

**CLEARWATER COUNTY
COUNCIL AGENDA
September 22, 2014
9:00 A.M.
Council Chambers
4340 – 47 Avenue, Rocky Mountain House AB**

**10:30 A.M. Presentation: Public Hearing Procedural Fairness –
Joanne Klauer, MacPherson Leslie & Tyerman LLP**

A. CALL TO ORDER

B. AGENDA ADOPTION

C. CONFIRMATION OF MINUTES

1. September 08, 2014 Regular Meeting Minutes

D. PLANNING

1. Additional Members At Large for the Subdivision Development Appeal Board (SDAB)

E. PUBLIC WORKS

1. Transportation Infrastructure Debt in Alberta

F. CORPORATE SERVICES

1. Gas Tax Fund Memorandum of Agreement
2. Revenue Sharing Agreement: Clearwater County and Village of Caroline
3. Municipal Auditor Appointment for Fiscal Year 2014

G. COMMUNITY & PROTECTIVE SERVICES

1. Scholarship Awards Ceremonies

H. MUNICIPAL

1. MGA Review and *Building Canada Fund* Program Review
2. Canadian Union of Postal Workers Request for Support
3. ARPA 2014 Conference Attendance
4. Scheduling 2014 Organizational Meeting and November/December Regular Council Meetings
5. 10:30 A.M. Presentation: Public Hearing Procedural Fairness –
Joanne Klauer, MacPherson Leslie & Tyerman (MLT) LLP

IN CAMERA*

1. Legal – MacPherson Leslie & Tyerman LLP
2. Land
3. Labour – CAO Performance Evaluation
4. Legal – Controverted Election Costs

* For discussions relating to and in accordance with: a) the Municipal Government Act, Section 197 (2) and b) the Freedom of Information and Protection of Privacy Act, Sections 21 (1)(ii); 24 (1)(a)(c); 25 (1)(c)iii; and 27 (1)(a)

I. INFORMATION

1. CAO's Report
2. Public Works Director's Report
3. Accounts Payable Listing
4. Councillor Remuneration

J. ADJOURNMENT

TABLED ITEMS

<u>Date</u>	<u>Item, Reason and Status</u>
04/10/12	Arbutus Hall Funding Request <ul style="list-style-type: none">• To allow applicant to provide a complete capital projects plan. STATUS: Pending Information, Community and Protective Services

<u>Date</u>	<u>Item, Reason and Status</u>
09/08/14	D.1. Development Request <ul style="list-style-type: none">• To obtain legal opinion. STATUS: Pending Information, Public Works



Agenda Item

Project: Additional Members At Large for the Subdivision Development Appeal Board	
Presentation Date: September 22 nd , 2014	
Department: Planning & Development	Author: Rick Emmons
Budget Implication:	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation
Strategic Area #2: Land & Economic Development	Goal #4: Ensure land use and land stewardship practices of agricultural and acreage owners continue enhance environmental sustainability within Clearwater County.
Legislative Direction:	<input type="checkbox"/> None <input checked="" type="checkbox"/> Provincial Legislation (cite) _____ MGA pt 17 <input type="checkbox"/> County Bylaw or Policy (cite) _____
Recommendation: For Council to appoint an additional "Member at Large" and an additional "Alternate Member at Large" to the Subdivision Development and Appeal Board	
Attachments List: N/A	

Background:

Administration is requesting the Subdivision Development Appeal Board (SDAB) expand from the existing four (4) members to five (5) and add one additional Alternate Member at Large. There has always been the risk of a tie vote with four (4) members on the Board, so expanding to five (5) would give the Board the odd number of members that is typically desired. By adding the Member at Large and the Alternate Member at Large, Administration would have more opportunities to ensure quorum thereby greatly reducing the scheduling issues historically encountered.

In the past Administration has exceeded the 30 day legislated requirement to hold a SDAB meeting due to conflicts in scheduling. Granted some of the conflicts were created by the Applicant or Appellant, but some were as a result of busy schedules within the Board itself. In an effort to mitigate this issue where it is within our control to do so, Administration is requesting Council to consider appointing one additional "Member at Large" and one additional "Alternate Member at Large" for the SDAB during Council's board appointments in October.



Agenda Item

Project: Transportation Infrastructure Debt In Alberta	
Presentation Date: September 22, 2014	
Department: Public Works	Author: Erik Hansen/ Marshall Morton
Budget Implication: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation	
Strategic Area:	Goal:
Legislative Direction: <input checked="" type="checkbox"/> None <input type="checkbox"/> Provincial Legislation (cite) _____ <input type="checkbox"/> County Bylaw or Policy (cite) _____	
Recommendation: That Council accepts this item as information.	
Attachments List: Transportation Infrastructure Debt In Alberta White Paper	

Background:

Clearwater County has received a White Paper on the Transportation Infrastructure Debt in Alberta from the Alberta Roadbuilders & Heavy Construction Association (ARHCA). A "White Paper" by definition is an article that states an organization's opinion or philosophy about an issue. The intent of this paper is to advance the issue of transportation infrastructure debt in Alberta and the need for a long term strategy.

The paper goes on to say that the infrastructure debt is somewhere between \$2 billion and \$16 billion. As this is a very broad range for an estimate they qualify this by identifying the challenge of calculating an infrastructure debt without reliable and consistent information. The paper also identifies the need for a more universal asset evaluation system as each jurisdiction does not share a parallel process in evaluating similar assets.

This broad range debt was calculated from information provided from Alberta Transportation, Alberta Urban Municipalities Association and the AAMDC through collaboration with the Alberta Municipal Supervisors Association. The paper identifies two funding solutions. Fund the debt by revenues generated by taxes or charge user fees. Arguments can be made for both.

The conclusion reiterates the need for action to address the growing infrastructure debt as this can negatively impact the long term economic prosperity of the region.

The Paper has been attached for your review.

Mashel: Let's discuss.



alberta roadbuilders & heavy construction association

September 4, 2014

Reeve Pat Alexander
Clearwater County
PO Box 550
Rocky Mountain House, AB T4T 1A4



Dear Mr. Alexander:

Enclosed is a copy of the recently completed ARHCA White Paper: Transportation Infrastructure Debt in Alberta. This paper is the result of extensive research and discussion with Alberta's transportation infrastructure owners and stakeholders at the provincial, municipal and urban levels, and the organizations that represent them.

The intent of this white paper is to surface the issue of transportation debt in Alberta, an issue that needs attention and above all a long term strategy.

This paper posits that the transportation infrastructure debt in the province of Alberta today is somewhere between \$2 billion and \$16 billion. The range was calculated using government data, exercising a quality performance measurement utilized by Alberta Transportation, and accomplished in collaboration with all the primary stakeholders. We recognize that significant capital investments in transportation infrastructure have been made in Alberta, but this debt calculation is focused primarily on existing assets.

The research and calculations are based on available data, and suggest that dedicated action is required to maintain the existing assets of the province in a condition that is considered safe, efficient and promotes economic activity.

We would be happy to answer any questions about the paper, the assumptions that we used, and more importantly how we would engage in helping to craft a long term strategy for investments into transportation infrastructure.

If transportation infrastructure continues to be underfunded in Alberta, the long term economic prosperity of the province will be severely and negatively impacted.

We would be happy to discuss this with you at your convenience.

Sincerely,

Gene Syvency B Sc, MBA
Chief Executive Officer

alberta roadbuilders & heavy construction association**About the ARHCA**

The Alberta Roadbuilders and Heavy Construction Association (ARHCA) is the largest heavy construction association in Canada, with more than 920 corporate members, representing approximately 60,000 direct employees and an annual payroll of more than \$3 billion. The Association represents contractors who work on the construction and rehabilitation of highways, municipal roads, bridges, sewer, and water projects, as well as the suppliers and consulting engineers who work with them. ARHCA member companies can also be found constructing infrastructure for residential, commercial, oilfield, oil sands and forestry projects.

The ARHCA supports long-term, stable, and sustainable investment in our transportation infrastructure at the best possible value to the taxpayer. The ARHCA also believes that a strong transportation system is essential to Alberta's future, providing a cost-effective method of moving goods and services to local and world markets, and giving Albertans a safe and efficient way to travel.

A White Paper On

TRANSPORTATION INFRASTRUCTURE DEBT

In Alberta

ALBERTA ROADBUILDERS & HEAVY CONSTRUCTION ASSOCIATION ■ AUGUST 2014



THE EXISTING CONTENT

Preface

A white paper is an article that states an organization's position or philosophy about a social, political, or industry issue, and the intent of the paper is to advance the topic for consideration to levels of government and the public. Typically, a white paper explains the results, or conclusions, resulting from some organized research and collaboration, and provides some justification for its conclusions.

This white paper will build on the notion forwarded by other papers that have addressed the need for consistent and strategic investment in infrastructure, and will build on the notion that transportation infrastructure is the backbone of any economy.

The objective is to bring to the attention of the public and the various levels of government, the issue of transportation infrastructure debt in Alberta.

Executive Summary

This paper posits that the transportation infrastructure debt in the province of Alberta today is somewhere between \$2 billion and \$16 billion. The range was calculated using government data, exercising a quality performance measurement utilized by Alberta transportation, and accomplished in collaboration with all the primary stakeholders. We recognize that significant capital investments in transportation infrastructure have been made in Alberta, but this debt calculation is focused primarily on existing assets. Alberta is experiencing population growth of a substantial nature, and unless the existing transportation infrastructure debt is addressed now, the dilemma will only worsen, future costs will amplify, and the economic health of the province may be stymied.

The Existing Context

Governments at every level in North America are struggling to achieve fiscal stability, and some states and provinces fare worse than the national average in this respect. The demand for funding from various sectors competes with the allocation of government resources to the construction of public infrastructure. Without a transportation network operating in a safe and efficient manner, the negative implications for other essential services increase.

Alberta Transportation is currently accepting input on a long-term transportation strategy for the province, a strategy that is multi-modal, cost-effective, and is safe and accessible to all Albertans. This paper is intended as input to that process also.

Long-term planning and perspective is critical to the long-term economic success of the province and its transportation networks. As evidenced in the government transportation draft document, the best example of long-term planning was done over 40 years ago for the ring roads in Edmonton and Calgary, and is a great example of how transportation needs must be anticipated and strategically thought through. Projects such as the ring roads are complex and require large amounts of land, significant expenditures that must be spread out over large periods of time, collaboration among many stakeholders and multiple stages of public consultation. Thanks to the work done in the 1970s, two ring roads that have a tremendous impact on the movement of people and goods in Alberta's two largest cities are almost complete.

Perhaps the greatest challenge facing the government of Alberta today is the growth of the province, in all facets. The economy is growing at a pace twice that of the rest of the country, population is increasing by over 130,000 people annually, and Alberta remains as a major source of

“ This paper posits that the transportation infrastructure debt in the province of Alberta today is somewhere between \$2 billion and \$16 billion. ”

THE EXISTING CONTENT CONT'D

energy for the world. This frenetic pace tests the province's ability to provide the necessary infrastructure required by the new residents and industrial activity, and certainly tests the province's ability to fund required maintenance of the existing transportation networks. If we extend this thought on growth, the population of Alberta in five plus years will be five million people. The primary highway connection between Edmonton and Calgary is the QE2, a four lane divided highway with high traffic volumes already existing today, let alone the demand caused by the ongoing rapid growth. When will the Government of Alberta (GOA) expand that connection to three lanes each way? How about the section of the QE2 through Red Deer that slows the through traffic immensely? 2013 numbers suggest that the average daily volume on this highway is about 40,000 units, with peak areas pushing 90,000 units per day (Alberta Transportation website, 2014).

The state of transportation infrastructure networks in North America has come under scrutiny following bridge collapses in Minneapolis, USA (2007), and in Quebec City, Canada (1907, 1916, 2006, and 2011). These disasters reveal the significance of these assets to society, and also reveal that funding for these transportation assets was inadequate. According to Cardno (2008), a U.S. Department of Transportation report stated that the percentage of the budget to be invested in transportation infrastructure over the coming decade is 12% on highways and 25% on mass transit; these amounts are less than half of what will be required simply to maintain these assets in their current conditions.

“ With only 16% of the total funding going to rehab and maintenance, it is no surprise that the country has a transportation infrastructure debt. ”

A.W. Herrmann (2012) in an address to the American Society of Engineers said, "Our nation's roads and bridges not only need a vision behind them; they also desperately need a long-term, reliable funding source. We cannot continue with these piecemeal, short-term repairs and investments through extensions and expect our economy to thrive."

According to a study by McKittrick (2012) for the Macdonald-Laurier Institute:

"In 2005, 74% of Canadian adults reported going everywhere by car, up from 68% in 1992, in 2012, 82% of Canadians commuted to work by car, 12% took public transit, and 6% walked or cycled. Trips between cities were also mainly by car."

Historically in Alberta, any significant investments for transportation infrastructure were predicated by budget surpluses. In the years that the province enjoyed healthy energy royalties and blossoming budgets, investments in transportation projects were customary and consistent. Over the last three years as energy royalties declined and fluctuated, and the government made decisions on budget allocations it was very easy for the investments in transportation to be reduced and/or cut. Unlike health care and education, transportation infrastructure does not enjoy the same public esteem and value, and the political danger of making those cuts pales in comparison to the other two ministries mentioned.

The other consequence of the cyclical funding is the inability of the transportation construction industry being able to marshal its resources effectively, based on demand. This annual uncertainty prohibits long term planning, training and development of employees, and operating efficiency.

THE EXISTING CONTENT CONT'D

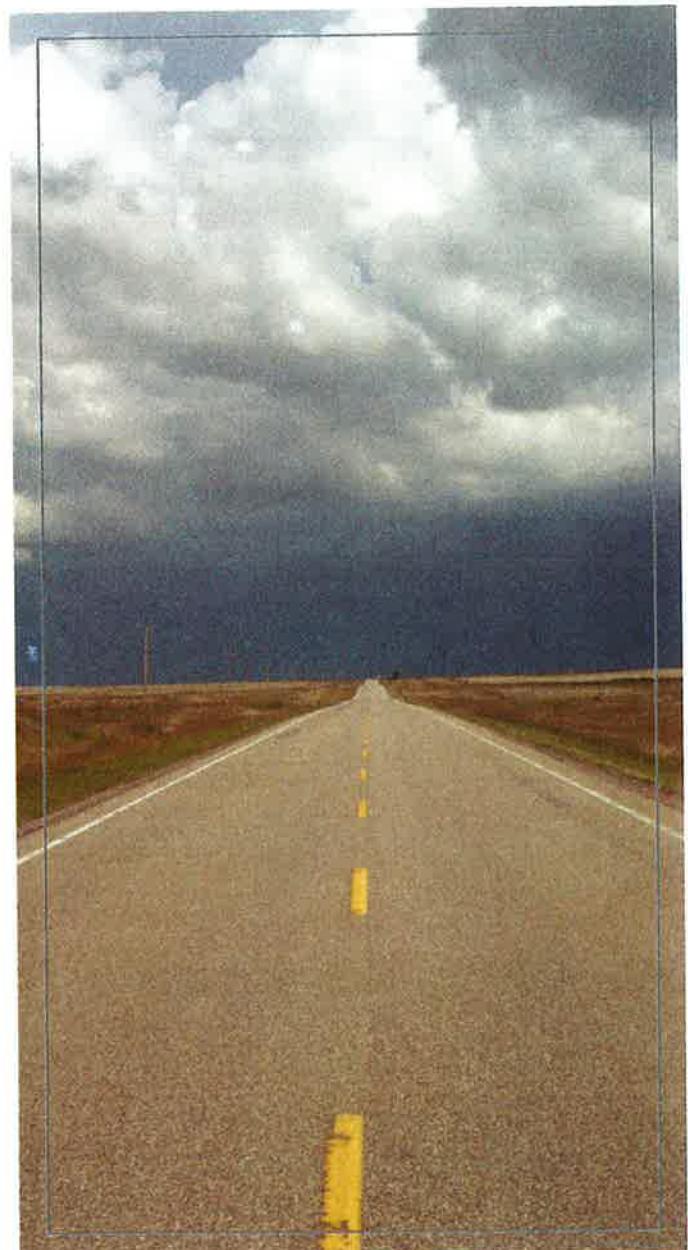
Canada West Foundation in their report *At the Intersection*, also cited that when it comes to infrastructure, the strategy that most governments have been essentially following is to get by with what we have and defer the costs of renewal and replacement for as long as possible. The problems with this approach are:

- They are not capturing the economic benefits that come from strategic infrastructure investment.
- This cyclical decision making creates a moral dilemma by offloading the problem and its cost onto our children and grandchildren.
- Delaying on the maintenance and rehab of infrastructure compromises the health and safety of Canadians.

