



Clearwater County

Regular Council Meeting - 26 Nov 2019

Agenda

9:00 AM - Tuesday, November 26, 2019

Council Chambers, 4340 – 47 Avenue, Rocky Mountain House, AB

Our Vision: Community, prosperity and natural beauty - connected.

Our Mission: Through proactive municipal leadership, we will invest innovatively to generate and support economic and population growth, to position Clearwater County for a sustainable, prosperous future.

	Page
1. CALL TO ORDER	
2. ADOPTION OF AGENDA	
3. ADOPTION OF MINUTES	
3.1. 11.05.2019 DRAFT Regular Meeting Minutes	3 - 12
4. PUBLIC HEARING	
4.1. 9:00 am Public Hearing - Bylaw 1074 Clearwater County - County of Wetaskiwin No. 10 Intermunicipal Development Plan	
5. PLANNING & DEVELOPMENT	
5.1. Consideration of Second Reading - Bylaw 1074/19 Clearwater County - County of Wetaskiwin No. 10 Intermunicipal Development Plan - Pdf	13 - 44
5.2. Telecommunication Tower Policy - Pdf	45 - 113
6. EMERGENCY & LEGISLATIVE SERVICES	
6.1. Consideration of Second and Third Readings - Bylaw 1075/19 - Clearwater County - Wetaskiwin County No. 10 Intermunicipal Collaboration Framework - Pdf	114 - 122
6.2. Consideration of Second and Third Readings - Bylaw 1078/19 - Brazeau County and Clearwater County Intermunicipal Collaboration Framework - Pdf	123 - 134
6.3. Alberta Community Partnership Grant Application - Pdf	135
7. CORPORATE SERVICES	
7.1. Draft Bylaw 1082/19 - Small Business Sub-Class - Pdf	136 - 141
7.2. Council Christmas Greeting Advertising 2019 - Pdf	142 - 143
7.3. Council Meetings Live Streaming Update - Pdf	144 - 145
7.4. Communications Update - Pdf	146 - 155
8. CAO OFFICE	
8.1. Consideration of Second and Third Readings - Bylaw 1080/19 - Meeting Procedures - Pdf	156 - 200
8.2. Consideration of Second and Third Readings - Bylaw 1081/19 Council	201 - 207

[Committees - Pdf](#)

8.3. [Âsokêwin Friendship Centre Request for Funding - Pdf](#) 208 - 209



9. REPORTS

9.1. [CAO's Report 11.26.2019](#) 210 - 212

9.2. [Public Works Report 11.26.2019](#) 213 - 215

9.3. Councillor Reports

9.4. [Councillor Remuneration October 2019](#) 216 - 221

10. PUBLIC WORKS

10.1. [Sunchild Road Asphalt Overlay Tender Award - Pdf](#) 222 - 223

11. CLOSED SESSION*

* 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

11.1. Land - Third Party Interest; FOIP s. 16 Disclosure Harmful to Business interests of a Third Party

11.2. 1:30 pm TeleSat - Third Party Interest; FOIP s. 16 Disclosure Harmful to Business Interests of a Third Party

11.3. Connect to Innovate Funding Update - Third Party Interest; FOIP s. 16 Disclosure Harmful to Business Interests of a Third Party

12. ADJOURNMENT

Minutes of a Regular Council Meeting of Clearwater County, Province of Alberta, held November 5, 2019, in the Clearwater County Council Chambers in Rocky Mountain House.

1. CALL TO ORDER:

The Meeting was called to order at 9:02 am by Reeve Hoven with the following in attendance:

Reeve
Councillors

Tim Hoven
Jim Duncan
Cammie Laird
Daryl Lougheed
John Vandermeer
Theresa Laing
Michelle Swanson

Staff:

CAO
Recording Secretary
Director, Agriculture &
Community Services
Director, Public Works Infrastructure
Director, Emergency &
Legislative Services
Regional Fire Chief

Rick Emmons
Tracy Haight

Matt Martinson
Erik Hansen

Christine Heggart
Steve Debiegne

Director, Corporate Services
Systems Administrator
Manager, Finance
Rhonda Serhan
Communications Coordinator

Murray Hagan
Mike Bell

Djurdjica Tutic

Media:

Adam Ophus

2. AGENDA ADOPTION:

COUNCILLOR SWANSON:

That the November 5, 2019, Regular Meeting Agenda is adopted as presented.

425/19

CARRIED 7/0

**3. ADOPTION
OF MINUTES:**

3.1 October 22, 2019 Regular Meeting of Council Minutes

COUNCILLOR SWANSON: That the Minutes of the October 22, 2019, Regular Meeting are adopted as presented.

426/19

CARRIED 7/0

3.2 October 22, 2019 Public Hearing Bylaw 1072 Minutes

COUNCILLOR LAIRD: That the Minutes of the October 22, 2019, Public Hearing are adopted as presented.

427/19

CARRIED 7/0

3.3 October 22, 2019 Organizational Meeting of Council Minutes

COUNCILLOR LAING: That the Minutes of the October 22, 2019, Organizational Meeting are adopted as presented.

428/19

CARRIED 7/0

**4. AGRICULTURE
& COMMUNITY
SERVICES:**

4.1 Demolition of Faraway Hall and Skating Rink

M. Martinson presented a request for funding to demolish the Faraway Hall and skating rink from the Faraway Community Society. The Hall and rink are unused due to deterioration and the Society considers that the current condition of these structures create public safety hazards and potential liability issues.

Discussion took place and Administration confirmed the following:
Clearwater County provides liability insurance coverage for rural community halls at no cost to community hall associations.

- A building inspection is required to accurately estimate demolition costs.

COUNCILLOR DUNCAN: Faraway That Council considers Community Society's request to demolish and remove the abandoned Faraway Hall and skating rink during 2020 budget deliberations.

429/19

CARRIED 7/0

5. CORPORATE SERVICES:

5.1 Third Quarter Financial Report

Clearwater County's unaudited third quarter Capital and Operating Financial Report, as of September 30, 2019 was reviewed.

Rhonda responded to questions and estimated educational taxes are 30%

COUNCILLOR SWANSON: September 30, That Council receives the 2019, Capital and Operating Financial Report for information as presented.

430/19

CARRIED 7/0

6. CAO OFFICE:

6.1 Meeting Procedures Bylaw Review

T. Haight presented the draft Meeting Procedures Bylaw 1080 for Council's review. The new bylaw includes sections to address recording and livestreaming of meetings.

Discussion took place and additional amendments were suggested.

COUNCILLOR LAIRD: 1080/19. That Council grants first reading of Meeting Procedures Bylaw

431/19

CARRIED 7/0

6.2 Council Committees Bylaw Review

T. Haight presented the draft Council Committees Bylaw 1081 for Council's review.

COUNCILLOR SWANSON: That Council grants first reading of Council Committees Bylaw 1081/19.

432/19

CARRIED 7/0

7. REPORTS:

7.1 CAO's Report

Discussion took place on the November 5, 2019, CAO's Report as submitted.

COUNCILLOR DUNCAN: That Council authorizes Councillor Vandermeer's attendance at the Caroline Royal Canadian Legion Remembrance Day ceremony on November 11, 2019.

433/19

CARRIED 7/0

COUNCILLOR LAING: That Council authorizes councillors' attendance at Parkland Community Planning Services' 'Joint Use Planning Agreements Research Project' session on November 20, 2019.

434/19

CARRIED 7/0

COUNCILLOR SWANSON:
councillors'

That Council authorizes
attendance at Central Alberta
Economic Partnership's annual
Fall General Meeting on
November 20, 2019.

435/19

CARRIED 7/0

R. Emmons announced that intermunicipal collaboration committee meetings are now scheduled for Clearwater and Lacombe Counties to discuss the draft intermunicipal collaboration framework and development plan for the two municipalities.

COUNCILLOR SWANSON:
Councillors Laird

That Council appoints
and Lougheed to the Lacombe
– Clearwater Intermunicipal
Collaboration Committee
effective from November 5,
2019 to October 27, 2020.

436/19

CARRIED 7/0

7.2 Public Works Report

Discussion took place on the October 22, 2019 Public Works Report, as submitted.

7.3 Councillor Reports

Reeve Hoven and Councillors Swanson and Vandermeer reported on meetings and events they attended on behalf of Clearwater County from October 22 to November 4, 2019.

7.4 Councillor Remuneration

COUNCILLOR VANDERMEER: That Council receives the CAO's Report, Public Works Report, Councillor Remuneration and Councillor Reports and for information as presented.

437/19

CARRIED 7/0

RECESS: Reeve Hoven recessed the meeting at 10:11 am.

CALL TO ORDER: Reeve Hoven called the meeting to order 10:30 am.

8. CLOSED SESSION:

COUNCILLOR VANDERMEER: That Council approves meeting as a Committee of the Whole in a closed session, in accordance with Section 197(2) of the Municipal Government Act; and Section 197 of the Freedom of Information and Protection of Privacy Act (FOIP), to discuss the following items:

8.1 Results of Audit Services Request for Proposal – Third Party Interest FOIP s.16
- Disclosure Harmful to Business Interests of a Third Party; and 8.2 Advice From Officials – Clearwater Regional Fire Rescue Services FOIP s.24 at 10:31 am.

438/19

CARRIED 7/0

Pursuant to Section 197(6) of the Municipal Government Act, the following members of Administration were in attendance in the closed session discussion on 8.1 Results of Audit Services Request for Proposal – Third Party

Interest:

R. Emmons (Advice), M. Hagan (Advice), C. Heggart (Advice), S. Debienne (Advice), R. Serhan (Advice), E. Hansen (Advice) D. Tutic (Advice) and T. Haight (Clerk).

Pursuant to Section 197(6) of the Municipal Government Act, the following members of Administration were in attendance in the closed session discussion on 8.2 Advice From Officials – Clearwater Regional Fire Rescue

Services:

R. Emmons (Advice), M. Hagan (Advice), C. Heggart (Advice), S. Debienne (Advice), E. Hansen (Advice) D. Tutic (Advice), and T. Haight (Clerk).

C. Heggart, S. Debienne, E. Hansen, D. Tutic and T. Haight left the meeting.

COUNCILLOR DUNCAN:

That Council reverts the meeting to an open session at 11:59 am.

439/19

CARRIED 7/0

RECESS: Reeve Hoven recessed the meeting at 11:59 am.

CALL TO ORDER: Reeve Hoven called the meeting to order 12:44 am.

**CLOSED
SESSION:**

COUNCILLOR DUNCAN:

That Council approves meeting as a Committee of the Whole in a closed session, in accordance with Section 197(2) of the Municipal Government Act; and Section 197 of the Freedom of Information and Protection of Privacy Act (FOIP), to discuss the following items:
8.3 Advice From Official – Draft Response *FOIP* s.24; and 8.4 Connect to Innovate Funding Update – Third Party Interest; *FOIP* s.16 - Disclosure Harmful to Business Interests of a Third Party at 12:44 pm.

440/19

CARRIED 7/0

Pursuant to Section 197(6) of the Municipal Government Act, the following members of Administration were in attendance in the closed session discussion on 8.3 Advice From Officials – Draft Response:

R. Emmons (Advice), M. Hagan (Advice), and T. Haight (Clerk).

Pursuant to Section 197(6) of the Municipal Government Act, the following members of Administration were in attendance in the closed session discussion on Item 8.4 Connect to Innovate Funding Update – Third Party

Interest:

R. Emmons (Advice), M. Hagan (Advice), E. Hansen (Advice), C. McDonald (Advice) and T. Haight (Clerk).

COUNCILLOR LOUGHEED:

That Council reverts the meeting to an open session at 4:37 pm.

441/19

CARRIED 7/0

RECESS: Reeve Hoven recessed the meeting at 4:37 pm.

CALL TO ORDER: Reeve Hoven called the meeting to order 4:42 pm.

COUNCILLOR VANDERMEER: That Council extends the meeting past 4:00 pm.

COUNCILLOR LAING: That Council appoints Metrix Group LLP, Chartered Professional Accountants as auditors for Clearwater County for the 2019, 2020 and 2021 fiscal years and, with agreement of both parties, for two optional one-year extensions thereafter.

ADJOURNMENT:

COUNCILLOR LAIRD: That the Meeting adjourns at 4:42 pm.

442/19

CARRIED 7/0

REEVE

CHIEF ADMINISTRATIVE
OFFICER

Section 101 - General Provisions

101-1.01 Purpose and Scope

101-1.02 Definitions

101-1.03 Construction

101-1.04 Interpretation

101-1.05 Severability

101-1.06 Repeal

101-1.07 Effective Date

101-1.08 Short Title



Agenda Item Report

Regular Council Meeting

AIR Type:	Request for Decision
SUBJECT:	Consideration of Second Reading - Bylaw 1074/19 Clearwater County - County of Wetaskiwin No. 10 Intermunicipal Development Plan
PRESENTATION DATE:	Tuesday, November 26, 2019
DEPARTMENT:	Planning & Development
WRITTEN BY:	Jose Reyes, Senior Planner
REVIEWED BY:	Keith McCrae, Director Planning, Rick Emmons, CAO
BUDGET CONSIDERATIONS:	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Funded by Dept <input type="checkbox"/> Reallocation
LEGISLATIVE DIRECTION:	<input type="checkbox"/> None <input checked="" type="checkbox"/> Provincial Legislation (Municipal Government Act 2000) <input type="checkbox"/> County Bylaw or Policy
COMMUNITY BUILDING PILLAR (check all that apply):	
<input type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Governance Leadership <input type="checkbox"/> Fiscal Responsibilities <input checked="" type="checkbox"/> Environmental Stewardship <input checked="" type="checkbox"/> Community Social Growth	
ATTACHMENTS:	
Bylaw No. 1074-19 Schedule A Bylaw 1074-19 Public Comments	

STAFF RECOMMENDATION:

Pending the results of the public hearing, it is recommended Council grant 2nd reading to Bylaw 1074/19, as amended.

BACKGROUND:

At the regular Council meeting held on October 22nd, 2019, Council reviewed and gave first reading to Bylaw 1074/19 which intends to adopt the Clearwater County - County of Wetaskiwin No. 10 Intermunicipal Development Plan (IDP). Subsequently, the County of Wetaskiwin No. 10 gave first reading to Bylaw 2019/49 for the same purpose on November 8, 2019. A public hearing as well as second and third readings of the bylaw are anticipated to take place on December 5th, 2019 at the County of Wetaskiwin administration building. Based on this timing difference, Clearwater planning staff is only recommending second reading today.

The IDP is a statutory/policy plan that is meant to guide planning decisions for lands within (1) mile on each side of the common boundary between the two municipalities.

- Context and background about major features that shape the available options for future land uses in the area (e.g. limits from pipeline setbacks);
- Land use patterns showing the locations for major existing residential, commercial and industrial areas of activity;
- Major existing road and pedestrian corridors and networks;
- Preservation of significant natural features;
- Coordination of economic development efforts;
- Potential sharing of facilities and services;
- Processes for ongoing communication and resolution of issues that may arise; and
- Existing municipal boundaries;
- Processes to administer the plan including an Intermunicipal Committee and process for referring planning applications for comments.

The content of the IDP being presented is the result of several discussions between the two Counties and input collected through a public engagement process.

PLANNING DIRECTION:

Sec 631(1) of the Municipal Government Act 2000 states:

Two or more councils of municipalities that have common boundaries that are not members of a growth region as defined in section 708.01 must, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

REFERRALS/CIRCULATION:

The proposed IDP was available for public review through the Counties websites for two consecutive weeks. Advertisement also occurred in one edition of the Mountaineer and the Western Star. Letters indicating how to access a copy of the proposed IDP, and their opportunity to send in comments, were also sent to landowners within the Plan Area.

Attached to this report are copies of the comments received. They highlight the need to strengthen environmental considerations, particularly watershed protection, within the Plan. Other points included the need to protect wildlife corridors and archeological significant features. Council should note that based on these comments, changes were made to the draft IDP. In the final version, references to the Plan Area being primarily located within the North Saskatchewan Watershed Modeste Sub-basin as well as the Red Deer Watershed Medicine Sub-basin were made. References to the Rose Creek, Horseshoe Creek and Washout Creek and the Horseshoe Creek Natural Area in the Plan Area were also made.

Other public comments including references to geographic, sociological, economic or historical details are being deferred to future and more specific planning documents such as Area Structure Plans and/or Outline plans.

Responses indicating no concerns or standard comments regarding the IDP were received from Alberta Transportation.

RECOMMENDATION:

At the regular Council meeting held on October 22nd, 2019, Council reviewed and gave first reading to Bylaw 1074/19. As required by legislation, notice of today's Public Hearing was advertised in the local newspapers and comments were invited from landowners and referral agencies.

Upon consideration of the representations made at the Public Hearing, Council will consider whether or not to grant second reading to Bylaw 1074/19, as amended.

BYLAW NO. 1074/19

A Bylaw of Clearwater County, in the Province of Alberta, for the purpose of adopting the Clearwater County - County of Wetaskiwin No. 10 Intermunicipal Development Plan.

WHEREAS, Section 631(1) of the Municipal Government Act, RSA 2000, Chapter M-26, as amended, provides that two or more councils may, by each passing a bylaw, adopt an intermunicipal development plan; and

WHEREAS, Clearwater County and the County of Wetaskiwin No. 10 have worked collaboratively to prepare an intermunicipal development plan; and

WHEREAS, the Council of Clearwater County deems it desirable and appropriate to adopt the Clearwater County - County of Wetaskiwin No. 10 Intermunicipal Development Plan;

NOW THEREFORE, the Council of Clearwater County, duly assembled, enacts as follows:

1. That the document titled "Clearwater County - County of Wetaskiwin No. 10" dated October 2019 as attached and forming part of this Bylaw be adopted;

and

2. That this Bylaw shall take effect upon the final passing thereof.

READ a first time this ____ day of _____, 2019.

REEVE

CHIEF ADMINISTRATIVE OFFICER

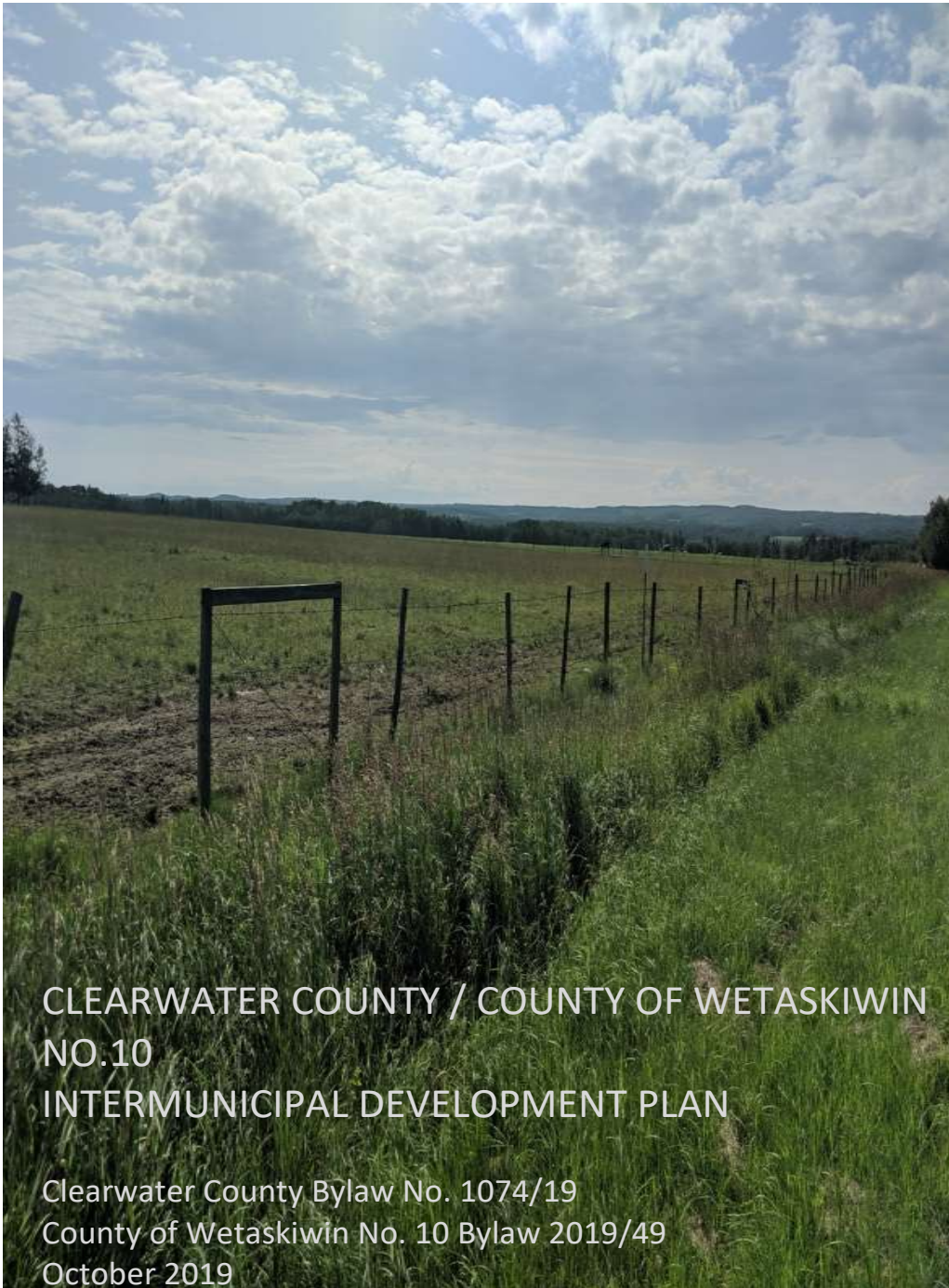
PUBLIC HEARING held this _____ day of _____ A.D., 2019.

READ a second time this ____ day of _____, 2019.

READ a third time and finally passed this ____ day of _____, 2019.

REEVE

CHIEF ADMINISTRATIVE OFFICER



CLEARWATER COUNTY / COUNTY OF WETASKIWIN
NO.10
INTERMUNICIPAL DEVELOPMENT PLAN

Clearwater County Bylaw No. 1074/19
County of Wetaskiwin No. 10 Bylaw 2019/49
October 2019

Table of Contents

A.	INTRODUCTION.....	2
B.	MUNICIPAL PROFILES	2
C.	LEGISLATIVE REQUIREMENTS	3
D.	PLAN AREA.....	3
E.	GOALS	3
F.	EXISTING CHARACTERISTICS OF THE PLAN AREA	5
G.	LAND USE POLICIES.....	7
H.	RESOURCE EXTRACTION	10
I.	INDUSTRY AND ENERGY DEVELOPMENT.....	10
J.	ENVIRONMENTAL MATTERS.....	12
K.	MUNICIPAL INFRASTRUCTURE	14
L.	TRANSPORTATION SYSTEMS	14
M.	UTILITY CORRIDORS	16
N.	PLAN ADMINISTRATION AND IMPLEMENTATION	16
O.	CIRCULATION AND REFERRAL PROCESS	17
P.	DISPUTE/CONFLICT RESOLUTION	18
Q.	CORRESPONDENCE	19

A. INTRODUCTION

- 1) In accordance with the *Municipal Government Act* (“MGA”) Clearwater County and County of Wetaskiwin No. 10 (hereinafter referred to as “Both Counties” or “the Counties”) have agreed to undertake the process for preparing and adopting an Intermunicipal Development Plan (IDP).
- 2) Both Counties recognize that all municipalities are equals and have the right to grow and develop.

B. MUNICIPAL PROFILES

Clearwater County

Clearwater County covers an area of approximately 1,869,165 hectares (4,518,807 acres), with a population of 11,947 (Federal Census, 2016). The County surrounds two urban municipalities, three Indian Reserves, contains five hamlets, one summer villages, and is bordered by eight rural municipalities and two National Parks. The economy of Clearwater County has traditionally centered on oil and gas, mining, agriculture and forestry. Clearwater County has many recreational opportunities with close access to the Rocky Mountains, as well as many lakes and rivers.



County of Wetaskiwin No. 10

The County of Wetaskiwin No. 10 covers an area of approximately 337,900 hectares (835,000 acres), with a population of 11,181 (Federal Census, 2016). The County surrounds two urban municipalities, seven Summer Villages, contains eight hamlets, and borders five rural municipalities and four Indian Reserves. The economy of the County of Wetaskiwin No. 10 is primarily based on agriculture, with some oil and gas developments. With both Pigeon Lake and Buck Lake located in the County of Wetaskiwin No. 10, there has been considerable recreation development within the County and the Summer Villages bordering on these lakes.



C. LEGISLATIVE REQUIREMENTS

- 1) The MGA identifies the following as matters to be addressed for lands within the boundary of the IDP:
 - Future land use;
 - Proposals for and the manner of future development;
 - Conflict resolution procedures;
 - Procedures to amend or repeal the plan; and
 - Provisions relating to the administration of the plan.
- 2) All provincial and federal policies and regulations in effect shall apply and shall prevail over the policies contained in this Plan.

D. PLAN AREA

The Intermunicipal Development Plan Area is defined as one (1) mile (1.6 km) on each side of the common boundary as shown on accompanying map. The policies of this plan are limited to the IDP Area except when specific policies are purposefully worded to cover a wider area or address a topic that extends beyond the IDP Area.

A high level overview of the area near the common boundary between the two municipalities was undertaken to determine the desired extent of the IDP Area. For the most part, the area consists of lands in agricultural use or tree covered lands interspersed with smaller water bodies and water courses. Constraints to development are highly localized. Both Counties have applied “Agricultural” designations under their respective Land Use Bylaws to the vast majority of the lands including Crown Land.

Through their respective municipal development plans and planning practices, both municipalities evaluate future land use changes and potential subdivision and/or development applications by reviewing area structure plans or outline plans and/or Land Use Bylaw amendment. These processes afford each municipality a more accurate assessment of the local site conditions closer to the time that subdivision and/or development are being proposed. It ensures that more current and accurate information is used in these decision making processes. For these reasons, the IDP has limited mapping of the area for the purpose of identifying the lands that make up the IDP Area.

E. GOALS

- 1) The following are goals that have been identified by Clearwater County and the County of Wetaskiwin No. 10 for the Plan Area. Some of the goals are of an on-going nature while some may be seen as more time specific.

- a) Development of land use policies to protect prime agricultural lands from premature re-designation, subdivision and non-farm development.
- b) Effective coordination of transportation systems and protection of required land for future road network developments.
- c) Development of land use policies to ensure that future sites for recreation areas are considered.
- d) Development of a plan for the provision of utility corridors within the Plan Area to provide for future growth and development of the IDP area, and to ensure oil and gas development/pipelines do not inhibit or restrict the future development of the region.
- e) Identification and protection of physical features and environmentally sensitive areas.
- f) Effective referral mechanisms and dispute resolution mechanisms.
- g) Effective plan administration and implementation.

F. EXISTING CHARACTERISTICS OF THE PLAN AREA

1) Key existing characteristics of the Plan Area include:

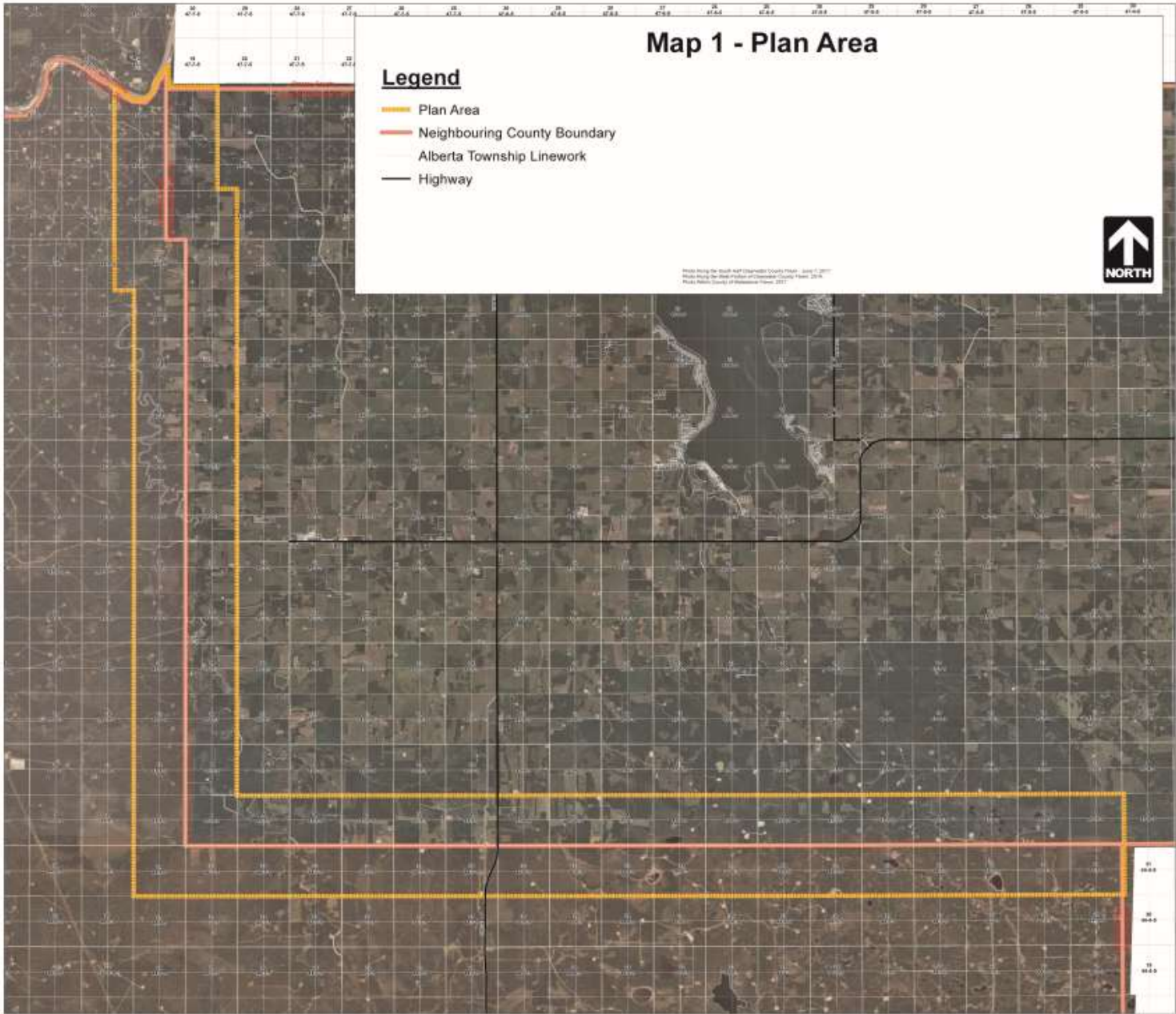
- a) Agricultural Development:
 - i) There is a mix of agricultural operations including grazing and dry land farming.
 - ii) The majority of the land within the Plan Area is designated for agricultural use.
 - iii) Medicine Lake Grazing Reserve also crosses through the Plan Area.
- b) Residential Development:
 - i) The majority of residential development within the Plan Area is comprised of residential farm housing within the Agricultural District serviced by individual septic and water wells.
 - ii) There are a few residential acreage developments scattered throughout the plan area. These residential acreages are serviced by individual septic and water wells.
- c) Transportation Infrastructure:
 - i) One Provincial Highway, Highway 22, provides the main connector between the two Counties, with the majority of the traffic between the two Counties travelling on this highway. There are numerous township roads that connect the two Counties and several range roads along the boundary of the Counties.
- d) Natural Region:
 - i) The Plan Area is primarily located within the Foothills Natural Region with some lands located in the Boreal Natural Region.
- e) Watersheds:
 - i) The Plan Area is primarily located within the North Saskatchewan Watershed Modeste Sub-basin, and the South West portion of the Plan Area is located within the Red Deer Watershed Medicine Sub-basin.
- f) Crown Lands
Both Clearwater County and County of Wetaskiwin No. 10 recognize that a significant portion of the lands located within the plan area are Crown Lands.

Map 1 - Plan Area

- Legend**
- Plan Area
 - Neighbouring County Boundary
 - Alberta Township Linework
 - Highway



Maple Ridge the South West (Edmonton) County Plan - June 17, 2011
Maple Ridge the West (Edmonton) County Plan - June 17, 2011
Maple Ridge the East (Edmonton) County Plan - June 17, 2011



G. LAND USE POLICIES

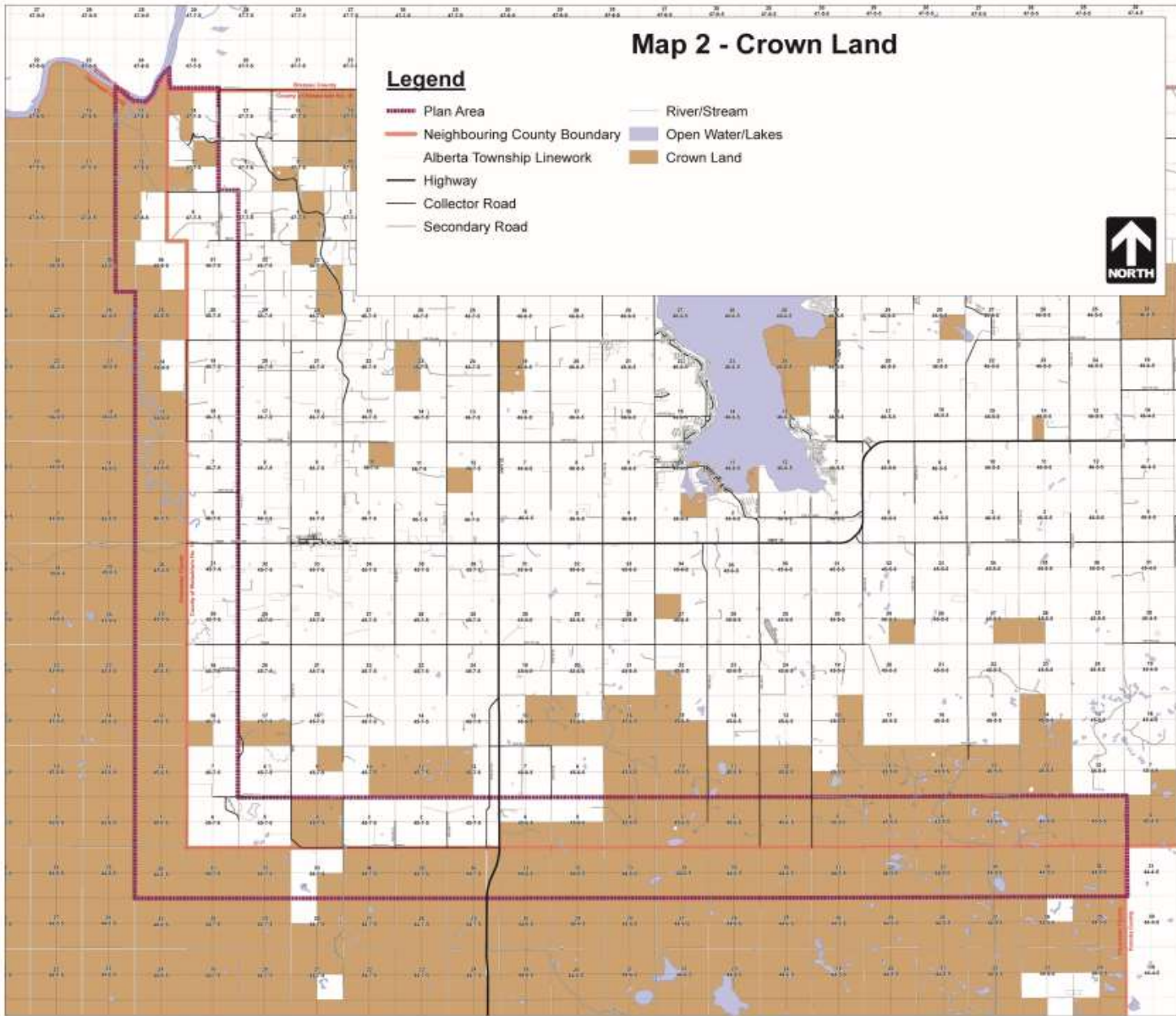
- 1) Both Counties shall strive to engage in effective dialogue when considering land use in the Plan Area, while maintaining complete jurisdiction on lands within their own boundaries.
- 2) Unless otherwise provided in this Plan, the provisions of each County's respective Municipal Development Plan (MDP) regarding land use and development in the Plan Area shall apply.
- 3) All subdivision applications, Land Use Bylaw amendments as well as all new relevant planning documents within the Plan Area will be referred to the other County for comment. All development permit applications approved by either County's Development Authority shall be in accordance with the provisions of this Plan.
- 4) All new or expanding Confined Feeding Operations within the Plan Area requiring registrations or approvals and manure storage facilities requiring authorization under the Agricultural Operations Practices Act shall be referred to the other County for comment.
- 5) Both Counties agree to jointly discuss ways to cooperate with provincial and federal agencies and utility providers to help facilitate the efficient delivery of infrastructure and services that are of a mutual benefit.
- 6) Both Counties shall strive, to the best of their ability and knowledge, to refer all notices of government projects within the Plan Area to the adjacent County.
- 7) Within the Plan Area Both Counties are encouraged to share with the other County the results of all publicly available technical analysis, submitted as part of development applications, where there is potential for impacts on land and bodies of water within the adjacent County.
- 8) Both Counties shall support watershed management and protection best practices.
- 9) Both Counties agree that development of lands that are within the Plan Area may contain a historically significant site. Should an area be deemed to have some historical significance, the developer may be required to conduct a Historical Resource Impact Assessment (HRIA) and should contact the appropriate Provincial Government Department regarding the development.
- 10) The following land use provisions will apply to all new agricultural development within Plan Area:
 - a) Both Counties agree that agriculture and grazing will continue to be the primary use of land in the Plan Area, and non-agricultural uses should be considered only in such areas where they will not negatively impact agriculture and grazing.

- b) Both Counties will work cooperatively to encourage good neighbour farming practices, such as dust, weed and insect control adjacent to developed areas, through best management practices and Alberta Agricultural guidelines.
 - c) If disputes or complaints in either County arise between ratepayers and agricultural operators, the County receiving the complaint shall strive to direct the affected parties to the appropriate agency, government department or County for consultation or resolution wherever necessary.
- 11) Both Clearwater County and County of Wetaskiwin No. 10 recognize the potential demand for future commercial lands within the IDP area adjacent to Highway 22. No lands have been identified for future commercial development within the IDP area. Any future proposal shall be evaluated by the opposite municipality within the context of a planning document.
- 12) In considering subdivision and development permit applications in the Plan Area, the respective County Subdivision and Development Authorities will ensure the proposed project is compatible with the adjacent uses.
- 13) All appeals of developments and subdivisions within the Plan Area will be considered by the governing County's Subdivision and Development Appeal Board, excepting those where there is a Provincial requirement for the appeal to be referred to the Municipal Government Board.

Map 2 - Crown Land

Legend

- Plan Area
- Neighbouring County Boundary
- Alberta Township Linework
- Highway
- Collector Road
- Secondary Road
- River/Stream
- Open Water/Lakes
- Crown Land



H. RESOURCE EXTRACTION

- 1) Both Counties recognize the importance of resource extraction to the local economy and to the maintenance of transportation routes and other infrastructure.
- 2) The Counties shall consider the effects of visual intrusion, dust, noise, traffic, and air and water pollution when evaluating applications for new or expanded gravel pits, or other extractive activities, within the Plan Area where they maintain jurisdiction.
- 3) Within the Plan Area, each County will notify the adjacent County of any resource development proposal and provide an opportunity of comment. In the event the resource development results in access being required from a road under the control or management of the other County, the County having control or management of the road must give its approval for the use of a road, in writing, prior to the application being considered as complete by the other County.
- 4) Either County may require an agreement regarding the construction, repair, and maintenance of any municipal roads, which may be impacted by resource development, when the development requires access to come from the other County's road.
- 5) If either Clearwater County or the County of Wetaskiwin No. 10 is in receipt of a notice for new or expanded Alberta Transportation gravel pit within the Plan Area, they shall forward a copy of the notice to the other County.

I. INDUSTRY AND ENERGY DEVELOPMENT

- 1) Both Counties recognize the important role that industry and energy development play in supporting the local and regional economy.
- 2) Lands under consideration for industrial development that do not currently allow for a proposed use, shall be required to redesignate to a suitable land use district.
- 3) Both Clearwater County and County of Wetaskiwin No. 10 recognize that existing energy infrastructure may pose constraints for future development within the plan area, particularly in the north portion of the plan area.
 - a) Both Counties shall cooperate with industry to mitigate any existing constraints.
- 4) The Counties will encourage the location of Renewable Energy developments within the Plan Area:
 - a) where compatible with existing land uses,
 - b) in consideration of comments from the adjacent County.
- 5) Logging on Crown land shall follow the Provincial approval process. Logging on municipal land or privately-owned land in the IDP area shall follow the approval process of the County having jurisdiction. If the

proposed haul route includes roads within the jurisdiction of the responding County, the application shall be circulated to the responding County for comment and landowners adjacent to the haul route. The responding County's Administration may support the route if the impact is acceptable and subject to the applicable Agreement(s) for the upgrade or maintenance of the road. If the impact is unacceptable to the responding County's Administration, the route will not be supported, and the applicant will have to propose an alternative route.

- 6) Crown land as described in Section 618 of the MGA is exempt from Part 17 Planning and Development. Each County shall encourage the Crown to apply the host County's statutory plan and Land Use Bylaw requirements to the development of leased Crown land.

