

MUNICIPAL DISTRICT OF MACKENZIE NO. 23
COMMITTEE OF THE WHOLE

Tuesday, February 6, 2001
10:00 a.m.

Fort Vermilion School Division

Fort Vermilion, Alberta

AGENDA

10:00 a.m.

- | | | | | |
|---|----|----|---|---------|
| <u>CALL TO ORDER:</u> | 1. | a) | Call to Order | Page 1 |
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IN RE: [Illegible]

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- SERVICES:** 9. a) Page
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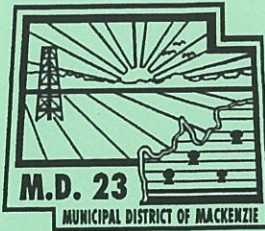
**PLANNING AND
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- SERVICES:** 11. a) Page
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- ADJOURNMENT:** 12. a) Adjourn Committee of the Whole Meeting



M.D. of Mackenzie No. 23

Request For Decision

Meeting:	Committee of the Whole
Meeting Date:	February 6, 2001
Originated By:	Harvey Prockiw, CAO
Title:	Rainbow Lake Community Health Council
Agenda Item No:	3. a)

BACKGROUND / PROPOSAL:

On November 2, 2000 a letter was received from the Co-Chair, Julie Melville of the Rainbow Lake Health Centre advising of their current expansion, requesting that the MD assist with funding to construct an enclosed canopy at the ambulance entrance at the Rainbow Lake Health Centre.

Ron Arnason has requested that he be allowed to make a presentation to Council regarding funding for the canopy.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:


The total cost of the canopy is \$40,000 and the Rainbow Lake Health Centre is requesting that the Town of Rainbow Lake and the MD of Mackenzie each contribute \$20,000 for construction.

The MD offered to contribute \$20,000 towards the construction of the ambulance canopy but the Town of Rainbow Lake turned the funding down.

COSTS / SOURCE OF FUNDING:

RECOMMENDED ACTION (by originator):

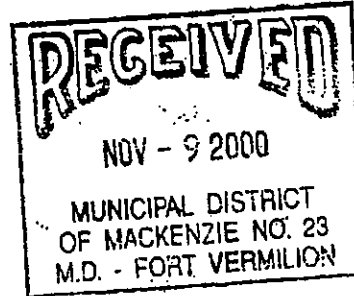
That

Review:	Dept.	C.A.O. 
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Rainbow Lake Health Council
Box 177
Rainbow Lake, Alberta
TOH 2Y0

November 2, 2000

Municipal District # 23
Box 640
Fort Vermilion, Alberta
TOH 1N0



Attention: Harvey Prokiw

Northwestern Health Services is currently doing an expansion to the Rainbow Lake Health Centre. The community and the Health Council have expressed a desire to have an enclosed canopy at the ambulance entrance. This canopy would mean patients would not be exposed to the harsh elements during admission to the Centre and transfer from it.

This improvement would be of benefit to both municipalities, since we do respond to the needs of both.

Our request to Alberta Health to build this canopy was denied. Since we are limited in our ability to fund raise, we are requesting that M.D. #23 and the Town of Rainbow Lake assist us.

The cost of the canopy is \$40,000.00; we are asking each municipality to support us with half the cost, (\$20,000.00 each)

If you have any questions regarding this request, please contact Julie Melville (956-3746) or Jo Bently at the Health Unit (956-3646).

Thank you for your consideration of this request. We would appreciate hearing your decision as soon as possible so that a determination can be made on this project.

Sincerely

A handwritten signature in cursive script that reads "Julie Melville".

Julie Melville
Co-Chair
Rainbow Lake Health Council



January 30, 2001

Municipal District #23
Box 640
Fort Vermilion, AB
T0H 1N0

**Re: Funding request for Ambulance Bay
Rainbow Lake Health Center**

The Rainbow Lake Health Center is being expanded with construction starting in the early summer of 2001. The expansion will provide additional clinical and office space as well as some capacity for Silver Birch. Alberta Infrastructure is funding a canopy over the ambulance bay, but will not fund a complete enclosure. The design team for the project and Alberta Infrastructure are prepared to enclose the ambulance bay provided the cost of \$40,000 is paid from sources outside the project.

**Community and
Public Health Services**

Main Office
High Level Health Centre
2nd Floor, 9808 - 100 Avenue
Postal Box 3,000
High Level, Alberta
Canada T0H 1Z0
Telephone (403) 926-7000
Facsimile (403) 926-7001

La Crete Health Centre
10000 - 105 Street
Postal Box 295
La Crete, Alberta
Canada T0L 2H0
Telephone (403) 928-2242
Facsimile (403) 928-3000

Fort Vermilion Health Centre
Postal Box 68
Fort Vermilion, Alberta
Canada T0H 1N0
Telephone (403) 927-3391
Facsimile (403) 927-4440

Rainbow Lake Health Centre
Postal Box 177
Rainbow Lake, Alberta
Canada T0H 2Y0
Telephone (403) 956-3646
Facsimile (403) 956-3338

Paddle Prairie Health Centre
Postal Box 126
Paddle Prairie, Alberta
Canada T0H 2W0
Telephone (403) 981-2188
Facsimile (403) 981-2190

The Rainbow Lake Community Health Council and Rainbow Lake Ambulance see an advantage in completing this work in conjunction with the main project as there would be significant cost savings in comparison with doing this at a later date. The advantages of having a closed ambulance bay are confidentiality (eliminate people standing around watching when ambulance is at the clinic) and safety. We have had an incident where attendants slipped on ice and dropped a patient.

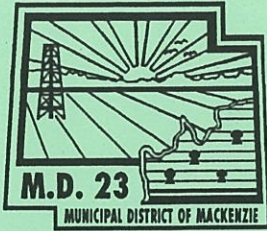
Because the ambulance serves patients from the Town of Rainbow Lake and MD of Mackenzie, the Rainbow Lake Health Council is approaching the two municipalities with a request for the funding required. At the Jan 22 council meeting the Town of Rainbow Lake approved \$20,000 towards this project.

The Health Council would request that MD provide funding for the balance of the costs to allow this project to proceed. Ron Arnason will be attending the council meeting on Feb 6 and will be available to answer any questions you may have regarding this request.

We thank you for your consideration of the request.

Yours truly,

Julie Melville, Chairperson
Rainbow Lake Community Health Council
Box 177
Rainbow Lake, AB
T0H 2Y0



M.D. of Mackenzie No. 23

Request For Decision

Meeting:	Committee of the Whole
Meeting Date:	February 6, 2001
Originated By:	Harvey Prockiw, CAO
Title:	Tire Recycling Board
Agenda Item No:	3 b)

BACKGROUND / PROPOSAL:

Concerns have been raised by Council about the Tire Recycling Board. Council therefore invited representatives of the Tire Recycling Board to appear before the Committee of the Whole meeting to address these issues and to meet the new Chairman.

The Tire Recycling Board will be represented by Sid Hinton, Chairman; Lorne Olsvick, Member; and Don Wright, Executive Director.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

To discuss concerns in regards to tire recycling.

COSTS / SOURCE OF FUNDING:

RECOMMENDED ACTION (by originator):

That this item be accepted for information.

Review:

Dept.

C.A.O.

TIRES

A REPORT ON THE HANDLING OF OUR MUNICIPAL TIRES

BY: Marco Braat, Superintendent of Utilities

History:

In the past the Municipal District of Mackenzie experienced very poor co-operation from the Tire Recycling Board in regards to tire pick-up. Also the amount of time spend by the staff to handle tires such as having to make sure the tires were lined up in rows so loading of the tires using MD equipment would be more efficient, the transferring of tires from all transfer station to La Crete because that was the only location that the Tire Recycling Board would pick up the tires. Congested transfer stations due to the build up of tires, the risk factor that the MD absorbs in case of a fire break out in the tire piles.

The Municipality has raised a lot of concerns in relation to the Tire Recycling Board's lack of response and administration of the MD has contacted the Tire Recycling Board on a number of occasions expressing its concerns pertaining to the tires.

The Peace Region Scrap Tire round up in 1998 never did come to collect the tires in La Crete until a year later during the second round-up process.

Current:

Since 1999 improvements have been noticed by MD administration as to the timely collection of tires, the way the tires are handled and the communication between the Tire Recycling Board.

The last time the tires were collected was in October 2000, the trucking company came up for two loads picking up at La Crete, Blumenort and Fort Vermilion. Some 4000 tires were collected including large truck tires. Arrangements were made for another collection scheduled in early February 2001. The trucking company also said that they would be taking some of the oversized dimension tires from our transfer stations.

In the past the trucking company only came to one site for collection and now they will do a milk run type collection.

In the past the trucking company relied on the MD staff to help load trucks using the MD loader and staff manhandling the tires into a van style trailer unit. Now the truck comes with its own grapple and can handle picking up tires without any MD assistance. The

trailer the trucking company uses now is an open top style van unit similar to what the wood chip truckers use.

The municipality has also received calls from other trucking companies interested in the pick-up of tires.

Inquiries were made to the transfer station attendants as to how much time has been spend handling tires at the transfer stations over the last six months.

- 1) Henry Driedger, La Crete, Blumenort and Rocky Lane
10 Hours
- 2) James McAteer, Fort Vermilion 2 Hours
- 3) Peter Wieler, Bluehills 1 Hour
- 4) Chris Parsons, Zama 1 Hour

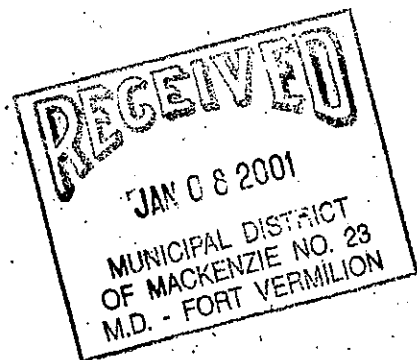
Although the amounts are minimum if you were to add all the sites across the province the numbers would be surprisingly high. I myself have spend time making arrangements for pick-up and placing long distance phone calls for the removal of the Tire Boards tires.

Item to address the Tire Recycling Board:

- 1) Storage of their tires on our transfer station without compensation. The MD is proposing a fee for services/storage of the tires to the Tire Recycling Board. For instance a \$1.00 fee per tire collected at the transfer station invoiced to the Tire Recycling Board on a monthly basis.
- 2) The concern for continual regular pick-up services.
- 3) The liability factor should the tires catch fire in the transfer station.
- 4) The market for local tire recycling companies and the feasibility.



PO: Box 189
Edmonton, Alberta T5J 2J1
Ph: (780) 990-1111 Fax: (780) 990-1122
Toll Free: 1-888-999-8762
e-mail: trma@trma.com website: www.trma.com



January 3, 2001

M.D. of Mackenzie
P.O. Box 640
Fort Vermillion, AB T0H 1N0

ATTENTION: Eva Schmidt

Dear Sir or Madam:

RE: Tire Recycling and Management Regulation (AR 206/96) Regulation Review

As per your request regarding Tire Recycling and Management Regulation (AR 206/96) Regulation Review please find attached a copy of the Discussion Paper and a copy of the Regulation.

Any comments you may have on the Discussion Paper or on the Regulation should be forwarded to the Tire Recycling Management Association of Alberta (TRMA) **no later than January 31, 2001**. Please provide your comments on the form provided. Comments may be returned to the TRMA by mail, fax or you may email your comments to trma@trma.com.

We look forward to hearing from you.

Yours truly,

TIRE RECYCLING MANAGEMENT
ASSOCIATION OF ALBERTA

Claire Petrie
Claire Petrie
Administrative Assistant

Attachment







**TIRE RECYCLING MANAGEMENT ASSOCIATION OF ALBERTA
DISCUSSION PAPER**

November 15, 2000

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ALBERTA REGULATORY REVIEW

Tire Recycling and Management Regulation (AR 206/96)

TIRE RECYCLING MANAGEMENT ASSOCIATION OF ALBERTA ("TRMA")

DISCUSSION PAPER

I. BACKGROUND:

The Provincial Government has implemented a Regulation Review Policy as a result of the increasing number of, and cost of, regulations. The aim is to improve the quality of regulations, by making them clear and concise, with simplified procedures and requirements, and by reducing compliance and administrative expenses.

The regulatory reform initiative of the Provincial Government requires that every regulation be reviewed and considered for possible elimination or amendment.

The *Tire Recycling and Management Regulation* (the "Regulation") delegates to the Tire Recycling Management Association of Alberta the power and authority to administer the Tire Recycling Management Fund and a Tire Recycling Management Program. The Regulation expires October 15, 2001.

II. CRITERIA:

Only those regulations that are "necessary to ensure the protection of public interest" will be retained. To comply with this definition, the regulation must fulfil one or more of the following criteria:

- a. it must be necessary for the maintenance and/or enhancement of public health, education, order, or safety;
- b. it must be necessary for the maintenance and/or enhancement of the environment;
- c. it must contribute significantly to the goals of sustainable development;
- d. it must contribute significantly and positively to the competitiveness of the private sector in the Province, including promotion of innovation and encouragement of efficiency in the conduct of business;
- e. it must be necessary for effective internal administration of the government of the Province.

III. PROCESS:

Consistent with the review criteria used by the Regulatory Reform Task Force, the TRMA has approved a regulation review process. The process will take into consideration the intent of the Regulation Review Policy, as well as the criteria set out above. The initial steps of the process include determining the necessity of and the level of support for the regulatory framework generally and the drafting of a discussion paper for circulation and comment.

The purpose of this discussion paper is to identify issues -- operational, administrative, and other program issues -- that may be better addressed through regulatory change.

The Regulation is to be reviewed to:

- a. determine the continued necessity, desirability and relevance of the regulatory program;
- b. determine whether the Regulation is sufficient to allow the TRMA to meet its goals as set out in its business plan; and
- c. determine whether the Regulation otherwise allows the Board to fulfil its mandate.

IV. TRMA MANDATE:

The goals of the TRMA, as set out in the most recent 3-year business plan have been re-considered at its most recent strategic planning session, and are as follows:

1. develop the most effective, efficient and environmentally sound recycling solutions for all scrap tires discarded by Albertans;
2. ensure that a self-sufficient tire recycling industry is developed in Alberta; and
3. ensure accountability of the Tire Recycling Management Association of Alberta.

The Review of the Regulation should contemplate these goals, and allow for the goals to be met both now and in the future. As an example, and in respect of Goal #1, the Regulation currently does not contemplate or allow the TRMA to charge an advance disposal surcharge on off-road tires ("OTRs"), nor does it contemplate the recycling or processing of OTRs.

The Regulation review should also allow a determination as to whether the Regulation otherwise allows the Board to do what it needs to do in order to fulfil its mandate. For example, the Regulation currently allows the TRMA to make bylaws relating to the setting of the Advance Disposal Surcharge (the "Surcharge"), although it cannot exceed \$4.00, regardless of the different sizes and construction of different types of tires. This also may affect generally the TRMA's ability to fulfil its mandate. Any other issues that may affect the TRMA's mandate generally should be addressed in the Review.

V. DISCUSSION:

A. Assessment of Criteria

As discussed above, in order to be maintained as a regulation after the expiry date, the Regulation must meet at least one of the criteria list in Section II, above.

Prior to the Tire Recycling Management Board (the predecessor to the TRMA) being established in Alberta in July, 1992, there was almost no tire recycling taking place in Alberta. Millions of tires were simply being discarded across the Province, creating tremendous potential hazards from fire and environmental contamination, or tires were being buried and using up valuable municipal landfill space. Since that time, over 17 million tires have been collected from hundreds of Alberta's tire and automotive retailers and municipal landfills, and recycled into valuable new uses. The Surcharge required to be paid by virtue of the Regulation supports Alberta's emerging tire recycling industry.

During the 1999, 2000 fiscal year of the TRMA, market demand for all three levels of value-added recycled tire material continued to grow:

- scrap tire shred - cut-up chunks, used as superior construction material in civil engineering projects, primarily road bank stabilization and landfill leachate collection systems;
- rubber crumb - ground-up rubber particles used as "safer-than-sand" playground surface or as a feedstock for manufacturing rubber products; and
- recycled rubber products - such as safety and anti-fatigue flooring, livestock matting, paving stones, sidewalk blocks and a number of other products benefiting from the flexibility and durability of recycled tire rubber.

The Surcharge not only supports the growth in the use of these materials, but also supports finding new value-added products from recycled tire material. Alberta's tire recycling industry, and its technologies and markets, are relatively new and volatile. Financing start-up ventures can be difficult and costly, and the Surcharge charged on new tire sales in Alberta allows for stable funding of these new ventures. The need for new and better technologies in products to emerge is important to achieving a self-

sustaining, value-added industry. The fund also allows for the support of major research and development, and allows the TRMA to undertake new recycling challenges, such as the recycling of "off-road" tires on which the Surcharge is not collected.

Without the Regulation supporting the Surcharge, and providing the TRMA with its mandate of providing program to encourage, support and assist with the development of a tire recycling industry in Alberta - to become self-sustaining - growth in Alberta's tire recycling industry cannot be maintained.

Therefore, the Regulation supports, and is necessary for, the maintenance and enhancement of the environment. Through the programs of the TRMA, and with funding by the Surcharge, the Regulation contributes significantly and positively to the competitiveness of the private sector in Alberta, including promotion of innovation and encouragement of efficiency in the conduct of business. Some projects funded by the TRMA are set out in Schedule "A" to this Discussion Paper. As the demand for tire material increases, efficiencies in the recycling industry emerge and competition is increased.

The strategies of the TRMA as set out in its most recent Business Plan is reported on in its most recent Annual Report, support the continued development of competitiveness and efficiency in the private recycling sector in Alberta.

The Regulation is seen as being necessary to ensure the protection of the public interest in that:

- it is necessary for the maintenance and/or enhancement of the environment; and
- it contributes significantly and positively to the competitiveness of the private sector in the Province, including promotion of innovation and encouragement of efficiency in the conduct of business.

B. Discussion Points for Possible Change

The following are discussion points as issues for possible regulatory amendments.

1. Specific inclusion of all Alberta Scrap Tires as part of the Regulatory Program

Issue: Whether the current mandate of the TRMA is sufficiently broad to allow programs for the recycling of OTRs.

Rationale: The TRMA has jurisdiction over a "tire" as defined in the *Tire Recycling Management Regulation* (the "Regulation"). The Regulation defines "tire" as a "tire that is manufactured for the purpose of being used on the wheel of a motor vehicle, trailer, tractor, or implement

of husbandry. "Motor vehicle" and "trailer" are also defined in the Regulation, but "tractor" and "implement of husbandry" are not.

"Motor vehicle" as defined under the Regulation incorporates the definition used in the *Motor Vehicle Administration Act* (MVAA), which requires the motor vehicle have a certificate of registration or permit issued under the MVAA. In other words, vehicles for which certificates or permits are not issued do not meet the definition. The definition of "motor vehicle" also incorporates vehicles that may be transported or drawn on a highway. Therefore, it is also arguable that any agricultural equipment that cannot lawfully be driven on a highway will not fall within the definition.

The Regulation currently incorporates the definition of "motor vehicle" and "trailer" from the MVAA with a further limitation that the "motor vehicle" or "trailer", as the case may be, must be one in which a certificate of registration or permit under the MVAA is required. This has a limiting effect over which "tires" the TRMA has jurisdiction and in particular, appears to exclude some tires which the recycling program is intended to target.

The terms "tractor" and "implement of husbandry" are not defined in the Regulation and may allow a more liberal interpretation to include at least OTRs of an agricultural nature.

The inclusion of all used tires in the regulatory mandate would allow the TRMA to expand now successful recycling programs to scrap tires that remain as part of the waste stream. Alberta processors and recyclers are now in a position to collect and recycle OTRs, as the demand for material and products made from scrap tires increases, and the tolerance for scrap tires in the waste stream in Alberta decreases. Landfill space is at a premium, and the improper disposal of large scrap tires also creates an unacceptable environmental hazard.

Proposed Change: -It is proposed that changes be made to the definitions contained in the Regulation so that all scrap tires in Alberta be included in the TRMA's mandate and programs, and so all tires are subject to the regulatory scheme. This would include agricultural and industrial tires.

2. Movement and storage of tires in Alberta

Issue: Whether the movement and storage of scrap tires and scrap tire material in Alberta should be included as part of the regulatory scheme.

Rationale: Currently, the Regulation does not address either the movement or storage of scrap tires and scrap tire material. Scrap tires piles present a serious fire, environmental and health risk. While other regulations or codes in Alberta may apply to the movement or storage of hazardous material, the enforcement of such regulations and codes are outside of the mandate of the TRMA and separate and apart from the overall regulatory scheme and issues of waste tire management and recycling.

As a result of the TRMA's involvement in the scrap tire recycling industry and its scrap tire recycling program, the TRMA is in a position to make itself aware of potentially hazardous situations or practices as they relate to scrap tire material.

Proposed Change: The Regulation should be amended to regulate the storage and movement of "designated materials", including scrap tires and scrap tire material. This could be managed by requiring approval for the storage and movement of such material and making it an offense to not receive such approval in those circumstances.

3. Cross-border movement of scrap tires and scrap tire material

Issue: Whether to control the importation of scrap tires and scrap tire materials as part of the regulatory scheme.

Rationale: As Alberta's tire recycling industry's processing capacity, products and markets develop, especially relative to the tire recycling situation in other jurisdictions, two issues are emerging regarding cross-border movement of scrap tires and recycled tire material:

- a. The "controlled" importation of scrap tires and scrap tire recycled material as valid supply by a processor in one jurisdiction to a valid project or user in another jurisdiction, for example, Saskatchewan shred being imported for the purpose of an Alberta project; and
- b. The "uncontrolled" importation of scrap tires and scrap tire recycled material to be stockpiled, and possibly either abandoned (with consequence from municipalities and the TRMA) or processed (with the potential for funding being improperly sought under TRMA programs).

Currently the Regulation does not address the importation of scrap tires and scrap tire material, and as a result, the issue is currently outside of the mandate of the TRMA.

Proposed Change: Regulatory amendments to make the invoicing for ineligible material violation, as well as regulatory amendments to make the importation of scrap tires or scrap tire material into Alberta without the prior written approval of the TRMA is also possible to address these issues.

4. Variable Advance Disposal Surcharge rate

Issue: Whether and how to allow for greater flexibility in the Surcharge rate.

Rationale: The TRMA has undertaken an extensive review of the issue of the level of the Surcharge and how it relates to its business plan, its mandate, stakeholder interests and expectations, and the law. While a number of circumstances prompted the review, the TRMA was particularly concerned with the recommendations for DAOs set out in the Provincial Fees and Charges Review Committee's Report of June, 2000. As a matter of law, the Surcharge was reviewed in the context of the actual costs associated with the services provided (namely, the recycling of used tires) as well as the costs to administer the regulatory scheme. The goal was that, where possible, such charges should reflect the actual costs associated with the fee.

The Surcharge is set specifically in the TRMA's *New Tire Advance Disposal Surcharge Bylaw* (the "Bylaw"), and is capped in the Regulation at \$4.00 per tire.

Article 2(1) of the Bylaw prescribe the Surcharge as follows:

"2(1) The advance disposal surcharge to be remitted for the purposes of section 10 of the *Tire Recycling and Management Regulation* is

- (a) \$4.00 per tire in the case of heavy truck tires;
- (b) \$4.00 per tire in the case of light truck tires; and
- (c) \$4.00 per tire in the case of passenger car tires.

As a result of the TRMA's review, it was found that the costs of recycling vary, depending on the size or weight of the scrap tire. However, the Surcharge is the same, regardless of the size of the tire to which it is applied.

A detailed cost analysis has been conducted based on the information the TRMA has available to it. The Surcharge charged in respect of each category of tire should reflect, at least on a

proportionate basis, the cost of recycling. The following uses data from the 1999/2000 fiscal year:

	Number of tires sold	Surcharge collected	Proportion of total Surcharge	Cost to recycle (per tire)	Proportion of total cost to recycle
Passenger	2,415,000.00	\$9,660,000.00	92%	\$3.10	70%
Truck	210,000.00	\$840,000.00	8%	\$15.40	30%

On the basis of this:

- a. the revenue that should be generated by passenger tire Surcharge: \$7,350,000.00 (10,500,000.00 X 70%)
- b. the revenue to be generated by truck tire Surcharge: \$3,150,000.00 (10,500,000.00 X 30%)

The Province's Fees and Charges Review Report as well suggests this balance is necessary - the costs of providing the recycling on each category should be reflected in the respective charges, to more accurately pay for and support the recycling program. Regard to actual costs helps to ensure the Surcharge is not categorized as a tax. The consumers ultimately pay the Surcharge and there should be some balance in the levy to respond to consumers' concerns regarding the Surcharge.

Proposed Change: As a result of the above, it is suggested that the Surcharge be adjusted so that the Surcharge on passenger tires more accurately reflects the proportion and cost of recycling passenger tires and that the Surcharge on truck tires more accurately reflects the proportion and cost to recycle truck tires.

The Regulation should be amended to allow flexibility in setting the Surcharge. At the same time, the Regulation should allow the Minister the ability to review in advance any proposed fee changes. This change is consistent with other delegation regulations.

By virtue of its mandate as set out in the *Tire Recycling and Management Regulation* (AR 206/96) (the "Regulation"), the TRMA is charged with the management of the Fund. The Regulation provides that the Fund shall be used to provide for any or all of the following:

- "(a) establishing and administering a scrap tire waste minimization and recycling program;

- (b) education programs for the purpose of the scrap tire waste minimization and recycling programs;
- (c) expenditures incurred in the collection, transportation, storage, processing and disposal of scrap tires;
- (d) research and development activities related to scrap tire management;
- (e) promotion and development for marketing the products of scrap tire recycling."

The Regulation also requires the Surcharge provided for be deposited to the Fund.

The following are considerations that are relevant in setting the Surcharge as well as determining the appropriate level for the Surcharge:

- The \$4.00 Surcharge (deposits to the Fund) is collected on certain new tires sold in Alberta.
- Payments are made from the Fund for recycling tires once they have been discarded.
- The Fund is intended to fund recycling solutions, including solutions for all tires currently on the road, being approximately 14 million tires on the road.
- At current levels of funding to Alberta recyclers, the cost to recycle 14 million tires is approximately \$34 million; the fund is currently about 70% of that cost.
- In estimating funding requirements, there is some degree of difficulty due to the novelty of recycling solutions; major research and development continues.
- Future requirements on the Fund may include the recycling of off-road tires ("OTRs"), for example, on which an Surcharge is not paid.
- The Fund is utilized to fund developmental costs, including research and development, and the implementation and updating of new policies and programs.