Infrastructure spending is often seen as a way to jump-start the economy during a recession, and governments at all levels globally have used this stimulus method. Canada West Foundation in their review of the literature, on public infrastructure investment and economic growth discovered that governments tend to under value the fact that the most important economic benefits come from what infrastructure accomplishes in the economy over the long-term (Vander Ploeg, 2013, *At the Intersection*).

A report from Stats Canada states that over a six-year period, an average of 84% of the total investment in infrastructure was for new projects, the balance being for rehab and maintenance (Stats Can, no 11, 1-621, 2014). This average held true for investments at the municipal, provincial and federal levels. So with only 16% of the total funding going to rehab and maintenance, it is no surprise that the country has a transportation infrastructure debt.

Quite simply, Canada, and the provinces are maintaining and rehabilitating the transportation infrastructure at an unsustainable rate!



INFRASTRUCTURE DECISIONS

The Politics of Infrastructure Decisions

Any discussions relative to funding for infrastructure are politically charged. In addition to the challenges, the word infrastructure tends to be too inclusive. It covers the needs of the economy, society, health, education and transportation. Even though there is a direct correlation between transportation investments and the health of the economy, these evidences get lost when competing advocacy groups are pulling the electorate's heartstrings behind the emotionally charged issues precipitated by healthcare and education.

Generally, investment in transportation infrastructure projects has the following positive economic influences:

- Primary effects. These are the short benefits to a region from the construction or enlargement of a piece of infrastructure, the design of the facility, the building of the track, the construction of the terminals, the installation of informatics and traffic control equipment and, the resultant income and employment multipliers associated with this.
- Secondary effects. These are local economic benefits of maintaining and operating the investment when completed. These secondary effects can be extremely important for some local economies in terms of employment, income and, for local government taxation revenue.
- Tertiary effects. Transportation is a major input into all sectors of the economy as a way of bringing productive factors together. These effects impact the region's industry by having better access and mobility to markets over the long term.
- Perpetuity effects. These reflect the fact that economic growth, once started in a region, becomes self-sustaining and may accelerate and lead to diversification. The construction of an airport, for example, can change the entire economic structure of a region, and it can shift the production function of the surrounding economy. This type of dynamic economic impact of investment is the most abstract and the most difficult to quantify (Button, 2012).

Visualize calculating the economic benefit of the twinning of Highway #63, as an example. Clearly the highway is the primary access to huge resources and economic activity, but how closely can they be calculated. Perhaps the other factor that needs to be considered is opportunity cost, or timing of the opportunity. Unlike most costs discussed in economics,

an opportunity cost is not always a number. Opportunity cost is usually defined in terms of money, but it may also be considered in terms of time, person-hours, mechanical output, or any other finite resource. The opportunity cost of any action is simply the next best alternative to that action - or put more simply, "What you would have done if you didn't make the choice that you did?".

The conventional cost-benefit style approach to looking at the local benefits of any transportation infrastructure investment is to consider the generalized cost savings, basically the monetary value of reduced operating and time costs associated with the change. To this may be added the benefits of increased productivity in the areas that have come about due to the enhanced transportation quality. Markets, however, are not perfect and for a variety of reasons simply focusing on the gains to transportation providers and users does not capture the full regional impacts of the improved access (Button, 2012).

Can funding for transportation infrastructure be depoliticized?

The civil construction industry would like to see investments in infrastructure maintenance and rehab as a line item on the provincial budget as an operating expense. To accomplish this governments at all levels must agree that this maintenance decision should not be a political one, but a responsible management of assets. This is probably a pipe dream because government budgets are more about politics than they are about economics. Perhaps the first step in depoliticizing the process is to utilize an asset management program. The factual and empirical information generated would show the value of the asset, the age and condition, allowing good long term decisions to be made relative to the condition of that infrastructure. When the Federation of Canadian Municipalities (FCM) report came out a few years ago, one of the issues that surfaced during the process is the lack of quality information relative to assets.



OTHER REPORTS

Therefore, if the basic fundamental notion of having good information to make good decisions remains, we need to ensure that ALL jurisdictions are provided the proper support to develop and utilize an asset management program.

The increasing influence of OH&S and other government regulations

Government regulations on a number of fronts are increasing. The concern is that in the desire for the safety of the employee, the government does not calculate the cost of compliance, nor does the government calculate whether the cost of the regulation is more than the cost of the issue. One

“ The USA spends around 2 percent of GDP on infrastructure, compared to 9% for China, 8% for India and 5% for Europe. ”

of the examples in the civil construction industry is silica. The position of the industry is attached in appendix VI.

The reason we mention the increasing influence of regulatory issues is that they have a cost, and that cost will be pushed down to the taxpayer.

Regulation needs to take into consideration the impact of legislative changes on industrial circumstances where no excess of medical issues are observed and recorded.

Other reports on transportation infrastructure

The report by the Canada West Foundation concluded that inadequate public infrastructure is a threat to long-term economic growth. Inadequate public infrastructure decreases economic potential in a direct and obvious way according to this simple progression: Inadequate infrastructure results in increased costs for business.

- Increased costs result in a lower return on private investment.
- Lower returns, profits, mean less money for business to re-invest in new plants, machinery and technology.
- Less investment means fewer jobs and less productive labour.
- Lower productivity means less economic output and lower personal incomes (Vander Ploeg, 2013, *At the Intersection: The Case for Sustained and Strategic Infrastructure Investment*, p.6).

The Canada West Foundation, while acknowledging that many views exist concerning the “infrastructure deficit or debt” in Canada, projected the accumulated infrastructure debt of Canada at \$123 billion for prevailing infrastructure and \$110 billion for new infrastructure, not counting current provincial and federal infrastructure debt. (Vander Ploeg, 2013, *At the Intersection: The Case for Sustained and Strategic Infrastructure Investment*) This assessment by Canada West is supported in a 2012 “report card” issued by the Federation of Canadian Municipalities (*The State of Canada’s Cities and Communities*, 2012). A more extreme appraisal of the deficit was issued in 2012 by Dr. Saeed Mirza, an emeritus professor of civil engineering at McGill University, who calculated that the

Canadian infrastructure deficit was nearer to \$400 billion, and further that 30% of Canada’s infrastructure was approaching 100 years old (Fleming, 2014).

Benjamin Tal and Avery Shenfeld, economists at CIBC World Markets, have also asserted that several billions will have to be paid to bring Canada’s infrastructure up to date, and this has also been echoed by Derek Burleton (*Mind the Gap: Finding Money to Upgrade Canada’s Ageing Public Infrastructure*, May 2004). In February, 2013, the Canadian Chamber of Commerce stated that, if Canada wishes to remain competitive, a long-term national infrastructure investment plan is required that includes strong and diversified funding models and increased private sector investment (Fleming, 2014).

A 2011 U.S. White House report stated that “investments that create, maintain, or expand transportation networks are also likely to promote economic efficiency, higher productivity, and more rapid growth of overall economic activity.”

A 2012 report by the U.S. Treasury and Economic Advisors Council identified that “the USA spends around 2% of Gross Domestic Product (GDP) on infrastructure, compared to 9% for China, 8% for India and 5% for Europe.” This same report showed the results of a 2011 Gallup World Poll on Organisation for Economic Co-operation and Development (OECD) countries, where the question asked was “in the area of the country or city you live in, are you satisfied with the quality of the roads and highways?” Out of 32 countries Canada ranks 19th, and the USA 15th.

OTHER REPORTS CONT'D

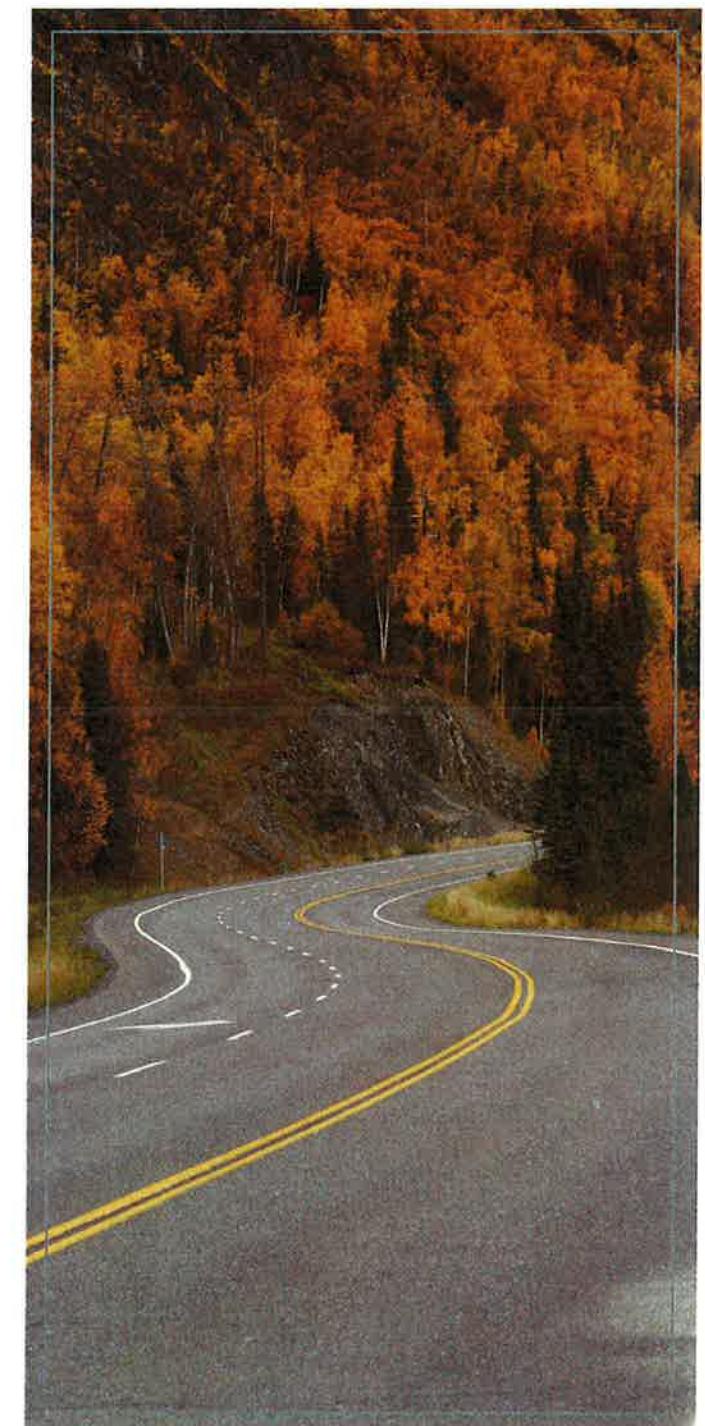
Methodology used for Alberta

The biggest challenge in calculating a transportation and civil infrastructure deficit is the reliability and consistency of the available information.

In addition to the reliability of the information, all of the constituents did not share a common means or method of asset evaluation. This speaks to the need and value of the various levels of government having, using and maintaining an asset management program.

Another point of debate is the rating process of these same assets. Alberta Transportation uses a rating system to establish conditions for the 32,000 kms that they look after, but the other jurisdictions do not have a parallel process, or at least a process that covers all sectors.

As a consequence of this dearth of information, any estimate of the infrastructure deficit will be approximate and subject to a number of assumptions. The following calculations are only for transportation roadway systems, and do not include investment needed in water, wastewater, drainage, or public transit systems. Not included in the roadway calculations are bridges. According to the Municipal Infrastructure report by the GOA, the book value of the recorded bridges in the province is around \$4 billion. Given the predictable nature that these structures would mirror the age of the roadway systems, a similar deterioration rate would also apply. It is probable that the infrastructure debt for this category may range from \$0.4 to \$0.8 billion. Details are provided in Appendix V.



“ Levels of government need to have, use and maintain an asset management program. ”

1. CALCULATION OF DEFICIT BY KM OF ROADWAY

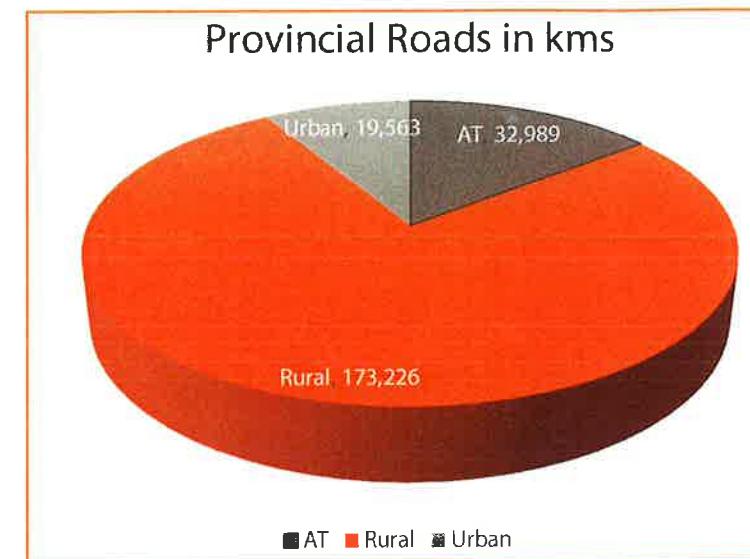
Alberta Transportation uses a rating system to establish conditions for the 32,000 kms that they look after, but the other jurisdictions do not have a parallel process, or at least a process that covers all sectors. The Alberta Association of Municipal Districts & Counties (AAMDC) members are responsible for about 173,000 kms of roads and highways, while the Alberta Urban Municipalities Association (AUMA) members are responsible for about 20,000 kms of roads (see Appendix I).

The following assumptions are used in this calculation:

- Alberta Transportation's rating of 15.5% (*Transportation Business Plan, p. 102, 2014*) of roadways in poor condition can be applied to all roadways in the province.
- The cost of rehabilitation for a paved road in poor or very poor condition ranges between \$163,000 and \$850,000 per km (see Appendix II). As data on the exact condition of any given road is not available, three scenarios are calculated to give a range of possible numbers. The low scenario assumes no replacement is needed, and all repairs are done at \$163,000/km. The high scenario assumes all of the roadways in poor condition need to be replaced at \$850,000/km. The medium scenario assumes a mix of replacement and rehabilitation at \$506,500/km; the average of the high and low costs.
- The cost of rehabilitation for a gravel road in poor or very poor condition ranges between \$20,000 and \$230,000 per km according to the Alberta municipal Supervisors Association, which is comprised of senior supervisory staff from Alberta's municipal public works departments. As data on the exact condition of any given road is not available, three scenarios are calculated to give a range of possible numbers. The low scenario assumes no replacement is needed, and all repairs are done at \$20,000/km, the high scenario assumes that the subsurface is in poor condition and needs to be replaced at \$230,000/km, and the medium scenario assumes a mix of replacement and rehabilitation at \$125,000/km; the average of the high and low costs.

These calculations estimate that the infrastructure deficit ranges between \$2.05 and \$13.92 billion, with the medium estimate of \$7.98 billion being the most likely (see Appendix III).

Appendix I



Cost of rehabilitation for a paved road in poor or very poor condition ranges between \$163,000 and \$850,000 per km

2. CALCULATION OF DEFICIT BY ASSET VALUE



Another method by which the deficit could be calculated is by the value of the infrastructure assets. The asset value for roadway systems was obtained from the Department of Municipal Affairs, with the latest information being 2011. This information was bolstered by the details from the balance sheet used by Alberta Transportation. It is likely there are projects in process that have not been incorporated in this calculation that would increase asset values to be considered, leading to a more conservative estimate.