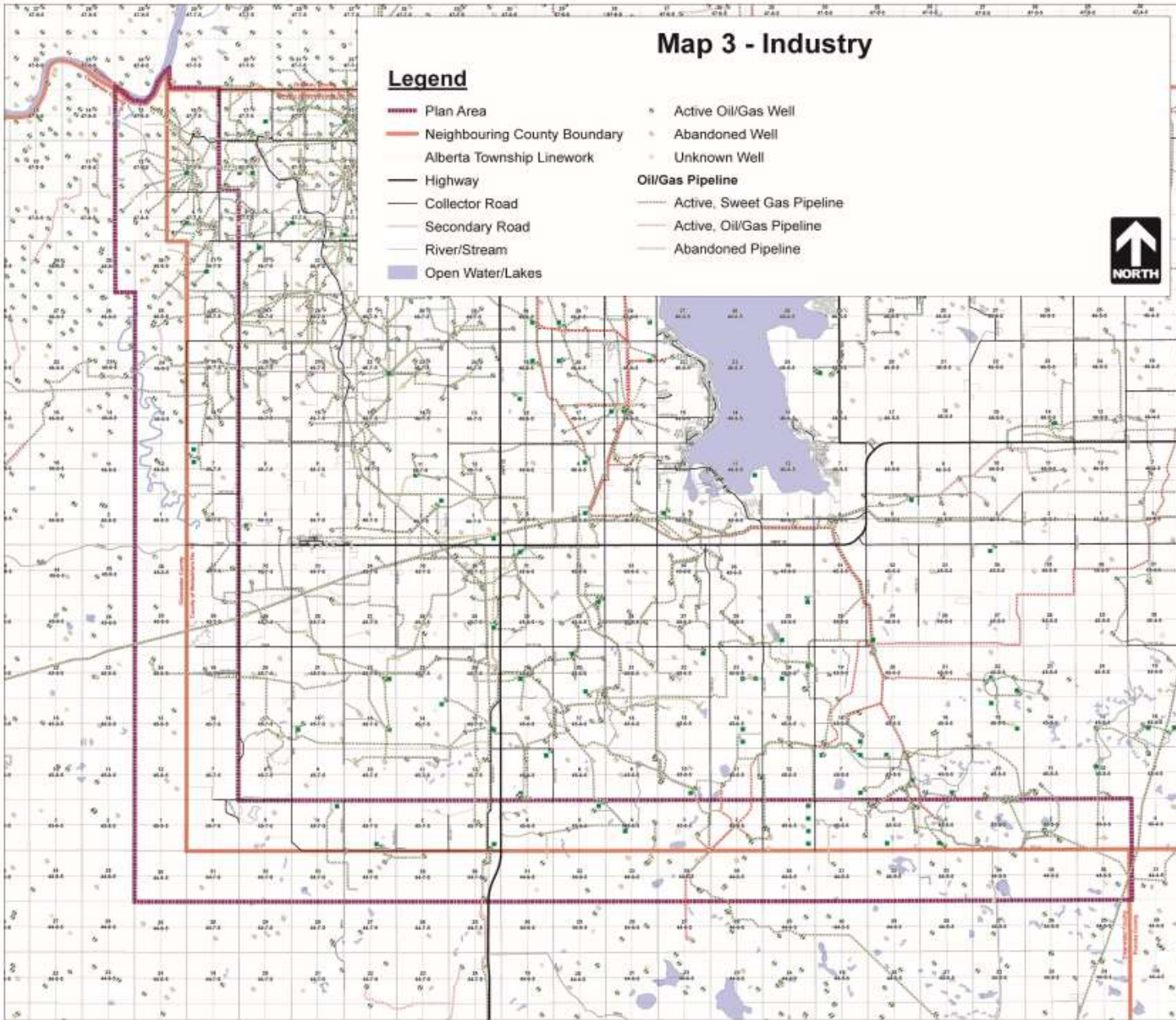
J. ENVIRONMENTAL MATTERS

- 1) Both Counties will promote environmental stewardship and the health of the regional ecosystem, watersheds, and environmentally significant areas in the Plan Area.
- 2) Environmentally Significant Areas:
Lands adjacent to the North Saskatchewan River have been identified as environmentally significant areas.
 - a) Rose Creek, Horseshoe Creek and Washout Creek flow through the Plan Area.
 - b) Both Counties recognize that Horseshoe Creek Natural Area is not in the Plan Area but is directly adjacent to the Plan Area.
- 3) Land use and development on hazard lands such as flood prone or steep slopes is generally discouraged, but where it is considered by the host County, it shall be carefully regulated by existing MDP & LUB policy such that there is no negative effect on the adjacent County.
- 4) Landowners and residents shall be encouraged to follow water conservation practices, as established by their respective County.
- 5) Both Counties will endeavour to ensure all sources of potable water supplies within their respective jurisdictions are protected and meet provincial guidelines for water quality.
- 6) Environmental protection measures shall be implemented as provided for by the MDP policies and Land Use Bylaw of the municipality having jurisdiction over the subject land.
- 7) Both Counties agree that development of lands within the Plan Area may impact environmentally significant sites. Development in these areas may be required to:
 - a) conduct an environmental impact assessment (EIA); and,
 - b) contact Alberta Environment and Parks regarding the development.
- 8) Recreation Development:
Both Clearwater County and County of Wetaskiwin No. 10 recognize the potential for demand for future recreational zoned lands within the IDP area.

Map 3 - Industry

Legend

- Plan Area
- Neighbouring County Boundary
- Alberta Township Linework
- Highway
- Collector Road
- Secondary Road
- River/Stream
- Open Water/Lakes
- Active Oil/Gas Well
- Abandoned Well
- Unknown Well
- Oil/Gas Pipeline**
 - Active, Sweet Gas Pipeline
 - Active, Oil/Gas Pipeline
 - Abandoned Pipeline



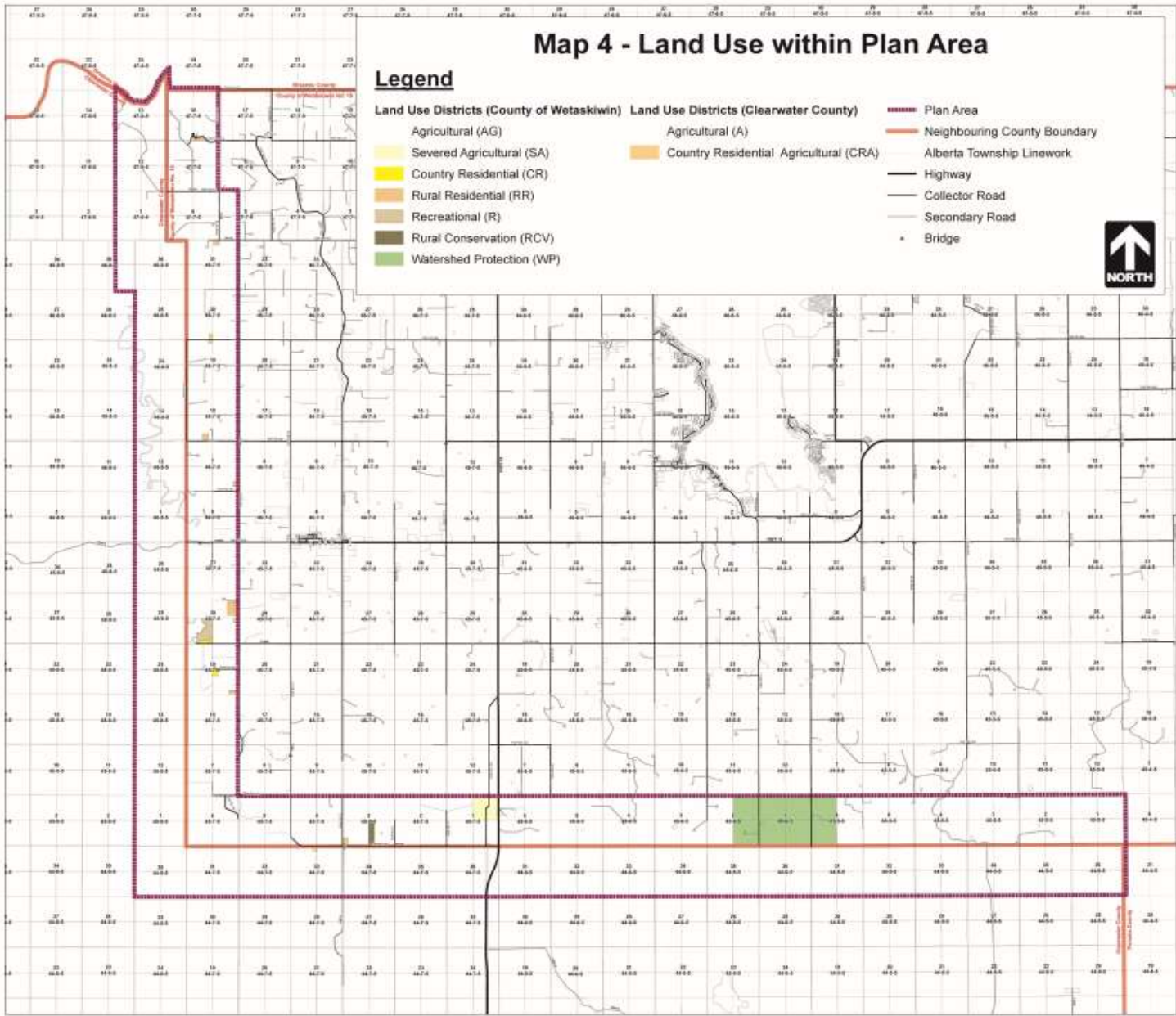
K. MUNICIPAL INFRASTRUCTURE

- 1) Both Counties agree to work together to support the development of municipal infrastructure required to service developments within the Plan Area.
- 2) The Counties will make the most efficient use of infrastructure investments by prioritizing growth around existing infrastructure and optimizing use of new and planned infrastructure in the Plan Area.
- 3) Prior to any joint municipal infrastructure developments proceeding, the Counties will enter into a cost sharing agreement to share the costs of the development based on the prorated benefit to each County.

L. TRANSPORTATION SYSTEMS

- 1) Both Counties will work together to ensure a safe and efficient transportation network is developed and maintained to service the farm operations, residents and businesses within the Plan Area.
- 2) When subdivisions are approved in the Plan Area, all right-of-way requirements will be secured to ensure that long-term transportation and road plans can be implemented when warranted.
- 3) Each County shall be notified of any subdivision or development proposal in the other County that will result in access being required from a road under its control or management.

Map 4 - Land Use within Plan Area



M. UTILITY CORRIDORS

- 1) The continued demand for the location or telecommunications infrastructure and utility servicing has the potential to impact land use within municipalities; however, Both Counties are aware that the jurisdiction of utility approvals is outside of their direct control.
 - a) Where there is an application for a new, expanded or retrofitted telecommunications tower within the Plan Area, Both Counties shall notify the other County to seek their comments.
 - b) When providing a Letter of Concurrence for a new, expanded or retrofitted telecommunications tower, Both Counties shall request telecommunications companies to co-locate within the Plan Area where technically feasible.
 - c) When providing comments to provincial and federal departments regarding utility development within the Plan Area, Both Counties shall request that consideration be given to the establishment of utility corridors with multiple users.
- 2) Both Counties also acknowledge that the development of the oil and gas industry has played an integral part in the development of the region. Both Counties will work with the oil and gas industry to ensure that the orderly development of the Plan Area is not unduly restricted by the development of oil and gas infrastructure, including pipelines.

N. PLAN ADMINISTRATION AND IMPLEMENTATION

- 1) Adoption Process
 - a) This IDP and any amendments to it shall be adopted by bylaw by Both Counties in accordance with the MGA.
 - b) Any amendments to the Municipal Development Plans and Land Use Bylaws of Both Counties required to implement the policies of the Intermunicipal Development Plan should occur as soon as practicable following adoption of this IDP or any amendment to the IDP that establishes or amends policies within this IDP.
- 2) Approving Authorities
 - a) In the hierarchy of statutory plans, the Intermunicipal Development Plan shall take precedence over the other municipal statutory plans.
 - b) Each County shall be responsible for the administration and decisions on all statutory plans, land use bylaws, and amendments thereto within their boundaries.
- 3) Plan Amendments
 - a) An amendment to this Plan may be proposed by either County. An amendment to the Plan proposed by a landowner shall be made to the County in which the subject land is located.
 - b) An amendment to this Plan has no effect unless adopted by Both Counties by bylaw in accordance with the MGA.

- 4) Intermunicipal Cooperation
 - a) The Counties agree to create a recommending body known as the Intermunicipal Committee (hereinafter referred to as the Committee).
 - b) The Committee will meet on an as required basis and will develop recommendations to the County Councils on all matters of strategic direction and cooperation affecting County residents, except matters where other current operating structures and mechanisms are operating successfully. The topics to be discussed will include:
 - i) Long-term strategic growth plans for the Counties as may be reflected in the Intermunicipal Development Plan, Municipal Development Plans, Area Structure Plans and other strategic studies.
 - ii) Intermunicipal and regional transportation issues including the Transportation and Utility Corridors, truck routes.
 - iii) Prompt circulation of major land use, subdivision and discretionary development proposals in either municipality which may impact the other municipality; and
 - iv) The discussion of intermunicipal or multi-jurisdictional issues in lieu of a regional planning system.
 - c) The Committee shall consist of four members, being two Councillors from each County.
 - d) The Chief Administrative Officers and/or designated staff will be advisory staff to the Committee, responsible to develop agendas and recommendations on all matters, and for forwarding all recommendations from the Committee to their respective Councils.

- 5) Plan Review
 - a) Once every four years, commencing no later than 2023, the IDP will be formally reviewed by the Committee in conjunction with the Intermunicipal Collaboration Framework in order to confirm, or recommend amendment, of any particular policy contained herein. The Committee will prepare recommendations for consideration by the municipal councils.

O. CIRCULATION AND REFERRAL PROCESS

- 1) Both Counties agree to refer the following planning proposals within the Plan Area:
 - a) Municipal Development Plans and Municipal Development Plan amendments (28 day response period).
 - b) All relevant planning documents such as; Area Structure Plans, Area Redevelopment Plans, Outline Plans, Concept Plans and amendments (21 day response period).
 - c) Land Use Redesignations (21 day response period).
 - d) Subdivisions (21 day response period).
 - e) Development permits for discretionary uses (21 day response period).
 - f) Road access requests/notices (21 day response period).

P. DISPUTE/CONFLICT RESOLUTION

- 1) Both Counties agree that the following process shall be used to resolve or attempt to resolve disputes between the Counties arising from the following:
 - a) Lack of agreement on proposed amendments to the IDP;
 - b) Lack of agreement on any proposed statutory plan, land use bylaw or amendment thereto for lands located within or affecting the Plan Area; or
 - c) Lack of agreement on an interpretation of this IDP.
- 2) Lack of agreement pursuant to section Q(1)(a) or (b) is defined as a statutory plan, land use bylaw or amendment to either which is given first reading by a Council which the other Council deems to be inconsistent with the policies of this Plan or detrimental to their planning interests as a County.
- 3) A dispute shall be limited to the decisions on the matters listed in section Q(1). Any other appeal shall be made to the appropriate approving authority or appeal board that deals with that issue.
- 4) The dispute resolution process may only be initiated by either County Council.
- 5) Identification of a dispute and the desire to go through the dispute resolution process may occur at any time regarding a dispute matter outlined in section Q(1)(c) and may only occur within 30 calendar days of a decision made pursuant to section Q(2). Once either County has received written notice of a dispute, the dispute resolution process must be started within 15 calendar days of the date the written notice was received, unless both Chief Administrative Officers agree otherwise.
- 6) In the event the dispute resolution process is initiated the County having authority over the matter shall not give any further approval in any way until the dispute has been resolved or the mediation process has been concluded.
- 7) In the event mediation does not resolve the dispute, the County may proceed to adopt the bylaw and in accordance with the *Municipal Government Act*, the other County will have the right to appeal to the Municipal Government Board.

Dispute/Conflict Resolution Process

Stage 1 Administrative Review - The Chief Administrative Officers of Both Counties, or their designates, will meet in an attempt to resolve the issue first. Failing resolution, the dispute will then be referred to the Intermunicipal Committee. In the event a resolution is not achieved by the 30th day following the first meeting of the Chief Administrative Officer of Both Counties, or their designates, either County may refer the dispute to the Intermunicipal Committee.

Stage 2 Intermunicipal Committee Review – The Committee will convene to consider and attempt to resolve the dispute. Failing resolution, the dispute will then be referred to mediation. In the event a resolution is not achieved by the 30th day following the first meeting of the Intermunicipal Committee, either County may refer the dispute to the Mediation.

Stage 3 Mediation – The services of an independent mediator will be retained, with the mediator to present a written recommendation to both Councils. The costs of mediation shall be shared equally between the Counties.

Stage 4 Municipal Government Board – In the event the mediation process does not resolve the dispute, the County may proceed to adopt the bylaw and in accordance with the *Municipal Government Act*, the other County will have the right to appeal to the Municipal Government Board.

Q. CORRESPONDENCE

1) Written notice by mail under this Plan shall be addressed as follows:

a. In the case of Clearwater County to:

**Clearwater County
c/o Chief Administrative Officer
4340 - 47 Avenue,
Box 550
Rocky Mountain House, AB T4T 1A4**

b. In the case of the County of Wetaskiwin No. 10 to:

**County of Wetaskiwin No. 10
c/o Chief Administrative Officer
Box 6960
Wetaskiwin, AB T9A 2G5**

2) In addition to Section R(1), notices may be sent by electronic mail to the Chief Administrative Officer.

**ATTN: County of Clearwater
County of Wetaskiwin**

October 15, 2019

Re: Draft IDP Wetaskiwin County and Clearwater County and
Draft IDP Clearwater County and Wetaskiwin County

In the Draft Documents referenced above both counties have stated and have advertised that they have:

“worked together to prepare an Intermunicipal Development Plan (IDP) for the long-term future of bordering lands. The plan [that] will set the desired path for future development within one (1) on each side of the common boundary.” (The Mountaineer, Highlights:Public Notices; Wetaskiwin County – Clearwater County Intermunicipal Plan, October 1, 2019). Letters saying the same were received by us and by our neighbours on both sides of Twp Rd 450 from their respective counties.

By looking at your “study area map” and “draft IDP” I do not see any specific observed or referenced geographic, sociological, economic, or historical, details or data about this “boundary” area, Township Road 450. And, no “plan” that “will set the desired path for future development” is evident at all. This is and has been my home and neighbourhood for more than three decades.

I expect you to preserve the integrity of this area which is

- a rural neighbourhood,
- a major watershed,
- a Boreal Forest & grey-wooded soil, mixed agricultural area,
- a provincially designated “Provincial Conservation Area”
- a registered trapline area
- a wildlife corridor
- the southernmost portion of The Boreal Forest
- and encompasses an historic & archaeologically significant Indigenous trail from O’Chiese/Sunchild to Medicine Lake

RURAL NEIGHBOURHOOD ENCOMPASSING BOTH SIDES OF TWP RD 450 HERE

Township Road 450 is a neighbourhood. Our neighbourhood is on both sides of the road because our neighbours live on both sides of the road.

We were here before Clearwater County existed---when it was an ID and The Green Area.

However, in our neighbourhood, people travel the 55 km on Highway #22 daily to Rocky Mountain House for employment, banking, shopping, sports, recreation, social events, and school (both of our daughters went to Ecole Rocky Elementary and Will Sinclair from kindergarten to grade 12 for French Immersion from 1987 to 2005.)

Wetaskiwin is 118 km and Rocky is 57 km. Highway #22 is a major highway upgraded & paved in 1987, widened, repaved, and passing lanes added twice since then. Rocky's Nordegg developments are 90 km from Rocky Mountain House, yet no one seems to have difficulty thinking that those residents are part of Rocky. (Nordegg is 33 km farther away from Rocky than we are.) Yet your draft document about our Township Rd 450 and the Clearwater-Wetaskiwin one mile corridor implies that counties on either side of Twp Rd 450 are entirely different entities. East/West County lines were set more than seventy years ago; those are no longer the corridors that people travel. (Wetaskiwin County was established in 1943 and incorporated in 1958).

MAJOR CANADIAN AND INTERPROVINCIAL WATERSHEDS *HERE*

This area is "The Eastern Slopes", a designation given to it by the province of Alberta and outlined in many provincial maps and documents. To quote from the map called "Recreation Areas of the Eastern Slopes" (Alberta Energy & Natural Resources, Alberta Forest Service) this coterminous area is the drainage for two major watersheds for three prairie provinces. Watershed protection in this area is federal & interprovincial.

Watershed protection vital

"The Eastern Slopes have a tremendous capacity to store water.

It's estimated that about 90% of the water supply for the western prairies of Canada is stored here. The main distribution systems flow to Hudson Bay via the North and South Saskatchewan Rivers...." (Recreation Areas of the Eastern Slopes, Alberta Energy and Natural Resources, Alberta Forest Service)

And

"In 1969, the Master Agreement on Apportionment was signed to ensure sufficient water to all three Prairie provinces. To this end, 50 per cent of all natural eastward-flowing water from Alberta must cross the border to recharge Saskatchewan water sources, and 50 per cent of the natural eastward-flowing water from Saskatchewan must cross the border to recharge water in Manitoba." (Lane, C. Alexia; On Fracking, Rocky Mountain Books, 2013, p. 49)

Your IPD Draft erroneously states that the only significant environmental aspect is 'land adjacent to the North Saskatchewan River'. It ignores that this 1 mile wide coterminous boundary is a high point of the Eastern Slopes & flows in two directions (N & S) and your IPD Draft ignores the Horseshoe Creek Conservation Area, the Rose Creek, Washout Creek, the wetlands and marshes, the slopes, etc. (And it does not acknowledge the federal-interprovincial nature of the two major Canadian watersheds that split at the intersection of #22 and Twp Rd 450.)

SPECIAL AREA: BOREAL FOREST & GREY-WOODED SOIL, ANIMAL CORRIDOR, TRAPLINES, AND INDIGENOUS HERITAGE TRAIL *HERE*

The unique agricultural area that is bounded by this Intermunicipal Corridor at Twp Rd 450 spans the southernmost area of The Boreal Forest (National Atlas of Canada). It unites with land that was titled at Twp Rd 450 and all along the Clearwater/Wetaskisin County boundaries to the east of Highway #22, to the west of Twp Rd 450 ("the N/S road to the hamlet of Alder Flats").

Combined with the Watershed that it is, the Wildlife Corridor that it is, this Draft IDP Document needs to outline & ensure that this coterminous area be maintained as is in order to protect the integrity of the interprovincial watersheds and the agricultural/boreal forest ecosystem that has reached a state of equilibrium.

More clearcutting, more agricultural clearing, *more & more* will upset the balance of this area and destroy this unique federal/provincial protected watershed for three Prairie Provinces.

This animal corridor with grandfathered traplines, and the historic heritage & archaeological Medicine Lake Trail of the Indigenous O'Chiese Saulteaux, Sunchild Cree, which runs west-east along this corridor to Medicine Lake, must be protected in the IDP document.

I/we expect to see real detail with references to all of the above in a **re-drafted IDP**.

Sincerely,

Rose Marie Sackela, BA Hon, BEd, MEd
rosemariesakela@hotmail.com
cell: 403-845-8065

Jerome Geiger, Bed, BA, DipEd
jeregeiger@outlook.com
cell: 403-844-1857

Sent by email and hand-delivered to County Offices

Jose Reyes

From: Clearwater County <clearwatercounty@all-net.ca>
Sent: Monday, October 14, 2019 9:26 PM
To: Jose Reyes
Subject: New - Clearwater-Wetaskiwin DRAFT IDP Comment Form

Clearwater County

Clearwater-Wetaskiwin DRAFT IDP Comment Form

Clearwater-Wetaskiwin DRAFT IDP Comment Form

If you live in the plan area outlined in Map 1 (see image above), or are interest in this project, you are invited to comment on this draft IDP. Comments will be accepted until October 4, 2019. Summarized comments will be presented to both municipalities. Once the IDP is finalized a notice of public hearing will be mailed to all landowners within the plan area two weeks prior to hearing.

Do you have any comments or concern regarding any of the sections in the draft IDP?

This is a rural neighborhood. We live in an important watershed. This is an important Eastern slope area. Some Grey wooded agriculture can be supported and save the water as long as much of the borial forest is intact. On both sides of this road twp 450 we are a neighborhood. Most of us do our business in Rocky and even work in Rocky mountain house which is only 55 km from my house and not 118 km like it is to wetaskiwin. There are many important environmental considerations in this twp Rd 450. the horseshoe creek conservation area north of me, the rose creek south of me is not just part of the watershed it is also an important wildlife corridor. Twp Rd 450 west of hw 22 is all part of the north saskatchewan River watershed. East of hw22 all the land is part of the medicine River

watershed which feeds the red deer river and the south saskatchewan river. There are registered trap lines and a archeological significant indeginous trail front sunchild ochiese reserve to the medicine river. We want to preserve the integrity of this significant watershed and borial area and our neighborhood. Otti gohrbandt

If you have any other specific comments, suggestions, or questions; please use the field below.

Send me an email of my comments.

November 7, 2019

File: Clearwater County (ASP) & County of Wetaskiwin (ASP)

Clearwater County
P.O. Box 550
4340 - 47 Avenue
Rocky Mountain House, AB T4T 1A4
Sent via email to: jreyes@clearwatercounty.ca

Attention: Jose Reyes, Senior Planner

RE: CLEARWATER COUNTY / COUNTY OF WETASKIWIN NO.10 INTERMUNICIPAL DEVELOPMENT PLAN

With reference to the above, I would advise that we have no objections to the proposed Clearwater County & County of Wetaskiwin No. 10 Intermunicipal Development Plan. Please find below our comments for your consideration:

Section G.11 – Land Use Policies & Section L – Transportation Systems:

- As the land use approval authorities, the County of Wetaskiwin and Clearwater County are responsible for all required intersection improvements and addressing impacts on the provincial highway network resulting from land use decisions and corresponding development approvals.
- It's our understanding that the County of Wetaskiwin is the road authority of Township Road 450 at the Highway 22 intersection. Currently it appears that most development traffic using Township Road 450 are from the County of Wetaskiwin. There may be a future scenario where additional development traffic from Clearwater County will use Township Road 450. If the adjacent lands around Hwy 22 develop, coordination between the County of Wetaskiwin and Clearwater County may be needed to cost share the Twp Rd 450 and Hwy 22 intersection upgrade.

Section H.5 – Resource Extraction:

- Alberta Transportation's Development and Planning Section will also provide the Gravel Pit Coordinator a suggestion to copy neighbouring municipalities' notice for any new Alberta Transportation gravel pits.

If you have any questions, please contact me or Carly Cowles at 403-340-5166. Thank you for the referral and opportunity to comment.

Sincerely,



Sandy Choi
Development & Planning
SC/sc



Agenda Item Report

Regular Council Meeting

AIR Type:	Request for Decision
SUBJECT:	Telecommunication Tower Policy
PRESENTATION DATE:	Tuesday, November 26, 2019
DEPARTMENT:	Planning & Development
WRITTEN BY:	Kim Gilham, Senior Planner
REVIEWED BY:	Keith McCrae, Director & Rick Emmons, CAO
BUDGET CONSIDERATIONS:	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept <input type="checkbox"/> Reallocation
LEGISLATIVE DIRECTION:	<input checked="" type="checkbox"/> None <input type="checkbox"/> Provincial Legislation <input type="checkbox"/> County Bylaw or Policy
COMMUNITY BUILDING PILLAR (check all that apply):	
<input type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Governance Leadership <input type="checkbox"/> Fiscal Responsibilities <input type="checkbox"/> Environmental Stewardship <input type="checkbox"/> Community Social Growth	
ATTACHMENTS:	
ISED - Radiocommunication and Broadcasting Antenna Systems ISED - Guide to Developing an Antenna System Siting Policy FCM and CWTA - Antenna System Siting Protocol Template ISED - Cell Tower Diagram	

STAFF RECOMMENDATION:

That Council directs Administration on how to proceed regarding the creation of a telecommunication tower and antenna systems siting policy.

BACKGROUND:

On June 26, 2014 Industry Canada, now known as Innovation, Science and Economic Development Canada (ISED) released the *Radiocommunication and Broadcasting Antenna Systems* client procedures circular (see attachment). An “antenna system” is normally composed of an antenna and some sort of supporting structure, normally a tower. The procedures circular outlines the mandate based on the *Radiocommunication Act*, who is required to apply and follow the document procedures, co-location requirements, land-use authority referral and process, public consultation, dispute resolution, exclusions, radio frequency exposure limits, proximity to broadcasting undertakings, Canadian environmental assessment, and aeronautical safety.

The section that specifically applies to Clearwater County and all other municipalities is Section 4 – Land-use Authority and Public Consultation. A proponent (anyone who is planning to install or modify an antenna system) as per this document must always contact the applicable land-use authority to determine the local consultation requirements. The proponents must follow the land-use consultation process for the siting of antenna system established by the land-use authority, where one exists. If the land-use authority does not have an established process, then the proponents are required to follow ISED's Default Public Consultation Process which is also laid out in the circular. ISED believes it is important for proponents to receive input from land-use authorities prior to install or making changes to antenna systems and, unless the proposal meets the exclusion criteria set out in Section 6 of the document, proponents must consult with the local land-use authority. This consultation process allows for the discussion of site options, address relevant concerns from both the land-use authority and the community, as well as obtain concurrence or non-concurrence from the land-use authority.

ISED encourages land-use authorities to establish reasonable, relevant, and predictable consultation processes specific to antenna systems that should consider:

- the designation of suitable contacts or responsible officials;
- proposal submission requirements;
- public consultation;
- documentation of the concurrence process; and
- the establishment of milestones to ensure consultation process completion within 120 days.

Under this process land-use authorities may exclude from consultation any antenna system installation in addition to those identified in Section 6 of the *Radiocommunication and Broadcasting Antenna Systems* document such as personal antenna systems used for reception of services. Also, the land use authority can request that all proponents installing a new antenna system contact the municipality and inform them of the installation, regardless of any exemptions so that we can respond to public inquiry, maintain records and engage in meaningful dialogue with the proponent with respect to the appearance.

Following the release of the *Radiocommunication and Broadcasting Antenna Systems* circular, Industry Canada issued the *Guide to Assist Land-use Authorities in Developing Antenna System Siting Protocols* in August of 2014 (see attachment). ISED believes that land-use authorities (LUAs) and proponents can find solutions which address reasonable and relevant concerns or point the way to alternative antenna system siting arrangements. Accordingly, ISED encourages LUAs to develop local protocols to manage the process of identifying their own concerns, as well as those of the public they represent, regarding antenna system modifications or installations.

The *Guide* document includes a very basic general protocol template with elements they believe would be helpful to include in an Antenna Siting Protocol Policy. Those elements are:

- Objectives
- Jurisdiction
- Consultation with the LUA which may include:
 - criteria for excluding additional antenna systems;
 - process for notification;
 - list of required documents and drawings;
 - fees, if any;
 - the means by which the LUA will indicate concurrence; and

- process time frames that respect those established in the *Radiocommunication and Broadcasting Antenna Systems* circular.
- Public Consultation

LUAs may wish to consider the following when developing consultation protocols:

- the type of structure;
- the intended use of the structure;
- the effect on significant natural or cultural features; and
- the landscaping, access control, fencing and road access.

Furthermore, LUAs can:

- encourage the placement of new towers in commercial, industrial/agricultural area and utility or roadway easements;
- ask the proponent to suggest various options for clarification; and
- identify preferred criteria for antenna structure siting for new structures that exceed a specified height.

The *Guide* document also mentions things that the siting protocols should not address that are subject to federal requirements such as Health Canada's Safety Code 6, Canadian Environmental Assessment Act, and Aeronautical Safety.

The final document staff would like to address is the *Antenna System Siting Protocol Template* developed by the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunication Association (CWTA) (see attachment). This document is a base template that includes several important features as suggested in the ISED *Guide* document with significant detail and information that is pulled directly from the ISED documents. In addition to the information that is provided in the template they have indicated areas where more detail will be required depending on the municipality that adopts the protocol and their preferences.

During our research of other municipalities processes and policies we found that a few municipalities, such as Smoky Lake County and the City of Lacombe created policies that were almost directly copied from the *Template* created by FCM and CWTA. Other municipalities opted to create a shorter and simpler policy document with basic requirements while some still require the proponent to go through a development permit process. The challenge with requiring a development permit is that the permit can be appealed to the Subdivision and Development Appeal Board (SDAB). If the SDAB then turns over the decision and a previously approved tower is then refused the community and affected landowners may be under the impression that the process is complete, and the tower will not be constructed. However, the County does not have the power to veto the decision of ISED and the tower could still be approved and constructed as the final decision is under federal jurisdiction. With a policy in place we would be able to mitigate concerns and have some restrictions incorporated that would be similar to the conditions we previously required on our development permits, such as minimum setbacks from property boundaries, fencing and safety measures, signage, co-location, and access.

Therefore, at this time staff is looking for direction on how Council would like staff to proceed regarding telecommunication towers and antenna systems. Currently, Clearwater County does not have a siting protocol in place and during their regular Council Meeting of May 9, 2017 Council decided that they would like to amend the Land Use Bylaw by designating telecommunication towers

as a “deemed approved use”; and, the removal of development permit fees for both private and commercial telecommunication towers. Staff has been following this decision but has not brought an official amendment to the Land Use Bylaw to Council for approval.

Administration would like to present the following options:

1. Create a tower siting policy as recommended by Innovation, Science and Economic Development Canada to guide the location of telecommunication towers within Clearwater County. Amend the Land Use Bylaw to reflect that antenna systems are federal jurisdiction and a siting protocol is in place to allow for input.
2. Proceed with the amendment to the Land Use Bylaw to reflect the decision of Council on May 9, 2017. This would require the proponents to contact the County and landowners as per ISEDs Default Public Consultation Process.



Industry
Canada

Industrie
Canada

CPC-2-0-03

Issue 5

Released: June 26, 2014

Effective: July 15, 2014

Spectrum Management and Telecommunications

Client Procedures Circular

Radiocommunication and Broadcasting Antenna Systems

Aussi disponible en français – CPC-2-0-03

Canada

Page 5 of 69

Comments and suggestions may be directed to the following address:

Industry Canada
Spectrum Management Operations Branch
235 Queen Street
Ottawa, Ontario
K1A 0H5

Attention: DOSP

Via e-mail: spectrum_pubs@ic.gc.ca

All [Spectrum Management and Telecommunications](#) publications are available on the following website at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/home>.

Contents

1.	Introduction.....	3
1.1	Mandate.....	3
1.2	Application.....	3
1.3	Process Overview.....	3
2.	Industry Canada Engagement.....	4
3.	Use of Existing Infrastructure (Sharing).....	4
4.	Land-use Authority and Public Consultation	5
4.1	Land-use Authority Consultation.....	6
4.2	Industry Canada’s Default Public Consultation Process	7
4.3	Concluding Consultation	9
4.4	Post-Consultation.....	11
5.	Dispute Resolution Process	11
6.	Exclusions	11
7.	General Requirements.....	12
7.1	Radio Frequency Exposure Limits.....	13
7.2	Radio Frequency Immunity	14
7.3	Proximity of Proposed Structure to Broadcasting Undertakings.....	14
7.4	Canadian Environmental Assessment Act.....	14
7.5	Aeronautical Safety.....	15
	Appendix 1 – Industry Canada’s Default Public Consultation Process - Public Notification Package	17

1. Introduction

Radiocommunication and broadcasting services are important for all Canadians and are used daily by the public, safety and security organizations, government, wireless service providers, broadcasters, utilities and businesses. In order for radiocommunication and broadcasting services to work, antenna systems including masts, towers, and other supporting structures are required. Antenna systems are normally composed of an antenna and some type of supporting structure, often called an antenna tower. Most antennas have their own integral mast so that they can be fastened directly to a building or a tower. There is a certain measure of flexibility in the placement of antenna systems which is constrained to some degree by: the need to achieve acceptable coverage for the service area; the availability of sites; technical limitations; and safety. In exercising its mandate, Industry Canada believes that it is important that antenna systems be deployed in a manner that considers the local surroundings.

1.1 Mandate

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radiocommunication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in this document when installing or modifying an antenna system. Also, the installation of an antenna system or the operation of a currently existing antenna system that is not in accordance with this process may result in its alteration or removal and other sanctions against the operator in accordance with the *Radiocommunication Act*.

1.2 Application

The requirements of this document apply to anyone (referred to in this document as the proponent) who is planning to install or modify an antenna system,¹ regardless of the type. This includes telecommunications carriers,² businesses, governments, Crown agencies, operators of broadcasting undertakings and the public (including for amateur radio operation and over-the-air TV reception). Anyone who proposes, uses or owns an antenna system must follow these procedures. The requirements also apply to those who install towers or antenna systems on behalf of others or for leasing purposes (“third party tower owners”). As well, parts of this process contain obligations that apply to existing antenna system owners and operators.

1.3 Process Overview

This document outlines the process that must be followed by proponents seeking to install or modify antenna systems. The broad elements of the process are as follows:

¹ For the purposes of this document, an “antenna system” is normally composed of an antenna and some sort of supporting structure, normally a tower. Most antennas have their own integral mast so that they can be fastened directly to a building or a tower. Thus, where this document refers to an “antenna,” the term includes the integral mast.

² For the purpose of this document, a “telecommunications carrier” means a person who owns or operates a transmission facility used by that person or another person to provide telecommunications services to the public for compensation.

1. Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures.
2. Contacting the land-use authority (LUA) to determine local requirements regarding antenna systems.
3. Undertaking public notification and addressing relevant concerns, whether by following local LUA requirements or Industry Canada's default process, as is required and appropriate.
4. Satisfying Industry Canada's general and technical requirements.
5. Completing the construction.

It is Industry Canada's expectation that steps (2) to (4) will normally be completed within **120 days**. Some proposals may be excluded from certain elements of the process (see Section 6). It is Industry Canada's expectation that all parties will carry out their roles and responsibilities in good faith and in a manner that respects the spirit of this document. If the requirements of this document are satisfied and the proposal proceeds then, under step (5), construction of the antenna system must be completed within three years of conclusion of consultation.

2. Industry Canada Engagement

There are a number of points in the processes outlined in this document where parties must contact Industry Canada to proceed. Further, anyone with any question regarding the process may contact the local Industry Canada office³ for guidance. Based on a query by an interested party, Industry Canada may request parties to provide relevant records and/or may provide direction to one or more parties to undertake certain actions to help move the process forward.

3. Use of Existing Infrastructure (Sharing)⁴

This section outlines the roles of proponents and owners/operators of existing antenna systems. In all cases, parties should retain records (such as analyses, correspondence and engineering reports) relating to this section.

Before building a new antenna-supporting structure, Industry Canada requires that proponents first explore the following options:

- consider sharing an existing antenna system, modifying or replacing a structure if necessary;

³ Please refer to Radiocommunication Information Circular RIC-66 for a list of addresses and telephone numbers for Industry Canada's regional and district offices. [RIC-66](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html) is available via the Internet at: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html.

⁴ See also Client Procedures Circular CPC-2-0-17, *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*. CPC-2-0-17 is available via the Internet at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09081.html>.

- locate, analyze and attempt to use any feasible existing infrastructure such as rooftops, water towers etc.

A proponent is not normally expected to build a new antenna-supporting structure where it is feasible to locate an antenna on an existing structure, unless a new structure is preferred by the land-use authority.

Owners and operators of existing antenna systems are to respond to a request to share in a timely fashion and to negotiate in good faith to facilitate sharing where feasible. It is anticipated that 30 days is reasonable time for existing antenna system owners/operators to reply to a request by a proponent in writing with either:

- a proposed set of reasonable terms to govern the sharing of the antenna system; or
- a detailed explanation of why sharing is not possible.

4. Land-use Authority and Public Consultation

Contacting the Land-use Authority

Proponents must always contact the applicable land-use authorities to determine the local consultation requirements and to discuss local preferences regarding antenna system siting and/or design, unless their proposal falls within the exclusion criteria outlined in Section 6. If the land-use authority has designated an official to deal with antenna systems, then proponents are to engage the authority through that person. If not, proponents must submit their plans directly to the council, elected local official or executive. The 120-day consultation period commences only once proponents have formally submitted, in writing, all plans required by the land-use authority, and does not include preliminary discussions with land-use authority representatives.

Proponents should note that there may be more than one land-use authority with an interest in the proposal. Where no established agreement exists between such land-use authorities, proponents must, as a minimum, contact the land-use authority(ies) and/or neighbouring land-use authorities located within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. As well, in cases where proponents are aware that a potential Aboriginal or treaty right or land claim may be affected by the proposed installation,⁵ they must contact Industry Canada in order to ensure that the requirements for consultation are met.

Following the Land-use Authority Process

Proponents must follow the land-use consultation process for the siting of antenna systems, established by the land-use authority, where one exists. In the event that a land-use authority's existing process has no public consultation requirement, proponents must then fulfill the public consultation requirements contained in Industry Canada's Default Public Consultation Process (see Section 4.2). Proponents are not required to follow this requirement if the LUA's established process explicitly excludes their type of

⁵ Proponents are encouraged to refer to local community and online resources (for example, the Aboriginal and Treaty Rights Information System (ATRIS) (http://sidait-atris.aadnc-aandc.gc.ca/atris_online/home-accueil.aspx) as applicable.

proposal from consultation or it is excluded by Industry Canada's criteria.⁶ Where proponents believe the local consultation requirements are unreasonable, they may contact the local Industry Canada office in writing for guidance.

Broadcasting Undertakings

Applicants for broadcasting undertakings are subject to Canadian Radio-television and Telecommunications (CRTC) licensing processes in addition to Industry Canada requirements. Although Industry Canada encourages applicants to consult as early as practical in the application process, in some cases it may not be prudent for the applicants to initiate public and municipal/land-use consultation before receiving CRTC approval, as application denial by the CRTC would have result in unnecessary work for all parties involved. Therefore, assuming that the proposal is not otherwise excluded, broadcasting applicants may opt to commence land-use consultation after having received CRTC approval. However, broadcasting applicants choosing this approach are required, at the time of the CRTC application, to notify the land-use authority with a Letter of Intent outlining a commitment to conduct consultation after receiving CRTC approval. If the land-use authority raises concerns with the proposal as described in the Letter of Intent, applicants are encouraged to engage in discussions with the land-use authority regarding their concerns and attempt to resolve any issues. Refer to Broadcasting Procedures and Rules, Part 1 (BPR-1), for further details.

4.1 Land-use Authority Consultation

Industry Canada believes that any concerns or suggestions expressed by land-use authorities are important elements to be considered by proponents regarding proposals to install, or make changes to, antenna systems. As part of their community planning processes, land-use authorities should facilitate the implementation of local radiocommunication services by establishing consultation processes for the siting of antenna systems.

Unless the proposal meets the exclusion criteria outlined in Section 6, proponents must consult with the local land-use authority(ies) on any proposed antenna system prior to any construction. The aim of this consultation is to:

- discuss site options;
- ensure that local processes related to antenna systems are respected;
- address reasonable and relevant concerns (see Section 4.2) from both the land-use authority and the community they represent; and
- obtain land-use authority concurrence in writing.

Land-use authorities are encouraged to establish reasonable, relevant, and predictable consultation processes⁷ specific to antenna systems that consider such things as:

⁶ In all cases, telecommunications carriers, broadcasting undertakings and third party tower owners must notify and consult with the local public when proposing a new antenna tower either by following Industry Canada's Default Public Consultation Process or, where one exists, the land-use authority's public consultation process..

⁷ Industry Canada is available to assist land-use authorities in the development of local processes. In addition, land-use authorities may wish to consult Industry Canada's guide for the development of local consultation processes.

- the designation of suitable contacts or responsible officials;
- proposal submission requirements;
- public consultation;
- documentation of the concurrence process; and
- the establishment of milestones to ensure consultation process completion within *120 days*.

Where they have specific concerns regarding a proposed antenna system, land-use authorities are expected to discuss reasonable alternatives and/or mitigation measures with proponents.