5. Remittance of Surcharge at point of first sale in Alberta

Issue: Administrative efficiency and greater compliance with the requirement to remit the Surcharge at the point of first sale in Alberta.

Rationale: Currently, the Regulation requires every retailer in Alberta to be registered with the TRMA, and to remit the Surcharge to the TRMA as required under its bylaws. A retailer, for the purposes of the Regulation, is defined as:

... a person who supplies in Alberta new tires of a class in respect of which an advance disposal surcharge is payable, whether the tires are supplied separately or on a motor vehicle, trailer, tractor or implement of husbandry that is supplied by that person, but does not include a person who supplies such tires only within the boundaries of Lloydminster;

In contrast, the Regulation delegating administrative authority for the Used Oil Material Recycling Program applies to suppliers of first instance in the Province of Alberta. Based on this model, the administrative efficiency of the tire recycling system could be enhanced, with ultimately a savings to those funding the system. Requiring "first suppliers" in Alberta to be registered would mean:

- a. fewer registrants under the system, which would require less maintenance and monitoring in terms of the overall system;
- b. fewer number of remittances with a greater amount of Surcharge per remittance. Currently the TRMA administers registrants who remit relatively small surcharge amounts per quarter. Administrative costs tend to be the same or similar, regardless of the amount of Surcharge collected. Only 6% of Surcharge revenue is remitted by 30% of registrants. With fewer remittances, and each of a greater amount, the overall administrative burden could be reduced;
- c. the TRMA is responsible for ensuring, to a reasonable extent, compliance with the regulatory requirements. With a large number of registrants, and in order to ensure a satisfactory sample has been monitored or reviewed, the annual cost of a compliance program borne by the TRMA is approximately \$250,000.00. This cost could substantially be reduced with fewer compliance reviews taking place, and more sophisticated remitters being responsible for the remittance of the Surcharge.

As well, efficiencies could eventually be realized by computerizing the Surcharge remittance system.

A reduction in the costs of administering the system could result in a reduction of the amount of the Surcharge needed to fund the TRMA.

Proposed Change: Based on best practices, it is recommended or proposed that the Regulation be amended to more closely reflect the scheme regulating the recycling of used oil and used oil products. In this way, the Surcharge would be remitted by first suppliers, or the point of first sale in Alberta, reducing the compliance costs and uncertainty, and generally decreasing administrative expense in administering the recycling program.

6. Requirement for separate accounting of the Surcharge

Issue: Separate accounting of the Surcharge by remitters for completeness and accuracy of remittances.

Rationale: Previously, the Regulation contained a provision as follows:

4. A retailer who supplies a tire shall indicate on the invoice given to the person to whom the tire is supplied whether an advance disposal surcharge is payable and, if a surcharge is payable, what the amount of the surcharge is.

When the Regulation was last amended, this section was deleted from the Regulation. As a result, the TRMA's compliance reviewed has noticed a greater difficulty with compliance and remittance of the Surcharge generally.

When the registrants were compelled to create a separate entry to delineate the Surcharge on an invoice or bill of sale, they in turn usually also had a separate general ledger account to track the surcharge. The existence of a separate general ledger account tended to facilitate and increase the accuracy of the remittance process for the registrant. As well, when accounted for separately, funds tended to be maintained outside the registrant's operational cash, decreasing the likelihood that remittance delays due to cash flow issues would occur.

Compliance issues tend to be a large component of the TRMA's expenses in running the program. Greater accuracy and rates of compliance could reduce that cost, and ultimately affect the level of the Surcharge.

Proposed Change: Since it is now recommended that the Surcharge be remitted at the point of first sale in Alberta, the previous provision would no

longer be relevant. However, it is recommended a similar provision be incorporated in the Regulation, requiring the Surcharge to be separately identified on any invoices or bills of sale and accounted for separately by a registrant.

VI. COMMENTS:

All comments, discussion points, concerns, questions or issues arising should be put in writing and directed to the TRMA for further consideration and possible incorporation into this discussion paper. You are invited to forward your comments to the TRMA no later than **January 31, 2001** to:

Tire Recycling Management
Association of Alberta
P.O. Box 189
Edmonton, Alberta
T5J 2J1

Phone: (780) 990-1111
Toll Free: 1-888-999-8762
Email: trma@trma.com
Attention: Kevin O'Neil

SCHEDULE "A"

1999/2000 Highlights

Demonstration Projects

A priority of the TRMA is to inform Albertans of what is being done with scrap tires and of the results achieved through the TRMA programs. In doing so, the TRMA endeavours to be accountable to Albertans and to create awareness of the valuable new uses and products that are being produced and are available to Albertans.

- The Municipal Millenium Demonstration Project was implemented this year to provide an opportunity for sixteen municipalities or community organizations to incorporate recycled rubber products into community projects such as playgrounds, parks and museums. This project provides two major benefits:
 - A unique opportunity to bring tire recycling 'full circle' back into communities so that Albertans can see the benefits of their recycling efforts; and
 - Other community groups will be able to see the new products in use, and assess their value for projects in their own community.
- A number of pilot projects were implemented to test the acceptability of crumb and manufactured crumb products. These included the use of loose crumb in a beach volleyball court in Peace River, the use of molded bricks as a walkway to the main entrance of the Edmonton Waste Management Facility and finally the application of molded bricks for equestrian use at Spruce Meadows in Calgary.
- A 4-H Demonstration Project was implemented to provide 4-H clubs with recycled rubber matting for use as a safe cushion surface in show rings. The joint project between 4-H and the TRMA featured a special trailer that promoted the value of recycled tire products at a variety of community events.
- The TRMA puts its information booth in a number of major trade shows in order to provide a first hand explanation and demonstration of the results achieved.

Research and Development

Multi-year research projects continued to explore major new tire recycling technologies and uses, such as:

- Devulcanization of tire crumb rubber - The purpose of this project is to find a practical way to modify scrap tire rubber so that it can be processed differently, thereby significantly expanding the ways in which it can be recycled. Building

on the knowledge gained through the first two phases, the project moved forward into Phase III, a major stage of research being done under contract with the Alberta Research Council.

- Crumb rubber modified asphalt - The three-year project with the University of Calgary Engineering Department is coming to a conclusion with technical verification of a process to add fine rubber crumb to asphalt to reduce damage caused in roads by cracking and rutting. Analysis of the findings by the project's technical steering committee will be used to define further steps such as field testing.
- Rubber crumb turfgrass soil amendment - The positive results of another growing season have led to a third stage to define technical specifications for the application of rubber crumb as a topdressing and soil amendment in order to maximize the benefits in terms of turf damage protection and prevention of soil compaction.

Municipal Civil Engineering

The following projects were funded using recycled tire shred as a value-added construction material in municipal projects:

- County of Leduc Regional Landfill - leachate collection system
- County of East Peace - Judah Hill bank stabilization
- Highway 43 East Regional Waste Commission - leachate collection system
- Athabasca Regional Landfill - leachate collection system
- City of Calgary - leachate collection system
- Lesser Slave Lake Regional Waste Management Commission - leachate collection system
- County of East Peace - leachate collection system
- Rocky View Landfill (BFI) - leachate collection system

Municipal Landfill Projects

Special projects were undertaken to clean up tire piles in Fort McMurray, Lloydminster, High Level and La Crete.

Interprovincial and International Cooperation

The TRMA is working with other provincial and international programs to ensure that the Alberta tire recycling program and related industries are equipped with the latest information and that our lessons learned are shared with others. The TRMA has been a key player in both the Western and the Canadian Alliances of Provincial Tire Recycling Programs.



APPENDIX

Environmental Protection
and Enhancement Act

TIRE RECYCLING AND MANAGEMENT REGULATION

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Definitions

1 In this Regulation,

- (a) "Act" means the *Environmental Protection and Enhancement Act*;
- (b) "Association" means the *Tire Recycling Management Association of Alberta*;
- (c) "by-law" means a by-law made by the Association under section 15;
- (d) "depot" means a depot designated by the Association for the collection of scrap tires;
- (e) "Fund" means the *Tire Recycling and Management Fund* established under section 5;
- (f) "Minister" means the *Minister of Environmental Protection*;
- (g) "motor vehicle" means a motor vehicle within the meaning of the *Motor Vehicle Administration Act*.

- (i) in respect of which a certificate of registration or permit under that Act is required, or
 - (ii) that is registered or licensed in accordance with the laws of a jurisdiction outside of Alberta;
- (h) "new tire" does not include a retreaded tire;
- (i) "processor" means a person who processes scrap tires;
- (j) "retailer" means a person who supplies in Alberta new tires of a class in respect of which an advance disposal surcharge is payable, whether the tires are supplied separately or on a motor vehicle, trailer, tractor or implement of husbandry that is supplied by that person, but does not include a person who supplies such tires only within the boundaries of Lloydminster;
- (k) "scrap tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage or defect;
- (l) "supply" means to transfer a property interest
- (i) by gift, or
 - (ii) by any transaction in the nature of
 - (A) a sale, or
 - (B) a lease for a period of at least one year;
- (m) "tire" means a tire that is manufactured for the purpose of being used on the wheel of a motor vehicle, trailer, tractor or implement of husbandry;
- (n) "trailer" means a trailer within the meaning of the *Motor Vehicle Administration Act*
- (i) in respect of which a certificate of registration or permit under that Act is required, or
 - (ii) that is registered or licensed in accordance with the laws of a jurisdiction outside Alberta.

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Tires as
designated
material

2 Tires are hereby designated as designated material for the purposes of Part 9, Division 1 of the Act.

Management
board
established

3(1) The Tire Recycling Management Association of Alberta, being a society incorporated under the *Societies Act*, is hereby established as a management board within the meaning of section 168(II) of the Act.

(2) The Association shall administer the Fund in accordance with this Regulation, the by-laws and the objects and by-laws of the Association under the *Societies Act*.

Annual report

4(1) The Association shall

(a) not less than 30 days before the start of each fiscal year provide to the Minister a business plan for the Association that indicates its goals for the coming fiscal year, and

(b) not more than 6 months after the end of each fiscal year provide to the Minister an annual report summarizing the activities of the Association and containing the audited financial statements of the Association for the fiscal year.

(2) The remuneration and benefits that were paid to

(a) all members of the board of directors of the Association, and

(b) all management personnel who report directly to one or more of the members of the board of directors

during the fiscal year must be reported in the financial statements or as a note or schedule to the financial statements.

(3) The remuneration and benefits must be reported

(a) on an individual basis by name in the case of the persons referred to in subsection (2)(a), and

(b) on an aggregate basis in the case of the persons referred to in subsection (2)(b).

3. The *Tire Recycling and Management Regulation* (AR 206/96) is amended by adding the following after section 3:

Freedom of
Information
and Protection
of Privacy

- 3.1(1) The Association shall comply with the *Freedom of Information and Protection of Privacy Act* in the course of carrying out its powers, duties and functions under this Regulation.
- (2) The Association shall designate a person to be responsible for freedom of information matters.
- (3) If a request for access to information pursuant to the *Freedom of Information and Protection of Privacy Act* is made, the Association shall
- (a) in the case of a request made directly to the Association, immediately direct the request to the Department's Freedom of Information and Protection of Privacy Co-ordinator, and,
 - (b) in every case, comply with such directions regarding the request as may be provided by the Co-ordinator.
- (4) All records in the custody or under the control of the Association that are required in the carrying out of its powers, duties or functions under this Regulation are subject to
- (a) the *Records Management Regulation* (AR 57/95), or
 - (b) any regulation that replaces the *Records Management Regulation* (AR 57/95).
- (5) All information and records created or maintained in the course of carrying out the powers, duties and functions under this Regulation become and remain the property of the Crown in right of Alberta.
- (6) The Association shall designate a person to be responsible for records management matters.

(4) The Minister is authorized to disclose personal information reported under this section, and this subsection constitutes an authorization for the purposes of section 38(1)(e) of the *Freedom of Information and Protection of Privacy Act*.

Fund
established

5(1) There is hereby established an industry operated recycling fund to be called the Tire Recycling and Management Fund, which shall be used to provide or pay for any or all of the following:

- (a) establishing and administering a scrap tire waste minimization and recycling program;
- (b) education programs for the purpose of the scrap tire waste minimization and recycling program;
- (c) expenditures incurred in the collection, transportation, storage, processing and disposal of scrap tires;
- (d) research and development activities related to scrap tire management;
- (e) promotion and development for marketing the products of scrap tire recycling.

(2) The following shall be deposited into the Fund:

- (a) advance disposal surcharges on new tires, as provided for in this Regulation and the by-laws;
- (b) gifts, donations, grants and bequests to the Fund.

(3) Investment income earned on deposits of the Fund accrues to and forms part of the Fund.

(4) Salaries, fees, costs, expenses and liabilities incurred in the administration of the Fund shall be paid out of the Fund.

Registration

6(1) Every retailer shall apply to the Association to be registered for the purposes of the remittance of advance disposal surcharges under this Regulation.

(2) Any person who wishes to supply scrap tires to a processor may apply to the Association to be registered for that purpose.

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(3) An application referred to in subsection (1) or (2) shall be made in a form and manner that is acceptable to the Association.

(4) The Association shall assign a registration number and issue a certificate of registration to a person it registers under subsection (2) or (3) and shall notify that person in writing of the number and the effective date of registration.

Security

7 The Association may require an applicant for registration or a registrant

(a) to provide security to the Association, or

(b) to provide to the Association evidence of security

in a form and amount that is acceptable to the Association for the purpose of ensuring that the applicant or registrant exercises his powers and carries out his duties as a registrant in accordance with the Act, this Regulation and the by-laws.

Cancellation and suspension of registration

8(1) The Association may cancel or suspend the registration of a registrant if the registrant contravenes the Act, this Regulation or the by-laws.

(2) The Association may cancel the registration

(a) of a registrant who is a retailer if the registrant ceases to carry on business as a retailer, or

(b) of any registrant, if the registrant applies to surrender his certificate of registration.

(3) A person who ceases to be a registrant by virtue of subsection (1) or (2) or whose certificate of registration is under suspension shall forthwith surrender his certificate of registration to the Association.

Prohibition

9 No person shall carry on business as a retailer unless the person is registered as a retailer and the registration is not under suspension.

Advance disposal surcharge

10(1) If the Association prescribes an advance disposal surcharge for a class of tire in the by-laws, a retailer who supplies a new tire of that class shall, for each new tire so supplied, remit the prescribed advance disposal surcharge to the Association.

(2) Subsection (1) does not apply to a supply transaction that is of a kind that is exempted from the application of that subsection in the by-laws.

(3) A retailer shall

(a) by means of a return, account to the Association for all advance disposal surcharges that must be remitted, and

(b) remit all advance disposal surcharges to the Association

in the form and manner and at the times required in the by-laws.

Surcharge in trust

11 A retailer holds all advance disposal surcharges that he is obliged to remit under section 10 in trust for the Association.

Recovery of surcharge

12 An advance disposal surcharge and any interest owing in respect of it are recoverable by the Association in an action in debt.

Supply of scrap tires to processor

13(1) A person who is a registrant and is in compliance with the Act, this Regulation, the by-laws and any applicable permit issued under the by-laws may supply scrap tires to a processor at a depot.

(2) No person shall supply scrap tires to a processor in an amount or number that exceeds the amount or number permitted in the by-laws for that person or for that class of scrap tire or in any applicable permit referred to in subsection (1).

(3) No person who holds a permit referred to in subsection (1) shall contravene a term or condition of the permit.

Reporting

14 A person who supplies scrap tires to a processor shall provide reports to the Association and to the processor in the form and manner and at the times required in the by-laws or by the permit referred to in section 13(1).

By-laws

15(1) The Association may make by-laws

- (a) classifying tires, new tires and scrap tires for the purposes of the by-laws;
- (b) respecting agreements between the Association and any person and between registrars and processors concerning any aspect of the collection, disposal, processing, waste minimization or recycling of scrap tires;
- (c) governing registration of retailers and other persons for the purposes of section 6, including prescribing registration fees;
- (d) subject to subsection (2), prescribing for the purposes of section 10(1) the advance disposal surcharges that are to be remitted;
- (e) exempting supply transactions for the purposes of section 10(2);
- (f) respecting the form and manner in which and the times at which an accounting must be made and advance disposal surcharges must be remitted for the purposes of section 10(3);
- (g) requiring the payment of interest on advance disposal surcharges that are not remitted by retailers to the Association as required by this Regulation and the by-laws;
- (h) providing for the assessment by the Association of the amount of advance disposal surcharges owing by a retailer to the Association where a return has not been made by a retailer, where a return has been made but is incorrect or misleading or where surcharges that should have been collected and remitted were not collected and remitted;
- (i) governing the issuance, cancellation and suspension of permits for the purposes of section 13;
- (j) prescribing for the purposes of section 13 the amount or number of scrap tires that may be supplied to a processor;
- (k) governing the form and manner of providing reports and the times at which they must be provided for the purposes of section 14;

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(1) respecting the records that registrants must keep in respect of transactions in tires and the making of those records available for inspection by the Association and representatives of the Department of Environmental Protection.

(2) The advance disposal surcharge prescribed in a by-law under subsection (1)(d) shall not exceed \$4 per tire.

Notice to
Minister

16 Where the Association proposes to change its objects or by-laws under the Societies Act, it shall give reasonable prior notice of the nature of the proposed changes to the Minister.

Offence

17 A person who contravenes section 6(1), 8(3), 9, 10(1) or (3), 13(2) or (3) or 14 is guilty of an offence and liable to a fine of not more than

(a) \$50 000 in the case of an individual, or

(b) \$500 000 in the case of a corporation.

Transitional

18 *On the coming into force of this Regulation*

(a) *all cash and securities held in an amount equal to the accumulated net revenue of the Tire Recycling and Management Fund established under the Tire Recycling and Management Regulation (Alta. Reg. 249/92) shall be transferred to the Environmental Protection and Enhancement Fund under the Environmental Protection and Enhancement Act, and*

(b) *all other property, assets, liabilities and obligations of the Tire Recycling and Management Board established under the Tire Recycling and Management Regulation (Alta. Reg. 249/92) become the property, assets, liabilities and obligations of the Association.*

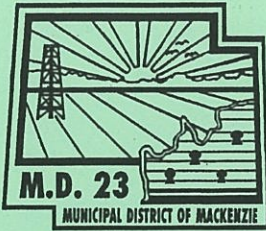
Repeal

19 *The Tire Recycling and Management Regulation (Alta. Reg. 249/92) is repealed.*

Coming into force 20 *This Regulation comes into force on October 15, 1996.*

Expiry 21 *For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on October 15, 2001.*

6/60829/11/4



M.D. of Mackenzie No. 23

Request For Decision

Meeting:	Committee of the Whole
Meeting Date:	February 6, 2001
Originated By:	Ivan Perich, Director of Operational Services
Title:	EXH Engineering
Agenda Item No:	3 c)

BACKGROUND / PROPOSAL:

Garth Thomson and Bud Norris will be making a presentation on behalf of EXH Engineering.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

COSTS / SOURCE OF FUNDING:

Not applicable

RECOMMENDED ACTION (by originator):

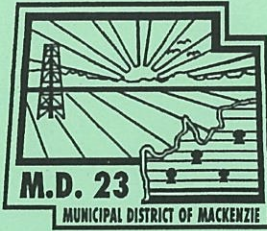
That

the presentation of EXH Engineering be accepted for information.

Review:

Dept.

C.A.O.



M.D. of Mackenzie No. 23

Request For Decision

Meeting:	Committee of the Whole
Meeting Date:	February 6, 2001 Harvey Prockiw, CAO
Title:	Public Lands
Agenda Item No:	3 d)

BACKGROUND / PROPOSAL:

Questions have been raised about various issues regarding public lands. Camille Ducharme will be in attendance to explain the pamphlets included in the White Zone Information Package attached..

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

Items for discussion are:
Crown Timber Resources on White Area public Land
Sale of Public Land
Information on Acquiring Public Lands
Public Land
Public Land User's Rights and Responsibilities
Shared Stewardship Accord
The Agriculture Review Process
Agricultural Lease Review Report
Agricultural Dispositions Statutes Amendment Act

COSTS / SOURCE OF FUNDING:

Not applicable

RECOMMENDED ACTION (by originator):

That this report be accepted for information.

~~the presentation of EXH Engineering be accepted for information.~~

Review:

Dept.

C.A.O.

White Area Information Session
 prepared for the
 Municipal District of Mackenzie No 23.

Camille Ducharme
 Public Land Specialist
 Fort Vermilion

Feb 6, 2001

Topics

- Green / White Area
- Green / White Land Exchange Update
- Land Sale
- Agricultural Lease Review
- White Area Timber Commitment

Green / White Area

- Public land administered under the *Public Lands Act* is owned by the gvt of Alberta. Approx. 60% of Alberta's land base is public land.
- Public land is divided into two categories: Green and White Area (Map)



Green / White Area

- **White Area**
 - (Settled portion) consist of the populated central, southern and Peace River areas of the province
 - Managed by AFFRD-Public Lands for various uses including: agriculture, recreation, soil and water conservation, fish and wildlife habitat and other uses

Green / White Area

- **Green Area**
 - (forested portion) comprises most of northern Alberta as well as the mountain and foothills area along the province's western boundary
 - Managed by Lands and Forest Services for timber production, watershed, wildlife and fisheries, recreation and other uses.

Green / White Area

- Shared Stewardship Accord is a ministerial agreement regarding the stewardship of public lands in the White Area to ensure continuation of integration of all natural resources.
 - Public Lands is the land manager.
 - AEP (F+W, LFS, WR) are the resource managers



Green / White Area

■ Role of the Land Manager

- Recommend new dispositions
- Monitor leases and enforce compliance to the requirements
- Ensure that multiple use are accommodated and protected.
- Relies on resource managers for information and advice
- Make land use allocations based on integration of all resources

Green / White Area

■ Role of Resource Managers

- Provide the land manager with information and advice on:
 - Timber (Lands and Forest Services)
 - Wildlife (NRS-Fish and Wildlife)
 - Water Conservation (NRS-Regional Support)

Green / White Land Exchange Update

■ History

- Initiated in 1994 by LFS and PL staff.

■ Objective

- Thorough analysis of the land adjacent to the existing Green / White Area boundary



Green / White
Land Exchange Update

- Criteria used:
 - Highest and best use of the land considering:
 - Suitability of the land for agriculture VS. potential productivity for forestry or other uses
 - Existing merchantable timber
 - Conservation concerns (muskeg, banks, etc)
 - Existing commitments
 - Leases, FMA, etc

Green / White
Land Exchange Update

- Access (Costs)
- Drainage (feasible, costs)
- Soils (type, arable/farmable, PH)
- Demand

Green / White
Land Exchange Update

- PL and LFS came to preliminary agreement on a potential land exchange in early 1996
- June 3+4 1996, public meetings were held in La Crete and High Level to receive comments from the public.



**Green / White
Land Exchange Update**

- July 22, 1996, LFS and PL made a presentation to the MD Council. The Council endorsed the following:
 - Two isolated blocks of white zone land SW of High Level be transferred into the green zone.
 - That the remainder of the land transfers be subject to further review by MD, PL and LFS.

**Green / White
Land Exchange Update**

- Aug 29, 1996, the MD forwarded an MD map outlining all land requested to be included in the White Area.
- July 1998, PL and LFS submitted the latest proposal to the MD.

**Green / White
Land Exchange Update**

- Where are we at now?
 - Only land agreed upon SW of High Level was transferred into the Green Area.
 - No other land transfer occurred.
 - The MD, PL and LFS need to discuss the last proposal and determine where to go from there.



Land Sale

- Public Land Sale
 - Vacant public land
 - Land under disposition
- Private Land Sale

Land Sale

- Vacant land (no disposition)
 - Application submitted by individual
 - Referral request sent to all resource managers.
 - Once all comments are received, Public Lands makes a land use decision based on integration of all natural resources.

Land Sale

- Land can be sold if:
 - There are no potential erosion, conservation or resources limitations
 - Legal access available
- Land is sold by auction or tender



Land Sale

- Land under disposition (grazing lease or farm development lease without option to purchase)
 - Application submitted by lessee
 - Referral request sent to all resource managers.

Land Sale

- Once all comments are received, Public Lands makes a land use decision based on integration of all natural resources.
 - 2 options
 - Continue the existing lease
 - Sale by auction or tender
- The lessee does not have a priority right to purchase the land without competition.

Land Sale

- Private Land Sale (no competition)
 - Occurs on land under disposition that contains an option to purchase:
 - Civilian Homestead
 - FDL with option
 - Occurs also on Miscellaneous or Recreational Lease once the land have been fully developed.

11



Agricultural Lease Review

- Documents available
 - Agricultural Lease Review Report (Nov 98)
 - Agricultural Dispositions Statutes Amendment Act -Bill 31 (Nov 99)

Agricultural Lease Review

- Issue 3.1 Sale of public land (p.6)
 - "Continued use and conservation of public land under provincial ownership is supported"... "This intention will be tempered with orderly sales of vacant public land... primarily in the Peace River Block, which are NOT required for provincial programs and conservation"

Agricultural Lease Review

- "The public land base in the White Area should be maintained under provincial control. The following exceptions are recognized:"
 - Cultivated public land
 - Vacant public land - Peace Block

11



Agricultural Lease Review

- "Cultivated public land in the white Area will be sold":
 - Using normal process and guidelines for land under disposition.

- The only proposed change is as follows:

- The existing leaseholder will have the right to match the highest bid in the public auction or tender.

Agricultural Lease Review

- Sale of vacant public land in the Peace River Block for agricultural development if it is a surplus to the government's needs. "This would occur only as demand warranted and applications are received, in close cooperation with the local municipal governments and the public involvement"

White Area Timber Commitment

- Letter of Agreement signed in June 99 between the Province and Footner Forest Products Ltd.
- The province will issue DTAs to FFP at an average volume of 100,000m3 per year for 20 year, renewable to the extend there is remaining volume and as provided for under the *Forests Act*.



January 12, 2001

The Agricultural Lease Review Process:

In 1997, Tom Thurber, MLA for Drayton Valley – Calmar was asked by the Premier to lead the Agricultural Lease Review. He and four other MLAs held 23 public meetings throughout Alberta and received hundreds of written submissions during their review, which resulted in the “Interim Report of the Agricultural Lease Review”, released in May 1998. Comments and suggestions resulting from that report were reviewed, resulting in the release of the Government’s “Agricultural Lease Review Report” in November of 1998.