Similarly to the calculation above, three scenarios were considered in which the repair cost varied. The low scenario assumes the repair cost would be 20% of asset value, the medium scenario is 50% of asset value, and the high scenario is 100% of asset value.

To calculate the deficit the following assumptions were used:

- The rating system selected was based on the model used by Alberta Transportation.
- With this rating a percentage of 15.5% was applied to the asset values to identify the amount of asset in poor condition.
- Given that Government of Alberta numbers tend to be conservative, this percentage would not overestimate the deficit.
- Because these numbers are at original cost, some sort of factor is required to bring this number to a replacement value at today's dollars. For this calculation, I use the deficit at original cost, apply a term of 40 years (the premise being that as an average the assets have been in place for that long), and apply a nominal CPI of 2%.

This yields a transportation infrastructure deficit for Alberta of between \$3.26 billion and \$16.28 billion (see Appendix IV).

Alberta's portion of this federal fund over the next 5 years will be \$1.084 billion

Possible funding solutions

Sustained and predictable funding for transportation and civil infrastructure was in place for many years in Alberta, with the infrastructure gap, or deficit, or debt first surfacing in 1994.

Governments in every jurisdiction and at every level today are facing the ubiquitous challenge of balancing budgets, balancing conflicting and escalating public demands, and recognizing that inconsistent delivery of transportation and civil network maintenance is creating an infrastructure cliff.

Invariably discussions about infrastructure investments turn to budgets, and lack of funding.

Significant literature exists relative to the notion of the "one taxpayer" as the single source of government revenue, and that tax increases will also have to come from this one source. The greater discussion point today in many jurisdictions is how that tax revenue stream gets allocated to the various levels of government. Is the allocation model based on the needs at every level of government? Does this formula need to be revisited? Regardless on the allocation, if infrastructure funding is reliant on tax increases, the taxpayer will have to cough up.

POSSIBLE FUNDING SOLUTIONS

Alternative financing models for infrastructure have not really surfaced, with the exception of P3's. A P3 is not a funding model, it is a finance model. We have focused on finance models to chase funding problems.

Is transportation a public good like health care and education from which we all benefit and for which we all ought to pay, or is it a market commodity, something that we ought to pay for based on how much we consume, like electricity (Ryan, 2012)? That question has profound philosophical implications about how we fund transportation infrastructure because there are only two ways to pay for it. We can fund it from the revenues generated by taxes, or we can charge user fees. There is no magic.

Alberta does not utilize user fees or tolls. Politically this notion does not appear to have much of an appetite at this point. Highway #407 in Ontario is an example of user fees being the funding source for the project, and a third party owner (Ontario Transportation Capital Corporation). In 1998, a contract to manage, maintain, and expand the highway was awarded to 407 Express Toll Route (ETR). Does this type of model have a future in Alberta?

Federal gasoline and diesel taxes are being used as a means of partially funding investment in infrastructure, and this agreement was updated in March, 2014 in conjunction with the New Building Canada Fund. As part of the New Building Canada Plan, the renewed federal Gas Tax Fund (GTF) provides predictable, long-term, stable funding for Canadian municipalities to help them build and revitalize their local public infrastructure while creating jobs and long term prosperity.

Each year, the federal GTF assists municipalities by providing funding for local infrastructure projects. From coast to coast to coast, the federal GTF is making a difference in all communities across Canada. Every year, municipalities benefit from the financial support and flexibility of the federal GTF. To date, \$13 billion has been invested in municipalities through the federal Gas Tax Fund, with close to \$22 billion to flow over the next 10 years.

We specifically identify this source, because the users of the transportation networks are the one who generate the

“ The truth is that this is a critical piece of our assets in the province in Alberta that have been allowed to deteriorate. ”

tax revenue for the government through gasoline and diesel tax. Alberta's portion of this federal fund over the next five years will be about \$1.084 billion. It is further estimated that the GOA collects around \$800 million annually on gasoline and diesel usage. This provides the province of Alberta roughly \$1 billion a year to potentially allocate to the rehab of transportation infrastructure. Clearly this funding can be tied directly to the users of the network, and if we agree that funding should be user pay, or at least the revenues are matched to the expenses, then this is funding can then be tied to the maintenance of that same transportation network.

The solution may not be ideal, but what it does identify is the potential for linking the revenues and costs associated to maintaining the transportation network.

Other papers on this issue have suggested the formation of infrastructure banks. We think this option should also be considered, and since it would be an inaugural formation we suggest that government partners with industry and the financial community to further explore this possibility. As Flemming (2014) states in the Van Horne publication "the creation of infrastructure banks is not a cure-all for every infrastructure investment, but clearly represents another alternative that can be used by governments to finance projects."

CONCLUSION

The intent of the writer is to raise the awareness level relative to the drastic need for consistent and predictable funding for transportation infrastructure.

The methodology can be debated as can the calculations, but the underlying message that is becoming the mantra of many publications is that continued underinvestment in transportation infrastructure will become a safety issue, a convenience issue, but more importantly will become the choke point of expected economic growth.

Whether you pick the low estimate or the high estimate of the debt, the resounding message is that the country and province need a call to action. Whether you think \$2.0 billion is the number, or that \$16.3 billion is the number, or somewhere in the middle is the real answer, the truth is that this is a critical piece of our assets in the province in Alberta that have been allowed to deteriorate.

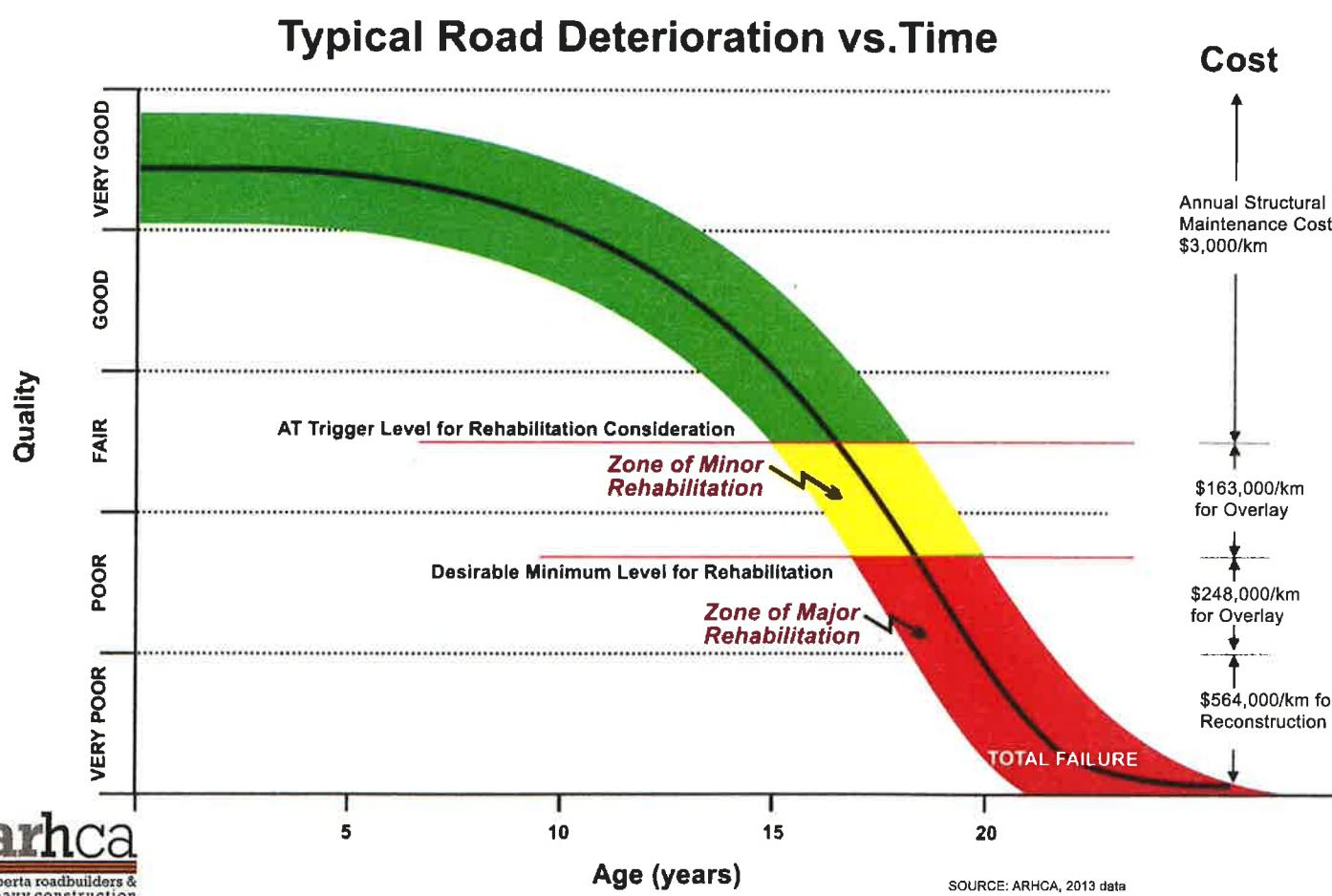
If transportation infrastructure continues to be underfunded in Alberta, in Canada, and in fact in North America, the long term economic prosperity of these regions will be severely and negatively impacted.



The Author

Gene Syvenky is the Chief Executive Officer of ARHCA, the largest heavy civil construction association in Canada. He has significant business experience in manufacturing, distribution, and consumer products. He is currently a doctoral candidate at the University of Phoenix.

APPENDIX II



APPENDIX III

APPENDIX III

Low Scenario

Owner	Kilometers	Percent in Poor Condition	Kilometers in Poor Condition	Avg. Rehabilitation Cost (\$/km)	Deficit (\$ billion)
AUMA – Paved	20,152	15.50%	3,124	163,000	0.51
AT – Paved	29,675	15.50%	4600	163,000	0.75
AT - Gravel	3332	15.50%	500	20,000	0.01
AAMDC - Paved	11,034	15.50%	1710	163,000	0.28
AAMDC - Gravel	162,192	15.50%	25,140	20,000	0.50
					Total: 2.05

Medium Scenario

Owner	Kilometers	Percent in Poor Condition	Kilometers in Poor Condition	Avg. Rehabilitation Cost (\$/km)	Deficit (\$ billion)
AUMA – Paved	20,152	15.50%	3,124	506,500	1.58
AT – Paved	29,675	15.50%	4600	506,500	2.33
AT - Gravel	3332	15.50%	500	125,000	0.06
AAMDC - Paved	11,034	15.50%	1710	506,500	0.87
AAMDC - Gravel	162,192	15.50%	25,140	125,000	3.14
					Total: 7.98

High Scenario

Owner	Kilometers	Percent in Poor Condition	Kilometers in Poor Condition	Avg. Rehabilitation Cost (\$/km)	Deficit (\$ billion)
AUMA – Paved	20,152	15.50%	3,124	850,000	2.66
AT – Paved	29,675	15.50%	4600	850,000	3.91
AT - Gravel	3332	15.50%	500	230,000	0.12
AAMDC - Paved	11,034	15.50%	1710	850,000	1.45
AAMDC - Gravel	162,192	15.50%	25,140	230,000	5.78
					Total: 13.92

APPENDIX IV

APPENDIX IV

Low Scenario

Owner	Asset Value at Cost (\$ billion)	Present Asset Value (\$ billion)	Percent in Poor Condition	Repair Cost (% of Asset Value)	Deficit (\$billion)
AUMA	16.75	36.58	15.5%	20%	1.13
AT	18.06	39.89	15.5%	20%	1.24
AAMDC	12.94	28.56	15.5%	20%	0.89
Total:					3.26

Medium Scenario

Owner	Asset Value at Cost (\$ billion)	Present Asset Value (\$ billion)	Percent in Poor Condition	Repair Cost (% of Asset Value)	Deficit (\$billion)
AUMA	16.75	36.58	15.5%	50%	2.84
AT	18.06	39.89	15.5%	50%	3.09
AAMDC	12.94	28.56	15.5%	50%	2.21
Total:					8.14

High Scenario

Owner	Asset Value at Cost (\$ billion)	Present Asset Value (\$ billion)	Percent in Poor Condition	Repair Cost (% of Asset Value)	Deficit (\$billion)
AUMA	16.75	36.58	15.5%	100%	5.67
AT	18.06	39.89	15.5%	100%	6.18
AAMDC	12.94	28.56	15.5%	100%	4.43
Total:					16.28

APPENDIX V

APPENDIX V

AAMDC members are responsible for the following bridge infrastructure:

- *Culverts* - AAMDC members are responsible for managing 5294 culverts.
- *Standard Bridges* - AAMDC members are responsible for managing 2744 standard bridges.
- *Major Bridges* - AAMDC members are responsible for managing 393 standard bridges.
- *Other Bridge Structures* – other structures (low-level crossings, etc.) make up a small proportion of the provincial total, and are therefore not included in this calculation.

Alberta Transportation has provided a rough range of repair costs for culverts and standard bridges. Alberta Transportation was not able to provide a range for major bridges, as repair costs are extremely variable and site-specific.

- *Culverts* – Most culverts are not repaired over their life. If installed correctly, a culvert should function for its entire lifespan with only minor repairs. However, in some cases culverts are repaired, usually by strutting or installing a new concrete floor. The cost estimate provided was \$25,000-\$50,000 to repair a typical culvert in poor condition. Determining the cost of replacing a culvert is complex. It is based on a replacement cost assumption of \$1000/m², which is multiplied by pi, the culvert length, the culvert diameter, and an upsizing factor of 1.25. Culvert size and other factors are too site-specific to convert this formula into a general range.
- *Standard Bridges* – Typical repairs on a standard bridge in poor condition include cap replacement, pile stub repairs/pile replacement, miscellaneous timber repairs, and girder replacement. Site-specific details such as pier height, water flow and structure condition can further vary costs. Additionally, a single span bridge would generally cost less to repair/rehabilitate than a three-span bridge. Overall, the range for a major repair was given as \$100,000-\$250,000.
- *Major Bridges* – Too site-specific, no information given.

An ideal method of measuring bridge condition may be based on suitability to accommodate modern traffic. For example, many local road bridges in Alberta were designed and built to accommodate the size and type of farm and industrial equipment used fifty years ago, rather than today. In many cases, although these bridges may still be structurally sound, they are too narrow or designed to accommodate too low of a weight to allow for the safe passage of large, modern industrial and farm equipment.

For example, Alberta Transportation's *2014 Bridge Conceptual Design Guidelines* recommend that the minimum bridge width on a rural bridge with annual average daily traffic above 1000 cars be a minimum of ten meters. The proposed *Local Road Bridge Design Guidelines*, drafted collaboratively by Alberta Transportation and the AAMDC, recommend that a low volume two-lane bridge have a width of at least 8.5 metres, providing room for two lanes plus a slight shoulder on each side.

Of the 8468 bridges managed by AAMDC members, 6101 (72%) have a roadway width of less than eight metres. While many of these bridges may be structurally sound, they require significant upgrades in order to properly accommodate industrial and agricultural traffic, as well as two-way standard traffic. It should be noted that many of these bridges were likely designed as single-lane. To break down the numbers further, 3559 (67%) of AAMDC member-managed culverts are less than eight meters in width. When looking at standard bridges, 2260 (82%) are less than eight meters in width. A similar breakdown is presented in the chart on the following page for AT and urban culverts and standard bridges, as well as a total bridge infrastructure deficit.