Under their processes, land-use authorities may exclude from consultation any antenna system installation in addition to those identified by Industry Canada's own consultation exclusion criteria (Section 6). For example, an authority may wish to exclude from consultation those installations located within industrial areas removed from residential areas, low visual impact installations, or certain types of structures located within residential areas such as personal antenna systems (e.g. used for over the air and satellite television reception or amateur radio operation).

4.2 Industry Canada's Default Public Consultation Process

Proponents must follow Industry Canada's Default Public Consultation Process where the local land-use authority does not have an established and documented public consultation process applicable to antenna siting. Industry Canada's default process has three steps whereby the proponent:

1. provides written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification (i.e. public notification);
2. engages the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal (i.e. responding to the public); and
3. provides an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns (i.e. public reply comment).

Public Notification

1. Proponents must ensure that the local public, the land-use authority and Industry Canada are notified of the proposed antenna system. As a minimum, proponents must provide a notification package (see Appendix 1) to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.), neighbouring land-use authorities, businesses, and property owners, etc.

Municipalities may also wish to refer to the protocol template developed in partnership between the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunications Association (CWTA). The FCM/CWTA template can be found on the [FCM's website](http://www.fcm.ca) www.fcm.ca.

located within a radius of three times the tower height.⁸ The radius is measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc. Public notification of an upcoming consultation must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly reference that the recipient is within the prescribed notification radius of the proposed antenna system.

2. It is the proponent's responsibility to ensure that the notification provides at least 30 days for written public comment.
3. In addition to the minimum notification distance noted above, in areas of seasonal residence, the proponent, in consultation with the land-use authority, is responsible for determining the best manner to notify such residents to ensure their engagement.
4. In addition to the public notification requirements noted above, proponents of an antenna system proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area.⁹ Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

Responding to the Public

Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the local public or land-use authority raises a question, comment or concern relating to the antenna system as a result of the public notification process, then the proponent is required to:

1. respond to the party in writing within **14 days** acknowledging receipt of the question, comment or concern and keep a record of the communication;
2. address in writing all reasonable and relevant concerns within **60 days** of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant; and
3. in the written communication referred to in the preceding point, clearly indicate that the party has **21 days** from the date of the correspondence to reply to the proponent's response. The proponent must provide a copy of all public reply comments to the local Industry Canada office.

⁸ Proponents are advised that municipalities may set reasonable public notification distances appropriate for their communities when establishing their own protocols.

⁹ The notice must be synchronized with the distribution of the public notification package. It must be legible and placed in the public notice section of the newspaper. The notice must include: a description of the proposed installation; its location and street address; proponent contact information and mailing address; and an invitation to provide public comments to the proponent within **30 days** of the notice. In areas without a local newspaper, other effective means of public notification must be implemented. Proponents may contact the local Industry Canada office for guidance.

Responding to reasonable and relevant concerns may include contacting a party by telephone, engaging in a community meeting or having an informal, personal discussion. Between steps 1 and 2 above, the proponent is expected to engage the public in a manner it deems most appropriate. Therefore, the letter at step 2 above may be a record of how the proponent and the other party addressed the concern at hand.

Public Reply Comments

As indicated in step 3 above, the proponent must clearly indicate that the party has **21 days** from the date of the correspondence to reply to the response. The proponent must also keep a record of all correspondence/discussions that occurred within the **21-day** public reply comment period. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.

The factors that will determine whether a concern is reasonable or relevant according to this process will vary but will generally be considered if they relate to the requirements of this document and to the particular amenities or important characteristics of the area surrounding the proposed antenna system. Examples of concerns that proponents are to address may include:

- Why is the use of an existing antenna system or structure not possible?
- Why is an alternate site not possible?
- What is the proponent doing to ensure that the antenna system is not accessible to the general public?
- How is the proponent trying to integrate the antenna into the local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements at this site?
- What are the steps the proponent took to ensure compliance with the general requirements of this document including the *Canadian Environmental Assessment Act* (CEAA), Safety Code 6, etc.?

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

4.3 Concluding Consultation

The proponent may only commence installation/modification of an antenna system after the consultation process has been completed by the land-use authority, or Industry Canada confirms concurrence with the consultation portion of this process, and after all other requirements under this process have been met. Consultation responsibilities will normally be considered complete when the proponent has:

1. concluded consultation requirements (Section 4.1) with the land-use authority;
2. carried out public consultation either through the process established by the land-use authority or Industry Canada's Default Public Consultation Process where required; and
3. addressed all reasonable and relevant concerns.

Concluding Land-use Authority Consultation

Industry Canada expects that land-use consultation will be completed within **120 days** from the proponent's initial formal contact with the local land-use authority. Where unavoidable delays may be encountered, the land-use authority is expected to indicate when the proponent can expect a response to the proposal. If the authority is not responsive, the proponent may contact Industry Canada. Depending on individual circumstances, Industry Canada may support additional time or consider the land-use authority consultation process concluded.

Depending on the land-use authority's own process, conclusion of local consultation may include such steps as obtaining final concurrence for the proposal via the relevant committee, a letter or report acknowledging that the relevant municipal process or other requirements have been satisfied, or other valid indication, such as the minutes of a town council meeting indicating LUA approval. Compliance with informal city staff procedures, or grants of approval strictly related to zoning, construction, etc. will not normally be sufficient.

Industry Canada recognizes that approvals for construction (e.g. building permits) are used by some land-use authorities as evidence of consultation being concluded. Proponents should note that Industry Canada does not consider the fact a permit was issued as confirmation of concurrence, as different land-use authorities have different approaches. As such, Industry Canada will only consider such approvals as valid when the proponent can demonstrate that the LUA's process was followed and that the LUA's preferred method of concluding LUA consultation is through such an approval.

Concluding Industry Canada's Default Public Consultation Process

Industry Canada's Default Public Consultation Process will be considered concluded when the proponent has either:

- received no written questions, comments or concerns to the formal notification within the **30-day** public comment period; or
- if written questions, comments or concerns were received, the proponent has addressed and resolved all reasonable and relevant concerns and the public has not provided further comment within the **21-day** reply comment period.

In the case where the public responds within the **21-day** reply comment period, the proponent has the option of making further attempts to address the concern on its own, or can request Industry Canada engagement. If a request for engagement is made at this stage, Industry Canada will review the relevant material, request any further information it deems pertinent from any party and may then decide that:

- the proponent has met the consultation requirements of this process and that Industry Canada concurs that installation or modification may proceed; or
- the parties should participate in further attempts to mitigate or resolve any outstanding concern.

4.4 Post-Consultation

Whether the proponent followed a land-use authority's consultation process or Industry Canada's default public consultation process, construction of an antenna system must be completed within three years of the conclusion of consultation. After three years, consultations will no longer be deemed valid except in the case where a proponent secures the agreement of the relevant Land-Use Authority to an extension for a specified time period in writing. A copy of the agreement must be provided to the local Industry Canada office.

5. Dispute Resolution Process

The dispute resolution process is a formal process intended to bring about the timely resolution where the parties have reached an impasse.

Upon receipt of a written request from a stakeholder other than the general public, asking for Departmental intervention concerning a reasonable and relevant concern, the Department may request that all involved parties provide and share all relevant information. The Department may also gather or obtain other relevant information and request that parties provide any further submissions if applicable. The Department will, based on the information provided, either:

- make a final decision on the issue(s) in question, and advise the parties of its decision; or
- suggest the parties enter into an alternate dispute resolution process in order to come to a final decision. Should the parties be unable to reach a mutually agreeable solution, either party may request that the Department make a final decision.

Upon resolution of the issue under dispute, the proponent is to continue with the process contained within this document as required.

6. Exclusions

All proponents must satisfy the General Requirements outlined in Section 7 regardless of whether an exclusion applies to their proposal. All proponents must also consult the land-use authority and the public unless a proposal is specifically excluded. Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria below should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponent to consult even though the proposal meets an exclusion noted below. Therefore, when applying the criteria for exclusion, proponents should consider such things as:

- the antenna system's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;

- the location of the proposed antenna system on the property and its proximity to neighbouring residents;
- the likelihood of an area being a community-sensitive location; and
- Transport Canada's marking and lighting requirements for the proposed structure.

The following proposals are excluded from land-use authority and public consultation requirements:

- **New Antenna Systems:** where the height is less than 15 metres above ground level. This exclusion does not apply to antenna systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;
- **Existing Antenna Systems:** where modifications are made, antennas added or the tower replaced¹⁰, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial antenna system installation¹¹. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to antenna systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;
- **Non-Tower Structure:** antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%;¹² and
- **Temporary Antenna Systems:** used for special events or emergency operations and must be removed within three months after the start of the emergency or special event.

No consultation is required prior to performing maintenance on an existing antenna system.

Proponents who are not certain if their proposals are excluded, or whether consultation may still be prudent, are advised to contact the land-use authority and/or Industry Canada for guidance.

Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

7. General Requirements

In addition to roles and responsibilities for site sharing, land-use consultation and public consultation, proponents must also fulfill other important obligations including: compliance with Health Canada's

¹⁰ The exclusion for the replacement of existing antenna systems applies to replacements that are similar to the original design and location.

¹¹ Initial antenna system installation refers to the system as it was first consulted on, or installed.

¹² Telecommunication carriers, operators of broadcasting undertakings and third party tower owners may benefit from local knowledge by contacting the land-use authority when planning an antenna system that meets this exclusion criteria.

Safety Code 6 guideline for the protection of the general public; compliance with radio frequency immunity criteria; notification of nearby broadcasting stations; environmental considerations; and Transport Canada/NAV CANADA aeronautical safety responsibilities.

7.1 Radio Frequency Exposure Limits

Health Canada has established safety guidelines for exposure to radio frequency fields, in its Safety Code 6 publication, entitled: *Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz*.¹³ While the responsibility for developing Safety Code 6 rests with Health Canada, Industry Canada has adopted this guideline for the purpose of protecting the general public. Current biomedical studies in Canada and other countries indicate that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with Safety Code 6.

It is the responsibility of proponents and operators of installations to ensure that all radiocommunication and broadcasting installations comply with Safety Code 6 at all times, including the consideration of combined effects of nearby installations within the local radio environment.

Telecommunications common carriers and operators of broadcasting undertakings are to carry out an exposure evaluation on all new installations and following any increases in radiated power. Either measurement surveys or mathematical or numerical computations can be used for this evaluation. Where the radio frequency emission of any installation, whether telecommunications carrier or broadcasting operator, is greater than, or is equal to, 50%, of the Safety Code 6 limits for uncontrolled environments at locations accessible to the general public (i.e. not solely available for access by workers), the operator(s) of radio frequency emitters must notify Industry Canada and demonstrate compliance with Safety Code 6. This determination of 50% of Safety Code 6 must be in consideration of the local radio environment.

For all proponents following Industry Canada's Default Public Consultation Process, the proponent's notification package must provide a written attestation that there will be compliance with Safety Code 6 for the protection of the general public, including consideration of nearby radiocommunication systems. The notification package must also indicate any Safety Code 6 related signage and access control mechanisms that may be used.

Compliance with Safety Code 6 is an ongoing obligation. At any time, antenna system operators may be required, as directed by Industry Canada, to demonstrate compliance with Safety Code 6 by (i) providing detailed calculations, and/or (ii) conducting site surveys and, where necessary, by implementing corrective measures.¹⁴ At the request of Industry Canada, telecommunications carriers and operators of broadcasting undertakings must provide detailed compliance information for individual installations within five days of the request. Proponents and operators of existing antenna systems must retain copies of all information related to Safety Code 6 compliance such as analyses and measurements.

¹³ To obtain an electronic copy of Safety Code 6, contact: publications@hc-sc.gc.ca.

¹⁴ See Client Procedures Circular [CPC-2-0-20](#), *Radio Frequency (RF) Fields – Signs and Access Control*.

7.2 Radio Frequency Immunity

All radiocommunication and broadcasting proponents and existing spectrum users are to ensure that their installations are designed and operated in accordance with Industry Canada's immunity criteria as outlined in EMCAB-2¹⁵ in order to minimize the malfunctioning of electronic equipment in the local surroundings. Broadcasting proponents and existing undertakings should refer to Broadcasting Procedures and Rules - Part 1, *General Rules* (BPR-1) for additional information and requirements¹⁶ on this matter.

Proponents are advised to consider the potential effect that their proposal may have on nearby electronic equipment. In this way, they will be better prepared to respond to any questions that may arise during the public and land-use consultation processes, or after the system has been installed.

Land-use authorities should be prepared to advise proponents and owners of broadcasting undertakings of plans for the expansion or development of nearby residential and/or industrial areas. Such expansion or development generally results in the introduction of more electronic equipment in the area and therefore an increased potential for electronic equipment to malfunction. By keeping broadcasters aware of planned developments and changes to adjacent land-use, they will be better able to work with the community. Equally, land-use authorities have a responsibility to ensure that those moving into these areas, whether prospective residents or industry, are aware of the potential for their electronic equipment to malfunction when located in proximity to an existing broadcasting installation. For example, the LUA could ensure that clear notification be provided to future prospective purchasers.

7.3 Proximity of Proposed Structure to Broadcasting Undertakings

Where the proposal would result in a structure that exceeds 30 metres above ground level, the proponent is to notify operators of AM, FM and TV undertakings within 2 kilometres, due to the potential impact the physical structure may have on these broadcasting undertakings. Metallic structures close to an AM directional antenna array may change the antenna pattern of the AM broadcasting undertaking. These proposed structures can also reflect nearby FM and TV signals, causing "ghosting" interference to FM/TV receivers used by the general public.

7.4 Canadian Environmental Assessment Act

Industry Canada requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation. This includes the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), where the antenna system is incidental to a physical activity or project designated under CEAA 2012, or is located on federal lands.

An antenna system may not proceed where it is incidental to a designated project (as described in the *Regulations Designating Physical Activities*), or is otherwise expressly designated by the Minister of the

¹⁵ For more information see [EMCAB-2](#), entitled: *Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters* available at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01005.html>.

¹⁶ [BPR-1 - Part I: General Rules](#) can be found on the Spectrum Management and Telecommunications website at: <http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01326e.html>.

Environment without satisfying certain requirements applicable to designated projects. Therefore, a proponent of this type of project must contact Industry Canada for direction on how to proceed.

Any proposed antenna system on federal land may not proceed without a determination of environmental effects by Industry Canada. In order to assist the Department in making such a determination, proponents must submit a project description to Industry Canada, considering and addressing those elements of the environment described in CEAA 2012, as well as any determination of environmental effects that may have been made by the authority responsible for managing the federal land. Industry Canada may also require further information before it can complete its assessment. Industry Canada will inform the proponent of the results of its determination and may impose conditions related to mitigating any adverse effects after making its determination and/or may need to refer the matter to the Governor-in-Council under CEAA 2012.

In addition, notices under Industry Canada's default public consultation process require written confirmation of the project's status under CEAA 2012 (e.g., whether it is incidental to a designated project or, if not, whether it is on federal lands).

In addition to CEAA requirements, proponents are responsible to ensure that antenna systems are installed and operated in a manner that respects the local environment and that complies with other statutory requirements, such as those under the *Canadian Environmental Protection Act, 1999*, the *Migratory Birds Convention Act, 1994*, and the *Species at Risk Act*, as applicable.

For projects north of the 60th parallel, environmental assessment requirements may arise from federal statutes other than the aforementioned Acts or from Comprehensive Land Claim Agreements. Industry Canada requires that installation or modification of antennas or antenna supporting structures be done in accordance with these requirements, as appropriate.

7.5 Aeronautical Safety

Proponents must ensure their proposals for any antenna system are first reviewed by Transport Canada and NAV CANADA.

Transport Canada will perform an assessment of the proposal with respect to the potential hazard to air navigation and will notify proponents of any painting and/or lighting requirements for the antenna system. NAV CANADA will comment on whether the proposal has an impact on the provision of their national air navigation system, facilities and other services located off-airport.

As required, the proponent must:

1. submit an Aeronautical Obstruction Clearance form to Transport Canada;
2. submit a Land-use Proposal Submission form to NAV CANADA;
3. include Transport Canada marking requirements in the public notification package;
4. install and maintain the antenna system in a manner that is not a hazard to aeronautical safety; and

5. retain all correspondence.

For those antenna systems subject to Industry Canada's Default Public Consultation Process, the proponent will inform the community of any marking requirements. Where options are possible, proponents are expected to work with the local community and Transport Canada to implement the best and safest marking options. Proponents should be aware that Transport Canada does not advise Industry Canada of marking requirements for proposed structures. Proponents are reminded that the addition of, or modification to, obstruction markings may result in community concern and so any change is to be done in consultation with the local public, land-use authority and/or Transport Canada, as appropriate.

References and Details

Aeronautical Obstruction Clearance forms are available from any Transport Canada Aviation Group Office. Both the Aeronautical Obstruction Clearance form (#26-0427) and a list of Transport Canada Aviation Group regional offices are available on the Transport Canada website.¹⁷ Completed forms are to be submitted directly to the nearest Transport Canada Aviation Group office. (Refer to Canadian Aviation Regulations, Standard 621.19, Standards Obstruction Markings).

Land-use Proposal Submission forms are available from NAV CANADA¹⁸ and completed forms are to be sent to the appropriate NAV CANADA General Manager Airport Operations (GMAO) office, East or West.

¹⁷ The [Transport Canada website](http://www.tc.gc.ca) can be found at: <http://www.tc.gc.ca>.

¹⁸ Search keywords "Land-use Proposal" on the [NAV CANADA website](http://www.navcanada.ca) at: <http://www.navcanada.ca>.

Appendix 1 – Industry Canada’s Default Public Consultation Process - Public Notification Package

The proponent must ensure that at least **30 days** are provided for public comment. Notification must provide all information on how to submit comments to the proponent in writing. Notices must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly indicate that the recipient is within the prescribed notification radius of the proposed antenna system. The proponent must also provide a copy of the notification package to the land-use authority and the local Industry Canada office at the same time as the package is provided to the public.

Notification must include, but need not be limited to:

- 1) the proposed antenna system’s purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- 2) the proposed location within the community, the geographic coordinates and the specific property or rooftop;
- 3) an attestation¹⁹ that the general public will be protected in compliance with Health Canada’s Safety Code 6 including combined effects within the local radio environment at all times;
- 4) identification of areas accessible to the general public and the access/demarcation measures to control public access;
- 5) information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;
- 6) a description of the proposed antenna system including its height and dimensions, a description of any antenna that may be mounted on the supporting structure and simulated images of the proposal;
- 7) Transport Canada’s aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent’s expectation of Transport Canada’s requirements together with an undertaking to provide Transport Canada’s requirements once they become available;
- 8) an attestation that the installation will respect good engineering practices including structural adequacy;
- 9) reference to any applicable local land-use requirements such as local processes, protocols, etc.;

¹⁹ Example: I, (*name of individual or representative of company*) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada’s Safety Code 6, as may be amended from time to time, for the protection of the general public, including any combined effects of nearby installations within the local radio environment.

- 10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
- 11) contact information for the proponent, land-use authorities and the local Industry Canada office;
and
- 12) closing date for submission of written public comments (not less than **30 days** from receipt of notification).

Spectrum Management and Telecommunications

Guide to Assist Land-use Authorities in Developing Antenna System Siting Protocols

Aussi disponible en français

Canada

Page 24 of 69

Contents

1.	Introduction.....	1
2.	Participation Process	2
2.1	Placement of Antenna System	2
2.2	Use of Existing Infrastructure (Sharing).....	3
2.3	Preliminary Consultation	3
2.4	Involving Local Public.....	4
2.5	Responding to Consultation.....	4
2.6	Concluding Consultation	5
2.7	Impasse Negotiations, Dispute Resolution Process	5
2.8	A Timely Process	5
3.	Local Protocol Guide Development.....	5
3.1	Protocol Principles	5
3.2	General Protocol Template	6
4.	Conclusion	8

1. Introduction

This guide is intended to assist Land-use Authorities (LUA) in ensuring effective local participation in decisions regarding proposals to build antennas and their supporting structures within their communities. For the purposes of this guide, an LUA means any local authority that governs land-use issues and includes a municipality, town council, regional commission, development authority, township board, band council or similar body. This guide complements Industry Canada's Client Procedures Circular CPC-2-0-03, Issue 5, [Radiocommunication and Broadcasting Antenna Systems](#). LUAs are encouraged to consult CPC-2-0-03 to better understand roles and responsibilities.

The requirements of CPC-2-0-03 apply to anyone (referred to as a "proponent") who is planning to install or modify an antenna system,¹ regardless of the type. This includes telecommunications carriers, businesses, governments, Crown agencies, operators of broadcasting undertakings and the public (including for amateur radio operation and over-the-air and satellite TV reception). The requirements also apply to those who install towers or antenna systems on behalf of others or for leasing purposes ("third party tower owners"). As well, the procedures contain obligations that apply to existing antenna system owners and operators, including those relating to the use of existing infrastructure (sharing).

This guide specifically addresses two areas:

- **Participation Process:** Addresses the LUA's role in effectively participating and influencing decisions with respect to proposed antenna systems within Industry Canada's antenna siting procedures. Industry Canada believes that antenna siting protocols jointly developed between proponents and LUAs can supplement the Department's antenna siting procedures, while at the same time having a higher degree of acceptance and compliance.
- **Local Protocol Development:** Sets out elements that LUAs might wish to include when developing protocols with proponents of antenna systems.

The federal Minister of Industry has the authority under the [Radiocommunication Act](#) to issue radio authorizations, to approve each site on which radio apparatus, including antenna systems (referred to as "antenna systems" or "installations"), may be located and to approve the erection of all masts, towers and other antenna-supporting structures. Industry Canada's role includes ensuring the orderly development and efficient operation of radiocommunications in Canada. In this regard, Industry Canada considers that the questions, comments and concerns of the local public and the LUA are important elements for proponents to consider when seeking to install, or make major modifications to, an antenna system.

Radiocommunication and broadcasting services are important for all Canadians and are used daily by the public, safety and security organizations, all levels of government, wireless service providers, broadcasters, utility companies and other businesses. Antenna systems are an essential component in providing these services and must be installed on towers, buildings or other antenna-supporting structures. Antennas and the structures that support them are integral to wireless network communication systems

1 For the purposes of this document, an "antenna system" is normally composed of an antenna and some sort of supporting structure, normally a tower. Most antennas have their own integral mast so they can be fastened directly to a building or a tower.

and they provide the radio coverage the public and safety services need. With advancements in technology and given the growing demand for high-speed wireless access, communities in Canada are currently experiencing, or will soon experience, the deployment of new antenna systems.

Thanks to their local knowledge, LUAs are well qualified to explain to proponents the particular amenities, cultural or environmental sensitivities, planning priorities and other relevant characteristics of their area. The LUA may also be aware of potential Aboriginal or treaty rights or land claims that may be affected by a proposed installation. Working together, LUAs and proponents can find solutions which address reasonable and relevant concerns or point the way to alternative antenna system siting arrangements. Accordingly, Industry Canada encourages LUAs to develop local protocols to manage the process of identifying their own concerns, as well as those of the public they represent, regarding antenna system modifications or installations.

For the purposes of this document, Industry Canada will refer to any written local guideline, policy or process that addresses the issue of antenna placement as a “protocol”. Cooperation between LUAs and proponents through clear and reasonable protocols can result in the development of new and enhanced wireless services in a community-friendly manner.

Industry Canada² is available to assist in the creation of local land-use protocols for antenna system installations.

2. Participation Process

There are a number of steps a proponent typically follows in choosing a site for an antenna system installation; unless specifically excluded under Industry Canada’s process, one of these steps is consulting with the LUA. The community in an LUA’s area expect it to provide local knowledge, experience and leadership. The LUA can also ensure that any questions, comments or concerns are appropriately addressed by the proponent.

The subsections that follow suggest various aspects of a consultation process that an LUA may want to take into consideration when developing antenna siting protocols. Protocols are an effective means for an LUA to use to convey its preferences, as well as those of the community it represents, to antenna system proponents.

2.1 Placement of Antenna System

Proponents must consider various antenna system placement options, including using existing structures such as building rooftops and water towers, to minimize the impact on the local community. Radiocommunication antennas need to be strategically located to satisfy specific technical criteria and operational requirements. Therefore, there is a limited measure of flexibility in the placement of antennas and proponents are constrained to some degree by:

2 Please refer to *Radiocommunication Information Circular RIC-66* for a list of addresses and telephone numbers for Industry Canada’s regional and district offices. [RIC-66](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html) is available via the Internet at: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html.

- the need to achieve the required radiocommunication coverage, often in response to public demand;
- the availability and physical limitations of nearby existing structures (towers, rooftops, water towers, etc.) to accommodate additional antennas; and
- the securing of lease agreements to permit access to an existing structure.

Consequently, the LUA's or the public's preferred location for siting an antenna installation may not always be feasible.

LUAs are encouraged to develop protocols that are clear and within their area of responsibility. Protocols can include promoting the placement of antennas in optimal locations from a land-use point of view, or excluding certain types of installations from protocol requirements. Through protocols, an LUA can highlight its local knowledge and expertise related to area sensitivities, including environmental or cultural concerns, and land-use compatibility. Protocols can recognize local amenities and planning priorities while expediting the planning and approvals necessary for the installation of radiocommunication and broadcasting antenna systems.

2.2 Use of Existing Infrastructure (Sharing)³

The installation of a new antenna structure may at times reveal sensitivity in the local community. Therefore, Industry Canada requires proponents to first consider using existing towers or infrastructure (such as rooftops, water towers, utility poles, etc.). This approach is intended to minimize the proliferation of antenna towers. However, it is important to note that technical constraints, such as the need to: achieve a certain amount of radiocommunication coverage; re-use frequencies; and address equipment isolation issues; etc., may prevent a proponent from using an existing structure.

2.3 Preliminary Consultation

LUAs may wish to include in their protocols a mechanism for preliminary consultation. This would allow the proponent, before making any site selection decisions, to inform the LUA of its plans. Also, this initial contact allows a proponent to determine whether an LUA has a protocol in place regarding antenna system installations preferences. Within its own process, Industry Canada considers written formal contact as marking the official commencement of its 120-day⁴ consultation process between the LUA and the proponent.

With a protocol in place, this initial contact allows the LUA an excellent opportunity to:

- inform the proponent of established and documented local requirements and consultation procedures;

3 See also Client Procedures Circular CPC-2-0-17, [Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09081.html). CPC-2-0-17 is available via the Internet at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09081.html>.

4 The 120-day consultation period commences only once the proponent has formally submitted, in writing, all plans required by the LUA, and does not include preliminary discussions with the LUA.

- advise the proponent of historic and environmental land-use sensitivities including any related to potential Aboriginal or treaty right or land claim;⁵
- provide guidance and preferences to the proponent on the various preferred areas and sites to be considered;
- indicate its preferences; and
- provide information concerning any aesthetic or landscaping preferences.

2.4 Involving Local Public

Local public consultation offers a forum for members of the public located near the proposed installation to make comments, ask questions or raise concerns related to the proposed antenna system installation. This is an opportunity for the local public and the LUA to make the proponent aware of local considerations and, in so doing, influence the siting.

Industry Canada's own process recognizes two possible public consultation scenarios:

1. The LUA can set the format for public consultation in its protocol. This could identify situations that require public consultation and those that do not. It is important to note that, in all cases, telecommunications carriers, broadcasting undertakings and third party tower owners must notify and consult with the local public when proposing a new antenna tower.
2. If an LUA's protocol is silent on the issue of public consultation, or if there is no protocol, then the proponent will be required to follow Industry Canada's default public consultation process.

However an LUA is in an ideal position to develop a public consultation process because of its local experience and knowledge. For this reason, the Department encourages LUAs to include public consultation as part of their processes. The LUA, as the representative of the local community, can assist and guide proponents to conduct meaningful consultation by establishing reasonable and timely protocols which ensure local land-use concerns are appropriately addressed.

2.5 Responding to Consultation

Even in cases where the LUA does not have a local protocol, the LUA should take the opportunity built into Industry Canada's procedures to examine carefully the details of the proponent's proposal. During its examination of the proposal, an LUA may ask the proponent for additional information to determine whether there are any local land-use or public concerns. As part of the discussions, the LUA can engage the proponent by suggesting reasonable alternatives and/or mitigation measures that would address any questions, comments or concerns.

To maximize the benefit of this consultation process, both parties have to consider each other's requirements and constraints so they can work effectively together. In so doing, the parties can devise solutions that will minimize the impact of the proposed structure on the local surroundings, while at the same time taking into consideration each other's interests.

⁵ LUAs are encouraged to refer to online resources [for example, the Aboriginal and Treaty Rights Information System (ATRIS) (http://sidait-atris.aadnc-aandc.gc.ca/atris_online/home-accueil.aspx)] as applicable.

2.6 Concluding Consultation

Industry Canada advises that an LUA's protocol should include a mechanism for issuing a formal concurrence to mark the end of the consultation with the proponent. This may consist of a formal decision by a designated official or relevant committee or another formal means, such as a sentence or other reference in the town council minutes. If an LUA decides that a consultation ends with the issuance of a building permit, then the protocol should indicate this.

If the proponent has met the public consultation requirements, either through the LUA's or Industry Canada's default process, and neither the LUA nor the public formally communicates any concerns to the proponent about its proposal, Industry Canada will deem that the land-use authority and the public have no objections.

2.7 Impasse Negotiations, Dispute Resolution Process

When developing protocols, LUAs should consider the means by which disputes will be resolved, ensuring they are appropriate for the local community. By documenting this process, all stakeholders will understand their roles and responsibilities as well as the process for resolving disputes. Industry Canada generally favours having the proponent, the local public and the LUA work toward a solution which takes each other's interests into consideration. Where an LUA or a proponent feels it may be helpful to do so, it may engage Industry Canada in an effort to move the discussions forward. Under Industry Canada procedures, if either the LUA or proponent believes discussions have reached an impasse, either can formally request departmental intervention concerning a reasonable and relevant concern. It is anticipated this will occur rarely.

LUAs may wish to consider incorporating alternate dispute resolution options into their protocols. Many alternate dispute resolution processes are interest-based rather than regulatory in nature. Therefore, the parties are more likely to find a mutually beneficial resolution.

2.8 A Timely Process

To avoid unnecessary delays, Industry Canada's process indicates that LUAs are normally expected to conclude the consultation process within 120 days from the receipt of the formal consultation request. Accordingly, when developing protocols, LUAs should not exceed these timelines.

3. Local Protocol Guide Development⁶

3.1 Protocol Principles

The following set of considerations and suggested principles may serve as a guide to LUAs developing protocols that respectfully balance local land-use interests with the benefits that radiocommunication, including broadcasting, brings to a community. The protocol should, as appropriate, address the following:

⁶ Municipalities may also wish to refer to the protocol template developed in partnership between the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunications Association (CWTA). The FCM/CWTA template can be found on the FCM's website, www.fcm.ca.

- Information to proponents describing:
 - areas of historic or environmental importance to the community and the need to minimize the impact of the proposal on these areas; and
 - local preferences for antenna siting.
- Incentives to encourage aesthetically pleasing structures.
- Exclusions, which may build upon those established by Industry Canada (CPC-2-0-03, Section 6).
- Public consultation requirements that Industry Canada believes should be proportional to the proposal and its impact on the local surroundings. LUAs may wish to consider establishing a two-track process:
 - a streamlined concurrence process for less controversial proposals, such as new sites in industrial areas or on municipal properties, for emergency services or personal installations by members of the public (including for amateur radio operation and over-the-air and satellite TV reception), and
 - a process that includes broader public consultation for non-excluded structures likely to be of interest to the local community, such as the construction of new towers used by telecommunications carriers, broadcasting undertakings and third party tower owners.

The protocol should also establish a reasonable processing timeline that respects the timelines established in CPC-2-0-03 for proposals submitted to the LUA for concurrence.

3.2 General Protocol Template

The following elements are provided to aid LUAs in developing protocols dealing with antenna system installations:

Objectives

A short discussion on the overall objectives of the local protocol.

Jurisdiction

A discussion of the LUA's responsibilities and obligations in safeguarding legitimate concerns related to local land-use. Also, the role and responsibility of Industry Canada and the authority granted under the *Radiocommunication Act* to approve the location of radiocommunication facilities.

Consultation with the LUA

This may include:

- criteria for excluding additional antenna systems, other than those listed in the CPC-2-0-03, from LUA consultation;
- process for LUA notification;
- list of all documents and drawings that the proponent must submit;
- processing and administrative fees;
- the means by which the LUA will indicate concurrence; and
- process time frames that respect those established by CPC-2-0-03.

Excluded Antenna Structures

Industry Canada believes that not all antenna systems should be subject to a full land-use or public consultation process. Subjecting all proposals to the full consultation process would place an unnecessary and significant administrative burden on proponents, the LUA and the local public. Under Industry Canada's process, certain proposals are considered to have minimal impact on the local surroundings and so are excluded from public and land-use consultations. Industry Canada believes that consultation requirements should be proportional to the potential impact of the proposal. When establishing a local protocol, LUAs should consider the types of proposals that have minimal impact and so would warrant exemption from land-use and/or public consultation. It should be noted that any exclusion criteria established by the LUA can only augment, as appropriate, those established under Industry Canada's Exclusion List (CPC-2-0-03, Section 6).

Antenna Structures Not Excluded

LUAs may wish to consider the following when developing consultation protocols:

- the type of structure: new, temporary or existing antenna systems as well as non-tower structures;
- the intended use of the structure, whether personal, commercial or safety;
- the effect on significant natural or cultural features; and
- the landscaping, access control, fencing and road access.

Furthermore, LUAs can:

- encourage the placement of new towers in commercial, industrial/agricultural areas and utility or roadway easements;
- ask the proponent to suggest various options for consideration; and
- identify preferred criteria for antenna structure siting for new structures that exceed a specified height.

Public Consultation

Public consultation is an important part of the overall consultation process. Industry Canada believes that the local public should be consulted regarding non-excluded antenna proposals. Consultation allows the community to be involved and so ultimately influence the proposal's siting. Discussions can allow stakeholders to work towards a consensus. While LUAs are free to structure their public consultation process to meet their needs, Industry Canada's process consists of two distinct components:

- **Public Notification** - where the proponent informs the public of the proposed antenna system installation or modification, providing the information needed for a complete understanding of the proposal.
- **Public Engagement** - where the proponent engages the public and responds to all questions and comments, addressing all reasonable and relevant concerns. Public engagement may take various forms, from answering letters to hosting a public meeting or drop-in, depending on the community's level of interest.

Establishing Appropriate Time Frames

It is important that the protocol establish time frames for a consultation process, to ensure timely response to any questions or concerns and to avoid unnecessary delays to the proponent and the LUA.

Industry Canada expects that any time frames established within an LUA's protocol will respect those established by CPC-2-0-03.

Under Industry Canada's procedures (CPC-2-0-03, Section 4.4), construction of an antenna system must be completed within three years of the conclusion of consultation. After three years, consultations will no longer be deemed valid except in the case where a proponent secures the agreement of the relevant land-use authority to an extension for a specified time period in writing. While Industry Canada does not

support a reduction of the three-year time limit, LUAs may wish to consider including in their protocols procedures related to extending the time limit for construction.

Criteria not Necessary to Address Through Local Protocols

As described in Industry Canada's procedures (CPC-2-0-03, Section 7), proponents have specific obligations already subject to federal requirements. Protocols should not impose additional obligations in these areas. However, an LUA may wish to ask questions or seek clarification from proponents concerning their proposed steps and the alternatives available to satisfy these and any other radio authorization requirements. Proponents must comply with:

Health Canada's public radio frequency exposure guidelines - [Safety Code 6](#) (*Limits of Human Exposure to Radiofrequency Electromagnetic Energy in the Frequency Range from 3 kHz to 300 GHz - Safety Code (2009)*);

Radio Frequency Interference and Immunity - [EMCAB-2 — Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters](#);

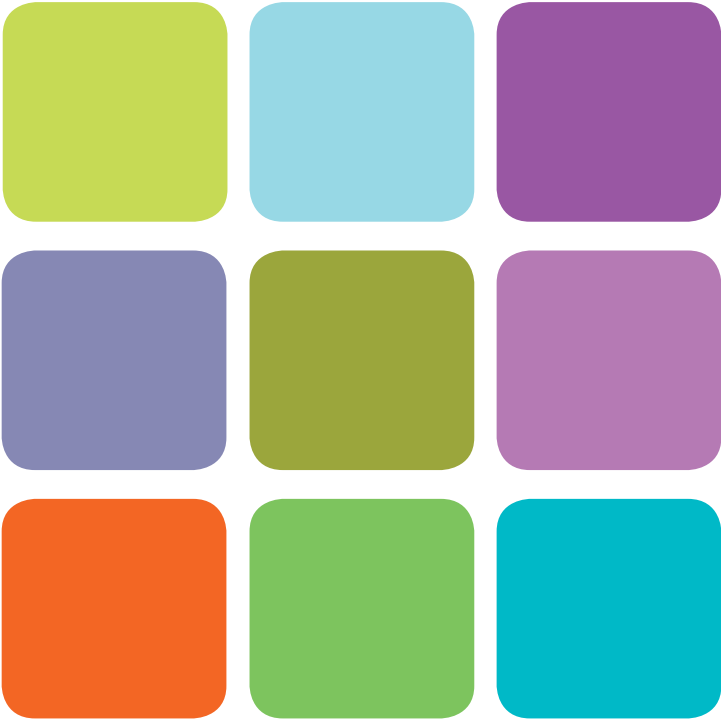
- [Canadian Environmental Assessment Act, 2012](#) – CEEA 2012
- Aeronautical Safety - [Transport Canada](#) and [NAV CANADA](#) requirements for aeronautical safety

4. Conclusion

Land-use authorities, with their local knowledge, experience and leadership ability, have an important role in the consultation process relating to the siting of antenna systems. Clear and reasonable protocols will enable effective participation and cooperation between the LUA and the proponent. Such protocols can be used to identify the interests of the community as well as guiding land-use principles. Moreover, protocols allow for the introduction of radiocommunication services, including broadcasting, in the local community in a timely manner. Protocols can assist proponents planning to install antenna systems, while at the same time giving due consideration to local land-use issues.

ANTENNA SYSTEM SITING PROTOCOL TEMPLATE

CWTA/FCM JOINT PROTOCOL - REVISED DECEMBER 2014



www.fcm.ca

www.cwta.ca



The purpose of this protocol template is to provide Municipalities with a tool to develop customized protocols for the siting of Antenna Systems within their Municipality.

As the template was developed jointly by the FCM and the CWTA, and is consistent with Industry Canada rules on Antenna System consultations, its use should result in consistent and predictable Antenna System siting protocols. This template encourages the development of local protocol guidelines that fully express the Municipality's location and design preferences. It is desirable for protocols to highlight local knowledge and expertise by suggesting preferred sites in all zoning designations and community development plans, including in Residential Areas, as well as design and screening preferences.

Additionally, all examples of local customization provided in the Appendix are endorsed by the wireless industry as being reasonable and practical components of an antenna siting protocol. Some of these examples are better suited to urban, suburban or rural Municipalities, depending on the Municipality from which they derive, but they serve as 'best practices' and should be considered by Municipalities as they examine options for developing their own local protocols. Municipalities should remove all items from this template that are not relevant considering its municipal policies and preferences before finalizing its protocol.

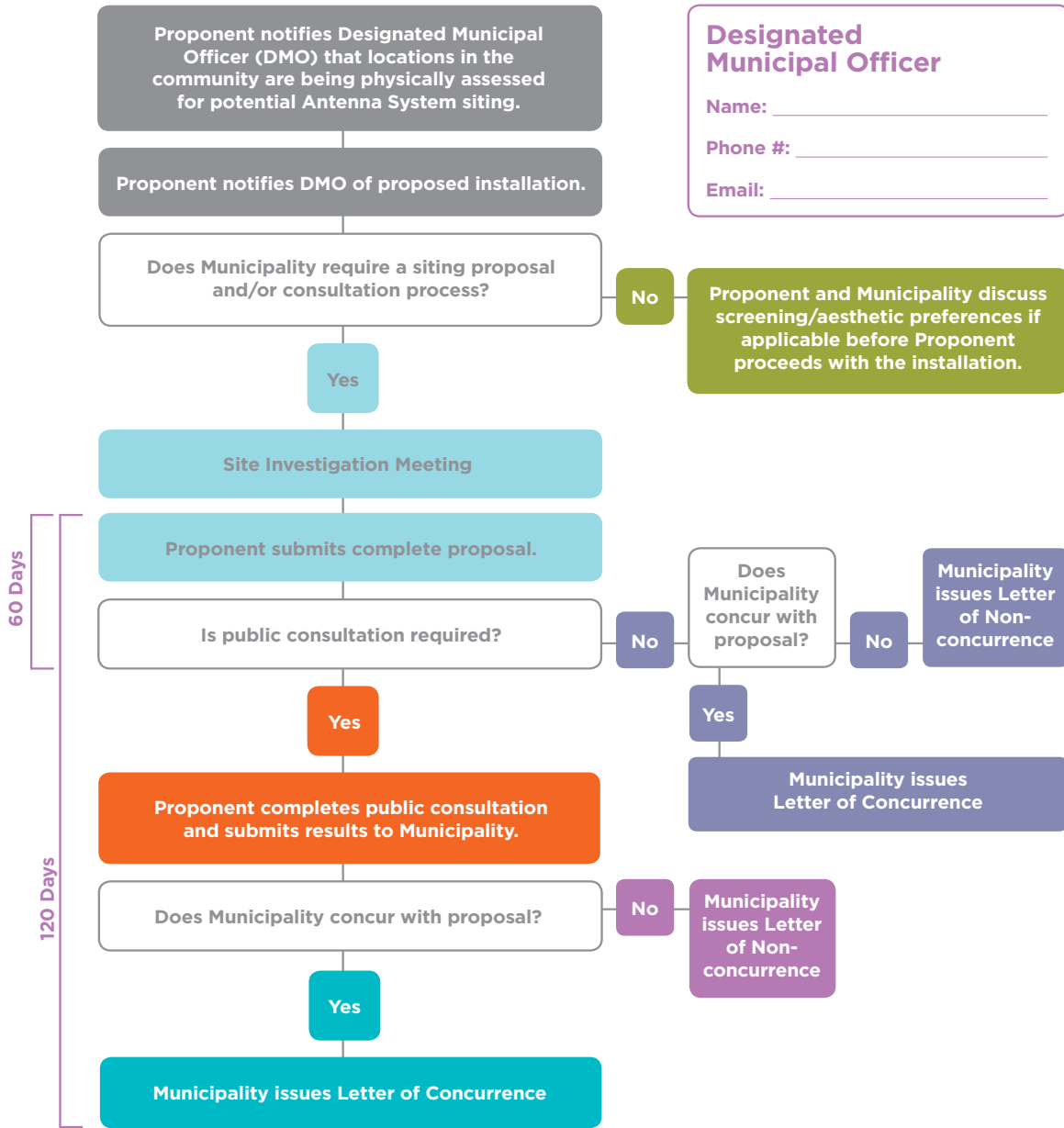
The following sections set out recommended language that may be adopted or adapted by Municipalities wishing to develop a customized protocol in a manner that reflects local circumstances.



