

Land Compensation Board Mandate and Roles Document

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

The LCB uses staff, space and resources in common with the New Home Buyer Protection Board, Municipal Government Board and Surface Rights Board to avoid duplication of expenses.

Unless otherwise stated, terms used in this document that are defined in the *Alberta Public Agencies Governance Act (APAGA)*, *Interpretation Act (IA)* or the *Expropriation Act (EA)* have the same meanings as defined in those Acts.

Under the *Designation and Transfer of Responsibility Regulation*, the LCB's statutory powers, mandate and functions are governed under both the Ministry of Municipal Affairs and the Minister of Justice and Solicitor General. The Minister of Municipal Affairs governs the establishment of the LCB and the powers and duties of the Board.

In this document the term "Minister" refers to the Minister of Municipal Affairs, "Deputy Minister" refers to the Deputy Minister of Municipal Affairs, and "Department" refers to the department of Municipal Affairs.

The LCB is an independent, quasi-judicial tribunal established under the *EA*. 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 *EA*, and the associated Regulations and other related legislation, in a fair,



judicious, and independent manner. The LCB is an independent adjudicative body with an arms-length relationship to the Minister in the execution of its decision making responsibilities.

The LCB has responsibilities under, and is subject to, a number of statutes and regulations including, but not limited to, the following:

- *Financial Administration 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 Forms Regulation*
- *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*
- *Alberta Public Agencies Governance Act*
- *Lobbyists Act*
- *Property Rights Advocate Act*
- *Conflicts of Interest Act*
- *Reform of Agencies, Boards and Commissions Compensation Act*
- *Public Sector Compensation Transparency Act*
- *Public Interest Disclosure Act*
- *Public Service Employee Relations Act*
- *Designation and Transfer of Responsibility Regulation*

2. Roles and Responsibilities

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

The Minister

The Minister is responsible for the administration of sections 25 to 28 and 72 of the *EA* 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;
- inform and consult with the Chair concerning any proposed legislation or policies affecting the work of the LCB;
- consult with other members of Cabinet as necessary about issues affecting the legislative and policy frameworks within which the LCB operates, and arrange for any meetings required between those Cabinet members and the Chair;
- communicate with the public on matters related to the operations, powers and duties of the LCB
- recommend to the Government the annual budget for the LCB;
- conduct annual evaluations and reviews of the performance of the Chair; and
- conduct periodic reviews, at least every seven years, 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.

The Deputy Minister

- Supports and acts under the general direction of the Minister;
- attends regular meetings with the Chair to review LCB management and emerging issues. (including respecting the legislative and policy frameworks within which the LCB operates).

The Department

In order to meet the responsibilities delegated to the LCB, the Department is responsible for supporting the LCB in the following areas:

- financial support services; through the Public Service Commission, human resource management services;
- through Service Alberta, IT support services;
- through Service Alberta, supports the Board in compliance with the Freedom of Information and Protection of Privacy Act
- records and information management;
- providing hearing facilities and administrative offices to support the independent quasi-judicial nature of the LCB; and
- other support services necessary to carry out the roles and responsibilities of the LCB.

The Department will also consult with staff from other departments as necessary about issues affecting the legislative and policy frameworks within which the LCB operates, and arrange, in co-operation with the Chair, for any meetings required between LCB staff and staff from other departments.

The 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 the processing of applications and conducting alternative 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 on a timely basis;
- attend regular meetings with the 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;
- monitor the LCB's annual budget and, if applicable, identify to the Deputy



Minister 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 Department 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 *EA* and other applicable statutes and laws;
- 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 Department, 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; communicate with the public on behalf of the LCB as required.
- engage in strategic and business planning that includes consideration of the principal risks associated with the LCB's business.
- evaluate LCB members' performance and provide a recommendation to the Minister concerning appointments of new members and the re-appointment of existing members ;
- develop and deliver an orientation program for new LCB members, providing continuous training for existing members, and providing performance feedback;
- inform the LCB about various provincial policy or legislative initiatives and changes which may affect the LCB;
- administer and maintain the LCB's Code of Conduct and Ethics, including administering the Code of Conduct complaints process and ensuring that conflict of interest matters are addressed;
- adhere to both the LCB Code of Conduct and the Code of Conduct and Ethics

for the Public Service of Alberta; and

- ensure continuity in board operations by appointing, in writing, a Board Member to act as Chair during absences.