APPENDIX V**APPENDIX V****Low Scenario**

Owner	Number of Structures	Structurally Obsolete (Width 8m or less)	Obsolete Structures	Avg. Rehabilitation Cost	Deficit (\$ billion)
AAMDC - Culverts	5294	67%	3559	\$25,000	0.09
AAMDC - Standard Bridges	2744	82%	2260	\$100,000	0.23
Urban - Culverts	144	42%	61	\$25,000	0.00
Urban - Standard Bridges	88	61%	54	\$100,000	0.01
AT - Culverts	2883	7%	212	\$25,000	0.00
AT - Standard Bridges	651	28%	185	\$100,000	0.02
Total: 0.35					

Medium Scenario

Owner	Number of Structures	Structurally Obsolete (Width 8m or less)	Obsolete Structures	Avg. Rehabilitation Cost	Deficit (\$ billion)
AAMDC - Culverts	5294	67%	3559	\$37,500	0.13
AAMDC - Standard Bridges	2744	82%	2260	\$175,000	0.40
Urban - Culverts	144	42%	61	\$37,500	0.00
Urban - Standard Bridges	88	61%	54	\$175,000	0.01
AT - Culverts	2883	7%	212	\$37,500	0.01
AT - Standard Bridges	651	28%	185	\$175,000	0.03
Total: 0.58					

High Scenario

Owner	Number of Structures	Structurally Obsolete (Width 8m or less)	Obsolete Structures	Avg. Rehabilitation Cost	Deficit (\$ billion)
AAMDC - Culverts	5294	67%	3559	\$50,000	0.18
AAMDC - Standard Bridges	2744	82%	2260	\$250,000	0.57
Urban - Culverts	144	42%	61	\$50,000	0.00
Urban - Standard Bridges	88	61%	54	\$250,000	0.01
AT - Culverts	2883	7%	212	\$50,000	0.01
AT - Standard Bridges	651	28%	185	\$250,000	0.05
Total: 0.82					

APPENDIX V**APPENDIX V**

The chart on the previous page includes several assumptions:

- Roadway width is just one aspect of structural obsolescence. Other measures include a carrying capacity less than legal load allowances for vehicles, and a vertical clearance of less than 4.8 meters. While small percentage of local road bridges are obsolete in these two ways, the vast majority of structural obsolescence in bridge structures relates to road width, which is why it is being used as the key determining factor.
- Several bridge structure types are not included in this calculation. The most significant omission is major bridges. Establishing a broad repair cost range for major bridges was not possible, and other structures such as low level crossings are so rare in Alberta that including them will not significantly impact the above figures.
- The statistics given for urban municipalities are likely incomplete, as many cities and towns manage their own bridge networks, and therefore do not provide information to Alberta Transportation. However, enough urban municipalities (including Edmonton and Calgary) did provide information that the percentages of obsolete structures are likely approximately accurate.



APPENDIX VI

APPENDIX VI

One of the major advocacy initiatives ARHCA is working on is to have the Occupation Exposure Limits (OEL) on silica reviewed. The existing standard was introduced in 2009 with little industry consultation, and the ARHCA's reasoning for the review centres around the following points:

- The primary fault with the Threshold Limit Value (TLV) of 0.025 mg/m³ as a standard is made apparent in the statement of position regarding TLVs and Biological Exposure Indices (BEIs) by the American Conference of Governmental Industrial Hygienists (ACGIH), where they take great thoroughness to cite that the guidelines are intended for use by professionals trained in industrial hygiene, but are not designed to be used as standards.
- ACGIH (2011) further states on this matter that there is no consideration given to economical or technical feasibility of an industry meeting these TLVs, nor is there a means of reliable testing that will meet the validity guidelines required to implement enforcement and compliance.
- Finally to reiterate why we believe that this TLV for silica is unfounded, The American Chemistry Council Crystalline Silica (2006) states that the TLVs proposed by the ACGIH were never examined by an independent science review, and in fact ACGIH has explicitly refused to seek independent peer review.
- The foundation of our request is not that the industry cannot comply with the TLV OEL of 0.025 mg/m³, but rather that the cost of compliance will add significant unjustified cost to transportation infrastructure projects, which ultimately are paid by the tax payer. In fact, an analysis by the American Chemistry Council Crystalline Silica Panel indicates that the total economic impact of halving the current OEL of 0.1 would amount to \$5.45 billion/year.
- WCB data as of January, 2014 identifies that within the decade of statistics starting in 2000, they have 29 files on record as accepted cases of silicosis.
- Under the theme of harmonization of regulations, Ontario and Quebec remain at .10mg/m³, as does the USA and most of Europe. The Industrial Minerals Association of North America cites in their letter to the province of Quebec in 2011 on this same matter, "The proposed reductions in the OELs for quartz and cristobalite are not scientifically justified or necessary to protect worker health, just as ACGIH's recent reductions in the TLVs for quartz and cristobalite were not scientifically justified. Moreover, a Time-Weighted Average Exposure Value (TWAEV) of 0.025 mg/m³ respirable quartz and cristobalite would not be practical, feasible, or enforceable even if it were scientifically supportable (which it is not)."

REFERENCES

REFERENCES

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The individuals and organizations that provided me with feedback, information, and access to relevant data were:

Robert Hastings & Bruno Zutautas – Alberta Transportation

Barry Belcourt & Al Cepas – City of Edmonton

Jason Waywood – Alberta Urban Municipalities Association

Gerald Rhodes & Wyatt Skovron – Alberta Association of Municipal Districts and Counties

Mac Logan – City of Calgary

Marshall Morton – Alberta Municipal Supervisors Association



Agenda Item

Project: Gas Tax Fund Memorandum of Agreement	
Presentation Date: September 22, 2014	
Department: Corporate Services	Author: Rudy Huisman
Budget Implication:	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation
Strategic Area: Governance and Intergovernmental Relations	Goal: ensure that programs and services are being provided in an efficient and effective manner.
Legislative Direction:	<input type="checkbox"/> None <input type="checkbox"/> Provincial Legislation (cite) _____ <input type="checkbox"/> County Bylaw or Policy (cite) _____
Recommendation: That Council authorizes the Reeve and Staff to sign the Gas Tax Fund Memorandum of Agreement with the Province of Alberta.	
Attachments List: Gas Tax Fund Memorandum of Agreement	

Background:

The Federal Government annually shares a portion of the gas taxes it collects at the pump with the Provinces and their respective constituent Municipalities. A designated portion of the funds transferred to the Provinces is shared with the municipalities on a per capita basis and Clearwater County receives just under \$700,000 per year. Since the inception of the program, the County has applied these funds each year to specific projects in the County's Asphalt Overlay capital program.

The Gas Tax Fund program is administered by the Minister of Municipal Affairs in each Province in accordance with terms and conditions imposed by Canada. The Province of Alberta, as represented by the Minister of Municipal Affairs in administering the funds, enters into a Memorandum of Agreement with each municipality. The current memorandum of agreement is expiring and the 2014 funds are being withheld until a new agreement is appropriately authorized by each municipality in Alberta.

A copy of the new agreement is attached for Councils' consideration. Staff has reviewed the Memorandum of Agreement and recommends approval.

**GAS TAX FUND
MEMORANDUM OF AGREEMENT**

HER MAJESTY THE QUEEN, in right of the Province of Alberta, as represented by the Minister of Municipal Affairs

(hereinafter called "the Minister")

- and -

Clearwater County in the Province of Alberta

(hereinafter called "the Grant Recipient")

WHEREAS Her Majesty the Queen, in right of Canada, Department of Infrastructure, Communities and Intergovernmental Affairs ("Canada") and the Minister, have, under separate agreement, agreed to administer the Gas Tax Fund ("GTF") program for local governments in Alberta to help communities build and revitalize their public infrastructure; and

WHEREAS Canada and the Minister recognize the need to help communities build and revitalize their public infrastructure that supports national objectives of productivity and economic growth, a clean environment and strong communities; and

WHEREAS the Minister agrees to conditionally grant to the Grant Recipient a portion of GTF Funding received from Canada, upon the terms and conditions contained herein; and

WHEREAS under the Government Organization Act, RSA 2000 and the Municipal Affairs Grants Regulation (AR123/2000), the Minister is authorized to make grants and to enter into an agreement with respect to any matters relating to the payment of a grant; and

WHEREAS the GTF Funding and the Unspent Funds are to be used by the Grant Recipient for eligible expenditures incurred on projects accepted by the Minister.

NOW THEREFORE in consideration of the mutual terms and conditions hereinafter specified, **THE PARTIES AGREE AS FOLLOWS:**

1. The preamble is incorporated as an integral part of this Agreement.
2. Unless defined elsewhere in this Agreement, capitalized words used throughout this Agreement are defined in Schedule A (Definitions).
3. Any Unspent Funds, and any income earned thereon, will be subject to the terms and conditions of this Agreement and will no longer be governed by the terms and conditions of the First Agreement.
4. The Minister and the Grant Recipient shall execute this Agreement and the Grant Recipient shall return an executed Agreement to the Minister prior to the Minister transferring any GTF Funding to the Grant Recipient under this Agreement.
5. The Minister agrees to provide GTF Funding to the Grant Recipient over the term of this Agreement in annual payments, subject to the following:
 - (i) Receipt of an annual letter from Canada confirming the GTF Funding amount for the Province of Alberta;
 - (ii) Alberta Treasury Board and Finance approval of cash-flow of funds;
 - (iii) Sufficient submitted eligible projects as defined in the Program Guidelines;
 - (iv) Completion of reporting requirements as outlined in the Program Guidelines;
 - (v) Adherence to the communication and signage requirements as outlined in the Program Guidelines; and
 - (vi) Compliance with all other terms of this Agreement and the Program Guidelines.
6. GTF Funding will be allocated among municipalities on the basis of a formula as outlined in the Program Guidelines.
7. The Grant Recipient agrees to provide to the Minister, in a format as prescribed in the Program Guidelines:
 - (i) A project application for each project to be initiated under this program; and

- (ii) An annual summary of the actual grant expenditures on each project undertaken in that year and the year-end grant balance on hand (Statement of Funding and Expenditures), including certification by the Grant Recipient that it is in compliance with the terms and conditions of this Agreement.
8. The Grant Recipient agrees to accept the funds provided by the Minister in accordance with the following additional terms and conditions:
- (i) the Grant Recipient shall be responsible for the completion of each project in accordance with the Program Guidelines;
 - (ii) the Grant Recipient shall comply with all communications requirements outlined in the Program Guidelines;
 - (iii) the Grant Recipient shall develop, within the timeframe established in the Program Guidelines, an Asset Management Plan, which will, at minimum, include a multi-year capital plan containing projects funded through the GTF;
 - (iv) the Grant Recipient shall maintain a separate accounting for the GTF Funding provided;
 - (v) the Grant Recipient may invest, in a distinct account, GTF Funding it receives from the Minister in advance of it paying project expenditures, in accordance with the terms of Section 250 of the *Municipal Government Act*;
 - (vi) the Grant Recipient shall ensure that expenditures accounted for against the principal amount of the GTF Funding provided, Unspent Funds, and income earned, are applied only to projects accepted by the Minister;
 - (vii) the Grant Recipient shall invest into GTF projects any revenue that is generated from the sale, lease, encumbrance or other disposal of an asset resulting from a GTF project where such disposal takes place within five (5) years of the date of completion of the project;
 - (viii) the Grant Recipient shall report as part of the reporting requirements the "actual income earned" on the unexpended funds invested and all such income including other credit adjustments as outlined in the Program Guidelines;
 - (ix) all projects under this Agreement shall be carried out in accordance with the rules, regulations and laws governing such works and in accordance with the best general practices then current at the time of the construction of the project;

- (x) the Grant Recipient shall award and manage Contracts in accordance with their relevant policies and procedures and, if applicable, in accordance with the Agreement on Internal Trade and applicable trade agreements, and all other applicable laws;
- (xi) the Grant Recipient agrees to allow the Minister and/or his agents, including but not limited to, the Auditor General of Alberta, and representatives of the Province of Alberta reasonable and timely access to all of its documentation, records and accounts and those of their respective agents or Third Parties related to the use of GTF Funding and Unspent Funds, and any income earned thereon, and all other relevant information and documentation requested by the Minister or Canada via the Minister or its designated representatives for the purposes of audit, evaluation, and ensuring compliance with this Agreement;
- (xii) the Grant Recipient shall keep proper and accurate accounts and records in respect of all projects for at least six (6) years after completion of the project and, upon reasonable notice, make them available to the Minister;
- (xiii) on any project accepted for cost-sharing under another provincial government program where that project may also be eligible for funding under this Agreement, funding under this Agreement may be used to supplement the funding under the other program and it may be used to replace any municipal contribution required under the other program unless the other program specifically excludes such practices;
- (xiv) on any project accepted for cost-sharing under another federal government program where that project may also be eligible for funding under this Agreement, funding under this Agreement may not be used to supplement the funding under the other program and it may not be used to replace any municipal or provincial contribution required under the other program unless the other program specifically permits such practices;
- (xv) all GTF Funding provided and income earned, not expended prior to December 31 in the year that funding is allocated, may be retained by the Grant Recipient and shall be expended in accordance with the Grant Recipient's project application under this Agreement during the subsequent five years. Thereafter, all unexpended funds shall be returned to the Minister;
- (xvi) all Unspent Funds may be retained by the Grant Recipient and shall be expended in accordance with the Grant Recipient's project application under this Agreement by December 31, 2019. Thereafter, all unexpended funds shall be returned to the Government of Alberta; and

- (xvii) this Agreement does not replace, supersede, or alter the terms of any other existing funding agreement between the Minister and the Grant Recipient.
9. The Grant Recipient shall adhere to all project and expenditure eligibility criteria, project credits, project tendering requirements, and other items or directions as outlined in the Program Guidelines.
 10. Nothing in this Agreement is to be construed as creating an agency, partnership, joint venture, or employment relationship between the Grant Recipient and Canada or between the Grant Recipient and the Minister.
 11. The Grant Recipient shall not represent itself as an agent, partner or employee of Canada or of the Minister for any purpose, including in any contract with a Third Party.
 12. The Grant Recipient shall ensure that no current or former public servant or public office holder to whom any post-employment, ethics and conflict of interest legislation, guidelines, codes or policies of Canada applies will derive direct benefit from GTF Funding or Unspent Funds, unless the provision or receipt of such benefits is in compliance with such legislation, guidelines, policies or codes.
 13. The Grant Recipient acknowledges that this Agreement and all reports and other records submitted to the Minister will be subject to the access and disclosure provisions of the *Freedom of Information and Protection of Privacy Act (Alberta)*, as amended from time to time.
 14. The Grant Recipient agrees to indemnify and hold harmless the Minister, his employees and agents, from any and all actions, claims, demands and costs whatsoever, arising directly or indirectly, out of any act or omission of the Grant Recipient or its employees or agents, with respect to carrying out the purposes of this Agreement.
 15. The Grant Recipient agrees to indemnify and hold harmless the Government of Canada, its officers, servants, employees or agents responsible for any claims or losses of any kind that the Grant Recipient, Third Parties or any other person or entity may suffer in relation to any matter related to GTF Funding or a GTF funded project and that the Grant Recipient will, at all times, compensate the Government of Canada, its officers, servants, employees and agents for any claims or losses of any kind that any of them may suffer in relation to any matter related to GTF Funding or a GTF funded project.
 16. The Grant Recipient agrees that it is not entitled to compensation for its costs, expenses, inconvenience or time expended in relation to the administration of the funds provided under this Agreement nor in respect to this Agreement.

17. The parties agree to give this Agreement a fair and reasonable interpretation and, when required, to negotiate with fairness and candor any modifications or alteration thereof for the purpose of carrying out the intent of this Agreement and/or rectifying any omission in any of these provisions.
18. The parties agree that the requirements of this Agreement which, by their nature, should extend beyond the expiration or termination of this Agreement, will extend beyond such expiration or termination.
19. This Agreement will be effective as of April 1, 2014 and will be in effect until March 31, 2024, and may be renewed thereafter if mutually agreed in writing. In the event where this Agreement is not renewed, any GTF Funding and Unspent Funds held by the Grant Recipient, that have not been expended on projects as of March 31, 2024 will nevertheless continue to be subject to this Agreement until March 31, 2029. Thereafter, all unexpended funds shall be returned to the Minister.
20. Termination of this Agreement unilaterally by either of the Parties will require a minimum notice of two (2) years. If this Agreement is terminated, any GTF Funding and Unspent Funds held by the Grant Recipient as of the termination date shall be returned to the Minister within 180 days following the date of termination.
21. Any notice, demand or other document required or permitted to be given under the terms of this Agreement shall be sufficiently given to the party to whom it is addressed if personally delivered, sent by prepaid registered mail, sent by facsimile transmission, or e-mailed to the addresses as follows:

The Minister: Municipal Affairs
 17th Floor, Commerce Place
 10155 – 102 Street
 Edmonton, Alberta T5J 4L4

Attention:
Director, Grant Accountability
Grants and Education Property Tax Branch

Telephone: (780) 427-2225
Fax: (780) 422-9133
E-mail: ma.gtfgrants@gov.ab.ca

The Grant Recipient: Clearwater County
PO Box 550
Rocky Mountain House, AB T4T 1A4

Attention:
Chief Administrative Officer

Telephone: 403-845-4444
Fax: 403-845-7330
E-mail: corporateservices@clearwatercounty.ca

or to such address as either party may furnish to the other from time to time.