The Agricultural Lease Review Report outlined the Government’s intentions and actions to occur on 9 major issues, and also made comments on 14 issues which should be developed in the future. The nine major issues are outlined on pages 6 – 9 of the Report. The Report also provided the direction for the drafting of the *Agricultural Dispositions Statutes Amendment Act* (Bill 31). Changes in current policy, which were outlined in the Report and required legislative changes, were included in Bill 31. Other changes in policy that do not require legislative changes will be made once the legislation is finalized.

Bill 31 received Royal Assent in May of 1999, and became the *Agricultural Dispositions Statutes Amendment Act, 1999*. Since the Act is an “enabling” Act, regulations are required to provide the details needed to make the Act work. The Government stated that the Act would not be proclaimed until regulations have been developed.

In the fall of 1999, a “Discussion Document on Draft Regulations” was released for public review, with comments to be received by the end of January 2000. Once the comments were received, Mr. Dave Broda, MLA for Redwater was asked to lead a review with key stakeholder groups seeking areas of consensus. Mr. Broda’s review will also incorporate feedback received from the public and stakeholder groups on the Discussion Document on Draft Regulations. Mr. Broda is meeting with stakeholder groups and will likely submit his report later this year.

Issue 3.1 Sale of public land:

Sale of public land is one of the issues dealt with in the Government’s Agricultural Lease Review report (Issue 3.1, page 6).

In the “Intention” the report states that “continued use and conservation of public land under provincial ownership is supported”. However it goes on to state that “this intention will be tempered with orderly sales of vacant public land in the Northern Alberta Development Council Area, primarily in the Peace River Block, which are not required for provincial programs and conservation”.



In the "Action" under Issue 3.1, the Government states that the public land base in the White Area should be maintained under provincial control, with the following exceptions:

- **Cultivated public land** in the White Area of the province will be sold if no conservation reasons exist to preclude the sale and the existing disposition holder agrees to the sale. All land sales will be made through a public auction or tender. The existing disposition holder will have the right to match the highest bid in the public auction or tender.
- Sale of **vacant public land** in the Peace River Block for agricultural development if it is surplus to the province's needs. "This would occur only as demand warranted and applications are received, in close cooperation with the local municipal government and with public involvement".





LEGISLATIVE ASSEMBLY
ALBERTA

November, 1998

The Public land base in the White (settled) Area of the province is unique and diverse. Our government is committed to the wise management of Alberta's natural resources and environment for the long term benefit of Albertans. Those accessing public land for business or less intensive uses are concerned with ensuring the long term viability of their use and knowing the relationship they will have with the landowner (province).

As we move into the next millennium there will be increasing demands on this public land. This report provides the framework for legislative and policy change to ensure the sustainable use and protection of the resource. To ensure a timely delivery of actions, we have asked Mr. Tom Thurber, MLA and Chairman of the Agricultural Lease Review Committee to assist us with the implementation of the legislative and policy changes required from the report.

Thank you to all who took the time to provide input to the Agricultural Lease Review Committee.

Handwritten signature of Ed Stelmach in cursive.

Honourable Ed Stelmach
Minister
Agriculture, Food and Rural Development

Handwritten signature of Ty Lund in cursive.

Honourable Ty Lund
Minister
Environmental Protection



Agricultural Lease Review Report

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Background

A number of public land agricultural leasing issues have been of concern to Albertans, and have caused both public land disposition holders and other members of the public to voice their concerns to the government.

On March 26, 1997, Premier Klein announced the appointment of Tom Thurber, MLA, Drayton Valley - Calmar to lead the review of public lands policies in the White Area of the province with special emphasis on grazing lease issues. On May 27, 1997, the Honourable Ed Stelmach, Minister of Agriculture, Food and Rural Development, announced the terms of reference for the *Agricultural Lease Review Committee*. Marlene Graham, MLA, Calgary Lougheed; Paul Langevin, MLA, Lac La Biche - St. Paul; Barry McFarland, MLA, Little Bow; and Ivan Strang, MLA, West Yellowhead were appointed to serve with Mr. Thurber.

Public land in the White Area covers approximately 6 per cent of the Alberta land base, or 10 million acres. This public land is primarily agricultural land (settled), managed for agriculture and multiple use.

Introduction

During October and November of 1997, the Agricultural Lease Review Committee held 23 public meetings in 20 locations across Alberta to listen to the views of Albertans and consult with them on the issues brought forward at each meeting. Before each public meeting, an open house was hosted by staff from Agriculture, Food and Rural Development and Environmental Protection to provide information and clarification of existing government policy and legislation for the management and leasing of public land in the White (settled) Area.

The Committee also invited written submissions to be sent in until December 31, 1997. In total, the Committee heard 259 verbal presentations and received 454 written presentations from Albertans. They reviewed the written and verbal presentations and used them to form the basis for the Interim Report, which was released for public review at the end of May 1998. In addition to the recommendations, the interim report contained the Terms of Reference of the Agricultural Lease Review, a full list of the public meeting locations, and a summary of the submissions received by the Committee.

Comments were received on the Interim Report by the Committee before the end of September 1998. During the four-month review period, the Committee received more than 1,000 written comments. They also discussed issues with individuals and groups during that time.



A Public Land Management Strategy

In March 1997, the Agricultural Lease Review Committee set out to hear the views of Albertans regarding the management of public land in the White Area of the province. The intent of the review was to examine viewpoints and current policies and practices, and to develop actions to resolve several long-standing issues regarding public land management. Most of these issues involve the balance between the rights and obligations of agricultural leaseholders, especially holders of grazing leases. Some examples of the issues are the degree of control of public access by grazing leaseholders, and the compensation received for industrial surface access. Much of the public land existing today was considered "marginal" or "wasteland" when settlers originally opened these areas for agriculture. Today the land is a valuable resource for livestock grazing.

Over the years, Alberta society's needs and expectations have changed, and the balance of rights and obligations needs to be clarified at least, and changed, where necessary, to reflect the needs and goals of an Alberta poised to enter the next millennium. To accomplish this review, the Committee went to communities to hear what Albertans at the grass roots level had to say.

The following is the Government's strategy for management of these public lands.

1. Alberta's Public Lands in the White Area – Guiding Principles

Alberta's provincial public lands, whether they are grasslands, forested lands or wetlands, possess a spectrum of unique attributes that Albertans value. Their essential quality seems to be that they are natural landscapes that have had limited alteration by human activity and as such, represent living links to the past. Historically, the principle uses for public land in the White Area have been livestock grazing in support of ranching and farming, with smaller parcels of cultivation and vacant public land primarily limited to the northern half of the province. Today, land leased for grazing remains largely ecologically intact, having unique soil, vegetation and animal life, where natural processes and functions are still at work.

Healthy grazing lease lands provide a variety of important values for the agriculture sector and society as a whole. To livestock producers, grazing lease lands provide an important supply of forage and water for livestock production. With careful management, stable flows of animal products can be sustained, and local individuals and communities supported, while maintaining the basic rangeland resources (soil, vegetation and water). In addition, grazing lease lands are important storehouses of biodiversity, supporting rich native plant communities and providing habitat for fish and wildlife species, as well as being valued for other natural resources. They are valued by many for their heritage, recreational and aesthetic merits. These lands are also vital to the proper functioning of watersheds and for providing quality water to downstream users. The lands also support the needs of industrial users. In short, grazing lease lands are managed under a multiple use philosophy to meet the many and varied needs of Albertans.

Although there are different and sometimes conflicting goals and aspirations for these lands, there exists a fundamental principle (a common vision) that was conveyed to the government – *that Alberta's settled area public lands, and in particular grazing lease lands, are a precious resource that warrants careful, long-term*



stewardship and protection. Stewardship carries with it the responsibility to protect the health of the resource and long-term sustainable production through thoughtful management of the rangeland ecosystems.

Grazing lease lands are a wide range of sizes, from landscapes as large as townships, to individual quarter sections. At the large scale, these lands represent whole ecological units. At the small scale, they can be islands of native plant communities within the altered landscape. The common vision of Albertans for public land seems solidly behind maintaining the largely unaltered landscapes for a variety of private and public values. Included in this vision is consideration for the health of these landscapes. By understanding ecological principles, careful management nourishes the productive capacity of public land.

2. Goals

With the guiding principles in mind, these goals were used to refine the actions:

- Public lands are viewed by Albertans as a valuable asset to the province of Alberta, as well as legacies for Albertans. The management of these lands must sustain this legacy and also maintain a positive impact on the environment. They should be managed to achieve the greatest benefits to the province and its people.
- To the extent possible, as many Albertans from all walks of life should benefit from and enjoy the natural beauty and splendor of Alberta, including public lands. Use of these lands is not a right; but rather a privilege (i.e., Albertans do not have an unrestricted right to use all public land as some rights have been granted to disposition holders).
- The primary use of public land in the White Area should continue to be for agricultural purposes, although multiple uses will continue to be encouraged.
- The leaseholder should be recognized as a "steward" of their disposition.
- The grazing of livestock is recognized as essential in maintaining the biodiversity and productivity of the grasslands within the White Area.
- The livestock industry's contribution is recognized in the development and growth of this province.
- Legislation, regulation, and policy should be uniform and clear. Information explaining the legislation and policies should then be provided to the public and to users to increase their awareness and understanding.

3. Issues

In general, there is a need for a revised arrangement with disposition holders to reflect current realities in public land management. Specific issues of importance are discussed below in a format that generally explains the issue, outlines the intention regarding that issue, and concludes with the actions. Other issues were also seen as important and these comments (Section 4) should be considered in future public land management policy development.



The following are the issues:

3.1 Sale of public land

Should public land that is used primarily for agricultural production be sold or retained under provincial ownership?

Intention

Continued use and conservation of public land under provincial ownership is supported. There is a public expectation that these lands will continue to be managed by the province. They are a resource which is an asset of the province. This intention will be tempered with orderly sales of vacant public land in the Northern Alberta Development Council Area, primarily in the Peace River Block, which are not required for provincial programs and conservation.

Action

The public land base in the White Area should be maintained under provincial control. The following exceptions are recognized:

- Public land in the White Area that is cultivated will be sold if no conservation reasons exist to preclude the sale and the existing disposition holder agrees to the sale. All land sales will be made through a public tender or auction. There will also be a provision to trade saleable public land for privately owned land of significant conservation value.
- Fragmented and/or fractional pieces of public land that are too small to provide a conservation value, and are inefficient to manage, will be sold by public tender or auction. The existing disposition holder must agree to the cancellation of the disposition if the land is to be sold during the term of the existing lease.
- For the two previous actions, any existing agricultural leaseholder will have the right to match the highest bid in the public auction or tender.
- There is still a role for land in the Northern Alberta Development Council Area, primarily in the Peace River Block, to be sold for agricultural development if it is surplus to the province's needs. This would occur only as demand warranted and applications are received, in close cooperation with the local municipal governments and with public involvement.

3.2 Access to public land

One of the topics often discussed is the question of public access on grazing leases. Public access is generally considered by most people as meaning access for recreational uses such as hunting, hiking and birdwatching.

Intention

Opinions concerning public access on agricultural leases differ widely. Albertans' opinions on this issue tend to cover points such as who is the gate-keeper and what is the gate-keeper's role? The term gate-keeper does not literally mean that the agricultural leaseholder must stand by his gate. Rather, the term reflects the need for the leaseholder to have the ability to control recreational access to the land. The user is then responsible for contacting the leaseholder to obtain permission for access.



Agricultural lessees, in addition to managing the grazing lease, are also managing a business. Lessees can best manage both if they have control of activities that affect their livestock and the grazing resource upon which they depend. However, lands contained in agricultural leases frequently have natural and recreational values which the public would like to, and should be allowed to, enjoy.

Action

- The province, as the owner of public land, will designate the agricultural leaseholder as its gate-keeper for recreational access to the grazing disposition. Any recreational user wishing to access public land held under an agricultural lease must seek permission of the leaseholder. The leaseholder would allow reasonable access, but may deny access based on considerations such as the protection of the land base, protection of the grass resource, and the protection of personal property (including livestock) from the risk of damage resulting from the proposed activity or season of use.
- If the public recreational user considers that the agricultural leaseholder is unreasonably restricting access, they will be able to voice their concern by contacting the province, as the landowner. Public Lands staff in Agriculture, Food and Rural Development would discuss the concern with both the agricultural leaseholder and those recreational users wishing to gain access. If the concern has merit, Public Lands staff will work with the leaseholder to resolve the concern.
- If there is a long-term denial of reasonable access by the agricultural leaseholder, further action can be taken by the province (as the landowner), which in extreme cases may ultimately result in cancellation of the lease.
- The province, as the owner of public land, will encourage further education of all users of public land through an enhanced "Use Respect Program" and through other education initiatives.

3.3 Liability

There are concerns by the ranching community regarding the liability they carry when allowing recreational users onto agricultural dispositions they hold. Similarly, numerous recreational users empathized with the ranchers, and felt that recreational users should be responsible for their own actions.

Currently under the Occupier's Liability Act, visitors on public land leases are either "invited" or "trespassers". If an agricultural disposition holder allows someone to access the disposition, the person becomes "invited" and the agricultural disposition holder accepts the liability of a "common duty of care". Many agricultural disposition holders do not realize the liability they assume when allowing people on their disposition.

Intention

Public recreational access should be encouraged, with the public recognizing that the user is responsible for their own actions. Permission/waiver of liability slips could be issued to recreational users and signed by both the recreational user and the agricultural disposition holder. These slips would not be mandatory. The signed slips would remove a large part of the agricultural disposition holder's duty of care under the Occupier's Liability Act, and place the responsibility on the actual user. This approach balances the responsibilities of agricultural disposition holders and recreational users.



Action

- The Government should review the province's liability legislation with the intention that changes deemed necessary are made through legislation.
- As a part of the expanded "Use Respect" program, permission/waiver of liability slips be made available to agricultural disposition holders.

3.4 Industrial access and surface compensation

There are concerns about both the level of compensation paid to agricultural disposition holders and the amount of control agricultural disposition holders have over industrial development.

Intention

The province's role as landowner should be established in determining what industrial development will occur on public land. There should be a new arrangement between the landowner and the agricultural disposition holders for the surface compensation payments.

The intention and actions outlined for this issue are not intended to apply to negotiations on privately owned land.

Action

For new developments, and on existing developments after the "grandfather" period, the area under development would be removed from the agricultural disposition resulting in the resource developer paying individual lease fees on this area. These development areas would be returned to the grazing lease after the site has been reclaimed.

Arrangement for new oil and gas developments:

- A process will be used to ensure a three way discussion between the energy company, the agricultural leaseholder, and the province on any new development. The agricultural leaseholder's operational concerns need to be addressed and they need to be compensated directly for damages. The energy company would be required to provide the province with signed documentation showing the company has addressed the grazing leaseholder's operational concerns. In cases where the energy company and the grazing leaseholder cannot reach agreement, an arbitration process will be available. Access consent and approval for the energy project will come from the province.
- Although the new system will be different from the current system, the overall amount paid by the oil and gas industry would not be less than the amount currently paid for compensation and rental.
- The energy company must contact the agricultural leaseholder at the initial stage of development. The company will address the leaseholders operational concerns and arrange to pay for damages.
- The province would charge a first year and subsequent annual rental. These rentals will be based on regional comparisons of compensation paid on private land from the previous year.



- Access consent granted to the energy company will be provided by the province after the company has dealt with the agricultural leaseholder's operational concerns and arrangements have been made for payment of damages. There will not be an appeal process for the agricultural leaseholder for the access decision made by the province. An arbitration process will be available to address disputes that may arise between the agricultural leaseholder and the energy company over damages and operational concerns.
- In some rare instances, a former leaseholder either voluntarily gives up his lease or has it cancelled. The province would remove any industrial activity sites from the lease area before tendering out a new lease. The new leaseholder would not receive any compensation for those ongoing activities, since those areas would not be part of the lease.
- For pipelines, the activity area would not be removed from the agricultural disposition; however, the same process addressing access consent, operational concerns, and damages would be used as outlined above for oil and gas developments.

For other industrial developments such as sand and gravel, clay, peat, and other natural resources:

- The disposition area would be deleted from the agricultural disposition without compensation from the developer to the agricultural disposition holder. The developer will address the leaseholder's operational concerns and would arrange to pay for damages. In cases where the development company and the agricultural leaseholder cannot reach agreement, an arbitration process will be available.
- The province, as landowner, would collect a new first year payment and annual rental from the developer.
- With temporary authorizations made by the province, (e.g., for borrow pits), the use will be approved by the province. The developer will address the leaseholder's operational concerns and would arrange to pay for damages.
- Appeals would not be accepted on industrial access decisions from either the agricultural disposition holder or the industrial operator. In cases where the development company and the agricultural leaseholder cannot reach agreement, an arbitration process will be available.

Conservation and Resource Management Funding

- The existing funds collected for industrial developments would continue to flow into the general revenue of the province. Some of the "new" revenue created from the new arrangement for industrial development and exploration, will be used for conservation and resource management purposes. These funds would be used for such things as partial funding of resource enhancement, resolving multiple use conflicts, education, research, and increased monitoring of dispositions.

Phase-in Period

A phase-in period will occur.

- Existing oil and gas developments will be "grand fathered" for a 10 year period once the new proposals are adopted. This will allow the grazing leaseholders with existing oil and gas developments to maintain their existing compensation arrangements until the natural productive end of the development, or 10 years, whichever occurs first.
- All new oil and gas and other industrial developments would be approved under the new arrangements.



3.5 Industrial access for resource exploration

Concern was expressed by exploration companies (e.g., oil and gas, sand and gravel, metallic minerals) that agricultural disposition holders limit and sometimes deny access to explore on public land under agricultural disposition.

Intention

Again, the province's role as landowner should be clearly established in its determination of what resource exploration activities can occur on public land.

Action

- Access consent to the exploration company will be provided by the province after the company has dealt with the agricultural leaseholder's operational concerns and arrangements have been made for payment for damages. Appeals on land use decisions would not be accepted. In cases where the exploration company and the agricultural leaseholder cannot reach agreement, an arbitration process will be available.
- Fees (e.g., Permit Fees) by the exploration operator would be paid to the province (as landowner). The province will develop a schedule of fees that would be paid to the province by the exploration operator, based on regional comparisons of fees paid on private land. The exploration operator pays the agricultural leaseholder directly for damages to his improvements.

3.6 Environmental protection

This issue revolves around the protection and use of natural resources on public land. This is a key issue which is addressed in provisions of many of the earlier issues.

Intention

The protection of natural resources and the sustainable use of these resources are key considerations for a long-term public land management strategy. Natural resources should be protected and enhanced where possible and practical. Use of these resources must be done in a sustainable way to ensure the resources are available to future generations.

Action

- A stewardship code of practice will be developed for agricultural users with their involvement. This code of practice would be the barometer for measuring "good stewardship". A code of practice will also be developed for other users of public land. These codes will be publicized and will be used in determining tenure (see Section 3.8).
- All dispositions on public land will have mandatory audits every five years by provincial agrologists. When problem cases are identified, they will be checked yearly until the problems are resolved.
- Privately owned lands more suitable for conservation purposes will be acquired through the trade of saleable, less sensitive public lands.
- Grazing disposition holders will continue to file annual stock return forms, which would also note stewardship.



- Riparian areas on public land will be a priority for management. The proper management of these areas will be part of the code of practice to be developed. Stewardship courses for agricultural disposition holders, as well as monitoring and enforcement, will continue and be enhanced.
- Education and information initiatives with disposition holders will be continued and enhanced. Work with agricultural users has been extremely effective through efforts such as the "Cows and Fish" program.
- The increased funding for conservation resource management purposes will assist in resource enhancement projects, increased monitoring of dispositions, education, research, and helping to resolve some multiple use concerns.

3.7 Rental rates and municipal taxes

Grazing disposition holders are currently responsible for paying municipal taxes on public land they hold under disposition. They pay these taxes directly to the municipality. Submissions received by the Committee indicate that the relationship between the province, as the owner of public land, and their tenants should be more in line with that of a private landowner and their tenant. Taxes are paid by the province on Provincial Grazing Reserves.

Intention

The province, as the landowner, should be responsible for the municipal taxes on their land. Similar to what happens in a private landowner and tenant relationship, the cost of these taxes would be built into the disposition fee charged by the landowner. The landowner, not the tenant, then pays the taxes directly to the municipality.

The rental rates on public land grazing leases should be equivalent to private land arrangements, where similar services are provided. The new rates should also recognize the service that leaseholder's provide as "stewards of the resource".

Action

- The grazing disposition holder will no longer be responsible for paying taxes directly to the municipality for public land under disposition. Instead, the province, as landowner, would forward to the municipalities the amounts normally assessed as taxes on these public lands. These payments would be in the form of a "Payment In Lieu of Taxes". Grazing fees would be re-defined to reflect such an arrangement, with the grazing disposition holder paying a "comprehensive fee" for the disposition. The complete fee will be based on a formula that is flexible, and considers changes in cattle prices and changes in the applicable municipality's tax rate.
- Rental rates will be reviewed after the changes recommended in this report have been implemented and a new landowner/tenant relationship has been developed. The review should consider the role the leaseholder plays as a "steward of the resource". In the interim, rental rates will include municipal taxes.



3.8 Grazing disposition assignments and tenure

This issue revolves around the ability to transfer the disposition and the length or term of the disposition.

Intention

Grazing lease assignments should continue as they are currently done, with the province charging an assignment fee on an animal unit month basis.

Some have called for increased tenure on grazing dispositions held by proven "good stewards". The province, as the landowner, must rely on the grazing disposition holder to be the resident "steward" of the disposition and "gate keeper" of the disposition for recreational access. Good stewardship should be rewarded and poor stewardship must be addressed. Stewardship should be recognized in the tenure of a disposition.

Action

- Registration or assignment fees paid to the province by the existing disposition holder will remain and continue to be set as they are currently.
- Registration or assignment fees should be paid to the province on the transfer of shares by a corporation that holds an agricultural disposition.
- Assignments within the "family", for both individuals and corporations, should continue to be supported and charged a nominal flat fee.
- Good stewards (as defined by the code of practice) should be rewarded with 20-year leases.
- First time lease terms should be 10 years. However, first time leaseholders should be audited more frequently than the mandatory five year audits recommended in the Interim Report and enforcement measures be taken if the new leaseholder fails to comply with the provisions of the code of practice.
- For disposition holders that have a track record of poor stewardship, a probationary lease term would be initiated for one to five years. This disposition term would provide a warning to the leaseholder that their stewardship is in question and further action will be taken if it does not improve and would be audited yearly.

3.9 The name "public land"

Several issues and concerns revolve around the name "public land".

Intention

Public land is land owned by the province and managed for Albertans. The term "public" gives an impression of ownership by all and an undeniable right for the public to use these lands, irrespective of prior rights being granted. The term "Crown" was seen to be too all encompassing and inclusive of other land managed by the province such as Provincial Parks or the Federal Government land. In the second round of consultation, the Committee heard from numerous individuals and groups who feel the change to provincial lands was inappropriate and was an attempt to take away rights from the public. Public land is viewed as the appropriate name.

Action

The term "public lands" should remain as is.



4. Comments

The following issues were seen as important, and will be considered in future public land management policy development.

4.1 Public involvement

We recognize public involvement as an important part of making decisions on the use of public land. Today, there are opportunities for public involvement at all levels of decision making on public land, ranging from regional integrated decisions covering a large area, to local site-specific decisions such as for a grazing disposition or mineral surface lease. Public Lands staff manage public land in the White (settled) Area of the province on behalf of Albertans. With this in mind, Public Lands staff, in their role as the land manager in the White Area, consider a number of factors in deciding when public involvement is required to help them make their land management decisions. This process is reasonable.

4.2 Wildlife management

The protection of wildlife habitat is important. However, because of the transient nature of wildlife movement, the management of wildlife becomes a larger issue. The protection or enhancement of wildlife habitat on public land, with the joint cooperation of the agricultural disposition holder, should be supported. Other initiatives were also discussed earlier in Section 3.6, *Environmental protection*.

4.3 Access for trappers

Access for trappers to their registered traplines should be allowed. However, more communication between the agricultural user and the trapper must occur, to ensure each understands the other's needs and concerns.

4.4 Grazing zone boundaries

There are concerns about the difference in grazing fees north and south of the North Saskatchewan River (boundary between grazing zone B and C). There were suggestions that the Peace River Block (in zone C) has more adverse differences as compared to the rest of zone C, north of the North Saskatchewan, than does land north and south of the North Saskatchewan River. The boundary should be reviewed and consideration be given to creating a boundary that makes zone C the Peace River Block only.

4.5 Municipal needs

Municipalities will have some priority for use of resources on public land when the resource is needed for a public work. The province, as landowner, will be able to withdraw parcels from a disposition without the agreement of the disposition holder, as such occurrences are considered to be for the public good (e.g. municipal needs). There would be a three-way discussion between the disposition holder, the



province, and the the municipality. The municipality would address the leaseholder's operational concerns and would arrange to pay for damages.

4.6 Fragmentation of public land

Provincial policies should not create pressure for the fragmentation of public land into smaller and smaller lease units. Although this should not be "regulated", some encouragement will be made to maintain the size of the units. Where a conservation easement is placed on private land, tenure on public land leases held in conjunction with the private land could be increased to provide a degree of protection to the whole ranching unit.

4.7 Shared Stewardship Accord between Environmental Protection and Agriculture, Food and Rural Development

The Shared Stewardship Accord is a success. It provides a "partnership" between the administration and management of public land. Agriculture, Food and Rural Development should continue to manage public land in the White Area as does Environmental Protection manage public land in the Green (forested) Area. Agriculture, Food and Rural Development should continue to be the one-window for management of public land in the White Area.

4.8 Grazing subletting

Subletting (also known as subleasing) is an agreement where the grazing disposition holder receives a payment from the third party in exchange for the third party's use of the land for grazing. Currently, subletting of a grazing disposition is not allowed except in extraordinary circumstances, such as estate cases, medical problems of the disposition holder which temporarily prevent his use of the land, or other exceptional situations such as fire or drought. Subletting, in these cases, is considered a last resort, is short-term in nature, and must be approved by the province.

