring Prohibitions are Clear

LUBs must include specific provisions creating an offence. This means the LUB must include provisions that state the failure to comply with the LUB, a development or subdivision approval, or a stop order constitute an offence. It is useful for the LUB to provide that the development authority may issue a stop order pursuant to section 645 of the *MGA* but it is not necessary to copy all the provisions of section 645 of the *MGA* into the LUB. It is useful to note that pursuant to section 645 of the *MGA*, stop orders may be issued to both owners and occupants of land, as well as any individual responsible for a contravention. LUB's should incorporate section 645 of the *MGA* by reference to ensure that individuals are aware of the LUB's broad applicability.

LUBs should outline the different enforcement tools available to the development authority. Additionally, LUBs should clarify that the development authority has discretion in determining whether or not to enforce and what enforcement tools to use. Besides a section 645 stop order, the municipality can issue warnings, municipal tags, and violation tickets and it can pursue prosecution under the *Provincial Offence Procedure Act* or seek an injunction pursuant section 554 of the *MGA*. The use of these various tools is not mutually exclusive nor is there a specific hierarchy in how the tools may be used and it is beneficial if the LUB make this clear. Ensure your LUB is drafted so the development authority has the discretion to decide the best way to pursue enforcement.

LUBs should also make it clear that the municipality may conduct an inspection of the lands to ensure compliance with the LUB pursuant to section 542 of the *MGA*. In order to carry out an inspection, the LUB must designate someone, such as the development officer, as the designated officer to carry out inspections. We recommend that municipalities also develop a standard form to give notice of an inspection and a standard inspection report form to capture information obtained during the inspection but these do not need to be part of the LUB. Ensuring the inspection process is efficient and effective will facilitate better enforcement.

Specifying Effective Penalties

Effective penalties are critical to ensuring compliance with any LUB. The *MGA* provides municipalities with the ability to deter contraventions via monetary fines. The fines imposed should be sufficiently onerous to deter potential contraventions, but not so severe that the Court will be reluctant to impose the fine. Specific contraventions of an LUB should be accompanied by prescribed fines corresponding with the social harm or seriousness of the particular contravention. Fines increasing in severity should be imposed for subsequent offences within a set time period. It is most efficient to list offences and the related fines in a schedule to the LUB.

With respect to the magnitude of fines, municipalities should incorporate language in LUBs highlighting that fines specified in the bylaw are a minimum – this will serve to restrict the Court from imposing a fine lower than was selected by the municipality. Municipalities should also ensure that their LUB includes a minimum penalty for any offence not specifically enumerated

within the enforcement provisions of the Bylaw. Lastly, municipalities should incorporate a provision which expressly permits for persons who are issued a violation ticket to make voluntary payments.

Advantages to Increased Efficacy of a LUB

Enhancing the quality of an LUB carries a number of advantages. Public compliance with the LUB is promoted by ensuring regulations are clear and comprehensible. Interpretation of the LUB by enforcement officers and the Court becomes more straightforward, furthering the principle of legal certainty. Additionally, a well drafted LUB will increase enforcement efficacy by allowing for contraventions to be clearly described within a Stop Order, and by providing clear guidance to the Subdivision and Development Appeal Board and Court with respect to understanding a contravention, confirming that the LUB has been breached, and guiding the remedies that should be imposed.

The Brownlee Municipal Law Team is pleased to offer our services in a number of planning and development areas, including processing development permit applications, addressing environmental or cross-jurisdictional issues, and passing or amending land use bylaws. **For more information, please contact a member of the Brownlee LLP Municipal Team on our Municipal Helpline at 1-800-661-9069 (Edmonton) or 1-877-232-8303 (Calgary).**

2023-2024 Board of Directors

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Contact Us

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