

2018 Calgary Subdivision and Development Appeal Board Leadership and Operations

EXECUTIVE SUMMARY

Council must annually appoint a Chair to the Subdivision and Development Appeal Board ("SDAB" or "Board") after considering the recommendations of the Board. Administration has also provided a brief update on Board operations to keep Council apprised of the improved state of the SDAB.

ADMINISTRATION RECOMMENDATIONS:

That Council:

1. Consider correspondence from the SDAB Nominating Committee in respect of recommendations for the appointment of the SDAB Chair for 2018 (Attachment 1);
2. Appoint the SDAB Chair from among standing Board members for 2018;
3. Direct that Attachment 1 remain confidential pursuant to Sections 17 and 19 of the *Freedom of Information and Protection of Privacy Act*; and
4. Direct that Attachment 4 remain confidential pursuant to Section 24 of the *Freedom of Information and Protection of Privacy Act*.

PREVIOUS COUNCIL DIRECTION / POLICY

On 2015 July 27, Council adopted the recommendation contained in Report PFC2015-0518 to (a) implement qualifications for the Chair, (b) authorize Council to appoint the Chair, (c) establish term limits for SDAB members, (d) prohibit the appointment of Councillors to the Board, and (e) facilitate other succession-planning measures.

BACKGROUND

Council has established qualifications for the SDAB Chair (Attachment 2) and for SDAB members generally (Attachment 3).

The Board has an important role to play in the adjudication of subdivision and development matters which impact on the growth and development of the city. There is a strong public interest in Council appointing a SDAB Chair who understands the Board's purposes and mandate, is knowledgeable about the regulation of subdivision and development in Calgary, and is available to provide leadership to the Board.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Appointment of the SDAB Chair

Under the provisions of the SDAB Bylaw, Bylaw 25P95, as amended, Council shall annually appoint a Chair of the SDAB by resolution, after considering the recommendations of the Board.

The SDAB established a SDAB Chair Nominating Committee responsible for making recommendations to Council for appointment to the position of Chair. This year's SDAB Chair Nominating Committee was chaired by the First and Second Vice-Chair, and supported by a Board member. Attachment 1 outlines the SDAB Chair Nominating Committee's process of assessment and recommendation for appointment.

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Board operations

On 2016 December 19, Report C2016-0858 regarding the Board's state of operations was presented to Council. At that time, the Board had fallen behind on issuing written decisions. The *Municipal Government Act* ("MGA") stipulates that written decisions must be issued within 15 days of a hearing's conclusion. At the height of this problem in 2016, there were 27 overdue decisions; currently, there is one overdue decision. Attachment 4 provides an analysis of decision-issuance timelines, number of decision writers, and number of presiding officers. This analysis examines three six-month intervals to measure the Board's progress under the change in leadership.

Additionally, under the SDAB's current leadership, progress has been made to build the capacity, knowledge, and expertise of Board members. More members are writing decisions, taking courses, and receiving mentorship from more-experienced members. Administration has also begun to transform the type of support that it offers to the Board. In the fall of 2017, a new staff position was created to draft summaries of evidence to assist decision writers. Although in its early stages, this new model is proving to be beneficial to the Board.

Stakeholder Engagement, Research and Communication

The SDAB Chair Nominating Committee's stakeholder engagement is detailed in Attachment 1.

Strategic Alignment

The recommendations in this report align with Council's priority relating to a well-run city.

Social, Environmental, Economic (External)

None.

Financial Capacity

Current and Future Operating Budget:

None.

Current and Future Capital Budget:

None.

Risk Assessment

The appointment of the SDAB Chair must be determined in a timely manner so that Administration can provide adequate notice to the successful applicant and schedule training prior to the 2018 January 01 term commencement.

REASONS FOR RECOMMENDATIONS:

The SDAB Bylaw directs Council to annually appoint a Chair after considering the recommendations of the Board.

ATTACHMENTS

1. Attachment 1 – Letter from the First Vice-Chair of the SDAB and Chair of the Nominating Committee, dated 2017 October 22

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2. Attachment 2 – City of Calgary Subdivision and Development Appeal Board Chair Qualifications
3. Attachment 3 – City of Calgary Subdivision and Development Appeal Board Member Qualifications
4. Attachment 4 – Analysis of Subdivision and Development Appeal Board performance