



## Land Compensation Board Mandate and Roles Document March 9, 2015

This Mandate and Roles Document for the Land Compensation Board ("LCB") has been developed collaboratively between the Minister of Environment and Sustainable Resource Development ("Minister") and the LCB to reflect a common understanding of their respective roles and responsibilities.

The LCB is an independent, quasi-judicial tribunal established under the Alberta *Expropriation Act* (the "Act"). It is recognized that the independence and impartiality of the LCB are integral to its adjudicative functions, and that its decisions must be made, and be seen to be made, impartially and independently. Accordingly, nothing in this document is intended to or does interfere with the LCB's independent and impartial exercise of its adjudicative and ancillary powers, duties or functions. The Minister recognizes the authority and obligation of the Chair of the LCB ("Chair") to administer and direct the LCB in the discharge of those powers, duties and functions. The Chair is, however, accountable to the Minister for the effective management and operation of the LCB and for ensuring that the Minister is informed respecting those matters.

### 1. LCB Mandate

The LCB conducts alternate dispute resolution proceedings and hearings regarding compensation payable to landowners and tenants where land has been expropriated by an authority and the parties cannot agree. It may also determine whether an expropriation should proceed when there is an objection.

In carrying out its adjudicative role, the LCB must apply the principles of administrative law, the *Expropriation Act*, and the associated Regulations and other related legislation, in a fair, judicious, and independent manner.

The LCB has responsibilities under, and is subject to, a number of statutes and regulations including the following:

- *Financial Administration Act*
- *Government Accountability Act*



- *Freedom of Information and Protection of Privacy Act (FOIP)*
- *Government Organization Act*
- *Public Service Act*
- *Administrative Procedures and Jurisdiction Act*
- *Expropriation Act*
- *Expropriation Act Rules of Procedure and Practice*
- *Public Lands Act*
- *Alberta Land Stewardship Act*
- *Railway (Alberta) Act*
- *Municipal Government Act*
- *Historical Resources Act*
- *Irrigation Districts Act*
- *Water Act*

## **2. Roles and Responsibilities**

The Government is responsible for the legislative, regulatory and Government policy framework in which the LCB operates.

### **a) Minister**

The Minister is responsible for the administration of the *Expropriation Act* and is accountable to the Legislature for the LCB. The Minister reports to the Legislature on the LCB and answers questions about the LCB.

The role of the Minister is to:

- recommend to Cabinet the appointment of LCB members and the Chair based on the Minister's assessment that candidates have the appropriate knowledge, skills, experience and values to assist the LCB in achieving its objectives and performing its functions;
- monitor the operations and performance of the LCB to ensure its compliance with applicable law and policy while respecting the need of the LCB for independence in conducting its adjudicative function;
- participate in the process of setting and monitoring the LCB's strategic direction and targets;

- inform and consult with the Chair concerning any proposed legislation or policies affecting the work of the LCB;
- communicate with the public on matters related to the *Act* and its Regulations;
- recommend to the Government the annual budget for the LCB;
- conduct annual evaluations and reviews of the performance of the Chair; and
- conduct reviews of the LCB's mandate and purpose to determine if the work of the LCB is still relevant to the needs of Albertans and if it is aligned with Government priorities.

In view of the LCB's independence and impartiality, evaluation of the Chair's performance will be undertaken in the context of measuring LCB management efficiency and will not seek to measure or evaluate the merits of LCB decisions.

#### **b) Deputy Minister/Assistant Deputy Minister**

The Deputy Minister of the Ministry of Environment and Sustainable Resource Development ("Ministry") supports and acts under the general direction of the Minister. The Assistant Deputy Minister of the Ministry supports and acts under the general direction of the Deputy Minister.

The role of the Deputy Minister or Assistant Deputy Minister is to be responsible for the following activities which have been delegated by the Minister or the Deputy Minister:

- attend regular meetings with the Chair to review LCB management and emerging issues;
- ensure the Ministry fulfills its role in support of the LCB; and
- discuss with the Chair policy gaps between the LCB and the Ministry.



### **c) Ministry**

In order to support the LCB to enable it to properly fulfill its duties and functions, the Government and the Ministry are responsible for providing the required support to the LCB in the following areas:

- financial resources (as well as expenditure authority and framework for financial controls);
- human resources administration;
- administrative support (dispute resolution processes, planning, reporting and other business activities, including information technology services and support);
- LCB office and hearing room accommodation, and related cleaning, maintenance and repair services;
- legal services;
- FOIP and legislative support and;
- other support services necessary to carry out the roles and responsibilities of the LCB.