22. This Agreement shall be governed by and interpreted in accordance with the laws of Alberta, and by the courts within the Province of Alberta. The terms and conditions of this Agreement are severable to the extent that any one which may be contrary to the laws of Alberta will be deemed to be modified to comply with those laws, but every other term and condition will remain valid.
23. The rights, remedies and privileges of the Minister under this Agreement are cumulative and any one or more may be exercised.
24. This Agreement is binding upon the parties' respective successors and permitted assignees.
25. The parties may amend this Agreement only by mutual written agreement signed by the parties.

This space left intentionally blank.

The parties have therefore executed this Agreement, each by its duly authorized representative(s), on the respective dates shown below.

**HER MAJESTY THE QUEEN, in right of the
Province of Alberta, as represented by the
Minister of Municipal Affairs**

Per:


MINISTER, MUNICIPAL AFFAIRS

Date: July 22, 2014

CLEARWATER COUNTY

Witness (or Seal)

Per:

CHIEF ELECTED OFFICIAL

Date: _____

Witness (or Seal)

Per:

DULY AUTHORIZED SIGNING OFFICER

Date: _____

SCHEDULE A DEFINITIONS

“Asset Management Plan” means a document that supports integrated, lifecycle approaches to effective stewardship of infrastructure assets in order to maximize benefits, and manage risk. The plan can include:

- a multi-year capital plan;
- an inventory of assets;
- the condition of infrastructure;
- level of service or risk assessment;
- a cost analysis;
- community priority setting;
- capital or financial planning.

“Contract” means an agreement between the Grant Recipient and a Third Party whereby the latter agrees to supply a product or service to an eligible project in return for financial consideration.

“GTF” means the Gas Tax Fund, a program established by the Government of Canada setting out the terms and conditions for the administration of funding that may be provided by Canada to recipients under section 161 of the *Keeping Canada’s Economy and Jobs Growing Act*, S.C. 2011, c. 24 as amended by section 233 of the *Economic Action Plan 2013 Act*, No. 1, S.C. 2013, c. 33, or any other source of funding as determined by Canada.

“GTF Funding” means funding received by the Minister from Canada under the GTF but does not include Unspent Funds.

“Program Guidelines” means the guidelines for actions, events, criteria, report formats, and other directions applicable to the GTF program as may be prescribed or determined by the Minister and as may be amended from time to time by the Minister.

“Third Party” means any person or legal entity, other than Canada, the Government of Alberta or a Grant Recipient, who participates in the implementation of an eligible project by means of a Contract.

“Unspent Funds” means the Net Amount Carried Forward to 2014, as reported by the Grant Recipient on the Grant Recipient’s 2013 Gas Tax Fund Statement of Funding and Expenditures.



Agenda Item

Project: Revenue Sharing Agreement: Clearwater County and the Village of Caroline	
Presentation Date: September 22, 2014	
Department: Corporate Services	Author: Rudy Huisman
Budget Implication: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation	
Strategic Area: Governance and Intergovernmental Relations	<p>Goal: Council will promote a collaborative regional services philosophy and enhance provision of regional services to the greatest extent possible.</p>
Legislative Direction: <input type="checkbox"/> None <input type="checkbox"/> Provincial Legislation (cite) _____ <input type="checkbox"/> County Bylaw or Policy (cite) _____	
<p>Recommendation: That Council authorize the Reeve and CAO to sign the Revenue Sharing Agreement as presented to County Council and approved by the Council of the Village of Caroline</p>	
<p>Attachments List: Revenue Sharing Agreement and map of designated area</p>	

Background:

Council at its meeting of June 24, 2014 considered item 240/14 as follows:

Moved by Councillor Duncan:

THAT Council authorizes administration to develop a new revenue sharing agreement with the Village of Caroline based on the ICC's new funding model. CARRIED.

At its meeting in September, 2014 the Council of the Village of Caroline approved the new revenue sharing agreement as proposed at the May 9, 2014 ICC meeting. The term of the agreement approved by the Village Council is one year ending December 31, 2014.

The most recent calculations based on 2014 assessments indicate that 15% of the net municipal taxes levied in the designated area will be approximately \$18,000. At 25% this payment would be approximately \$30,000 and at 50%, approximately \$60,000.

Attached to this item for the consideration of County Council is a copy of the agreement approved by the Village of Caroline. Also attached is a map showing the designated area. This agreement expires December 31, 2014.

AGREEMENT MADE THIS _____ DAY OF _____ A.D. 2014

BETWEEN:

CLEARWATER COUNTY

In the Province of Alberta

(hereinafter referred to as the County)

OF THE FIRST PART

-AND-

THE VILLAGE OF CAROLINE

in the Province of Alberta

(hereinafter referred to as the Village)

OF THE SECOND PART

WHEREAS pursuant to Section 55 of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26 municipalities may enter into agreements to share taxes; and

WHEREAS the County and the Village are desirous of entering into such an agreement;

NOW THEREFORE, THE PARTIES in consideration of the mutual promises, terms, covenants and conditions set out herein agree as follows:

1. The County shall transfer to the Village THIRTEEN THOUSAND ONE HUNDRED AND TWENTY DOLLARS (\$13,120) once each year prior to December 1st during the currency of this agreement starting January 1, 2014. This shall be known as the Base Revenue Sharing Payment and will be exclusive of any other payments under this agreement.
2. An area extending approximately two kilometers outside the perimeter of the Village and more precisely shown on the map attached as "Appendix A" to this agreement shall be known as the "Designated Area".
3. The County shall transfer an amount equal to FIFTEEN PERCENT (15%) of the net municipal taxes levied on all the properties in the designated area once each year prior to December 1st during the currency of this agreement. This payment shall be known as the "Revenue Sharing Payment".

4. If either Village water **or** wastewater services, but not both services, are extended beyond the Village boundaries to existing or new developments in the Designated Area, the County will transfer an amount in addition to the base revenue sharing payment equal to TEN PERCENT (10%) of the net municipal taxes levied on the serviced properties for a total of TWENTY FIVE PERCENT of the net municipal taxes levied on those properties.
5. If **both** Village water and wastewater services are extended beyond the Village boundaries to existing or new developments in the Designated Area, the County will transfer an amount in addition to the base revenue sharing payment equal to THIRTY FIVE PERCENT (35%) of the net municipal taxes levied on the serviced properties for a total of FIFTY PERCENT (50%) of the net municipal taxes levied on those properties.
6. In return for payments made during the currency of this agreement, residents from the County shall have access to all Village owned facilities on the same basis as Village residents.
7. This agreement shall come into effect January 1, 2014 and expire on the 31st day of December 31, 2014. This agreement may be extended to December 31, 2015 by written mutual consent.
8. Notwithstanding Section 7, this agreement will terminate immediately if in the sole opinion of the County, there are Provincial Legislative or regulatory changes that negatively affect the assessments of or the net municipal taxes levied from industrial or electrical power and pipeline properties within the County.
9. If this agreement is terminated pursuant to section 8, no payments or partial payments will be made to the Village in the year the termination occurs.
10. In the event that a dispute arises, the County and the Village will utilize the following dispute resolution process.
 - a) Negotiation will be the preferred dispute resolution process
 - I. The municipalities will identify the appropriate personnel who are knowledgeable about the issue and those individuals will work to find a mutually acceptable solution through negotiation.
 - II. Those in the negotiation will negotiate in good faith to find a solution.
 - III. Those in the negotiation will seek an integrated outcome in the decisions they make. An integrated outcome is one in which the parties elect to work together, integrating their resources, originality and expertise.
 - IV. Those in the negotiation will attempt to craft a solution to the identified issue by seeking to advance the interests of all in the negotiation rather than by simply advancing their individual positions. The parties will fully explore the issue with a view to seeking an outcome that accommodates, rather than compromises, the interests of all concerned. In that regard, negotiators will seek to:

- i. Clearly articulate their interests and the interests of their municipality;
 - ii. Understand the interests of other negotiators whether or not they are in agreement with them; and,
 - iii. Identify solutions that meet the interests of the other municipality as well as those of their own.
- b) Mediation will be used if a negotiated solution is not reached
- I. If the issue cannot be resolved through negotiation, the municipalities will find a mutually acceptable mediator. For assistance finding an acceptable mediator, the municipalities may consult the Municipal Dispute Resolution Services at Alberta Municipal Affairs or may consult the Alberta Arbitration and Mediation Society.
 - II. Mediation is a process of assisted negotiation in which the municipalities retain power over the substantive outcome of the negotiation and the mediator facilitates the process.
 - III. The mediator will be responsible for the governance of the mediation process.
- c) Final Proposal Arbitration will be used as a last resort to dispute resolution.
- I. If the issue cannot be resolved through mediation, the municipalities will have the matter resolved by final proposal arbitration using a single arbitrator.
 - II. In final proposal arbitration, the arbitrator must conduct the proceedings on the basis of a review of written documents and written submissions only, and must determine each issue by selecting one of the final written proposals submitted by either of the municipalities respecting that issue; no written reasons are to be provided by the arbitrator.
 - III. If the municipalities can agree upon a mutually acceptable arbitrator, arbitration will proceed using that arbitrator. If they cannot agree on a mutually acceptable arbitrator, each municipality will produce a list of three candidate arbitrators. In the event there is agreement on an arbitrator evident from the candidate lists, arbitration will proceed using that arbitrator. If a mutually agreeable arbitrator is not found, Alberta Arbitration and Mediation Society will make the selection of an appropriate practitioner.
 - IV. Subject to the above definition of final proposal arbitration, the arbitrator will be governed by principles of natural justice and fairness and may make rules and procedures (including reasonable time limits), as the arbitrator shall see fit.

11. This agreement may be amended by written mutual consent of both Parties hereto.

12. For the purposes of exchanging correspondence and giving notices under this agreement, the addresses of the Parties are as follows:

Clearwater County
Box 550, 4340-47 Avenue
Rocky Mountain House, Alberta, T4T 1A4

And

The Village of Caroline
Box 148
Caroline, Alberta, T0M 0M0

13. This agreement shall enure to the benefit of both Parties.

14. **IN WITNESS WHEREOF** the Parties hereto have affixed their signatures and seal on the day and year first written above.

CLEARWATER COUNTY

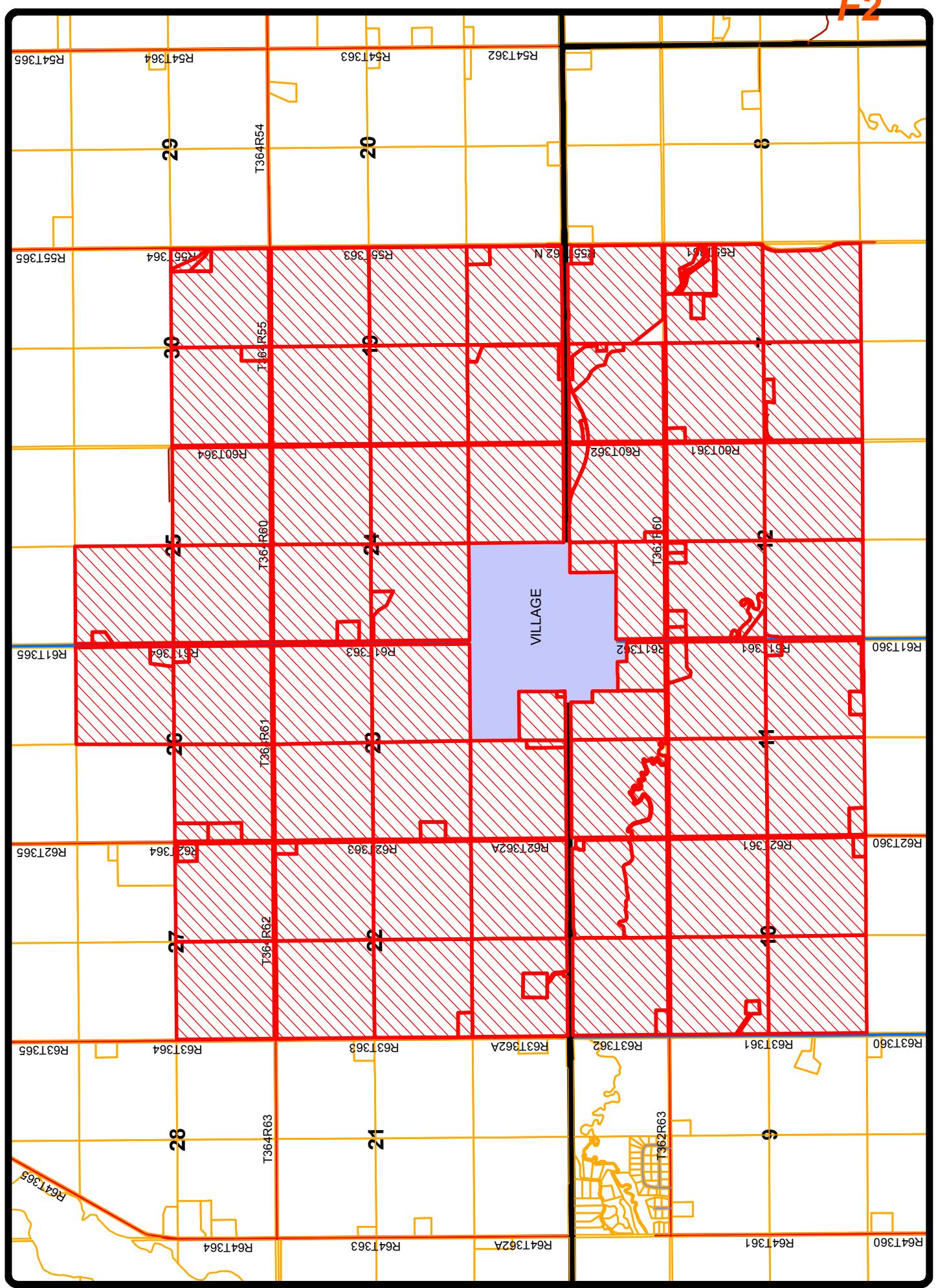
Reeve

CAO

VILLAGE OF CAROLINE

Mayor

CAO



Village of Caroline
Properties Highlighted in Red are within 2 km of Village Boundary



Agenda Item

Project: Municipal Auditor Appointment for Fiscal Year 2014	
Presentation Date: September 22, 2014	
Department: Corporate Services	Author: Rhonda Serhan
Budget Implication:	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation
Strategic Area:	Goal:
Legislative Direction:	<input type="checkbox"/> None <input checked="" type="checkbox"/> Provincial Legislation (cite) _____ MGA Section 280 <input type="checkbox"/> County Bylaw or Policy (cite) _____
Recommendation: That Council appoints Hawkins Epp Dumont to an additional one year term as municipal auditor.	
Attachments List: N/A	

Background:

In the fall of 2010 Clearwater County staff issued a request for proposal (RFP) for municipal audit services for a three year term. This resulted in the appointment of Hawkins Epp Dumont as municipal auditor for the fiscal years 2010 thru 2012. In the RFP, there is a clause for two possible one year extensions to the original contract, with a mutually agreed on price.

Clearwater County staff has enjoyed an excellent working relationship with Hawkins Epp Dumont over the past four years. Hawkins Epp Dumont submitted a quote for \$2,000 above 2013 fees. We recommend offering the second one year extension to Hawkins Epp Dumont as stated in the RFP.