The current policy regarding the subletting of grazing dispositions is appropriate. The current system provides enough leeway to deal with unusual situations that may face producers. Current policies and procedures regarding the subletting of grazing dispositions are working well, and no changes are necessary.

4.9 Aboriginal issues

Aboriginal groups and individuals have made comments on a number of issues. As these issues were outside the mandate of the Committee, they have been forwarded to the Department of Intergovernmental and Aboriginal Affairs for their information and appropriate action.



4.10 Identification of public land

Some people cannot identify which lands are public and which are private. Wherever possible and practical, public land should be identifiable.

We recommend that the Department of Alberta Municipal Affairs consult with local municipalities to encourage standardization of the identification of public land on municipal maps.

4.11 Agricultural dispositions

The current range of agricultural dispositions (lease, licence, permit, and grazing contract) should be reduced to either an agricultural lease or an agricultural agreement. Agricultural leases will be issued for short-term or long-term periods, recognizing the leaseholder's stewardship. Agricultural agreements will cover the situations where the land's primary use is not agricultural. Either disposition would include the appropriate conditions.

4.12 Definition of livestock

Currently, the Public Lands Act allows the grazing of "livestock" on public land. "Livestock" is defined in the Act as cattle, horses and sheep. Over the years, the practice has evolved to allow the grazing of bison, although they are not included in the definition.

The multiple use of public land should be supported as well as the desire for diversification of the livestock industry in Alberta. Sound range management can include the grazing of bison. However, dispositions issued for grazing of these animals often result in single use areas. In addition, fencing required to confine these animals can restrict wildlife movement. The temperament of the bison as well as the fact that they often graze year-round restricts the use of these lands for other purposes.

With these factors in mind, the Public Lands Act could be amended to expand the definition of "livestock" providing this "new" type of livestock is proven not to place new limits on the multiple use of these areas. Fencing of grazing dispositions should not impede wildlife movement.

4.13 Timber harvesting on agricultural dispositions

Grazing leaseholders have expressed concerns that logging timber on the grazing lease can seriously impact their ability to graze cattle. The value of the timber industry in Alberta and the need to access the timber resource should be recognized. A grazing lease does not convey any rights or priority to the timber resource on the lease area except for timber removal around the perimeter fence construction.

The timber operator, the grazing leaseholder, and the province should be involved in discussions at the earliest possible time to ensure that impacts on livestock grazing are minimized, and cleanup and reclamation/reforestation is planned and implemented in consideration of the grazing use. Wherever possible, summer logging will be avoided. Any damage to improvements (e.g., fences, roads) by the logging operation must be corrected by the logging operator, or compensation for these damages paid to the grazing leaseholder.



When logging on a grazing lease occurs under a sustained-yield timber program, up to 40 per cent of the productive upland will be considered for conversion to permanent pasture. Any conversion to permanent pasture will be part of the grazing lease management planning process involving the province and the grazing leaseholder.

4.14 Timber resources on public land in the White Area

Significant timber resources exist on public lands in the White Area throughout the province. These timber resources are normally not subject to long-term commitment, and are harvested under short-term permits or licenses, usually when the land is being converted to agriculture. Both companies and individuals in the timber business have expressed their desire to gain long-term control over a White Area public land base for timber management and harvesting – what they all refer to as “woodlot”.

A new woodlot disposition should be investigated that would give the right to manage and harvest timber on a sustained-yield basis from a specific area of public land. The term of the agreement could be up to 20 years, and the area would normally be small (e.g. one or two sections). The operator of the woodlot disposition will have exclusive rights to harvest timber within the defined area, and will be responsible for preparing a timber management and harvest plan, reforestation, annual reporting on logging, and payment of all fees. Crown timber dues and an annual fee for use of the land should also be levied. The operator will not have the right to control access.

Woodlots should be allocated to individuals or associations, rather than the larger operators. There is at present little opportunity for smaller operators to enjoy the same security of supply as the larger companies. The opportunities are also greater for the small operators to process the timber into higher-valued products.

Woodlot dispositions would preferably be established on vacant land, but could also be issued on grazing dispositions. While some timber harvesting and reforestation currently takes place on some grazing leases, it requires good cooperation between grazing lessees and loggers.

A long-term relationship between a woodlot operator and a grazing lessee will need to clearly lay out the respective rights and responsibilities of both parties and ensure proper cleanup, reclamation, and reforestation by the woodlot operator. The association form of woodlot disposition might be especially appropriate on grazing dispositions. The smaller operators would have access to wood, but the larger association could take some of the responsibility for ensuring a smooth relationship with the grazing disposition holder. Currently, grazing disposition holders who want to do range improvement clearings must wait for timber permits to be issued, logging to happen, etc., a process that can take a couple of years. Fenceline clearing can involve substantial amounts of salvage timber, but often it is not economical for a logger to remove the timber. A woodlot operator on the same area could work with the grazing leaseholder to expedite the logging.

A planning mechanism would also be needed to determine how much land in the White Area should be designated for long-term timber production. This process should also designate areas suitable for woodlot disposition, both from the timber/ natural resource perspective, and also from the perspective of community and public acceptability. An allocation mechanism would also be needed to choose the woodlot operators. Some jurisdictions base selection on a detailed evaluation of the qualifications of the individual; the process most commonly used for public land and timber dispositions is high bid through auction or tender.



5. Where do we go from here?

The government will proceed with the necessary legislative changes as soon as possible. Implementation of many of the provisions in this report will require stakeholder involvement. Mr. Tom Thurber, Chairman of the Agricultural Lease Review Committee, has been asked to assist the Ministers of Agriculture, Food and Rural Development and Environmental Protection with the implementation of the legislation, regulation, and policy changes required from this report.



Appendix I

Definitions

For the purposes of this report, a number of terms have been used that have a particular meaning. In order to aid the reader in clearly understanding the report, these terms are defined below:

- Agricultural agreement** – issued when the primary use of the land may not be agriculture. The agricultural component will still be managed under an agricultural agreement, for short or long-term grazing, with appropriate conditions.
- Assignment** – a written transfer of interests and rights from the disposition holder (assignor) to another party (assignee) of the terms of the existing agreement.
- Damages** – actual physical harm done to leaseholder's improvements such as fences, dugouts and water wells, as well as damage to forage, annual crop, or livestock.
- Disposition** – a land use contract issued under the Public Lands Act. Currently a disposition may be a lease, licence, or permit. In the future, an agricultural disposition would be only a lease or grazing contract.
- Gate keeper** – as the landowner, the province would designate the agricultural leaseholder as its "gate-keeper". The disposition holder would then have the ability to control recreational access to the agricultural disposition.
- Lease** – issued primarily in situations where the primary use is grazing, and will be issued for short or long terms.
- Operational concerns** – issues that affect an agricultural leaseholder's operation and which can be mitigated in some manner. These concerns are unique to each site and farm or ranch operation.
- Reasonable access** – is unpaid public access which would not adversely impact the livestock operation or cause damage to the grass resource or improvements created by the disposition holder.
- Recreational user** – a member of the public who temporarily uses public land for recreational pursuits including, but not limited to, hiking, hunting, birdwatching, fishing, trail riding, bicycling, skiing, berry or herb picking, photography, camping, off road vehicle use, and snowmobiling.
- Stewardship** – carries the responsibility to assist in protecting the resource health and long-term sustainable production of the agricultural disposition through careful management of the components of rangeland ecosystems.
- Tenure** – the length of a term of a disposition.



ABOUT PUBLIC LANDS

Alberta
AGRICULTURE, FOOD AND
RURAL DEVELOPMENT
Public Lands

Alberta
ENVIRONMENTAL PROTECTION
Land Administration Division
Forest Management Division

Information On

- Land Management Considerations
- Maximizing Benefits to the Crown
- Eligibility
- Application Process
- How Lands are Sold
- Sale Price
- Public Land Grants
- Terms of Sale
- Land Exchanges

(Revised 10/98)

Sale of Public Land

Over 60 per cent of Alberta's land base is public land. Under the *Public Lands Act*, public land is divided into two management categories or zones. The Green Area, or forested portion, includes most of northern Alberta as well as the mountains and foothill areas along the western boundary of the province. Land in the Green Area is typically not sold since one of the primary uses of the Green Area is for sustained wood fibre production.

The White Area, or settled portion, consists of the populated central and southern parts of the province and the Peace River region. In the White Area, public land is largely part of the agricultural landscape. Suitable lands in the White Area can be sold, however, the amount of land sold is limited by existing commitments and established resource management practices. In 1996-97, the Alberta Government sold about 11,600 acres of public land, most of it in the Peace River region of the White Area.

Land Management Considerations

Public lands are a valuable resource and Albertans derive many social and economic benefits from them. As the economy of Alberta expands and diversifies, pressures will be exerted increasingly on public lands to accommodate the additional activity. The government must balance the need to accommodate this growth with its commitment to protect the public's long-term interest in public lands for environmental and other important benefits. Much of this growth can be accommodated by issuing dispositions not leading to ownership. In other cases, the most effective way to accommodate a use is by selling public land.

Public lands are generally sold:

- to facilitate agricultural expansion and certain types of commercial, industrial and recreational uses, thereby supporting the growth of the provincial economy

- to provide land for essential services like public works projects or community and institutional needs that benefit Albertans
- if they are not needed to meet the government's resource management commitments or for other government programs

In determining whether public lands are suitable for sale, the following factors are considered:

- the impact of sale on important resource values and environmental factors (e.g., conservation, recreation)
- whether the proposed use of the land would conform with provincial and municipal land use policies
- availability of private land for uses of economic or social importance

Maximizing Benefits to the Crown

When lands are sold, care is taken to ensure Albertans receive maximum benefit, including preservation of environmentally sensitive features and a fair economic return. Benefits can be maximized in several ways by:

- basing land sales on fair market value
- obtaining market value for Crown-owned timber, and
- excluding environmentally sensitive features from sale (e.g., ecologically sensitive areas) or placing restrictions on the title to protect these resources from incompatible activities

Eligibility

Purchasers of public land must be Canadian citizens, a corporation registered in Canada, or a person or corporation acting as trustee for someone who is a Canadian citizen or corporation. Public lands may also be sold to municipalities.

Application Process

Eligible applicants must submit applications identifying the land parcel(s) requested. If the desired land is under

ABOUT PUBLIC LANDS

disposition to another party (i.e., committed by government), the applicant must obtain the consent of the disposition holder before the land can be considered for sale.

How Lands are Sold

The process for selling public land is initiated by an individual submitting an application to purchase an identified parcel of land. If the land is suitable for sale, it is sold in one of the following two ways.

1. Public Land Sales

A public auction or tender is held at which individuals or companies bid for public lands that are either vacant or have been released from a disposition by the disposition holder, making them available for sale.

When public land under disposition (e.g., a grazing lease or a farm development lease without an option to purchase) is suitable for sale, the current disposition holder does not have a priority right to purchase the land without competition.

2. Private (Priority) Land Sales

Some lands are sold to the applicant without going through public competition. An example of this is land under a disposition that contains an option to purchase. This allows the land to be sold directly to the disposition holder (i.e., applicant) without competition.

Another example is where a lessee holds a Miscellaneous or Recreation Lease for the purpose of a commercial/recreational development and the lands have been fully developed (e.g. resort cabins or golf clubhouse) and there is no option to purchase. The lessee could have the lands reviewed and if suitable for sale, may be allowed to purchase the land without competition.

Sale Price

In most cases, public lands are sold based on their actual fair market value, as if they were private land. The market value of the land is determined using the appraisal standards set for real estate. When land is sold via tender or auction, the appraisal process is used to establish the upset price.

Government can sell land to a municipality for utility developments (e.g., roads) at a value that takes the intended use into consideration.

Public Land Grants

In some cases, the government grants public land rather than selling it. In these cases the title specifies the type of land use as a condition of the grant. These land grants are

usually restricted to one or two acres and are issued in the following situations:

- to a school district/division for school purposes
- to a religious institution for a church site
- to a religious institution or municipality for a cemetery
- to a society as a site for a community hall

Terms of Sale

In most cases, the government will transfer a "fee simple title" for public land upon payment of the purchase price.

The purchaser may be required to provide a legal survey or plan acceptable to the Land Titles Office before the title is transferred. The title may also be consolidated with the purchaser's existing title, if appropriate. The government does not provide financing to purchasers.

Land Exchanges

Sometimes the government will negotiate a land exchange involving public and private land. Exchanges are used when the government obtains lands that contain important resource values (e.g., lakeshore, wildlife habitat). The real estate and/or intrinsic value of the private parcels may be equal to or greater than the public lands being considered for exchange.

This information is intended for convenience of reference only. The current *Public Lands Act* and regulations should be consulted for all purposes of interpreting and applying the law.

If you require updated information, contact any of the offices below:

Alberta Environmental Protection
Land Administration Division
South Tower, Petroleum Plaza
9915 - 108 Street
Edmonton, Alberta T5K 2G8
Telephone: (403) 427-3570

Alberta Agriculture, Food and Rural Development
Public Land Management Branch
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Alberta Environmental Protection
Forest Management Division
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Edmonton, Alberta T5K 2M4
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ABOUT



Information on

- Role of AAFRD
- Role of AEP

(Issued 07/97)

Shared Stewardship Accord

The stewardship of public lands in the White Area (the settled portion of Alberta) is shared between Alberta Environmental Protection (AEP) and Alberta Agriculture, Food and Rural Development (AAFRD). This agreement was formalized in a Shared Stewardship Accord that was signed by the ministers of AEP and AFRD.

Although the majority of public lands are under agricultural dispositions, many other uses are also important. The government continues its strong support of the integrated resource management philosophy for public lands by ensuring the accommodation of multiple use interests. As part of this, AAFRD and AEP work together to manage these lands for the benefit of all Albertans.

Role of AAFRD

The day-to-day management of public lands in the White Area is the responsibility of AAFRD. This includes monitoring leases and working with leaseholders to maintain good management of these leases and other dispositions. When issues arise that affect public lands, or there are disposition problems or user conflicts, AAFRD, in co-operation with AEP, works to resolve them.

AAFRD's Public Lands staff act as the land manager for the White Area. They ensure that multiple use activities are accommodated (e.g., agriculture, recreation, industry operations, sand and gravel extraction) or protected (e.g., wildlife habitat and cultural/heritage resources). The land manager relies on resource managers (e.g., Forestry, Wildlife and Fisheries staff in AEP, and Cultural Facilities and Historical Resources staff) for information and advice

on the vast array of resources on public land. AAFRD takes the lead role in working with other agencies, departments and stakeholders to develop policies for agricultural use. On other matters related to management, AAFRD and AEP work together as a team to develop policies.

Role of AEP

Land and Forest Service staff in AEP act as land managers in the Green Area (forested area), and perform the same role as Public Lands staff in AAFRD do for the White Area.

AEP's Land Administration Division is responsible for administering the *Public Lands Act*. It's under this Act that Public Lands in AAFRD, and Land and Forest Service in AEP conducts the day-to-day management operations. As part of this, the Land Administration Division controls the ownership of public land, the issuance of dispositions, exchanges, assignments and sales based on recommendations from Public Lands (White Area) and Land and Forest Service (Green Area).

AEP works jointly with AAFRD in developing policies for management and administration of public lands. It also administers and enforces recommendations made by AAFRD on day-to-day management of these lands.

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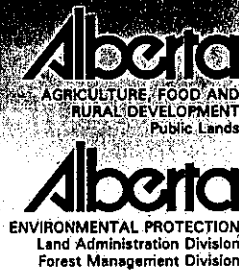
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ABOUT PUBLIC LANDS



Information On

- Rights of Disposition Holder
- Responsibilities of Disposition Holder

(Issued 08/97)

Public Land User's Rights and Responsibilities

A multiple use philosophy guides public land management, and makes possible a full range of resource benefits and uses on public lands. These uses include wildlife, watershed, soil and other conservation requirements, agriculture, recreation, timber and gravel.

A wide variety of uses can be accommodated on public lands through dispositions such as leases, permits, easements, letters of authority and licenses. In turn, these dispositions convey certain rights and obligations to the holder for use of the land. In essence, the disposition holder works in partnership with the government as a steward of the public land and resources.

To promote multiple use, the government has set up several demonstration sites such as the Cows and Fish Project. It also offers courses, educational materials and site-specific planning assistance to land users. In addition, the government works with land use groups, including cattle producers and oil/gas producers, and conducts audits to ensure that appropriate land use practices are carried out on public land.

Rights of Disposition Holder

Dispositions give the holder a variety of rights to public land and resources. They can include the following:

- entry onto or occupation of a specific parcel of public land during the term of the disposition
- access to and/or use of the specified resource (e.g., forage, timber, gravel, oil and gas, or recreational resources)
- the ability to assign interest in some dispositions (e.g., grazing leases; oil/gas well leases) to another eligible

party with government approval (note: if the holder dies, his estate retains this right)

- control of access to land held under certain dispositions (e.g., leases)
- compensation from mineral exploration and development activities for surface access on certain dispositions (e.g., grazing leases)
- the use of some dispositions, including most leases, as collateral for loans with government consent (note: if a lender takes possession of a lease, they usually have one year to find an acceptable replacement disposition holder)
- the right to carry out authorized improvements at personal expense to increase production and/or increase the use of the resource (note: improvements that are removable such as fencing are the property of the leaseholder, while those such as cultivation become government property)

Certain permits or leases can be renewed upon expiry, providing the lease/permit is in good standing and the holder has met all obligations. Before a renewal is issued, the land under disposition and its management are evaluated by the government.

Responsibilities of Disposition Holder

A wide variety of uses and dispositions can be accommodated on the same public land base. The disposition holder has a responsibility to manage the land and/or resources allocated to him so the use is both sustainable and compatible.

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The use of public land is subject to periodic audits to ensure the conditions are being met. Some dispositions require the holder to report the resource use to the government. For example, grazing disposition holders provide annual stocking information. Surface materials disposition holders must report the amount of surface material (e.g., gravel) they remove on an annual basis.

Generally, a disposition holder's obligations include:

- abiding by the conditions specified in the disposition
- participating in management planning as required by government and adhering to an agreed upon management plan, if one is in place. Management plans may include requirements for reclamation, the location and nature of development, the timing and intensity of grazing and any other site-specific management conditions
- obtaining government consent before undertaking any new development beyond that specified in the conditions
- using the land under disposition for its intended purpose (note: if the land is not used, the government may withdraw all or part of it)
- refraining from subleasing the land without government approval (note: generally the disposition is to be used only by the holder)
- controlling noxious and restricted weeds (defined by the *Weed Control Act*) on the disposition area
- paying municipal taxes where levied
- abiding by the *Public Lands Act* and regulations
- abiding by all other applicable legislation (e.g., local bylaws, *Water Resources Act*, *Environmental Protection and Enhancement Act*)

In addition to the above, grazing dispositions have obligations under the *Public Lands Act* and regulations, as well as the disposition contract. They include:

- grazing only cows, sheep and horses on public land

- grazing only stock belonging to the disposition holder (note: under special circumstances, approval may be given for grazing other stock)
- ensuring perimeter fencing is in place to contain livestock, where required
- adhering to the carrying capacity specified in the disposition
- abiding by the appropriate range management practices and guidelines specified by government, such as livestock entry and removal dates

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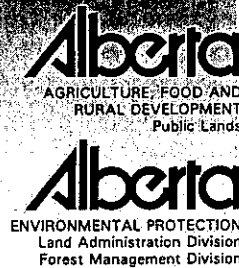
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ABOUT PUBLIC LANDS



Information On

- History
- Crown Land
- Public Land
- Public Land Use

(Issued 09/97)

Public Land

History

On May 2, 1670, King Charles II of England granted the Governor and Company of Adventurers of England Trading into Hudson's Bay (The Hudson's Bay Company) the right to trade, as well as all the territorial rights to colonize and govern the area known as Rupert's Land. This land was located in what is today Alberta, Saskatchewan, Manitoba, Ontario, Quebec and the Northwest Territories.

From 1670 to 1870, Western Canada was administered by the Hudson's Bay Company, primarily for fur trading. The company actively discouraged colonization and land settlement as it believed the fur industry would be harmed.

In 1870, the Hudson's Bay Company sold its land to Canada for a number of concessions. Subsequent to this the provinces were formed. Alberta entered the Confederation in 1905.

In 1930, Canada transferred control for the natural resources in Alberta to the province. Alberta passed the *Provincial Lands Act* on March 28, 1931, for the administration of lands, minerals, forests, fisheries and to control the drilling of gas wells. At that time, there were already 3,778 grazing leases held in the province covering 3,220,161 acres. In 1949, this legislation was amended to become the *Public Lands Act*.

Crown Land

The term "Crown land" refers to provincial and federal government lands. The provincial parks (administered under the *Provincial Parks Act*) and public land (administered under the *Public Lands Act*) are an example of provincial Crown land.

Public Land

In the 1970s, the provincial government began using "public land" in place of "Crown land" when referring to land administered under the *Public Lands Act*. This was done to avoid confusion with other federal and provincial land. This didn't affect the dispositions or the rights of the disposition holders as grazing lease rights are allocated by statute and not Common Law.

Public Land Use

Public land administered under the *Public Lands Act* is owned by the government of Alberta. Its use and allocation are outlined in the Act. Public land is divided into two categories — the White Area and Green Area, as shown on the map.

The White Area (settled portion) consists of the populated central, southern, and Peace River areas of the province. The Green Area (forested portion) comprises most of northern Alberta as well as the mountain and foothills areas along the province's western boundary.

ABOUT PUBLIC LANDS

In the White Area, public land is part of the agricultural landscape. It's managed for various uses including agriculture, recreation, soil and water conservation, and fish and wildlife habitat. Some parts of the province have large tracts of public land while other parts have very few scattered parcels. Most of the public land in the White Area is under disposition or is otherwise committed. People who wish to use public land need to consult with the disposition holder and if required, submit a formal application.

In the Green Area, public land is managed for timber production, watershed, wildlife and fisheries, recreation and other uses. Agricultural use is limited to grazing where it's compatible with other uses. Grazing on public land in the Rocky Mountain Forest Reserve (headwaters of the North and South Saskatchewan Rivers) is administered under the *Forest Reserves Act*. The remainder of grazing in the Green Area is administered under the *Public Lands Act*.

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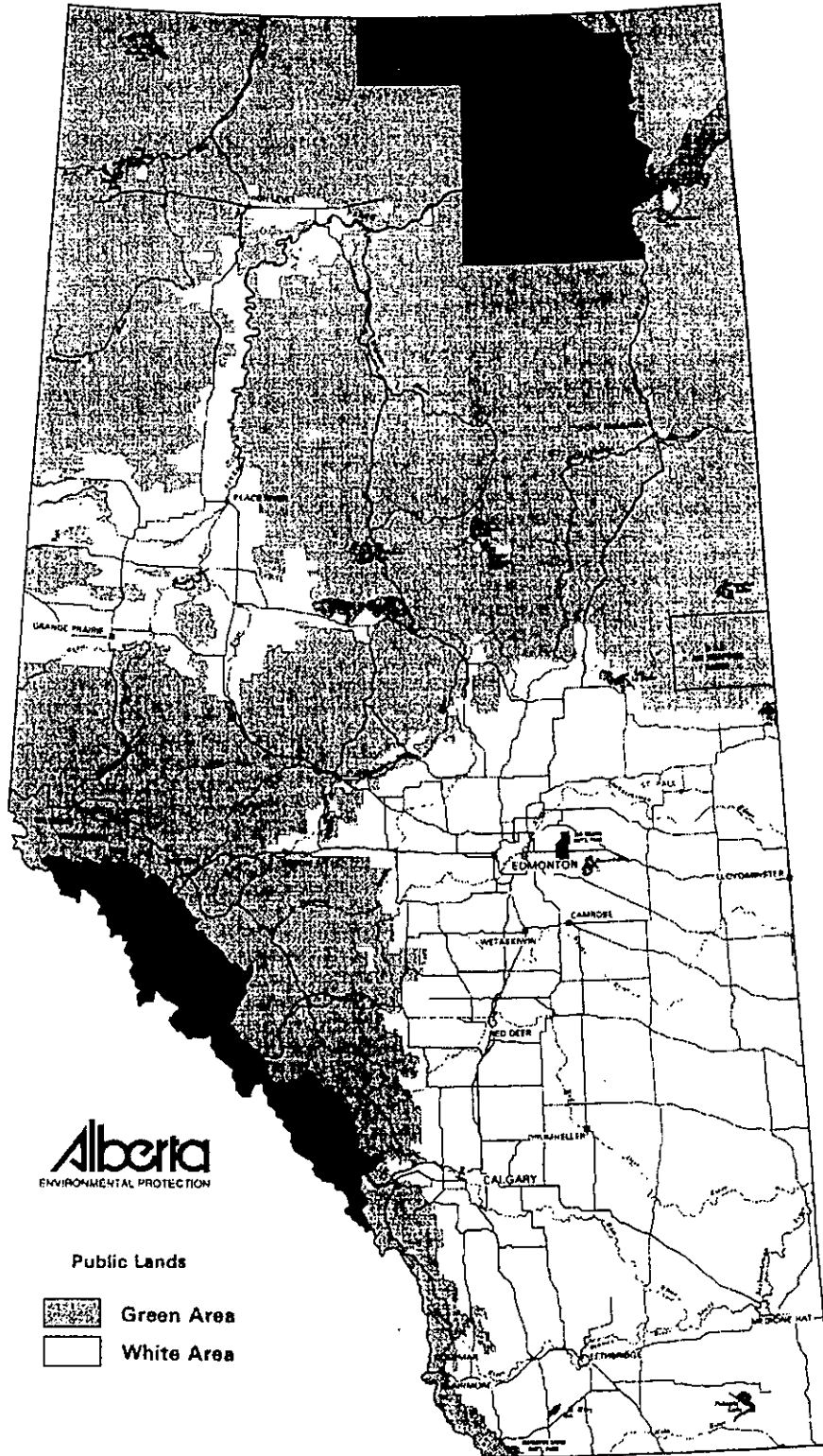
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Forest Management Division

Information on

- Timber on Agricultural Dispositions
- White Area Timber Commitments
- White Area Timber Requests

(Issued 07/97)

Crown Timber Resources on White Area Public Land

Timber on public land in the White Area (settled portion of Alberta) has attracted more interest over the past few years, as the value of timber has increased and most timber in the Green Area (forested portion of Alberta) has been allocated to forest companies. However, forested lands in the White Area are also very important for wildlife habitat, watershed protection and recreation use.