LCB Staff

LCB staff are employees of the Government of Alberta appointed pursuant to the *Public Service Act* to support the LCB in the execution of its duties. As government employees, LCB staff are subject to the Code of Conduct and Ethics for the Public Service of Alberta as well as the LCB Code of Conduct and Ethics.

LCB Members

All LCB Members are appointed at pleasure of the Crown by Order in Council and report to and are accountable to the Chair. LCB Members will, in carrying out their adjudicative functions, make decisions independently in accordance with all applicable legislation. LCB members make independent decisions about matters before them and conduct proceedings to resolve disputes.

Each LCB member shall adhere to:

- the LCB's Code of Conduct and Ethics;
- the requirements of the *EA*; and
- the *Administrative Procedures and Jurisdiction Act*

3. Recruitment and Appointment of Board Members

Appointments are made in accordance with the *APAGA* following a transparent recruitment process based on competencies (skills, experience, attributes) approved of by the Chair. This is a government led process; however, through this MDR the Minister is in agreement that the recruitment process for members of LCB is led by the Chair in consultation with and supported by the Department and the Public Service Commission.

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 and to the Public Service Commission.

- Those members who work on a per-diem basis are not employees of the Government of Alberta.
- All members must agree to be bound by the LCB Code of Conduct and Ethics before undertaking LCB Duties



- Recommendations for appointments of members to the LCB are made in accordance with the requirements of the APAGA, which include a transparent, recruitment process based on a Competency Matrix, including knowledge, skills and related experience.
- The selection process will consist of screening, one or two-part interviews, questions and testing, as outlined by the Chair.
- The screening and interview panel will provide a shortlist of applicants to the Chair. The Chair will review the list and applications and may decide to hold additional testing and interviews of applicants from the shortlist and others that are deemed appropriate.
- A list of post-interview and tested candidates will be presented to the Minister. The Minister will provide a recommendation to Cabinet for final approval and appointments.
- The recruitment process is consistent with the APAGA, and in particular with section 13 - Recruitment of members, section 14 - Term of office, and section 15 - Reappointment. . A public posting of all vacancies will be the responsibility of the LCB. At a minimum, this will include a description of the competencies necessary for the position and the process used to fill the position.

4. Interaction Between LCB Department, Deputy Minister and Minister

- With respect to the adjudicative functions of the LCB, the LCB, the Minister and the Department will continue to act in manner to recognize the independent quasi-judicial nature of the LCB.
- The Minister, the Deputy Minister or the Department will not be involved in or provide, either generally or specifically, any directives or expected outcomes associated with any adjudicative matter before the LCB.
- LCB communication with the Minister or Department on adjudicative matters shall be limited to status reports.
- Legal advice to the LCB will be provided by in-house LCB counsel or by an independent legal advisor.
- The Chair will act as the primary contact for the LCB and as the LCB representative on Municipal Affairs Executive Team.
- The Chair meets, at least annually, with the Deputy Minister and/or the Minister to provide a report and to receive feedback on the performance and annual evaluation of the LCB.



- The Chair also summarizes the activities of the LCB which have significant provincial impact and provides updates to the Deputy Minister and the Minister for their information.
- With the permission of the Chair, Department staff may consult LCB staff about any policy development or review. Similarly, LCB staff may participate in Department or Cross-Department groups formed to consider any policy matter, as may be requested by the Department.
- The Minister also consults with the LCB in the determination of its business needs and expected caseloads in order to prepare a realistic business plan and operating budget to meet the adjudicative demands placed on the LCB

5. Administration

Review of the Mandate and Roles Document

The Mandate and Roles Document must be reviewed by the Minister and renewed, amended or replaced within three years of the date that it is signed.

The Mandate and Roles document may be amended at any time; any amendment must be signed by the Minister and the Chair

Transparency

Copies of the Mandate and Roles document will be filed with the Minister of Municipal Affairs, the LCB and the Public Agency Secretariat. In support of the principle of transparency, this document will also be available to the public on the LCB's website.

Affirmed

Chair
Land Compensation Board

Date December 10, 2019

Affirmed

Minister
Municipal Affairs

Date February 20, 2020