TABLE OF CONTENTS

1. OBJECTIVES	3
2. JURISDICTION AND ROLES	4
3. DEFINITIONS	6
4. EXCLUDED STRUCTURES	8
4.1 Exemptions from Antenna System Siting Proposal Review and Public Consultation	8
4.2 Notification and Municipal Review of Exempt Antenna Systems	9
4.3 Additional Exemptions	11
4.4 Siting on Municipal-Owned Properties	11
5. PRE-CONSULTATION WITH THE MUNICIPALITY	12
5.1 Notification	12
5.2 Site Investigation Meeting with Municipality	12
5.3 Confirmation of Municipal Preferences and Requirements	13
6. DEVELOPMENT GUIDELINES	14
6.1 Location	14
6.2 Development and Design Preferences	15
7. PROPOSAL SUBMISSION	17
7.1 Proposal Submission Requirements	17
7.2 Fees	18
8. PUBLIC CONSULTATION PROCESS	19
8.1 Notice Recipients	19
8.2 Notice Requirements	19
8.3 Written Consultation Process	20
8.4 Public Information Session	21
8.5 Post Consultation Review	21
9. STATEMENT OF CONCURRENCE OR NON-CONCURRENCE	23
9.1 Concurrence and Concurrence with Conditions	23
9.2 Non-concurrence	23
9.3 Rescinding a Concurrence	23
9.4 Duration of Concurrence	24
9.5 Transfer of Concurrence	24
10. CONSULTATION PROCESS TIMEFRAME	25
11. LETTER OF UNDERTAKING	26
12. REDUNDANT ANTENNA SYSTEM	27
APPENDIX A	28
Location	29
Development and Design Preferences	30

Antenna System Siting Process Flowchart



Section 1



The objectives of this Protocol are:

- (1) To establish a siting and consultation process that is harmonized with Industry Canada's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use issues associated with Antenna System siting proposals;
- (2) To set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of Antenna System siting proposals that:
 - a. Minimize the number of new antenna sites by encouraging co-location;
 - b. Encourage designs that integrate with the surrounding land use and public realm;
 - c. Establish when local public consultation is required; and
 - d. Allow Industry Canada and the communications industry to identify and resolve any potential land use, siting or design concerns with the Municipality at an early stage in the process.
- (3) To provide an expeditious review process for Antenna System siting proposals;
- (4) To establish a local land use consultation framework that ensures the Municipality and members of the public contribute local knowledge that facilitates and influences the siting - location, development and design (including aesthetics) - of Antenna Systems within municipal boundaries;
- (5) To contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network in the Municipality; and
- (6) To provide the Municipality with the information required to satisfy the requirements of Industry Canada regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the Municipality to Industry Canada at the end of the process.

Section 2



JURISDICTION AND ROLES

INDUSTRY CANADA: Under the *Radiocommunication Act*, the Minister of Industry has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and licence the location of Antenna Systems is made only by Industry Canada. In June 2014, Industry Canada issued an update to its *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* which outlines the process that must be followed by Proponents seeking to install or modify Antenna Systems, effective July 15, 2014.¹

Industry Canada also requires that Proponents intending to install or modify an Antenna System notify and consult with Municipality (Land Use Authority), and the local community within a Prescribed Distance from the proposed structure. Industry Canada also published a *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* in January 2008, stating that it "considers that the Municipality's and local residents' questions, comments and concerns are important elements to be considered by a Proponent seeking to install, or make modifications to, an antenna system." The CPC also establishes a dispute resolution process to be used where the Proponent and Municipality have reached an impasse.

ROLE OF THE MUNICIPALITY: The ultimate role of the Municipality is to issue a statement of concurrence or non-concurrence to the Proponent and to Industry Canada. The statement considers the land use compatibility of the Antenna System, the responses of the affected residents and the Proponent's adherence to this Protocol. The Municipality also guides and facilitates the siting process by:

- **Communicating** to Proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area;
- **Developing the design guidelines** for Antenna Systems contained in Section 6 of this Protocol; and
- **Establishing** a community consultation process, where warranted.

¹ For additional information regarding Industry Canada's mandate and the application of its authority in the wireless telecommunications process, please consult Industry Canada's Spectrum Management and Telecommunications Sector at <http://ic.gc.ca/spectrum>.



By working with Proponents throughout the siting process, beginning with preliminary notification and the site investigation meeting, the Municipality seeks to facilitate Antenna System installations that are sensitive to the needs of the local community.

ROLE OF THE PROPONENT: Proponents need to strategically locate Antenna Systems to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, Proponents must adhere to the antenna siting guidelines in the CPC, including:

- Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-0-17 *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*);
- Contacting the Municipality to determine local requirements regarding Antenna Systems; and
- Undertaking public notification and addressing relevant concerns as is required and appropriate.

OTHER FEDERAL LEGISLATION: Proponents additionally must comply with the following federal legislation and/or regulations, where warranted:

- Health Canada's Safety Code 6 - Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ - Safety Code 6 (2009)²
- The *Canadian Environmental Assessment Act*; and
- NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

² The Municipality does not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines (Safety Code 6) should be directed to Health Canada on-line at healthcanada.gc.ca and to the Proponent's representative.

Section 3



ANTENNA SYSTEM: an exterior transmitting device – or group of devices – used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:

1. **Freestanding Antenna System:** a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems;
2. **Building/Structure-Mounted Antenna System:** an Antenna System mounted on an existing non-tower structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

CO-LOCATION: the placement of antennas and equipment operated by one or more Proponents on a telecommunication Antenna System operated by a different Proponent, thereby creating a shared facility.

COMMUNITY SENSITIVE LOCATIONS: land on which the siting of new Antenna Systems is discouraged, or requested to be subject to greater consultation than otherwise dictated by the standard protocol. Such locations may be defined in local zoning bylaws, community plans, or statutory plans.

DESIGNATED COMMUNITY ASSOCIATION: area- or neighbourhood-specific group that is recognized by the Municipality.

DESIGNATED MUNICIPAL OFFICER (AND HIS OR HER DESIGNATE): the municipal staff member(s) tasked with receiving, evaluating and processing submissions for telecommunication Antenna Systems. The Designated Municipal Officer's name and contact information is provided in the Antenna System Siting Flowchart provided in this protocol.



ELECTED MUNICIPAL OFFICIAL: the political leader of the demarcated area of the Municipality (e.g. ward) in which the Antenna System is proposed.

HERITAGE STRUCTURES/AREAS: buildings and structures (e.g. monuments) or areas/ neighbourhoods receiving a heritage designation by the Municipality.

MUNICIPAL DEPARTMENTS: branches of municipal government that administer public services and are operated by city staff.

OTHER AGENCIES: bodies (e.g. boards or commissions) that administer public services but are not operated or staffed by the Municipality.

PRESCRIBED DISTANCE: [TO BE DETERMINED BY THE MUNICIPALITY³], measured horizontally from the outside perimeter of the supporting structure of the proposed Freestanding or Building/Structure-Mounted Antenna System. The outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.

PROPONENT: a company or organization proposing to site an Antenna System (including contractors undertaking work for telecommunications carriers and third-party tower owners) for the purpose of providing commercial or private telecommunications services, exclusive of personal or household users.⁴

RESIDENTIAL AREA: lands used or zoned to permit residential uses, including mixed uses (i.e. where commercial use is permitted at-grade with residential apartments/ condominiums above).

³ Industry Canada recommends in the CPC a distance of three times the height of the proposed tower. The CPC also states that "Proponents are advised that municipalities may set reasonable public notification distances appropriate for their communities when establishing their own protocols." Existing municipal protocols have adopted a range of prescribed distances, e.g. six times the height of the proposed tower, a minimum of 100 metres, a minimum of 120 metres.

⁴ While the best practices established in this Protocol reflect an agreement between FCM and the telecommunications industry as represented by the CWTA, the CPC applies to "anyone who is planning to install or modify an antenna system regardless of type. This includes telecommunications carriers, businesses, governments, Crown agencies, operators of broadcasting undertakings and the public (including for amateur radio operation and over-the-air TV reception)." For applications from other proponents (i.e. not telecommunications carriers or third parties operating on behalf of telecommunications carriers), the Municipality may wish apply this Protocol or a separate review process, or defer to the CPC.

Section 4



This section outlines the criteria for identifying Antenna Systems excluded from the consultation process by Industry Canada, the need to consider local circumstances for all exempt structures, and the process for Proponents to notify and discuss proposed exempt structures with the Municipality.

4.1 EXEMPTIONS FROM ANTENNA SYSTEM SITING PROPOSAL REVIEW AND PUBLIC CONSULTATION

For the following types of installations, Proponents are generally excluded by Industry Canada from the requirement to consult with the Municipality and the public, but must still fulfill the General Requirements outlined in Section 7 of the CPC:

- (1) New Freestanding Antenna Systems: where the height is less than 15 metres above ground level. This exclusion does not apply to Antenna Systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;
- (2) Existing Freestanding Antenna Systems: where modifications are made, antennas added or the tower replaced⁵, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial Antenna System installation⁶. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to Antenna Systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;

⁵ The exclusion for the replacement of existing Freestanding Antenna Systems applies to replacements that are similar to the original design and location.

⁶ Initial Antenna System installation refers to the system as it was first consulted on, or installed.



- (3) Building/Structure-Mounted Antenna System: antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%;
- (4) Temporary Antenna Systems: used for special events or emergency operations and must be removed within three months after the start of the emergency or special event; and
- (5) No consultation is required prior to performing maintenance on an existing antenna system.

The CPC also states that: Individual circumstances vary with each Antenna System installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the Proponents to consult the Municipality and the public even though the proposal meets an exclusion noted above. Therefore, when applying the criteria for exclusion, Proponents should consider such things as:

- the Antenna System's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location of the proposed Antenna System on the property and its proximity to neighbouring residents;
- the likelihood of an area being a Community-Sensitive Location; and
- Transport Canada marking and lighting requirements for the proposed structure.



4.2 NOTIFICATION AND MUNICIPAL REVIEW OF EXEMPT ANTENNA SYSTEMS

Notwithstanding Industry Canada's exemption criteria for certain Antenna Systems, Municipalities should be informed of all new Antenna System installations within their boundaries so they can:

- Be prepared to respond to public inquiries once construction/installation has begun;
- Be aware of site Co-location within the Municipality;
- Maintain records to refer to in the event of future modifications and additions; and
- Engage in meaningful dialogue with the Proponent with respect to the appearance of the Antenna System and structure prior to the Proponent confirming a final design.

Therefore, Proponents are required to undertake the following steps for **all exempt Antenna System installations before commencing construction**.

4.2.1 Building/Structure-Mounted Antenna Systems:

The Proponent will in all cases provide the following information for all new Antenna Systems or modifications⁷ to existing Antenna Systems that are mounted to an existing structure, including (but not limited to) a building/rooftop, water tower, utility pole or light standard, and which are exempted from public consultation in Section 4.1(3):

- (1) The location of the Antenna System (address, name of building, rooftop or wall mounted, etc.);
- (2) Description of proposed screening or stealth design measures with respect to the measures used by existing systems on that site and/or the preferences expressed in Section 6;
- (3) The height of the Antenna System;
- (4) The height of any modifications to existing systems.

The Municipality may notify the Proponent of any inconsistency with the preferences and sensitivities expressed in Section 6 and the parties will work towards a mutually agreeable solution.

⁷ Notification is required for modifications that materially or noticeably changed the appearance of the system. Maintenance works that do not result in such changes are excluded from the notification requirement.



4.2.2 Additions that Increase the Height of Freestanding Antenna Systems:

The Proponent will confirm to the Municipality that an addition that extends the height of an existing Freestanding Antenna System as defined in Section 4.1(2), meets the exclusion criteria in Section 4.1 by providing the following:

- (1) The location, including its address and location on the lot or structure;
- (2) A short summary of the proposed addition including a preliminary set of drawings or visual rendering of the proposed system; and
- (3) A description of how the proposal meets one of the Section 4.1 exclusion criteria.

The Municipality will review the documentation and will contact the Proponent where there is a site-specific basis for modifying the exemption criteria based on the preferences and sensitivities expressed in Section 6 of this Protocol. In such cases, the Municipality and the Proponent will work toward a mutually agreeable solution, which may include the Municipality requesting the proposal be subject to all or part of the pre-consultation, proposal submission and public consultation process defined in Sections 5, 7 and 8 of this protocol, as applicable, concluding with a letter of concurrence or non-concurrence.

4.3 ADDITIONAL EXEMPTIONS

Municipalities may exclude from all or part of the consultation process any antenna system installation in addition to Industry Canada's basic exemptions listed in subsection 4.1.

- (1) New Antenna Systems which will be located outside the Prescribed Distance (as identified in Section 3) from the nearest Residential Area are exempt from the public consultation requirement.
- (2) Notwithstanding subsection (1) above, the Municipality may additionally, on a case-by-case basis, exempt a Proponent from all or part of the consultation requirements under Section 8 of this Protocol.⁸ For example, exemptions may be granted where the proposed location is separated from a Residential or Heritage area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings.

4.4 SITING ON MUNICIPAL-OWNED PROPERTIES

Any request to install an Antenna System on lands owned by the Municipality shall be made to the appropriate official dealing with municipal properties, in accordance with Municipal policy.⁹

⁸ For example, a Municipality may decide to exclude certain proposals from the requirement to hold a public meeting, but not from issuing a public notification to affected property owners/tenants within the Prescribed Distance.

⁹ Existing municipal procedures related to the leasing/selling of municipal-owned land to third parties may necessitate a consultation process irrespective of whether an exemption is provided under this Protocol.

Section 5



Pre-consultation is one of the most important elements in the antenna siting process as it generally occurs at a point before the Proponent is committed to a site or design. As a result it represents the best opportunity to influence the siting decision since the Proponent will more likely become committed to a site once the detailed engineering has been completed. While a discussion of submission requirements is appropriate the proposal will benefit most from early direction on matters of siting and design. Proponents are strongly encouraged to initiate pre-consultation as early as possible in the antenna siting process for exempt and non-exempt structures.

Prior to submitting an Antenna System proposal that does not meet any of the exemptions listed in Section 4.1 the Proponent will undertake the following preliminary consultations with the Municipality.

5.1 NOTIFICATION

Proponents will notify the Designated Municipal Officer that locations in the community are being physically assessed for potential Antenna System siting.

5.2 SITE INVESTIGATION MEETING WITH MUNICIPALITY

Prior to submitting an Antenna System siting proposal, the Proponent will initiate a site investigation meeting with the Municipality.

The purpose of the site investigation meeting is to:

- Identify preliminary issues of concern;
- Identify requirements for public consultation (including the need for additional forms of notice and a public information session);
- Guide the content of the proposal submission; and
- Identify the need for discussions with any Municipal Departments and Other Agencies as deemed necessary by the Designated Municipal Officer.

Where the Municipality has an initial concern with the proposed siting of the proposal they will make known to the Proponent alternative locations within the Proponent's search area for consideration.



The Proponent will bring the following information to the site investigation meeting¹⁰:

- (1) The proposed location;
- (2) Potential alternative locations;
- (3) The type and height of the proposed Antenna System; and
- (4) Preliminary drawings or visual renderings of the proposed Antenna System superimposed to scale; and
- (5) Documentation regarding the investigation of co-location potentials on existing or proposed Antenna Systems within 500 metres of the subject proposal.

If desired by both the Proponent and the Municipality, multiple Antenna System siting proposals may be reviewed at a site investigation meeting.

5.3 CONFIRMATION OF MUNICIPAL PREFERENCES AND REQUIREMENTS

Following the site investigation meeting, municipal staff will provide the Proponent with an information package that includes:

- (1) This Protocol, which outlines the approval process, excluded structures, requirements for public consultation and guidelines regarding site selection, co-location, installation, design and landscaping;
- (2) Proposal submission requirements;
- (3) A list of plans and studies that may be required (i.e. environmental impact statements);
- (4) A list of Municipal Departments and Other Agencies to be consulted; and
- (5) An indication of the Municipality's preferences regarding Co-location for the site(s) under discussion.

To expedite the review of the proposal, the Proponent will review this information package before the proposal is submitted so that the interests of Municipal Departments are taken into account. The Proponent is encouraged to consult with affected Departments as well as the local Elected Municipal Official and/or Designated Municipal Officer, and adjacent Municipalities within a Prescribed Distance¹¹, before submitting the proposal.

¹⁰ Proponents may prefer to attend the site investigation meeting without some of the required documents – particularly preliminary drawings – if it is waiting on Municipality feedback before settling on a final location, structure height or design. This should be confirmed with the Municipality. Such documents will be required to be provided following the meeting and prior to the Municipality providing the Proponent with the information package.

¹¹ The CPC states that “there may be more than one land-use authority with an interest in the proposal. Where no established agreement exists between such land-use authorities, proponents must, as a minimum, contact the land-use authority(ies) and/or neighbouring land-use authorities located within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater.”

Section 6

**BACKGROUND (TO BE REMOVED FROM FINAL PROTOCOL):**

Municipalities are advised to provide as much detail as possible in this section in order to guide the development of Antenna Systems in their community in a manner that respects local sensitivities and land-use compatibility while providing transparency and predictability to Proponents. Various common criteria for development guidelines are included below. Suggestions for specific guidelines that have been identified as best practices from other Municipal protocols are provided in the Appendix as a reference point. Municipalities are encouraged to populate this guidelines section (or remove any inapplicable categories) as is appropriate to identify their local sensitivities.

Municipalities should ensure that all relevant Zoning By-law regulations are cited in this section as deemed necessary.

Antenna Systems should be sited and designed to respect local sensitivities and preferences as identified by the Municipality.

The Municipality has set out a number of guidelines under the following criteria for the selection of sites and/or construction of new Antenna Systems:

- **Location, including Co-location; and**
- **Development and Design Preferences**

The Proponent should review the guidelines identified below as early as possible, and should attempt to resolve any outstanding issues prior to submitting its Antenna System siting proposal and undertaking the public consultation, where required by the Municipality. Because expressed preferences may be location- or site-specific, the Proponent is encouraged to discuss the guidelines fully with the Municipality at the site investigation meeting.

Proponents are also required to obtain all applicable building permits for additions and/or modifications to existing buildings.



6.1 LOCATION

Co-location:

Before submitting a proposal for an Antenna System on a new site, the Proponent must explore the following options:

- Consider sharing an existing Antenna System, modifying or replacing a structure if necessary;
- Locate, analyze and attempt to use any feasible existing infrastructure, including (but not limited to) rooftops, water towers, utility poles or light standards.

Where Co-location on an existing Antenna System or structure is not possible, a new Antenna System should be designed with Co-location capacity, including in Residential Areas when identified as the Municipality's preference.

The Municipality recognizes that the objective of promoting Co-location and the objective of making Antenna Systems less noticeable may sometimes come into conflict. Nevertheless, the Municipality intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them. The Proponent should, in all cases, verify the Municipality's site-specific design preferences during the pre-submission consultation process before investing in a final design or site.

Preferred Locations:

When new Antenna Systems must be constructed, **where technically feasible**, the following locations are preferred:

-

Discouraged Locations

New Antenna Systems should avoid the following areas:

-



6.2 DEVELOPMENT AND DESIGN PREFERENCES

Antenna Systems should be designed in terms of appearance and aesthetics to respect their immediate surroundings (e.g. Residential, parkland, Heritage district, etc.), including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features, and reduce the need for future facilities in the same area, where appropriate. The Municipality's preferred design and development preferences are described below.

The Municipality will identify to the Proponent which of the following development and design preferences are encouraged in the proposed location.

Style and Colour:

-

Buffering and Screening:

-

Structure:

-

Height:

-

Yards, Parking and Access:

-

Equipment Cabinets in Public Spaces:

-

Signage and Lighting:

-

Rooftop Equipment:

-

Section 7



For a proposed Antenna System, except for cases in which consultation is not required as per Sections 4.2 or 4.3, the Proponent will submit to the Municipality an Antenna System siting proposal and the applicable fee.

7.1 PROPOSAL SUBMISSION REQUIREMENTS

The Proponent must include the following information when submitting an Antenna System siting proposal:

- (1) A letter or report from the Proponent indicating the need for the proposal, the proposed site, the rationale for site selection, coverage and capacity of existing Antenna Systems in the general area and a summary of opportunities for Co-location potentials on existing or proposed Antenna Systems within 500 metres of the subject proposal;
- (2) Visual rendering(s) of the proposed Antenna System superimposed to scale;
- (3) A site plan showing the proposed development situated on the site;
- (4) A map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use;
- (5) For Antenna Systems requiring public consultation, a map showing all properties located within the Prescribed Distance from the proposed Antenna System;¹²
- (6) Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent, or other person(s) having legal or equitable interest in the land;
- (7) An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices; and
- (8) Any other documentation as identified by the Municipality following the site investigation meeting.¹³

¹² The Proponent may request to use the Municipality's mapping system.

¹³ For example, in cases where the Proponent commits to a design that includes Co-location capacity, the Municipality may require the Proponent to verify that other Proponents in the area have been notified of the potential Co-location opportunities.



A determination on the completeness of an application or request for additional information will be provided within **five working days** of receipt of the proposal.

Upon receipt of a complete proposal submission, the Municipality will circulate the proposal for review and comment to:

- (1) Affected Municipal Departments;
- (2) Any adjacent Municipalities within the Prescribed Distance;¹⁴ and
- (3) The local Elected Municipal Official.

7.2 FEES

Remove reference to fees if not applicable to your Municipality.

The Proponent must pay any applicable application fee to the Municipality.

The Proponent is responsible for securing applicable applications or permissions from all relevant municipal departments and paying any applicable application fees or charges as required to the Municipality.

¹⁴ As part of inter-municipal processes, the Municipality may also request that the Proponent notify adjacent Municipalities at greater distances, subject to review by the Municipality or at the request of the adjacent Municipality.

Section 8

**BACKGROUND (TO BE REMOVED FROM FINAL PROTOCOL):**

Industry Canada believes that nearby residents should be consulted regarding non-excluded antenna proposals. Consultation allows the community to be involved and ultimately influences the proposal's siting. Discussions allow stakeholders to work towards a consensus.

While Industry Canada provides a default public consultation process in the CPC, Municipalities are free to structure their public consultation process to meet their needs. Most often, Municipalities customize their public consultation process in two ways:

- By prescribing which information must be included in the public notification; and
- Requiring that either a face-to-face public consultation (i.e. open-house, drop-in or public meeting) process or a written (or other) consultation process take place.

If the proposed Antenna System is not exempt from the public consultation process as per the requirements in Section 4, the Proponent will initiate the following public consultation process, including issuing notice, undertaking written consultation, hosting a public information session where required and reviewing the consultation results with the Municipality.

8.1 NOTICE RECIPIENTS

After the Proponent has submitted an Antenna Systems siting proposal, the Proponent will give notice to:

- (1) All affected residential properties within the Prescribed Distance;
- (2) All Designated Community Associations within the Prescribed Distance.
- (3) Any adjacent municipalities within the Prescribed Distance;
- (4) The local Elected Municipal Official;
- (5) The Designated Municipal Officer; and
- (6) The Industry Canada regional office.



The Municipality will assist the Proponent in compiling a mailing list of addresses of the affected residences within the Prescribed Distance from the proposed Antenna System.¹⁵ The Municipality may charge a fee for this service.

8.2 NOTICE REQUIREMENTS

The notice will be sent by regular mail or hand delivered, a minimum of 30 days before the public information session (where a public information session is required), and include:

- (1) the proposed Antenna System's purpose, including height and location requirements, the reasons why existing Antenna Systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- (2) the proposed location within the community, the geographic coordinates and the specific property or rooftop, including a 21 cm x 28 cm (8 1/2" x 11") size copy of the site plan submitted with the application;
- (3) an attestation¹⁶ that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;
- (4) identification of areas accessible to the general public and the access/demarcation measures to control public access;
- (5) information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;
- (6) a description of the proposed Antenna System including its height, dimensions, type, design and colour, a description of any antenna that may be mounted on the supporting structure, and simulated images of the proposal;
- (7) Transport Canada's aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;
- (8) an attestation that the installation will respect good engineering practices including structural adequacy;
- (9) reference to any applicable local land-use requirements such as local processes, protocols, etc.;
- (10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);

¹⁵ Notices may be delivered to a condo/strata corporation instead of to each unit owner.

¹⁶ Example: I, (name of individual or representative of company) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6, as may be amended from time to time, for the protection of the general public, including any combined effects of nearby installations within the local radio environment.



- (11) contact information for the Proponent, the Designated Municipal Officer and the local Industry Canada office;
- (12) The date, time and location of the public information session (where required); and
- (13) A deadline date for receipt by the Proponent of public responses to the proposal:
 - a. Where a public information session is required, the deadline date must be no more than five days before the date of the session.
 - b. Where a public information session is not required, the deadline date must be at least 30 days after the notices are mailed.

The notification shall be sent out in an envelope addressed to the "Occupant" and shall clearly show in bold type on the face of the envelope the statement:

"NOTICE FOR RESIDENTS WITHIN [INSERT PRESCRIBED DISTANCE] OF A NEW PROPOSED CELL TOWER. INFORMATION IS ENCLOSED."

The Municipality may also require the Proponent, based on local conditions such as a high proportion of rental accommodation in the vicinity of the site, to provide such additional forms of notice as deemed necessary. Additional notification requirements will be identified by the Municipality during or following the site investigation meeting. Other forms of notification may include, but are not limited to:

- A large format notice board sign or signs, posted on the site of the proposed Antenna System, that is clearly visible from any roadway abutting the site;
- Publication of the notice in a local newspaper(s); and/or,
- Hand delivery of notices to specified buildings.

In addition to the public notification requirements noted above, proponents of an antenna system proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area.¹⁷ Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

¹⁷ The notice must be synchronized with the distribution of the public notification package. It must be legible and placed in the public notice section of the newspaper. The notice must include: a description of the proposed installation; its location and street address; proponent contact information and mailing address; and an invitation to provide public comments to the proponent within 30 days of the notice. In areas without a local newspaper, other effective means of public notification must be implemented. Proponents may contact the local Industry Canada office for guidance. Municipalities may choose to provide a standardized template for newspaper advertisements in their local customized protocols.



8.3 WRITTEN CONSULTATION PROCESS

Following the delivery of the notification, the Proponent will allow the public to submit written comments or concerns about the proposal.

The Proponent will:

- (1) Provide the public at least 30 days to submit questions, comments or concerns about the proposal;
- (2) Respond to all questions, comments and concerns in a timely manner (no more than 60 days from the date of receipt); and
- (3) Allow the party to reply to the Proponent's response (providing at least 21 days for public reply comments).
- (4) Keep a record of all correspondence that occurred during the written consultation process. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.
- (5) Provide a copy of all written correspondence to the Municipality and the regional Industry Canada office.

8.4 PUBLIC INFORMATION SESSION

The municipality may request the Proponent chair a public information session in cases where there is significant public interest in the proposed Antenna System. The type of public meeting to be conducted (open house, drop-in or town hall format) is up to the discretion of the Proponent, however:

- An appropriate date, time and location for the public information session will be determined in consultation with the Designated Municipal Officer.
- The Proponent will make available at the public information session an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site.

The Proponent will provide the Municipality with a package summarizing the results of the public information session containing at a minimum, the following:

- (1) List of attendees, including names, addresses and phone numbers (where provided voluntarily);
- (2) Copies of all letters and other written communications received; and
- (3) A letter of response from the Proponent outlining how all the concerns and issues raised by the public were addressed.

8.5 POST CONSULTATION REVIEW

The Municipality and the Proponent will communicate following completion of the public consultation process (and arrange a meeting at the Municipality's request) to discuss the results and next steps in the process.

Section 9

**9.1 CONCURRENCE AND CONCURRENCE WITH CONDITIONS**

The Municipality will provide a letter of concurrence to Industry Canada (copying the Proponent) where the proposal addresses, to the satisfaction of the Municipality, the requirements as set out within this Protocol and the Municipality's technical requirements, and will include conditions of concurrence, if required.¹⁸

The Municipality will issue the letter of concurrence within the timeframe established in Section 10.

9.2 NON-CONCURRENCE

The Municipality will provide a letter of non-concurrence to Industry Canada (copying the Proponent) if the proposal does not conform to Municipality requirements as set out within this Protocol. The Municipality will also forward to Industry Canada any comments on outstanding issues, including those raised during the public consultation process.

The Municipality will issue the letter of non-concurrence within the timeframe established in Section 10.

9.3 RESCINDING A CONCURRENCE

The Municipality may rescind its concurrence if following the issuance of a concurrence, it is determined by the Municipality that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue.

In such cases, the Municipality will provide notification in writing to the Proponent and to Industry Canada and will include the reason(s) for the rescinding of its concurrence.

¹⁸ The Municipality may, on case-by-case basis, include in writing specific conditions of concurrence such as design, screening or Co-location commitments.



9.4 DURATION OF CONCURRENCE

A concurrence remains in effect for a maximum period of three years from the date it was issued by the Municipality. If construction is not completed within this time period the concurrence expires except in the case where a proponent secures the agreement of the Municipality to an extension for a specified time period in writing.¹⁹ Once a concurrence expires, a new submission and review process, including public consultation as applicable, is necessary prior to any construction occurring.

In addition, if construction has not commenced after two years from the date the concurrence was issued, the Municipality requests that the Proponent send a written notification of an intent to construct to the Designated Municipal Officer, the Elected Municipal Official and any Designated Community Association once the work to erect the structure is about to start. This notification should be sent 60 days prior to any construction commencing. No further consultation or notification by the Proponent is required.

9.5 TRANSFER OF CONCURRENCE

Once concurrence has been issued, that concurrence may be transferred from the original Proponent to another Proponent (the current Proponent) without the need for further consultation provided that:

- (1) All information gathered by the original Proponent in support of obtaining the concurrence from the Municipality is transferred to the current Proponent;
- (2) The structure for which concurrence was issued to the original Proponent is what the current Proponent builds; and
- (3) Construction of the structure is commenced within the Duration of Concurrence period.

¹⁹ A copy of the agreement must be provided to the local Industry Canada office.

Section 10



Consultation with the Municipality is to be completed within 60 days of the proposal being accepted as complete²⁰ by the Municipality as explained in Section 7 of this Protocol.

Where public consultation is required, consultation with the Municipality and public consultation are both to be completed within 120 days of the proposal being accepted as complete by the Municipality.

The Municipality or Proponent may request an extension to the consultation process timeline. This extension must be mutually agreed on by both parties.

In the event that the consultation process is not completed in 270 days, the Proponent will be responsible for receiving an extension from the Municipality or reinitiating the consultation process to the extent requested by the Municipality.

²⁰ According to the CPC, "The 120-day consultation period commences only once proponents have formally submitted, in writing, all plans required by the land-use authority, and does not include preliminary discussions with land-use authority representatives."

Section 11

The Proponent may be required, if requested by the Municipality, to provide a Letter of Undertaking, which may include the following requirements:

- (1) The posting of a security for the construction of any proposed fencing, screening and landscaping;
- (2) A commitment to accommodate other communication providers on the Antenna System, where feasible, subject to the usual commercial terms and Industry Canada Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17); and
- (3) All conditions identified in the letter of concurrence.

Section 12

Municipalities can issue a request to network operators to clarify that a specific Antenna System is still required to support communication network activity. The network operator will respond within 30 days of receiving the request, and will provide any available information on the future status or planned decommissioning of the Antenna System.

Where the network operators concur that an Antenna System is redundant, the network operator and Municipality will mutually agree on a timeframe to remove the system and all associated buildings and equipment from the site. Removal will occur no later than 2 years from when the Antenna System was deemed redundant.



Industry Canada's *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* suggests that protocols can include promoting the placement of antennas in optimal locations from a land-use point of view,²¹ or excluding certain lands and rooftops from protocol requirements.

The protocol should identify areas of historic, cultural or environmental importance to the community and the need to minimize the impact of the proposal on these areas, and identify local preferences for antenna siting. **In particular, the Municipality should define Community Sensitive Areas in which the siting of new Antenna Systems is discouraged, as may be defined in local zoning bylaws or community plans.** Industry Canada also requires Proponents to use existing antenna towers or infrastructure (such as rooftops, water towers, etc.) where possible, and the Municipality may wish to provide guidance as to its own preferences regarding Co-location.

Suggestions for specific location and design guidelines that have been identified as best practices from other Municipality protocols, and can be used to customize Section 6 of your protocol, are provided below as a reference point.

²¹ The land-use compatibility of Antenna Systems may be guided by municipal plans, design bylaws, relevant planning work (i.e. neighbourhood plans and antenna site pre-selection studies) and/or any other municipal guiding document or policy.



LOCATION

Preferred Locations:

- Areas that maximize the distance from Residential Areas.
- Industrial and commercial areas.
- Mounted on buildings or existing structures within the downtown area.
- Areas that respect public views and vistas of important natural or manmade features.
- Agricultural areas.
- Transportation and utility corridors.
- As near as possible to similarly-scaled structures.
- Institutional uses where appropriate, including, but not limited to, those institutions that require telecommunications technology: emergency services, hospitals, colleges and universities.
- Adjacent to parks, green spaces and golf courses.
- Located in a manner that does not adversely impact view corridors.
- Other non-Residential Areas where appropriate.

Discouraged Locations

- Locations directly in front of doors, windows, balconies or residential frontages.
- Ecologically significant natural lands.
- Riverbank lands.
- Inappropriate sites located within Parks and Open Space Areas (with the exception of sites zoned to permit utilities and/or unless designed to interact with the area's character).
- Sites of topographical prominence.
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Pitched roofs.
- Community Sensitive Locations (as may be defined by the Municipality prior to being included in this Protocol).



DEVELOPMENT AND DESIGN PREFERENCES

Style and Colour:

- The architectural style of the Antenna System should be compatible with the surrounding neighbourhood and adjacent uses (Example: monopole near Residential Area or lattice-style in industrial areas).
- In all instances the Proponent should mitigate negative visual impacts through the use of appropriate landscaping, screening, stealth design techniques, etc.
- An Antenna System may be designed or combined as a landmark feature to resemble features found in the area, such as a flagpole or clock tower, where appropriate, subject to any zoning approvals required for the landmark feature.
- In the downtown area, the design of Antenna Systems should generally be unobtrusive and consistent with Downtown Design Guidelines.
- Towers and communication equipment should have a non-reflective surface.
- Special design treatments should be applied to Antenna Systems proposed to be located within parks and open space areas or on listed Heritage buildings and/or sites to make the system unobtrusive.
- Cable trays should generally not be run up the exterior faces of buildings.
- Antennas that extend above the top of a supporting utility pole or light standard should appear (e.g. in colour, shape and size) to be a natural extension of the pole.

Buffering and Screening:

- Antenna Systems and associated equipment shelters should be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts. Screening could include using existing vegetation, landscaping, fencing, or other means in order to blend with the built and natural environments.
- A mix of deciduous and coniferous trees is preferred to provide year-round coverage.
- Where adjacent to a principal building, equipment shelters should be constructed of a material similar in appearance to at least one of the materials used in the facades of the principal building and one of the same colours used in the principal building.



Structure:

- Single operator loaded towers (i.e., monopoles) are generally unobtrusive and of low impact and may therefore be located near living areas.
- New structures in residential or high-traffic areas should consider multi-use design (street lighting, electric vehicle charging, parking payment terminals, signage, Wi-Fi etc.).
- Individual wall-mounted antennas should be fixed as close to the wall as possible and should not project above the height of the wall face they are mounted on, in order to avoid visual clutter, and should be painted to match the wall colour for stealth.
- Facilities located on rooftops should be not be visible (to the extent possible) from the street.
- The appropriate type of telecommunication antenna structure for each situation should be selected based upon the goal of making best efforts to blend with the nearby surroundings and minimize the visual aesthetic impacts of the telecommunication antenna structure on the community.
- Pinwheel telecommunication antennas are discouraged (or encouraged).
- The use of guy wires and cables to steady, support or reinforce a tower is discouraged (or encouraged).

Height:

- The Municipality prefers that Freestanding Antenna Systems be a maximum of [TO BE DETERMINED BY THE Municipality] in height, except in industrial areas.
- Height for a Freestanding Antenna System must be measured from grade to the highest point on the structure, including lighting and supporting structures.
- Where Building/Structure-Mounted Antenna Systems will exceed 25% of the height of the existing building, the Municipality prefers that the height not exceed [TO BE DETERMINED BY THE Municipality] measured from the top of the roof or [TO BE DETERMINED BY THE Municipality] above the highest point of the elevator penthouse, whichever is higher.

Yards, Parking and Access:

- Adequate yards, to be determined on a site-by-site basis, should separate Antenna Systems from adjacent development without unduly affecting the development potential of the lot over the lease period.



- Parking spaces, where provided at each new Antenna System site, should have direct access to a public right-of-way at a private approach that does not unduly interfere with traffic flow or create safety hazards.

Equipment Cabinets in Public Spaces²²:

- Cabinets shall be designed in a manner which integrates them into their surroundings, including use of decorative wraps that are graffiti-resistant.
- Cabinet dimensions shall be as minimal as possible.
- Cables and wires must be concealed or covered.

Signage and Lighting:

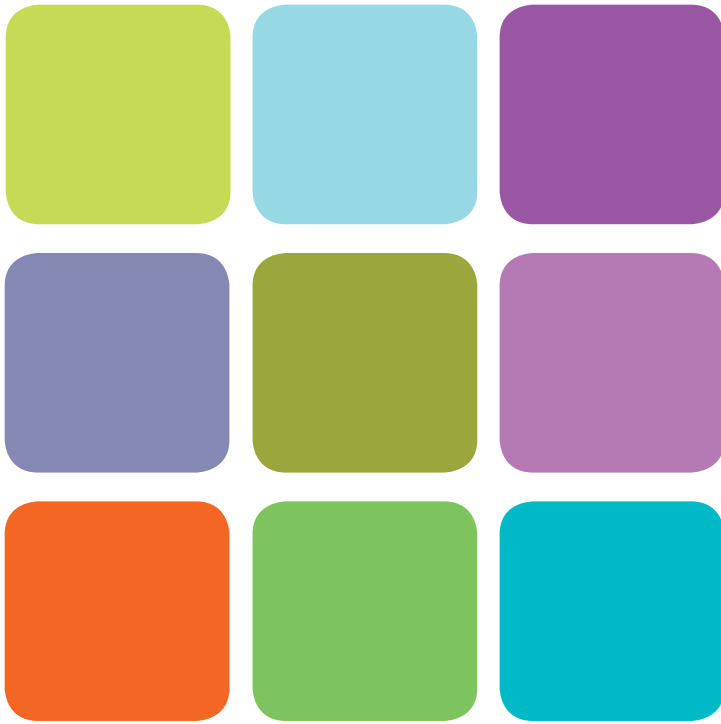
- Small owner identification signs up to a maximum of 0.19 square metres may be posted on Antenna Systems and associated equipment shelters or perimeter fencing.
- No advertising sign or logo is permitted.
- Appropriate signage may also be used as part of screening or disguise.²³
- Unless specifically required by Transport Canada and/or NAV Canada, the display of any lighting is discouraged.
- Where Transport Canada and/or NAV Canada requires a structure to be lit, the lighting should be limited to the minimum number of lights and the lowest illumination allowable, and any required strobe lightning should be set to the maximum strobe interval allowed by Transport Canada.
- The lighting of Antenna Systems and associated equipment shelters for security purposes is supportable provided it is shielded from adjacent residential properties, is kept to a minimum number of lights and illumination intensity, where possible, is provided by a motion detector or similar system.

Rooftop Equipment:

- Equipment shelters located on the roof of a building should be set back from the roof edge to the greatest extent possible, and painted to match the penthouse/building.

²² This section is intended to apply to mechanical equipment cabinets that are located in public spaces (e.g. at the bottom of a utility pole) and do not apply to cabinets that are located inside fenced in areas (e.g. in industrial areas or on rooftops).

²³ Municipality concurrence under this protocol does not include approval for associated signage. Proponents are required to obtain any necessary approvals for signage through the Municipality's development process or sign by-law as applicable.



www.fcm.ca

www.cwta.ca

CELL TOWERS IN YOUR COMMUNITY: HOW THE DECISION IS MADE

The Government of Canada regulates tower siting decisions, settles disputes, and sets health and safety standards.

New towers give wireless customers better, more reliable mobile service.



1 SHARE

Is a new tower necessary? Rules require companies to share towers, whenever possible, instead of building new ones

2 PROPOSE

Companies must submit a plan to the local municipality.



3 NOTIFY

Once a company has a plan, it must notify local residents of the upcoming consultation.

* Rules require notifications be clearly marked – no confusion with junk mail. All residents within an area 3x the height of the tower must be notified.



4 CONSULT

The company must consider the community's views

* Impasses are rare. <0.1% of cases require Industry Canada's decision.



BUILD 5

Following the consultation, and once the company and local municipality agree, the tower must be built within three years.





Agenda Item Report

Regular Council Meeting

AIR Type:	Request for Decision
SUBJECT:	Consideration of Second and Third Readings - Bylaw 1075/19 - Clearwater County - Wetaskiwin County No. 10 Intermunicipal Collaboration Framework
PRESENTATION DATE:	Tuesday, November 26, 2019
DEPARTMENT: WRITTEN BY: REVIEWED BY:	Emergency & Legislative Services Christine Heggart, Director Rick Emmons, CAO
BUDGET CONSIDERATIONS:	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Funded by Dept <input type="checkbox"/> Reallocation
LEGISLATIVE DIRECTION:	<input type="checkbox"/> None <input checked="" type="checkbox"/> Provincial Legislation (MGA s. 708.28(4)(b)) <input type="checkbox"/> County Bylaw or Policy
COMMUNITY BUILDING PILLAR (check all that apply):	
<input type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Governance Leadership <input type="checkbox"/> Fiscal Responsibilities <input type="checkbox"/> Environmental Stewardship <input type="checkbox"/> Community Social Growth	
ATTACHMENTS:	
Draft ICF - Wetaskiwin & Clearwater 1075 -19 ICF Wetaskiwin Clearwater Bylaw	

STAFF RECOMMENDATION:

That Council provides second and third reading of Bylaw 1075/19 to adopt the Wetaskiwin County and Clearwater County Intermunicipal Collaboration Framework.

BACKGROUND:

At their October 22, 2019 regular meeting, Council previously reviewed the Wetaskiwin County and Clearwater County Intermunicipal Collaboration Framework (ICF) and provided first reading associated Bylaw 1075/19.

Wetaskiwin County administration indicated that Council will be requested to provide all three readings of their matching ICF bylaw on December 5, following their Intermunicipal Development Plan (IDP) public hearings and IDP approvals.

Attached for Council's consideration for second and third reading are the ICF and ICF Bylaw.



