



MACKENZIE COUNTY

# REGULAR COUNCIL MEETING

**MARCH 07, 2023  
10:00 AM**

**FORT VERMILION COUNCIL  
CHAMBERS**

 780.927.3718

 [www.mackenziecounty.com](http://www.mackenziecounty.com)

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**Mackenzie County**



**MACKENZIE COUNTY  
REGULAR COUNCIL MEETING**

**Tuesday, March 7, 2023  
10:00 a.m.**

**Fort Vermilion Council Chambers**

**Fort Vermilion, Alberta**

**AGENDA**

			Page
<b>CALL TO ORDER:</b>	1.	a) Call to Order	
<b>AGENDA:</b>	2.	a) Adoption of Agenda	
<b>ADOPTION OF PREVIOUS MINUTES:</b>	3.	a) Minutes of the February 28, 2023 Regular Council Meeting	7
		b) Business Arising out of the Minutes	
		c)	
<b>CLOSED MEETING:</b>		<i>Freedom of Information and Protection of Privacy Act Division 2, Part 1 Exceptions to Disclosure</i>	
	4.	a) 2023 Line Painting Program Request for Proposals Review ( <i>FOIP Sections 23, 24, 25 and 27</i> )	
		b) 2023 Crack Filling Program Request for Proposals Review ( <i>FOIP Sections 23, 24, 25 and 27</i> )	
		c) CAO Report ( <i>FOIP Sections 16, 17, 23 and 24</i> )	
		d) Inter Municipal Agreement ( <i>FOIP Sections 21 and 23</i> )	
<b>TENDERS:</b>		Tender openings are scheduled for 11:00 a.m.	
	5.	a) Roadside Mowing	29
		b) Agricultural Land Lease – NORTHVER 09 (Anderson Pit)	31
		c) Agricultural Land Lease – Plan 1020707; Block 1;	33

Lot 2 (Buffalo Head Truck Fill Station)

- d) Agricultural Land Lease – Plan 2122750; Block 13; Lot 1 in Fort Vermilion (Eek Land) 35
- e) Agricultural Land Lease – Section 8-110-15-W5M (Fidler Pit) 37
- f) Agricultural Land Lease – NW 14-106-15-W5M (La Crete Lagoon) 39
- g) Range Road 154 From Township Road 1084 to Township Road 1090 41
- h) Township Road 1102 From Range Road 184 to Range Road 190 43

**PUBLIC HEARINGS:** Public Hearings are scheduled for 1:00 p.m.

- 6. a) Bylaw 1280-23 Land Use Bylaw Amendment to Rezone Part of NW 24-107-14-W5M from Agricultural “A” to Rural Industrial General “RIG” 45
- b)
- c)

**DELEGATIONS** 7. a) Alberta Environment and Protected Areas – Fish and Wildlife Stewardship– Chris Biggs & Kayedon Wilcox (1:15 p.m. via zoom) 61

- b)
- c)

**GENERAL REPORTS:** 8. a) Mitigation (Standing Item)

- b)
- c)

**AGRICULTURE SERVICES:** 9. a) Amendment to ASB021 Weed Control Policy 63

- b)

**COMMUNITY SERVICES:** 10. a) Campground Caretakers – Request for Proposal Review 71

		b)	Pheasant Release Program	95
		c)		
<b>FINANCE:</b>	11.	a)	Bylaw 1282-23 To Amend the Mackenzie County Fee Schedule Bylaw	99
		b)	Blue Hills Road 2022 Capital Budget Amendment - Gravel	107
		c)		
<b>PROJECTS &amp; INFRASTRUCTURE:</b>	12.	a)	Bylaw 1288-23 Business Incentive	109
		b)		
		c)		
<b>OPERATIONS:</b>	13.	a)	Review of Options for 27 <sup>th</sup> Baseline Road Project	119
		b)		
		c)		
<b>UTILITIES:</b>	14.	a)	None	
		b)		
<b>PLANNING &amp; DEVELOPMENT:</b>	15.	a)	None	
		b)		
<b>ADMINISTRATION</b>	16.	a)	County of Northern Lights News Release	121
		b)	High Level Agricultural Society – 53 <sup>rd</sup> Annual High Level Rodeo Sponsorship Request	125
		c)	Procurement Process	129
		d)	Change in Council Meeting Dates	141
		e)		
<b>COMMITTEE OF THE WHOLE ITEMS:</b>	17.	a)	Business Arising out of Committee of the Whole	
		b)		
<b>COUNCIL</b>	18.	a)	Council Committee Reports (verbal)	

**COMMITTEE  
REPORTS:**

- b)
- c)

**INFORMATION /  
CORRESPONDENCE:**

- 19. a) Information/Correspondence

143

**NOTICE OF MOTION:**

- 20. a)

**NEXT MEETING  
DATES:**

- 21. a) Special Council Meeting  
March 9, 2023  
11:00 a.m.  
Fort Vermilion Council Chambers
- b) Committee of the Whole Meeting  
March 28, 2023  
10:00 a.m.  
Fort Vermilion Council Chambers

**ADJOURNMENT:**

- 22. a) Adjournment



**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Byron Peters, Interim Chief Administrative Officer</b>
<b>Title:</b>	<b>Minutes of the February 28, 2023 Regular Council Meeting</b>

**BACKGROUND / PROPOSAL:**

Minutes of the February 28, 2023 Regular Council Meeting are attached.

**OPTIONS & BENEFITS:**

**COSTS & SOURCE OF FUNDING:**

**SUSTAINABILITY PLAN:**

**COMMUNICATION / PUBLIC PARTICIPATION:**

Approved Council Meeting minutes are posted on the County website.

**POLICY REFERENCES:**

**Author:** C. Sarapuk      **Reviewed by:** L. Flooren      **CAO:** \_\_\_\_\_

**RECOMMENDED ACTION:**

- Simple Majority       Requires 2/3       Requires Unanimous

That the minutes of the February 28, 2023 Regular Council Meeting be adopted as presented.

**Author:** C. Sarapuk      **Reviewed by:** L. Flooren      **CAO:** \_\_\_\_\_



**MACKENZIE COUNTY  
REGULAR COUNCIL MEETING**

**Tuesday, February 28, 2023  
10:00 a.m.**

**Fort Vermilion Council Chambers  
Fort Vermilion, AB**

**PRESENT:**

Josh Knelsen	Reeve
Walter Sarapuk	Deputy Reeve
Jacque Bateman	Councillor
Peter F. Braun	Councillor (virtual left the meeting at 2:23 p.m.)
Cameron Cardinal	Councillor
Darrell Derksen	Councillor
David Driedger	Councillor
Garrell Smith	Councillor
Ernest Peters	Councillor
Lisa Wardley	Councillor(virtual)

**REGRETS:**

**ADMINISTRATION:**

Byron Peters	Interim Chief Administrative Officer/Director of Projects & Infrastructure
Don Roberts	Director of Community Services
Jennifer Batt	Director of Finance
Caitlin Smith	Director of Planning and Agriculture
John Zacharias	Director of Utilities
Michael Stamhuis	Interim Director of Operations
Louise Flooren	Manager of Legislative & Support Services/Recording Secretary

**ALSO PRESENT:**

Bruce Yong Li – Catalis – virtual  
Member of the Public

Minutes of the Regular Council Meeting for Mackenzie County held on February 28, 2023 in the Council Chambers at the Fort Vermilion County Office.

**CALL TO ORDER:**

**1. a) Call to Order**

Reeve Knelsen called the meeting to order at 9:59 a.m.

**AGENDA:**

**2. a) Adoption of Agenda**

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**MOTION 23-02-143**      **MOVED** by Deputy Reeve Sarapuk

That the agenda be adopted with the following additions:

- 4. d) Legal
- 4. e) Personnel
- 11. e) Member at Large Expense Claims
- 16. f) Rural Municipalities of Alberta (RMA) Resolutions

**CARRIED**

**ADOPTION OF PREVIOUS MINUTES:**      **3. a) Minutes of the February 7, 2023 Regular Council Meeting**

**MOTION 23-02-144**      **MOVED** by Councillor Wardley

That the minutes of the February 7, 2023 Regular Council Meeting be adopted as presented.

**CARRIED**

**ADOPTION OF PREVIOUS MINUTES:**      **3. b) Business Arising out of the Minutes**

None

**CLOSED MEETING:**      **4. Closed Meeting**

**MOTION 23-02-145**      **MOVED** by Councillor Cardinal

That Council move into a closed meeting at 10:01 a.m. to discuss the following:

- 4.a) CAO Report (*FOIP Sections 16, 17, 23 and 24*)
- 4.b) Inter Municipal Agreements (*FOIP Sections 21 and 23*)
- 4.c) Creation of a Municipally Controlled Corporation (*FOIP Sections 23, 24, 25 & 27*)

**CARRIED**

The following individuals were present during the closed meeting discussion. (*MGA Section 602.08(1)(6)*)

- All Councillors Present

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- Byron Peters, Interim Chief Administrative Officer/Director of Projects & Infrastructure
- Don Roberts, Director of Community Services
- Jennifer Batt, Director of Finance
- Caitlin Smith, Director of Planning and Agriculture
- John Zacharias, Director of Utilities
- Michael Stamhuis, Interim Director of Operations
- Louise Flooren, Manager of Legislative & Support Services/ Recording Secretary

**MOTION 23-02-146**

**MOVED** by Councillor Peters

That Council move out of a closed meeting at 10:46 a.m.

**CARRIED**

Reeve Knelsen recessed the meeting at 10:46 a.m. and reconvened the meeting at 11:05 a.m.

**CLOSED MEETING:**

**4. a) CAO Report**

**MOTION 23-02-147**

**MOVED** by Councillor Cardinal

That the CAO Report be received for information.

**CARRIED**

**CLOSED MEETING:**

**4. b) Inter Municipal Agreements**

**MOTION 23-02-148**

**MOVED** by Councillor Bateman

That the Inter Municipal Agreements discussion be received for information.

**CARRIED**

**CLOSED MEETING:**

**4. c) Creation of a Municipally Controlled Corporation**

**MOTION 23-02-149**

**MOVED** by Councillor Derksen

That Mackenzie County proceed with the creation of a Municipally Controlled Corporation.

**CARRIED**

**TENDERS:**

**5. a) 2023 Regravelling Program**

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Councillor Bateman and Councillor Smith declared themselves in conflict of interest and left the meeting at 11:08 a.m.

**MOTION 23-02-150**      **MOVED** by Councillor Driedger

That the 2023 Regravelling Program Tenders – Envelope #1 be opened.

**CARRIED**

<b>Bidder</b>	<b>Qualifying Documents</b>
B. Hinson Contracting	All required documents included.
Knelsen Sand & Gravel Ltd.	All required documents included.
Bateman Petroleum Sales Ltd.	All required documents included.
1203288 Alberta Ltd.	Not all required documents included.

**MOTION 23-02-151**      **MOVED** by Councillor Cardinal

That the unqualified 2023 Regravelling Program Tender be returned to the sender without opening Envelope #2.

**CARRIED**

**MOTION 23-02-152**      **MOVED** by Councillor Driedger

That the 2023 Regravelling Program Tenders - Envelope #2 be opened for the qualified bidders.

**CARRIED**

**MOTION 23-02-153**      **MOVED** by Councillor Driedger

That the Envelope #2 tender for the 2023 Regravelling Program be returned to the unqualified bidder.

**CARRIED**

**MOTION 23-02-154**      **MOVED** by Councillor Cardinal

That the 2023 Regravelling Program Tenders be TABLED to later in the meeting.

**CARRIED**

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Councillor Bateman and Councillor Smith returned to the meeting at 11:51 a.m.

**DELEGATIONS: 7. a) Catalis Asset Management Presentation - Bruce Yong Li**

Reeve Knelsen recessed the meeting at 12:16 p.m. and reconvened the meeting at 1:00 p.m.

**PUBLIC HEARINGS: 6. a) Bylaw 1279-23 Land Use Bylaw Amendment to increase the minimum lot size regulation in the Hamlet Country Residential “H-CR” district in the Land Use Bylaw Section 9.16.3**

Reeve Knelsen called the public hearing for Bylaw 1279-23 to order at 1:01 p.m.

Reeve Knelsen asked if the public hearing for proposed Bylaw 1279-23 was properly advertised. Caitlin Smith, Director of Planning and Agriculture answered that the Bylaw was advertised in accordance with the Municipal Government Act.

Reeve Knelsen asked the Development Authority to outline the proposed Bylaw 1279-23 Land Use Bylaw Amendment to increase the minimum lot size regulation in the Hamlet Country Residential “H-CR” district in the Land Use Bylaw Section 9.16.3.

Caitlin Smith, Director of Planning and Agriculture presented the following:

*Mackenzie County administration has been directed by the Municipal Planning Commission to propose a change to the minimum lot size requirement on lots located in the Hamlet Country Residential “H-CR” zoning.*

*There are currently three (3) areas in La Crete and one (1) area in Fort Vermilion that are zoned Hamlet Country Residential “H-CR”. The subdivisions in La Crete are the Frank Goertzen subdivision, the Isaac Dyck subdivision, and Lake Side Estates. The area in Fort Vermilion is along River Rd and 31 Street (In the flood zone).*

*The proposed change would be to reduce the existing minimum lot area regulation of 0.4 hectares (1.0 acres) to*

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*.6 hectares (1.5 acres) in the “H-CR district to restrict further subdivision of existing lots in these subdivisions.*

*The existing infrastructure could be challenged with added lots with additional dwellings in these Hamlet Country Residential “H-CR” districts. Additionally, the Area Structure Plan for these areas does not include dividing the lots into smaller parcels. Therefore, this proposal of amending the lot size requirement from 1 acre to 1.5 acres would eliminate these issues, since most of the lots are currently 2 to 2.5 acres.*

*The Municipal Planning Commission made this recommendation on January 12, 2023 where the following motion was made:*

*MPC 23-01-009      MOVED by Jacquie Bateman*

*That an amendment be made to the Hamlet Residential Country Residential “H-CR” zoning district in the Land Use Bylaw to amend the minimum lot size requirement from 1 acre to 1.5 acres.*

**CARRIED**

Reeve Knelsen asked if Council has any questions of the proposed Bylaw 1279-23. Council had the following questions or comments:

- *Do you mean we need to increase the minimum lot size? Yes, you are correct.*
- *Do we need to reduce the number of existing minimum lots? No, already approved lots will not need to be reduced.*

Reeve Knelsen asked if any submissions were received in regards to proposed Bylaw 1279-23. There were no submissions.

Reeve Knelsen asked if there was anyone present who would like to speak in regards to the proposed Bylaw 1279-23.

Frank Goertzen asked the following questions:

- *Why is this change needed to increase the lot sizes on my side of the street from 1 acre to 1.5 acres? The*

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*request is from the Municipal Planning Commission to have lots aligned the same as the Area Structure Plans.*

- *There is no problem with the 6 inch lines now, why are these changes required if quite a few 1 acre lots are currently being completed and approved to go ahead? This is due to the additional servicing on existing structures in place.*
- *There are currently 6 fire hydrants on our side of the road how does the 6 inch water lines cause a problem if split up? The new portion is appropriately serviced but the West side is not appropriately serviced.*

Reeve Knelsen asked if there were any other comments. There were no further comments.

Reeve Knelsen closed the public hearing for Bylaw 1279-23 at 1:08 p.m.

**MOTION 23-02-155**

**MOVED** by Councillor Wardley

That second reading be given to Bylaw 1279-23 being a Land Use Bylaw Amendment to increase the minimum lot size regulation in the Hamlet Country Residential "H-CR", zoning district in the Land Use Bylaw Section 9.16.3.

**CARRIED**

**MOTION 23-02-156**

**MOVED** by Councillor Cardinal

That third reading be given to Bylaw 1279-23 being a Land Use Bylaw Amendment to increase the minimum lot size regulation in the Hamlet Country Residential "H-CR", zoning district in the Land Use Bylaw Section 9.16.3.

**CARRIED**

**TENDERS:**

**5. a) 2023 Regravelling Program**

Councillor Bateman and Councillor Smith declared themselves in conflict of interest and left the meeting at 1:15 p.m.

**CLOSED MEETING:**

**4. Closed Meeting**

**MOTION 23-02-157**  
Requires Unanimous

**MOVED** by Councillor Cardinal

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That Council move into a closed meeting at 1:16 p.m. to discuss the following:

4.d) Legal (ADDITION) (FOIP Sections 16 &17)

**CARRIED UNANIMOUSLY**

The following individuals were present during the closed meeting discussion. (MGA Section 602.08(1)(6))

- All Councillors Present excluding Councillor Bateman and Councillor Smith
- Byron Peters, Interim Chief Administrative Officer/Director of Projects & Infrastructure
- Don Roberts, Director of Community Services
- Jennifer Batt, Director of Finance
- Caitlin Smith, Director of Planning and Agriculture
- John Zacharias, Director of Utilities
- Michael Stamhuis, Interim Director of Operations
- Louise Flooren, Manager of Legislative & Support Services/ Recording Secretary

**MOTION 23-02-158**  
 Requires Unanimous

**MOVED** by Councillor Wardley

That Council move out of a closed meeting at 1:47 p.m.

**CARRIED UNANIMOUSLY**

**CLOSED MEETING:**

4. d) Legal (ADDITION)

**MOTION 23-02-159**  
 Requires Unanimous

**MOVED** by Councillor Derksen

That the Legal discussion be received for information.

**CARRIED UNANIMOUSLY**

**MOTION 23-02-160**

**MOVED** by Councillor Wardley

That the 2023 Regravelling Program contract(s) be awarded to the lowest qualified bidder(s) while staying within budget.

	Knelsen Sand & Gravel Ltd.		Bateman Petroleum Sales	
Area	Total Bid for Supply, Haul & Apply	Total Bid for Haul & Apply	Total Bid for Supply, Haul & Apply	Total Bid for Haul & Apply



1	\$247,550.00	N/A	\$182,500.00	N/A
2	N/A	\$123,000.00	N/A	N/A
3	N/A	\$157,000.00	N/A	N/A
4	N/A	\$ 98,910.00	N/A	N/A
5	N/A	\$218,430.00	N/A	N/A
6	N/A	\$103,390.00	N/A	N/A
7	N/A	\$191,700.00	N/A	N/A
<b>Total</b>	<b>\$247,550.00</b>	<b>\$892,430.00</b>	<b>\$182,500.00</b>	<b>\$0.00</b>
Reduced Price by %	0.00%	0.00%	0.00%	0.00%

**CARRIED**

Councillor Bateman and Councillor Smith returned to the meeting at 1:49 p.m.

**DELEGATIONS:**

**7. a) Catalis Asset Management Presentation - Bruce Yong Li**

**MOTION 23-02-161**

**MOVED** by Councillor Bateman

That the Catalis asset management presentation be received for information.

**CARRIED**

**TENDERS:**

**5. b) 27<sup>th</sup> Baseline Road Reconstruction (TWP 1050) From Highway 697 to Range Road 145**

**MOTION 23-02-162**

**MOVED** by Councillor Derksen

That the 27<sup>th</sup> Baseline Road Reconstruction Tenders – Envelope #1 be opened.

**CARRIED**

<b>Bidder</b>	<b>Qualifying Documents</b>
Boss Bridgeworks	All required documents included.
Knelsen Sand & Gravel Ltd.	All required documents included.
Northern Road Builders LP	All required documents included.

**MOTION 23-02-163**

**MOVED** by Deputy Reeve Sarapuk

That the 27<sup>th</sup> Baseline Road Reconstruction Tenders - Envelope #2 be opened for the qualified bidders.

**CARRIED**

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Bidder	Tender for Reconstruction	Total Tender	Tender Signed & Sealed
Boss Bridgeworks	Yes	\$1,233,900.00	Yes
Knelsen Sand & Gravel Ltd.	Yes	\$1,042,675.00	Yes
Northern Roadbuilders LP	Yes	\$ 813,986.00	Yes

**MOTION 23-02-164**

**MOVED** by Councillor Smith

That the 27<sup>th</sup> Baseline Road Reconstruction project be brought back to the March 7, 2023 Regular Council Meeting for discussion.

**CARRIED**

**GENERAL REPORTS:**

8. a) None

**AGRICULTURE SERVICES:**

9. a) None

**COMMUNITY SERVICES:**

10. a) Mackenzie County Emergency Advisory Committee – Meeting Date

**MOTION 23-02-165**

**MOVED** by Deputy Reeve Sarapuk

That the Mackenzie County Emergency Advisory Committee scheduling be TABLED to the March 7, 2023 regular council meeting.

**CARRIED**

Reeve Knelsen recessed the meeting at 2:14 p.m., Councillor Braun left the meeting at 2:23 p.m. and Reeve Knelsen reconvened the meeting at 2:29 p.m.

**COMMUNITY SERVICES:**

10. b) Pheasant Release Program

**MOTION 23-02-166**

**MOVED** by Councillor Wardley

That the Pheasant Release Program discussion be TABLED to the March 7, 2023 Regular Council Meeting.

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**CARRIED****FINANCE:****11. a) Gravel Aggregate 2022 Rate**

Councillor Bateman declared herself in conflict and left the meeting at 2:50 p.m.

**MOTION 23-02-167**  
Requires 2/3

**MOVED** by Councillor Wardley

That the gravel aggregate be reimbursed at the recommended 50% write off as shown in the table below:

Customer #	\$0.40 levy	\$0.25 levy	Difference	Recommended 50% Write off
004503	\$ 4,905.12	\$ 3,065.70	\$ 1,839.42	\$ 919.71
237171	\$ 4,572.00	\$ 2,857.50	\$ 1,714.50	\$ 857.25
002601	\$ 14,199.34	\$ 8,874.59	\$ 5,324.75	\$ 2,662.38
240495	\$125,196.40	\$78,247.75	\$46,948.25	\$23,474.13
<b>TOTAL</b>	<b>\$148,872.86</b>	<b>\$93,045.94</b>	<b>\$55,826.92</b>	<b>\$27,913.47</b>

**CARRIED**

Councillor Bateman returned to the meeting at 2:55 p.m.

**FINANCE:****11. b) La Crete Recreation Society – Indoor Ice Arena Capital Project Funding**

**MOTION 23-02-168**  
Requires 2/3

**MOVED** by Councillor Wardley

That the 2022 Capital Budget be amended by \$775,514 for the La Crete Recreation Society Indoor Ice Rink project with all funding coming from public donations.

**CARRIED****FINANCE:****11. c) 2022 Budget Allocations & Amendments**

**MOTION 23-02-169**  
Requires 2/3

**MOVED** by Councillor Wardley

That \$27,800 from the 2022 operating budget, be contributed to the Bursaries Reserve, as per Policy ADM049-Bursaries, and RESV017 – Bursaries Reserve.

**CARRIED****MOTION 23-02-170****MOVED** by Deputy Reeve Sarapuk

Requires 2/3

That the insurance revenue in the amount of \$7,401 be allocated to the Grants to Other Organizations Reserve in 2022.

**CARRIED**

**MOTION 23-02-171**

Requires 2/3

**MOVED** by Councillor Driedger

That the Offsite Levies/Frontage revenues in 2022 of \$222,241 be contributed to the Off-Site Levy Reserve.

**CARRIED**

**MOTION 23-02-172**

Requires 2/3

**MOVED** by Councillor Peters

That the Gravel Aggregate revenue in 2022 of \$120,959 be contributed to the Gravel Reclamation Reserve.

**CARRIED**

**MOTION 23-02-173**

Requires 2/3

**MOVED** by Councillor Cardinal

That the Municipal Reserve revenue in 2022 of \$100,213 be contributed to the Municipal Reserve.

**CARRIED**

**MOTION 23-02-174**

Requires 2/3

**MOVED** by Councillor Smith

That the 2022 Budget for the One Time – 2022 Agricultural Fair & Tradeshow project be amended by \$700, with funding coming from public donations.

**CARRIED**

**MOTION 23-02-175**

Requires 2/3

**MOVED** by Councillor Derksen

That \$5,884 in funding surplus received for the 2022 Agricultural Fair & Tradeshow be allocated to the General Operating Reserve to assist with future years events.

**CARRIED**

**MOTION 23-02-176**

Requires 2/3

**MOVED** by Deputy Reeve Sarapuk

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That the 2022 Capital Budget for the FV-Zero Turn Mower project be amended by \$424 with funding coming from the General Capital Reserve.

**CARRIED**

**MOTION 23-02-177**  
Requires 2/3

**MOVED** by Councillor Peters

That the 2022 Capital Budget for the LC- North Storm -Pond A project be amended by \$250,000 with funding coming from the Surface Water Management Reserve.

**CARRIED**

**MOTION 23-02-178**  
Requires 2/3

**MOVED** by Councillor Driedger

That the 2022 Capital Budget for the Rural Drainage project be amended by \$67,078 with funding coming from the Surface Water Management Reserve.

**CARRIED**

**MOTION 23-02-179**  
Requires 2/3

**MOVED** by Deputy Reeve Sarapuk

That the 2022 Capital Budget be amended by an additional \$10,500 for an Electrical Vehicle Charging Stations project, with funding coming from Electrical Vehicle Charging Program Grant.

**CARRIED**

**MOTION 23-02-180**  
Requires 2/3

**MOVED** by Councillor Derksen

That the 2022 Capital Budget for Flood Mitigation be amended by \$19,020 with funding coming from Boreal Housing Foundation.

**CARRIED**

**FINANCE:**

**11. d) Councillor Expense Claims**

**MOTION 23-02-181**

**MOVED** by Councillor Cardinal

That the Councillor Expense Claims for January 2023 be received for information.

**CARRIED**

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**FINANCE: 11. e) Member at Large Expense Claims (ADDITION)**

**MOTION 23-02-182**  
Requires Unanimous **MOVED** by Councillor Bateman

That the Member at Large Expense Claims for January 2023 be received for information.

**CARRIED UNANIMOUSLY**

Reeve Knelsen recessed the meeting at 3:39 p.m. and reconvened the meeting at 3:50 p.m.

**ADMINISTRATION: 16. c) Tompkins Improvement Board – Request for Letter of Support**

**MOTION 23-02-183** **MOVED** by Councillor Wardley

That a letter of support be provided to the Tompkins Improvement Board for their grant application to construct a shell over the outdoor rink.

**CARRIED**

**PROJECTS & INFRASTRUCTURE: 12. a) Business Incentive Draft Bylaw - 3<sup>rd</sup> Review**

**MOTION 23-02-184** **MOVED** by Councillor Wardley

That the Draft Business Incentive Bylaw be brought back to the March 7, 2023 Regular Council Meeting for first, second and third reading.

**CARRIED**

**PROJECTS & INFRASTRUCTURE: 12. b) Rural Road Study Report**

**MOTION 23-02-185** **MOVED** by Councillor Bateman

That the Rural Road Study Report be received for information.

**CARRIED**

**OPERATIONS: 13. a) Policy PW039 Rural Access Construction and Surface Water Management Policy Amendment**

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**MOTION 23-02-186**      **MOVED** by Councillor Bateman

That the Rural Access Construction and Surface Water Management Policy PW039 be approved as amended.

**CARRIED**

**OPERATIONS:**      **13. b) Review of Award Process – TWP 1102 & RR 154**

**MOTION 23-02-187**      **MOVED** by Councillor Bateman

That Council hold a Special Council Meeting (by Zoom) at 11:00 a.m. on Thursday, March 9, 2023 to review Award of Proposals for the TWP Road 1102 and Range Road 154 Projects.

**CARRIED**

**UTILITIES:**      **14. a) None**

**PLANNING & DEVELOPMENT:**      **15. a) Bylaw 1281-23 Land Use Bylaw Amendment to Rezone Plan 972 3735; Lot 2 from Rural Country Residential 1 “RCR1” to Agricultural “A”**

**MOTION 23-02-188**      **MOVED** by Councillor Wardley

That first reading be given to Bylaw 1281-23 being a Land Use Bylaw Amendment to rezone Plan 972 3735; Lot 2 from Rural Country Residential 1 “RCR1” to Agricultural “A”, subject to public hearing input.

**CARRIED**

**PLANNING & DEVELOPMENT:**      **15. b) 52-SUB-22 Countryside Residential Subdivision – Municipal Reserve (SE-10-106-15-W5M)**

**MOTION 23-02-189**      **MOVED** by Councillor Peters

That the Municipal Reserve requirement for 52-SUB-22 be waived subject to construction of the walking trail as presented.

**CARRIED**

**ADMINISTRATION:**      **16. a) Bylaw 1283-23 To Repeal Bylaw 1262-22 Water Services Franchise**

\_\_\_\_\_  
 \_\_\_\_\_

**MOTION 23-02-190**      **MOVED** by Councillor Bateman

That first reading be given to Bylaw 1283-23 to repeal the Water Services Franchise Bylaw 1262-22.

**CARRIED**

**MOTION 23-02-191**      **MOVED** by Councillor Derksen

That second reading be given to Bylaw 1283-23 to repeal the Water Services Franchise Bylaw 1262-22.

**CARRIED**

**MOTION 23-02-192**      **MOVED** by Councillor Bateman  
Requires Unanimous

That consideration be given to go to third and final reading of Bylaw 1283-23 being to repeal the Water Services Franchise Bylaw 1262-22.

**CARRIED UNANIMOUSLY**

**MOTION 23-02-193**      **MOVED** by Deputy Reeve Sarapuk

That third and final reading be given to Bylaw 1283-23 being to repeal the Water Services Franchise Bylaw 1262-22.

**CARRIED**

**ADMINISTRATION:**      **16. b) Rural Municipalities of Alberta (RMA) District 4 – Proposed Changes**

**MOTION 23-02-194**      **MOVED** by Councillor Wardley

That Mackenzie County Council supports the two day zone meeting proposal for the Rural Municipalities of Alberta District 4.

**CARRIED**

**ADMINISTRATION:**      **16. d) Fort Vermilion Winter Carnival Dog Sled Races Sponsorship**

**MOTION 23-02-195**      **MOVED** by Councillor Bateman

\_\_\_\_\_  
\_\_\_\_\_



That Mackenzie County sponsor the 1788 Dog Sled Races at the Winter Carnival in the amount of \$2,000.00.

**CARRIED**

**ADMINISTRATION: 16. e) Non-Profit Day Conference**

**MOTION 23-02-196 MOVED** by Deputy Reeve Sarapuk

That Councillor Cardinal be authorized to attend the Non-Profit Day Conference from March 9-10, 2023 in Edmonton, Alberta.

**CARRIED**

**ADMINISTRATION: 16. f) Rural Municipalities of Alberta (RMA) Resolutions (ADDITION)**

**MOTION 23-02-197 MOVED** by Councillor Driedger  
Requires Unanimous

That the Rural Municipalities of Alberta (RMA) Resolutions discussion be received for information.

**CARRIED UNANIMOUSLY**

**COMMITTEE OF THE WHOLE ITEMS: 17. a) Business Arising out of Committee of the Whole**

None

**COUNCIL COMMITTEE REPORTS: 18. a) Council Committee Reports (verbal)**

**MOTION 23-02-198 MOVED** by Councillor Cardinal

That the Council Committee Reports (verbal) be received for information.

**CARRIED**

**COUNCIL COMMITTEE REPORTS: 18. b) Agricultural Service Board Meeting Minutes**

**MOTION 23-02-199 MOVED** by Deputy Reeve Sarapuk

\_\_\_\_\_  
\_\_\_\_\_

That the unapproved Agricultural Service Board meeting minutes of January 27, 2023 be received for information.

**CARRIED**

**COUNCIL  
COMMITTEE  
REPORTS:**

**18. c) Municipal Planning Commission Meeting Minutes**

**MOTION 23-02-200**

**MOVED** by Deputy Reeve Sarapuk

That the approved Municipal Planning Commission meeting minutes of the January 26, 2023 and the unapproved minutes from the February 9, 2023 Municipal Planning Commission meeting be received for information.

**CARRIED**

**INFORMATION/  
CORRESPONDENCE:**

**19. a) Information/Correspondence**

**MOTION 23-02-201**

**MOVED** by Councillor Derksen

That the following Councillors be authorized to attend the Community Planning Association of Alberta (CPAA) conference from May 1-3, 2023 in Nisku, Alberta:

1. Councillor Cardinal
2. Councillor Driedger
3. Councillor Wardley

**CARRIED**

**MOTION 23-02-202**

**MOVED** by Councillor Driedger

That Councillor Bateman be authorized to attend the Federation of Canadian Municipalities (FCM) Annual Conference from May 25 – 28, 2023 in Toronto, Ontario.

**CARRIED**

**MOTION 23-02-203**

**MOVED** by Councillor Bateman

That the Information/Correspondence be accepted for information purposes.

\_\_\_\_\_  
\_\_\_\_\_

**CARRIED**

Reeve Knelsen recessed the meeting at 5:48 p.m. and reconvened the meeting at 5:55 p.m.

