

CALGARY INTERNATIONAL AIRPORT DEVELOPMENT APPEAL BODY - APPOINTMENT OF CHAIR

EXECUTIVE SUMMARY

In accordance with the *Agreement on Land Use, Development Guidelines and Acreage Assessment Levies*, the Chairman of the Calgary International Airport Development Appeal Body is to be jointly appointed by The Calgary Airport Authority and The City of Calgary.

CITY CLERK'S RECOMMENDATION(S)

That Council:

1. Thank Bob Welin for his service as Chairman of the Calgary International Airport Development Appeal Body;
2. Appoint Rick Grol as Chairman of the Calgary International Airport Development Appeal Body for a three-year term set to expire at the 2019 Organizational Meeting of Council;
3. Direct that Report N2016-0655 remain confidential pursuant to Sections 17(1) and 19 of the *Freedom of Information and Protection of Privacy Act* until Council rises and reports on the matter; and
4. Direct that the Attachment remain confidential pursuant to Sections 17(1) and 19 of the *Freedom of Information and Protection of Privacy Act*.

PREVIOUS COUNCIL DIRECTION / POLICY

At the 2013 November 04 Organizational Meeting of Council, Council re-appointed Bob Welin as Chair of the Calgary International Airport Development Appeal Body for a three year term to expire at the Organizational Meeting in 2016.

At the 2010 October 25 and 26 Organizational Meeting of Council, Council appointed Bob Welin as Chair of the Calgary International Airport Development Appeal Body for a three year term to expire at the Organizational Meeting in 2013.

BACKGROUND

On 1993 December 15, The Calgary Airport Authority and The City of Calgary entered into an agreement, *Agreement on Land Use, Development Guidelines and Acreage Assessment Levies* ("*Land Use Document*"), which provides that a body to be known as the Calgary International Airport Development Appeal Body ("Appeal Body") shall be established. The *Land Use Document* sets out the membership of the Appeal Body as follows:

- (i) The City and The Calgary Airport Authority will jointly appoint a Chairman for a term of three (3) years.
- (ii) The Chairman must be experienced in chairing tribunals and should have a background in planning, either through professional qualifications and/or practical experience by serving on or appearing before boards or commissions which deal with planning matters, such as Councils, Municipal Planning Commissions, Development Appeal Boards, and the like.

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The *Land Use Document* provides that "[a]ny decision under this Agreement made by the Director [the official of The City of Calgary who is the head of the Planning and Building Department] may be appealed by the applicant or The Calgary Airport Authority by serving a written notice of appeal together with a written letter of authorization to appeal, from The Calgary Airport Authority, when the applicant is other than The Calgary Airport Authority, on the Secretary to the Appeal Body". The *Land Use Document* further provides that:

- (a) When an appeal arises, upon receipt of notifications from the Chairman as hereinafter set forth, the City will appoint two members to the Appeal Body and Calgary Airport Authority will appoint two members to the Appeal body, all for that specific appeal. In selecting such members, the City and The Calgary Airport Authority will use their best efforts to appoint individuals who have experience in the type of issue under appeal.
- (b) The Chairman and the appointed members will serve as volunteers without compensation and cannot be employees of or persons under contract to either the City or The Calgary Airport Authority nor can they be members of City Council or Directors of The Calgary Airport Authority.
- (c) A Secretary to the Appeal Body will be established within the Planning & Building Department.

To date, there is no record of an appeal before the Appeal Body.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Under the terms of the *Land Use Document*, The City of Calgary is required to make a Chairman appointment to the Appeal Body, jointly with The Calgary Airport Authority, for a term of three years. The Calgary Airport Authority recommendation is detailed in the Attachment. The City Manager, The City of Calgary, concurs with the recommendation of The Calgary Airport Authority.

In accordance with the *Land Use Document*, the duties and authority of the Chairman are as follows:

- (a) The Chairman shall be entitled to retain the services of legal counsel if he deems it necessary, the costs of which will be born equally by the City and The Calgary Airport Authority.
- (b) The Chairman may at his sole discretion choose to deal with appeals respecting the relaxation of Development Guidelines on Permitted Uses without any other appointed members.
- (c) The Chairman of the Appeal Body shall within ten (10) days following receipt of a notice of appeal, advise the City and The Calgary Airport Authority to appoint representatives for the appeal.

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Stakeholder Engagement, Research and Communication

In 2016 July, the City Clerk's Office corresponded with The Calgary Airport Authority and the City Manager's Office to seek a recommendation for the Appeal Body's Chairmanship appointment for the upcoming term. The City Clerk's Office also notified the Planning and Development Department regarding the upcoming vacancy on the Appeal Body.

Strategic Alignment

This report aligns with Council's priority of a well-run city: "Calgary's government is open, responsive, accountable and transparent, delivering excellent services at a fair price. We work with our government partners to ensure we have the tools we need" (*Action Plan 2015-2018*).

Social, Environmental, Economic (External)

No significant external social, environmental and economic impacts were identified

Financial Capacity

Current and Future Operating Budget:

There are no current and future operating budget impacts.

Current and Future Capital Budget:

There are no current and future capital budget impacts.

Risk Assessment

Failure to appoint a Chairman to the Appeal Body will be inconsistent with the terms of the *Land Use Document*.

REASON(S) FOR RECOMMENDATION(S):

The expiry of the current Chairman of the Calgary International Airport Development Appeal Body requires The City of Calgary to make an appointment, jointly with The Calgary Airport Authority, for the upcoming three-year term.

ATTACHMENT(S)

The Calgary Airport Authority Recommendation Letter.