Timber on all public land in Alberta is owned by the Crown and allocated to private individuals or companies through dispositions such as timber permits or timber licenses granted through timber quotas or Forest Management Agreements. These dispositions are issued by Alberta Environmental Protection (AEP) under the *Forests Act*. On public land under an agricultural disposition, the way that timber rights are given out depends on whether the land can be sold – whether the disposition “leads to title.”

Although timber dispositions are issued by AEP, Alberta Agriculture, Food and Rural Development (AAFRD) is responsible for all disposition and management activities on White Area public land. Thus, AAFRD decides whether a change in use of public land should occur. These decisions may include offering vacant public land for sale or leasing it for grazing; authorizing range improvement on a grazing lease; or, deciding to retain the forested area intact with no changes.

Timber on Agricultural Dispositions

Some dispositions leading to title involve time purchase agreements, where the title is not transferred until full payment is received. In these agreements, the government retains ownership of the timber until the sale is complete and the title is transferred. If the purchaser wants to cut and sell timber on the property before final payment has been made, a timber permit must be obtained. This permit is available only to the purchaser, not to a third party. Time purchase arrangements are no longer available.

For parcels of land that are sold through public auction or tender, the merchantable timber is often removed before it's sold. However, the timber may also be left intact to increase the management options of the purchaser and to eliminate any delays caused by timber harvesting.

Grazing Agreements

Permission must be obtained from the public land manager before forested land can be cleared for any reason. The land manager will decide if the forest cover is needed for conservation purposes or whether it can be removed. If clearing is allowed, merchantable timber must be harvested. Under most circumstances, a merchantable quantity is considered to be about one logging truckload (35 to 40 tons).

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Before timber salvage occurs, a timber permit must be obtained from AEP. Unless very small quantities are involved, the timber is awarded through a competitive process (i.e., draw, tender or auction). If the grazing lessee requires a small quantity of timber for personal use, a timber permit may be awarded directly to the grazing lessee.

Logging standards and conditions (timing, stump heights, cleanup, etc.) are set before timber permits are awarded. This allows the grazing resource to be protected and other resource management concerns to be addressed.

Timber on some grazing lands is also managed for long-term or sustained-yield timber production. Grazing still continues, but all logged areas must be properly reforested. Until the young trees become established, grazing may be restricted in reforested areas. Before sustained yield logging is allowed, an overall management plan must be developed to address grazing needs, reforestation and other conservation concerns of the area.

Although the timber permit holder has the right of access to the grazing lease to carry out logging, he must consult with the grazing tenant to establish timing, use of trails and gates, etc. The timber operator is not obligated to obtain consent from the lessee of the grazing lease where the logging will take place. The grazing lessee does not receive compensation for logging access/operations on his leased land. However, the timber operator must obtain consent from any other grazing lessee whose lease must be crossed to access the lease with the timber to be logged. He may have to pay surface access compensation to that lessee.

Farm Development Leases Without Option to Purchase

Before 1995, holders of Farm Development Leases Without Option to Purchase were granted priority to timber on the lease area. The lessee was required only to obtain a timber permit from AEP and pay timber dues. After that time, priority to timber was no longer included as part of the agreement.

White Area Timber Commitments

The concept of sustained-yield timber production, has been implemented successfully in some parts of the White Area. It has been most successful where the needs of other

resource uses have been considered carefully and where the public has been consulted on their needs and interests.

For example, there are long-term commitments to timber production on some public lands in the White Area. One was established by the Rocky Resource Integrated Decision, which applies to White Area lands adjacent to the Green Area boundary near Rocky Mountain House. Although much of this land is under grazing lease and areas for range improvement have been determined, the plan also established the land base for long-term timber production. To integrate these land uses successfully, operating ground rules, reforestation requirements and communication processes have been set up. The timber supplied from this land is part of the Miscellaneous Timber Use (MTU) program, which provides a timber supply to small operators.

Another commitment is the deciduous timber allocation held by Diashowa-Marubeni Industries (DMI) in Peace River. This nonrenewable commitment allows DMI to harvest 125,000 m³ of aspen annually in the Peace River area until 2009. DMI is also allowed to harvest up to 150,000 m³ annually from lands that will be converted to agriculture.

White Area Timber Requests

Individual timber operators have expressed interest in setting up a woodlot, allowing them to control a small land base for long-term forest management. Although this type of disposition does not exist at present, it may receive consideration in the future.

Forest product companies have approached the government to purchase or lease substantial tracts of White Area forested land. Some Canadian companies have already purchased individual parcels of public land that have come up for sale, but multi-national forest product companies are restricted by foreign ownership regulations. These companies are interested in securing additional wood supplies to increase their overall productivity.

This information is intended for convenience of reference only. The current *Public Lands Act*, *Forests Act* and their regulations should be consulted for all purposes of interpreting and applying the law.

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Edmonton, Alberta T5K 2G8
Telephone: (403) 427-3570

OR call the Public Lands or Land and Forest Service
office in your area.



ABOUT PUBLIC LANDS

Alberta
AGRICULTURE, FOOD AND
RURAL DEVELOPMENT
ENVIRONMENTAL PROTECTION

More Information Inside

- Farm Development Sales and Leases
- Cultivation Permits
- Grazing Leases
- Grazing Permits
- Forest Grazing Licenses
- Availability for Industrial, Commercial, Recreational and Other Purposes
- Availability for Other Short-Term Uses

(LA49 - Rev 10/94)

Information on Acquiring Public Lands

Public Land Use in Alberta

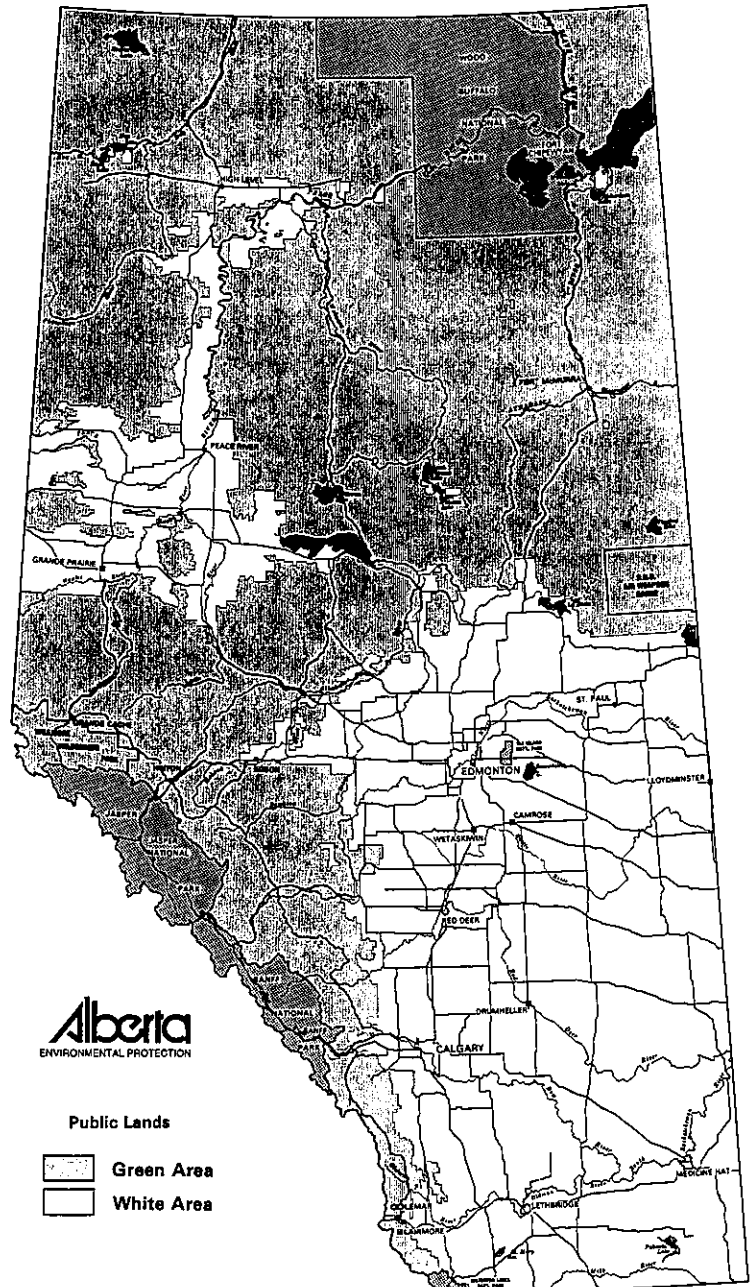
Approximately 60 per cent of the province's land base is public land. It is managed for a variety of uses, under an integrated resource management philosophy (integrating the many resource uses and needs on public lands). Although the majority of the land supports forest production, it is also important for watershed protection, wildlife habitat, recreation, oil and gas well sites, agricultural production and industrial development, to mention only a few of the uses.

The purpose of this pamphlet is to describe some of the uses permitted on public land. It also provides general information on how to purchase or obtain a disposition (lease, licence or permit) for such land.

For administrative purposes, public land is divided into two broad land use areas: Green Area and White Area (see map). Generally, lands in the Green Area are more remote, have lower quality soils and have a more varied topography than in the White Area.

The Green Area (non-settled) is managed primarily for timber production, but other uses are permitted. Intensive activities involving settlement or agricultural development are restricted because the land base is required for forest production and there is a high cost for providing services such as roads.

In the White Area (settled) the types of acceptable uses are usually less restrictive than in the Green Area. However, it may be difficult to find suitable land that is available.



ABOUT PUBLIC LANDS

Who Can Apply

Applicants must be at least 18 years of age and Canadian citizens or permanent residents of Canada. If the applicant is a corporation then it must have at least 75 per cent Canadian ownership. However, there are no ownership restrictions for resource extraction-related dispositions.

How to Apply

The steps involved in acquiring public land (sale, lease licence, permit) are generally as follows:

- Identify suitable parcel(s) by legal description (quarter section, township, range and meridian or lot, block and plan).
- Submit an application and required fee.
- Land managers determine if the land is suitable for the intended use.
- Land is awarded on basis of highest bid if being sold.
- Land is awarded on the basis of highest bonus tender if a lease or licence is being granted. Grazing land in the Green Area may be awarded on the basis of need.
- Land is usually not sold for non-agricultural uses and if it is, the agreement often contains a sell-back clause. Such land is usually awarded to the applicant without competition at market value, if the related activities such as a gas plant do not lend themselves to public bidding.

Rental Payments and Property Taxes

Rental payments are required for all lands under lease, licence or permit. In most cases municipal property taxes are payable directly to the local municipal authority.

The following information describes some of the agricultural and non-agricultural uses permitted on public land. Further details can be obtained by contacting any of the offices listed at the end of this brochure.

Availability for Agricultural Uses

Only a limited amount of suitable land is available for lease or sale in settlement areas.

The majority of the potentially suitable unallocated agricultural land is located within the Peace River region. The improvement potential of this soil is generally limited and may require special management practices. With appropriate agronomic practices, a wide variety of crops including grains, oilseeds, forage and seed crops are being successfully grown.

Public land required for recreation or conservation purposes, or bordering lakes and rivers, is not available for sale or cultivation. In some cases it may be available for livestock grazing.

Public Land Sales

Public land in the White Area can be sold if there are no potential erosion or conservation limitations, and other resource values are not considered

sufficiently important to require retention in government ownership. Sales are by cash payment only. Title is issued after payment is received.

Farm Development Leases

Leases may be granted where the department does not wish to sell the land because of possible resource conflicts, conservation or erosion concerns or other physical limitations of the land.

Cultivation Permits (White Area)

Cultivation permits are issued annually to allow the cropping of land already under cultivation.

Grazing Leases

Grazing leases are usually issued for a term of 10 years where grazing is considered the best long-term use of the land.

Grazing/Hay Permits

Grazing permits are also issued on land reserved for other purposes or when it is not considered in the public interest to grant long-term dispositions on specific land. Grazing permits may be renewed at the department's discretion. Hay permits are issued annually for the haying season only.

Grazing Reserves

There are 32 grazing reserves throughout the province. Livestock operators may put livestock on the reserves, where space is available.

ABOUT PUBLIC LANDS

Reserves are managed for both livestock grazing and other multiple uses such as hunting and fishing.

Head Tax Permits

Head tax permits are issued for livestock grazing for short periods of time (usually less than a year) in the more remote areas. The land may not have to be fenced and municipal taxes are not applied.

Grazing Licences

A grazing licence may be issued for livestock grazing on public land for a term of up to 10 years. Licences are usually issued when there are other uses of the land such as timber production. Grazing within a Forest Management Agreement Area can only be authorized under a licence.

Availability for Industrial, Commercial, Recreational and Other Purposes

Industrial

Public land may be used for wellsites, pipelines, access roads and other similar activities. Corporate applicants may require surface dispositions for resource extraction purposes (eg. petroleum and natural gas, oil sands and coal development). Land required for surface rights is not advertised.

Commercial/Recreation

Commercial or recreational use of land may be authorized by a miscellaneous lease, miscellaneous permit or a recreational lease. If the applicant is a municipality of a registered non-profit society, and the use is recreational, then a 21-year recreational lease may be issued.

Commercial uses such as plant sites, mill sites, tower sites, landfills and heliports are authorized by miscellaneous lease. Temporary developments such as trappers, cabins and base camps are authorized by a miscellaneous permit. Lands required are not normally advertised and applications are assessed on their individual need and merit.

Commercial Recreation/Tourism

A lease may be issued through the Commercial Tourism and Recreation Leasing process (CTRL) for the development of commercial recreation or tourism facilities on public land.

Residential

Disposition of public land intended solely for residential purposes is normally not approved unless the lands are within subdivisions.

Availability for Other Short-Term Uses

Temporary field authorization (TFA) may be granted to use public land for a stated purpose without issuing a formal disposition. This type of authority may be used to approve such activities as public recreational

events and temporary access for evaluation of a site for possible development.

TFAs may also be utilized to authorize access for site preparation prior to granting a disposition.

Land Exchanges

Privately owned land may be exchanged for public land where:

- a) a government agency wishes to acquire private land.
- b) there is an opportunity for the government to obtain land needed for conservation purposes.

Timber Harvesting

Most timber harvesting occurs in the Green Area under a policy of sustained yield management. Rights to harvest timber in the Green Area have been allocated under authority of Forest Management Agreements, Timber Quotas and Miscellaneous Timber Use programs. Timber harvesting may also be carried out in the White Area. Individuals who wish to harvest timber in small quantities or for their own use should contact the local Land and Forest Services' office for further information. This includes permits for firewood, transplants, Christmas trees, posts and poles, and saw timber.

ABOUT PUBLIC LANDS

Further Information or Inquiries . . .

The administration and management of public land comes under two separate government agencies. Environmental Protection's Land Administration Division is responsible for the administration of public land throughout the province. The day-to-day management is divided between Alberta Agriculture, Food and Rural Development, which manages the public land in the White Area, and Alberta Environmental Protection, which is responsible for the public land in the Green Area. The land managers determine which uses can be accommodated depending on soil conditions and other relevant factors. They set conditions for use and development to ensure public land is properly maintained.

If you require further information, please contact one of the following offices:

Alberta Environmental Protection

Forest Management Division
9920-108 St.
Edmonton, Alberta
T5K 2M4
Telephone: (403) 427-8441

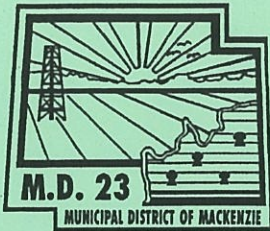
Alberta Environmental Protection

Land Administration Division
9915-108 St.
Edmonton, Alberta
T5K 2G8
Telephone: (403) 427-3570

Alberta Agriculture, Food and Rural Development

Public Land Management Branch
J.G. O'Donoghue Building
7000-113 St.
Edmonton, Alberta
T6H 5T6
Telephone: (403) 427-3595

OR call the Land and Forest Services
or Public Lands office in your area.



M.D. of Mackenzie No. 23

Request For Decision

Meeting:	Committee of the Whole
Meeting Date:	February 6, 2001
Originated By:	Bill Landiuk, Director of Corporate Services
Title:	La Crete Public School Grant
Agenda Item No:	4. a)

BACKGROUND / PROPOSAL:

The MD has received a request in the amount of \$150,000 from the La Crete Public School to modernize in order to increase the space available for the Community Library housed within the school.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

See attached letter for further details.

COSTS / SOURCE OF FUNDING:

Additional funds would have to be allocated to the 2001 budget to cover this grant. To offset this increase in expenditures we have the following options:

1. Take the money from general capital reserves.
2. Revisit the 2001 budget and reduce an operating or capital expenditure to offset the increase.

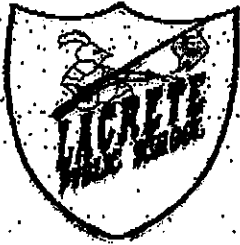
RECOMMENDED ACTION (by originator):

If Council agrees with the request, a Council resolution amending the budget amount for our 2001 grants would be in order. Also, as part of the resolution, a funding option will have to be determined. If option #1 is acceptable, the resolution can be made immediately. If Council wishes to pursue option #2, then the resolution will be deferred until a review can be undertaken.

Review: *PH*

Dept.

C.A.O.



La Crete Public School

Box 1720
La Crete, Alberta
T0H 2H0

Principal: Mrs. Kathryn Kirby
Vice Principal: Mr. Robert Young
Secretary: Mrs. Lena Martens

January 29, 2001

Bill Neufeld, Reeve
Municipal District of MacKenzie
Box 640
Fort Vermilion, AB
T0H 1N0

*mailed copy to Bill Neufeld
Jan. 29/01 w/p*

Dear Mr. Neufeld:

I am writing to request that the Municipal District contribute funds to the planned modernization at La Crete Public School in order to increase the space available for the Community Library housed within La Crete Public School.

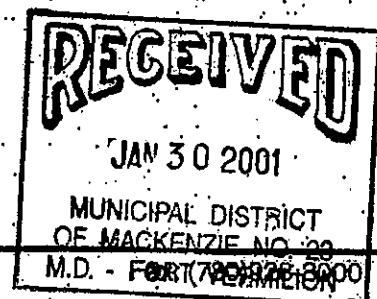
The current plan for the modernization at La Crete Public School includes an area of 225 square meters for a library. This is only slightly larger than the existing library. Ideally, we would like to see the size of the library increased in order to accommodate community needs over the coming years. Some suggestions that have come forward have been to include a designated reading area or a solarium to enhance the library. Currently, the available space is used primarily to house library materials. Reading space is limited even in the existing library.

Alberta Learning provides funding for modernizations based on the capacity rating and the educational programming of the school. Alberta Learning also provides ongoing financial support for maintenance of buildings. In order to provide an improved facility for the Community Library, we need to turn to the Municipal District for funding. I am requesting that the Municipal District contribute \$150,000 to the modernization of the library at La Crete Public School to provide an additional area of approximately 75 square meters to accommodate anticipated future needs of the Community Library and to enhance the facility. If this request is granted, the Community Library will be responsible for yearly funding for maintenance of the square footage added to the building with Municipal District funds.

Thank you in advance for considering this request to improve the Community Library in La Crete.

Sincerely,

Kathryn J. Kirby
Kathryn J. Kirby
Principal
La Crete Public School



Phone: (780) 928-3913

"Success starts with you"



M.D. of Mackenzie No. 23



Request For Decision

Meeting:	Committee of the Whole
Meeting Date:	February 6, 2001
Originated By:	Director of Enforcement Services Sheldon ROBB
Title:	Police Task Force Updates & Recommendations
Agenda Item:	5. a)

BACKGROUND / PROPOSAL:

On January 15, 2001 the Police Task Force met in Fort Vermilion. The meeting was chaired by Chief Administration Officer Harvey Prockiw, and attended by Frank Rosenberger, Pat Kulscar, Betty Bateman, John Driedger, C/Cst. Sheldon Robb, Cst. Ronald Dyck, and Cst. Jason Gabriel. Chief Constable S.H. ROBB then conducted a presentation outlining the job functions of the Mackenzie Regional Patrol. Topics of discussion included changing school zone times from the Provincial standard time limits to time limits set by the MD through Bylaw, expanded authority for the MD Special Constables for giving "alco-sur" demands, Citizens on Patrol (C.O.P.'s) programs for the MD, and lending Live Traps to the public for assistance in dog control in the hamlets.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES

Item 1 – School Zone Time Limits – Currently the school time speed limit in the school zones within the MD fall within the Provincial standard times of 8:00 a.m. – 9:30 a.m., 11:30 a.m. – 1:30 p.m., and 3:00 p.m.- 4:30 p.m. These times may be changed by the municipality by bylaw pursuant to section 72(7) of the Highway Traffic Act. Current school zone times do not cover recess times and an all day speed limit should be easier to remember for motorists. A good time span to set for school zones would be from 8:00 a.m. to 5:00 p.m. Section 3 of Bylaw 168/99 could be amended to allow for new school zone times.

Item 2 – Expanded Authority for MD Special Constables for Giving "Alco-sur" Demands – To help the MD Special Constables determine a motorists impairment from alcohol the use of an approved screening devise (alco-sur) would not only be a benefit to the Special Constable and public, but also maybe even beneficial the motorist in question. To get approval for expanded authority for special constables to demand a roadside breath demand the following criteria must be met:

- 1) The municipality must identify a specific community law enforcement need that can be addressed by expanded authority. The local RCMP detachment must support the application for expanded authority.
- 2) The municipality and RCMP must develop a written working arrangement or protocol. This agreement will specify the responsibilities of each party.
- 3) The draft protocol agreement must be reviewed by the Public Security Division and the Officer in Charge Contract Policing Branch, RCMP "K" Division prior to signature.
- 4) The municipality must formally approve the special constables expanded authority in a Bylaw. The substance of the Bylaw should be submitted to the Public Security Division for review before it is put to Council.
- 5) The written protocols must be signed by the municipality and RCMP "K" Division.
- 6) The special constables must have specific Criminal Code training from a police training facility before expanded authority will be granted.
- 7) The signed protocols, bylaw and other supporting documents must be submitted to the Public Security Division.
- 8) When all steps have been completed, the Public Security Division will revise the employer authorization and the special constable appointment.
- 9) Special "approved screening devise" training is also required.

Advantages of the "expanded authority" for demanding a roadside breath demand are that the MD special constables may deal with impaired drivers without having to tie up a RCMP Officer. The RCMP may be busy dealing with a higher priority Criminal Code manner and may not be able to attend. The area may be quite remote and it may by some time for the RCMP to attend to deal with situation. Being able to give a breath demand at roadside the special constable would be able to determine if an arrest is necessary, or if a 24 hour suspension would be sufficient to be able to determine to let the motorist continue on his way as he as passed the roadside breath sample test. No disadvantages are noted.

Item 3 – Citizens on Patrol – The Police Task Force discussed the feasibility of developing a Citizens on Patrol program throughout the communities of the MD. Citizens on Patrol are normal citizens who patrol the community in unmarked vehicles and become the eyes and ears for the police and will relay to the police any suspicious activity.

Item 4 – Lending of Animal Live Traps – For information purposes only. The Bylaw Department will be purchasing two more live traps and make them available to the public to assist in dog control problems within the hamlets. Information to the public will be presented in a future edition of the MD "Image".

COSTS / SOURCE OF FUNDING:

Item 1 – School Zone Sign Changes – There would be a new cost in getting new signs for the different school zone time change (mandatory if times are changed).

Item 2 – Expanded Authority – Costs of an “alco-sur” is approximately \$800.00 for one unit.

Item 3 – Citizens on Patrol – No identified costs

Item 4 – Animal Live Traps – Costs for one live trap is approximately \$200.00.

RECOMMENDED ACTION (by Police Task Force):

Item 1 – School Zone Time Limit Change – It is the recommendation by the Police Task Force that the MD amendment School Zone Bylaw 168/99 to have the school zone time limits changed to all day in which school is held (example 8:00 a.m. to 5 p.m.)

*Do NOT CHANGE
time as is*

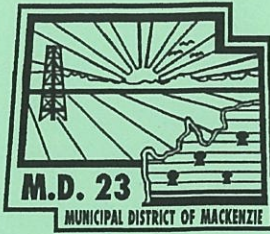
Item 2 – Expanded Authority for MD Special Constables for Giving “Alco-sur” Demands – The Police Task Force recommends that Council support the request for the MD special constables continue on to obtain expanded authority for impaired driving.

Item 3 – Citizens on Patrol – The Police Task Force recommends that Council support administration to determine if there is interest from the public to support a Citizens on Patrol Program in MD communities.

Item 4 – Lending of Animal live Traps – For information only.

Review: Cst. Robb	Dept.: Bylaw	CAO:
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M.D. of Mackenzie No. 23



Request For Decision

Meeting:	Committee of the Whole
Meeting Date:	February 6, 2001
Originated By:	Ivan Perich, Director of Operational Services
Title:	Traffic Safety Act
Agenda Item No:	6. a)

BACKGROUND / PROPOSAL:

The information asked for on the discussion papers is being requested by the Province. Information gathered from these discussion papers is intended to be used for data in drafting regulations on the Highway Traffic Act, Motor Vehicle Administration Act, Motor Transport Act, and the Off-Highway Vehicle Act.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

N/A

COSTS / SOURCE OF FUNDING:

N/A

RECOMMENDED ACTION (by originator):

The Information be read through and ready for discussion at the Council Meeting on February 6, 2001. Ivan Perich will compile the data received, at the Council Meeting, to send to the province.

Review:

Dept.

C.A.O.

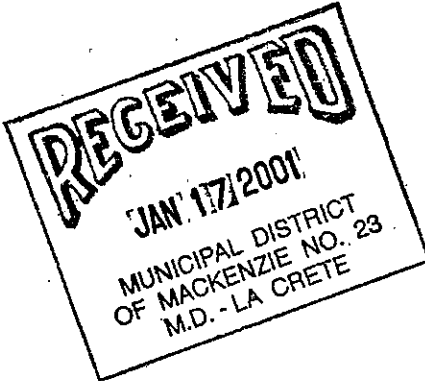
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Transportation Safety Services

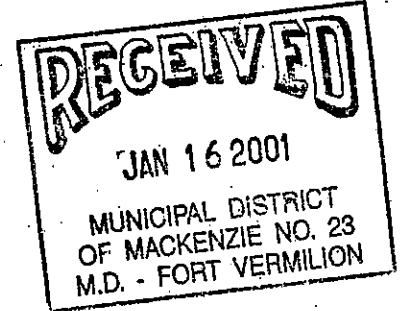
1st Flr., Twin Atria Bldg.
4999 - 98 Avenue
Edmonton, Alberta T6B 2X3

Telephone 403/415-1146
Fax 403/415-0782
E-mail: Ghook@tu.gov.ab.ca



January 10th, 2001

Our File: 0120-Safe



Dear Stakeholder:

As you are aware, the Traffic Safety Act received Royal Assent during the Spring 1999 Session of the Alberta Legislature. We very much appreciate the input we received. However, the Act still requires proclamation before coming into force.