The Ministry monitors the financial performance of the LCB, ensuring that, with the advice of the external auditors, the financial results are reported on a timely and regular basis and in accordance with the Generally Accepted Accounting Principles (GAAP).

### **d) Chair**

The Chair is responsible for the operation and management of the LCB, including administering and directing its statutory powers, duties and functions. Among other things, the Chair is responsible for management and direction of all LCB activities respecting processing of applications and conducting alternate dispute resolution proceedings and hearings. The Chair is accountable to the Minister for the effective management and operation of the LCB, according to Government financial and human resources policies



applicable to the LCB. The Chair also guides the LCB's strategic direction, and approves and monitors any LCB business plan.

The role of the Chair is to:

- ensure that all material developments and significant emergent issues are disclosed to the Minister or the Deputy Minister/Assistant Deputy Minister on a timely basis;
- attend meetings with the Deputy Minister/Assistant Deputy Minister to review LCB management and emerging issues (including respecting the legislative and policy frameworks within which the LCB operates);
- seek a meeting with the Minister, at least annually, to inform the Minister respecting the LCB's operation, and such other matters as the Chair or Minister may desire, and to make such recommendations as the Chair considers necessary;
- submit to the Minister an annual report, as promptly as practicable after each year end, respecting the operations of the LCB, including information as to the number and nature of applications and proceedings and any other matter that the Minister requests;
- monitor the LCB's annual budget and, if applicable, identify any operating or capital funding pressure;
- provide to the Minister any LCB strategic and business plans and performance objectives and information respecting their implementation;
- ensure that any issues respecting the support or services provided to the LCB by the Ministry or Government are disclosed to the Deputy Minister/Assistant Deputy Minister on a timely basis;
- manage and operate the LCB, including implementing all Government financial and human resources policies applicable to the LCB;



- be responsible for providing leadership and direction for the LCB and for effectively pursuing the work of the LCB;
- ensure the establishment of policies and procedures for conducting proceedings, and for the administration of the LCB, in accordance with the *Expropriation Act* and other applicable statutes and laws;
- provide orientation to LCB governance practices and policies to all new LCB members and provide, as appropriate, ongoing training;
- conduct an annual evaluation of the performance of the LCB and of individual members, using criteria and guidelines the Chair establishes, and review the results of the evaluations with LCB members in order to improve effectiveness and, in the case of individual evaluations, to identify opportunities to strengthen the individual Board members' performance;
- provide a recommendation to the Minister concerning appointments of new Board members and the re-appointments of existing Board members;
- comment on proposed legislation or policies affecting the work of the LCB brought to the Chair's attention by the Minister or Government;
- establish and maintain meaningful and appropriate stakeholder relations;
- in consultation with the Ministry, manage how the LCB interacts with the public and establish policies that clearly identify roles and responsibilities in the area of communication with the public;
- administer the LCB's Code of Conduct and ensure that conflict of interest matters are addressed by the LCB; and
- engage in strategic and business planning that includes consideration of the principal risks associated with the LCB's business.

### **3. Recruitment and Appointment of LCB Members**

LCB members are appointed by Order in Council and collectively constitute the LCB. The LCB and the Ministry have developed the appended competency matrix for the LCB as a whole and the values and competencies required for individual Board members. Recruitment will be based on the approved competencies.

#### **Process for Recruitment and Appointment:**

- The recruitment process for members of the LCB will be led by the Chair in consultation with, and supported by, the Government's Corporate Human Resources ("CHR") agency.
- Respecting every vacancy that occurs, the LCB will identify the competencies that need to be replaced and will provide that profile to the Deputy Minister/Assistant Deputy Minister and to CHR.
- A public posting of all vacancies (which includes the required competencies) will be the responsibility of CHR.
- Applications will be reviewed by the CHR, the Deputy Minister (or his/her designate) and the Chair.
- The interview panel will consist of representatives from CHR, the LCB and the Deputy Minister (or his/her designate).
- Candidates will be assessed on the basis of the applicable competencies and values identified by the LCB and approved by the Minister.
- Conflict of interest and other screening shall be completed before a list of suitable candidates is prepared for submission to the Minister.
- A list of suitable candidates for vacancies will be provided to the Minister.