**CLOSED MEETING: 4. Closed Meeting**

**MOTION 23-02-204** **MOVED** by Councillor Bateman  
Requires Unanimous

That Council move into a closed meeting at 5:55 p.m. to discuss the following:

- 4.e) Personnel (ADDITION) *(FOIP Sections 23, 24 and 27)*

**CARRIED UNANIMOUSLY**

The following individuals were present during the closed meeting discussion. *(MGA Section 602.08(1)(6))*

- All Councillors Present excluding Councillor Braun

**MOTION 23-02-205** **MOVED** by Deputy Reeve Sarapuk  
Requires Unanimous

That Council move out of a closed meeting at 6:24 p.m.

**CARRIED UNANIMOUSLY**

**CLOSED MEETING: 4. e) Personnel (ADDITION)**

**MOTION 23-02-206** **MOVED** by Councillor Smith  
Requires Unanimous

That the Personnel discussion be received for information.

**CARRIED UNANIMOUSLY**

**NOTICE OF MOTION: 20. a) None**

**NEXT MEETING DATES: 21. a) Next Meeting Dates**

Regular Council Meeting  
March 7, 2023  
10:00 a.m.  
Fort Vermilion Council Chambers

Special Council Meeting

\_\_\_\_\_  
\_\_\_\_\_

March 9, 2023  
11:00 a.m.  
Fort Vermilion Council Chambers

**ADJOURNMENT: 22. a) Adjournment**

**MOTION 23-02-207 MOVED** by Councillor Driedger

That the Council meeting be adjourned at 6:25 p.m.

**CARRIED**

These minutes will be presented for approval at the March 7, 2023 Regular Council Meeting.

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Josh Knelsen  
Reeve

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Byron Peters  
Interim Chief Administrative Officer

UNAPPROVED

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**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Caitlin Smith, Director of Planning &amp; Agriculture</b>
<b>Title:</b>	<b>TENDERS Roadside Mowing</b>

## **BACKGROUND / PROPOSAL:**

As the Roadside mowing contracts expired in 2022, administration and the Agricultural Service Board prepared and advertised an Invitation to Tender for the 2023 to 2025 Roadside Mowing, with a one year option. The contractor have the opportunity to bid on 4 different geographical areas.

Administration reached out to La Prairie to inquire if it would be financially beneficial for Mackenzie County to have La Prairie mow some of our more remote roads directly off Provincial Highways such as Zama Access road, Wadlin Lake road, and the Chateh Bypass road.

La Prairie does not do their mowing in house, but rather higher a third party contractor. . If La Prairie was to add our roads to their mowing contract, they stated that it would likely cost us more than having our contactors mow these remote roads. La Prairie has already to committed to mowing so many hectares this year, that they would not be able to commit to taking on more. Also, La Prairie mows later in the fall, where as we like to mow mid summer (after the sprayers have gone through) for better weed control.

The Tender submission deadline was March 6, 2023 at 4:30 PM.

## **OPTIONS & BENEFITS:**

## **COSTS & SOURCE OF FUNDING:**

The agricultural department has budgeted \$260,736 for 2023.

**Author:** C.Sarapuk      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_

**SUSTAINABILITY PLAN:**

**COMMUNICATION / PUBLIC PARTICIPATION:**

Successful bidder will be notified.

**POLICY REFERENCES:**

**RECOMMENDED ACTION:**

Motion 1:

Simple Majority       Requires 2/3       Requires Unanimous

That the Roadside Mowing Tenders – Envelope #1 be opened.

Motion 2:

Simple Majority       Requires 2/3       Requires Unanimous

That the unqualified Roadside Mowing Tenders be returned to the senders without opening Envelope #2.

Motion 3:

Simple Majority       Requires 2/3       Requires Unanimous

That the Roadside Mowing Tenders - Envelope #2 be opened for the qualified bidders.

Motion 4:

Simple Majority       Requires 2/3       Requires Unanimous

That administration review the Roadside Mowing Tenders and bring back findings later in the meeting.

Motion 5:

Simple Majority       Requires 2/3       Requires Unanimous

That the Roadside Mowing contract be awarded to the lowest bidder(s) while staying within budget.

**Author:** C. Sarapuk      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_



**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Caitlin Smith, Director of Planning &amp; Agriculture</b>
<b>Title:</b>	<b>Agricultural Land Lease – NORTHVER 09 (Anderson Pit)</b>

## **BACKGROUND / PROPOSAL:**

Request for Proposals were advertised for an Agricultural Land Lease on NORTHVER 09 (Anderson Pit).

This property is approximately 49 acres of crop land put out for a 3 year lease.

As weed control is a high priority to Mackenzie County, the Request for Proposal states that the property must be farmed conventionally.

## **OPTIONS & BENEFITS:**

## **COSTS & SOURCE OF FUNDING:**

## **SUSTAINABILITY PLAN:**

## **COMMUNICATION / PUBLIC PARTICIPATION:**

The Agricultural Land Leases Request for Proposal was advertised in the local newspaper and social medial.

## **POLICY REFERENCES:**

Author: \_\_\_\_\_ Reviewed by: \_\_\_\_\_ CAO: \_\_\_\_\_

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That the Agricultural Land Lease for NORTHVER 09 (Anderson Pit) Request for Proposals be opened.

Simple Majority       Requires 2/3       Requires Unanimous

That the Agricultural Land Lease for NORTHVER 09 (Anderson Pit) be awarded to the highest bidder.

Author: C. Sarapuk      Reviewed by: \_\_\_\_\_      CAO: \_\_\_\_\_





**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Caitlin Smith, Director of Planning &amp; Agriculture</b>
<b>Title:</b>	<b>TENDER Agricultural Land Lease – Plan 1020707; Block 1; Lot 2 (Buffalo Head Truck Fill Station)</b>

## **BACKGROUND / PROPOSAL:**

Request for Proposals were advertised for an Agricultural Land Lease on Plan 1020707; Block 1; Lot 2 (Buffalo Head Truck Fill Station)

This property is approximately 6.5 acres of Brome/Alfalfa mixed hay land put out for a 3 year lease.

## **OPTIONS & BENEFITS:**

## **COSTS & SOURCE OF FUNDING:**

## **SUSTAINABILITY PLAN:**

## **COMMUNICATION / PUBLIC PARTICIPATION:**

The Agricultural Land Leases Request for Proposal was advertised in the local newspaper and social medial.

## **POLICY REFERENCES:**

Author: \_\_\_\_\_ Reviewed by: \_\_\_\_\_ CAO: \_\_\_\_\_

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That the Agricultural Land Lease for Plan 1020707; Block 1; Lot 2 (Buffalo Head Truck Fill Station) Request for Proposals be opened.

Simple Majority       Requires 2/3       Requires Unanimous

That the Agricultural Land Lease for Plan 1020707; Block 1; Lot 2 (Buffalo Head Truck Fill Station) be awarded to the highest bidder.

Author: C. Sarapuk      Reviewed by: \_\_\_\_\_      CAO: \_\_\_\_\_



**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Caitlin Smith, Director of Planning &amp; Agriculture</b>
<b>Title:</b>	<b>TENDER Agricultural Land Lease – Plan 2122750; Block 13; Lot 1 in Fort Vermilion (Eek Land)</b>

## **BACKGROUND / PROPOSAL:**

Request for Proposals were advertised for an Agricultural Land Lease on Plan 2122750; Block 13; Lot 1 in Fort Vermilion (Eek Land). This property is approximately 21 acres of Alfalfa Hay Land.

This land was acquired through mitigation (Phase 4), all revenue from the land lease will be returned to Mitigation Funding. As Phase 4 is still under development, this land lease will be a year-by-year lease rather than the typical 3-year lease. Acres will also be subject to change as development occurs. This will be stated in the contract.

## **OPTIONS & BENEFITS:**

## **COSTS & SOURCE OF FUNDING:**

## **SUSTAINABILITY PLAN:**

## **COMMUNICATION / PUBLIC PARTICIPATION:**

The Agricultural Land Leases Request for Proposal was advertised in the local newspaper and social media.

**Author:** C. Sarapuk      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_

**POLICY REFERENCES:**

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That the Agricultural Land Lease for Plan 2122750; Block 13; Lot 1 in Fort Vermilion (Eek Land) Request for Proposal be opened.

Simple Majority       Requires 2/3       Requires Unanimous

That the Agricultural Land Lease for Plan 2122750; Block 13; Lot 1 in Fort Vermilion (Eek Land) be awarded to the highest bidder.

**Author:** C. Sarapuk      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_



**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Caitlin Smith, Director of Planning &amp; Agriculture</b>
<b>Title:</b>	<b>Agricultural Land Lease – Section 8-110-15-W5M (Fitler Pit)</b>

## **BACKGROUND / PROPOSAL:**

Request for Proposals were advertised for an Agricultural Land Lease on Section 8-110-15-W5M (Fitler Pit).

This property is approximately 239 acres of crop land put out for a 3 year lease.

As weed control is a high priority to Mackenzie County, the Request for Proposal states that the property must be farmed conventionally.

## **OPTIONS & BENEFITS:**

## **COSTS & SOURCE OF FUNDING:**

## **SUSTAINABILITY PLAN:**

## **COMMUNICATION / PUBLIC PARTICIPATION:**

The Agricultural Land Leases Request for Proposal was advertised in the local newspaper and social medial.

## **POLICY REFERENCES:**

**Author:** C. Sarapuk      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That the Agricultural Land Lease for Section 8-110-15-W5M (Fidler Pit) Request for Proposals be opened.

Simple Majority       Requires 2/3       Requires Unanimous

That the Agricultural Land Lease for Section 8-110-15-W5M (Fidler Pit) be awarded to the highest bidder.

Author: C. Sarapuk      Reviewed by: \_\_\_\_\_      CAO: \_\_\_\_\_



**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Caitlin Smith, Director of Planning &amp; Agriculture</b>
<b>Title:</b>	<b>TENDER Agricultural Land Lease – NW 14-106-15-W5M (La Crete Lagoon)</b>

## **BACKGROUND / PROPOSAL:**

Request for Proposals were advertised for an Agricultural Land Lease NW 14-106-15-WM (La Crete Lagoon)

This property is approximately 16 acres of Brome hay land put out for a 3 year lease.

## **OPTIONS & BENEFITS:**

## **COSTS & SOURCE OF FUNDING:**

## **SUSTAINABILITY PLAN:**

## **COMMUNICATION / PUBLIC PARTICIPATION:**

The Agricultural Land Leases Request for Proposal was advertised in the local newspaper and social medial.

## **POLICY REFERENCES:**

**Author:** C. Sarapuk      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That the Agricultural Land Lease for NW 14-106-15-W5M (La Crete Lagoon) Request for Proposals be opened.

Simple Majority       Requires 2/3       Requires Unanimous

That the Agricultural Land Lease for NW 14-106-15-W5M (La Crete Lagoon) be awarded to the highest bidder.

**Author:** C. Sarapuk      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_





**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Michael Stamhuis, Interim Director of Operations</b>
<b>Title:</b>	<b>TENDER Range Road 154 From Township Road 1084 to Township Road 1090</b>

**BACKGROUND / PROPOSAL:**

Administration prepared and advertised the “Request for Proposal – Range Road 154 From Township Road 1084 to Township Road 1090”. Proposals were received up to March 2, 2023 and are scheduled for opening and review at the March 7, 2023 regular meeting of Council.

**OPTIONS & BENEFITS:**

N/A

**COSTS & SOURCE OF FUNDING:**

This Project has been identified as a Capital Project in the 2023 Budget. The total budgeted amount is \$350,000.

**SUSTAINABILITY PLAN:**

N/A

**COMMUNICATION/PUBLIC PARTICIPATION:**

All Proponents would be notified and the selected proponent will be offered a contract in accordance with the Proposal Call.

**Author:**  M Stamhuis      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_

**POLICY REFERENCES:**

Policy FIN025 Purchasing Authority Directive and Tendering Process

**RECOMMENDED ACTION:**

**Motion 1:**

- Simple Majority       Requires 2/3       Requires Unanimous

That the Proposals for Range Road 154 From Township Road 1084 to Township Road 1090 – Envelope #1 be opened.

**Motion 2: (if required)**

- Simple Majority       Requires 2/3       Requires Unanimous

That the unqualified Proposals for Range Road 154 from Township Road 1084 to Township Road 1090 be returned to the senders without opening Envelope #2.

**Motion 3:**

- Simple Majority       Requires 2/3       Requires Unanimous

That the Proposals for Range Road 154 from Township Road 1084 to Township Road 1090 - Envelope #2 be opened for the qualified proponents.

**Motion 4:**

- Simple Majority       Requires 2/3       Requires Unanimous

That Administration be directed to review the qualified Proposals and report back to Council at the March 9, 2023 Special Council Meeting.

**Author:**  M Stamhuis      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_



**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Michael Stamhuis, Interim Director of Operations</b>
<b>Title:</b>	<b>TENDER Township Road 1102 From Range Road 184 to Range Road 190</b>

**BACKGROUND / PROPOSAL:**

Administration prepared and advertised the “Request for Proposal – Township Road 1102 From Range Road 184 to Range Road 190”. Proposals were received up to March 2, 2023 and are scheduled for opening and review at the March 7, 2023 regular meeting of Council.

**OPTIONS & BENEFITS:**

N/A

**COSTS & SOURCE OF FUNDING:**

This Project has been identified as a Capital Project in the 2023 Budget. The total budgeted amount is \$250,000. A total of \$232,700 remains in this budget after initial engineering fees.

**SUSTAINABILITY PLAN:**

N/A

**COMMUNICATION/PUBLIC PARTICIPATION:**

All Proponents would be notified and the selected proponent will be offered a contract in accordance with the Proposal Call.

**Author:**  M Stamhuis      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_

**POLICY REFERENCES:**

Policy FIN025 Purchasing Authority Directive and Tendering Process

**RECOMMENDED ACTION:**

Motion 1:

Simple Majority       Requires 2/3       Requires Unanimous

That the Proposals for Township Road 1102 From Range Road 184 to Range Road 190 – Envelope #1 be opened.

Motion 2: (if required)

Simple Majority       Requires 2/3       Requires Unanimous

That the unqualified Proposals for Township Road 1102 from Range Road 184 to Range Road 190 be returned to the senders without opening Envelope #2.

Motion 3:

Simple Majority       Requires 2/3       Requires Unanimous

That the Proposals for Township Road 1102 from Range Road 184 to Range Road 190 - Envelope #2 be opened for the qualified proponents.

Motion 4:

Simple Majority       Requires 2/3       Requires Unanimous

That Administration be directed to review the qualified Proposals and report back to Council at the March 9, 2023 Special Council Meeting.

**Author:**  M Stamhuis       **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_



**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Caitlin Smith, Director of Planning &amp; Agriculture</b>
<b>Title:</b>	<b>PUBLIC HEARING Bylaw 1280-23 Land Use Bylaw Amendment to Rezone Part of NW 24-107-14-W5M from Agricultural “A” to Rural Industrial General “RIG”</b>

**BACKGROUND / PROPOSAL:**

Administration has received a request to rezone Part of NW 24-107-14-W5M from Agricultural “A” to Rural Industrial General “RIG” The area to be rezoned is approximately 40 acres of a total 57.97 acre property.

Currently there is a residence and workshop/garage on the portion that is not included in the rezoning request area.

The reason for the rezoning is that the land owner would like to subdivide this 40 acre piece for the purpose of selling the land. The potential buyer would like to relocate his salvage yard to this location, which is a permitted use in Rural Industrial General.

Currently this quarter section has one (1) other 80 acre piece that is zoned agricultural and one (1) 20 acre piece that has already been rezoned to Rural Industrial General.

The proposed Bylaw was presented for first reading by Council on February 7, 2023 where the following motion was made:

**MOTION 23-02-132** ***MOVED** by Councillor Wardley*

*That first reading be given to Bylaw 1280-23 being a Land Use Bylaw Amendment to rezone Part of NW 24-107-14-W5M from Agricultural “A” to Rural Industrial General “RIG”, subject to public hearing input.*

**CARRIED**

**Author:** J Roberts      **Reviewed by:** C Smith      **CAO:** \_\_\_\_\_

**OPTIONS & BENEFITS:**

Options are to pass, defeat or table second and third reading.

**COSTS & SOURCE OF FUNDING:**

Costs will consist of advertising the Public Hearing and adjacent landowner letters which are borne by the applicant.

**SUSTAINABILITY PLAN:**

**Goal E23** Mackenzie County’s business communities can provide local products and services to meet consumer demand.

**COMMUNICATION / PUBLIC PARTICIPATION:**

The Bylaw Amendment has been advertised as per MGA requirements, this included all adjacent landowners. The applicant was also required to display a sign on the subject property as per MGA requirements.

**POLICY REFERENCES:**

N/A

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That second reading be given to Bylaw 1280-23 being a Land Use Bylaw Amendment to rezone Part of NW 24-107-14-W5M from Agricultural “A” to Rural Industrial General “RIG” to accommodate a salvage yard.

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That third reading be given to Bylaw 1280-23 being a Land Use Bylaw Amendment to rezone Part of NW 24-107-14-W5M from Agricultural “A” to Rural Industrial General “RIG” to accommodate a salvage yard.

**Author:** J Roberts      **Reviewed by:** C Smith      **CAO:** \_\_\_\_\_

**BYLAW NO. 1280-23**  
**BEING A BYLAW OF MACKENZIE COUNTY**  
**IN THE PROVINCE OF ALBERTA**  
**TO AMEND THE**  
**MACKENZIE COUNTY LAND USE BYLAW**

**WHEREAS**, Mackenzie County has a Municipal Development Plan adopted in 2009, and

**WHEREAS**, Mackenzie County has adopted the Mackenzie County Land Use Bylaw in 2017, and

**WHEREAS**, the Council of Mackenzie County, in the Province of Alberta, has deemed it desirable to amend the Mackenzie County Land Use Bylaw to rezone Part of NW 24-107-14-W5M from Agricultural “A” to Rural Industrial General “RIG”.

**NOW THEREFORE**, THE COUNCIL OF THE MACKENZIE COUNTY, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. That the land use designation of the subject parcel known as:

Part of NW 24-107-14-W5M

Within Mackenzie County, be rezoned from Agricultural “A” to Rural Industrial General “RIG” to as outlined in Schedule “A” hereto attached.

READ a first time this 7th day of February, 2023.

PUBLIC HEARING held this \_\_\_\_ day of \_\_\_\_\_, 2023.

READ a second time this \_\_\_\_ day of \_\_\_\_\_, 2023.

READ a third time and finally passed this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Josh Knelsen  
Reeve

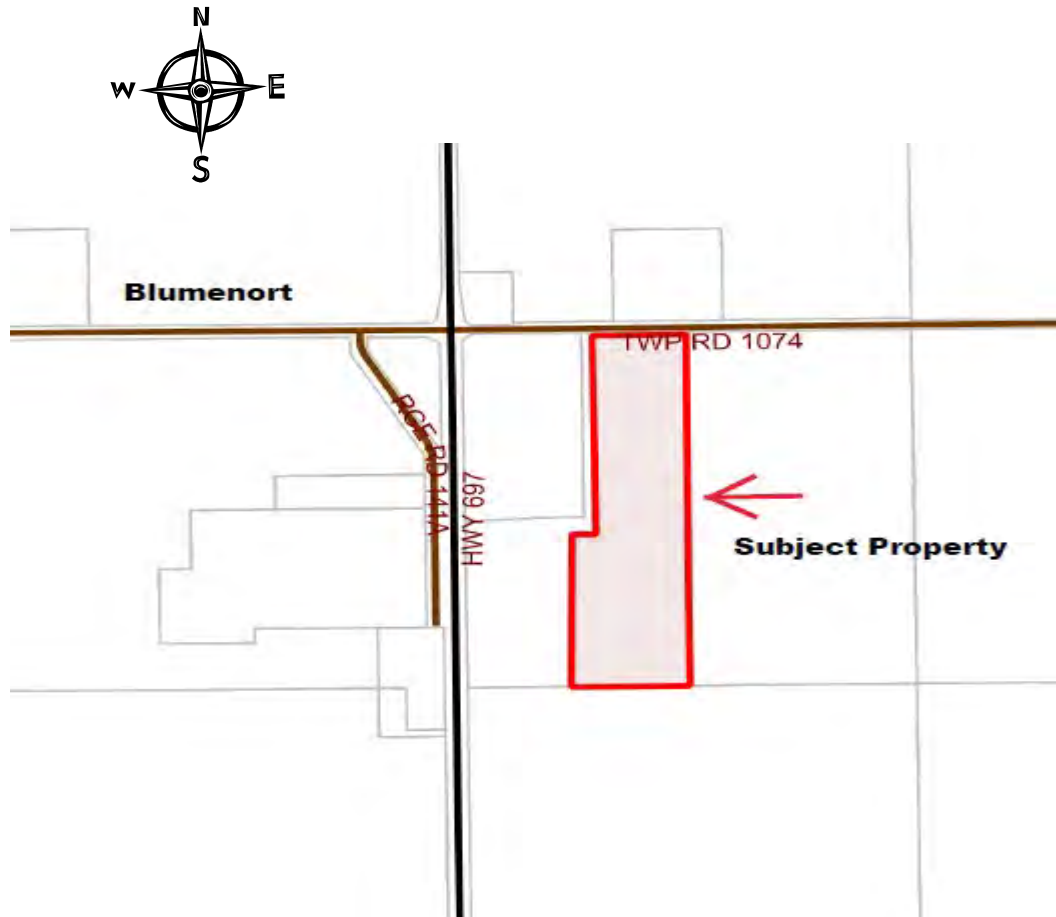
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Byron Peters  
Interim Chief Administrative Officer

**BYLAW No. 1280-23**

**SCHEDULE "A"**

1. That the land use designation of the following property known as Part of NW 24-107-14-W5M within Mackenzie County, be rezoned:



FROM: Agricultural "A"

TO: Rural Industrial General "RIG"



## Mackenzie County LAND USE BYLAW AMENDMENT – REZONING APPLICATION

Name Of Applicant <i>Backroad Enterprise Ltd.</i>		
Address:		
City/Town		
Postal Code	Phone	Cell
Applicant Email		

Complete only if different from Applicant

Name of Registered Owner <i>Daniel Schmitt</i>		
Address:		
City/Town		
Postal Code	Phone	Cell
Owner Email		

Legal Description of the Land Affected by the Proposed Amendment:  All or  Part of:

QTR./LS.	SEC.	TWP.	RANGE	M.	or	PLAN	BLK	LOT
NW	24	107	14	5				

Civic Address: \_\_\_\_\_

Land Use Classification Amendment Proposed:

From: AG To: RIG

Reasons Supporting Proposed Amendment:

*see attached page.*

I have enclosed the required application fee of: \$ 723.34 Receipt No.: 291043

\_\_\_\_\_  
Applicant Signature

JAN 30 2023  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Registered Owner Signature

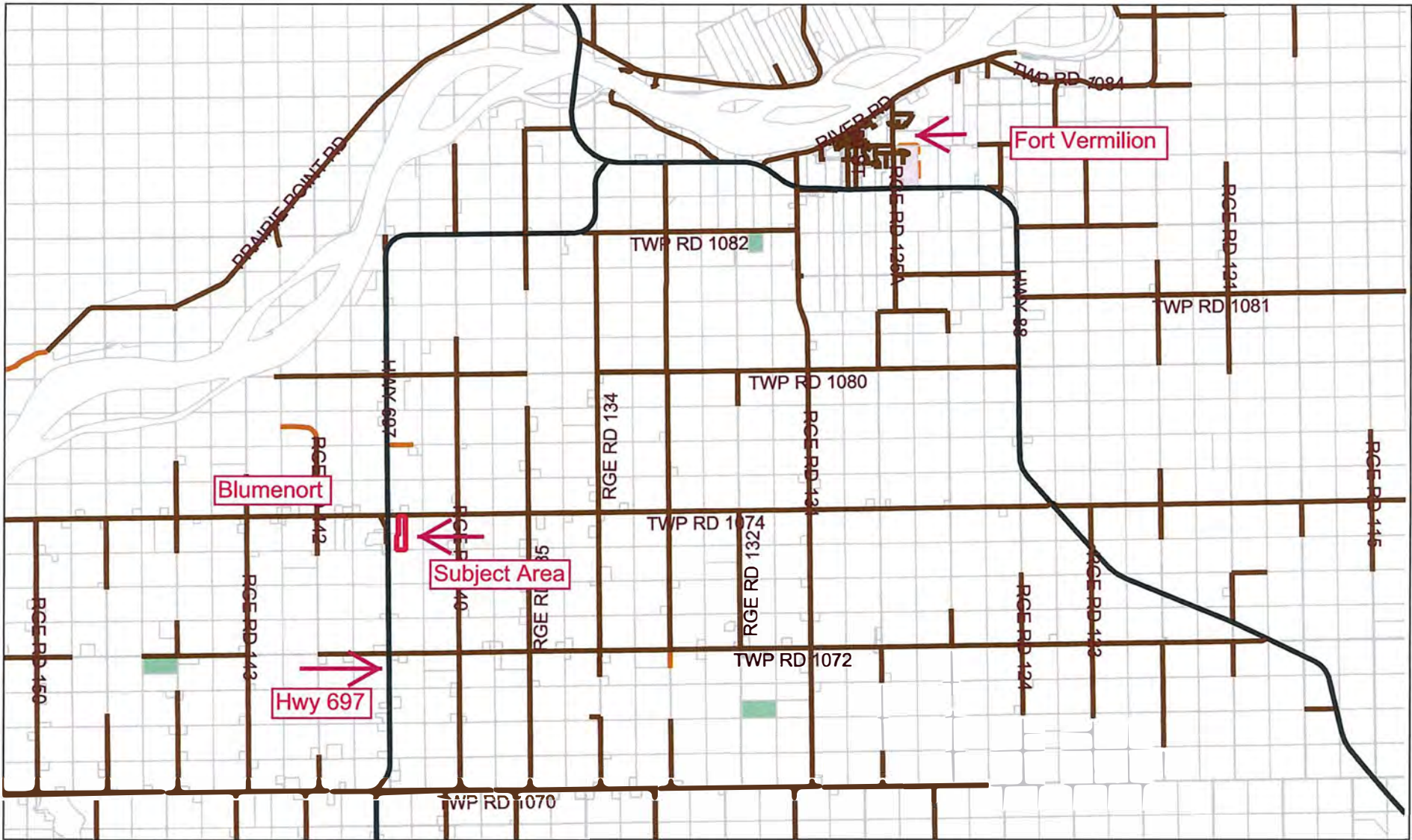
*John 28/23*  
\_\_\_\_\_  
Date

**NOTE: Registered Owner's signature required only if different from applicant**

The personal information on this form is collected in accordance with Section 33 of the Freedom of Information and Protection of Privacy (FOIP) Act for the purpose of processing this application, issuing development permits and Land Use Bylaw Enforcement. The name of the permit holder and nature of the permit are available to the public upon request. If you have any questions regarding the collection, use or disclosure of this information, please contact the FOIP Coordinator or (780) 927-3718.







Scale 1: 128,311



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Mackenzie County Bylaw 1280-23 Part of NW 24-107-14-W5M







Scale 1: 8,554

100 yd



100 m



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# Alberta Transportation Notice of Referral Decision

## Land Use Bylaw amendment in proximity of a provincial highway

<b>Municipality File Number:</b>	Bylaw 1280-23	<b>Highway(s):</b>	697
<b>Legal Land Location:</b>	QS-NW SEC-24 TWP-107 RGE-14 MER-5	<b>Municipality:</b>	Mackenzie County
<b>Decision By:</b>	Mary Crowley	<b>Issuing Office:</b>	Peace Region / Peace River
<b>Issued Date:</b>	2023-02-13 14:36:42	<b>AT Reference #:</b>	RPATH0008289
<b>Description of Development:</b>	Proposed land use bylaw amendment from Agricultural to Rural Industrial General to operate a metal salvage business.		



This will acknowledge receipt of your circulation regarding the above noted proposal. Alberta Transportation's primary concern is protecting the safe and effective operation of provincial highway infrastructure, and planning

for the future needs of the highway network in proximity to the proposed land use amendment(s).

Alberta Transportation offers the following comments and observations with respect to the proposed land use amendment (s):

1. Due to the proximity to Highway 697, a development permit will be required for any proposed development within this affected portion of NW24-107-14-5

2. Access to any proposed development shall be via Township Road 1074.

3. Pursuant to 618.4(1) of the Municipal Government Act, the department expects that the Municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, in accordance with Policy 7 of the Provincial Land Use Policies.

Please contact Alberta Transportation through the [RPATH Portal](#) if you have any questions, or require additional information



Issued by **Mary Crowley**, , on **2023-02-13 14:36:42** on behalf of the Minister of Transportation pursuant to *Ministerial Order 52/20 – Department of Transportation Delegation of Authority*



## Mackenzie County

P.O. Box 640, 4511-46 Avenue, Fort Vermilion, AB T0H 1N0  
P: (780) 927-3718 Toll Free: 1-877-927-0677 F: (780) 927-4266  
www.mackenziecounty.com  
office@mackenziecounty.com

DATE: February 10, 2023

<b>LANDOWNER:</b>	Daniel Schmidt
<b>DEVELOPER/AGENT:</b>	Backroad Enterprise Ltd
<b>LEGAL:</b>	Part of NW 24-107-14-W5M
<b>PROPOSED LAND USE:</b>	Metal Salvage Business
<b>SURVEYOR:</b>	None at this time

Please provide us with your agency's comments regarding the proposed rezoning by **March 3, 2023**. Please mark any required easements or utility rights-of-way on the attached sketch as well as provide any additional comments.

Regards,

Jackie Roberts,  
Development Officer

Alberta Transportation - Mary Crowley - [TRANSDevelopmentPeaceRiver@gov.ab.ca](mailto:TRANSDevelopmentPeaceRiver@gov.ab.ca)

**COMMENTS:**

SIGNATURE: \_\_\_\_\_

Comments received may be deemed public information







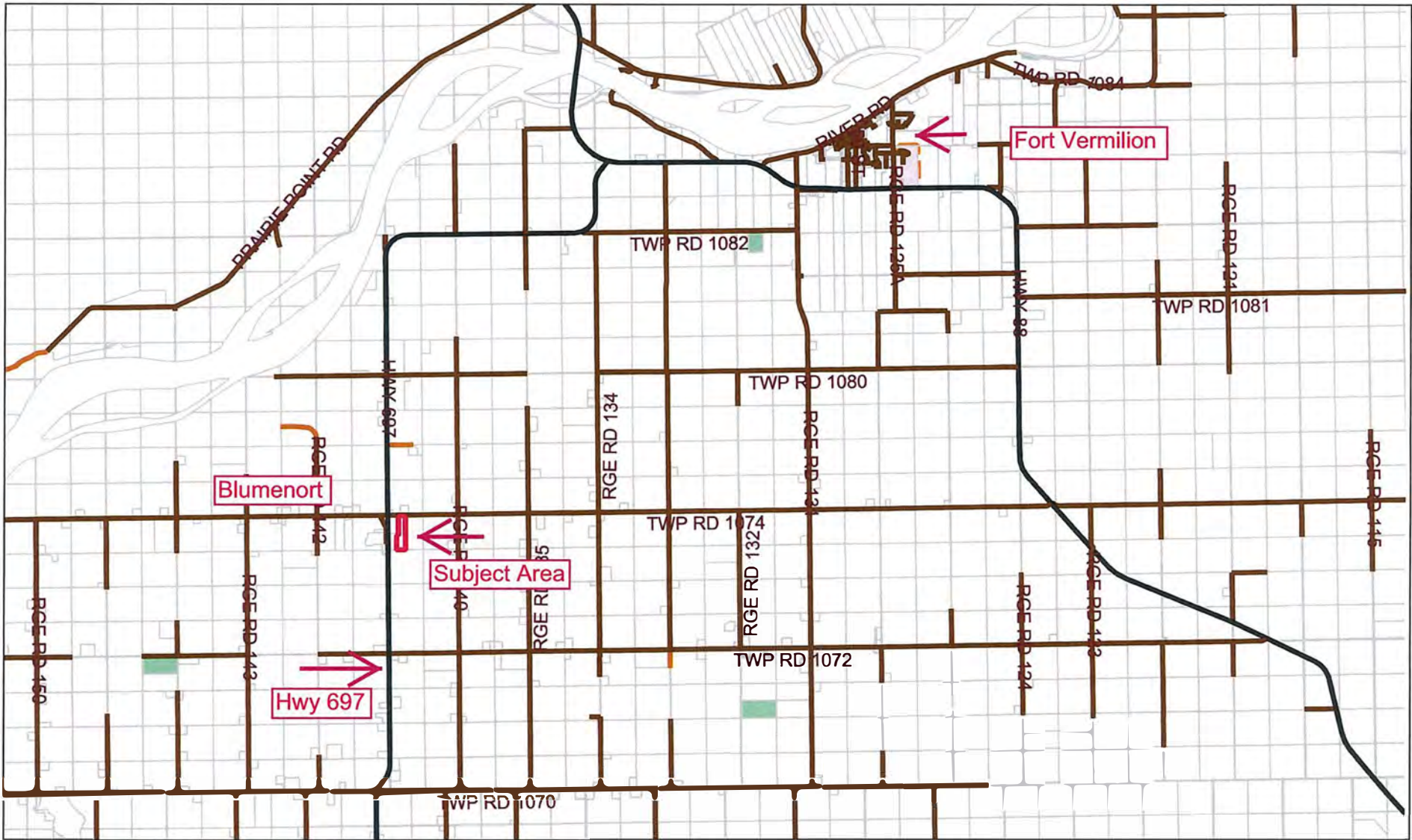
Scale 1: 8,554

100 yd 

100 m 

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**Mackenzie County Bylaw 1280-23 Part of NW 24-107-14-W5M**



**Mackenzie County**

**PUBLIC HEARING FOR LAND USE BYLAW AMENDMENT –  
REZONING**

**BYLAW 1280-23**

**Order of Presentation**

\_\_\_\_\_ This Public Hearing will now come to order at \_\_\_\_\_.