Alberta Infrastructure is now in the process of developing a number of regulations to support this new Act. Attached is the fourth in a series of discussion papers that we intend to use to gather input for drafting the regulations. This discussion paper deals with Commercial Vehicle General Equipment and Safety Regulations.

Please return your comments by February 10th, 2001 to Transportation Safety Services Division at the 1st Floor, Twin Atria Building, 4999 - 98 Avenue, Edmonton, AB T6B 2X3. You may also submit your comments by fax at (780) 415-6572 or by e-mail (ron.smitten@gov.ab.ca).

Yours sincerely

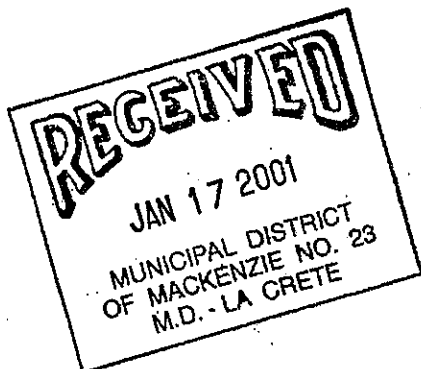
Gregg A. Hook

Chairman, Transportation Safety Board/
Responsible for Transportation Safety Services

Transportation Safety Services

1st Flr., Twin Atria Bldg.
4999 - 98 Avenue
Edmonton, Alberta T6B 2X3

Telephone 403/415-1146
Fax 403/415-0782
E-mail: Ghook@tu.gov.ab.ca



January 10th, 2001

Our File: 0120-Safe

Dear Stakeholder:

As you are aware, the Traffic Safety Act received Royal Assent during the Spring 1999 Session of the Alberta Legislature. We very much appreciate the input we received. However, the Act still requires proclamation before coming into force.

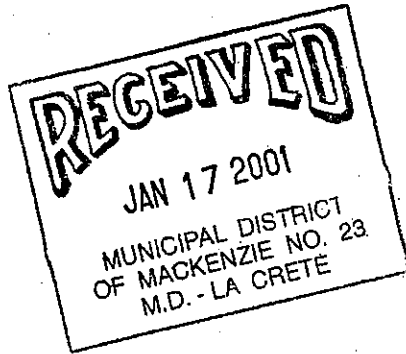
Alberta Infrastructure is now in the process of developing a number of regulations to support this new Act. Attached is the fifth in a series of discussion papers that we intend to use to gather input for drafting the regulations. This discussion paper deals with the operation of Off-Highway Vehicles.

Please return your comments by February 10th, 2001 to Transportation Safety Services Division at the 1st Floor, Twin Atria Building, 4999 – 98 Avenue, Edmonton, AB T6B 2X3. You may also submit your comments by fax at (780) 415-6572 or by e-mail (ron.smitten@gov.ab.ca).

Yours sincerely

Gregg A. Hook

Chairman, Transportation Safety Board/
Responsible for Transportation Safety Services



Traffic Safety Act

Commercial Vehicle General Equipment and Safety Regulations

Discussion Paper #4

January 2001

Introduction

The new Traffic Safety Act received Royal Assent during the spring 1999 Session of the Legislative Assembly of Alberta. The Act awaits proclamation before coming into full effect.

The Traffic Safety Act is the amalgamation of four Acts: the Highway Traffic Act, Motor Vehicle Administration Act, Motor Transport Act and Off-Highway Vehicle Act. The new Act is a comprehensive, streamlined piece of legislation. This consolidated approach to road safety will provide a clearer source of information for traffic legislation than is currently in place.

A preliminary discussion paper on the Traffic Safety Act was released to stakeholders for comment in the fall of 1997. Another, more comprehensive, discussion paper was circulated to the public during the summer of 1998. The public was consulted extensively during the summer of 1998 prior to the introduction of the proposed legislation.

The new Traffic Safety Act was introduced during the 1998 Fall Session of the Alberta Legislature, for information purposes only. It was then revised to address comments received from the public and stakeholders, and reintroduced during the 1999 Spring Session for debate.

Several portions of the four current Acts will be converted to regulations under the new Traffic Safety Act to provide the means to more quickly address concerns. For example, rules of the road and vehicle equipment provisions will be moved into regulations to allow for more timely response to the changing needs of Albertans.

The issues in this discussion paper relate to commercial vehicle general equipment and safety. Once Alberta Infrastructure compiles all input, the draft regulations will be prepared for the government's approval. The new regulations will come into effect when the Traffic Safety Act is proclaimed.

Commercial vehicle General Equipment and Safety Regulations are an integral part of ensuring traffic safety. Other discussion papers included issues relating to rules of the road, vehicle safety, licensing, and off-highway vehicles.

General Commercial Vehicle Equipment and Safety

Proper equipment for the operation of commercial vehicles is critical for the safety of everyone using highways. Commercial vehicles pick-up and deliver a variety of materials to our consumers, merchants, and industrial establishments. As a result, ensuring proper equipment for the safe operation of these vehicles is a primary concern.

There is a steady increase in the commercial traffic between Alberta, other provinces, the United States and Mexico. In view of this general trend, provincial jurisdictions in Canada and state jurisdictions in the United States are harmonizing internal regulations towards a North American standard. For instance these jurisdictions, in cooperation with the commercial vehicle industry, have developed a cargo securement standard. The Commercial Vehicle General Equipment and Safety Regulation is part of this legislative framework.

It is necessary to have planned maintenance, including inspections at specified intervals, to ensure the safe operation of commercial vehicles. In addition, documentation of planned and actual maintenance is necessary to determine effectiveness and to review equipment failures. Consequently, the proposed regulations suggest improvements to the present maintenance requirements.

Safe operation of school buses is also a critical issue. Improvements to the existing regulations are proposed in this discussion paper.

Issue 1.0

It has been proposed that commercial vehicles must remain unaltered after original manufacture to comply with Transport Canada's Canadian Motor Vehicle Safety Act and its regulations. It is also proposed that if a vehicle is altered in any way, that vehicle must be certified by a professional engineer or by a final stage manufacturer registered with Transport Canada.

Vehicles manufactured in Canada and those imported into Canada must meet Transport Canada's vehicle construction and safety legislation.

This issue primarily relates to homemade trailers, incomplete vehicles assembled by non-registered final stage manufacturers and vehicles modified by owners after delivery. It also relates to some of the highway tractors converted to straight trucks without front brakes. These highway tractors were originally manufactured without front brakes to be operated as tractor-trailer combinations. The issue of alteration may further relate to some stretch limousines and trucks with off-highway rims.

Do you agree that an owner, after purchasing a vehicle, must not modify that vehicle in order to remain in compliance?

Agree

Disagree

No opinion

Comments: _____

Issue 2.0

It has been proposed that all commercial trailer wheels must be equipped with brakes, in order to ensure optimum braking performance on commercial trailers.

Current legislation requires all new trailers sold in Alberta by a dealer to comply with Transport Canada's construction standards. As a result, the proposal relates to "home built" trailers, which may be equipped with brakes only on one axle.

All commercial trailer manufacturers in Alberta would be required to comply with this requirement after the proclamation of the Traffic Safety Act.

Do you support the proposal to have all commercial trailers equipped with brakes on all wheels?

Agree

Disagree

No opinion

Comments: _____

Issue 2.1

It has been proposed that all commercial trucks must be equipped with front brakes.

Transport Canada has always required straight trucks (self-contained units like gravel trucks) to have front brakes. In the mid-1980's, however, Transport Canada allowed tractor trucks to be manufactured without front brakes since trailers were fitted with brakes and there was enough braking capacity for stopping the tractor and trailer. Many such tractors are being converted and used as straight trucks.

Do you agree with the proposal that all straight trucks without front brakes must be fitted with front brakes?

Agree

Disagree

No opinion

Comments: _____

Issue 2.2

It has been proposed that commercial vehicles manufactured with automatic slack adjusters must remain equipped with automatic slack adjusters and not be replaced by manual adjusters.

Since May 31, 1996, Transport Canada requires automatic slack adjusters for vehicles equipped with air brake systems. Under normal operating conditions, this will maintain proper adjustment of the air brake systems.

Do you support the mandatory retention of automatic slack adjusters for vehicles originally equipped with them?

Agree

Disagree

No opinion

Comments: _____

Issue 2.3

It has been proposed that commercial vehicles manufactured with anti-lock brake systems (ABS) must have the system maintained for uninterrupted operation.

Since April 1, 2000, Transport Canada's vehicle construction and safety standards require vehicles to have antilock braking systems.

Do you agree with the proposal to require vehicle owners to maintain ABS in proper operational condition, if the vehicle was originally equipped with ABS?

Agree

Disagree

No opinion

Comments: _____

Issue 3.0

It has been proposed that all commercial vehicles must have a final compliance label and National Safety Mark (NSM).

Current legislation requires all new vehicles sold in Alberta to have final compliance labels and NSM. However, commercial vehicles built by a person for own use normally do not have such certification. Transport Canada cannot enforce their regulation unless these vehicles travel across provincial borders.

Do you agree with a mandatory compliance label and NSM mark for all commercial vehicles?

Agree

Disagree

No opinion

Comments: _____

Issue 4.0

It is proposed that all motor carriers must be required to have an effective written maintenance and inspection program and they must be required to implement it. This is currently required of commercial trucking companies and motor coaches, but not commercial buses and school buses.

Do you agree with the proposal to define the requirements of a maintenance and inspection program for all motor carriers in the Commercial Vehicle General Equipment and Safety Regulation?

Agree

Disagree

No opinion

Comments: _____

Issue 4.1

Although current legislation requires pre and post trip inspections of commercial vehicles by the driver, there is no regulatory requirement to document these inspections. NSC (National Safety Code) for commercial vehicles provides written criteria for inspections, requires inspections every 24 hours, and specifies retention of inspection documents for a 3-month period.

Do you agree with a mandatory requirement to document and retain trip inspections of commercial vehicles?

Agree

Disagree

No opinion

Comments: _____

Issue 5.0

It is proposed that commercial vehicles must carry advance warning triangles.

Current legislation allows commercial vehicles to use flags, flares or advance warning triangles. Flares can only be used for short periods and they need to be replaced after use. The majority of industry is now using triangles in view of their effectiveness.

Do you agree with the proposal to have commercial vehicles use advance warning triangles only?

Agree

Disagree

No opinion

Comments: _____

Issue 6.0

It is proposed that only school buses compliant with CSA D250 Standard be used for transporting children to and from school.

School buses sold in Alberta must meet the CSA D250 standard at the time of their manufacture and they must be maintained to that standard. The CSA D250 Standard is designed and updated to meet the specific requirements for the operation of school buses in Canada. Maintenance programs must ensure uninterrupted compliance with the standard.

Jurisdictions in the US do not permit the use of passenger vans to transport school children. Canadian jurisdictions are also considering similar restrictions. It is estimated that school buses are 16 times safer than regular passenger vehicles to carry school children.

Do you agree that children should be transported to and from school only on CSA D250 Standard compliant school buses?

Agree

Disagree

No opinion

Comments: _____

Issue 6.1

It is proposed that only school buses compliant with CSA D250 Standard be permitted to display school bus signs.

This is the only way to prohibit the display of school bus signs on non-compliant vehicles.

Do you agree that the display of school bus signs be allowed only on vehicles that comply with the CSA D250 standard for school buses?

Agree

Disagree

No opinion

Comments: _____

Issue 6.2

It is proposed that advertising not be permitted on school buses.

The colour and the design of school buses are specifically chosen to improve the visibility of a vehicle as a school bus. This increases the safety of school buses whether they are moving or stopped. Advertisements, however, are designed to attract attention to their design and content. This could have the effect of diverting the focus of drivers away from the school bus itself.

Do you agree with the prohibition of advertising on school buses?

Agree

Disagree

No opinion

Comments: _____

Issue 7.0

It is proposed that the axles of a commercial vehicle be temporarily lifted only when it is being towed due to equipment failure. Also, the following three conditions are proposed for towing a commercial vehicle with the axle lifted.

- i. The axle be secured with a chain.
- ii. The chain and attachments be of sufficient strength for securely holding the axle of the vehicle in tow.
- iii. The entire axle be lifted so that all wheel sets attached to the axle are off the ground while the vehicle is in tow.

The proposal outlines a critical safety requirement to prevent slippage or collapse of lifted axles of vehicles in tow. The proposal also prevents the unsafe operation of a commercial vehicle with one set of wheels on the ground and the other side with a wheel failure lifted.

This proposal does not include custom-built lift axles.

Do you agree with the proposed conditions for lifting the axles of a commercial vehicle in tow.

Agree

Disagree

No opinion

Comments: _____

Issue:

Background:

Recommendation:

Follow-up Information

To help Alberta Infrastructure analyze responses to this document, we would appreciate the following information:

Are you responding on behalf of a business, industry group or municipal organization?

- Yes No

If yes, please give the name of the organization:

_____ Phone Number: _____
_____ Fax Number: _____

If no, please give your name

_____ Phone Number: _____
_____ Fax Number: _____

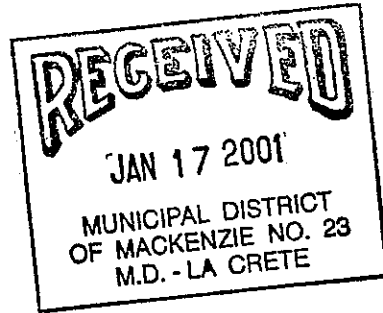
This information will be used only for the purpose of mailing discussion papers on the Traffic Safety Act regulations. By providing your mailing address you will be assured of receiving all future discussion papers

Thank you for providing your opinions and ideas on this discussion paper.

Ron Smitten
Transportation Safety Services
1st Floor, Twin Atria Building
4999 - 98 Avenue
Edmonton, Alberta
T6B 2X3

Fax Number: (780) 415-6572
Phone Number: (780) 415-0677
Email: ron.smitten@gov.ab.ca

You can view this document on Alberta Infrastructure's homepage and provide electronic response: <http://www.tu.ab.ca/>



Traffic Safety Act

Off-Highway Vehicles Regulations

Discussion Paper #5

January 2001

Introduction

The new Traffic Safety Act received Royal Assent during the spring 1999 Session of the Legislative Assembly of Alberta. The Act awaits proclamation before coming into full effect.

The Traffic Safety Act is the amalgamation of four Acts: the Highway Traffic Act, Motor Vehicle Administration Act, Motor Transport Act and Off-Highway Vehicle Act. The new Act is a comprehensive, streamlined piece of legislation. This consolidated approach to road safety will provide a clearer source of information for traffic legislation than is currently in place.

A preliminary discussion paper on the Traffic Safety Act was released to stakeholders for comment in the fall of 1997. Another, more comprehensive, discussion paper was circulated to the public during the summer of 1998. The public was consulted extensively during the summer of 1998 prior to the introduction of the proposed legislation.

The new Traffic Safety Act was introduced during the 1998 Fall Session of the Alberta Legislature, for information purposes only. It was then revised to address comments received from the public and stakeholders, and reintroduced during the 1999 Spring Session for debate.

Several portions of the four current Acts will be converted to regulations under the new Traffic Safety Act to provide the means to more quickly address concerns. For example, rules of the road and vehicle equipment provisions will be moved into regulations to allow for a faster response to the changing needs of Albertans.

The issues in this discussion paper relate to off-highway vehicles. Once Alberta Infrastructure compiles all input, the draft regulations will be prepared for the government's approval. The new regulations will come into effect when the new Traffic Safety Act is proclaimed.

Off-Highway Vehicles

Off-highway vehicles are not constructed for operation on public roadways. These are any motorized vehicles designated for use on land, water, snow, ice, marsh or swampland, or artificial terrain. Off-highway vehicles include 4-wheel drive vehicles, low pressure tire vehicles, amphibious crafts, all terrain vehicles, snowmobiles or other vehicles for use over snow and ice, miniature motor vehicles, dirt bikes, mini-bikes and other 2-wheel vehicles.

Off-highway vehicles are not permitted to operate on public roadways unless the road authority provides special authorization. However, they can be operated on public lands, subject to licensing, insurance requirements, and equipment requirements.

A separate set of regulations will govern the use of off-highway vehicles and related requirements.

Issue 1

It has been proposed that Alberta replace the current license plates and renewal system with a registration and renewal system using decals.

At present, all off-highway vehicles require a license plate for their operation on public lands. However, the license plates are often not attached properly and mud or snow tends to cover them.

Do you agree with the proposal to implement a registration decal system instead of the current license plates?

Agree

Disagree

No opinion

Comments: _____

Issue 2

It has been proposed that "dirt bikes" used on public lands in the daytime should not be required to have headlights or tail lamps.

Currently all off-highway vehicles operated on public lands are required to have proper lighting. Operators of off road motorcycles, commonly known as "dirt bikes," have suggested that these bikes are used in specific areas, over rough terrain and during daylight hours.

Do you agree with the proposal to have no lighting requirements for dirt bikes during daytime?

- Agree Disagree No opinion

Comments: _____

Issue 3

It has been proposed that passengers be allowed to remain on off-highway vehicles while they cross highways.

Currently all passengers must disembark from an off-highway vehicle and any vehicle or thing attached to it before an operator takes it across a highway. It has been suggested that it is safer and more practical to have passengers remain in or on the vehicle.

Do you agree with the proposal that passengers should be allowed to remain in or on off-highway vehicles while they cross highways?

- Agree Disagree No opinion

Comments: _____

Issue 4

It has been proposed that operators and passengers of off-highway vehicles must be required to wear certified helmets.

At present, helmets are not mandatory when operating or riding off-highway vehicles. Through their campaigns, the Alberta Snowmobile Association and "dirt bike" clubs have successfully shown the benefits of wearing proper riding equipment, including helmets. There is a high rate of helmet usage among the members of these organizations.

However, rate of helmet usage is very low among those involved in riding quads and all terrain vehicles.

Do you agree with the proposal for a mandatory requirement for helmets for passengers and operators of off-highway vehicles?

Agree

Disagree

No opinion

Comments: FOUR FOURTEEN AND UNDER

Issue 5

Current regulation does not allow any person under 14 years of age to operate an off-highway vehicle on public lands. An exception to this requirement is allowed only if an adult supervises the person under 14 either by being seated next in the vehicle, or instructs the person by staying in close proximity to the vehicle. However, the vehicle is not permitted to be on a highway.

Do you think this exemption should continue for a supervised under-aged driver of an off-highway vehicle?

Yes

No

Comments: _____

Issue 5.1

If you think there should be an exemption, what should be the minimum age to operate an off-highway vehicle on public lands?

Comments: _____

Please include any additional issues you think we may have missed, along with your suggestions for resolving them.

Issue: _____

Background: _____

Recommendation: _____

Issue: _____

Background: _____

Recommendation: _____

Follow-up Information

To help Alberta Infrastructure analyze responses to this document, we would appreciate the following information:

Are you responding on behalf of a business, industry group or municipal organization?

- Yes No

If yes, please give the name of the organization:

Phone Number: _____

Fax Number: _____

If no, please give your name

Phone Number: _____

Fax Number: _____

This information will be used only for the purpose of mailing discussion papers on the Traffic Safety Act regulations. By providing your mailing address you will be assured of receiving all future discussion papers

Thank you for providing your opinions and ideas on this discussion paper.

Ron Smitten
Transportation Safety Services
1st Floor, Twin Atria Building
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Fax Number: (780) 415-6572
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MUNICIPAL DISTRICT OF MACKENZIE NO. 23
COUNCIL MEETING

Tuesday, February 6, 2001
1:00 p.m.

Fort Vermilion School Division

Fort Vermilion, Alberta

AGENDA

<u>CALL TO ORDER:</u>	1.	a)	Call to Order 1:00 p.m.	Page 1
<u>AGENDA:</u>	2.	a)	Items to Add or Delete from the Agenda 1:00 – 1:03 p.m.	Page 1
		b)	Adoption of Agenda 1:03 to 1:05 p.m.	Page 1
<u>ADOPTION OF THE PREVIOUS MINUTES:</u>	3.	a)	Minutes of the January 23, 2001 Committee of the Whole Meeting 1:05 to 1:08 p.m.	Page 7
		b)	Minutes of the January 23, 2001 Regular Council Meeting 1:08 to 1:11 p.m.	Page 21
<u>BUSINESS ARISING OUT OF THE MINUTES</u>	4.	a)		Page
		b)		Page
		c)		Page
<u>PUBLIC HEARINGS:</u>	5.	a)		Page
		b)		Page
		c)		Page

COUNCIL
COMMITTEE AND

MUNICIPAL DISTRICT OF MACKENZIE NO. 23
REGULAR MEETING AGENDA
Tuesday, February 6, 2001
Fort Vermilion School Division
PAGE 2

- CAO REPORTS:**
- 6. a) Council Committee Reports Page
1:15 to 1:25 p.m.
 - b) CAO Report Page **33**
1:25 to 1:30 p.m.
 - c) Page
 - d) Page
 - e) Page

**PLANNING AND
EMERGENCY
SERVICES:**

- 7. a) Land Use Bylaw Amendment (Bylaw 242/01) Page **37**
Plan 1878TR, Lot B in the Hamlet of La Crete
Hamlet Commercial-Residential Transitional
District "HCRT" to Hamlet Residential
District 1 "HR-1"
- b) *RAINBOW LAKE HEALTH CENTRE* Page
- c) Page

**PROTECTIVE
SERVICES:**

- 8. a) Page
- b) Page
- d) Page

**UTILITY
SERVICES:**

- 9. a) Removal of Coin Machine From Water Plants Page **45**
- b) CRTC Ruling on Municipal Rights of Way Page **47**
- c) Page
- d) Page

**AGRICULTURAL
SERVICES:**

- 10. a) Page
- b) Page



c) Page

CORPORATE SERVICES:

11. a) The Business Link, a joint initiative of the Government of Canada, the Government of Alberta, and Economic Development Edmonton Page 51
- b) Northern Neighbours, Southern Friends Page 55
- c) Resolution of First Nations Task Force Page 61
- d) Resolution of Lodge Requisition Page 65
- e) Page
- f) Page
- g) Page

OPERATIONAL SERVICES:

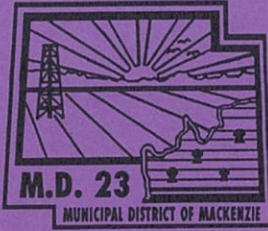
12. a) Traffic Safety Act (see C of W 6 a) Page 57 C of W
- b) Page
- c) Page
- d) Page

IN CAMERA SESSIONS:

13. a) Page
- b) Page
- c) Page

ADJOURNMENT:

11. a) Adjournment



M.D. of Mackenzie No. 23

Request For Decision

Meeting:	Regular Council
Meeting Date:	February 6, 2001
Originated By:	Dianne Pawlik, Administrative Assistant
Title:	Minutes of the January 23, 2001 Committee of the Whole Meeting
Agenda Item No:	3 a)

BACKGROUND / PROPOSAL:

Not applicable.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

Attached are the minutes of the Tuesday, January 23, 2001 Committee of the Whole meeting.

COSTS / SOURCE OF FUNDING:

Not applicable.

RECOMMENDED ACTION (by originator):

That Council adopt the Minutes of January 23, 2001 Committee of the Whole meeting, as presented.

Review:

Dept.

C.A.O.

**MUNICIPAL DISTRICT OF MACKENZIE NO. 23
COMMITTEE OF THE WHOLE**

**Council Chambers, Mustus Lake Centre
La Crete, Alberta**

Tuesday, January 23, 2001

PRESENT:

Bill Neufeld	Reeve
Frank Rosenberger	Deputy Reeve
Betty Bateman	Councillor
John Driedger	Councillor
Pat Kulscar	Councillor
Joe Peters	Councillor
Walter Sarapuk	Councillor
Wayne Thiessen	Councillor
Willie Wieler	Councillor

ABSENT:

Greg Newman	Councillor
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ALSO PRESENT:

Harvey Prockiw	Chief Administrative Officer
Eva Schmidt	Executive Assistant
Paul Driedger	Director of Planning and Emergency Services
Floyd Lafferty	Lead Hand
Twila Olson	Public Works Administration Officer

Minutes of the Committee of the Whole meeting for the Municipal District of Mackenzie No. 23, held on Tuesday, January 23, 2001, in the Council Chambers of the Mustus Lake Centre, La Crete, Alberta.

CALL TO ORDER:

1. a) **Call to Order**

Reeve Neufeld called the meeting to order at 4:02 p.m.

**ADOPTION OF
AGENDA:**

2. a) **Adoption of Agenda**

The following additions were made to the agenda:

- 3i) Director of Corporate Service Report
- 6a) Regional Landfill

MOTION 01-030 **MOVED** by Councillor Kulscar

That the agenda be adopted as amended.

CARRIED

Items 5b) and 9b) were moved to the beginning of the agenda.

Reeve Neufeld turned the Chair over to Councillor Newman.

TRANSPORTATION

SERVICES:

(Councillor Newman)

5. b) **La Crete Ice Bridge Operations – Delegation**

Reeve Neufeld welcomed John Engleder and Bill Gish from Alberta Infrastructure and Brad Papirny from La Prairie Group Contractors, to the meeting at 4:05 p.m.

Bill Gish addressed the timeliness of constructing the ice bridge this year stating that the ice at Tompkins stopped moving on December 14 and construction of the ice bridge commenced on December 19, 2000. Safety is a priority with Alberta Infrastructure and therefore they do not want to rush the contractor.

Brad Papirny reported that the weather turned warmer once they were able to get onto the ice. On December 21 they chopped a path through and did some flooding. December 22 they flooded from bank to bank and on December 23 the ice bridge was dragged and flooded. On December 22 there was an area that had only 2 inches of ice. Thin areas were flooded again on December 24. There was no construction on December 25, 26 and 27, 2000 due to the Christmas holidays. The ice froze up very rough this winter. Beginning of January equipment was taken onto the ice. The flood water was not freezing through overnight. They were hampered by insufficient snow and warm temperatures. There is a problem at a test hole 350 meters from the west bank which is still at only 32 inches. The goal was to have the ice bridge open to full tonnage at the end of this week. As well, the river dropped on December 23. In the winter of 1995/96 the ice bridge was not open for full tonnage until the first weekend in February.

