



Amendments to the Appeal and Review Panel Bylaw

Electoral Division: All

File: N/A

Table with 4 rows: Date (April 9, 2024), Presenter (Kristen Tuff, Legislative Officer), Department (Legislative Services), and Approved by (Executive Director / Director and/or Chief Administrative Officer).

REPORT SUMMARY

On March 26, 2024 Council directed Administration to prepare amendments to the Appeal and Review Panel Bylaw C-7717-2017 to change the member composition of the Subdivision and Development Appeal Board to include only members at large. Administration has completed the requested revisions and is presenting Bylaw C-8522-2024 for Council approval.

ADMINISTRATION'S RECOMMENDATION

- THAT Bylaw C-8522-2024 be given first reading.
THAT Bylaw C-8522-2024 be given second reading.
THAT Bylaw C-8522-2024 be considered for third reading.
THAT Bylaw C-8522-2024 be given third and final reading.

BACKGROUND

Establishment of the County's Subdivision and Development Appeal Board

A subdivision and development appeal board must be established by a municipal council under Part 17 of the Municipal Government Act to hear appeals on decisions made by the municipality's subdivision authority or development authority.

The Subdivision and Development Appeal Board for Rocky View County ("Board") is established by the Appeal and Review Panel Bylaw C-7717-2017 (the "Appeal Bylaw"). The Appeal Bylaw also establishes the County's Enforcement and Appeal Committee.

Composition and Chair of the County's Board

Board members are appointed by Council. The current membership is comprised of:

- Eight members at large; and
One Councillor.

The Appeal Bylaw currently appoints the Councillor as the Board's Chair.

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Council Direction

A notice of motion regarding amendments to the Board's composition was read into the record on March 12, 2024 and debated by Council on March 26, 2024. Following debate, Council passed the following resolution:

THAT Administration prepare amendments to the Appeal and Review Panel Bylaw C-7717-2017 that includes changes to the member composition of the Subdivision and Development Appeal Board so as to be comprised of nine Members at Large only;

AND THAT the amendments be presented to Council for consideration at the April 9, 2024 Regular Council Meeting;

AND THAT the member composition amendment take effect following approval of an amended Appeal and Review Panel Bylaw C-7717-2017, factoring in the Subdivision and Development Appeal Board's needs such as vacancies and active hearings and decisions.

ANALYSIS

The Board is an arms-length quasi-judicial tribunal that must be impartial when hearing appeals, owing a duty of fairness to all participants. Council is the governing body that is responsible for enacting municipal legislation that regulates land use, which the Board interprets in its decisions. Council also acts as the development authority or subdivision authority for some applications and some of Council's decisions may be appealed to the Board.

The current member composition of the Board includes one Councillor, introducing the potential of real or perceived conflict between the responsibilities of a Councillor and those of the Board. As per Council's direction, Administration reviewed the *Appeal Bylaw* and the proposed bylaw, provided in Attachment A, includes the necessary amendments to change the member composition to include only members at large. Additionally, these proposed amendments would affect the Enforcement Appeal Committee, as it shares the same appointed members as the Board.

The position of Board Chair will be vacant if Council passes the proposed bylaw. The Board's Vice-Chair will fulfill the duties of the Chair until the Board elects a Chair from its members. With the removal of a Councillor from the Board, there will be two vacancies as a member at large recently resigned for personal reasons. Administration has no concerns that these temporary vacancies will negatively affect the Board.

By limiting Board membership to only members at large and further distancing the relationship between Council and the Board, this change can further enhance the integrity and impartiality of the Board. If the proposed bylaw is passed, the proposed bylaw would take effect on April 15, 2024 to enable the Board to finish its current appeal cycle.

COMMUNICATIONS / ENGAGEMENT

The changes to the *Appeal Bylaw* will be communicated to the Board by Administration. The Board's Vice-Chair has been informed of the possible changes and is prepared to assume the duties and responsibilities of Chair.

Should Council pass the amendments to the *Appeal Bylaw*, advertising for new members will occur immediately. Applications will be provided to Council for consideration and appointment of new members at the May 14, 2024 Council meeting.

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IMPLICATIONS

Financial

Board members are remunerated according to County Policy *C-221 Board and Committee Member Compensation and Reimbursement* and the proposed amendments would result in a minimal increase in costs resulting from having to train new members, which can be accommodated through the existing budget.

STRATEGIC ALIGNMENT

This report aligns with Council's direction to prepare amendments to the *Appeal Bylaw* to amend the member composition of the Board.

ALTERNATE DIRECTION

Administration does not have an alternate direction for Council's consideration.

ATTACHMENTS

Attachment A: Bylaw C-8522-2024 to Amend the *Appeal and Review Panel Bylaw C-7717-2017*
Attachment B: *Appeal and Review Panel Bylaw C-7717-2017* (redline version)