\_\_\_\_\_ Was the Public Hearing properly advertised?

\_\_\_\_\_ Will the Development Authority \_\_\_\_\_, please outline the proposed Land Use Bylaw Amendment – Rezoning and present their submission.

\_\_\_\_\_ Does the Council have any questions of the proposed Land Use Bylaw Amendment – Rezoning?

\_\_\_\_\_ Were any submissions received in regards to the proposed Land Use Bylaw Amendment – Rezoning? *If yes, please read them.*

\_\_\_\_\_ Is there anyone present who would like to speak in regards of the proposed Land Use Bylaw Amendment – Rezoning?

\_\_\_\_\_ If YES: Does the Council have any questions of the person(s) making their presentation?

\_\_\_\_\_ This Hearing is now closed at \_\_\_\_\_.

**REMARKS/COMMENTS:**





**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Don Roberts, Director of Community Services</b>
<b>Title:</b>	<b>Alberta Environment and Protected Areas – Fish and Wildlife Stewardship</b>

## **BACKGROUND / PROPOSAL:**

Council has requested an update concerning Fishing Regulations within the area and in Alberta.

Members from Alberta Environment and Protected Areas – Fish and Wildlife Stewardship, Chris Briggs and Kayedon Wilcox will be giving a short presentation and will be answering any questions or concerns Council may have.

## **OPTIONS & BENEFITS:**

N/A

## **COSTS & SOURCE OF FUNDING:**

N/A

## **SUSTAINABILITY PLAN:**

N/A

## **COMMUNICATION / PUBLIC PARTICIPATION:**

N/A

## **POLICY REFERENCES:**

ADM040 Recreational Area Policy

**Author:** D. Roberts      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That the Alberta Environment and Protected Areas – Fish and Wildlife Stewardship presentation be received for information.

Author: D. Roberts      Reviewed by: \_\_\_\_\_      CAO: \_\_\_\_\_



**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Landon Driedger, Agricultural Fieldman</b>
<b>Title:</b>	<b>Amendment to ASB021 Weed Control Policy</b>

**BACKGROUND / PROPOSAL:**

Administration and the Agricultural Service Board has reviewed ASB021 Weed Control Policy and have made changes to reflect the procedures which the seasonal weed inspectors will use to inspect fields for noxious and prohibited noxious weeds.

Administration would like to introduce the use of a matrix system to help the weed inspectors determine the extent and severity of infestation and act as a median for all weed cases and provide a timeline for communication.

**OPTIONS & BENEFITS:**

Implementing the form will be a reduction in liability to inspectors and the municipality. This form is a more consistent and fair approach to the farmer as it will outline our expectations. This will also benefit the weed inspectors as it provides a guideline for inspectors to follow. They will be able to carry out their job more efficiently and will require less supervision.

Many rural municipalities use a similar matrix system for their weed inspections and recommend this approach for the consistency of application and for record keeping.

**COSTS & SOURCE OF FUNDING:**

N/A

**SUSTAINABILITY PLAN:**

**Author:** C. Sarapuk      **Reviewed by:** C Smith      **CAO:** \_\_\_\_\_

N/A

**COMMUNICATION / PUBLIC PARTICIPATION:**

A copy of the inspection report will be available to the landowner for their reference.

**POLICY REFERENCES:**

ASB021 Weed Control Policy

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That ASB021 Weed Control Policy be approved as presented/amended.

**Author:** C. Sarapuk      **Reviewed by:** C Smith      **CAO:** \_\_\_\_\_



# MACKENZIE COUNTY

<b>Title</b>	<b>AGRICULTURAL SERVICE BOARD WEED CONTROL</b>	<b>Policy No:</b>	<b>ASB021</b>
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## **Purpose**

To enforce the Alberta Weed Control Act and therefore prevent and control the establishment and/or spread of **Noxious** and **Prohibited Noxious** weeds.

## **Policy Statement and Guidelines**

### **1. Objective:**

To prevent and control the establishment and/or spread of **Noxious** and **Prohibited Noxious** weeds through inspections, awareness, education and responsible communication with landowners, occupants, industry stakeholders and members of the general public.

### **2. Definitions:**

- 2.1. **Eradicate** means: destroy all parts of the plant, and render reproductive parts of the plant non-viable.
- 2.2. **Control** means: inhibit the growth or spread of the plant.
- 2.3. **Noxious Weeds and Prohibited Noxious Weeds** are as defined, all include all those weeds identified, under the *Weed Control Act* of Alberta (RSA 2008/W-5.1) and the *Weed Control Regulations* (19/2010), as amended from time to time. As well, **Noxious Weeds** and **Prohibited Noxious** Weeds shall include invasive species which have been elevated in status by municipal bylaw.

### **3. Procedures:**

- 3.1. The Agricultural Service Board, at its discretion, appoints a sufficient number of inspectors to carry out the *Weed Control Act* and supply each inspector with identification in the form prescribed by the *Weed Control Regulations*.
- 3.2. Weed inspectors will be provided with Mackenzie County's Inspectors Next Step Per Established Communication Table (I.N.S.P.E.C.T.) as a guideline to decipher extent and severity of infestation, act as a median for all weed cases and provide a timeline for communication.
- 3.3. The Weed Inspection Program will be conducted during the months of May to September; and will be carried out by the Agricultural Fieldman, and Weed Inspectors.

- 3.4. The Agricultural Fieldman will be responsible for enforcement of the Alberta *Weed Control Act*.
- 3.5. When a weed problem is found, every effort will be made to cooperate with the land owner to deal with the problem in an amicable manner. After verbal and written communication is made, **In accordance with Procedure 3.2,** and no satisfactory results have been deemed then a Weed Notice will be issued in person to the land owner, or by registered mail. Weed Notices are to be issued at the discretion of the Agricultural Fieldman; as per **Appendix “A” Notice to Remedy Weed Problem.**
- 3.6. Weed Notices and all actions carried out before; after in accordance with the issuance thereof, must be in compliance with the current *Weed Control Act*, or related statutes of the Province of Alberta.
- 3.7. If remedial measures of the Weed Notice have not been complied with, the work may be carried out by the municipality or a private contractor (as hired by the municipality) and all associated fees are to be applied to the landowner and/or occupant.
- 3.8. If the landowner and/or occupant fail to pay the amount owing, the charges will be sent to a collections agency or applied to the tax roll against the land in question by motion of the County Council.
- 3.9. All recipients of Weed Notices shall have the opportunity to appeal Weed Notices as per conditions set forth by the Agricultural Appeal Board.
- 3.10. If the Notice is deemed as compliant, the landowner will be notified via phone call, and written letter from the Agricultural Fieldman.

**4. Appeal Follow Up Procedures:**

- 4.1. All Recipients of Weed Notices shall have the opportunity to appeal Weed Notices as per conditions set forth by the Alberta Weed Control Act and the Agricultural Appeal Board.
- 4.2. The Agricultural Appeal Board shall hear and determine the appeal within five (5) days of receipt of notice of appeal by the Chief Administrative Officer.
- 4.3. The Agricultural Appeal Board may confirm, rescind or vary the notice.
- 4.4. The Chief Administrative Officer shall send a copy of the decision along with the written reason; if any to the appellant by registered or certified mail.

	Date	Resolution Number
--	------	-------------------

<b>Approved</b>	2017-04-11	17-04-275
<b>Amended</b>	2020-01-14	20-01-006
<b>Amended</b>		





## INSPECTOR'S NEXT STEP PER ESTABLISHED COMMUNICATION TABLE

Weed Infestation Area	0 0 - 0.59 acres	1 0.6 - 2.49 acres	2 2.5 - 9.9 acres	3 10 - 39.9 acres	6 40 - 160 acres
Required m <sup>2</sup> Counts	3 m <sup>2</sup> Counts	6 m <sup>2</sup> Counts	9 m <sup>2</sup> Counts	12 m <sup>2</sup> Counts	15 m <sup>2</sup> Counts

## POINTS PER WEED SPECIES

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Average Plants Per Square Meter	1 1	2 2	3 4	4 8	5 16	6 32
Severity	Very Low	Low	Moderate	Serious	Severe	Extreme

--	--	--

Located Within 10 m of:	0 Center of Property	2 Property Line	3 Riparian or Sensitive Area
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Historical Activity of Case File:	0 Proactive / New	1 Complacent	3 Dismissive
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Weed Infestation:	-2 Decreasing	0 Different Area / New	2 Static	4 Increasing
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Weed Species:	-6 Perennial Sow Thistle	-3 Canada Thistle	5 Noxious	20 Prohibited Noxious
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Previous Communication:	0 None/Verbal	2 Information Package	3 Compliance Letter	3 Notice
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\*For multiple weed case files, the weed species with the highest total points will be transferred to inspection report and determine required communication.

TOTAL POINTS\*

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## ESTABLISHED COMMUNICATION TABLE

POINTS	NEXT STEP
1 - 4	Door Hanger or verbal communication with Landowner / Occupant as needed
5 - 9	Information Package: Flyer, Inspection Report, Fact Sheet(s)
10 - 14	Compliance Letter, Inspection Report, Fact Sheet(s)
15 +	Inspector's Notice, Inspection Report, Fact Sheet(s)

# Inspector's Notice Action Deadline

							POINTS PER WEED SPECIES		
<b>Notice Delivery:</b>	0 Mail		2 In Person (18+)						
<b>Weed Growth State:</b>	1 Seedling	2 2-3 Leaf Stage	3 Bud	4 Flower	5 Seed				
<b>Field Growth State:</b>	1 Seedling	2 2-3 Leaf Stage	3 Bud	4 Flower	5 Seed				
<b>Species:</b>	0 Noxious		2 Uncommon Noxious	3 Prohibited Noxious					
<b>Located Within 10m of:</b>	0 Center of Property		2 Property Line	3 Field Scale					
<b>Historical Activity of Case File:</b>	0 Proactive / New		1 Complacent	3 Dismissive					
<b>Inspection Month:</b>	0 Oct - April	1 May	2 June	6 July	8 August	10 September			
<b>Weather:</b>	0 Rain / Windy		1 Cool / Cloudy	2 Sunny / Cool		3 Sunny / Warm			
<p>*The weed species with the highest total points will determine the action deadline.                      Notices sent out after September 21 should be dated June 30 of the following year</p>							<b>TOTAL POINTS*</b>		

ACTION DEADLINE TABLE	
POINTS	NEXT STEP
1 - 4	32 days from the Friday following the inspection date
5 - 9	25 days from the Friday following the inspection date
10 - 14	18 days from the Friday following the inspection date
15 +	11 days from the Friday following the inspection date



**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Don Roberts, Director of Community Services</b>
<b>Title:</b>	<b>Campground Caretakers – Request for Proposal Review</b>

## **BACKGROUND / PROPOSAL:**

The Community Services Committee made the following motion;

**MOTION CS-23-01-005      MOVED** by Reeve Knelsen

That Administration offer an extension to the 2022 year Campground Caretakers at Wadlin Lake and Hutch Lake at the current rate and conditions and to tender Machesis Lake contract (and Wadlin Lake & Hutch Lake if required).

**CARRIED**

The contractor from Hutch Lake accepted the extension and the contractor from Wadlin Lake rejected the offer.

Administration developed the Campground Caretaker Request for Proposal for Councils review.

## **OPTIONS & BENEFITS:**

N/A

## **COSTS & SOURCE OF FUNDING:**

Current Contracts; 2023 Operation Budget

Hutch Lake Contract	-\$6000/month plus bonus
Machesis Lake Contract	-\$5500/month plus bonus

**Author:** D. Roberts      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_

Wadlin Lake Contract      -\$6500/month plus bonus

The 2023 Operational Budget has sufficient funds allocated for the caretaker contracts as per 2022 costs and may require amendment depending on RFP submissions.

**SUSTAINABILITY PLAN:**

**Strategy C1.2**

Undertake a financial and operational review of County recreational facilities and equipment to:

- ensure adequacy of capital, operating funding and reserves,
- identify opportunities for increased usage, increased revenues and decreased costs,
- ensure optimal use of funds,

**COMMUNICATION / PUBLIC PARTICIPATION:**

None at this time

**POLICY REFERENCES:**

N/A

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That Administration move forward with Request for Proposals for Campground Caretakers to operate Machesis Lake and Wadlin Lake for the 2023 season.

**Author:**   D. Roberts        **Reviewed by:** \_\_\_\_\_      **CAO:**   B Peters





# Request for Proposals

Machesis Lake  
Campground Caretaker

Closing date: March 28<sup>th</sup>, 2023

**MACKENZIE COUNTY**



**REQUEST FOR PROPOSALS (“RFP”) WITH RESPECT TO THE:  
CARETAKING OF MACKENZIE COUNTY CAMPGROUND  
INSTRUCTIONS TO PROPONENTS**

**1.0 INTRODUCTION**

**1.1 Purpose of RFP**

1.1.1 **Mackenzie County** seeks proposals from interested parties for the following:

**CARETAKING OF MACHESIS LAKE CAMPGROUND 2023 SEASON**

Proposals are to include a list of options. It is the Proponent’s responsibility to identify how you plan to meet the requirements specified in this RFP.

1.1.2 **Mackenzie County (the “County”)** is the sole and legal lease holder.

1.1.3 If the County receives a proposal acceptable to it, the County will select one (1) or more parties who submitted a proposal (the “Proponents”) with whom the County, in its sole and unfettered discretion, may negotiate the terms of a contract.

**1.2 Submission of RFP**

1.2.1 Proponents shall submit their Proposal in a sealed envelope marked **“Caretaking – Machesis Lake Campground”** on or before 4:30 p.m. (Mountain Standard Time) on March 28<sup>th</sup>, 2023(the “RFP Closing Time”) to:

**Mackenzie County  
Attention: Don Roberts, Director of Community Services  
P.O. Box 640, 4511-46 Avenue  
Fort Vermilion, AB T0H 1N0**

No faxed or electronically submitted Proposals will be accepted by the County.

1.2.2 Proposals will be opened at a Regular Council meeting following the RFP Closing Time. No Proposal(s) submitted after the RFP Closing Time will be accepted.

1.2.3 Each Proponent shall not submit more than one proposal per campground.

1.2.4 The proponent may submit one proposal for each campground, and if only one campground desired, identify preferred campground within the proposal.

1.2.5 Any inquiries respecting this RFP should be directed to:

Don Roberts  
 Director Community Services & Operations  
[droberts@mackenziecounty.com](mailto:droboterts@mackenziecounty.com)  
 (780) 927-3718

- 1.2.6 Each Proponent shall designate a person to whom any additional information may be obtained. The name and contact information is to be communicated to the County's designated contact person indicated in paragraph 1.2.4 above noted.
- 1.2.7 The County is under no obligation to respond to any inquiry submitted to it in respect of this RFP.
- 1.2.8 If the County, in its sole and unfettered discretion, determines that a written response to an inquiry is warranted, a written response will be prepared and distributed to all Proponents who have requested a copy of this RFP and completed the acknowledgment form. Such written response(s) will be issued in the form of an addendum to this RFP, and will be deemed to be part of this RFP.
- 1.2.9 No inquiry submitted to the County will be responded to after 4:00 p.m. March 28<sup>th</sup>, 2023.

### **1.3 General Conditions Applicable to this RFP**

#### **1.3.1 Appendices and Addenda**

The appendices to this RFP and any subsequent addenda are incorporated into and form part of this RFP. The information and data contained in any appendices and any subsequent addenda may form the basis upon which a contract engagement will be entered into the Contract will be entered with the County.

#### **1.3.2 Disclaimer of Liability and Indemnity**

By submitting a Proposal, a Proponent agrees:

- 1.3.2.1 to be responsible for conducting its own due diligence on data and information upon which its Proposal is based;
- 1.3.2.2 that it has fully satisfied itself as to its rights and the nature extended to the risks it will be assuming;
- 1.3.2.3 that it has gathered all information necessary to perform all of its obligations under its Proposal;
- 1.3.2.4 that it is solely responsible for ensuring that it has all information necessary to prepare its Proposal and for independently verifying and informing itself with respect to any terms or conditions that may affect its Proposal;

- 1.3.2.5 to hold harmless the County, its elected officials, officers, employees, agents, advisors or partnering entities in this undertaking, and all of their respective successors and assigns, from all claims, liability and costs related to all aspects of the RFP process;
- 1.3.2.6 that it shall not be entitled to claim against the County, its elected officials, officers, employees, insurers, agents, advisors, and partnering entities in this undertaking on grounds that any information, whether obtained from the County or otherwise (including information made available by its elected officials, officers, employees, agents or advisors), regardless of the manner or form in which the information is provided is incorrect or insufficient;
- 1.3.2.7 that the County will not be responsible for any costs, expenses, losses, damages or liability incurred by the Proponent as a result of, or arising out of, preparing, submitting, or disseminating a Proposal, or for any presentations or interviews related to the Proposal, or due to the County's acceptance or non-acceptance of a Proposal; and
- 1.3.2.8 to waive any right to contest in any proceeding, case, action or application, the right of the County to negotiate with any Proponent for the Contract whom the County deems, in its sole and unfettered discretion, to have submitted the Proposal most beneficial to the County and acknowledges that the County may negotiate and contract with any Proponent it desires.

### 1.3.3 **No Tender and no Contractual Relationship**

The Proponent acknowledges and agrees that this procurement process is a Request for Proposal and is not a tendering process. It is part of an overall procurement process intended to enable the County to identify a potential successful Proponent. The submission of a Proposal does not constitute a legally binding agreement between the County and any Proponent. For greater certainty, by submission of its Proposal, the Proponent acknowledges and agrees that there will be no initiation of contractual obligations or the creation of contractual obligations as between the County and the Proponent arising from this RFP or the submission of a Proposal.

Further, the Proponent acknowledges that a Proposal may be rescinded by a Proponent at any time prior to the execution of the Contract.

## 1.4 **Discretion of the County**

Notwithstanding any other provision of this RFP to the contrary, the provisions in this Section 1.4 prevail, govern and override all other parts of this RFP. The County is not bound to accept any Proposal. At any time prior to execution of the Contract, the County may, in its sole and unfettered discretion, or for its own

convenience, terminate the procurement process. All of this may be done with no compensation to the Proponents or any other party.

The County reserves the right, in its sole and unfettered discretion, to:

- 1.4.1 utilize any ideas or information contained in any of the Proposals for its sole use and benefit without making payment or otherwise providing consideration or compensation to any Proponent or any other party;
- 1.4.2 negotiate the specific contractual terms and conditions, including but not limited to the fee or;
- 1.4.3 waive any formality, informality or technicality in any Proposal, whether of a minor and inconsequential nature, or whether of a substantial or material nature;
- 1.4.4 receive, consider, and/or accept any Proposal, regardless of whether or not it complies (either in a material or non-material manner) with the submission requirements or is the lowest priced proposal, or not accept any Proposal, all without giving reasons;
- 1.4.5 determine whether any Proposal meets the submission requirements of this RFP; and
- 1.4.6 negotiate with any Proponent regardless of whether or not that Proponent is the Proponent that has received the highest evaluation score, and
- 1.4.7 negotiate with any and all Proponents, regardless of whether or not the Proponent has a Proposal that does not fully comply, either in a material or non-material way with the submission requirements for the RFP or any requirements contained within this RFP.

## **1.5 Selection**

Selection of the successful Proponent, if any, is at the sole and unfettered discretion of the County.

## **1.6 Disqualification**

The failure to comply with any aspect of this RFP (either in a material way or otherwise), shall render the Proponent subject to such actions as may be determined by the County, including disqualification from the RFP process, suspension from the RFP process and/or imposition of conditions which must be complied with before the Proponent will have its privilege of submitting a Proposal reinstated.

## **1.7 Representations and Warranties**

- 1.7.1 The County makes no representations or warranties other than those expressly contained herein as to the accuracy and/or completeness of the information provided in this RFP.
- 1.7.2 Proponents are hereby required to satisfy themselves as the accuracy and/or completeness of the information provided in this RFP.

- 1.7.3 No implied obligation of any kind by, or on behalf of, the County shall arise from anything contained in this RFP, and the express representations and warranties contained in this RFP, and made by the County, are and shall be the only representations and warranties that apply.
- 1.7.4 Information referenced in this RFP, or otherwise made available by the County or any of its elected officials, officers, employees, agents or advisors as part of the procurement process, is provided for the convenience of the Proponent only and none of the County, its elected officials, officers, employees, agents and advisors warrant the accuracy or completeness of this information. The Proponent is required to immediately bring forth to the County any conflict or error that it may find in the RFP. All other data is provided for informational purposes only.

## 2.0 PROJECT OVERVIEW & DESCRIPTION OF

**WORK Please refer to Schedule “A”.**

## 3.0 PROPOSAL REQUIREMENTS

The County reserves the right, but is not required, to reject any Proposal that does not include the requirements.

### 3.1 Description of the Proposal

- 3.1.1 Proposals shall include the legal name, address and telephone numbers of the individual, the principals of partnerships and/or corporations comprising the Proponent, and in the case of partnerships or corporations, the individual who will be the representative of the partnership or corporation.
- 3.1.2 Proposals shall include a description of any subcontractors, agents or employees that the Proponent expects to involve in the performance of the work. Mackenzie County reserves the discretion to approve or reject the proposed use, by the selected Proponent of any proposed subcontract which discretion shall be exercised reasonably.
- 3.1.3 Proposals shall include a description of the contractors who will be performing the work including their previous experience and qualifications.
- 3.1.4 Proposals shall include a list of previous work of a similar nature by the proponent.
- 3.1.5 Prices for the Campground Caretaking services shall be inserted by the Proponent in the form attached hereto as **Schedule “D”** and the form shall be submitted by the Proponent at the time of the submission of its Proposal.

### 3.2 Execution of the Proposal

Proposals shall be properly executed in full compliance with the following:

- 3.2.1 proposals and the pricing form attached as **Schedule “D”**, must be signed by the representative for the Proponent;
- 3.2.2 if the Proposal is made by a corporation, the full name of the corporation shall be accurately printed immediately above the signatures of its duly authorized officers and the corporate seal shall be affixed;
- 3.2.3 if the Proposal is made by a partnership, the firm name or business name shall be accurately printed above the signature of the firm and the Proposal shall be signed by a partner or partners who have authority to sign for the partnership;
- 3.2.4 if the Proposal is made by an individual carrying on business under a name other than his own, his business name together with the individual’s name shall be printed immediately above its signature; and
- 3.2.5 if the Proposal is made by a sole proprietor who carries on business in his own name, the proprietor shall print his name immediately below his signature.

### 4.0 MANDATORY SUBMISSION REQUIREMENTS

Documents to be submitted with the Proposal in **one envelope** that is provided.

At the time of the submission of its Proposal, the Proponent shall provide the following:

#### **Envelope # 1**

- 4.1.1 Schedule “B” - Proponent to provide a summary of:
  - a list of the equipment,
  - summary of experience,
- 4.1.2 Schedule “C” - Proponent to provide a list of additional services offered to the public example: boat rental, bicycle rental, retail services (chips, pop etc.)
- 4.1.3 Schedule “D” Pricing Form

#### **4.2 Insurance and WCB (Workers Compensation) to be carried by Successful Proponent**

The County requires that the Caretaker have Comprehensive and Commercial General Liability insurance at a minimum of \$2,000,000 (2 Million Dollars) per occurrence and standard automobile, bodily injury and property damage insurance providing coverage of at least TWO MILLION (\$2,000,000.00) DOLLARS inclusive and in respect of any one claim.

The Proponent shall cause all insurance coverage maintained by the Proponent in accordance with this RFP, except for errors and omissions coverage (if required), to name Mackenzie County as an **additional insured** and to contain a severability of interests or cross liability clause. The Proponent shall cause all insurance coverage to provide that no such insurance policy may be cancelled without the insurer providing no less than thirty (30) days' written notice of such cancellation to the County. The Proponent shall furnish a Certificate of Liability Insurance, evidencing the required insurance coverage. The cost of all of the insurance required to be held by the Proponent as set forth herein shall be borne by Mackenzie County.

**The successful proponent will be required to provide proof of Insurance and WCB prior to being awarded the contract.**

## **5 EVALUATION**

- 5.1 After the RFP Closing Time, the County will review and evaluate all the Proposals received based upon the information supplied by the Proponents in accordance with the submission requirements of this RFP.
- 5.2 In evaluating the Proposals received, the County will consider all of the criteria listed below in Section 5.2, and the County will have the sole and unfettered discretion to award up to the maximum number of points for each criteria as listed below. By submitting a Proposal, the Proponent acknowledges and agrees that the County has, and is hereby entitled to exercise, the sole and unfettered discretion to award the points for the evaluation of the noted criteria.
- 5.3 By submitting a Proposal, each Proponent acknowledges and agrees that it waives any right to contest in any legal proceedings the decision of the County to award points in respect of the criteria noted below (the "Evaluation Criteria"). Proposals will be evaluated based on the following criteria:



Evaluation Criteria	Weight	Score
<b>Equipment</b>	15%	
<b>Experience</b>	15%	
<b>Additional services offered to the public</b>	20%	
<b>Proposal Cost</b>	50%	
<b>TOTAL</b>	<b>100%</b>	

The County may select a Proponent with the highest, or not necessarily the highest, Points with whom to negotiate the contract. Points will be assigned for each criteria based on the information provided in the proponent's submission. Scoring will be consistently applied by the County's evaluation team through the use of the specified scoring system noted below.

Points will be awarded on a scale of 0 to 10 as noted below:

Score	Description
0-2	UNACCEPTABLE: does not satisfy the requirements of the criterion in any way
3	VERY POOR: address some requirements but only minimally
4	POOR: addresses most of the requirements of the criterion but is lacking in critical areas
5	MARGINAL: barely meets most of the requirements of the criterion to a minimum acceptable level
6	SATISFACTORY: average capabilities and performance, and meets most of the requirements of the criterion
7	ABOVE AVERAGE: fully meets all of the requirements of the criterion
8	SUPERIOR: exceeds the requirements of the criterion
9-10	EXCEPTIONAL: feature is clearly exceptional to the requirements of the criterion

5.4 The County also reserves the right to accept conditions to be offered by and/or negotiated with the successful Proponent which are not specifically contained in this RFP. Such options and/or alternatives shall be included in the Proposal review process as part of the evaluation.

5.5 At all times, the County reserves the right to seek written clarification regarding a Proposal from a Proponent. Such clarification shall be deemed an amendment to such Proponent's Proposal.

## 6 OTHER

### 6.1 Period Open for Consideration

The Proposals received shall remain irrevocable for a period of fifteen (15) days following the RFP Closing Date in order to allow for the County to undertake the evaluation of the Proposals received and to undertake the negotiations as provided for herein.

### 6.2 Information Disclosure and Confidentiality

All documents submitted to the County will be subject to the protection and disclosure provisions of the *Freedom of Information and Protection of Privacy Act* ("FOIP"). FOIP allows persons a right of access to records in the County's custody or control. It also prohibits the County from disclosing the Proponent's personal or business information where disclosure would be harmful to the Proponent's business interests or would be an unreasonable invasion of personal privacy as defined in sections 16 and 17 of FOIP. Proponents are encouraged to identify what portions of their Proposals are confidential and what harm could reasonably be expected from its disclosure. However, the County cannot assure Proponents that any portion of the Proposals can be kept confidential under FOIP.

### 6.3 Independent Determination

A Proposal will not be considered by the County if it was not arrived at independently without collusion, consultation, communication or agreement as to any matter, such as prices, with any other Proponent.

### 6.4 Documents

All documents submitted by a Proponent shall become the property of the County upon being presented, submitted, or forwarded to the County. Should any documents be submitted electronically, notwithstanding the prohibition on same contained elsewhere in this RFP, then their content and the media they are contained in shall also become the property of the County upon their being presented, submitted or forwarded to the County.

### 6.5 Agreement on Internal Trade and New West Partnership Trade Agreement

The provisions of the Agreement on Internal Trade, Part IV, Chapter Five – Procurement and Annex 502.4, ("AIT") and the New West Partnership Trade Agreement ("NWPTA") apply to this Proposal.

### 6.6 Other Conditions

The Proponent is fully responsible for obtaining all information required for the preparation of its Proposal. The County is not responsible for undertaking any investigations to assist the Proponent.

**6.7 Law and Forum of Proposal**

The law to be applied in respect of this RFP shall be the law of the Province of Alberta and all civil actions commenced in relation to this RFP shall be adjudicated by the Courts of the Province of Alberta. By submitting a Proposal, the Proponent is deemed to have agreed to attorn to the jurisdiction of the Courts of the Province of Alberta.

**Schedule “A”**

**CARETAKING OF  
CAMPGROUND**

**PROJECT OVERVIEW  
&  
DESCRIPTION OF WORK**

**Schedule “A”****Machesis Lake Campground Caretaker****1. Overview**

Mackenzie County has leases with Alberta Agriculture and Forestry, and Alberta Parks respectively for the operations of the Machesis Lake campground.

Machesis Lake campground is located at LSD 1-34-107-W5M and has approximately 21 overnight camping stalls, a day use area, boat dock and Equestrian (Horse) camp. The caretaker is responsible for the maintenance and overseeing of the campground for the “Season” being from mid May 2022 through September 30, 2022. This is a one year only contract.

**2. Purpose of the Campground Caretaker**

Mackenzie County is requesting proposals for the contract position of a campground caretaker to maintain, provide security and oversee the campgrounds during the season as per the description of work.

**3. Description of Work**

**Campgrounds are open 7 days a week**  
**Mandatory for Caretakers to be on site Friday, Saturday and Sunday**

Caretakers must be present and on site on mandatory days and may have time away from the site **one** other day per week.

- a) Provide personal contact with campers to promote responsible camping. This may include providing directions and brochures to campers and answering any questions they may have pertaining to the area.
- b) Ensure all campers are registered, and fees collected while keeping all records of park activities (including day use). This will require the use of an “On line Registration System. An Ipad and Training will be provided to the successful Proponent by Mackenzie County.
- c) Submit all revenues and attendance records biweekly to the Mackenzie County office in either High Level or Fort Vermilion.
- d) Check and clean washrooms daily, and ensure washrooms are stocked with an adequate supply of toilet tissue, hand sanitizer, etc. at all times. All janitorial cleaning supplies, paper towel and garbage bags are to be provided by the Contractor. Mackenzie County to provide toilet paper, and hand sanitizer.

- e) Check sanitary effluent levels in toilet reservoirs and contact Mackenzie County to advise when sewage removal is required. Sewage removal costs will be borne by Mackenzie County.
- f) Ensure open accessibility to the sanitary dumping station for RV's. Check efficient levels, and contact Mackenzie County to advise when sewage removal is required.
- g) On a daily basis, pick up all litter within campground area, empty garbage receptacles and place in 6yd bin located on site. Mackenzie County will supply, and empty a 6 yd bin at the County's' cost.
- h) Ensure grass is mowed and trimmed regularly, at campsites, roads, day areas and all open green spaces including entrance access.
- i) Inspect campsites, and docks on a daily basis, and repair minor deficiencies. Report all other deficiencies to Mackenzie County.
- j) Maintain and paint picnic tables when required. Mackenzie County to supply paint and supplies.
- k) Clean fish cleaning stations daily.
- l) Clean signage and information booth as necessary.
- m) Clean firewood storage area.
- n) Clean shelter on a daily basis.
- o) Clean up drift wood along the dock and boat launch.
- p) Remove all deadfall in campsites, and along access road.
- q) Maintain the volleyball court (if provided). Daily checks, rake sand, clean up debris.
- r) Maintain playground area. Daily checks, rake sand, clean up debris.
- s) Maintain campsites, clean debris, emptying the fire pits and rake site if required.
- t) Ensure the campground/park is kept in a clean, well groomed, organized and in an esthetically pleasing state.
- u) Ensure the well pumps kept clean, and non-potable water sign is attached and visible. Report any repairs required to Mackenzie County.