Intermunicipal Collaboration Framework

Between

Clearwater County

and

The County of Wetaskiwin No. 10

WHEREAS, Clearwater County and the County of Wetaskiwin No. 10 share common boundaries; and

WHEREAS, Clearwater County and the County of Wetaskiwin No. 10 share common interests and are desirous of working together to provide services to their ratepayers, where there are reasonable and logical opportunities to do so; and

WHEREAS, Clearwater County and the County of Wetaskiwin No. 10 consulted with residents of both counties; and

WHEREAS, the *Municipal Government Act* stipulates that municipalities that have a common boundary must create an Intermunicipal Collaboration Framework with each other that identifies the services provided by each municipality, which services are best provided on an intermunicipal basis, and how services to be provided on an intermunicipal basis will be delivered and funded.

NOW THEREFORE, by mutual covenant of Clearwater County and the County of Wetaskiwin No. 10 it is agreed as follows:

A. TERM AND REVIEW

- 1) In accordance with the *Municipal Government Act*, this Intermunicipal Collaboration Framework is a permanent Agreement and shall come into force on final passing of matching bylaws that contain the Framework by both Counties.
- 2) This Framework may be amended by mutual consent of both Counties unless specified otherwise in this Framework.
- 3) It is agreed by the Counties that the Intermunicipal Committee shall review at least once every four years, commencing no later than 2023, the terms and conditions of the agreement.

B. INTERMUNICIPAL COOPERATION

- 1) The Intermunicipal Committee established under the Intermunicipal Development Plan is the forum for reviewing the Intermunicipal Collaboration Framework.

C. GENERAL TERMS

Both Counties agree that, with respect only to the service agreements outlined in Section D(2), residents of the Counties will be afforded the same services at the same costs, including user fees.

D. MUNICIPAL SERVICES

- 1) Both Counties have reviewed the services offered to residents. Based on the review it has been determined that each County will continue to provide the following services to their residents independently:
 - a. Water and Wastewater
 - b. Emergency Services
 - c. Recreation
 - d. Affordable Housing
 - e. Municipal Administration
 - f. Agricultural Services
 - g. Animal Control
 - h. Assessment Services
 - i. Bylaw Enforcement
 - j. Information Technology
 - k. Pest Control
 - l. Police Services
 - m. Purchasing/Procurement Services
 - n. Weed Control

- 2) The Counties have a history of working together to provide municipal services to the residents on an intermunicipal basis, with the following services being provided directly or indirectly to their residents:
 - a. Transportation:
 - o The Counties entered into a Revenue Sharing Road Contribution Agreement. This agreement outlines that the County of Wetaskiwin No. 10 will develop and maintain roads that provide access to lands in Clearwater County, in return for which Clearwater County will make an annual payment to Wetaskiwin County No. 10.

 - b. Emergency Services
 - o The Counties entered into a Mutual Aid Agreement to provide aid to one another in the event of emergencies.

 - c. Intermunicipal Development Plan
 - o The Counties entered into an Intermunicipal Development Plan in accordance with the *Municipal Government Act*. The Intermunicipal Development Plan will be reviewed in conjunction with the Intermunicipal Collaborative Framework.

- 3) The Counties acknowledge that in addition to the shared service agreements in place between the Counties, they each have independent agreements with other regional partners.

- 4) The Counties have reviewed the aforementioned existing agreements and have determined that these are the most appropriate municipal services to be conducted in a shared manner.

E. FUTURE PROJECTS & AGREEMENTS

- 1) Both Counties acknowledge the potential need and opportunity for future partnership regarding gravel operations and extraction.
- 2) In the event that either County initiates the development of a new project and/or service that may require a new cost-sharing agreement, the initiating County's Chief Administrative Officer will notify the other County's Chief Administrative Officer in writing.
- 3) The initial notification will include a general description of the project, estimated costs and timing of expenditures. The other party will advise if they have objections in principle to provide funding to the project and provide reasons. An opportunity will be provided to discuss the project at the Intermunicipal Committee.
- 4) The following criteria will be used when assessing the desirability of funding of new projects:
 - a. Relationship of the proposed capital project to Intermunicipal Development Plan, or any other regional long-term planning document prepared by the Counties;
 - b. The level of community support;
 - c. The nature of the project;
 - d. The demonstrated effort by volunteers to raise funds and obtain grants, if applicable;
 - e. The projected operating costs for new capital projects;
 - f. Municipal debt limit; and
 - g. Projected utilization by residents of both Counties.
- 5) Once either County has received written notice of new project, an Intermunicipal Committee meeting must be held within thirty (30) calendar days of the date the written notice was received, unless both Chief Administrative Officers agree otherwise.
- 6) The Intermunicipal Committee will be the forum used to discuss and review future mutual aid agreements and/or cost sharing agreements. In the event the Intermunicipal Committee is unable to reach an agreement, the dispute shall be dealt with through the procedure outlined within Section F of this document.
- 7) Both Counties recognize that the decision to participate in or not participate in a project ultimately lies with the respective municipal councils, who in turn must rely on the support of their electorate to support the project and any borrowing that could be required.

F. DISPUTE RESOLUTION

- 1) The Counties are committed to resolving any disputes in a non-adversarial, informal, and cost-efficient manner.
- 2) The Counties shall make all reasonable efforts to resolve all disputes by negotiation and agree to provide, without prejudice, open and timely disclosure of relevant facts, information, and documents to facilitate negotiations.
- 3) In the event of a dispute, the Counties agree that they shall undertake a process to promote the resolution of the dispute in the following order:
 - a. negotiation;
 - b. mediation; and
 - c. binding arbitration.
- 4) If any dispute arises between the Counties regarding the interpretation, implementation, or application of this Framework, or any contravention or alleged contravention of this Framework, the dispute will be resolved through the binding Dispute Resolution Process outlined herein.
 - a. However, if a dispute arises regarding an existing intermunicipal agreement between the Counties, and that agreement contains a binding dispute resolution process, then that process shall be followed instead of the one outlined in this framework.
- 5) If the Dispute Resolution Process is invoked, the Counties shall continue to perform their obligations described in this Framework until such time as the Dispute Resolution Process is complete.
- 6) A party shall give written notice (“Dispute Notice”) to the other party of a dispute and outline in reasonable detail the relevant information concerning the dispute. Within thirty (30) days following receipt of the Dispute Notice, the Intermunicipal Committee shall meet and attempt to resolve the dispute through discussion and negotiation, unless a time extension is mutually agreed by the Chief Administrative Officers. If the dispute is not resolved within sixty (60) days of the Dispute Notice being issued, the negotiation shall be deemed to have failed.
- 7) If the Counties cannot resolve the dispute through negotiation within the prescribed time period, then the dispute shall be referred to mediation.
- 8) Either party shall be entitled to provide the other party with a written notice (“Mediation Notice”) specifying:
 - a. The subject matters remaining in dispute, and the details of the matters in dispute that are to be mediated; and
 - b. The nomination of an individual to act as the mediator.

- 9) The Counties shall, within thirty (30) days of the Mediation Notice, jointly nominate or agree upon a mediator.
- 10) Where a mediator is appointed, the Counties shall submit in writing their dispute to the mediator and afford the mediator access to all records, documents, and information the mediators may reasonably request. The Counties shall meet with the mediator at such reasonable times as may be required and shall, through the intervention of the mediator, negotiate in good faith to resolve their dispute. All proceedings involving a mediator are agreed to be without prejudice and the fees and expenses of the mediator and the cost of the facilities required for mediation shall be shared equally between the Counties.
- 11) In the event that:
 - a. The Counties do not agree on the appointment of a mediator within thirty (30) days of the Mediation Notice; or
 - b. The mediation is not completed within sixty (60) after the appointment of the mediator; or
 - c. The dispute has not been resolved within ninety (90) from the date of receipt of the Mediation Notice;either party may by notice to the other withdraw from the mediation process and in such event the dispute shall be deemed to have failed to be resolved by mediation.
- 12) If mediation fails to resolve the dispute, the dispute shall be submitted to binding arbitration. Either of the Counties may provide the other party with written notice (“Arbitration Notice”) specifying:
 - a. the subject matters remaining in dispute and the details of the matters in dispute that are to be arbitrated; and
 - b. the nomination of an individual to act as the arbitrator.
- 13) Within thirty (30) days following receipt of the Arbitration Notice, the other party shall, by written notice, advise as to which matters stated in the Arbitration Notice it accepts and disagrees with, advise whether it agrees with the resolution of the disputed items by arbitration, and advise whether it agrees with the arbitrator selected by the initiating party or provide the name of one arbitrator nominated by that other party.
- 14) The Counties shall, within thirty (30) days of the Arbitration Notice, jointly nominate or agree upon an arbitrator.
- 15) Should the Counties fail to agree on a single arbitrator within the prescribed time period, then either party may apply to a Justice of the Court of Queen’s Bench of Alberta to have the arbitrator appointed.
- 16) The terms of reference for arbitration shall be those areas of dispute referred to in the Arbitration Notice and the receiving party’s response thereto.

- 17) The *Arbitration Act* (Alberta) in force from time to time shall apply to arbitration proceedings commenced pursuant to this Framework.
- 18) The arbitrator shall proceed to hear the dispute within sixty (60) days of being appointed and proceed to render a written decision concerning the dispute forthwith.
- 19) The arbitrator's decision is final and binding upon the Counties subject only a party's right to seek judicial review by the Court of Queen's Bench on a question of jurisdiction.
- 20) If the Counties do not mutually agree on the procedure to be followed, the arbitrator may proceed to conduct the arbitration on the basis of documents or may hold hearings for the presentation of evidence and for oral argument.
- 21) Subject to the arbitrator's discretion, hearings held for the presentation of evidence and for argument are open to the public.
- 22) If the arbitrator establishes that hearings are open to the public in Section 21, the arbitrator, as their sole discretion, may solicit written submissions. If the arbitrator requests written submissions, they must be considered in the decision.
- 23) The fees and expenses of the arbitrator and the cost of the facilities required for arbitration shall be shared equally between the Counties.
- 24) On conclusion of the arbitration and issuance of an order, the arbitrator must proceed to compile a record of the arbitration and give a copy of the record to each of the Counties.

G. CORRESPONDENCE

- 1) Written notice under this Agreement shall be addressed as follows:
 - a. In the case of Clearwater County to:
Clearwater County
c/o Chief Administrative Officer
4340 - 47 Avenue Box 550
Rocky Mountain House, AB T4T 1A4
 - b. In the case of the County of Wetaskiwin No. 10 to:
County of Wetaskiwin No. 10
c/o Chief Administrative Officer
Box 6960
Wetaskiwin, AB T9A 2G5
- 2) In addition to G(1), notices may be sent by electronic mail to the Chief Administrative Officer.

BYLAW NO. 1075/19

BEING A BYLAW TO ADOPT THE INTERMUNICIPAL COLLABORATION FRAMEWORK BETWEEN WETASKIWIN COUNTY AND CLEARWATER COUNTY

WHEREAS, the Council of Clearwater County is authorized under the Municipal Government Act, RSA 2000, Chapter M-26, as amended, to work collaboratively with neighbouring municipalities to ensure the efficient provision of municipal services for all residents; and

WHEREAS, Wetaskiwin County and Clearwater County have worked collaboratively on the preparation of an Intermunicipal Collaboration Framework between the two municipalities; and,

WHEREAS, the Council of Clearwater County deems it desirable and appropriate to adopt the Intermunicipal Collaboration Framework between Wetaskiwin County and Clearwater County,

NOW THEREFORE, the Council of Clearwater County, duly assembled, enacts as follows:

1. That the document titled "Intermunicipal Collaboration Framework between Wetaskiwin County and Clearwater County" dated October 2019 as attached and forming part of this Bylaw be adopted;

and

2. That this Bylaw shall take effect upon the final passing thereof.

READ a first time this ____ day of _____, 2019.

READ a second time this ____ day of _____, 2019.

READ a third time and finally passed this ____ day of _____, 2019.

REEVE

CHIEF ADMINISTRATIVE OFFICER



Agenda Item Report

Regular Council Meeting

AIR Type:	Request for Decision
SUBJECT:	Consideration of Second and Third Readings - Bylaw 1078/19 - Brazeau County and Clearwater County Intermunicipal Collaboration Framework
PRESENTATION DATE:	Tuesday, November 26, 2019
DEPARTMENT: WRITTEN BY: REVIEWED BY:	Emergency & Legislative Services Christine Heggart, Director Rick Emmons, CAO
BUDGET CONSIDERATIONS:	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Funded by Dept <input type="checkbox"/> Reallocation
LEGISLATIVE DIRECTION:	<input type="checkbox"/> None <input checked="" type="checkbox"/> Provincial Legislation (MGA s. 708.28(4)(b)) <input type="checkbox"/> County Bylaw or Policy
COMMUNITY BUILDING PILLAR (check all that apply):	
<input type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Governance Leadership <input type="checkbox"/> Fiscal Responsibilities <input type="checkbox"/> Environmental Stewardship <input type="checkbox"/> Community Social Growth	
ATTACHMENTS:	
Brazeau - Clearwater ICF 1078 -19 ICF Brazeau Clearwater Bylaw	

STAFF RECOMMENDATION:

That Council provides second and third readings of Bylaw 1078/19 to adopt the Brazeau County and Clearwater County Intermunicipal Collaboration Framework.

BACKGROUND:

At their October 22, 2019 regular meeting, Clearwater County Council provided first reading of Bylaw 1078/19 to adopt the Brazeau County and Clearwater County Intermunicipal Collaboration Framework (ICF). Both the ICF bylaw and ICF itself are attached to this request for decision item.

Brazeau County Council provided first reading of their ICF bylaw on October 15, 2019 and subsequently on November 19, 2019 provided second and third readings of their matching bylaw to adopt the ICF.



**Intermunicipal Collaboration Framework
Between
Brazeau County
and
Clearwater County**

TABLE OF CONTENTS

A. TERM AND REVIEW3

B. INTERMUNICIPAL COOPERATION3

C. GENERAL TERMS4

D. MUNICIPAL SERVICES.....4

E. FUTURE PROJECTS & AGREEMENTS5

F. DISPUTE RESOLUTION.....6

G. CORRESPONDENCE10

DRAFT

WHEREAS, Brazeau County and Clearwater County share a common border; and

WHEREAS, Brazeau County and Clearwater County share common interests and are desirous of working together to provide services to their residents; and

WHEREAS, Brazeau County and Clearwater County consulted with residents of both counties; and

WHEREAS, the *Municipal Government Act* stipulates that municipalities that have a common boundary must create an Intermunicipal Collaboration Framework with each other that identifies the services provided by each municipality, which services are best provided on an intermunicipal basis, and how services to be provided on an intermunicipal basis will be delivered and funded.

NOW THEREFORE, by mutual covenant of the Counties it is agreed as follows:

A. TERM AND REVIEW

- 1) In accordance with the *Municipal Government Act*, this Intermunicipal Collaboration Framework is a permanent Agreement and shall come into force on the passing of bylaws by both Counties.
- 2) This Framework may be amended by mutual consent of both Counties unless specified otherwise in this Framework. Amended copies of this Framework shall come into force on the passing of bylaws by both Counties.
- 3) Amended versions to this Framework shall supersede and replace all previous versions of this Framework.
- 4) It is agreed by both Counties that the Intermunicipal Collaboration Committee shall meet at least once every four years, or upon request by either party, commencing no earlier than ninety (90) calendar days and no later than one-hundred and eighty (180) calendar days after a municipal election to review the terms and conditions of the agreement.

B. INTERMUNICIPAL COOPERATION

- 1) The Intermunicipal Collaboration Committee (ICC) is hereby established to give expanded focus to intermunicipal opportunities and considerations. Although individual Councils maintain the authority for decisions in the respective municipalities, the ICC is the main working group for intermunicipal matters.
 - a. Proactively identify new service areas or opportunities;
 - b. Address intermunicipal opportunities that arise on an as needed basis where no existing structure exists to deal with the matter;

- c. Prioritize activity and develop appropriate measures, processes and sub-committees to address areas under consideration;
 - d. Represent and speak well of regional efforts to cooperate in service delivery;
 - e. Address areas where intermunicipal differences in need of resolution may arise;
 - f. Ensure each Council is kept informed about discussions, progress and issues; and
 - g. Serve as the principal negotiating committee for new or updated agreements under this Framework.
- 2) The Intermunicipal Collaboration Committee is the forum for reviewing the Intermunicipal Collaboration Framework.
 - 3) The Counties will give thirty (30) calendar days' notice for a meeting. Meeting requests will be directed to the Chief Administrative Officer for the respective municipality.

C. GENERAL TERMS

- 1) Both Counties agree that in respect of the service agreements outlined in Section D(2) that residents of the Counties will be afforded the same services at the same costs, including user fees.

D. MUNICIPAL SERVICES

- 1) Both Counties have reviewed the services offered to residents. Based on the review it has been determined that each County will continue to provide the following services to their residents independently:
 - a. Water and Wastewater
 - b. Emergency Services
 - c. Recreation
 - d. Affordable Housing
 - e. Municipal Administration
 - f. Agricultural Services
 - g. Animal Control
 - h. Assessment Services
 - i. Bylaw Enforcement
 - j. Information Technology
 - k. Pest Control
 - l. Police Services
 - m. Purchasing/Procurement Services
 - n. Weed Control

- 2) The Counties have a history of working together to provide municipal services to the residents on an intermunicipal basis, with the following services being provided directly or indirectly to their residents:
 - a. Emergency Services:

The Counties, with additional partners, have agreements in place to aid in the event of emergencies:

 - i. Mutual Aid Agreement between Brazeau County and the Clearwater County. As a mutual aid agreement there is no managing partner. The assisting municipality shall invoice the requesting municipality for providing mutual aid.
 - ii. Centralized Asset Management System (CAMS) License Shared Data Agreement between Brazeau County, Clearwater County, Leduc County, the City of Leduc, and Camrose County. The purpose of this Agreement is to share information as it relates to the CAMS operating system.
 - b. Memorandum of Understanding (MOU) – The Sasquatch Program
 - i. The purpose of this MOU is to facilitate cooperation between Clearwater County and Brazeau County for the protection and improvement of the environment; as it relates to recreation in the West Country. This MOU is a guideline and is not legally binding on either party.
- 3) The Counties acknowledge that in addition to the shared service agreements in place between the Counties, they each have independent agreements with other regional partners.
- 4) The Counties have reviewed the aforementioned existing agreements and have determined that these are the most appropriate municipal services to be conducted in a shared manner.

E. FUTURE PROJECTS & AGREEMENTS

- 1) In the event that either County initiates the development of a new project and/or service that may require a new cost-sharing agreement, the initiating County's Chief Administrative Officer will notify the other County's Chief Administrative Officer in writing.
- 2) The initial notification will include a general description of the project, estimated costs and timing of expenditures. The other party will advise if they have objections in principle to provide funding to the project and provide reasons. An opportunity will be provided to discuss the project at the Intermunicipal Collaboration Committee meeting.

- 3) The following criteria will be used when assessing the desirability of funding new projects:
 - a. Relationship of the proposed capital project to any regional long-term planning document(s) prepared by both Counties;
 - b. The level of community support;
 - c. The nature of the project;
 - d. The demonstrated effort by volunteers to raise funds and obtain grants, if applicable;
 - e. The projected operating costs for new capital projects;
 - f. Municipal debt limit; and
 - g. Projected utilization by residents of both Counties.
- 4) Once either County has received written notice of new project, an Intermunicipal Collaboration Committee meeting must be held within thirty (30) calendar days of the date the written notice was received, unless both Chief Administrative Officers agree otherwise.
- 5) The Intermunicipal Collaboration Committee will be the forum used to address and develop future mutual aid agreements and/or cost sharing agreements. In the event the Intermunicipal Collaboration Committee is unable to reach an agreement, the dispute shall be dealt with through the procedure outlined within Section F of this document.
- 6) Both Counties recognize that the decision to participate in or not participate in a project ultimately lies with the respective municipal councils, who in turn must rely on the support of their electorate to support the project and any borrowing that could be required.

F. DISPUTE RESOLUTION

- 1) The Counties are committed to resolving any disputes in a non-adversarial, informal and cost-efficient manner.
- 2) In the event of a dispute, the Counties agree that they shall undertake a process to promote the resolution of the dispute in the following order:
 - a. negotiation;
 - b. mediation; and
 - c. binding arbitration.
- 3) The Counties shall make all reasonable efforts to resolve all disputes by negotiation and agree to provide, without prejudice, open and timely disclosure of relevant facts, information and documents to facilitate negotiations.

- 4) If any dispute arises between the Counties regarding the interpretation, implementation or application of this Framework or any contravention or alleged contravention of this Framework, the dispute will be resolved through the binding Dispute Resolution Process outlined herein.
- 5) If the Dispute Resolution Process is invoked, the Counties shall continue to perform their obligations described in this Framework until such time as the Dispute Resolution Process is complete.
- 6) Despite F(4), where an existing intermunicipal agreement has a binding dispute resolution process included in the existing intermunicipal agreement, that agreement shall be used instead of the dispute resolution outlined in this Framework.
- 7) Any dispute arising out of the implementation of this Agreement will firstly be addressed by the administration of both Brazeau County and the Clearwater County. Where a dispute cannot be resolved to the satisfaction of both parties after thirty (30) calendar days, the dispute will be referred to the Chief Administrative Officers of both Counties.
- 8) Where a dispute cannot be resolved to the satisfaction of both Chief Administrative Officers after thirty (30) calendar days, the dispute will be referred to the Intermunicipal Collaboration Committee.
- 9) A party shall give written notice ("Dispute Notice") to the other party of a dispute and outline in reasonable detail the relevant information concerning the dispute. Within thirty (30) calendar days following receipt of the Dispute Notice, the Intermunicipal Collaboration Committee shall meet and attempt to resolve the dispute through discussion and negotiation, unless a time extension is mutually agreed by the Chief Administrative Officers. If the dispute is not resolved within sixty (60) calendar days of the Dispute Notice being issued, the negotiation shall be deemed to have failed and shall be referred to mediation.
- 10) Either party shall be entitled to provide the other party with a written notice ("Mediation Notice") specifying:
 - a. The subject matters remaining in dispute, and the details of the matters in dispute that are to be mediated; and
 - b. The nomination of an independent mediator.
- 11) The Counties shall, within thirty (30) calendar days of the Mediation Notice, seek the assistance of a mediator acceptable by both parties.
- 12) When a mediator is appointed, the Counties shall submit in writing their dispute to the mediator and afford the mediator access to all records, documents and

information the mediators may reasonably request. The Counties shall meet with the mediator at such reasonable times as may be required and shall, through the intervention of the mediator, negotiate in good faith to resolve their dispute. All proceedings involving a mediator are agreed to be without prejudice and the fees and expenses of the mediator and the cost of the facilities required for mediation shall be shared equally between the Counties.

- 13) In the event that:
 - a. The Counties do not agree on the appointment of a mediator within thirty (30) calendar days of the Mediation Notice; or
 - b. The mediation is not completed within sixty (60) calendar days after the appointment of the mediator; or
 - c. The dispute has not been resolved within ninety (90) calendar days from the date of receipt of the Mediation Notice; either party may, by notice to the other, withdraw from the mediation process and the mediation shall be deemed to have failed.
- 14) If mediation fails to resolve the dispute, the dispute shall be submitted to binding arbitration. Either of the Counties may provide the other party with written notice ("Arbitration Notice") specifying:
 - a. the subject matters remaining in dispute and the details of the matters in dispute that are to be arbitrated; and
 - b. the nomination of an individual to act as the arbitrator.
- 15) Within thirty (30) calendar days following receipt of the Arbitration Notice, the other party shall, by written notice, advise as to which matters stated in the Arbitration Notice it accepts and disagrees with, advise whether it agrees with the resolution of the disputed items by arbitration, and advise whether it agrees with the arbitrator selected by the initiating party or provide the name of one arbitrator nominated by that other party.
- 16) The Counties shall, within thirty (30) calendar days of the Arbitration Notice, jointly nominate or agree upon an arbitrator.
- 17) Should the Counties fail to agree on a single arbitrator within the prescribed time period, then either party may apply to a Justice of the Court of Queen's Bench of Alberta to have the arbitrator appointed.
- 18) The terms of reference for arbitration shall be those areas of dispute referred to in the Arbitration Notice and the receiving party's response thereto.
- 19) The *Arbitration Act* (Alberta) shall apply to arbitration proceedings commenced pursuant to this Framework.

- 20) The arbitrator shall proceed to hear the dispute within sixty (60) calendar days of being appointed and proceed to render a written decision.
- 21) The arbitrator's decision is final and binding upon the Counties, subject only to a party's right to seek judicial review by the Court of Queen's Bench on a question of jurisdiction.
- 22) If the Counties do not mutually agree on the procedure to be followed, the arbitrator may proceed to conduct the arbitration on the basis of documents or may hold hearings for the presentation of evidence and for oral argument.
- 23) Subject to the arbitrator's discretion, hearings held for the presentation of evidence and for argument are open to the public.
- 24) If the arbitrator establishes that hearings are open to the public in Clause 23, the arbitrator, at their sole discretion, may solicit written submissions. If the arbitrator requests written submissions, they must be considered in the decision.
- 25) The fees and expenses of the arbitrator and the cost of the facilities required for arbitration shall be shared equally between the Counties.
- 26) On conclusion of the arbitration and issuance of an order, the arbitrator must proceed to compile a record of the arbitration and give a copy to each County.

Intermunicipal Development Plan Not Required

- 27) It is recognized that, pursuant to Schedule "B" attached to this agreement, the two municipalities have been exempted from the provisions of Sections 631(1) and 708.3(1) of the *Municipal Government Act*, Chapter M-26, RSA 2000 as amended. Section 631(1) requires municipalities that share common boundaries to adopt an Intermunicipal Development Plan (hereinafter referred to as "IDP") to include those areas of land lying within the boundaries of the municipalities as they consider necessary; Section 708.3(1) stipulates that an intermunicipal collaboration framework is not complete unless the Councils of the municipalities involved have also adopted an IDP. The Minister has recognized the protected status of the lands on either side of the boundary between the Brazeau County and Clearwater County, noting that no municipally-approved development will occur on those lands in the future, and has therefore exempted Brazeau County and Clearwater County from the requirement to adopt an Intermunicipal Development Plan.

G. CORRESPONDENCE

1) Written notice under this Agreement shall be addressed as follows:

a. In the case of Brazeau County to:

**Brazeau County
c/o Chief Administrative Officer
Box 77, 7401 Twp Rd 494
Drayton Valley, Alberta T7A 1R1**

b. In the case of the Clearwater County to:

**Clearwater County
c/o Chief Administrative Officer
4340 - 47th Avenue, Box 550
Rocky Mountain House AB T4T 1A4**

2) In addition to G (1), notices may be sent by electronic mail to the Chief Administrative Officer.

IN WITNESS WHEREOF the Municipalities have hereunto executed this Framework under their respective corporate seals and by the hands of their proper officers duly authorized in that regard.

Signed this ____ day of _____, 2019 in _____, Alberta.

CLEARWATER COUNTY

BRAZEAU COUNTY

Per:

Per:

Jim Duncan, Reeve

Bart Guyon, Reeve

Rick Emmons, CAO

Jocelyn Whaley, CAO

ATTACHED SCHEDULES:

SCHEDULE "A": Council bylaws adopting the Framework

SCHEDULE "B": Ministerial exemption from IDP requirements

BYLAW NO. 1078/19

BEING A BYLAW OF CLEARWATER COUNTY, IN THE PROVINCE OF ALBERTA, TO ADOPT THE INTERMUNICIPAL COLLABORATION FRAMEWORK BETWEEN BRAZEAU COUNTY AND CLEARWATER COUNTY.

WHEREAS, the Council of Clearwater County is authorized under the Municipal Government Act, RSA 2000, Chapter M-26, as amended, to work collaboratively with neighbouring municipalities to ensure the efficient provision of municipal services for all residents; and

WHEREAS, Brazeau County and Clearwater County have worked collaboratively on the preparation of an Intermunicipal Collaboration Framework between the two municipalities; and,

WHEREAS, the Council of Clearwater County deems it desirable and appropriate to adopt the Intermunicipal Collaboration Framework between Brazeau County and Clearwater County,

NOW THEREFORE, the Council of Clearwater County, duly assembled, enacts as follows:

1. That the document titled "Intermunicipal Collaboration Framework between Brazeau County and Clearwater County" dated October 2019 as attached and forming part of this Bylaw be adopted;

and

2. That this Bylaw shall take effect upon the final passing thereof.

READ a first time this ____ day of _____, 2019.

READ a second time this ____ day of _____, 2019.

READ a third time and finally passed this ____ day of _____, 2019.

REEVE

CHIEF ADMINISTRATIVE OFFICER



Agenda Item Report

Regular Council Meeting

AIR Type:	Request for Decision
SUBJECT:	Alberta Community Partnership Grant Application
PRESENTATION DATE:	Tuesday, November 26, 2019
DEPARTMENT: WRITTEN BY: REVIEWED BY:	Emergency & Legislative Services Christine Heggart, Director Rick Emmons, CAO
BUDGET CONSIDERATIONS:	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Funded by Dept <input type="checkbox"/> Reallocation
LEGISLATIVE DIRECTION:	<input checked="" type="checkbox"/> None <input type="checkbox"/> Provincial Legislation <input type="checkbox"/> County Bylaw or Policy
COMMUNITY BUILDING PILLAR (check all that apply):	
<input type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Governance Leadership <input checked="" type="checkbox"/> Fiscal Responsibilities <input type="checkbox"/> Environmental Stewardship <input type="checkbox"/> Community Social Growth	
ATTACHMENTS:	
None	

STAFF RECOMMENDATION:

That Council authorizes Ponoka County to be the managing partner to complete the *Ponoka County - Clearwater County Intermunicipal Development Plan (IDP)* and *Intermunicipal Collaboration Framework (ICF)* and fully supports Ponoka County's Alberta Community Partnership Grant application for IDP and ICF creation.

BACKGROUND:

Ponoka County intends to submit an [Alberta Community Partnership \(ACP\)](#) grant application for the partnership with Clearwater County to complete the necessary Intermunicipal Development Plan and Intermunicipal Collaboration Framework as required by the Municipal Government Act.

The objective of the ACP is to improve the viability and long-term sustainability of municipalities. Key program outcomes include:

- new or enhanced regional municipal services
- improved municipal capacity to respond to municipal and regional priorities
- effective intermunicipal relations through joint and collaborative activities



Agenda Item Report

Regular Council Meeting

AIR Type:	Request for Decision
SUBJECT:	Draft Bylaw 1082/19 - Small Business Sub-Class
PRESENTATION DATE:	Tuesday, November 26, 2019
DEPARTMENT: WRITTEN BY: REVIEWED BY:	Corporate Services Rob Kotchon, Assessment Manager & Jerry Pratt, Economic Development Officer Murray Hagan, Director Corporate Services R. Emmons, CAO
BUDGET CONSIDERATIONS:	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept <input type="checkbox"/> Reallocation
LEGISLATIVE DIRECTION:	<input type="checkbox"/> None <input checked="" type="checkbox"/> Provincial Legislation (MGA Section 297(1)) <input type="checkbox"/> County Bylaw or Policy
COMMUNITY BUILDING PILLAR (check all that apply):	
<input checked="" type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Governance Leadership <input type="checkbox"/> Fiscal Responsibilities <input type="checkbox"/> Environmental Stewardship <input type="checkbox"/> Community Social Growth	
ATTACHMENTS:	
DRAFT_BYLAW_1082_19_SMALL_BUSINESS_SUB_CLASS_11.26.2019	

STAFF RECOMMENDATION:

That Council reviews, amends as appropriate a Small Business Sub-Class Bylaw #1082/19 and directs Administration on any desired changes.

BACKGROUND:

Council expressed interest in the Small Business Property Sub-Class that has been added to the Municipal Government Act and also in obtaining basic information on all small businesses operating in our County.

Assigning assessment classes to property

297(1) When preparing an assessment of property, the assessor must assign one or more of the following assessment classes to the property:

- (a) class 1 - residential;
- (b) class 2 - non-residential;
- (c) class 3 - farm land;
- (d) class 4 - machinery and equipment.

(2) A council may by bylaw divide class 1 into sub-classes on any basis it considers appropriate, and if the council does so, the assessor may assign one or more sub-classes to property in class 1.

(2.1) A council may by bylaw divide class 2 into the sub-classes prescribed by the regulations, and if the council does so, the assessor must assign one or more of the prescribed sub-classes to a property in class 2.

(3) If more than one assessment class or sub-class is assigned to a property, the assessor must provide a breakdown of the assessment, showing each assessment class or sub-class assigned and the

portion of the assessment attributable to each assessment class or sub-class.

(4) In this section,

- (a) “farm land” means land used for farming operations as defined in the regulations;
- (a.1) “machinery and equipment” does not include
 - (i) any thing that falls within the definition of linear property as set out in section 284(1)(k), or
 - (ii) any component of a manufacturing or processing facility that is used for the cogeneration of power;
- (b) “non-residential”, in respect of property, means linear property, components of manufacturing or processing facilities that are used for the cogeneration of power or other property on which industry, commerce or another use takes place or is permitted to take place under a land use bylaw passed by a council, but does not include farm land or land that is used or intended to be used for permanent living accommodation;
- (c) “residential”, in respect of property, means property that is not classed by the assessor as farm land, machinery and equipment or non-residential.

RSA 2000 cM-26 s297:2002 c19 s6;
2016 c24 s29:2017 c13 s2(7)

New legislation has been passed that allows Municipalities to identify a new sub-class for Small Business Property. The definition for Small Business property is as follows:

Prescribed sub-classes

2(1) For the purposes of section 297(2.1) of the Act, the following sub-classes are prescribed for property in class 2:

- (a) vacant non-residential property;
- (b) small business property;
- (c) other non-residential property.

(2) The subclasses referred to in subsection (1) can be applied to both the Urban and Rural Service Areas for Lac La Biche County and the Regional Municipality of Wood Buffalo as if the service areas were separate entities.

(3) For the purposes of subsection (1)(b), “small business property” means property in a municipality, other than designated industrial property, that is owned or leased by a business

- (a) operating under a business licence or that is otherwise identified in a municipal bylaw, and
- (b) that has fewer than
 - (i) 50 full-time employees across Canada, or
 - (ii) a lesser number of employees as set out in a municipal bylaw,

as at December 31 or an alternative date established in a municipal bylaw.

(4) For the purposes of subsection (3), a property that is leased by a business is not a small business property if the business has subleased the property to someone else.

The legislation allows Council to assign a separate municipal tax rate up to 25% less than the full non-residential municipal tax rate for this non-residential sub-class.

The process to qualify as a Small Business property would be to voluntarily register with the County. The business would be approved as a small business if it was in compliance with Clearwater County bylaws.

I have reviewed all non-residential properties located in Clearwater County and compiled a tentative list of rolls that could potentially qualify. The maximum reduction in tax revenues is estimated at \$100,000.

In order to initiate this Small Business Assessment Sub-Class, we would need to have a registration deadline of February 14, 2020. This would allow enough time to process the new sub-class and declare the 2019 assessment roll to the Province.

ECONOMIC DEVELOPMENT QUESTIONS

This voluntary registration can also be an opportunity to help Economic Development understand more about the number and types of businesses in Clearwater County. The registration could include questions that are for Economic Development information purposes.

BYLAW NO. 1082/19

BEING A BYLAW OF CLEARWATER COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AUTHORIZING A SMALL BUSINESS PROPERTY ASSESSMENT SUB-CLASS

WHEREAS pursuant to the Municipal Government Act, R.S.A. 2000 Chapter M-26, Council may by bylaw divide class 2 non-residential property into the sub-classes prescribed by the regulations, and if the council does so, the assessor must assign one or more of the prescribed sub-classes to a property in class 2.

AND WHEREAS pursuant to Alberta Regulation 202/17 'The Matters Relating to Assessment Sub-Classes Regulation', Council may pass a bylaw to establish a Small Business Property Sub-Class.

NOW THEREFORE the Council of the Clearwater County, Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw may be cited as the Non-Residential Sub-Classes Bylaw.
2. The purpose of this bylaw is to authorize the assessment sub-classes for non-residential property.
3. In this bylaw:
'Small Business Property' means Small Business property, other than designated industrial property, that is owned or leased by a business that has fewer than 50 full-time employees across Canada.
4. For the purpose of 2019 and all future Assessment Rolls, all Non-residential assessment property within Clearwater County is hereby divided into the following sub-classes:
 - a) Small Business Property
 - b) Other Non-Residential Property
5. Each Small Business Property Owner must voluntarily register, and the small business must be in compliance with the Clearwater County Land Use Bylaw.

This bylaw shall come into force and effect on the final passing and signature thereof.

READ A FIRST TIME this _____ day of November, 2019

Reeve

Chief Administrative Officer

READ A SECOND TIME this _____ day of December, 2019

READ A THIRD AND FINAL TIME, _____ day of December, 2019

Reeve

Chief Administrative Officer



Agenda Item Report

Regular Council Meeting

AIR Type:	Request for Decision
SUBJECT:	Council Christmas Greeting Advertising 2019
PRESENTATION DATE:	Tuesday, November 26, 2019
DEPARTMENT:	Corporate Services
WRITTEN BY:	D. Tutic, Communications Coordinator
REVIEWED BY:	M. Hagan, Director Corporate Services
BUDGET CONSIDERATIONS:	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Funded by Dept <input type="checkbox"/> Reallocation
LEGISLATIVE DIRECTION:	<input checked="" type="checkbox"/> None <input type="checkbox"/> Provincial Legislation <input type="checkbox"/> County Bylaw or Policy
COMMUNITY BUILDING PILLAR (check all that apply):	
<input type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Governance Leadership <input checked="" type="checkbox"/> Fiscal Responsibilities <input type="checkbox"/> Environmental Stewardship <input type="checkbox"/> Community Social Growth	
ATTACHMENTS:	
Council Christmas Ad 2018	

STAFF RECOMMENDATION:

That Council direct Administration in terms of preparing and publishing the 2019 Christmas Greeting advertisements in their behalf.

BACKGROUND:

Traditionally, Council included a Christmas Greeting advertisement in the Mountaineer, Western Star and Sundre Round Up (see attachment). The advertisement runs for one week in December, printed in full colour, and includes a photo of Council with a Christmas Greeting message.

The total cost for three Christmas Greeting advertisements in 2018 was approximately \$1,000.00 and costs were equally divided and paid by Councillors.

If Council wishes, other options may include utilizing social media channels and the County Highlights Newsletter to publish a Christmas Greeting.

Staff would like to determine Council's interest and to provide direction regarding the preparation and publishing of a Christmas Greeting for 2019.

From All of Us to All of You:

*We wish you a Merry Christmas
and a Happy New Year*



from Clearwater County Council

May the Christmas season bring
much happiness, good health and good
fortune to you and your loved ones.

PAID FOR BY COUNCIL

Follow Clearwater County
on Facebook
or on Twitter @clearwatercnty.



Phone 403-845-4444 | www.clearwatercounty.ca



P.O. Box 550, 4340 - 47th Avenue, Rocky Mountain House, AB T4T 1A4



Agenda Item Report

Regular Council Meeting

AIR Type:	Request for Decision
SUBJECT:	Council Meetings Live Streaming Update
PRESENTATION DATE:	Tuesday, November 26, 2019
DEPARTMENT:	Corporate Services
WRITTEN BY:	D. Tutic, Communications Coordinator
REVIEWED BY:	M. Hagan, Director Corporate Services
BUDGET CONSIDERATIONS:	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Funded by Dept <input type="checkbox"/> Reallocation
LEGISLATIVE DIRECTION:	<input checked="" type="checkbox"/> None <input type="checkbox"/> Provincial Legislation <input type="checkbox"/> County Bylaw or Policy
COMMUNITY BUILDING PILLAR (check all that apply):	
<input checked="" type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Governance Leadership <input type="checkbox"/> Fiscal Responsibilities <input type="checkbox"/> Environmental Stewardship <input type="checkbox"/> Community Social Growth	
ATTACHMENTS:	
None	

STAFF RECOMMENDATION:

That Council receives the live streaming update as information and directs Administration regarding readiness to start live streaming in 2020.

BACKGROUND:

At the regular meeting of Council held November 28, 2017, discussion of live streaming options for Council meetings was tabled pending more information and additional quotes on alternative live video feed systems.

Following the April 10, 2018 regular meeting of Council, Administration was directed to proceed upgrading audio equipment to be funded by capital budget previously approved for live streaming.

Since then, Administration has been working diligently to finalize the upgrade of the audio/video equipment in Council Chambers, train staff in the new online platform for generating the new agenda format, and has performed several successful tests.

Pending the second and third reading of the Meeting Procedures Bylaw 1080/19, which will enable the recording and live streaming of regular meetings of Council as well as Strategic Planning Committee meetings, Administration is proposing to start communications to increase public awareness that the first live streaming session will go public on January 14, 2020.

Administration has performed thorough testing of the audio/video equipment, staff training on what to expect while being recorded, and is ready to start live streaming.



Agenda Item Report

Regular Council Meeting

AIR Type:	Request for Decision
SUBJECT:	Communications Update
PRESENTATION DATE:	Tuesday, November 26, 2019
DEPARTMENT:	Corporate Services
WRITTEN BY:	D. Tutic, Communications Coordinator
REVIEWED BY:	M. Hagan, Director Corporate Services
BUDGET CONSIDERATIONS:	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept <input type="checkbox"/> Reallocation
LEGISLATIVE DIRECTION:	<input checked="" type="checkbox"/> None <input type="checkbox"/> Provincial Legislation <input type="checkbox"/> County Bylaw or Policy
COMMUNITY BUILDING PILLAR (check all that apply):	
<input type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Governance Leadership <input type="checkbox"/> Fiscal Responsibilities <input type="checkbox"/> Environmental Stewardship <input type="checkbox"/> Community Social Growth	
ATTACHMENTS:	
Web Analytics Overview 20190101-20191119 Web Analytics Acquisition Overview 20190101-20191119 Web Analytics Audience Overview 20190101-20191119 Facebook Insights & Twitter Analytics	

STAFF RECOMMENDATION:

That Council accepts the Communications update as information and directs Administration to draft a Strategic Communications Plan.

BACKGROUND:

In recent discussions with Council, there has been an expressed interest to host an open house in the community as a means to increase public engagement. The following agenda item will outline Clearwater County's past practice, current communication methods, and potential future direction.

Clearwater County uses a variety of communications tactics to connect with its residents. Our website www.clearwatercounty.ca provides a broad spectrum of information on programs and services along with current news regarding events happening in the County. Social media accounts include Facebook, Instagram and Twitter @clearwatercnty, all used in various capacity to push communication to diverse audiences. Current analytics are attached for Council's information.

In 2012/13, Council hosted various open house events throughout the County, as an opportunity to communicate their vision and strategic plan and priorities. Attendance at the events varied from venue to venue, but only a small number of the residents in the County attended.

