

Green Line Board Bylaw Amendment – Alignment with new Real Property Bylaw and Green Line Board Bylaw

RECOMMENDATION(S):

That the Executive Committee recommend that Council:

1. Give three readings to the proposed amendments to the Green Line Board Bylaw 21M2020 contained in Attachment 1.
2. Direct Attachment 2 remain confidential pursuant to Sections 23, 24, and 25 of the Freedom of Information and Protection of Privacy Act unless The City of Calgary is required to disclose pursuant to the Expropriation Act (Alberta).
Review by date: 2037 November 15

HIGHLIGHTS

- At the 2022 November 2 Combined Meeting of Council, Council passed the recommendation of Infrastructure and Planning Committee (IP2022-1003) and gave three readings, and passed, the new proposed Real Property Bylaw (IP2022-1003). The Real Property Bylaw will also apply to all Green Line real property transactions going forward unless specific provision is made within the Green Line Board Bylaw for approvals for Green Line real property transactions.
- The Green Line Board Bylaw 21M2020 is identified in the newly approved Real Property Bylaw as a potential exception to the application of the Real Property Bylaw. The exception allows for a separate, expedited process for Green Line real property transactions that leverages efficiencies by having those transactions handled by the dedicated Green Line Program team and Green Line Board (the “Board”).
- The proposed amendment to the Green Line Board Bylaw allows for the approval of Green Line real property transactions by the Board and senior leadership of Green Line. This avoids duplication of processes between Green Line and other parts of the corporation and aligns with the Board’s mandate to approve the allocation of funding within Green Line’s capital budget.
- Reporting to Executive Committee regarding Green Line real property transactions will continue through the quarterly Green Line Board reports to Executive Committee. This report is also being brought to Executive Committee because Green Line regularly reports through Executive Committee.
- **What does this mean to Calgarians?** This amendment to the Green Line Board Bylaw demonstrates the City’s commitment to continuous improvement by streamlining transaction processes and enabling greater Administrative authorities, while maintaining a framework of accountability and appropriate oversight of City interests.
- **Why does this matter?** Clear procedures and greater delegated authorities allow Administration to manage and complete more real property transactions that support the specific goals of the Green Line Program and responsibly fulfil Council objectives.
- Strategic Alignment to Council’s Citizen Priorities: A well-run city

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DISCUSSION

Section 2(2) of the proposed new Real Property Bylaw makes that bylaw the default process and source of authority for all transactions involving real property. All transactions for real property must be governed by it unless the transaction falls within a list of exceptions. This list of exceptions acknowledges that other City bylaws may govern specific types of real property transactions under a different bylaw framework. For example, short term permits and licences of occupation for activities in Parks will be governed by the Parks & Pathways Bylaw 11M2019.

Subsection 2(2)(d) of the new Real Property bylaw specifically excludes transactions from the Real Property Bylaw where the Green Line Board Bylaw 21M2020 applies.

Green Line recommends that specific approvals be included within the Green Line Board Bylaw 21M2020 in order to trigger the application of the exception in the proposed Real Property Bylaw. This would create a separate parallel process for real estate transactions required to complete the Green Line Program that are of benefit to The City because they avoid duplicate approval processes by Green Line and the Green Line Board (the "Board") and approvals obtained through other parts of the corporation.

The process reflected in the Green Line Board Bylaw amendments is similar in nature to a process approved by Council in Confidential Report C2018-0333 (Attachment 2). Report C2018-03333 was approved in order to facilitate and expedite the execution of land transactions for Green Line and prevent delay related to Green Line work. The need to prevent delay and the consequences of delay will become more significant as Green Line moves into future phases of work.

The Green Line Board Bylaw amendments also reflect the mandate and responsibilities delegated to the Board. The Green Line Board Bylaw gives the Board authority over the allocation of the capital budget, which includes land transactions. As noted above, the amendments will avoid the duplication of processes wherein the Board approves the expenditure of funds associated with a land transaction in accordance with the Board's authority over the capital budget for Green Line, and then the land transaction goes through a duplicate approval process within other parts of the corporation for execution of the land transaction documents. Such duplication also involves additional timelines that may delay Green Line land transactions, and subsequently, Green Line work.

Reporting in regard to land transactions will continue through Green Line's reports to Executive Committee.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

Public Communication or Engagement was not required

**Green Line Report to
Executive Committee
2022 November 15**

**ISC: UNRESTRICTED
EC2022-1267
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IMPLICATIONS

Social / Environmental / Economic

Not Applicable

Service and Financial Implications

No anticipated financial impact

RISK

Without this bylaw amendment all future real estate transactions required for the Green Line will be governed by the new proposed Real Property Bylaw and its processes and will be approved by Real Estate & Development Services within City administration, rather than the Green Line Board and/or senior leadership within Green Line, who are better positioned to understand the real estate transactions and timelines for the Green Line Program.

ATTACHMENT(S)

1. Proposed Bylaw to Amend the Green Line Board Bylaw
2. Confidential Report C2018-0333 (Confidential Attachment)

Department Circulation

| General Manager/Director | Department | Approve/Consult/Inform |
|--------------------------|-------------------------|------------------------|
| Don Fairbairn | Chair, Green Line Board | Approve |
| Darshpreet Bhatti | CEO, Green Line | Approve |
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