- v) On a daily basis, check to ensure an adequate supply of firewood is available for the campers. Advise Mackenzie County when firewood is needed. The firewood will be supplied by Mackenzie County.
- w) Report all potential hazards to Mackenzie County.
- x) Enforce rules at the campground to ensure campers and recreation users are advised to follow the current Mackenzie County Parks and Campground bylaws. Those that do not adhere to the bylaw should be requested to provide their name, phone number, and license plate number (when possible). This information is to be provided to the Mackenzie County Bylaw Officer or Peace Officer for enforcement. If there are any safety concerns at the park i.e. violence, threats, or personal safety concerns, you are to report them immediately to the RCMP or Peace Officer.
- y) Supply and maintain own vehicle and Equipment to perform the works prescribed in this Agreement.
- z) Supply own living accommodations, including water. The County will designate a caretaker site and provide sewage tank and removal services for caretaker site.
- aa) Upon a successful year end evaluation by the Director of Community Services and Operations, and a positive recommendation by the Community Services Committee, a 25% bonus of the total revenue will be paid to the Contractor (Bonus maximum \$8,000). A successful year end will be determined on the basis of customer and County satisfaction as well as meeting and/or exceeding the terms of this contract. (Refer to Mackenzie Country Policy COM001).
- bb) Provide monthly reports to Director of Community Services as required. These shall include monthly statistics of campers, revenue, day uses, repairs, issues & other info as requested by the Director of Community Services.
- cc) Mackenzie County encourages the Contractor to operate a concession and any other applicable campground revenue generating activities and services for his/her own profit pending approval of a list submitted to Mackenzie County prior to the start of each season. The Contractor must receive approval from the Health Inspector prior to commencing operation of the concession.

**Additional Services listed will be worth 20% of the Proponents overall evaluation when selecting a Contractor.**

**4. MACKENZIE COUNTY SHALL:**

1. Install well pumps at beginning of season and remove such at end of season (if provided).
2. Remove sewage from the toilet reservoirs, sanitary dump station and fish cleaning stations; when deemed necessary by the Contractor.
3. Supply and place firewood in designated firewood storage area.
4. Remove garbage from 6yd bins **only**; when deemed necessary by the Contractor.
5. Provide toilet paper, and hand sanitizer solution for washroom facilities.
6. Pay to the Contractor the fee as agreed upon over the contract period in proportionate payments on a monthly basis.



**Schedule “B”**

**PROPOSERS  
EXPERIENCE &  
EQUIPMENT LIST**

**15%** each of Proposers  
overall Evaluation when  
selecting a Contractor

## Schedule “B”

**List of Maintenance Equipment:**

**15%** of the Proponents overall evaluation when selecting a Contractor.

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**Proponents Experience:**

**15%** of the Proponents overall evaluation when selecting a Contractor

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## **Schedule “C”**

# **PROPOSERS ADDITIONAL SERVICES OFFERED**

**20%** of Proposers overall  
Evaluation when selecting a  
Contractor

**Schedule "C"**

**ADDITIONAL SERVICES**

**Services:**

**20%** of the Proponents overall evaluation when selecting a Contractor

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**Schedule “D”**

**PRICING FORM**

**50%** of Proponents overall  
Evaluation when selecting a  
Contractor

**Schedule “D”**

50% of the Proponents overall evaluation when selecting a Contractor

**Caretaking of Mackenzie County Campground**

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**Mackenzie County  
P.O. Box 640  
4511- 46 Avenue  
Fort Vermilion, AB T0H 1N0**

Caretaking Services - Mackenzie County Campground

<b>SCHEDULE</b>	<b>CAMPGROUND</b>	<b>BID PRICE / MONTH</b>
<b>A</b>	Machesis Lake (Open mid-May through September)	\$

The Contractor may receive up to a 25% bonus of the total revenue to a maximum of \$8,000. In order to receive the bonus, a successful yearend will be determined on the basis of customer and County satisfaction as well as meeting and/or exceeding the terms of this contract. *(Refer to Mackenzie Country Policy COM001).*

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 2023

PROPONENT: \_\_\_\_\_

Name

Address

Town

Postal Code

Phone #

Cell #

email address

\_\_\_\_\_  
Signature of Proponents Authorized Representative

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Print Name of Authorized Representative

\_\_\_\_\_  
Print Name of Witness



**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7th, 2023</b>
<b>Presented By:</b>	<b>Don Roberts, Director of Community Services</b>
<b>Title:</b>	<b>Pheasant Release Program</b>

## **BACKGROUND / PROPOSAL:**

At the February 28<sup>th</sup>, 2023 Council Meeting, the Pheasant Release Program was tabled.

### **MOTION**

That the Pheasant Release Program discussion be TABLED to the March 7, 2023 regular council meeting.

Administration provided Council with two options and there was discussion of pursuing a combination of both.

#### Option 1

Allow Administration until 2023 budget season to develop the program.

#### Option 2

Amend the 2023 budget by \$13,000 allowing for a Fall Hunt of 10 release sites.

On March 2<sup>nd</sup>, the Community Services Committee held a Zoom meeting with Doug Manzer Alberta Conservation Association – ACA. This conversation revealed the ACA is funded from fees collected on the sale of Hunting Licences throughout Alberta.

ACA provides funds for the operations of 41 pheasant release sites with no plans to support any additional sites. The only support ACA would provide is advice/information on the program / development of any new sites.

Collecting Hunting fees in Mackenzie County and utilizing these funds in southern parts of the province, also was discussed.

**Author:** D. Roberts      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_

**OPTIONS & BENEFITS:**

**2023 Fall Hunt**

A 2023 Fall hunt may be developed and would require pursuing stakeholders/sponsors.

Two different options for obtaining birds.

**Option 1**

Provide local residents with information on how to obtain day old chicks, the costs, and info on raising.

This option may provide a small fall hunt from local resources while providing valuable information on pitfalls and successes of raising the birds locally. It would also provide a “Buy In” factor to participants in the Program. (Future Growers or Hunters) This option does not guarantee the amount of birds raised. Without the assurance of how many birds available may led to reservations when organizing the hunt.

The success of the first hunt would be vital for future seasons and the sustainability of the program.

**Option 2**

Obtain full-grown birds from a grower. This option would provide a guaranteed amount of birds, allowing for a more successful hunt but would have a substantial cost.

This option does not provide the education acquired in option 1.

**Option 3**

A combination of both option one and two.

**COSTS & SOURCE OF FUNDING:**

Complete cost breakdown for obtaining birds provided as a handout.

Although a pheasant release program would be categorized as a Recreational/Tourism Program and as such may receive funding from Council, Administration would question; For this year,

Who would cover the purchase cost of the full-grown birds?

Would individuals receive any funding as in option 1 or would this be considered Sponsorship?

Would other costs such as transportation, license, permits, etc. be covered by the County?

Author: D. Roberts Reviewed by: \_\_\_\_\_ CAO: \_\_\_\_\_



**SUSTAINABILITY PLAN:**

N/A

**COMMUNICATION / PUBLIC PARTICIPATION:**

Social Media  
Newspaper  
Flyers  
Public Meetings

**POLICY REFERENCES:**

Tourisms  
Recreation

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That administration continues to develop the Mackenzie County Pheasant Release Program with the assistance of other Stakeholders/Sponsors and bring back findings prior to the 2024 budget deliberations.

Author: D. Roberts      Reviewed by: \_\_\_\_\_      CAO: \_\_\_\_\_





**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Michael Stamhuis, Interim Director of Operations</b>
<b>Title:</b>	<b>Bylaw 1282 – 23 To Amend the Mackenzie County Fee Schedule Bylaw</b>

**BACKGROUND / PROPOSAL:**

Council gave administration direction to amend the fees for Temporary Use/Bunkhouse renewal in the Fee Schedule Bylaw.

A recent request for use of County equipment revealed some gaps in the Fee Schedule Bylaw for certain equipment components. While these equipment pieces are not loaned out frequently, it is appropriate that their charge-out rates be set in the Bylaw. The Amendment Bylaw also updates some existing rates for equipment as well as the labour rates.

Amendments to the wording in the Water and Sewer Rates were also made.

**OPTIONS & BENEFITS:**

Options are to adopt, defeat, or to defer the bylaw pending further review and amendment.

**COSTS & SOURCE OF FUNDING:**

N/A

**SUSTAINABILITY PLAN:**

N/A

**Author:** \_\_\_\_\_ **Reviewed by:** \_\_\_\_\_ **CAO:** \_\_\_\_\_

**COMMUNICATION / PUBLIC PARTICIPATION:**

N/A

**POLICY REFERENCES:**

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That first reading be given to Bylaw 1282-23 being a Fee Schedule Bylaw amendment for Mackenzie County.

Simple Majority       Requires 2/3       Requires Unanimous

That second reading be given to Bylaw 1282-23 being a Fee Schedule Bylaw amendment for Mackenzie County.

Simple Majority       Requires 2/3       Requires Unanimous

That consideration be given to go to third and final reading of Bylaw 1282-23 being a Fee Schedule Bylaw amendment for Mackenzie County.

Simple Majority       Requires 2/3       Requires Unanimous

That third and final reading be given to Bylaw 1282-23 being a Fee Schedule Bylaw amendment for Mackenzie County.

Author:   M. Stamhuis        Reviewed by: \_\_\_\_\_      CAO: \_\_\_\_\_

**BYLAW NO. 1282-23**  
**BEING A BYLAW OF**  
**MACKENZIE COUNTY**  
**IN THE PROVINCE OF ALBERTA**

**TO AMEND THE**  
**MACKENZIE COUNTY FEE SCHEDULE BYLAW**

**WHEREAS**, pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26, requires fees to be established by bylaw, and

**WHEREAS**, Mackenzie County has adopted a Fee Schedule Bylaw 1277-23, and

**WHEREAS**, Mackenzie County has deemed it desirable to amend portions of the Mackenzie County Fee Schedule Bylaw.

**NOW THEREFORE**, THE COUNCIL OF MACKENZIE COUNTY, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. That the Mackenzie County Fee Schedule Bylaw; - AMENDED as follows:

**PLANNING & DEVELOPMENT**

<b>Item</b>	<b>Amount</b>	<b>GST</b>
Tarp Shelter/Temporary Use/Bunkhouse	\$500.00/application	Applicable
Tarp Shelter/Temporary Use – Renewal per annum	Under 1,500 sq. ft - \$2,500 1,501-2,500 sq. ft - \$5,000 2,501-3,500 sq.ft - \$7,500 3,501-5,000 sq.ft - \$10,000 5,001-7,500 sq. ft - \$15,000 7,501-10,000 sq. ft - \$20,000 Over 10,000 sq. ft - \$25,000	Applicable
Temporary Use/Bunkhouse – Renewal	1 <sup>st</sup> Renewal - <del>\$2,500</del> \$1,500 2 <sup>nd</sup> Renewal - <del>\$5,000</del> \$3,000 3 <sup>rd</sup> Renewal - <del>\$7,500</del> \$4,500 All additional Renewals - <del>\$10,000</del> \$6,000	Applicable

\_\_\_\_\_  
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**EQUIPMENT AND LABOUR**

Item	Amount	GST
Sewer Auger	\$20.00 per hour \$100.00 per 24 hours	Applicable
Sewer Line Camera	\$300.00 per hour plus Labour Cost (minimum charge \$600.00)	Applicable
Sanding Unit & Tandem Truck	\$200.00/hour plus Cost of Product (minimum charge 1 hr.)	Applicable
Labour	\$40.00 per hour (minimum charge 1 hr.)	Applicable
Weed Eater	\$30.00 per hour plus Labour Cost (minimum charge 1 hr.)	Applicable
35 HP Tractor Mower 6'	\$50.00 per hour plus Labour Cost (minimum charge 1 hr.)	Applicable
75 HP Tractor Mower 15'	\$75.00 per hour plus Labour Cost (minimum charge 1 hr.)	Applicable
Snow Removal within Road Right-of-Ways (Policy PW004)	100% of Alberta Roadbuilders Rates	Applicable

Note: County equipment that is not listed in this bylaw will be charged according to the current Alberta Roadbuilders and Heavy Equipment Association Equipment Rental Rates Guide.

**PUBLIC WORKS**

**EQUIPMENT AND LABOUR**

ITEM	SIZE	RATE	PER
Labour	Regular	\$50.00	Hour
	Overtime	\$75.00	Hour
Truck & Trailer	2-ton w/30' Deck, 24,000 LB	\$150.00*	Hour
Sanding Truck	2 ton 5/Axle w/10' Sander and 9' Plow	\$150.00* Plus Product Cost	Hour
	5-ton T/Axle w/Sander Plow and Wing	\$250.00* Plus, Product Cost	Hour
Tractor	35 HP with 6-7' Mower	\$120.00*	Hour
	75 HP with 12-15' Mower	\$142.00*	Hour
	150-200 HP with 15' Wing Mower	\$200.00*	Hour
Sewer Auger		\$20.00 or	Hour
		\$100.00	Day
Sewer Camera		\$300.00	Hour
		Minimum 2 hours	
Weed Eater		\$30.00	Hour
Pumps	6 Inch	\$400.00	Day
	10 Inch	\$1,000.00	Day
Hoses	6" Suction	\$35.00	20'/Day
	10" Suction	\$60.00	20'/Day
	6" Discharge	\$0.40	Foot/Day
	10" Discharge	\$0.60	Foot/Day
Suction Screens	6"	\$40.00	Day
	10"	\$80.00	Day
Couplers	10"	\$20.00	Day
Hose Developer	10"	\$150.00	Day
Additional Fittings		\$10.00	Day

**NOTES**

1. County equipment including for snow removal not listed in this bylaw will charged at 100% of the current Alberta Roadbuilders and Heavy Equipment Association Equipment Rental Rates Guide.

2. All rates subject to G.S.T.
3. \*Items with an asterisk include the Operator.

**WATER AND SEWER RATES**

**Rural Potable Water Line Rates – Tie in Directly to Trunk Line**

(4)Fee for rural water tie-in directly to the trunk line does not include the actual costs of service installation to the property line, a meter and CC/materials as well as a metering chamber if deemed necessary ~~metering chamber and a meter~~, which must be paid prior to tie-in.

**WATER/SEWER RATES, PENALTIES, AND FEES AND DEPOSITS**

\*\*Fee for rural water tie-in directly to the trunk line does not include the actual costs of service installation to the property line, a meter and CC/materials as well as a metering chamber if deemed necessary ~~metering chamber and a meter~~, which must be paid prior to tie-in

**Fees and Deposits**

Description	Fee Amount
Fee for rural water tie-in directly to the trunk line PLUS the actual costs of service installation to property line, a meter and CC/materials as well as a meter chamber if deemed necessary <del>metering chamber and a meter</del>	\$8,000.00
Fee for rural water lateral construction or tie-in to a lateral extension PLUS the actual costs of service installation to property line, a meter and CC/materials as well as a meter chamber if deemed necessary <del>metering chamber and a meter</del>	Cost recovery as determined for the specific areas and per Policy UT006 Municipal Rural Water Servicing – Endeavor to Assist
Fee for rural water multi-lot subdivision PLUS the actual costs of service installation to property line, a meter and CC/materials as well as a meter chamber if deemed necessary <del>metering chamber and a meter</del>	\$2,800.00/lot

2. This Bylaw shall come into force and effect upon receiving third reading.
3. This Bylaw amends Bylaw 1277-23 Fee Schedule Bylaw.

In the event that this bylaw is in conflict with any other bylaw, this bylaw shall have paramouncy.

READ a first time this \_\_\_\_ day of \_\_\_\_\_, 2023.



READ a second time this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

READ a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Joshua Knelsen  
Reeve

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Byron Peters  
Interim Chief Administrative Officer





**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Jennifer Batt, Director of Finance</b>
<b>Title:</b>	<b>Blue Hills Road 2022 Capital Budget Amendment - Gravel</b>

## **BACKGROUND / PROPOSAL:**

Administration has completed numerous reconciliations and analysis of the gravel crushing, hauling, to ensure that gravel removed from the pit has been accurately recorded, and accounted for.

While allocating gravel to various operational requirements of regravelling, spot graveling and projects it was identified that the Blue Hills Project has exceeded the approved budget.

The project was approved for MSI grant funding of \$125,000, however the overall expense to complete the project is \$165,911. Administration is requesting a budget amendment of \$40,911, with funding coming from the Road Reserve.

Of note: while reconciling all gravel locations to scope and hauls, administration did identify some shortfalls of gravel quantities to engineered scope in some pits. As gravel is a very valuable asset for the County, administration, and well as previously stated by our auditors, it is recommended that all locations be investigated to install measures to secure this asset.

## **OPTIONS & BENEFITS:**

N/A

## **COSTS & SOURCE OF FUNDING:**

2022 Capital Budget

**Author:** J. Batt      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_





**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Byron Peters, Interim Chief Administrative Officer</b>
<b>Title:</b>	<b>Bylaw 1288-23 Business Incentive</b>

**BACKGROUND / PROPOSAL:**

Administration was given direction to create a Business Incentive Bylaw. Three draft bylaws were reviewed by Council and amendments were made to create the concluding bylaw.

The bylaw is now being presented for consideration for First Reading.

**OPTIONS & BENEFITS:**

Options are to pass, defeat, or table first, second, and third reading of the bylaw.

**COSTS & SOURCE OF FUNDING:**

No costs at this time. Tax exemptions can affect operating revenue.

**SUSTAINABILITY PLAN:**

**Goal E26** That Mackenzie County is prepared with infrastructure and services for a continually growing population.

**Strategy E26.1** Infrastructure is adequate and there are plans in place to manage additional growth

**Strategy E26.3** Take proactive measures to anticipate growth by preparing evidence-based plans for it.

**Goal C1** The capacity of infrastructure in County hamlets and rural communities keeps

**Author:** S Gibson      **Reviewed by:** \_\_\_\_\_      **CAO:** B Peters

pace with their growth and is planned in a way that ensures their sustainability.

**COMMUNICATION / PUBLIC PARTICIPATION:**

If approved, the Business Incentive Bylaw will be advertised via social media and local newspaper.

**POLICY REFERENCES:**

N/A

**RECOMMENDED ACTION:**

Motion 1

Simple Majority       Requires 2/3       Requires Unanimous

That the first reading be given to Bylaw 1288-23 Mackenzie County Business Incentive Bylaw.

Motion 2

Simple Majority       Requires 2/3       Requires Unanimous

That the second reading be given to Bylaw 1288-23 Mackenzie County Business Incentive Bylaw.

Motion 3

Simple Majority       Requires 2/3       Requires Unanimous

That consideration be given to go to the third reading of Bylaw 1288-23 being the Mackenzie County Business Incentive Bylaw, at this meeting.

Motion 4

Simple Majority       Requires 2/3       Requires Unanimous

That the third and final reading be given to Bylaw 1288-23 being the Mackenzie county Business Incentive Bylaw.

**Author:** S Gibson      **Reviewed by:** \_\_\_\_\_      **CAO:** B Peters

**BYLAW NO. 1288-23**  
**BEING A BYLAW OF**  
**MACKENZIE COUNTY**  
**IN THE PROVINCE OF ALBERTA**

**TO PROVIDE NON -RESIDENTIAL PROPERTY TAX INCENTIVES FOR NEW**  
**COMMERCIAL AND INDUSTRIAL DEVELOPMENT AND EXPANSIONS WITHIN**  
**AREAS OF MACKENZIE COUNTY**

**WHEREAS**, pursuant to section 347 of the *Municipal Government Act*, a Council has the authority to cancel or refund all or part of a tax or defer the collection of a tax, with or without condition; and

**WHEREAS**, the Council of Mackenzie County, in the province of Alberta, has deemed it desirable to Provide Tax Exemptions to new commercial and industrial development and expansions within Mackenzie County; and

**NOW THEREFORE**, the Council of Mackenzie County, in the province of Alberta, duly assembled, hereby enacts as follows:

1. **CITATION**

1.1 This bylaw may be cited as the Mackenzie County Business Incentive Bylaw.

2. **DEFINITIONS**

2.1 For the purposes of this Bylaw the following definitions shall apply:

- a) **“Act”** – means the *Municipal Government Act*, RSA 2000, Chapter M-26, and amendments thereto.
- b) **“Administration”** – means Mackenzie County Administrative Staff;
- c) **“Alberta Corporate Registry”** – means office that registers a business to operate within Alberta;
- d) **“Applicant”** – means the registered business owner or authorized agent for the business owner, who applies for the Business Incentive pursuant to this Bylaw.
- e) **“Application”** – means an application for Business Incentive, pursuant to this Bylaw;
- f) **“Business”** – means a commercial merchandising or industrial activity or undertaking: a profession, trade, occupation, calling or employment or an

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activity providing goods and services;

- g) **“Business Incentive”** – means the cancellation of part of the municipal portion of the taxes for an Eligible Business;
- h) **“Council”** – means the Municipal Council of Mackenzie County in the Province of Alberta, as duly elected and defined in the Municipal Government Act, RSA 2000, Chapter M-26 and amendments thereto;
- i) **“Crown Land”** – means land owned and/or managed by the federal or provincial governments;
- j) **“Eligible Business”** – means a business deemed eligible for Business Incentives under the provisions of this Bylaw;
- k) **“Expansion”** – means development that adds to an existing Structure to increase the existing Structures physical space;
- l) **“Primary Industry”** – means industry, such as mining, agriculture, or forestry, that is concerned with obtaining or providing natural raw materials for conversion into commodities and products for the consumer;
- m) **“Secondary Industry”** – means an industry that converts the raw materials provided by primary industry into commodities and products for the consumer;
- n) **“Structure”** – means a structure as defined by the Act as non-residential or Machinery and Equipment.

### 3. **ELIGIBILITY**

In order to qualify for the Business Incentive under this Bylaw:

#### 3.1 The Applicant must:

- a) apply for the Business Incentive before November 1;
- b) Business must be either a new Primary or a Secondary industry, that is not already operational within the region or,
- c) a Business that is an existing Primary or Secondary industry expanding to increase manufacturing or processing in the region and,
- d) the Expansion would be required to be at minimum a twenty five percent (25%) increase of current floor space and,

\_\_\_\_\_  
\_\_\_\_\_



- e) the development must meet the minimum threshold of generating a \$250,000 (or up to \$500,000) increase to the assessment may be considered for tax exemption and,
- f) would necessitate increasing staffing for operational requirements after the Expansion is complete or,
- g) the Expansion diversifies the Business as a Primary or Secondary industry;
- h) must own the Eligible Business which they are applying for the Business Incentive program;
- i) must own the Eligible Business for the full three (3) years to receive the full benefit of the Business Incentive;
- j) have a current Mackenzie County Business License;
- k) be a business that is registered with Alberta Corporate Registry;
- l) have their Eligible Business property taxes paid in full to date of application;

3.2 The Eligible Business must:

- a) be located in an area zoned for the applicable commercial or industrial land use district within Mackenzie County;
- b) all provincial and federal conditions and requirements shall be met to their specifications and standards prior to commencement of development on Crown land;
- c) not have any outstanding conditions of approval for development;
- d) comply with requirements as stated in the Mackenzie County Land Use Bylaw and Safety Codes Act;

4. **APPLICATION REQUIREMENTS**

4.1 The Applicant must complete the application attached in Schedule 1, in order to be considered for the Business Incentive. The application must include:

- a) business name, applicant name, address, and contact information;
- b) legal land location and street address of business;
- c) an active Mackenzie County business licence number;

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\_\_\_\_\_

- d) Alberta Corporate Registry number;
- e) proof of permit approvals as required by the Mackenzie County Land Use Bylaw and Safety Codes Act for business;

5. **DECISION PROCESS**

- 5.1 Once a complete application is accepted by administration, it will be reviewed to ensure it meets the eligibility requirements. If the application is eligible for the business incentive, the application will be brought before Council for a decision. Late applications will not be accepted.

6. **DURATION**

- 6.1 The Business Incentive may be applied to a new Eligible Business for a period no more than three years, from the date of the application approval.

7. **AMOUNT OF DEVELOPER INCENTIVES**

- 7.1 Tax reductions as Business Incentives may be granted for the municipal, improvement portion of taxes only and does not include school or other requisitions.
- 7.2 As Machinery and Equipment (Industrial) are already assessed at 77% of its value, tax reductions as Business Incentives may be granted at a lower percentage for municipal, improvement portion of taxes only and does not include school or other requisitions.
- 7.3 Business Incentives for new commercial development may be granted by Council according to the following guidelines:
- a) 75% of the value of the current years' municipal tax levy in the first year of taxation of the new development;
  - b) 50% of the value of the current years' municipal tax levy in the second year of taxation of the new development;
  - c) 25% of the value of the current years' municipal tax levy in the third year of taxation of the new development;
- 7.4 Business Incentives for the new industrial development and the expanded portion of the industrial expansion may be granted by Council according to the following guidelines:

\_\_\_\_\_  
\_\_\_\_\_

- a) 50% of the value of the current years' municipal tax levy in the first year of taxation of the new development;
- b) 25% of the value of the current years' municipal tax levy in the second year of taxation of the new development;
- c) 25% of the value of the current years' municipal tax levy in the third year of taxation of the new development;

7.5 For the purposes of Section 6.1 of this Bylaw, the first year of incentive will apply to the tax year subsequent to the approval of the application.

**8. Cancellation of Incentive**

8.1 If at anytime after the Business Incentive is granted, the County determines that:

- a) Applicant or their Application did not meet or ceased to meet any of the criteria required in which formed the basis of granting the incentive; or
- b) there was a breach of any condition of the Business Incentive;
- c) Business Incentive is non-transferable, a change of ownership will null and void the remaining tax incentive years.

The County may cancel the incentive for the taxation year or years in which the criterion was not met or to which the condition applies.

This Bylaw shall come into force and effect upon the date of the passing of the third and final reading.

READ a first time this \_\_\_\_ day of \_\_\_\_\_, 2023.

READ a second time this \_\_\_\_ day of \_\_\_\_\_, 2023.

READ a third time and finally passed this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Joshua Knelsen  
Reeve

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Byron Peters  
Interim Chief Administrative Officer

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**Schedule 1  
Business Incentive Application**

DRAFT

\_\_\_\_\_  
\_\_\_\_\_

# Mackenzie County BUSINESS INCENTIVE APPLICATION

Business Name: \_\_\_\_\_

Name of Property Owners(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Province: \_\_\_\_\_

City: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

**Required Documents to be Submitted with Application:**

- Approved Development Permit
- Safety Code Permits
- Property Tax Payment

Please read Bylaw 1288-23 Mackenzie County Business Incentive Bylaw before filling out this application form.

I/We, the undersigned, understand the conditions of eligibility and further terms set out in Bylaw 1288-23 Mackenzie County Business Incentive Bylaw and acknowledge that I/we have the authority to request taxation exemption on the above-mentioned property.

Business Owner/Designate  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please submit your application to the County's Finance Department by mail at PO Box 640, Fort Vermilion, AB T0H 1N0 or by email at [finance@mackenziecounty.com](mailto:finance@mackenziecounty.com)

**For Administrative Use Only:**

Development Permit Number: \_\_\_\_\_ Issue Date: \_\_\_\_\_

Previous Assessment Value: \_\_\_\_\_

New Assessment Value: \_\_\_\_\_

Approved by CAO/Designate: \_\_\_\_\_

*The personal information on this form is collected in accordance with Section 33 of the Freedom of Information and Protection of Privacy (FOIP) Act for the purpose of processing this application, issuing development permits and land use Bylaw Enforcement. The name of the permit holder and the nature of the permit are available to the public upon request. If you have any questions regarding the collection, use or disclosure of this information, please contact the FOIP Coordinator or (780) 927-3718.*







**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Michael Stamhuis, Interim Director of Operations</b>
<b>Title:</b>	<b>Review of Options for 27<sup>th</sup> Baseline Road Project</b>

**BACKGROUND / PROPOSAL:**

Tenders for the 27<sup>th</sup> Baseline Road Reconstruction project were opened on February 28, 2023. The tenders received all had total prices well in excess of the budget for the project.

Council has requested that Administration review the tenders and report back with possible options for pursuing this project.

A Report will be circulated by handout at the March 7, 2023 regular meeting of Council.

**OPTIONS & BENEFITS:**

N/A

**COSTS & SOURCE OF FUNDING:**

N/A

**SUSTAINABILITY PLAN:**

N/A

**COMMUNICATION / PUBLIC PARTICIPATION:**

N/A

**Author:**  M Stamhuis  **Reviewed by:** \_\_\_\_\_ **CAO:** \_\_\_\_\_

**POLICY REFERENCES:**

N/A

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That the Report titled "27<sup>th</sup> Baseline Road Reconstruction be received for information and action by Council.

**Author:** M Stamhuis      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_





**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Byron Peters, Interim Chief Administrative Officer</b>
<b>Title:</b>	<b>County of Northern Lights – News Release</b>

**BACKGROUND / PROPOSAL:**

On February 8, 2023 the County of Northern Lights released a notice to residents regarding a major construction project that was referred to an arbitrator following the construction contractor delivery of a notice of claim to the County.

The news release is attached for your review.

**OPTIONS & BENEFITS:**

N/A

**COSTS & SOURCE OF FUNDING:**

N/A

**SUSTAINABILITY PLAN:**

N/A

**COMMUNICATION / PUBLIC PARTICIPATION:**

N/A

**POLICY REFERENCES:**

N/A

**Author:** L. Flooren      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That the County of Northern Lights – News Release discussion be received for information.

**Author:** L. Flooren      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_

NOTICE TO RESIDENTS February 8, 2023

Over the past few years, the County of Northern Lights undertook a major construction project for the construction of a potable water pipeline from the Town of Peace River to the hamlet of Dixonville, water truck-fill stations in the communities of Weberville and Warrensville, plus the decommissioning of the aging water treatment plant in Dixonville. This project was jointly funded by the Provincial Government and the County. The County contracted the design and project management to an engineering firm, and after a competitive tender and receiving the engineering firm's recommendation, the County awarded the construction contract to the lowest bidder. Construction began in the fall of 2017, and the project was substantially completed and operational in 2019. It is now serving residents in the southern portion of the municipality.

Early in the project, the construction contractor delivered a notice of a claim to the County, claiming additional compensation for alleged design issues and delays. Pursuant to the terms of the contract, the contractor's claim was referred to arbitration before a private arbitrator. The arbitration hearing was held in the spring of 2022, and the County recently received the arbitrator's decision.

On behalf of my fellow councillors, I regret to report that the arbitrator's decision is disappointing. The arbitrator accepted significant parts of the contractor's claims and has awarded the contractor additional compensation in the amount of \$16,982,926.07. In addition to this, the contractors' further claims for the release of the deficiency holdback, legal costs, and interest -- estimate to be in the range of \$4,500,000.00 -- are still to be determined.

This award will create some implications for the County; however, we are diligently working on solutions. I, along with senior administration personnel, met recently with the Minister of Municipal Affairs, representatives from the Ministry of Transportation and Economic Corridors, along with our MLA, Dan Williams. Because this project was partially funded through a grant under the **Water for Life** program, we are requesting continued grant funding from the Provincial Government (Transportation and Economic Corridors) for these additional costs.

However, while we work with the Provincial Government to secure the additional funding, and in order to pay the award as soon as possible to reduce any further interest payable to the contractor, the County is working with Municipal Affairs to establish a debenture and borrow the needed funds. This will require council to pass a borrowing bylaw in the coming weeks.

We are currently evaluating further legal options to recover some, or all the arbitration award the County will be paying to the contractor. This may include one or more lawsuits against other parties. Because this involves ongoing legal issues, the County is unable to comment further at the present time.

We understand that this news is troubling. Rest assured that council and the County's administration are giving this issue their utmost attention. We ask for your patience and understanding as we deal with this situation to the best of our abilities. The project was undertaken in good faith with the best of intentions and was a large part of council's strategic plan for providing potable water to the residents of the municipality.

For any questions we ask that you please contact either Reeve Terry Ungarian [ungariant@countyofnorthernlights.com](mailto:ungariant@countyofnorthernlights.com) or CAO Theresa Van Oort [cao@countyofnorthernlights.com](mailto:cao@countyofnorthernlights.com) .

