



City of Regina and Regina Airport Authority Memorandum of Understanding

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Memorandum of Understanding

Approvals

Organization	Date
Regina Airport Authority Board	
Regina City Council	

Amendments

Date of RAA Board Approval	Date of Council Approval	Affected Sections	Description

Purpose

The City of Regina (City) and the Regina Airport Authority (RAA) have a long-standing history of successful cooperation and collaboration. Both organizations are continually working to improve the long-term prosperity of the city and region. This document does not confer any legal rights, duties or obligations but is intended to guide how the two organizations engage with each other to ensure that the community's interests are well served. It is also intended to confirm the mutual intentions of the City and the RAA and provide a framework for future formal agreements, where required. The RAA's mandate is one of federal jurisdiction and as such the RAA looks for areas to voluntarily align with the City's future plans, bylaws and related processes where possible. Nothing in this document is designed to remove or diminish the rights of the federal government or the municipality in terms of its jurisdiction and obligations.

This document is built upon the following fundamental principles:

- The City and RAA have and wish to continue their long-standing relationship of practical cooperation and coordination.
- The City and RAA aspire to enable developments that are complementary with the Airport's Land Use Plan and City's *Official Community Plan (Bylaw No. 2013-48*, as may be amended or any succeeding bylaw) and acknowledge that development generally has an impact on City infrastructure and services.
- The City and RAA understand that the RAA's lands are leased from the federal government and that the RAA is voluntarily seeking to harmonize with City's plans where practical.
- The RAA will consult with the City on non-aviation development at the airport related to its surplus lands that it intends to develop as a revenue source and share plans with the City regarding aviation development.
- The City understands that aviation development or activities are protected under the *Aeronautics Act (RS 1985, C.A2)* and therefore are under the sole jurisdiction of the federal government and its land tenant, the RAA.
- The City will consult with the RAA on proposed developments on land adjacent to the airport or that may have a reasonable potential to impact current or long-term airport operations, future expansion and/or safety.
- The City will consult with RAA in regard to infrastructure plans for areas around the airport and consider the long-term protection of the airport for the benefit of the community.
- The City and the RAA always agree to act in good faith and to work collaboratively on matters of mutual interest and that benefit the citizens of Regina.
- The City and the RAA agree to promote collaboration between the two organizations at all levels.

The City and the RAA understand that disagreements may occur but will work to find compromise to achieve a reasonable outcome for both organizations.

Airport Land Use Planning

The City and the RAA acknowledge that the RAA has adopted a federally approved Airport Land Use Plan. Revisions or replacement of the Airport's Land Use Plan is subject to the approval of the Federal Minister of Transport. The RAA agrees to consult with the City and give due consideration with respect to any proposed amendment or replacement of the Airport Land Use Plan and to work collaboratively with the City to ensure that the Plan is complementary, compatible and in harmony with overall City planning and with City land uses and that any development on the RAA lands will be complementary, compatible and in harmony with the overall planning of the City. The City will provide timely response to requests from the RAA and welcomes ongoing dialogue in this regard.

City Land Use Planning

The City and the RAA acknowledge that the City has adopted an *Official Community Plan* and *The Regina Zoning Bylaw (Bylaw No. 2019-19*, as may be amended or any succeeding bylaw) that regulates the use and development of lands within the City's jurisdiction and that any revisions or replacement of the Bylaws are subject to the approval of City Council. The City agrees to consult with the RAA and give due consideration to such consultation with respect to any proposed amendments or replacement of the Bylaws which relate to lands subject to Regina Airport Zoning Regulations and Transport Canada's guidance document, *Aviation: Land use in the Vicinity of Aerodromes (TP1247)*, where development may potentially impact airport operations, future expansion or safety. The City will work collaboratively with the RAA to ensure that development and land uses with City lands adjacent to the airport are complementary, compatible and in harmony with the Airport Land Use Plan. The RAA will provide timely response to requests from the City and welcomes ongoing dialogue in this regard.

Development Permit Process

The City and the RAA agree to work collaboratively and in good faith towards establishing a more detailed development review process, including the negotiation of any related formal agreements deemed to be required. The current development permit review processes will be maintained until new processes are developed and agreed upon.

