

Foothills County – City of Calgary Annexation Negotiation Committee Meeting

Date & Time: December 16, 2022, 1:00 to 3:00 PM

Location: City of Calgary Water Centre, 651 - 25 Ave SE, Bow River Room #1
meeting hosted by The City of Calgary

AGENDA

1. Call to Order and Introductions
2. Confirmation of Roles (co-chairs, etc)
3. Additions & Changes to the Agenda
4. Adoption of Agenda
5. Business Items
 - a. Annexation Process Overview (*Figures 1 & 2*)
 - b. Review the List of Topics for Annexation discussion (*Attachment 1*)
 - c. Calgary's Annexation Proposal (*presentation by Calgary*)
 - d. Confirm Terms of Reference for Annexation Negotiation Committee (*Attachment 2*)
6. Closed Session Items
7. Next Meeting Dates and Next Meeting Agenda
8. Adjournment

Meeting Participants

Foothills County

Reeve Miller – Division 2
Councillor Alger – Division 5
Councillor Waldorf – Division 6 (co-chair)

Heather Hemingway, Director of Planning
Julie McLean, Senior Planner
Garity Stanley, Legislative Services

City of Calgary

Councillor Demong – Ward 14
Councillor Penner – Ward 11
Councillor Spencer – Ward 12 (co-chair)

Josh White, Director, City and Regional Planning,
Karen Holz, Manager, Regional Planning
Sara Kassa, Team Lead, Regional Planning
Neil Younger, Senior Strategist
Natalia Zoldak, Planner 2

Figures 1: Alberta [Land & Property Rights Tribunal](#) Annexation Process (flowchart)

