

Terms of Reference

Annexation Negotiation Committee City of Calgary and Foothills County

1. Introduction

On May 20, 2022, The City of Calgary (The City) gave notice to the Land and Property Rights Tribunal, Foothills County (The County) and other local authorities, proposing to annex land from The County into The City. This precipitates the need, pursuant to the Municipal Government Act (MGA), for the two municipalities to enter into good faith negotiations on annexation. The proposed annexation lands are located within the Calgary Growth Area identified in the mutually-approved Foothills – Calgary Intermunicipal Development Plan (2017).

2. Legislation

The legislative framework for annexation negotiations is provided in Division 6 of the *Municipal Government Act* (The Act) and more specifically Section 117 (1) and (2) of the MGA.

Direct negotiations

117(1) The municipal authorities from which the land is to be annexed must, on receipt of the notice under section 116, meet with the initiating municipal authority to discuss the proposals included in the notice and negotiate the proposals in good faith.

(2) If there are matters on which there is no agreement, the initiating municipal authority and the one or more municipal authorities from which the land is to be annexed must, during the negotiations, attempt to use mediation to resolve those matters.

3. Task of the Annexation Negotiation Committee

The Annexation Negotiation Committee is tasked with negotiating a draft Annexation Agreement between the City of Calgary and Foothills County which would at the end of the negotiation process be forwarded to the respective Councils for consideration.

4. Negotiation Principles

The following Principles shall guide the annexation negotiation process and communications between Foothills County and the City of Calgary.

We will:

- **Share** interests, needs and concerns with each party toward a common understanding to facilitate mutually beneficial solutions to interests, needs and concerns;
- **Understand** each other's growth aspirations by providing full disclosure and factual information;
- **Respect** each other's points of view and have honest interaction and realistic expectations;

- **Respect** which aspects of development planning and growth are of mutual interest and which areas are of single jurisdictional interest;
- **Support** each other in finding mutually beneficial solutions; and
- **Communicate** effectively to clarify any challenges and provide a clear and mutually supportive message to the public and media.

5. Terms of Engagement

5.1. Committee Composition

The Committee will be comprised of three appointed Members of Council from each municipality supported by staff as deemed appropriate by each municipality. An alternate Councillor may be appointed by either municipality at any time if deemed necessary by that municipality.

Quorum for the Panel is a minimum of two Members of Council from each municipality.

5.2. Committee Co-Chairs

Each municipality will appoint one of their elected members to act as co-chair of the committee. The co-chairs will alternate responsibility for chairing Committee meetings. They will also be the spokespersons for the Committee with respect to inquiries from the media, stakeholders or the general public.

5.3. Roles and Decision Making

The role of appointed Members of both Councils during Committee meetings is to negotiate and debate the substance of the agreement, including the composition of the annexation territory, compensation, taxation provisions and other matters as agreed to by the Committee.

The role of staff from each municipality is to support appointed Members of Council. Further staff and subject matter experts may attend and contribute to meetings as deemed appropriate by each municipality.

Decisions during the negotiation process are to be made through consensus of appointed Members of Council. Where agreement cannot be reached at the end of discussion on a specific matter, the reasons for disagreement will be documented and future steps identified that may be utilized to resolve the matter. Future steps may include obtaining additional relevant information, receiving input from respective Councils, facilitated dialogue and/or mediation.

5.4. Meeting Procedures

The intent is to hold a minimum of one meeting per month. Meetings will be chaired on an alternating basis between the two municipalities.

Meetings will be held in private but interested Councillors and resource staff from either municipality may attend meetings of the Committee as observers provided they have reviewed this document.

Support staff from The City of Calgary will maintain summary notes of Committee meetings with sufficient detail to document negotiations and compile any outcomes of negotiations in the form of a draft negotiated agreement. No formal minutes of negotiation sessions will be kept. Meeting agendas will be developed by the City with input from Foothills and circulated to all Committee members in advance of the meeting.

5.5. Confidentiality

All participants agree that all communications between or among the participants during Committee sessions will be made without prejudice and will be confidential. Unless otherwise expressly agreed in writing, all information disclosed during the negotiation process shall be in confidence. This does not preclude either municipality from discussing negotiation progress and feedback with their respective Councils or Committees of Council, "in closed session" or with legal counsel and other consultants in confidence.

5.6. Facilitation / Mediation

Annexation Negotiation Committee members may determine that a facilitator and/or mediator is required to support completion of negotiations.

5.7. Communications

If the Committee at any time feels that there should be an update provided to the public regarding the progress of negotiations, it shall be developed jointly. The contents of such updates will be agreed to by consensus of appointed Members of Council. Staff will prepare and format the final update developed by the Committee for sign-off by the Committee co-chairs. Other than such updates, no participant or observer shall issue information to members of the public, the press or other media concerning negotiation sessions or their content.

6. Scope

Topics requiring negotiations with respect to lands within proposed annexation area include but may not be limited to:

- Lands to be included in annexation
- Lands owned by the County
- Existing Deferred Reserve Caveats
- Existing Planning approvals
- Roadways including road standards and road maintenance within, adjacent to and connected to lands within or adjacent to the proposed annexation territory
- Assessment and Taxation

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- Records
- Financial Compensation
- Planning and Development Transition
- Continuation of Existing Uses
- Active Files
- File Transfer
- Agreed upon issues / issues not agreed upon

7. Project Influences

Information that will influence the project includes but is not be limited to:

- Provincial Annexation Principles
- Foothills County MDP 2010, and The City of Calgary MDP
- Calgary Triple Bottom Line Policy Framework
- Foothills County and City of Calgary IDP
- Existing Land Use Policies in both municipalities
- Foothills County's Growth Management Strategy
- Provincial Land Use Framework
- Alberta Land Stewardship Act
- Existing Area Structure Plans and Area Concept Plans as adopted by both municipal Councils
- Transportation Studies and Plans
- Public Consultation and concerns of landowners
- Agricultural capacities of the land
- Infrastructure and utilities
- City of Calgary Biodiversity Strategic Plan
- Servicing Capacities