Servicing Agreement Fees and Development Levies (SAFs)

The RAA understands that the City provides and maintains considerable infrastructure that supports the airport property and that the City incurs direct capital costs for the provision of construction, altering, expanding or upgrading its municipal infrastructure to allow for growth and development within the RAA lands. The City understands that the mandate of the airport is to grow, and the use of infrastructure will only increase in time.

The current City Council approved policies shall apply to the collection of applicable development related fees within the RAA Lands. The City agrees to invite RAA to participate in future reviews of The Development Levy (Bylaw 2011 - 16 as may be amended or any succeeding bylaw) and understands that the RAA wishes to explore specific RAA Land rates to be agreed to in a supplement Memorandum of Understanding and adjusted from time to time through mutual agreement. These specific rates shall require City Council's approval as well as RAA approval to be valid.

The City and the RAA agree to continue to engage in good faith negotiations regarding the application of SAFs to RAA Lands and towards entering into any related formal agreements deemed to be required.

Aviation/Core Airport Development

Development related to airport core operations, passenger processing, safety, security and related operations are under the sole jurisdiction of the RAA. The RAA will be proactive in sharing plans and consult with the City to seek input. The City understands that the RAA's mandate and legal authority comes from the federal government through its ground lease, signed May 1, 1999 and amended as required, and agrees to consider the airport's long-term plans, aviation noise, appropriate land use in the vicinity of the airport and protection for the runway system and future runway expansions. The City and RAA understand that the Regina International Airport must plan well into the future and that protecting long term viability for expansion is of paramount importance for the local economy and for the region as a whole.

Non-Aviation Development

In an effort to foster economic prosperity, achieve long-term financial viability and fully utilize surrounding infrastructure, the RAA seeks to develop surplus airport lands for non-aviation purposes.

The RAA will develop these lands in accordance with the Airport Land Use Plan, Airport Master Plan and real estate development policies, with special care and attention ensuring the appropriate land use and compatibility with the City's future plans are considered. The RAA will ensure consultations with the City occur for each development application on airport land and take into consideration comments received from the City. Special attention will be given to all matters related to lot servicing requirements, stormwater, environmental considerations, traffic and permitted uses. The RAA will review development applications utilizing the Airport Land Use Plan and YQR Development Regulations document. This document, which may change from time to time, will be the primary tool used by the RAA and City to refine broad permitted use clauses allowed by the federal government and endeavour to create alignment with the City's future plans (e.g. Transportation Master Plan) and *Official Community Plan*

Applicable Codes

The City and RAA have a mutual interest in ensuring that all buildings and structures are constructed in accordance with applicable building and fire codes. The City's *Building Bylaw* does not apply to land controlled by the RAA, however the RAA has chosen to apply the *Uniform Building and Accessibility Standards Act* and the RAA's Building Bylaw policy to development on airport land. RAA has a process for Code reviews by means of a third-party building official. The RAA saves the City harmless from any liability arising from the RAA's administration of building permits on airport land.

The City and the RAA acknowledge that the RAA may request that the City conduct various inspections on any RAA controlled properties and at all leased tenant sites in the future and both the City and the RAA agree to continue to engage in good faith negotiations regarding the potential of the City providing these services and entering into any related formal agreements deemed to be required.

General Provision for Lease Hold Tenants

The City and the RAA agree to the extent practicable and not in conflict with the federal legislation or jurisdiction that all tenants and sub tenants of the RAA will generally receive the same benefits and be subject to the same rules and regulations as if they were occupying land that were not on the airport. This principle is essential so that all lease hold tenants comply with and benefit from all City ordinances and bylaws. The RAA shall ensure that its leases will contain provisions requiring its tenants, aviation and non aviation, to acknowledge and agree that the tenant shall comply with municipal bylaws and nothing in this statement is intended to supersede federal law or rights protected under the *Aeronautics Act*. For greater clarity, noise generated by aviation related activities is expressly excluded from any City bylaws or requirements.

Taxation, Land Tenants

The RAA acknowledges that all land tenants on airport property are required to pay property taxes to the City and are subject to the same assessment process that applies to other locations in the city, regardless of the land being federal property. The RAA will ensure that all leases with its tenants will contain clauses to ensure payment of real property taxes, levies, charges and assessments, and will assist the City with collection of real property taxes, levies charges and assessments using its rights as landlord. Upon receipt of notice from the City to the RAA of unpaid Land Tenant taxes, the RAA will have twelve (12) months to collect the taxes from the Land Tenant, failing to do so will result in the RAA being responsible for payment of said taxes directly.

