

2015 ENVIRONMENTAL AGREEMENTS ANNUAL REPORT AND BYLAW AMENDMENTS

EXECUTIVE SUMMARY

This report itemizes the agreements authorized by Environmental & Safety Management (ESM) under the Environmental Agreements Bylaw (11M2010) between 2015 January 1 and December 31. The list is provided in accordance with the reporting requirements of the Bylaw.

Through the Environmental Agreements Bylaw (the Bylaw), The City provides leadership by facilitating third party investigation and remediation on City lands and other environmental stewardship actions, which promotes environmental protection. The Bylaw delegates certain powers to Administration to execute agreements that are related to environmental enhancement and/or protection and creates efficiencies by providing applicants with a single point of contact for these types of agreements, streamlining the transaction time and reducing effort for both applicants and The City. The Bylaw covers six types of environmental agreements – licences, stewardship, administration, access, conservation and remedial action agreements. For license agreements, further efficiencies are gained by providing a standardized format, which promotes consistency in applications.

In 2015, 35 environmental agreements were issued, all of which were licenses (either approved or amended). Details of the agreements are provided in Attachment 1.

Administration supports the best practice of periodically reviewing existing bylaws and policies. After the Bylaw had been in effect for five years in 2015, Council directed Administration to review the Bylaw and return with any recommended amendments. Changes have been suggested to provide for more efficient reporting and to bring delegation authority into alignment with City practice. Administration's recommended amendments are contained in Attachment 2.

ADMINISTRATION RECOMMENDATION(S)

That the SPC on Utilities and Corporate Services recommends that Council:

1. Receive this annual report for information; and
2. Give three readings to the proposed bylaw to amend the Environmental Agreements Bylaw 11M2010.

RECOMMENDATIONS OF THE SPC ON UTILITIES AND CORPORATE SERVICES, DATED 2016 JUNE 22:

That Council:

1. Receive this annual report of information; and
2. Give three readings to **Proposed Bylaw 34M2016** to amend the Environment Agreements Bylaw 11M2010.

PREVIOUS COUNCIL DIRECTION / POLICY

On 2010 February 8 Council approved Bylaw 11M2010, The Environmental Agreements Bylaw (UE2010-02), which states that ESM shall provide an annual report to City Council itemizing the Agreements authorized.

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On 2015 February 25, as a response to the 2014 Environmental Agreements Annual Report (UCS2015-0090), Council directed Administration to review the Environmental Agreements Bylaw and report back to the SPC on Utilities and Corporate Services no later than Q1 2016 with recommended amendments including simplified reporting requirements.

On 2016 February 24, as a response to the 2015 Environmental Agreements Deferral Report (UCS2016-0135), Council directed Administration to report back on the 2015 Environmental Agreements Annual Report and Bylaw Amendments report no later than the end of June 2016.

BACKGROUND

The purpose of the Bylaw is to delegate certain powers, duties and functions to Administration, specifically ESM, relating to the authorization and execution of agreements for the purpose of environmental enhancement, conservation, and protection.

The City enters into environmental agreements for various reasons including, but not limited to:

- Authorizing the use and occupation of property belonging to The City for the purpose of facilitating the investigation, assessment, remediation, or risk management of a site (licenses);
- Facilitating the pursuit, promotion, and implementation of initiatives which enhance, conserve, or protect the environment (stewardship agreements);
- Transferring the administration of provisions of environmental laws to other government authorities (administration agreements); and
- Addressing other matters related to the environment (access agreements, conservation agreements, and remedial action agreements).

The reasons for such a bylaw include providing applicants with a single point of contact for these types of agreements, streamlining the transaction time and effort for both applicants and The City, and for licenses in particular, providing a standardized format to promote consistency in applications. Since 2010, the Bylaw has simplified and streamlined the process for applicants entering into these agreements with The City.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Licenses are the most common type of environmental agreement executed under this Bylaw. An example is The City's License of Occupation, whereby applicants use and occupy City property for the purpose of investigating and remediating contaminated sites. All 35 agreements issued in 2015 were licenses (either approved or amended).

The 2015 Environmental Agreements Summary Table and Areas Map (Attachment 1) itemizes the agreements authorized in 2015 under the Bylaw and shows their geographical location on a map of Calgary.

