

Priorities Committee Meeting_Jul14_2020**STRATEGIC INITIATIVE AND UPDATE**

Weed Control Act Appeals**Report Purpose**

To provide the Priorities Committee with options for moving Weed Control Act appeals from the Agricultural Services Board to the General Appeals and Review Committee

Our Prioritized Strategic Goals

Goal 4 - Ensure effective stewardship of water, land, air and energy resources
Continuously improving the way we work, as one organization, in an agile and sustainable manner

Report

Administration seeks guidance on two questions. The first question concerns the proper committee to hear appeals under the *Weed Control Act*. The second question concerns the authority to approve the destruction of greater than 20 acres of crops in order to control weeds.

Question 1: Appeal body under the *Weed Control Act*

Currently, the Agricultural Services Board is the appeal body for appeals of Weed Notices and Debt Recovery Notices (issued in relation to the County's weed control activities pursuant to a Weed Notice). The value of the Agricultural Services Board lies in its expertise on agricultural operations, and its advisory capacity in those matters, rather than in its expertise in appeals and the required procedural fairness requirements that are closely tied to an appeal. The General Appeals and Review Committee (currently composed of members of the Subdivision Development Appeals Board) has expertise and experience in handling the necessary procedural elements of appeals from decisions.

In order to create efficiencies in the use of committees, administration would like to prepare bylaws to:

1. Amend the Boards and Committees Bylaw
 - a. remove the Agricultural Services Board schedule
 - b. remove the General Appeals and Review Committee Schedule
2. Draft a new (standalone) bylaw for the General Appeals and Review Committee
 - a. add in a new provision that it is the appeal body for appeals under the Weed Control Act
 - b. Draft a new (standalone) bylaw for the Agricultural Services Board

Legislative and Legal Services is in the process of updating the Boards and Committees Bylaw to remove provisions relating to specific committees, creating standalone bylaws for all council committees. Direction on this matter is simply to move the appeal function as part of this process to a body with expertise in the area of hearing appeals.

Question 2: Delegating the authority to approve destruction of crops

In June 2019 the Minister of Agriculture and Forestry issued a decision on a weed control matter that noted concerns with the order of event that weed control processes are

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conducted. In particular, the approval of the destruction of greater than 20 acres of crops after a Weed Control Notice has been issued.

The Minister's decision has had some serious effects on the ability of the County to enforce Weed Control Notices that are issued under the Weed Control Act. The process that must be followed, pursuant to the Minister's decision, requires that when the destruction of greater than 20 acres of crops is required to control the weeds, Council must approve the destruction prior to the County issuing a Weed Control Notice to the landowner.

This requirement can have a detrimental effect on weed control, as the control timelines may be difficult to meet when the weed must be discovered, the destruction must be approved by Council, and the Weed Notice then issued (with a reasonable time for compliance) prior to the County destroying the weeds.

The Agricultural Services Board is composed of individuals with interest and expertise in agricultural matters. In order to alleviate some of the time pressures created by the process required in the Minister's ruling, the decision on whether to approve the destruction of greater than 20 acres of crops in order to control weeds could be delegated to the Agricultural Services Board. The board has close links to the agriculture industry, and can make a considered decision on whether the destruction is required in order to control the weeds, and on the effect the weeds may have on agriculture in the County, overall.

Currently, the approval to destroy the crops must be provided by Council. Adding the request to a Council meeting is a more time-consuming process than to add the same request to a Agricultural Services Board meeting, for which a special meeting can be called relatively easily.

Administration is seeking guidance from the Priorities Committee on whether to include this delegation to the Agricultural Services Board in a draft bylaw for Council's consideration.

Note that we cannot delegate the ability to approve the destruction of crops to the Agricultural Services Board without removing the appellate function from the board, as that may create a conflict of interest (the Agricultural Services Board would be reviewing its own decision).

Other Impacts

Policy: N/A

Legislative/Legal: New Bylaws to be drafted by Legislative and Legal Services. Altered training requirements for the Agricultural Services Board and the General Appeals and Review Committee

Interdepartmental: LLS has worked with Transportation and Agriculture Services in developing these proposals.

Master Plan/Framework: N/A

Enclosure(s)

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Weed Control Appeals Presentation