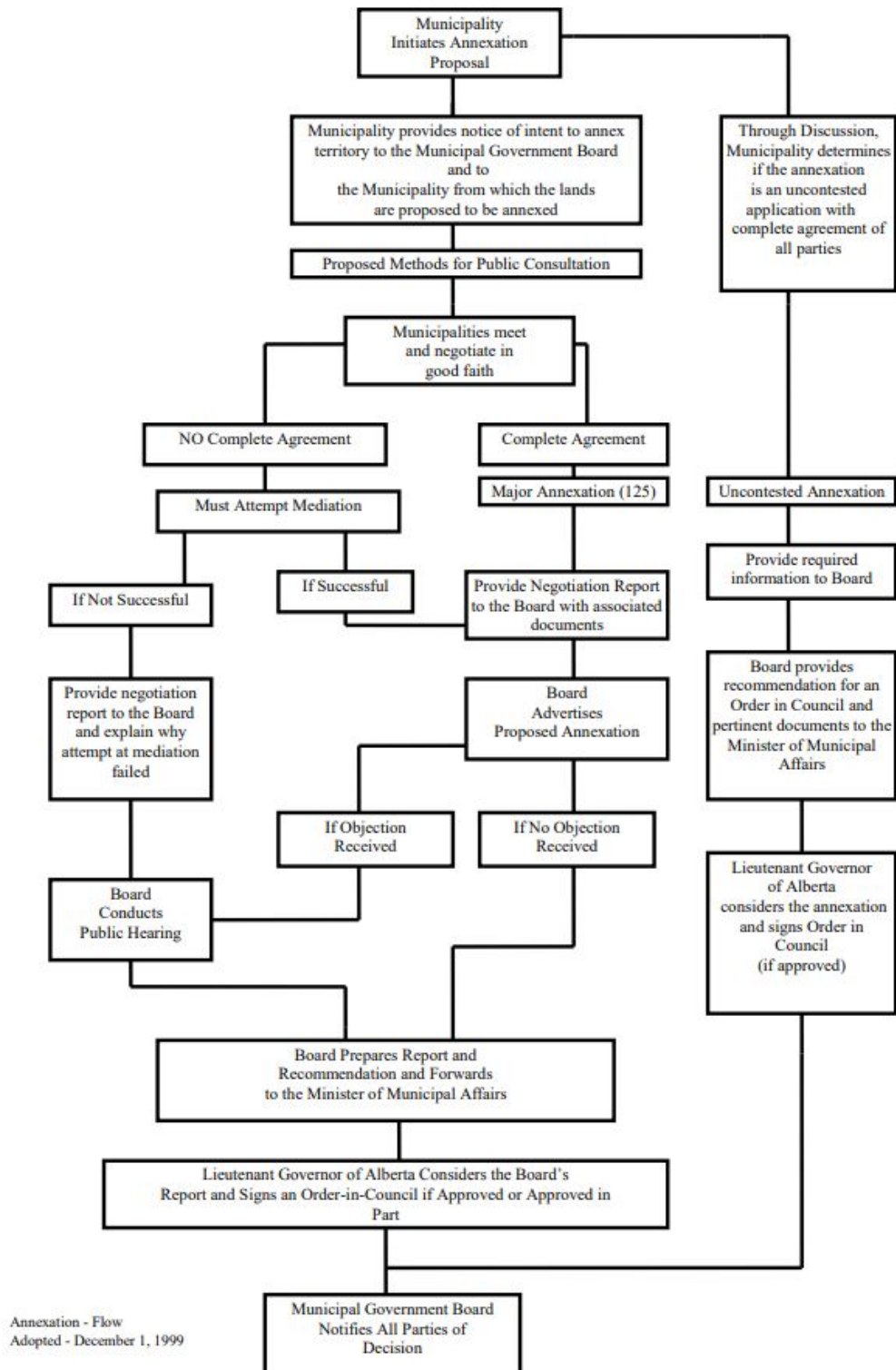
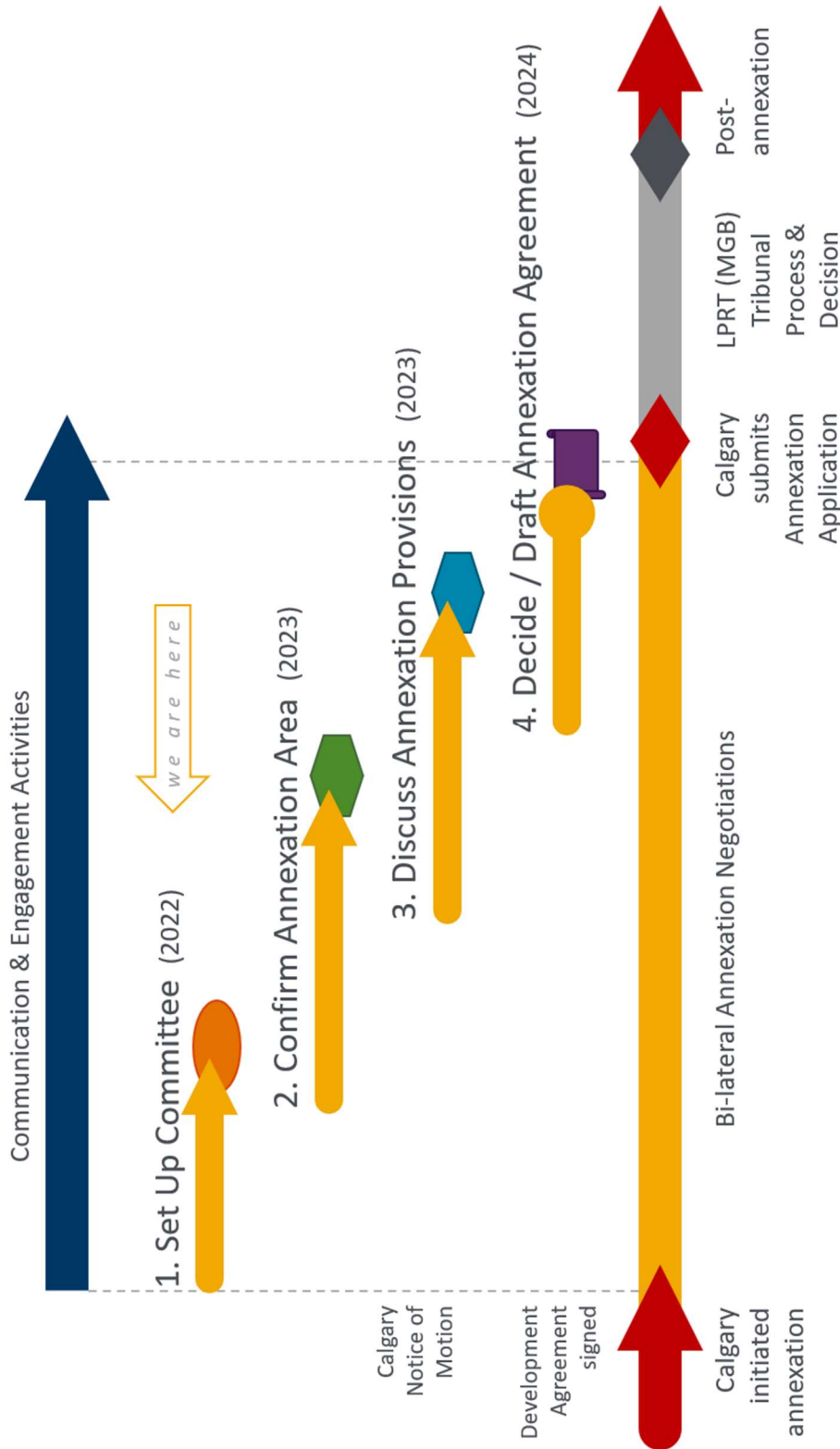