Councillor Wieler asked that public input be allowed.

Reeve Neufeld opened the floor to the public.

Reeve Neufeld pointed out that there may be too much salt spread on the roads going down to the river. Mr. Papirny stated that they have been cutting back on the salt but it is a factor.

Councillor Wieler informed that delay in ice bridge construction is costing the local mills hundreds of thousands of dollars. The mills have offered to help La Prairie Group Contractors get the ice bridge constructed. Mr. Papirny answered that La Prairie Group Contractors would like to accept extra help but cannot risk having people work on the construction because of litigation purposes.

A member of the public asked if Alberta Infrastructure could develop a dependable tonnage signage system. The signage is so conservative that people ignore them which poses a hazard. Bill Gish answered that ice thickness standards are conservative however Alberta Infrastructure has to make sure the ice is absolutely safe.

A member of the public stated that Alberta Infrastructure was not working with the weather when constructing the ice bridge, they have to take advantage when the weather was cold. Mr. Papirny answered that they have to make sure the low areas freeze prior to flooding again.

A comment was made that during ice bridge construction the Contractor should be working 24 hours a day when the weather is cold. Mr. Papirny stated that temperatures during the last week before Christmas were in the minus 20's and 30's degrees Celsius, the flood water was not freezing through by morning.

Councillor Wieler asked Alberta Infrastructure if they would consider opening bids up to more than one contractor for next year. John Engleder stated their preference would be to allow La Prairie Group another chance next year.

A public member asked if there is any indication that the low spot is melting the ice from underneath. Mr. Papirny stated that is exactly what is happening.

The public asked if Alberta Infrastructure would consider using a snow machine (ice maker). Mr. Gish stated that snow machines are too expensive.

Alberta Infrastructure was asked how the contractor is paid. Mr. Gish answered they are paid as day labor until the ice bridge is open to light traffic, after that they are paid according to the weight the ice bridge is open for.

A public member asked if private citizens are allowed to construct their own ice bridge. Mr. Gish answered that Alberta Infrastructure can not allow private construction on their right of way but outside of their right of way they have no jurisdiction.

Alberta Infrastructure asked when they are forecasting full access to the ice bridge. Mr. Papirny stated maybe by the end of the first week in February, but that is being optimistic.

Reeve Neufeld thanked the delegation who then left the meeting at 4:44 p.m.

Reeve Neufeld turned the Chair over to Councillor Wieler.

**PLANNING AND
DEVELOPMENT:**
(Councillor Wieler)

9. a) b) Subdivision on SW 35-105-15-W5M

Councillor Wieler welcomed Dave Peters to the meeting at 4:45 p.m.

Dave Peters addressed the meeting regarding the difference in percentage for his RV park between the appraisal done by an appraiser he hired and the one done by Compass. Mr. Peters raised a second concern regarding a 14 x 16 foot cabin he built for which he had a Development Permit. He felt that he was being pressured to buy trusses from the city.

Paul Driedger stated that the building inspector currently inspecting buildings in the M.D. will contact Mr. Peters to finalize this project.

Harvey Prockiwi stated that if the development has been appraised by a private appraiser the M.D. would probably go with the amounts forwarded by that appraiser.

Mr. Peters third concern was with the 10% money in lieu that the M.D. is asking for on his subdivision. He would rather give the M.D. 10% of land which is all water and slough.

This issue will be worked out between administration and Mr. Peters.

Councillor Wieler thanked Mr. Peters who then left the Council table at 4:58 p.m.

Reeve Neufeld asked Councillor Wieler to continue with the items he Chairs.

**PLANNING AND
DEVELOPMENT:**
(Councillor Wieler)

9. a) **Planning and Emergency Services
Director's Report**

The Planning and Emergency Services Director's report was received as information.

Paul Driedger reported that Aeromedical now has personnel stationed in Zama. Communication needs to be put out to the public as well as protocol.

Councillor Wieler turned the Chair over to Reeve Neufeld .

Reeve Neufeld recessed the meeting at 5:02 p.m.

Reeve Neufeld reconvened the meeting at 5:12 p.m.

Reeve Neufeld turned the Chair over to Councillor Kulscar.

**ADMINISTRATIVE,
COUNCIL,
PERSONNEL:**
(Councillor Kulscar)

3. a) **Short Term Interest Free Loan to
Northwest Alberta Resource Society**

Councillor Kulscar declared a pecuniary interest under section 170 (2)(b) of the Municipal Government Act. Councillor Kulscar turned the Chair back to Reeve Neufeld and left the meeting room at 5:13 p.m.

Council discussed the request from Northwest Alberta Resource Society for a short term interest free loan to assist the Society in the opening of day care in High Level.

Council invited Pat Kulscar into the Council Chambers to answer some questions.

Reeve Neufeld asked what the security is on the requested loan. Pat Kulscar stated that the Society does not hold any assets but they have a 20 year history in the region and have always paid their bills.

Ms. Kulscar was asked if this project will benefit the M.D. Pat Kulscar answered that anyone can access the daycare but they do not know whether most of their clients would come from the M.D. or the Town of High Level. Silver Birch and Family Services have given a verbal approval but they don't have written approval yet but is in the final stages. However, Silver Birch has stated that they want to work together on this day care.

Ms. Kulscar was asked what the Town of High Level has contributed to the day care. Pat Kulscar answered that the Town of High Level has leased a building to Northwest Alberta Resource Society on a dollar a year lease. Northwest Alberta Resource Society has a three year lease with the option to renew.

Another option is a backstop for a loan guarantee. Pat Kulscar stated that she will discuss this with the bank. Council asked if the Town of High Level would reconsider funding the day care. Pat Kulscar stated she had not talked to Town administration yet.

Council asked if the day care could be funded by private people. Pat Kulscar stated that most people who use daycare are subsidized. Northwest Alberta Resource Society has received donations from businesses.

Council asked where the money would come from to pay the loan. Pat Kulscar answered from revenues received from the daycare, she is fairly confident that Northwest Alberta Resource Society will

receive funding for early intervention, other grant sources and fund raising. Northwest Alberta Resource Society could stipulate that any parent using the day care must help in fund raising. Renovations were paid with grant money.

This item was deferred to the regular Council meeting agenda for decision.

Reeve Neufeld turned the Chair over to Councillor Kulscar.

3. b) Caribou Mountains Special Places 2000

The response from the Minister of Environment to the Reeve's December 8, 2000 letter was received as information.

**3. c) Fort Vermilion Metis Association
Request Representation on
Cooperative Management Board**

Fort Vermilion Metis Association's request to the Minister for representation on the Cooperative Management Board was received as information.

MOTION 01-031

MOVED by Councillor Rosenberger

That a Special Council meeting to discuss the Memorandum of Understanding be scheduled for Monday, March 5, 2001.

CARRIED

**3. d) Electric Power Generation Facilities
Linear Property**

As part of the electrical deregulation, the government is enacting changes to the assessment and taxation of electrical power generation facilities. All electrical power generation facilities will be defined as linear property for municipal property tax purposes as of December 31, 2000.

3. e) **Bill 29 – Protection of Children
Involved in Prostitution Act**

Council discussed the amendments to the Protection of Children Involved in Prostitution Act (Bill 29) which has been passed in Legislature.

3. f) **Personal Watercraft Safety**

Council accepted the Alberta Association of Municipal Districts and Counties survey questionnaire on Municipal Regulation of Personal Watercraft as information.

3. g) **AAMD&C Convention Hotel Arrangements**

Council completed the AAMD&C survey questionnaire on Convention Hotel arrangements.

3. h) **2003 Alberta Seniors Games
Town of High Level Response**

The Town of High Level has notified the M.D. that they will not participate in the bid for the 2003 Alberta Seniors Games.

3. i) **Director of Corporate Services Report**

MOTION 01-032

MOVED by Councillor Rosenberger

That the Director of Corporate Services report be received as information.

CARRIED

Councillor Kulscar turned the Chair back to Reeve Neufeld.

Reeve Neufeld turned the Chair over to Councillor Bateman.

**PROTECTIVE
SERVICES:**

(Councillor Bateman)

4. a) **Special Constables Monthly Report**

Council received the Special Constables Monthly Report as information.

4. b) **Crime Statistics - 2000**

Council reviewed the crime statistics for 2000 as submitted by Sergeant Sherstan of the High Level RCMP detachment.

Council asked that Sergeant Sherstan be invited to the March 20, 2001 meeting in High Level.

Councillor Bateman turned the Chair back to Reeve Neufeld.

**TRANSPORTATION
SERVICES:**

(Councillor Newman)

5. a) **Operational Services Director's Report**

MOTION 01-033

MOVED by Councillor Rosenberger

That the Operational Services Director's report be received as information.

CARRIED

5. c) **Sale of, and Access to Land Sold by
Alberta Public Lands**

Administration was requested to draft a policy requesting that Alberta Public Lands, on behalf of the Municipal District of Mackenzie No. 23, place a caveat on all Public Lands advising the prospective purchasers "Prospective purchasers are advised that the Municipal District of Mackenzie No. 23 does not automatically construct roads to newly opened farmlands or newly constructed residences. As part of their annual Budget review all road requests are reviewed by Council and priorities are established according to Municipal District of Mackenzie No. 23 criteria. In a general sense

private construction of a road on a public road allowance or right of way is strongly discouraged. Also please note that a person requesting that a road be built may be asked to contribute part or all of the construction costs.”

Reeve Neufeld turned the Chair over to Councillor Rosenberger.

**UTILITY
SERVICES:**

(Councillor Rosenberger)

6. a) Regional Landfill

Council discussed the merits of establishing a second regional landfill.

This item was moved to the regular Council meeting agenda for decision.

Councillor Rosenberger turned the Chair back to Reeve Neufeld.

**RECREATION AND
TOURISM:**

(Councillor Sarapuk)

7. a)

There were no items under this heading.

**COMMUNITY
SUPPORT**

SERVICES:

(Councillor Sarapuk)

8. a)

There were no items under this heading.

Reeve Neufeld turned the Chair over to Councillor Thiessen.

**AGRICULTURE
SERVICES:**

(Councillor Thiessen)

10. a) Marketing Plan for Intensive Livestock Operations

Council discussed the merits of implementing a Marketing Plan for Intensive Livestock Operations.

This item will be discussed with the Regional Economic Development Initiative group when they attend a Council meeting.

The Marketing Plan for Intensive Livestock Operations will be placed in the M.D. Image and will be discussed at the ratepayers meeting.

Councillor Thiessen turned the Chair back to Reeve Neufeld.

ADJOURNMENT: 11. a) **Adjourn Committee of the Whole Meeting**

That the meeting be adjourned at 6:19 p.m.

These minutes were adopted this _____ day of _____, 2001.

Bill Neufeld, Reeve

Eva Schmidt, Executive Assistant

Approved:

Sandra Cross, Official Administrator





M.D. of Mackenzie No. 23

Request For Decision

Meeting:	Regular Council
Meeting Date:	February 6, 2001
Originated By:	Dianne Pawlik, Administrative Assistant
Title:	Minutes of the January 23, 2001 Regular Meeting
Agenda Item No:	3. b)

BACKGROUND / PROPOSAL:

Not applicable.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

Attached are the minutes of the Tuesday, January 23, 2001 Committee of the Whole meeting.

COSTS / SOURCE OF FUNDING:

Not applicable.

RECOMMENDED ACTION (by originator):

That Council adopt the Minutes of January 23, 2001 Committee of the Whole meeting, as presented.

Review:

Dept.

C.A.O.

**MUNICIPAL DISTRICT OF MACKENZIE NO. 23
REGULAR COUNCIL**

**Council Chambers, Mustus Lake Centre
La Crete, Alberta**

Tuesday, January 23, 2001

PRESENT:

Bill Neufeld	Reeve
Frank Rosenberger	Councillor
Betty Bateman	Councillor
John Driedger	Councillor
Pat Kulscar	Councillor
Joe Peters	Councillor
Frank Rosenberger	Councillor
Walter Sarapuk	Councillor
Wayne Thiessen	Councillor
Willie Wieler	Councillor

ABSENT:

Greg Newman	Councillor
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ALSO PRESENT:

Harvey Prockiw	Chief Administrative Officer
Eva Schmidt	Executive Assistant
Paul Driedger	Director of Planning and Emergency Services

Minutes of the regular Council meeting for the Municipal District of Mackenzie No. 23, held on Tuesday, January 23, 2001, in the Council Chambers, Mustus Lake Centre, La Crete, Alberta.

CALL TO ORDER: 1. a) Call to Order

Reeve Neufeld called the Council meeting to order at 7:32 p.m.

AGENDA: 2. a) Items to Add or Delete from the Agenda

The following additions were made to the agenda:

11g) Aboriginal Advisory Committee

- 11h) Northwest Alberta Resource Society
- 11i) Ratepayers Meeting Dates
- 12a) Regional Landfill

2. b) Adoption of the Agenda

MOTION 01-034

MOVED by Councillor Thiessen

That the agenda be adopted as amended.

CARRIED

**ADOPTION OF
THE PREVIOUS
MINUTES:**

3. a) Minutes of the January 9, 2001
Committee of the Whole Meeting

MOTION 01-035

MOVED by Councillor Wieler

That the minutes of the January 9, 2001 Committee of the Whole meeting be adopted as presented.

CARRIED

3. b) Minutes of the January 9, 2001
Regular Council Meeting

MOTION 01-036

MOVED by Councillor Wieler

That the minutes of the January 9, 2001 regular Council meeting be adopted as presented.

CARRIED

3. c) Minutes of the January 16, 2001
Special Council Budget Meeting

MOTION 01-037

MOVED by Councillor Wieler

That the minutes of the January 16, 2001 Special Council Budget meeting be adopted as presented.

CARRIED

**BUSINESS ARISING
OUT OF THE
MINUTES:**

4. a)

There were no items under this heading.

**PUBLIC
HEARINGS:**

5. a)

There were no items under this heading.

DELEGATIONS:

6. a)

There were no items under this heading.

**COUNCIL
COMMITTEE AND
CAO REPORTS:**

7. a) **Council Committee Reports**

Councillors presented the Council Committee reports as follows:

Councillor Rosenberger reported on the Policing Task Force meeting stating that the recommendations will be brought to a Council meeting. Councillor Peters reported no meetings. Councillor Wieler reported on the La Crete Recreation Society meeting stating they are applying for grants; Upper Hay Advisory Committee meeting, the Committee is in the process of dissolving because past timber permits are turning into quotas, they had a public meeting in La Crete regarding timber quotas, there is virtually no opposition. Councillor Sarapuk reported on the Footner Forest Advisory Committee and addressed the issue of logs on the road, turnoffs will be made so truck drivers can check their loads.

Councillor Bateman reported on the M.D. of Mackenzie Library Board meeting, they are putting policies in place program one of which gives book gifts to mothers of new babies; Policing Task Force meeting. Councillor Kulscar reported on the Policing Task Force and the Request for Funding from Alberta Justice for the protection of victims rights in sexual assault and domestic violence cases. Councillor Thiessen reported no meetings. Councillor Driedger reported on the Policing Task Force.

MOTION 01-038 **MOVED** by Councillor Kulscar

That the Council Committee reports be accepted as presented.

CARRIED

7. b) **CAO Report**

Harvey Prockiw gave a verbal report.

MOTION 01-039 **MOVED** by Councillor Rosenberger

That the Chief Administrative Officer's report be accepted as presented.

CARRIED

7. c) **December 2000 YTD Income Statement**

MOTION 01-040 **MOVED** by Councillor Bateman

That the December 2000 Year to Date Income Statement be accepted as information.

CARRIED

**PLANNING AND
EMERGENCY
SERVICES:**

8. a) **Subdivision Time Extension**

97MK099 – SE 10-106-15-W5M

MOTION 01-041

MOVED by Councillor Thiessen

That a time extension be granted on subdivision application 97MK099 for SE 10-106-15-W5M to December 31, 2002.

CARRIED

PROTECTIVE SERVICES:

9. a)

There were no items under this heading.

AGRICULTURAL SERVICES:

10. a)

There were no items under this heading.

CORPORATE SERVICES:

11. a) **Natural Gas Rebates**

MOTION 01-042

MOVED by Councillor Kulscar

That a letter be written to Gary Friedel, MLA, requesting that the Provincial Government provide natural gas rebates to municipalities.

CARRIED

11. b) **Protection of Victims Rights**

MOTION 01-043

MOVED by Councillor Kulscar

That a letter be written to the Northwestern Health Services Region supporting the appointment of a Steering Committee for the protection of victims rights in sexual assault and domestic violence cases.

to address the

CARRIED

11. c) **M.D. of East Peace – Letter of Support**

MOTION 01-044 **MOVED** by Councillor Wieler

That the documentation from Alberta Infrastructure request by the M.D. of East Peace for an east-west road connecting the Municipality of Wood Buffalo and the Peace Region, be received as information.

CARRIED

11. d) **Assessment Review Board Workshop**

MOTION 01-045 **MOVED** by Councillor Thiessen

That all Assessment Review Board members be authorized to attend an Assessment Review Board workshop hosted by Municipal Affairs.

CARRIED

11. e) **Risk Management Seminar**

MOTION 01-046 **MOVED** by Councillor Rosenberger

That all Councillors be authorized to attend the Risk Management Seminar at Fairview College in La Crete on Tuesday, February 27, 2001.

CARRIED

11. f) **Brownlee Fryett's Emerging Trends in Municipal Law**

MOTION 01-047 **MOVED** by Councillor Sarapuk

That the documentation regarding Brownlee Fryett's Emerging Trends in Municipal Law seminar on February 9, 2001 in Edmonton, be received as information.

CARRIED

11. g) **Aboriginal Advisory Committee**

MOTION 01-048

MOVED by Councillor Kulscar

That a resolution recommending a committee be established to deal with concerns regarding First Nations, be drafted and forwarded to the Alberta Association of Municipal Districts and Counties Northern Zone meeting and the Spring Convention.

CARRIED

11. h) **Northwest Alberta Resource Society Request**

Councillor Kulscar declared a pecuniary interest under section 170 (2)(b) of the Municipal Government Act and left the meeting room at 8:02 p.m.

MOTION 01-049

MOVED by Councillor Thiessen

That the loan request from Northwest Alberta Resource Society be received as information.

CARRIED

Councillor Kulscar re-entered the meeting room at 8:05 p.m.

11. I) **Ratepayers Meeting Dates**

MOTION 01-050

MOVED by Councillor Kulscar

That the 2001 Annual Ratepayers meeting dates be scheduled for Monday, April 2 in La Crete, Tuesday, April 3 in Fort Vermilion, Wednesday, April 4 in High Level and Thursday April 5 in Zama.

DEFEATED

MOTION 01-051

MOVED by Councillor Rosenberger

That the 2001 Annual Ratepayers meeting dates be scheduled for Wednesday April 4 in La Crete, Thursday April 5 in Fort Vermilion, Monday April 9 in High Level and Tuesday April 10 in Zama; commencing at 7:00 p.m. in all locations.

CARRIED

**OPERATIONAL
SERVICES:**

12. a) Regional Landfill

MOTION 01-052

MOVED by Councillor Thiessen

That administration bring back a report on providing additional Regional Landfills.

CARRIED

MOTION 01-053

MOVED by Councillor Bateman

That Council give consideration to go into camera at 8:17 p.m. to discuss issues under Section 23 of the Freedom of Information and Protection of Privacy Act.

CARRIED

**IN CAMERA
SESSION:**

13. a) Draft Order in Council to Amend
Order in Council 264/99 – Specialized Municipality

MOTION 01-054

MOVED by Councillor Kulscar

That Council come out of camera at 8:27 p.m.

CARRIED

ADJOURNMENT:

14. a) **Adjournment**

MOTION 01-055

MOVED by Councillor Wieler

That the meeting be adjourned at 8:27 p.m.

CARRIED

These minutes were adopted this _____ day of _____, 2001.

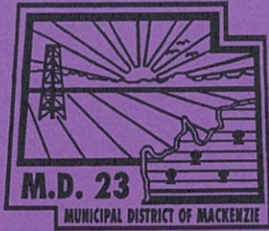
Bill Neufeld, Reeve

Eva Schmidt, Executive Assistant

Approved:

Sandra Cross, Official Administrator





M.D. of Mackenzie No. 23

Request For Decision

Meeting:	Regular Meeting
Meeting Date:	February 6, 2001
Originated By:	Harvey Prockiw, CAO
Title:	Managers Report
Agenda Item No:	6 b)

BACKGROUND / PROPOSAL:

Managers Report for Council.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

Not Applicable

COSTS / SOURCE OF FUNDING:

RECOMMENDED ACTION (by originator):

That this report be accepted for information.

Review:	Dept.	C.A.O.
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**Municipal District of Mackenzie
Manager's Report
February 1, 2001**

Rocky Lane Ag Society

On January 31 I attended a Rocky Lane Ag Society board meeting. We discussed items such as grants and the numerous projects they have plans for.

Municipal Government in the schools

As a result of my letters to the principals in the school division, I continue to be invited to speak on municipal government. On January 30 I spoke to the Rocky Lane grade 6 class and I am scheduled to present to the Buffalo Head School grade 6 class on February 2.

Meeting of the Fire Chiefs

On January 29 I participated in a meeting with the M.D. Fire Chiefs in Fort Vermilion. Unfortunately, no one from Zama attended this meeting this group but they will be meeting on a regular basis to improve the communication between the chiefs and the M.D. administration. In the near future, through Paul Driedger, the chiefs will be bringing forth recommended policy changes as well as a new fire bylaw.

MOU

I met with the FV Metis Local and some of their executive on January 22 to discuss what the M.D. is proposing in relation to the MOU. They will support our efforts in this area and are looking at representation on the MOU Management Board.

STEP Program

We have written all of the registered societies in the region asking that we be allowed to use their name in applying for the STEP summer student grant. Not only do we expect to increase our grant revenue but also in return we will endeavor to perform any tasks that students are capable of completing for that organization (such as painting, cleanup, etc.) The response has been good and I have met with a number of organizations to discuss this.

Staff Meeting

A general staff meeting was held on January 19 in Fort Vermilion. This quarterly meeting allows employees from all regions to discuss items of common concern.

Performance Appraisals

All the staff reporting to me will have their annual performance appraisals completed by mid February. Since I rate these staff on a year round basis this is primarily an exercise in motivation and goal setting/monitoring.

Respectfully submitted,



Harvey Prockiw, CAO



M.D. of Mackenzie No. 23



Request For Decision

Meeting:	Regular Council Meeting
Meeting Date:	February 6, 2001
Originated By:	Planning & Development
Title:	Land Use Bylaw Amendment (Bylaw 242/01) Plan 1878TR, Lot B in the Hamlet of La Crete Hamlet Commercial-Residential Transitional District "HCRT" to Hamlet Residential District 1 "HR-1"
Agenda Item No:	1. a)

BACKGROUND / PROPOSAL:

Mr. & Mrs. Andrew & Nettie Wiebe is requesting a Land Use Bylaw Amendment to accommodate Hamlet Residential District 1. The property is currently zoned Hamlet Commercial-Residential Transitional District.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

The parcel is located in the south end of the Hamlet of La Crete, at 9206-100th Street. The subject property was originally zoned as Hamlet Residential District 1, up until December of 1991 when one of the previous owners had this property rezoned to Hamlet Commercial-Residential Transitional District. This previous owner planned on establishing an electrical business with a commercial shop on this lot. The electrical business never did get established on the subject property. The applicant has requested to rezone this lot back to Hamlet Residential District 1 to allow for the development of a new house on the subject property.

COSTS / SOURCE OF FUNDING:

Not applicable

RECOMMENDED ACTION (by originator):

That Council give First Reading to Bylaw 242/01.

Review:		Dept. <u>PLANNING</u>	C.A.O.
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PO Box 1690
LACRETE, AB T0M 2H0

Att. Scott Skinner

LAND USE BYLAW AMENDMENT APPLICATION

APPLICATION NO. 242/01

NAME OF APPLICANT <u>ANDREW & NETTIE WIEBE</u>		
ADDRESS		
TOWN		
POSTAL CODE	PHONE (RES.)	BUS.

COMPLETE IF DIFFERENT FROM APPLICANT		
NAME OF REGISTER OWNER <u>ANDREW & NETTIE WIEBE</u>		
ADDRESS		
TOWN		
POSTAL CODE	PHONE (RES.)	BUS.

LEGAL DESCRIPTION OF THE LAND AFFECTED BY THE PROPOSED AMENDMENT

QTR./LS. <u>NE</u>	SEC. <u>4</u>	TWP. <u>106</u>	RANGE <u>15</u>	M. <u>5</u>	OR	PLAN <u>1878TR</u>	BLK	LOT <u>13</u>
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LAND USE CLASSIFICATION AMENDMENT PROPOSED:

FROM: Hamlet Commercial-Residential Transitional TO: Hamlet Residential 1 "HR1"
"HCRT"

REASONS SUPPORTING PROPOSED AMENDMENT:

The applicant would like to be allowed to build a new house on the subject property.

I/WE HAVE ENCLOSED THE REQUIRED APPLICATION FEE OF \$ 150.00

RECEIPT NO. _____

APPLICANT [Signature]

DATE _____

NOTE: REGISTERED OWNER'S SIGNATURE REQUIRED IF DIFFERENT FROM APPLICANT.

REGISTERED OWNER [Signature]

DATE _____



BYLAW NO. 242/00

**BEING A BYLAW OF
THE MUNICIPAL DISTRICT OF MACKENZIE NO. 23
IN THE PROVINCE OF ALBERTA
TO AMEND THE EXISTING LAND-USE BYLAW NO.093/97 OF
THE MUNICIPAL DISTRICT OF MACKENZIE NO. 23**

WHEREAS, Council of the Municipal District of Mackenzie No. 23, in the Province of Alberta, has adopted Land-Use Bylaw No. 093/97 of the Municipal District of Mackenzie No. 23,

WHEREAS, the Municipal District of Mackenzie No. 23 has the General Municipal Plan adopted in 1995,

WHEREAS, Council of the Municipal District of Mackenzie No. 23 has deemed it desirable to amend the said Land-Use Bylaw in order to allow for Residential Development on the subject land, and

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL DISTRICT OF MACKENZIE NO. 23, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. That the land-use designation of the subject land, known as Lot B Plan 1878TR, and situated within the Municipal District of Mackenzie No. 23, be changed from Hamlet Commercial-Residential Transitional District ("HCRT") to Hamlet Residential District 1 ("HR-1") as shown on Schedule "A", and
2. That this bylaw shall come into effect upon the passing of the third and final reading of this resolution.