Regards, Reeve Terry Ungarian





**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>February 28, 2023</b>
<b>Presented By:</b>	<b>Louise Flooren, Manager of Legislative &amp; Support Services</b>
<b>Title:</b>	<b>High Level Agricultural Society – 53<sup>rd</sup> Annual High Level Rodeo Sponsorship Request</b>

**BACKGROUND / PROPOSAL:**

The High Level Agricultural Society submitted a letter of request for sponsorship for the 53<sup>rd</sup> Annual High Level Rodeo on July 14-16, 2023.

Letter of request is attached.

**OPTIONS & BENEFITS:**

N/A

**COSTS & SOURCE OF FUNDING:**

N/A

**SUSTAINABILITY PLAN:**

N/A

**COMMUNICATION / PUBLIC PARTICIPATION:**

N/A

**POLICY REFERENCES:**

N/A

**Author:** L. Flooren **Reviewed by:** \_\_\_\_\_ **CAO:** \_\_\_\_\_

**RECOMMENDED ACTION:**

- Simple Majority       Requires 2/3       Requires Unanimous

That Mackenzie County sponsor the High Level Agricultural Society's 53<sup>rd</sup> Annual High Level Rodeo in the amount of \$

**Author:** L. Flooren      **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_

High Level Agricultural Society

Box 1530

High Level, Alberta

T0H 1Z0

Feb 19, 2023

As you may have heard, the High Level Agricultural Society is hosting the 53rd Annual High Level Rodeo this year at the new Mosquito Creek Rodeo Grounds on July 14, 15 & 16. Along with the new location, new arena system, and events we have also added the Cash Cow event during intermission. The annual rodeo would not be possible without sponsors such as your company. Due to the economic conditions in the area we completely understand if you are not able to sponsor. The available events, along with last year's sponsors are listed on the following page.

If you are interested in sponsoring an event or a portion of an event, please don't hesitate to contact one of us at the following phone numbers, or email [jacqueibateman@yahoo.ca](mailto:jacqueibateman@yahoo.ca)

Jacquie 780-926-6526, Brianne 780-841-9195

Thank you once again for the continued community support, and we hope to see at one of this year's events

Thank You



Jacquie Bateman



EVENT	SATURDAY	SUNDAY	LAST YEARS SPONSOR
PEEWEE BARREL RACING	\$ 165.00	\$ 165.00	BLUESKY DENTAL
PEWEE POLES	\$ 165.00	\$ 165.00	BLUESKY DENTAL
LEADLINE BARRELS	\$ 125.00	\$ 125.00	HIGH LEVEL VALUE DRUGS/ MAX FUELS
RELAY RACE	\$ 225.00	\$ 225.00	L & P DISPOSALS
1/4 MILE	\$ 225.00	\$ 225.00	HIRTS VACUUM / HIGH LEVEL SOURCE FOR SPORTS
JUNIOR BARREL RACING	\$ 225.00	\$ 225.00	BOSTON PIZZA / JESSICA BARCA
JUNIOR POLEBENDING	\$ 225.00	\$ 225.00	HIGH LEVEL MOTOR PRODUCTS/NORPINE AUTO SUPP
WOMANS COW RIDING	\$ 510.00	\$ 510.00	MACKENZIE COUNTY / A1 GLASS
WALK TROT & RUN JUNIOR	\$ 225.00	\$ 225.00	MACKENZIE COUNTY
WALK TROT & RUN SENIOR	\$ 225.00	\$ 225.00	FOUNTAIN TIRE / MACKENZIE COUNTY
JUNIOR STEER RIDING	\$ 365.00	\$ 365.00	BRINER & ASSOCIATES /HIGH LEVEL SOURCE FOR SP
INDIAN WAGON RACE	\$ 715.00	\$ 715.00	NAATSLI / ELDONS TRANSPORT
BARBACK	\$ 715.00	\$ 715.00	CALIBER ENERGY
SADDLE BRONC	\$ 715.00	\$ 715.00	HIGH LEVEL VALUE DRUGS
BULL RIDING	\$ 715.00	\$ 715.00	RADAR HOTSHOTS
BARREL RACING	\$ 715.00	\$ 715.00	BATEMAN PETROLEUM
POLE BENDING	\$ 715.00	\$ 715.00	THE BRICK
TEAM ROPING	\$ 715.00	\$ 715.00	GREENZONE ENVIRONMENTAL
JUNIOR BREAKAWAY ROPING	\$ 365.00	\$ 365.00	MACKENZIE VET
SENIOR BREAKAWAY ROPING	\$ 715.00	\$ 715.00	BOSTON PIZZA / STRIKE GROUP LP
MINI BUCKERS PEEWEE	\$ 225.00	\$ 225.00	L & P DISPOSALS
MINI BUCKERS JUNIOR	\$ 265.00	\$ 265.00	MACKENZIE COUNTY
MINI BUCKERS SENIOR	\$ 305.00	\$ 305.00	MACKENZIE COUNTY
WILD COW MILKING	\$ 515.00	\$ 515.00	BILLY & BOYZ TRUCKING
CALF SCRAMBLE 6 & UNDER	BIKE	BIKE	HIGH LEVEL HOME BUILDING CENTER
CALF SCRAMBLE 6 - 12	BIKE	BIKE	FRONTIER VET SERVICE
BUCKLE SPONSOR		\$ 2,500.00	BEAVER FIRST NATION
BARREL JACKPOT FRIDAY	\$ 1,400.00		RED REABBIT COMMUNICATION/TRACY PEACOCK
CASH COW RACE SATURAY ONLY	\$ 2,000.00		MATHIEU HYRNIUK/REW ELECTRIC
			H&H SALVAGE/CENTURY 21
			TOMBRI PROPERTIES/FRONTIER VET SERVICE
PRIZES- JUNIOR & PEEWEE	\$ 450.00	\$ 450.00	MACKENZIE COUNTY
MENS BARREL RACE SUNDAY ONLY	\$ 300.00		





**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Byron Peters, Interim Chief Administrative Officer</b>
<b>Title:</b>	<b>Procurement Process</b>

**BACKGROUND / PROPOSAL:**

Procurement processes are guided by FIN025 for tendering the supply of goods and services and the subsequent opening and award of contracts.

After reviewing Policy FIN025, it is a recommendation to remove a section of the policy under Regulations (8.f) that are no longer required.

**OPTIONS & BENEFITS:**

N/A

**COSTS & SOURCE OF FUNDING:**

N/A

**SUSTAINABILITY PLAN:**

N/A

**COMMUNICATION / PUBLIC PARTICIPATION:**

N/A

**POLICY REFERENCES:**

FIN025 Purchasing Authority Directive and Tendering Process

**RECOMMENDED ACTION:**

**Author:** S Gibson      **Reviewed by:** \_\_\_\_\_      **CAO:** B Peters

Simple Majority

Requires 2/3

Requires Unanimous

That Policy FIN025 Purchasing Authority Directive and Tendering Process be approved as amended.

**Author:** S Gibson **Reviewed by:** \_\_\_\_\_ **CAO:** B Peters

## Mackenzie County

<b>Title</b>	<b>Purchasing Authority Directive and Tendering Process</b>	<b>Policy No:</b>	<b>FIN025</b>
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<b>Legislation &amp; Policy Reference</b>	<b>Municipal Government Act, Section 209 and 248 (1) and Part 5 PW018 Hiring of Private Equipment</b>
-------------------------------------------	-----------------------------------------------------------------------------------------------------------

### **Purpose**

- To provide Council and municipal employees with a clear understanding of purchasing authority, what that purchasing authority is, and the process in which the municipality is committed to an expenditure, and approval for payment of such an expenditure.
- To establish a policy for the tendering for the supply of goods and services and the subsequent opening and award of contracts.
- Transparency of purchasing policy for all.

### **Policy Statement, Definitions and General Guidelines**

#### **1. Policy Statement**

Policy will provide guidelines for the purchase of goods and services and for the tendering process.

#### **2. Definitions**

##### **Bidder:**

- For the purpose of this policy, “bidder” means a person, groups of persons, corporation or agency that submits a tender for the supply of goods and/or services to the municipality.

##### **COR:**

- The Certificate of Recognition (COR) in safety is issued to employers who develop and implement health and safety programs that meet established standards. COR is an essential component of WCB's Partners in Injury (PIR) program. Certificates for the Alberta construction industry are issued by the Alberta Construction Safety Association and are co-signed by Alberta Human Resources and Employment.

##### **Council:**

- For the purpose of this policy, “Council” means Council as whole.

##### **Designated Officer:**

- For the purpose of this policy, “Designated Officer” means an individual or individuals as described in the MGA.

**Local Supplier:**

- For the purpose of this policy, “local supplier” means a business located within Mackenzie County boundary, including Paddle Prairie.

**Recurring expenditure:**

- For the purpose of this policy, “Recurring” expenditures shall include items such as utilities, telephone, lease payments, contract payments, payroll or items as identified by the Chief Administrative Officer (examples of non-recurring expenditure: traveling, training & education).

**SECOR:**

- Small employer COR. Specifically designated for organizations with 10 employees or less.

**Security:**

- For the purpose of this policy, “security” means a surety or collateral that is secured by the issuers that in the event of a default, the security becomes forfeited to the County which could include one or more of the following:
  - A Certified Cheque
  - Performance and/or Labour Bond
  - Letter of Guarantee

**Tender:**

- For the purpose of this policy, “tender” means an invitation to tender, bid, quotations and requests for proposals.

**3. Responsibilities**

**Chief Administrative Officer (CAO) and/or Designated Officer will:**

- a) Provide requisition forms and procedures to support the implementation of this policy.
- b) Reserve the right to remove or amend the purchasing authority for any staff position of the municipality.

**Chief Administrative Officer (CAO) and/or Designated Officer and the Reeve and/or Deputy Reeve will:**

- c) Be the signatories required on all contract and agreement documents for purchases approved by Council.

**Director of Finance will:**

- d) Provide procedures for the processing of invoices and statements.
- e) Provide procedures for the recording of purchases into inventory.
- f) Provide procedures for the recording of capital assets additions.
- g) Provide the capital budget projects codes annually and as required.
- h) Provide capital and operating income statements at no less than monthly frequency and reasonably upon request to the department heads for their review to supplement spending monitoring.

**CAO, Directors and Managers will:**

- i) Ensure that all tendering and purchasing complies with this policy.
- j) Ensure the proper coding of their departmental invoices to operating and capital codes.
- k) Review the monthly capital and operating income statements and provide comments for the monthly variance report prepared for Council by the Finance Department.

**5. Purchasing from Local Suppliers**

Council recognizes that it is in the best interest of the region to encourage local supply of required goods and services and is therefore committed to purchasing, where permitted, from the local suppliers where costs and quality are competitive and comparable, considering travel time, specifications and investment in local communities.

When using the Request for Proposal format, a point system shall be utilized and the local supplier shall be awarded a minimum 10 points or 10 % of the scoring.

**Purchasing Authority**

**6. List of positions authorized to commit expenditures on behalf of the municipality with the maximum amounts those positions are authorized to commit:**

a) Chief Administrative Officer	As approved by Budget
Director of Community Services	\$10,000
Director of Finance	\$10,000
Director of Legislative and Support Services	\$10,000
Director of Operations	\$10,000
Director of Projects and Infrastructure	\$10,000
Director of Utilities	\$10,000
Agricultural Field Man	\$10,000
Manager of Planning & Development	\$10,000
Fleet Maintenance Manager	\$10,000

b) Delegated Expenditure Authority:

Other municipal employees may make purchases under a written authorization of their respective directors, providing these expenditures have been approved in the current budget and they are not exceeding the maximum allowable commitment amounts for the respective department head positions. All written authorizations are to be approved (prior) by the CAO or by the Designated Officer. The Finance Department will receive the original approved written authorizations, and will maintain an up to date list of delegated expenditure authorities.

## 7. Spending Authority in a Disaster Situation

- a) In a disaster situation, defined by the Chief Administrative Officer or the Director of Disaster Services, authority is granted to spend up to \$50,000 without the need to tender on the sole authority of the Chief Administrative Officer or the Director of Disaster Services. During the disaster, spending in excess of \$50,000 is to be approved by Reeve or Deputy Reeve, or in absence of both, any Councillor, and the Chief Administrative Officer or the Director of Disaster Services without the need to tender.

## 8. Regulations

Notwithstanding the above authorizations, the following regulations shall apply:

- a) No project expenditure or total of such expenditures shall exceed the approved budget amount without prior authorization by the CAO to a maximum of 10% over the approved budget. Such expenditures shall be brought to Council for approval and budget amendment.
- b) Where a required purchase exceeds the authority noted above, approval of such purchase shall be obtained from Council prior to the commitment of the purchase.
- c) It shall be the responsibility of each individual not to exceed his/her limit or budget; the individual must identify available funds for the required expenditure.
- d) It shall be the responsibility of each department head to assure that an invoice is coded to the correct general ledger code. At no time is an expenditure to be coded to another department/function to which it does not belong.
- e) Where expenditures are recurring the CAO shall review and approve such expenditures for payment. Should a department head request that recurring expenditures are required and approved by him/her prior to payment, that

department head shall advise the CAO in writing of such requests identifying what recurring expenditures he/she wishes to review.

- f) Mackenzie County does not tolerate mandatory vaccination or any other discriminatory requirements for any employee, contractor, or sub-contractor at Mackenzie County workplaces or for any work sites within Mackenzie County.

**9. Tendering Process and Proposal Call Process**

- a. Tenders shall be requested from not less than the number of sources listed below, all tender documents to be retained for a period of not less than two years and originals to be submitted to the Finance Department. In addition, the following criteria shall be used for determining if Council decision is required in awarding a tender:

<b>Purchase Scale*</b>	<b>Minimum Approval Level on Invoice for Budgeted Expenditures</b>	<b>Tender Requirement</b>	<b>Council Approval Requirement</b>
Up to \$500	Leadhand or Controller via written authorization from an appropriate Director	Phone quotes or catalog pricing are encouraged to compare prices	No
>\$500 to \$5,000	Leadhand or Controller via written authorization from an appropriate Director and Directors	Phone quotes or catalog pricing for price comparison is required	No
>\$5,000 to \$10,000	Directors	Three written quotations	No
>\$10,000 to \$74,999 for goods and materials and construction projects	Directors and CAO	Three written quotations	No
\$75,000 and up for goods and materials and construction projects	Directors and CAO	Open advertised tenders or proposal as approved by Council and as per New West Partnership Trade Agreement (NWPTA)**	Yes (tender contract to be signed by CAO and Reeve)

**\*Private equipment may be used as per the Hiring Private Equipment Policy (PW018)**

**\*\*All tenders procured through public advertising must be opened at a duly called Council meeting.**

- b. Where tenders are received that do not comply with Section 9(a), or where three (3) tenders cannot be obtained, the tenders received will be accepted provided that:

- i. Tenders or quotes have been requested from local suppliers of the goods or services required for goods and materials under \$74,999 and for construction projects under \$199,999,
    - ii. Tenders received which are believed to reflect a fair market price based on the conditions of the request for quotes, and
    - iii. The successful bidder is capable of providing the goods or services as per the conditions of the request for tender or quote.
  - c. Where the nature of the services required does not provide for public the competition necessary for the tendering process, Council may by resolution, or the CAO in writing, provide for special tendering and award processes. Examples of these are invitational tenders, legal, architectural and engineering services, accommodations.
  - d. No tenders are required when group-purchasing programs are utilized (AAMD&C and AUMA group purchases), but periodic price check must be conducted.
  - e. Standing quotations may be obtained and used to satisfy the requirements in Section 8(a) for the time period the vendor agrees to honour the quotation.

#### **10. Request for Tender Process (excludes quotes)**

- a) Sealed tenders shall be processed in the following manner:
  - i. Sealed tenders to be received marked in the specified manner prior to the designated tender closing. Each tender must be time and date stamped upon receipt and must be kept confidential in a secure place.
  - ii. The sealed tender will be considered invalid if opened prior to the public opening, or if the contents are disclosed to any municipal staff member prior to the public opening.
  - iii. All tenders procured through public advertising must be opened at a duly called Council meeting, and be recorded using a Tender Document Form.
  - iv. Multi-year projects are required to go to tender regardless of the purchase scale.
  - v. Two envelopes will be included in the tender package:
    - The first envelope will contain the required documents in a sealed envelope for the tender:
      - Performance Deposit (Certified Cheque, Bank Draft, Bid Bond, Consent of Surety)
      - WCB Clearance Letter/Number
      - Certificate of Insurance
      - Valid SECOR/COR Certificate
      - Mackenzie County Business License



- Additional documents as required for specialty contracts, for example:
  - Bidders Schedule for Work
  - Tender for Provision for Services
  - Addendum (if required – information only).
- The second envelope will contain the:
  - Signed and sealed bid for the tender
  - Pricing Form
  - Addendum (if required – price affected).
- vi. Should the first envelope not contain all the required documentation requested within the tender package, the second envelope containing the bid amount will not be opened or considered and will be returned to the proponent as per Policy ADM105 – Tendering Documentation Process.
- vii. If the proponent has had documented unsuccessful performance in the past with the Municipality, the second envelope may not be opened, and will be returned to the proponent within 5 business days.
- viii. A summary of the tender opening shall be included in the council meeting minutes.
- b) Withdrawal of a sealed or written tender will only be accepted prior to deadline for receipt of tenders. The request to withdraw the tender must be received in writing.

## **10. Information to Bidder**

- a) Each request for a sealed tender shall provide a clearly defined description of the goods or services required by the municipality, and shall include a statement that the terms of this policy shall apply to each tender.
- b) If additional information is developed during the request for sealed or written tenders, due to meetings, questions raised, or changes in specifications, this information shall be forwarded in writing to all bidders.
- c) Where telephone quotations or written quotes are requested, staff shall ensure that the same information and deadline is given to each person quoting.
- d) No information regarding tenders or bidders will be released until a tender has been closed. Details of a specific tender are not to be disclosed in accordance with the Freedom of Information and Protection of Privacy Act. The name of a bidder, the date of a tender, the unit or lump sum price may be disclosed.

## **11. Security, Bonding and Other Requirements**

- a) Prior to tender, bidder is required to have:

- A current Mackenzie County business license and a copy is to be included in the tender submission documents.
  - COR/SECOR (subject to Subsection f))
  - WCB
  - Insurance
- b) Prior to execution of the contract, all security, insurance, naming the Municipality as an additional insured, and Workers Compensation Board requirements as required at the closing time of the tender, shall be in place.
- c) A bid deposit will be forfeited to the municipality if the successful bidder fails to accept the award of tender. Execution of the contract must be complete within 15 days after awarding of the tender.
- d) Equitable security is required at time of tender. The municipality shall retain the Security until the terms of the contract are complete. The Security will be forfeited to the municipality if the successful bidder fails to comply with the terms and conditions of the contract.

Security must be obtained for all projects per the following threshold:

- Road Infrastructure Projects - \$100,000 and up
  - Water/Sewer Infrastructure (underground Construction) - \$75,000 and up
  - Buildings - \$100,000 and up
- e) All security and bonding documents shall be held in a safe at the Fort Vermilion Corporate Office.
- f) A contractor shall be required to have a valid COR/SECOR certification for all municipal works whereby the contractor is considered “the prime contractor” as per the Occupational Health and Safety Act.

For the municipal works whereby a contractor is not considered “the prime contractor” as per the Occupational Health and Safety Act, preference may be given to the contractors that hold COR/SECOR and consideration may be given to contractors that are not certified. When engaging a non-certified contractor, the County will follow the applicable safety orientation procedures as required under the Occupational Health and Safety Act for the respective projects/works and/or internal safety policies and procedures.

The following guidelines shall apply:

**COR/SECOR required:**

- When the County can transfer prime responsibility for a project to a Contractor as defined in OH&S Act;

- When the project is considered high hazard (i.e. blasting) and no internal expertise exists (no task specific procedure/safe work practice to guide and/or a hazards assessment cannot be adequately achieved due to lack of internal expertise relative to the task)

**COR/SECOR may not be required:**

- Consulting services;
- Services received from contractors/suppliers on their premises;
- Equipment paid hourly from the County hired equipment list (companies with COR/SECOR receive 80% per for road builders rate, non-certified contractors received 70% road builders rate, see PW018 Hiring of Private Equipment Policy);
- Certified trades services.

**The COR/SECOR exemption may be granted to a contractor under the following conditions:**

- The County is the sole employer of the contractor for the duration of the contract's term.
- There are no employees working for the holder of the contract with the County (although an occasional substitute is permitted but must be granted by the County on a case by case basis).
- The individual's services under a contract are limited to labour services, and no or limited specialized equipment provided under the contract.
  - Municipal Campground Caretakers
  - Waste Transfer Station Operator

All current contracts (prior to December 21, 2015) are grandfathered until their expiry.

- g) Administration will maintain an approved list of contractors.

**12. Analysis of Tenders**

- a) The following factors, presented without any priority, may be used to evaluate all bids received and may include, but are not limited to the following:
  - i. **Ability** of the bidder to meet the requirements of the tender regarding quality, specifications, delivery and service.
  - ii. **Bulk Purchasing**, through larger quantities, cumulative quantities or bulk packaging.

- iii. **Life Cycle Costs** of goods or services.
  - iv. **Local Supplier** is a business located within Mackenzie County boundary, including Paddle Prairie.
  - v. **Price**, based on the same FOB location, same currency including goods and services tax, and with discounts applied.
  - vi. **Record** of a bidder's previous performance on quality, experience, service, delivery and safety.
  - vii. **Standardization** of goods to reduce inventory and future costs.
- b) The municipality reserves the right to reject any and all tenders for any cause, to award tenders based on conditions other than price, or to reject all tenders without cause.
- c) The municipality shall not accept tenders, quotations or the supply of services from contractors or suppliers of services who have initiated litigation against the municipality, for a period of one year after the litigation is resolved.

### 13. Contingency Allowances

- a) Contingency allowances may only be spent to meet the costs of unexpected site conditions, which prevent the contractor from meeting the project specifications as approved by Council. Project contingency will be established at or before time of tender awarding.
- b) Contingency allowances and unspent project funds may only be applied to changes in project specifications and approved by CAO or Council.

	<b>Date</b>	<b>Resolution Number</b>
<b>Approved</b>	2007-12-11	07-12-1120
<b>Amended</b>	2008-12-09	08-12-979
<b>Amended</b>	2011-03-30	11-03-278
<b>Amended</b>	2011-12-12	11-12-970
<b>Amended</b>	2012-10-09	12-10-650
<b>Amended</b>	2015-01-30	15-01-058
<b>Amended</b>	2015-06-22	15-06-463
<b>Amended</b>	2015-12-21	15-12-970
<b>Amended</b>	2016-04-27	16-04-301
<b>Amended</b>	2018-02-13	18-02-121
<b>Amended</b>	2022-01-11	22-01-021
<b>Amended</b>	2022-02-16	22-02-135



**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Louise Flooren, Manager of Legislative &amp; Support Services</b>
<b>Title:</b>	<b>Change in Council Meeting Dates</b>

**BACKGROUND / PROPOSAL:**

The May 24, 2023 regular council meeting is scheduled to be held in Fort Vermilion.

Administration is recommending that the meeting be rescheduled or cancelled due to travelling days required for council to attend the Federal of Canadian Municipalities (FCM) Annual Conference and Trade Show, May 25-28, 2023.

The next available date would be Wednesday May 31, 2023, as a meeting is being held the following week on Tuesday, June 6, 2023.

At the February 28, 2023 regular council meeting the following motion was made:

*MOTION 23-02-165            MOVED by Deputy Reeve Sarapuk*

*That the Mackenzie County Emergency Advisory Committee schedule be TABLED to the March 7, 2023 regular council meeting.*

*CARRIED*

Council recommended that a Mackenzie County Emergency Advisory Committee be scheduled.

Administration is recommending that a Committee of the Whole Meeting and a Mackenzie County Emergency Advisory Committee Meeting be scheduled on Thursday, March 16, 2023.

The initial release of the 2023 Provincial Budget was on February 28, 2023 and administration is recommending that Council attend a Capital Plan Workshop to identify

**Author:**   L. Flooren        **Reviewed by:** \_\_\_\_\_      **CAO:** \_\_\_\_\_

projects that Council wishes to move forward by way of grant funding on Wednesday, March 15, 2023.

**OPTIONS & BENEFITS:**

N/A

**COSTS & SOURCE OF FUNDING:**

N/A

**SUSTAINABILITY PLAN:**

N/A

**COMMUNICATION / PUBLIC PARTICIPATION:**

A notice of change will be posted in our County offices as well as on our social media platforms.

**POLICY REFERENCES:**

Bylaw 1273-22 Procedural Bylaw

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That the following addition, change and proposed dates for Council be as follows:

- May 24, 2023 – Regular Council Meeting Change to May 31, 2023
- March 15, 2023 – Capital Plan Workshop
- March 16, 2023 or April 5, 2023 Committee of the Whole Meeting and a Mackenzie County Emergency Advisory Committee

Author: L. Flooren      Reviewed by: \_\_\_\_\_      CAO: \_\_\_\_\_



**Mackenzie County**

# REQUEST FOR DECISION

<b>Meeting:</b>	<b>Regular Council Meeting</b>
<b>Meeting Date:</b>	<b>March 7, 2023</b>
<b>Presented By:</b>	<b>Byron Peters, Chief Administrative Officer</b>
<b>Title:</b>	<b>Information/Correspondence</b>

## **BACKGROUND / PROPOSAL:**

The following items are attached for your information, review, and action if required.

- Council Action List
- 2023-03-01 Minister of Agriculture and Irrigation - Response
- 2023-02-10 Letter to Province – County of Stetter & Woodlands County
- Alberta Health Services –Office of the Auditor General COVID-19 in Continuing Care Facilities
- Alberta Health Serves – Health Care Action Plan
- Alberta Energy Regulators – Brine-hosted Mineral Regulation and Minerals Mapping Program
- Victims of Crime Assistance Program
- 2023-01-10 Mackenzie Library Board Meeting Minutes
- 

## **OPTIONS & BENEFITS:**

N/A

## **COSTS & SOURCE OF FUNDING:**

N/A

## **SUSTAINABILITY PLAN:**

N/A

## **COMMUNICATION / PUBLIC PARTICIPATION:**

Author: L. Flooren Reviewed by: \_\_\_\_\_ CAO: \_\_\_\_\_

N/A

**POLICY REFERENCES:**

N/A

**RECOMMENDED ACTION:**

Simple Majority       Requires 2/3       Requires Unanimous

That the information/correspondence items be accepted for information purposes.

Author: L. Flooren      Reviewed by: \_\_\_\_\_      CAO: \_\_\_\_\_



## Mackenzie County Action List as of February 28, 2023

### *Council and Committee of the Whole Meeting Motions Requiring Action*

Motion	Action Required	Action By	Status
<b>February 22, 2016 Council Meeting</b>			
16-02-135	That the County covers the additional cost of the survey on Plan 5999CL, Lot E to date and have administration release a copy of the report to the landowner informing them that the initial investigation survey has been completed.	Byron	Refer to Motion 18-06-411  In progress. Meeting with landowners.  Impacted by 2020 flood.
<b>May 10, 2016 Regular Council Meeting</b>			
16-05-354	That administration be authorized to proceed as follows in regards to the Zama Crown Land Procurement: <ul style="list-style-type: none"> <li>• cancel PLS 080023;</li> <li>• pursue acquisition of land parcels as identified on the map presented in red;</li> <li>• identify a parcel of land to be subdivided from Title Number 102 145 574 +1 (Short Legal 0923884; 21; 1) and offered for trade or sale to Alberta Environment and Parks due to its unsuitability for a hamlet development , specifically the land use restrictions per Alberta Energy Regulator.</li> </ul>	Caitlin	PLS Cancelled.  Asset list with all leases, caveats, dispositions, easements, etc.  Response Received from AEP 2017-11-27.  Application submitted.  PLS180027  FNC submitted for adequacy
<b>October 9, 2018 Regular Council Meeting</b>			
18-10-763	That administration proceeds with the water diversion license's as discussed.	John	Working on getting a permanent license for the Norbord Waterline.
<b>June 5, 2020 Special Council Meeting</b>			
20-06-334	That administration continues to support a community recovery plan that includes a community engagement component.	DRT	Ongoing
<b>July 15, 2020 Regular Council Meeting</b>			
20-11-744	That the concepts and guidance provided within the La Crete Industrial Growth Strategy be incorporated into County planning documents.	Byron	Incorporated into the MDP Drafting ASP RFP
<b>November 25, 2020 Regular Council Meeting</b>			
20-11-748	That Administration proceed in developing an offsite levy bylaw for the benefitting area of the La Crete South Sanitary Trunk Sewer for the purpose in recovering all costs associated with the sanitary sewer trunk improvements.	Byron	Working on draft offsite levy bylaw. Ad Hoc Development Committee

Motion	Action Required	Action By	Status
<b>September 14, 2021 Regular Council Meeting</b>			
21-09-623	That second reading be given to Bylaw 1231-21 being the La Crete Offsite Levy Bylaw be tabled until further date.	Byron	TABLED AD Hoc Committee
21-09-658	That administration work with the Fort Vermilion School Division to complete a trade and land transfer for properties adjacent to the La Crete Distribution Pumphouse and Fort Vermilion Public School.	Byron	Ongoing Awaiting Land Titles
<b>October 12, 2021 Budget Council Meeting</b>			
21-10-696	That Administration proceed with the sale of the closed portions of 100A Street to adjacent landowners at assessed value with all associated costs being borne by the buyer with the exception of those costs associated with registration of a waterline URW where required.	Caitlin	In Progress
21-10-697	That the north portions of 100A Street (adjacent landowners) be sold back for the same price it was originally purchased to the adjacent landowners with all associated costs being borne by the applicant.	Caitlin	In Progress
<b>November 30, 2021 Regular Council Meeting</b>			
21-11-813	That a letter be sent to the Minister of Justice and Solicitor General outlining the successes with RCMP and the oversight of the real problem which is justice.	Louise/Byron	Assistance from Councillor Wardley
<b>December 14, 2021 Regular Council Meeting</b>			
21-12-854	That Policy DEV001 & DEV007 be brought back to Council for review.	Caitlin	Administration to research options for ROW urban standard development Bring to Developers AD- HOC for discussion. In Progress
<b>February 2, 2022 Regular Council Meeting</b>			
22-02-085	That administration move forward with the application process to purchase the following and bring back to Council any future costs related to the purchase such as FNC, survey and assessed value for deliberation and approval.  PLS140031 PLS170002 PLS180022 PLS180027 PLS190005 La Crete Ferry Campground Atlas Landing Area Bridge Campsite Machesis Lake Campground Wadlin Lake Campground	Don/Caitlin	FNC COMPLETE Received approval for appraisal and survey  COW 22-06-073 The TCL Leases that are in the process are as follows:  DML170039 FV Bridge campground REC2621 FV Rodeo grounds REC030012 LA Ferry campground REC090007 & 100003 Hutch Lake campground REC880027 Wadlin Lake campground

Motion	Action Required	Action By	Status
<b>February 16, 2022 Regular Council Meeting</b>			
22-02-137	That Mackenzie County prepare to put in a regional bid to host the 2026 Alberta Winter or Summer Games.	Byron	Started Data Gathering Refer to Motion 22-08-569
<b>March 22, 2022 Committee of the Whole Meeting</b>			
COW-22-03-019	That the Committee of the Whole receive the Municipal Development Plan Overview as discussed and a recommendation be made to bring back an updated draft for review to a future Council meeting.	Byron/Caitlin	COW Meeting March 28, 2023
COW-22-03-022	That Policy ASB021 – Weed Control Policy be TABLED for further information.	Caitlin/Landon	Council Meeting March 7, 2023
<b>March 23, 2022 Committee of the Whole Meeting</b>			
22-03-215	That the La Crete North Access – Capital Project review be TABLED until a future Committee of the Whole meeting agenda with maps and design options.	Byron	Potential Fall Capital Project Fall of 2023  Motion – 22-06-482
22-03-218	That a lobbying package be created for the Minister of Agriculture requesting that the Grazing Association be able to keep revenue from the logging and farming on the Fort Vermilion Grazing Reserve for grazing lease improvements.	Byron	Discussion held with Grazing Reserve President in regards to grant applications. Refer to Motion 22-07-517 Letter Drafted
22-03-222	That administration communicate with the Recreation Boards regarding backup generators and bring back recommendations to council.	Don	In Progress Working with Community Services Committee
<b>April 27, 2022 Regular Council Meeting</b>			
22-04-317	That administration develop a culvert maintenance program.	Byron/Don	Infrastructure Workshop October 17 – 18
22-04-325	That Council direct administration to bring back Bylaw 908-13 – Unsightly Premises Bylaw for review to a future Council meeting.	Don	In Progress Working with the RCMP
<b>May 25, 2022 Regular Council Meeting</b>			
22-05-391	That administration proceed with charging those that removed gravel from the Mackenzie County gravel stockpiles at market price, plus 20% including a penalty.	Byron	On going Refer to Motion 22-09-632 Thefts cannot be proven. Gate has been repaired at Tompkins Pit
22-05-406	That administration advertise the 140M AWD Grader publicly for sale with a reserve bid of \$ 225,000.	Willie	Pending Delivery Date April 2023
22-05-407	That administration advertise the 160M AWD Grader publicly for sale with a reserve bid of \$ 270,000.	Willie	Pending Delivery Date April 2023