Figure 2: Key Phases of Annexation Negotiations within the Annexation Process



ANC Report – List of Topics for Annexation Discussions

To: Foothills County – City of Calgary Annexation Negotiation Committee
Date: December 16, 2022
Subject: List of Topics for Annexation Discussions
Purpose: Receive for information

Summary:

The Government of Alberta identifies the information required when submitting a negotiation report / annexation application to the Municipal Government Board, now Land and Property Rights Tribunal (LPRT). A link to the full list is available on Alberta.ca: [Annexation application - check list](#). The City of Calgary will be required to provide this information as part of the annexation application to the Tribunal.

The list below features specific topics that involve the work of the Annexation Negotiation Committee (ANC) and includes additional topics that Committee may wish to consider during the annexation negotiation discussions.

1. **Proposed Annexation Area**

Discussion point; a proposed new municipal boundary

- orient to the geography; key context club house and golf course
- existing policy context, approved plan (ex. Foothill's Sirocco ASP)
- adjacent development and parcel pattern (ex. parcel map & air photo)

2. **Identification of boundary roads**

- Identification of which boundary roads are to be included and which ones are excluded in the annexation,
- Identify roadway considerations (ex. maintenance standards, construction standards, Foothills' debenture on 64 St W.)

3. **Reasons for the annexation**

- Review of MGB Annexation principles (ex. accommodation of growth for both municipalities, growth projections, etc)

4. **Intended uses for the annexation area and how the area can be serviced**

- Intended land uses
- Water, sewer, stormwater and other related municipal services

5. **List of conditions required to resolve landowner / public concerns**

If not uncontested (ex. no signed consent from the landowners or if an objection is received), the tribunal may initiate a public hearing process. The annexation application will be required to provide the results of the public engagement process with documentation as follows:

- Public consultant process results
- Identification of public concerns
- If concerns were resolved then how and with what conditions they will be considered
- List of conditions required to resolve landowner / public concerns

6. **Identification of Whether Any Special Condition are requested** (see bulletin)

Examples of conditions:

- Taxation
- Assessment (including years if applicable)
- Compensation
- Subject to removal clause
- Boundary Road maintenance
- Franchise fees

7. **Proposed Effective Date of the Annexation** (see bulletin)

- Note: consider beginning with a fiscal year if possible because this can assist taxation and assessment professionals

8. **Relevant Matters which arose during the annexation process**

This applies to matters that arose prior to submission of formal application

- Report accuracy certificate
- Agreed upon issues
- Public consultation activities
- Public consultation summary
- No agreement issues (If required)
- Mediation attempts (If required)
- Reason mediation failed (If required)

Question:

- Are there additional potential topics that should be identified on this list?
- To successfully conclude the negotiations, what topics need to be addressed?