First reading given on the _____ day of _____ 2001

Bill Neufeld, Reeve

Eva Schmidt, Executive Assistant

Second Reading given on the _____ day of _____ 2001

Bill Neufeld, Reeve

Eva Schmidt, Executive Assistant

Third Reading and Assent given on the _____ day of _____, 2001.

Bill Neufeld, Reeve

Eva Schmidt, Executive Assistant

Approved

Refused

Sandra Cross, Official Administrator
Municipal Affairs

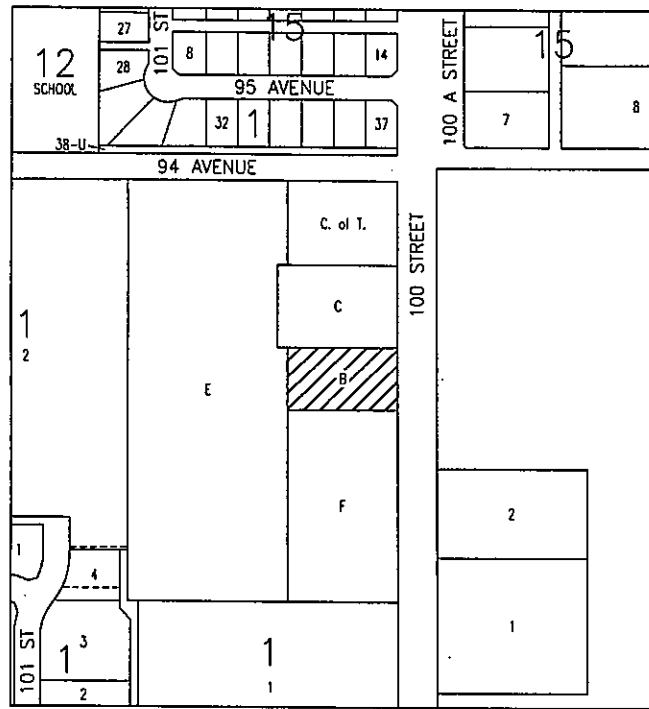
Sandra Cross, Official Administrator
Municipal Affairs

SCHEDULE "A"

Bylaw No. 242/01

1. That the land-use designation of the following property known as:

Plan 1878TR Lot B in the Hamlet of La Crete be amended from Hamlet Commercial-Residential Transitional District "HCRT" to Hamlet Residential District 1 "HR-1", as shown below:



From: Hamlet Commercial-Residential Transitional District
"HCRT"

To: Hamlet Residential District 1 "HR-1"

Bill Neufeld, Reeve

Eva Schmidt, Executive Assistant

EFFECTIVE THIS _____ DAY OF _____, 2001.

M.D. of Mackenzie No. 23



Request For Decision

Meeting:	REGULAR COUNCIL MEETING
Meeting Date:	February 6, 2001
Originated By:	Marco Braat, Superintendent of Utilities
Title:	Removal of coin machines from water plants
Agenda Item No:	9 a)

BACKGROUND / PROPOSAL:

In the past the only means that the Municipality had to sell water to its rural customers was through the use of coin machine operated fill stations.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

This practice is still being used in conjunction with a new card lock system. The coin system is not very accurate, and also cumbersome due to high maintenance and the amount spent to count the coins weekly. It is therefore recommended to shut down the existing coin operated systems with a time frame given to the residents of the municipality allowing them ample opportunity to apply for a card. This would be advertised in the local newspaper and in the MD image newsletter.

COSTS / SOURCE OF FUNDING:

There is no cost mechanically to shut these systems down. The cost of advertising is minimum and the savings would be noticeable with no more maintenance/repair costs to the coin units (ie Overtime due to plugged coin machines).

RECOMMENDED ACTION (by originator):

Give direction to Administration to advertise both in the local papers and the MD newsletter that the fill station coin machines will be shut down effective March 16, 2001.

Review:	<i>MB</i>	Dept.	<i>Utilities</i>	C.A.O.	<i>[Signature]</i>
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M.D. of Mackenzie No. 23



Request For Decision

Meeting:	REGULAR COUNCIL MEETING
Meeting Date:	February 6, 2001
Originated By:	Marco Braat, Superintendent of Utilities
Title:	CRTC ruling on Municipal Rights of Way
Agenda Item No:	9 4)

BACKGROUND / PROPOSAL:

At the direction of its members the AAMD&C challenged the CRTC Board in regards to the use of municipal Right of ways.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

The purpose of the arguments that were brought forth was to give municipalities more control over the cable network companies as to its use in the municipal Right of ways.

DOCUMENTATION ATTACHED

COSTS / SOURCE OF FUNDING:

Municipalities are experiencing additional construction/repair costs when underground cables are installed parallel with municipal services and in a lot of occasions these cables were placed without seeking consultation from the local municipalities.

RECOMMENDED ACTION (by originator):

For information only.

Review: MB	Dept. Utilities	C.A.O.
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ALBERTA ASSOCIATION of MUNICIPAL DISTRICTS & COUNTIES

4504 - 101 STREET • EDMONTON ALBERTA T6E 5G9 • TELEPHONE: (780) 436-9375 FAX: (780) 437-5993

Website: www.aamdc.com

LARRY GOODHOPE - Executive Director

January 29, 2001

BY FAX:

TO ALL AAMD&C MEMBERS:

Re: CRTC Decision on Municipal Rights of Way

Last Thursday, the Canadian Radio-Television & Telecommunications Commission (CRTC) issued their ruling in the case of the City of Vancouver vs. Leducor. At the direction of our members, the AAMD&C has been an active intervenor in this case, along with the Federation of Canadian Municipalities.

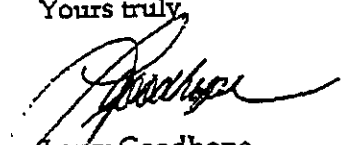
While last week's ruling contains some positive results for municipalities, the CRTC has largely rejected the key arguments put forward by the AAMD&C and FCM. In particular, the CRTC has failed to recognize municipal authority over rights of way, and has specifically rejected the argument that municipalities have the authority to charge an access fee for the use of these rights of way.

On the positive side, the CRTC has for the first time acknowledged the impact that a competitive telecommunications market is having on Canadian municipalities, and has stated that telecommunications carriers must participate in, and contribute to the costs of, joint planning and coordination with respect to the use of municipal rights of way.

FCM has already announced their intention to appeal the CRTC ruling to the Federal Court of Appeal. The AAMD&C is currently assessing our options in this matter, and will make a determination shortly as to whether the further expenditure of membership revenues in this matter is justifiable (we have already expended almost \$150,000 in support of this intervention). We are also in discussions with the AUMA regarding other possible initiatives which we might jointly undertake to bolster the municipal position in this matter.

Any members interested in further information regarding the CRTC ruling or the AAMD&C approach to this issue are encouraged to contact either President Jack Hayden or myself, at 780-436-9375.

Yours truly,


Larry Goodhope
Executive Director





M.D. of Mackenzie No. 23

Request For Decision

Meeting:	Regular Council
Meeting Date:	February 6, 2001
Originated By:	Harvey Prockiw, CAO
Title:	The Business Link
Agenda Item No:	11. a)

BACKGROUND / PROPOSAL:

A letter was received advising the services available through "The Business Link". This is a joint initiative of the Government of Canada, the Government of Alberta, and Economic Development.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

The Business Link coordinates federally funded initiative in cooperation with Western Economic Diversification and Alberta Economic Development by providing equitable access to business information for small to medium-sized businesses. There is a resource library, a 24 hour fax on demand service, information sessions on a variety of topics, a guest advisor program, and a web site loaded with timely business information.

COSTS / SOURCE OF FUNDING:

RECOMMENDED ACTION (by originator):

That this item be received as information.

Review:

Dept.

C.A.O.



100-10237 104 Street NW
 Edmonton, Alberta T5J 1B1
 Tel. (780) 422-7722 or 1-800-272-9675
 Fax (780) 422-0055

■ A MEMBER OF THE CANADA BUSINESS SERVICE CENTRE NETWORK ■



www.cbsc.org/alberta

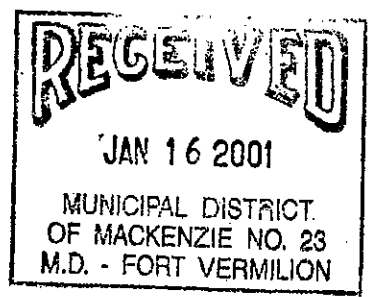


100-10237 104^e Rue NO
 Edmonton (Alberta) T5J 1B1
 Tél. (780) 422-7722 ou 1-800-272-9675
 Fax (780) 422-0055

■ MEMBRE DU RÉSEAU DES CENTRES DE SERVICES AUX ENTREPRISES DU CANADA ■

January 5, 2001

Reeve William Neufeld
 Municipal District of Mackenzie No. 23
 P.O. Box 640
 Fort Vermillion, AB
 T0H 1N0



Dear Reeve Neufeld:

I'd like to take this opportunity to update you on the services available through *The Business Link*, Alberta's primary Business Service Centre.

As you may already be aware, *The Business Link* was established in 1996 as a joint initiative of the Government of Canada (through Western Economic Diversification), the Government of Alberta (through Economic Development) and Economic Development Edmonton.

The Business Link provides Alberta entrepreneurs with information and advice on start-up, incorporation, financing, regulatory requirements, market access, exporting, and public and private sector programs and services. Referrals may also be made to the nearest provincial government regional office, community futures development corporation, or other local economic development office --- depending on the individual needs of the client.

Clients may access our services in a variety of ways: a toll free business information line; a walk-in information centre located in downtown Edmonton; an extensive resource library; a convenient 24-hour fax on demand service featuring over 1,100 business information documents; information sessions featuring a variety of business topics; a guest advisor program offering the expertise of the private sector; and an ever changing web site loaded with timely business information.

The Business Link is Alberta's first point of service for Team Canada Inc's export information line, linking clients to export programs and services available both federally and provincially. Therefore, we are also a member of Trade Team Alberta.

.../2

A joint initiative of: _____ Une initiative conjointe de : _____



To extend our reach into Alberta communities, *The Business Link* coordinates a federally funded initiative in cooperation with Western Economic Diversification and Alberta Economic Development. This Regional Access initiative provides equitable access to business information for small to medium-sized businesses through 34 sites across the province.

Our clients range from the person just thinking about starting a business, to the successful entrepreneur breaking into new markets. We pride ourselves in providing Albertans with the most comprehensive business information available --- in the most practical, effective way.

I encourage you to advise entrepreneurs in your area about *The Business Link*. We invite you and your constituents to visit our Centre --- either in person, over the phone or virtually --- to familiarize themselves with the services we provide to help them on the road to success.

On behalf of the staff of *The Business Link*, best wishes for a happy and prosperous new year.

Yours truly,



Holly Palmer
General Manager

HP/lic/md
Encl.



M.D. of Mackenzie No. 23

Request For Decision

Meeting:	Regular Council
Meeting Date:	February 6, 2001
Originated By:	Harvey Prockiw, CAO
Title:	Northern Neighbours, Southern Friends
Agenda Item No:	//. b)

BACKGROUND / PROPOSAL:

A letter has been received advising that they are holding a Conference and Exposition on April 9-11, 2001. The conference 11 breakout sessions, "Meet the Leaders" one on one program, and keynote speakers. As well there are 155 booths representing Business and Northern Resources, Tourism, Government and Associations, Health and Education, Arts and Culture, Transportation and Communications.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

The Conference and Exposition is a good way to provide information about and to promote development of the north. The cost of a 10 x 10 booth is \$595.

COSTS / SOURCE OF FUNDING:

Not applicable

RECOMMENDED ACTION (by originator):

That

Review:	Dept.	C.A.O.	
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JAN-31-01 10:17AM

Suite 600, SunLife Place
10123 - 99 Street
Edmonton, Alberta T5J 3C9
Tel. 780-426-4620 Ext. 245
Fax 780-424-7946
www.meetthenorth.com

Meet the
North
Share the Vision
April 9-11, 2001
Edmonton, Alberta

Northern Neighbours, Southern Friends... Edmonton Welcomes the North!

"Canada's North has much to offer. We have much to offer the North. As the Gateway to the North, enormous opportunities await Edmonton and our friends in the north by working together"

Mayor Bill Smith

The successful generation of mutual business confidence between Edmonton and the northern provinces and territories, emanating from the 1998 "Meet the North" conference, has spawned a follow-up conference and major exhibition.

Speaking at a news conference in November 2000 to announce plans for a second conference and exhibition, Mayor Bill Smith said: "It is clearly beneficial to work together for continued growth and development. Our conference and exposition will play a role in continuing the creation of new business relationships and cementing existing ones."

The Mayor said that the second "Meet the North" conference and exposition will be held at the Shaw Conference Centre in Edmonton from April 9 - 11, and will again be focused on building awareness and understanding of the mutual benefits that will come from "strengthening old ties, building new relationships and sharing common issues, challenges and opportunities."

Since the initial conference the BHP diamond mine north of Yellowknife has become fully operational and the Diavik mine has been approved and should be operational by 2003. Between the two mines, they will represent between 10 and 15% of the world's diamond production.

The 2001 "Meet the North" Share the Vision Conference and Exposition will be co-hosted by Economic Development Edmonton and the Edmonton Chamber of Commerce.

Representing the government of the Northwest Territories, the Minister of Justice and Aboriginal Affairs, Jim Antoine recalled his presence at the initial conference and expressed enthusiasm for the continuation of the process.

"The Meet the North conference provides an outstanding venue for exploring the unprecedented economic and entrepreneurial opportunities that await in Canada's north. Through productive partnerships with southern businesses, industry and institutions the NWT can achieve its vision of becoming a "have" territory. The contacts made at the Meet the North conference are a step in that direction," said Minister Antoine.

Edmonton's business and cultural relationships with the North include not only the territories north of the 60th parallel, but also the northern parts of Alberta and its neighbouring provinces of Saskatchewan and British Columbia.

Representing the northern provinces at the November news conference was Guy Boutilier, MLA for Fort McMurray, speaking in his capacity as chair of the Northern Alberta Development Council.

"One of the key goals of the Northern Alberta Development Council is to build partnerships with others with an interest in advancing northern development. *Meet the North* will provide numerous opportunities to build relationships and will provide a forum to showcase the significant contributions that northern Alberta makes to the Alberta advantage," said Boutilier.

Recognizing the success that has resulted from the initial conference, Economic Development Edmonton has upgraded its involvement in the process from being a major participant to being a co-host with the City and the Chamber of Commerce.

"*Meet the North* is now vitally important for the maturing relationships we have built over the past few years," said Jim Edwards, president and CEO of Economic Development Edmonton. "The solid partnerships between the greater Edmonton region and the northern communities have created promising opportunities for real economic and social gains...benefiting all regions. *Meet the North* helps turn this potential into reality."

Overview of what to expect

Conference:

- ▶ 11 breakout sessions (Oil/Gas, Mining, Tourism, Sustainable Communities, Northern/Southern Business Market Intelligence and others)
- ▶ "Meet the Leaders" one on one program
- ▶ Internationally renowned keynote speakers

Exposition:

- ▶ 155 booths representing Business and Northern Resources, Tourism, Government and Associations, Health and Education, Arts and Culture, Transportation and Communications
- ▶ Over 18 hours of show time with fully dressed and serviced 10x10 booths for \$595.

Full details of the conference and exposition, as the program develops, will be included on the conference's web site: www.meetthenorth.com.

For further information, please contact:

Conference:

Dale Monaghan
Project Manager
(780) 426-4620 extension 245
Email: dmonaghan@ede.org

Exposition:

Pat MacInnes
Exposition Coordinator
(780) 458-9498
email: profexits@telusplanet.net

Meet the North Conference



The Edmonton Chamber of Commerce, the City of Edmonton and Economic Development Edmonton invite you to:

Meet the North: Share the Vision Conference and Exposition

April 9-11, 2001

Shaw Conference Centre
9797 Jasper Avenue
Edmonton, Alberta

If you have dealings, or are considering dealings, in Canada's North – you need to "Meet the North!"

The 2001 *Meet the North: Share the Vision Conference and Exposition* builds on the success of the 1998 conference. This two-day business conference and exposition focuses on business development, networking and a search for solutions to the business, political and other challenges facing Northerners – and provides the potential for financial and personal profit for all attendees.

Discussion topics at the Conference and within the Exposition will include: economic development, tourism, transportation, affordable access, health, political jurisdiction and the changing economy. Participants will also have the opportunity to **Meet the Leaders of the North** in one-on-one sessions to discuss issues of importance to you and your industry.

Conference offerings include:

- The Power of Tourism Alliances
- What's up in Oil and Gas
- What's up in Mining
- Enabling Sustainable Development in the North
- Why is Northern Development Important to the South?
- Innovative Community Strategies for Managing the Boom
- and several more sessions...

The Exposition will brim with potential, showcasing the skills, products and services from the North and for the North. It's a perfect venue to

make linkages with potential businesses, customers and markets.

For further information, please contact:

Pat MacInnes, Exposition Coordinator

Meet the North: Share the Vision
Conference and Exposition

(780) 458-9498

profexvs@telusplanet.net

Edmonton Welcomes the North

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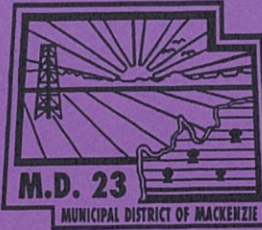
(780) 426-4620 ext. 245

dmonaghan@ede.org

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M.D. of Mackenzie No. 23

Request For Decision

Meeting:	Regular Meeting
Meeting Date:	February 6, 2001
Originated By:	Harvey Prockiw, CAO
Title:	AAMD&C Resolution of First Nation Task Force
Agenda Item No:	11 c)

BACKGROUND / PROPOSAL:

The Government has entered into a series of Memorandums of Understanding with numerous First Nations, most of which are located in the north. We wish to ensure that parties that would be affected by any disposition of land have a voice in that disposition.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

The Resolution should be discussed and considered for approval.

COSTS / SOURCE OF FUNDING:

Not Applicable.

RECOMMENDED ACTION (by originator):

That the Resolution of First Nation Task Force be forwarded to the AAMD&C Zone Meeting and the AAMD&C Spring Convention.

Review:

Dept.

C.A.O.

M. D. of Mackenzie No. 23

Resolution of First Nations Task Force

Change to

1 WHEREAS Local Governments are responsible for the delivery of many key services to their residents and the delivery of these services is contingent upon the municipality's ability to access property tax revenues through assessment of the local land base;

2 AND WHEREAS First Nations are increasing their efforts to control land and development of both renewable and non-renewable resources located off reserve;

3 AND WHEREAS The Provincial Government has entered in Memorandums of Understanding (MOU) with numerous First Nations without the input or consent of affected municipalities;

4 AND WHEREAS local governments are not allowed to participate when land claims and other treaty entitlements are negotiated;

5 And Whereas the resolution of aboriginal land claims and treaty entitlements and the implementation of Memorandums of Understanding which provide First Nations with effective control over local land bases can result in significant impacts on the financial resources available to local municipal governments.

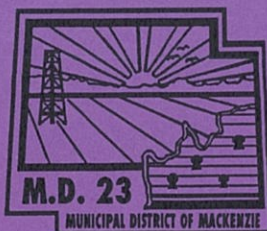
THEREFORE BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties establish a Member Advisory Committee on First Nation Issues, to develop recommendations aimed at ensuring that provincial and federal aboriginal policy, and any new agreements with First Nations, do not create undue hardship for local municipal governments and non-aboriginal communities.

And Further Be It Resolved that the AAMD&C, alone and/or in partnership with the Alberta Urban Municipalities Association and the Federation of Canadian Municipalities, urge the Government of Alberta and the Government of Canada to directly involve municipal representation, either through the municipal associations or directly through the affected municipality, in all future land claim and resource negotiations.

Background:

The Provincial Government has entered into a series of Memorandums of Understanding (MOU) with numerous First Nation across the province, most of which are located in the north. These were intended as a device to allow input into the control of only renewable resources such as air, land, water, forest, fish, wildlife, parks and natural areas but have ballooned into an effective tool to control the use of large tracts of land located off of

Indian Reserves. Often these agreements are tied to multi-million dollar timber allocations that bring substantial timber royalty revenue to the bands. These agreements are signed by the provincial Ministers of Environment and Aboriginal Affairs are then being used by the First Nations as a tool to control not only the forest industry, but the energy industry as well. Coupled with the Supreme Court's decision regarding respect for traditional native lands the First Nations are effectively able to increase their control on the development of the oil and gas sector.



M.D. of Mackenzie No. 23

Request For Decision

Meeting:	Regular Meeting
Meeting Date:	February 6, 2001
Originated By:	Harvey Prockiw, CAO
Title:	AAMD&C Resolution on Lodge Requisition
Agenda Item No:	11 d)

BACKGROUND / PROPOSAL:

The Alberta housing Act allows Lodges to requisition municipalities for unlimited amounts. Municipalities have no control over the amount of funding being requisitioned even though they may need to increase tax rates accordingly. The desire is to freeze the amount which Housing Management Boards can requisition from Municipalities at 1999 levels.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

Discussion is required.

COSTS / SOURCE OF FUNDING:

Not Applicable.

RECOMMENDED ACTION (by originator):

That the Resolution on Lodge Requisition be forwarded to the AAMD&C Zone Meeting and the AAMD&C Spring Convention.

Review:

Dept.

C.A.O.

M.D. of Mackenzie No. 23

Resolution on Lodge Requisition

Council for the M.D. of Mackenzie No. 23 would like the province to cap lodge requisitions. Council has asked that the resolution be forwarded to the Winter Zone meeting.

Whereas, the Alberta Housing Act Section 7(1) provides management bodies with the authority to requisition those municipalities for which the management body provides lodge accommodation for the amount of the management body's annual deficit for the previous fiscal year arising from the provision of lodge accommodation, and any amounts necessary to establish or continue a reserve fund for the management body; and

Whereas, the Alberta Housing Act Section 7(5) provides that a municipality shall pay to the management body the amount requisitioned within 90 days of the mailing of the notice by the management body, and

Whereas, persons appointed to a Housing Management Board may have no choice in increasing requisitions in order to meet increasing demand for lodge accommodation, and

Whereas, municipalities may need to increase their mill rates due to the requisitions by the Housing Management Boards

Therefore, be it resolved that the Alberta Association of Municipal Districts and Counties urge the Government of Alberta to implement a new policy which effectively freezes the amount which Housing Management Boards can requisition from municipalities at 1999 levels, with any additional funding requirements to be provided by the Government of Alberta from provincial general revenues.

Background

The Alberta Housing Act allows Lodges to requisition municipalities for unlimited amounts. Municipalities have no control over the amount of funding being requisitioned even though they may need to increase tax rates accordingly. Lodge requisitions within the M.D. of Mackenzie have risen by 69% since 1999.

The subsidy that the Provincial Government provides is inadequate to maintain the lodges. Rural lodges are smaller than urban lodges and because of the fixed

costs incur substantially larger deficits than the lodges located in the large urban areas.

The above resolution was submitted at the 2000 Winter Zone meeting as well as the 2000 AAMD&C Spring Convention as an emerging resolution. The resolution was not passed at the Convention.



Province of Alberta
Order in Council

DUPLICATE

O.C. 54 /2001

JAN 30 2001

ORDER IN COUNCIL

Approved and ordered:

[Signature]
Administrator

The Lieutenant Governor in Council amends Order in Council numbered O.C. 264/99 by striking out Schedule 1 and substituting the attached Schedule 1.

↑↑↑↑↑↑
FEED DOCUMENT THIS DIRECTION

**IMPORTANT
FAX MESSAGE**

TO: Hervey Rockin

COMPANY: Rockenzie

FAX NO: (350) 973-4240

FROM: Barty Clark

NO. OF PAGES: 3

RE: _____

[Signature]
ACTING CHAIR



For information only

Recommended by: Minister of Municipal Affairs

Authority: Municipal Government Act
(section 96)



SCHEDULE 1

ORDER

**Special Provisions for the Organization and Operation of
The Municipal District of Mackenzie No. 23**

Definitions

1 In this Order,

- (a) "new municipality" means the specialized municipality named "The Municipal District of Mackenzie No. 23";
- (b) "old municipality" means the municipal district named "The Municipal District of Mackenzie No. 23" formed by Order in Council numbered O.C. 757/94.

Change of status to specialized municipality

- 2** (1) The status of the old municipality is changed to a specialized municipality to address concerns about municipal government and management in a municipality that serves a number of unique communities within a very large territory.
- (2) The provisions of the Municipal Government Act and other enactments are modified to the extent necessary to accomplish the intent of this order.

Council of new municipality

- 3** (1) The council of the new municipality is to be comprised of 10 councillors.
- (2) One councillor must be elected from each ward.
- (3) The first chief elected official of the new municipality is to be appointed by the council of the new municipality from among the councillors.

Wards

4 The wards of the new municipality are those described in Schedule 2.

Requirement for valid bylaw or resolution

- 5** Despite section 181 of the Municipal Government Act, bylaws and resolutions relating to the following matters are not valid unless passed at a council meeting at which 2/3 of the councillors present at the meeting vote in favour of the bylaw or resolution:
 - (a) procedures of the council of the new municipality;
 - (b) remuneration of the councillors;

- (c) property tax;
- (d) changing the number of councillors, the boundaries of wards or the method of selecting any chief elected official subsequent to the first chief elected official;
- (e) appointing and terminating the chief administrative officer;
- (f) adopting a budget;
- (g) any other matter designated by the council pursuant to the procedure established under clause (a).

Termination or amendment of agreements

- 6 (1) In this section, "agreement" means a revenue sharing or cost sharing agreement between
- (a) The Municipal District of Mackenzie No. 23, and
 - (b) the Town of Rainbow Lake or the Town of High Level
- made before or after the coming into force of Order in Council numbered O.C. 264/99.
- (2) An agreement must not be terminated or amended without the written consent of the parties to the agreement.