<b>Motion</b>	<b>Action Required</b>	<b>Action By</b>	<b>Status</b>
22-05-408	That the County enter into a ten-year lease for the trailer being used by the Fort Vermilion Royal Canadian Mounted Police (RCMP) as discussed.	Don	RCMP presentation made to COW 2023-01-24
22-05-411	That administration work with the Royal Canadian Mounted Police (RCMP) in renewing the Memorandum of Understanding Agreement for the Enhanced Policing Agreement between Mackenzie County and the RCMP and bring back the draft agreement with changes as discussed.	Don	RCMP presentation made to COW 2023-01-24
<b>June 22, 2022 Regular Council Meeting</b>			
22-06-465	That administration draft a policy combining PW018 Hiring of Private Equipment, ADM015 Hiring Contract Suppliers and FIN 025 Purchasing Policy and bring back to future Council Meeting.	Byron	In Progress
<b>June 23, 2022 Committee of the Whole Meeting</b>			
22-06-073	That administration proceed with Public Land Sales as discussed.	Don	Refer to Motion 22-02-085 In Progress
<b>July 13, 2022 Regular Council Meeting</b>			
22-07-496	That administration work with the developer to purchase land adequate for relocation.	Byron	Waiting on Land Titles
22-07-507	That administration bring back options for Commercial Business incentive Options.	Byron	In Progress Presented as part of the 2023 Budget
22-07-513	That Mackenzie County is unsure at this time whether or not to continue with the subscription and advertising contract with Mackenzie Report past the expiry of 2023.	Caitlin/Louise	Emailed Letter to Mackenzie Report
22-07-523	That the Range Road 15-5 contract be awarded to the highest scoring, qualified bidder while staying within budget.	Byron	Project substantially Complete
<b>August 17, 2022 Regular Council Meeting</b>			
22-08-556	That administration proceed with cost sharing discussions for the 101 Street/109 Avenue intersection improvement with La Crete Co-op, and begin planning for the relocation and changes to utilities to accommodate an intersection upgrade and bring project forward to the 2023 Budget deliberations.	Byron	2023 Budget Discussion
<b>August 30, 2022 Special Council Meeting</b>			
22-08-590	That the Range Road 154 within TWP 108-15 Tender be retendered in 2023.	Michael	Confirm project scope during 2023 Budget discussions Out for Proposal Calls on Feb 15. Closing Mar 2, Opening March 7

Motion	Action Required	Action By	Status
22-08-591	That the Heliport Road from Range Road 18-4 to Range Road 19-0 Tender be retendered in 2023.	Michael	Confirm project scope during 2023 Budget discussions Out for Proposal Calls on Feb 15. Closing Mar 2, Opening March 7
22-08-592	That the 27th Baseline (TWP RD 1050) Tender be retendered in 2023.	Michael	Plan to retender in February 2023 Out to Tender, Closing Feb 23, Opening Feb 28
<b>September 26, 2022 Regular Council Meeting</b>			
22-09-631	That the Little Red River Cree Nation (LRRCN) – Additions to Reserve (ATR) be TABLED to the November 15, 2022 Regular Council Meeting.	Byron	
22-09-632	That administration continue to investigate the missing gravel and take appropriate legal action.	Byron	Refer to Motion 22-05-391
22-09-641	That administration request a culvert be installed under Highway 35 North to allow the water to flow under it, before spring thaw 2023.	Byron/Don	AT Surveying Area
<b>October 26, 2022 Budget Council Meeting</b>			
22-10-750	That Council direct administration to develop revenue strategies for non-property tax based funding including, but not limited to, fees, charges and full cost recovery service models for consideration.	Byron	
22-10-751	That administration incorporate the 2022 One Time Carry Forward Projects in the Draft 2023 Operating Budget as discussed.	Jen	In progress
22-10-755	That administration continue to investigate options for a Special Tax Bylaw for any identified projects incorporated into the 2023 Operating and Capital Budget as approved by Council.	Jen	In Progress
<b>November 1, 2022 Budget Council Meeting</b>			
22-11-762	That administration review all rental agreements upon renewal and ensure that there is a cost of living clause included.	All Admin	
<b>November 2, 2022 Budget Council Meeting</b>			
22-11-774	That the Policy PW039 Rural Road, Access Construction and Surface Water Management - Cost Implications be brought back to a future Council meeting for amendments.	Byron/Don	
<b>November 15, 2022 Regular Council Meeting</b>			
22-11-785	That Mackenzie County sell the lots for value established by assessment combined with all	Caitlin	In progress Refer to Motion 21-10-969

Motion	Action Required	Action By	Status
	associated costs excluding the land transfer fees and lot consolidation.		Letters have been sent
November 29, 2022 Regular Council Meeting			
22-11-840	That the Name That Neighbourhood Contest be TABLED.	Jen	In Progress
December 6-7, 2022 Budget Council Meeting			
22-12-873	That administration incorporate the 2022 Capital Carry Forward Projects in the Draft 2023 Budget as amended.	Jen	In Progress
December 13, 2022 Regular Council Meeting			
22-12-900	That the Flood Plain sale of assets be publically advertised for April 2023.	Jen	Silverstar Auction booked for June 13-15 online auction
22-12-904	That administration apply for the fish pond lease, formally MLL/DML000070 and continue to work with the Mighty Peace Fish and Game Association to rehabilitate the site.	Don	In Progress
22-12-908	That Council approve the Fort Vermilion Bridge Campground and Recreational Area Plan as amended and to submit the Plan to Forestry, Parks and Tourism for their approval.	Don	In Progress Plan is submitted
22-12-919	That the Tri-Council Letter be sent to Minister Nixon regarding The Lodge Assistance Program (LAP) Grant.	Byron	
22-12-920	That the Business Incentive – Draft Bylaw be TABLED to the next Committee of the Whole Meeting.	Byron	In Progress
January 10, 2023 Regular Council Meeting			
23-01-009	That the Tender Documents for the 2023 Road Re-Graveling Program and the 27th Baseline Road Reconstruction Project be authorized for issuance subject to the amendments requested by Council.	Michael	Out to Tender, Closing Feb 23, Opening Feb 28
23-01-010	That a letter be sent to Alberta Transportation highlighting the willingness of Mackenzie County and the community benefits of a collaboration between Mackenzie County, Alberta Conservation Association and Alberta Transportation for the Highway 697 roundabout future project.	Michael/Byron	
23-01-012	That Mackenzie County invoices Alberta Health Services for all the 2022 Medical Co-Response calls and that Alberta Municipalities and Rural Municipalities of Alberta be carbon copied.	Don	<b>COMPLETE</b>
23-01-028	That administration look into the Power Pole issue as discussed.	Michael/Byron	On-Site Review and Action Plan developed.

Motion	Action Required	Action By	Status
			Report to Council forthcoming subject to receipt of costing information.
23-01-032	That Mackenzie County provide a letter of support to the Regional Economic Development Initiative for Northwest Alberta supporting their Northern and Regional Economic Development (NRED) grant application.	Byron	<b>COMPLETE</b>
23-01-033	That Mackenzie County apply for the Northern and Regional Economic Development (NRED) grant, with a focus on an economic investment strategy and action plan and a tourism development plan.	Byron	<b>COMPLETE</b>
23-01-034	That the 2023 One Time Project be amended by \$200,000, with 50% of the funding coming from the Northern and Regional Economic Development (NRED) grant and 50% of the funding coming from the General Operating Reserve, subject to receiving the grant funding.	Jen	In Progress
<b>January 24, 2023 Committee of the Whole Meeting</b>			
COW-23-01-11	That the Action List Review be TABLED to the next Committee of the Whole Meeting.	Louise	COW Meeting 2023-03-28
COW-23-01-19	That the Municipal Rural Water Servicing Policy be TABLED to the next Committee of the Whole Meeting.	John	COW Meeting 2023-03-28
<b>January 25, 2023 Regular Council Meeting</b>			
23-01-050	That the Agricultural Service Board review the possibilities of a bylaw prohibiting the transference of horses from the Chateh area unless they have been Coggins tested.	Caitlin	In Progress
23-01-051	That administration research options for charging user fees for municipal road allowances that are already cleared and farmed for profit.	Caitlin	Being brought back to next ASB meeting
23-01-060	That the Town of High Level – Agreements be TABLED to February 28, 2023 Regular Council meeting.	Byron	<b>COMPLETE</b>
23-01-066	That administration research street lighting options and bring back to a Flood Recovery Steering Committee meeting.	Byron	
23-01-067	That administration use Camp Reservations Canada for the campground online booking program.	Don	In Progress
23-01-074	That the Municipal Planning Commission look at obtaining land in lieu of cash on rural subdivisions.	Caitlin	Looking at accepting road widening as MR credit

<b>Motion</b>	<b>Action Required</b>	<b>Action By</b>	<b>Status</b>
23-01-077	That administration highlight value added verbiage to the Business Incentive Draft Bylaw.	Byron	<b>COMPLETE</b>
<b>February 7, 2023 Regular Council Meeting</b>			
23-02-105	That Mackenzie County proceeds with a grant application to the Green & Inclusive Community Building program for the Mackenzie Community Recreation Center in La Crete.	Byron/Don/Jen	
23-02-106	That Mackenzie County commit to \$5M in municipal funding by means of Borrowing Bylaw towards local funding required to complete this project as per motion18-06-472 to complete the Mackenzie Community Recreation Center project.	Byron/Don/Jen	Awaiting grant approval and funding allocation
23-02-116	That administration move forward with the advertising Request for Proposals for all eligible property.	Caitlin	Being advertised, to be awarded March 7, 2023
23-02-117	That administration is authorized to move forward with tendering the Roadside Mowing for a three year contract plus a 1 year option.	Caitlin	Being advertised, to be awarded March 7, 2023
23-02-132	That first reading be given to Bylaw 1280-23 being a Land Use Bylaw Amendment to rezone Part of NW 24-107-14-W5M from Agricultural "A" to Rural Industrial General "RIG", subject to public hearing input.	Caitlin	Being advertised, Public Hearing March 7, 2023
23-02-133	That administration create a new zoning district to alleviate concerns regarding agricultural use on residential acreages.	Caitlin	In Progress
23-02-137	That administration write a letter of support in regards to Highway 686 from Peerless Lake to Fort McMurray.	Louise	In Progress
23-02-138	That Mackenzie County initiate an application for the Forest Capital of Canada 2024: Call for Proposals.	Byron	
<b>February 28, 2023 Regular Council Meeting</b>			
23-02-149	That Mackenzie County proceed with the development of a Municipally Controlled Corporation.	Byron/Caitlin	<b>Started Process</b>
23-02-151	That the unqualified 2023 Regravelling Program Tender be returned to the sender without opening Envelope #2.	Jen	<b>COMPLETE</b>
23-02-153	That the Envelope #2 tender for the 2023 Regravelling Program be returned to the unqualified bidder.	Jen	<b>COMPLETE</b>
23-02-156	That third reading be given to Bylaw 1279-23 being a Land Use Bylaw Amendment to increase the minimum lot size regulation in the Hamlet Country	Louise	<b>COMPLETE</b>



<b>Motion</b>	<b>Action Required</b>	<b>Action By</b>	<b>Status</b>
	Residential "H-CR", zoning district in the Land Use Bylaw Section 9.16.3.		
23-02-160	That the 2023 Regravelling Program contract(s) be awarded to the lowest qualified bidder(s) while staying within budget. (Table in minutes)	Michael	<b>COMPLETE</b>
23-02-164	That the 27th Baseline Road Reconstruction project be brought back to the March 7, 2023 Regular Council Meeting for discussion.	Michael	<b>Regular Council Meeting 2023-03-07</b>
23-02-165	That the Mackenzie County Emergency Advisory Committee scheduling be TABLED to the March 7, 2023 regular council meeting.	Don	<b>Regular Council Meeting 2023-03-07</b>
23-02-166	That the Pheasant Release Program discussion be TABLED to the March 7, 2023 regular council meeting.	Don	<b>Regular Council Meeting 2023-03-07</b>
23-02-167	That the gravel aggregate be reimbursed at the recommended 50% write off as shown in the table below: (Table in minutes)	Jen	<b>COMPLETE</b>
23-02-168	That the 2022 Capital Budget be amended by \$775,514 for the La Crete Recreation Society Indoor Ice Rink project with all funding coming from public donations.	Jen	<b>COMPLETE</b>
23-02-169	That \$27,800 from the 2022 operating budget, be contributed to the Bursaries Reserve, as per Policy ADM049-Bursaries, and RESV017 – Bursaries Reserve.	Jen	<b>COMPLETE</b>
23-02-170	That the Insurance revenue in the amount of \$7,401 be allocated to the Grants to Other Organizations Reserve in 2022.	Jen	<b>COMPLETE</b>
23-02-171	That the Offsite Levies/Frontage revenues in 2022 of \$222,241 be contributed to the Off-Site Levy Reserve.	Jen	<b>COMPLETE</b>
23-02-172	That the Gravel Aggregate revenue in 2022 of \$120,959 be contributed to the Gravel Reclamation Reserve.	Jen	<b>COMPLETE</b>
23-02-173	That the Municipal Reserve revenue in 2022 of \$100,213 be contributed to the Municipal Reserve.	Jen	<b>COMPLETE</b>
23-02-174	That the 2022 Budget for the One Time – 2022 Agricultural Fair & Tradeshow project be amended by \$700, with funding coming from public donations.	Jen	<b>COMPLETE</b>
23-02-175	That \$5,884 in funding surplus received for the 2022 Agricultural Fair & Tradeshow be allocated to the	Jen	<b>COMPLETE</b>

<b>Motion</b>	<b>Action Required</b>	<b>Action By</b>	<b>Status</b>
	General Operating Reserve to assist with future years events.		
23-02-176	That the 2022 Capital Budget for the FV-Zero Turn Mower project be amended by \$424 with funding coming from the General Capital Reserve.	Jen	<b>COMPLETE</b>
23-02-177	That the 2022 Capital Budget for the LC- North Storm -Pond A project be amended by \$250,000 with funding coming from the Surface Water Management Reserve.	Jen	<b>COMPLETE</b>
23-02-178	That the 2022 Capital Budget for the Rural Drainage project be amended by \$67,078 with funding coming from the Surface Water Management Reserve.	Jen	<b>COMPLETE</b>
23-02-179	That the 2022 Capital Budget be amended by an additional \$10,500 for an Electrical Vehicle Charging Stations project, with funding coming from Electrical Vehicle Charging Program Grant.	Jen	<b>COMPLETE</b>
23-02-180	That the 2022 Capital Budget for Flood Mitigation be amended by \$19,020 with funding coming from Boreal Housing Foundation.	Jen	<b>COMPLETE</b>
23-02-183	That a letter of support be provided to the Tompkins Improvement Board for their grant application to construct a shell over the outdoor rink.	Louise	<b>COMPLETE</b>
23-02-184	That the Draft Business Incentive Bylaw be brought back to the March 7, 2023 Regular Council Meeting for first, second and third reading.	Byron	<b>Regular Council Meeting 2023-03-07</b>
23-02-186	That the Rural Access Construction and Surface Water Management Policy PW039 be approved as amended.	Byron/Louise	<b>In Progress</b>
23-02-187	That Council hold a Special Meeting (by Zoom) at 11:00 a.m. on Thursday, March 9, 2023 to review Award of Proposals for the TWP Road 1102 and Range Road 154 Projects.	Michael/Louise	<b>Meeting scheduled and advertised on social media.</b>
23-02-189	That the Municipal Reserve requirement for 52-SUB-22 be waived subject to construction of the walking trail as presented.	Caitlin	<b>COMPLETE</b>
23-02-193	That third and final reading be given to Bylaw 1283-23 being to repeal the Water Services Franchise Bylaw 1262-22.	Byron/Louise	<b>COMPLETE</b>
23-02-194	That Mackenzie County Council supports the two day zone meeting proposal for the Rural Municipalities of Alberta District 4.	Byron	

Motion	Action Required	Action By	Status
23-02-195	That Mackenzie County sponsor the 1788 Dog Sled Races at the Winter Carnival in the amount of \$2,000.00.	Louise	<b>COMPLETE</b>
23-02-196	That Councillor Cardinal be authorized to attend the Non-Profit Day Conference from March 9-10, 2023 in Edmonton, Alberta.	Louise	<b>COMPLETE</b>
23-02-201	<p>That the following Councillors be authorized to attend the Community Planning Association of Alberta (CPAA) conference from May 1-3, 2023 in Nisku, Alberta:</p> <ol style="list-style-type: none"> <li>1. Councillor Cardinal</li> <li>2. Councillor Driedger</li> <li>3. Councillor Wardley</li> </ol>	Louise	<b>COMPLETE</b>
23-02-202	That Councillor Bateman be authorized to attend the Federation of Canadian Municipalities (FCM) Annual Conference from May 25 – 28, 2023 in Toronto, Ontario	Louise	<b>COMPLETE</b>



ALBERTA

AGRICULTURE AND IRRIGATION

*Office of the Minister  
MLA, Drumbheller-Stettler*

MAR 01 2023

Joshua Knelsen  
Reeve, Mackenzie County  
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Fort Vermillion, AB T0H 1N0  
[office@mackenziecounty.com](mailto:office@mackenziecounty.com)

Dear Reeve Knelsen:

Thank you for your February 2, 2023 letters regarding the veterinary shortage and next policy framework. These are both extremely important topics, and I am pleased to respond.

Veterinary medicine is an extremely challenging program and profession, which provides a critical function in the health and welfare of our animals, market access for our animals and animal products, food safety and public health. It is important to not undervalue the minimum academic standards for success as well as the importance of the professional services available upon graduation. Antimicrobial resistance is a significant threat to animal and human health and ensuring producers have a valid veterinary client patient relationship to guide appropriate use of antimicrobials is crucial in addressing this problem.

I agree with you that veterinary medicine is extremely important for farmers and ranchers in rural Alberta and assure you that the government is taking the needs of rural Albertans seriously. We are working to expand the availability of veterinary education right here in Alberta.

I am pleased to share that through the Alberta at Work Initiative, Budget 2022 provided \$59 million in capital investment over three years to expand University of Calgary's Faculty of Veterinary Medicine (UCVM) infrastructure. It also allotted \$8.4 million to support targeted expansion in enrollment for veterinarians and veterinary technologists at the UCVM and technical colleges in Alberta. This planned expansion will double the number of veterinarians who graduate in Alberta and help address the current shortage of veterinarians across the province. Providing more educational opportunities close to home ensures that Albertans have access to the skills and knowledge they need to build successful careers, give back to their communities and help Alberta prosper.

You may be aware that the issue of attracting and retaining veterinary professionals in rural areas, as with other health professions, is a complex and multifaceted problem with no simple solutions. However, UCVM has been extensively studying and revising the admissions process

so more graduates enter and remain in rural veterinary practice. The faculty's most recent approach sets a minimum academic performance to ensure success in completion of the academic aspects of the program. Once that requirement is met and an applicant is considered academically qualified, grades are no longer considered to rank applicants.

Applicants are then assessed through a comprehensive file review and interview process to evaluate factors you identified in your letter such as the applicants' background, areas of interest, work experience, volunteer efforts and other similar items. In the latest admission, over 35 per cent of applicants selected for the program were considered to be from rural areas.

The Government of Alberta remains committed to addressing the veterinary shortage issue. Dr. Keith Lehman, Alberta's Chief Provincial Veterinarian, serves as an ex-officio member of the Alberta Veterinary Medical Association Council and as a member of the UCVM Stakeholder Advisory Committee. We continue to work with both organizations to explore several options to address this shortage. If you would like to discuss this matter further, please contact Dr. Lehman at [keith.lehman@gov.ab.ca](mailto:keith.lehman@gov.ab.ca).

Regarding the Next Policy Framework, Alberta is currently a signatory to the five-year Canadian Agricultural Partnership, which is set to expire March 31, 2023. Direction for a new framework to supersede the current program, referred to as the Guelph Statement, was agreed to in November 2021 at the annual Federal-Provincial-Territorial Agricultural Ministers' Conference. Further to that, Agriculture Ministers agreed in July 2022 to the new Sustainable Canadian Agricultural Partnership framework, which will come into effect April 1, 2023. It has a value of \$2.5 billion, up from \$2 billion under the current framework.

The transition will maintain continuity in existing programs as much as possible. However, in comparing the current framework to the new framework, there will be increased focus on environment and climate change, addressing barriers for underrepresented groups such as women, youth and Indigenous Peoples, and expanding areas of focus on labour, next generation farmers, resiliency in the entire food chain and other similar items.

In the summer of 2021, my department consulted on the next policy framework to ensure it and its associated programs would meet the needs of Alberta's agriculture and agri-food sectors. A What We Heard report compiled those findings from engagement sessions in spring 2022. The transition to the new framework will also include a focus on continuous improvement and framework responsiveness to sector needs. I encourage you to check [Alberta.ca](https://www.alberta.ca) to remain up to date with this work.

Thank you again for taking the time to share your concerns.

Sincerely,



Honourable Nate Horner  
Minister, Agriculture and Irrigation



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April 6, 2021

The Honourable Jason Kenney  
Premier of Alberta  
Office of the Premier  
307 Legislature Building  
10800 – 97 Avenue  
Edmonton, AB T5K 2B6

The Honourable Ric Mclver  
Minister of Municipal Affairs  
Office of the Minister  
132 Legislature Building  
10800 – 97 Avenue  
Edmonton, AB T5K 2B6

The Honourable Sonya Savage  
Minister of Energy  
Office of the Minister  
324 Legislature Building  
10800 – 97 Avenue  
Edmonton, AB T5K 2B6

Dear Sirs and Madam:

**Re: Trident Exploration Receivership & Positions Taken By the Alberta Energy Regulator (“AER”) and Orphan Well Association (“OWA”)**

---

The Counties of Stettler and Woodlands write this joint letter to inform you of the latest developments in the continuing saga of unpaid property taxes from oil and gas companies, and to express their deep concerns with the current state of affairs.

***Background: Trident Exploration***

Trident Exploration Corp., together with its related companies (collectively, “Trident”), was an oil and gas producer operating throughout Alberta. On April 30, 2019, with no warning, it announced that it had no funds available to operate its infrastructure or enter into creditor protection, terminated all of its employees and contractors, and left thousands of AER-licensed wells without an operator, many of them within the boundaries Stettler County and Woodlands County.

At that time, the Counties were approached by the Alberta Energy Regulator and asked to assist the AER and the OWA to see that a receiver was appointed to manage Trident’s affairs and assets. The Counties did so, and worked quickly with the AER and OWA to achieve this. Trident was brought into receivership on May 3, 2019.

Following this, the receiver then commenced a sales process for Trident’s oil and gas assets, at the AER’s direction, whereby the receiver endeavored to maximize the number of assets that were either placed in the hands of other, solvent companies, or abandoned and reclaimed so as to limit the amount of unfunded Abandonment and Reclamation Obligations (“ARO”) associated with those assets.

That sales process has finally concluded, and the receiver is looking to distribute surplus funds from the receivership at a court application scheduled to be heard next month.

### ***The Current Situation***

Collectively, the Counties are owed an estimated \$7 million in taxes from Trident. Approximately half of this amount relates to taxes that arose after the receivership began, during the course of the sales process conducted for the benefit of the AER. A large portion of these post-receivership taxes were levied in relation to assets that were ultimately sold as part of the sales process, and thereby contributed directly to the amount of distribution proceeds available (and the reduction in unfunded ARO). The Counties have been up front about these facts and have disclosed, in extensive detail, their financial position and the basis of their claims to the receiver, the AER, and the OWA.

On that basis, and given that post-insolvency taxes have, in other insolvency matters, been treated as a cost of the estate to be paid out before any distribution to creditors, and before the AER/OWA in at least one instance, the Counties had hoped that the AER/OWA would be willing to agree that the Counties should be entitled to payment of at least some portion of the post-insolvency taxes owing to them.

This has not happened.

Instead, we have been made to understand that the AER/OWA will be taking the position that the Counties have no entitlement whatsoever to receive **any** payment with respect to unpaid property taxes on oil and gas assets that accrued after the receivership began, even where those taxes

relate to assets that were sold for the benefit of the estate and the AER/OWA. Instead, we understand that the AER takes the position that the majority of the remaining proceeds should be remitted to the OWA.

In other words, the AER/OWA appear to be of the view that they are free to appoint a receiver to conduct a nearly two-year sales process for oil and gas assets, for their benefit, all while entirely ignoring municipal taxes that lawfully accrue *during* that sales process.

### ***Our Concerns***

This latest development highlights the extremely difficult position that municipalities are placed in with respect to the recovery of unpaid taxes from oil and gas producers. What was a seemingly impossible task before has become even more so now that the AER and OWA are taking steps to directly undermine the ability of municipalities to recover taxes. The claims of the AER and OWA already loom large over the estates of oil and gas producers, even solvent ones. It has been suggested that municipalities should take legal action against producers who fail to pay taxes. But even where a municipality is successful in obtaining a judgment, it is unlikely that it will be paid, and any efforts to enforce the judgment will likely result only in the company being rendered insolvent (in which case, the AER's claims will take priority).

Now, the AER and OWA have signaled that they are not simply content with having priority over all pre-insolvency taxes – they want even post-insolvency taxes, lawfully imposed during an extensive sales process conducted for their benefit, to be ignored in their entirety.

What's worse is that this will likely continue for the foreseeable future as other oil and gas producers become insolvent. A significant number of Trident's assets located in Stettler County were purchased by Trident in the course of the receivership of another oil and gas company, Questfire Energy. At the time Trident was permitted by the AER to purchase those assets from Questfire, Trident was *already three years in arrears to Stettler County for unpaid taxes*.

The same thing appears to be happening again with Trident's receivership – numerous assets in the Counties were, with AER approval, sold to companies which are already in arrears (in Woodlands' case, the majority of assets in the County that were sold went to a company that is *four years in arrears*). There are some assets that have passed through three owners and two AER-approved transfers over a span of more than five years without the Counties seeing a dime from them. One wonders whether the Counties, and numerous other municipalities, will be dealing with this situation again in two years with respect to those companies who have purchased Trident assets – all while having received no tax payments whatsoever on those assets. Clearly, the indifference of the AER to the inability of their licensees to pay taxes continues to compound an already overwhelming issue.

But the AER has gone even further and is now actively frustrating the ability of municipalities to recover outstanding taxes. Essentially what is happening is that the AER is attempting to backstop the OWA on the backs of municipalities, especially rural municipalities, and their ratepayers.



Having failed in their regulatory duty to properly manage the abandonment and reclamation liabilities of the oil and gas industry in Alberta, they now seek to pass environmental costs that should have been imposed on the industry onto the municipal tax base instead.

Public funds have already been used to reduce the obligations of the OWA that would otherwise arise in relation to Trident's unsellable assets. We understand that many of Trident's unsellable assets have been (or are being) abandoned using funds provided through the publicly-funded Site Remediation Program. The publicly-funded bailout of the OWA appears to have begun.

As a result of the position taken by the AER and the OWA, our municipalities will be forced to press forward with costly litigation through the Courts in order to defend our claim in the face of aggressive opposition by the AER and OWA. As things stand, we expect that we will be forced to defend our claim to these taxes in court within the next few months.

It has never been more likely that the costs of cleaning up a well in Alberta will be borne not by the producer who reaped the financial rewards of that well, and not by the Regulator whose job it is to ensure that the well is cleaned up, and not by the industry through the OWA, but by our ratepayers.

We hope that the Province will appreciate the palpable injustice of this situation to our ratepayers, our Counties, and many other municipalities.

We welcome the engagement of you and your trusted officials, so that your government can properly determine and implement Alberta's interest.

Regards,



Larry Clarke, Reeve  
Stettler County

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John Burrows, Mayor  
Woodlands County

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Cc: Nate Horner, MLA for Drumheller-Stettler

Shane Getson, MLA for Whitecourt-Ste. Anne

Paul McLauchlin, President, Rural Municipalities of Alberta ([pmclauchlin@rmalberta.com](mailto:pmclauchlin@rmalberta.com))



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February 9, 2023

The Honourable Danielle Smith

EMAIL: premier@gov.ab.ca

Premier of Alberta

Office of the Premier

307 Legislature Building

10800 – 97 Avenue

Edmonton, AB T5K 2B6

Dear Premier Smith,

**Re: Trident Exploration Receivership & Positions Taken By the Alberta Energy Regulator (“AER”) and Orphan Well Association (“OWA”)**

---

The Counties of Stettler and Woodlands (the “Municipalities”) write this joint letter as a follow-up to our previous letter of April 6, 2021, respecting their efforts to recover unpaid property taxes from Trident Exploration. A copy of our April 6, 2021 letter is enclosed for reference. We write to advise you of a recent decision of the Court of King’s Bench that will further impair the ability of municipalities to recover unpaid taxes on oil and gas properties.

***Update: The Conclusion of Trident Exploration’s Receivership***

In our prior letter, we noted that:

- Trident Exploration, which owes an estimated \$7 million in taxes to the Municipalities collectively, was placed into receivership and its assets sold with the goal of reducing Trident’s unfunded end-of-life obligations (also called Abandonment and Reclamation Obligations (“ARO”)) as directed by the AER.

- Approximately half of the \$7 million in outstanding taxes arose after the receivership began, during the course of the sales process conducted for the benefit of the AER (in which the taxed oil and gas assets were kept in an assessable and taxable state).
- A significant portion of these post-receivership taxes were levied in relation to assets that were ultimately sold as part of the sales process – the sale of those assets contributed directly to the benefits generated from those sales (including the reduction in ARO).
- Although approximately \$900,000 in net proceeds had been realized from the sales process, the AER and OWA took the position that the Municipalities should receive **none** of these proceeds, and that such proceeds should instead generally be directed to the OWA. In other words, all municipal taxes that lawfully accrued during the nearly two-year sales process for Trident’s oil and gas assets, conducted for the AER and OWA’s benefit, were to be ignored in their view.

Since our prior letter, the AER and OWA took aggressive steps to argue their position before the Court of King’s Bench, forcing the Municipalities to defend their claims for post-receivership taxes before the Court. That resulted in the decision of *Orphan Well Association v. Trident Exploration Corp.*, 2022 ABKB 839 (“*Trident*”), a copy of which is also enclosed.

### **The *Trident* Decision**

In the Municipalities’ respectful view, the *Trident* decision should be a significant concern not only to all rural municipalities in Alberta, but to all Albertans.

In *Trident*, the AER and OWA were successful in establishing that *all* funds realized through a receivership should be paid towards unfunded ARO, ahead of even property tax obligations that arose *as a result of the receivership process*. The Court held that they were entitled to all of the sales proceeds in priority to the Municipalities, owing to their “super priority” for ARO granted by the Supreme Court of Canada case of *Orphan Well Association v. Grant Thornton Ltd.*, 2019 SCC 5 (the “*Redwater*” decision). In other words, the Municipalities were entitled to nothing and all their post-receivership taxes would go unpaid.

Previously, it had been unclear what the status of post-receivership taxes were in light of *Redwater* – it was known that all taxes accruing from *before* the receivership would be subordinate to the AER and OWA’s super priority, but post-receivership taxes were a different matter – however, this case determined that even post-receivership taxes (which only arise *because of the insolvency*) must be left entirely unaddressed in the face of any outstanding ARO.

The *Trident* decision also determined that the AER and OWA are entitled to call upon *all* proceeds of the Trident estate to be directed to ARO, *regardless* of what assets those proceeds were derived from. Even real property and equipment not subject to AER regulation – the Trident estate

included an office building located in Fort Assiniboine – were held to be subject to the AER’s super-priority. This is notable because in the recent case of *Manitok Energy Inc. (Re)*, 2022 ABCA 117, the Court of Appeal left the door open to the notion that assets “completely unrelated to the oil and gas business” (see paragraph 36 of that decision) may not need to be directed to ARO; now *Trident* seems to have shut that door, to the detriment of Municipalities and other stakeholders with interests in such assets.