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 Minister of Municipal Affairs, 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.

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. Purpose of the Annexation Negotiation Committee

The Annexation Negotiation Committee is tasked with reviewing the proposed annexation including but not limited to the City's justification, the results of the public consultation, the statutory planning framework in place and other requirements set out by Alberta's Land and Property Rights Tribunal with the goal of negotiating a satisfactory draft Annexation Agreement. If the committee is successful in their negotiations, the draft annexation agreement would 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.

The Members of the Annexation Negotiation Committee 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 avoid misunderstandings.

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 Committee is a minimum of two Committee Members 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.

5.3. Roles and Responsibilities

Committee Members

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.

In fulfilling this role they will:

- Make every effort to attend scheduled meetings
- Engage in respectful and productive discussion
- Communicate the progress of negotiations back to their respective Councils

Administration

The role of administration from each municipality is to support appointed Committee Members. Staff and subject matter experts may attend and contribute to meetings as deemed appropriate by each municipality. Members of the respective administrations are not considered Committee Members.

5.4. Decision Making

Decisions during the negotiation process are to be made through consensus of appointed Committee Members. 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.

5.5. 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 public but the Committee may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of the *Freedom of Information and Protection of Privacy Act*. Interested Councillors from either municipality may attend meetings of the Committee as observers.

Support staff from both municipalities will jointly prepare and maintain summary notes of the public portion of Committee meetings with sufficient detail to document negotiations and will compile any outcomes of negotiations in the form of a draft negotiated agreement. Meeting agendas will be developed jointly by administration from both municipalities and circulated to all Committee Members at least 3 business days in advance of meetings.

Committee meetings will be advertised to the public. While public participation is not a component of the meeting, the public will be able to attend or view the public portion of the meeting.

5.6. Confidentiality

Discussions held during the portions of Committee meetings that are open to the public are considered public and may be communicated to stakeholders or other members of the public by Committee Members or administration. However, discussions during the portions of the meetings that are closed to the public must remain confidential. 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.

5.7. Facilitation / Mediation

If there are matters where consensus is not being achieved, the Annexation Negotiation Committee Members may determine that a facilitator and/or mediator is required to support completion of negotiations. In the event that facilitation or mediation is required, administrations may explore the possibility of obtaining an Alberta Community Partnership Grant through Alberta Municipal Affairs to assist with the costs.

5.8. Communications

If the Committee at any time feels that there should be an update provided to the media regarding the progress of negotiations, it should be developed jointly. The contents of such updates will be agreed to by consensus of appointed Committee Members. Staff will prepare and format the final update developed by the Committee for sign-off by the Committee Co-chairs. Other than such updates, Committee Members or administration from either municipality may provide information regarding negotiations undertaken in the public portion of meetings to stakeholders or the public.

6. Scope

Topics requiring negotiations with respect to lands within proposed annexation area may 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
- Franchise agreements with utility providers
- 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 may influence the project includes but is not 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
- Foothills County's Growth Management Strategy
- South Saskatchewan Regional Plan
- Calgary Metropolitan Region Growth Plan
- Sirocco Area Structure Plan (Foothills County)
- Existing Land Use Policies in both municipalities
- Transportation Studies and Plans
- Public consultation and concerns of landowners
- Agricultural capacities of the land
- Infrastructure and utilities
- Servicing Capacities