Proposed amendments to the Bylaw include:

- In order to bring delegation authority into line with City practice the "Director of Environmental & Safety Management" is redefined as the "City Manager" in Section 2(13.1).

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- Currently, under Section 4(2) of this Bylaw, agreements are presented annually in a report to Council. Administration recommends an alternate method of reporting, which is to provide an annual report electronically, directly to each Councillor. The proposed report will provide all of the information currently provided for all City Wards (summary table and map) and will also include additional background information on each of the agreements specific to the Councillor's Ward. This method offers a more tailored report, and removes the requirement to present a report annually to Committee, which results in a more efficient use of Councillor and Administration time. An example of the proposed customized report is included as Attachment 3. Councillors will continue to be provided a copy of the overall Environmental Agreements Summary Table and Areas Map for the entire city. As per current practice, Councillors will still be notified of agreements of note in their Ward when they are approved.
- The specific titles of parties designated to execute agreements in Section 8(a) have been removed, and designations will be managed, as per City practice, via a delegation of authority letter from the City Manager.

A summary of the proposed changes is contained in the following table.

<u>Bylaw Section</u>	<u>Old Text</u>	<u>New Text</u>
2(13.1)		"Director of Environmental & Safety Management" means the City Manager.
4(1)	Environmental and Safety Management shall notify the ward alderman of Access Agreements, Licenses and Remedial Action Agreements and to notify City Council of Agreements.	The Director of Environmental & Safety Management shall notify each member of Council of Agreements of particular interest to their wards when approved, and provide an annual electronic report to each member of Council itemizing the Agreements authorized pursuant to this Bylaw.
4(2)	Environmental and Safety Management shall provide an annual report to City Council itemizing the Agreements authorized pursuant to this Bylaw.	[Deleted]
8(1)(a)	The Director of Environmental and Safety Management, the Manager, Environmental Assessment & Liabilities and the Manager, Environmental & Sustainability Leadership may, as the authorized signing officer for or on behalf of the City execute any Agreement or Document under this Bylaw.	The Director of Environmental & Safety Management, or the Director's designate, may execute any Agreement or Document under this Bylaw.

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Stakeholder Engagement, Research and Communication

The 35 licenses and amending agreements executed in 2015 under the Bylaw were processed upon application after engagement and communication with the licensees and their consultants. Affected land stewards such as Real Estate & Development Services, Parks, and Roads were contacted for input where appropriate, as were supporting business units such as Corporate Analytics & Innovation, the Law Department, and the City Clerk's Office.

Strategic Alignment

The Bylaw aligns with Council Strategy W7, "Continue to transform the organization to be more citizen-focused in its approach and delivery of service" and Action 7.2, "Work with citizens and our stakeholders to provide efficient and effective service." The agreements reported are also in alignment with The City's Environmental Policy and the Municipal Development Plan in relation to encouraging the remediation and redevelopment of brownfield sites and environmental protection.

Social, Environmental, Economic (External)

Through the Bylaw, The City provides leadership by facilitating third party investigation and remediation on City lands, and other environmental stewardship actions, which promotes environmental protection. Issuing licenses contributes to improving community health and the environment by expediting management of contaminated sites and providing good governance and transparency to the process. Expediting the provision of environmental agreements is also integral to The City's customer-centric focus and allows businesses to run more efficiently, which supports Calgary as an attractive place for economic investment.

Financial Capacity

Current and Future Operating Budget:

There are no implications to the operating budget.

Current and Future Capital Budget:

There are no implications to the capital budget.

Risk Assessment

The Bylaw and resulting agreements support the identification, mitigation, and reduction of environmental risks and legal liabilities to The City.

REASON(S) FOR RECOMMENDATION(S):

This report is provided as an annual report to City Council itemizing the agreements authorized as per Environmental Agreements Bylaw 11M2010.

After five years of the Bylaw being in effect, ESM has identified areas where efficiencies and clarifications could be made. Review of the Bylaw and changes to the reporting requirements are suggested since there are other methods of reporting that may prove more efficient, while still providing the same service and result. Delegation authority methods have been modified to align with City practice.

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ATTACHMENT(S)

1. 2015 Environmental Agreements Summary Table and Areas Map
2. **Proposed Bylaw 34M2016** to Amend Bylaw 11M2010, the Environmental Agreements Bylaw
3. Example of Proposed Customized Report