We note that at the outset of the Trident receivership, the AER and OWA allowed the receiver to pay the pre-receivership taxes on the Fort Assiniboine office building to Woodlands County; in the wake of *Trident*, it now appears that this would no longer happen, and that even taxes on *parcels of land* must be subordinated to ARO. This places municipalities with significant landholdings owned by oil and gas companies into a position of risk, since if those companies become insolvent, the outstanding taxes on those lands must now rank behind the AER and OWA.

## **Our Concerns**

Ultimately, the *Trident* decision represents a continuation and an expansion of the same highly concerning trend that we noted in our previous letter, whereby it is municipalities (and other stakeholders) who are forced to bear the burden of unfunded ARO in place of the OWA, which was intended to be the industry-funded insurer of unfunded ARO. This was expressly acknowledged by the Court in *Trident*, which stated:

[66] In my view, *Redwater* shifts liability from “polluter-pay” to “everyone pays,” starting with all of those who have suffered financial losses in dealing with the insolvent company, and ending with the OWA, which spreads remaining losses between the Province of Alberta and industry.

The intent of the AER’s liability management regime was to require specific oil and gas companies to pay for their own end-of-life obligations, and for the OWA – with the support of industry funding through the AER-enforced OWA levy – to step in where they cannot. But instead, “polluter pays” has become “everyone pays, and the industry pays last”. Municipalities, their ratepayers, and other Albertan individuals and entities must now bear the burden of unfunded ARO ahead of the OWA and the industry it was intended to backstop.

And now, per *Trident*, this burden must be borne in even more situations than thought previously. Even assets that are wholly unregulated and unrelated to oil and gas activities must be diverted to the OWA’s cause first. And even tax debts that accrued *during* a receivership process conducted *for the express purpose of furthering the AER and OWA’s interests* need not be paid.

That the oil and gas industry, through the mechanism of the OWA, has such broad power to foist its liabilities onto other stakeholders (including entirely involuntary ones like municipalities) is unfair at the best of times. It is even more unfair following a year like 2022, where many oil and

gas companies enjoyed record profits, while municipalities and others saw their budgets strained by record inflation.

The Municipalities respectfully submit that a legislative or policy solution is needed to ensure that the industry is held accountable for its own environmental liabilities, and is no longer able to simply offload them onto other stakeholders using the mechanism of the OWA and the *Redwater* super priority.

### **Court's Comments on Municipal Tax Fairness**

The Court in *Trident* also commented on the fact that, because Trident's oil and gas assets were not abandoned during the receivership, they were still assessed by the Provincial Assessor and required to be taxed by the Municipalities (and incorporated into their annual budgets), even though the Municipalities could not recover those post-receivership taxes in the wake of Trident's outstanding ARO.

At paragraphs 81-82 of its decision, the Court noted that this situation "appears to place rural municipal governments in a very unfair position *vis-à-vis* the Province of Alberta". It further stated that "it seems to me that there is a structural unfairness at play here from a municipal taxation and finance perspective as between the provincial government and rural municipalities. If that is indeed the case, it needs to be addressed by the Province of Alberta."

In general, we would respectfully agree with the Court's statements. While the Municipalities appreciate that efforts have been made to address these concerns that the Court does not reference – such as the Provincial Education Requisition Credit ("PERC") program – the AER and OWA's super priority has nevertheless created a highly challenging situation for municipalities. Where an oil and gas company has become insolvent, and the AER and OWA appoint a receiver to conduct a sales process of the company's assets, municipalities are obligated to tax those assets and prepare its budget on the basis that it will receive those taxes – even though in light of *Redwater* and now *Trident*, we know that it will not. The result is unavoidable shortfalls in the municipality's operating budget, which must be made up (and paid by other ratepayers) in a subsequent year in accordance with section 244 of the *Municipal Government Act*.

We would invite the Province to consider legislative intervention to address this issue, including by providing municipal taxes with greater priority in the face of the AER's claims for unfunded ARO, and by altering how assets held within an oil and gas receivership form part of a municipality's assessment and tax base.

### **Conclusion**

We hope that the result in *Trident* will raise general awareness of the impact that the actions of the AER, and its delegate the OWA, have had on municipalities in Alberta. To this point, when municipalities have expressed concern to the AER about these issues, the AER has generally

treated them as suggesting that the AER should do their tax recovery work for them. This is reflected on the AER's website, where they include a notice that "The AER is not involved with the collection of unpaid municipal taxes... and does not have jurisdiction to take compliance or enforcement actions related to non-payment. Municipalities continue to be responsible for the collection and enforcement of their municipal taxes" (<https://www.aer.ca/providing-information/by-topic/liability-management>).

These statements fail to acknowledge the underlying problem that, through its zealous efforts to ensure that all of an oil company's other obligations are subordinate to ARO, the AER is *actively impeding* the ability of municipalities to recover unpaid taxes.

We hope that the Province will appreciate the significant unfairness represented by this situation and by the current state of the law, and would be willing to engage with us, other municipalities, and other stakeholders to explore solutions to these important issues. We look forward to working with the Province to ensure that Alberta's future is one where its oil and gas industry and its municipalities are both able to thrive. We look forward to any opportunity we may have to discuss these matters further.

Regards,



Larry Clarke, Reeve  
Stettler County



John Burrows, Reeve  
Woodlands County

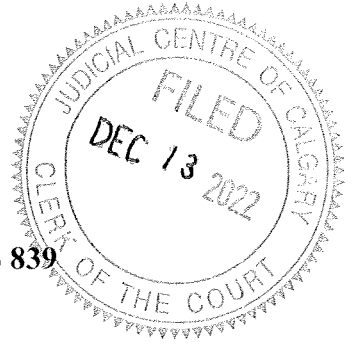
Enclosures

April 6, 2021 Correspondence  
*Orphan Well Association v. Trident Exploration Corp.*, 2022 ABKB 839

cc:

Rebecca Schulz, Minister of Municipal Affairs  
Peter Guthrie, Minister of Energy  
Nate Horner, Minister of Agriculture and MLA for Stettler-Drumheller  
Martin Long, MLA for West Yellowhead  
Glenn van Dijken, MLA for Athabasca-Barrhead-Westlock  
Paul McLauchlin, President, Rural Municipalities of Alberta ([pmclauchlin@rmaalberta.com](mailto:pmclauchlin@rmaalberta.com))  
RMA Member Municipalities

# Court of King's Bench of Alberta



**Citation: Orphan Well Association v Trident Exploration Corp, 2022 ABKB 839**

**Date:**  
**Docket:** 1901 06244  
**Registry:** Calgary

Between:

**Orphan Well Association**

Applicant

- and -

**Trident Exploration Corp., Trident Exploration (WX) Corp., Trident Exploration (Alberta) Corp., Trident Limited Partnership, Trident Exploration (Aurora) Limited Partnership I, Trident Exploration (2006) Limited Partnership I, and Fenenergy Corp.**

Respondents

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**Reasons for Decision  
of the  
Honourable Justice R.A. Neufeld**

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## **I. The Trident Insolvency**

[1] Trident is a group of privately-owned oil and gas exploration and production companies and partnerships. As of May 2019, it held interests in approximately 4500 petroleum and natural gas wells across Alberta, of which 3700 were licenced to Trident as operator.

[2] On April 30, 2019, Trident issued a press release which advised that:

- 1) It had been engaged in discussions with the Alberta Energy Regulator (AER) and its lenders regarding restructuring, but without success;



2) As of April 30, 2019, its directors and management had resigned, and Trident had ceased operations and terminated all employees and contractors.

[3] Trident's primary obligations at the time consisted of:

- 1) Abandonment and reclamation obligations (ARO) associated with wells, facilities and pipelines estimated at \$407,000,000;
- 2) Secured debt in the amount of \$71,106,000;
- 3) Unsecured trade debts in the amount of \$18,920,921.

[4] The effect of Trident's decision was to walk away from its obligations. Its licences were turned back to the AER, and its ARO would be assumed by the Orphan Well Association (OWA): *Orphan Fund Delegated Administration Regulation*, Alta Reg 45/2001, s 3(1).

[5] The AER, assisted by former (and unpaid) Trident employees and contractors attended to the immediate task of safely suspending Trident's field operations.

[6] The OWA took the unusual step of applying to this Court for an order appointing a Receiver.

[7] Historically, such an order would have been sought by secured creditors, but with the evolution of case law recognizing a "super priority" for environmental remediation (including ARO for oil and gas operations) and the magnitude of Trident's ARO, a different approach was considered appropriate.

## **II. Mandate of the Receiver**

[8] The primary objective of the Receivership was to reduce the Trident ARO that would ultimately rest with the OWA. This was to be accomplished by selling the Trident assets to solvent oil and gas companies who were willing and able to assume environmental liability for the assets involved.

[9] The sales process was presented to the Court for approval. As asset sales were made, they too were presented to the Court for approval such that ownership of purchased assets would vest free and clear of all claims. These approvals were all granted without opposition as the process unfolded.

[10] At the outset, the Receiver sought advice from the sales agent, Veracity, about whether certain Trident licenced oil and gas assets should be operated pending sale to generate cashflow. The Receiver reported to the Court that, as part of its analysis, it considered all costs that would be incurred if operations were restored, including property taxes among other variable costs.

[11] The Receiver concluded that it would be uneconomic to operate Trident's assets and focused only on immediate steps for ensuring safe shut-in. As a result, throughout the Receivership proceedings, the Receiver did not pay other post-filing operational expenses, similar in nature to property taxes that would be incurred by a normal oil and gas company, including surface rentals, AER/OWA levies and payments for mineral leases, among other variable costs.

[12] When licenced oil and gas assets were sold, the purchaser assumed the ownership liabilities and ARO for those assets. The terms of sale did not include assumption of outstanding

municipal tax obligations or purchase price adjustments in that regard. However, all 19 affected municipalities were given notice of applications within the Receivership proceedings.

[13] A different approach was used in the sale of two real estate parcels which did not contain licenced oil and gas assets. Those sales contained adjustments for outstanding municipal taxes as is standard real estate conveyancing practice.

### **III. Current Status**

[14] The Receiver reported in its August 15, 2022, Supplement to the 8<sup>th</sup> Report of the Receiver, that it views the sales process as successful because an estimated \$266,000,000 (or 66%) of Trident's ARO was transferred to solvent oil and gas producers. This resulted in the continued operation of a significant number of assets to the benefit of all stakeholders. A further \$5,000,000 was applied for and received under the Federal Site Rehabilitation Program, which was sufficient to partially abandon approximately 300 wells.

[15] At present, the Receiver holds approximately \$900,000 in remaining funds, some or all of which was generated through the sale of non-licenced assets owned by Trident, such as real estate and machinery. The Receiver seeks advice and direction regarding the distribution of those funds. The AER/OWA contend that they should receive the funds pursuant to their super priority recognized in recent case law. The County of Kneehill, the County of Stettler and Woodland County argue that they should share in the proceeds as they also have a priority arising out of unpaid municipal taxes for Trident wells, pipelines and production facilities that accrued post-Receivership. The counties will be collectively referred to as the "Municipalities".

### **IV. Issues**

[16] The Receiver's request for advice and directions raises two issues:

- 1) whether the AER/OWA is entitled to call on the proceeds of sale of all of Trident's assets, including realty; and
- 2) whether such entitlement takes precedence over municipal tax obligations that were incurred post-receivership in relation to licenced oil and gas wells pipelines and production facilities. If not, should the remaining funds be shared between the AER/OWA and the Municipalities?

[17] I have determined that the answer to both questions is yes. The AER/OWA is entitled to call on the proceeds of sale from all of Trident's assets and their entitlement takes precedence over municipal tax obligations because of the AER/OWA super priority over the funds in question.

### **V. Entitlement of the AER**

[18] In recent years, the obligation of Receivers to undertake abandonment and reclamation of oil and gas facilities before distribution of funds to creditors has been widely characterized as a "super priority." To understand why that is so, it is necessary to first review the process used under the *Bankruptcy and Insolvency Act*, RSC 1985 c B-3 [BIA], as amended for resolving claims against the debtor's estate.

## A. Insolvency Process

[19] Under the *BIA*, the monetization of assets and distribution of funds to creditors is done in a common proceeding. Existing actions against the debtor are stayed. Creditors are given the opportunity to submit claims for amounts owed at the time of bankruptcy or receivership. The trustee or receiver, whichever it may be, is tasked with monetizing the assets of the estate and considering the validity of the claims. That is, whether the debts alleged are owed and in what amount. The trustee or receiver may seek advice and directions on these issues, and to facilitate the monetization of assets, may obtain orders approving a sales process and individual sales so as to vest the assets in the purchaser free and clear of claims.

[20] Throughout the process, interested stakeholders are given notice of applications within the insolvency proceeding and an opportunity to participate.

[21] From time to time, the trustee or receiver may also seek approval to make interim distributions to creditors having provable claims and advice and direction regarding matters such as the validity of securities, the priorities among creditors and the interim or final distribution of estate proceeds.

[22] Not all obligations owed by a debtor will give rise to a claim provable in bankruptcy. Provable claims are defined at *BIA* s. 121(1) to be:

All debts and liabilities, present or future, to which the bankrupt is subject on the day on which the bankrupt becomes bankrupt or to which the bankrupt may become subject before the bankrupt's discharge by reason of any obligation incurred before the day on which the bankrupt becomes bankrupt shall be deemed to be claims provable in proceedings under this Act.

[23] Non-provable claims will continue after the insolvency proceeding has been completed. With the lifting of the stay of proceedings, they may continue to be pursued in the normal course. They cannot, however, be resolved within the insolvency process itself.

## B. Abandonment and Reclamation Obligations

[24] The appropriate treatment of environmental obligations of an estate in bankruptcy or receivership within the common proceeding rubric has been the subject of considerable debate and jurisprudence in recent years.

[25] A series of cases decided by the Supreme Court of Canada and the Alberta Court of Appeal have provided direction.

### 1. *Northern Badger*

[26] The first was *Pan Americana de Bienes y Servicio v Northern Badger Oil & Gas Limited*, 1991 ABCA 181 [*Northern Badger*]. In that case, a creditor of Northern Badger obtained a receivership order and subsequently a bankruptcy order.

[27] Northern Badger was the licenced operator of 33 wells. Northern Badger's receiver agreed to sell 21 wells and advised the Energy Resources Conservation Board (ERCB) shortly after the sales agreement that the remaining 12 wells had not been sold. In result, 7 wells were passed back to the receiver. When the receiver sought a discharge and proposed to distribute remaining cash on hand ( \$226,000) to Pan Americana, the ERCB responded by obtaining an order in council requiring the receiver to abandon the 7 wells at an estimated cost of \$220,000.

[28] Pan Americana challenged the constitutionality of the abandonment order, arguing that Alberta could not compel a receiver/manager to incur abandonment costs that would be at the expense of secured creditors as this would violate the priorities stipulated under the federal *BIA*. The chambers judge agreed and directed the receiver/manager to disregard the provincial abandonment order.

[29] The Alberta Court of Appeal overturned the decision of the chambers judge. The Court held that the ERCB was not acting as a creditor in issuing the order. Rather, the ERCB was enforcing a public law. The ERCB could have become a creditor if it had undertaken the abandonment itself, and thereby become a creditor by virtue of the provisions of the *Oil and Gas Conservation Act*, RSA 2000, c O-6 [*OGCA*]. But the ERCB had not done so.

[30] The Court went on to hold that a court-appointed receiver has an obligation to obey laws of general application. The receiver is not entitled to pick and choose only profitable wells for operation and sale, leaving behind wells whose environmental liabilities exceed potential revenue for the benefit of secured creditors. In result, the receiver/manager was found to be personally liable for the abandonment costs – a finding that created considerable controversy in the financial and insolvency fields.

[31] Following *Northern Badger*, the *BIA* was amended to shield receivers from personal liability. The debate continued, however, about how environmental orders issued by regulatory authorities were to be characterized within an insolvency proceeding. That is, whether such orders created obligations to the public writ large or could or should be subject of proof in an insolvency proceeding (either as a subsisting debt or obligation that can be translated to a monetary value).

## 2. *Abitibi*

[32] The answer to that question was provided by the 2012 decision of the Supreme Court in *Newfoundland and Labrador v AbitibiBowater Inc*, 2012 SCC 67 [*Abitibi*].

[33] Abitibi was a multi-national company that had operated a pulp and paper business in Newfoundland and Labrador for over 100 years. The company was in financial distress. It made a proposal for insolvency protection under the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36 [*CCAA*], and closed its operations in the province, which put many people out of work.

[34] The provincial government responded with legislation expropriating Abitibi's assets and made known its intent to undertake remediation of the expropriated lands. It then issued a series of orders requiring the company to conduct that remediation.

[35] The chambers judge presiding in the *CCAA* proceeding found that when the remediation orders were issued, it was fully expected that the government would be remediating the Abitibi sites. The purpose of the orders was to obtain funds from the Abitibi estate to defray the cost of remediation.

[36] The Supreme Court affirmed that an environmental remediation order can constitute a monetary claim in some circumstances. When it does, it is subject to resolution within an

insolvency proceeding, and has no higher priority than that accorded to environmental claims in the *CCAA vis-à-vis* the claims of other creditors.

[37] To determine whether an environmental protection order is, in substance, a provable claim, the Court must assess: (1) whether the regulator has advanced a claim as a creditor; (2) whether the asserted debt, liability or obligation, existed at the time of insolvency; and (3) whether it is possible to assign a monetary value to the claim: at para 26. The Court held that each criterion was met given the findings of fact made by the *CCAA* court.

[38] Accordingly, the Newfoundland and Labrador claim was subject to the *CCAA* proceeding, and the priorities established under the *CCAA*: at para 19.

### 3. *Redwater*

[39] While not necessarily inconsistent with the reasoning of the Alberta Court of Appeal in *Northern Badger*, the approach used in *Abitibi* created uncertainty regarding the treatment of abandonment and reclamation orders in insolvency proceedings for Alberta oil and gas companies.

[40] Although subject to environmental laws of general application, the primary regulator of oil and gas exploration and production activities in Alberta is the AER, a successor to the ERCB involved in the *Northern Badger*. The AER administers a program designed to ensure, at the licencing (and licence transfer) stage, that operators will have sufficient liquidity to meet end-of-life obligations at wells, production facilities and pipelines. When an insolvency occurs, the AER may, as a matter of practice, participate in the proceedings as an interested party, including reviewing proposed asset dispositions and deciding on licence transfer requests. It may also issue formal abandonment and reclamation orders. If licences are ultimately turned back to the AER by a receiver as unmarketable, the abandonment and reclamation responsibility transfers to the OWA.

[41] The OWA is established under Alta Reg 45/2001. It operates under the aegis of the AER, and is jointly funded by government and industry.

[42] Given the Supreme Court's reasoning in *Abitibi*, it was uncertain whether ARO's would in substance constitute provable claims in an insolvency or create binding but non-monetary regulatory obligations. If the former, the AER would be subject to the proof of claim and priorities process. If the latter, its orders would need to be complied with to the extent possible before distribution of funds and creditors.

[43] This uncertainty was addressed in *Orphan Well Association v Grant Thornton Ltd*, 2019 SCC 5 [*Redwater*].

[44] Redwater was an oil and gas exploration and production company. It owned a variety of wells, production facilities and pipelines. Some had value greater than their estimated abandonment and reclamation costs. Some did not.

[45] On insolvency, Redwater's receiver sought approval of a sales process that would allow the receiver to sell economic assets and renounce and disclaim uneconomic assets. The AER responded with abandonment orders for the assets which the receiver sought to renounce. The chambers judge declared that disclamation was allowed and the receiver was not subject to any obligations under the Abandonment Orders for disclaimed assets pursuant to s. 14.06(4)(a)(ii)

and (c) of the *BIA*. The chambers judge concluded that, in the circumstances, the Abandonment Orders were intrinsically financial according to the *Abitibi* test and therefore subject to the statutory claims and priorities process.

[46] The Alberta Court of Appeal upheld the decision of the chambers judge: *Orphan Well Association v Grant Thornton Limited*, 2017 ABCA 124. Speaking for the majority, Slatter J.A. found that there was sufficient certainty of abandonment and reclamation taking place. The AER was a creditor notwithstanding the interposition of the OWA in the eventual abandonment and reclamation activities themselves. Justice Martin (as she then was) disagreed, stating as follows:

The province has to be able to maintain control over the transfer of well and pipeline licences during a bankruptcy and there is no reason why that regulatory requirement cannot co-exist with the distribution of a debtor's estate. The trustee must comply with the licensing requirements during the bankruptcy process. The trustee cannot, for example, transfer AER-issued well licences to an unqualified licensee; AER approval is required for any transfer. Similarly, the trustee must comply with the LLR program when seeking to transfer licences. The requirement to post security as part of the licence transfer is not, in my view, a "debt" owed to the AER or the province. It is part of the conditions attached to the licence. The AER does not become a creditor when it seeks to enforce the licence conditions, whether it does so by the issuance of abandonment orders or otherwise. On appeal to the Supreme Court, it was held that the Abandonment Orders did not fit within the *Abitibi* test. The AER was acting as a regulator, in pursuit of the environmental protection, not as a creditor, who stood directly gain in the outcome, as was the case in *Abitibi*.

[47] The Supreme Court of Canada overturned the Court of Appeal, agreeing with the dissent. Chief Justice Wagner, for the majority, explained at paras 135 and 136:

Based on the analysis in *Northern Badger*, it is clear that the Regulator is not a creditor of the Redwater estate. The end-of-life obligations the Regulator seeks to enforce against Redwater are public duties. Neither the Regulator nor the Government of Alberta stands to benefit financially from the enforcement of these obligations. These public duties are owed, not to a creditor, but, rather, to fellow citizens, and are therefore outside the scope of "provable claims". I do not intend to suggest, however, that a regulator will be a creditor only where it acts exactly as the province did in *Abitibi*. There may very well be situations in which a regulator's actions fall somewhere between those in *Abitibi* and those in the instant case. Notably, unlike some previous cases, the Regulator has performed no environmental work itself. I leave such situations to be addressed in future cases in which there are full factual records. Here, it is clear that the Regulator is seeking to enforce Redwater's public duties, whether by issuing the Abandonment Orders or by maintaining the LMR requirements. The Regulator is not a creditor within the meaning of the *Abitibi* test.

I reject the suggestion that the foregoing analysis somehow overrules the first prong of the *Abitibi* test. The facts in *Abitibi* were not comparable to the facts of this appeal. Although this Court discussed *Northern Badger* in *Abitibi*, it merely referenced the subsequent amendments to the *BIA*, and did not overturn the earlier

decision. The Court was clear that the ultimate outcome “must be grounded in the facts of each case” (para. 48). The dissenting reasons claim that, given the foregoing analysis, it will be nearly impossible to find that regulators are ever creditors. *Abitibi* itself shows this not to be the case. Furthermore, as I have said, there may well be cases that fall between *Abitibi* and the present case. However, if *Abitibi* is read as requiring only a determination of whether the regulator has exercised an enforcement power, it will in fact be impossible for a regulator *not* to be a creditor. The dissenting reasons do not seriously deny this, merely suggesting that regulators can publish guidelines or issue licences. The Regulator does both, yet, under the approach taken in the dissenting reasons, it is powerless to take any practical steps in the public interest regarding its guidelines or licences without qualifying as a creditor. As I have explained, *Abitibi* clearly contemplates a place for regulators who are not creditors.

[48] In making this finding, the Supreme Court made it clear that the basic legal and policy considerations articulated in *Northern Badger* had not changed and did so with specific reference to Alberta’s orphan well program. It is clear therefore that abandonment of oil and gas wells in Alberta is considered an overarching public duty. The Regulator does not become a creditor in enforcing such obligations and is not advancing a “non-provable” claim against the estate on behalf of the public. The Regulator may become a creditor if it incurs costs and asserts a statutory debt, but that is a choice for the Regulator to make.

[49] These underlying legal and policy principles were reinforced and restated in a recent decision of the Alberta Court of Appeal, *Manitok Energy Inc (Re)*, 2022 ABCA 117 [*Manitok*].

#### 4. *Manitok*

[50] The chambers judge in *Manitok* approved a proposed sales process in which the receiver of an oil and gas company would apply the sales proceeds of a group of wells and production facilities against the abandonment and reclamation costs of those assets only, leaving a surplus to be distributed to creditors. Other uneconomic assets would be disclaimed and turned back to the AER/OWA. The chambers justice found that such an approach was consistent with *Redwater*, based on findings made by the Supreme Court of Canada at para 159, where it stated:

Accordingly, the end-of-life obligations binding on GTL are not claims provable in the Redwater bankruptcy, so they do not conflict with the general priority scheme in the *BIA*. This is not a mere matter of form, but of substance. Requiring Redwater to pay for abandonment before distributing value to creditors does not disrupt the priority scheme of the *BIA*. In crafting the priority scheme set out in the *BIA*, Parliament intended to permit regulators to place a first charge on real property of a bankrupt affected by an environmental condition or damage in order to fund remediation (see s. 14.06(7)). Thus, the *BIA* explicitly contemplates that environmental regulators will extract value from the bankrupt’s real property if that property is affected by an environmental condition or damage. Although the nature of property ownership in the Alberta oil and gas industry meant that s. 14.06(7) was unavailable to the Regulator, the Abandonment Orders and the LMR replicate s. 14.06(7)’s effect in this case. Furthermore, it is important to note that Redwater’s only substantial assets were affected by an environmental condition or damage. Accordingly, the Abandonment Orders and LMR

requirements did not seek to force Redwater to fulfill end-of-life obligations with assets unrelated to the environmental condition or damage. In other words, recognizing that the Abandonment Orders and LMR requirements are not provable claims in this case does not interfere with the aims of the *BIA* — rather, it facilitates them.

[51] On appeal, the Alberta Court of Appeal noted that para 159 of *Redwater* presents interpretational challenges. Notwithstanding those challenges, it remained that the division of assets and liabilities endorsed in chambers would undermine the basic principles articulated in *Northern Badger* and *Redwater* and could not be endorsed. At para 29, the Court writes:

This interpretation would render *Redwater* meaningless. If the proceeds of the sale of the bankrupt corporation’s valuable assets cannot be used to reclaim “unrelated assets” there would never be any proceeds available to satisfy public abandonment and reclamation obligations. The assets that are going to be disclaimed by a receiver or trustee because they are overwhelmed by abandonment and reclamation obligations are always going to be “unrelated” under this approach. The disclaimed and orphaned assets cannot, by definition, be sold because of their abandonment and reclamation obligations. Unless the sale proceeds of the valuable assets are available to satisfy those obligations, they can never be satisfied.

[52] Intervenor municipalities argued in *Manitok* that the phrase “assets unrelated to environmental condition or damage” used in *Redwater* means that the proceeds or value of non-oil and gas assets are not available for the satisfaction of abandonment and reclamation obligations: at para 33. The Court acknowledged at paras 35 and 36 that one could read para 159 of *Redwater* as excluding resort to such assets, but expressed skepticism before declining to resolve the issue:

One could read para. 159 of *Redwater* as excluding resort to “unrelated” non-oil and gas assets to cover abandonment and reclamation costs. However, as was pointed out by the Orphan Well Association, the reasons in *Redwater* refer repeatedly to the “assets of the estate”, without drawing any such distinction: see for example *Redwater* at paras. 76, 102, 107, 114. Further, there is no clear boundary between licensed assets and other assets. For example, the sale to Persist (like many similar sales) included not only licensed assets but oil and gas rights, royalty rights, intellectual property, seismic data, vehicles and other chattels. *Redwater* gives no support to the municipalities’ argument.

In the final analysis, the assets sold to Persist appear to be indistinguishable from the type of assets that the trustee in *Redwater* sold. *Redwater* confirms that the proceeds of the sale of those assets must be applied first towards the satisfaction of abandonment and reclamation obligations. To the extent that there is any issue about it, the status of assets completely unrelated to the oil and gas business can be left for another day.

## VI. Is the Receiver Obligated to Pay Municipal Taxes Post-Insolvency?

[53] Although the Court of Appeal left the door slightly open for municipalities to argue that not all assets of an insolvent oil and gas are subject to the AER super priority, the Municipalities



in this proceeding do not do so. Nor do they dispute the fundamental finding in *Redwater*: that the ARO must be addressed by a Receiver to the extent reasonably possible and this must be done before distributions can be made. (Hence the term “super priority”).

[54] Rather, the Municipalities argue that the remaining funds should be shared with them because:

1. This case involves competing entitlements to proceeds by entities having non-provable claims, the AER claim pursuant to *Redwater* and the Municipalities claim for unpaid post-insolvency taxes under the *MGA*, with both claimants having a public interest mandate and neither having priority over the other. Hence, the benefits should be shared.
2. The Receiver was obligated to pay property tax on Trident’s assets from its appointment to the date of sale or transfer back to the AER, as a Receivership expense. As an officer of the Court, the Receiver is bound to pay those as they accrue during the receivership.
3. Receivers are appointed pursuant to the *Judicature Act*, so the court may order an equitable division of remaining proceeds in the proportions it sees fit.

[55] The AER/OWA do not dispute that the municipal taxes continued to accrue post-insolvency. Rather, the AER/OWA argue that the Receiver is not required to pay the municipal taxes outside of the priority scheme because:

1. The AER/OWA do not compete with the municipal taxes for priority. ARO is paid in priority because it is a non-monetary regulatory order, not a non-provable claim. Municipal taxes, as a non-provable claim, are subject to the priority sequence.
  2. The Receiver is not liable to pay the municipal taxes because they are not “necessary costs of preservation” as the assets were not operated and payment of the taxes would not be for the benefit of all parties. And in any event, it is too late for the Municipalities complain that economic assets were sold without adjustment for municipal taxes. The time for such complaints was when the sales process was presented to the Court for approval.
  3. Fairness and equity are not justifications to disregard clear and established principles which govern insolvency.
- A. Does the Obligation to Pay Municipal Taxes Post-Receivership Confer a Priority on Municipal Governments that is Parallel to the Super Priority of the AER/OWA?**

[56] The municipal taxes owed by Trident may be considered in three categories based upon when the taxes arise. The taxes arise either pre-insolvency, post-insolvency, or post-sale of the assessed assets.

[57] The Municipalities acknowledge that the municipal taxes owing when the Receiver was appointed constitute debts that would need to be proved. As there will be no proceeds available for provable claims, the Municipalities would receive nothing for these claims, even though they

have statutory priority against creditors other than the Crown (which includes the AER) under the *MGA*: s. 348(c).

[58] Similarly, the Municipalities also recognize that the post-sale municipal taxes constitute debts payable by the purchasers of Trident's assets. A claim for those taxes in bankruptcy, if it was ever to arise, would likely also constitute a provable claim against the purchaser subject to the priority scheme.

[59] However, in the interim period, bookended by periods of taxes as provable claims, the Municipalities argue that post-insolvency municipal taxes become non-provable claims subject to a super priority similar to ARO. This is because both the AER/OWA and the Municipalities have a public interest mandate and the Receiver has an obligation to pay municipal taxes, particularly for assets whose operation is simply suspended pending sale rather than destined for abandonment. Therefore, the municipal taxes should similarly be paid outside and in advance of the insolvency regime. The Municipalities point to the *Manitok* insolvency as an example of such payments being made pursuant to the sales process presented to and approved by the court.

[60] There is no doubt that municipal governments provide necessary and valuable services to their communities. Many would argue that municipal government is the most efficient and valuable level of all. All community members bear responsibility to support their municipal government by paying property taxes, service levies and the like. But it is not as clear that the payment of municipal property taxes has any higher public interest component than obligations such as paying a farmer surface lease rentals for an expropriated wellsite or pipeline right-of-way post-insolvency, paying trade creditors for pre-insolvency debts, or even paying municipalities for outstanding pre-insolvency municipal taxes.

[61] I agree with the OWA that the assertion of a parallel priority based on the public interest as between two holders of non-provable claims is based on a flawed interpretation of *Redwater*, which makes it clear that the OWA's entitlement to the proceeds of sale is not a claim on the estate that is subject to a determination of priorities. That is the essence of a "super priority" as that term has evolved.

[62] The OWA's entitlement is addressed outside of the insolvency regime because it is a non-monetary obligation which cannot be reduced to a provable claim through the test in *Abitibi*, not because it is non-provable. Producers, like Trident, have a legal obligation to ensure their wells are safely abandoned and reclaimed. The OWA acts as a safety net to ensure that those obligations are satisfied by ensuring that reclamation work is ultimately performed. Of course, a dollar figure can be put on end-of-life obligations, but that cost is what is necessary to satisfy the obligations of producers and ensure that wells are safely abandoned and reclaimed. The cost is not levied to generate revenue for the program. That is why the OWA entitlements "define the contours of the bankrupt estate available for distribution": *Redwater* at para 160.