Agenda Item

Project: Fall High School Awards Ceremonies	
Presentation Date: September 22, 2014	
Department: Community & Protective Services	Author: Katie Lutz
Budget Implication: <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation	
Strategic Area: Quality of Life	Goal: N/A
Legislative Direction: <input type="checkbox"/> None <input type="checkbox"/> Provincial Legislation (cite) _____ <input checked="" type="checkbox"/> County Bylaw or Policy (cite) <u>Post-Secondary Scholarship Program</u>	
Recommendation: That Council selects and authorizes members of Council to attend each ceremony and present the County's Post-Secondary Scholarship.	
Attachments List: Clearwater County Post-Secondary Scholarship Program Policy	

Background:

Under the "Post-Secondary Scholarship Program" Policy, Clearwater County Council budgets \$4000 annually to provide a \$1000 scholarship to one student from each of the four high schools located in the County. The recipient must be attending a recognized post-secondary institution in a full-time capacity. The policy, attached for Council's review, states that: "A county councilor shall attend the relevant High School award ceremony and present the award (i.e. the check) on behalf of the County".

The four ceremonies are scheduled as follows, with each being held at the respective school's gym:

- Caroline School: October 9th at 7:00 pm (with Social at 6:30pm)
- David Thompson High School: October 9th at 7:00 pm
- St. Dominic's High School: October 10th at 2:00 pm
- West Central High School: October 17th at 7:00 pm (with Social at 6:00 pm)

The recommendation is that Council authorizes members of Council to attend each ceremony, as to present the scholarship to the respective recipient.

Clearwater County

CLEARWATER COUNTY POST SECONDARY SCHOLARSHIP PROGRAM

EFFECTIVE DATE: May 2008

SECTION: Administration

POLICY STATEMENT:

To recognize the importance of youth achievement in the area of community service and to encourage academic advancement, the County will offer an annual scholarship to worthy high school graduates.

DURATION: 5 years (may be extended upon evaluation by the Council in 2013)

VALUE: \$4,000 given annually - \$1,000 to one student graduating from each of the 4 High Schools in Clearwater County including West Central High School, St. Dominic High School, David Thompson High School and Caroline High School.

ELIGIBILITY:

- Any graduating student from a County High School registered and attending a post secondary school in a full time capacity;
- Must have been a resident of Clearwater County at the time of graduation from high school (note: this does not include Town or Village residents);
- Citizenship is the primary consideration for eligibility and includes involvement in the community or school in a voluntary and/or leadership capacity while attending high school. The scholarship recipient will be seen and recognized by other students as an individual who continually demonstrated care and respect for fellow students and the community;
- A student, upon receiving this \$1,000 scholarship once, is ineligible to receive another award under this program.

APPLICATION PROCESS:

- All graduating county high school students will be notified of this scholarship;
- Interested applicants may apply in writing identifying:
 - Citizenship involvement while attending high school;
 - County residence legal location while attending high school;
 - Name of post-secondary institution and the full time program enrolled in; ○ Any reference letters the applicant feels are helpful in confirming citizenship activities.

REVIEW AND SELECTION PURPOSE:

- Applications will be received and reviewed by the respective high school principal (or his/her designate) considering the contents of the written application, the observations of school staff through the time the applicant attended high school, and any other community references the principal deems appropriate to consult.
- The respective high school principal shall select the winning applicant and advise the county administrator for purposes of preparing a check.

AWARD:

- A county councilor shall attend the relevant High School award ceremony and present the award (i.e. the check) on behalf of the County.



Agenda Item

Item: MGA Review & Building Canada Fund Program Review	
Presentation Date: September 22, 2014	
Department: CAO	Author: Ron Leaf
Budget Implication: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation	
Strategic Area: Governance and Intergovernmental relations	Goal: Monitoring of Federal & Provincial
Legislative Direction: <input checked="" type="checkbox"/> None	<input type="checkbox"/> Provincial Legislation (cite) _____ <input type="checkbox"/> County Bylaw or Policy (cite) _____
Recommendation: That Council:	
1) accepts the report for information; and, 2) directs that the Building Canada Fund program be an item of discussion when Council next meets with Members of Parliament	
Attachments List:	

Background:

I attended the Alberta Rural Administrators of Alberta Association (ARMAA) Conference September 3-5. Kim Heyman, Director of Policy and Advocacy – AAMDC and Andre Corbould from Municipal Affairs were two of the presenters; the following report outlines on some of the key items that were raised by them relating to the Federal Building Canada Fund (BCF) program and the MGA Review.

Regarding the BCF program, the AAMDC and AUMA believe that the BCF program requires reworking as follows:

- 1) Province too slow to sign agreements
- 2) BCF allocation structure needs to be reworked to make \$\$ more accessible for small communities
- 3) AB should receive a share of the national component
- 4) Local roads needed to be added back into the small communities components
- 5) Requirement for “national significance” eliminates most municipal projects
- 6) BCF should be assisting municipalities not the Province
- 7) Complexity of application forms should be commensurate with \$\$'s received.

The AAMDC is suggesting that Councils raise these concerns with their Member(s) of Parliament when they meet with them and lobby for changes to the BCF program.

Regarding the MGA Review Kim Heyman, Director of Policy and Advocacy for the AAMDC, provided an overview of the MGA work completed to date. Kim noted:

- All the information gathered during consultations has been whittled down to 50 issue topics (copy of MGA input summary attached)
- A series of meetings by the presidents of the AUMA, and AAMDC as well as the mayors of Calgary and Edmonton has begun (1 has taken place so far)
- This group are looking at a range of options to address issues with process to look at reaching consensus on as many issues as possible
- Where no consensus can be reached the GofA will make a decision
- Any perceived gaps in discussion are being recorded and may be introduced into subsequent "conversation(s)"
- All the information gathered during consultations has been whittled down to 50 issue topics
- A series of meetings by the presidents of the AUMA, and AAMDC as well as the mayors of Calgary and Edmonton has begun (1 has taken place so far)
- Municipal Affairs are looking for consensus on as many as issues as possible. If consensus cannot be achieved a future comment process may be utilized

Representatives from Municipal Affairs (MA) also spoke during the conference. During his segment of the MA presentation Deputy Minister Andre Corbould stated that the Province intends to table the new MGA in the 2015 Spring session of the Legislature. Andre also indicated that the new MGA may not be adopted for a period (possibly 2 years) while the new regulations are developed or existing regulations are amended. Again there was the proviso that this direction may change with a new Premier and/or new Minister.



Agenda Item

Item: Canadian Union of Postal Workers (CUPW) Request for Support	
Presentation Date: September 22, 2014	
Department: CAO	Author: Ron Leaf
Budget Implication: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation	
Strategic Area: Quality of Life/ Intergovernmental Relations	Goal:
Legislative Direction: <input type="checkbox"/> None <ul style="list-style-type: none"> <input type="checkbox"/> Provincial Legislation (cite) _____ <input type="checkbox"/> County Bylaw or Policy (cite) _____ 	
Recommendation: That Council discusses the Request for Support from the Canadian Union of Postal Workers.	
Attachments List: CUPW letter of September 15, 2014	

Background:

Clearwater County Council has received a letter from the Canadian Union of Post Workers (CUPW) requesting that Council support the Union in its concerns with respect to changes proposed by the Canada Post Corporation.

Council received a similar request in December of 2013 with Council expressing the view that discussions with respect to changes in postal service should be discussed with Members of Parliament. Council subsequently passed the following motion:

COUNCILLOR DUNCAN: That Council discusses postal service issues at the annual meeting with the two Members of Parliament for Wildrose and Wetaskiwin constituencies.

I believe Council's rationale applies to this request and recommend that Council decline to support the CUPW request and direct staff to diarize this item for discussion with the MPs representing the federal Wildrose and Wetaskiwin constituencies.

September 15, 2014

Jim Duncan
Reeve
County of Clearwater
Box 550
Rocky Mountain House, AB T4T 1A4



Dear Mr. Duncan,

Re: Request for Support to Save Canada Post

Less than a year ago, Canada Post Corporation announced a plan to change public postal service as we know it, and the government endorsed this plan. As a result, the corporation has dramatically hiked postage rates and is planning on eliminating door-to-door delivery, closing and downsizing post offices, reducing post office hours, and destroying thousands of decent jobs in communities throughout our country.

These major changes will be bad for seniors, people with mobility issues, charities, small businesses and many other people who rely on public postal service.

The Canadian Union of Postal Workers wants the federal government to reverse the Canada Post plan, and to look instead for ways to increase service and revenues in areas like postal banking, as other postal administrations have done. At the very least, we think the government should properly consult with the public about what kind of postal service they need before allowing Canada Post to make such major changes.

CUPW has attached a fact sheet with more information about Canada Post's plan.

The union has also attached a resolution that it would like your municipality to consider passing. To date, about 90 municipalities and municipal organizations have passed resolutions opposing Canada Post plan for cuts, or calling for a halt to door-to-door delivery cuts until there is proper consultation. CUPW hopes you will think about joining and building on these efforts by passing our or your own resolution.

Thank you very much for considering this request. Thanks as well if your municipality passed an earlier resolution in support of postal banking or improving the Canadian Postal Service Charter. If you would like an electronic version of the resolution, please contact Brigitte Klassen at bklassen@cupw-sttp.org. Please call me at 613-236-7238 if you have any questions or concerns.

In solidarity,

Denis Lemelin
National President

c.c. National Executive Committee, Regional Executive Committees, National Union Representatives, Regional Union Representatives, Specialists

/bk cope 225

Save Canada Post.^{ca}

Canada Post has announced a plan to:

1. Attack the public postal network.

Canada Post plans to use more private post offices while streamlining the public postal network. This means closing and downsizing public post offices, as well as reducing their hours. Canada Post has closed about 40 urban and 75 rural post offices since 2012. This is the largest number of closures we have seen since the Conservatives closed about 1,500 rural and urban post offices in the eighties and nineties. More closures are expected. The corporation is also reviewing all urban offices to see if they can be made smaller and operated with fewer workers. In addition, it is dramatically reducing hours of service in rural communities.

2. Introduce huge postage rate hikes.

On March 31, 2014, the price of buying one stamp increased by 59% while the price of buying a book or coil of stamps increased by 35%. The price for pre-sorted and incentive letters increased by 15% and metred mail increased by 19%. These sudden and dramatic increases are unfair, unreasonable and bad for the

corporation's business. It would have been wiser and more reasonable for Canada Post to adopt gradual increases to keep up with rising costs.

3. Make our country the first in the world to eliminate door-to-door delivery.

Canada Post plans on taking away door-to-door delivery from over five million Canadian households and replacing it with community mailbox (CMB) delivery. There is a great deal of opposition to this plan, which will create huge problems for many Canadians, especially seniors and people with mobility issues. According to a recent poll, sixty per cent of people oppose the delivery cuts. In spite of this, Canada Post is determined to wipe out home mail delivery within a five-year period. So far, Canada Post has announced plans to convert 100,000 households by the end of 2014 and another 1.2 million in 2015. The bulk of conversions will occur after the 2015 federal election. The federal government fully supports this major cut to public postal service.

4. Destroy 6000 to 8000 decent jobs.

Canada Post would need fewer employees if it goes to community mailbox delivery. It expects to eliminate 6000 to 8000 positions. Closing and downsizing post offices and reducing post office hours will also reduce the number of jobs in communities throughout the country. Our communities and our economy cannot afford to lose thousands of decent paying jobs.

The future of Canada Post

Canada Post and the Conservatives should consult on their plan to change public postal service as we know it. The public owns Canada Post. They have a right to input. This has not really happened in any meaningful way. Canada Post engaged in some discussions, but they were completely inadequate. The corporation held invite-only meetings in 46 communities and conducted a largely online public consultation on its future, focusing on cuts. Since this time, about 90 municipalities and municipal organizations have passed resolutions or sent letters protesting the cuts or asking for a halt until there is meaningful consultation. Moreover, many thousands of Canadians have signed petitions and sent messages to their Members of Parliament (MPs). People have asked their federal representatives to tell Canada Post to stop the cuts and consider alternatives such as postal banking. Cutting might help Canada Post with its money problems in the short-term but it is not a good long-term strategy and it certainly won't improve the future of postal service in our country. The corporation should be following the lead of other postal administrations by innovating and introducing new revenue-generating services.

For more information, go to:

**Save
Canada
Post..**

Postal banking

The Canadian Union of Postal Workers (CUPW) believes that our country needs improved financial and banking services and that Canada Post is well placed to fulfill this need. Moreover, the union thinks that adding financial and banking services at Canada Post will help the corporation preserve public postal service and generate revenue. CUPW is not alone. Close to two-thirds of Canadians support Canada Post expanding revenue-generating services like bill payments, insurance and banking, according to a poll from April 2014. Many municipalities like the idea too. Over 300 municipalities have passed resolutions endorsing the addition of financial and banking services at our public post office. Not only that, three former Canada Post Presidents have spoken favourably about the corporation getting more involved in financial services (i.e. Michael Warren, Andre Ouellet and Moya Greene). In recent years, Canada Post has even conducted studies on postal banking that appear to indicate that getting into financial services would be "a win-win strategy" and a "proven money-maker" for the corporation. This positive assessment was obtained through an Access to Information (ATI) request. Unfortunately, 701 of 811 pages of the ATI request were redacted. To date, Canada Post President Deepak Chopra has refused to release the 811 pages in their entirety.

Learn more. Check out *Why Canada Needs Postal Banking* at <https://www.policyalternatives.ca/publications/reports/why-canada-needs-postal-banking>



377, rue Bank Street,
Ottawa, Ontario K2P 1Y3
tel./tél. 613 236 7238 fax/téléc. 613 563 7861

SAVE CANADA POST - STOP THE CUTS

WHEREAS Canada Post and the Conservatives are taking an axe to long-treasured postal services – killing good jobs, eliminating door-to-door delivery, drastically increasing postage rates and closing, downsizing and reducing hours at post offices:

WHEREAS Canada Post did not properly consult on these changes, effectively eliminating any opportunity for input from the people who will be most affected; and

WHEREAS closing and downsizing post offices, reducing post office hours, and eliminating door-to-door delivery will reduce service and eliminate thousands of jobs in communities throughout our country.

WHEREAS Canada Post offers a public service that needs to be protected;

BE IT RESOLVED THAT the (name of municipality) write a letter to the Minister responsible for Canada Post that calls on the government to reverse the changes to services announced by Canada Post, and to look instead for ways to increase service and revenues in areas such as postal banking.

BE IT FURTHER RESOLVED THAT (name of municipality) ask the Federation of Canadian Municipalities to request that the federal government properly consult with the public about what kind of postal service they need before allowing Canada Post to make such major changes to public postal service.

MAILING INFORMATION

Please send your resolution to: Lisa Raitt, Minister of Transport, Place de Ville, Tower C, 29th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N5.

Please send copies of your resolution to: Denis Lemelin, President, Canadian Union of Postal Workers, 377 Bank Street, Ottawa, Ontario, K2P 1Y3

Your Member of Parliament. You can get your MP's name, phone number and address by calling 1-800 463-6868 (at no charge) or going to the Parliament of Canada website:
<http://www.parl.gc.ca/common/index.asp?Language=E>.

Brad Woodside, President, Federation of Canadian Municipalities, 24 Clarence St, Ottawa, Ontario K1N 5P3

/bk cope 225





Agenda Item

Project: Alberta Recreation & Parks Association (ARPA) 2014 Conference	
Presentation Date: September 22, 2014	
Department: Municipal	Author: Tracy Haight
Budget Implication:	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation
Strategic Area: Intergovernmental Relations	Goal:
Legislative Direction:	<input type="checkbox"/> None <input type="checkbox"/> Provincial Legislation (cite) _____ <input type="checkbox"/> County Bylaw or Policy (cite) _____
Recommendation: That Council authorizes Councillor Graham's attendance at the ARPA 2014 Conference.	
Attachments List: Conference Overview	

Background:

Councillor Graham, a council-appointed member of the Caroline and District Recreation and Agricultural Society, requests authorization to attend the Alberta Recreation & Parks Association Conference from October 23 - 25, 2014 in Jasper, Alberta.