In 2014, Council reaffirmed the direction for staff to undertake an “inform” or educational community engagement approach - based on the International Association of Public Participation (IAP2) spectrum model. This educational strategy saw an increased focus on online communications and the addition of a resident newsletter, Clearwater County Highlights, 4 times a year delivered directly to mailboxes (over 5,200). As of 2016/17, the issues were increased to 6 times a year; however, deliveries decreased by approx. 200 residents following requests to be removed from the mailing list. At this point, staff have received limited feedback in terms of newsletter and its content. This newsletter is also available online internally and externally.

In 2018, Clearwater County launched a new website integrated with a mobile app and design features that are user friendly, data driven and interactive to be compatible with various devices.

Both the website and social media have seen a significant increase in users, with many residents choosing to use the online forum to pose questions to County staff. These numbers by no means compare with the volume of phone calls received by administrative staff - but demonstrates an increasing movement to online communications methods which are available 24/7.

With the movement towards digital communications comes the ever increasing expectation that information is up-to-date or immediately distributed to residents. Staff receive comments throughout the year expressing the expectation that the website and social media information is kept current (including weekends or holidays). As a management expectation strategy our social media sites note the following: "*County social media activity occurs during regular business hours (8:00 am – 4:30 pm, Monday to Friday), and responses to public comments should be expected within two business days.*"

With over 100 full time and seasonal staff, internal communications can be a challenge. Crews are working throughout the County and interaction with office staff is limited during peak seasons. Field staff have been asked to also communicate work underway and send pictures of work in progress (to Comms) to be used as external educational communications tools.

Traditional advertising in print newspapers has typically been limited to advertisements that have statutory requirements; however, Clearwater County has expanded this to include promoting events, surveys, educational information, etc.

2020 recommendations for enhancing communications:

- Public opinion/understanding survey (2nd or 3rd Quarter of 2020)
- Increased frequency of web-based news/information with the addition of pictures depicting work in progress (project-based)
- Development of branding collateral (i.e. pop-up banners, merchandise, etc.)
- Development of a Strategic Communications Plan (draft presented at the next Strategic Planning Committee meeting)



Overview

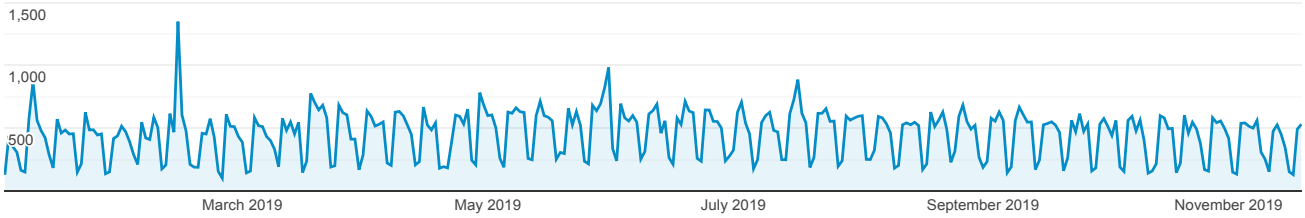
1 Jan 2019 - 19 Nov 2019



All Users
100.00% Page Views

Overview

Page Views



Page Views

145,271

Unique Page Views

117,081

Avg. Time on Page

00:02:35

Bounce Rate

67.16%

% Exit

51.07%

Page	Page Views	% Page Views
1. /	47,521	32.71%
2. /p/employment-opportunities	5,586	3.85%
3. /p/land-ownership-maps	4,496	3.09%
4. /p/contact-us	3,688	2.54%
5. /p/campgrounds	3,496	2.41%
6. /p/minutes-and-agendas	2,919	2.01%
7. /p/maps	2,837	1.95%
8. /p/community-halls	2,631	1.81%
9. /p/clearwater-trails-initiative	2,282	1.57%
10. /p/activities	2,274	1.57%



Acquisition Overview

1 Jan 2019 - 19 Nov 2019

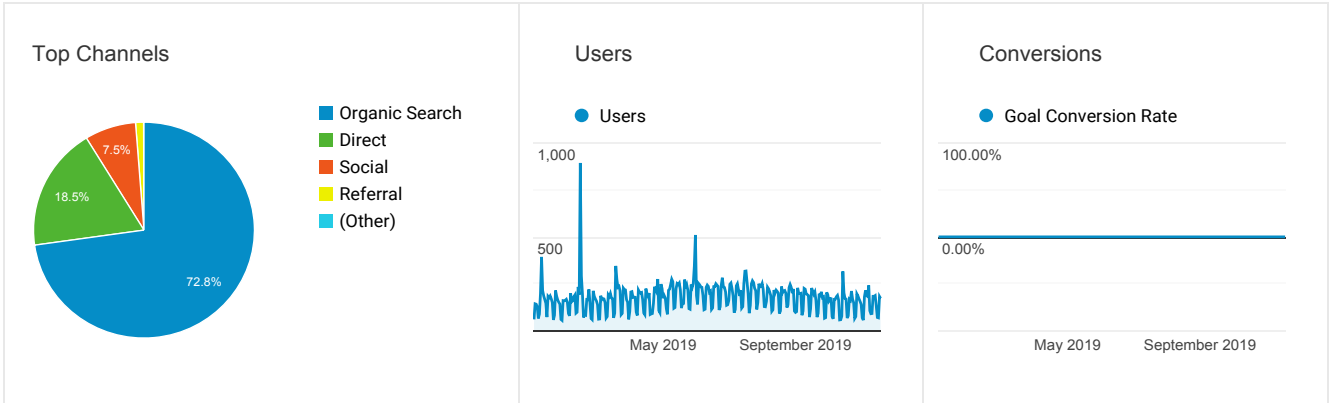
All Users
100.00% Users

Primary Dimension:

Conversion:

Top Channels

All Goals



	Acquisition			Behaviour			Conversions
	Users	New Users	Sessions	Bounce Rate	Pages/Ses...	Avg. Session Duration	
	35,907	34,760	74,194	67.16%	1.96	00:02:29	<p>Set up a goal. To see outcome metrics, define one or more goals.</p> <p>GET STARTED</p>
1 Organic Search	26,533			64.54%			
2 Direct	6,742			70.87%			
3 Social	2,739			77.47%			
4 Referral	426			53.97%			
5 (Other)	21			87.10%			

To see all 5 Channels click [here](#).



Audience Overview

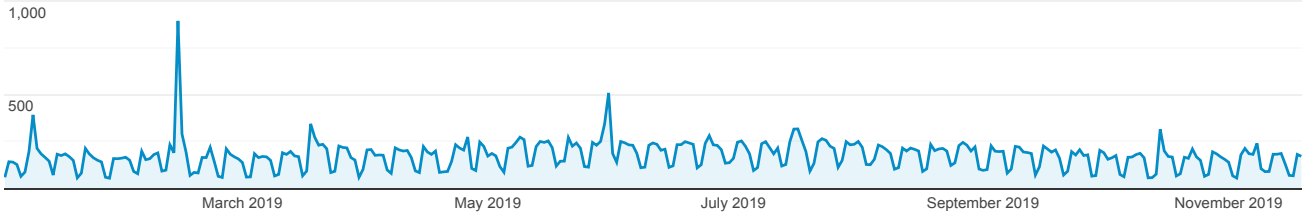
1 Jan 2019 - 19 Nov 2019



All Users
100.00% Users

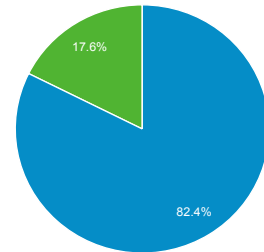
Overview

● Users



Users 35,907	New Users 34,760	Sessions 74,194
Number of Sessions per User 2.07	Page Views 145,271	Pages/Session 1.96
Avg. Session Duration 00:02:29	Bounce Rate 67.16%	

■ New Visitor ■ Returning Visitor

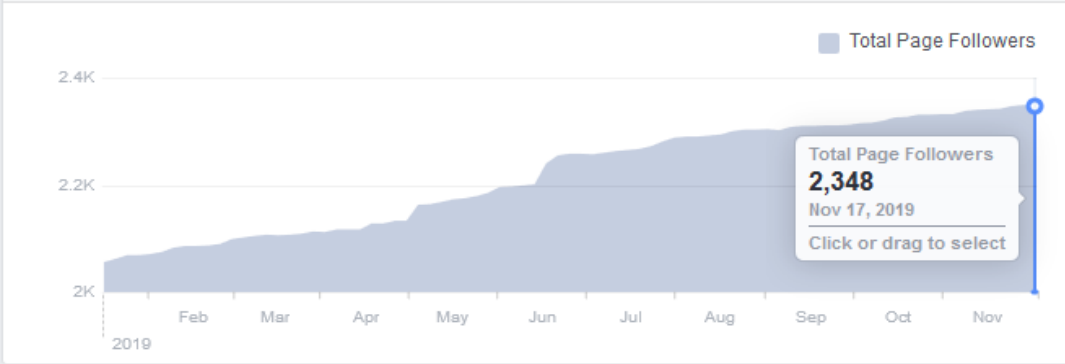


Language	Users	% Users
1. en-ca	17,314	48.12%
2. en-us	15,079	41.91%
3. en-gb	3,332	9.26%
4. en	39	0.11%
5. fr-fr	27	0.08%
6. fr-ca	26	0.07%
7. de-de	18	0.05%
8. en-au	17	0.05%
9. nl-nl	17	0.05%
10. ko-kr	13	0.04%

Clearwater County's Facebook Page

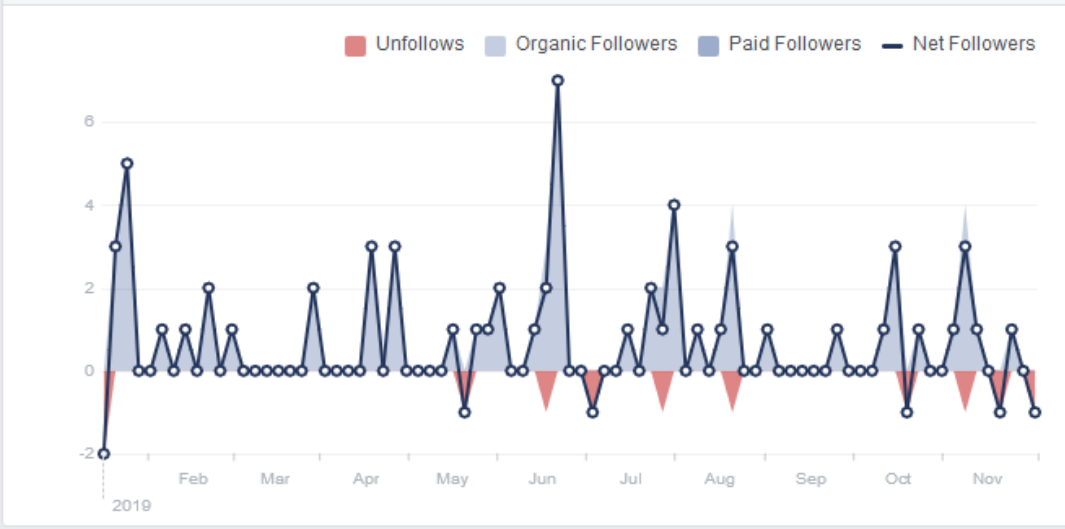
January 1, 2019 – November 19, 2019

Total Page Followers as of Today: 2,453



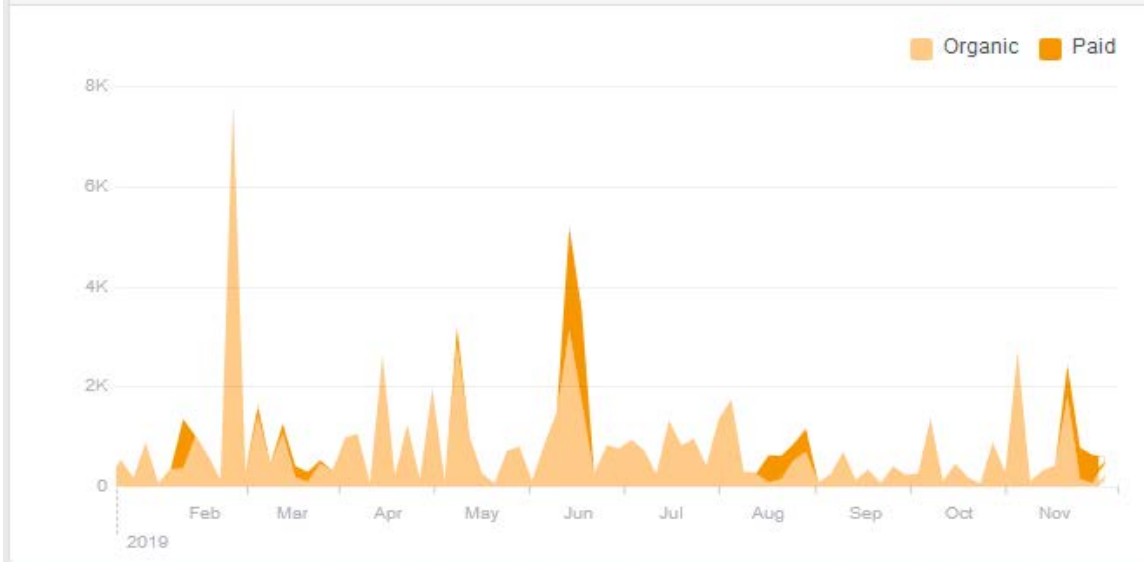
Net Followers

Net followers shows the number of new followers minus the number of unfollows.



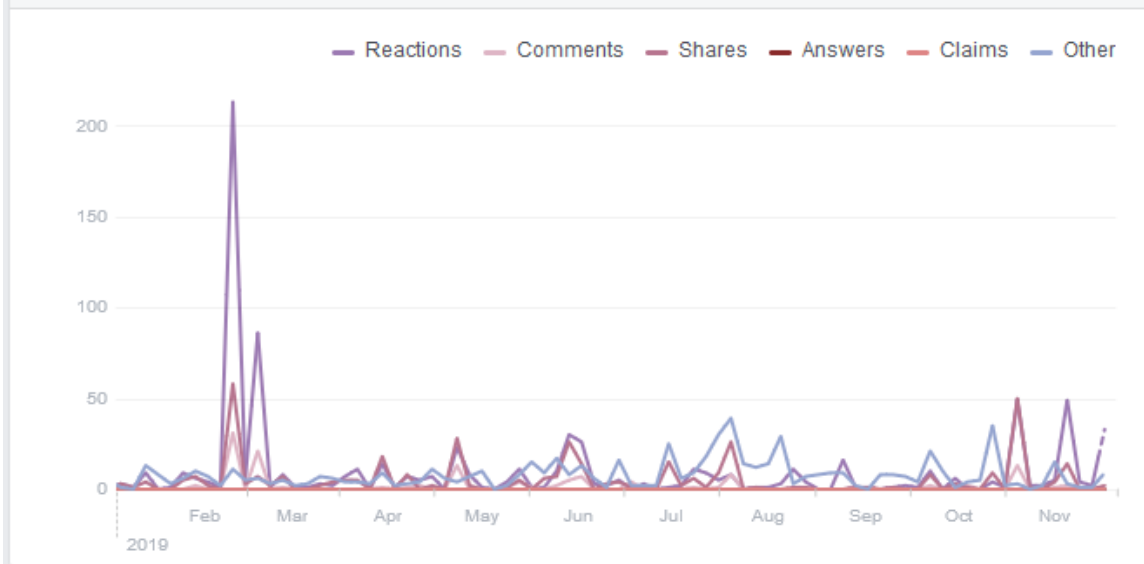
Post Reach

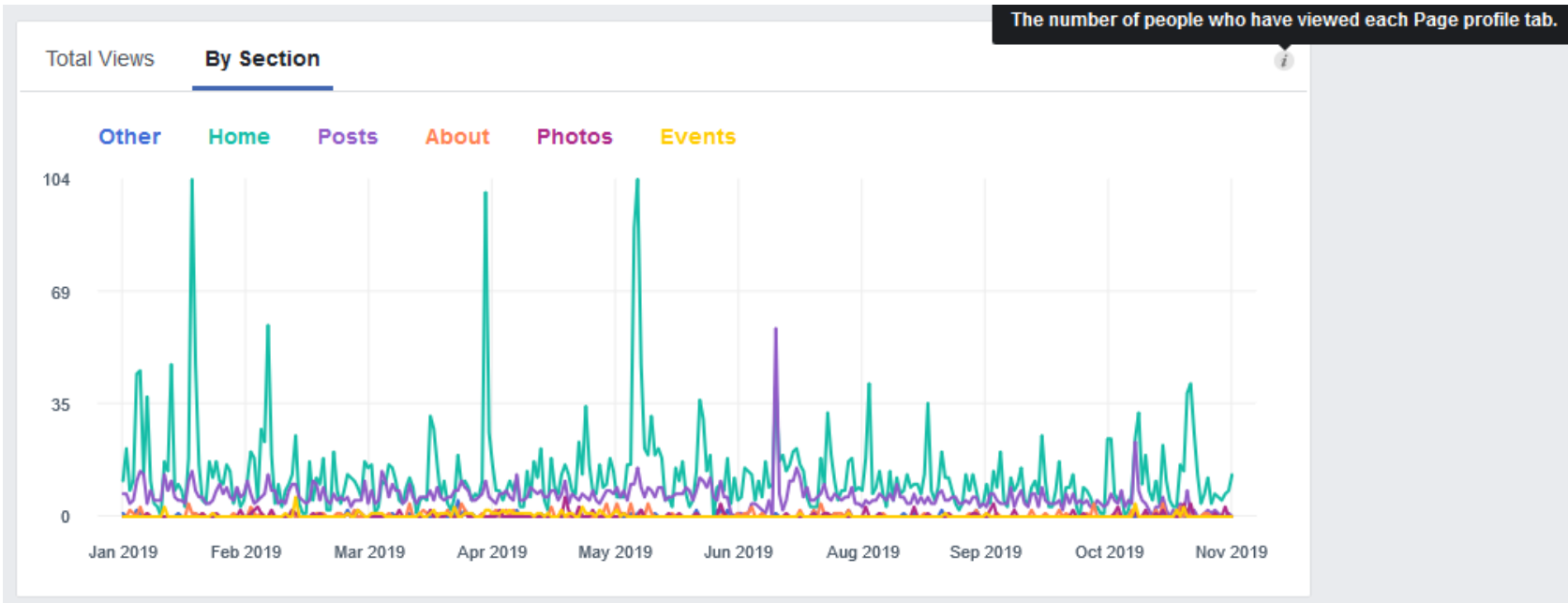
The number of people who saw any of your posts at least once. This metric is estimated.




Reactions, Comments, Shares and More

These actions will help you reach more people.








11
Events

+3 last 90 days




11.1K
People Reached

+5.9K last 90 days



181
Event Responses

+96 last 90 days

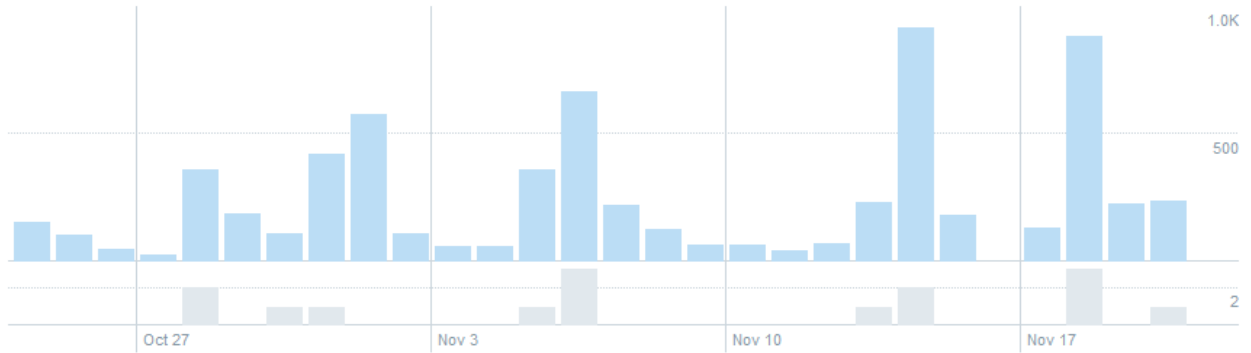


22
Ticket Clicks

+2 last 90 days

Clearwater County's Twitter Account
October 24, 2019 – November 19, 2019

Your Tweets earned **6.7K impressions** over this **28 day** period



Engagements

Showing 28 days with daily frequency

Engagement rate

0.8%

Nov 20
2.1% engagement rate



Link clicks

26

Nov 20
0 link clicks



On average, you earned **1 link clicks** per day








Retweets

13

Nov 20
0 Retweets



On average, you earned **0 Retweets** per day

Tweets	Top Tweets	Tweets and replies	Promoted	Impressions	Engagements	Engagement rate
	Clearwater County @ClearwaterCnty · Oct 31	Join Clear Water Landcare's Mountain Pine Beetle Workshop on Wednesday November 13 from 7:00 - 8:30 pm at the Christenson Center in Rocky Mountain House. If you or a neighbour have pine trees on your property, you won't want to miss it! pic.twitter.com/Jzz7oN9QvV	624	2	0.3%	Promote
	Clearwater County @ClearwaterCnty · Nov 14	Family Violence: A Rural Perspective Conference will be taking place November 21 & 22, 2019. See poster for more information. #ClearwaterRegionalFCSS pic.twitter.com/U1M8E0zA46	469	12	2.6%	Promote
	Clearwater County @ClearwaterCnty · Oct 28	Clearwater County provides Dog Control services within its borders through a contract with Red Deer based Alberta Animal Services to enforce Clearwater County's Dog Control Bylaw. If you recognize this dog please contact Alberta Animal Services at 403-347-2388. pic.twitter.com/WUPuKBD5SM	427	11	2.6%	Promote
	Clearwater County @ClearwaterCnty · Nov 5	The Rocky Mountain House Museum invites applications for a public member at large to serve on its Operations Board for a one-year term. This board acts in an advisory capacity to the Rocky Mountain House Reunion Historical... clearwatercounty.ca/p/boards-commi...	352	5	1.4%	Promote
	Clearwater County @ClearwaterCnty · Oct 28	The 3rd Annual Protecting Our Professionals Conference is only a few days away. Get your tickets at eventbrite.ca/e/3rd-annual-p... facebook.com/clearwatercnty...	329	5	1.5%	Promote
	Clearwater County @ClearwaterCnty · Nov 6	The Central Alberta Regional Assessment Review Board, an impartial, independent board responsible for issuing decisions on complaints relative to property assessment in more than 20 municipalities, is seeking new members. Deadline: November 30, 2019 reddeer.ca/rarb pic.twitter.com/QZstnGkqvM	307	4	1.3%	Promote
	Clearwater County @ClearwaterCnty · Nov 18	Nordegg Public Open House on Nov 29 at 6:00pm. Hear directly from Administration with updates on the process required to amend the Land Use Bylaw (Nordegg Manufactured Home District "NMH"), current status of Nordegg Development Plan, Nordegg Fire Services and Recruitment Drive. pic.twitter.com/XbXg955mHC	295	5	1.7%	Promote
	Clearwater County @ClearwaterCnty · Nov 18	Reminder - Grand Opening for the Condor Public Services Building is happening tomorrow (Tuesday Nov. 19). Join us at 5:00 pm with a beef on bun dinner followed by formal speeches, ribbon cutting, and ceremonial fire truck push in. #clearwatercnty @ClearwaterRFRS pic.twitter.com/sLDVJ3r8FX	293	8	2.7%	Promote



Agenda Item Report

Regular Council Meeting

AIR Type:	Request for Decision
SUBJECT:	Consideration of Second and Third Readings - Bylaw 1080/19 - Meeting Procedures
PRESENTATION DATE:	Tuesday, November 26, 2019
DEPARTMENT:	CAO Office
WRITTEN BY:	Tracy Haight, Executive Assistant
REVIEWED BY:	Rick Emmons, CAO
BUDGET CONSIDERATIONS:	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept <input type="checkbox"/> Reallocation
LEGISLATIVE DIRECTION:	<input type="checkbox"/> None <input checked="" type="checkbox"/> Provincial Legislation (MGA) <input checked="" type="checkbox"/> County Bylaw or Policy (Bylaw 1080/19)
COMMUNITY BUILDING PILLAR (check all that apply):	
<input type="checkbox"/> Economic Prosperity <input type="checkbox"/> Governance Leadership <input type="checkbox"/> Fiscal Responsibilities <input type="checkbox"/> Environmental Stewardship <input type="checkbox"/> Community Social Growth	
ATTACHMENTS:	
DRAFT 2 1080-19 Meeting Procedures Bylaw Final 1080-19 Meeting Procedures Bylaw	

STAFF RECOMMENDATION:

That Council grants second and third readings of Meeting Procedures Bylaw 1080/19 once the draft is amended to Council's satisfaction.

BACKGROUND:

At the November 5, 2019 regular meeting, Council reviewed the draft Meeting Procedures Bylaw 1080/19 and granted first reading with amendments.

Please note, after consulting with the Director of Planning and Development, additional amendments to *Section 5.0 Public Hearings* were made to add clarity and simplify wording.

BYLAW NO. 1080/19

BEING A BYLAW OF CLEARWATER COUNTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ORDERLY PROCEEDINGS OF MEETINGS HELD BY COUNCIL, BOARDS AND COMMITTEES, AND OTHER BODIES ESTABLISHED BY COUNCIL AND THE TRANSACTING OF BUSINESS BY THE COUNCIL OF CLEARWATER COUNTY.

WHEREAS Section 145(b) of the *Municipal Government Act* allows a Council to pass a bylaw in relation to the procedure and conduct of Council, and other bodies established by Council, the conduct of Councillors and the conduct of members of other bodies established by Council;

NOW THEREFORE upon compliance with the relevant requirements of the *Municipal Government Act*, the Council of the Clearwater County, Province of Alberta, duly assembled, enacts as follows:

1. TITLE

- 1.1 This bylaw may be cited as "The Meeting Procedures Bylaw".

2. DEFINITIONS

In this Bylaw:

- 2.1 "Act" means the *Municipal Government Act*, R.S.A .2000, Chapter M-26.
- 2.2 "Administrative Inquiry" is a request by a Councillor to the Chief Administrative Officer for the future provision of information.
- 2.3 "Agenda" is the order of business of a meeting and the associated reports, bylaws or other documents.
- 2.4 "Chief Administrative Officer" means the Chief Administrative Officer of Clearwater County or designate.
- 2.5 "Chair" means the Reeve, Deputy Reeve or other person authorized to preside over a meeting.
- 2.6 "Closed Session" means a meeting or portion of a meeting of Council without the presence of the public where the matter to be discussed is within one of the exceptions to disclosure in Division 2, of Part 1 of the *Freedom of Information and Protection of Privacy Act*
- 2.7 "Council" means the municipal Council of Clearwater County.
- 2.8 "Councillor" means a member of Council who is duly elected and continues to hold office and includes the Reeve.
- 2.9 "Council Committee" means any committee, board or other body established by Council by bylaw under the Act.

- 2.10 “Deputy Reeve” means the Councillor appointed by Council to act as the Reeve when the Reeve is unable to perform the duties of the Reeve, or if the office of Reeve is vacant.
- 2.11 “General Election” means an election held in Clearwater County to elect the members of Council as described in the *Local Authorities Election Act*.
- 2.12 “FOIP” means *Freedom of Information and Protection of Privacy Act*.
- 2.13 “Inaugural Meeting” means the Organizational Meeting immediately following the General Election.
- 2.14 “Meetings” means a meeting under section 192 (organizational meetings), 193 (regular council meetings) or 194 (special council meetings) of the Act; or, where used in reference to a council committee, means a meeting under section 195 (council committee meetings) of the Act.
- 2.15 “Member” includes a Councillor or a member of a Council Committee who is not a Councillor.
- 2.16 “Organizational Meeting” means the meeting held as described in section 4.3 and 4.4 and includes the Inaugural Meeting.
- 2.17 “Pecuniary Interest” means a pecuniary interest with the meaning of the *Municipal Government Act*.
- 2.18 “Point of Order” means a demand that the Chair enforce the rules of procedure.
- 2.19 “Postpone” means the motion by which action on a pending question can be put off, within limits, to a definite day, meeting, or hour, or until after a certain event.
- 2.20 “Public Hearing” is a pre-advertised public hearing that Council is required to hold under the Act or other enactments or any matter at the direction of Council.
- 2.21 “Question of Privilege” means a request made to the Chair, unrelated to the business on the floor that affects the comfort, dignity, safety, or reputation of Council or individual Councillors.
- 2.22 “Quorum” is the minimum number of Members that must be present at a meeting for business to be legally transacted.
- 2.23 “Reeve” means the Chief Elected Official of the County.
- 2.24 “Resolution” can also be referred to as a motion.
- 2.25 “Table” means a motion to delay consideration of any matter, which does not set a specific time to resume consideration of the matter.

- 2.26 "Two-Thirds Vote" means a vote by at least two-thirds of Members present at the meeting and entitled to vote on the motion.

3.0 APPLICATION AND INTERPRETATION

General Rules

- 3.1 The procedures contained in this bylaw shall be observed in all proceedings of Council.
- 3.2 The procedures contained in this bylaw shall be observed in Council Committee meetings with the exception of the limit of the number of times for speaking. However, no Member shall speak more than once to any question until every other Member choosing to speak shall have spoken.
- 3.3 To the extent that a procedural matter is not dealt with in the *Act* or this Bylaw, the matter is decided by reference to the most current edition of Robert's Rules of Order. If there is a conflict between this Bylaw and Robert's Rules of Order, this Bylaw takes precedence.
- 3.4 Subject to any statutory obligation to the contrary, Council or a Council Committee may temporarily suspend any provision of this Bylaw by a Two-Thirds Vote.
- 3.5 A Resolution suspending any provision of this Bylaw as provided for in Section 3.4 is only effective for the meeting during which it is passed.

4.0 MEETINGS

Inaugural Meeting

- 4.1 Council must hold its Inaugural Meeting not later than two weeks after the third Monday in October following the General Election.
- 4.2 At this meeting:
- a) All Councillors must take the official oath prescribed by the *Oaths of Office Act*;
 - b) Acknowledge and sign Councillors and Committee Members 'Code of Conduct'
 - c) ~~Council must confirm the Council Chambers seating arrangements of Councillors~~
Approve recommended seating arrangements, as determined by livestreaming camera set-up, for Reeve, Deputy Reeve and Councillors;
 - d) All other matters required by Section 4.4 must be dealt with.

Organizational Meetings

- 4.3 An Organizational Meeting must be held not later than two weeks after the third Monday in October each year.
- 4.4 At the Organizational Meeting, Council must:
- a) elect and appoint a Councillor to the position of Reeve;
 - b) elect and appoint a Councillor to the position of Deputy Reeve;
 - c) establish dates and times for regular Council and Council Committee Meetings

- d) appoint Members to Council Committees; and
- e) conduct other business as identified within the Organizational Meetings Agenda.

Regular Council Meetings

- 4.5 Council may, by Resolution, establish other regular Council meeting dates as may be required from time to time.
- 4.6 Council may change the date, time or place of a regularly scheduled meeting by a Two-Thirds Vote.
- 4.7 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;
 - b) posting a notice on the Clearwater County website; and,
 - c) posting a notice on Clearwater County's social media pages.
- 4.8 Council may cancel any meeting if notice is given in accordance with section 4.7.

Special Meetings

- 4.9 The Reeve may call a special Council meeting at any time and must do so if a majority of Councillors make a request in writing stating the purpose of the meeting.
- 4.10 A special Council meeting requested by Councillors must be held within 14 days after the request is received.
- 4.11 Notice of a special Council meeting must be given at least 24 hours in advance and in accordance with section 4.9.
- 4.12 A special Council meeting may be held with less than 24 hours' notice to all Councillors and without notice to the public if a least Two-Thirds of the whole Council agrees to this in writing before the beginning of the meeting.
- 4.13 No matter other than that stated in the notice calling the special Council meeting may be transacted at the meeting unless the whole Council is present at the meeting and the Council agrees to deal with the matter in question.

Recording and Livestreaming of Meetings

- 4.15~~4~~ At the start of a Meeting, the Chair notifies those present that the Meeting is being livestreamed and a recording will be made available on the County's public website after the Meeting is adjourned.
- 4.22~~15~~ The use of audio or video recording devices by the public or the media during a Meeting is prohibited.

- 4.4416 Council and Council Committee meetings may be recorded and livestreamed to the public with the exception of Closed Sessions.
- 4.167 The Chair may, at any time and at their discretion **and/or at the request of a councillor(s)**, direct the termination or interruption of a livestream.
- 4.178 If there are technical difficulties while livestreaming, the Chair advises those present at the Meeting that the livestream is not available. Notice of the technical difficulties will be provided on the County's public website.
- 4.189 If there are technical difficulties while livestreaming, an audio or video recording will be used to record the Meeting.
- 4.4920 Meeting recordings will be retained and provided in accordance with Clearwater County's records management bylaws, policies, and procedures.
- 4.201 Meeting recordings will only be transcribed by Clearwater County if required by the Chief Administrative Officer in connection with any litigation, audit, or investigation or if required under the *Freedom of Information and Protection of Privacy Act*.
- 4.242 The approved minutes of a Meeting will form the official record of the Meeting. Any audio, video, or other record of the Meeting shall not be considered an official record.

Meetings through Electronic Communications

- 4.23 A Councillor may participate in a meeting by means of electronic or other communication facilities if:
- a) a quorum of Council cannot be achieved by Councillors attending a Council meeting or Public Hearing in person; or
 - b) there is a specific item on the agenda of interest to a Councillor and where the Councillor wishes to participate in the discussion and voting on the specific agenda item they may do so provided:
 - i) the Councillor provides 48 hours' notice to the Chief Administrative Officer;
 - ii) the participation by a Councillor can be reasonably accommodated through existing technology and/or facilities;
- 4.24 Councillors participating in a meeting held by means of a communication facility are deemed to be present at the meeting.
- 4.25 Delegations or other persons may participate in a Council meeting or Public Hearing by electronic or other means if Council passes a resolution authorizing participation of a delegation or other persons in a Council meeting or Public Hearing by electronic or other means.

5.0 PUBLIC HEARINGS

5.1 Public Hearings ~~will be held in conjunction with a~~ are conducted during a regular or special Council meeting in accordance with MGA section 230. ~~However, a special Council meeting for the purpose of holding a Public Hearing may be called.~~

5.2 The procedure for a Public Hearing is as follows:

~~a) The Chair will call for a motion to go into Public Hearing;~~

~~b)~~ a) The Chair will introduce members of Council and staff, outline the purpose of the Public Hearing, the process to be followed in the Public Hearing and any preliminary matters;

~~c)~~ b) If applicable,

- i. Clearwater County staff will present their report followed by questions for clarification by Council; or
- ii. The proponent or their agent will be requested to present his/her application within a reasonable time period followed by questions for clarification by Council;

~~d)~~ c) After identifying themselves, ~~members of the public anyone who is present~~ will be invited to make a verbal presentation followed by questions for clarification by Council;

~~e)~~ d) Depending on the number of written submissions, Clearwater County staff may provide a report on the number of written submissions received and if appropriate a general overview of the contents of the written submissions;

~~f) Verbal or written representation from the federal governments or federal agencies will be invited to make a verbal presentation followed by questions for clarification by Council;~~

~~g) Verbal or written representation, representatives from the provincial government or provincial agencies will be invited to make a verbal presentation followed by questions for clarification by Council;~~

~~h) After identifying themselves, representatives from municipal governments or municipal agencies will be invited to make a verbal presentation followed by questions for clarification by Council;~~

~~i)~~ e) If applicable

- i. Clearwater County planning staff will present a closing summary and respond to any questions that may have been raised in the presentations; and
- ii. The proponent or their agent will present a closing summary and respond to any questions that may have been raised in the presentations.

5.3 The use of slides, maps, videos and other similar materials is permitted and these along with written submissions become the property of Clearwater County as exhibits to the hearing.

5.4 Persons addressing Council shall give their name, location of residence, an indication as to whether they are speaking on their own behalf or for another person or a group, and address the Chair when responding to questions or providing information.

5.5 Individuals may speak for a maximum of five (5) minutes.

- 5.6 One spokesperson per petition or group may speak for a maximum of ten (10) minutes.
- 5.7 At the discretion of the Chair, the time limits for speaking and presentations may be extended to ensure that all interested parties have had a fair and equitable opportunity to express their views.
- 5.8 At the discretion of the Chair, after everyone has had an opportunity to speak once, those interested in speaking a further time ~~and to providing~~ provide new information, may be granted further opportunity to speak.
- 5.9 The Chair is hereby authorized to make any other decisions or determinations with respect to the process or rules of order for the Public Hearing.
- 5.10 The minutes of a Council meeting during which a Public Hearing is held must contain the names of the speakers and a summary of the nature of ~~re~~presentations made at the Public Hearing.

6.0 COUNCIL REVIEW HEARING

- 6.1 In this section, the following terms have the following meanings:
 - a) "Order to Remedy" means an order issued under 545 or 546 of the *Act*;
 - b) "Review Hearing" means a review by Council of an Order to Remedy in accordance with section 547 of the *Act*;
 - c) "Staff" means a designated officer of Clearwater County or an employee of Clearwater County that has been delegated the responsibility to issue an Order to Remedy.
- 6.2 A request for a Review Hearing must meet the requirements of section 547 of the *Act* and shall include:
 - a) the name of the appellant;
 - b) the address of the property to which the Order to Remedy relates;
 - c) the reasons for the request to review the Order to Remedy;
 - d) daytime contact telephone number of the appellant; and
 - e) any address to which documents relating to the Review Hearing may be delivered.
- 6.3 The Chief Administrative Officer will schedule the Review Hearing to be heard at a regular Council Meeting as soon as practicable following receipt of the request after ensuring that all parties have sufficient time to prepare for the Review Hearing.
- 6.4 Written submissions from the appellant and Staff must be submitted not less than seven (7) days prior to the Review Hearing and will be distributed as part of the Council Agenda.
- 6.5 A Review Hearing is open to the public unless upon application of any party, Council, pursuant to section 197 of the *Act*, decides that it would be advisable to hold the hearing in private.
- 6.6 The parties to a Review Hearing are entitled to appear before Council, in person or by an authorized agent, and to be represented by counsel.

- 6.7 The rules of evidence in judicial proceedings do not apply to a Review Hearing and evidence may be given in any manner Council considers appropriate.
- 6.8 The procedure in a Review Hearing is as follows:
- a) the Chair will open the Review Hearing, introduce members of Council, Staff and the appellant or their representative;
 - b) the Chair will describe the Review Hearing process and deal with any preliminary matters;
 - c) the appellant will be invited to make opening remarks and presentation (maximum of fifteen (15) minutes) followed by questions to the appellant by Councillors;
 - d) Staff will be invited to make opening remarks and presentation (maximum of fifteen (15) minutes) followed by questions to the Staff by Councillors;
 - e) the appellant will be invited to make a rebuttal (maximum of five (5) minutes) followed by questions to the appellant by Councillors;
 - f) Staff will be invited to make a rebuttal (maximum of five (5) minutes) followed by questions to the Staff by Councillors; and
 - g) The appellant will be invited to make closing remarks (maximum of five (5) minutes) followed by questions to the appellant by Councillors.
- 6.9 If the appellant fails to attend the Review Hearing despite having been given notice, Council may proceed with the Review Hearing in the absence of the appellant.
- 6.10 The Chair may establish such other rules of procedure as may be necessary to conduct the Review Hearing properly and fairly.
- 6.11 At the conclusion of the Review Hearing, Council may confirm, vary, substitute or cancel the Order to Remedy by passing a resolution indicating its decision and its reasons.
- 6.12 If Council confirms, varies or substitutes the Order to Remedy, the Resolution should require the appellant to comply with the Order to Remedy (or complete the required action) by a specific date, failing which the County may rectify the problem at the appellant's cost.
- 6.13 Council may go in Closed Session to deliberate but the Resolution embodying Council's decision must be made in public.
- 6.14 The Chief Administrative Officer will cause a notice of the decision of Council to be delivered or mailed to the appellant at the address provided to the Chief Administrative Officer within 15 days after the conclusion of the Review Hearing.
- 6.15 Service is presumed to be effective under section 6.14:
- a) Seven days from the date of mailing if the document is mailed in Alberta to an address in Alberta; or
 - b) Subject to (a), fourteen days from the date of mailing if the document is mailed in Canada to an address in Canada; unless the document is returned to the sender other than by the addressee, or the document was not received by the addressee, the proof of which lies on the addressee.

7.0 QUORUM

7.1 Quorum for Council is a majority of Councillors unless specified otherwise by this or any other bylaw, or the *Act*.

No Quorum

7.2 If there is no Quorum within thirty (30) minutes after the time set for the meeting, the Chief Administrative Officer will record the names of the Councillors present and the meeting will be adjourned to the time of the next regular Council meeting.

Lost Quorum

7.3 If at any time during a meeting Quorum is lost, the meeting will be recessed, and Quorum is not achieved again within fifteen (15) minutes, the meeting will be deemed to be adjourned.

8.0 COMMENCEMENT OF MEETINGS AND HEARINGS

8.1 As soon as there is a Quorum after the time for commencement of a Council meeting:

- a) the Reeve must take the Chair and begin the meeting; or
- b) if the Reeve is absent the Deputy Reeve must take the Chair and begin the meeting; or
- c) if the Reeve and Deputy Reeve are not in attendance within fifteen minutes after the time set for the meeting and there is a Quorum, the Chief Administrative Officer must begin the meeting by calling for a motion for the appointment of a Chair.

8.2 Upon their arrival, the Reeve or Deputy Reeve will assume the Chair.

9.0 DUTIES OF THE REEVE OR CHAIR

9.1 The Reeve or Chair:

- a) opens Council meetings;
- b) chairs Council meetings;
- c) preserves order in Council meetings;
- d) decides all questions of procedure;
- e) ensures that each Councillor who wishes to speak on a debatable motion is granted the opportunity to do so; and
- f) decides who, aside from Councillors, may address Council.

10.0 AGENDA

Preparation of Agenda

10.1 The Agenda for each Council meeting shall be established by the Chief Administrative Officer.

Agenda Delivery

10.2 The Chief Administrative Officer will distribute the Council Agenda by email to members of Council on the Wednesday afternoon preceding the Council meeting.

Late Submissions

10.3 Reports and supplementary materials related to items on the Agenda and that are received too late to be included with the Agenda package will be made available as soon as reasonably possible.

10.4 Additional Agenda items, reports and supplementary material that are time sensitive and received too late to be included on the Agenda may be made available for consideration of Council as an additional Agenda item and will be delivered to Council members in paper or electronic format as soon as possible.