- The Minister will secure appointments from the list of suitable candidates, with the Ministry coordinating the appointment process.
- Appointments will be posted publicly on the GOA website and through the Queen's Printer.

#### **4. Communications between the LCB and the Ministry**

The Ministry's Corporate Services Branch ("Branch") interacts with the LCB respecting financial, human resources and other administrative matters. The Branch will designate in writing its principal contact for the LCB for administrative purposes. The Director is the principal contact for the LCB for administrative purposes.

#### **5. Administration of this Document**

##### **Review of this Document**

This document is in effect for three years from the latest signature below and is to be renewed or revised by the expiry date. This document nonetheless is to be affirmed annually by the Minister and the Chair and on any change in either the Minister or Chair.

##### **Transparency**

Copies of this document will be held in the Minister's office, in the LCB's office and by the Government's Agency Governance Secretariat. In support of the principle of transparency, this document will also be easily available to the public on the Ministry's website.

##### **Periodic Agency Review**

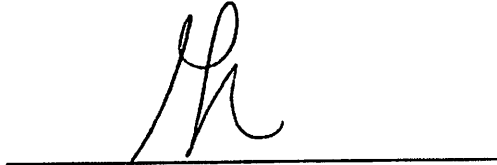
A review of the LCB's mandate and purpose will be carried out by the Ministry in accordance with the review process developed in consultation with the Agency Governance Secretariat.





This document reflects the mutual understandings of the Minister and Chair but is not intended to, and does not, create any binding legal obligations enforceable in a court of law.

Affirmed



Chair  
Land Compensation Board  
Gerald Hawranik, QC

March 9/15  
Date

Affirmed



Minister  
Environment and Sustainable  
Resource Development  
~~Robin Campbell~~  
Kyle Faulcett

Apr. 2/15  
Date

Archived



## Competency Matrix

Date: \_\_\_\_\_

Land Compensation Board		Member	Chair
<b>Term Expiry</b>			
<b>Core Qualities</b>	Integrity and Accountability		
	Adaptability		
	Decision making		
	Collegiality		
	Strong listening and communication skills		
	Consensus building		
	Objectivity		
<b>Leadership Qualities (i.e. public service, community involvement)</b>	Previous Governance Experience		
	Chair/Vice position		
	• Served on Board		
	• Reported to Board		
	<b>Business Experience</b>		
	Education		
	• Extensive knowledge through experience		
	• Basic or common knowledge		
	<b>Mediation / Consensus Building</b>		
	• Education		
• Extensive experience			
• Issue resolution			



	<ul style="list-style-type: none"> <li>• Basic or common ability</li> </ul>		
<b>Core Qualities Expertise</b>	<b>Knowledge</b>		
	<ul style="list-style-type: none"> <li>• Professional Designation/Education</li> </ul>		
	<ul style="list-style-type: none"> <li>• Knowledge of administrative law</li> </ul>		
	<ul style="list-style-type: none"> <li>• Knowledge of Expropriation/Compensation related issues</li> </ul>		
	<ul style="list-style-type: none"> <li>• Education</li> </ul>		
	<ul style="list-style-type: none"> <li>• Extensive knowledge through experience</li> </ul>		
	<ul style="list-style-type: none"> <li>• Basic or common knowledge</li> </ul>		
	<ul style="list-style-type: none"> <li>• Interest in Expropriation/Education/ Compensation</li> </ul>		
	<b>Public Awareness</b>		
	<ul style="list-style-type: none"> <li>• Ability to advance the public interest</li> </ul>		
	<ul style="list-style-type: none"> <li>• Effective communication to public</li> </ul>		
	<ul style="list-style-type: none"> <li>• Confidentiality</li> </ul>		
	<ul style="list-style-type: none"> <li>• Knowledge of social circumstances</li> </ul>		
<b>Administrative Tribunal Expertise</b>	<ul style="list-style-type: none"> <li>• Professional designation</li> </ul>		
	<ul style="list-style-type: none"> <li>• Education</li> </ul>		
	<ul style="list-style-type: none"> <li>• Extensive experience</li> </ul>		
	<ul style="list-style-type: none"> <li>• Basic or common knowledge</li> </ul>		
	<ul style="list-style-type: none"> <li>• Panel decision writing</li> </ul>		