2014 ARPA CONFERENCE AT A GLANCE

 Content Relevant to Energize Delegates	 Park Recommended Sessions	 Student Recommended Sessions
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Thursday, October 23	9:00am - 4:00pm	PC1	PC2	PC3	PC4
		<i>Art of Hosting</i> Zanette Frost, Chris McMorran & Jane Purvis	<i>Value-Based Project Delivery: Minimize Costs by Leveraging Expertise</i> Jake Smithwick & Jeff Sawyer	<i>Recreation Software Solutions Showcase</i> Recreation Software Vendors	<i>Seeing What You Have That is Worth Revenue: Sponsorship Asset Identification for Revenue Development</i> (1pm – 4pm) Brent Barootes
	5:00 - 6:00pm	Cocktail Reception			
	6:00 - 8:00pm	<i>Opening Reception Ceremonies Dinner & Keynote Address</i> <i>Adam Kreek – Managing Change for Success</i>			
		<i>The Amazing Game Show</i>			

Friday, October 24	7:00 - 8:30am	Breakfast				Energize Breakfast			
	8:30 - 9:30am	A1	A2	A3	A4	A5	A6	A7	
	Brent Barootes	<i>Trending for Corporate Sponsorship in Recreation, Parks and Culture</i>	<i>Live the Athabasca: A Plan to Realize the Recreation & Tourism Potential of Alberta Arctic Water Route</i>	<i>Collaborating For Success: Implementing the Active Alberta Arctic Policy</i>	<i>Re-Inventing Underused & Exhausted Recreation Spaces</i>	<i>Facilitation for Community Building: Let's Meet and Talk in Your Community</i>	<i>Collaborative Approaches to Wicked Problems</i>	<i>Community Action Research in Physical Literacy</i>	
		Transition Break							
10:00 - 11:00am	Robert Parks & Stephen Slawuta	B1	B2	B3	B4	B5	B6	B7	B8
	Neil Younger, Greg Van Soest & Veronique Pelletier	<i>Addressing Emerging Program Opportunities and Demands</i>	<i>Pathways & Trails: Better Outcomes Through Inter-Municipal Cooperation</i>	<i>Alberta Recreation Survey: Past, Present and Future</i>	<i>Assessment Planning for Your Next Capital Project</i>	<i>Open Space Technology: A New Frontier (Part A)</i>	<i>What's Happening Out There? A Look into Nature-Based Play in Alberta Out-of-School Programs</i>	<i>Urban Agriculture</i>	<i>Recreation Software Solutions Overview</i>
		Refreshment Break							

2014 ARPA CONFERENCE AT A GLANCE

 Content Relevant to Energize Delegates	 Park Recommended Sessions	 Student Recommended Sessions
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Thursday, October 23	9:00am - 4:00pm	PC1 <i>Art of Hosting</i> Zanette Frost, Chris McMorran & Jane Purvis	PC2 <i>Value-Based Project Delivery: Minimize Costs by Leveraging Expertise</i> Jake Smithwick & Jeff Sawyer	PC3 <i>Recreation Software Solutions Showcase</i> Recreation Software Vendors	PC4 <i>Seeing What You Have That is Worth Revenue: Sponsorship Asset Identification for Revenue Development</i> (1pm – 4pm) Brent Barootes
	5:00 - 6:00pm	Cocktail Reception			
	6:00 - 8:00pm	Opening Reception Ceremonies Dinner & Keynote Address <i>Adam Kreek – Managing Change for Success</i>			
	8:00 - 11:00pm	The Amazing Game Show			

Friday, October 24	7:00 - 8:30am	Breakfast				Energize Breakfast 			
	A1 	A2 	A3  	A4 	A5	A6	A7		
	8:30 - 9:30am	<i>Trending for Corporate Sponsorship in Recreation, Parks and Culture</i> Brent Barootes	<i>Live the Athabasca: A Plan to Realize the Recreation & Tourism Potential of Alberta Arctic Water Route</i> Justin Ellis & Alberta TrailNet Representative	<i>Collaborating For Success: Implementing the Active Alberta Policy</i> Lisa Tink	<i>Re-Inventing Underused & Exhausted Recreation Spaces</i> Daniel Gyroffy	<i>Facilitation for Community Building: Let's Meet and Talk in Your Community</i> Barbara Pedersen	<i>Collaborative Approaches to Wicked Problems</i> Bob Yates & Sophie Graine	<i>Community Action Research in Physical Literacy</i> Dwayne Sheehan & Nadine Van Wyk	
	9:30 - 10:00am	Transition Break							
	10:00 - 11:00am	B1  	B2  	B3 	B4	B5	B6	B7 	B8 
	11:00 - 11:30am	Refreshment Break							

Friday, October 24 (continued)	C1	C2	C3	C4	C5	C6	C7	
	11:30am - 12:30pm	AUMA Session Speakers TBA	Jasper Dark Sky Fest: Collaboration for Protection & Program Excellence Mary Darling	Not Just a Pretty Exterior: A Look Into the Service Model Jim Younker, Jeff Tareta, Lorrie O'Brien & Kim Snider	Green is the New Gold: Lead the Way to Community Wellness through Healthy Food Environments in Your Recreation Facilities Lisa McLaughlin & Karye Stell	Open Space Technology: A New Frontier (Part B) Zanette Frost, Chris McMorran & Jane Purvis	Becoming a Better Me Tom O'Rourke	Application of Value-Based Project Delivery to Recreation and Parks Management Jake Smithwick & Jeff Sawyer
	12:30 - 2:00pm	Luncheon						
	2:00 - 3:00pm	Keynote Address Tom O'Rourke – Creating an Agency that is Valued, Trusted & Loved!						
	3:00 - 3:30pm	Refreshment Break						
	3:30 - 4:45pm	D1 <i>The "Business" of Recreation</i> Jim Younker, Jeff Tareta, Lorri O'Brien & Kim Snider	D2 <i>Maintenance and Operation of Synthetic Turf Facilities: Information Sharing Session</i> Peter Millar & Marcus Boutilier	D3 <i>Working Within the MGA</i> Rodd Thorkelsson	D4 <i>The Abundant Community Initiative</i> Anne Harvey & Howard Lawrence	D5 <i>Engaging Newcomers to Alberta in Your Community</i> Speakers TBA	D6 <i>Fostering Healthy Communities: Lessons from Communities ChooseWell</i> Megan Pharo & Janet Naclia	D7 <i>Aligning People and Resources: A Value-Based Approach to Leadership</i> Jake Smithwick & Jeff Sawyer
	6:00 - 9:00pm	Rectoberfest Trade Show – Dinner, Drinks and Networking						

Saturday, October 25	7:00 - 8:30am	Breakfast							
	E1	E2	E3	E4	E5	E6	E7	E8	
	Event and Festival Hosting Panel Alyssa Watson	The Flourishing Well-being Neighbourhood: How to Measure, Evaluate and Manage the Genuine Wealth and Community Assets of Neighbourhoods Mark Anielski, Bill Craig & Howard Lawrence	The Importance of Proper Staff Training and the Establishment of Standards from a Risk Management Perspective Russel Tanner, Katherine MacKeigan & Rob Campbell	School Hubs of Our Communities Brian Torrance	Excel in Recreation Barbara Pedersen & Janet Naclia	Recreation and Parks Research in Alberta Panel of Speakers from University of Alberta & Mount Royal University	Active Lethbridge & Whitecourt Healthy Living Panel of Speakers from Lethbridge & Whitecourt	Preparing for Excellence Tom O'Rourke	
	8:30 - 10:00am	ARPA Annual General Meeting							
	10:15am - 12:15pm	Luncheon – ARPA Volunteer Recognition Awards							
	12:15 - 1:30pm	Keynote Address Drew Dudley – Redefining Leadership and the Power of "Lollipop Moments"							
	1:30 - 2:45pm	Refreshment Break							
	2:45 - 3:00pm	Outdoor Activity Sessions – will be available for sign-up on-site in Jasper							
	3:00 - 4:30pm	ARPA President's Awards Banquet							
	6:00pm Dinner	8:30pm - 2:30am Theme Party Bus to the Atha-B							

GREETINGS

ARPA President's Invitation



The 2014 Alberta Recreation and Parks Association Conference and Energize Workshop returns once again to the scenic Fairmont Jasper Park Lodge. Themed “Commitment to Excellence,” the Conference is an important opportunity for us to work together to support continuous improvement in the quality of recreation and parks services.

As Canada’s National Recreation Statement points out, nearly all recreation occurs in community, making community activities essential to the happiness in our complex society. We are not fully tapping community recreation’s potential. Pressured by fiscal and economic realities, the recreation sector has slipped more toward managing facilities when what’s really needed is a greater focus on human betterment, social transformation and rebuilding community. Now is the time for community recreation to take the lead in helping individuals and communities put life back in balance.

Our Organizing Committee has produced a program with the very best in terms of mix and depth of topics, creating an exciting learning environment for professional and personal growth in our industry. This is the perfect opportunity for professionals, practitioners, leaders, students, volunteers, and decision makers from different sectors with varying perspectives to come together to discuss their work, ideas, beliefs, and attitudes in an area of open dialogue.

On behalf of the ARPA Board of Directors and staff, I invite you to join us at the Fairmont Jasper Park Lodge this fall. I trust that you will find this event to be a thoroughly empowering and rewarding experience.

Dan Pagely
ARPA President

Message from the Honourable Dr. Richard Starke, Minister of Tourism, Parks, and Recreation



On behalf of the Government of Alberta, I am pleased to invite you to the 2014 Alberta Recreation and Parks Association Conference and Energize Workshop at the Jasper Park Lodge, October 23 to 25.

As leaders in the field of recreation and parks, you play a critical role in helping communities and individuals find balance and quality of

life. The theme of this year’s conference is “Commitment to Excellence” and will set the stage for discussion and ideas on how we can play a greater role in making Alberta an even greater place to work, live and play.

Thank you to the organizers and volunteers for once again coordinating this annual event. It promises to be an invigorating and energizing few days in beautiful Jasper!

Richard Starke
Minister of Tourism, Parks and Recreation

OVERVIEW

A COMMITMENT TO EXCELLENCE

ARPA has placed a priority on strengthening and positioning the recreation and parks profession. Vision is critical to that positioning and, as the result of Foundations for Action: Vision 2015, the Recreation and Parks Excellence Series, our work on the professional development and certification program, and the drive to establish a centre of excellence, there is an inspiring direction in place.

It's time for a culture shift. We need to take better care of ourselves, from an individual and organizational perspective, so that we can in turn work to make each of our communities reach their full potential. We need to strengthen the quality and effectiveness of community recreation and parks service development and delivery throughout Alberta and beyond. We need to support continuous improvement in the quality of recreation and parks services, promote commitment to the emerging competencies and practices that are essential for service excellence, and encourage organizational response to the priority benefits identified by the communities we serve. We also need to strengthen the ability of community leaders, community recreation practitioners and volunteers to serve their communities.

The 2014 ARPA Conference Committee is committed to bringing together delegates and speakers from different sectors to discuss and share current and innovative topics, unique partnerships and promising practices.

ENERGIZE WORKSHOP

The Energize Workshop provides a forum for everyone from elected officials to local community volunteers. The Workshop is an idea-exchange and knowledge-sharing forum regarding the recreation sector and its contribution to healthy communities.

Together, the Energize Workshop and ARPA Conference focuses on a program that combines learning from our history with creating the recreation and parks opportunities that we want for our communities in the future. The Workshop gives delegates the knowledge and tools to bring back to their communities to ensure excellence in the recreation and parks sector.

This is the 20th year of partnership between the ARPA Conference and Energize Workshop.

Sessions with content relevant to Energize delegates have been identified with the Energize logo.

Energize



Alberta
Government





Agenda Item

Item: Scheduling of the 2014 Organizational Meeting and November/December Regular Council Meetings

Presentation Date: September 22, 2014

Department: Municipal

Author: Tracy Haight

Budget Implication: N/A Funded by Dept. Reallocation

Strategic Area: Governance

Goal:

Legislative Direction: None

Provincial Legislation (cite) MGA Sec 192(1); Sec 193(3)

County Bylaw or Policy (cite) Bylaw #954/12 _____

Recommendation:

- 1) That Council schedules the 2014 Organizational Meeting for October 28, 2014 at 9:00 a.m.;
- 2) That Council reschedules the November 11, 2014 Council meeting for November 12;
- 3) That Council cancels the December 23, 2014 Council meeting.

Attachments List: Excerpt - Procedural Bylaw #954

Background:

Section 192 of the Municipal Government Act requires that Council must hold its organizational meeting "not later than 2 weeks after the 3rd Monday in October".

- 1) Staff recommend Council schedule the 2014 Organizational Meeting prior to Council's regular meeting on October 28.

Council's Procedural Bylaw provides Council with the authority to change or cancel regularly scheduled Council meetings.

- 2) Council's first meeting in November is scheduled for November 11, which is the Remembrance Day statutory holiday. Staff recommend Council reschedule the meeting date Wednesday, November 12.
- 3) Council's second regular meeting in December is scheduled for December 23, which falls during the Christmas holiday schedule. Council has typically cancelled its second regular Council meeting in December, and staff recommends Council again follows this practice.

Should Council support these recommendations the cancellation and date change will be advertised in accordance with the Procedural Bylaw and Municipal Government Act (MGA).

Excerpts: Clearwater County Procedural Bylaw #954/12

Council may, by Resolution, establish other regular Council meeting dates as may be required) from time to time.

- 4.8 Council may change the date, time or place of a regularly scheduled meeting by a Two-Thirds Vote.
- 4.9 Notice of a change in date, time or place, of any meeting of Council will be provided at least 24 hours prior to the meeting to Councillors in accordance with the *Act* and to the public by:
 - a) posting a notice in the Clearwater County Administration Office; and
 - b) posting a notice on the Clearwater County website.
- 4.10 Council may cancel any meeting if notice is given in accordance with section 4.9.



Agenda Item

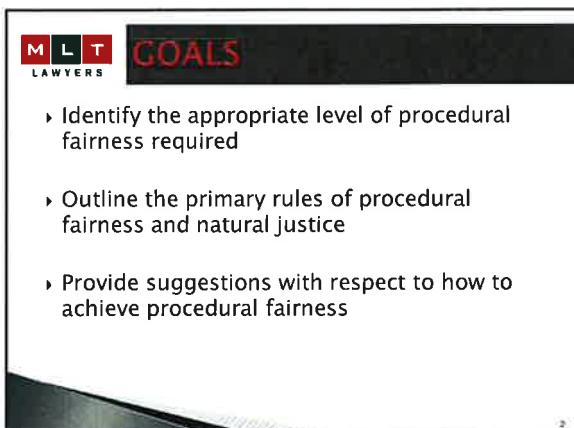
Item: Presentation: Public Hearing Procedural Fairness by Joanne Klauer – MLT LLP	
Presentation Date: September 22, 2014	
Department: CAO	Author: Ron Leaf
Budget Implication: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation	
Strategic Area: Governance/Inter-governmental Affairs	Goal:
Legislative Direction: <input type="checkbox"/> None <input checked="" type="checkbox"/> Provincial Legislation (cite) _____ MGA <input type="checkbox"/> County Bylaw or Policy (cite) _____	
Recommendation: That Council accepts Ms. Klauer's presentation for information	
Attachments List: Background:	

With the number of public hearings that have occurred in the past few months I thought there is value in Council receiving a presentation on the legal and procedural requirements associated with public hearings. To that end I have invited Joanne Klauer who is a lawyer with the legal firm of MacPherson Leslie and Tyerman (MLT) LLP to present.

Joanne's municipal law practice is extensive and diverse. It includes general counsel work, planning and development law, leave to appeal applications, drafting and reviewing contracts and by-laws, judicial review applications, annexations, inter-municipal disputes, expropriations, employment law, by-law enforcement, Freedom of Information and Protection of Privacy Act issues, and environmental law.