10.5 The Chief Administrative Officer will make copies of the Agenda and background information available to the public after distribution to Council.

Adoption of the Agenda

10.6 Council must vote to adopt the Agenda prior to transacting other business and may add new items or delete any matter from the Agenda by a Two-Thirds Vote.

10.7 The Agenda of an adjourned meeting will be dealt with at the beginning of the next regular meeting unless a special meeting is called to deal with the business of the adjourned meeting.

11. ORDER OF BUSINESS

Order of Business

11.1 The Order of Business for each meeting shall be as outlined in Schedule "A"

Deviation from Order of Business

11.2 The Chair, in his/her sole determination, may deviate from the Order of Business to accommodate special circumstances and ensure effective and efficient use of time.

12. MINUTES

The Chief Administrative Officer will prepare minutes for all Council meetings which will include:

- a) the names of Councillors and members of Administration present at Council meetings;

- b) a brief description of the subject matter;
- c) all decisions and other proceedings;
- d) the names of staff or members of the public who speak to an item;
- e) any abstentions made under the *Act* by a Councillor and the reason for the abstention;
- f) resolutions for the part(s) of the meeting closed to the public; identifying the FOIP section and the basis for which the part of the meeting is to be closed;
- g) the names of persons allowed to attend the Closed Session portion of the meeting, and the reason for their attendance.
- h) the signatures of the Chair and the Chief Administrative Officer.

13. PROCEEDINGS

Discussion Directed through Chair

- 13.1 All discussion at a Council meeting must be directed through the Chair who will be addressed as "Reeve" or "Mister/Madam Chair".

Absence from Proceedings

- 13.2 When a Councillor has a Pecuniary Interest in a matter before Council or a Council Committee the Councillor must, if present, disclose the general nature of the Pecuniary Interest prior to any discussion on the matter, abstain from voting on any question relating to the matter and, subject to the *Act*, abstain from any discussion of the matter and leave Council Chambers until discussion and voting on the matter are concluded.

Speaking to Motions

- 13.3 A Councillor may not speak unless and until recognized by the Chair.
- 13.4 Unless permitted by the Chair, a Councillor may only speak twice on any motion, once in debate and once to ask questions.

Time Limit

- 13.5 Each Councillor may speak for only five (5) minutes, unless otherwise permitted by the Chair.

Interruption of Speaker

- 13.6 A Councillor who is speaking may only be interrupted by another Councillor:
- a) by a Question of Privilege; or
 - b) by a Point of Order.
- 13.7 A Councillor who is speaking when a Question of Privilege or a Point of Order is raised must cease speaking immediately.
- 13.8 The Chair may grant permission:
- a) to the Councillor raising a Question of Privilege or a Point of Order to explain the Question or Point briefly; and

b) to the Councillor who was speaking to respond briefly.

but otherwise a Question of Privilege or Point of Order is not debatable or amendable.

Ruling on Proceedings

13.9 The Chair will rule on a Question of Privilege or Point of Order.

13.10 The Chair may seek advice on a Question of Privilege or Point of Order to determine whether a matter is within the jurisdiction of Council.

Challenging a Ruling

13.11 Any ruling of the Chair may be challenged.

13.12 A motion to challenge may be made only at the time of the ruling, whether or not another speaker has the floor.

13.13 A motion to challenge is debatable unless it related to decorum, the priority of business, or an undebatable pending motion.

13.14 If a motion to challenge is made the Chair must state the question "Is the ruling of the Chair upheld?", and may participate in debate on the challenge without leaving the Chair.

13.15 If the Chair refuses to put the question on a challenge, the person who would preside if the individual occupying the Chair were absent must put the question to Council.

13.16 Council will decide the challenge by voting and the decision of Council is final.

14. MOTIONS

Consideration of Motions

14.1 Unless otherwise determined by the Chair, no matter may be debated or voted on by Council unless it is in the form of a motion.

14.2 A Councillor may move a motion whether or not the Councillor intends to support it.

14.3 Once a motion has been moved and stated by the Chair, it is in the possession of Council, and may only be withdrawn with the unanimous consent of the Councillors present at the meeting.

14.4 All motions shall be presented in a manner that will allow Council to take a positive action.

14.5 When required to do so by the *Act*, Council will provide reasons why a motion was defeated.

14.6 A motion does not require a seconder.

Motions to the Main Motion

14.7 When a motion is made and is being considered, no Councillor may make another motion except to:

- a) amend the motion;
- b) amend any amendment to the motion;
- c) refer the main motion for consideration;
- d) Table the motion;
- e) Postpone the motion; or
- f) move a privileged motion.

Privileged Motions

14.8 The following motions are privileged motions:

- a) a motion to recess;
- b) a motion to adjourn;
- c) a motion to set the time for adjournment; and
- d) a Question of Privilege.

Motion to Recess

14.9 The Chair, without a motion, may recess the meeting for a specific period.

14.10 Any Councillor may move that Council recess for a specific period.

14.11 After a recess, business will be resumed at the point where it was interrupted.

Severing Motions

14.12 The Chair may sever a motion and the original mover of the motion will remain as the mover of the severed motion.

Amending Motions

14.13 A Councillor may not amend a motion or make an amendment which:

- a) does not relate to the subject matter of the main motion; or
- b) is contrary to the main motion.

14.14 Only one amendment to the main motion and only one amendment to that amendment are allowed.

14.15 The main motion will not be debated until any proposed amendments to it have been debated

and voted on.

- 14.16 When all proposed amendments have been voted on, the main motion, incorporating the amendment that has been adopted by Council, will be debated and voted on.

Referring Motions

- 14.17 A Councillor may move to refer any motion to the appropriate Council Committee or the administration for investigation and report, and the motion to refer:

- a) precludes all further amendments to the motion;
- b) is debatable; and
- c) may be amended only as to the body to which the motion is referred and the instructions on the referral.

Motion to Limit or End Debate

- 14.18 Any motion to limit or end debate:

- a) cannot be debated;
- b) must be passed by a Two-Thirds Vote; and
- c) may only be amended as to the limit to be placed on debate.

Motion to Table

- 14.19 A motion to Table another motion:

- a) cannot be debated;
- b) takes precedence over any other motion connected with the motion being Tabled; and
- c) may be raised from the Table at any time by a majority vote of Council.

- 14.20 A Tabled motion is brought back with all of the motions connected with it, exactly as it was when Tabled.

Motion to Postpone

- 14.21 A motion to Postpone:

- a) takes precedence over any other motion connected with the motion being Postponed;
- b) can only be debated as to the time, or date; and
- c) cannot be amended.

Reconsideration of Motions

- 14.22 If a motion is voted on by Council, the same matter dealt with in the motion cannot be reconsidered by Council unless;

- a) a General Election has been held; or
- b) six months has passed since the date that motion was considered; or
- c) a motion to reconsider has passed.

- 14.23 A Councillor may introduce a motion asking Council to reconsider a matter dealt with in a previous motion providing:
- a) the motion is made at the same meeting of Council at which the original matter was considered and is moved by a Councillor who voted with the prevailing result; or
 - b) a Notice of Motion is submitted by a Councillor who voted with the prevailing result, prior to the meeting at which it is to be considered, in which the Councillor sets out what special or exceptional circumstances warrant Council considering the matter again; and
 - c) the motion to which it is to apply has not already been acted upon.
- 14.24 If a motion to reconsider is passed the original motion is on the floor.

15. CLOSED SESSION

Motion to go into Closed Session Meeting

- 15.1 Before holding part of a meeting that is to be closed to the public, Council must:
- a) approve by resolution the part of the meeting that is to be closed; and,
 - b) state FOIP basis for which that part of the meeting is to be closed.

Closed Session Meeting

- 15.2 All Closed Session meetings will:
- a) be chaired by the Reeve or Deputy Reeve; and,
 - b) be held without the presence of the public unless allowed by Council.
- 15.3 Information presented and any discussion occurring during a Closed Session must be held in confidence by those in attendance during the Closed Session.
- 15.4 Closed Sessions shall include all members as long as the member has not abstained from the matter under discussion or is not required to abstain from participating in the matter under discussion.
- 15.5 Council or a Committee, as it considers appropriate, may allow other persons to attend Closed Sessions. When other persons attend Closed Sessions, the meeting minutes shall record the names of those persons and the reason for their attendance.
- 15.6 Once Closed Session meeting discussions are completed, any members of the public who are present outside the meeting room must be notified that the rest of the meeting is now open to the public, and a reasonable amount of time must be given for those members of the public to return to the meeting before it continues.
- 15.7 No bylaw or motion will be passed at a Closed Session meeting except for a motion to revert to a meeting to be held in public.

16. NOTICE OF MOTION

- 16.1 A Councillor may make a motion introducing any new matter if:
- a) notice is given at a previous Council meeting; or,
 - b) notice is submitted to the Chief Administrative Officer in writing (hard copy or email) to be included in the next Council Agenda; or,
 - c) Council, by a Two-Thirds Vote, agrees to dispense with notice.

17. VOTES OF COUNCIL

Requirement to Vote

- 17.1 Each Councillors present must vote on every motion, unless the Councillor is required or permitted to abstain from voting under the *Act*.

Voting Procedure

- 17.2 Votes on all motions must be taken as follows:
- a) except for a meeting conducted through electronic or other communication facilities, Councillors must be in their designated Council seat when the motion is considered;
 - b) the Chair puts the motion to a vote;
 - c) Councillors vote by a show of hands or other method agreed to by Council; and
 - d) the Chair declares the result of the vote.
- 17.3 Unless otherwise specified in this bylaw, a motion is carried when a majority of Councillors present at a meeting vote in favor of the motion.

Declaring Results of a Vote

- 17.4 After the Chair declares the result of the vote, Councillors may not change their vote for any reason.
- 17.5 A question on the results of a vote may be resolved by the Chair immediately calling for a revote on the motion.

Tie Votes

- 17.6 A motion is lost when the vote is tied.

18. BYLAWS

Basic Requirements

- 18.1 All proposed bylaws must have:

- a) a bylaw number assigned by the Chief Administrative Officer; and
- b) a concise title indicating the purpose of the bylaw.

18.2 Councillors will be provided the opportunity to review a copy of the proposed bylaw, in its entirety, prior to any motion for first reading.

Introducing a Bylaw

18.3 A proposed bylaw must be introduced at a Council meeting by a motion that the bylaw be read a first time. Council may hear an introduction of the proposed bylaw from the Chief Administrative Officer.

18.4 After first reading has been given, subject to the requirements of the *Act*, any Councillor may move that the bylaw be read a second time.

18.5 Council may not give a bylaw more than two readings at a meeting unless all Councillors present at the meeting vote in favor of allowing a third reading at that meeting.

Amendments to Bylaws

18.6 Any amendments to the bylaw which are carried prior to the vote on third reading will be considered to have been given first and second readings and will be incorporated into the proposed bylaw.

Defeated Bylaws

18.7 The previous readings of a proposed bylaw are rescinded if the proposed bylaw:

- a) does not receive third reading within two years after first reading; or
- b) is defeated on second or third reading.

Effective Date

18.8 A bylaw is effective from the beginning of the day it is signed unless the bylaw or any applicable statute provides for another effective date.

Bylaws Signed and Sealed

18.9 The Reeve and the Chief Administrative Officer must sign and seal the bylaw as soon as reasonably possible after third reading is given.

18.10 Once a bylaw has been passed, it may only be amended or repealed by another bylaw made in the same way as the original bylaw, unless another method is specifically authorized by the *Act* or another enactment.

19. ADMINISTRATIVE INQUIRIES

Verbal or Written Administrative Inquiries

19.1 Any Councillors may make an Administrative Inquiry:

- a) verbally, if the Councillor does not require a written response; or
- b) in writing, if the request requires a written response.

Submission of Administrative Inquiries

19.2 Administrative Inquiries may be submitted:

- a) at any regular meeting of Council; or
- b) for inclusion on the Agenda of a Council meeting; or
- c) outside a regular Council meeting if the response to the Inquiry is not a substantive task.

Response to Administrative Inquiries

19.3 Administrative Inquiries made at a Council meeting will be responded to at the next meeting of Council following the meeting at which the Inquiry was submitted, unless:

- a) the financial or other resources required to answer the Inquiry are substantial and a decision of Council or the Chief Administrative Officer is required to approve such allocation of resources; or
- b) additional time is required to prepare the response or compile the requested information.

19.4 Administrative Inquiries made outside a Council meeting will be responded to within two weeks from the date the inquiry was submitted, unless:

- a) the financial or other resources to answer the inquiry are substantial and a decision of Council or the Chief Administrative Officer is required to approve such allocation of resources.
- b) additional time is required to prepare the response or compile the requested information.

19.5 Councillors will be advised as to when the response to an Administrative Inquiry will be provided.

19.6 The Chief Administrative Officer may determine if the information acquired in response to an Administrative Inquiry is of benefit to Councillors and may direct that the Administrative Inquiry and the response be distributed to all Councillors.

19.7 A Councillor who requested an Administrative Inquiry may request that the Inquiry be abandoned.

20. COMMUNICATIONS TO COUNCIL

Public Presentations at Council Meetings

- 20.1 Requests for an appointment to make a public presentation to Council must be received by the Chief Administrative Officer and must:
- a) be in writing and received at least seven (7) business days prior to the Council meeting date;
 - b) clearly identify the reason or purpose of the appointment;
 - c) identify the individual, or primary contact for a group or organization; and
 - d) include contact information of the individual or organization;
- 20.2 A decision on a request from a public presentation will be dealt with after all other new and unfinished business agenda items have been addressed by Council.
- 20.3 If a public presentation presents a request and the Chief Administrative Officer has not presented a background report and recommendation, the matter will be referred back to administration for review, preparation of a background report and recommendation from the Chief Administrative Officer. The administrative report and recommendation from the Chief Administrative Officer shall be included on the next Council meeting agenda.
- 20.4 Presentations from sales persons will not be allowed.
- 20.5 Presentations on matters previously reviewed at public hearings, order to remedy reviews, and appeal boards for assessment, pest and weed control, subdivision and development shall not be made.
- 20.6 The amount of time allocated for public presentation is at the sole discretion of the Chair.

Criteria for Written Submissions

- 20.7 Any communication intended for Council must be forwarded to the Chief Administrative Officer in writing and must:
- a) be legible and coherent;
 - b) be able to identify the writer and the writer's contact information;
 - c) be on paper or, in a printable format; and
 - d) not be libelous, impertinent or improper.

Responsibilities of the Chief Administrative Officer

- 20.8 If the Chief Administrative Officer determines the communication or presentation is within the governance authority of Council, the Chief Administrative Officer will:
- a) if it relates to an item already on the Agenda, deliver a copy of the communication or a summary of it to Councillors prior to or at the meeting at which the Agenda is being considered; or
 - b) acquire all information necessary for the matter to be included on a future Council agenda for consideration by Council.

Decisions on Communications

- 20.9 If the Chief Administrative Officer determines the communication and/or presentation is not within the governance authority of Council, the Chief Administrative Officer will:
- a) refer the communication to administration for a report or a direct response and provide a copy of the original correspondence and the referral to the Councillors;
 - b) take any other appropriate action on the communication.
- 20.10 If a Councillor objects to the process determined by the Chief Administrative Officer, a Councillor may introduce a notice of motion requesting the item be included for Council consideration on a Council Agenda.
- 20.11 If the standards set out in section 20.7 are not met, the Chief Administrative Officer may file the communication without any action being taken.
- 20.12 The Chief Administrative Officer will respond to the person sending the communication and advise that person of the process to be followed and any action taken on the subject of the communication.

21. CONDUCT IN COUNCIL MEETINGS

Public Conduct

- 21.1 During a Council meeting members of the public must:
- a) not approach or speak to Council without permission of the Chair;
 - b) not speak on any matter for longer than five (5) minutes, unless permitted by the Chair;
 - c) maintain order and quiet; and
 - d) not interrupt a speech or action of Council or another person addressing Council.
- 21.2 The Chair may order a member of the public who creates a disturbance or acts improperly at a meeting to be expelled.

Council Conduct

- 21.3 During a Council meeting, Councillors must not:
- a) imply attribution of motive, speak disrespectfully, or use offensive words
 - b) address Councillors without permission;
 - c) carry on a private conversation;
 - d) break the rules of Council or disturb the proceedings;
 - e) leave their seat or make any noise or disturbance while a vote is being taken or the result declared; or
 - f) disobey the decision of the Chair on any question of order, practice or interpretation.

Cell Phones and Personal Electronic Devices

21.4 During a Council meeting cell phones and personal electronic devices shall be turned off or set on a mode that will not be a disruption to the meeting.

Breach of Conduct

21.5 A Councillor who persists in a breach of subsection 21.3 or 21.4, after having been called to order by the Chair, may, at the discretion of the Chair, be ordered to leave for the duration of the meeting.

21.6 At the discretion of the Chair, a Councillor may resume his or her seat after making an apology for the Councillor's offending conduct.

EFFECTIVE DATE

22.1 This Bylaw will come into force and effect on the final day of passing and signature thereof.

22.2 Bylaw No. 1033/17 is hereby repealed.

READ A FIRST TIME this day of, 2019.

READ A SECOND TIME ^h day of, 2019.

PERMISSION FOR THIRD READING grant this day of, 2019.

READ A THIRD AND FINAL TIME this day of, 2019.

Reeve

Chief Administrative Officer

SCHEDULE A
ORDER OF BUSINESS

1. CALL TO ORDER
2. ADOPTION OF AGENDA
3. ADOPTION OF MINUTES
4. PUBLIC HEARING
5. DELEGATION/PRESENTATION
6. AGRICULTURE & COMMUNITY SERVICES
7. CORPORATE SERVICES
8. EMERGENCY & LEGISLATIVE SERVICES
9. PLANNING & DEVELOPMENT
10. PUBLIC WORKS
11. CAO OFFICE
12. REPORTS
 - 12.1. CAO's Report
 - 12.2. Public Works Report
 - 12.3. Councillor Reports
 - 12.4. Councillor Remuneration
13. CLOSED SESSION*

* 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
14. ADJOURNMENT

BYLAW NO. 1080/19

BEING A BYLAW OF CLEARWATER COUNTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ORDERLY PROCEEDINGS OF MEETINGS HELD BY COUNCIL, BOARDS AND COMMITTEES, AND OTHER BODIES ESTABLISHED BY COUNCIL AND THE TRANSACTING OF BUSINESS BY THE COUNCIL OF CLEARWATER COUNTY.

WHEREAS Section 145(b) of the *Municipal Government Act* allows a Council to pass a bylaw in relation to the procedure and conduct of Council, and other bodies established by Council, the conduct of Councillors and the conduct of members of other bodies established by Council;

NOW THEREFORE upon compliance with the relevant requirements of the *Municipal Government Act*, the Council of the Clearwater County, Province of Alberta, duly assembled, enacts as follows:

1. TITLE

- 1.1 This bylaw may be cited as "The Meeting Procedures Bylaw".

2. DEFINITIONS

In this Bylaw:

- 2.1 "Act" means the *Municipal Government Act*, R.S.A .2000, Chapter M-26.
- 2.2 "Administrative Inquiry" is a request by a Councillor to the Chief Administrative Officer for the future provision of information.
- 2.3 "Agenda" is the order of business of a meeting and the associated reports, bylaws or other documents.
- 2.4 "Chief Administrative Officer" means the Chief Administrative Officer of Clearwater County or designate.
- 2.5 "Chair" means the Reeve, Deputy Reeve or other person authorized to preside over a meeting.
- 2.6 "Closed Session" means a meeting or portion of a meeting of Council without the presence of the public where the matter to be discussed is within one of the exceptions to disclosure in Division 2, of Part 1 of the *Freedom of Information and Protection of Privacy Act*
- 2.7 "Council" means the municipal Council of Clearwater County.
- 2.8 "Councillor" means a member of Council who is duly elected and continues to hold office and includes the Reeve.
- 2.9 "Council Committee" means any committee, board or other body established by Council by bylaw under the Act.

- 2.10 “Deputy Reeve” means the Councillor appointed by Council to act as the Reeve when the Reeve is unable to perform the duties of the Reeve, or if the office of Reeve is vacant.
- 2.11 “General Election” means an election held in Clearwater County to elect the members of Council as described in the *Local Authorities Election Act*.
- 2.12 “FOIP” means *Freedom of Information and Protection of Privacy Act*.
- 2.13 “Inaugural Meeting” means the Organizational Meeting immediately following the General Election.
- 2.14 “Meetings” means a meeting under section 192 (organizational meetings), 193 (regular council meetings) or 194 (special council meetings) of the Act; or, where used in reference to a council committee, means a meeting under section 195 (council committee meetings) of the Act.
- 2.15 “Member” includes a Councillor or a member of a Council Committee who is not a Councillor.
- 2.16 “Organizational Meeting” means the meeting held as described in section 4.3 and 4.4 and includes the Inaugural Meeting.
- 2.17 “Pecuniary Interest” means a pecuniary interest with the meaning of the *Municipal Government Act*.
- 2.18 “Point of Order” means a demand that the Chair enforce the rules of procedure.
- 2.19 “Postpone” means the motion by which action on a pending question can be put off, within limits, to a definite day, meeting, or hour, or until after a certain event.
- 2.20 “Public Hearing” is a pre-advertised public hearing that Council is required to hold under the Act or other enactments or any matter at the direction of Council.
- 2.21 “Question of Privilege” means a request made to the Chair, unrelated to the business on the floor that affects the comfort, dignity, safety, or reputation of Council or individual Councillors.
- 2.22 “Quorum” is the minimum number of Members that must be present at a meeting for business to be legally transacted.
- 2.23 “Reeve” means the Chief Elected Official of the County.
- 2.24 “Resolution” can also be referred to as a motion.
- 2.25 “Table” means a motion to delay consideration of any matter, which does not set a specific time to resume consideration of the matter.

- 2.26 "Two-Thirds Vote" means a vote by at least two-thirds of Members present at the meeting and entitled to vote on the motion.

3.0 APPLICATION AND INTERPRETATION

General Rules

- 3.1 The procedures contained in this bylaw shall be observed in all proceedings of Council.
- 3.2 The procedures contained in this bylaw shall be observed in Council Committee meetings with the exception of the limit of the number of times for speaking. However, no Member shall speak more than once to any question until every other Member choosing to speak shall have spoken.
- 3.3 To the extent that a procedural matter is not dealt with in the *Act* or this Bylaw, the matter is decided by reference to the most current edition of Robert's Rules of Order. If there is a conflict between this Bylaw and Robert's Rules of Order, this Bylaw takes precedence.
- 3.4 Subject to any statutory obligation to the contrary, Council or a Council Committee may temporarily suspend any provision of this Bylaw by a Two-Thirds Vote.
- 3.5 A Resolution suspending any provision of this Bylaw as provided for in Section 3.4 is only effective for the meeting during which it is passed.

4.0 MEETINGS

Inaugural Meeting

- 4.1 Council must hold its Inaugural Meeting not later than two weeks after the third Monday in October following the General Election.
- 4.2 At this meeting:
- a) All Councillors must take the official oath prescribed by the *Oaths of Office Act*;
 - b) Acknowledge and sign Councillors and Committee Members 'Code of Conduct'
 - c) Approve recommended seating arrangements, as determined by livestreaming camera set-up, for Reeve, Deputy Reeve and Councillors;
 - d) All other matters required by Section 4.4 must be dealt with.

Organizational Meetings

- 4.3 An Organizational Meeting must be held not later than two weeks after the third Monday in October each year.
- 4.4 At the Organizational Meeting, Council must:
- a) elect and appoint a Councillor to the position of Reeve;
 - b) elect and appoint a Councillor to the position of Deputy Reeve;
 - c) establish dates and times for regular Council and Council Committee Meetings
 - d) appoint Members to Council Committees; and

- e) conduct other business as identified within the Organizational Meetings Agenda.

Regular Council Meetings

- 4.5 Council may, by Resolution, establish other regular Council meeting dates as may be required from time to time.
- 4.6 Council may change the date, time or place of a regularly scheduled meeting by a Two-Thirds Vote.
- 4.7 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;
 - b) posting a notice on the Clearwater County website; and,
 - c) posting a notice on Clearwater County's social media pages.
- 4.8 Council may cancel any meeting if notice is given in accordance with section 4.7.

Special Meetings

- 4.9 The Reeve may call a special Council meeting at any time and must do so if a majority of Councillors make a request in writing stating the purpose of the meeting.
- 4.10 A special Council meeting requested by Councillors must be held within 14 days after the request is received.
- 4.11 Notice of a special Council meeting must be given at least 24 hours in advance and in accordance with section 4.9.
- 4.12 A special Council meeting may be held with less than 24 hours' notice to all Councillors and without notice to the public if a least Two-Thirds of the whole Council agrees to this in writing before the beginning of the meeting.
- 4.13 No matter other than that stated in the notice calling the special Council meeting may be transacted at the meeting unless the whole Council is present at the meeting and the Council agrees to deal with the matter in question.

Recording and Livestreaming of Meetings

- 4.14 At the start of a Meeting, the Chair notifies those present that the Meeting is being livestreamed and a recording will be made available on the County's public website after the Meeting is adjourned.
- 4.15 The use of audio or video recording devices by the public or the media during a Meeting is prohibited.
- 4.16 Council and Council Committee meetings may be recorded and livestreamed to the public with the exception of Closed Sessions.

- 4.17 The Chair may, at any time and at their discretion and/or at the request of a councillor(s), direct the termination or interruption of a livestream.
- 4.18 If there are technical difficulties while livestreaming, the Chair advises those present at the Meeting that the livestream is not available. Notice of the technical difficulties will be provided on the County's public website.
- 4.19 If there are technical difficulties while livestreaming, an audio or video recording will be used to record the Meeting.
- 4.20 Meeting recordings will be retained and provided in accordance with Clearwater County's records management bylaws, policies, and procedures.
- 4.21 Meeting recordings will only be transcribed by Clearwater County if required by the Chief Administrative Officer in connection with any litigation, audit, or investigation or if required under the *Freedom of Information and Protection of Privacy Act*.
- 4.22 The approved minutes of a Meeting will form the official record of the Meeting. Any audio, video, or other record of the Meeting shall not be considered an official record.

Meetings through Electronic Communications

- 4.23 A Councillor may participate in a meeting by means of electronic or other communication facilities if:
- a) a quorum of Council cannot be achieved by Councillors attending a Council meeting or Public Hearing in person; or
 - b) there is a specific item on the agenda of interest to a Councillor and where the Councillor wishes to participate in the discussion and voting on the specific agenda item they may do so provided:
 - i) the Councillor provides 48 hours' notice to the Chief Administrative Officer;
 - ii) the participation by a Councillor can be reasonably accommodated through existing technology and/or facilities;
- 4.24 Councillors participating in a meeting held by means of a communication facility are deemed to be present at the meeting.
- 4.25 Delegations or other persons may participate in a Council meeting or Public Hearing by electronic or other means if Council passes a resolution authorizing participation of a delegation or other persons in a Council meeting or Public Hearing by electronic or other means.

5.0 PUBLIC HEARINGS

- 5.1 Public Hearings are conducted during a regular or special Council meeting in accordance with MGA section 230.
- 5.2 The procedure for a Public Hearing is as follows:
- a) The Chair will introduce members of Council and staff, outline the purpose of the Public Hearing, the process to be followed in the Public Hearing and any preliminary matters;
 - b) If applicable,
 - i. Clearwater County staff will present their report followed by questions for clarification by Council; or
 - ii. The proponent or their agent will be requested to present his/her application within a reasonable time period followed by questions for clarification by Council;
 - c) After identifying themselves, anyone who is present will be invited to make a verbal presentation followed by questions for clarification by Council;
 - d) Depending on the number of written submissions, Clearwater County staff may provide a report on the number of written submissions received and if appropriate a general overview of the contents of the written submissions;
 - e) If applicable
 - i. Clearwater County planning staff will present a closing summary and respond to any questions that may have been raised in the presentations; and
 - ii. The proponent or their agent will present a closing summary and respond to any questions that may have been raised in the presentations.
- 5.3 The use of slides, maps, videos and other similar materials is permitted and these along with written submissions become the property of Clearwater County as exhibits to the hearing.
- 5.4 Persons addressing Council shall give their name, location of residence, an indication as to whether they are speaking on their own behalf or for another person or a group, and address the Chair when responding to questions or providing information.
- 5.5 Individuals may speak for a maximum of five (5) minutes.
- 5.6 One spokesperson per petition or group may speak for a maximum of ten (10) minutes.
- 5.7 At the discretion of the Chair, the time limits for speaking and presentations may be extended to ensure that all interested parties have had a fair and equitable opportunity to express their views.
- 5.8 At the discretion of the Chair, after everyone has had an opportunity to speak once, those interested in speaking a further time to provide new information, may be granted further opportunity to speak.

- 5.9 The Chair is hereby authorized to make any other decisions or determinations with respect to the process or rules of order for the Public Hearing.
- 5.10 The minutes of a Council meeting during which a Public Hearing is held must contain the names of the speakers and a summary of the nature of presentations made at the Public Hearing.

6.0 COUNCIL REVIEW HEARING

- 6.1 In this section, the following terms have the following meanings:
 - a) "Order to Remedy" means an order issued under 545 or 546 of the *Act*;
 - b) "Review Hearing" means a review by Council of an Order to Remedy in accordance with section 547 of the *Act*;
 - c) "Staff" means a designated officer of Clearwater County or an employee of Clearwater County that has been delegated the responsibility to issue an Order to Remedy.
- 6.2 A request for a Review Hearing must meet the requirements of section 547 of the *Act* and shall include:
 - a) the name of the appellant;
 - b) the address of the property to which the Order to Remedy relates;
 - c) the reasons for the request to review the Order to Remedy;
 - d) daytime contact telephone number of the appellant; and
 - e) any address to which documents relating to the Review Hearing may be delivered.
- 6.3 The Chief Administrative Officer will schedule the Review Hearing to be heard at a regular Council Meeting as soon as practicable following receipt of the request after ensuring that all parties have sufficient time to prepare for the Review Hearing.
- 6.4 Written submissions from the appellant and Staff must be submitted not less than seven (7) days prior to the Review Hearing and will be distributed as part of the Council Agenda.
- 6.5 A Review Hearing is open to the public unless upon application of any party, Council, pursuant to section 197 of the *Act*, decides that it would be advisable to hold the hearing in private.
- 6.6 The parties to a Review Hearing are entitled to appear before Council, in person or by an authorized agent, and to be represented by counsel.
- 6.7 The rules of evidence in judicial proceedings do not apply to a Review Hearing and evidence may be given in any manner Council considers appropriate.
- 6.8 The procedure in a Review Hearing is as follows:
 - a) the Chair will open the Review Hearing, introduce members of Council, Staff and the appellant or their representative;
 - b) the Chair will describe the Review Hearing process and deal with any preliminary matters;

- c) the appellant will be invited to make opening remarks and presentation (maximum of fifteen (15) minutes) followed by questions to the appellant by Councillors;
 - d) Staff will be invited to make opening remarks and presentation (maximum of fifteen (15) minutes) followed by questions to the Staff by Councillors;
 - e) the appellant will be invited to make a rebuttal (maximum of five (5) minutes) followed by questions to the appellant by Councillors;
 - f) Staff will be invited to make a rebuttal (maximum of five (5) minutes) followed by questions to the Staff by Councillors; and
 - g) The appellant will be invited to make closing remarks (maximum of five (5) minutes) followed by questions to the appellant by Councillors.
- 6.9 If the appellant fails to attend the Review Hearing despite having been given notice, Council may proceed with the Review Hearing in the absence of the appellant.
- 6.10 The Chair may establish such other rules of procedure as may be necessary to conduct the Review Hearing properly and fairly.
- 6.11 At the conclusion of the Review Hearing, Council may confirm, vary, substitute or cancel the Order to Remedy by passing a resolution indicating its decision and its reasons.
- 6.12 If Council confirms, varies or substitutes the Order to Remedy, the Resolution should require the appellant to comply with the Order to Remedy (or complete the required action) by a specific date, failing which the County may rectify the problem at the appellant's cost.
- 6.13 Council may go in Closed Session to deliberate but the Resolution embodying Council's decision must be made in public.
- 6.14 The Chief Administrative Officer will cause a notice of the decision of Council to be delivered or mailed to the appellant at the address provided to the Chief Administrative Officer within 15 days after the conclusion of the Review Hearing.
- 6.15 Service is presumed to be effective under section 6.14:
- a) Seven days from the date of mailing if the document is mailed in Alberta to an address in Alberta; or
 - b) Subject to (a), fourteen days from the date of mailing if the document is mailed in Canada to an address in Canada; unless the document is returned to the sender other than by the addressee, or the document was not received by the addressee, the proof of which lies on the addressee.

7.0 QUORUM

- 7.1 Quorum for Council is a majority of Councillors unless specified otherwise by this or any other bylaw, or the *Act*.

No Quorum

- 7.2 If there is no Quorum within thirty (30) minutes after the time set for the meeting, the Chief Administrative Officer will record the names of the Councillors present and the meeting will be adjourned to the time of the next regular Council meeting.

Lost Quorum

- 7.3 If at any time during a meeting Quorum is lost, the meeting will be recessed, and Quorum is not achieved again within fifteen (15) minutes, the meeting will be deemed to be adjourned.

8.0 COMMENCEMENT OF MEETINGS AND HEARINGS

- 8.1 As soon as there is a Quorum after the time for commencement of a Council meeting:

- a) the Reeve must take the Chair and begin the meeting; or
- b) if the Reeve is absent the Deputy Reeve must take the Chair and begin the meeting;
or
- c) if the Reeve and Deputy Reeve are not in attendance within fifteen minutes after the time set for the meeting and there is a Quorum, the Chief Administrative Officer must begin the meeting by calling for a motion for the appointment of a Chair.

- 8.2 Upon their arrival, the Reeve or Deputy Reeve will assume the Chair.

9.0 DUTIES OF THE REEVE OR CHAIR

- 9.1 The Reeve or Chair:

- a) opens Council meetings;
- b) chairs Council meetings;
- c) preserves order in Council meetings;
- d) decides all questions of procedure;
- e) ensures that each Councillor who wishes to speak on a debatable motion is granted the opportunity to do so; and
- f) decides who, aside from Councillors, may address Council.

10.0 AGENDA

Preparation of Agenda

- 10.1 The Agenda for each Council meeting shall be established by the Chief Administrative Officer.

Agenda Delivery

- 10.2 The Chief Administrative Officer will distribute the Council Agenda by email to members of Council on the Wednesday afternoon preceding the Council meeting.

Late Submissions

- 10.3 Reports and supplementary materials related to items on the Agenda and that are received too late to be included with the Agenda package will be made available as soon as reasonably possible.
- 10.4 Additional Agenda items, reports and supplementary material that are time sensitive and received too late to be included on the Agenda may be made available for consideration of Council as an additional Agenda item and will be delivered to Council members in paper or electronic format as soon as possible.
- 10.5 The Chief Administrative Officer will make copies of the Agenda and background information available to the public after distribution to Council.

Adoption of the Agenda

- 10.6 Council must vote to adopt the Agenda prior to transacting other business and may add new items or delete any matter from the Agenda by a Two-Thirds Vote.
- 10.7 The Agenda of an adjourned meeting will be dealt with at the beginning of the next regular meeting unless a special meeting is called to deal with the business of the adjourned meeting.

11. ORDER OF BUSINESS

Order of Business

- 11.1 The Order of Business for each meeting shall be as outlined in Schedule "A"

Deviation from Order of Business

- 11.2 The Chair, in his/her sole determination, may deviate from the Order of Business to accommodate special circumstances and ensure effective and efficient use of time.

12. MINUTES

The Chief Administrative Officer will prepare minutes for all Council meetings which will include:

- a) the names of Councillors and members of Administration present at Council meetings;
- b) a brief description of the subject matter;
- c) all decisions and other proceedings;
- d) the names of staff or members of the public who speak to an item;
- e) any abstentions made under the *Act* by a Councillor and the reason for the abstention;
- f) resolutions for the part(s) of the meeting closed to the public; identifying the FOIP section and the basis for which the part of the meeting is to be closed;

- g) the names of persons allowed to attend the Closed Session portion of the meeting, and the reason for their attendance.
- h) the signatures of the Chair and the Chief Administrative Officer.

13. PROCEEDINGS

Discussion Directed through Chair

- 13.1 All discussion at a Council meeting must be directed through the Chair who will be addressed as "Reeve" or "Mister/Madam Chair".

Absence from Proceedings

- 13.2 When a Councillor has a Pecuniary Interest in a matter before Council or a Council Committee the Councillor must, if present, disclose the general nature of the Pecuniary Interest prior to any discussion on the matter, abstain from voting on any question relating to the matter and, subject to the *Act*, abstain from any discussion of the matter and leave Council Chambers until discussion and voting on the matter are concluded.

Speaking to Motions

- 13.3 A Councillor may not speak unless and until recognized by the Chair.
- 13.4 Unless permitted by the Chair, a Councillor may only speak twice on any motion, once in debate and once to ask questions.

Time Limit

- 13.5 Each Councillor may speak for only five (5) minutes, unless otherwise permitted by the Chair.

Interruption of Speaker

- 13.6 A Councillor who is speaking may only be interrupted by another Councillor:
- a) by a Question of Privilege; or
 - b) by a Point of Order.
- 13.7 A Councillor who is speaking when a Question of Privilege or a Point of Order is raised must cease speaking immediately.
- 13.8 The Chair may grant permission:
- a) to the Councillor raising a Question of Privilege or a Point of Order to explain the Question or Point briefly; and
 - b) to the Councillor who was speaking to respond briefly.

but otherwise a Question of Privilege or Point of Order is not debatable or amendable.

Ruling on Proceedings

- 13.9 The Chair will rule on a Question of Privilege or Point of Order.

- 13.10 The Chair may seek advice on a Question of Privilege or Point of Order to determine whether a matter is within the jurisdiction of Council.

Challenging a Ruling

- 13.11 Any ruling of the Chair may be challenged.
- 13.12 A motion to challenge may be made only at the time of the ruling, whether or not another speaker has the floor.
- 13.13 A motion to challenge is debatable unless it related to decorum, the priority of business, or an undebatable pending motion.
- 13.14 If a motion to challenge is made the Chair must state the question “Is the ruling of the Chair upheld?”, and may participate in debate on the challenge without leaving the Chair.
- 13.15 If the Chair refuses to put the question on a challenge, the person who would preside if the individual occupying the Chair were absent must put the question to Council.
- 13.16 Council will decide the challenge by voting and the decision of Council is final.

14. MOTIONS

Consideration of Motions

- 14.1 Unless otherwise determined by the Chair, no matter may be debated or voted on by Council unless it is in the form of a motion.
- 14.2 A Councillor may move a motion whether or not the Councillor intends to support it.
- 14.3 Once a motion has been moved and stated by the Chair, it is in the possession of Council, and may only be withdrawn with the unanimous consent of the Councillors present at the meeting.
- 14.4 All motions shall be presented in a manner that will allow Council to take a positive action.
- 14.5 When required to do so by the *Act*, Council will provide reasons why a motion was defeated.
- 14.6 A motion does not require a seconder.

Motions to the Main Motion

- 14.7 When a motion is made and is being considered, no Councillor may make another motion except to:

- a) amend the motion;
- b) amend any amendment to the motion;
- c) refer the main motion for consideration;
- d) Table the motion;
- e) Postpone the motion; or
- f) move a privileged motion.

Privileged Motions

14.8 The following motions are privileged motions:

- a) a motion to recess;
- b) a motion to adjourn;
- c) a motion to set the time for adjournment; and
- d) a Question of Privilege.

Motion to Recess

14.9 The Chair, without a motion, may recess the meeting for a specific period.

14.10 Any Councillor may move that Council recess for a specific period.

14.11 After a recess, business will be resumed at the point where it was interrupted.

Severing Motions

14.12 The Chair may sever a motion and the original mover of the motion will remain as the mover of the severed motion.

Amending Motions

14.13 A Councillor may not amend a motion or make an amendment which:

- a) does not relate to the subject matter of the main motion; or
- b) is contrary to the main motion.

14.14 Only one amendment to the main motion and only one amendment to that amendment are allowed.

14.15 The main motion will not be debated until any proposed amendments to it have been debated and voted on.

14.16 When all proposed amendments have been voted on, the main motion, incorporating the amendment that has been adopted by Council, will be debated and voted on.

Referring Motions

14.17 A Councillor may move to refer any motion to the appropriate Council Committee or the administration for investigation and report, and the motion to refer:

- a) precludes all further amendments to the motion;
- b) is debatable; and
- c) may be amended only as to the body to which the motion is referred and the instructions on the referral.

Motion to Limit or End Debate

14.18 Any motion to limit or end debate:

- a) cannot be debated;
- b) must be passed by a Two-Thirds Vote; and
- c) may only be amended as to the limit to be placed on debate.

Motion to Table

14.19 A motion to Table another motion:

- a) cannot be debated;
- b) takes precedence over any other motion connected with the motion being Tabled; and
- c) may be raised from the Table at any time by a majority vote of Council.

14.20 A Tabled motion is brought back with all of the motions connected with it, exactly as it was when Tabled.

Motion to Postpone

14.21 A motion to Postpone:

- a) takes precedence over any other motion connected with the motion being Postponed;
- b) can only be debated as to the time, or date; and
- c) cannot be amended.

Reconsideration of Motions

14.22 If a motion is voted on by Council, the same matter dealt with in the motion cannot be reconsidered by Council unless;

- a) a General Election has been held; or
- b) six months has passed since the date that motion was considered; or
- c) a motion to reconsider has passed.

14.23 A Councillor may introduce a motion asking Council to reconsider a matter dealt with in a previous motion providing:

- a) the motion is made at the same meeting of Council at which the original matter was considered and is moved by a Councillor who voted with the prevailing result; or

- b) a Notice of Motion is submitted by a Councillor who voted with the prevailing result, prior to the meeting at which it is to be considered, in which the Councillor sets out what special or exceptional circumstances warrant Council considering the matter again; and
- c) the motion to which it is to apply has not already been acted upon.

14.24 If a motion to reconsider is passed the original motion is on the floor.

15. CLOSED SESSION

Motion to go into Closed Session Meeting

15.1 Before holding part of a meeting that is to be closed to the public, Council must:

- a) approve by resolution the part of the meeting that is to be closed; and,
- b) state FOIP basis for which that part of the meeting is to be closed.

Closed Session Meeting

15.2 All Closed Session meetings will:

- a) be chaired by the Reeve or Deputy Reeve; and,
- b) be held without the presence of the public unless allowed by Council.

15.3 Information presented and any discussion occurring during a Closed Session must be held in confidence by those in attendance during the Closed Session.

15.4 Closed Sessions shall include all members as long as the member has not abstained from the matter under discussion or is not required to abstain from participating in the matter under discussion.

15.5 Council or a Committee, as it considers appropriate, may allow other persons to attend Closed Sessions. When other persons attend Closed Sessions, the meeting minutes shall record the names of those persons and the reason for their attendance.

