

CALGARY SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW AMENDMENTS

EXECUTIVE SUMMARY

In order to provide flexibility for operations of the Calgary Subdivision and Development Appeal Board (SDAB), amendments to Bylaw 25P95 are proposed to eliminate the distinction between supernumerary and regular public members of the Board, to expand the minimum size of the Board, and to transition the appointments of current supernumerary members to those of regular public members.

CITY CLERK'S RECOMMENDATION(S)

That the Priorities and Finance Committee recommends that Council:

1. Give three readings to the proposed bylaw to amend Bylaw 25P95, the Subdivision and Development Appeal Board Bylaw.

PREVIOUS COUNCIL DIRECTION / POLICY

Appointments to the Calgary SDAB are made by Council resolution under authority of Bylaw 25P95, as amended.

On 2016 December 19, Council appointed members to the 2017 Calgary SDAB.

On 2015 July 27, Council adopted recommendations of the City Solicitor's Report on SDAB Matters, and gave three readings to Bylaw 30M2015, which eliminated appointments of Councillors to the Board, established a 10 year term limit for members, commencing in 2016; and addressed other succession planning matters.

At its 2013 May 27 meeting, Council adopted recommendations of Report PFC2013-0431 to make organizational changes to the Board, including expanding the size of the Board and allowing for terms of appointment of up to two years. On 2013 July 29, Council passed Bylaw 37M2013, amending the SDAB Bylaw to affect these changes and also allowing for the appointment of supernumerary members. Supernumerary members are individuals who have served for at least two years as Board members in the past, and their participation can assist the Board meet quorum in some cases.

Only those who have "been a resident of the City of Calgary for at least six consecutive months immediately prior to his/her appointment," and who have "a strong interest in the complexities and challenges of development in the City of Calgary" are eligible for appointment to the Board (PAC2009-21). Good analytical skills, the ability to be fair and open-minded, and a capacity to work collaboratively with the Chair and other Board members are also welcome qualities.

BACKGROUND

The *Municipal Government Act* requires that municipalities establish, by bylaw, a subdivision and development appeal board. Members of the Board must be 18 years of age or older, and be current residents of the City of Calgary (*Governance and Appointments of Boards*,

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Commissions and Committees, CP2016-03). Employees of The City of Calgary, members of the Calgary Planning Commission, those who carry out subdivision or development powers, duties and functions on behalf of The City, and Councillors cannot be appointed to the Board.

Members of the Calgary SDAB are appointed for two-year staggered terms.

In accordance with the SDAB Bylaw, a minimum of 12 to a maximum of 18 regular members and a maximum of seven supernumerary members may be appointed to the Board.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The joint recommendations of the Calgary SDAB and City Clerk adopted by Council, and amendments to the SDAB Bylaw subsequently passed by Council in 2013 increased the size of the Board and established an authority for Council to appoint up to seven supernumerary board members.

Individuals seeking appointment as supernumerary board members must have previously served as a member of the Board for at least two years. Supernumerary members are restricted from participating on the Board as Chair or as one of the Vice-Chairs, and may not vote for the appointment(s) of Vice-Chairs.

Supernumerary members were originally envisioned as a resource for the Board's Chair to call upon when the limited availability of regular public members compromised the Board's ability to achieve quorum for specific meetings. In reality, in order to meet the demands of the Board's meeting schedule and hearing obligations, the Chair is required to utilize supernumerary members in the same way that regular members are scheduled, and having a separate class of member is therefore not productive for the Board. The eligibility requirements for supernumerary members also limit the options for Board recommendations and Council appointments when supernumerary members step down from their appointments, as there is a limited population of willing and able individuals who have previously served at least two years on the Board.

The minimum size of the Board is also being recommended for expansion from 12 to 15, as a sizable complement of members is necessary to share the burden of members' commitment to participate in weekly Board meetings, to carry out the operational functions of the Board such as presiding and decision-writing, and to facilitate succession planning of leadership positions and roles within the Board. The maximum size of the Board would continue to be 25 members.

Finally, transitioning the appointments of supernumerary members to those of regular public members should serve to support continuity of the Board's subject-matter expertise, and to realize optimal value from ongoing investments being made in member training and development.

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Stakeholder Engagement, Research and Communication

The Calgary Subdivision and Development Appeal Board supports changes to the Board's bylaw which eliminate the distinctions between supernumerary and regular public members of the Board. The proposed bylaw amendments are supported by the Board's Chair.

Strategic Alignment

The recommendations in this report align with Council's priority relating to a well-run city and with Council's policy for the Governance and Appointments of Boards, Commissions and Committees (CP2016-03).

Social, Environmental, Economic (External)

None.

Financial Capacity

Current and Future Operating Budget:

None.

Current and Future Capital Budget:

None.

Risk Assessment

The *Municipal Government Act* requires municipalities to appoint subdivision and development appeal boards. The changes to the Board's organizational structure proposed in this report will mitigate the risk of a full and sufficient complement of capable members not being available to meet the demands of the Board's schedule and caseload.

REASON(S) FOR RECOMMENDATION(S):

The proposed amendments to Bylaw 25P95 will enhance the operational flexibility and organizational capacity of the SDAB to meet the challenges of its mandate.

ATTACHMENT(S)

1. Proposed Wording for a Bylaw to Amend Bylaw 25P95 the Subdivision and Development Appeal Board Bylaw