Joanne has presented to numerous Councils and Council committees throughout the Province as well as Subdivision and Development Appeal Boards; and represents municipalities before the Alberta Court of Appeal, Alberta Court of Queen's Bench, Municipal Government Board, Environmental Appeal Board and other tribunals. Joanne has also been a frequent presenter at the Central Zone AAMD&C meetings on legal trends and case law.







**M L T
LAWYERS**

Procedural Fairness

TYPES OF DECISIONS

Legislative.....	Quasi-Judicial	
General Policy Bylaws	Site Specific rezoning bylaws	SDAB decisions

**M L T
LAWYERS**

Substantive Limitations

When is a public hearing required?

- Road closure (s. 22)
- Passing or amending a land use bylaw or statutory plan (s. 692)
- Disposing of municipal or reserve lands (s. 674)
- Re-designating reserve lands (s. 676)

**M L T
LAWYERS**

Substantive Limitations

Section 230

- Must hold a public hearing before the second reading of a bylaw or before Council votes on resolution
- Public hearing must be held during a regular or special Council meeting



Substantive Limitations

Section 230

- Must hear affected persons or groups who have complied with procedural requirements
- May hear from any other person who wishes to speak



Substantive Limitations

Section 230

- After the public hearing, Council may:
 - Pass the bylaw or resolution
 - Amend the bylaw or resolution
 - Defeat the bylaw or resolution



Procedural Fairness

RULES OF PROCEDURAL FAIRNESS

Right to be Heard

- Adequate time must be given to all parties
- Be flexible in time limits
- May restrict arguments if repetitive or not relevant



Procedural Fairness

RULES OF PROCEDURAL FAIRNESS

Adjournment Requests

- Decision must be "reasonable and fair"

10



Procedural Fairness

RULES OF PROCEDURAL FAIRNESS

All parties must know the "case" to be met

- All relevant information available to Council must be available to public before the hearing

11



Common Law Bias

COMMON LAW BIAS

- Section 170 of MGA: Councillors are prohibited from participating in hearings when have a pecuniary interest
- Common Law bias goes beyond pecuniary interest

12



Common Law Bias

TWO TESTS FOR BIAS

- Closed mind (Legislative)
- Reasonable apprehension of bias (Quasi-Judicial)

13



Common Law Bias

Closed Mind Test

- The decision maker is "no longer capable of persuasion"

14



Common Law Bias

Reasonable Apprehension of Bias Test

- Would reasonable person in the circumstances view the decision maker as biased?

15



Common Law Bias

Reasonable Apprehension of Bias

- Relationship of parties to decision makers
- Outside knowledge
- Involvement in issue
- Inappropriate comments

16



Common Law Bias

- If a Councillor has information about a matter that is not being brought out during hearing, ask questions of applicant or staff to allow the information to be addressed during the hearing process
- Councillors are not advocates nor witnesses in public hearing context

17



Cross Examination

Right to Cross-Examination

- Rare circumstances
 - Quasi-Judicial
 - Challenge evidence or opinions being given by witness

18



Procedural Fairness

Relevant Evidence

- Decisions must be based on "relevant" information
- Court will not re-weigh relevant evidence

19



Procedural Fairness

Relevant Evidence

- Council decision may be quashed if:
- No evidence
- Decision based upon irrelevant evidence
- Ignored or excluded relevant evidence

20



Procedural Fairness

Irrelevant Considerations

- Business Competition
- User v. Use
- Applicant's efforts
- Public Benefit
- Enforcement history

21



Procedural Fairness

- ▶ Relevant considerations for Part 17 matters relate solely to the use and development of land

➤ Environmental	Site Suitability
➤ Public Safety	Infrastructure Impacts
➤ Servicing	Development hazards
➤ Off Site Impacts	

22



Procedural Fairness

Public Hearing Minutes

- ▶ Ensure that public hearing minutes accurately reflect relevant evidence presented at hearing

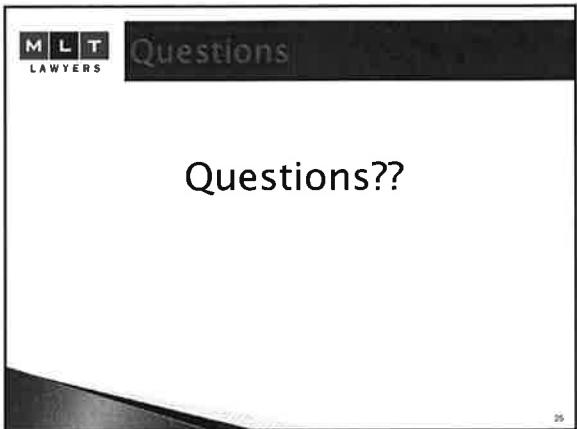
23



Recent Cases

- ▶ *Beaverford v. Thorhild (County No. 7)*
- ▶ *Rainbow Breach Developments Inc. v. Parkland (County)*
- ▶ *Waste Management of Canada Corporation v. County of Thorhild*

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Clearwater County

Councilor and Board Member Remuneration Statement

For the Year of ...2014.....

Name of Councilor / Board Member ..**Jim Duncan**.....

Payment Periods

January	February	May	June
March	April	July	<u>August</u>
September	October	November	December

Supervision Rate – \$550.00 Monthly
Reeve Supervision Rate - \$850.00 Monthly

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Remuneration Calculation

5	Meetings @ \$152.00=	<u>760.00</u>	<u>468</u>	Kms @ \$0.54=	<u>252.72</u>
1	Meetings @ \$121.00=	<u>121.00</u>	<u>0</u>	Lunch @ \$16.00=	<u>0</u>
2	Meetings @ \$276.00=	<u>552.00</u>			
	Supervision=	<u>\$550.00</u>			
	Sub Total=			Sub Total=	<u>252.72</u>
	TOTAL=	<u>1983.00</u>		TOTAL=	

Signature {Councilor / Board Member}

Clearwater County

Councilor and Board Member Remuneration Statement

For the Year of ...2014.....

Name of Councilor / Board Member EHL GRAHAM

Payment Periods

January	February	May	June
March	April	July	August
September	October	November	December

Supervision Rate – \$550.00 Monthly

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Remuneration Calculation

1	Westview	=	72.00			
6	Meetings @ \$152.00=		<u>912.00</u>	-	<u>1100.00</u>	Kms @ \$0.54= <u>594.00</u>
3	Meetings @ \$121.00=		<u>363.00</u>		<u>0</u>	Lunch @ \$16.00= <u>0</u>
2	Meetings @ \$276.00=		<u>552.00</u>			
	Supervision=		<u>550.00</u>			
	TOTAL=		<u>2449.00</u>			TOTAL= <u>594.00</u>

Signature {Councilor / Board Member}

Clearwater County
Councilor and Board Member Remuneration Statement
For the Year of ...2014.....

Name of Councilor / Board Member *Theresa Jasing*

Payment Periods

January	February	May	June
March	April	July	August
September	October	November	December

Supervision Rate – \$550.00 Monthly
Reeve Supervision Rate - \$850.00 Monthly

Date	Type of Meeting Attended	First 4 Hours \$152.00	Next 4 Hours \$121.00	Next 4 Hours \$121.00	Regular Council Meeting \$276.00	Lunch \$16.00	Mileage @ \$0.54 / km
June 1	Fcm	✓	✓				
June 2	Fcm	✓	✓				198
June 4	FCSS	✓	✓				14.0
June 10	Council				✓		14.0
June 11	Nordegg Ass meeting	✓					195
June 12	Wetlands Policy Worksh	✓	✓				167
June 16	Strategic Planning	✓	✓				84
June 17	"	✓	✓				84
June 18	Senior Housing	✓					14.0
June 19	PARM2		✓				167
June 23	MPL	✓	✓				14.0
June 24	COUNCIL				✓		14.0
June 25	Library Board	✓					14.0
June 24	Health Advisory Cols	✓					14.0

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Remuneration Calculation

11	Meetings @ \$152.00=	<u>1672.00</u>	993.00	Kms @ \$0.54=	<u>536.22</u>
8	Meetings @ \$121.00=	<u>968.00</u>	0	Lunch @ \$16.00=	<u>—</u>
2	Meetings @ \$276.00=	<u>552.00</u>			
	Supervision=	<u>550.00</u>			
	TOTAL=	<u>3742.00</u>		TOTAL=	<u>536.22</u>

Signature {Councilor / Board Member} *Theresa Jasing*

Clearwater County
Councilor and Board Member Remuneration Statement
For the Year of ...2014.....

Name of Councilor / Board Member

Payment Periods

January	February	May	June
March	April	July	August
September	October	November	December

**Supervision Rate – \$550.00 Monthly
Reeve Supervision Rate - \$850.00 Monthly**

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Remuneration Calculation

<u>3</u>	Meetings @ \$152.00=	<u>456.00</u>	<u>291</u>	Kms @ \$0.54=	<u>157.14</u>
<u>0</u>	Meetings @ \$121.00=	<u>-</u>	<u>0</u>	Lunch @ \$16.00=	<u>0</u>
<u>2</u>	Meetings @ \$276.00=	<u>552.00</u>	Seminar	@ \$609.00	
	Supervision=	<u>550.00</u>			
	TOTAL=	<u>1558.00</u>		TOTAL=	<u>766.14</u>

Signature {Councilor / Board Member} *Theresa Lang*

tdlaing@live.ca

From: <no-reply@eoep.skillbuilder.ca>
Date: July-16-14 8:09 PM
To: <tlaing@clearwatercounty.ca>
Subject: Purchase Receipt: Classroom Seminar (1)

Website: <http://www.epla.ca>
Email: registrars@epla.ca

Alberta Elected Officials Education Program
Alberta Municipal Place
300-8616 51 Ave
EDMONTON AB T6E 6E6

GST # 82290 5212 RT0001

Your purchase has been approved.

This is the official receipt for your purchases. Please print this email for your records.

If you have any questions or require additional information about this purchase, please contact our office using the contact information above.

Order #: 1161
Invoice #: 0000001101
Name: Theresa Laing
Reg. No. 201403210018
Company: Clearwater County

Purchase Date: Wednesday, July 16, 2014 9:08 PM
Payment Method: Credit Card

Mailing Address: RR3, Site 7, Box 12
Rocky Mountain House, Alberta, Canada
T4T 2A3
(403) 844-4498

Order Status: **Approved**

Item	Quantity	Total
Theresa Laing Classroom Seminar Municipal Governance Seminar Oct 07, 2014 9:00 AM to 3:00 PM	1	\$580.00

AUMA
300, 8616 - 51 Ave
Edmonton, Alberta

Price: \$580.00

SubTotal:	\$580.00
Gst:	\$29.00

Total:	\$609.00
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Note: This message was sent from an unmonitored email address. Please do not reply.

Clearwater County

Councilor and Board Member Remuneration Statement

For the Year of ...2014.....

Name of Councilor / Board Member JOHN VANDERMEER

Payment Periods

January	February	May	June
March	April	July	August
September	October	November	December

Supervision Rate – \$550.00 Monthly

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Remuneration Calculation

<u>6</u>	Meetings @ \$152.00=	<u>912</u>	<u>640</u>	Kms @ \$0.54=	<u>345.60</u>
<u>4</u>	Meetings @ \$121.00=	<u>484</u>		Lunch @ \$16.00=	
<u>2</u>	Meetings @ \$276.00=	<u>552.</u>			
	Supervision=	<u>550.</u>			
	TOTAL=	<u>2498</u>		TOTAL=	<u>345.60</u>

Signature {Councilor / Board Member}

Clearwater County

Councilor and Board Member Remuneration Statement

For the Year of ...2014.....

Name of Councilor / Board Member JOHN VANDERMEER

Payment Periods

January	February	May	June
March	April	July	August
September	October	November	December

Supervision Rate – \$550.00 Monthly
Reeve Supervision Rate - \$850.00 Monthly

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Remuneration Calculation

4	Meetings @ \$152.00=	<u>608</u>	780	Kms @ \$0.54=	<u>421.20</u>
4	Meetings @ \$121.00=	<u>484</u>		Lunch @ \$16.00=	
2	Meetings @ \$276.00=	<u>552</u>			
	Supervision=	<u>550</u>			
	TOTAL=	<u>2194.</u>		TOTAL=	<u>421.20</u>

Signature {Councilor / Board Member}

Clearwater County

Councilor and Board Member Remuneration Statement

For the Year of2014.....

Name of Councilor / Board Member JOHN VANDERMEER

Payment Periods

January
March
September

February
April
October

May
July
November

June
August
December

Supervision Rate – \$550.00 Monthly

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Remuneration Calculation

<u>4</u>	Meetings @ \$152.00=	<u>608.</u>
<u>1</u>	Meetings @ \$121.00=	<u>121</u>
<u>2</u>	Meetings @ \$276.00=	<u>552</u>
	Supervision=	<u>550</u>
	TOTAL=	<u>1831.</u>

480

Kms @ \$0.54= 259.20
Lunch @ \$16.00=

Signature {Councilor / Board Member}

D. L. Anderson

Clearwater County

Councilor and Board Member Remuneration Statement

For the Year of ...2014.....

Name of Councilor / Board Member John VANDERMEER

Payment Periods

January	February	May	June
March	April	July	August
September	October	November	December

Supervision Rate – \$550.00 Monthly

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Remuneration Calculation

<u>5</u>	Meetings @ \$152.00=	<u>760.</u>	<u>560</u>	Kms @ \$0.54=	<u>302.40</u>
<u>1</u>	Meetings @ \$121.00=	<u>121</u>		Lunch @ \$16.00=	
<u>2</u>	Meetings @ \$276.00=	<u>552</u>			
	Supervision=	<u>550</u>			
	TOTAL=	<u>1983.</u>		TOTAL=	<u>302.40</u>

Signature {Councilor / Board Member}

Clearwater County

Councilor and Board Member Remuneration Statement

For the Year of ...2014.....

Name of Councilor / Board Member John VANDERMEER

Payment Periods

January	February	May	June
March	April	July	August
September	October	November	December

Supervision Rate – \$550.00 Monthly
Reeve Supervision Rate - \$850.00 Monthly

Date	Type of Meeting Attended	First 4 Hours \$152.00	Next 4 Hours \$121.00	Next 4 Hours \$121.00	Regular Council Meeting \$276.00	Lunch \$16.00	Mileage @ \$0.54 / km
3	SE REC/HUB TOUR	✓					16
3	W C STAKEHOLDERS	✓					80
10	COUNCIL				✓		80
12	AAMDC WETLANDS	✓					170
13	CAEP AGM	✓					170
16	STRATEGIC PLAN MTG	✓	✓				85
17	STRAT. PLAN MTG.	✓	✓				85
23	MPC	✓					80
24	COUNCIL				✓		80
25	REG. FIRE	✓					80
25	RPAP	✓					80
6	GRAD						

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Remuneration Calculation

9

Meetings @ \$152.00=

1368

1006

Kms @ \$0.54=

543.24

2

Meetings @ \$121.00=

242

Lunch @ \$16.00=

2

Meetings @ \$276.00=

552

Supervision= 550

TOTAL=

2712

TOTAL=

543.24

Signature {Councilor / Board Member}

Clearwater County

Councilor and Board Member Remuneration Statement

For the Year of ...2014.....

Name of Councilor / Board Member JOHN VANDERMEER

Payment Periods

January	February	May	June
March	April	July	August
September	October	November	December

Supervision Rate – \$550.00 Monthly
Reeve Supervision Rate - \$850.00 Monthly

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Remuneration Calculation

<u>3</u>	Meetings @ \$152.00=	<u>456.</u>	<u>400</u>	Kms @ \$0.54=	<u>216.00</u>
<u>2</u>	Meetings @ \$121.00=	<u>242.</u>		Lunch @ \$16.00=	
<u>2</u>	Meetings @ \$276.00=	<u>552.</u>			
	Supervision=	<u>550.</u>			
	TOTAL=	<u>1800.</u>		TOTAL=	<u>216.00</u>

Signature {Councilor / Board Member}