[63] Municipal taxes, on the other hand, are neither a non-monetary obligation nor incompatible with the *Abitibi* test. The purpose of municipal taxes is to generate revenue for the municipality: *Smoky River Coal Ltd, Re*, 2001 ABCA 209 at para 32. The only obligation on the taxpayer is to pay tax. There is no other corresponding regulatory obligation. And, indeed, the *MGA* makes clear that taxes "are recoverable as a debt due to the municipality" and that a taxpayer is a debtor: s. 348, s. 348.1. Taxes are evidently a monetary obligation.

[64] Even if I accepted that this case described a competition between claims, the legislation provides instruction about the order in which claims are to be paid. The Municipalities' claims "take priority over the claims of every person except the Crown": *MGA*, s. 348(c). On a plain reading of the *MGA*, the legislature has contemplated where the claims of the Municipalities rank in the priority scheme. And that is second to the Crown.

[65] There are those who might characterize the outcome of *Redwater* as shifting liability for environmental remediation in the oil and gas industry from "polluter-pay" to "lender-pay." I disagree.

[66] In my view, *Redwater* shifts liability from "polluter-pay" to "everyone pays," starting with all of those who have suffered financial losses in dealing with the insolvent company, and ending with the OWA, which spreads remaining losses between the Province of Alberta and industry. This includes secured creditors who have lent money to the insolvent entity in good faith, trade creditors who have provided goods or services and remain unpaid, landowners who have hosted the wells, pipelines and production facilities, and municipal governments who are owed taxes dating back to pre-insolvency, among many others. The essence of the AER super priority is that it is not subject to prioritization because the obligation must be met before a distribution can be made to anyone else. It defines the contours of the funds that may be available for distribution.

[67] I also find that the assets subject to the AER super priority are not limited to licenced oil and gas wells, pipelines and production facilities. Trident had certain real estate assets that were used for office or equipment storage and the like. However, Trident had only one business: exploration and production of oil and gas. It makes no sense to differentiate real estate assets from other assets used in that business, just as it made no sense in *Manitok* to carve out economic licensed assets from uneconomic ones. In either case, the result would be to undermine the policy purposes upon which the super priority principle is based.

#### **B. Are Post Insolvency Municipal Taxes a Necessary Cost of Preservation of Assets?**

[68] The Municipalities argue that municipal taxes can and should be paid by a Receiver as part as "necessary cost of preservation of assets," and the public interest: See *Toronto Dominion Bank v Usarco Ltd* (1997), 50 CBR (3d) 127, 1997 CanLII 12417; *Hamilton Wentworth Credit Union Ltd v Courtcliffe Parks Ltd* (1995), 23 OR (3d) 781, 1995 CanLII 7059; *Robert F Kowal Investments Ltd et al v Deeder Electric Ltd* (1975), 9 OR (2d) 84, 59 DLR (3d) 492 [*Kowal Investments*]. The Municipalities conclude that:

The unique difficulty here is that because both unpaid post-insolvency taxes and unfunded ARO constitute non-provable claims, we essentially have a priorities contest involving two interests that dwell outside the priorities scheme.

The Municipalities agree with the Receiver that there is no legislation nor reported court decisions which give guidance as to how these non-provable claims should be treated as against each other. This makes allocating funds between these claims, which are not "provable claims", a somewhat novel exercise.

[69] The AER/OWA dispute that the payment of post-insolvency municipal taxes was a necessary cost of preservation of estate assets. They say that such costs were not necessary to allow assets to be operated, as the Receiver chose not to operate any of the assets—whether

marketable or otherwise. Among other considerations, the Receiver did not want to be exposed to any liabilities as an operator. They also argue it cannot be said that payment of property taxes was necessary to preserve assets as that concept is discussed in the case law.

[70] In *Kowal Investments*, the Ontario Court of Appeal explained that “necessary costs of preservation” is one of three exceptions to the rule that receivers may not incur expenses on behalf of the estate, at the expense of creditors:

To qualify, the payments must benefit all parties to the receivership, such as costs to maintain and repair property . . . or otherwise prevent destruction, waste or loss of property, including to prevent tax seizure.

[71] In *Invictus*, this Court found that receiver/managers may be personally liable for post-receivership municipal taxes, in the same way as they may be personally liable for new contracts they enter into with third-parties in relation to the business, subject to a correlative right to be indemnified for those expenses out of the estate assets: *Alberta Treasury Branches v Invictus Financial Corporation*, ABQB Edmonton No 8303 13970, at para 63 [*Invictus*].

[72] The Receiver here was not a receiver/manager as was the case in *Invictus*. Nor was it legally or practically necessary to pay post-insolvency municipal taxes in order to preserve assets of the estate for the overall benefit of its creditors.

[73] The treatment of municipal taxes was part of the sales process presented to and approved by the Court. This was described in the Receiver’s 8<sup>th</sup> report as follows:

The Receiver determined it was uneconomic to operate Trident’s assets after considering the associated costs, including post-filing property taxes, and therefore focused efforts on the safe shut-in of Trident’s assets prior to initiating the Sales Process for the benefit of Trident’s stakeholders. In the Receiver’s view, and as described at length above, this was not an ordinary course receivership.

[74] The sale of marketable assets without adjustment for municipal taxes (pre- or post-insolvency) was also approved by the Court as the insolvency progressed, with notice to affected municipalities. The Municipalities did not oppose the sales process application, nor any subsequent application for approval of specific assets sales.

[75] It follows that payment of post-insolvency municipal taxes was not necessary to preserve Trident’s exploration and production assets. On the contrary, the non-payment of such taxes made the assets more marketable to solvent companies, and hence more likely to generate economic benefits (and taxes) for host municipalities and landowners following resumption of production.

### **C. Does Fairness and Equity Justify Payment of the Municipal Taxes?**

[76] Even if funds were available for distribution to the Municipalities, I would have been reluctant to order a distribution based on my jurisdiction under the *Judicature Act*. I agree with the AER/OWA, that the Municipalities’ entreaties in this regard have been made too late.

[77] The proceeds of sale of Trident assets were from the outset intended to be used to reduce Trident’s legacy abandonment and reclamation obligations, and by extension those of the Orphan Well program under Alberta’s scheme for management of a province and industry wide problem. The OWA applied for the Receivership of Trident with that objective being clearly stated. The

Court approved the proposed plan, including the sales process and individual sales, free and clear of claims and encumbrances.

[78] Had the Municipalities taken issue with the sales process when first proposed, it is possible that municipal taxes may have been treated differently within this Receivership proceeding. They (and perhaps others) may have proposed a formula similar to that which they say was used in *Manitok* (although in *Manitok*, the Receiver operated a number of producing assets for a number of years). Such a proposal may have been acceptable to the OWA and others, and if not, may have approved by the Court over the OWA's objection particularly if a financial case could be made for such treatment. They did not do so.

[79] Therefore, even if these were funds available for an "equitable" distribution I would not have made such an order.

## VII. Conclusion

[80] In response to the request for advice and directions by the Receiver, I direct that the remaining funds will be distributed to the AER for use by the OWA. This includes proceeds of sale of non-licensed assets such as real estate and equipment.

[81] Although I do not accept the Municipalities' request to share in the remaining funds, I agree with the Municipalities that the non-payment of municipal taxes on certain oil and gas assets that are shut-in pending sale or transfer to the OWA appears to place rural municipal governments in a very unfair position *vis-à-vis* the Province of Alberta. Counsel explained that the provincial assessor includes such assets when determining the assessed value of properties in a rural municipality and removes them from the assessment roll only after abandonment is complete. Municipalities must use those assessed values in setting taxes for their rate payers to meet their budgetary requirements and education-related remissions back to the Province even though they may have no opportunity to recoup taxes from the assets in question.

[82] Although not directly in issue in this case, it seems to me that there is a structural unfairness at play here from a municipal taxation and finance perspective as between the provincial government and rural municipalities. If that is indeed the case, it needs to be addressed by the Province of Alberta.

[83] As the application for advice and directions was made in the context of addressing issues of precedential value, there will be no costs awarded.

Heard on the 20<sup>th</sup> day of September, 2022.

**Dated** at the City of Calgary, Alberta this 13<sup>th</sup> day of December, 2022.



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**R.A. Neufeld**  
**J.C.K.B.A.**

**Appearances:**

Kelsey J. Meyer and Adam Williams  
for Pricewater House Coopers Licence Insolvency Trustee, the court appointed receiver  
and manager of Trident Exploration Corp. and other Trident entities

Kelly J. Bourassa  
for ATB Financial

Gregory Plester and Curtis J. Auch  
for Woodlands County and Stettler County

Shauna N. Finlay and Moira Lavoie  
for Kneehill County

Robyn Gurofsky, Jessica Cameron and Garrett Finegan  
for Orphan Well Association

Candice A. Ross  
for Alberta Energy Regulator

### COVID-19 in Continuing Care Facilities – Recommendations from the Office of the Auditor General

**Recommendation 1: Update and expand a pandemic plan common to the entire continuing care sector.**

**Responsibility: Alberta Health**

- Alberta Health has been asked to develop an up-to-date, comprehensive, continuing care-focused pandemic plan relevant to all key stakeholders – Alberta Health, AHS, and facility operators. The plan will use pre-existing continuing care pandemic plans maintained by AHS and plans from operators for their sites as a starting point, and reflect learnings from the COVID-19 response.
- In March 2020, AHS updated its existing Pandemic Operational Guide and has continued updating it with lessons learned throughout the course of the pandemic.
- In June 2020, using learnings from wave 1, AHS also updated the *Guide to Assessment Treatment and Stabilization in Place Continuing Care* for COVID.
- AHS will work closely with Alberta Health to further update the pandemic plan, including relevant AHS plans. This includes working with operators to ensure their pandemic plans align with the provincial response.

**Recommendation 2: Exercise and simulate updated plan regularly, with all parties.**

**Responsibility: Alberta Health.**

- Alberta Health has been asked to lead periodic pandemic response exercises for Alberta's facility-based continuing care sector, based upon a continuing care specific plan, across all levels of the system, and involving operational and front-line staff.
- Simulations would be based on realistic disease examples, including respiratory diseases such as COVID-19.
- AHS will work with Alberta Health on this recommendation, both participating in simulations and reporting our lessons learned, while also providing recommendations and supports as needed.

**Recommendation 3: Develop a continuing care staffing strategy to increase staffing system resilience.**

**Responsibility: Alberta Health.**

- Alberta Health has been asked to develop and implement a staffing strategy for facility-based continuing care. This strategy would build on efforts already underway focused on staffing hours and staff mix from the response to the *Facility-Based Continuing Care review* recommendations and consider other factors that contributed to staff vulnerability during COVID-19.
- AHS will share with Alberta Health our operational knowledge, experience and expertise to support and inform the development of this strategy.

### **Recommendation 4: Formalize centre of expertise capacity for outbreak management.**

**Responsibility: Alberta Health Services.**

- AHS has been asked to formalize multi-disciplinary outbreak response and support systems that would provide centre of expertise services, monitor and track, debrief and report on, communicable disease outbreaks at continuing care facilities, as well as other residential care and treatment facilities funded by AHS.
- AHS has existing provincial and zone-based expertise to support communicable disease outbreaks at continuing care facilities, including IPC specialists, CDC and public health experts.
- As the pandemic progressed, processes were adapted based on learnings to better support sites experiencing an outbreak. AHS took steps to protect residents of long-term care and designated supportive living from COVID-19 by implementing strict measures to prevent or limit the spread of the virus. Starting in wave 1, these measures included visitation restrictions, limiting staff to working at single sites, hiring temporary contracted staff, and isolation protocols for residents or staff who fell ill. Where possible, these measures also took into account the balance between protection and the mental health effects of isolation.
- Beginning in December 2020, AHS has also enhanced outbreak management support to outbreak zones and sites including infection prevention and control, public health and quality resources to support outbreak responses in continuing care facilities.
- Working with operators, system partners and stakeholders, AHS will continue to develop and formalize outbreak response systems specific to continuing care facilities.

### **Recommendation 5: Formalize operational improvements in outbreak testing.**

**Responsibility: Alberta Health Services.**

- APL accepts the recommendations made by the OAG. During the COVID-19 pandemic, APL implemented many ongoing changes to expedite and improve the timeliness of the delivery of lab results during the COVID-19 pandemic.
- During the pandemic, APL took immediate steps to correct issues with the way that COVID-19 samples were being collected, including working with AHS and continuing care facilities to develop manual workarounds to get results to facilities as quickly as possible. As well, APL staff provided significant education to facilities on proper labelling and documentation for swabs. APL continues to collaborate and communicate with sites to educate and identify missing information on requisitions that direct the testing performed.
- In the summer of 2020, at a time where significant numbers of public swabs were being completed, APL began prioritizing testing of swabs from some high-priority areas, such as those under COVID-19 outbreak investigation, including continuing care and healthcare workers.



- In early fall, 2020, AHS worked with APL and continuing care facilities, equipping them with a significant number of testing supplies, reducing the need for sites to order supplies when needed, thereby reducing testing times.
- Processes that have been developed as the pandemic evolved have been or are being incorporated into routine practices and shared with operators to ensure alignment and adoption province wide.

**Recommendation 6: Evaluate all existing infrastructure and set a strategy for improving facility infrastructure.**

***Responsibility: Alberta Health.***

- Alberta Health has been asked to develop a priority list and strategy for upgrading or eliminating existing continuing care buildings based on a comprehensive assessment of all continuing care facilities to be completed by AHS.
- AHS has made good progress through holding preliminary conversations with operators of aging infrastructure to review modernization needs, and creating a priority list of needs.
- AHS will complete the assessments required by AH, to support their development of a priority infrastructure list.
- AHS has also already worked with Alberta Health and Alberta Infrastructure to update Continuing Care Design Standards and Best Practices in Alberta. These design standards will ensure new and modernized facilities incorporate the latest features for resident and staff safety.
- Changes include completing the move to private rooms in Continuing Care, ensuring more separation, and improved health and safety for continuing care staff during an outbreak.
- All ward accommodations were eliminated early in the pandemic, and selectively shared two-bed rooms were converted to private rooms based on zone assessments of risk.
- Working closely with operators, AHS will also continue to eliminate all two-bed resident accommodations.

**Recommendation 7: Track resident illness and staff absences during communicable disease outbreaks in facilities.**

***Responsibility: Alberta Health Services.***

- AHS has been asked to develop or adapt a surveillance system to track all resident cases and deaths, as well as information on staff absences, during any communicable disease or outbreak in facilities. This data would be used to inform risk and quality management at zone and provincial levels.
- AHS already tracks resident cases for communicable disease outbreaks in continuing care.
- The safety of our staff and our residents is a priority for AHS and we take every measure possible to ensure cases are tracked, and steps are taken to protect those in our care.

- Reviewing our current practice, AHS will develop additional process improvements, where possible, as well as new practices for tracking staff absences during communicable disease outbreaks.

**Recommendation 8: Implement recommendations from Alberta Health Services internal reports.**

***Responsibility: Alberta Health Services.***

- AHS has been asked to accumulate, evaluate and implement all recommendations, lessons learned, and other required actions identified in its own internal summary reports on continuing care outbreaks.
- AHS has consolidated the recommendations from internal reports and has completed a number of actions as the pandemic progressed. Some examples include:
  - AHS worked with the CMOH around the need to understand and recognize the health impacts on families and loved ones which contributed to Order changes.
  - The dedicated operator liaison remained in place throughout the pandemic and the email line remains open today.
  - As per initial CMOH orders, high-touch cleaning requirements were in place and persisted in IPC documents after orders were rescinded.
  - Recognizing the impact of suspended programs, AHS reviewed these programs and where there were alternatives, they were implemented. Programs were reinstated as soon as feasible.
  - AHS reviewed the approach to limiting Home Care and that strategy was removed as the impact of COVID-19 was better understood.
- AHS will report on actions taken as part of the COVID-19 response, and how the effective actions and lessons learned were incorporated into care. The work has been ongoing since the pandemic began and will continue indefinitely as AHS continues to improve on processes.
- We will continue to review recommendations to ensure we have considered all of them for both ongoing processes and future pandemic planning.

February 27, 2023

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## Healthcare Action Plan: Official Administrator 90-Day Report

CALGARY — Full-time paramedics, acute care staff and emergency department (ED) staff are being added to the front-line ranks of Alberta Health Services (AHS), as part of efforts to reduce ED wait times and improve EMS response times.

These initiatives — as well as other immediate action items and system improvements — are part of the [90-Day Report](#) from AHS Official Administrator Dr. John Cowell.

Additions to front-line staff include:

- AHS is adding 114 full-time equivalent nursing staff to our emergency department teams in our 16 largest hospitals and some of our suburban hospitals to ensure the transfer of responsibility for patient care from paramedics to ED staff is fast and safe. This will help reduce the time paramedics spend in our hospitals, ensuring more crews are available and ready to respond to emergencies.
- AHS is recruiting 127 full-time allied health staff, such as social workers, physiotherapists, and occupational therapists, to support patient flow through our 16 largest emergency departments.
- AHS EMS is transitioning 70 current temporary full-time paramedic positions to regular (permanent) full-time. These positions will be allocated to all five of our operating zones, with 20 positions in Calgary and Edmonton, and 10 positions in each of our three rural zones.
- A further 80 full-time regular paramedic positions will be posted shortly.

These initiatives are part of the Government of Alberta's Healthcare Action Plan, launched in mid-November 2022 to ensure rapid improvements in key areas of healthcare delivery.

AHS continues to place focus on four main priority areas: improving EMS response times; reducing wait times for surgeries; improving patient flow throughout the healthcare continuum; and decreasing emergency department wait times.

Significant work is ongoing, and improvements reported, across all priority areas. EMS response times have stabilized despite a sustained 30 per cent increase in call volume, the adult surgical wait-list has almost returned to pre-COVID-19 volumes, and capacity continues to be added to the system.

Improvements and successes over the past 90 days include:

*Improving EMS response times:*

- EMS response times are improving, despite a sustained 30 per cent increase in call volume across the province. Minutes really matter when responding to calls seeking help for life-threatening situations. Comparing November 2022 with January 2023, EMS response times for the most urgent calls are shorter:

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- 17 minutes in metro and urban areas, down from 21.8 minutes.
- 19.2 minutes in communities with over 3,000 residents, down from 21.5 minutes.
- 34.9 minutes in rural communities with under 3,000 residents, down from 36 minutes.
- 57.5 minutes in remote communities, down from 63.9 minutes.

Note: AHS is focusing its measures on the 90th percentile, meaning these are the response times for 90 per cent of activity.

- The frequency of red alerts is also coming down.
  - In January 2022, in the Edmonton Zone, there were 1,092 red alerts for a total of 39.7 hours, compared to 81 alerts and 1.8 hours in January 2023.
  - In Calgary Zone, in January 2022, there were 328 red alerts for a total of 8.1 hours compared to 134 red alerts and a total of 3.2 hours in January 2023.
- Between November 2022 and January 2023, EMS added 39 front-line staff, including paramedics, emergency communications officers, and front-line supervisors. Overall, EMS hired 457 new staff members in 2022, including 341 paramedics.

#### *Reducing Emergency Department wait-times:*

- ED wait-times are coming down. From November 2022 to January 2023:
  - Emergency department wait time to see a doctor has been reduced by 10 per cent to 6.4 hours.
  - Total time spent in the emergency department for admitted patients has been reduced by five per cent to 40 hours.
  - Total time in the emergency department for discharged patients remains stable at 11.8 hours.

Note: AHS is focusing its measures on the 90th percentile, meaning these are the response times for 90 per cent of activity.

#### *Improving patient flow throughout the healthcare continuum:*

- Between September 2022 and January 2023, AHS:
  - Opened an average of 255 net-new, non-ICU acute care beds across the province.
- Between November 2022 and January 2023, AHS:
  - Opened 292 net-new designated supportive living beds.
  - Opened 55 net-new long-term care beds.
  - Opened 26 net new mental health beds and 26 net new addiction beds (for a total of 52 beds).
  - Opened 362 net-new community spaces with wrap-around health supports.
  - Recruited 28 physicians to rural Alberta, including 12 in the North Zone, four in the South Zone, and 12 in the Central Zone.

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- Added 278 more registered nurses, licensed practical nurses and healthcare aides.
- Added 48 more allied health professionals, including social workers, recreation therapists, occupational therapists, and audiologists.
- In January 2023, the number of assessed patients waiting in the province's largest 14 hospitals for a continuing care space was 179, lower than the 218 patients who were waiting at the end of the 2018/2019 fiscal year, and also lower than the 253 patients waiting in November 2022.

### *Reducing wait times for surgeries:*

- By March 31, 2023, it is anticipated that AHS and the chartered surgical facilities will have completed 290,000 surgeries, which is an increase of 11,400 surgeries — or 4 per cent over last year. On Oct. 31, 2022, the number of patients waiting outside the clinically recommended wait time was 39,246 and that number has decreased to 35,595 as of Feb. 20, 2023, and we expect a further decrease by March 31, 2023. The number of patients waiting the longest relative to their clinically recommended wait times will have decreased by 30 per cent between April 1, 2022, and March 31, 2023.
- Between November 2022 and January 2023, the number of patients who have been waiting at least three times longer than a clinically appropriate time for surgery has been reduced by five per cent — representing about 800 fewer Albertans on the waitlist.
- At the end of January, cancer surgeries in Alberta were up 11 per cent compared to the same time frame in the pre-pandemic 2018-19 fiscal year.
- AHS signed contracts with chartered surgical facilities in Calgary and Edmonton, for an additional 6,000 orthopedic procedures.
- Adding up to 1,200 additional surgical procedures annually at the recently opened fifth surgical suite at the Lois Hole Hospital for Women in Edmonton.

### *Alberta Surgical Initiative (ASI) – Surgical Waitlist Overview:*

AHS has done considerable work over the past four years to introduce better management of the list of Albertans who are waiting for surgery.

Adult patients who have been waiting for one day, one week, months or longer are included in this list, which changes constantly as thousands of procedures are completed every month – often on an emergency basis – and more patients are newly assessed as requiring surgery.

The focus is to ensure that all surgeries are completed within clinically recommended timeframes, and the data is being used in more and more sophisticated ways to analyze the waitlists of individual surgeons, factors that inform the appropriate treatment of individual patients, the appropriate utilization of all available operating room capacity, and the most efficient scheduling of surgeons, anesthesiologists, and nurses.

AHS is focused on ensuring that the approximately 35,595 patients waiting longer than clinically recommended wait times get their surgeries as soon as possible, with those who are most clinically urgent and who have been waiting the longest receiving their surgery first.

The wait time for scheduled surgery starts at the point in time when the surgeon and patient make the decision that surgery is appropriate, and the patient is socially, medically and functionally ready to proceed to surgery. The time from this date to the date the patient receives their surgery is the calculated service wait time.

The clinically recommended wait-time window is different for each procedure. AHS focuses on ensuring urgent and life-saving procedures are completed immediately. As surgeries are assessed within their clinical target window, it is not possible to draw comparisons across all surgeries for an average wait time.

In Alberta, we have a provincial tool, Adult Coding Access Targets for Surgery (ACATS), that helps us prioritize surgery by individual patient clinical diagnosis by assignment of a clinical diagnostic code. This tool allows us to provide information to surgeons to prioritize those patients that are the sickest and need surgery urgently before those who are not as urgent. This helps us manage our available capacity and aids in prioritization.

Diagnosis and wait-time targets are evidence-based when possible and consensus-based by surgeons, from all surgical services across Alberta. ACATS codes, including a Decision To Treat (DTT) date and a Ready To Treat (RTT) date, are the data points used in surgical wait-time measurement, management and reporting.

For a number of reasons, some surgeons experience longer wait-lists than others. For example, some surgeons may have high wait lists as they provide specialized service limited to a few sites (for example, specialized cancer surgery). AHS is working directly with surgeons who have the longest wait lists to help find solutions that will enable their patients to receive surgery more quickly. Some steps to engage surgeons with high wait lists include:

- Increased surgeon accountability for long waiting cases.
- Looking closely at cases in which the waitlist is three times above average or longer to understand and help remediate the issue.
- Ensuring beds and operating room time for the most complex cases.
- Using the ACATS tool.

In addition, a previous lack of central access and intake has meant that primary care physicians may have referred to one specialist more than another. However, the Alberta Facilitated Access to Specialized Treatment (FAST) program is being implemented province-wide to help balance the referral process.

**Subject:** FW: Update: Brine-hosted Mineral Regulation and Minerals Mapping Program

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**From:** Minerals <[Minerals@aer.ca](mailto:Minerals@aer.ca)>

**Sent:** March 2, 2023 1:20 PM

**Subject:** Update: Brine-hosted Mineral Regulation and Minerals Mapping Program

Greetings,

Today, two significant announcements were made regarding Alberta's mineral resource future.

### **Mineral mapping program**

To help us better understand Alberta's mineral potential, the Alberta Geological Survey (AGS), Alberta Energy Regulator (AER), and the Government of Alberta have partnered on one of the largest [mineral mapping programs](#) in Alberta's history. Today, the AGS initiated the release of the first batch of data from its extensive mineral data collection effort.

This collaboration is part of a three-year mineral mapping program that includes the collection and public release of raw data, interactive maps, technical reports, journal publications, and public presentations.

The AGS research teams obtained data through standard and innovative techniques including an airborne geophysics survey and satellite-based remote sensing. They are also evaluating brine samples from hundreds of oil and gas wells, thousands of newly collected and archived rock samples, and tens-of-thousands of meters of mineral and oil and gas industry drill cores, among other initiatives.

The initial release will include raw data that can, for example, be integrated into land use planning and increase the knowledge base of industry and research institutions. The interpretive publications, being released over the next three years, will also support non-industry stakeholders with their understanding of minerals and how development might affect them.

### **Regulating minerals**

Today the Government of Alberta [announced](#) it proclaimed a portion of the [Mineral Resource Development Act](#), establishing the AER as the lifecycle regulator of brine-hosted minerals. To support that announcement, the AER released its [regulatory framework](#), outlining how it will regulate this emerging resource on behalf of Albertans. We have also posted our What We Heard documents demonstrating how public input informed these decisions.

We thank those who took the time to provide input at our public engagement events, through our [minerals@aer.ca](mailto:minerals@aer.ca) inbox and our formal public comment period.

AER requirements for brine-hosted minerals come into effect upon the Government of Alberta's release of the *Brine-Hosted Mineral Resource Development Rules* on the [Alberta King's Printer](#).

To stay up to date on the latest AER and AGS news, subscribe to [our updates](#).

Kind regards,

**Minerals Team**

**Alberta Energy Regulator**

Suite 1000, 250 – 5 Street SW, Calgary, Alberta T2P 0R4

**inquiries** 1-855-297-8311 **24-hour emergency** 1-800-222-6514 [www.aer.ca](http://www.aer.ca)

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## Colleen Sarapuk

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**Subject:** FW: Victims of Crime Assistance Program - Applications

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**From:** SCSS PFVA <[SCSS.PFVA@gov.ab.ca](mailto:SCSS.PFVA@gov.ab.ca)>

**Sent:** March 2, 2023 11:49 AM

**Subject:** Victims of Crime Assistance Program - Applications

Information provided by Victims Services, Alberta Public Safety and Emergency Services

Classification: Protected A

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**From:** SOLGPS Victims Services E-Learning <[e.learning@gov.ab.ca](mailto:e.learning@gov.ab.ca)>

**Sent:** March-01-23 1:12 PM

**Subject:** Victims of Crime Assistance Program - Applications



*Information from Victims Services, Alberta Public Safety and Emergency Services*

## Victims of Crime Assistance Program – Applications Update

Alberta Victims of Crime Assistance Program (the “Program”) announced the new program July 2022 as a flexible and scalable suite of supports and services aligned with the diverse and changing needs of victims of crime. The new program was implemented September 1, 2022.

To align with the new program options, applications were designed to ensure a victim/applicant may apply easily for assistance, supports, and/or services based on their individual needs.

As the new model is designed as a flexible solution, the program may update applications periodically to ensure a victim/applicant is able to apply for any current or new options available. It is important that victims/applicants use the current applications for the Program to ensure there are no delays with accessing options available for them.

Effective April 1, 2023, the Program will no longer be able to accommodate victims/applicants applying on legacy or interim program applications as those applications do not contain the information required by the Program for all current options.

Please ensure victims/applicants are provided with a current application found on the website <https://www.alberta.ca/help-for-victims-of-crime.aspx> . These forms are being updated to a user friendly version for ease of access.

For more information on the interim Victims of Crime Assistance Program, you may call 780-427-7217 or email [victimsofcrime@gov.ab.ca](mailto:victimsofcrime@gov.ab.ca).

**Mackenzie County Library Board (MCLB)  
January 10, 2023 Board Meeting Minutes  
Fort Vermilion Library**

**Present:** Lisa Wardley, Lorraine Peters, Wally Schroeder, Kayla Wardley, Sandra Neufeld, Tamie McLean.

**Absent:** Steven Simpson, Cameron Cardinal.

**Guests:** The La Crete Library Society.

**1.0** Kayla Wardley called the meeting to order at 6:53 pm.

**2.0 Approval of the Agenda:**

**MOTION #2023-01-01 Lorraine Peters** moved the approval of the agenda as revised. **CARRIED**

**3.0 Approval of the Minutes:**

**MOTION #2023-01-02 Tamie McLean** moved the approval of the November 22/22 meeting minutes. **CARRIED**

**4.0 Review of Action Items:**

- The action items of the previous MCLB meeting were reviewed.

**5.0 Financial:**

**5.1 MCLB Financial Report as of December 31/22:**

- Balance Forward \$ 114,027.41  
- Total Revenues \$ 308,257.63  
- Total Expenses \$ 309,091.03  
- Bank Balance \$ 113,194.01

**MOTION #2023-01-03 Lisa Wardley** moved the acceptance of the financial report. **CARRIED**

**5.2 Fort Vermilion Library (FVL) Financial Report as of December 31/22:**

- Total Revenues \$ 74,292.02  
- Total Expenses \$ 50,730.45  
- Net Income \$ 23,561.57  
- Bank Balance \$ 66,237.87

**MOTION #2023-01-04 Sandra Neufeld** moved the acceptance of the financial report. **CARRIED**

**6.0 Library Reports:**

**6.1 La Crete:**

- Circulation for 2022 was 139,300.  
- Record one day checkout total was 1,881 items on Jan 3/23.  
- Audited financial report to Dec 31/22: Income 222K, Expenses 209 K., Bank Balance 12K.  
- Fundraiser income for 2022 was \$52,269.  
- Cardholder fees for 2022 totaled \$14,805.  
- Overdue fines for 2022 totaled \$11,943.  
- Photocopy fees for 2022 totaled \$370.  
- 528 new patrons were added in 2022.  
- Prairie Coast donated \$250 to the library.  
- 25 magazine subscriptions were ordered.  
- The library card rates for 2023 will be as follows: Child \$5 (under 18), Adult \$10, Family \$25.

**6.2 Fort Vermilion:**

- 52 new patrons were added in 2022.  
- Total book sales in 2022 totaled \$205.30.  
- The reading challenge is continuing. No one has reached the 100 book goal.  
- Two movie nights raised \$148.  
- A Summer Reading program is being planned  
- New displays have been set up.

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**6.3 Zama:**

- The Christmas tree light up was a big success.
- They added 4 patrons during their membership drive.
- Five home schoolers use the library. More are expected.
- They are signing out snow shoes.

**6.4 Mackenzie County Library Consortium (MCLC):**

- Freegal was updated to allow 8 hr. per day of streaming.
- The updated Insignia is working well.

**6.5 High Level:**

- They are celebrating January 27/23 as literacy day.
- They are planning some programing.
- The Purdy's chocolates fundraiser is continuing.

**MOTION #2023-01-05 Lorraine Peters** moved the acceptance of the library reports for information. **CARRIED**

**7.0 Old Business:**

**7.1 La Crete Library Expansion:**

- The expansion of the La Crete library was discussed at length.
- The cost of the expansion is projected to be about \$1.2 million dollars.
- There has been discussion of incorporating the library into the proposed La Crete Wellness Center.
- It would be difficult to receive federal and provincial grants for both projects if they remain standalone buildings.
- It was decided to survey the library patrons if they would support the library being moved into the proposed Wellness Center.

**8.0 New Business:**

**8.1 Minister of Municipal Affairs:**

- The minister of municipal affairs Rebecca Schulz, who is responsible for all the libraries in the province, will be issued a library membership card for each of our 3 libraries. She will then be invited to visit our 3 libraries.

**9.0 Correspondence:**

- None

**11.0 Next Meeting Date and Location: Fort Vermilion Library, February 28, 2023 at 6:00 p.m.**

**12.0 Adjournment:**

**MOTION # 2023-01-06 Wally Schroeder** moved to adjourn the meeting at 8:48 p.m. **CARRIED**

**These minutes were adopted this 28th day of February 2023.**

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**Chair: Kayla Wardley**