

# Development Appeal Board

\*(under review)

## Recruitment Profile



### 1.0 MANDATE

The Development Appeal Board hears appeals regarding decisions made by the Town of Banff development and subdivision authorities. By hearing appeals and making decisions on land use, the DAB fulfils a vital function in achieving the goals of orderly, beneficial and economic development. DAB decisions shape the community and affect the lives of developers, neighbours, citizens and businesses.

The Board is comprised of citizen members and makes decisions in an impartial manner and applies the principles of natural justice and procedural fairness, which includes but is not limited to: the right to a public hearing; a duty to be fair; the right for all affected parties to be heard; the right to an adjournment if the DAB determines it is merited; and the right to legal counsel. The DAB is an independent, quasi-judicial body established by Council, and its decisions are final and cannot be overturned unless the board makes an error in some aspect of law or jurisdiction.

### 2.0 ELIGIBILITY

As per the Banff Land Use Bylaw, the DAB consists of a minimum of five members:

- two councillors;
- a minimum of two public members; and
- one person or 20% of the board, nominated by the Federal Minister of the Environment.

2.1 Residents of Banff.

2.2 Residents 18 years of age or older.

### 3.0 INELIGIBILITY

3.1 Residents active on other Town of Banff boards and committees.

3.2 Town of Banff employees.

3.3 Non-resident of Banff.

- 3.4 Is less than 18 years of age

#### 4.0 DESIRED COMPETENCIES

- 4.1 A strong public service orientation and willingness to advise and assist Council in planning high quality communities.
- 4.2 Knowledge or understanding of the forces that shape events in the community including attitudes and issues about growth and development, knowing how the local economy works and having some knowledge of community land use and development trends, legislation, policies and bylaws.
- 4.3 Expertise in one of the following areas and/or have served on public committees, working groups or advisory committees:
- i) knowledge of community design standards, zoning regulations;
  - ii) urban planning architecture, landscape architecture, urban design, environmental design, law, engineering, construction or real estate;
  - iii) legislation, policy, and/or
  - iv) management/administration.
- 4.4 Clear understanding of governance board principles, administrative and parliamentary procedures and a willingness to work within a governance structure.
- 4.5 Integrity, high ethical standards and an ability to be perceived as fair and impartial.
- 4.6 An understanding of the quasi-judicial function of a tribunal and of the principles of administrative law and natural justice.
- 4.7 The ability to commit the required time on a year round basis. A Board Member should have the time to not only attend the meetings and work sessions but to prepare for the meetings beforehand.
- 4.8 Excellent analytical/reasoning skills and ability to represent the broader interests of the public and community at large.
- 4.9 An effective listener with strong decision making skills and the ability to support decisions based on fact, even if it disagrees with their personal opinion.
- 4.10 The ability to understand, organize and apply complex plans, relevant legislation, statutory documents and case law.

- 4.11 The ability to speak in public and communicate effectively with administration, applicants and other parties appearing before the Board.
- 4.12 The ability to learn and know all sides of an issue before forming an opinion. This means becoming familiar with the Banff Community Plan, the Town of Banff Land Use Bylaw and Municipal Government Act, Incorporation Agreement and reviewing all staff material, related correspondence and considering all testimony at the meeting before forming an opinion.

## **5.0 TIME COMMITMENT**

- 5.1 Meetings are typically scheduled to the second Thursday of the month, during regular business hours. If required, the Board may set additional dates for hearings. Each appeal must be handled within strict time limits and it is critical that members be available to meet timelines
- 5.2 Members should have the ability and willingness to prepare for, attend and participate in full day hearings together with additional time required to draft and review the decision. (Each hearing of the DAB must be handled within strict time limits and it is critical that members be available to meet the timelines).

## **6.0 TERM**

- 6.1 Public members serve one year terms. (\*under review).
- 6.2 There is no maximum number of years a member may serve; however the member must apply for reappointment at the completion of their term.. (\*under review).

## **7.0 TRAINING**

- 7.1 DAB members must successfully complete a training program set or approved by the Minister of Municipal Affairs. This course is taken by members after they have been appointed to the board.
- 7.2 DAB members reappointed after 3 years must successfully complete the member refresher course approved by the Minister of Municipal Affairs.
- 7.3 Orientation by Planning and Development staff or outside experts including training with regard to the Incorporation Agreement.
- 7.4 Thorough overview of committee programs.

7.5 Ongoing Planning and Development staff support.

## 8.0 GENERAL COMMITTEE/BOARD DUTIES

- 8.1 Understand and demonstrate a commitment to the board's mandate and statutory duties subject to the limitations outlined in the Municipal Government Act.
- 8.2 Prepare for meetings by reading agendas, minutes reports and other documentation required to actively participate in them.
- 8.3 Attend meetings regularly.
- 8.4 Participate in the decision by concentrating on the evidence presented and basing the decision on the evidence provided in the hearing. This includes contributing to the written decision, ensuring that written reasons are provided and supporting the decision made by the DAB after it is made.
- 8.5 Make inquiries when clarification or more information is needed.
- 8.6 Avoid any potential conflicts of interests.
- 8.7 Understand and maintain confidentiality.
- 8.8 Ensure the Board is complying with municipal bylaws, policies, procedures and standards; provincial and federal legislation; administrative law and any applicable statutory plans.

## 9.0 REMUNERATION

9.1 As directed by the Committees Honorarium Bylaw.

<b>Development Appeal Board</b>		
	<b>Board Member</b>	<b>Chairperson</b>
Training Day	\$250 plus mileage	\$250 plus mileage
Meeting - 0 to 4 hours	\$150	\$200
Meeting - over 4 hours	\$250	\$325