Taxation, Airport Lands Controlled Directly by RAA

The RAA acknowledges and agrees that all RAA lands are subject to assessment and collection of property taxes in accordance with the same tax rates and assessment process that apply to other lands within the city. The City acknowledges that the RAA lands include areas controlled directly by RAA which are comprised of areas for the sole benefit of the travelling public, general aviation and to protect for the safety of aircraft. Unlike a traditional business, the RAA is a not-for-profit corporation that works with the community to create economic opportunity in the region. The City will work with RAA to identify opportunities where it may be able to provide support to RAA to help facilitate investment in air service and thereby attract and retain air service by keeping fees and charges to airlines affordable, provided however any application or request that involves the exemption or abatement of property taxes remains within the exclusive authority of and shall at all times be subject to approval by City Council

Emergency Response

The City and the RAA, to the extent reasonably possible, will cooperate and provide assistance to each other. The City understands that the RAA will require support from both Regina Fire & Protective Services on a frequent basis. The RAA will engage the City on procedures and operations related to these agencies.

The City and the RAA will work collaboratively and continue to engage in good faith negotiations towards a more detailed Mutual Aid or Fire Services Agreement to clarify jurisdictional issues and interagency response protocols including Aircraft Rescue and Fire Fighting, structural fire fighting, technical rescue, etc.

Use of Airport Lands for Community Purposes

The City recognizes the contribution that the RAA makes to the community and that it may provide future tenants land for a nominal rent when used for community purposes. This may include sports fields, recreational areas and other amenities that are a sole benefit to the community. The City and the RAA agree to work collaboratively when planning future projects of this regard and agree to discuss items such as on-going maintenance, capital expenditures and related expenses.

City Wide Events

The City and the RAA recognize that the RAA is the gateway to southern Saskatchewan and that the RAA will work closely with the City on ensuring the first impression for guests is memorable. The City and the RAA agree to work collaboratively to ensure appropriate messaging are in place at the airport for major events that the City itself is coordinating for the betterment of the community. The City understands that the RAA has commercial obligations it must consider with messaging and signage but will always look for opportunities to be a good community partner.

Meetings with City Administration, Mayor and Council

At least once a year at a time mutually acceptable to both the City and the RAA, the RAA will send a small delegation to the City to update Mayor and Council on airport activities and solicit input from those officials. Mayor and Council will also be welcome to attend any other airport public meeting that is held during the year, including the Community Consultative Committee or Annual General meeting.

Senior RAA staff will meet with City staff at least twice a year to discuss matters of mutual interest. These meetings will be held informally or formally, based on the nature of the discussion. The intention of these meetings is to ensure that the City and RAA are in regular communication and can collaborate on issues of mutual concern along with keeping current on affairs that may impact one of the parties.

Dispute Resolution

In the event that a dispute arises over the interpretation or application of this memorandum of understanding, and prior to resorting to any other measures which may be available to them, the City and the RAA agrees to the method of dispute resolution and will abide by the following procedures.

1. Any dispute will first be managed by the RAA President and CEO and City Manager and Chief Administrative Officer or designate.
2. If after best efforts the issue remains unresolved, those two individuals along with the RAA Board Chair and Mayor of Regina will meet in an effort to resolve the issue.
3. If after best efforts, the four individuals are unable to resolve, the City and the RAA will agree to appoint a mutual third party to mediate the dispute. Any costs of this mediation will be split 50/50 between both the City and RAA.

It is understood by both the City and the RAA that at all times, discussions related to a dispute are to remain strictly confidential and limited to RAA Senior Management and Board of Directors, along with City Senior Management and Mayor and Council.

Implementation

The City and the RAA will act with due diligence and within the spirit of terms hereof to fully implement the provisions contemplated by this MOU.

This Memorandum of Understanding was signed on the ____ day of _____, 20____

THE CITY OF REGINA

Sandra Masters, Mayor

Jim Nicol, City Clerk

REGINA AIRPORT AUTHORITY, INC.

Trent Fraser, Board Chair

James Bogusz, President and CEO