15.6 Once Closed Session meeting discussions are completed, any members of the public who are present outside the meeting room must be notified that the rest of the meeting is now open to the public, and a reasonable amount of time must be given for those members of the public to return to the meeting before it continues.

15.7 No bylaw or motion will be passed at a Closed Session meeting except for a motion to revert to a meeting to be held in public.

16. NOTICE OF MOTION

16.1 A Councillor may make a motion introducing any new matter if:

- a) notice is given at a previous Council meeting; or,

- b) notice is submitted to the Chief Administrative Officer in writing (hard copy or email) to be included in the next Council Agenda; or,
- c) Council, by a Two-Thirds Vote, agrees to dispense with notice.

17. VOTES OF COUNCIL

Requirement to Vote

- 17.1 Each Councillors present must vote on every motion, unless the Councillor is required or permitted to abstain from voting under the *Act*.

Voting Procedure

- 17.2 Votes on all motions must be taken as follows:

- a) except for a meeting conducted through electronic or other communication facilities, Councillors must be in their designated Council seat when the motion is considered;
- b) the Chair puts the motion to a vote;
- c) Councillors vote by a show of hands or other method agreed to by Council; and
- d) the Chair declares the result of the vote.

- 17.3 Unless otherwise specified in this bylaw, a motion is carried when a majority of Councillors present at a meeting vote in favor of the motion.

Declaring Results of a Vote

- 17.4 After the Chair declares the result of the vote, Councillors may not change their vote for any reason.
- 17.5 A question on the results of a vote may be resolved by the Chair immediately calling for a revote on the motion.

Tie Votes

- 17.6 A motion is lost when the vote is tied.

18. BYLAWS

Basic Requirements

- 18.1 All proposed bylaws must have:

- a) a bylaw number assigned by the Chief Administrative Officer; and
- b) a concise title indicating the purpose of the bylaw.

- 18.2 Councillors will be provided the opportunity to review a copy of the proposed bylaw, in its entirety, prior to any motion for first reading.

Introducing a Bylaw

- 18.3 A proposed bylaw must be introduced at a Council meeting by a motion that the bylaw be read a first time. Council may hear an introduction of the proposed bylaw from the Chief Administrative Officer.
- 18.4 After first reading has been given, subject to the requirements of the *Act*, any Councillor may move that the bylaw be read a second time.
- 18.5 Council may not give a bylaw more than two readings at a meeting unless all Councillors present at the meeting vote in favor of allowing a third reading at that meeting.

Amendments to Bylaws

- 18.6 Any amendments to the bylaw which are carried prior to the vote on third reading will be considered to have been given first and second readings and will be incorporated into the proposed bylaw.

Defeated Bylaws

- 18.7 The previous readings of a proposed bylaw are rescinded if the proposed bylaw:
- a) does not receive third reading within two years after first reading; or
 - b) is defeated on second or third reading.

Effective Date

- 18.8 A bylaw is effective from the beginning of the day it is signed unless the bylaw or any applicable statute provides for another effective date.

Bylaws Signed and Sealed

- 18.9 The Reeve and the Chief Administrative Officer must sign and seal the bylaw as soon as reasonably possible after third reading is given.
- 18.10 Once a bylaw has been passed, it may only be amended or repealed by another bylaw made in the same way as the original bylaw, unless another method is specifically authorized by the *Act* or another enactment.

19. ADMINISTRATIVE INQUIRIES

Verbal or Written Administrative Inquiries

- 19.1 Any Councillors may make an Administrative Inquiry:
- a) verbally, if the Councillor does not require a written response; or
 - b) in writing, if the request requires a written response.

Submission of Administrative Inquiries

19.2 Administrative Inquiries may be submitted:

- a) at any regular meeting of Council; or
- b) for inclusion on the Agenda of a Council meeting; or
- c) outside a regular Council meeting if the response to the Inquiry is not a substantive task.

Response to Administrative Inquiries

19.3 Administrative Inquiries made at a Council meeting will be responded to at the next meeting of Council following the meeting at which the Inquiry was submitted, unless:

- a) the financial or other resources required to answer the Inquiry are substantial and a decision of Council or the Chief Administrative Officer is required to approve such allocation of resources; or
- b) additional time is required to prepare the response or compile the requested information.

19.4 Administrative Inquiries made outside a Council meeting will be responded to within two weeks from the date the inquiry was submitted, unless:

- a) the financial or other resources to answer the inquiry are substantial and a decision of Council or the Chief Administrative Officer is required to approve such allocation of resources.
- b) additional time is required to prepare the response or compile the requested information.

19.5 Councillors will be advised as to when the response to an Administrative Inquiry will be provided.

19.6 The Chief Administrative Officer may determine if the information acquired in response to an Administrative Inquiry is of benefit to Councillors and may direct that the Administrative Inquiry and the response be distributed to all Councillors.

19.7 A Councillor who requested an Administrative Inquiry may request that the Inquiry be abandoned.

20. COMMUNICATIONS TO COUNCIL

Public Presentations at Council Meetings

20.1 Requests for an appointment to make a public presentation to Council must be received by the Chief Administrative Officer and must:

- a) be in writing and received at least seven (7) business days prior to the Council meeting date;
- b) clearly identify the reason or purpose of the appointment;

- c) identify the individual, or primary contact for a group or organization; and
 - d) include contact information of the individual or organization;
- 20.2 A decision on a request from a public presentation will be dealt with after all other new and unfinished business agenda items have been addressed by Council.
- 20.3 If a public presentation presents a request and the Chief Administrative Officer has not presented a background report and recommendation, the matter will be referred back to administration for review, preparation of a background report and recommendation from the Chief Administrative Officer. The administrative report and recommendation from the Chief Administrative Officer shall be included on the next Council meeting agenda.
- 20.4 Presentations from sales persons will not be allowed.
- 20.5 Presentations on matters previously reviewed at public hearings, order to remedy reviews, and appeal boards for assessment, pest and weed control, subdivision and development shall not be made.
- 20.6 The amount of time allocated for public presentation is at the sole discretion of the Chair.

Criteria for Written Submissions

- 20.7 Any communication intended for Council must be forwarded to the Chief Administrative Officer in writing and must:
- a) be legible and coherent;
 - b) be able to identify the writer and the writer's contact information;
 - c) be on paper or, in a printable format; and
 - d) not be libelous, impertinent or improper.

Responsibilities of the Chief Administrative Officer

- 20.8 If the Chief Administrative Officer determines the communication or presentation is within the governance authority of Council, the Chief Administrative Officer will:
- a) if it relates to an item already on the Agenda, deliver a copy of the communication or a summary of it to Councillors prior to or at the meeting at which the Agenda is being considered; or
 - b) acquire all information necessary for the matter to be included on a future Council agenda for consideration by Council.

Decisions on Communications

- 20.9 If the Chief Administrative Officer determines the communication and/or presentation is not within the governance authority of Council, the Chief Administrative Officer will:

- a) refer the communication to administration for a report or a direct response and provide a copy of the original correspondence and the referral to the Councillors;
 - b) take any other appropriate action on the communication.
- 20.10 If a Councillor objects to the process determined by the Chief Administrative Officer, a Councillor may introduce a notice of motion requesting the item be included for Council consideration on a Council Agenda.
- 20.11 If the standards set out in section 20.7 are not met, the Chief Administrative Officer may file the communication without any action being taken.
- 20.12 The Chief Administrative Officer will respond to the person sending the communication and advise that person of the process to be followed and any action taken on the subject of the communication.

21. CONDUCT IN COUNCIL MEETINGS

Public Conduct

- 21.1 During a Council meeting members of the public must:
- a) not approach or speak to Council without permission of the Chair;
 - b) not speak on any matter for longer than five (5) minutes, unless permitted by the Chair;
 - c) maintain order and quiet; and
 - d) not interrupt a speech or action of Council or another person addressing Council.
- 21.2 The Chair may order a member of the public who creates a disturbance or acts improperly at a meeting to be expelled.

Council Conduct

- 21.3 During a Council meeting, Councillors must not:
- a) imply attribution of motive, speak disrespectfully, or use offensive words
 - b) address Councillors without permission;
 - c) carry on a private conversation;
 - d) break the rules of Council or disturb the proceedings;
 - e) leave their seat or make any noise or disturbance while a vote is being taken or the result declared; or
 - f) disobey the decision of the Chair on any question of order, practice or interpretation.

Cell Phones and Personal Electronic Devices

- 21.4 During a Council meeting cell phones and personal electronic devices shall be turned off or set on a mode that will not be a disruption to the meeting.

Breach of Conduct

- 21.5 A Councillor who persists in a breach of subsection 21.3 or 21.4, after having been called to order by the Chair, may, at the discretion of the Chair, be ordered to leave for the duration of the meeting.
- 21.6 At the discretion of the Chair, a Councillor may resume his or her seat after making an apology for the Councillor's offending conduct.

EFFECTIVE DATE

- 22.1 This Bylaw will come into force and effect on the final day of passing and signature thereof.
- 22.2 Bylaw No. 1033/17 is hereby repealed.

READ A FIRST TIME this day of, 2019.

READ A SECOND TIME ^h day of, 2019.

PERMISSION FOR THIRD READING grant this day of, 2019.

READ A THIRD AND FINAL TIME this day of, 2019.

Reeve

Chief Administrative Officer

SCHEDULE A
ORDER OF BUSINESS

1. CALL TO ORDER
2. ADOPTION OF AGENDA
3. ADOPTION OF MINUTES
4. PUBLIC HEARING
5. DELEGATION/PRESENTATION
6. AGRICULTURE & COMMUNITY SERVICES
7. CORPORATE SERVICES
8. EMERGENCY & LEGISLATIVE SERVICES
9. PLANNING & DEVELOPMENT
10. PUBLIC WORKS
11. CAO OFFICE
12. REPORTS
 - 12.1. CAO's Report
 - 12.2. Public Works Report
 - 12.3. Councillor Reports
 - 12.4. Councillor Remuneration
13. CLOSED SESSION*

* 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
14. ADJOURNMENT



Agenda Item Report

Regular Council Meeting

AIR Type:	Request for Decision
SUBJECT:	Consideration of Second and Third Readings - Bylaw 1081/19 Council Committees
PRESENTATION DATE:	Tuesday, November 26, 2019
DEPARTMENT:	CAO Office
WRITTEN BY:	Tracy Haight, Executive Assistant
REVIEWED BY:	Rick Emmons, CAO
BUDGET CONSIDERATIONS:	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept <input type="checkbox"/> Reallocation
LEGISLATIVE DIRECTION:	<input type="checkbox"/> None <input checked="" type="checkbox"/> Provincial Legislation (MGA) <input checked="" type="checkbox"/> County Bylaw or Policy (Bylaw 1042/18)
COMMUNITY BUILDING PILLAR (check all that apply):	
<input type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Governance Leadership <input type="checkbox"/> Fiscal Responsibilities <input type="checkbox"/> Environmental Stewardship <input type="checkbox"/> Community Social Growth	
ATTACHMENTS:	
DRAFT 1081-19 Council Committees Bylaw	

STAFF RECOMMENDATION:

That Council provide second and third reading of Bylaw 1081/19 - Council Committees.

BACKGROUND:

At the November 5, 2019 regular meeting Council granted first reading of the Council Committees Bylaw 1081/19.

As there are no further amendments, Administration recommends that Council grant second and third readings.

BYLAW NO. 1081/19

BEING A BYLAW OF CLEARWATER COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING COUNCIL COMMITTEES.

WHEREAS the *Municipal Government Act*, R.S.A. 2000 C.M.- 26 as amended, provides that a Council may by bylaw establish standing and special committees of Council and delegate powers and duties.

AND WHEREAS the Council of Clearwater County recognizes the value of Committees to support and facilitate the achievement of Clearwater County's strategic plan, vision and goals and to advise Council on matters relevant to Committee mandates.

NOW, THEREFORE, upon compliance with the relevant requirements of the *Municipal Government Act*, the Council of the Clearwater County, Province of Alberta, duly assembled, enacts as follows:

1. TITLE

- 1.1. This Bylaw may be referred to as the "Council Committees Bylaw".

2. PURPOSE OF THE BYLAW

- 2.1 The purpose of this Bylaw is to govern the establishment and regulation of Council Committees and define the Committee's purpose and function.

3. DEFINITIONS

In this Bylaw:

- 3.1 "Act" means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26
- 3.2 "Administration" means the Chief Administrative Officer (CAO) or any municipal employee under the CAO's authority as designate.
- 3.3 "Chair" means a person authorized to preside over a meeting.
- 3.4 "CAO" means the Chief Administrative Officer of Clearwater County or designate.
- 3.5 "Committee" means a Committee, Board or Commission or other body established by Council under the Act.

- 3.6 “Council” means the municipal Council of Clearwater County.
- 3.7 “Councillor” means a member of Council who is duly elected and continues to hold office and includes the Reeve.
- 3.8 “Ex-Officio” means membership by virtue of one’s office. Ex-officio members form part of the quorum only when present at Committee meetings and, when present, shall vote.
- 3.9 “Member” is a Member of a Committee duly appointed by Council, under the Act, to that Committee.
- 3.10 “Member-at-Large” means a member of the public appointed by Council to a Committee of Council.
- 3.11 “Minutes” are the record of proceedings of a Meeting recorded in the English language without note or comment.
- 3.12 “Quorum” is a majority of those Members appointed and serving on Committee.
- 3.13 “Reeve” means the Chief Elected Official of the County.

4. ESTABLISHMENT

4.1 Council hereby establishes the following committees:

a. Strategic Planning Committee

- i. The Committee may review, evaluate and make recommendations regarding: setting of priorities; bylaw development; policy development; business planning; financial planning and budget; legal services and agreements; land sale or purchase, and negotiations; personnel matters; or economic development and tourism activities.
- ii. The Committee is intended as a forum for discussion of key Issues facing the municipality, and as a Committee of Council only has the authority to recommend action to Council.
- iii. The Strategic Planning Committee shall consist of all members of Council.
 - 1. Annual Committee appointment.

b. Agricultural Services Board (ASB)

- i. Acknowledged within *Agricultural Service Board Act*.
- ii. Duties defined in section 2 of the *Agricultural Services Board Act* to include:
 - 1. Act as an advisory body to assist in matters of mutual concern;
 - 2. Advise on weed and pest control and soil and water conservation programs;

3. Assist in control of animal disease;
 4. To promote, enhance and protect viable sustainable agriculture with a view to improving the economic viability of the agricultural producer; and,
 5. To promote and develop agricultural and landcare policies and programs to meet the needs of the municipality.
- iii. The ASB shall consist of two members of Council and five Members-at-Large.

c. Clearwater County Heritage Grant Advisory Committee

- i. The Committee shall annually review and approve eligible heritage interpretation, recognition and celebration related project grant applications
- ii. The Committee shall not have the power to pledge or commit anything on behalf of Clearwater County (MGA s.249(1)) outside of the annual grant allocation for heritage grant funding as set in Clearwater County Council's annual budget, unless approved by resolution of Council.
- iii. The Clearwater County Heritage Grant Advisory Committee shall consist of two members (one as alternate) of Council and three (one as alternate) Members-at-Large.

d. Pest and Weed Control Appeal Board

- i. Acknowledged within the *Agricultural Pest Act*, section 14 (5) or authority delegated under the *Weed Control Act*, section 19.
- ii. To hear appeals of inspector's notices, local authority notices or debt recovery notices.
- iii. The appeal board may confirm, reverse or vary the inspector's notice, local authority's notice or debt recovery notice.
- iv. The Pest and Weed Control Appeal Board shall consist of five Councillors not appointed to the ASB.
 1. Annual Committee appointment.

e. Council Compensation Committee

- i. Reviews and makes recommendations to Council on remuneration paid to Council and County board/committee members-at large.
- ii. The Council Compensation Committee shall consist of three (3) to five (5) Members-at-Large, with a maximum of two past Councillors.

1. Council appointment of Members-at-Large in the calendar year following a municipal election, with a temporary appointment from March to June of that year.

f. Internet/Broadband Committee

- i. Develops vision statement, public engagement strategy and advises Council on matters related to development and operations of an Open Access Network of broadband infrastructure in Clearwater County.
- ii. The Committee is intended as a forum for discussion related to broadband infrastructure development project, and as a Committee of Council only has the authority to recommend action to Council.
- iii. The Internet/Broadband Committee shall consist of all members of Council.
 1. Annual Committee appointment.
 2. For all purposes of the committee, a quorum shall be five members.

5. MEMBERSHIP

- a. Committees shall be comprised of a number of participants, both Councillors and Members-at-Large, as indicated in the Committee Term of Reference and approved by resolution of Council.
- b. All Members of a Committee shall be appointed by Council, and unless otherwise provided in the Committees Terms of Reference, shall be a resident of Clearwater County.
- c. Members-at-Large shall be appointed by Council to a Committee for a term specified in the Committee Terms of Reference, that becomes effective as of the Organizational Meeting in each year, or as otherwise designated by Council.
- d. It shall be the duty of Administration to give notice of all meetings to all Members of each committee, to attend, and ensure accurate minutes are kept.
 - i. Administration may provide advice, research, information and additional support staff as required by the Committee.
- e. Administration shall not be a member of a Committee and may not vote on any matter.

6. TERM

- a. Members-at-Large shall be appointed by Council for a two-year term, unless otherwise provided in the Committee Terms of Reference.
 - i. In order to ensure the continuity of membership, appointments may be filled on a rotational basis.

- b. Councillors shall be appointed to Committees annually at the organizational meeting.
- c. Where a Committee position is left vacant for any reason, Council may appoint a replacement for the remainder of that term.

7. POWERS OF COMMITTEES

- a. A Committee shall not have the power to pledge the credit of the County, to pass bylaws, or to enter into any contractual agreements.
- b. The Committee shall provide a forum for examining timely issues relevant to its mandate, by considering topics from the following sources:
 - ii. Receipt of requests or suggestions from Council,
 - iii. Requests or enquiries from the public, and
 - iv. Initiation from within the Committee.
- c. A Committee shall have the authority to form Ad Hoc Committees and task forces from among its members, to assist in carrying out its objectives and responsibilities under this Bylaw.
 - i. Ad Hoc Committees and Task Forces established by a Committee shall report to the Committee in a manner determined by the Committee.
- d. The Committee may prepare letters, recommendations resolutions, discussion papers and other documents as appropriate to Council.
- e. The powers of Committees established by this Bylaw are restricted to providing recommendations to Council, unless the Committee's approved Terms of Reference, or legislation, specifically provides otherwise.

8. REPORTING TO COUNCIL

- a. Councillors appointed to a Committee by Council shall be responsible to keep Council informed as to the Committee activities.
 - ii. Reports of all Committees shall be made to the Council prior to the same being given to the public.
 - iii. Minutes of Committee meetings, established by section 4.1 of this bylaw, shall be forwarded to Council as information.
- b. Verbal Committee reports made to Council shall be made by a Member of the Committee.

9. GENERAL PROVISIONS

- a. Each Committee hereby established is deemed to be a Committee of Council and shall be responsible and accountable to Council.

- b. The Clearwater County Code of Conduct Bylaw shall govern Committees and shall be binding upon all Committee members, whether Councillors or Members-at-Large.
- c. Each Committee is hereby authorized to prepare a "Terms of Reference" document for recommendation to Council.
 - i. The Terms of Reference must be approved by Council and will include, at a minimum, the requirements for quorum and voting, number and composition of membership, desired skills of membership, roles of members, process for preparation and circulation of an agenda and minutes, and the role and appointment of the Chair of the Committee.
 - ii. The Terms of Reference may also provide guidance to roles, methods and frequency of communication between Council and Committees.
- d. Nothing included in this Bylaw shall restrict or prevent Council from creating or constituting further other Committees not referenced in this Bylaw.

10. EFFECTIVE DATE

10.1 This Bylaw comes into force and effect upon third and final reading.

10.2 Bylaw No. 1042/18 is hereby repealed.

READ A FIRST TIME this 5 day of November, 2019.

READ A SECOND TIME this this day of,2019.

PERMISSION FOR THIRD READING this day of, 2019.

READ A THIRD AND FINAL TIME this day of, 2019.

REEVE

CHIEF ADMINISTRATIVE OFFICER



Agenda Item Report

Regular Council Meeting

AIR Type:	Request for Decision
SUBJECT:	Âsokêwin Friendship Centre Request for Funding
PRESENTATION DATE:	Tuesday, November 26, 2019
DEPARTMENT: WRITTEN BY: REVIEWED BY:	CAO Office Tracy Haight, Executive Assistant Rick Emmons, CAO
BUDGET CONSIDERATIONS:	<input type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept <input checked="" type="checkbox"/> Reallocation
LEGISLATIVE DIRECTION:	<input checked="" type="checkbox"/> None <input type="checkbox"/> Provincial Legislation <input type="checkbox"/> County Bylaw or Policy
COMMUNITY BUILDING PILLAR (check all that apply):	
<input type="checkbox"/> Economic Prosperity <input type="checkbox"/> Governance Leadership <input type="checkbox"/> Fiscal Responsibilities <input type="checkbox"/> Environmental Stewardship <input checked="" type="checkbox"/> Community Social Growth	
ATTACHMENTS:	
Asokewin Friendship Centre Request for Funding	

STAFF RECOMMENDATION:

That Council considers Âsokêwin Friendship Centre's request for funding to purchase and install a new furnace at the Centre.

BACKGROUND:

Âsokêwin Friendship Centre (formerly Rocky Native Friendship Centre) asks that Council considers granting \$3000 - \$5000 to cover costs of installing a new furnace/AC unit. Please refer to the attached letter from Kirby BigChild, Executive Director, for additional details.



Âsokêwin Friendship Centre

Box 1927, Rocky Mountain House, Alberta T4T 1B4

Phone: 403-845-2788 Fax: 403-845-3093

To whom it may concern:

Good afternoon,

I am writing you regarding a dire situation we are facing here at the Âsokêwin Friendship Centre (Rocky Native Friendship Centre Society). As you know the Friendship centre is designed to improve the quality of life for Aboriginal people in an Urban environment while also bringing cultures together. Last week we had the misfortune of our furnace going down. The Friendship Centre has spent \$7200 in repairs to this unit in the last two years while facing a \$3800 bill if we go ahead with the current repairs. Going ahead we feel it would be best to get a new heating/cooling unit as this old unit breaks every winter and is costing a lot in repairs. We are in an emergency situation as the temperatures will continue to drop and we have homeless community members who come in every day to keep warm as well as a number of staff members that work daily in the building. We are also concerned that if the temperature drops, we will be facing a new set of issues with freezing water etc. as we are utilizing small electric heaters currently.

The plumbers have priced out a new unit and the price will be \$10,000-\$15,000 installed. We are seeking your assistance of a \$3000-\$5000 donation to support us in our pursuit of a new furnace/AC unit.

Thank you for your time and consideration in supporting the Friendship Centre. Please get back to us at your earliest convenience.

In Friendship,

Kirby BigChild
Executive Director
Âsokêwin Friendship Centre
403-845-2788
rnfcs.ed@shaw.ca

4917-52 Street
Rocky Mountain House, Alberta
Box 1927, T4T 1B4

CAO's REPORT

November 26, 2019

1. Economic Development Report – see attached
2. As per Council's direction on November 5, Administration finalized Clearwater County's audit engagement with Metrix Group for the year ending December 31, 2019 and the next two years at a cost of \$30,000 plus expenses.
3. By invitation, Administration attended Red Deer County's Broadband Steering Committee meeting on November 22, 2019, to learn of their experiences and best practice with installation of fiber optic cable lines to bring internet access to the Junction 42 business area.

Upcoming Events

November 29 – Nordegg Open House
December 2 to 3 – Munis 101 Course
December 6 – Annual Town/County Christmas Party
December 6 – Village of Caroline Christmas Light Up
December 11 – Central AB Mayors' & Reeves' Meeting
December 11 to 13 – 2020 Budget Discussions
December 17 – Special Meeting of Council to approve 2020 Budget
December 24 to 26 – Christmas (Clearwater County Offices Closed)
January 1 – New Year's Day (Clearwater County Offices Closed)
January 20 – Strategic Planning Council Committee Meeting

Economic Development Update for November 26, 2019 – As Submitted by J. Pratt

The Economic Development Officer, Jerry Pratt, attended the Ministers Dinner held by the Economic Developers of Alberta. Jerry Pratt spoke with Michele Evans, Assistant Deputy Minister for Economic Development about the importance of the business development nodes along the Highway 11 corridor near Nordegg. The key message was that without designated land being zoned for development, infrastructure and business investment will continue to be unlikely.

The Tourism Business Forum was held on November 7 with 28 people attending representing about 20 businesses. Discussions included season staffing, how to promote events, and tracking visitor origins. New brochures and maps were presented along with a discussion of the importance of being a visitor friendly community, prepared for a tourism economy.

Jerry attended the Travel Alberta Industry Conference. The GOA announced a goal of increasing business from tourism from \$10 billion in 2020 to \$20 billion by 2030. The emphasis of the conference was the need for businesses and communities to share their history and culture in ways that visitors can experience them and then promote them.

Jerry participated in the CAEP meet and greet with Dr. Linda Vennard, CRTC Regional Commissioner for Alberta and the Northwest Territories. The main point of her message was that the CRTC role does not allow them to mandate development of broadband infrastructure, although they have created a fund that is meant for infrastructure development in underserved areas. Generally, the CRTC has not seen private companies building infrastructure in rural areas because of the high cost of capital investment and the need for ROI in 3 to 5 years. Other underserved municipalities are investigating their options, and Red Deer County is installing broadband infrastructure to their own industrial development at Junction 42 east of Penhold.

Jerry has been visiting businesses in the County since spring and has been hearing some consistent messages from them.

- The Energy Industry as a whole is running very lean with very little new business in exploration expected for the next few years.
- Companies are spending more money to combat theft and vandalism. Equipment of all sizes is being stolen and the companies feel like very little is being done to reduce or prevent this growth in crime.
- Hiring is becoming more difficult as people have moved away for more stable forms of work.
- Finding people with the right skills and experience is becoming more difficult. There is a need for people with trades certifications and I.T. experience, but some of these trades are not easy to fill locally and attracting people from larger centres to rural Alberta can be challenging.
- Over the past several years companies have identified increasing problems with drugs, especially among young men 17 – 30 years old. Some companies are letting more than a third of new hires go because they are not passing drug tests. The energy industry is very safety conscious, and one employer said, “While marijuana may be legal, insurance companies don’t care.”

Jerry has been in contact with St. Dominic Catholic High School and the Wild Rose School Division to discuss how this information can be used in the schools. He will present some short classes at St.

Dominic Catholic High School, with their Guidance Counselor, on local careers that are in demand in December, and on impacts of drugs and alcohol on careers in January. He is meeting with all the Guidance Counselors in the Wild Rose School Division in January to discuss how to best roll out this information at those schools.

Jerry will be attending the CATA Trails Workshop on November 19 and the CAEP Fall Meeting on November 20. He has also started attending the West Central Stakeholders meetings.

November 26th, 2019

Public Works Report

Gravel Roads

Graders are continuing their efforts in mitigating the ice build-up found on several roadways.

Additional gravel is being laid on school bus routes to provide traction for safe operations.

Surfaced Roads

The placement of snow fencing began the week of November 25th.

Patching of any surfaced roads, and, SB-90 dust suppressions requiring maintenance, will only proceed when weather and road conditions permit during the winter season.

Pickling and stacking of winter sanding material for both the North and South (Caroline) facilities has been completed.

Staff will continue to monitor weather forecasts and road conditions, and, plows will be dispatched as required.

Maintenance

Lacombe County equipment is currently in the Smith Gravel Pit performing reclamation work in phase one along with the stripping of overburden and topsoil in phase two. Anticipate work to be completed by the end of December 2019.

Upgrades to the Condor Wastewater Lagoon will have a phase break and continue in the spring of 2020. Work to be completed, within 2020, is the installation of the new liner within the lagoon storage cell. Commissioning of the facultative cell, with upgrades, has been completed.

The Leslieville School grounds wastewater force-main relocation construction project has been completed. Additional landscaping to be completed in the spring of 2020.

Construction, for the replacement of bridge structure BF 02232, south of Withrow (SE-28-39-4-W5), has been completed.

Repair work, to bridge structure BF 70327, located at SE 17-40-05-W5M on Township Road 40-2, just west of Range Road 5-4 (by Leslieville), has been completed.

The concrete bases, for eleven Nordegg Street Lights along Stuart Street, have been poured and set. The individual poles have been stood and the lights will be installed in 2020.

The Beaver trapping program has been completed. A total of 77 beavers were trapped.

Gravel Road Rehabilitation

All projects have been completed for this construction season. Staff have commenced planning for next years construction program.

Base Pave

The tender for the Tami Road base/ pave project is now closed. Tender results will be brought forward to Council at the next scheduled Council meeting.

Nordegg

Nordegg Historic Core

The tender for construction of this project is scheduled to be advertised by the end of November.

Facilities

Condor Public Services Building

Addressing minor deficiencies is still ongoing including the final adjustments of the water fill stations, commissioning the backup generator, installation of the wash bay curtain, perimeter fencing and rear yard gravelling.

Old Blue Fire Hall

Demolition of this building has commenced and should be completed in the following weeks.

Nordegg Heritage Centre

The contractor is continuing to work on renovations on the top floor of the Heritage Centre.

New Washroom Facility (Heritage Centre)

The two stall bathroom (18x8) is currently framed and sided with final plumbing and paint yet to be completed.

Road Bans:

Order by the Vehicle Weights Committee of
Clearwater County
Highway Order No. 03/19
Defining Maximum Allowable Weights Permitted
On Certain Municipal Roads

Pursuant to the Authority granted by the Minister of Transportation and Utilities under the Traffic Safety Act, the Vehicles Weights Committee orders that effective **8:00 a.m., Wednesday, June 5, 2019.**

Percentage Axle Weights for Highways are:

<u>HIGHWAY NO.</u>	<u>LOCATION</u>	<u>% AXLE WEIGHTS</u>
Arbutus Rd RR 6-3 & 6-1	From Hwy #11 to Butte Hall Rd	100%
Airport Road Access	From One Mile north of TWP Rd 40-0 to Airport	100%
Alhambra Rd RR 5-4	From Hwy #11 to SH598	100%
Beaver Flats Rd RR 6-0	From Hwy #598 to Hwy #12	100%
Bunch Road Rge Rd 5-4	From Hwy #598 North to Twp Rd 40-0	100%
Burnstick Lake Rd RR 6-3	From Hwy #54 to 9 km South	100%
Caroline North RR 6-1	From Hwy #54 North 10.5 kms to Butte Hall Rd Twp Rd 37-3	100%
Caroline South Rd RR 6-1	From the Village of Caroline South to extension of #587	100%
Cougar Ridge Twp Rd 38-5	From Hwy752 East ¼ mile Cougar Ridge Access Rd & Subdivision	100%
Crammond Rd TWP RD 35-4	From Hwy #22 East for 8 km	100%
Everdell Rd RR 7-3	From Prairie Creek (Hobbs) Road North to Hwy #752	100%
Golf Course Rd TWP RD 39-5	From Hwy #11A East to the golf course	100%
Greenwood Way, Cul-de-sac	Gravel-Greenwood Way entrance off RR 6-4 – Entire Cul-de-sac	50%
James River Rd RR 5-3	From James River Store on Hwy #587 South to Bridge	100%
Old Dovercourt Rd	From Hwy #11 for 1 km South RR 7-1 & East TWP RD 39-0	100%
Oras Rd RR 6-3	From Junction Hwy #11 North to Hwy #12	100%
Rainbow Ford Rd TWP RD 39-3	From Town/County Boundary East to the Taimi Road	50%
Red Deer River Access Rd	From County Boundary West for 10 km	100%
Wall Street Rd RR 4-3	From Hwy #11 South to County Boundary	100%
Withrow Rd RR 4-3	From Hwy #11 to Rainy Creek Road	100%
Dead End Gravel Road TWP RD 40-4	Gravel - From NE Corner of 20-40-8-W5 West to end of road	50%

This order remains in effect until further notice.

Erik Hansen, Kurt Magnus, Directors, Public Works



Councillor and Board Member 2019 Remuneration Statement

Name of Councillor / Board Member:	Timothy Hoven
Date:	Oct 31 2019
Signature (Councillor / Board Member):	

PAYMENT PERIOD

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

Council Supervision Rate	\$1,105.00 / Monthly
Reeve Supervision Rate	\$2,054.00 / Monthly
Deputy Reeve Supervision Rate	\$1,105.00 / Monthly

Date	Type of Meeting Attended	First 4 Hours \$172.00	Next 4 Hours \$136.00	Next 4 Hours \$136.00	Regular Council Meeting \$308.00	Breakfast \$11/ Lunch \$16/ Supper \$21.50	Mileage (km)
10/1	Workshop	x	x				91 -
	Crimewatch BofD						
10/3	WCS	x					55 -
10/4	CRMA	x	x				68 -
10/5	Elks Lodge Opening						55 -
10/7	Caroline Library	x					68 -
10/8	Council				x		91 -
10/9	RCMP Forum						68 -
10/10	Mediators Workshop	x					91 -
10/11	Hespero Crime Forum						20 -
10/15	Workshop	x	x				91 -
10/16	MPC	x	x				91 -
10/17	CCPAC	x					91 -
10/18	ASB	x	x				91 -
10/22	Council				x		91 -


(more space on back of page)

Remuneration Calculation (for office use only)				
Meetings @ 92.00 =	—		First 5000 Kms @ \$0.58 =	—
10 Meetings @ 172.00 =	1720.00	1165	Over 5000 Kms @ \$0.52 =	605.80
5 Meetings @ 136.00 =	680.00		Lunch @ 16.00 =	—
2 Meetings @ 308.00 =	616.00			
Supervision =	1350.03			
TOTAL =	4366.03		TOTAL =	605.80

PAID



Councillor and Board Member 2019 Remuneration Statement

Name of Councillor / Board Member:	Cammie Laird
Date:	October, 2019
Signature (Councillor / Board Member):	

PAYMENT PERIOD

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

Council Supervision Rate	\$1,105.00 / Monthly
Reeve Supervision Rate	\$2,054.00 / Monthly
Deputy Reeve Supervision Rate	\$1,105.00 / Monthly

Date	Type of Meeting Attended	First 4 Hours \$172.00	Next 4 Hours \$136.00	Next 4 Hours \$136.00	Regular Council Meeting \$308.00	Breakfast \$11/ Lunch \$16/ Supper \$21.50	Mileage (km)
Oct 1	Wkshp: CC-C: Prep Med. (08:30-15:00 Hrs.)	1	1				26
Oct 1	Mtg.: CCRCW at CC Office (18:30-21:00 Hrs.)			1			26
Oct 3	Attd: Mtg: West Cent. Stkhold. @ Les. Com. Cent. (14:30-19:00 Hrs.)						24
Oct 4	Mtg: C-RMA @ K-Country (06:30-18:30 Hrs.)	1	1	1			26
Oct 5	Attd: Elks Hall Gnd. Open. (16:00-19:30 Hrs.)						24
Oct 7	Attd: Stn#10 Fire Prev Open House (19:00-21:00 Hrs.)						24
Oct 8	Mtg: Reg. CC Council (08:30-17:00 Hr.)				1		26
Oct 9	Mtg. Sen. @ McCloud Manner (15:30-17:00 Hrs.)						24
Oct 10	Mtg: CC-C Re: Mediators (15:30-21:00 Hrs.)	1					26
Oct 11	Mtg: Mediation @ Christ. Cent. (07:30-14:00 Hrs.)	1	1				28
Oct 11	Attd: Mtg. @ Hespro Hall Re: Rural Crime (18:15-22:00 Hrs.)						0
Oct 15	Wkshp: CC-C: Med. (08:30-15:00 Hrs.)	1	1				26
Oct 22	Mtg: Reg. CC Council (08:30-17:00 Hr.) // Mtg: Org. CC Council (13:00-16:30 Hr.)				1		26
Oct 23 *	Mtg: RMH Senior Housing (08:30-12:30 Hrs.)	1					28
Oct 23	Mtg: RMH Library (18:30-20:00 Hrs.)		1				28

PAID



LAIRD - OCT/19 PAGE 2

Councillor and Board Member 2019 Remuneration Statement

Oct 24	Mtg: / Hearing SDAB (09:00-13:00 Hrs.)	1					26
Oct 25	Travel to Leduc for CISAC / CISM Ref. Course (16:00-18:00 Hrs.)	1				Supper \$21.50	182
Oct 26	Course: CISAC / CISM (Ind. Int.) Ref. (08:00-17:00 Hrs.)	1	1			Lunch \$16/ Supper \$21.50	
Oct 27	Course: CISAC / CISM (Ind. Int.) Ref. (08:00-17:00 Hrs.) // Ret. Frm. Leduc (17:00-19:00 Hrs.)	1	1	1		Lunch \$16/ Supper \$21.50	182
Oct 29	Attd: RMH Senior Hsing. / Sgn. Doc. (16:30-17:00 Hrs.)						28
Oct 29	Mtg: RMH Library (18:30-19:30 Hrs.)	1					28

PAID

(more space on back of page)

Remuneration Calculation (for office use only)					
1	Meetings @ 92.00 =	92.00 ✓		First 5000 Kms @ \$0.58 =	
10	Meetings @ 172.00 =	1720.00 ✓	808	Over 5000 Kms @ \$0.52 =	420.16 ✓
10	Meetings @ 136.00 =	1360.00 ✓		2 Lunch @ 16.00 =	32.00 ✓
	Meetings @ 308.00 =	616.00 ✓		3 supper @ 21.50	64.50 ✓
	Supervision =	1105.00 ✓		Accommodation Receipt OCT 25 & 26	283.38 ✓
	TOTAL =	4893.00		TOTAL =	800.04

Denham Inn & Suites
 5207 50th Avenue
 Leduc, AB T9E 6V3

Fax: (780)986-1511
 Email:

Phone: (780)986-2241

Web: www.bestwesterndenham.com



Guest Charges

Best Western Rewards #: 6006637531598613

Folio #: 386425 **Guest : Laird, Scott** Conf #: 325490
 Room #: 109 BWR Tier : BASE CRS #: BW 676004600-01
 Payment Method : Credit Card Company : Corporate Profile
 Rate : (Daily) \$124.99 Rr1 Arrival: 10/25/2019
 10/25/2019 \$129.99 Rocky Mountain House, AB T4T2A1 Departure: 10/27/2019

Next Payment Due:

10/27/2019

Estimated Next Payment Amount:

\$0.00

Date	Department	Reference	Voucher	Room	Charge	Credit	Balance
10/25/2019	Room Charge	Auto Posted		109	\$129.99		\$129.99
10/25/2019	Room GST Tax	Auto Posted		109	\$6.50		\$136.49
10/25/2019	Tourism Levy Tax	Auto Posted		109	\$5.20		\$141.69
10/26/2019	Room Charge	Auto Posted		109	\$129.99		\$271.68
10/26/2019	Room GST Tax	Auto Posted		109	\$6.50		\$278.18
10/26/2019	Tourism Levy Tax	Auto Posted		109	\$5.20		\$283.38
10/27/2019	Mastercard	MC7389		109		\$283.38	\$0.00
Balance							\$0.00

Tax Summary	
Tourism Levy Tax	\$10.40
Room GST Tax	\$13.00

Additional Estimated Charges (Room, Tax, Other) through 10/26/2019 \$0.00

Credit Card Payment

Payment Type: Credit Card Amount Paid: \$0.00
 Account: MC7389 Approval Code:
 Account Holder: Approval Amount: (\$283.38)

GST #104119318

PAID

I agree that my liability for all charges is not waived.

Guest Signature _____

Each Best Western® branded hotel is independently owned and operated.



LIBRARY
UNIVERSITY OF CALIFORNIA
LIBRARY

1950



Agenda Item Report

Regular Council Meeting

AIR Type:	Request for Decision
SUBJECT:	Sunchild Road Asphalt Overlay Tender Award
PRESENTATION DATE:	Tuesday, November 26, 2019
DEPARTMENT:	Public Works Infrastructure
WRITTEN BY:	Erik Hansen, Director
REVIEWED BY:	Rick Emmons, CAO
BUDGET CONSIDERATIONS:	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Funded by Dept <input type="checkbox"/> Reallocation
LEGISLATIVE DIRECTION:	<input checked="" type="checkbox"/> None <input type="checkbox"/> Provincial Legislation <input type="checkbox"/> County Bylaw or Policy
COMMUNITY BUILDING PILLAR (check all that apply):	
<input checked="" type="checkbox"/> Economic Prosperity <input type="checkbox"/> Governance Leadership <input type="checkbox"/> Fiscal Responsibilities <input type="checkbox"/> Environmental Stewardship <input type="checkbox"/> Community Social Growth	
ATTACHMENTS:	
None	

STAFF RECOMMENDATION:

That Council reviews the information provided and approve awarding the Sunchild Road Asphalt Overlay and Other Work project to Border Paving Ltd.

BACKGROUND:

Clearwater County recently tendered the Asphalt Overlay and Other Work for the Sunchild Road from the junction of Hwy 11 north to the County boundary (48.10Km). A public tender opening was held for the work outlined above on November 7, 2019 @ 2:00 pm.

The low bidder that met the contractual obligations at the bid stage was **Border Paving Ltd.** with a bid of \$6,289,044.00. The total project cost is estimated to be \$578,832.60 under the engineers estimate of \$8,402,000.00.

Given the cost saving of the asphalt, staff is recommending adding additional thickening throughout the higher risk areas. The legal survey was a requirement of the Province from when the road was reconstructed with a 10 year caveat. With the completion of this work the entire roadway will be contained in a legal road plan.

The tender results were as follows:

Contractor

Amount Bid

Border Paving Ltd.	\$6,289,044.00
Sandstar Construction Ltd.	\$6,433,250.00
E Construction Ltd.	\$6,449,898.83
Lahrman Construction Inc.	\$6,719,490.60
Ledcor Highways Ltd	\$6,919,461.22
Aecon Transportation West Ltd.	\$6,962,000.00
Central City Asphalt Ltd.	\$7,205,423.60
Knelsen Sand & Gravel Ltd.	\$7,378,062.00
Carmacks Enterprises Ltd.	\$7,522,008.00

The project estimate is as follows:

Item	Estimate	Actual
Amount (Less Site Occ.)	\$7,447,495.00	\$6,229,044.00
Contingency	\$ 372,350.00	\$ 311,452.20
Potential Site Occ. Bonus	\$ 9,000.00	\$ 7,500.00
Potential E.P.S. Bonus	\$ 201,260.00	\$ 204,171.20
Engineering	\$ 372,375.00	\$ 311,000.00
Additional ACP	Not Included	\$ 650,000.00
Legal Survey	Not Included	\$ 110,000.00
Total	\$8,402,480.00	\$7,823,167.40